

Snodgrass Slough, the Cosumnes River and Laguna Creek in Sacramento County, CA prior to a large floodplain restoration project. The study would benefit affected species by providing data on species presence, seasonal water conditions and migratory windows that will inform the restoration project.

Juveniles would be collected via beach seine and fyke net. Juvenile fish would be captured, handled, and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

Permit 27337

The Lower Elwha Klallam Tribe (LEKT) is seeking a 5-year permit that would allow them to take juvenile HCS chum and PS Chinook and PS steelhead during the course of research designed to determine fish and shellfish presence and use in a 28-acre estuarine lagoon at the base of Ediz Hook in Port Angeles, WA. The study would benefit affected species by providing data on species presence, and that information, along with detailed habitat and water quality data, would be used to inform future restoration actions in the area. Those restoration actions, in turn, would help the LEKT people once again conduct traditional fishing and shellfishing activities in the lagoon.

The fish would be captured primarily by beach seining, but some may be captured in fukui and minnow traps. Once captured, the fish would simply be handled and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of the proposed activities.

Permit 27619

The Scott River Water Trust is seeking a new permit that would authorize them to take juvenile and adult SONCC coho salmon in the Scott River, CA. The purpose of this study is to assess fish passage at Youngs Dam to determine how and when juvenile and adult salmon utilize the fish ladder at Youngs Dam. The project seeks to determine an ideal flow target through the fish ladder in an effort to improve fish passage at the dam as well as the fish ladder. The study would benefit SONCC coho by providing data to identify and inform recommendations to improve volitional fish passage through Youngs Dam.

Juveniles would be collected via beach seines and observed during snorkel surveys. Juvenile coho would be captured, handled, and released. A subsample of captured juveniles would

be anesthetized, tissue sampled and PIT-tagged prior to release. Adult coho would be observed at weirs, fish ladders, dam and during snorkel surveys. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

Permit 27869

The U.S. Fish and Wildlife Service (USFWS) is seeking a 5-year permit that would allow them to take juvenile HCS chum and PS Chinook and PS steelhead during the course of research designed to determine what effect the hatchery barriers have on the distribution of migratory sculpin (with considerations for how these barriers may also be affecting the distributions of strictly fluvial sculpin species). The research would benefit listed species by producing data on how hatchery weirs affect salmonid migrations in the areas being studied. That data could then be used to modify weir operations for the benefit of the migrating fish.

The fish would be largely be collected by electrofishing, but seining or dipnetting may also be employed. All listed fish would be immediately released without further handling. Sampling would cease and the activity would be moved if adult Chinook, chum, or steelhead (or their redds) are encountered at any time during a survey. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

Permit 27874

The California Department of Fish and Wildlife (CDFW) is seeking a new permit that would authorize them to take juvenile and adult SDPS green sturgeon in the Sacramento and San Joaquin Rivers, CA. The purpose of this study is to develop an indices of white sturgeon abundance for use in species management. Though non-listed white sturgeon are the target species, green sturgeon might be encountered.

Juvenile and adult SDPS green sturgeon would be collected via long line and hook and line sampling and observed via camera and sonar. Juvenile and adult fish would be captured, handled, tagged, and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

Permit 28047

The USFWS is seeking a 5-year permit that would allow them to take juvenile

LCR, UWR, PS, and CC Chinook; CR and HCS chum; LCR, PS, UWR, and NC steelhead; and LCR, OC, and SONCC coho. The fish would be taken during efforts to determine the uppermost ranges of several species of fish in more than 20 subbasins in Western Oregon and Washington and Northern California. The research would produce a large amount of presence/absence data on listed fish and thus help managers plan and carry out land management actions across a broad portion of three states.

The researchers would use backpack electrofishing units to capture the fish. Once captured, all listed salmonids would simply be identified and immediately released. In all cases, the researchers would be operating near what is already considered to be the upper limit of trout distribution, so they are unlikely to encounter many listed fish in any case. Regardless, the researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: February 21, 2024.

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-XD740]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Empire Wind Project, Offshore of New York

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

ACTION: Notice; 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 Empire Offshore Wind, LLC (Empire Wind) for the taking of marine mammals incidental to the construction of the Empire Wind Project (hereafter known as the "Project").

DATES: The LOA is effective from February 22, 2024 through February 21, 2029.

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.

FOR FURTHER INFORMATION CONTACT: Jessica Taylor, 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 taking 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 February 14, 2024 (89 FR 11342) for the taking of marine mammals incidental to the construction of the Empire Wind Project offshore of New York. The LOA authorizes Empire 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.

