

number(s) observed and the extent of the unobserved portion of the Level B harassment zone on each day and sums the daily extrapolated takes across the authorization period.

*Response:* Chevron will average their take across days and then apply the extrapolation factor to correct for the unobserved portion of the Level B zone. However, NMFS has confirmed that Chevron will differentiate their extrapolation of take calculations by pile driving type (*i.e.*, zone size) and then sum the extrapolated takes from the different types, which should alleviate the concerns raised by the Commission.

*Comment 7:* The Commission recommends that NMFS review all monitoring reports, including having its acoustic expert review all hydroacoustic monitoring reports, before accepting them as final to ensure that the action proponent has abided by the monitoring and reporting requirements under each incidental take authorization.

*Response:* NMFS acknowledges the need for a thorough review of all monitoring reports and will ensure that hydroacoustic monitoring reports are reviewed as needed prior to being accepted as final to ensure that the action proponent has abided by the monitoring and reporting requirements under each incidental take authorization.

*Comment 8:* The Commission recommends that NMFS refrain from issuing renewals for any authorization and instead use its abbreviated **Federal Register** notice process which is similarly expeditious and fulfills NMFS's intent to maximize efficiencies.

*Response:* NMFS does not agree with the Commission and, therefore, does not adopt the Commission's recommendation. NMFS will provide a detailed explanation of its decision within 120 days, as required by section 202(d) of the MMPA.

*Comment 9:* If NMFS continues to propose to issue renewals, the Commission recommends that it (1) stipulate that a renewal is a one-time opportunity (a) in all **Federal Register** notices requesting comments on the possibility of a renewal, (b) on its web page detailing the renewal process, and (c) in all draft and final authorizations that include a term and condition for a renewal and, (2) if NMFS declines to adopt this recommendation, explain fully its rationale for not doing so.

*Response:* NMFS agrees with the Commission's recommendation and has instituted this change.

### 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 (IHA 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 Renewal IHA qualifies to be categorically excluded from further NEPA review.

### Determinations

The authorized action of this Renewal IHA, both vibratory and impact pile driving for removal and installation of piles, will be identical to a subset of the activities analyzed in the 2019 IHA, as listed in Table 2. Based on the analysis detailed in the notice of the final IHA for 2019 authorization, of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS found that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the 2019 IHA. This includes consideration of the estimated abundance of harbor porpoise and California sea lion stock decreasing slightly. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will affect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) Chevron'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, and; (5) appropriate monitoring and reporting requirements are included.

### 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 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.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

### Renewal

NMFS has issued a Renewal IHA to Chevron for the take of marine mammals incidental to conducting vibratory and impact pile driving for removal and installation of piles at the Long Wharf in San Francisco Bay, California during the in-water construction window of June 1 through November 30, 2020.

Dated: June 12, 2020.

### Donna S. Wieting,

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XA127]

### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice; receipt of one Incidental Take Permit application and one Enhancement of Survival Permit application; availability of a draft environmental assessment; request for comments.

**SUMMARY:** Notice is hereby given that NMFS has received one Incidental Take Permit application and one Enhancement of Survival Permit

application for Sierra Pacific Land & Timber Company's (SPL&T) Habitat Conservation Plan (HCP) and Safe Harbor Agreement (SHA). The HCP/SHA has been submitted pursuant to Section 10(a)(1)(B) and Section 10(a)(1)(A) of the Endangered Species Act (ESA) of 1973, as amended. NMFS has also prepared a draft environmental assessment (EA) under the National Environmental Policy Act (NEPA) describing the potential effects of NMFS' proposed issuance of the Permits associated with the submitted HCP/SHA.

SPL&T is the largest private forestland owner in the state of California, with ownership currently encompassing approximately 1.64 million acres of timberland throughout the northern and central portions of the state. Sierra Pacific Industries (SPI) is the authorized representative and manager of SPL&T lands. Rivers and streams on portions of SPL&T lands in the Trinity River and Sacramento River basins provide habitat for anadromous salmonids, including species listed under the ESA. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments and other information received will become part of the public record and will be available for review.

