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New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

July 3, 2008

Ms. Patricia A. Kurkul
Regional Administrator
NMFS, Northeast Regional Office
One Blackburn 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 submitted by the Massachusetts Division of Marine Fisheries as described in the *Federal Register* Vol. 73, No. 128 dated July 2, 2008.

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, flowing style.

Paul J. Howard
Executive Director

and fall meeting notices for dates, times, and locations. Finally, NMFS also expects to present the issues and options presentation at the fall 2008 HMS Advisory Panel (AP) meeting. The actual date and location of the AP meeting will be announced in a future **Federal Register** notice.

Scoping Meetings Code of Conduct

The public is reminded that NMFS expects participants at the scoping meetings to conduct themselves appropriately. At the beginning of each meeting, a representative of NMFS will explain the ground rules (e.g., alcohol is prohibited from the meeting room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; attendees may not interrupt one another, etc.). The NMFS representative will structure the meeting so that all attending members of the public will be able to comment, if they so choose. Attendees are expected to respect the ground rules, and those that do not will be asked to leave the meeting.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jessica Beck (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the meeting.

Dated: June 25, 2008.

Emily H. Menashes

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

[FR Doc. E8-15053 Filed 7-1-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XI30

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), Department of 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), Northeast (NE) multispecies days-at-sea (DAS) effort control measures, 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 July 17, 2008.

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

- Email: DA8-141@noaa.gov. Include in the subject line "Comments on MADMF whiting fishery EFP."
- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on MA MADMF whiting fishery EFP, DA8-141."
- Fax: (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Emily Bryant, Fishery Management Specialist, 978-281-9244.

SUPPLEMENTARY INFORMATION: An application for an EFP was submitted on May 29, 2008, by David Chosid, the conservation engineering project leader at MADMF, for a project funded by the Northeast Consortium. 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 July 2008 through September 2008. One fishing industry collaborator would conduct a total of 70 1-hour tows using the excluder grate in a raised footrope whiting trawl over the course of 14 trips, conducting 5 tows per trip. 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 area 514. Fishing would occur along the western edge of Stellwagen Bank National Marine Sanctuary, but not within it. No testing would occur in closed areas or during rolling closures. 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 § 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 increase interactions with the project's 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. An exemption from the use of NE multispecies DAS at § 648.82(a) is necessary because, due to the small mesh size of the raised footrope trawl, landing NE multispecies under the DAS possession limits would otherwise be prohibited and thus inconsistent with the purpose of charging DAS. In lieu of fishing under a NE multispecies DAS, the project must adhere to a multispecies bycatch cap of 5 percent of the total weight of fish caught overall during the course of the research. This percentage is the standard percentage used as a criterion to qualify an

exempted fishery within regulated mesh areas. Because one of the research goals is to use the information to expand the whiting fishery exemption area, staying within this 5-percent multispecies bycatch cap would be useful for future management decisions based on this research. No NE multispecies would be landed for sale, with the exception of whiting. Additionally, this EFP would include an exemption from multispecies minimum size limits at § 648.86 for sampling purposes only. This exemption would allow sampling of undersized species prior to their discard.

Whiting 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 whiting with high expected survival return 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: June 26, 2008.

Emily H. Menashes,

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

[FR Doc. E8-14943 Filed 7-1-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XI66

Marine Mammals; File No. 545-1761

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

ACTION: Notice; withdrawal of amendment request.

SUMMARY: Notice is hereby given that the North Gulf Oceanic Society (Craig O. Matkin, Principal Investigator), 2030 Mary Allen Avenue, Homer, AK 99603 has withdrawn its application for an amendment to Permit No. 545-1761-00 for use of a mini-helicopter during killer whale (*Orcinus orca*) research.

ADDRESSES: The documents related to this action are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249.

FOR FURTHER INFORMATION CONTACT: Carrie Hubbard or Amy Sloan, (301)713-2289.

SUPPLEMENTARY INFORMATION: On June 6, 2008 a notice was published in the *Federal Register* (73 FR 32307) that an application for an amendment had been filed by North Gulf Oceanic Society. The permit holder requested authorization to use a mini-helicopter, during an opportunistic, limited time period in Alaska during August/September 2008. The applicant has withdrawn the amendment request from further consideration.

Dated: June 27, 2008.

P. Michael Payne,

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

[FR Doc. E8-15050 Filed 7-1-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648-XI76

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: This notice advises the public that the Western Pacific Fishery Management Council (Council) will convene a meeting of the Hawaii Archipelago Regional Ecosystem Advisory Committee (REAC) in Honolulu, HI.

DATES: The Hawaii Archipelago Regional Ecosystem Advisory Committee meeting will be held Thursday, July 17, 2008. For the specific date, time, and agenda for the meeting, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting of the Hawaii Archipelago Regional Ecosystem Advisory Committee will be held at the

Council Office, 1164 Bishop St. Suite 1400, Honolulu, HI 96814.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522-8220.

SUPPLEMENTARY INFORMATION: The date, time and agenda for the meeting is as follows:

Thursday, July 17, 2008, 9 a.m. - 5 p.m.

1. Welcome and Introduction of Members
2. Approval of Draft Agenda
3. Update on Federal Fisheries Management Actions
 - a. Main Hawaiian Islands bottomfish Management
 - b. Summary of Pelagic Fishery Management Actions
 - c. Discussion
4. Coastal Ecosystems
 - a. Fresh Water Use and Diversion in Hawaii
 - b. Characterization of Fish and Benthic Organisms in Pearl Harbor
5. Guest Presentations
 - a. Review of Global Sea Level Rise: global factors and local impacts
 - b. Pacific Ocean Productivity Modeling
 - c. Discussion
6. Community Marine Management Forum
 - a. Aha Moku Process
 - b. Discussion
7. Public Comments
8. REAC Discussion and Action

The order in which agenda items are addressed may change. Public comment periods will be provided throughout each agenda. The Regional Ecosystem Advisory Committee will meet as late as necessary to complete scheduled business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically 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.