

attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/node/23111> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:**

Reny Tyson Moore, Office of Protected Resources, NMFS, (301) 427-8401. An electronic copy of the Navy's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:**

**Background**

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 issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term "take" means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of

pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

**Summary of Request**

On May 9, 2022, NMFS received an application from the Navy requesting authorization for take of marine mammals incidental to construction activities related to the multifunctional expansion and modification of Dry Dock 1 at Portsmouth Naval Shipyard in Kittery, Maine. We provided comments on the application and the Navy submitted revised versions and responses to our comments on July 5, 2022, August 15, 2022, August 19, 2022, and August 25, 2022. We determined the application was adequate and complete on August 25, 2022. The requested regulations would be valid for 5 years, from April 1, 2023 through March 21, 2028. The Navy plans to conduct necessary work, including impact and vibratory pile driving, hydraulic rock hammering, rotary drilling, and mono and cluster down-the-hole drilling (DTH), to expand and modify Dry Dock 1. The proposed action may incidentally expose marine mammals occurring in the vicinity to elevated levels of underwater sound, thereby resulting in incidental take, by Level A and Level B harassment. Therefore, the Navy requests authorization to incidentally take marine mammals.

**Specified Activities**

Multifunctional Expansion of Dry Dock 1 (P-381) is one of three projects that support the overall expansion and modification of Dry Dock 1, located in the western extent of the Shipyard. The previous two projects, construction of a super flood basin (P-310) and extension of portal crane rail and utilities (P-1074) are currently under construction. In-water work associated with these projects was completed under separate IHAs issued by NMFS. The projects have been phased to support Navy mission schedules. P-381 will be constructed within the same footprint of the super flood basin over an approximated 7-year period, of which 5-years of in-water work would occur. An IHA was issued by NMFS for the first year of P-381 construction activities between April 1, 2022 and March 31, 2023 (87 FR 19866, April 6, 2022). This

Letters or Authorization (LOA) request is for the remaining 4 years of P-381 in-water construction activities occurring from April 1, 2023 through March 31, 2028 as well as for additional in-water construction activities associated with the removal of emergency repair components of the super flood basin that will occur during the LOA period. Although the in-water construction described in this LOA application is anticipated to be completed by December 2026, the LOA application includes the full 5-year term through March 31, 2028 in the event of unanticipated schedule delays. Construction activities will include the excavation and/or installation of 1,118 holes, 180 shafts, and 520 sheet piles via impact and vibratory pile driving, hydraulic rock hammering, rotary drilling, and mono and cluster DTH. The construction activities are expected to require approximately 2,037 days over the 5-year period; however, overlapping activities are estimated to reduce the number of construction days to within 4 years. Harbor porpoises (*Phocoena phocoena*), harbor seals (*Phoca vitulina vitulina*), gray seals (*Halichoerus grypus*), hooded seals (*Cystophora cristata*), and harp seals (*Pagophilus groenlandicus*) have been observed in the proposed action area.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the Navy, if appropriate.

Dated: August 29, 2022.

**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-XC287]

**Western Pacific Fishery Management Council; Public Meetings; Correction**

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

**ACTION:** Notice of correction of public meetings.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold its 145th Scientific and Statistical Committee (SSC), Pelagic and International Standing Committee, Fishery Rights of Indigenous People Standing Committee, Executive and Budget Standing Committee, and 192nd Council meetings to take actions on fishery management issues in the Western Pacific Region. This notice announces a closed session for the Executive and Budget Standing Committee meeting not included in the original notice and corrects the agendas for the 145th SSC meeting and the 192nd Council meeting.

**DATES:** The meetings will be held between September 13 and September 22, 2022. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The SSC and Standing Committee meetings will be held in a hybrid format with in-person and remote participation (Webex) options available for the Council and SSC members, and public attendance limited to web conference via Webex. For the SSC and Standing Committee meetings, in-person attendance for Council and advisory body members will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI, 96813.

The 192nd Council Meeting will be held as a hybrid meeting for Council members and public. The in-person portion of the Council Meeting will be held at the Hilton Hawaiian Village, 2005 Kalia Road, Honolulu, HI, 96815. Remote participation option will be available via Webex.

Specific information on joining the meeting, connecting to the web conference and providing oral public comments will be posted on the Council website at [www.wpcouncil.org](http://www.wpcouncil.org). For assistance with the web conference connection, contact the Council office at (808) 522-8220.

*Council address:* Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** The original notice published in the **Federal Register** on August 25, 2022 (87 FR 52366). The notice is being re-published in its entirety.

