

## **NEW ENGLAND FISHERY MANAGEMENT COUNCIL**

### **Experimental Fishing Permits**

#### **I. STATUS**

##### Permit requests

The Council has received the following notifications of new permit requests since the last Council meeting:

1. GMRI Monkfish EFP request
2. URI Eliminator Trawl EFP request for Gulf of Maine
3. Kelo Pinkham (F/V Jeanne C) Buoyant Ground Cables Study EFP request

The comment periods for all the EFP requests ended before this Council meeting so staff provided comments on behalf of the Council. The staff submitted a letter supporting the URI Eliminator Trawl EFP for the Gulf of Maine based on earlier Council support for the eliminator trawl. It also submitted letters stating that the Council had “no objection” to GMRI Monkfish EFP and the Buoyant Ground Cables Study EFP requests.

#### **II. COUNCIL ACTION**

None

#### **III. INFORMATION**

1. April 29, 2008 letter and *Federal Register* on the GMRI Monkfish EFP request
2. May 7, 2008 letter and *Federal Register* on the URI Eliminator Trawl EFP request
3. May 7, 2008 letter and *Federal Register* on the Buoyant Ground Cables Study EFP request

#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*

April 29, 2008

Ms. Patricia A. Kurkul  
Regional Administrator  
NMFS, Northeast Regional Office  
One Blackburn Drive  
Gloucester, MA 01930

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

Dear Pat:

The New England Fishery Management Council has no objection to the request for an exempted fishery permit for the above-mentioned study submitted by the Gulf of Maine Research Institute as described in the *Federal Register* Vol. 73, No. 81 dated April 25, 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 style with a large, stylized "P" and "H".

Paul J. Howard  
Executive Director



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

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, including 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 Gulf of Maine Research Institute, for 11 vessels to fish for monkfish granted through the monkfish Research Set-Aside (RSA) Program. The EFP would allow these vessels to be exempt from the monkfish days-at-sea possession limits while fishing for monkfish RSA in the Southern Fishery Management Area.

Please respond to the following contact person with any comments you have on the experimental fishing proposal on or before May 9, 2008.

CONTACT PERSON: Emily Bryant  
Fishery Management Specialist  
Sustainable Fisheries, Northeast Region  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, MA 01930  
Phone: (978) 281-9244  
FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,

George H. Darcy  
Assistant Regional Administrator for Sustainable Fisheries

Enclosure



Dated: April 22, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-9049 Filed 4-24-08; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XG85

#### 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 submitted by the Gulf of Maine Research Institute (GMRI) 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 Monkfish Fishery Management Plan (FMP). 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 11 commercial fishing vessels to conduct 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 Fishery Management Area.

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 12, 2008.

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

• Email: DA8-081@noaa.gov. Include in the subject line "Comments on GMRI Monkfish 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 GMRI monkfish EFP, DA8-081."

• 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 by GMRI on March 21, 2008, for a project funded under the New England and Mid-Atlantic Fishery Management Councils' Monkfish RSA Program. The project itself will evaluate the discard of monkfish caught as bycatch on Northeast (NE) multispecies DAS and directed monkfish trips. Research trips will be covered under a separate EFP. This EFP would grant an exemption from monkfish possession limits to 11 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 vessel charters, technical and sampling equipment, as well as salaries and stipends for principal investigators and industry collaborators.

The research portion of this project will occur over the course of 1 year and will utilize boat- and port-based data collection programs to estimate and compare monkfish discards between boats trawling for NE multispecies in the DAS program and directed monkfish trips in the Gulf of Maine. The boat-based program will utilize the Study Fleet electronic logbook and independent at-sea sampling, and will be complemented with port-based sampling of retained and otherwise discarded monkfish. The research would be covered under the programmatic Study Fleet EFP. More information regarding the exemptions requested for this EFP can be found in the **Federal Register** notice that published on March 25, 2008 (73 FR 15739).

Compensation fishing for this research will occur from May 2008 through April 2009. The 11 fishing industry collaborators will have access to 139 Monkfish DAS that will be awarded to the project through the Monkfish RSA Program. These vessels must be able to land at least 2,500 lb (1,134 kg) of whole monkfish (730 lb (331 kg) tail weight) per trip to achieve

the goal of \$3,000 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 11 vessels with the flexibility they need to generate sufficient income to meet projected costs, while minimizing operating expenses, of the research activity. Based on the awarded 139 DAS, this would require a total catch of 347,500 lb (157,623 kg) of whole monkfish (104,669 lb (47,477 kg) tail weight). Operating under this total landings cap, compensation fishing would continue until the required goal of 347,500 lb (157,623 kg) of whole monkfish is met, or until the awarded DAS have been fully utilized, whichever occurs first. Aside from this exemption, 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 22, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-9047 Filed 4-24-08; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket Number: 080411558-8559-01]

#### Draft Revision of the NOAA Hurricane Forecasting Improvement Project Plan

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** NOAA publishes this notice to announce the availability of the draft NOAA Hurricane Forecasting

**MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**

**W. Peter Jensen**  
Chairman

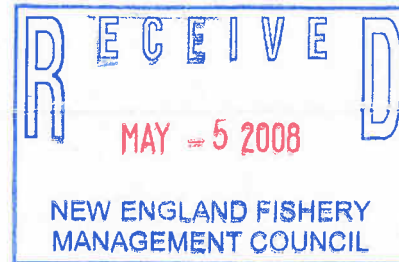
**ROOM 2115 FEDERAL BUILDING**  
**300 South New Street**  
**Dover, Delaware 19904-6790**  
**Tel 302-674-2331**  
**Toll Free 877-446-2362**  
**FAX 302-674-5399**

**Daniel T. Furlong**  
Executive Director

**Dr. Gene Kray**  
Vice Chairman

May 1, 2008

Emily Bryant  
Fishery Management Specialist  
Sustainable Fisheries, Northeast Region  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, MA 01930

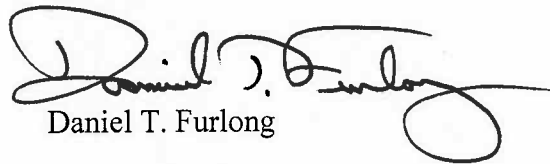


Dear Ms. Bryant:

The responds to George H. Darcy's letter of April 24, 2008 regarding the application for an Exempted Fishing Permit (EFP) requested by the Gulf of Maine Research Institute (GMRI).

On behalf of the Mid-Atlantic Fishery Management Council, I support the issuance of an Exempted Fishery Permit to the applicant (GMRI) for the purpose of evaluating and comparing the discard of monkfish caught as bycatch by vessels trawling for northeast multispecies in the Days-at-Sea (DAS) program and directed monkfish trips in the Gulf of Maine. This research project appears to be consistent with the Monkfish Research Set-Aside Program for 2008, and will provide valuable data/information regarding the monkfish fishery that is managed by both this Council and the New England Council.

Sincerely,

  
Daniel T. Furlong

DTF:mjb

cc: P. Jensen, G. Kray, G. Darcy, P. Howard

#3



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*

May 7, 2008

Ms. Patricia A. Kurkul  
Regional Administrator  
NMFS, Northeast Regional Office  
One Blackburn Drive  
Gloucester, MA 01930

**RE: Comments on the Buoyant Ground Cables Study EFP Proposal**

Dear Pat:

The New England Fishery Management Council has no objection to the request for an exempted fishery permit for the above-mentioned study submitted by the NMFS Assistant Regional Administrator as described in the *Federal Register* Vol. 73, No. 88 dated May 6, 2008.

If you have any question please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Howard". The signature is fluid and cursive, with a large, stylized 'P' and 'H'.

Paul J. Howard  
Executive Director



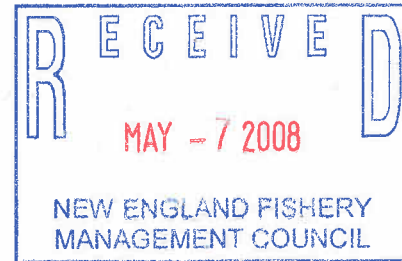
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

May 7, 2008

Paul J. Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Re: Experimental Fishery Proposal

Dear Mr. Howard:



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, including 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 Dana Morse of Maine Sea Grant for the F/V Jeanne C to be exempted from rolling closures while testing an off-bottom trawl in the Gulf of Maine.

