

promulgated at 50 CFR 222.306 and at 50 CFR 222.307.

### Background

NMFS issued Permit No. 21516 to Dominion on December 10, 2020 (86 FR 1945). NMFS published notice in the **Federal Register** on August 2, 2022 (87 FR 47190), that Dominion had requested modification of their ITP to allow for the incidental take of Atlantic sturgeon eggs from the Chesapeake Bay Distinct Population Segment through December 30, 2025, and to modify permit conditions based on anticipated operational changes at the CPS. However, new information regarding take of Atlantic sturgeon eggs at CPS was received after the close of the public comment period. Therefore, Dominion's request for modification of the ITP to allow for the incidental take of Atlantic sturgeon eggs remains in progress.

In the interim, based on the information provided by Dominion and the public comment received, NMFS has modified Permit No. 21516 to: allow entrainment sampling for monitoring to occur at the furthest upriver cooling water intake structure that is operational at CPS at the time monitoring occurs; allow entrainment sampling for monitoring to be paused on the rare occasion that all CPS river circulating pumps are not operating provided that NMFS is notified within 24 hours of Dominion shutting down all water intake at the circulating water pumps, and provided the notification includes information describing the reason(s) for the shutdown and the expected duration of the shutdown; require visual inspections of the cooling water intake structure trash racks (and the immediate area upstream) from September 1 through October 31; require Dominion to annually inspect (*i.e.*, by divers) the intake guards at CPS cooling water intake structures no earlier than March 1 and no later than August 15 to confirm that the guards are intact and capable of excluding any adult Atlantic sturgeon as designed, and make repairs to the guards, as needed, prior to September 1; and require Dominion to clean the trash racks via a mechanical trash rake only as operationally necessary or, in the event a specific intake guard is found to be in jeopardy of not functioning as designed, the trash racks associated with that intact guard must be cleaned via a mechanical trash rake twice per day (once per 12-hour shift during daylight hours) during the fall sturgeon spawning window of September 1 through October 31. Prior to September 1, trash raking must occur at a specific intake guard if it is found to be at risk

of not functioning as designed and adult Atlantic sturgeon are present in the vicinity of CPS as indicated by the real-time telemetry system. Permit condition IV.C.4.g. has also been corrected to reflect the 8-week period from September through October for each year of the permit.

### National Environmental Policy Act

Issuing an ESA section 10(a)(1)(B) permit constitutes a Federal action requiring NMFS to comply with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) as implemented by 40 CFR parts 1500–1508 and NOAA Administrative Order 216–6A, Compliance with the National Environmental Policy Act (2016). NMFS prepared a Supplemental Information Report explaining why the potential impacts to sturgeon and other resources fall within the scope of the 2020 Environmental Assessment (EA) and Finding of No Significant Impact developed in support of the original permit. We concluded that there would be little change in the impacts from this action, relative to those described in the original EA. Further, we concluded that there are no significant new circumstances or information that would result in changes to the impacts of the permit requirements as considered in the previous analyses.

**Authority:** This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: November 20, 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–XD554]

### Pacific 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 Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Management Team (CPSMT), Coastal Pelagic Species Advisory Subpanel (CPSAS), and

Ecosystem Work Group (EWG) will hold an online public meeting.

**DATES:** The online meeting will be held Monday, January 22, 2024, from 1 p.m. to 3 p.m., Pacific Standard Time or until business for the day has been completed.

**ADDRESSES:** This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see [www.pcouncil.org](http://www.pcouncil.org)). You may send an email to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov)) or contact him at (503) 820–2412 for technical assistance.

**Council address:** Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

**FOR FURTHER INFORMATION CONTACT:** Jessi Doerpinghaus, Staff Officer, Pacific Council; telephone: (503) 820–2415.

**SUPPLEMENTARY INFORMATION:** The primary purpose of this online meeting is a work session of the CPSMT, CPSAS, and EWG to discuss matters related to the Pacific Council's fishery ecosystem plan initiative. No management actions will be decided by the CPSMT, CPSAS, or EWG. CPSMT, CPSAS, or EWG recommendations will be considered by the Pacific Council at the March Pacific Council meeting. The meeting agenda will be available on the Pacific Council's website in advance of the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov); (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: November 20, 2023.

