

auxiliary aids should be directed to Mr. Kris Kleinschmidt, (503) 820-2412, at least 10 days prior to the meeting date.

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

Dated: October 2, 2020.

**Diane M. DeJames-Daly,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XA521]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Hampton Roads Bridge Tunnel Expansion Project in Norfolk, Virginia

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

**ACTION:** Notice; receipt of application; request for comments.

**SUMMARY:** NMFS has received a request from the Hampton Roads Connector Partners (HRCP) for authorization to take small numbers of marine mammals incidental to pile driving and removal activities at the Hampton Roads Bridge Tunnel Expansion Project (HRBT) in Norfolk, Virginia over the course of five years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the HRCP's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the HRCP's application and request. **DATES:** Comments and information must be received no later than November 6, 2020.

**ADDRESSES:** Comments on the applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Pauline@noaa.gov](mailto:ITP.Pauline@noaa.gov).

**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 received

electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/node/23111> 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:** Robert Pauline, Office of Protected Resources, NMFS, (301) 427-8401. An electronic copy of HRCP's application 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 above.

#### SUPPLEMENTARY INFORMATION:

##### Background

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 and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term "take" means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA

defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) 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 (Level B harassment).

#### Summary of Request

On November 19, 2019, NMFS received application from HRCP requesting authorization for take of marine mammals incidental to construction activities related to a major road transport infrastructure project along the existing I-64 highway in Virginia, consisting of roadway improvements, trestle bridges, and bored tunnels crossing Hampton Roads between Norfolk and Hampton, Virginia. After the HRCP responded to our questions, we determined the application was adequate and complete on September 29, 2020. The requested regulations would be valid for 5 years, from February 2021 through January 2026. HRCP plans to conduct necessary work, including pile installation and removal. Pile installation methods will include impact and vibratory driving, jetting, and drilling with a down-the-hole hammer. Pile removal techniques for temporary piles will include vibratory pile removal or cutting three feet below the mudline. The proposed action may incidentally expose marine mammals occurring in the vicinity to example elevated levels of underwater sound, thereby resulting in incidental take, by Level A and Level B harassment. Therefore, the HRCP requests authorization to incidentally take marine mammals.

#### Specified Activities

The Hampton Roads Bridge Tunnel project is a major road transport infrastructure project along the existing I-64 highway in Virginia, consisting of roadway improvements, trestle bridges, and bored tunnels crossing Hampton Roads between Norfolk and Hampton. The proposed project will address severe traffic congestion at the existing HRBT crossing by increasing capacity. The proposed project will include widening I-64 to create an eight-lane facility with a consistent six-lanes between the I-64/I-664 and I-64/I-564 Interchange, which could expand to eight-lanes during peak travel periods with the use of drivable shoulder lanes within the project limits. The proposed project will include the construction of

two new two-lane tunnels, expansion of the existing portal islands, and full replacement of the existing North and South bridge-trestles. An estimated 6,746 piles would be installed and 3,856 piles would be removed over 5 years. Pile installation and removal activities would take place for approximately 312 days per year based on a 6-day work week. Bottlenose dolphins (*Tursiops spp.*), humpback whales (*Megaptera novaeangliae*), harbor porpoises (*Phocoena phocoena*), harbor seals (*Phoca vitulina*), and gray seals (*Halichoerus grypus*) have been observed in the area.

#### Information Solicited

Interested persons may submit information, suggestions, and comments concerning the HRCF's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the HRCF, if appropriate.

Dated: October 2, 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 06489-XA531]

#### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will hold a 4-day webinar meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

**DATES:** The webinar will convene Monday, October 26 through Thursday, October 29, 2020, from 9 a.m. until 4 p.m. EDT.

**ADDRESSES:** The meeting will take place via webinar; you may register for the meeting at [www.gulfcouncil.org](http://www.gulfcouncil.org).

