

#2



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 16, 2009

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

RE: Comments on the NEFSC Study Fleet Programmatic 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. 126 dated July 2, 2009.

If you have any question please contact me.

Sincerely,

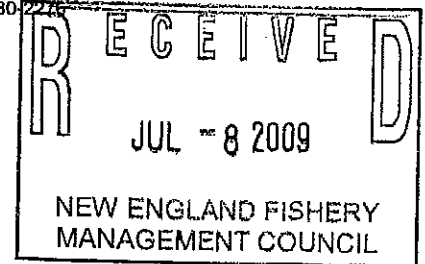
A handwritten signature in black ink that reads "Paul J. Howard". The signature is written in a cursive style.

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



Re: Experimental Fishery Proposal

Dear Paul:

The regulations on exempted experimental fishing activities at 50 CFR 600.745(b)(3) require that the Regional Administrator forward copies of an application for experimental 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, and 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 Northeast Fisheries Science Center Study Fleet Program. The primary goal of this programmatic EFP is to allow Study Fleet technicians and vessel operators to record more detailed and accurate data on discards, as well as to collect select species of interest, including undersized fish, in excess of trip limits, for more intensive biological sampling.

Please respond to the following contact person with any comments you have on the experimental fishing proposal on or before June 17, 2009.

CONTACT PERSON: Anna Macan
Fishery Policy Analyst
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
Phone: (978) 281-9165
FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,

Patricia A. Kurkul
Regional Administrator



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XQ07

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 the subject programmatic Exempted Fishing Permit (EFP) application for the Study Fleet Program contains all of the required information and warrants further consideration. Study Fleet projects are managed by the Northeast Fisheries Science Center (NEFSC) and funded under Northeast Cooperative Research Partners Program (NCRPP) contracts and Research Set-Aside (RSA) grants to regional institutions. The programmatic EFP would grant exemptions from minimum fish size and possession and landing limits. However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to issue a programmatic EFP that would allow up to 25 vessels to conduct fishing operations that are otherwise restricted

by the regulations governing the fisheries of the Northeastern United States.

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, 2009.

ADDRESSES: Comments on this notice may be submitted by e-mail to *NERO.EFP@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: "Comments on NEFSC Study Fleet Programmatic EFP." 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 NEFSC Study Fleet Programmatic EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Anna Macan, Fishery Management Specialist, phone: 978-281-9165, fax: 978-281-9135.

SUPPLEMENTARY INFORMATION: The EFP would exempt 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 and funded by NCRPP contracts and RSA grants. The programmatic EFP would cover two tiers of exemptions. The first tier would exempt vessels operators and

technicians from minimum size and possession limits for the time it takes to weigh and measure fish that would otherwise be immediately discarded. The second tier would exempt vessels from minimum size and possession and landing limits of otherwise prohibited fish. The programmatic EFP would cover the following Study Fleet projects, the vessels associated with such projects, and the study fleet technicians and vessel operators:

(1) NEFSC - NCRPP Groundfish Fleet Northern (five vessels) and Southern (up to seven vessels) trawlers.

(2) NEFSC - Groundfish/Loligo Fleet (two vessels).

(3) NEFSC - Gulf of Maine Research Institute (GMRI) - Monkfish Fleet (up to five vessels).

A project- and vessel-specific EFP, detailing all vessels involved in each of the projects, would be granted to each vessel to facilitate this research. The EFPs would specify under which restrictions and exemptions the vessel would be required to operate. The Tier 1 EFP would specify that the retention of otherwise prohibited fish is temporary only, and fish must be returned to the sea as quickly as possible, after weighing and measuring. The Tier 2 EFP would specify the limited amounts of otherwise prohibited fish that could be retained and landed for research purposes only. The following table details the regulations that the participating vessels would be exempted from, and the number of at-sea days that vessels would be permitted to operate under the exemptions:

| | NEFSC NCRPP Groundfish Fleet | NEFSC Groundfish & Loligo | NEFSC SNE Yellowtail Flounder | NEFSC - GMRI Monkfish |
|--|------------------------------|---------------------------|-------------------------------|------------------------------|
| # of Vessels | Up to 12 | 2 | 2 | Up to 5 |
| Discard sampling at-sea days (w/technician) | 100 DAS | 40 DAS | 40 DAS | 80 DAS |
| Discard sampling at-sea days (w/o technician) | 50 DAS | 20 DAS | 20 DAS | 160 DAS |
| Biological sampling at-sea days (w/technician) | N/A | 40 DAS | N/A | 80 DAS |
| Biological sampling at-sea days (w/o technician) | As needed, with prior notice | N/A | N/A | As needed, with prior notice |

| | NEFSC NCRPP Groundfish Fleet | NEFSC Groundfish & <i>Loligo</i> | NEFSC SNE Yellowtail Flounder | NEFSC – GMRI Monkfish |
|---|--|--|--|---|
| Exempted regulations in 50 CFR part 648 | § 648.83(a)(3) NE multispecies minimum size <i>Possession limits</i> § 648.86(b) Atlantic cod § 648.86(c) Atlantic halibut § 648.86(e) White hake § 648.86(g) Yellowtail flounder § 648.86(j) GB winter flounder | Same as NEFSC NCRPP Groundfish, plus, if during closure of directed fishery incidental possession limit of <i>Loligo</i> as specified at § 648.25(b) | § 648.83(a)(3) NE multispecies minimum size § 648.86(g)(1) SNE Yellowtail flounder possession limit | § 648.93 Monkfish minimum fish size § 648.94 Monkfish possession limit |

