

nation's coastal ecosystems. Almost every state now experiences some kind of HAB event, and the number of hypoxic water bodies in the United States has increased over the last century. Recent economic analyses show effects costing hundreds of millions of dollars. Even just one major HAB or hypoxia event can incur tens of millions of dollars to local coastal economies, indicating that the nationwide economic impacts are likely much larger.

In 1998, Congress recognized the severity of these threats and passed the Harmful Algal Bloom and Hypoxia Research and Control Act (HABHRCA 1998; Pub. L. 105–383). The Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2004 (HABHRCA 2004, Pub. L. 108–456) and 2014 (HABHRCA 2014, Pub. L. 113–124) reaffirmed and expanded the mandate for NOAA to advance the scientific understanding and ability to detect, monitor, assess, and predict HAB and hypoxia events. Congress most recently reauthorized and amended HABHRCA through the National Integrated Drought Information System Reauthorization Act of 2018 (Pub. L. 115–423). Section 9 of this Act, cited as the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017, provides NOAA and the U.S. Environmental Protection Agency with independent authority to make a determination of “HABs and hypoxia events of national significance.” Following such a determination, federal officials may “make sums available to the affected State or local government for the purposes of assessing and mitigating the detrimental environmental, economic, subsistence use, and public health effects of the event of national significance.” Funds would be subject to the availability of appropriations. This notice focuses only on the authority granted to NOAA and provides interested parties with an opportunity to provide information early in the policy development process for determining HAB and hypoxia events of national significance in marine or coastal waters.

Factors to be considered in making a determination include the toxicity of the HAB, severity of hypoxia, potential for spread, economic impact, relative size in relation to the past five occurrences, and the geographic scope. NOAA is accepting comments to inform the development of guidance for assessing these considerations and whether additional factors should be considered. The determination process optimally will include quantitative and qualitative means of assessment. In particular,

NOAA is interested in the following topics:

- The approach that NOAA should use to quantify and qualify the factors identified in the reauthorization of HABHRCA to determine an event of national significance.
 - How NOAA should define and weigh the following statutory parameters:
 - Toxicity of the HAB and severity of hypoxia;
 - Economic impact;
 - Relative size in relation to the past five occurrences of HAB or hypoxia events; that occur on a recurrent or annual basis;
 - Geographic scope, including the potential to spread and affect either a single jurisdiction or multiple municipalities, states, or countries.
 - Based on the statutory parameters above, how should NOAA define significant detrimental environmental, economic, subsistence use, and public health effects and what thresholds should be considered in making a determination.
 - Whether NOAA should consider developing additional criteria, and, if so, how NOAA should quantify or qualify these additional criteria. For example:
 - How NOAA should define an hypoxia event, and whether hypoxia should be defined relative to a set value or specific to an organism, a place, or time;
 - Whether NOAA should consider inclusion of the duration of an event;
 - Whether NOAA should consider the level of public concern and, if so, how to measure that.
 - For the parameters described above, the information that a state should provide when requesting a determination and/or funds.
 - For the purposes of a determination, and possible assessments and/or mitigation funds, how NOAA should define (A) the start and end of an event; and (B) the geographic extent of the event. Relative to these definitions, whether and how NOAA should establish the point at which states can/may make a funding request for assessment and mitigation assistance.
 - For an event that has affected more than one state or shows the potential to do so in the case of an on-going event, whether NOAA should:
 - Make a single determination for an event applicable to all states affected at the time of a determination and any future states affected by the event via geographic expansion, movement, or intensification of the event, or;
 - limit determinations to the area requested by a State based on the then-

current location and geographic extent of the event. This alternative could result in multiple state-by-state determinations for a single event.

- How to define subsistence use.
- The definition of the 50% federal/state match, and what contributions may be considered.

To ensure clarity, NOAA requests separate comments for HAB and hypoxia events as it is likely that the factors for each will be considered differently. For more details and background, please refer to this site: <https://coastalscience.noaa.gov/>.

Authority: 33 U.S.C. 4001 *et seq.*

Steven Thur,

Director, National Centers for Coastal Ocean Science, National Ocean Service, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG958

Notice of Availability of the Deepwater Horizon Oil Spill Open Ocean Trustee Implementation Group Draft Restoration Plan 2 and Environmental Assessment: Fish, Sea Turtles, Marine Mammals, and Mesophotic and Deep Benthic Communities; Reopening of Public Comment Period

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

ACTION: Notice of availability; request for comments; reopening of comment period.

SUMMARY: We are reopening the public comment period on our *Deepwater Horizon* Oil Spill Open Ocean Trustee Implementation Group Draft Restoration Plan 2/Environmental Assessment: Fish, Sea Turtles, Marine Mammals, and Mesophotic and Deep Benthic Communities (RP/EA). We opened the original comment period via a May 15, 2019, **Federal Register** notice. That comment period was extended on July 1 and formally closed on July 15, 2019. Due to extenuating weather conditions associated with the recent Hurricane Barry, this notice reopens the comment period through August 2, 2019. Comments submitted previously in response to either of these two **Federal Register** notices, including any comments submitted after July 15, and before the issuance of this notice do not need to be resubmitted.

DATES: Comments must be submitted electronically or postmarked by August 2, 2019.

ADDRESSES:

Obtaining Documents: You may download the Draft RP/EA at: <http://www.gulfspillrestoration.noaa.gov/restoration-areas/open-ocean>. Alternatively, you may request a CD of the Draft RP/EA (see **FOR FURTHER INFORMATION CONTACT** below). Also, you may view the document at any of the public facilities listed in Appendix G.

