

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Pygmy killer whale .....	504	149	2,126	7.0
False killer whale .....	801	236	3,204	7.4
Killer whale .....	7	n/a	267	2.6
Short-finned pilot whale .....	619	183	1,981	9.2

<sup>1</sup> Scalar ratios were applied to “Authorized Take” values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

<sup>2</sup> Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice’s whale and killer whale, the larger estimated SAR abundance estimate is used.

<sup>3</sup> Includes 31 takes by Level A harassment and 546 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

Based on the analysis contained herein of Shell’s proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

#### Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Shell authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: July 21, 2023.

Angela Somma,

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

[FR Doc. 2023–15860 Filed 7–26–23; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Notice of Intent To Prepare an Integrated Feasibility Report and Environmental Impact Statement for the San Francisco Waterfront Coastal Flood Study, San Francisco County, California

**AGENCY:** U.S. Army Corps of Engineers, Department of the Army, DoD.

**ACTION:** Notice of Intent to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement for the San Francisco Waterfront Coastal Flood

Study, San Francisco County, California.

**SUMMARY:** Pursuant to the requirements of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality regulations, the U.S. Army Corps of Engineers (USACE), Tulsa District, announces its intent to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement (IFR–EIS) for the San Francisco Waterfront Coastal Flood Study. The study will investigate the feasibility of managing tidal and fluvial flooding and sea level rise along 7.5 miles of the San Francisco Waterfront, from Aquatic Park to Herons Head Park, in the City of San Francisco, San Francisco County, California. This notice announces USACE’s intent to determine the scope of the issues to be addressed and identify the significant issues related to a proposed action.

**DATES:** Written comments should be submitted by August 28, 2023.

**ADDRESSES:** Written comments related to the development of the Draft IFR–EIS may be submitted by any of the following methods:

- *Email:* [SFWFRS@usace.army.mil](mailto:SFWFRS@usace.army.mil).
- *Mail:* U.S. Army Corps of Engineers, Tulsa District, ATTN: RPEC—SFWS, 2488 E 81st Street, Tulsa, OK 74137.
- For more information visit the project website at: <https://sfport.com/wrp/usace>.

**FOR FURTHER INFORMATION CONTACT:**

Questions or comments regarding the proposed Draft IFR–EIS may be directed to Ms. Melinda Fisher at 918–669–7423 or by email at [SFWFRS@usace.army.mil](mailto:SFWFRS@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. *Authority.* The San Francisco Waterfront Coastal Flood Study (the Study) was originally authorized under section 110 of the Rivers and Harbors Act of 1950, Public Law (Pub. L.) 515, 64 stat. 163. The project was subsequently authorized under Section 142 of the Water Resources

Development Act (WRDA) of 1976, Pub. L. 94–587, 90 stat. 2917, 2930, as amended by Section 705 of WRDA of 1986, Pub. L. 99–662, 100 stat. 4082, 4158 and section 203 of WRDA 2020.

2. *Background.* The USACE and the Port of San Francisco (Port) have partnered to study flood risk along 7.5 miles of San Francisco’s bayside shoreline including areas between Aquatic Park and Heron’s Head Park. The Study is one of several coordinated waterfront resiliency efforts being undertaken by the Port in partnership with other federal, state, and local agencies to plan and reduce the risk of anticipated seismic activity, flooding, coastal storm damages, and sea level rise along the waterfront.

The Study began in 2018 under the USACE San Francisco District, South Pacific Division and was transferred to the Tulsa District out of the Southwestern Division in 2021. The Study follows the USACE Specific, Measurable, Attainable, Risk Informed, and Timely (SMART) planning process which targets a feasibility study to be completed within three years, but due to several complexities, including consideration of seismic conditions and the diversity of the geographic regions and stakeholders, the Study has been approved to complete the process in seven years.

3. *Purpose and Need.* The purpose of the Study is to investigate the feasibility of managing tidal and fluvial flooding and sea level rise along 7.5 miles of the San Francisco Bay shoreline. The project area is at risk of flooding from bay water during coastal storms, extreme tides, and future sea level rise. Flooding along the waterfront could cause extensive damage to public infrastructure and private property, loss of life and deterioration of public health and safety, degradation of the natural environment, and adverse changes to the social and economic character of the waterfront community. The risk is

expected to increase over time as sea levels rise in the bay.

