

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
False killer whale .....	212	62.4	3,204	1.9
Killer whale .....	7	n/a	267	2.6
Short-finned pilot whale .....	30	9.0	1,981	0.5

<sup>1</sup> Scalar ratios were applied to “Authorized Take” values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

<sup>2</sup> Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice’s whale and killer whale, the larger estimated SAR abundance estimate is used.

<sup>3</sup> The final rule refers to the GOM Bryde’s whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice’s whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

<sup>4</sup> Includes 6 takes by Level A harassment and 71 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

<sup>5</sup> Modeled take of 6 increased to account for potential encounter with group of average size (Maze-Foley and Mullin, 2006).

Based on the analysis contained herein of Chevron’s proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

**Authorization**

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Chevron authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Date: January 5, 2024.

**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–XD589]

**Marine Mammals; File No. 27099**

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

**ACTION:** Notice; receipt of application for permit amendment.

**SUMMARY:** Notice is hereby given that Pacific Whale Foundation (Responsible Party; Jens Curie), 300 Ma’alaea Rd. Ste.

211, Wailuku, Hawaii 96793, has applied for an amendment to Scientific Research Permit No. 27099.

**DATES:** Written comments must be received on or before February 12, 2024.

**ADDRESSES:** The application and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 27099 from the list of available applications. These documents are also available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 27099 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](mailto: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:** Courtney Smith, Ph.D., or Erin Markin, Ph.D., (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 27099 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 27099, issued on April 28, 2023 (88 FR 31737, May 18, 2023), authorizes the permit holder to harass up to 1200 of the following cetaceans species, annually, during vessel,

underwater, and unoccupied aerial systems (UAS) surveys within waters of the Main Hawaiian Islands: Blainville’s beaked (*Mesoplodon densirostris*), Bryde’s (*Balaenoptera brydeii*), Cuvier’s beaked (*Ziphius cavirostris*), dwarf sperm (*Kogia sima*), false killer (*Pseudorca crassidens*; including the endangered Main Hawaiian Islands insular Distinct Population Segment), fin (*Balaenoptera physalus*), humpback (*Megaptera novaeangliae*), killer (*Orcinus orca*), melon-headed (*Peponocephala electra*), minke (*Balaenoptera acutorostrata*), pygmy killer (*Feresa attenuata*), pygmy sperm (*Kogia breviceps*), short-finned pilot (*Globicephala macrorhynchus*), and sperm (*Physeter macrocephalus*) whales; and common bottlenose (*Tursiops truncatus*), Fraser’s (*Lagenodelphis hosei*), pantropical spotted (*Stenella attenuata*), Risso’s (*Grampus griseus*), rough-toothed (*Steno bredanensis*), short-beaked common (*Delphinus delphis*), spinner (*Stenella longirostris longirostris*), and striped (*Stenella coeruleoalba*) dolphins. The objective of research is to assess the human impacts on, and the distribution, abundance, social organization, population structure, population size, foraging, diet, reproduction, movements, habitat use, body condition, health, and behavior of Hawaiian cetaceans. Permitted research procedures include photo-ID, photogrammetry, underwater filming, suction-cup tagging, biopsy collection, fecal sampling, sloughed skin collection, and exhaled air sample collection. Up to 10 suction-cup tags and up to 40 biopsy samples may be taken from the above-listed species. The permit holder is requesting the permit be amended to include authorization to import up to 40 humpback whale (East Australia Distinct Population Segment) biopsy samples from Australia. The imported samples will be used to

address a new study objective to understand the factors influencing humpback whale migration along the east coast of Australia within the context of a rapidly changing environment. Specifically, the study aims to analyze the size, age, and body condition of the sub-population of whales undertaking migration in a given year to provide insights into the overall health and status of the regional humpback whale population. The permit is valid through April 30, 2028. All other terms and conditions of the permit would remain the same.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 8, 2024.

**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-XD644]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council, NEFMC) will hold a three-day hybrid meeting with both in-person and remote participation to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Tuesday, Wednesday, and Thursday, January 30, January 31, and February 1, 2024, beginning at 9 a.m. each day.

