



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD903]

Atlantic Coastal Fisheries Cooperative Management 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 (EFP) renewal application from the New Hampshire Fish and Game Department contains all of the required information and warrants further consideration. The EFP would allow federally permitted fishing vessels to fish outside fishery regulations in support of exempted fishing activities proposed by the applicant. Regulations under the Atlantic Coastal Fisheries Cooperative 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 [*INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER*].

ADDRESSES: You may submit written comments by the following method:

- Email: nmfs.gar.efp@noaa.gov. Include in the subject line “NHFG Early Benthic-Phase Lobster Trap EFP”.

All comments received are a part of the public record and may be posted for public viewing in <https://www.noaa.gov/organization/information-technology/foia-reading-room> without change. All personal identifying information (e.g., name, address),

confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “anonymous” as the signature if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Christine Ford, Fishery Management Specialist, *Christine.Ford@noaa.gov*, (978) 281-9185.

SUPPLEMENTARY INFORMATION: The New Hampshire Fish and Game Department (NHFG) submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would allow NHFG to continue pilot testing of early benthic-phase (EBP) lobster traps, designed to target juvenile lobsters between 15- and 60- millimeter (mm) carapace length, to determine their feasibility for broader use in lobster surveys. This EFP would exempt the participating vessels from the Federal regulations in table 1:

Table 1 -- Requested Exemptions

CFR Citation	Regulation	Need for exemption
50 CFR 697.21(c) and § 697.21(d)	Gear specification requirements	To allow for the use of modified traps with no escape vents or ghost panels
§ 697.19	Trap limit requirements	To allow for four additional traps per vessel (20 total)
§ 697.19(j)	Trap tag requirements	To allow for the use of four untagged traps per vessel (20 total)
§§ 697.20(a)(7), 697.20(a)(8), 697.20(b)(5), 697.20(b)(6), 697.20(d), and 697.20(g)	Possession restrictions	To allow for onboard biological sampling of undersized, oversized, v-notched, and egg-bearing lobsters
§ 697.21(a)	Gear identification and marking requirements	To allow for the use of four unmarked traps per vessel (20 total)

Table 2 -- Project Summary

Project title	Testing an EBP Lobster Trap on Georges Bank
Project start	06/15/2024
Project end	06/14/2025
Project objectives	To continue testing an early-benthic-phase lobster trap, which targets lobsters between 15- and 60-mm carapace lengths, to determine its feasibility for broader use in lobster surveys
Project location	Offshore Gulf of Maine & Georges Bank; Statistical Areas 513, 522, 525, 526, 537, 561, and 562

Number of vessels	Up to 5
Number of trips	500
Trip duration (days)	Up to 8
Total number of days	Up to 4000
Gear type(s)	Trap/pot (modified – see project narrative)
Number of tows or sets	Up to 4 per trip; up to 2000 total
Duration of tows or sets	~ 4 days

Project narrative

The participants would place four EBP traps on two of their existing trawls (two EBP traps per trawl) and haul them up to twice per trip (for a total of up to four hauls per trip) during the course of the vessel’s normal fishing activity. The EBP traps are 80-centimeter (cm) square traps based on a modified crawfish trap. They have four square openings, measuring less than 2 inches (5.08 cm), which lead to ramps that drop the lobsters into a baited kitchen. Inside the traps, there are additional ramps that lead the lobsters to four cylindrical parlors with vertical openings. The traps are attached to cement runners that provide weight and maintain proper orientation. The crews would rig the EBP traps within Atlantic Large Whale Take Reduction Plan-compliant commercial trawls, resulting in no additional end lines. Each vessel would fish four traps above their allocation, but would remain within the universal Area 3 trap cap. At each haul, crews would record, and immediately release, all bycatch and measure, sex, and release all lobsters from the EBP trap. They would also sample catch in two standard traps within the trawl as control data. They would land and sell the legal catch from the standard traps.

The goal of this project is to test the selectivity of the EBP trap (versus ventless traps that often catch eel and crab), and the scalability of its use. If successful, EBP traps could be used in lobster surveys to provide information about larval-settlement patterns and juvenile nursery grounds.

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 26, 2024.

Everett Wayne Baxter,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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