

Summary of Specified Activity and Anticipated Impacts

The purpose of the Navy's construction project is to support the existing bulkhead wall that has been weakened by the formation of voids within the wall, by constructing a new bulkhead immediately seaward of the existing bulkhead. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous IHAs. The authorized incidental take and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHAs. The mitigation, monitoring and reporting measures are also identical to those prescribed in the previous IHAs.

The only species of marine mammal expected to be taken by the planned activity is the bottlenose dolphin (*Tursiops truncatus*). The data inputs and methods of estimating take are identical to those used in the initial IHA. As such, the manner and amount of authorized take in the reissued IHA is identical to that in the initial IHA. NMFS has reviewed recent Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our initial analysis of impacts or take estimate under the previous IHAs.

We refer to the documents related to the previously issued IHAs, which include the **Federal Register** notice of the issuance of the initial IHA for the Navy's construction work (84 FR 37841, August 2, 2019), the Navy's application, the **Federal Register** notice of the proposed IHA (84 FR 23024, May 21, 2019), the **Federal Register** notice of issuance of the second IHA (85 FR 10153, February 21, 2020), and all associated references and documents.

Determinations

The Navy will conduct activities that have impacts equal to those analyzed in the previous IHAs. As described above, the number of authorized takes of the same species and stocks of marine mammals is identical to the number that we found met the small numbers standard for issuance of the initial and subsequent IHAs. There are no changes to the status of the stock or the conditions under which the taking would occur. Further, the re-issued IHA includes identical required mitigation, monitoring, and reporting measures as the initial IHA. For the initial and subsequent IHAs, NMFS found the authorized take would result in a negligible impact to the affected stocks

of bottlenose dolphins. No new information has emerged that would suggest we should change our analysis or findings.

Based on the information 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; and (4) the Navy'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.

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 with respect to environmental consequences on the human environment.

Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review. This action is consistent with categories of activities identified in CE B4 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. Because the only change to the IHA are effective dates, the CE on record for issuance of the initial IHA applies to this action.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure 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 anticipated or authorized in the IHA as none occur in the action area. Therefore, NMFS has determined that

formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to the Navy for in-water construction activities associated with the specified activity effective January 1, 2021, through December 31, 2021. All previously described mitigation, monitoring, and reporting requirements from the initial and second IHA are incorporated.

Dated: December 9, 2020.

Donna S. Wieting,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA668]

Pacific Island Pelagic Fisheries; False Killer Whale Take Reduction Plan; New Trigger Value for Southern Exclusion Zone Closure

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

ACTION: Notice.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972 and the False Killer Whale Take Reduction Plan, NMFS is publishing a new trigger value for the Southern Exclusion Zone closure. The new trigger is four observed mortality or serious injuries of false killer whales incidental to the deep-set longline fishery within the U.S. Exclusive Economic Zone.

FOR FURTHER INFORMATION CONTACT: Diana Kramer, NMFS Pacific Islands Region, (808) 725-5167, Diana.Kramer@noaa.gov; or Kristy Long, NMFS Office of Protected Resources, (301) 427-8402, Kristy.Long@noaa.gov.

SUPPLEMENTARY INFORMATION:

