

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. This includes consideration of the 2022 SAR estimated abundance of the North Atlantic right whale stock. Specifically, NMFS is proposing to authorize 17 takes of North Atlantic right whales by Level B harassment only, and the impacts resulting from the project's activities are neither reasonably expected nor reasonably likely to adversely affect the stock through effects on annual rates of recruitment or survival. Additionally, approximately 5 percent of the stock abundance is proposed for take by Level B harassment.

Based on the information and analysis contained here and in the referenced documents, including the consideration of the final 2022 SARs, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) Orsted's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

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, in this case with the NMFS Greater Atlantic Regional Fisheries Office (GARFO), whenever we propose to authorize take for endangered or threatened species.

NMFS Office of Protected Resources has authorized the incidental take of four species of marine mammals which are listed under the ESA (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). The proposed Renewal IHA provides no new information about the effects of the action, nor does it change the extent of effects of the action, or any other basis to require reinitiation of consultation with NMFS GARFO; therefore, the ESA consultation has been satisfied for the initial IHA and remains valid for the Renewal IHA.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to Orsted for conducting marine site characterization surveys off New York to Massachusetts (Lease Areas OCS-A 0486, 0487, and 0500), effective from October 6, 2023 through October 5, 2024, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and initial IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed Renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: September 1, 2023.

Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD327]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; receipt of one incidental take permit application; availability of a draft environmental assessment; request for comments.

SUMMARY: Notice is hereby given that NMFS has received one Incidental Take Permit (ITP) application for the City of Santa Cruz's Anadromous Salmonid Habitat Conservation Plan (ASHCP). The ASHCP has been submitted pursuant to section 10(a)(1)(B) of the

Endangered Species Act (ESA) of 1973, as amended. NMFS has also prepared a draft environmental assessment (EA) under the National Environmental Policy Act (NEPA) describing the potential effects of NMFS' proposed issuance of the Permit associated with the submitted ASHCP. NMFS is furnishing this notice in order to allow other agencies, tribes, and the public an opportunity to review and comment on these documents.

DATES: Written comments on the EA must be received at the appropriate address (see **ADDRESSES**) on or before 5 p.m. Pacific standard time on October 11, 2023.

ADDRESSES: You may submit comments on this document, identified by Santa Cruz Habitat Conservation Plan (HCP), by any of the following methods:

- *Email:* SantaCruzHCPNEPA.WCR@noaa.gov. Include "Santa Cruz HCP" in the subject line of the message.

- *Mail:* Submit written comments to National Marine Fisheries Service, West Coast Region, Coastal California Office, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404; Attn: William Stevens.

- *Fax:* (707) 578-3435; Attn: William Stevens.

Instructions: Comments sent by any other method, to any other address or individual, 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 <https://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). When commenting, please refer to the specific page number and the subject of your comment.

The documents subject to public comment are available on the internet at: <https://www.fisheries.noaa.gov/west-coast/laws-and-policies/west-coast-region-national-environmental-policy-act-documents>.

FOR FURTHER INFORMATION CONTACT: William Stevens, Santa Rosa, CA, (707) 575-6066, William.Stevens@noaa.gov.

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Central California Coast (CCC) Evolutionary Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*)

and threatened CCC Distinct Population Segment (DPS) of steelhead (*O. mykiss*).

Background

The City of Santa Cruz's operation, maintenance, rehabilitation, and management of their water supply and water system facilities, municipal facilities, and City lands are essential to the welfare of the City's citizens and visitors. Normal, otherwise lawful operation of the City of Santa Cruz facilities could result in take of ESA-listed species. Section 10(a)(1)(B) of the ESA authorizes NMFS to issue an ITP to non-Federal parties for the potential incidental taking of endangered and threatened species. In support of their ITP application, the City of Santa Cruz has prepared an ASHCP to address effects of water diversions and for operation, rehabilitation, replacement, repair and maintenance of conveyance facilities and other existing infrastructure (covered activities) on salmonids listed under the ESA. The ASHCP plan area includes watershed and water service/urban areas that total approximately 176 square miles (~455.8 km²) in Santa Cruz County, California across three geographically distinct areas: (1) North Coast watersheds (Liddell, Laguna, and Majors); (2) San Lorenzo River watershed; and (3) City Urban Center. The ASHCP provides an assessment of impacts; measures to monitor, minimize, and mitigate for those impacts; and procedures to account for unforeseen or extraordinary circumstances.

