

chartered under the Federal Advisory Committee Act, 5 U.S.C. App. 2, on February 17, 1971. The Committee meets twice a year, and holds supplementary meetings when necessary, as determined by NMFS or the Committee Chair. MAFAC is comprised of 15 to 21 individuals. Members are highly qualified, diverse individuals with experience in commercial, recreational, aquaculture, and non-commercial fisheries and businesses; seafood industry, including processing, marketing, restaurants and related industries; marine, ecosystems, or protected resources management and conservation; and human dimensions or social sciences associated with living marine resources and working waterfronts. Members may be from tribes or indigenous groups, environmental organizations, academia, consumer groups, and other living marine resource interest groups from all U.S. geographical regions, including the Western Pacific and Caribbean. NMFS strives to ensure MAFAC members represent a diversity of individuals and interests.

A MAFAC member cannot be a Federal employee; a state official, their designee, or an appointed member of a regional fishery management council; registered Federal lobbyist; or agent of a foreign principal. Selected candidates must pass a security check and submit a financial disclosure form. Membership is voluntary and, except for reimbursable travel and related expenses, service is without pay.

Each nomination must include the nominee's name, address, telephone number, and email address; a cover letter describing the nominee's interest in serving on the Committee and qualifications; and their curriculum vitae or resume. Up to three letters of support may be submitted. Self-nominations will be accepted.

Nominations should be sent to Katie Zanowicz (see **ADDRESSES**) and must be received by Friday, December 15, 2023. The full text of the Committee Charter and its current membership can be viewed at the NMFS web page at <https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-charter>.

Dated: October 11, 2023.

**Heidi Lovett,**

*Acting Designated Federal Officer, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID: 0648-XV195]

**Membership of the National Oceanic and Atmospheric Administration Performance Review Board**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of membership of the 2023 NOAA Performance Review Board.

**SUMMARY:** NOAA announces the appointment of members who will serve on the 2023 NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES), Senior Level (SL), and Scientific and Professional (ST) members and making written recommendations to the appointing authority on retention and compensation matters, including performance-based pay adjustments, awarding of bonuses, and reviewing recommendations for potential Presidential Rank Award nominees. The appointment of members to the NOAA PRB will be for a period of 2 years.

**DATES:** The effective date of service of the 10 appointees to the NOAA Performance Review Board is October 23-27, 2023.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles A. McLeod, Human Resources Specialist, Executive Resources Division, Office of Human Capital Services, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, 301-628-1883 or [Charles.mcleod@noaa.gov](mailto:Charles.mcleod@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The names and positions of the members for the 2023 NOAA PRB are set forth below:

- Juliana Blackwell, Chair: Director, Office of National Geodetic Survey, National Ocean Service, NOAA
- Michelle McClure, Vice-Chair: Director, Pacific Marine Environmental Laboratory, NOAA
- James St. Pierre: Acting Director, Information Technology Laboratory, National Institute of Standards and Technology
- Jonathan Hare: Science and Research Director, Northeast Region, National Marine Fisheries Service, NOAA
- Timothy Greten: Director, Office of Facilities, National Weather Service, NOAA
- Deirdre Jones: Chief Administrative Officer, NOAA

- Makeda Okolo: Director, Office of Legislative & Intergovernmental Affairs, NOAA
- Elsayed Talaat: Office of Projects, Partnerships and Analysis, National Environmental Satellite, Data and Information Service, NOAA
- Kevin Kimball: Chief of Staff, National Institute of Standards and Technology
- Kenneth Harding: Chief Operating Officer, National Weather Service, NOAA
- Bruce Pitts: Deputy Chief Administrative Officer, NOAA
- Jennifer Mahoney: Director, Global Systems Laboratory, Office of Oceanic and Atmospheric Research, NOAA
- Timothy Walsh: Director, Joint Polar Satellite Systems, National Environmental Satellite, Data and Information Service, NOAA
- Karen Hyun, Chief of Staff, NOAA

**Richard W. Spinrad,**

*Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648-XD384]

**Atlantic Highly Migratory Species; Atlantic Highly Migratory Species Southeast Data, Assessment, and Review Workshops Advisory Panel**

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

**ACTION:** Notice; nominations for shark stock assessment Advisory Panel.

**SUMMARY:** NMFS solicits nominations for the Atlantic Highly Migratory Species (HMS) Southeast Data, Assessment, and Review (SEDAR) Workshops Advisory Panel, also known as the "SEDAR Pool." The SEDAR Pool is comprised of a group of individuals who may be selected to consider data and advise NMFS regarding the scientific information including, but not limited to, data and models used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Nominations are being sought for 5-year appointments (2024-2029). Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental

organizations will be considered for membership on the SEDAR Pool.

**DATES:** Nominations must be received on or before November 15, 2023.

**ADDRESSES:** You may submit nominations and request the SEDAR Pool Statement of Organization, Practices, and Procedures electronically via email to [SEDAR.pool@noaa.gov](mailto:SEDAR.pool@noaa.gov).

Additional information on SEDAR and the SEDAR guidelines can be found at <http://sedarweb.org/>. The terms of reference for the SEDAR Pool, along with a list of current members, can be found at <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/southeast-data-assessment-and-review-and-atlantic-highly>.

**FOR FURTHER INFORMATION CONTACT:** Karyl Brewster-Geisz at 301-425-8503 or Delisse Ortiz at 301-427-8530.

**SUPPLEMENTARY INFORMATION:** Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635.

**Background**

Section 302(g)(2) of the Magnuson-Stevens Act states that each Council shall establish such advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act. For the purposes of this section, NMFS applies the above provision to Atlantic HMS management (see section 304(g)(1) of the Magnuson-Stevens Act, which provides that the Secretary will prepare FMPs for HMS and consult with Advisory Panels under section 302(g) for such FMPs). As such, NMFS has established the SEDAR Pool under this section. The SEDAR Pool currently consists of 36 individuals, each of whom may be selected to review data and advise NMFS regarding the scientific information including, but not limited to, data and models used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. While the SEDAR Pool was created specifically for Atlantic oceanic sharks, it may be expanded to include other HMS, as needed.

