

was submitted for publication, the Council anticipated convening the Guam REAC meeting as an in-person meeting with a web conference attendance option. If public participation options will be modified, the Council will post notice on its website at [www.wpcouncil.org](http://www.wpcouncil.org) by, to the extent practicable, 5 calendar days before each meeting.

#### Agenda for the Guam REAC Meeting

Thursday, March 23, 2023, 8:30 a.m. to 4 p.m. ChST

1. Welcome and Introductions
2. About the Guam REAC
3. Current Fishery Ecosystem Issues
  - a. Introduction and Overview of Endangered Species Act (ESA) Critical Habitat
  - b. Status of Guam Fisheries Stocks
  - c. Overview of Data Collection System and Efforts
4. Territorial Issues
  - a. Marine Conservation Plan 2023–2026
  - b. Developing Fishery Management Plans
5. Federal Issues
  - a. Military Issues
    - i. The Use of Open Burn on Guam
    - ii. Explosive Ordinance/Blasting Pit Permit at Tarague Basin and Sea Turtle Nesting Mitigation
    - iii. Planned Military Exercises at Whiskey 517 and Working With the Fishing Community for Safe Passage
  - b. Review of the Sikes Act Agreement
  - c. Status of Guam National Wildlife Refuge and US Marine Corps Firing Range
6. Updates on the NOAA Fisheries Equity and Environmental Justice (EEJ) Strategy
7. Public Comments
8. Discussion and Recommendations
9. Other Business

#### Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: March 20, 2023.

#### Rey Israel Marquez,

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–XC834]

#### Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel; Advisory Panel Nominations

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

**ACTION:** Notice of public meeting and webinar/conference call; solicitation of nominations.

**SUMMARY:** NMFS will hold a 3-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in May 2023. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. The meeting is open to the public. NMFS also is soliciting nominations for the HMS AP. NMFS consults with, and considers the comments and views of, the HMS AP when preparing and implementing Fishery Management Plans (FMPs) or FMP amendments for Atlantic tunas, swordfish, sharks, and billfish. Nominations are being sought to fill one environmental seat on the HMS AP for a 3-year appointment. Individuals with definable interests in the environmental community will be considered for membership on the HMS AP under this solicitation.

**DATES:** The AP meeting and webinar will be held on Tuesday, May 9, from 10 a.m. to 5 p.m.; Wednesday, May 10, from 9:30 a.m. to 5 p.m.; and Thursday, May 11, from 9 a.m. to 12 p.m. Nominations must be received on or before April 15, 2023.

**ADDRESSES:** The meeting will be held in the Silver Spring, Maryland area, with the location being announced on the NMFS website prior to the meeting. The meeting will also be accessible via WebEx webinar/conference call. Meeting location, conference call, and webinar access information will be available at: <https://www.fisheries.noaa.gov/event/may-2023-hms-advisory-panel-meeting>.

Participants accessing the webinar are strongly encouraged to log/dial in 15 minutes prior to the meeting. NMFS will show the presentations via webinar and allow public comment during identified times on the agenda.

You may submit AP nominations and requests for the Advisory Panel Statement of Organization, Practices, and Procedures by email to

[HMSAP.Nominations@noaa.gov](mailto:HMSAP.Nominations@noaa.gov). Include in the subject line the following identifier: “HMS AP Nominations.”

**FOR FURTHER INFORMATION CONTACT:** Peter Cooper, 301–427–8503, [Peter.Cooper@noaa.gov](mailto:Peter.Cooper@noaa.gov), or Tiffany Weidner, 301–427–8550, [HMSAP.Nominations@noaa.gov](mailto:HMSAP.Nominations@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). The 2006 Consolidated HMS FMP and its amendments are implemented by regulations at 50 CFR part 635.

#### HMS AP Meeting

The Magnuson-Stevens Act requires the establishment of APs and requires NMFS to consult with and consider the comments and views of AP members during the preparation and implementation of FMPs or FMP amendments (16 U.S.C. 1854(g)(1)(A)–(B)). NMFS meets with the HMS AP approximately twice each year to consider potential alternatives for the conservation and management of Atlantic tunas, swordfish, billfish, and shark fisheries, consistent with the Magnuson-Stevens Act.