Please respond to the following contact person with any comments you have on the experimental fishing proposal on or before May 21, 2008.

CONTACT PERSON: Mark Grant  
Sector Policy Analyst  
Sustainable Fisheries, Northeast Region  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, MA 01930  
Phone: (978) 281-9145  
FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,

George H. Darcy  
Assistant Regional Administrator for Sustainable Fisheries

Enclosure



## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

RIN 0648-XH72

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 the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. 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. The EFP, which would enable the applicants to investigate the feasibility of using a trawl net with buoyant ground cables and a buoyant sweep to reduce seabed contact and improve species selectivity, would allow for exemptions for one vessel from the Northeast Multispecies Fishery Management Program as follows: Gulf of Maine (GOM) Rolling Closure Areas II, III, and IV.

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 21, 2008.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on the Buoyant Ground Cables Study." Comments may also be sent via facsimile (fax) to (978) 281-9135, or submitted via e-mail to the following address: [DA8-070@noaa.gov](mailto:DA8-070@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Edward Stern, Fishery Management Specialist, (978) 281-9177, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** An EFP application for this project was submitted on March 6, 2008, by Kelo Pinkham of the F/V JEANNE C (Permit 1230524). The project, which extends previous work conducted by the applicants, has been refined since originally receiving a development grant in 2003 and included both flume tank trials and at-sea trials. An EFP issued in 2006, for calendar year 2007, authorized a total of 25 days of sampling for two vessels. An experimental otter trawl net, with floats incorporated along both the ground cables and the sweep, as well as drop chains integrated along the sweep, was constructed and flume tank tested in 2007. One vessel, the F/V OCEAN REPORTER (Permit 1221596), completed 5 days of research in 2007. Due to unexpected research difficulties, the F/V JEANNE C only completed 5 out of the additional 20 research days remaining. To complete this research project, Kelo Pinkham of the F/V JEANNE C submitted a second EFP application after the first EFP's expiry on December 1, 2007.

This is a joint project with Dana Morse of Maine Sea Grant and is funded by the Northeast Consortium (NEC). The primary goal of the research is to develop and test a trawl net with buoyant ground cables and a buoyant sweep to reduce seabed contact and increase species selectivity. The intent of the applicant is that the experimental net, if successful, could potentially be suitable for fishing in areas requiring a haddock separator trawl and/or fishing in areas of hard bottom with the use of mid-water doors.

This EFP would be issued to the F/V JEANNE C to conduct 15 at-sea days of experimental fishing in an area northeast of the Western GOM Closure Area and northwest of the Cashes Ledge Closure Area (see Table 1). All fishing would be conducted outside of the Western GOM Closure Area and the Cashes Ledge Closure Area. This vessel is expected to make a total of 60 tows, fishing 4 tows per day, each of 2 hours in duration. Two of the tows per day would be fished with standard gear, and two would be fished with modified gear. Researchers intend to complete this project within 1 year of the date of issuance.

TABLE 1: CORNER COORDINATES FOR  
EXPERIMENTAL FISHING AREA BY F/  
V JEANNE C

Point	Latitude	Longitude
1	43°40' N	69°00' W

TABLE 1: CORNER COORDINATES FOR  
EXPERIMENTAL FISHING AREA BY F/  
V JEANNE C—Continued

Point	Latitude	Longitude
2	43°40' N	70°00' W
3	43°20' N	69°00' W
4	43°20' N	70°00' W
5	43°40' N	69°00' W

The applicants have asked for an exemption to the regulations at 50 CFR 648.81(f)(1)(ii) through (iv), i.e., GOM Rolling Closure Areas II, III, and IV, respectively, due to a belief that there will be a better mixture of flounders, pollock, haddock, and cod present in the waters of the western GOM during these seasonal closures for testing the experimental gear.