Tier 1

The first aspect of the project would temporarily exempt the Study Fleet vessels from all minimum size and possession limits for the time it takes to measure and weigh otherwise prohibited fish. This exemption would allow NEFSC to understand the issues that affect the accuracy of estimated discard weights and to improve analyses. The protocol under which the NEFSC staff and the vessel operators would conduct these measurements is not significantly different than the protocol currently used by NMFS-certified observers. Under this protocol, no other change to normal commercial fishing operations would occur.

Initially, NEFSC or partner Study Fleet technicians would be onboard the vessels to provide data entry training and to observe and report on sorting and discarding practices under normal fishing operations. On some subsequent trips, technicians would sort, weigh, and measure fish that are to be discarded, in a method that is consistent with current NEFSC observer protocols. An exemption is required because some discarded species would be on deck slightly longer than under normal sorting procedures. The goal is to identify sorting routines that would minimally impact the duration of catch processing, and technicians would return the fish to the water as soon as possible. On other trips, the vessel operators and crew would be responsible for sorting, weighing, and measuring the fish that are to be discarded from a random number of tows and trips, following the established protocol. These crew and operators would be trained in the protocol by the NEFSC or partner Study Fleet technicians and would return the fish to the water as soon as possible.

Tier 2

The second aspect of the programmatic EFP for the Study Fleet

would allow more in-depth biological sampling to occur on various ages of fish by exempting vessels from minimum size, possession, and landing limits of species of interest. Some of the biological sampling would be done by a Study Fleet technician during a trip, as available during normal commercial fishing operations. That is, while a crew member is dressing a fish for storage, the Study Fleet technician would collect the stomach and gonads of that fish for later research. For this tier, vessels would be exempted from minimum size requirements and possession and landing limits, as applicable, in very limited circumstances. Vessel operators on specified trips, using marked totes, would collect fish to be provided to the NEFSC for biological sampling only.

Project-specific biological sampling to obtain maturity, fecundity, age, and growth data would require a separate EFP for possession and sampling of species of interest, including undersized individuals, possibly in excess of trip limits, where samples may be processed at sea or retained for delivery to research facilities on shore by the Study Fleet vessels. The current interest in enhanced biological sampling is in response to initial Study Fleet goals endorsed by the NCRPP and the New England Fishery Management Council's Research Steering Committee. See below for detailed descriptions of catch estimates for each of the three Study Fleet projects with biological sampling protocols. A small number of live fish would also be collected to support laboratory studies in survival.

Sampling would be done by NEFSC or partner Study Fleet technicians and by trained crew members. On trips where the technicians would be on board, standard NEFSC sampling protocols would be followed. None of the landed biological samples from these trips would be sold into the food market. On trips where technicians would not be on board, select vessel operators or crew would separate fish to be sampled by

technicians in port. The EFP for biological sampling would allow fishermen to retain specified amounts of specific species in whole or round weight condition, including some undersized individuals, in marked totes, which would be delivered to Study Fleet technicians or local NMFS port agents for enumeration and measurement. It is anticipated that these whole fish may cause a vessel to exceed a regulatory trip limit. The EFP would exempt the vessels from the trip limits in limited situations so that the vessel is not disadvantaged when collecting biological samples.

NMFS would receive advance notification of specific plans for retention under this EFP. This notification would provide the vessel name and vessel operator, the number of marked totes that would be delivered, an estimate of the number of undersized individuals that would be retained, and an estimated time frame for the sampling trips. The amount of fish delivered to the Study Fleet technicians would not exceed five totes, or 700 lb (317.51 kg) per trip. Vessels fishing under this EFP would be required to call into the Interactive Voice Response system to identify the trip, following the standard EFP protocol. Each of the biological sampling projects is detailed below. Please see the table above for details on the regulations that would be exempted.

The NEFSC Groundfish and Groundfish/*Loligo* projects would involve sampling seven species on a maximum of 20 trips with technicians aboard. This sampling would not affect trip limits because the undersized fish would be discarded at sea. The estimated maximum discard weight of sampled sub-legal fish is 4,000 lb (1,814.37 kg) per species per trip (100 lengths X 20 trips = 2,000 individuals X mean weight of 2 lb (0.91 kg) = 4,000 lb (1,814.37 kg) per species), not to exceed 8,000 lb (3,628.74 kg) per species per

trip if two statistical areas are sampled on the same trip.

