

<sup>4</sup> Modeled take of one decreased to zero. For rough-toothed dolphin, use of the exposure modeling produces results that are smaller than the average GOM group size (*i.e.*, estimated exposure value of 1, relative to assumed average group size of 14) (Maze-Foley and Mullin, 2006). NMFS' typical practice is to increase exposure estimates to the assumed average group size for a species in order to ensure that, if the species is encountered, exposures will not exceed the authorized take number. However, given the very short survey duration and small estimated exposure value NMFS has determined that it is unlikely the species would be encountered at all. As a result, in this case NMFS has not authorized take for this species.

<sup>5</sup> Modeled take of 13 increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).

Based on the analysis contained herein of Echo's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

#### Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Echo authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: November 21, 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-XD540]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Revolution Wind Offshore Wind Farm Project Offshore Rhode Island

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

**ACTION:** Notice of issuance of Letter of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to Revolution Wind, LLC (Revolution Wind), a subsidiary wholly owned by Orsted Wind Power North America, LLC (Orsted), for the taking of marine mammals incidental to the

construction of the Revolution Wind Offshore Wind Farm Project.

**DATES:** The LOA is effective from November 20, 2023 through November 19, 2028.

**ADDRESSES:** The LOA and supporting documentation are available online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Carter Esch, 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, regulations are promulgated (when applicable), and public notice and an opportunity for public comment are provided.

An 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). If such findings are made, NMFS must prescribe the permissible methods of taking; "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 as "mitigation"); and requirements pertaining to the monitoring and reporting of such takings. The MMPA defines "take" to mean harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal (16 U.S.C. 1362(13); 50 CFR 216.103). Level A harassment is defined

as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild (16 U.S.C. 1362(18); 50 CFR 216.3). Level B harassment is defined as any act of pursuit, torment, or annoyance which 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 (16 U.S.C. 1362(18); 50 CFR 216.3). Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I authorize NMFS to propose and, if appropriate, promulgate regulations and issue an associated LOA(s). NMFS promulgated regulations on October 20, 2023 (88 FR 72562) for the taking of marine mammals incidental to the construction of the Revolution Wind Offshore Wind Farm Project offshore of Rhode Island. The LOA authorizes Revolution Wind and those persons it authorizes or funds to conduct activities on its behalf to take marine mammals incidental to specified activities during the construction of the Project and requires them to implement mitigation, monitoring, and reporting requirements.

#### Summary of Request

On October 20, 2023, NMFS promulgated a final rule (88 FR 72562) responding to a request from Revolution Wind for authorization to take marine mammals (16 species comprising 16 stocks) by Level B harassment (all 16 stocks) and by Level A harassment (10 stocks) incidental to construction activities occurring in Federal and State waters off of Rhode Island, specifically within and around the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Area OCS-A 0486 (Lease Area) and along 2 export cable routes to sea-to-shore transition points (collectively referred to as the "Project Area"), over the course of 5 years (November 20, 2023 through November 19, 2028). The activities covered under the final rule include: the installation of 79 wind turbine generators (WTGs) and 2 offshore substations (OSSs) on monopile foundations by impact pile driving; the

installation and subsequent removal of nearshore temporary cofferdams and goal posts by vibratory pile driving or two casing pipes using pneumatic hammering at the cable landfall sites at Quonset Point in North Kingstown, Rhode Island; high-resolution geophysical (HRG) marine site characterization surveys using active acoustic sources; the detonation of up to 13 unexploded ordnance or munitions and explosives of concern (UXO/MECs) of different charge weights; fishery and ecological monitoring surveys; the placement of scour protection; the installation of the export cable route from OSSs to shore-based converter stations and inter-array cables between turbines by trenching, laying, and burial activities; vessel transits within the specified geographical region to transport crew, supplies, and materials to support construction and operation.

Marine mammals exposed to elevated noise levels during impact driving or UXO/MEC detonations may be taken by Level A harassment, and marine mammals exposed to elevated noise levels during impact and vibratory pile driving, site characterization surveys, or UXO/MEC detonations may be taken by Level B harassment. No Level A harassment of North Atlantic right whales, blue whales, sperm whales, Atlantic spotted dolphins, long-finned pilot whales, or Risso's dolphins is anticipated or authorized. No mortality or serious injury of any marine mammal is anticipated or authorized.