**DATES:** Comments or requests for a public hearing on the applications must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on July 20, 2020.

**ADDRESSES:** Written comments on the submitted HCP/SHA and/or the draft NEPA EA should be addressed to the NMFS California Central Valley Office, Attn: Sierra Pacific Industries HCP/SHA, 650 Capitol Mall, Suite 5-100, Sacramento, CA 95814. Comments may also be submitted via email to [SierraPacificHCP.wcr@noaa.gov](mailto:SierraPacificHCP.wcr@noaa.gov). Include in the subject line of the email the following identifier: Comments on Sierra Pacific Industries HCP/SHA. Please specify whether the comments provided are associated with the HCP/SHA or the draft NEPA EA. When commenting, please refer to the specific page number and the subject of your comment. The documents are available on the internet at: <https://www.fisheries.noaa.gov/action/habitat-conservation-plan-and-safe-harbor-agreement-sierra-pacific-industries-forestland>.

**FOR FURTHER INFORMATION CONTACT:** Amanda Cranford, Sacramento, CA, at phone number: (916) 930-3706, or via email: [Amanda.Cranford@noaa.gov](mailto:Amanda.Cranford@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

### ESA-Listed Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*), (Evolutionary Significant Units (ESU)): Central Valley (CV) spring-run ESU and Sacramento River (SR) winter-run ESU.

Coho salmon (*O. kisutch*), (ESU): Southern Oregon/Northern California Coast (SONCC) ESU.

Steelhead (*O. mykiss*), (Distinct Population Segments (DPS)): California Central Valley (CCV) DPS.

### Background

SPI has prepared a joint HCP/SHA to address effects of forest land management in the Sacramento River and Trinity River basins on salmonids listed under the ESA. The HCP addresses potential impacts resulting from SPI's timber harvest activities in watersheds with watercourses accessible to anadromous salmonids or upstream of those watercourses where potential effects from covered activities have the potential to extend to occupied habitat. Section 10(a)(1)(B) of the ESA authorizes NMFS to issue an Incidental Take Permit to non-Federal parties for the potential incidental taking of endangered and threatened species. In support of an Incidental Take Permit, SPI has prepared a HCP that provides an assessment of impacts; measures to monitor, minimize, and mitigate for those impacts; and procedures to account for unforeseen or extraordinary circumstances.

The SHA addresses potential impacts resulting from SPI's timber harvest activities on SPL&T lands in the Sacramento and Trinity River basins upstream of currently impassable dams where NMFS is proposing to reintroduce populations of ESA-listed salmonids. The purpose of the SHA is to provide incentives for non-Federal property owners to voluntarily conduct beneficial activities that either support or attract ESA-listed species. The SHA ensures that new restrictions are not placed on the future use of the property during the permit term, as long as the participating non-Federal property owners meet the terms of the SHA. The SHA identifies the Covered Species, boundaries of the enrolled property, the conservation benefits, the extent of incidental take, and the SHA Assurances. The incidental taking identified in the SHA is authorized under a Section 10(a)(1)(A) Enhancement of Survival Permit. The SHA prepared by SPI is reasonably expected to meet the regulatory standard of producing a net conservation benefit for ESA-listed

salmonids to be reintroduced onto SPL&T lands.

### Authority

Section 9 of the ESA and Federal regulations prohibit the taking of a species listed as endangered or threatened. The ESA defines "take" to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA and implementing regulations (50 CFR 222.307) provide for authorizing incidental take of listed species.

Enhancement of Survival permits are issued in accordance with Section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222.308). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of Section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. Therefore, NMFS is seeking public input on the scope of the required NEPA analysis in the EA, including the range of reasonable alternatives and associated impacts of any alternatives.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: June 15, 2020.

**Angela Somma,**

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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