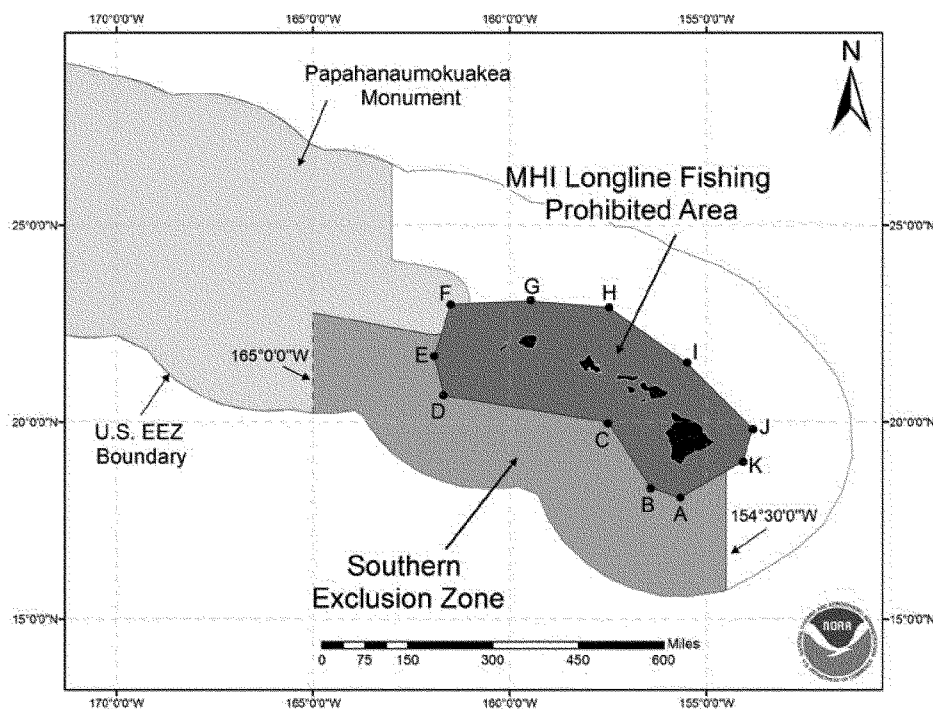
Background

The False Killer Whale Take Reduction Plan (Plan) was implemented on December 31, 2012, pursuant to section 118(f) of the Marine Mammal Protection Act (MMPA) to reduce the level of incidental mortality and serious injury (M/SI) of the Hawaii pelagic and Hawaii insular stocks of false killer whales in the Hawaii longline fisheries (77 FR 71260; November 29, 2012). The Plan, based on consensus recommendations from the False Killer

Whale Take Reduction Team, was implemented by regulations, which created the Southern Exclusion Zone (SEZ) (50 CFR 229.37(d)(2)) that would be closed to deep-set longline fishing if a certain number (trigger) of false killer whale M/SI were observed in the deep-set fishery in the U.S. Exclusive Economic Zone (EEZ). As described in the Plan regulations, the SEZ is bounded on the east at 154°30' W longitude, on the west at 165° W longitude, on the north by the boundaries of the Main Hawaiian Islands Longline Fishing Prohibited

Area and Papahānaumokuākea Marine National Monument, and on the south by the EEZ boundary (see Figure 1). The regulations at 50 CFR 229.37(e)(2) define the trigger as the larger of either of these two values: (i) Two observed M/SI of false killer whales within the EEZ around Hawaii, or (ii) the smallest number of observed false killer whale M/SI that, when extrapolated based on the percentage observer coverage in the deep-set longline fishery for that year, exceeds the Hawaii Pelagic false killer whale stock's potential biological removal (PBR). NMFS established the

trigger value for the first year of the Plan's implementation as two observed false killer whale M/SI by the deep-set longline fishery within the U.S. EEZ around Hawaii (77 FR 71259, November 29, 2012), based on the potential PBR of 9.1 for the Hawaii pelagic stock of false killer whales, as calculated in the draft 2012 Stock Assessment Report (SAR) (Carretta et al., 2012a). The Plan specifies the trigger value (two) will remain valid until NMFS publishes a new trigger value in the **Federal Register** (50 CFR 229.37(e)(1)).



In June 2020, NMFS published NOAA Administrative Report H-20-06, “Oleson, E.M. 2020. Abundance, potential biological removal, and bycatch estimates for the Hawaii pelagic stock of false killer whales for 2015–2019.” This report provided updated abundance information for the Hawaii pelagic stock of false killer whales and is considered the best scientific information available on the stock's abundance and resulting PBR. The abundance estimate for the Hawaii pelagic stock of false killer whales presented in this report is 2,086 (CV = 0.35) individuals in the Hawaii EEZ. The minimum population abundance (Nmin), used for calculating PBR, is 1,567 animals. The PBR for this stock within the EEZ is calculated to be 16 pelagic false killer whales.

Based on the updated PBR of 16 whales for the Hawaii pelagic stock of

false killer whales, and the 2020 expected observer coverage (20 percent), the trigger value (ii) is calculated as four whales. Trigger value (ii) (four whales) is larger than value (i) (two whales), therefore, NMFS sets the trigger value for SEZ closure at four observed false killer whale M/SI in the deep-set longline fishery in the EEZ around Hawaii.

Information on the False Killer Whale Take Reduction Plan is available on the internet at the following address: <https://www.fisheries.noaa.gov/pacific-islands/marine-mammal-protection/pacific-islands-region-false-killer-whale-take-reduction-team>. NOAA Administrative Report H-20-06 is available on the internet at the following address: <https://doi.org/10.25923/wmg3-ps37>. Copies of reference materials may also be obtained from the NMFS Pacific Islands Regional Office, Protected

Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

This notice serves as a notification to fishermen, the fishing industry, and the general public that the SEZ closure trigger value is four observed false killer whale M/SI in the deep-set longline fishery in the EEZ around Hawaii.

Authority: 16 U.S.C. 1361 *et seq.*

Dated: December 10, 2020.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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