

via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., or Amy Hapeman, (301)427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 21585-02 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 21585, issued on December 20, 2018 (84 FR 4441; February 15, 2019), authorizes the Permit Holder to conduct research on 67 species of marine mammals including the following endangered or threatened species, stocks, or distinct population segment (DPS) of cetaceans: Beluga (*Delphinapterus leucas*; Cook Inlet DPS), blue (*Balaenoptera musculus*), bowhead (*Balaena mysticetes*), false killer (*Pseudorca crassidens*; Main Hawaiian Islands Insular DPS), fin (*Balaenoptera physalus*), gray (*Eschrichtius robustus*; Western North Pacific DPS), humpback (*Megaptera novaeangliae*; Arabian Sea, Cape Verde Islands/Northwest Africa, Central America, Mexico, and Western North Pacific DPSs), killer (*Orcinus orca*; Southern Resident DPS), North Pacific right (*Eubalaena japonica*), sei (*Balaenoptera borealis*), Southern right (*E. australis*), and sperm (*Physeter macrocephalus*) whales. Authorized research may occur during vessel and manned aerial surveys including observation, photography, passive acoustic recording, echosounders for prey mapping, and collection of sloughed skin. The permit also authorizes biopsy sampling and deep-implant tagging of some species. The Permit Holder requests to increase the annual number of takes for the currently permitted vessel surveys and biopsy sampling to assess the distribution and abundance of cetaceans in the Northern California Current in California and Oregon. In addition, the Permit Holder is requesting to add biopsy sampling as a procedure for 26 species currently authorized only for Level B harassment during surveys. See the take table for specific take number changes requested by species. No changes to the currently

permitted objectives, methods, or number of deep-implant tagging take numbers are proposed. The permit expires on December 31, 2023.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 4, 2022.

Julia M. Harrison,
Chief, Permits and Conservation Division,
Office of Protected Resources, National
Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB134]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Port Everglades Harbor Deepening and Widening Project, Florida

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

ACTION: Notice; receipt of application for letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Army Corps of Engineers (USACE), Jacksonville District, for authorization to take, by Level B harassment only, small numbers of marine mammals incidental to the Port Everglades Harbor Deepening and Widening Project (Project), in Broward County, Florida, for a period of five years from August 2024 through August 2029. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of USACE's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on USACE's application and request.

DATES: Comments and information must be received no later than June 9, 2022.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to ITP.Harlacher@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427-8401. An electronic copy of USACE's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. 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 (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 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 incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an

immitigable 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.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

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

On September 3, 2020, NMFS received an application from the USACE requesting authorization for take of marine mammals incidental to confined blasting associated with the Port Everglades Harbor Deepening and Widening Project, Broward County, Florida. We provided comments on the application and the USACE submitted a revised version on April 3, 2021. We deemed the application adequate and complete on April 29, 2021. The requested regulations under which we would issue the requested LOA would be valid for five years, August 2024 and August 2029. The USACE plans to conduct confined underwater blasting to deepen and widen the Port Everglades harbor and entrance channel. Blasting may incidentally expose marine mammals to elevated levels of noise, thereby resulting in incidental take, by Level B harassment only. Therefore, the USACE requests authorization to incidentally take marine mammals.

Specified Activities

The purpose of the proposed project is to provide for increased navigational safety, efficiency, and improved economic conditions for ships calling at Port Everglades. The existing federal channel project depth of 42 feet at Port Everglades does not provide an adequate, safe depth for large tankers

and container ships currently visiting the harbor. Furthermore, the next generation of container ships and oil tankers requires significantly more channel depth to operate efficiently and a wider and deeper entrance channel will greatly improve the safety of navigation. To achieve the proposed deepening and widening of Port Everglades, pretreatment of rock areas may be required using confined underwater blasting where dredging or other rock removal methods are unsuccessful due to the hardness and massiveness of the rock. The USACE anticipates a maximum of 280 confined, stemmed blasts would occur over the life of the LOA, if issued, at a rate of one blast per day. Blasting operations may take place six days a week with a maximum of one blast occurring per day. Confined underwater blasting operations will be prohibited between November 15 and March 15 in order to avoid take of the West Indian Manatee (*Trichechus manatus*). Blasting would occur in six designated areas: The outer entrance channel, inner entrance channel, main turning basin, widener, south access channel, and turning notch. The USACE’s application contains mitigation and monitoring measures designed to reduce impacts to marine mammals. The application also contains proposed marine mammal and acoustic monitoring and reporting plans.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning USACE’s request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by USACE, if appropriate.

Dated: May 4, 2022.

Kim Damon-Randall,

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

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement for the NEXT Renewable Fuels Oregon Project, Columbia County, Oregon

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Portland District (Corps), has received an application for a Department of the Army (DA) permit (Corps number NWP–2020–383) from NEXT Renewable Fuels Oregon, LLC to construct a facility to produce renewable fuels. The Corps, as the lead agency under the National Environmental Policy Act (NEPA), has determined the proposed project may significantly affect the quality of the human environment and will prepare an environmental impact statement (EIS). The Corps’ action will be to issue, issue with modifications, or deny a DA permit for the proposed project. The EIS will assess the potential social, economic, and environmental impacts of the proposed project.

ADDRESSES: Written comments regarding the proposed EIS scope should be submitted to: U.S. Army Corps of Engineers, Portland District, Attn: Ms. Kate Mott, P.O. Box 2946, Portland, Oregon 97208–2946. Individuals who would like to provide comments electronically should submit comments by email to: nexteis@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: For information about this project or to be included on the mailing list for future updates and meeting announcements, contact Ms. Kate Mott at the Corps by telephone at (503) 808–4041, by email at nexteis@usace.army.mil, or by mail at the mailing address provided above.

SUPPLEMENTARY INFORMATION: The Corps intends to prepare an EIS for the proposed NEXT Renewable Fuels Oregon project. The proposed project requires authorization from the Corps under Section 404 of the Clean Water Act (33 U.S.C. 1344) for the discharge of dredged or fill material into waters of the United States. As part of the DA permit application process, the Corps issued a public notice on November 5, 2021. The purpose of the public notice was to initiate an early public scoping process to solicit comments and information from the public to identify relevant issues and concerns associated with the proposed project. All comments received to date, including those provided for review during the public notice comment period, will be considered by the Corps during preparation of the EIS.

1. *Proposed Action.* The project requiring an EIS involves the construction of the proposed NEXT Renewable Fuels Oregon facility. The purpose of the project is to produce renewable fuels for markets on the west