All times shown are in Hawaii Standard Time. The 145th SSC meeting will be held between 9 a.m. and 5 p.m. on September 13-15, 2022. The Pelagic and International Standing Committee meeting will be held between 8:30 a.m. and 11:30 a.m. on September 19, 2022. The Fishery Rights of Indigenous People Standing Committee meeting will be held between 12:30 p.m. and 2:30 p.m. on September 19, 2022. The Executive and Budget Standing Committee meeting will be held between 2:30 p.m. and 5:30 p.m. on September 19, 2022. The portion of the Executive and Budget Standing Committee from 5 p.m. to 5:30 p.m. will be closed to the public for a briefing on litigation in accordance with section 302(i)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The 192nd Council meeting will be held between 9 a.m. and 5 p.m. on September 20-21, 2022, and between 9 a.m. and 1 p.m. on September 22, 2022.

Please note that the evolving public health situation regarding COVID-19 may affect the conduct of the September Council and its associated meetings. At the time this notice was submitted for publication, the Council anticipated convening the SSC and Standing Committee meetings as a hybrid format for members and by web conference for public attendance, and the Council meeting as an in-person meeting with a web conference attendance option. If public participation options will be modified, the Council will post notice on its website at [www.wpcouncil.org](http://www.wpcouncil.org) by, to the extent practicable, 5 calendar days before each meeting.

Agenda items noted as "Final Action" refer to actions that may result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the MSA. In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business.

Background documents for the 192nd Council meeting will be available at [www.wpcouncil.org](http://www.wpcouncil.org). Written public comments on final action items at the 192nd Council meeting should be received at the Council office by 5 p.m. HST, September 16, 2022, and should be sent to Kitty M. Simonds, Executive

Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522-8220 or fax: (808) 522-8226; or email: [info@wpcouncil.org](mailto:info@wpcouncil.org). Written public comments on all other agenda items may be submitted for the record by email throughout the duration of the meeting. Instructions for providing oral public comments during the meeting will be posted on the Council website. This meeting will be recorded (audio only) for the purposes of generating the minutes of the meeting.

#### Agenda for the 145th SSC Meeting

*Tuesday, September 13, 2022, 9 a.m. to 5 p.m.*

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 144th SSC Meeting Recommendations
4. Pacific Islands Fisheries Science Center Director Report
5. Protected Species
  - A. False Killer Whale Interaction and Depredation Analysis
  - B. Protected Species Interaction Estimation
  - C. Endangered Species Act (ESA) Section 7 Consultations
1. Status of the Hawaii Deep-set and American Samoa Longline Fishery Draft Biological Opinions
2. Final Bottomfish Fishery Biological Opinion
  - D. Public Comment
  - E. SSC Discussion and Recommendations
6. Island Fisheries
  - A. Development of Status Determination Criteria for the Hawaii Kona Crab Fishery
  - B. Report on Uku Essential Fish Habitat (EFH) Western Pacific Stock Assessment Review (WPSAR)
  - C. Report on Ecosystem-Based Fisheries Management Thresholds for Hawai'i Nearshore Fisheries
  - D. Improving the Collection of Hawaii Recreational Catch and Effort Data
  - E. Public Comment
  - F. SSC Discussion and Recommendations
7. Program Planning and Research
  - A. Alternatives for Fishing Regulations in the Northwestern Hawaiian Islands (NWHI) (Action Item)
  - B. Alternatives for an Aquaculture Management Framework in the Western Pacific (Action Item)
  - C. Status Update on Territorial Bottomfish Management Unit Species (BMUS) Revision
  - D. Report of the 7th National

- Scientific Coordination Subcommittee Meeting
- E. Preparations for the Ecosystem-based Fisheries Management Workshop
- F. University of Hawaii Fisheries Program Development
- G. Public Comment
- J. SSC Discussion and Recommendations

*Wednesday, September 14, 2022, 9 a.m. to 5 p.m.*

#### 8. Pelagic and International Fisheries

##### A. Longline Fishery Reports

1. Hawaii Longline Fishery Report
2. American Samoa Longline Fishery Report
3. American Samoa Large Vessel Prohibited Area (LVPA) Performance Review
  - B. Longline Gear Modifications and Impacts on Catch of Target and Non-Target Species
  - C. Pacific Islands Ocean Observing System (PacIOOS)
1. Updates to PacIOOS Scientific Products and Voyager Data Portal
2. Pacific Islands Region Acoustic Telemetry Network
  - D. International Fisheries
1. United Nations (UN) Ocean Conference
2. International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean 2022 (ISC22) Working Groups and Plenary
3. Western and Central Pacific Fisheries Commission (WCPFC) 18th Science Committee
4. Recommendations to the Permanent Advisory Committee (PAC)
  - E. South Pacific Albacore Fishery Forecasting
  - F. Proposal to Expand the Pacific Remote Islands Marine National Monument
  - G. Public Comment
  - H. SSC Discussion and Recommendations