4. *Proposed Action and Alternatives Being Considered.* Adapting the waterfront will require changes on a large scale that balance multiple factors and priorities. The Study Team has formulated an array of alternatives that would reduce the risk of flooding along the waterfront by considering the three USACE sea level rise curve scenarios (low, intermediate, and high), alignment of the line of defense relative to the existing shoreline, and adaptability of the design to address higher sea levels if certain thresholds are triggered after construction. A total of seven alternatives have been formulated for this study including:

- *Alternative A—No Action:* Takes no action to reduce flood risks through this project. This alternative serves as the baseline condition.

- *Alternative B—Nonstructural:* Proposes nonstructural measures such as relocation, raise in place, floodproofing, and zoning in areas identified with frequent flooding.

- *Alternative C—Defend Low Rate of Rise:* Uses a combination of structural (e.g., t-walls, sheet pile walls, berms, curb extensions), nonstructural (e.g., deployable flood barriers, floodproofing), and natural and nature-based features (NNBF) (e.g., ecological armoring) to address flooding in “low spots” along the shoreline. This alternative does not include any future year actions or adaptability once construction is complete.

- *Alternative D—Hybrid, Lower Rate of Rise:* Similar to Alternative C except measures are adaptable for future construction assuming the rate of rise accelerates to a higher rate of sea level change. Ecotone levees, ecological armoring, and wetland preservation and restoration are additional NNBF included in this design.

- *Alternative E—Defend, Higher Rate of Rise:* Uses a combination of structural (e.g., wharf raises and rehabilitation, seawalls, sheet pile walls, and berms), nonstructural (e.g., building and bridge raises, floodproofing) and NNBF (e.g., living seawalls/vertical shoreline, embankment shorelines, ecotone levees, and naturalized shorelines) to defend at the existing shoreline and prevent overtopping at the higher rate of sea level change with recommendations for adaptation in future years.

- *Alternative F—Working with Water, Higher Rate of Rise:* Similar to Alternative E, except there is managed retreat inland along the southern waterfront and tide gates at the mouths of Islais and Mission creeks. The NNBF include ecotone levees, ecological

armoring, naturalized shorelines, coarse beaches, and wetland preservation and restoration. Additional retreat and adaptations are proposed as the rate of sea level rise increases. This alternative proposes the most bayward alignment.

- *Alternative G—Living with Water, Higher Rate of Rise:* Similar to Alternative F, except this alternative concedes the largest area for managed retreat and incorporates more nonstructural measures (e.g., relocation and zoning) and significantly more areas of wetland restoration. It does not include water control structures (i.e., tide gates). This alternative proposes the most inland alignment and does not require bay fill.

5. *Brief Summary of Expected Impacts.* Expected impacts include short- and long-term impacts to existing aquatic habitats, fish and wildlife including federally protected species and their habitat, water quality, air quality, aesthetic quality, noise, transportation corridors, recreation features, historic resources, and socioeconomic resources. Impacts anticipated to require compensatory mitigation include aquatic habitats, water quality, and air quality, while many of the impacts to other resources will be minimized or avoided through project design. Long-term benefits are anticipated to each of the socioeconomic resources such as life safety, critical infrastructure, utilities, historic resources, historically disadvantaged communities, recreation, and the local economy through the management of coastal flooding and sea level rise. Long-term increases in aquatic habitats may also be realized with implementation of the NNBF.

The USACE San Francisco District and Port issued a Notice of Early Scoping in the **Federal Register** August 20, 2020. At that time, it was unclear if significant effects would be realized and the need for an EIS was not formally announced. Since then, it was determined that significant resource impacts are anticipated and an EIS is warranted. During early scoping, several significant environmental and social issues were raised including but not limited to minimizing bay fill; effects of high rates of sea level rise on any alternative considered; disruptions to businesses, transportation corridors and walk paths; environmental justice impacts on historically disadvantaged communities; impacts to water quality, contaminated sites, historic resources; and the potential cost and time to implement any of the strategies. In general, there was wide support for use of nature-based measures in lieu of gray infrastructure, preserving and increasing

public access to the waterfront, and incorporating adaptation components to address uncertainties in sea level rise.

