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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*

March 30, 2011

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

**RE: Comments on GMRI Monkfish EFP Proposal**

Dear Pat:

The New England Fishery Management Council has no objection to the experimental fishery proposal noted above published in the *Federal Register* on March 24, 2011.

If you have any question please contact me.

Sincerely,

Paul J. Howard  
Executive Director

costs of the research activity, while minimizing operating expenses. Based on the preliminary award of 96 DAS and projected monkfish catch rates, this would allow a total catch of 345,600 lb (156,762 kg) of whole monkfish (104,097 lb (47,218 kg) tail weight). Operating under this total landings cap, compensation fishing would continue until the goal of 345,600 lb (156,762 kg) of whole monkfish is caught, or until the awarded DAS have been fully utilized, whichever occurs first. Aside from these exemptions, fishing activity would be conducted under normal commercial practices. NMFS is considering imposing a cap on monkfish DAS possession limit exemptions for vessels operating under the monkfish RSA program due to potential effect that such exemptions may have on monkfish market price and catch rates for non-RSA vessels.

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: March 21, 2011.

**Margo Schulze-Haugen,**

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

[FR Doc. 2011-7020 Filed 3-23-11; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA269

#### 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 contains all of the required

information and warrants further consideration and that the activities authorized under this EFP would be consistent with the goals and objectives of the Monkfish Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue an EFP. This EFP would grant exemptions from monkfish days-at-sea (DAS) possession limits.

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 April 8, 2011.

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

- *E-mail:* [nero.efp@noaa.gov](mailto:nero.efp@noaa.gov). Include in the subject line "Comments on GMRI Monkfish RSA 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 GMRI monkfish RSA EFP."
- *Fax:* (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:**

Jason Berthiaume, Fishery Management Specialist, 978-281-9177.

**SUPPLEMENTARY INFORMATION:**

An application for an EFP was submitted by the Gulf of Maine Research Institute (GMRI) on February 23, 2011, in support of a project preliminarily selected under the New England and Mid-Atlantic Fishery Management Councils' Monkfish RSA Program. The project proposes to use archival tagging and age validation efforts to assess monkfish movement, age structure, and growth. This EFP would grant an exemption from monkfish possession limits to facilitate compensation fishing to fund this research project. GMRI would tag monkfish using data storage tags that would record time, pressure (depth), and temperature. GMRI would charter fishing vessels to conduct the research. The vessels would use standard commercial gear and land monkfish for sale, but sampling locations and protocol would be controlled by the researcher. The research vessels would not land any fish below the legal size for commercial purposes.

Compensation fishing for this research would occur from May 2011 through April 2012, with a possible extension through April 2013, as authorized by the Monkfish FMP and 50 CFR 648.92(c)(1)(v). Pending a final award by NOAA Grants, GMRI has been

awarded 368 monkfish DAS under the Monkfish RSA Program. To facilitate compensation fishing, the applicant has requested exemptions from monkfish DAS possession limits at 50 CFR 648.94(b)(1) and (2). The applicant stated that these exemptions would provide the vessels with flexibility to fulfill the financial needs of the project, while minimizing vessel operating expenses. Based on budget needs and an estimated monkfish price per pound, the project would need a total catch of 1,324,800 lb (600,919 kg) of whole monkfish (399,036 lb (181,000 kg) tail weight). Operating under this total landings cap, compensation fishing would continue until the goal of 1,324,800 lb (600,919 kg) of whole monkfish is caught, or until the awarded DAS have been fully utilized, whichever occurs first. Aside from these exemptions, fishing activity would be conducted under normal commercial practices. NMFS is considering imposing a cap on monkfish DAS possession limit exemptions for vessels operating under the monkfish RSA program due to potential effects that such exemptions may have on monkfish market price and catch rates for non-RSA vessels.

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: March 21, 2011.

**Margo Schulze-Haugen,**

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

[FR Doc. 2011-7023 Filed 3-23-11; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA270

#### 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), 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 contains all of the required information and warrants further consideration. The EFP would exempt participating vessels from the following types of fishery regulations: Minimum fish size restrictions; fish possession limits; species quota closures; prohibited fish species, not including species protected under the Endangered Species Act; and gear-specific fish possession restrictions for the purpose of collecting fishery dependent catch data and biological samples that is being conducted by the Northeast Fisheries Science Center's (NEFSC) Study Fleet Program.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on EFP applications.

**DATES:** Comments must be received on or before *April 8, 2011*.

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

- *E-mail:* [nero.efp@noaa.gov](mailto:nero.efp@noaa.gov). Include in the subject line "Comments on NEFSC Study Fleet 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 NEFSC Study Fleet EFP."
- *Fax:* (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Carly Knoell, Fisheries Management Specialist, 978-281-9224, [Carly.Knoell@noaa.gov](mailto:Carly.Knoell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NEFSC submitted a complete application for an EFP on February 7, 2011, to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would exempt 24 Federally permitted commercial fishing vessels from the regulations detailed below while participating in the Study Fleet Program and operating under projects managed by the NEFSC. The EFP would exempt participating vessels from minimum fish size restrictions; fish possession limits; species quota closures; prohibited fish species, not including species protected under the Endangered Species Act; and gear-specific fish possession restrictions for the purpose of at-sea sampling and, in limited situations for research purposes only, to retain and land fish.

Crew trained by the NEFSC Study Fleet Program in methods that are consistent with the current NEFSC observer protocol, while under normal fishing operations, would sort, weigh, and measure fish that are to be discarded. An exemption from minimum fish size restrictions; fish possession limits; species quota closures; prohibited fish species, not including species protected under the Endangered Species Act; and gear-specific fish possession restrictions for at-sea sampling is required because some discarded species would be on deck slightly longer than under normal sorting procedures.

