

behavior during this period, with regards to both the maternal female and her calf. This study would provide the information required to ensure that management practices in waters used by maternal females, their calves and maturing juvenile whales are effective and accurately targeted. Opportunistic research on Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), Risso's dolphins (*Grampus griseus*), Dall's porpoise (*Phocoenoides dalli*), blue whales (*Balaenoptera musculus*), killer whales (*Orcinus orca*), minke whales (*B. acutorostrata*), spinner dolphins (*Stenella longirostris*), bottlenose dolphins (*Tursiops truncatus*), and false killer whales (*Pseudorca crassidens*) would also be conducted. Incidental harassment of Steller (*Eumetopias jubatus*) and California sea lions (*Zalophus californianus*) would also occur.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018; and

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941.

Dated: April 3, 2013.

**P. Michael Payne,**

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013-08173 Filed 4-8-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC573**

#### 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 contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt commercial fishing vessels from whiting possession limits to test an experimental trawl net as a means to reduce winter flounder bycatch in the small-mesh whiting and squid fisheries. The research is being conducted by Cornell University Cooperative Extension of Suffolk County, NY.

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 April 24, 2013.

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

- **Email:** [nero.efp@noaa.gov](mailto:nero.efp@noaa.gov). Include in the subject line "Comments on CCE Winter Flounder EFP."
- **Mail:** John K. Bullard, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on CCE Winter Flounder EFP."
- **Fax:** (978) 281-9135.

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

**SUPPLEMENTARY INFORMATION:** The Cornell Cooperative Extension (CCE) submitted a complete application for an Exempted Fishing Permit (EFP) on March 13, 2013, to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would exempt two vessels from the Northeast multispecies whiting

possession limit restrictions and would temporarily exempt the vessels from the winter flounder possession and size limits to conduct onboard sampling.

This project proposes to evaluate bottom trawl modifications as a means to reduce winter flounder bycatch in the small-mesh longfin squid and whiting fisheries. To accurately quantify both whiting and squid catch rates, the project coordinators propose to use a 2.125-in (5.4-cm) mesh codend. This project would build upon previous research that also utilized 2.125-in (5.4-cm) mesh, which is the industry standard for the squid fishery. The researchers propose to continue to use a 2.125-in (5.4-cm) mesh codend to maintain consistency in the data. However, due to the number of tows necessary to collect adequate data on the effectiveness of the gear, the catch rates for whiting are expected to be more than the 3,500-lb (1,588-kg) whiting possession limit for a 2.125-in (5.4-cm) mesh codend. To avoid wasteful discarding of whiting and to allow the continued use of 2.125-in (5.4-cm) mesh, the applicant requested an exemption from the whiting possession limit.

Researchers from CCE will work with two commercial fishing vessels to further test the performance of a 12-inch (30.5-cm) drop chain sweep and 7 ft (64.8 cm) of large-mesh belly panel to reduce winter flounder bycatch. The nets will be industry standard small-mesh nets, with the experimental net using a drop chain sweep and large-mesh belly panels. Both nets will use a 2.125-in (5.4-cm) mesh codend to account for any smaller whiting or longfin squid. Whiting, and other legally permitted species within applicable possession limits, will be landed and sold. Winter flounder will be possessed temporarily for scientific workup and will not be landed for commercial sale. Both winter flounder and whiting will be sampled onboard using standard NMFS catch sampling methods.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: April 3, 2013.

**James P. Burgess,**

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

[FR Doc. 2013-08128 Filed 4-8-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC551**

#### **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 application contains all of the required information and warrants further consideration. This exempted fishing permit would facilitate compensation fishing under the monkfish Research Set-Aside Program by exempting vessels from monkfish days-at-sea possession limits. The compensation fishing is in support of a 2012 Monkfish Research Set-Aside project that is attempting to determine if monkfish constitute one or more stocks over their coast-wide distribution. The project is being conducted by the Cornell Cooperative Extension of Suffolk County Marine Program.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed exempted fishing permits.