For this meeting, we anticipate discussing, among other topics:

- Bluefin tuna management activities;
- Amendment 15 to the 2006 Consolidated HMS FMP regarding spatial management;
- Amendment 16 to the 2006 Consolidated HMS FMP regarding shark management;
- Outcomes of the 2022 International Commission for the Conservation of Atlantic Tunas (ICCAT) Annual Meeting; and
- Atlantic HMS Essential Fish Habitat 5-Year Review.

We also anticipate inviting other NMFS offices and the U.S. Coast Guard to provide updates, if available, on their activities relevant to HMS fisheries. Additional information on the meetings and a copy of the draft agenda will be posted prior to the meeting (see **ADDRESSES**).

In-person access to the meeting by the public may be limited depending on the Centers for Disease Control and Prevention’s COVID–19 Community Level for Montgomery County, MD at the time of the meeting. All members of the public will have virtual access to the meeting available via webinar and status updates of in-person public access to

the meeting will be available on the NMFS website (see ADDRESSES).

**HMS AP Nominations Procedures and Guidelines**

*Participants*

NMFS seeks to fill one vacancy on the HMS AP for a term starting in 2023.

Specifically, NMFS seeks nominations (which may include self-nomination) from the environmental/non-governmental organization (NGO) sector of individuals who are knowledgeable about HMS and/or HMS fisheries. Representation on the HMS AP, as shown in Table 1, consists of 12

members from the commercial sector, 12 from the recreational sector, 4 from environmental/NGO sector, 4 from the academic sector, and the ICCAT Advisory Committee Chair.

TABLE 1—CURRENT REPRESENTATION ON THE HMS AP BY SECTOR, REGION, AND SPECIES

Sector	Fishing region	Species	Date appointed	Date term expires	Member status
Academic	Southeast Gulf of Mexico	Sharks	1/1/2022	12/31/2023	Active.
Academic	Northeast/Mid-Atlantic	Tuna/Shark	1/1/2022	12/31/2024	Active.
Academic	Southeast/Gulf of Mexico	Sharks	1/1/2022	12/31/2024	Active.
Academic	Northeast	Tunas	1/1/2022	12/31/2024	Active.
Commercial	South Atlantic/Caribbean	Swordfish	1/1/2023	12/31/2025	Active.
Commercial	Mid-Atlantic	Swordfish/Tuna	1/1/2023	12/31/2025	Active.
Commercial	Gulf of Mexico	Swordfish/Tuna	1/1/2023	12/31/2025	Active.
Commercial	Gulf of Mexico	Sharks	1/1/2021	12/31/2023	Active.
Commercial	Northeast	Tuna	1/1/2021	12/31/2023	Active.
Commercial	Gulf of Mexico/Southeast	Swordfish/Tuna	1/1/2021	12/31/2023	Active.
Commercial	Gulf of Mexico	Tuna	1/1/2021	12/31/2023	Active.
Commercial	Northeast	Tuna	1/1/2021	12/31/2023	Active.
Commercial	Northeast/Southeast/Gulf of Mexico	HMS/Tuna	1/1/2022	12/31/2024	Active.
Commercial	Southeast	Sharks	1/1/2022	12/31/2024	Active.
Commercial	Gulf of Mexico	All	1/1/2022	12/31/2024	Active.
Commercial	Northeast	Swordfish/Tuna	1/1/2022	12/31/2024	Active.
Environmental	All	HMS	1/1/2020	12/31/2022	Expired.
Environmental	All	Tuna	1/1/2023	12/31/2025	Active.
Environmental	All	Shark	1/1/2021	12/31/2023	Active.
Environmental	Caribbean	HMS	1/1/2022	12/31/2024	Active.
Recreational	Northeast	Tuna	1/1/2023	12/31/2025	Active.
Recreational	Northeast	Tuna/Sharks	1/1/2023	12/31/2025	Active.
Recreational	All	HMS	1/1/2023	12/31/2025	Active.
Recreational	South Atlantic/Gulf of Mexico	HMS	1/1/2023	12/31/2025	Active.
Recreational	Gulf of Mexico	HMS	1/1/2023	12/31/2025	Active.
Recreational	All	Billfish	1/1/2021	12/31/2023	Active.
Recreational	Mid-Atlantic	Shark	1/1/2021	12/31/2023	Active.
Recreational	Southeast/Mid-Atlantic	Billfish	1/1/2021	12/31/2023	Active.
Recreational	Northeast	Tuna/Shark	1/1/2022	12/31/2024	Active.
Recreational	Northeast/Southeast/Gulf of Mexico	All	1/1/2022	12/31/2024	Active.
Recreational	Mid-Atlantic	HMS	1/1/2022	12/31/2024	Active.
Recreational	Southeast	HMS/Billfish	1/1/2022	12/31/2024	Active.