**Rey Israel Marquez,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC980]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Army Corps of Engineers Unalaska (Dutch Harbor) Channel Deepening Project

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

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the United States Army Corps of Engineers (Alaska District) (USACE) for authorization to take marine mammals incidental to Unalaska (Dutch Harbor) Channel Deepening in Iliuliuk Bay, Unalaska, Alaska.

**DATES:** This Authorization is effective from January 1, 2024 through December 31, 2024.

**ADDRESSES:** Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-us-army-corps-engineers-unalaska-dutch-harbor-channel>. In case of problems accessing these documents, please call the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Cara Hotchkin, Office of Protected Resources, NMFS, (301) 427-8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who

engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

##### Summary of Request

On October 31, 2022, NMFS received a request from the United States Army Corps of Engineers—Alaska District (USACE) for an IHA to take marine mammals incidental to deepening the entrance to Iliuliuk Bay, adjacent to Dutch Harbor, Alaska. Following NMFS’ review of the application, USACE submitted supplemental information on November 28, 2022 and January 5, 2023. The application was deemed adequate and complete on March 2, 2023. The notice of the proposed IHA and request for comments was published on April 11, 2023 (88 FR 21630). USACE’s request is for take of harbor seals (*Phoca vitulina richardsi*), Steller sea lions (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), and humpback whales (*Megaptera novaengliae*) by Level A harassment and Level B Harassment. Neither USACE nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

##### Description of the Specified Activity

The USACE plans to deepen the entrance channel of Iliuliuk Bay by means of dredging and (if necessary) confined blasting of a 42-foot (ft) (12.8 meter (m)) deep “bar” which currently restricts access to the port of Dutch Harbor, Alaska. Dutch Harbor is the only deep draft, year-round ice-free port along the 1,200-mile (1,931 km)

Aleutian Island chain, providing vital services to vessels operating in both the North Pacific and the Bering Sea, and the depth of the bar currently restricts access for large vessels that may need to enter the port, particularly during extreme weather. The purpose of the project is to increase navigational safety and improve economic efficiencies into and out of Dutch Harbor via Iliuliuk Bay.

Removal of the bar will involve dredging (via clamshell dredge or long-reach excavator) an area approximately 600 ft (182.9 m) by 600 ft (182.9 m), moving approximately 182,000 cubic yards (139,150 cubic meters) of sediment. Dredged material will be placed in the water immediately adjacent to the inside of the bar in approximately 100 ft (33.3 m) of water. If required to enable dredging, confined blasting (hereafter “blasting”) involving drilled boreholes and multiple charges with microdelays between blasts will be used to break up the sediment.

Safety restrictions impose some limits on blasting activity and potential mitigations available to protect marine mammals. The explosives cannot “sleep” after being placed for longer than 24 hours without becoming a risk to private property and human health, and they cannot be detonated in the dark. If a marine mammal enters the blast area following the emplacement of charges, detonation will be delayed as long as possible. All other legal measures to avoid injury will be utilized; however, the charges will be detonated when delay is no longer feasible. As discussed in the mitigation section, in order to minimize the chances the charges need to be detonated while animals are present in the vicinity, the IHA includes a mitigation measure requiring explosives to be set as early in the day as possible, and detonated as soon as the pre-clearance zone is clear for 30 minutes.

Sounds resulting from confined blasting may result in the incidental take of marine mammals by Level A and Level B harassment in the form of slight injury (auditory and non-auditory) and behavioral harassment. Dredging and disposal of dredged material are not expected to result in either Level A or Level B harassment due to the low source level and mid-channel location of the dredging activities. If dredging is sufficient to deepen the channel to the required depth, reduced or no blasting may be necessary. The notice for the proposed IHA (88 FR 21630, April 11, 2023) analyzed a conservative scenario requiring blasting approximately 50 percent of the bar area, resulting in