

lions (*Zalophus californianus*). Collected biological samples may be exported for analysis. See the application for complete numbers of animals requested by species and procedure. The requested duration of this permit is 5 years.

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 activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007) and a supplemental environmental assessment (NMFS 2014) prepared for the addition of unmanned aerial surveys to the suite of Steller sea lion research activities analyzed under the EIS that concluded that issuance of the permits would not have a significant adverse impact on the human environment. An environmental review memo is being prepared to summarize these findings.

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

Dated: April 29, 2024.

**Julia M. Harrison,**

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

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD212]

#### **Draft Updated Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing—Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts (Version 3.0)**

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS), announces the availability of our draft *Update to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0): Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary*

*Threshold Shifts* (draft Updated Technical Guidance) for public comment. The draft Updated Technical Guidance assesses the effects of anthropogenic sound on marine mammal species under NMFS's jurisdiction. The draft Updated Technical Guidance provides updated received levels and auditory weighting functions, or acoustic criteria, above which individual marine mammals, in-air and underwater, are predicted to experience changes in their hearing sensitivity (auditory injury or temporary threshold shift) for all anthropogenic sound sources. Once finalized, the Updated Technical Guidance will replace NMFS's current *2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0): Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts* (2018 Revised Technical Guidance).

**DATES:** Comments must be received by June 17, 2024.

**ADDRESSES:** The draft Updated Technical Guidance is available in electronic form via the internet <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>. You may submit comments by including NOAA-NMFS-2024-0026, by either of the following methods:

*Federal e-Rulemaking Portal:* Go to <https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2024-0026>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

*Mail:* Send comments to: Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: Updated Acoustic Technical Guidance.

*Instructions:* NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will generally post for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Amy R. Scholik-Schlomer, Office of

Protected Resources, 301-427-8449, [Amy.Scholik@noaa.gov](mailto:Amy.Scholik@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The National Marine Fisheries Service has developed a draft Updated Technical Guidance document for assessing the effects of anthropogenic sound on the hearing of marine mammal species, in-air and underwater, under NMFS's jurisdiction. Specifically, the draft Updated Technical Guidance identifies the received levels and auditory weighting functions, or acoustic criteria, above which individual marine mammals are predicted to experience changes in their hearing sensitivity (auditory injury (AUD INJ) or temporary threshold shift (TTS)) for all anthropogenic sound sources. This document is intended for use by NMFS analysts and managers and other relevant user groups and stakeholders, including other Federal agencies, when seeking to determine whether and how their activities are expected to result in particular types of impacts to marine mammals via acoustic exposure in-air and underwater. The draft Updated Technical Guidance outlines NMFS's updated acoustic criteria and describes in detail how they were developed and how they will be updated in the future.

As with our current 2018 Revised Technical Guidance (<https://www.fisheries.noaa.gov/s3/2023-05/TECHMEMOGuidance508.pdf>), NMFS worked with the U.S. Navy, which updated their marine mammal acoustic criteria. Upon evaluation, NMFS has determined that the Navy's proposed criteria reflects the best available science and incorporated it into our draft Updated Technical Guidance.

NMFS conducted an independent peer review in October/November 2022 in association with the draft Updated Technical Guidance. Details of the peer reviews are available at the following website: <https://www.noaa.gov/information-technology/update-to-20162018-technical-guidance-for-assessing-effects-of-anthropogenic-sound-on-marine-mammal>. Additionally, in May and June of 2023, NMFS solicited input from other relevant Federal agencies on the draft Updated Technical Guidance. Federal agency comments and NMFS responses to those comments are available at the following website: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>. To complete the review process, NMFS is now soliciting additional stakeholder feedback via public comment on the draft Updated Technical Guidance.

As an overview of the draft Updated Technical Guidance, the main body of the document contains a summary of the updated acoustic threshold levels and marine mammal auditory weighting functions, with additional details provided in Appendix A (Navy Technical Report), Appendix B (Research Recommendations), Appendix C (Review Process, which will be completed before finalization to reflect input received during this public comment period), and Appendix D (Glossary).

There are some notable changes associated with the draft Updated Technical Guidance. Namely, the marine mammal hearing group terminology from Southall *et al.* 2019 has been adopted. Furthermore, in-air acoustic criteria are also now included. However, the methodology for deriving AUD INJ and TTS criteria within the draft Updated Technical Guidance is very similar to the methodology for NMFS's current 2018 Revised Technical Guidance (which also underwent peer review and public comment), which we believe represents the best available science. Thus NMFS encourages members of the public to focus their comments on the incorporation of new data and recommended improvements to the existing methodology, if applicable.

