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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*

October 25, 2011

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

RE: Comments on 2012 GB PSP Closed Area Exemption EFP

Dear Pat:

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

If you have any question please contact me.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Howard".

Paul J. Howard
Executive Director

National Marine Fisheries Service, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930-2298.

FOR FURTHER INFORMATION CONTACT: Anna Macan, Fishery Management Specialist, (978) 282-8483; fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: The Federal Atlantic surfclam and ocean quahog fishery regulations at 50 CFR 648.75(b) authorize the Regional Administrator of the Northeast Region, NMFS, to specify in the **Federal Register** a vendor from whom cage tags, required under the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP), shall be purchased. Notice is hereby given that National Band and Tag Company of Newport, KY, is the authorized vendor of cage tags required for the fishing year 2012 Federal surfclam and ocean quahog fisheries. Detailed instructions for purchasing these cage tags will be provided in a letter to ITQ allocation holders in these fisheries from NMFS within the next several weeks.

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

Dated: October 19, 2011.

Emily H. Menashes,

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

[FR Doc. 2011-27477 Filed 10-21-11; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA730

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 one commercial fishing vessel from the Atlantic surfclam and ocean quahog Georges Bank Closure Area to continue testing the safety and efficacy of harvesting Atlantic surfclams and ocean quahogs from the closure area. This would be a continuation of a research project that has been ongoing since 2006. NMS 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 November 8, 2011.

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

Written comments should be sent to Patricia A. Kurkul, 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 <http://www.nero.noaa.gov/sfd/clams>.

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

SUPPLEMENTARY INFORMATION: The applicant, Wallace & Associates, of Cambridge, MD, requests on behalf of Truex Enterprises a renewal of their current EFP, which is due to expire on December 31, 2011, to allow the catch and retention for sale of Atlantic surfclams and ocean quahog from within the Atlantic surfclam and ocean quahog Georges Bank (GB) Closure Area. The GB Closed Area is located east of 69°00' W. long. and south of 42°20' N. lat and has been closed since May 25, 1990, due to the presence of a toxin (saxotoxins) that cause paralytic shellfish poisoning (PSP). Due, in part, to the inability to test and monitor this area for the presence of PSP, this closure was made permanent through Amendment 12 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan in 1999.

The primary goal of the proposed study is to test the efficacy of a sampling protocol that was developed by state and Federal regulatory agencies to test for presence of saxotoxins in shellfish, and thus has been in a trial period through previous EFPs since 2006. This protocol would facilitate the harvest of shellfish from waters susceptible to harmful algal blooms, which produce the saxotoxins, but that are not currently under rigorous water quality monitoring programs by either state or Federal management agencies. A copy of the sampling protocol is available from the

NMFS Northeast Region Web site: <http://www.nero.noaa.gov/sfd/clams>.

This project is a pilot program with the goal of determining if the shellfish harvested from the GB Closure Area are safe for human consumption under the U.S. Food and Drug Administration (FDA) International Shellfish Sanitation Conference (ISSC) guidelines and requirements. The protocol in this pilot program will be presented to the ISSC meeting in October 2011 to adopt the protocol into the National Shellfish Sanitation Program (NSSP) and change it from a pilot program to a permanent part of the U.S. FDA ISSC Shellfish Sanitation Program. If adopted, additional vessel participants would be required to obtain an EFP to participate in this or similar projects.

The proposed project would continue to conduct a trial for the sampling protocol in an exemption zone within the larger 1990 GB Closure Area with one fishing vessel. The exemption zone would not include any Northeast multispecies or essential fish habitat year-round closure areas. This proposed exempted fishing activity would occur during the 2012 calendar year, using surfclam quota allocated to Truex Enterprises under the Federal individual transferable quota program. The applicant has estimated a harvest of 250,000 bushels (8,809,768 L) of surfclams from the exemption area. The exemption area has been tested in cooperation with the FDA from 2006 to the present.

