

action is to consider whether a sanctuary designation in the Lake Erie Quadrangle would fulfill the purposes and policies outlined in section 301(b) of the NMSA, 16 U.S.C. 1431(b), and meet the sanctuary designation standards in section 303 of the NMSA, 16 U.S.C. 1433.

#### *B. Preliminary Description of Proposed Action and Alternatives*

NOAA's proposed action is to consider designating the Lake Erie Quadrangle National Marine Sanctuary in accordance with the sanctuary designation process described in section 304 of the NMSA (16 U.S.C. 1434). Through the public scoping process and as part of the sanctuary designation process, NOAA will develop draft designation documents including a draft sanctuary management plan, proposed sanctuary regulations, and proposed terms of designation. The NEPA process for sanctuary designation will include preparation of a DEIS to consider alternatives and describe potential effects of the sanctuary designation on the human environment. A DEIS will evaluate a reasonable range of action alternatives that could include different options for management plan goals, sanctuary regulations, and potential boundaries. A DEIS will also consider a No Action Alternative, wherein NOAA would not designate a national marine sanctuary.

#### *C. Summary of Expected Impacts of Sanctuary Designation*

A DEIS will identify and describe the potential effects of the proposed action and reasonable alternatives on the human environment. Potential impacts may include, but are not limited to, impacts on the area's biological and physical resources, including habitats, plants, birds, fish, and special status species; underwater cultural and historical resources; and human uses and socioeconomics of the area. Based on a preliminary evaluation of the resources listed above, NOAA expects potential positive impacts to the environment from enhanced protection of the area's underwater cultural and historical resources; improved planning and coordination of research, monitoring, and management actions; reduced harmful human activities; and reduced threats and stressors to resources.

#### *D. Schedule for the Decision-Making Process*

NOAA expects to make a DEIS and other draft documents available to the public by winter 2024. NOAA expects to make a FEIS available to the public by

winter 2025. A Record of Decision will be issued no sooner than 30 days after the FEIS is made available to the public, in accordance with 40 CFR 1506.11.

#### *E. NEPA Lead and Cooperating Agency Roles*

NOAA is the lead Federal agency for the NEPA process for the proposed action. NOAA may invite other Federal agencies, or State, Tribal, or local agencies of similar qualifications to become cooperating agencies in the preparation of the EIS for the proposed action. NEPA regulations specify that a cooperating agency means any Federal agency (and a Tribal, State, or local agency with agreement of the lead agency) that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) (40 CFR 1508.1(e)).

#### *F. Anticipated Permits, Authorizations, and Consultations*

Federal permits, authorizations, or consultations may be required for the proposed action, including consultation or review under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*; National Historic Preservation Act (NHPA), 54 U.S.C. 300101 *et seq.*; Executive Order 13175 (*Consultation and Coordination With Indian Tribal Governments*); consistency review under the Coastal Zone Management Act, 16 U.S.C. 1451 *et seq.*; and possibly reviews under other laws and regulations determined to be applicable to the proposed action. To the fullest extent possible, NOAA will prepare a DEIS concurrently and integrate analyses required by other Federal environmental review requirements. A DEIS will list all Federal permits, licenses, and other authorizations that must be obtained in implementing the proposed action. 40 CFR 1502.24.

#### **V. Consultation Under Section 106 of the National Historic Preservation Act and Executive Order 13175**

This notice confirms that NOAA will coordinate its responsibilities under section 106 of the NHPA during the sanctuary designation process and is soliciting public and stakeholder input to meet section 106 compliance requirements. The NHPA section 106 consultation process specifically applies to any agency undertaking that may affect historic properties. Pursuant to 36 CFR 800.16(l)(1), historic properties include: "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the

Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization that meet the National Register criteria."

This notice also confirms that, with respect to the proposed sanctuary designation process, NOAA will fulfill its responsibilities under Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," and NOAA's implementing policies and procedures. Executive Order 13175 requires Federal agencies to establish procedures for meaningful consultation and coordination with Tribal officials in the development of Federal policies that have Tribal implications. NOAA implements Executive Order 13175 through NOAA Administrative Order 218-8 (Policy on Government-to-Government Consultation with Federally-Recognized Indian Tribes and Alaska Native Corporations), and the NOAA Tribal Consultation Handbook. Under these policies and procedures, NOAA offers government-to-government consultation at the earliest practicable time it can reasonably anticipate that a proposed policy or initiative may have Tribal implications.

*Authority:* 16 U.S.C. 1431 *et seq.*; 42 U.S.C. 4321 *et seq.*; 40 CFR 1500-1508 (NEPA Implementing Regulations); NOAA Administrative Order 216-6A.