Changes to AUD INJ and TTS criteria as reflected in the draft Updated Technical Guidance are primarily a result of new marine mammal audiogram and TTS data. Some of the most notable changes to the AUD INJ and TTS criteria include predictions of AUD INJ and TTS thresholds below 10 kHz for species formerly classified as mid-frequency cetaceans (now classified as high-frequency cetaceans) and significantly lower AUD INJ and TTS thresholds for underwater otariid pinnipeds.

Please note that until NMFS finalizes the Updated Technical Guidance, the 2018 Revised Technical Guidance remains our current guidance.

NMFS is aware that the National Marine Mammal Foundation successfully collected preliminary hearing data on two minke whales during their third field season in Norway (summer 2023). These data have implications for not only the generalized hearing range for low-frequency cetaceans but also on their weighting function. However, no official results have been published. Furthermore, a fourth field season (2024) is proposed, where more data will likely be collected. Thus, NMFS has not proposed any changes to our draft Updated Technical Guidance

based on these limited and unpublished data, though we recognize that mysticete hearing will likely merit re-evaluation in the future. Therefore, we anticipate that once the data from both field seasons are published, it will likely warrant additional updates to our Technical Guidance.

Dated: April 30, 2024.

**Catherine G. Marzin,**

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RTID 0648-XD861**

#### Atlantic Highly Migratory Species; Gear Considerations

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

**ACTION:** Notice of availability of scoping document; request for comments.

**SUMMARY:** NMFS announces the availability of a scoping document to consider changes to gear regulations and requirements in fisheries targeting Atlantic highly migratory species (HMS). While management measures implemented since 1999 have helped achieve fishery management and conservation goals, the combination of over two decades of gear-specific measures may have had unanticipated consequences. Changes in species distribution, fishing gears, fishing techniques, market conditions, and fishing interests may warrant a reexamination of some gear-specific management measures to see if they are still meeting applicable goals. NMFS requests comments on the options presented in the scoping document as well as additional ideas that may warrant consideration.

**DATES:** Written comments on this notice of availability and the scoping document must be received on or before July 31, 2024. Three virtual scoping meetings will be held during the comment period. **SEE SUPPLEMENTARY INFORMATION** for all meeting dates and times.

**ADDRESSES:** Electronic copies of the scoping document and the public hearing presentation may also be obtained on the internet at: [https://www.fisheries.noaa.gov/action/public-comment-requested-gear-](https://www.fisheries.noaa.gov/action/public-comment-requested-gear-considerations-atlantic-highly-migratory-species-fisheries)

[considerations-atlantic-highly-migratory-species-fisheries](https://www.fisheries.noaa.gov/action/public-comment-requested-gear-considerations-atlantic-highly-migratory-species-fisheries). You may submit comments on this document, identified by NOAA-NMFS-2024-0050, via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov>, enter NOAA-NMFS-2024-0050 into the search box, click the "Comment" icon, complete the required fields, and enter or attach your comments.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Guy DuBeck ([Guy.DuBeck@noaa.gov](mailto:Guy.DuBeck@noaa.gov)), Steve Durkee ([Steve.Durkee@noaa.gov](mailto:Steve.Durkee@noaa.gov)), Becky Curtis ([Becky.Curtis@noaa.gov](mailto:Becky.Curtis@noaa.gov)), or Karyl Brewster-Geisz ([Karyl.Brewster-Geisz@noaa.gov](mailto:Karyl.Brewster-Geisz@noaa.gov)) by email, or by phone at (301) 427-8503 for information on the scoping document.

#### SUPPLEMENTARY INFORMATION:

##### Background

Atlantic HMS fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Under the Magnuson-Stevens Act, conservation and management measures must prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery (16 U.S.C. 1851(a)(1)). Where a fishery is determined to be in or approaching an overfished condition, NMFS must adopt conservation and management measures to prevent or end overfishing and rebuild the fishery (16 U.S.C. 1853(a)(10) and 1854(e)). In addition, NMFS must, among other things, comply with the Magnuson-Stevens Act's 10 national standards, including a requirement to use the best scientific information available as well as to consider potential impacts on residents of different States, efficiency, costs,