Also under the NEFSC Groundfish project, Georges Bank (GB) haddock maturity and fecundity data would be collected. NEFSC is requesting an EFP to collect one tote of undersized haddock for sampling. The vessels would deliver up to five totes of fish (600 lb, 272.16 kg), four of which would contain legal sized fish, and one of which would contain undersized fish. The fish would be whole and iced. The total amount of GB haddock that would be authorized under this EFP would not exceed 1,300 lb (589.67 kg). NEFSC staff would meet the captain at the dock to collect the fish. None of the fish would be sold into the food market.

For the GMRI Monkfish project, fishermen would report their entire catch, kept and discarded, on one trip every 2 weeks during the 8 month study period, for a total of between 160 and 200 Days At Sea (DAS). The project would require the biological sampling EFP to allow fishermen to retain the entire monkfish catch on the last tow for two trips per month for 8 months on five vessels, resulting in 80 separate samples, not to exceed 550 lb (249.48 kg) of monkfish per sample. Each sample would be delivered to a GMRI sampler who would separate legal and undersized fish, weigh each portion and sub-sample for length frequencies and other biological information. Legal sized fish would be allowed to be sold by the vessel, but undersized fish would be retained by GMRI. It is estimated that the amount of undersized fish for the 80 samples would not exceed 4,800 lb (2,177.24 kg).

The applicant may make requests to NMFS for minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted by NMFS without further notice if they are deemed essential to facilitate completion of the proposed research and result in only a minimal change in the scope or impact of the initially approved EFP request. In accordance with NOAA Administrative Order 216-6, a Categorical Exclusion or other appropriate NEPA 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. After publication of this document in the *Federal Register*, the EFP, if approved, may become effective following a 15-day public comment period.

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

Dated: June 26, 2009.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.
[FR Doc. E9-15676 Filed 7-1-09; 8:45 am]
BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648-XQ13

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its Fisheries Data Coordinating Committee (FDCC), 101st Scientific and Statistical Committee (SSC) and 145th Council meetings to take recommendations and action on fishery management issues in the Western Pacific Region.

DATES: The FDCC will be held on July 19, The 101st SSC Meeting will be held on July 20-22, 2009 and the 145th Council meeting will be held on July 22-25, 2009. All meetings will be held in Kona, HI. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The SSC and Council meetings will be held at the King Kamehameha's Kona Beach Hotel, 75-5660 Palani Road, Kailua-Kona, HI 96740; telephone: (808) 329-2911.

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

SUPPLEMENTARY INFORMATION: In addition to the agenda items listed here, the SSC and Council will hear recommendations from Council advisory groups. Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule for FDCC Meeting:

Sunday, July 19, 2009, 10 a.m. - 5 p.m.

Schedule and Agenda for 101 SSC Meeting:

Monday, July 20, 2009, 8:30 a.m. - 5 p.m.

1. Introductions

2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 100th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center (PIFSC)
5. Program Planning
 - A. Recommendations on Fishing Regulations for Pacific Monuments (Action Item)
 - B. Instituting Limited Access Privilege Programs (LAPPs or Catch Shares) for the Western Pacific Region
 - C. PIFSC Coral Reef Ecosystem Division (CRED) Surveys
 1. Review of CRED Survey Methodologies
 2. Modifications to CRED Surveys
 - D. Vulnerability Evaluation Working Group Final Report
 - E. Research
 1. Five-Year Research Priorities
 - F. Public Comment
 - G. Discussion and Recommendations
 6. Insular Fisheries
 - A. Hawaii Archipelago
 1. Recommendations for Hancock Groundfish Moratorium (Action Item)
 2. Western Pacific Stock Assessment Review (WPSAR) Stock Assessment Review
 3. Recommendations on Main Hawaiian Islands (MHI) Bottomfish Total Allowable Catch (TAC) (Action Item)
 4. Recommendations on MHI Bottomfish LAPP (Action Item)
 - B. American Samoa Archipelago
 1. Fagatele Bay National Marine Sanctuary Coral Recovery
 - C. Setting Allowable Biological Catches (ABCs) for Insular Stocks
 - D. Public Comment
 - E. Discussion and Recommendations

Tuesday, July 21, 2009, 8:30 a.m. - 5 p.m.

7. Pelagic Fisheries
 - A. Recent Changes at the Top and Bottom of the North Pacific Pelagic Ecosystem
 - B. Preliminary Oceanographic Characterization of Ocean Slicks off Kona
 - C. Longline Management
 1. Update on Hawaii Shallow-set Fishery
 2. Tuna Quota Management
 - a. Update on 2009 Longline and Purse Seine Tuna Quota
 - b. Recommendations on Tuna Quota Management (Action Item)
 3. Recommendations on Tuna Quota Monitoring (Action Item)
 - D. Non-Longline Management (Action Item)
 1. Recommendations on Cross Seamount/NOAA Weather Buoy Fishery Limited Entry Program & New Control Date

