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New England Fishery Management Council

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John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

June 5, 2009

Ms. Patricia A. Kurkul  
Regional Administrator  
NMFS, Northeast Regional Office  
55 Great Republic Drive  
Gloucester, MA 01930

**RE: Comments on the MA DMF Whiting Fishery EFP Proposal**

Dear Pat:

The New England Fishery Management Council has no objection to the exempted fishery permit for the above-mentioned study as described in the *Federal Register* Vol. 74, No. 98 dated May 22, 2009.

If you have any question please contact me.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Howard". The signature is written in a cursive style with a large, sweeping initial "P".

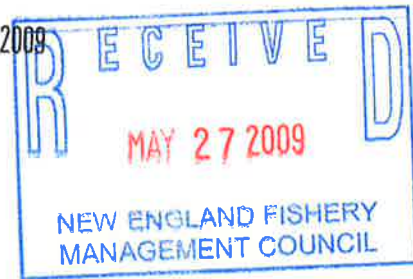
Paul J. Howard  
Executive Director



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

MAY 26 2009



Re: Experimental Fishery Proposal

Dear Paul:

The regulations on exempted fishing activities at 50 CFR 600.745(b)(3) require that the Regional Administrator forward copies of an application for exempted fisheries 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 Exempted Fishing Permit (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, including appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species. Therefore, we have attached the Federal Register notice that describes the activities proposed in the application submitted by the Massachusetts Division of Marine Fisheries, for one vessel to conduct gear testing using a spiny dogfish excluder grate with a raised footrope whiting trawl. The EFP would allow this vessel to be exempt from gear restrictions while fishing in the Gulf of Maine (GOM) Regulated Mesh Area, NE multispecies days-at-sea (DAS) effort control measures, GOM Rolling Closure areas, and NE multispecies minimum fish size limits for research purposes only.

Please respond to the following contact person with any comments you have on the experimental fishing proposal on or before June 8, 2009.

CONTACT PERSON: Allison Murphy  
Fishery Management Specialist  
Sustainable Fisheries, Northeast Region  
National Marine Fisheries Service  
55 Great Republic Drive  
Gloucester, MA 01930  
Phone: (978) 281-9122  
FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,

George H. Darcy  
Assistant Regional Administrator for Sustainable Fisheries

Enclosure

cc: CBK (5/2)



in that it incorrectly presented the proposed requested take for the requested action. Accordingly, the **SUPPLEMENTARY INFORMATION** section is corrected to read as follows:

The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The research would collect scientific data on sea turtles incidentally captured in the Hawaii Deep-Set Longline Fishery, the Hawaii Shallow-Set Longline Fishery, and the American Samoa Longline Fishery. This data would assist NMFS efforts to understand sea turtle interactions with the fisheries and to mitigate their threat to these species. The applicant proposes to flipper tag, measure, photograph, tissue sample, and attach satellite tags to an anticipated annual take of up to 46 loggerhead, 16 leatherback, 1 green, and 4 olive ridley sea turtles captured in the Hawaii Shallow-Set Longline Fishery. The applicant proposes to flipper tag, measure, photograph, tissue sample, and attach satellite tags to an anticipated annual take of up to 6 loggerhead, 6 leatherback, 12 green, 12 olive ridley, and 6 hawksbill sea turtles captured in the American Samoa Longline Fishery. The applicant proposes to flipper tag, measure, photograph, tissue sample, and attach satellite tags to an anticipated annual take of up to 6 (18 over three years) loggerhead, 13 (39 over three years) leatherback, 7 (21 over three years) green, and 41 (123 over three years) olive ridley sea turtles captured in the Hawaii Deep-Set Longline Fishery. The research would occur in the Pacific Ocean through April 1, 2015. No mortalities are expected from the research. Researchers would also collect sea turtle carcasses of animals killed in fishery activities that occur in the Pacific Ocean. All other information contained in the original document is unchanged.

Dated: May 18, 2009.