It is expected that harvesting under an EFP would occur on approximately 60-70 days during 2012. Species to be harvested are surfclams and ocean quahogs, utilizing a 170-inch (4.3 m) hydraulic clam dredge. 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. Harvesting under an EFP is not expected to exceed two trips per week. Harvested clams would be delivered to Sea Watch International in New Bedford, MA. Harvests would be predominantly surfclams from the area known as Cultivator Shoals.

The U.S. FDA would receive samples from each trip for their information and independent analyses in addition to the onboard screening and the dockside testing. Onboard screening is conducted on five samples taken from each corner and the center of each lot to be harvested (not more than 3-square miles (4.8 square kilometers)) by Jellett Rapid Test Kits and Abraxis Kits. Dockside testing would be conducted by the Massachusetts Division of Marine Fisheries laboratory in Gloucester, MA.

State and Federal agencies would be notified of each trip, the place and time of landing, the results of onboard screening, and dockside laboratory results. Federal and state agencies are provided a copy of the Declaration of Harvest form from each trip, which details the location of harvest, cage tag numbers, and results of onboard screening.

The applicant has obtained endorsements for the EFP and the sampling protocol from the states of Rhode Island, New Jersey, Delaware, and Massachusetts, the states in which it intends to land and process the product harvested under the EFP. Each state is responsible for regulating the molluscan shellfish industry within its jurisdiction and ensuring the safety of shellfish harvested within or entering its borders. The sampling protocol and the pilot project that would be authorized by this EFP have also since been endorsed by the Executive Board of the ISSC.

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 exempted fishing permits. 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 exempted fishing permit. Further review and consultation may be necessary before a final determination is made to issue the exempted fishing permit.

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: October 18, 2011.

Emily H. Menashes,

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

[FR Doc. 2011-27479 Filed 10-21-11; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA779

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public hearing series.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of public hearings regarding Amendments 18A, 20A, and 24 to the Snapper Grouper Fishery Management Plan (FMP) for the South Atlantic Region. See **SUPPLEMENTARY INFORMATION**.

Dates and Location: The series of seven public hearings will be held from November 14, 2011 through December 6, 2011. The hearings will be held from 4 p.m. until 7 p.m. with the exception of two hearings. The hearings on November 15, 2011 in Charleston, SC and the hearing on December 6, 2011 in Raleigh, NC will be conducted from 5:30 p.m.-7:30 p.m. Note that in some cases consecutive hearings will be held on the same date. Council staff will present an overview of the amendments and will be available for informal discussions and to answer questions. Members of the public will have an opportunity to go on record at any time during the meeting hours to record their comments on the public hearing topics for consideration by the Council. Local Council representatives will attend the meetings and take public comment. Written comments will be accepted from October 21, 2011 until 5 p.m. on November 21, 2011, See **SUPPLEMENTARY INFORMATION**.

SUPPLEMENTARY INFORMATION: Amendment 18A is being developed by the Council to address overcapacity in the commercial black sea bass pot fishery and reduce the rate of harvest for both commercial and recreational sectors. The amendment includes actions to limit participation and effort in the black sea bass pot fishery, limit bycatch in the commercial pot fishery, and modify the current system of accountability measures. Management

measures being considered include increases in size limits, decreases in bag limits, a commercial trip limit, and a spawning season closure. The amendment also includes actions to update management parameters based on the 2011 Southeast Data, Assessment and Review (SEDAR) stock assessment for black sea bass, consider modifications to the rebuilding strategy to account for an increasing biomass, and improve the accuracy, timing and quantity of fisheries data.

Amendment 20A addresses the current Individual Transferable Quota (ITQ) program currently in place for the wreckfish fishery. The amendment includes measures to adjust the distribution of wreckfish shares in order to remove inactive effort and allow the commercial sector's Annual Catch Limit (ACL) to be harvested effectively.

