

period. Total hammer time is scheduled to occur over 128 days between July 15, 2015 and July 14, 2016. These localized and short-term noise exposures may cause brief startle reactions or short-term behavioral modification by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease. Moreover, the proposed mitigation and monitoring measures are expected to reduce potential exposures and behavioral modifications even further.

Additionally, no important feeding and/or reproductive areas for marine mammals are known to be near the proposed action area. Therefore, the take resulting from this CALTRANS project is not reasonably expected to and is not reasonably likely to adversely affect the marine mammal species or stocks through effects on annual rates of recruitment or survival and, therefore, will have a negligible impact on the affected species or stocks.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the "Anticipated Effects on Marine Mammal Habitat" section. The project activities would not modify existing marine mammal habitat. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary, this negligible impact analysis is founded on the following factors: (1) The possibility of injury, serious injury, or mortality may reasonably be considered discountable; (2) the anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior with no significant adverse impacts on habitat and; (3) the presumed efficacy of the proposed mitigation measures in reducing the effects of the specified activity to the level of least practicable impact. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activity will have only short-term effects on individuals. The specified activity is not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals

and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that the total marine mammal take from CALTRANS' construction of a replacement bridge for the East Span of the SF-OBB will have a negligible impact on the affected marine mammal species or stocks.

#### *Small Numbers Analysis*

Table 2 demonstrates the number of animals that could be exposed to received noise levels that could cause Level B behavioral harassment for the proposed work associated with the replacement bridge construction. These numbers represent 1.5%, <0.01%, <0.01% and 0.10% of the California stock harbor seal, the U.S. stock California sea lion, the Eastern North Pacific stock gray whale, and the San Francisco-Russian River stock harbor porpoise, respectively (Table 3).

The numbers of animals authorized to be taken for all species are small relative to the relevant stocks or populations even if each estimated taking occurred to a new individual—an extremely unlikely scenario. For pinnipeds occurring in the vicinity of the SF-OBB project, there will almost certainly be some overlap in individuals present day-to-day, and these takes are likely to occur only within some small portion of the overall regional stock, such as the number of harbor seals that regularly use nearby haul-out rocks.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, which are expected to reduce the number of marine mammals potentially affected by the proposed action, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

#### *Impact on Availability of Affected Species for Taking for Subsistence Uses*

There are no subsistence uses of marine mammals in the proposed project area; and, thus, no subsistence uses impacted by this action.

#### *Endangered Species Act (ESA)*

No marine mammal species listed under the ESA are expected to be affected by these activities. Therefore, we have determined that a section 7 consultation under the ESA is not required.

#### *National Environmental Policy Act (NEPA)*

NMFS' prepared an Environmental Assessment (EA) for the take of marine mammals incidental to construction of the East Span of the SF-OBB and made a Finding of No Significant Impact (FONSI) on November 4, 2003. Due to the modification of part of the construction project and the mitigation measures, NMFS reviewed additional information from CALTRANS regarding empirical measurements of pile driving noises for the smaller temporary piles without an air bubble curtain system and the use of vibratory pile driving. NMFS prepared a Supplemental Environmental Assessment (SEA) and analyzed the potential impacts to marine mammals that would result from the modification of the action. A Finding of No Significant Impact (FONSI) was signed on August 5, 2009. A copy of the SEA and FONSI is available upon request.

#### **Authorization**

As a result of these determinations, we have issued an IHA to CALTRANS for conducting the described activities related to the construction of the East Span of the San Francisco-Oakland Bay Bridge, from July 15, 2015 through July 14, 2016 provided the previously described mitigation, monitoring, and reporting requirements are incorporated.

Dated: July 16, 2015.

**Perry Gayaldo,**

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

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

**RIN 0648-XE040**

#### **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 NMFS Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, has made a preliminary determination that an Exempted Fishing Permit renewal application from the Commercial

Fisheries Research Foundation contains all of the required information and warrants further consideration; and that the activities authorized under the Exempted Fishing Permit would be consistent with the goals and objectives of the Interstate Fisheries Management Plan for American lobster. 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 Exempted Fishing Permit applications.

**DATES:** Comments must be received on or before August 7, 2015.

**ADDRESSES:** Written comments on this notice may be submitted by the following methods:

- *Email to:* [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line "Comments on CFRF Lobster EFP."
- *Mail to:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on CFRF Lobster EFP."

**FOR FURTHER INFORMATION CONTACT:** Cynthia Hanson, NOAA Affiliate, 978-281-9180.

**SUPPLEMENTARY INFORMATION:** The Commercial Fisheries Research Foundation (CFRF) submitted a complete application for a 2-year renewal to an existing Exempted Fishing Permit (EFP) on June 25, 2015. The purpose of this study is to test electronic data collection while conducting research on the abundance and distribution of juvenile American lobster. Funding for this study will be provided through a NOAA grant, as part of the Saltonstall-Kennedy Grant Program. The EFP proposes to use a total of 36 ventless, untagged traps in Lobster Management Areas 2 and 3; covering statistical areas 464, 465, 512, 515, 522, 525, 526, 537, 561, 562, 613, 615, and 616. Maps depicting these areas are available on request.

The study would take place during regular fishing activity on 12 federally permitted commercial fishing vessels; 6 vessels in each of the two management areas. Sampling would occur during scheduled fishing trips on each vessel once per week in Area 2, and once every 10 days in Area 3. If an EFP extension is granted, there would be an additional 36 modified, untagged traps in the water during any given time, for a period of two years. Each participating vessel would have up to three modified traps attached to a regular trap trawl. Modifications to a conventional lobster

trap would include a closed escape vent, single parlor, and smaller mesh size and entrance head.

The CFRF is requesting exemptions from the following Federal lobster regulations:

- Gear specifications in 50 CFR 697.21(c) to allow for closed escape vents, and smaller mesh and entrance heads;
- Trap limits as listed in 50 CFR 697.19(b) for Area 2, and 50 CFR 697.19(c) for Area 3, to be exceeded by 3 additional traps per fishing vessel for a total of 36 additional traps;
- Trap tag requirements, as specified in 50 CFR 697.19(i), to allow for the use of untagged traps; and
- Possession restrictions in 50 CFR 697.20(a), to allow for onboard biological sampling of juvenile, v-notched, and egg-bearing lobsters.

All lobsters caught by modified gear would remain onboard for a short period of time to allow for biological sampling and data collection, after which they would be returned to the water. Biological information will be collected on both kept and discarded lobsters, including: Carapace length; sex; and presence of eggs, v-notches, and shell disease. This study would use several data recording devices, including electronic calipers for length measurements, video cameras, and waterproof tablets. Once the vessels return to shore, data would be relayed to a central database and made available via the Atlantic Coastal Cooperative Statistic Program.

If approved, CFRF may request minor modifications and extensions to the EFP throughout the study period. 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: July 17, 2015.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XD977**

#### Taking of Marine Mammals Incidental to Specified Activities: Mukilteo Multimodal Project Tank Farm Pier Removal

**AGENCY:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice; proposed incidental harassment authorization; request for comments and information.

**SUMMARY:** Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to WSF to incidentally take, by harassment, small numbers of marine mammals for a period of 1 year.

**DATES:** Comments and information must be received no later than August 24, 2015.

**ADDRESSES:** Comments on the application should be addressed to Robert Pauline, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is [itp.pauline@noaa.gov](mailto:itp.pauline@noaa.gov). NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 25-megabyte file size.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the application may be obtained by writing to the address specified above or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm>. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Robert Pauline, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:**