**ADDRESSES:** The meeting will take place at The Venue at Portwalk Place, 22 Portwalk Place, Portsmouth, NH 03801; telephone (603) 422-6114; online at

<https://www.thevenueatportwalkplace.com>. Join the webinar at <https://attendee.gotowebinar.com/register/4656306835494284629>.

**Council address:** New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492; [www.nefmc.org](http://www.nefmc.org).

**FOR FURTHER INFORMATION CONTACT:** Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492, ext. 113.

#### **SUPPLEMENTARY INFORMATION:**

#### **Agenda**

*Tuesday, January 30, 2024*

The Council will begin this meeting in Closed Session to discuss appointments to its Scientific and Statistical Committee. At 9:30 a.m., the open session will begin with brief announcements, followed by reports on recent activities from the Council's Chair and Executive Director, the GARFO Regional Administrator, the NOAA Office of General Counsel, the Northeast Fisheries Science Center (NEFSC) Director, the Mid-Atlantic Fishery Management Council liaison, and representatives from the Atlantic States Marine Fisheries Commission (ASMFC), the U.S. Coast Guard, NOAA's Office of Law Enforcement, the U.S. Fish and Wildlife Service, and the Advisory Committee to the U.S. Section of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The Council then will receive a progress report from its Risk Policy Working Group that will focus on addressing Terms of Reference 1 and 2 to revise the Council's Risk Policy. Next, the Council will receive an update from GARFO and the NOAA National Centers for Coastal Ocean Science on revised siting for the Blue Water Fisheries offshore aquaculture project in federal waters off the coast of New Hampshire.

After the lunch break, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3-5 minutes. These comments will be received both in person and through the webinar. A guide for how to publicly comment through the webinar is available on the Council website at [https://s3.amazonaws.com/nefmc.org/NEFMC-meeting-remote-participation\\_generic.pdf](https://s3.amazonaws.com/nefmc.org/NEFMC-meeting-remote-participation_generic.pdf). The Council then will hear from its Herring Committee, which will provide an update on Amendment 10 to the Atlantic Herring Fishery Management Plan. This is an action to

minimize user conflicts in the herring fishery. The Council will review a draft scoping document and scoping meeting schedule to gather public input on the range of issues that potentially could be addressed in this amendment. To close out the day, the Council will receive a congressional update on current legislative activities. Following the adjournment of official business, the Council will host a public outreach session to foster open lines of communication among Council members, staff, industry, and all meeting attendees. This event will be held at the AC Hotel on the Lobby Level, 299 Vaughn Street, which is a four-minute walk from the Council meeting room at The Venue at Portwalk Place in Portsmouth, NH.

*Wednesday, January 31, 2024*

The Council will begin the second day of its meeting with a presentation on the three-year review of the Northeast Region's Standardized Bycatch Reporting Methodology. Next, the Council will receive a report on activities within the Northeast Fisheries Science Center's Fishery Monitoring and Research Division, including: (1) the status of ongoing responsibilities; (2) at-sea monitoring and observer program activities; and (3) cooperative research updates. This report will be followed by an overview of a Northeast Fisheries Science Center white paper outlining potential plans for industry-based surveys to complement federal spring and fall bottom trawl surveys on the NOAA ship *Henry B. Bigelow*. The Council will have an opportunity to provide input on research priorities for consideration in future industry-based survey as they relate to its own research priorities.

Following the lunch break, the Council will receive a NOAA Fisheries presentation on the Marine Recreational Information Program (MRIP), which will include an update on the status of MRIP's Fishing Effort Survey (FES). This will be followed by the Groundfish Committee report, which will cover four items as follows. (1) Recreational Measures: the Council will provide recommendations to GARFO on fishing year 2024 recreational measures for Georges Bank cod, Gulf of Maine cod, and Gulf of Maine haddock. (2) The Atlantic Cod Management Transition Plan: the Council will receive an update on transition planning. (3) Metrics for the Groundfish Amendment 23 Monitoring System Review: the Council will receive a progress report on this action. And (4) 2024 Groundfish Priorities: the Council will receive a preliminary overview of the groundfish