

harvest rates, which may result in allocations being exceeded.

The Aleut Corporation is required by Federal regulations at 50 CFR 679.4(m)(2) to provide its selected harvesters and processors to NMFS for approval. The Aleut Corporation must submit its selections to NMFS each year at least 14 days before harvesting pollock or processing pollock in the AI directed pollock fishery. The information submitted by The Aleut Corporation consists of the names of the harvesting vessels and processors it has selected, the Federal fisheries permit numbers or Federal processor permit numbers of these participants, and the fishing year for which approval is requested. No information is submitted in years that the Aleut Corporation will not be harvesting or processing pollock in the AI directed fishery.

On approval, NMFS sends The Aleut Corporation a letter that includes a list of the approved participants. A copy of this letter must be retained on board each participating vessel and on site each shoreside processor at all times.

More information on the AI pollock fishery is provided on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/aleutian-islands-pollock-fishery-alaska>.

## II. Method of Collection

The participant letter may be submitted to NMFS by mail, delivery, email, or fax.

## III. Data

*OMB Control Number:* 0648–0513.

*Form Number(s):* None.

*Type of Review:* Regular submission (extension of a current information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 1.

*Estimated Time per Response:* Annual Aleutian Islands Fishery Participant Letter, 16 hours.

*Estimated Total Annual Burden Hours:* 16 hours.

*Estimated Total Annual Cost to Public:* \$5 in recordkeeping and reporting costs.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*Legal Authority:* Consolidated Appropriations Act of 2004; Magnuson-Stevens Fishery Conservation and Management Act.

## IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department,

including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Departmental PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XE478]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

**ACTION:** Notice of modification to expiration date of letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico (GOM), notification is hereby given that NMFS has modified the expiration date of a Letter of Authorization (LOA) issued to

Shell Offshore Inc. (Shell) for the taking of marine mammals incidental to geophysical survey activity in the GOM.

**DATES:** This LOA is effective through October 31, 2025.

**ADDRESSES:** The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/marine-mammal-protection/issued-letters-authorization-oil-and-gas-industry-geophysical-survey>. In case of problems accessing these documents, please call the contact listed below **FOR FURTHER INFORMATION CONTACT.**

**FOR FURTHER INFORMATION CONTACT:** Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427–8401.

#### SUPPLEMENTARY INFORMATION:

#### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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 issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the

unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in U.S. waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

The 2024 final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, nor to the original 5-year period of effectiveness. In consideration of the new information, the 2024 rule presented new analyses supporting affirmance of the negligible impact determinations for all species, and affirmed that the existing regulations, which contain mitigation, monitoring, and reporting requirements, are consistent with the “least practicable adverse impact” (LPAI) standard of the MMPA.

NMFS issued a LOA to Shell on April 19, 2024, for the take of marine mammals incidental to a four-

dimensional (4D) ocean bottom node survey in the Mississippi Canyon 941 and portions of the surrounding 80 lease blocks, effective July 1, 2024, through June 30, 2025. Please see the **Federal Register** notice of issuance (89 FR 25577, April 11, 2024) for additional detail regarding the LOA and the survey activity.

Shell has requested that the June 30, 2025, expiration date be extended to October 31, 2025, due to changes in survey timing. Since we issued the LOA to Shell, we have updated the final rule to include corrected take estimates and new information as discussed above; therefore, we have updated the authorized take numbers accordingly based on this new information. There are no changes to the planned survey, as described in the previous notice of issuance (89 FR 25577, April 11, 2024), including the planned location and duration of the survey.

As discussed in the previous notice of issuance (89 FR 25577, April 11, 2024), no 4D ocean bottom node (OBN) surveys were included in the modeled survey types, thus the coil proxy was selected. Shell plans to cover approximately 15.7 square kilometers (km<sup>2</sup>) per day compared to the 144 km<sup>2</sup> in the coil proxy, and although Shell is not proposing to perform a survey using the coil geometry, the coil proxy is most representative of the effort planned by Shell in terms of predicted Level B harassment exposures. Additionally, Shell plans to use a 32-element, 5,110 cubic inch (in<sup>3</sup>) airgun array and therefore the 5,110 in<sup>3</sup> proxy was selected.

The survey will take place over approximately 90 days with 60 days of sound source operation, all planned in zone 5. The monthly distribution of survey days is not known in advance, though we assume that the planned 60 days of source operation would occur contiguously. Take estimates for each species are based on the time period that produces the greatest value. There are no other changes to Shell’s planned activity.

For the Rice’s whale, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. Thus, although the modeling conducted for the rule is a

natural starting point for estimating take, the rule acknowledged that other information could be considered (see, e.g., 86 FR 5442, January 19, 2021, discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate may produce results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates as described below.

NMFS’ 2024 final rule provided detailed discussion regarding Rice’s whale habitat (see, e.g., 89 FR 31508, 31519). In summary, recent survey data, sightings, and acoustic data support Rice’s whale occurrence in waters throughout the GOM between approximately 100 m and 400 m depth along the continental shelf break, and associated habitat-based density modeling has identified similar habitat (*i.e.*, approximately 100 to 400 m water depths along the continental shelf break) as being Rice’s whale habitat (Garrison *et al.*, 2023; Soldevilla *et al.*, 2022, 2024).

Although Rice’s whales may occur outside of the general depth range expected to provide suitable habitat, we expect that any such occurrence would be rare. Shell’s planned activities will occur in water depths of approximately 1,500 to 3,000 m in the central GOM. Thus, NMFS does not expect there to be the reasonable potential for take of Rice’s whale in association with this survey and, accordingly, does not authorize take of Rice’s whale through the LOA.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 6 of the rule (89 FR 31488, April 24, 2024).

#### Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual

animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (see 89 FR 31535, May 24, 2024). For more information please see NMFS' discussion of small numbers in the 2021 final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the

number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than 1 day (see 86 FR 5404, January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance

estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Rice's whale .....	0	n/a	51	0
Sperm whale .....	543	230	3,007	7.6
<i>Kogia spp.</i> .....	<sup>3</sup> 172	52	980	6.2
Beaked whales .....	1,882	190	803	23.7
Rough-toothed dolphin .....	1,399	401	4,853	8.3
Bottlenose dolphin .....	1,684	483	165,125	0.3
Clymene dolphin .....	869	168	4,619	3.6
Atlantic spotted dolphin .....	496	142	21,506	0.7
Pantropical spotted dolphin .....	11,845	3,400	67,225	5.1
Spinner dolphin .....	258	74	5,548	1.3
Striped dolphin .....	2,441	701	5,634	12.4
Fraser's dolphin .....	512	98	1,665	5.9
Risso's dolphin .....	421	124	1,974	6.3
Blackfish <sup>4</sup> .....	3,012	888	6,113	14.5
Short-finned pilot whale .....	698	206	2,741	7.5

<sup>1</sup> Scalar ratios were applied to "Authorized Take" values as described at 86 FR 5322 and 86 FR 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 (Garrison *et al.*, 2023). For Rice's whale, Atlantic spotted dolphin, and Risso's dolphin, the larger SAR abundance estimate is used.

<sup>3</sup> Includes 9 takes by Level A harassment and 163 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>4</sup> The "blackfish" guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

**Authorization**

NMFS has changed the expiration date of the LOA from June 30, 2025, to October 31, 2025 and updated authorized take numbers based on the corrected information in the updated rule. There are no other changes to the LOA as described in the April 11, 2024, **Federal Register** notice of issuance (89 FR 25577); the specified survey activity, and small numbers analysis and determination remain unchanged and are incorporated here by reference.

Dated: November 27, 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**

**RIN 0648-XE452**

**Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys Along the Oregon and California Coasts**

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the University of California Santa Cruz for authorization to take small numbers of marine mammals incidental to rocky intertidal monitoring along the

coasts of Oregon and California over the course of 5 years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the University of California Santa Cruz's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the University of California Santa Cruz's application and request.

**DATES:** Comments and information must be received no later than January 6, 2025.

**ADDRESSES:** Comments on the applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Comments should be