

Dated: October 10, 2023.

Julia M. Harrison,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD280]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of modification to expiration date of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico (GOM), notification is hereby given that NMFS has modified the expiration date of a Letter of Authorization (LOA) issued to CGG for the take of marine mammals incidental to geophysical survey activity in the GOM.

DATES: This LOA is effective through April 7, 2024.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/marine-mammal-protection/issued-letters-authorization-oil-and-gas-industry-geophysical-survey>. In case of problems accessing these documents, please call the contact listed below (**FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Rachel Wachtendonk, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than

commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in U.S. Federal waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of affecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as

mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS issued an LOA to CGG on March 24, 2023, for the take of marine mammals incidental to a three-dimensional (3D) ocean bottom node (OBN) survey over approximately 200 lease blocks in the Walker Ridge and Green Canyon areas of the central GOM, effective May 1 through December 31, 2023. Please see the **Federal Register** notice of issuance (88 FR 17819, March 24, 2023) for additional detail regarding the LOA and the survey activity.

CGG initially anticipated that the activity would occur at some point between May 1 and December 31, 2023. CGG subsequently conveyed to NMFS that the survey would occur later than previously expected. CGG has requested modification to the expiration date of the LOA (from December 31, 2023 to April 7, 2024) to accommodate the survey delays. There are no other changes to CGG's planned activity. Since issuance of the LOA, no survey work has occurred.

Authorization

NMFS has changed the expiration date of the LOA from December 31, 2023 to April 7, 2024. There are no other changes to the LOA as described in the March 24, 2023, **Federal Register** notice of issuance (88 FR 17819): the specified survey activity; estimated take by incidental harassment; and small numbers analysis and determination remain unchanged and are herein incorporated by reference.

Dated: October 10, 2023.

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–XD450]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold a public webinar to collect input on summer flounder commercial mesh regulations and exemptions.

DATES: The meeting will be held on Wednesday, November 1, 2023, from 2 p.m. until 5 p.m. EDT. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted prior to the meeting at www.mafmc.org.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council (Council) will host a webinar to collect public input on multiple summer flounder commercial trawl mesh regulations topics, as described below. The Council is seeking feedback to consider whether modifications to these measures may be needed and will review these topics at the December 2023 Council meeting jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board).

The first issue is the minimum mesh size requirements for the commercial summer flounder trawl fishery. The Fishery Management Plan (FMP) currently allows two options for summer flounder minimum mesh sizes: 5.5-inch diamond or 6.0-inch square. The Council and Board have previously reviewed information suggesting that the selectivity of the 6.0" square mesh is not equivalent to that of the 5.5" diamond mesh, and the 6.0" square mesh may be retaining too many undersized summer flounder. Additional input is being sought from industry on use patterns of these two minimum mesh sizes, factors influencing choice of mesh, cost of modifications to mesh size regulations, and whether modifications to the minimum mesh size may be necessary.

There are two exemptions to the minimum mesh size regulations that are also under review for Council and Board consideration in December 2023: (1) the Small Mesh Exemption Program, and (2)

the flynet exemption. Vessels landing more than 200 lb of summer flounder east of longitude 72° 30.0' W, from November 1 through April 30, and using mesh smaller than 5.5-inch diamond or 6.0-inch square are required to obtain a small mesh exemption program (SMEP) permit from NMFS. The exemption is designed to allow vessels to retain some bycatch of summer flounder while operating in other small-mesh fisheries. This exemption program is being reviewed to determine whether it is still meeting its original intention, and if changes to the SMEP are needed relative to the area, timing, possession limit, or other aspects of the program.

Vessels fishing with a two-seam otter trawl flynet are also exempt from the minimum mesh size requirements. Exempt flynets have large mesh in the wings that measure 8 to 64 inches, the belly of the net has 35 or more meshes that are at least 8 inches, and the mesh decreases in size throughout the body of the net, sometimes to 2 inches or smaller. Previous Council and Board discussions have suggested that the flynet exemption is being used to fish with "high rise" nets that may not meet the regulatory definition of flynets, pointing to a potential enforcement and compliance issues and/or a need to revise the regulatory language. The Council is seeking additional input from industry on how these two exemptions are used and any recommendations for modifications to the program, including consideration of whether they are still needed.

The primary target audience for this webinar includes: (a) any commercial industry participant using trawl gear to fish for summer flounder, (b) commercial fishing industry participants utilizing either of the summer flounder mesh size exemptions while targeting any species, (c) any stakeholder with knowledge of these gear types and their use, and (d) any member of the public who wishes to provide comments or recommendations on these regulations. Additional information, background documents, and instructions for providing written comments will be posted to the Council's website at: <https://www.mafmc.org/>.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526-5251, at least 5 days prior to the meeting date.

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

Dated: October 6, 2023.

Rey Israel Marquez,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD456]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of scoping meetings via webinar pertaining to Framework Amendment 13 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region. The amendment addresses Atlantic migratory group Spanish mackerel catch levels.

DATES: The scoping meetings will be held via webinar on Monday, October 30, 2023, at 6 p.m. and Wednesday, November 1, 2023, at 6 p.m.

ADDRESSES: *Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Christina Wiegand, Fishery Social Scientist, SAFMC; phone: (843) 571-4366 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: christina.wiegand@safmc.net.

SUPPLEMENTARY INFORMATION: The scoping meetings will be conducted via webinar. Registration is required. The public scoping document, online public comment form, and webinar registration information will be posted on the Council's website at: <https://safmc.net/public-hearings-and-scoping/> as it becomes available. Public comments must be received by 5 p.m. on November 10, 2023.

Framework Amendment 13 to the Coastal Migratory Pelagics FMP

The Council is considering action to address updated scientific information on the Atlantic Spanish mackerel stock provided through the Southeast Data, Assessment, and Review (SEDAR) 78 stock assessment (2022). The assessment, which included revised