

## Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure 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.

No incidental take of ESA-listed species is expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

## National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must evaluate our proposed action (the issuance of an IHA) and alternatives with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

## Authorization

NMFS has issued a renewal IHA to the U.S. Navy for the potential harassment of small numbers of six marine mammal species incidental to the Replacement of Pier 302 at Naval Base Point Loma, San Diego, California, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: October 21, 2024.

**Kimberly Damon-Randall,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Marine Sanctuary Permits

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 14, 2024 during a 60-day comment period and no comments were received. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic & Atmospheric Administration (NOAA), Commerce.

*Title:* National Marine Sanctuary Permits.

*OMB Control Number:* 0648-0141.

*Form Number(s):* None.

*Type of Request:* Regular submission, revision and extension of a current information collection.

*Number of Respondents:* 567.

*Average Hours per Response:* General permits and authorizations, 1 hour and 30 minutes; special use permits, 8 hours; archaeological research permits, 13 hours; baitfish permits, 25 minutes; permit amendments and certifications, 30 minutes; voluntary registrations, 15 minutes; appeals, 24 hours; Tortugas access permits, 5 minutes.

*Total Annual Burden Hours:* 2,307.75.

*Needs and Uses:* This request is for revision and extension of a currently approved information collection by the Office of National Marine Sanctuaries (ONMS). ONMS manages national marine sanctuaries pursuant to the purposes and policies of the National Marine Sanctuaries Act (NMSA, 16 U.S.C. 1431 *et seq.*). National marine sanctuary regulations at 15 CFR part 922 list specific activities that are prohibited in national marine sanctuaries. These regulations also state that otherwise prohibited activities may be conducted if a permit is issued by ONMS. For most types of permits, persons desiring a

permit must submit an application (note that requests for baitfish permits and Tortugas Ecological Reserve North Access permits require contacting Florida Keys National Marine Sanctuary and do not require a completed ONMS permit application), and anyone obtaining a permit is generally required to submit one or more reports on the activity allowed under the permit. The recordkeeping and reporting requirements at 15 CFR part 922 form the basis for this collection of information.

This information is required by ONMS to protect and manage sanctuary resources. The permit application collects information about the proposed activities, the methods proposed to be used, the potential effects to sanctuary resources, and information on the regulatory review criteria at 15 CFR part 922. ONMS uses this information to evaluate whether the proposed activities are consistent with the goals and objectives of the sanctuary and the purposes and policies of the NMSA.

Changes to this information collection include revisions to the permit application and instructions to collect information about small businesses to better assess the types of entities engaged in permitting activities. The estimated number of permits issued per year also changed from 424 to 567 to reflect the additional estimated permit numbers if the various proposed national marine sanctuary designations are finalized. In particular, this is based on adding an estimated fifteen additional permits and about 59 certifications for the recently designated Chumash Heritage National Marine Sanctuary (89 FR 83554, Oct. 16, 2024), an estimated five additional permits for the proposed designation of the National Marine Sanctuary for the Pacific Remote Islands (88 FR 23624; April 18, 2023), an estimated five additional permits for the recently designated Lake Ontario National Marine Sanctuary (89 FR 48272, June 6, 2024), an estimated five additional permits for proposed Lake Erie Quadrangle National Marine Sanctuary (88 FR 32198, May 19, 2023), an estimated nine permits for the proposed sanctuary in the Hudson Canyon area (87 FR 38387, June 8, 2022), and increasing the numbers of amendments and Tortugas access permits to reflect more recent average permit numbers. The number of baitfish permits was diminished by 35 permits and Florida Keys National Marine Sanctuary has proposed phasing out the bait fishing permits over the next three years (87 FR 42800, July 18, 2022). Other revisions made to the application and applicant

instructions were to improve the quality of information initially collected and to make the permit process more efficient.

**Affected Public:** Individuals; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal Government.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to Obtain or Retain Benefits.

**Legal Authority:** National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*

This information collection request may be viewed at <https://www.reginfo.gov>. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0141.

