

through December 9, 2021, in order to conduct the construction work that was analyzed and for which take was authorized in the previously issued IHA. That IHA was issued on December 9, 2020. On September 20, 2021, Carnival notified NMFS that the project had remained delayed due to COVID-19 impacts, and requested that we re-issue an identical IHA, with effective dates from December 10, 2021 through December 9, 2022. None of the pile driving considered in the initial IHA has occurred. Therefore, reissuance of the IHA is appropriate.

Summary of Specified Activity and Anticipated Impacts

The planned activities (including mitigation, monitoring, and reporting), authorized incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA.

The purpose of Carnival's project is to make improvements to its existing berthing facilities at the Long Beach Cruise Terminal in order to accommodate a new, larger class of cruise ships. Implementation of the project requires pile driving to install two high-capacity mooring dolphins, fenders, and a new passenger bridge system, and dredging at the existing berth and the immediate surrounding area. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The mitigation, monitoring, and reporting measures are also identical to those prescribed in the initial IHA.

Species that are expected to be taken by the specified activity include short-beaked common dolphin (*Delphinus delphis*), long-beaked common dolphin (*Delphinus capensis*), bottlenose dolphin (*Tursiops truncatus*), California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina*). A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts or take estimate under the initial IHA.

Determinations

Carnival will conduct activities as analyzed in the initial 2019 IHA. As

described above, the number of authorized takes of the same species and stocks of marine mammals are identical to the numbers that were found to meet the negligible impact and small numbers standards and authorized under the initial IHA and no new information has emerged that would change those findings. The re-issued 2021 IHA includes identical required mitigation, monitoring, and reporting measures as the initial IHA, and there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect 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; and (4) Carnival'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 with respect to environmental consequences on the human environment.

Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review. This action is consistent with categories of activities identified in CE B4 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. Because the only change to the IHA are effective dates, the CE on record for issuance of the initial IHA applies to this action.

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.

However, no incidental take of ESA-listed species is authorized 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.

Authorization

NMFS has issued an IHA to Carnival for in-water construction activities associated with the specified activity from December 10, 2021 through December 9, 2022. All previously described mitigation, monitoring, and reporting requirements from the initial 2019 IHA are incorporated.

Dated: September 30, 2021.

Kimberly Damon-Randall,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB487]

Endangered and Threatened Species; Announcement of Workshop To Inform Recovery Planning for ESA Listed Rice's Whale (*Balaenoptera Ricei*)

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

ACTION: Notice.

SUMMARY: We, NMFS, are convening a workshop to solicit information from experts to inform recovery planning for Rice's whale (*Balaenoptera ricei*) under section 4(f) of the Endangered Species Act (ESA). This workshop will be open to the public.

DATES: *Workshop dates and information:* We will hold the recovery planning workshop for the Rice's whale virtually over the course of 5 sessions in October and November 2021.

- Monday, October 18, 11 a.m.–4 p.m. Eastern Daylight Savings Time (EDT)
- Monday, November 1, 12 p.m.–4 p.m. EDT
- Wednesday, November 10, 12 p.m.–4 p.m. Eastern Standard Time (EST)
- Tuesday, November 16, 12 p.m.–4 p.m. EST
- Thursday, November 18, 12 p.m.–4 p.m. EST

ADDRESSES: If you plan to attend the workshop as an interested member of the public, please register for each session that you would like to observe:

- *Session 1:* <https://bit.ly/RIWH-Wkshp1-Oct18-RSVP>
- *Session 2:* <https://bit.ly/RIWH-Wkshp2-Nov1-RSVP>
- *Session 3:* <https://bit.ly/RIWH-Wkshp3-Nov10-RSVP>
- *Session 4:* <https://bit.ly/RIWH-Wkshp4-Nov16-RSVP>
- *Session 5:* <https://bit.ly/RIWH-Wkshp5-Nov18-RSVP>