Preliminary Proposed Action and Alternatives

NMFS has prepared a draft EA, in accordance with the requirements of NEPA, to analyze the potential impacts on the human (biological, physical, social, and economic) environment caused by the City of Santa Cruz ASHCP (proposed action). Under the proposed action, NMFS would approve the ASHCP and issue an ITP with a 30-year permit term to the City of Santa Cruz for incidental take of covered species from covered activities in the plan area. Under the no action alternative, NMFS would not issue an ITP to the City, and the ASHCP would not be implemented. Under the no action alternative, the City would need to evaluate individual operations and maintenance activities to determine whether incidental take of listed salmonid species could be avoided through seasonal restrictions and other modifications to the activity, or whether an activity-specific incidental take authorization would instead be required.

Summary of Expected Impacts

Incidental take is expected to result from covered activities described in the ASHCP. Expected impacts are less than what occurs under the City of Santa Cruz's current practices. The City of Santa Cruz is proposing a conservation strategy as part of their ASHCP that is intended to fully offset the impacts of the take.

Under the no action alternative, the City would conduct project-by-project reviews. It is anticipated that activities, if permitted, would occur at a slower pace and avoidance, minimization, and mitigation measures may be less comprehensive and more site-specific, compared to the proposed action. This type of mitigation can also be more expensive and time-consuming and provide less conservation benefit than a regional or watershed-level approach, as provided by the proposed action.

Authority

Section 9 of the ESA and Federal regulations prohibit the taking of a species listed as endangered or threatened. The ESA defines "take" to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA and implementing regulations (50 CFR 222.307) provide for authorizing incidental take of listed species. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment (42 U.S.C. 4321 *et seq.*; 40 CFR parts 1500 through 1508; and Companion Manual for NOAA Administrative Order 216-6A, 82 FR 4306, January 13, 2017). Therefore, NMFS is seeking public input on the scope of the required NEPA analysis in the EA, including the range of reasonable alternatives and associated impacts of any alternatives.

Dated: September 5, 2023.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD299]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a two-day in-person meeting of its Standing, Reef Fish, Socioeconomic, and Ecosystem Scientific and Statistical Committees (SSC).

DATES: The meeting will be held Wednesday, September 27, 2023; and Thursday, September 28, 2023; 8:30 a.m.–5 p.m., EDT both days.

ADDRESSES: The meeting will take place at the Gulf Council office. Registration information will be available on the Council's website by visiting www.gulfcouncil.org and clicking on the "meeting tab".

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; ryan.rindone@gulfcouncil.org, telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Wednesday, September 27, 2023; 8:30 a.m.–5 p.m., EDT

The meeting will begin with Introductions and Adoption of Agenda, Approval of Verbatim Minutes and Meeting Summary from the July 19–20, 2023, meeting, and a review of the Scope of Work. The Committees will select an SSC Representative for the October 23–26, 2023, Gulf Council meeting in Panama City Beach, FL.

Following, the Committees will review *Gag Grouper* Abundance, Movement, Spawning Behavior, Discard Mortality, and Environment Influences; presentations, background documentation and references will be provided to support SSC discussion. The Committees will review Possible Management Modifications for *Gag and Black Grouper*, with presentations, background documentation and references for SSC recommendations and discussion. The Committees will also discuss the SEDAR 94 Florida *Hogfish* Scope of Work. Public comment will be heard at the end of the day.