6. *Anticipated Permits, Consultations, or Coordination.* The proposed action is being coordinated with federal, state, regional, and local agencies. In accordance with relevant environmental laws and regulations, the USACE will consult with the following agencies: US Fish and Wildlife Service and National Marine Fisheries Service under the Fish and Wildlife Coordination Act and Endangered Species Act; National Marine Fisheries Service under the Marine Mammal Protection Act and Magnuson-Stevens Fishery Conservation and Management Act; the San Francisco Bay Regional Water Quality Control Board under Section 401 of the Clean Water Act; the Bay Conservation and Development Commission under the Coastal Zone Management Act; the Bay Area Air Quality Management District under the Clean Air Act; the California State Historic Preservation Office and the Advisory Council on Historic Preservation under the National Historic and Preservation Act; and tribes under tribal coordination policies and executive orders. Other Federal and state agencies have been invited to participate throughout the study process as Coordinating or Participating Agencies.

For compliance with the National Environmental Policy Act (NEPA), the USACE will serve as the lead Federal agency in the preparation of the Draft IFR–EIS. For the California Environmental Quality Act (CEQA), the City of San Francisco Planning Department (Planning Department) is the lead agency for the Study. The Planning Department is conducting CEQA review under a separate process and will not be integrated with this NEPA effort.

7. *Public Participation.* USACE invites all affected federal, state, and local agencies, affected Native American Tribes, other interested parties, and the public to participate in the NEPA process during development of the Draft IFR–EIS.

Early scoping began in 2020, however due to the scale of anticipated effects, the USACE is inviting additional comments on the potential alternatives, issues of concern and any analyses relevant to the proposed action with this notice and formally announces the intent to prepare an EIS. For more information visit the project website at <https://sfport.com/wrp/usace>.

The scoping comment period begins with publication of this notice and ends on August 28, 2023. All comments

received during early scoping and the scoping period are being used to identify significant resources and effects that should be considered in the preparation of the Draft IFR–EIS. Comments received after the comment period closes will be considered prior to the Draft IFR–EIS public review period, to the extent possible. For those that cannot be addressed prior to the public review period, the comments will be included within the public review period and addressed at that time.

While no public scoping meetings are scheduled during this scoping period, virtual public scoping meetings were held on September 16 and 17, 2020 coinciding with the Notice of Early Scoping issued in the **Federal Register** August 2020. The Port has also held numerous public engagement sessions including a robust outreach effort in the Fall of 2022 with a total of sixteen virtual and in-person public engagement events to further describe the purpose of the Study and strategies being considered, as well as to seek feedback on areas of concern and the plan formulation process.

8. *Availability of Draft IFR–EIS.* The USACE currently estimates that the Draft IFR–EIS will be available for public review and comment in the Fall of 2023. At that time, the USACE will provide a 60-day public review period for individuals and agencies to review and comment. The USACE will notify all interested agencies, organizations, and individuals of the availability of the draft document at that time. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the Draft EIS circulation.

**Wesley E. Coleman, Jr.**

*Programs Director, Southwestern Division.*

[FR Doc. 2023–15898 Filed 7–26–23; 8:45 am]

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## DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0142]

### Agency Information Collection Activities; Comment Request; Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a

revision of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before September 25, 2023.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <https://www.regulations.gov> by searching the Docket ID number ED–2023–SCC–0142. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <https://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](https://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202–8240.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Julie Laurel, 202–453–6733.

**SUPPLEMENTARY INFORMATION:** The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how

might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report.

*OMB Control Number:* 1840–0640.

*Type of Review:* A revision of a currently approved ICR.

*Respondents/Affected Public:* Private Sector; State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 206.

*Total Estimated Number of Annual Burden Hours:* 2,297.

*Abstract:* Ronald E. McNair Postbaccalaureate Achievement (McNair) Program grantees must submit the Annual Performance Report each year. The reports are used to evaluate grantees' performance for substantial progress, respond to the Government Performance and Results Act (GPRA), and award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the projects and to analyze the impact of the McNair Program on the academic progress of participating students.

In this revision, the Department added two fields, at the project level, requesting information on the implementation of the Competitive Preference Priorities (CPPs) used in the most recent grant competition. The addition of the CPP questions coupled with an increase in the number of respondents resulted in a slight increase in total annual burden hours.

Dated: July 24, 2023.

**Kun Mullan,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2023–15963 Filed 7–26–23; 8:45 am]

**BILLING CODE 4000–01–P**

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## DEPARTMENT OF EDUCATION

[Docket ID ED–2023–FSA–0109]

### Privacy Act of 1974; System of Records

**AGENCY:** Federal Student Aid, U.S. Department of Education.

**ACTION:** Notice of a Modified System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended