

Dated: April 22, 2008.

Emily H. Menashes

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

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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. 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.

Dated: April 22, 2008.

Emily H. Menashes

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