During the 15 at-sea days of comparative fishing trials, the F/V JEANNE C would use A days-at-sea (DAS) and would be subject to all day and trip possession limits. All fish caught would be weighed and as many fish as possible would be measured. All undersized fish or fish that cannot legally be caught would be returned to the sea as quickly as practicable after measurement. The overall catch estimates expected for the remainder of this project under this EFP can be found in Table 2. The applicants anticipate a total harvest of 20,700 lb (9,389 kg), and an additional 10,100 lb (4,581.4 kg) of discards. The estimated GOM cod catch for the proposed number of DAS during this EFP would be 55 percent of the current daily possession limit of 800 lb (362.9 kg) for the proposed number of DAS. All legal-sized fish, within the possession limit, would be sold, with the proceeds returned to the NEC for the purpose of enhancing future research. The anticipated monkfish harvest is purposefully set at the maximum allowed for 15 DAS because the experimental trawl is designed to reduce flatfish, not monkfish, catch. If the researchers set over an area with monkfish, they do not anticipate any significant reductions in monkfish catch between a standard trawl and the experimental trawl.

TABLE 2: ESTIMATED CATCH AND  
DISCARDS BY SPECIES LB (KG)

Species	Harvest	Discards
Haddock	6,000 (2,721.6)	600 (272.2)



TABLE 2: ESTIMATED CATCH AND DISCARDS BY SPECIES LB (KG)—Continued

Species	Harvest	Discards
Cod	6,000 (2,721.6)	600 (272.2)
Monkfish	4,500 (2,041.2)	900 (408.2)
Grey Sole	900 (408.2)	100 (45.4)
Pollock	600 (272.2)	50 (22.7)
American Plaice	600 (272.2)	100 (45.4)
Winter Flounder	300 (136.1)	100 (45.4)
Redfish	1,200 (544.3)	300 (136.1)
Whiting	300 (136.1)	50 (22.7)
Hake sp.	300 (136.1)	100 (45.4)
Dogfish	0 (0)	3,000 (1,360.8)
Skate sp.	0 (0)	2,400 (1,088.6)
Lumpfish	0 (0)	600 (272.2)
Lobster	0 (0)	600 (272.2)
Crab sp.	0 (0)	600 (272.2)

The applicants may request minor modifications and extensions to the EFP throughout the course of research. EFP modifications and extensions may be granted without further public notice if they are deemed essential to facilitate completion of the proposed research and result in only a minimal change in the scope or impacts of the initially approved EFP request.

In accordance with NAO 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 the public comment period.

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

**Dated:** May 1, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-9967 Filed 5-5-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Draft Management Plan and Environmental Assessment for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary: Notice of Public Availability and Meetings

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of public availability and meetings.

**SUMMARY:** In accordance with section 304(e) of the National Marine Sanctuaries Act, as amended, (NMSA) NOAA is soliciting public comment on the draft management plan and draft environmental assessment for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary.

**DATES:** *Comments:* Comments on the draft management plan and draft environmental assessment will be considered if received on or before August 4, 2008.

*Public meetings:* See **SUPPLEMENTARY INFORMATION** section below for the dates and locations for the public meetings.

**ADDRESSES:** *To obtain a copy:* For a copy of the draft management plan and draft environmental assessment, contact the Management Plan Review Coordinator, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Rd., Scituate, MA 02066. Copies can also be downloaded from the SBNMS Web site at <http://stellwagen.noaa.gov>.

*To submit comments:* Comments on the draft management plan and draft environmental assessment may be submitted by one of the following methods:

1. In writing to the SBNMS Management Plan Review Coordinator (see *to obtain a copy* section above);
2. By e-mail to [sbplan@noaa.gov](mailto:sbplan@noaa.gov); or
3. By providing comments (oral or written) at one of the public meetings (see public meetings section below).

