

REVISED TABLE 5—SOUND PROXY SOURCES FOR THE WHITTIER HARBOR REBUILD PHASE III PROJECT—Continued

Method and pile type (vibratory hammer)	Sound source level at 10 meters (dB RMS)	Proxy source
12- to 16-inch (30.48- to 40.64-cm) timber pile removal	162	CALTRANS (2020).

Lastly, CoW requested we slightly adjust the language in the **Federal Register** notice and draft IHA related to the locations of the PSOs. Originally, NMFS had stated “These PSOs would be stationed at the Whittier Harbor breakwater near the picnic shelter (“Station 1”), at the Whittier fuel dock (“Station 2”), and at the City of Whittier campground (“Station 3”).”; CoW requested that we change this to “These PSOs would be stationed at the Whittier Harbor breakwater near the picnic shelter (“Station 1”), at the Whittier fuel dock (“Station 2”), or at the City of Whittier campground (“Station 3”).” NMFS has made the adjustment in the final IHA. This change does not affect our analysis, findings, or determinations.

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 IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 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 proposed IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures 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 this case, with the Alaska Regional Office.

There is one ESA-listed marine mammal species (Steller sea lion (Western Distinct Population Segment (DPS)) with confirmed occurrence in the project area. The NMFS Alaska Regional Office issued a biological opinion under section 7 of the ESA, on the issuance of an IHA to CoW under section 101(a)(5)(D) of the MMPA by the NMFS Office of Protected Resources. The biological opinion concluded that the proposed action is not likely to jeopardize the continued existence of the Western DPS of Steller sea lions, and is not likely to destroy or adversely modify critical habitat for this species.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to CoW for authorization to take marine mammals incidental to the Whittier Harbor Rebuild Phase III Project in Whittier, Alaska.

Dated: July 18, 2025.

Shannon Bettridge,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF006]

Magnuson-Stevens Fishery Conservation and Management Act; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: During the June 2025 Pacific Fishery Management Council (Council) meeting, the Council reviewed and made recommendations to NMFS regarding applications received in 2025 for exempted fishing permits (EFPs) for U.S. West Coast highly migratory species (HMS) fisheries. All EFP applicants request exemptions from regulatory provisions pertaining to the use of authorized gear types under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). The applicants propose to test the effects and efficacy of using alternative fishing practices to harvest swordfish and other HMS off of the U.S. West Coast. The applications include requests to fish with a gear configuration including modified standard and linked deep-set buoy gear (DSBG) at night, or night-set buoy gear (NSBG). NMFS has determined that these applications warrant further consideration and is requesting public comment on them.

DATES: Comments must be submitted in writing by August 21, 2025.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2025–0075, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2025–0075 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Chris Fanning, NMFS West Coast Region, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier “NOAA–NMFS–2025–0075” in the comments.

Instructions: 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 NMFS. All comments received are a part of the public record, and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information

submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Chris Fanning, NMFS, West Coast Region, 562–980–4198, Chris.Fanning@noaa.gov.

SUPPLEMENTARY INFORMATION: On May 8, 2023, NMFS published a final rule implementing amendment 6 to the HMS FMP (88 FR 29545). These regulations, which became effective on June 7, 2023, authorize standard and linked DSBG as an additional gear type for catching swordfish and other HMS in Federal waters off of California and Oregon and include various gear specification requirements (e.g., prohibiting vessels from deploying more than 10 pieces of standard or linked DSBG, in total, at one time), operational requirements (e.g., prohibiting vessels from deploying their gear at night), and geographic area restrictions (e.g., prohibiting fishing with DSBG in Federal waters within the Southern California Bight without a limited entry permit). See 50 CFR 660.715.

On June 14, 2025, the Council recommended that NMFS issue the NSBG EFPs for applications from Shearwater Fishing LLC¹ and Mr. Yacobucci,² and extend the NSBG EFP for Mr. Perez.³ If issued, these EFPs would exempt the permitted vessels from the prohibition on deploying DSBG until local sunrise and retrieving the gear no later than 3 hours after local sunset, which would otherwise be prohibited by 50 CFR 660.715(c)(3).

At this time, NMFS is requesting public comment on the NSBG EFP applications discussed above. NMFS will take the Council’s comments into consideration along with public comments on whether to issue these EFPs. Aside from the regulatory exemptions being sought for the proposed activities in the applications described above, vessels fishing under an EFP would be subject to all other regulations implemented at 50 CFR part 660, subpart K and 50 CFR part 300, subpart C, including measures to protect sea turtles, marine mammals, and seabirds.

NMFS will consider all public comments submitted in response to this **Federal Register** notice prior to issuance of any EFP. Additionally, NMFS will analyze the effects of issuing EFPs in accordance with the National Environmental Policy Act and NOAA’s Administrative Order 216–6A, as well as for compliance with other applicable laws, including section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*), which requires the agency to consider whether the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: July 18, 2025.

Kelly Denit,

Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE859]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Oregon Department of Transportation’s Yaquina Bay Dolphin Replacement Project in Newport, Oregon

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Oregon Department of Transportation (ODOT) for authorization to take marine mammals incidental to construction activities for the Yaquina Bay Dolphin Replacement Project in Newport, Oregon. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider

public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than August 21, 2025.

ADDRESSES: Comments should be addressed to the Permits and Conservation Division, Office of Protected Resources, NMFS and should be submitted via email to ITP.Potlock@noaa.gov. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, 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 below.

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, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> 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: Kelsey Potlock, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs 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 proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on

¹ <https://www.pcouncil.org/documents/2025/05/f-3-attachment-1-exempted-fishery-permit-application-for-night-deep-set-buoy-gear-ndsb-g-and-night-linked-buoy-gear-nlbg.pdf>.

² <https://www.pcouncil.org/documents/2025/05/f-3-attachment-2-exempted-fishery-permit-application-for-night-deep-set-buoy-gear-ndsb-g-yacobucci.pdf>.

³ <https://www.pcouncil.org/documents/2025/05/f-3-attachment-3-night-set-buoy-gear-nsbg-efp-extension-request-perez.pdf>.