

**ADDRESSES:** The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 25843 from the list of available applications. These documents are also available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 25843 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:**

Shasta McClenahan, Ph.D. or Erin Markin, Ph.D., (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to conduct research to (1) develop a baseline genetic database for three odontocete species; (2) study foraging strategies; and (3) investigate the abundance, distribution, movement, and occurrence of cetacean species within coastal and offshore waters of California and Oregon. Up to 25 species of cetaceans may be taken during research including the following ESA-listed species or distinct population segments (DPS): blue (*Balaenoptera musculus*), fin (*B. physalus*), gray (Western North Pacific DPS; *Eschrichtius robustus*), humpback (Mexico and Central America DPSs; *Megaptera novaeangliae*), killer (Southern Resident DPS; *Orcinus orca*),

North Pacific right (*Eubalaena japonica*), sei (*B. borealis*), and sperm (*Physeter macrocephalus*) whales. Cetaceans may be taken during vessel surveys including unmanned aircraft systems for counts, above water and underwater photography and videography, photo-identification, photogrammetry, behavioral observations, passive acoustic recording, echosounder for prey mapping, and non-invasive genetic sampling (exhaled air, remote skin swab, sloughed skin, and feces). Five species of pinnipeds, including ESA threatened Guadalupe fur seals (*Arctocephalus townsendi*), may be unintentionally harassed during research activities. See the application for complete numbers of animals requested by species and procedure. The permit is requested for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 18, 2022.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022-03919 Filed 2-23-22; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**[RTID 0648-XB831]**

**Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow commercial fishing vessels to fish outside fishery regulations in support of research conducted by the applicant. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

**DATES:** Comments must be received on or before March 11, 2022.

**ADDRESSES:** You may submit written comments by the following method:

- *Email:* [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line “AOLA Larval Lobster EFP.”

**FOR FURTHER INFORMATION CONTACT:**

Laura Deighan, Fishery Management Specialist, [Laura.Deighan@noaa.gov](mailto:Laura.Deighan@noaa.gov), (978) 281-9184.

**SUPPLEMENTARY INFORMATION:** The Atlantic Offshore Lobstermen’s Association submitted a complete application for an Exempted Fishing Permit (EFP) to conduct commercial fishing activities that the regulations would otherwise restrict to assess the distribution and abundance of lobster larvae and their potential food sources. This EFP would exempt the participating vessels from the Federal regulations described in Table 1.

**TABLE 1—REQUESTED EXEMPTIONS**

Citation	Regulation	Need for exemption
50 CFR 697.7(c)(1)(xxii) .....	Lobster gear prohibitions .....	To allow for the use of multiple gear types capable of catching lobsters.
§ 697.17(a) .....	Lobster possession restrictions .....	To allow the harvest of lobster above the non-trap limit.
§ 697.20(a) .....	Lobster possession restrictions .....	To allow for the collection of larval lobsters below the minimum size.

This project would provide information on the spatial and temporal distribution and abundance of early and late stage American lobster larvae and their likely zooplankton prey in the Gulf of Maine and Georges Bank. This study would use one federally permitted lobster vessel to conduct sampling with a neuston net at a single offshore site (Lobster Management Area 3) during 10 5–10 day fishing trips between May 15, 2022, and October 15, 2022. The participants would record physical parameters and conduct three 15-minute tows on a single day during each trip. After each tow, participants would preserve zooplankton in 500 mL sample bottles, a total of up to 30 bottles of preserved plankton, and transfer the samples to the project researchers. The crew has been trained to operate the scientific gear and obtain the samples without a technician on board.

The Atlantic Offshore Lobstermen's Association received an EFP for this project in 2021, but the crew was only able to sample on 4 of the 14 proposed dates in 2021. This EFP would allow the project team to complete the work and meet the project objectives.

Participants would land and sell legal catch caught in standard gear during the trips.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: February 18, 2022.

**Ngagne Jafnar Gueye,**

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

[FR Doc. 2022–03905 Filed 2–23–22; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB804]

### Notice of Availability of the Deepwater Horizon Oil Spill Alabama Trustee Implementation Group Draft Swift Tract Living Shoreline Supplemental Environmental Assessment

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and a Consent Decree with BP Exploration & Production Inc. (BP), the *Deepwater Horizon* (DWH) Federal natural resource trustee agencies for the Alabama Trustee Implementation Group (Alabama TIG) have prepared a Draft Swift Tract Living Shoreline Supplemental Environmental Assessment (Draft Supplemental EA). This Draft Supplemental EA evaluates the proposed removal of rocks from the bay bottom near the Swift Tract project action area and the placement of the removed rocks on a nearby breakwater. The proposed action falls within the general scope of the purpose and need for the original project, Swift Tract Living Shoreline, identified in the Deepwater Horizon Oil Spill Programmatic and Phase III Early Restoration Plan and Early Restoration Programmatic Environmental Impact Statement (Phase III ERP/PEIS) and is consistent with the Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (PDARP/PEIS), as it focuses on the restoration of injuries to Alabama's natural resources and services—in particular to Restoration Type: "Wetlands, Coastal, and Nearshore Habitats," using funds made available in early restoration and through the DWH Consent Decree (see Final PDARP/PEIS [DWH Trustees 2016: Chapter 10]). The Alabama TIG evaluated the environmental consequences of the alternatives in accordance with NEPA. The purpose of this notice is to inform the public of the availability of the Draft Supplemental EA and to seek public comments on the document.

**DATES:** The Alabama TIG will consider public comments received on or before March 28, 2022.

**ADDRESSES:** *Obtaining Documents:* You may access the Draft Supplemental EA from the "News" section of the Alabama TIG website at: <http://www.gulfspillrestoration.noaa.gov/restoration-areas/alabama>. Alternatively, you may request a CD of the Draft Supplemental EA (see **FOR FURTHER INFORMATION CONTACT** below).

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

- *Via the Web:* <http://www.gulfspillrestoration.noaa.gov/restoration-areas/alabama>;
- *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 given in **DATES**.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### FOR FURTHER INFORMATION CONTACT:

Stella Wilson, NOAA Restoration Center, 850–332–4169, [estelle.wilson@noaa.gov](mailto:estelle.wilson@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon*, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The DWH oil spill is the largest off shore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over one million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The DWH Federal and State natural resource trustees (DWH Trustees) conducted the natural resource damage assessment for the DWH oil spill under OPA (OPA; 33 U.S.C. 2701 *et seq.*).