

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or authorized;
- No Level A harassment (PTS) is anticipated, even in the absence of mitigation measures, or authorized;
- Foraging success is not likely to be significantly impacted as effects on species that serve as prey species for marine mammals from the survey are expected to be minimal;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the ensonified areas during the planned survey to avoid exposure to sounds from the activity;
- Take is anticipated to be primarily Level B behavioral harassment consisting of brief startle reactions and/or temporary avoidance of the ensonified area;
- While the survey area is within areas noted as a migratory BIA for NARWs, avoidance of the survey area due to the activities is not anticipated and would not likely affect migration. In addition, mitigation measures require shutdown at 500 m (almost four times the size of the Level B harassment isopleth of 141 m) to minimize the effects of any Level B harassment take of the species; and
- The required mitigation measures, including visual monitoring and shutdowns, are expected to minimize potential impacts to other marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

#### Small Numbers

As noted previously, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our

determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS proposes to authorize is below one-third of the estimated stock abundance for all species (total take is less than 7.5 percent of the abundance of the affected stocks for all species, see Table 4). The figures presented in Table 4 are considered conservative estimates for purposes of the small numbers determination as they assume all takes represent different individual animals, which is unlikely to be the case.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

#### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS has authorized the incidental take of four species of marine mammals which are listed under the ESA, including the North Atlantic right, fin, sei, and sperm whale, and has determined that these activities fall within the scope of activities analyzed in GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic

Renewable Energy Regions (completed June 29, 2021; revised September 2021).

#### Authorization

As a result of these determinations, NMFS has issued an IHA to TerraSond for conducting marine site characterization surveys in the New York Bight and Central Atlantic for a period of 1 year, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The IHA can be found at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-terrasond-limited-marine-site-characterization-surveys-new>.

Dated: May 15, 2023.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD003]

#### Marine Mammals and Endangered Species

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permits and permit amendments.

**SUMMARY:** Notice is hereby given that permits and permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

**ADDRESSES:** The permits and related documents are available for review upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Erin Markin, Ph.D., (Permit Nos. 25686 and 27027), Shasta McClenahan, Ph.D., (Permit No. 26919), Carrie Hubard (Permit No. 27077), Jennifer Skidmore (Permit Nos. 27225 and 27267), Courtney Smith, Ph.D. (Permit Nos. 24378-01, 27099), and Sara Young (Permit No. 27272); at (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a

complete description of the activities, go to <https://www.federalregister.gov> and search on the permit number provided in Table 1 below.

TABLE 1—ISSUED PERMITS

| Permit No.     | RTID       | Applicant  | Previous Federal Register notice | Issuance date   |
|----------------|------------|--|----------------------------------|-----------------|
| 24378–01 ..... | 0648–XC630 | The University of Alaska Southeast, 1332 Seward Ave, Sitka, AK 99835 (Responsible Party: Jan Straley).                               | 87 FR 80527, December 30, 2022.  | April 28, 2023. |
| 25686 .....    | 0648–XB542 | NMFS Southeast Fisheries Science Center, 75 Virginia Beach, Miami, FL (Responsible Party: Lisa Desfosse, Ph.D.).                     | 86 FR 59997, October 29, 2021    | April 5, 2023.  |
| 26919 .....    | 0648–XC724 | Georgia Department of Natural Resources, 2070 U.S. Highway 278 Southeast, Social Circle, GA 30025 (Responsible Party: Matt Elliott). | 88 FR 7080, February 2, 2023 ... | April 14, 2023. |
| 27027 .....    | 0648–XC718 | Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, AK 99826 (Responsible Party: Thomas Schaff).                         | 88 FR 4975, January 26, 2023 ... | April 28, 2023. |
| 27077 .....    | 0648–XC750 | WSP Wild Water Productions Limited, St Stephen's Avenue, Bristol, BS1 1YL, United Kingdom (Responsible Party: Joanna Barwick).       | 88 FR 8408, February 9, 2023 ... | April 11, 2023. |
| 27099 .....    | 0648–XC782 | Pacific Whale Foundation (Responsible Party: Jens Curie), 300 Ma'alaea Rd. Ste. 211, Wailuku, Hawaii 96793.                          | 88 FR 10294, February 17, 2023   | April 28, 2023. |
| 27225 .....    | 0648–XC783 | Sea Research Foundation, Inc. dba Mystic Aquarium, 55 Coogan Boulevard, Mystic, CT 06355 (Responsible Party: Katie Cubina).          | 88 FR 10299, February 17, 2023   | April 20, 2023. |
| 27267 .....    | 0648–XC816 | The Maryland Zoo in Baltimore, 1876 Mansion House Drive, Baltimore, MD 21217 (Responsible Party: Ellen Bronson, DVM).                | 88 FR 15681, March 14, 2023 .... | April 28, 2023. |
| 27272 .....    | 0648–XC768 | Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066 (Responsible Party: David Wiley, Ph.D.).       | 88 FR 9870, February 15, 2023    | April 20, 2023. |

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

*Authority:* The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: May 12, 2023.

**Julia M. Harrison,**  
*Chief, Permits and Conservation Division,  
 Office of Protected Resources, National  
 Marine Fisheries Service.*

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**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**Notice of Intent To Prepare a Draft Environmental Impact Statement for the Pearl River Flood Risk Management Project, Pearl River Watershed, Rankin and Hinds Counties, Mississippi**

**AGENCY:** U.S. Army Corps of Engineers, Department of the Army, DoD.

**ACTION:** Notice of intent to prepare a draft environmental impact statement for the Pearl River Flood Risk Management Project, Pearl River Watershed, Rankin and Hinds Counties, Mississippi.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) intends to prepare a draft environmental impact statement (DEIS) for the Pearl River Flood Risk Management Project in Rankin and Hinds Counties, Mississippi to analyze flood risk management plans that can be implemented under section 3104 of the Water Resources Development Act (WRDA) of 2007. This notice updates the original Notice of Intent declaring the Rankin-Hinds Pearl River Flood and Drainage Control District, the non-Federal interest (NFI) and USACE's intent to conduct a Feasibility Study

and EIS process, which was published in the **Federal Register** on July 25, 2013. USACE is now preparing a DEIS to identify the national economic development (NED) plan by comparing the level of flood protection provided by the alternatives presented in the NFI's section 211 Study (Alternatives A and C) and two new USACE alternatives (Alternative A1 and Combination/Hybrid Plan, as allowed for by section 3104); assess the environmental acceptability and technical feasibility of the alternatives; and provide the Secretary the necessary information to choose a plan to implement. Additionally, consistent with section 1176 of WRDA 2018, the DEIS will assess potential downstream impacts to the Pearl River Basin.

**DATES:** All comments and suggestions must be submitted by June 20, 2023.

**ADDRESSES:** To ensure the Corps has sufficient time to consider public input in the preparation of the Draft EIS, scoping comments should be submitted by email at [PearlRiverFRM@usace.army.mil](mailto:PearlRiverFRM@usace.army.mil), by surface mail to U.S. Army Corps of Engineers, CEMVK–PMP, 4155 Clay Street, Vicksburg, Mississippi 39183–3435, or at the Scoping Meeting(s).

**FOR FURTHER INFORMATION CONTACT:** Questions and comments regarding the proposed project should reference “the