

- The MEDOT must employ at least one PSO to monitor the shutdown and Level B harassment zones.

- Monitoring will be conducted 30 minutes before, during, and 30 minutes after construction activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from construction activity.

- The MEDOT must submit a draft report detailing all monitoring within 90 calendar days of the completion of marine mammal monitoring or 60 days prior to the issuance of any subsequent IHA for this project, whichever comes first.

- The MEDOT must prepare and submit final report within 30 days following resolution of comments on the draft report from NMFS.

- The MEDOT must submit all PSO datasheets and/or raw sighting data (in a separate file from the Final Report referenced immediately above).

- The MEDOT must report injured or dead marine mammals.

#### Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to MEDOT was published in the **Federal Register** June 9, 2023 (88 FR 37864). That notice either described, or referenced descriptions of, the MEDOT's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and mitigation, monitoring and reporting measures. NMFS received no public comments.

#### Determinations

The renewal request consists of a subset of activities analyzed through the initial authorization described above. In analyzing the effects of the activities for the initial IHA, NMFS determined that the MEDOT's activities would have a negligible impact on the affected species or stocks and that authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.*, less than one-third the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, 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) MEDOT'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.

#### 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 review our proposed action (*i.e.*, the issuance of an IHA renewal) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 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.

#### Endangered Species Act

No incidental take of ESA-listed species is authorized or 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.

#### Renewal

NMFS has issued a renewal IHA to MEDOT for the take of marine mammals incidental to conducting Falls Bridge Replacement Project in Blue Hill, Maine, from July 1, 2023 through June 30, 2024.

Dated: June 29, 2023.

#### Kimberly Damon-Randall,

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

[FR Doc. 2023-14237 Filed 7-5-23; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD090]

#### Endangered Species; File No. 27490

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the University of Massachusetts Dartmouth School for Marine Science and Technology has applied in due form for a permit pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit application is for the incidental take of ESA-listed sturgeon and sea turtles associated with the otherwise lawful fisheries survey activities within and adjacent to the Massachusetts/Rhode Island Wind Energy Area. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on the application materials. All comments received will become part of the public record and will be available for review.

**DATES:** Written comments must be received at the appropriate address (see **ADDRESSES**) on or before August 7, 2023.

**ADDRESSES:** The application is available for download and review at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/incidental-take-permits> and at <https://www.regulations.gov>. The application is also available upon request (see **FOR FURTHER INFORMATION CONTACT**).

You may submit comments, identified by NOAA-NMFS-2023-0090, by Electronic Submission: Submit all electronic public comments via the Federal eRulemaking Portal <https://www.regulations.gov> and enter [NOAA-NMFS-2023-0090] in the Search box. Click on the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

**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 <http://www.regulations.gov> without change. All Personal Identifying Information (*e.g.*, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or

protected information. We will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Alison Verkade, (301) 427-8074, [alison.verkade@noaa.gov](mailto:alison.verkade@noaa.gov).

**SUPPLEMENTARY INFORMATION:** 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 provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

### Species Covered in This Notice

The following species are included in the conservation plan and permit application: loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and Kemp’s ridley (*Lepidochelys kempii*) sea turtles, and Atlantic sturgeon (*Acipenser oxyrinchus*).

### Background

NMFS received a draft permit application from University of Massachusetts Dartmouth School for Marine Science and Technology (SMAST) on September 29, 2022. Based on our review of the draft application, we requested further information and clarification. On November 29, 2022, SMAST submitted a revised application. Based on review of the application, NMFS and SMAST held further discussions regarding what needed to be incorporated in the application and Habitat Conservation Plan. On June 13, 2023, SMAST submitted a revised and complete application for the take of ESA-listed sturgeon and sea turtles during the operation of fisheries survey operations in and around the Massachusetts/Rhode Island Wind Energy Area (WEA). The proposed fisheries survey is intended to sample non-ESA listed wild fish populations to provide baseline fisheries data prior to the construction of five offshore wind farms within the WEA in order to better understand the effects on wild fish populations from offshore wind development. SMAST is requesting a 2-year rolling take interval (*i.e.*, take that occurs over any 2 consecutive years) for

sturgeon and sea turtles. The total 2-year rolling incidental take of Atlantic sturgeon (*Acipenser oxyrinchus*) requested is 10, based on an estimated 5 takes per year. The total 2-year rolling incidental take of ESA-listed sea turtles requested is 8, based on an estimated 1 take per year of each of the following species: loggerhead (*Caretta caretta*), Kemp’s ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), and leatherback (*Dermochelys coriacea*).

### Conservation Plan

Section 10 of the ESA specifies that no permit may be issued unless an applicant submits an adequate conservation plan. The conservation plan prepared by SMAST describes measures designed to minimize and mitigate the impacts of any incidental take of ESA-listed sturgeon and sea turtles. To avoid and minimize take of sturgeon, SMAST will only operate the trawl survey with at least one survey staff onboard trained within the last 5 years in accordance with the Northeast Fisheries Observer Program in protected species identification and safe handling (inclusive of taking genetic samples from Atlantic sturgeon). Additionally, reference materials for identification, disentanglement, safe handling, and genetic sampling procedures will be available on board each survey vessel. To avoid and minimize take of sea turtles, between June 1 and November 30, SMAST will have a trained lookout posted on all vessel transits during all phases of the project to observe for protected species and communicate with the captain to take avoidance measures as soon as possible if one is sighted. Further, SMAST will implement the following avoidance measures between June 1 and November 30: (1) The trained lookout will monitor <https://seaturtlesightings.org> prior to each trip and report any observations of sea turtles in the vicinity of the planned transit to all vessel operators/captains and lookouts on duty that day; (2) If a sea turtle is sighted within 100 m of the operating vessel’s forward path, the vessel operator must slow down to 4 knots (unless unsafe to do so) and may resume normal vessel operations once the vessel has passed the sea turtle. If a sea turtle is sighted within 50 m of the forward path of the operating vessel, the vessel operator must shift to neutral when safe to do so and then proceed away from the turtle at a speed of 4 knots or less until there is a separation distance of at least 100 m at which time normal vessel operations may be resumed; (3) The vessel will spend 15 minutes prior to each tow at the sampling station looking out for sea

