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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC204]

#### Fisheries of the Exclusive Economic Zone off Alaska; Enforcement, Compliance Assistance, and General Outreach and Education Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** NOAA Office of Law Enforcement, Alaska Division, in collaboration with Sustainable Fisheries Division, Workforce Violence Prevention and Response (WVPR) Program, and Fisheries Monitoring and Analysis Division will host/attend a public outreach meeting with public and fishing industry constituents. Topics will include ensuring a safe working environment for observers, WVPR's role in working with/supporting observers, Limited Access Privilege Program operating requirements, prohibited species issues, recordkeeping and reporting regulations, and open question/answer session.

**DATES:** The public meeting will be held from July 26, 2022, from 9 a.m. to 12:30 p.m. Alaska Daylight Saving Time.

**ADDRESSES:** The public meeting will be held at the Grand Aleutian Hotel, Makushin conference room, 498 Salmon Way, Unalaska, AK 99692.

*Remote Attendance Information:* (US) +1 401–594–3268 PIN: 291 992 370#

**FOR FURTHER INFORMATION CONTACT:** Alex Perry, 907–271–3021.

**SUPPLEMENTARY INFORMATION:** No rulemaking or decision-making will result from these meetings, and NOAA is not seeking recommendations, advice or consensus from any entity.

Dated: July 25, 2022.

**Jennifer M. Wallace,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XC124

#### Taking Marine Mammals Incidental to the Hampton Roads Bridge Tunnel Expansion Project in Norfolk, Virginia

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

**ACTION:** Notice of issuance of modified letters of authorization.

**SUMMARY:** On January 28, 2022, NMFS received a request from the Hampton Roads Connector Partners (HRCP) to modify Letters of Authorization (LOA) that were issued to HRCP on April 2, 2021, as part of incidental take regulations. These regulations govern the unintentional taking of marine mammals incidental to construction activities associated with the Hampton Roads Bridge Tunnel Expansion Project (HRBT) in Norfolk, Virginia, over the course of 5 years (2021–2026). The modification is due to design updates which decrease the number of piles installed, require fewer hours of pile installation, and reduce the number of pile driving days. Prescribed mitigation measures were modified to reflect the change in design. We have determined that the modification will not result in an increase in take that would exceed the limits authorized under the original LOA. Therefore, the total amount of authorized taking remains the same.

**DATES:** This modified LOA is effective through April 1, 2026.

**FOR FURTHER INFORMATION CONTACT:** Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as the issued modified LOA, may be obtained 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 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 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 authorization for incidental takings 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.

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 and Analysis

On November 19, 2019, NMFS received an application from HRCP requesting authorization for take of marine mammals incidental to construction activities related to a major road transport infrastructure project along the existing I–64 highway in Virginia, consisting of roadway improvements, trestle bridges, and bored tunnels crossing Hampton Roads between Norfolk and Hampton. On October 7, 2020 (85 FR 63256), NMFS published a notice of receipt (NOR) of HRCP's application in the **Federal Register**, requesting comments and information related to the request. The proposed rule was subsequently published in the **Federal Register** on January 8, 2021 (86 FR 1588) and requested comments and information from the public. A final rule and associated regulations were published in the **Federal Register** on April 2, 2021 (86 FR 17458; 50 CFR part 217, subpart W—Taking And Importing Marine Mammals Incidental to Hampton Roads Connector Partners Construction at Norfolk, Virginia).