### Background

The primary responsibility of individuals in the SEDAR Pool is to review, at SEDAR workshops, the scientific information including, but not

limited to, data and models used in stock assessments that are used to advise NMFS about the conservation and management of Atlantic HMS specifically, but not limited to, Atlantic sharks. Individuals in the SEDAR Pool, if selected for a particular workshop, may participate in the various data, assessment, and review workshops during the SEDAR process of any HMS stock assessment. In order to ensure that the review is unbiased, individuals who participated in a data and/or assessment workshop for a particular stock assessment will not be allowed to serve as SEDAR Pool reviewers for the same stock assessment. However, these individuals may be asked to attend the review workshop to answer specific questions from the reviewers concerning the data and/or assessment workshops. Members of the SEDAR Pool may serve as members of other Advisory Panels concurrent with, or following, their service on the SEDAR Pool.

### Procedures and Guidelines

#### A. Participants

The SEDAR Pool is comprised of individuals representing the commercial and recreational fishing communities for Atlantic sharks, the environmental community active in the conservation and management of Atlantic sharks, and the academic community that have relevant expertise either with sharks and/or stock assessment methodologies for marine fish species. In addition, individuals who may not necessarily work directly with sharks, but who are involved in fisheries with similar life history, biology, and fishery issues may be part of the SEDAR Pool. Members of the SEDAR Pool must have demonstrated experience in the fisheries, related industries, research, teaching, writing, conservation, or management of marine organisms. The distribution of representation among the interested parties is not defined or limited.

Additional members of the SEDAR Pool may also include representatives from each of the 5 Atlantic Regional Fishery Management Councils, each of the 18 Atlantic states, both the U.S. Virgin Islands and Puerto Rico, and each of the relevant interstate commissions: the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

If NMFS requires additional members to ensure a diverse pool of individuals for data or assessment workshops, NMFS may request individuals to become members of the SEDAR Pool outside of the annual nomination period.

SEDAR Pool members serve at the discretion of the Secretary. Not all members will attend each SEDAR workshop. Rather, NMFS will invite certain members to participate at specific stock assessment workshops dependent on their ability to participate, discuss, and offer scientific input and advice regarding the species being assessed.

NMFS is not obligated to fulfill any requests (*e.g.*, requests for an assessment of a certain species) that may be made by the SEDAR Pool or its individual members. Members of the SEDAR Pool who are invited to attend stock assessment workshops will not be compensated for their services, but may be reimbursed for their travel-related expenses to attend such workshops.

#### B. Nomination Procedures for Appointments to the SEDAR Pool

Member tenure will be for 5 years. Nominations are sought for terms beginning early in 2024 and expiring in 2029. Nomination packages should include:

1. The name, address, phone number, and email of the applicant or nominee;
2. A description of the applicant's or nominee's interest in Atlantic shark stock assessments or the Atlantic shark fishery;
3. A statement of the applicant's or nominee's background and/or qualifications; and
4. A written commitment that the applicant or nominee shall participate actively and in good faith in the tasks of the SEDAR Pool, as requested.

#### C. Meeting Schedule

Individual members of the SEDAR Pool meet to participate in stock assessments at the discretion of the Office of Sustainable Fisheries, NMFS. Stock assessment timing, frequency, and relevant species will vary depending on the needs determined by NMFS and SEDAR staff. In 2024, NMFS will continue assessing the status of the hammerhead shark species in the hammerhead shark management group. Following the completion of the hammerhead assessments, NMFS anticipates beginning the assessment process for one or more of the following species of sharks: finetooth, spinner, bull, and/or tiger.

During an assessment year, meetings and meeting logistics will be determined according to the SEDAR Guidelines. All meetings are open for observation by the public.

Dated: October 11, 2023.

Jennifer M. Wallace,

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD302]

#### 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 issuance 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, notification is hereby given that a Letter of Authorization (LOA) has been issued to bp Exploration and Production Inc. (bp) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

**DATES:** The LOA is effective from November 1, 2023, through July 31, 2024.

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

**FOR FURTHER INFORMATION CONTACT:** Jenna Harlacher, 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. waters of the Gulf of Mexico (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 effecting 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.

#### Summary of Request and Analysis

Bp plans to conduct a Zero Offset vertical seismic profile (VSP) survey within Mississippi Canyon Block 956. See section 1.1 of bp's application for a map. Bp plans to use a 12-element, 2,400 cubic inch (in<sup>3</sup>) airgun array. Approximate water depths of the survey area is 2,000 meters (m). Please see bp's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by bp in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, 5398, January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone<sup>1</sup>); (3) number of days; and (4) season.<sup>2</sup> The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No VSP surveys were included in the modeled survey types, and use of existing proxies (*i.e.*, 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of these survey types. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220, June 22, 2018). Coil was selected as the best available proxy survey type for bp's VSP survey because the spatial coverage of the planned surveys is most similar to the coil survey pattern. For the planned survey, the seismic source array will be deployed from a drilling rig at or near the borehole, with the seismic receivers (*i.e.*, geophones) deployed in the borehole on wireline at specified depth intervals. The zero offset VSP will be stationary. The coil survey pattern in the model was assumed to cover approximately 144 square kilometers

<sup>1</sup> For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

<sup>2</sup> For purposes of acoustic exposure modeling, seasons include winter (December-March) and summer (April-November).