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**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XE035]

#### Takes of Marine Mammals Incidental To Specified Activities; Taking Marine Mammals Incidental to the Sunrise Wind Offshore Wind Farm Project Offshore 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 Sunrise Wind, LLC (Sunrise Wind), a 50/50 joint venture between Ørsted North America, Inc., (Ørsted) and Eversource Investment, LLC, for the taking of marine mammals incidental to the construction of the Sunrise Wind Offshore Wind Farm Project (hereafter known as the “Project”).

**DATES:** The LOA is effective from June 21, 2024, through June 20, 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:** Jaclyn Daly, 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 associated LOA(s).

On May 22, 2024, NMFS promulgated a final rule (89 FR 45292) responding to a request from Sunrise Wind for authorization to take small numbers of marine mammals (16 species comprising 16 stocks) by Level B harassment (all 16 stocks) and by Level A harassment (7 of the 16 stocks) incidental to select 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 0487 (Lease Area) and along one export cable route to sea-to-shore transition points over the course of 5 years (June 21, 2024, through June 20, 2029). The specified activities are impact pile driving wind turbine generators (WTGs) on monopile foundations and a single offshore converter substation (OCS–DC) on a jacket foundation using pin piles; pneumatic hammering for installation and removal of temporary casing pipes and vibratory pile driving for installation and removal of temporary goal post and sheet piles at the cable landfall site in Shirley, New York; impact and vibratory pile driving associated with the Smith Point County Park temporary pier; detonating up to three unexploded ordnance or munitions and explosives of concern (UXO/MEC) of different charge weights; high-resolution geophysical (HRG) marine site characterization surveys using active acoustic sources; trenching, laying, and burial activities associated with the installation of the export cable route from the OCS–DC to the shore-based converter station and inter-array cables between turbines; fishery and ecological monitoring surveys; the placement of scour protection; 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 and/or UXO/MEC detonation, may be taken by Level A harassment (limited to fin whales, humpback whales, sei whales, minke whale, harbor porpoise, gray seal, and harbor seal) and Level B harassment (all 16 species), and marine mammals exposed to elevated noise levels during impact and vibratory pile driving during foundation installation, cable landfall construction, pier construction activities, and site characterization surveys may be taken by Level B harassment. For reasons described in the final rule, no mortality or serious injury of any marine mammal is anticipated to occur or authorized. Further, for reasons described in the final rule, no take by Level A harassment of several species, including the North Atlantic right whale, is expected to occur or authorized.

#### Authorization

In accordance with the final rule (89 FR 45292, May 22, 2024; see 50 CFR 217.316), we have issued a LOA to Sunrise Wind authorizing the take, by harassment, of marine mammals

incidental to specified activities within the specified geographical region. As previously stated, no mortality or serious injury of any marine mammal species is anticipated to occur or authorized. The incidental takes authorized herein are the same as those analyzed in the final rule (89 FR 45292, May 22, 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 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 during foundation pile driving, 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 impact pile driving; (6) use of noise attenuation technology; (7) use of situational awareness monitoring for marine mammal presence; (8) conducting sound field verification during foundation installation and UXO/MEC detonation; (9) use of ramp-up acoustic sources during HRG surveys; and (10) implementation of several vessel strike avoidance measures (e.g., speed and separation distance measures) to reduce the risk of a vessel interaction with a marine mammal. Additionally, Sunrise Wind is required to submit reports frequently to NMFS.

Through adaptive management, NMFS may modify the LOA's mitigation, monitoring, or reporting measures, based on new information, when appropriate.

As described in the preamble of the final rule, NMFS has determined that the take authorized in the LOA is of small numbers of marine mammals, 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: June 24, 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

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; West Coast Region Vessel Identification Requirements

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on April 2, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration (NOAA), Commerce.

*Title:* West Coast Region Vessel Identification Requirements.

*OMB Control Number:* 0648-0355.

*Form Number(s):* None.

*Type of Request:* Regular submission (extension of a currently approved collection).

*Number of Respondents:* 1,007.

*Average Hours per Response:* 45 minutes.

*Total Annual Burden Hours:* 151 (annualized over five years).

*Needs and Uses:* This request is for extension of a currently approved information collection. The success of fisheries management programs depends significantly on regulatory compliance. The vessel identification requirement is essential to facilitate enforcement. The ability to link fishing (or other activity) to the vessel owner or operator is crucial to enforcement of regulations issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. A vessel's official number is required to be displayed on the port and starboard

sides of the deckhouse or hull, and on a weather deck. It identifies each vessel and should be visible at distances at sea and in the air. Law enforcement personnel rely on vessel marking information to assure compliance with fisheries management regulations. Vessels that qualify for particular fisheries are also readily identified, and this allows for more cost-effective enforcement. Cooperating fishermen also use the vessel numbers to report suspicious or non-compliant activities that they observe in unauthorized areas. The identifying number on fishing vessels is used by the National Marine Fisheries Service (NMFS), the United States Coast Guard (USCG), and other marine agencies in issuing regulations, prosecutions, and other enforcement actions necessary to support sustainable fisheries behaviors as intended in regulations. Regulation-compliant fishermen ultimately benefit from these requirements, as unauthorized and illegal fishing is deterred, and more burdensome regulations are avoided.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* SFD staff consulted with various groundfish vessel captains participating in various groundfish pot, longline, midwater trawl, bottom trawl fisheries, and determined that gear and vessel markings have a five-year life span.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* 50 CFR 660.12.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0355.

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