On February 14, 2024, NMFS promulgated a final rule (89 FR 11342) responding to a request from Empire Wind for authorization to take small numbers of marine mammals (17 species comprising 18 stocks) by Level B harassment (all 17 stocks) and by Level A harassment (2 of the 17 stocks) incidental to construction activities occurring in Federal and State waters off of New York, 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 0512 (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 (February 22, 2024 through February 21, 2029). The activities covered under the final rule include the installation of 147 wind turbine generators (WTGs) on monopile foundations and 2 offshore substations (OSSs) on jacket foundations using pin piles by impact pile driving; nearshore cable landfall work comprising of the installation and subsequent removal of nearshore temporary cofferdams by vibratory pile driving or the installation and subsequent removal of casing pipes supported by goal posts by impact pile driving at the sea-to-shore transition points located on Long Island and Brooklyn, New York; removal of berthing piles and installation of marine

bulkheads inshore of Long Island, New York; high-resolution geophysical (HRG) marine site characterization surveys using active acoustic sources; 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 transit within the specified geographical region to transport crew, supplies, and materials; and WTG operation.

Marine mammals exposed to elevated noise levels during foundation pile driving, may be taken by Level A harassment (limited to fin whales and minke whale), and marine mammals exposed to elevated noise levels during impact and vibratory pile driving during cable landfall and marina construction activities and/or site characterization surveys may be taken by Level B harassment. No mortality or serious injury of any marine mammal is anticipated to occur or has been authorized.

Authorization

In accordance with the final rule (89 FR 11342, February 14, 2024, see 50 CFR 217.286), we have issued a LOA to Empire Wind authorizing the take, by harassment, of marine mammals incidental to specified construction activities within the specified geographical region. As previously stated, no mortality or serious injury of any marine mammal species is anticipated to occur or has been authorized. The incidental takes authorized herein are the same as those analyzed and authorized in the final rule (89 FR 11342, February 14, 2024). Takes of marine mammals will be minimized through the following planned mitigation and monitoring measures, as applicable for each specified activity: (1) implementation of spatio-temporal 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 foundation pile driving; (6) use of noise attenuation technology during foundation pile

driving; (7) use of situational awareness monitoring for marine mammal presence; (8) use of sound field verification monitoring; (9) use of 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 additional 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 also 50 CFR 217.287(c)). Empire 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: February 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

[RTID 0648-XD742]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 151st Scientific and Statistical Committee (SSC), Executive and Budget Standing Committee (SC) and its 198th Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also hold a joint meeting of the Advisory Panel (AP), the Fishing Industry Advisory Committee (FIAC),

and the Non-Commercial Fisheries Advisory Committee (NCFAC).

DATES: The meetings will be held between March 12 and March 20, 2024. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The 151st SSC meeting will be held as a hybrid meeting for SSC members and the public, with a remote participation option available via WebEx. In-person attendance will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

The Executive and Budget SC meeting will be held as a hybrid meeting for members and the public, with a remote participation option available via WebEx. In-person attendance will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

The Joint Meeting of the AP, FIAC, and NCFAC, and the 198th Council Meeting will be held as hybrid meetings for the advisory body members, Council members and the public, with a remote participation option available via WebEx. In-person attendance will be hosted at the Ala Moana Hotel, Hibiscus Ballroom, 410 Atkinson Drive, Honolulu, HI 96814.

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. 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:

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522-8220.

SUPPLEMENTARY INFORMATION: The 151st SSC meeting will be held between 9 a.m. and 5 p.m. Hawaii Standard Time (HST) on March 12-13, and 9 a.m. and 1 p.m. on March 14, 2024. The Executive and Budget SC meeting will be held between 1 p.m. and 5 p.m. HST on March 15, 2024. The Joint Meeting of the AP, FIAC and NCFAC will be held between 4:30 p.m. and 6 p.m. HST on March 19, 2024. The 198th Council Meeting will be held between 10 a.m. and 5:30 p.m. HST on March 18, 2024, 8:30 a.m. and 4:30 p.m. HST on March 19, 2024 and 8:30 a.m. and 5 p.m. HST on March 20, 2024. Public Comment on Non-Agenda Items will be held between 5:15 p.m. and 5:30 p.m. HST on March 18, 2024. The Fishers Forum will be

held between 6 p.m. and 9 p.m. HST on March 18, 2024.

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 Magnuson-Stevens Fishery Conservation and Management Act (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 198th Council meeting will be available at www.wpcouncil.org. Written public comments on final action items at the 198th Council meeting should be received at the Council office by 5 p.m. HST, Thursday, March 14, 2024, 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. 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 151th SSC Meeting

Tuesday, March 12, 2024, 9 a.m. to 5 p.m. HST

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 150th SSC Meeting Recommendations
4. Pacific Islands Fisheries Science Center (PIFSC) Director Report
 - A. Main Hawaiian Islands (MHI) Deep 7 Bottomfish Fishery Benchmark Stock Assessment
 - A.1. Western Pacific Stock Assessment Review (WPSAR) Report
 - A.2. Stock Assessment
 - B. MHI Small Boat Fisheries Project Update
 - C. Guam Bottomfish Stock Assessment Update
 - C.1. WPSAR Report
 - C.2. Stock Assessment
 - D. Guam Bottomfish Data WPSAR Terms of Reference