**P. Michael Payne,**

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

[FR Doc. E9–12058 Filed 5–21–09; 8:45 am]

**BILLING CODE 3510–22–S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648–XP35**

**Magnuson–Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits**

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

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

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that an Exempted Fishing Permit (EFP) application submitted by the Massachusetts Division of Marine Fisheries (MADMF) contains all of the required information and warrants further consideration. The Assistant Regional Administrator has made a preliminary determination that the activities authorized under this EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies and Spiny Dogfish Fishery Management Plans (FMPs). However, further review and consultation may be necessary before a final determination is made to issue an EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. This EFP, which would enable researchers to study the effects of a spiny dogfish excluder grate within a raised footrope whiting trawl, would grant exemptions from the NE multispecies regulations as follows: Gear restrictions while fishing in the Gulf of Maine (GOM) Regulated Mesh Area (RMA); NE multispecies days-at-sea (DAS) effort control measures; GOM Rolling Closure areas; and NE multispecies minimum fish sizes for sampling purposes only.

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.

**DATES:** Comments must be received on or before June 8, 2009.

**ADDRESSES:** You may submit written comments by any of the following methods:

• Email: [DA9-058@noaa.gov](mailto:DA9-058@noaa.gov). Include in the subject line “Comments on MADMF whiting fishery EFP.”

• Mail: Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope “Comments on MA MADMF whiting fishery EFP, DA9–058.”

• Fax: (978) 281–9135.

**FOR FURTHER INFORMATION CONTACT:** Allison Murphy, Fishery Management Specialist, 978–281–9122.

**SUPPLEMENTARY INFORMATION:** An application for an EFP was submitted on March 4, 2009, by David Chosid, the conservation engineering project leader at MADMF. The primary goal of this study is to investigate the effects of an experimental excluder grate in order to reduce catch rates of spiny dogfish and maximize the catch rates of whiting, using a raised footrope whiting trawl. The results of this research could be submitted to the New England Fishery Management Council to provide information that could be used to enhance the management of the whiting and spiny dogfish fisheries.

The project is proposed to be conducted from June 2009 through September 2009. One fishing industry collaborator would conduct a total of 56, 1-hour tows using the excluder grate in a raised footrope whiting trawl over the course of 14 trips. The vessel would use a 2.5-inch (6.4-cm) diamond codend mesh and, with the exception of the spiny dogfish grate, the gear would be configured as a standard raised footrope trawl. All experimental tows would occur between 42°12' W, long. and 42°30' W, long. in statistical areas 513 and 514. Fishing would occur along the western edge of Stellwagen Bank National Marine Sanctuary, but not within it. An underwater camera would be attached to the net to observe the behavior of spiny dogfish and whiting. Catches in the codend would be quantified. MADMF would have at least one staff member on board the vessel at all times during the experimental tows.

Due to the small mesh size used in the whiting fishery, this activity would require an exemption from gear restrictions while fishing in the GOM RMA found at 50 CFR 648.80(a)(3)(i). The researchers are requesting permission to fish outside of the small mesh exemption areas and time restrictions in order to demonstrate successful avoidance of the target species, spiny dogfish. Based on industry recommendations, whiting and spiny dogfish are expected to be in relatively high abundance in the

proposed research location. The requested exemption would help ensure that adequate densities of fish are present to conduct valid testing and provide sound statistical evidence of gear performance within that area. Additionally, work outside the Special Access Program (SAP) area could offer further possibilities for an extended whiting fishery. An exemption from the use of NE multispecies DAS is necessary because, due to the small mesh size of the raised footrope trawl, landing NE multispecies under the DAS possession limits would be prohibited and thus inconsistent with the purposes of charging DAS. In lieu of fishing under a NE multispecies DAS, the project would be required to adhere to a multispecies bycatch cap of 10 percent of the total weight of fish caught overall during the course of the research. No NE multispecies would be landed for sale, with the exception of small-mesh multispecies. An exemption from the GOM Rolling Closure areas is necessary so that the net may be tested when targeted species are present in order to prove successful avoidance. Additionally, this EFP would include a temporary exemption from multispecies minimum size limits at § 648.86 for sampling purposes only. This exemption would allow measurement and recording biological information of undersized specimens prior to their discard.

Small-mesh multispecies caught during the research would be landed and sold, up to the current possession limit, to provide additional funding for the project. All other organisms, including small-mesh multispecies with high expected survival rates, would be released as quickly and carefully as practicable. 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: May 18, 2009.