**DATES:** Comments must be received on or before April 24, 2013.

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

- *Email:* [nero.efp@noaa.gov](mailto:nero.efp@noaa.gov). Include in the subject line "Comments on CCE Monkfish RSA EFP."

- *Mail:* John K. Bullard, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on CCE monkfish RSA EFP."

- *Fax:* (978) 281-9135.

#### **FOR FURTHER INFORMATION CONTACT:**

Jason Berthiaume, Fishery Management Specialist, 978-281-9177.

**SUPPLEMENTARY INFORMATION:** Cornell Cooperative Extension (CCE) is conducting a study that was selected under the 2012 Monkfish Research Set-Aside (RSA) Program. The primary goal of the study is to determine if monkfish constitute one or more stocks over their coast-wide distribution. CCE is using a genetic approach utilizing a microsatellite DNA analysis. Biological samples are being collected throughout the monkfish range. The vessels are using standard commercial gear and land monkfish for sale, but the sampling locations are determined by CCE.

To conduct compensation fishing in support of the project, CCE submitted an application for an exempted fishing permit (EFP) on April 17, 2012, requesting exemptions from the monkfish days-at-sea (DAS) possession limits. However, due to the complications resulting from the Endangered Species Act listing of Atlantic sturgeon, NMFS did not issue an EFP. The applicant has since modified the EFP application and submitted a revised application on March 5, 2013. The EFP would exempt vessels fishing in depths greater than 50 fathoms (91 m) in the Southern Monkfish Fishery Management Area (SFMA) from applicable monkfish possession limits. Seventeen vessels have been identified by the applicant to conduct monkfish compensation fishing under the requested EFP.

Monkfish EFPs that waive possession limits were first issued in 2007, and each year thereafter through 2011. The EFPs were approved to increase operational efficiency and to optimize research funds generated from RSA DAS. To ensure that the amount of monkfish harvested by vessels operating under the EFPs was similar to the amount of monkfish that was anticipated to be harvested under the 500 RSA DAS set-aside by the New England Fishery Management Council, NMFS has used 3,600 lb (1,633 kg) of whole monkfish per RSA DAS. This amount of monkfish was the equivalent of a double possession limit of Permit Category A and C vessels fishing in the SFMA. This was deemed a reasonable approximation because it was reflective of how the standard monkfish commercial fishery operates. Further, it is likely that RSA grant recipients would optimize their RSA DAS award by utilizing this possession limit.

Prior to the submission of CCE's RSA proposal, NMFS implemented Amendment 5 to the Monkfish FMP.

Amendment 5 adjusted the tail-to-whole-weight conversion factor from 3.32 to 2.91, which essentially reduced the whole weight possession limits. However, CCE has noted that because its RSA proposal and budget were developed in a manner that was consistent with previously approved EFPs, the request is justified. Therefore, if approved, participating vessels could use up to 250 DAS, or up to 900,000 lb (408,233.3 kg) of whole monkfish, under the EFP, whichever comes first.

Waiving the possession limit is not expected to increase monkfish fishing effort, but could alter the time and place where fishing occurs. Consequently, there is some uncertainty as to how the waiver could influence fishing behavior, and if it could increase the likelihood of an Atlantic sturgeon interaction. To mitigate this uncertainty, the applicant has proposed that all vessels operating under the EFP would only fish seaward of 50 fathoms (91 m), where Atlantic sturgeon interactions are extremely rare.

When applicable or as required by the regulations, participating vessels may also concurrently use Northeast multispecies DAS while conducting monkfish compensation fishing. Northeast multispecies catch is not expected to be high within the defined area and would likely consist primarily of white hake and witch flounder, which would be landed for commercial sale. All catch of Northeast multispecies would be accounted for under applicable Northeast multispecies quotas.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: April 3, 2013.

**James P. Burgess,**

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

[FR Doc. 2013-08125 Filed 4-8-13; 8:45 am]

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