



**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XF383**

**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 eight commercial fishing vessels to be exempt from limited access sea scallop regulations in support of a study on seasonal bycatch distribution and optimal scallop meat yield on Georges Bank.

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 "DA17-032 CFF Georges Bank Optimization Study EFP."

- Mail: John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "DA17-032 CFF Georges Bank Optimization Study EFP."

**FOR FURTHER INFORMATION CONTACT:** Alyson Pitts, Fishery Management Specialist, 978-281-9352.

**SUPPLEMENTARY INFORMATION:** Coonamesset Farm Foundation (CFF) has submitted an exempted fishing permit (EFP) application in support of a project titled "Optimizing the Georges Bank Scallop Fishery by Maximizing Meat Yield and Minimizing Bycatch," that has been funded under the 2017 Atlantic Sea Scallop Research Set-Aside (RSA) Program. The project will look primarily at seasonal distribution of bycatch on the eastern part of Georges Bank in relation to sea scallop meat weight yield. Additional objectives include continued testing of a modified scallop dredge bag design to reduce flatfish bycatch and collecting biological samples to examine scallop meat quality and yellowtail flounder liver disease. Project investigators working on this project would also work with New Hampshire Fish and Game (NHFG) and the Atlantic Offshore Lobstermen's Association (AOLA) to tag female lobsters.

To enable this research, CFF is requesting exemptions for eight commercial fishing vessels from the Atlantic sea scallop days-at-sea (DAS) allocations at 50 CFR 648.53(b); crew size restrictions at § 648.51(c); observer program requirements at § 648.11(g); Closed Area II (CAII) scallop gear restrictions specified at § 648.81(b); and access area program requirements at § 648.59(a)(1)-(3), (b)(2), (b)(4); Closed Area II Scallop Access Area Seasonal Closure at §

648.60(d)(2), and Closed Area II Extension Scallop Rotational Area at § 648.60(e). CFF has also requested that vessels be exempt from possession limits and minimum size requirements specified in 50 CFR part 648, subsections B and D through O for biological sampling, and § 697.20 for lobster sampling and tagging purposes only.

Participating vessels would conduct scallop dredging in a year-round seasonal study, from August, 2017 through June, 2018. Vessels will conduct a total of eight 7-day trips, for a total of 56 DAS. Closed Area II Access Area tows would take place in the central portion situated below the Closed Area II Habitat Closure Area, including the northern portion of Atlantic Sea Closed Area II Scallop Access Area Seasonal Closure and the northern part of Closed Area II Extension Scallop Rotational Area. Open area tows would be conducted on the northern half of Georges Bank, west of the boundary of Closed Area II Access Area. The applicant also requested to conduct tows inside the Closed Area II Habitat Closure Area. NMFS does not support access to the Habitat Closure Area for this project until a final measure from the Omnibus Habitat Amendment II has been proposed and implemented by NMFS. This project is designed to “optimize” the harvest of scallops by the scallop fishery. Because this area remains closed to bottom-tending mobile gear to protect sensitive benthic habitat, it is premature to grant access at this time. If the scallop fishery is authorized to fish in this area through a future rule making, it may be appropriate to amend this EFP to allow research in this area, as the information could be useful to supporting scallop harvest decisions.

There is a potential for gear conflict with lobster gear in the central portion of Closed Area II. In an effort to help mitigate gear interactions, CFF would distribute the time and location of stations to the lobster industry, work only during daylight hours, post an extra lookout

to avoid gear, and actively avoid tangling in stationary gear. We do not expect the DAS, crew size, possession limits, or minimum size exemptions to generate any controversy or concern about the potential catch of egg-bearing female lobsters in this area during the months of August-June. The project would work in cooperation in with NHFG and AOLA to tag lobsters with the primary goal of documenting their movement on and off Georges Bank. Data from the tagging project could also help answer questions of lobster discard mortality in the scallop fishery.

All tows would be conducted with two tandem 15-foot (4.6-m) turtle deflector dredges for a duration of 30 minutes using an average tow speed of 4.8 knots. One dredge would be rigged with a 7-row apron and twine top hanging ratio of 2:1, while the other dredge would be rigged with a 5-row apron and 1.5:1 twine top hanging ratio. Both dredge frames would be rigged with identical rock and tickler chain configurations, 10-inch (25.4-cm) twine top, and 4-inch (10.2-cm) ring bag. Gear comparison data will help improve efforts to reduce scallop dredge bycatch.

For all tows the entire 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-milimeter increments to determine size selectivity. All finfish catch would be sorted by species and then counted and measured. Weight, sex, and reproductive state would be determined for a random subsample (n=10) of yellowtail, winter, and windowpane flounders. Lobsters would be measured, sexed, and evaluated for damage and shell disease. No catch would be retained for longer than needed to conduct sampling and no finfish or lobsters would be landed for sale. All catch estimates for the project are listed in Table 1, below.

**Table 1: Coonamesett Farm Foundation Georges Bank Scallop Research Project.**

Common Name	Scientific Name	Estimated weight (lbs)*	Estimated weight (kg)
Sea Scallop	<i>Placopecten magellanicus</i>	19,300	8754
Yellowtail Flounder	<i>Limanda ferruginea</i>	1,200	544
Winter Flounder	<i>Pseudopleuronectes americanus</i>	1,500	680
Windowpane Flounder	<i>Scophthalmus aquosus</i>	4,000	1814
Summer Flounder	<i>Paralichthys dentatus</i>	900	408
Fourspot Flounder	<i>Paralichthys oblongus</i>	130	58
American Plaice	<i>Hippoglossoides platessoides</i>	50	22
Grey Sole	<i>Glyptocephalus cynoglossus</i>	30	13
Haddock	<i>Melanogrammus aeglefinus</i>	70	31
Atlantic Cod	<i>Gadus morhua</i>	150	68
Monkfish	<i>Lophius americanus</i>	6,000	2721
Spiny Dogfish	<i>Squalus acanthias</i>	130	58
Barndoor Skates	<i>Dipturus laevis</i>	870	394
NE Skate Complex (excluding barndoor skate)	<i>Leucoraja erinacea, Leucoraja ocellata</i>	80,000	36287
American lobster	<i>Homarus americanus</i>	3,000	1360

\*Weights estimated using catch from a similar 2015 project.

CFF needs these exemptions to allow them to conduct experimental dredge towing without being charged DAS, as well as to deploy gear in areas that are currently closed to scallop fishing. Participating vessels need crew size waivers to accommodate science personnel. Possession waivers would enable researchers to sample finfish and lobster catch that exceeds possession limits or prohibitions. 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. The goal of the proposed work is to provide information on spatial and temporal patterns in bycatch rates in the scallop fishery, with the objective of identifying mechanisms to mitigate bycatch. The data collected would enhance understanding of groundfish bycatch and scallop yield as they relate to access and open area management.

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 11, 2017.

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Karen H. Abrams,  
Acting Deputy Director,  
Office of Sustainable Fisheries,  
National Marine Fisheries Service.

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