**Kristen C. Koch**

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

[FR Doc. E9-12034 Filed 5-21-09; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XP39

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council), its Research Set-Aside Committee (RSA), its Squid, Mackerel, Butterfish Committee (SMB), its Surfclam, Ocean Quahog, and Tilefish Committee, its Ecosystems and Ocean Planning Committee, its Executive Committee, and its Annual Catch Limits (ACL) and Accountability Measures (AM) Committee will hold public meetings.

**DATES:** The meetings will be held Monday, June 8, 2009 through Thursday, June 11, 2009. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held at the Radisson Martinique on Broadway, 49 West 32nd Street, New York, NY 10001; telephone: (212) 736-3800.

*Council address:* Mid-Atlantic Fishery Management Council, 300 S. New St., Room 2115, Dover, DE 19904; telephone: (302) 674-2331.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 674-2331 ext. 19.

**SUPPLEMENTARY INFORMATION:** On Monday, June 8 (in closed session) the RSA Committee will meet with NMFS officials from noon until 3 p.m. The RSA Committee will meet (in open session) NMFS Cooperative Research staff from 3 p.m. until 5 p.m. On Tuesday, June 9, the Squid, Mackerel, Butterfish Committee will meet from 8 a.m. until 11 a.m. The Surfclam, Ocean Quahog, and Tilefish Committee will meet from 11 a.m. until 12:30 p.m. The Ecosystems and Ocean Planning Committee will meet from 1:30 p.m. until 4:30 p.m. A scoping session for Sea Turtle Conservation and Recovery in Relation to the Atlantic Trawl Fisheries will be held from 7 p.m. until 9 p.m. On Wednesday, June 10, the Council will hold its Business Session from 8 a.m. until 9:45 a.m. From 9:45 a.m. until 10:30 a.m., NMFS officials will provide a presentation regarding the agency's Sea Turtle Conservation

and Recovery Strategy. From 10:30 a.m. until 12 p.m., the Council will discuss Amendment 11 to Squid, Mackerel, and Butterfish Fishery Management Plan (FMP). From 1 p.m. until 3 p.m., the Council will discuss Amendment 5 to the Monkfish FMP. From 3 p.m. until 4:30 p.m., Squid, Mackerel, and Butterfish Specifications for 2010 will be developed and adopted. From 4:30 p.m. until 5:30 p.m., Surfclam and Ocean Quahog Specifications for 2010 will be developed and adopted. On Thursday, June 11, the Executive Committee will meet from 8 a.m. until 9 a.m. The ACL/AM Committee will meet from 9 a.m. until 10:30 a.m. The Council will convene at 10:30 a.m. to receive a presentation on the New England Council's Essential Fish Habitat (EFH) Omnibus Amendment from 10:30 a.m. until noon. From 1 p.m. until 1:30 p.m., the Council will receive a presentation from Rutgers University Scientists regarding "Developing Ecological Indicators for Spatial Fisheries Management". NMFS officials will provide a Marine Debris Program presentation from 1:30 p.m. until 2:30 p.m. From 2:30 p.m. until 4 p.m., the Council will receive Committee Reports and discuss and act on any continuing or new business.

Agenda items by day for the Council's Committees and the Council itself are: Monday, June 8, the RSA Committee with the NMFS' Cooperative Research Staff will hold a closed session to review and comment on 2010 RSA proposals. In open session, the RSA Committee will receive a presentation from the NMFS' Cooperative Research Staff on NMFS' draft Cooperative Research Strategic plan, review and discuss Mid-Atlantic RSA program performance and ways to improve program coordination with other cooperative research efforts, and develop comments as appropriate for Council consideration. On Tuesday, June 9, the Squid, Mackerel, and Butterfish Committee will meet with Advisors to review the Scientific and Statistical Committee's (SSC) advice and Monitoring Committee's recommendations for the 2010 quota levels and associated management measures; develop quota specifications and associated management measures for Council consideration and action; review and address status of Amendment 11; and, review and discuss butterfish bycatch in Hudson Canyon. The Surfclam, Ocean Quahog, and Tilefish Committee will meet with Advisors to review staff recommendations for the 2010 quota specifications and associated