*Public meetings:* See **SUPPLEMENTARY INFORMATION** section for the dates and locations for the public meetings.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Cowie-Haskell at (781) 545-8026 or via e-mail at [sbplan@noaa.gov](mailto:sbplan@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background Information

Congress designated the Gerry E. Studds Stellwagen Bank National Marine Sanctuary (sanctuary or SBNMS) through the Oceans Act of 1992

(November 4, 1992; Public Law 102-587 at section 2202). In 1993, the National Oceanic and Atmospheric Administration (NOAA) issued final regulations and released a final management plan and environmental impact statement (EIS) to implement this designation (NOAA 1993). Section 304(e) of the NMSA requires NOAA to review its management plans for national marine sanctuaries every five years, and to evaluate the substantive progress toward implementing the management plans and goals for each sanctuary, especially the effectiveness of site-specific management techniques (16 U.S.C. 1434(e)).

In accordance with this requirement, NOAA initiated a review of the SBNMS management plan in 1998. This review was done in cooperation with members of the Sanctuary Advisory Council (SAC), a group formed of members of the public to provide advice to the sanctuary superintendent on the management and protection of sanctuary resources. The review was delayed two years due to a change in sanctuary management. NOAA restarted the review in June of 2002 with the publication of the "State of the Sanctuary Report," which set the stage for the scoping meetings and public comment period that ended on October 18, 2002.

The review revealed that many of the initial goals and objectives of the original 1993 management plan had been met; however, in some areas these goals and objectives were non-specific and general in scope and/or based on limited scientific knowledge. New information about the natural and cultural resources of the sanctuary and the human uses of the resources made it apparent to NOAA that the plan was out-of date and outmoded. NOAA decided to incorporate this new knowledge by developing a new approach to managing the sanctuary, including an updated vision, mission, and statement of goals and objectives. In addition, NOAA revised the content and formatting requirements for all national marine sanctuary management plans. The ultimate purpose of this revised draft management plan is to update NOAA's approach to managing, protecting, and restoring the resources of the sanctuary pursuant to the purposes and policies of the NMSA. In April 2007, a report on the condition of sanctuary resources was released for public review and set the stage for this draft management plan.

##### Management Plan Contents

The SBNMS draft management plan serves as a non-regulatory policy

TABLE 2: ESTIMATED CATCH AND DISCARDS BY SPECIES LB (KG)—Continued

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The applicants may request minor modifications and extensions to the EFP throughout the course of research. EFP modifications and extensions may be granted without further public notice if they are deemed essential to facilitate completion of the proposed research and result in only a minimal change in the scope or impacts of the initially approved EFP request.

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

**Dated:** May 1, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-9967 Filed 5-5-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Draft Management Plan and Environmental Assessment for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary: Notice of Public Availability and Meetings

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of public availability and meetings.

**SUMMARY:** In accordance with section 304(e) of the National Marine Sanctuaries Act, as amended, (NMSA) NOAA is soliciting public comment on the draft management plan and draft environmental assessment for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary.

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*To submit comments:* Comments on the draft management plan and draft environmental assessment may be submitted by one of the following methods:

1. In writing to the SBNMS Management Plan Review Coordinator (see *to obtain a copy* section above);
2. By e-mail to [sbplan@noaa.gov](mailto:sbplan@noaa.gov); or
3. By providing comments (oral or written) at one of the public meetings (see public meetings section below).

*Public meetings:* See **SUPPLEMENTARY INFORMATION** section for the dates and locations for the public meetings.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Cowie-Haskell at (781) 545-8026 or via e-mail at [sbplan@noaa.gov](mailto:sbplan@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background Information

Congress designated the Gerry E. Studds Stellwagen Bank National Marine Sanctuary (sanctuary or SBNMS) through the Oceans Act of 1992

(November 4, 1992; Public Law 102-587 at section 2202). In 1993, the National Oceanic and Atmospheric Administration (NOAA) issued final regulations and released a final management plan and environmental impact statement (EIS) to implement this designation (NOAA 1993). Section 304(e) of the NMSA requires NOAA to review its management plans for national marine sanctuaries every five years, and to evaluate the substantive progress toward implementing the management plans and goals for each sanctuary, especially the effectiveness of site-specific management techniques (16 U.S.C. 1434(e)).