Council address: Gulf of Mexico Fishery Management Council, 4107 W. Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

**FOR FURTHER INFORMATION CONTACT:** Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

#### SUPPLEMENTARY INFORMATION:

##### Agenda

*Monday, October 26, 2020; 9 a.m.–4 p.m.*

The meeting will begin in FULL COUNCIL open to the public to review and adopt the October 2020–August 2021 Council Committee Roster.

At approximately 9:15 a.m. the Data Collection Committee will review potential regulatory changes from Commercial Electronic Logbook Program Implementation; and, receive an update on Southeast For-hire Electronic Reporting (SEFHIER) Program. The Gulf SEDAR Committee will receive an update on Operational Assessment Process and Scientific and Statistical Committee (SSC) Recommendations; review Interim Analyses—Discussion on Timing and Use for Management; and, receive the Steering Committee report from the October 16, 2020 meeting. The Law Enforcement Committee will receive a meeting summary from the Law Enforcement Technical Committee meeting in March 2020.

The Sustainable Fisheries Committee will finalize recommendations on Executive Order 13921 from Public Comments and from the Council, receive a summary report from the Joint Section 102 Workgroup, and discuss Allocation Review Procedures. The Administrative/Budget Committee will review expenditures for No-Cost Extension Request (FY2014–2019) and 2020 Expenditures. The Committee will also review and discuss Scopes of Work (FY 2014–2019) Activities.

*Tuesday, October 27, 2020; 9 a.m.–4 p.m.*

The Reef Fish Committee will begin with reviewing Reef Fish Landings, Final Action: Framework Action to Adjust State Recreation Red Snapper Catch Limits, Public Hearing Draft Amendment 53: Red Grouper Catch Limits and Sector Allocations and Draft Framework Action: Modification of the Gulf of Mexico Lane Snapper Annual Catch Limit.

The Committee will also review Gray Triggerfish Interim Analysis, Public Hearing Draft Amendment 36B: Modifications to Commercial Individual Fishing Quota (IFQ) Programs, and any remaining Reef Fish Advisory Panel recommendations.

*The Gulf of Mexico Fishery Management Council and National*

*Marine Fisheries Service (NMFS) will hold an informal Question and Answer session immediately following the Reef Fish Committee.*

*Wednesday, October 28, 2020; 9 a.m.–4:15 p.m.*

The Mackerel Committee will receive an update on Coastal Migratory Pelagics Landings, review SEDAR 38 Update: Gulf of Mexico King Mackerel Stock Assessment and receive a presentation on the Gulf of Mexico Migratory Group Cobia Draft Options.

Full Council will reconvene mid-morning (10:45 a.m.) with a Call to Order, Announcements, and Introductions; Adoption of Agenda and Approval of Minutes. The Council will receive presentations on 2019 Report to Congress on Illegal, Unreported, and Unregulated (IUU) Fishing and a presentation on Deepwater Horizon Open Ocean Fish Restoration. Following lunch, the Council will hold public comment testimony beginning at approximately 1 p.m. until 3:30 p.m. for Comments on Executive Order 13921, Final Action: Framework Action to Adjust State Recreational Red Snapper Catch Limits, and open testimony on other fishery issues or concerns. Public comment may begin earlier than 1 p.m. EDT but will not conclude before that time. Persons wishing to give public testimony must follow the instructions on the Council website before the start of the public comment period at 1 p.m. EDT.

Following public comment, the Council will receive the Data Collection committee report.

*Thursday, October 29, 2020; 9 a.m.–4 p.m.*

The Council will continue to receive committee reports from Administrative/Budget, Gulf SEDAR, Sustainable Fisheries, Mackerel, Shrimp, and Reef Fish Committees. The Council will receive updates from the following supporting agencies: Mississippi Law Enforcement Efforts; South Atlantic Fishery Management Council; NOAA Office of Law Enforcement (OLE); Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and Department of State.

The Council will discuss any Other Business items.

#### —Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting [www.gulfcouncil.org](http://www.gulfcouncil.org) and clicking on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as