*Thursday, September 15, 2022, 9 a.m. to 5 p.m.*

9. Other Business
  - A. Inter-American Tropical Tuna Commission (IATTC) Representative to SSC
  - B. December SSC Meetings Dates
10. Summary of SSC Recommendations to the Council

#### Agenda for the Pelagic and International Standing Committee

*Monday, September 19, 2022, 8:30 a.m. to 11:30 a.m.*

1. Status and Review of the Hawaii Deep-set and American Samoa Longline Fishery Biological Opinions

2. Opportunities for Fishery Development for U.S. Pacific Territories
3. U.S. Commitments through South Pacific Tuna Treaty
4. Outcomes of Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) Fifth Session
5. Issues Leading into U.S. PAC to WCPFC
6. Advisory Group Report and Recommendations
7. Other Business
8. Public Comment
9. Discussion and Recommendations

#### Agenda for the Fishery Rights of Indigenous People Standing Committee

*Monday, September 19, 2022, 12:30 p.m. to 2:30 p.m.*

1. Alternatives for Fishing Regulations in the NWHI
2. Alternatives for an Aquaculture Management Framework in the Western Pacific
3. Equity and Environmental Justice
4. Fisheries Development Plan in the Territories
5. Marine Conservation Plans
  - A. Guam (2023–26)
  - B. Commonwealth of the Northern Mariana Islands (CNMI) (2023–26)
  - C. Pacific Remote Island Areas (PRIA)/Sustainable Fisheries Fund (2023–26)
6. Advisory Group Report and Recommendations
7. Other Business
8. Public Comment
9. Discussion and Recommendations

#### Agenda for the Executive and Budget Standing Committee

*Monday, September 19, 2022, 2:30 p.m. to 5:30 p.m. (5 p.m. to 5:30 p.m. Closed)*

1. Financial Reports
2. Administrative Reports
3. Council Program Plan Update
4. Council Family Changes
5. Meetings and Workshops
6. Other Issues
7. Public Comment
8. Discussion and Recommendations
9. Briefing on Litigation (Closed Session—pursuant to MSA section 302(i)(3))

#### Agenda for the 192nd Council Meeting

*Tuesday, September 20, 2022, 9 a.m. to 5 p.m.*

1. Welcome and Introductions
2. Opening Remarks
3. Oath of Office—New Council Members
4. Approval of the 192nd CM Agenda
5. Approval of the 191st CM Meeting Minutes

6. Executive Director's Report
7. Agency Reports
  - A. NMFS

1. NMFS Headquarters
2. Pacific Islands Regional Office
3. Pacific Islands Fisheries Science Center
  - B. NOAA Office of General Counsel Pacific Islands Section
  - C. Enforcement
    1. U.S. Coast Guard
    2. NOAA Office of Law Enforcement
  3. NOAA Office of General Counsel Enforcement Section
    - D. U.S. State Department
    - E. U.S. Fish and Wildlife Service
    - F. Public Comment
    - G. Council Discussion and Action
8. Protected Species
  - A. ESA Section 7 Consultations
    1. Status of the Hawaii Deep-Set and American Samoa Longline Fishery Draft Biological Opinions
    2. Final Bottomfish Fishery Biological Opinion
      - B. False Killer Whales Interaction and Depredation Analysis
      - C. ESA and Marine Mammal Protection Act Updates
      - D. Advisory Group Report and Recommendations
        1. Advisory Panel
        2. Fishing Industry Advisory Committee
        3. Non-Commercial Fishing Advisory Committee
        4. Scientific & Statistical Committee
        5. Pelagic and International Standing Committee
          - E. Public Comment
          - F. Council Discussion and Action
    9. Hawai'i Archipelago & Pacific Remote Island Areas (PRIA)
      - A. Moku Pepa
      - B. Department of Land and Natural Resources/Division of Aquatic Resources Report (Legislation, Enforcement)
      - C. Alternatives for Fisheries Management Measures in the NWHI (Initial Action)
      - D. Development of Status Determination Criteria for the Hawaii Kona Crab Fishery
      - E. Report on Uku EFH WPSAR
      - F. Update on Green Turtle Management
      - G. Proposal to Expand the Pacific Remote Islands Marine National Monument
        - H. Advisory Group Report and Recommendations
          1. Advisory Panel
          2. Fishing Industry Advisory Committee
          3. Non-Commercial Fishing Advisory Committee
          4. Scientific & Statistical Committee
          5. Fishing Rights of Indigenous Peoples Standing Committee
            - I. Public Comment