**Sheleen Dumas,**

*Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD212]

#### 2024 Updated Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing—Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts (Version 3.0)

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

**ACTION:** Notice.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces the availability of our final 2024 *Update to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0): Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts* (2024 Updated Technical Guidance). The 2024 Updated

Technical Guidance provides updated information, or acoustic criteria, to predict when individual marine mammals, both in-air and underwater, will experience changes in their hearing sensitivity (auditory injury or temporary threshold shift) from exposure to anthropogenic sound sources. The 2024 Updated Technical Guidance replaces NMFS's current 2018 *Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0): Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts* (2018 Revised Technical Guidance).

**ADDRESSES:** The final 2024 Updated Technical Guidance is available in electronic form via the internet <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>.

**FOR FURTHER INFORMATION CONTACT:**

Amy R. Scholik-Schlomer, Office of Protected Resources, 301-427-8449, [Amy.Scholik@noaa.gov](mailto:Amy.Scholik@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS has updated its guidance for assessing the effects of anthropogenic sound on the hearing of marine mammal species under NMFS's jurisdiction. Specifically, the 2024 Updated Technical Guidance identifies the received levels and auditory weighting functions, or "acoustic criteria," that describe the received levels (decibels (dB)) and frequencies (kilohertz (kHz)) where individual marine mammals are predicted to experience changes in their hearing sensitivity (auditory injury (AUD INJ) or temporary threshold shift (TTS)) from exposure to anthropogenic sound sources both in-air and underwater. This document is intended for use by NMFS analysts and managers and other relevant user groups and interested parties, including other Federal agencies, when seeking to determine whether and how their activities are expected to result in auditory impacts to marine mammals via acoustic exposure in-air and underwater. The 2024 Updated Technical Guidance outlines NMFS's updated acoustic criteria and describes in detail how they were developed and how they will be updated in the future. For information on NMFS' 2018 Revised and the original 2016 Technical Guidance, refer to our 2016 **Federal Register** notification (81 FR 51694, August 4, 2016).

For the 2024 Updated Technical Guidance, NMFS again worked with the U.S. Navy (Navy), which recently updated its marine mammal AUD INJ and TTS criteria (Finneran 2024), to

incorporate the best available science. NMFS conducted an independent peer review in October/November 2022. Details of the peer review, peer reviewer comments, and our response to these comments are available at the following website: <https://www.noaa.gov/information-technology/update-to-20162018-technical-guidance-for-assessing-effects-of-anthropogenic-sound-on-marine-mammal>. In May/June of 2023, NMFS solicited input from other relevant Federal agencies on the 2024 Updated Technical Guidance. Federal agency comments and NMFS responses to those comments are available at the following website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>. To complete the review process, NMFS solicited additional feedback from user groups and interested parties via a 45-day public comment period in May/June 2024. Comments received via the public comment period can be found at the following website: <https://www.regulations.gov/document/NOAA-NMFS-2024-0026-0001>.

It is important to note that the use of the acoustic criteria within the 2024 Updated Technical Guidance should not be considered to represent the entirety of an impact assessment, but rather serve as one tool to help evaluate the effects of a proposed action. Furthermore, the 2024 Updated Technical Guidance does not create or confer any rights for or on any person, or operate to bind the public. For the purposes of assessing auditory impacts to marine mammals in support of regulatory processes under NMFS' authority, an alternative approach that has undergone independent peer review may be proposed (by Federal agencies or prospective action proponents or applicants) and used if case-specific information/data indicate that the alternative approach is likely to produce a more accurate portrayal of auditory impacts (AUD INJ or TTS) for the project being evaluated, if NMFS determines the approach satisfies the requirements of the applicable statutes and regulations.

The 2024 Updated Technical Guidance reflects the current state of scientific knowledge regarding the characteristics of sound that have the potential to impact marine mammal hearing sensitivity. NMFS recognizes that the implementation of marine mammal weighting functions and the weighted SEL<sub>24h</sub> criteria may extend beyond the capabilities of some action proponents. Thus, NMFS has developed an optional, alternative tool for those