In accordance with this requirement, NOAA initiated a review of the SBNMS management plan in 1998. This review was done in cooperation with members of the Sanctuary Advisory Council (SAC), a group formed of members of the public to provide advice to the sanctuary superintendent on the management and protection of sanctuary resources. The review was delayed two years due to a change in sanctuary management. NOAA restarted the review in June of 2002 with the publication of the "State of the Sanctuary Report," which set the stage for the scoping meetings and public comment period that ended on October 18, 2002.

The review revealed that many of the initial goals and objectives of the original 1993 management plan had been met; however, in some areas these goals and objectives were non-specific and general in scope and/or based on limited scientific knowledge. New information about the natural and cultural resources of the sanctuary and the human uses of the resources made it apparent to NOAA that the plan was out-of-date and outmoded. NOAA decided to incorporate this new knowledge by developing a new approach to managing the sanctuary, including an updated vision, mission, and statement of goals and objectives. In addition, NOAA revised the content and formatting requirements for all national marine sanctuary management plans. The ultimate purpose of this revised draft management plan is to update NOAA's approach to managing, protecting, and restoring the resources of the sanctuary pursuant to the purposes and policies of the NMSA. In April 2007, a report on the condition of sanctuary resources was released for public review and set the stage for this draft management plan.

##### Management Plan Contents

The SBNMS draft management plan serves as a non-regulatory policy

#4



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*

May 7, 2008

Ms. Patricia A. Kurkul  
Regional Administrator  
NMFS, Northeast Regional Office  
One Blackburn Drive  
Gloucester, MA 01930

**RE: Comments on the Eliminator Trawl EFP Proposal**

Dear Pat:

The New England Fishery Management Council has no objection and fully supports the request for an exempted fishery permit for the above-mentioned study submitted by the University of Rhode Island as described in the *Federal Register* Vol. 73, No. 81 dated April 25, 2008.

If you have any question please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Howard". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Paul J. Howard  
Executive Director



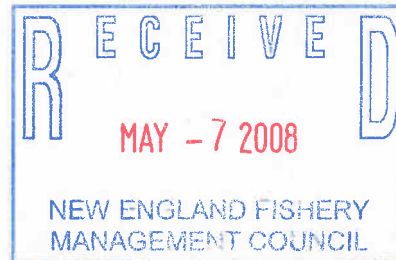
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

May 6, 2008

Paul J. Howard, Executive Director  
New England Fishery Management Council  
50 Water Street, Mill 2  
Newburyport, MA 01950

Re: Experimental Fishery Proposal

Dear Mr. Howard:



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, including 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 David Beutel and Laura Skrobe of the University of Rhode Island for 2 vessels to be exempted from the Gulf of Maine Rolling Closure Areas II & III while testing a new trawl design.

Please respond to the following contact person with any comments you have on the experimental fishing proposal on or before May 12, 2008.

CONTACT                    Douglas Potts  
PERSON:                  Fishery Management Specialist  
                                National Marine Fisheries Service  
                                One Blackburn Drive  
                                Gloucester, MA 01930  
                                Phone: (978) 281-9341  
                                FAX: (978) 281-9135

Thank you for your cooperation.

Sincerely,

George H. Darcy  
Assistant Regional Administrator  
for Sustainable Fisheries

Enclosure



*Documents Submission Procedures; APO Procedures* (73 FR 3634). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (e.g., the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1765(a)), and 19 CFR 351.221(c)(1)(i).

Dated: April 21, 2008.

**Stephen J. Claeys,**  
Deputy Assistant Secretary for Import  
Administration.

[FR Doc. E8-9123 Filed 4-24-08; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XH46

#### 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 submitted by David Beutel and Laura Skrobe of the University of Rhode Island (URI) contains all of the required information and warrants further consideration. The EFP would enable researchers to test an experimental net that uses very large mesh panels to increase escapement of cod relative to haddock by granting exemption from the Gulf of Maine (GOM) Rolling Closure Areas II and III. 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 Fishery Management Plan (FMP). 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 two commercial fishing 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 May 12, 2008.

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

- Email: [DA8-066@noaa.gov](mailto:DA8-066@noaa.gov). Include in the subject line "Comments on Eliminator Trawl 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 Eliminator Trawl EFP."