#### **John Armor,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

[RTID 0648-XC982]

#### **Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Coastal Pelagic Species Fishery; Applications for Exempted Fishing Permits; 2023-2024 Fishing Year**

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

**ACTION:** Notice of receipt of application; request for comments.

**SUMMARY:** The Regional Administrator, West Coast Region, NMFS, has made a preliminary determination that two Exempted Fishing Permit (EFP) applications warrant further consideration. Both applications are from the California Wetfish Producers Association and request an exemption from the expected prohibition on primary directed fishing for Pacific sardine during the 2023–2024 fishing year to collect Pacific sardine as part of industry-based scientific research. NMFS requests public comment on the applications.

**DATES:** Comments must be received by June 20, 2023.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2023–0069, by the following method:

- **Electronic Submissions:** Submit all public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov) and enter NOAA–NMFS–2023–0069 in the Search box. Click the “Comment” icon, complete the required fields, and enter or attach your comments. The EFP applications will be available under Supporting and Related Materials through the same link.

**Instructions:** Comments sent by any other method or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Taylor Debevec, West Coast Region, NMFS, (562) 980–4066, [taylor.debevec@noaa.gov](mailto:taylor.debevec@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This action is authorized by the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and regulations at 50 CFR 600.745, which allow NMFS Regional Administrators to authorize exempted fishing permits (EFPs) for fishing activities that would otherwise be prohibited.

At its April 2023 meeting, the Pacific Fishery Management Council (Council) recommended that NMFS approve two EFP applications for the 2023–2024 Pacific sardine fishing year. Both applications are from the California Wetfish Producers Association (CWPA) and are renewal requests for an

exemption from the expected prohibition on primary directed fishing for Pacific sardine during the 2023–2024 fishing year; the purpose of the requests are to collect Pacific sardine as part of industry-based scientific research. The Council considered these EFP applications concurrently with the 2023–2024 annual harvest specifications for Pacific sardine because Pacific sardine catch under each EFP would be accounted for under the proposed 2023–2024 annual catch limit (ACL), which is 3,953 metric tons (mt). A summary of each EFP application is provided below:

(1) *Proposal for renewal of exempted fishery permit (EFP) to allow take of Pacific sardine (for point sets) in 2023–24 nearshore research program:* The CWPA submitted a renewal application for their CPS Nearshore Cooperative Survey (NCS) program. The purpose of this EFP project is to continue to develop sampling methodology for estimating CPS biomass in shallow waters that are not accessible to NOAA survey ships. Since 2012, the California Department of Fish and Wildlife, in partnership with the CWPA, has been conducting aerial surveys to estimate the biomass and distribution of Pacific sardine and certain other CPS in nearshore waters in the Southern California Bight, and in the Monterey–San Francisco area since the summer of 2017. Currently, there is uncertainty in the biomass estimates from aerial spotter pilots. The CPS–NCS survey aims to quantify that level of uncertainty by capturing CPS schools identified by aerial spotter pilots and validating the biomass and species composition of the schools. If approved, this EFP would allow up to five participating vessels to directly harvest a total of 150 mt of Pacific sardine during the 2023–2024 fishing year. A portion of each point set (i.e., an individual haul of fish captured with a purse seine net) would be retained for biological sampling, and the remainder would be sold by participating fishermen and processors to offset research costs and avoid unnecessary discard.

(2) *Request for renewal of exempted fishery permit (EFP) to allow fishing of Pacific sardine for biological samples in 2023–24 nearshore research program:* The CWPA submitted a renewal application for their biological sampling EFP project. The primary directed fishery for Pacific sardine has been closed since 2015, and consequently, scientists at the Southwest Fisheries Science Center (Science Center) have a limited amount of fishery-dependent data to use in their stock assessment. The goal of this EFP project is to

provide fishery-dependent catch data, including biological data (i.e., age and length data from directed harvest), for potential use in Pacific sardine stock assessments. An additional goal for this year is to collaborate with the Science Center in a research project designed to enhance understanding of stock structure by collecting year-round data. If approved, this EFP would allow up to five participating vessels to directly harvest up to 520 mt of Pacific sardine during the 2023–2024 fishing year. A portion of each landing would be retained for biological sampling by the California Department of Fish and Wildlife, and the remainder would be sold by participating fishermen and processors to offset research costs and avoid unnecessary discard.

Altogether, these EFP projects total 670 mt. If NMFS does not issue one or more of these EFPs, the requested tonnage would be available for harvest by other permissible fishing activities during the 2023–2024 fishing year (e.g., live bait or minor directed harvest).

After publication of this notice in the **Federal Register**, NMFS may approve and issue permits to participating vessels after the close of the public comment period. NMFS will consider comments submitted in deciding whether to approve the applications as requested. NMFS may approve the applications in their entirety or may make any alterations needed to achieve the goals of the EFP projects and the FMP. NMFS may also approve different amounts of Pacific sardine allocation for each EFP project if any changes are made to the 2023–2024 proposed sardine harvest specifications before final implementation.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: May 15, 2023.

**Jennifer M. Wallace,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

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### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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