

#5



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*

April 17, 2009

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

RE: Comments on the Massachusetts Haddock Trawl Study 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. 73 dated April 17, 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

issue an EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow 24 commercial fishing vessels to conduct research and compensation fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. This EFP, which would enable vessels to harvest monkfish granted through the Monkfish Research Set-Aside (RSA) Program, would grant exemptions from the monkfish days-at-sea (DAS) possession limits in the Southern (SFMA) and Northern (NFMA) Fishery Management Areas, as well as exempt vessels from monkfish minimum size limits for on-board tagging 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 May 4, 2009.

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

- Email: DA9-072@noaa.gov. Include in the subject line "Comments on Monkfish Tagging 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 monkfish tagging EFP, DA9-072."
- 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 March 5, 2009, for a project selected under the New England and Mid-Atlantic Fishery Management Councils' Monkfish RSA Program. The specific goals of the project are to determine monkfish movement patterns and compare 2009 migratory patterns to those observed in 2007. This EFP would grant an exemption from monkfish possession limits to 24 vessels for the purpose of harvesting RSA to fund this research project (i.e. compensation fishing). Funds generated by the compensation fishing will be used to pay for laboratory equipment, as well as salaries and stipends for principal investigators. This EFP would also exempt vessels from the monkfish minimum size restrictions for the purpose of tagging monkfish during compensation fishing activities. No

undersized monkfish would be landed for sale.

Fishing would occur in the NFMA in statistical areas 513 and 514. In the SFMA, research would occur in statistical areas 536, 537, 612, 613, 614, 615, 645, and 631. These statistical areas break down into five study regions: The NFMA; northeast SFMA; offshore SFMA; central SFMA; and southern SFMA. Standard commercial gillnet net gear would be used following normal commercial operating procedures. The total number of days fishing will not exceed 141. The total number of hauls per day will be four, with a total of 50 nets per vessel, and a soak time of 24 to 72 hours. Researchers will tag 1,000 monkfish using T-bar tags in each of the five regions, for a total of 5,000 tagged individuals. In order to possess undersized monkfish on board vessels for the purpose of tagging, this research activity requires an exemption from monkfish minimum size limits at 50 CFR 648.93. No fish below minimum size would be landed for sale.

Compensation fishing would occur May 2009 through April 2010, with tagging conducted in May through June 2009, except in the southern region of the SFMA, where tagging would be conducted in March through April 2010.

The 24 fishing industry collaborators would have access to 141 monkfish DAS that have been preliminarily awarded to the project through the Monkfish RSA Program. The applicant states that these vessels must be able to land at least 3,000 lb (1,361 kg) of whole monkfish (904 lb (410 kg) tail weight) per trip to achieve the goal of \$2,800 per RSA DAS. In order to achieve this target catch, these fishing activities would require an exemption from monkfish DAS possession limits at § 648.94(b)(2). This exemption would provide these 24 vessels with the flexibility they need to generate sufficient income to meet projected costs of the research activity, while minimizing operating expenses. Based on the preliminary award of 141 DAS, this would require a total catch of 423,000 lb (191,870 kg) of whole monkfish (127,410 lb (57,792 kg) tail weight). Operating under this total landings cap, compensation fishing would continue until the required goal of 423,000 lb (191,870 kg) of whole monkfish is met, or until the awarded DAS have been fully utilized, whichever occurs first.

Aside from these exemptions, fishing activity will be conducted under normal commercial practices.

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. If the research project is terminated for any reason prior to completion, any unused funds collected from catch sold to pay for research expenses may be refunded to NOAA.

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

Dated: April 13, 2009.

Kristen C. Koch,

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

[FR Doc. E9-8887 Filed 4-16-09; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XO37

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; receipt of exempted fishing permit application.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). 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 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.

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 May 4, 2009.

ADDRESSES: 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 the Massachusetts Haddock Trawl Study." Comments may also be sent via facsimile (fax) to (978) 281-9135, or submitted via e-mail to the following address: DA9052@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Management Specialist, (978) 281-9122, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: A complete application for an EFP was submitted on February 27, 2009, by David Chosid and Michael Pol of the Massachusetts Division of Marine Fisheries (DMF). The project was funded by the DMF/University of Massachusetts, Dartmouth, School for Marine Science and Technology, Marine Fisheries Institute grant program. The primary goal of the research is to test the effectiveness of a sweepless (no ground gear) raised footrope, semi-pelagic trawl, referred to as the "5-point trawl" net. This net was designed to minimize the catch of Atlantic cod while maximizing the catch of haddock. The intent of the researchers is that the experimental net, if successful, could potentially be an acceptable alternative trawl design to be used in the groundfish fishery.