Submitting Comments: You may submit comments on the Draft RP/EA by one of the following methods:

- *Via the Web:* <http://www.gulfspillrestoration.noaa.gov/restoration-areas/open-ocean>; or
- *Via U.S. Mail:* U.S. Fish and Wildlife Service, P.O. Box 29649, Atlanta, GA 30345. Please note that mailed comments must be postmarked on or before the comment deadline of August 2, 2019.

FOR FURTHER INFORMATION CONTACT: National Oceanic and Atmospheric Administration—Laurie Rounds, Laurie.Rounds@noaa.gov, (850) 934-9284.

SUPPLEMENTARY INFORMATION:

Introduction

In accordance with OPA NRDA regulations in the Code of Federal Regulations (CFR) at 15 CFR part 990, NEPA (42 U.S.C. 4321 *et seq.*), the Consent Decree, and the Final PDARP/PEIS, the Federal and State natural resource trustee agencies (Trustees) have prepared a Draft Restoration Plan 2/Environmental Assessment: Fish, Sea Turtles, Marine Mammals, and Mesophotic and Deep Benthic Communities. The Draft RP/EA analyzes 23 alternatives and proposes 18 preferred alternatives for the following restoration types: Fish and Water Column Invertebrates, Sea Turtles, Marine Mammals, and Mesophotic and Deep Benthic Communities:

Fish and Water Column Invertebrates

- Reduction of Post-Release Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries—Preferred, \$30,011,000.
- Better Bycatch Reduction Devices for the Gulf of Mexico Commercial Shrimp Trawl Fishery—Preferred, \$17,171,000.
- Communication Networks and Mapping Tools to Reduce Bycatch—Phase 1—Preferred, \$4,416,000.
- Restoring for Bluefin Tuna via Fishing Depth Optimization—Preferred, \$6,175,000.
- Reduce the Impacts of Ghost Fishing by Removing Derelict Fishing

Gear from Marine and Estuarine Habitats—Not Preferred, \$6,128,000.

Sea Turtles

- Gulf of Mexico Sea Turtle Atlas—Preferred, \$5,700,000.
- Identifying Methods to Reduce Sea Turtle Bycatch in the Reef Fish Bottom Longline Fishery—Preferred, \$290,000.
- Developing a Gulf-wide Comprehensive Plan for In-Water Sea Turtle Data Collection—Preferred, \$655,000.
- Developing Methods to Observe Sea Turtle Interactions in the Gulf of Mexico Menhaden Purse Seine Fishery—Preferred, \$3,000,000.
- Reducing Juvenile Sea Turtle Bycatch Through Development of Reduced Bar Spacing in Turtle Excluder Devices—Preferred, \$2,153,000.
- Long-term Nesting Beach Habitat Protection for Sea Turtles—Preferred, \$7,000,000.
- Reducing Sea Turtle Entanglement from Recreational Fishing Debris—Not Preferred, \$1,113,600.
- Reducing Sea Turtle Bycatch at Recreational Fishing Sites—Not Preferred, \$1,329,000.

Marine Mammals

- Reducing Impacts to Cetaceans During Disasters by Improving Response Activities—Preferred, \$4,287,000.
- Compilation of Environmental, Threats, and Animal data for Cetacean Population Health Analyses—Preferred, \$5,808,500.
- Reduce Impacts of Anthropogenic Noise on Cetaceans—Preferred, \$8,992,200.
- Reduce and Mitigate Vessel Strike Mortality of Cetaceans—Preferred, \$3,834,000.
- Assessment of Northern Gulf of Mexico Shelf Small Cetacean Health, Habitat, Use, and Movement Patterns—Not Preferred, \$4,620,000.

Mesophotic and Deep Benthic Communities

- Mapping, Ground-Truthing, and Predictive Habitat Modeling—Preferred, \$35,909,000.
- Habitat Assessment and Evaluation—Preferred, \$52,639,000.
- Coral Propagation Technique Development—Preferred, \$16,951,000.
- Active Management and Protection—Preferred, \$20,689,000.
- Habitat Characterization at Known High Priority Sites—Not Preferred, \$21,500,000.

The Open Ocean TIG also analyzes a No Action alternative. One or more alternatives may be selected for implementation by the Open Ocean TIG in the Final RP/EA or in future restoration plans.

Background

For additional background information, see our original **Federal Register** notice, with which we opened the comment period (May 15, 2019; 84 FR 21753). That comment period was extended on July 1 and formally closed on July 15, 2019 (July 1, 2019; 84 FR 31306). Due to extenuating weather conditions associated with the recent Hurricane Barry, this notice reopens that comment period through August 2, 2019.

Invitation to Comment

The Open Ocean TIG seeks public review and comment on the Draft RP/EA (see **ADDRESSES** above). Before including your address, telephone number, email address, or other personal identifying information in your comment, please be aware that your entire comment, including your personal identifying information, will become part of the public record. Comments submitted previously in response to the two **Federal Register** notices, including any comments submitted after July 15, 2019 and before issuance of this notice do not need to be resubmitted.

Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and its implementing Oil Pollution Act Natural Resource Damage Assessment regulations found at 15 CFR part 990 and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Dated: July 19, 2019.

Carrie Selberg,

Deputy Director, Office of Habitat Conservation, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration.