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New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. "Rip" Cunningham, *Chairman* | Paul J. Howard, *Executive Director*

February 6, 2012

Mr. Daniel Morris  
Acting Regional Administrator  
NMFS, Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930

**RE: Comments on the 2012 GB PSP Closed Area Exemption EFP**

Dear Dan:

The New England Fishery Management Council has no objection to the experimental fishery proposal noted above published in the *Federal Register* on February 3, 2012.

If you have any question please contact me.

Sincerely,

Paul J. Howard  
Executive Director

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Availability of Seat for the Florida Keys National Marine Sanctuary Advisory Council**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The ONMS is seeking applications for the following positions on the Florida Keys National Marine Sanctuary Advisory Council: Tourism—Lower Keys (member), and Tourism—Lower Keys (alternate). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve 3-year terms, pursuant to the council's Charter.

**DATES:** Applications are due by March 2, 2012.

**ADDRESSES:** Application kits may be obtained from Lilli Ferguson, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040. Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** Lilli Ferguson, Florida Keys National Marine Sanctuary, 33 East Quay Rd., Key West, FL 33040; (305) 292-0311 x245; [Lilli.Ferguson@noaa.gov](mailto:Lilli.Ferguson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Per the council's Charter, if necessary, terms of appointment may be changed to provide for staggered expiration dates or member resignation mid term.

**Authority:** 16 U.S.C. 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: January 13, 2012.

**Daniel J. Basta**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2012-2417 Filed 2-2-12; 8:45 am]

**BILLING CODE 3510-NK-M**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

RIN 0648-XA958

**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit**

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

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

**SUMMARY:** NMFS is soliciting public comment on an exempted fishing permit application that would exempt up to three commercial fishing vessels from the Atlantic surfclam and ocean quahog Georges Bank Closure Area. This would continue research to assess the performance of an approved sampling protocol and to allow for continued sample collection and testing to obtain additional data in locations where toxin levels may be higher than were present during the pilot phase of the study. NMFS has made a preliminary determination that the exempted fishing permit application contains all of the required information and warrants further consideration.

**DATES:** Comments must be received on or before February 21, 2012.

**ADDRESSES:** Comments on this notice may be submitted by email. The mailbox address for providing email comments is [NERO.EFP@noaa.gov](mailto:NERO.EFP@noaa.gov). Include in the subject line of the email comment the following document identifier: "Comments on 2012 GB PSP Closed Area Exemption."

Written comments should be sent to Daniel Morris, Acting Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on 2012 GB PSP Closed Area Exemption." Comments may also be sent via facsimile (fax) to (978) 281-9135.

Copies of supporting documents referenced in this notice are available from NMFS, 55 Great Republic Drive, Gloucester, MA 01930, and are available via the Internet at [www.nero.noaa.gov/sfd/clams](http://www.nero.noaa.gov/sfd/clams).

**FOR FURTHER INFORMATION CONTACT:** Jason Berthiaume, Fishery Management Specialist, phone (978) 281-9177.

**SUPPLEMENTARY INFORMATION:** This notice is a revision to a previously published **Federal Register** notice (76 FR 65698). Complete project history is available in the previously published

notice. This **Federal Register** notice is being published because the objective of the proposed project and the list of participating vessels have changed.

Truex Enterprises initially submitted an EFP application on September 20, 2011. Truex requested the EFP to authorize one fishing vessel to access the Georges Bank Paralytic Shellfish Poisoning (PSP) Closed Area in order to harvest clams and test them for the presence of PSP using a developmental sampling protocol. While this application was being reviewed and was available for public comment, the sampling protocol being tested was adopted into the National Shellfish Sanitation Program by the International Shellfish Sanitation Conference. Because testing of the sampling protocol was the primary objective of the pilot project, NMFS requested that Truex Enterprises resubmit an application for an EFP, as such testing no longer appeared necessary or relevant.

Truex Enterprises submitted a revised application on January 10, 2012. The revised purpose and goal of the project is to continue research to assess the performance of the approved protocol and to allow for sample collection and testing for another year to gain additional data from locations where toxin levels may be higher than were present during the pilot phase of the study. Although the onboard screening protocol was approved in October 2011, the protocol has only been fully evaluated at sea under the pilot study conditions where toxin levels were relatively low, below the regulatory action level. This EFP would allow industry to continue testing through another year, increasing the possibility to evaluate the protocol under varying toxin concentrations.

The revised application also requests up to two additional vessels, for a total of up to three vessels, to be listed under the EFP. With the additional vessels, it is expected that harvest levels would increase from 250,000 bushels (2,007,813 L) total in the original proposal, to approximately 250,000 bushels to 300,000 bushels (2,007,813 L-2,409,375 L) per vessel. It is expected that harvesting under an EFP would occur on approximately 70 fishing trips per vessel. Species to be harvested are surfclams and ocean quahogs utilizing a 170-inch (432-cm) hydraulic clam dredge for the vessel *F/V SEAWATCHER I*, and two 150-inch (381-cm) hydraulic clam dredges on the *F/V PRIDE* and *F/V PURSUIT*. Each vessel would make approximately 30 tows per day of 10 minutes each, at a speed of about 2.5 knots. There are no discards or known interactions with

protected species and there would be no activity in any areas closed for Northeast multispecies. All harvest would be accounted for under Atlantic surfclam and ocean quahog quota allocations under the Federal individual transferable quota program.

The additional vessels would help to study the expansion of the protocol from one vessel in a pilot study to more fishing vessels for a wider-spread implementation. Also, the area designated on GB where the research is proposed would be divided into three even sections in which each vessel would collect samples on a regular basis. If it appears that an algal bloom is forming in a given area, spatial and temporal sampling would be increased as needed. This also allows for samples to be collected over a wider area, ensuring samples collected are representative of evenly distributed portions of the entire closure area.

State and Federal agencies will be notified of each trip, place and time of landing, the results of onboard screening, and the dockside laboratory results. Harvested clams would be landed in Massachusetts and Delaware. New Jersey and Rhode Island may be added as additional landing states pending agreements being developed according to the terms of the protocol. Harvested clams would be processed at Sea Watch International in New Bedford, MA, with independent samples from each trip landed being taken for shipment to an independent FDA certified laboratory in Brunswick, ME, and the shellfish held at the processing site under State supervision until the dockside tests are complete. All of the results from activities under the EFPs would be compiled, archived, and made public by the FDA.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs. The Assistant Regional Administrator has made an initial determination that, based on a preliminary review of the proposed subject research and the criteria provided in section 5.05a-c and section 6.03c.3(a) of NOAA's Administrative Order 216-6, a Categorical Exclusion appears to be justified for this EFP. In accordance with NOAA's Administrative Order 216-6, a Categorical Exclusion, or other appropriate National Environmental Policy Act document, would be completed prior to the issuance of the EFP. Further review and consultation may be necessary before a final determination is made to issue the EFP.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: January 31, 2012.

**Steven Thur,**

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

[FR Doc. 2012-2515 Filed 2-2-12; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA978**

#### Southwest Fisheries Science Center; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** A methods review of the Collaborative Optically-assisted Acoustic Survey Technique (COAST) by the Center for Independent Experts (CIE) and the Pacific Fishery Management Council (PFMC) and will be held February 15-17, 2012, that is open to the public.

**DATES:** The methods review of the COAST process will be held beginning at 8:30 a.m., Wednesday, February 15, 2012, and end at 5:30 p.m. or as necessary to complete business for the day. The panel will reconvene on Thursday, February 16, 2012, and will continue through Friday, February 17, 2012, beginning at 8 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business.

**ADDRESSES:** The COAST methods review will be held at the Southwest Fisheries Science Center; Southwest Fisheries Science Center, 3333 North Torrey Pines Court, La Jolla, CA 92037-1023; (858) 546-7000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dale Sweetnam, NMFS Southwest Fisheries Science Center; telephone: (858) 546-7170.

**SUPPLEMENTARY INFORMATION:** The COAST uses high-precision acoustic

sampling to efficiently map the distributions of rockfishes on large scales and to direct the optical sampling. The COAST also uses accurate optical sampling to provide estimates of species composition and their length distributions. Thus, the COAST combines information from acoustic and optical sampling to obtain relatively precise and accurate estimates of the distributions and abundances of rockfishes, by species. The COAST was developed by the NOAA/NMFS Southwest Fisheries Science Center, Advanced Sampling Technology Program, and the Sportfishing Association of California. It may also have broad appeal to fisheries managers and researchers as a tool for ecosystem-based management as well as evaluating the performance of marine protected areas.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Dale Sweetnam (858) 546-7170 at least five days prior to the meeting date.

Dated: January 31, 2012.

**Steven Thur,**

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

[FR Doc. 2012-2491 Filed 2-2-12; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA603**

#### Marine Mammals; File No. 15802

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

**ACTION:** Notice; requested change to permit application.

**SUMMARY:** Notice is hereby given that the Florida Fish and Wildlife Conservation Commission, 100 Eighth Avenue SE., St. Petersburg, FL 33701 [Gregg Poulakis, Responsible Party], has requested a change to the application for a permit (File No. 15802).

**DATES:** Written, telefaxed, or email comments must be received on or before March 5, 2012.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Paul J. Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950



Re: Exempted Fishing Permit Proposal

Dear Paul:

The regulations on exempted fishing activities at 50 CFR 600.745(b)(3) require that the Regional Administrator send copies of EFP applications to the Regional Fishery Management Council(s), the U.S. Coast Guard, and the appropriate fishery management agencies of affected states, accompanied by the following information: (A) The effect of the proposed EFP on the target and incidental species, including the effect on any Total Allowable Catch; (B) a citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity; and (C) biological information relevant to the proposal and appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species. Therefore, I have attached the Federal Register notice that describes the activities proposed by the applicant.

The project proposes to harvest Atlantic surfclams, which have been allocated under the individual transferable quota program, from the Atlantic surfclam and ocean quahog Georges Bank Closure Area. This area was closed in 1990 to the harvest of Atlantic surfclams and ocean quahogs due to the presence of the toxin that causes paralytic shellfish poisoning (PSP). All shellfish landed under this proposed EFP would be harvested under the U.S. Food and Drug Administration (FDA) endorsed Protocol for Onboard Screening and Dockside Testing for PSP Toxins in Molluscan Shellfish. This project was originally issued an EFP in 2006, which has since been renewed annually. This EFP would allow Wallace & Associates to continue to test for PSP for the 2012 fishing year.

In October 2011, the sampling protocol being tested was adopted into the National Shellfish Sanitation Program by the International Shellfish Sanitation Conference. The pilot project's primary objective has since been modified. The project's revised objectives are to continue research to assess not only the performance of the approved protocol, but also to allow for sample collection and testing through another year to collect additional data in locations where toxin levels may be higher than were present during the pilot phase of the study.

The proposed study includes up to three vessels that are expected to harvest clams under an EFP on approximately 70 trips per vessel during 2012. Species to be harvested are surfclams and ocean quahogs, utilizing hydraulic clam dredges. Approximately 30 tows per day would be made for 10 minutes each, at a speed of about 2.5 knots. There are no discards or known



interactions with protected species and there would be no activity in any areas closed for Northeast multispecies. The anticipated harvest under an EFP in 2012 would be approximately 250,000 to 300,000 bushels per vessel.

State and Federal agencies will be notified of each trip, place and time of landing, the results of onboard screening, and the dockside laboratory results. Harvested clams would be landed in MA and DE. NJ and RI may be added as additional landing states pending agreements be developed according to the terms of the protocol. Harvested clams would be processed at Sea Watch International in New Bedford, MA, with independent samples from each trip landed being taken for shipment to an independent FDA certified laboratory in Brunswick, ME, and the shellfish held at the processing site under State supervision until the dockside tests are complete. All of the results from activities under the EFP's would be compiled, archived, and made public by the FDA.

Please respond to the following contact person with any comments you have on the experimental fishing proposal within 15 days of your receipt of this letter. Copies of supporting documentation, such as the dockside monitoring protocol and a map of the exemption area, may be obtained by contacting the person named below or on the web at: [www.nero.noaa.gov/sfd/clams/](http://www.nero.noaa.gov/sfd/clams/).

CONTACT PERSON: Jason Berthiaume  
Sustainable Fisheries, Northeast Region  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930  
Phone: (978) 281-9177/FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,



George H. Darcy  
Assistant Regional Administrator  
for Sustainable Fisherie