turtles. If a sea turtle is sighted during transit to a sampling station, during scouting, or while the gear is being prepared and deployed, the vessel will immediately proceed to an alternative tow station away from where the animal was observed; (4) Between June 1 and November 30, vessels will avoid transiting through areas of visible jellyfish aggregations or floating sargassum lines or mats. In the event that operational safety prevents avoidance of such areas, vessels will slow to 4 knots while transiting through such areas; and (5) All vessel crew members will be briefed in the identification of sea turtles and in regulations and best practices for avoiding vessel collisions. Reference materials will be available aboard all project vessels for identification of sea turtles. The expectation and process for reporting of sea turtles (including live, entangled, and dead individuals) will be clearly communicated and posted in highly visible locations aboard all project vessels, so that there is an expectation for reporting to the designated vessel contact (such as the lookout or the vessel captain), as well as a communication channel and process for crew members to do so.

These measures will avoid and minimize the incidental take of sturgeon and sea turtles due to incidental capture or vessel interactions. The alternatives considered were determined by SMAST to either: (1) substantially reduce the ability of the survey to detect changes; (2) result in significant impact delays to the initiation of the surveys, thus jeopardizing the ability to collect pre-construction baseline data that is necessary to understand the response of wild fish populations to offshore wind development; or (3) rely upon unproven methods. Funding for the proposed conservation measures will be provided by the five offshore wind developers directly to SMAST.

### 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 (NEPA; 42 U.S.C. 4321 *et seq.*) as implemented by 40 CFR parts 1500–1508 and NOAA Administrative Order 216–6, Environmental Review Procedures for Implementing the National Policy Act (1999). NMFS intends to prepare an Environmental Assessment to consider a range of reasonable alternatives and fully evaluate the direct, indirect, and cumulative impacts likely to result from issuing a permit.

### Next Steps

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments received during the comment period to determine whether the application meets the requirements of section 10(a) of the ESA. If NMFS determines that the requirements are met, a permit will be issued for incidental takes of ESA-listed sturgeon. The final NEPA and permit determinations will not be made until after the end of the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Dated: June 29, 2023.

**Angela Somma,**

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

[FR Doc. 2023-14236 Filed 7-5-23; 8:45 am]

**BILLING CODE 3510-22-P**

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## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before August 7, 2023.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the website's search function. Comments can be entered electronically by clicking on the "comment" button next to the information collection on the "OIRA Information Collections Under Review" page, or the "View ICR—Agency Submission" page. A copy of the supporting statement for the collection of information discussed herein may be

obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the "Commission" or "CFTC") by clicking on the "Submit Comment" box next to the descriptive entry for OMB Control Number 3038-0072, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:**

Christopher W. Cummings, Market Participants Division, Commodity Futures Trading Commission, (202) 418-5445 or [ccummings@cftc.gov](mailto:ccummings@cftc.gov), and refer to OMB Control No. 3038-0072.

**SUPPLEMENTARY INFORMATION:**

**Title:** Registration under the Commodity Exchange Act (OMB Control No. 3038-0072). This is a request for an extension of a currently approved information collection.

**Abstract:** The information collected under OMB Control No. 3038-0072 is

<sup>1</sup> 17 CFR 145.9.

gathered through the use of forms for registration of swap dealers and major swap participants. Swap dealers and major swap participants are required by section 4s(a) of the Commodity Exchange Act ("CEA") (7 U.S.C. 6s(a)) to register with the Commission. The CFTC uses various forms for registration (and withdrawal therefrom) (the "Registration Forms"). OMB Control No. 3038-0072 applies to the Registration Forms for registration of swap dealers and major swap participants,<sup>2</sup> to the alternative method provided under Commission regulations to submission of a fingerprint card for foreign natural persons; and to the process for requesting cross-border comparability determinations for substituted compliance with requirements otherwise applicable to swap dealers and major swap participants.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.<sup>3</sup> On April 28, 2023, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 88 FR 26279 ("60-Day Notice"). The Commission did not receive any comments on the 60-Day Notice.

**Burden Statement:** The Commission continues to estimate the burden for this collection as described below.

**Respondents/Affected Entities:** Users of Commission registration forms that are swap dealers and major swap participants.

**Estimated number of respondents:** 779.

**Estimated average burden hours per respondent:** 1.14 hours.

**Estimated total annual burden on respondents:** 888 hours.

**Frequency of responses:** Periodically.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: June 30, 2023.

**Robert Sidman,**

Deputy Secretary of the Commission.

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**BILLING CODE 6351-01-P**

<sup>2</sup> Forms for registration of futures commission merchants, commodity pool operators, commodity trading advisors, retail foreign exchange dealers, introducing brokers, associated persons, floor traders, and floor brokers are the subject of a separate information collection (OMB Control Number 3038-0023).

<sup>3</sup> 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi).