

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Short-finned pilot whale .....	77	23	1,981	1.1

<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 13 takes by Level A harassment and 138 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 21 increased to account for potential encounter with group of average size Maze-Foley and Mullin, 2006)

Based on the analysis contained herein of Shell’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 Shell authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: March 18, 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-XD821]

**Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings**

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council including a joint session with the Atlantic States Marine Fisheries

Commission (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board.

**DATES:** The meetings will be held Tuesday, April 9 through Thursday, April 11, 2024. For agenda details, see **SUPPLEMENTARY INFORMATION.**

**ADDRESSES:** This meeting will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at The Sheraton Atlantic City Convention Center Hotel or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: <https://www.mafmc.org/briefing/april-2024>.

*Meeting address:* Sheraton Atlantic City Convention Center Hotel, 2 Convention Blvd., Atlantic City, NJ 08401.

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

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526-5255. The Council’s website, [www.mafmc.org](http://www.mafmc.org), also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

**SUPPLEMENTARY INFORMATION:** The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council’s website when possible.)

**Tuesday, April 9, 2024**

*Proposed Rule To Update Regulations Associated With the Magnuson-Stevens Fishery Conservation and Management Act’s Confidentiality Requirements—NOAA Fisheries Staff*

Presentation and opportunity for questions/feedback.

*Offshore Wind Fisheries Compensation Programs*

Summary of fishery information requirement for compensation eligibility.

Data needs and challenges.

Consider potential Council action.

*2024 State of the Ecosystem Report—Dr. Sarah Gaichas, NEFSC*

Review and provide feedback.

*2024 Ecosystem Approach to Fisheries Management (EAFM) Risk Assessment Report*

Review draft report and provide feedback for further development.

*Habitat Activities Update—Greater Atlantic Regional Fisheries Office Habitat and Ecosystem Services Division*

Presentation on activities of interest (aquaculture, wind, and other projects) in the region.

**Wednesday, April 10, 2024**

*Joint MAFMC/NEFMC Framework To Reduce Atlantic Sturgeon Interactions in the Monkfish/Dogfish Gillnet Fisheries: Final Action*

Review recommendations from the FMAT/PDT, Dogfish and Monkfish Advisory Panels, and joint Dogfish and Monkfish Committee.

Review alternatives and impacts analyses.

Select preferred alternatives and take final action.

*NTAP Progress Report for Industry-Based Survey Pilot Program*

Review and provide feedback.

**LUNCH**

*Golden Tilefish Catch Share Program Review*

Review public comments received. Approve program review and submit to NOAA Fisheries.

Review recommendations from the Oversight Team and discuss next steps.

*Golden Tilefish Assessment Overview—  
Pual Nitschke, NEFSC*

Overview of recently completed Research Track Stock Assessment.

*Impacts of Offshore Wind Energy Construction Sounds on Behavior of Longfin Squid and Black Sea Bass—  
Aran Mooney, Woods Hole Oceanographic Institution*

Review research on impacts of sound and behavior of longfin squid and black sea bass.

*Summer Flounder Commercial Mesh Exemptions Framework Meeting #1  
(With ASMFC SFSBSB Board)*

Review preliminary analysis and public input.

Approve draft range of alternatives for further analysis.

**Thursday, April 11, 2024**

*Business Session*

Committee Reports (SSC); Executive Director's Report; Organization Reports; and Liaison Reports.

*Other Business and General Public Comment*

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c).

**Special Accommodations**

These meetings are 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: March 19, 2024.

**Diane M. DeJames-Daly,**

*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-XD648]

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys off New York, New Jersey, Delaware, and Maryland**

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

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Atlantic Shores Offshore Wind, LLC (Atlantic Shores) to incidentally harass, by Level B harassment only, marine mammals during marine site characterization surveys in waters off of New York, New Jersey, Delaware, and Maryland, including in the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Areas OCS-A 0499, OCS-A 0541, OCS-A 0549, and associated export cable corridor (ECC) areas.

**DATES:** This authorization is effective from April 1, 2024, through March 31, 2025.

**ADDRESSES:** Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-atlantic-shores-offshore-wind-llcs-marine-site>. In case of problems accessing these documents, please call the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:**

**Background**

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) 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 proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

**Summary of Request**

August 31, 2023, NMFS received a request from Atlantic Shores for an IHA to take marine mammals incidental to conducting marine site characterization surveys in waters off of New York, New Jersey, Delaware, and Maryland, specifically within BOEM Lease Areas OCS-A 0499, OCS-A 0541, OCS-A 0549, and associated ECC areas. Following NMFS' review of the application, Atlantic Shores submitted revised versions on October 11 and November 17, 2023. The application was deemed adequate and complete on November 20, 2023. Atlantic Shores' request is for take of small numbers of 14 species (15 stocks) of marine mammals by Level B harassment. Neither Atlantic Shores nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued IHAs to Atlantic Shores for similar work (85 FR 21198, April 16, 2020; 86 FR 21289, April 22, 2021; 87 FR 24103, April 20, 2022; 87 FR 50293, August 10, 2022; 88 FR 38821, June 9, 2023; 88 FR 54575, August 10, 2023). Atlantic Shores complied with all the requirements (*e.g.*, mitigation, monitoring, and reporting) of the previous IHAs and did not exceed authorized levels of take under previous IHAs issued for surveys offshore of New York and New Jersey. These previous monitoring results are available to the