#### Authorization

In accordance with the final rule (88 FR 72562, October 20, 2023, see 50 CFR 217.276), we have issued a LOA to Revolution Wind authorizing the take, by harassment, of marine mammals incidental to specified construction activities within the specified geographical region. No mortality or serious injury of any marine mammal species is anticipated or authorized. The incidental takes authorized herein are the same as those analyzed and authorized in the final rule (88 FR 72562, October 20, 2023). Takes of marine mammals will be minimized through the following planned mitigation and monitoring measures, as applicable for each specified activity: (1) implementation of seasonal/time of day work restrictions; (2) use of multiple NMFS-approved Protected Species Observers (PSOs) to visually observe for marine mammals (with any detection within specifically designated zones triggering a delay or shutdown, as applicable); (3) use of NMFS-approved passive acoustic monitoring (PAM) operators to acoustically detect marine

mammals, with a focus on detecting baleen whales (with any detection within designated zones triggering a delay or shutdown, as applicable); (4) implementation of clearance and shutdown zones; (5) use of soft-start prior to the start of impact pile driving; (6) use of noise attenuation technology during impact pile driving and UXO/MEC detonations; (7) use of situational awareness monitoring for marine mammal presence; (8) use of sound field verification monitoring; (9) use of soft-start impact pile driving and ramp-up acoustic sources during HRG surveys; (10) implementation of vessel separation zones between marine mammals and project vessels; (11) use of PAM within the vessel transit corridor for Project vessels to travel over 10 knots (11.5 miles per hour); and (12) implementation of Vessel Strike Avoidance measures to reduce the risk of a vessel collision with a marine mammal. Additionally, NMFS may modify the LOA's mitigation, monitoring, or reporting measures, based on new information, when appropriate (see 50 CFR 217.277(c)). Revolution Wind is also required to submit reports, as specified in the final rule.

Based on the findings and information discussed in the preamble of the final rule, the take authorized in the LOA will have a negligible impact on marine mammal stocks, will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses, and the mitigation measures provide a means of affecting the least practicable adverse impact on the affected stocks and their habitat.

Dated: November 21, 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

#### Ocean Research Advisory Panel (ORAP)

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of public meetings.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a meeting of the Ocean Research Advisory Panel (ORAP). The members will

discuss issues outlined in the section on matters to be considered.

**DATES:** The meeting is scheduled for December 13, 2023 from 9 a.m. to 4:30 p.m. Eastern Standard Time (EST) and December 14, 2023 from 9 a.m. to 12:30 p.m. EST. These times and the agenda topics described below are subject to change. For the latest agenda please refer to the ORAP website: <https://www.noaa.gov/ocean-research-advisory-panel/orap-public-meetings>.

**ADDRESSES:** The December 13–14, 2023 meeting will be at the AGU Conference Center, 2000 Florida Ave NW, Washington, DC 20009. The link for the webinar registration will be posted, when available, on the ORAP website: <https://www.noaa.gov/ocean-research-advisory-panel/orap-public-meetings>.

**FOR FURTHER INFORMATION CONTACT:** Viviane Silva, ORAP Designated Federal Officer (DFO), SSMC3, Room 11320, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 240-624-0656; Email: [DFO.orap@noaa.gov](mailto:DFO.orap@noaa.gov); or visit the ORAP website at <https://www.noaa.gov/ocean-research-advisory-panel/orap-public-meetings>.

**SUPPLEMENTARY INFORMATION:** The Ocean Research Advisory Panel (ORAP) advises the Ocean Policy Committee (OPC) and provides independent recommendations to the Federal Government on matters of ocean policy. Congress directed the establishment of the ORAP in section 1055(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283), 10 U.S.C. 8933.

ORAP's responsibilities are (1) to advise the OPC on policies and procedures to implement the National Oceanographic Partnership Program; (2) to advise the OPC on matters relating to national oceanographic science, engineering, facilities, or resource requirements; (3) to advise the OPC on improving diversity, equity, and inclusion in the ocean sciences and related fields; (4) to advise the OPC on national ocean research priorities; and (5) any additional responsibilities that the OPC considers appropriate.

*Status:* The December 13, 2023 meeting will be open to public participation with a 15-minute public comment period at 3:15 p.m. EST. The ORAP expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three minutes. Written comments for the December 13–14, 2023 meeting should be received by