

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XC488]

Magnuson-Stevens Fishery Conservation and Management Act; Atlantic Coastal Fisheries Cooperative Management Act Provisions

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

ACTION: Notice; public meetings and request for comments.

SUMMARY: NMFS will hold one virtual hearing and accept written comment regarding an action to implement Presidential Proclamations 9496 and 10287, establishing the Northeast Canyons and Seamounts Marine National Monument. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notice to provide interested parties the opportunity to comment on this upcoming fishery management plan amendment.

DATES: The virtual hearing will be held on November 16, 2022. See

SUPPLEMENTARY INFORMATION for details, including the dates and times for the hearing. Written comments must be received on or before November 30, 2022.

ADDRESSES: You may submit written comments by the following method:

- Email: laura.deighan@noaa.gov.

Include in the subject line “Comments on Monument Amendment.”

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, 978–281–9184, laura.deighan@noaa.gov.

SUPPLEMENTARY INFORMATION: On September 15, 2016, the Northeast Canyons and Seamounts Marine National Monument was designated for waters of the North Atlantic (Presidential Proclamation 9496; 81 FR 65161, September 21, 2016). This Proclamation prohibited commercial fishing within the monument, with a 7-year exemption for the American lobster and Atlantic deep-sea red crab fisheries. In June 2020, monument prohibitions were revised via Proclamation 10049 (85 FR 35793, June 11, 2020) removing commercial fishing from the list of prohibited activities set forth in the 2016 Proclamation. Most recently, in October 2021, Proclamation 10287 (86 FR 57349, October 15, 2021) again

modified the activities allowed within the monument. This 2021 proclamation restored commercial fishing to the list of prohibited activities, providing “for the prohibition of all commercial fishing in the monument, except for red crab and American lobster commercial fishing, which may be permitted until September 15, 2023.”

NOAA Fisheries will hold one virtual public hearing and accept written comments regarding an action intended to incorporate the monument area and commercial fishing prohibition into the region’s fishery management plans and fishery regulations. A public hearing document with additional details can be found on the NOAA website at <https://www.fisheries.noaa.gov/event/public-hearing-development-northeast-canyons-and-seamounts-marine-national-monument-omnibus>. Information on the virtual hearing is below:

Wednesday, November 16, 2022, 3 p.m. ET. You can connect to the hearing using this website: <https://attendee.gotowebinar.com/register/2004798251740374797>.

Written comments will be accepted at the hearings or via the submission methods described above, by November 30, 2022.

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

Dated: November 3, 2022.

Kelly Denit,

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

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XC534]

Marine Mammals; File No. 26727

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Aaron Lynton, 986 Kupulau Drive, Kihei, HI 96853, has applied in due form for a permit to conduct commercial and educational photography on humpback whales (*Megaptera novaeangliae*).

DATES: Written, telefaxed, or email comments must be received on or before December 9, 2022.

ADDRESSES: These documents are available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 26727 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film humpback whales in the waters off the coast of Maui for a documentary on their social interactions and behaviors in Hawaiian waters. The applicant would film and observe up to 400 adult/juvenile humpback whales and 75 humpback whale calves annually topside from a vessel, using an unmanned aircraft system (UAS), or underwater by diving. Up to 60 Hawaiian spinner dolphins (*Stenella longirostris*), 300 short-finned pilot whales (*Globicephala macrorhynchus*), and 120 bottlenose dolphins (*Tursiops truncatus*) annually may be harassed and opportunistically filmed if in the vicinity of the target species. The permit would be valid through May 2024.

It has come to the agency’s attention that the 2016 interim final humpback approach rule (50 CFR 216.19; 81 FR 62010, September 8, 2016) does not explicitly exempt permits issued under section 104(c)(6) of the MMPA from its prohibitions. It is not the agency’s intent to preclude the issuance of permits or authorizations consistent with the requirements of the MMPA. We interpret the rule to allow issuance of these permits. Consistent with this interpretation, it has been our practice to continue to issue section 104(c)(6) permits that are in compliance with the MMPA’s requirements and our review procedures. However, to eliminate any potential ambiguity, we intend to revise the rule to explicitly clarify that photography permits issued under section 104(c)(6) of the MMPA are exempt from the prohibitions on approach.