Amendment 24 to the Snapper Grouper FMP addresses the implementation of a rebuilding plan for red grouper in the South Atlantic as required by the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The rebuilding plan would specify ACLs, annual catch targets and accountability measures for the red grouper fishery. The amendment also establishes sector allocations.

Public Hearing Schedule:

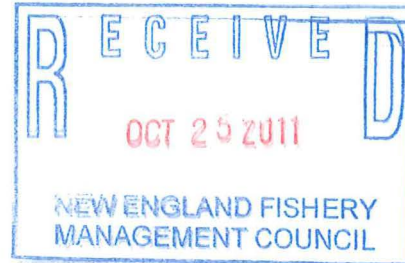
1. November 14, 2011—Avista Resort, 300 N. Ocean Blvd., North Myrtle Beach, SC 29582; *telephone:* (843) 249-2521;
2. November 14, 2011—Hampton Inn & Suites Savannah/Midtown, 20 Johnson Street, Savannah, GA 31405; *telephone:* (912) 721-3700;
3. November 15, 2011—Charleston Marriott Hotel, 170 Lockwood Blvd., Charleston, SC 29403; *telephone:* (843) 723-3000;
4. November 15, 2011—Jacksonville Marriott, 4670 Salisbury Road, Jacksonville, FL 32256; *telephone:* (904) 296-2222;
5. November 16, 2011—Radisson Resort at the Port, 8701 Astronaut Boulevard, Cape Canaveral, FL 32920; *telephone:* (321) 784-0000;
6. November 17, 2011—Key Largo Bay Marriott, 10380 Overseas Hwy., Key Largo, FL 33037; *telephone:* (305) 453-0000;
7. December 6, 2011—Holiday Inn Brownstone, 1707 Hillsborough Street, Raleigh, NC 27605; *Phone:* (919) 828-0811.

ADDRESSES: Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405, or via e-mail to:



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 an exemption area within 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.

The primary goal of the proposed study is to test the efficacy of the protocol that was developed by the state and Federal regulatory agencies to test for the presence of saxotoxins in shellfish. This sampling protocol will facilitate the harvest of shellfish from waters susceptible to harmful algal blooms (HAB), which produce the saxotoxins, but that are not currently under rigorous water quality monitoring programs.

This project is a pilot program with the goal of determining if the shellfish harvested from the Georges Bank Closure Area are safe for human consumption under the U.S. FDA International Shellfish Sanitation Conference (ISSC) guidelines and requirements. The protocol in this pilot



program will be presented to the ISSC meeting in October 2011 to adopt the protocol into the National Shellfish Sanitation Program (NSSP) and change it from a pilot program to a permanent part of the U.S. FDA ISSC Shellfish Sanitation Program. If adopted, it is likely additional vessels could apply for similar EFPs in the future.

It is expected that harvesting under an EFP would occur on approximately 60-70 days during 2012. Species to be harvested are surfclams and ocean quahogs, utilizing a 170-inch hydraulic clam dredge. 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. Harvesting under an EFP is not expected to exceed two trips per week. The anticipated harvest under an EFP in 2012 would be approximately 250,000 bushels. Harvested clams would be delivered to Sea Watch International in New Bedford, MA. Harvests would be predominantly surfclams from the area known as Cultivator Shoals.

The U.S. FDA will receive samples from each trip for their information and independent analyses, in addition to the onboard screening and the dockside testing. Onboard screening is conducted on five samples taken from each corner and the center of each lot to be harvested (not more than 3-square miles) by Jellett Rapid Test Kits and Abraxis Kits. Dockside testing is conducted by the Massachusetts Division of Marine Fisheries laboratory in Gloucester, MA. State and Federal agencies are notified of each trip, the place and time of landing, the results of onboard screening, and dockside laboratory results. Federal and state agencies are provided a copy of the Declaration of Harvest form from each trip, which details the location of harvest, cage tag numbers, and results of onboard screening.

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:
<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 Fisheries