

species for marine mammals from the planned survey would be temporary and spatially limited and impacts to marine mammal foraging would be minimal; and

- The planned mitigation measures are expected to reduce the number and severity of takes, to the extent practicable, by visually detecting marine mammals within the established zones and implementing corresponding mitigation measures (e.g., delay; shutdown).

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks.

#### Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The number of takes NMFS is authorizing is below one-third of the modeled abundance for all relevant populations (specifically, take of individuals is less than 3 percent of the modeled abundance of each affected population, see table 6). This is conservative because the modeled abundance represents a population of the species and we assume all takes are of different individual animals, which is likely not the case. Some individuals may be encountered multiple times in a day, but PSOs would count them as separate individuals if they cannot be identified.

Based on the analysis contained herein of the planned activity (including the mitigation and monitoring measures) and the anticipated take of

marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

#### Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

The NMFS Office of Protected Resources (OPR) ESA Interagency Cooperation Division has issued a Biological Opinion under section 7 of the ESA, on the issuance of an IHA to NSF under section 101(a)(5)(D) of the MMPA by the NMFS OPR ESA Interagency Cooperation Division. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed humpback whales (Western North Pacific DPS), blue whales, fin whales, sei whales, and sperm whales.

#### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance

of the IHA qualifies to be categorically excluded from further NEPA review.

#### Authorization

NMFS has issued an IHA to L–DEO for the potential harassment of small numbers of 28 marine mammal species incidental to the marine geophysical survey in the Nauru Basin of greater Micronesia in the NW Pacific Ocean that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: December 11, 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–XE428]

#### Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; 2025 Cost Recovery Fee Notice

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

**ACTION:** Notice; 2025 cost recovery fee percentages and average mothership cooperative program pricing.

**SUMMARY:** This action provides participants in the Pacific Coast Groundfish Trawl Rationalization Program with the 2025 cost recovery fee percentages and the average mothership (MS) price per pound to be used in the catcher/processor (C/P) Co-op program to calculate the fee amount for the upcoming calendar year. For the 2025 calendar year, NMFS announces the following fee percentages by sector specific program: 3.0 percent for the Shorebased Individual Fishing Quota (IFQ) Program; 0.1 percent for the C/P Co-op Program; and 3.0 percent for the MS Co-op Program. For 2025, the MS pricing to be used as a proxy by the C/P Co-op Program is \$0.09/lb for Pacific whiting.

**DATES:** Applicable January 1, 2025.

**FOR FURTHER INFORMATION CONTACT:** Christopher Biegel, (503) 231–6291, [christopher.biegel@noaa.gov](mailto:christopher.biegel@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 304(d)(2)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) authorizes and requires NMFS to collect fees to recover the costs

directly related to the management, data collection and analysis, and enforcement connected to and in support of a limited access privilege program (LAPP) (16 U.S.C. 1854(d)(2)), also called “cost recovery.” Cost recovery fees recover the actual costs directly related to the management, data collection and analysis, and enforcement of the programs (MSA section 303A(e), 16 U.S.C. 1853a(e)). Section 304(d)(2)(B) of the MSA mandates that cost recovery fees not exceed 3 percent of the annual ex-vessel value of fish harvested by a program subject to a cost recovery fee, and that the fee be collected either at the time of landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

The Pacific Coast Groundfish Trawl Rationalization Program is a LAPP, implemented in 2011, and consists of three sector-specific programs: the Shorebased IFQ Program, the MS Co-op Program, and the C/P Co-op Program. In accordance with the MSA, and based on a recommended structure and methodology developed in coordination with the Pacific Fishery Management Council (Council), NMFS began collecting mandatory fees of up to 3 percent of the ex-vessel value of groundfish from each program (Shorebased IFQ Program, MS Co-op Program, and C/P Co-op Program) in 2014. NMFS collects the fees to recover the incremental costs of management, data collection and analysis, and enforcement of the Groundfish Trawl Rationalization Program. Additional background can be found in the cost recovery proposed rule (78 FR 7371, February 1, 2013) and final rule (78 FR 75268, December 11, 2013). The details of cost recovery for the Groundfish Trawl Rationalization Program are in regulation at 50 CFR 660.115 (Trawl fishery—cost recovery program), § 660.140 (Shorebased IFQ Program), § 660.150 (MS Co-op Program), and § 660.160 (C/P Co-op Program).