FOR FURTHER INFORMATION CONTACT: Barb Zoodsma, (727) 824-5312, NMFS Southeast Regional Office (SERO), Protected Resources Division, Barb.Zoodsma@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On April 15, 2019, we published a final rule listing the Gulf of Mexico Bryde's whale (*Balaenoptera edeni*; a subspecies of Bryde's whales) as endangered under the Endangered Species Act (ESA) (84 FR 15446). In 2021, a published study in a peer-reviewed journal (Rosel *et al.*, 2021) provided evidence for and described the individuals referred to as the Gulf of Mexico Bryde's whales as an entirely new species (not just subspecies) of baleen whale. The new species is described as the Rice's whale (*Balaenoptera ricei*). Consequently, on August 23, 2021, we published a direct final rule to update the taxonomic classification, description, and common name of species included in the list of endangered species maintained at 50 CFR 224.101 to reflect the updated science (86 FR 47022). The direct final rule changes the common name of the listed entity from Bryde's whale (Gulf of Mexico subspecies) to Rice's whale, the scientific name from *B. edeni* (unnamed subspecies) to *B. ricei*, and the description of the listed entity from Bryde's whales that breed and feed in the Gulf of Mexico to the entire species. The direct final rule and these changes will be effective on October 22, 2021. The direct final rule ensures that the list of endangered species reflects the best available scientific information. Although the changes to the enumeration of listed species are not yet effective, we are referring to the species using the updated scientific understanding. Therefore, this rule will refer to the individuals as Rice's whale or *B. ricei*, as appropriate. The species' status and legal protections under the ESA remain the same despite the forthcoming changes.

The final listing rule (84 FR 15446; April 15, 2019) describes the

background of the listing action for this species and provides a summary of our conclusions regarding its status. For additional background and information about this species, the reader is referred to the status review report, final listing rule, and our species web pages (available at <https://www.fisheries.noaa.gov/species/rices-whale>).

NMFS is required by section 4(f) of the ESA to develop and implement recovery plans for the conservation and survival of federally-listed species unless the Secretary finds that such a plan will not promote the conservation of the species. Recovery means that the status of a listed species has improved to the point at which the protections of the ESA are no longer necessary. The ESA specifies that recovery plans are to include (1) a description of site-specific management actions necessary to achieve the plan's goal for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would result in the species being removed from the list; and (3) estimates of the time and costs required to carry out the actions needed to achieve the plan's conservation and survival goal and to achieve intermediate steps toward that goal. Under section 4(f) of the ESA, public notice and an opportunity for public review and comment also are provided during recovery plan development.

This notice serves as a public notice and opportunity for public attendance in the recovery workshop. Once a recovery plan has been drafted, it will be announced in the **Federal Register** and available on our website for public review and comment before being finalized.

Recovery Planning Workshop Announcement

NMFS will hold a virtual workshop in five sessions to help inform our recovery planning for Rice's whale. The first session will be held on Monday, October 18, 2021, and the last session will be held Thursday, November 18, 2021 (see **DATES** section). We invited experts and stakeholders in specific topic areas, including the species' biology and ecology, threats to the species and the species' habitat, the recovery planning process itself, and cetacean conservation and management. These experts and stakeholders will help us identify potential actions to address the threats to the species, identify gaps in knowledge and associated research needs, as well as begin developing recovery criteria for the species. Identified experts and stakeholders include representatives of Federal and State agencies, scientific

experts, individuals from industry, and individuals from conservation partners and nongovernmental organizations.

NMFS has contracted a facilitator to manage the workshop as well as note takers to document input received. We are seeking information; we will not be asking for consensus recommendations on how to recover the Rice's whale species. A summary of the workshop will be prepared, noting the main points raised by the participants.

This workshop will be open to the public, and a public comment period will be provided at the end of each session. If you plan to attend the workshop as an interested member of the public, please register via the website addresses listed in the **ADDRESSES** section, so we can ensure sufficient online connectivity for participants and interested parties during our logistics planning.

Schedule of Workshops

- *Session 1: Workshop Series Kick-Off*—October 18—Session 1 will focus on general background and orientation to Rice's whale recovery process
- *Session 2: Entanglement, Prey, and Climate Change*—November 1—Session 2 will focus on entanglement, prey, and climate change
- *Session 3: Marine Debris and Environmental Pollutants*—November 10—Session 3 will focus on marine debris and environmental pollutants (oil spills, contaminants and disease)
- *Session 4: Anthropogenic Noise and Acoustic Habitat, Vessel Strikes, Marine Structures*—November 16—Session 4 will focus on anthropogenic noise and acoustic habitat, vessel strikes, and marine structures (offshore renewable energy, sediment diversion and aquaculture)
- *Session 5: Recovery Criteria Discussion*—November 18—Session 5 will focus on bringing workshop takeaways together and deeper dive into recovery criteria

Workshops are accessible to persons with disabilities. Send requests for auxiliary aids at least five business days in advance of the start date of the session to Barb Zoodsma at Barb.Zoodsma@noaa.gov.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: September 30, 2021.

Kimberly Damon-Randall,

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

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