In filling vacancies, NMFS will seek to maintain the current representation from each of the sectors. NMFS also considers species expertise and representation from the fishing regions (Northeast, Mid-Atlantic, Southeast, Gulf of Mexico, and Caribbean) to ensure the diversity and balance of the HMS AP. The intent is to have a group that, as a whole, reflects an appropriate and equitable balance and mix of expertise and interests given the responsibilities of the HMS AP. The HMS AP also includes one member representing each relevant Fishery Management Council and ex-officio participants representing the coastal states and interstate commissions.

Through this notice, NMFS is also taking steps to advance a transparent process that promotes equity, inclusion, and accessibility when seeking nominees to serve in these important

roles. As such, NMFS encourages nominations for women and for individuals from underserved communities that meet the knowledge and experience of the positions described in this notice. See Executive Order (E.O.) 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) § 2 (defining “underserved communities” as “populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life,” “such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities;

persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.”). E.O. 13985 is available at:

<https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

NMFS will provide the necessary administrative support, including technical assistance, for the HMS AP. However, NMFS will not compensate participants with monetary support of any kind. Depending on availability of funds, members may be reimbursed for travel costs related to the HMS AP meetings.

*Nomination Procedures for Appointments to the AP*

Nomination packages should include:  
 1. The name of the nominee and a description of their expertise,

experience and interest in HMS or HMS fisheries, or in particular species of sharks, swordfish, tunas, or billfish;

2. Contact information, including nominee's mailing address, phone, and email;

3. A statement of nominee's background and/or qualifications;

4. A written commitment that the nominee shall actively participate in good faith, and consistent with ethics obligations, in the meetings and tasks of the HMS AP; and

5. A list of outreach resources and/or references that the nominee has at their disposal to communicate their qualifications for HMS AP membership.

Nominees for this vacancy should have experience representing a private, non-governmental, regional, national, or international environmental organization that represents marine fishery interests regarding HMS.

#### *Tenure for the HMS AP*

Member tenure will be for 3 years, with approximately one third of the members' terms expiring on December 31 of each year. Nominations are sought for a term beginning in 2023 and expiring at the end of 2025.

Members can serve a maximum of 3 consecutive terms (a total of 9 consecutive years). Afterwards, a member must then sit off the HMS AP for a single year before reapplying for a new term.

Dated: March 17, 2023.

**Jennifer M. Wallace,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC796]

#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Punta Gorda Lighthouse Stabilization Project in Humboldt County, CA**

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

**SUMMARY:** NMFS has received a request from the Bureau of Land Management (BLM) for authorization to take marine

mammals incidental to construction activities associated with Phase 2 of the Punta Gorda Lighthouse (PGL)

Stabilization Project in Humboldt County, CA. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1 year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

**DATES:** Comments and information must be received no later than April 24, 2023.

**ADDRESSES:** Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to [ITP.Fleming@noaa.gov](mailto:ITP.Fleming@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at [www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act](http://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act) without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Kate Fleming, Office of Protected Resources, NMFS, (301) 427-8401. 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/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed above.

#### **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.

#### **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 proposed 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 NOAA Administrative Order 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 preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process