By December 31 of each year, NMFS announces the next year’s fee percentages and the applicable MS pricing for the C/P Co-op Program. To calculate the fee percentages, NMFS used the formula specified in regulation at § 660.115(b)(1), where the fee percentage by sector equals the lower of 3 percent or direct program costs (DPC) for that sector divided by total ex-vessel value (V) for that sector multiplied by 100 (Fee percentage = the lower of 3 percent or (DPC/V) × 100).

“DPC,” as defined in the regulations at § 660.115(b)(1)(i), are the actual incremental costs for the previous fiscal

year directly related to the management, data collection and analysis, and enforcement of each program (Shorebased IFQ Program, MS Co-op Program, and C/P Co-op Program). Actual incremental costs means those net costs that would not have been incurred but for the implementation of the Groundfish Trawl Rationalization Program, including both increased costs for new requirements of the program and reduced costs resulting from any program efficiencies or adjustments to costs from previous years.

“V”, as specified at § 660.115(b)(1)(ii), is the total ex-vessel value, as defined at § 660.111, for each sector from the previous calendar year. To determine the ex-vessel value for the Shorebased IFQ Program, NMFS used the ex-vessel value for calendar year 2023 as reported in the Pacific Fisheries Information Network (PacFIN) from Shorebased IFQ electronic fish tickets as this was the most recent complete set of data. To determine the ex-vessel value for the MS Co-op Program and the C/P Co-op Program, NMFS used the retained catch estimates (weight) for each sector as reported in the North Pacific Observer Program database multiplied by the average price of Pacific whiting as reported by participants in the MS Co-op program for 2023.

The fee calculations for the 2025 fee percentages are described below.

**IFQ Program:**

- 4.6 percent = \$2,112,277.92 / \$46,413,264.00 × 100.

**C/P Co-op Program:**

- 0.1 percent = (\$28,615.21 / \$21,004,264.86) × 100.

**MS Co-op Program:**

- 5.1 percent = (\$322,466.75 / \$6,321,722.07) × 100.

However, the calculated fee percentage cannot exceed the statutory limit of 3.0 percent. Both the IFQ Program (4.6 percent) and Co-op Program (5.1 percent) fee calculations exceed this limit, therefore, the 2025 fee percentages for these programs are 3.0 percent. The final 2025 fee percentages are 3.0 percent for the IFQ Program, 0.1 percent for the C/P Co-op Program, and 3.0 percent for the MS Co-op Program.

**MS Average Pricing**

MS pricing is the average price per pound that the C/P Co-op Program will use to determine the fee amount due for that sector. The C/P sector value (V) is calculated by multiplying the retained catch estimates (weight) of Pacific whiting harvested by the vessel registered to a C/P-endorsed limited entry trawl permit by the MS pricing. NMFS has calculated the 2025 MS pricing to be used as a proxy by the CP

Co-op Program as: \$0.09/lb for Pacific whiting.

Cost recovery fees are submitted to NMFS by fish buyers via Pay.gov (<https://www.pay.gov/>). Fees are only accepted in Pay.gov by credit/debit card or bank transfers. Cash or checks cannot be accepted. Fish buyers registered with Pay.gov can login in the upper right-hand corner of the screen. Fish buyers not registered with Pay.gov can go to the cost recovery forms directly from the website below. The links to the Pay.gov forms for each program (IFQ, MS, or C/P) are listed below:

IFQ: <https://www.pay.gov/public/form/start/58062865>;

MS: <https://www.pay.gov/public/form/start/58378422>; and

C/P: <https://www.pay.gov/public/form/start/58102817>.

As stated in the preamble to the cost recovery proposed and final rules, in the spring of each year, NMFS will release an annual report documenting the details and data used for the fee percentage calculations. Annual reports are available at: <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/west-coast-groundfish-trawl-catch-share-program#cost-recovery>.

Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 773 *et seq.*; and 16 U.S.C. 7001 *et seq.*

Dated: December 11, 2024.

**Karen H. Abrams,**

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

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## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 9:30 a.m. EST, Wednesday, December 18, 2024.

**PLACE:** CFTC Headquarters Conference Center, Three Lafayette Centre, 1155 21st Street NW, Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commodity Futures Trading Commission (“Commission” or “CFTC”) will hold this meeting to consider the following matters:

- Final Rule—Real-Time Public Reporting Requirements and Swap Data Recordkeeping and Reporting Requirements; and
- Final Rule—Regulations to Address Margin Adequacy and to Account for the Treatment of Separate Accounts by Futures Commission Merchants.