

NMFS has determined that the application of this categorical exclusion remains appropriate for this IHA.

### 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.

NMFS Office of Protected Resources previously determined that issuance of the initial 2022 IHA falls within the scope of activities analyzed in NMFS Greater Atlantic Regional Fisheries Office's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021).

### Authorization

NMFS has issued an IHA to Ørsted for marine site characterization survey activities associated with the specified activity from May 10, 2023, through May 9, 2024. All previously described mitigation, monitoring, and reporting requirements from the initial 2022 IHA are incorporated.

Dated: May 5, 2023.

**Kimberley Damon-Randall,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### ENVIRONMENTAL PROTECTION AGENCY

### Coastal Nonpoint Pollution Control Program: Proposal To Find That Michigan Has Satisfied Conditions on Earlier Approval

**AGENCY:** National Oceanic and Atmospheric Administration, Department of Commerce, Environmental Protection Agency.

**ACTION:** Notice of proposed finding; request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA)

and the U.S. Environmental Protection Agency (EPA) (the Federal agencies) invite public comment on the Federal agencies' proposed finding that Michigan has satisfied all conditions the agencies established as part of their 1997 approval of the state's coastal nonpoint pollution control program (coastal nonpoint program). The Coastal Zone Act Reauthorization Amendments (CZARA) directs states and territories with coastal zone management programs previously approved under section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint programs, which must be submitted to the Federal agencies for approval. Prior to making such a finding, NOAA and the EPA invite public input on the two Federal agencies' rationale for this proposed finding.

**DATES:** Comments are due by June 12, 2023.

**ADDRESSES:** Copies of the proposed findings document may be found on [www.regulations.gov](http://www.regulations.gov) (search for NOAA-NOS-2022-0017) and NOAA's Coastal Nonpoint Pollution Control Program website at <https://coast.noaa.gov/czm/pollutioncontrol/>.

Comments may be submitted by:

- **Electronic Submission:** Submit all electronic public comments via the Federal eRulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov) and enter NOAA-NOS-2022-0017 in the Search box, then click the "Comment" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to Joelle Gore, Chief, Stewardship Division (N/OCM6), Office for Coastal Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910; phone (240) 428-7096; ATTN: Michigan Coastal Nonpoint Program.

**Instructions:** All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personally identifiable information (for example, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter will be publicly accessible. NOAA and EPA will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The Federal agencies will generally not consider comments or comment contents located outside of the

primary submission (*i.e.*, on the web, cloud, or other file sharing system).

### FOR FURTHER INFORMATION CONTACT:

Allison Castellán, Office for Coastal Management, NOS, NOAA, (202) 596-5039, [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); or Paul Thomas, U.S. EPA Region 5, Water Division, (312) 866-7742, [thomas.paul@epa.gov](mailto:thomas.paul@epa.gov).

**SUPPLEMENTARY INFORMATION:** Section 6217(a) of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. 1455b(a), requires that each state (or territory) with a coastal zone management program previously approved under section 306 of the Coastal Zone Management Act must prepare and submit to the Federal agencies a coastal nonpoint pollution control program for approval. Because Michigan administers a federally approved coastal zone management program, Michigan originally submitted its coastal nonpoint program to the Federal agencies for approval in 1995. The Federal agencies provided public notice of and invited public comment on their proposal to approve, with conditions, the Michigan program (61 FR 57673). The Federal agencies approved the program by letter dated September 24, 1997, subject to the conditions specified in the letter (62 FR 58940). The Federal agencies propose to find, and invite public comment on the proposed findings, that Michigan has satisfied the conditions associated with the earlier approval of its coastal nonpoint program.

The proposed findings document for Michigan's program is available at [www.regulations.gov](http://www.regulations.gov) (search for NOAA-NOS-2022-0017) and information on the Coastal Nonpoint Program in general is available on the NOAA website at <https://coast.noaa.gov/czm/pollutioncontrol/>.

**Radhika Fox,**

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**Nicole R. LeBoeuf,**

*Assistant Administrator for Ocean Services  
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