J. Council Discussion and Action  
*Wednesday, September 21, 2022, 9 a.m. to 5 p.m.*

10. Program Planning and Research
  - A. National Legislative Report
1. Inflation Reduction Act of 2022
2. American Fisheries Advisory Committee Nominations
  - B. Alternatives for an Aquaculture Management Framework in the Western Pacific (Final Action)
  - C. Status Update on Territorial BMUS Revision
  - D. Update on the National Saltwater Recreational Fishing Policy
  - E. Improving the Collection of Hawaii Recreational Catch and Effort Data
  - F. Report of the 7th National Scientific Coordination Subcommittee Meeting
  - G. Preparations for the Ecosystem-based Fisheries Management Workshop
  - H. Regional Communications & Outreach Report
  - I. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Non-Commercial Fishing Advisory Committee
4. Scientific & Statistical Committee
5. Fishing Rights of Indigenous Peoples Standing Committee
  - J. Public Comment
  - K. Council Discussion and Action
11. Pelagic & International Fisheries
  - A. PacIOOS Updates
  - B. Hawaii Longline Semi-Annual Report
  - C. American Samoa Longline Semi-Annual Report
  - D. American Samoa LVPA Performance Review
  - E. International Fisheries Issues
1. Increasing Influence of China in Pacific Islands
2. UN Ocean Conference and BBNJ
3. ISC22 Working Groups and Plenary
4. WCPFC 18th Science Committee
5. U.S. PAC to WCPFC
  - F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Non-Commercial Fishing Advisory Committee
4. Scientific & Statistical Committee
5. Pelagic and International Standing Committee
  - G. Public Comment
  - H. Council Discussion and Action
12. American Samoa Archipelago
  - A. Motu Lipoti
  - B. Department of Marine and Wildlife Resources Report
  - C. Advisory Group Report and Recommendations

1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Scientific & Statistical Committee
4. Fishing Rights of Indigenous Peoples Standing Committee
  - D. Public Comment
  - E. Council Discussion and Action

*Wednesday, September 21, 2022, 4:30 p.m. to 5 p.m.*

Public Comment on Non-Agenda Items

*Thursday, September 22, 2022, 9 a.m. to 1 p.m.*

13. Mariana Archipelago
    - A. Commonwealth of the Northern Mariana Islands
  1. Arongol Falú
  2. Department of Land and Natural Resources/Division of Fish and Wildlife Report
    - B. Guam
  1. Department of Agriculture/Division of Aquatic and Wildlife Resources Report
  2. Isla Informe
    - C. Advisory Group Report and Recommendations
  1. Advisory Panel
  2. Fishing Industry Advisory Committee
  3. Non-Commercial Fishing Advisory Committee
  4. Scientific & Statistical Committee
  5. Fishing Rights of Indigenous Peoples Standing Committee
    - D. Public Comment
    - E. Council Discussion and Action
  14. Administrative Matters
    - A. Financial Reports
    - B. Administrative Reports
    - C. Council Program Planning Update
    - D. Council Family Changes
  1. Advisory Panel Solicitation Review
  - E. Meetings and Workshops
  - F. Standing Committee Reports
  1. Fishing Rights of Indigenous Peoples Standing Committee
  2. Executive and Budget Standing Committee
    - G. Public Comment
    - H. Council Discussion and Action
  15. Other Business
 

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 192nd meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the MSA, provided the public has been notified of the Council's intent to take action to address the emergency.
- Special Accommodations**
- These meetings are accessible to people with disabilities. Requests for

sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

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

Dated: August 29, 2022.

**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-XC327]

#### East Coast Fishery Management Councils; Public Meetings

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

**ACTION:** Notice; public meetings.

**SUMMARY:** Several fishery management bodies on the East Coast of the U.S. are convening three webinar meetings of fishery management representatives to continue work on the East Coast Climate Change Scenario Planning initiative. This is a joint effort of the Atlantic States Marine Fisheries Commission, the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, and NOAA Fisheries. See **SUPPLEMENTARY INFORMATION** for agenda details.

**DATES:** These webinars will be held on Monday, September 19, 2022, from 1 p.m. to 3:30 p.m., on Tuesday, September 20, 2022, from 1 p.m. to 3:30 p.m., and on Monday, October 3, 2022, from 10 a.m. to 12:30 p.m.

**ADDRESSES:** The meetings will be held via webinar. Connection information will be posted to the calendar prior to the meeting at [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

#### **SUPPLEMENTARY INFORMATION:**

*Background:* Over the past year, East Coast fishery management bodies have been collaborating on a climate change scenario planning initiative designed to prepare fishing communities and fishery managers for an era of climate change. The goals of this project are to assess how climate change might affect stock