Participating vessels would also be authorized to retain and land, in limited situations for research purposes only,

fish that do not comply with fishing regulations. The vessels would be authorized to retain specific amounts of particular species in whole or round weight condition, in marked totes, which would be delivered to Study Fleet Program technicians. In addition, if the EFP is approved, NEFSC and participatory vessels would be notified that spiny dogfish and black sea bass could not be targeted during a quota closure, and that any live spiny dogfish or black sea bass that are caught must be discarded. No spiny dogfish or black sea bass could be landed for commercial purposes as part of this research project during a quota closure. The NEFSC would require participating vessels to obtain written approval from the NEFSC Study Fleet Program prior to landing any fish in excess of possession limits and/or below minimum size limits to ensure that the landed fish do not exceed any of the Study Fleet Program's collection needs, as detailed below. None of the landed biological samples from these trips would be sold for commercial use or used for any other purpose other than scientific research.

The table below details the regulations from which the participating vessels would be exempt. The participating vessels would be required to comply with all other applicable requirements and restrictions specified at 50 CFR part 648, unless specifically exempted in this EFP. All catch of stocks allocated to Sectors by vessels on a Sector trip would be deducted from the Sector's Annual Catch Entitlement for each Northeast multispecies stock regardless of what fishery the vessel was participating in when the fish was caught.

**NEFSC STUDY FLEET PROGRAM EFP**

Number of vessels	24
Possession	Possession for at-sea sampling plus limited landing
Exempted regulations in 50 CFR part 648 .....	<p><i>Size limits:</i></p> <ul style="list-style-type: none"> <li>§ 648.83(a)(3) NE multispecies minimum size.</li> <li>§ 648.93 Monkfish minimum fish size.</li> <li>§ 648.103 Summer flounder minimum fish size.</li> <li>§ 648.143(a) Black sea bass minimum fish size.</li> </ul> <p><i>Possession restrictions:</i></p> <ul style="list-style-type: none"> <li>§ 648.86(b) Atlantic cod.</li> <li>§ 648.86(c) Atlantic halibut.</li> <li>§ 648.86(e) White hake.</li> <li>§ 648.86(g) Yellowtail flounder.</li> <li>§ 648.86(g)(1) Southern New England Yellowtail flounder possession limit.</li> <li>§ 648.86(j) Georges Bank Winter flounder.</li> <li>§ 648.86(n)(1) Zero retention of SNE Winter flounder.</li> <li>§ 648.94 Monkfish possession limit.</li> <li>§ 648.22(c) Incidental possession limit of <i>Loligo</i>.</li> <li>§ 648.322 Skate possession and landing restrictions.</li> <li>§ 648.141 Black sea bass closure.</li> <li>§ 648.145 Black sea bass possession limits.</li> </ul>



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

MAR 24 2011

Re: Experimental Fishing Permit (EFP) Proposal

Dear Paul J. Howard:

The regulations on exempted fishing activities at 50 CFR 600.745(b)(3) require that the Regional Administrator forward 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, including appropriate statements of environmental impacts, and impacts on marine mammals and threatened or endangered species. Therefore, in addition to the EFP application, we have attached the Federal Register notice that describes the activities proposed by the applicant.

The Gulf of Maine Research Institute (GMRI) submitted a complete application for an EFP on February 23, 2011, to conduct fishing activities that the regulations would otherwise prohibit. The EFP would exempt vessels from monkfish days-at-sea (DAS) possession limits in the Northern and Southern Monkfish Fishery Management Areas. Fishing activity would otherwise be conducted under normal monkfish commercial fishing practices.

This study has been preliminarily selected under the 2011 Monkfish Research Set-Aside (RSA) Program. The primary goal of this study is to use archival tagging and age validation efforts to assess monkfish movement, age structure, and growth. GMRI would tag monkfish using data storage tags that would record time, pressure (depth), and temperature. GMRI would charter fishing vessels to conduct the research. The vessels would use standard commercial gear and land monkfish for sale, but sampling locations and protocol would be controlled by the researcher.

Pending an award by NOAA Grants, this project will receive 368 monkfish RSA DAS. Forty-one vessels have been identified by the applicants to use awarded DAS to collect data and harvest monkfish to support the project. Based on budget needs and estimated monkfish prices, the project would need a total catch of 1,324,800 lb of whole monkfish, equivalent to 399,036 lb tail weight. Compensation fishing would continue until the goal



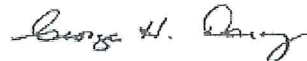
of 1,324,800 lb of whole monkfish is caught or until the awarded DAS have been fully utilized, whichever occurs first. Compensation fishing would occur May 2011 through April 2012, with a possible extension through April 2013, as authorized by the Monkfish FMP and the regulations at 50 CFR 648.92(c)(1)(v). The applicant states that authorizing participating vessels to land up to 3,600 lb of whole monkfish per DAS would provide needed flexibility to attain budget needs while reducing vessel operating expenses. This amount is based on the way monkfish vessels fish, which is to land a "double limit" using 24 hours and 1 minute of DAS. Additionally, NOAA's National Marine Fisheries Service is considering imposing a cap on monkfish DAS possession limit exemptions for vessels operating under the monkfish RSA program due to potential effects that such exemptions may have on monkfish market price and catch rates for non-RSA vessels.

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.

CONTACT                      Jason Berthiaume  
Sustainable Fisheries Division, Northeast Region, NMFS  
55 Great Republic Drive  
Gloucester, MA 01930  
Phone: (978) 281-9326  
FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,



George H. Darcy  
Assistant Regional Administrator  
for Sustainable Fisheries