The project is a continuation of research previously conducted in 2006 and 2007 by DMF, which has preliminarily shown that this new trawl design significantly reduces the bycatch of cod, as compared to the standard trawl used. The experimental net was designed to exploit the differences in behavior of haddock and cod in relation to towed gears. Similar to the haddock separator trawl, this experimental net proposes to reduce cod mortality; however, it avoids some of the complexities associated with separator trawls, since, under the experimental net, the cod would not pass through meshes, or encounter grids or escape vents. Although this study would focus on reducing cod-haddock interactions, this net may also reduce the bycatch of flatfish species such as winter flounder, yellowtail flounder, witch flounder, and American plaice.

All fish would be sorted and weighed, and fish of legal size would be retained for sale. All discards would be released as quickly as practicable to reduce incidental mortality. Exemptions from the NE multispecies possession limits at 50 CFR 648.86, the U.S. Canada Management Area harvest control regulations at § 648.85(a)(3)(iv), the U.S./Canada Management Area gear requirements for trawl nets at § 648.85(a)(3)(iii), and the Eastern U.S./Canada Area May 1–July 31 seasonal trawl gear prohibition specified under the Regional Administrator's authority, are necessary because valid testing of the experimental nets would require continued sampling after daily and overall trip limits have been reached for certain species in order to obtain adequate replicates for analysis. The participating vessel would be subject to any U.S./Canada Management Area Closures or possession prohibitions due to the achievement of a cod, haddock, or yellowtail flounder Total Allowable Catch (TAC). Based on catch data from previous experimental tows with this net design, the researchers anticipate that a total of 24.2 mt of fish would be harvested throughout the course of the study. All proceeds from the sale of the fish would be returned to DMF for the purpose of enhancing future research. Following is the total estimated catch and discards by species: Cod, 3.20 mt; haddock, 1.60 mt; pollock, 0.00 mt; witch flounder, 0.10 mt; yellowtail flounder, 0.40 mt; winter flounder, 2.00 mt; American plaice, 0.40 mt; monkfish, 0.90 mt; spiny dogfish, 1.20 mt; skates, 8.80 mt; American lobster, 0.60 mt; and other discards, 5.00 mt.

All at-sea research would be conducted from one fishing vessel, which intends to fish in the Eastern U.S./Canada Haddock Special Access Program (SAP). A total of 7 days would be used for testing the experimental trawl. An anticipated 84 1-hour tows would be conducted during that time. DMF staff would be aboard the vessel at all times during testing.

Based on preliminary review of this project, and in accordance with NOAA Administrative Order 216-6, a Categorical Exclusion from requirements to prepare either an Environmental Impact Statement or an Environmental Assessment under the National Environmental Policy Act appears to be justified. 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.

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

Dated: April 13, 2009.

Kristen C. Koch,

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

[FR Doc. E9-8906 Filed 4-16-09; 8:45 am]

BILLING CODE 3510-22-S

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities; Proposed Information Collection; Comment Request

ACTION: Submission for OMB review; comment request.

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

SUMMARY: The Committee is submitting to the Office of Management and Budget for their review the following collection as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Committee Form 403—Annual Certification—Qualified Nonprofit Agency Serving People Who Are Blind.

Committee Form 404—Annual Certification—Qualified Nonprofit Agency Serving People Who Are Severely Disabled.

DATES: Interested persons are invited to submit comments about the collection on or before May 13, 2009. The agency's 60-day notice informing the public of the intent to renew this form with no changes was published in the **Federal Register** on February 3, 2009 on page 5913-5914. A subsequent correction notice was published on February 13, 2009 on page 7216.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Jasmeet K. Seehra, OMB Desk Officer, by any of the following two methods within 30 days from the date of publication in the **Federal Register**: (1) By fax to: (202) 395-6974, Attention: Ms. Jasmeet K. Seehra, OMB Desk Office; and (2) Electronically by e-mail to: Jasmeet_K_Seehra@omb.eop.gov.

Requests for copies of documents pertaining to the collection should be addressed to Committee for Purchase From People Who Are Blind or Severely Disabled, Attention: Edward Yang, Information Technology Specialist, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, VA