

mammals relative to the affected stock abundances; and (4) ADOT&PF'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 (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) 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. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

### 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.

In order to comply with the ESA, NMFS Alaska Regional Office (AKR) Protected Resources Division issued a Biological Opinion on March 21, 2017 under section 7 of the ESA, on the issuance of an IHA to ADOT&PF under section 101(a)(5)(D) of the MMPA. This consultation concluded that the project was likely to adversely affect but unlikely to jeopardize the continued existence of the threatened Mexico DPS of humpback whale (*Megaptera novaeangliae*) or the endangered western DPS of Steller sea lion (*Eumatopias jubatus*), or adversely modify designated critical habitat for Steller sea lions. In a memo dated January 7, 2020 NMFS AKR concluded that re-initiation of section 7

consultation was not necessary for the issuance of the 2020-2021 IHA and extended the Gustavus incidental take statement (ITS). All of the terms and conditions listed in the ITS issued March 21, 2017 still apply to this action.

### Authorization

As a result of these determinations, we have issued an IHA to ADOT&PF for conducting the described construction activities related to city dock and ferry terminal improvements from February 15, 2020 through February 14, 2021, provided the previously described mitigation, monitoring, and reporting requirements are incorporated.

Dated: February 18, 2020.

**Donna Wieting,**

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

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Electric Boat Corporation

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of appeal.

**SUMMARY:** This announcement provides notice that the Department of Commerce (DOC) has received a "Notice of Appeal" filed by Electric Boat Corporation (Appellant) requesting that the Secretary override an objection by the New York State Department of State to a consistency certification for a proposed project to dispose of dredged material in the Eastern Long Island Sound Dredged Material Disposal Site.

**DATES:** You may submit written comments concerning this appeal or requests for a public hearing on or before March 25, 2020.

**ADDRESSES:** The National Oceanic and Atmospheric Administration (NOAA) intends to provide access to publicly available materials and related documents comprising the appeal record on the following website: <http://www.regulations.gov/#/docketDetail;D=NOAA-HQ-2020-0021>.

Comments or requests for a public hearing must be submitted by:

**Electronic submission:** Submit all electronic public comments or requests for a public hearing via the Federal eRulemaking portal. Go to (<http://www.regulations.gov/#/docketDetail;D=NOAA-HQ-2020-0021>), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA.

**FOR FURTHER INFORMATION CONTACT:** For questions about this Notice, contact Lauren Bregman, NOAA Office of the General Counsel, Oceans and Coasts Section, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, (301) 713-7389, [lauren.bregman@noaa.gov](mailto:lauren.bregman@noaa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Notice of Appeal

On January 24, 2020, the Secretary of Commerce (Secretary) received a "Notice of Appeal" filed by Electric Boat Corporation pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR part 930, subpart H. The "Notice of Appeal" is taken from an objection by the New York State Department of State to a consistency certification for a proposed U.S. Army Corps of Engineers permit to dispose of dredged material in the Eastern Long Island Sound Dredged Material Disposal Site.

Under the CZMA, the Secretary may override the New York State Department of State's objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. To make the determination that the proposed activity is "consistent with the objectives or purposes of the CZMA," the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is "necessary in the interest of national security," the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed. 15 CFR 930.122.

## II. Request for Public and Federal Agency Comments

We encourage the public and interested federal agencies to participate in this appeal by submitting written comments and any relevant materials supporting those comments using the method specified in the **ADDRESSES** section of this notice. All comments received are a part of the public record, and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personally identifiable information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

## III. Public Hearing Request

You may submit a request for a public hearing using the method specified in the **ADDRESSES** section of this notice. In your request, explain why you believe a public hearing would be beneficial. If we determine a public hearing would aid the decisionmaker, a notice announcing the date, time, and location of the public hearing will be published in the **Federal Register**. The public and federal agency comment period will also be reopened for a ten-day period following the conclusion of the public hearing to allow for additional input.

## IV. Public Availability of Appeal Documents

NOAA intends to provide access to publicly available materials and related documents comprising the appeal record on the following website: <http://www.regulations.gov/#!docketDetail;D=NOAA-HQ-2020-0021>. (Authority: 15 CFR 930.128(a))

**Adam Dilts,**

Chief, Oceans and Coasts Section, NOAA  
Office of the General Counsel.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Southeast Region Individual Fishing Quota Programs

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

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act (PRA) of 1995.

**DATES:** To ensure consideration all comments must be submitted by April 24, 2020.

**ADDRESSES:** Direct all written comments to Adrienne Thomas, PRA Officer, NOAA, 151 Patton Ave., Room 159, Asheville, NC 28801 (or via the internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov)). All comments received are part of the public record and will generally be posted on [www.regulations.gov](http://www.regulations.gov) without change. All personally identifiable information (for example, name and 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:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Adam Bailey, National Marine Fisheries Service, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Ave. South, St. Petersburg, FL 33701, telephone: 727-824-5305, email: [adam.bailey@noaa.gov](mailto:adam.bailey@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for the revision of a current information collection under the Office of Management and Budget's (OMB) Control Number 0648-0551, Southeast Region Individual Fishing Quota (IFQ) Programs. The NMFS Southeast Regional Office manages three commercial IFQ and individual transferable quota (ITQ) programs in the Southeast Region under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* The IFQ programs for red snapper, and groupers and tilefishes occur in Federal waters of the Gulf of Mexico (Gulf), and the ITQ program for wreckfish occurs in Federal waters of the South Atlantic.

This collection of information tracks the transfer and use of IFQ and ITQ shares, and IFQ allocation and landings necessary to operate, administer, and review management of the IFQ and ITQ programs. Regulations for the IFQ and

ITQ programs are located at 50 CFR part 622.

The NMFS Southeast Regional Office proposes to revise parts of the information collection approved under OMB Control Number 0648-0551. For the Gulf IFQ Programs, the revision would modify pages within the Catch Share Online System. The Transfer Shares page allows IFQ shareholders to transfer shares online to other IFQ shareholders. Similarly, the Transfer Allocation page allows IFQ shareholders to transfer allocation online to other IFQ shareholders. Beginning in early 2020, IFQ shareholders can use IFQ shares as collateral in the Federal Fisheries Finance Program to obtain a loan that can be used for fishing related expenses. However, to accommodate the finance program, the Transfer Shares and Transfer Allocation pages must be modified to allow IFQ shareholders to indicate if their shares are being held as part of a lien. The Landing Transaction page allows IFQ dealers to submit landing transactions online to record landings of IFQ species. NMFS would revise the Landing Transaction page to allow for better data collection and monitoring of landings in conjunction with the NMFS Southeast Fisheries Science Center.

If implemented by NMFS, these revisions would not change the estimated time per response and the associated cost burden would remain at zero dollars. NMFS estimates that it would still require approximately 3 minutes to complete the Transfer Shares or Transfer Allocation pages per occurrence, and 6 minutes to complete the Landing Transaction page per occurrence.

##### II. Method of Collection

Information for the Gulf red snapper, and grouper and tilefish IFQ programs is collected electronically via a web-based system, through satellite-linked vessel monitoring systems, through a 24-hour call line, and with paper form submission for landing corrections, closing an account, and account applications, as well as landing transactions under catastrophic circumstances. This revision would update a page in the web-based system.

The share transfer process in the wreckfish ITQ program requires the signatures of witnesses on paper forms. The wreckfish ITQ program remains paper-based until the South Atlantic Fishery Management Council and NMFS consider whether to implement an electronic system. NMFS is not proposing to change the wreckfish ITQ program or information collection.