- Fax: (978) 281-9135.

#### FOR FURTHER INFORMATION CONTACT:

Douglas Potts, Fishery Management Specialist, 978-281-9341.

**SUPPLEMENTARY INFORMATION:** A complete application for an EFP was submitted on April 2, 2008, by David Beutel and Laura Skrobe for a project entitled "Exploring Bycatch Reduction in the Haddock Fishery Through the Use of the Eliminator Trawl with Fishing Vessels in the 250 to 550 Horsepower Range" funded under the Northeast Region Cooperative Research Partnership Program. The study would conduct field testing of a new net design, referred to as the Eliminator Trawl, specifically scaled for vessels with 250 to 550 horsepower engines. This trawl net is equipped with very large mesh in selected portions of the body to increase escapement of cod and flatfish while retaining haddock. The original Eliminator Trawl, currently being considered as an additional gear in special programs in the NE multispecies fishery, is not designed to allow smaller powered vessels to utilize this net.

The EFP would exempt two vessels from the seasonal GOM Rolling Closure Areas II and III, as specified at 50 CFR 648.81(f)(1)(ii) and (iii), while conducting research trips. These closure areas are believed to provide the mix of species needed, while still being close enough to shore for the safe operation of these smaller vessels. The goal of the research is to demonstrate the efficiency of this net design to selectively target haddock. The applicants intend that, if

sufficiently effective, the gear be proposed by the New England Fishery Management Council for use in existing Special Access Programs (SAPs) or for the development of a new SAP in the study area.

Research trips would be conducted within 30-minute squares 132 and 133 and the vessels would conduct side-by-side tows. One vessel would fish with the experimental trawl and the other with a standard legal groundfish trawl. The experimental trawl net employs graduated webbing starting with 5 foot (1.524 m) meshes and ending with the legal minimum 6-inch (15.24-cm) mesh size in the body and 6.5-inch (16.51-cm) mesh in the codend. Each vessel would conduct four to six 1-hour tows per day over six days between the start of the EFP and May 30, 2008, and again between April 1 and May 30, 2009. The researchers believe the best mix of haddock, Atlantic cod, and flounders would be present in this area during this period. Overall, the total expected catch from both the experimental and commercial trawls would be:

Species	Estimated Catch
Atlantic Cod	14,400 lb (6,531.7 kg)
Haddock	30,000 lb (13,607.8 kg)
American Plaice	400 lb (181.4 kg)
Yellowtail Flounder	10 lb (4.5 kg)

Based on other previous research conducted in the proposed area and season, the researchers estimate that the vessels would catch less than 50 lb (22.7 kg) each of other regulated groundfish species, white hake, winter flounder, witch flounder, windowpane flounder, redfish, and pollock. The vessels would be charged A days-at-sea (DAS) during the research trips and would be subject to applicable size and possession limits. Undersized, or otherwise protected fish, would not be retained or landed. Legal sized fish would be landed and sold under normal NE multispecies DAS and other applicable regulations.

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: April 22, 2008.

Emily H. Menashes

Acting Director, Office of Sustainable

Fisheries, National Marine Fisheries Service.

[FR Doc. E8-9048 Filed 4-24-08; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XH38

#### 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 Regional Administrator, Southwest Region, NMFS has made a preliminary determination that an application for an Exempted Fishing Permit (EFP) warrants further consideration. The application was submitted to NMFS by a California-based commercial fisherman requesting an exemption for a single vessel from the longline fishing prohibitions within the U.S. Exclusive Economic Zone (EEZ) off the West Coast during the 2008 fishing year beginning mid-September 2008, or, if administrative delays occur, during the 2009 fishing year beginning mid-September 2009. The 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 Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). However, further review and consultation is necessary before a final determination is made to issue the EFP. Therefore, NMFS proposes to review the EFP and requests public comment on the application. The application is available for review on the NMFS Southwest Region website: <https://swr.nmfs.noaa.gov/>.

