



BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF384

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, Greater Atlantic Region, NMFS, 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 allow four commercial fishing vessels, directed by Coonamesett Farm Foundation, to be exempt from Atlantic sea scallop regulations for the purpose of bycatch reduction research.

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 *[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*.

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

- Email: *NMFS.GAR.EFP@noaa.gov*. Include in the subject line "Comments on CFF Extended Link Apron 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 CFF Extended Link Apron EFP."

FOR FURTHER INFORMATION CONTACT: Alyson Pitts, Fishery Management Specialist, 978-281-9352, *alyson.pitts@noaa.gov*.

SUPPLEMENTARY INFORMATION: Coonamesett Farm Foundation (CFF) submitted a complete application for an Exempted Fishing Permit (EFP) on March 30, 2017, to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would authorize four vessels to test the efficacy of an extended link scallop dredge apron at reducing the capture of yellowtail and windowpane flounder and small scallops over the duration of four directed research cruises. The EFP would support research associated with a project titled "Development of an Extended Link Apron: A Broad Range Tool for Bycatch Reduction," that has been funded under the 2017 Atlantic Sea Scallop Research Set-Aside (RSA) Program.

CFF is requesting exemptions that would exempt four commercial fishing vessels from the following regulations:

- Atlantic sea scallop days-at-sea (DAS) allocations at 50 CFR 648.53(b)
- Crew size restrictions at § 648.51(c)
- Atlantic sea scallop observer program requirements at § 648.11(g)
- Access area program requirements at § 648.59(a)(1)-(3), (b)(2), (b)(4)

- Rotational closed area exemptions for Closed Area I Access Area at § 648.60(c), Closed Area II Access Area at § 648.60(d), Closed Area II Extension Scallop Rotational Area at § 648.60(e) and Nantucket Lightship Scallop Rotational Area at § 648.60(f)
- Possession limits and minimum size requirements specified in 50 CFR part 648,

subsections B and D through O, to allow temporary possession for biological sampling.

Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Four vessels would conduct scallop dredging in July 1, 2017-January 31, 2018, on a total of four 7-day trips, for a total of 28 DAS. Each trip would complete approximately 15 tows per DAS for an overall total of 420 tows for the project. In addition to open areas, tows could occur in Closed Area I and II Scallop Access Areas, Closed Area II Extension Scallop Rotational Area, and Nantucket Lightship Scallop Rotational Area. Trips would be centralized around areas with high yellowtail and winter flounder bycatch and in areas with a mixed abundance of harvestable size and pre-recruit scallops.

The four trips would fish two 15-foot (4.57-m) Turtle Deflector Dredges, towed for a maximum duration of 30 minutes with a tow speed of 4.8-5.1 knots. One dredge would be rigged with a standard linked bag while the other would be rigged with a uni-directional extended link apron. Standard linking is defined as a single link between ring spaces, and the extended link is defined as two links linked together between rings. Both dredges would use 4-inch (10.16-cm) rings and a 10-inch (25.40-cm) twine top.

For all tows, the sea scallop catch would be counted into baskets and weighed. One basket from each dredge would be randomly selected and the scallops would be measured in 5-mm increments to determine size selectivity. Finfish catch would be sorted by species and then

counted, weighed, and measured in 1-mm increments. Depending on the volume of scallops and finfish captured, the catch would be subsampled as necessary. No catch would be retained for longer than needed to conduct sampling and no finfish or scallop catch would be landed for sale.

Table 1, below contains an estimate of the finfish catch anticipated for the project.

Table 1: CFF Extended Link Apron Project Catch Estimates.

Species	Scientific Name	Number	Weight (lbs)	Weight (kg)
NE Skate Complex (excluding barndoor skate)	<i>Rajidae Species</i>	56,250	100,000	45,359
Barndoor Skate	<i>Dipturus laevis</i>	375	500	226
Summer Flounder	<i>Paralichthys dentatus</i>	75	150	68
Winter Flounder	<i>Pseudopleuronectes americanus</i>	225	500	226
Yellowtail Flounder	<i>Limanda ferruginea</i>	1,500	1,500	680
Windowpane Flounder	<i>Scopthalmus aquosus</i>	1,500	1,500	680
Monkfish	<i>Lophius americanus</i>	1,750	3,500	1,587

CFF needs these exemptions to allow them to conduct experimental dredge towing without being charged DAS, and to deploy gear in closed access areas where concentrations of primary bycatch species are sufficiently high to provide statistically robust results. Participating vessels need crew size waivers to accommodate science personnel, and possession waivers will enable researchers to conduct finfish sampling activities. The project would be exempt from the sea scallop observer program requirements because activities conducted on the trip are not consistent with normal fishing operations.

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: May 3, 2017.

Karen H. Abrams,

Acting Deputy Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

[FR Doc. 2017-09280 Filed: 5/5/2017 8:45 am; Publication Date: 5/8/2017]