**DATES:** Comments must be received by May 27, 2008.

**ADDRESSES:** You may submit comments on this notice, identified by "RIN 0648-XH38" by any of the following methods:

- E-mail: [LonglineEFP.SWR@noaa.gov](mailto:LonglineEFP.SWR@noaa.gov). Include the RIN in the subject line of the message.

- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

- Fax: (562) 980-4047.

#### FOR FURTHER INFORMATION CONTACT:

Mark Helvey, Southwest Region, NMFS, (562) 980-4040.

**SUPPLEMENTARY INFORMATION:** An application for an EFP was submitted to the Pacific Fisheries Management Council (Council) by Peter Dupuy, a commercial fishing vessel owner, in March 2008. EFPs for fishing under the HMS FMP are governed by 50 CFR 600.745 and 660.718. The EFP would exempt a single vessel from following the gear and fishing restrictions at 50 CFR 660.712(a) implementing the HMS FMP that prohibit owners and operators of vessels registered for use of longline gear from using longline gear to fish for or target HMS within the U.S. EEZ. The applicant applied for the EFP with the intent to conduct an exploratory test fishery with a single vessel to gather information on the economic viability and environmental effects, including the potential impacts to protected species and non-target finfish interactions, of fishing for swordfish in the West Coast EEZ.

At its April 2008 meeting, the Council, with advice from its HMS Management Team and HMS Advisory Subpanel, adopted a preferred alternative for the EFP and forwarded that alternative to NMFS, recommending that the agency review the proposed EFP and, if consistent with Federal law, issue the permit. The Council recommended that the applicant be subject to a cap of one short-finned pilot whale and 12 striped marlin, and a prohibition for fishing off the State of Washington. The Council recommended that the fishery be managed through limits on the amount of incidental take of protected species that may be exposed to and adversely affected by this action. The limits will be established based upon Section 7 consultations under the Endangered Species Act by NMFS for marine mammals and sea turtles, and by the U.S. Fish and Wildlife Service for seabirds. If any one of the limits set by these consultations is reached by the fishery authorized by the EFP, the permit would be immediately revoked. The EFP would require 100 percent NMFS observer coverage. The Council's recommendations, described above, would be established as permit conditions.

If approved, the EFP would authorize a single vessel to longline fish in the EEZ off of Oregon and California. Under the proposed terms and conditions of the EFP, the vessel would target swordfish utilizing shallow-set longline gear which is set at a shallower depth

(<100 m) than deep-set longline gear which is typically set in the deeper thermocline zone (~300-400 m) for tunas. The applicant would be allowed a maximum of four trips between September and December, 2008, or between September and December, 2009, and a maximum of 14 sets per trip. Fishing would neither be allowed within 50 nautical miles of the coastline nor within the Southern California Bight. The Bight is defined in general terms as coastal waters from Point Conception in the north to just past San Diego in the south, and extending offshore of San Nicolas Island (Channel Islands National Marine Sanctuary waters would be excluded from the fishing area). The mainline may not exceed 100 km and no more than 1,200 hooks may be deployed per set. The applicant would be required to use 18/0 circle hooks with a 10° offset and mackerel or mackerel-type bait (as described at 50 CFR 665.33(f) and (g), respectively). To reduce potential interactions with seabirds, gear could not be set until one hour after local sunset and must be fully deployed before local sunrise. A certain percentage of the deployed gear would be required to be outfitted with time/depth recorders to measure fishing depth; the percentage would be determined by NMFS based on the amount of data needed to extrapolate the depth of all the hooks. The applicant would be required to use a NMFS-certified shark de-hooking device to improve the post-release survivability of incidentally captured sharks.

Aside from the exemptions described above, the vessel fishing under the EFP would be subject to all other regulations implementing the HMS FMP, including measures to protect sea turtles, marine mammals, and seabirds.

The EFP application would be effective for 2008 or 2009 only. In accordance with NOAA Administrative Order 216-6, an appropriate National Environmental Policy Act document will be completed prior to the issuance of the EFP. A draft Environmental Assessment on the EFP was presented to the Council and public in April 2008. Further review and consultation is necessary before a final determination is made to issue the EFP. As required in Section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*), NMFS will engage in formal consultation to determine if the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.