

**SUMMARY:** NMFS has reviewed all new and existing Essential Fish Habitat (EFH) information in its Consolidated Atlantic Highly Migratory Species Fishery Management Plan (HMS FMP) and has determined that EFH for some Atlantic HMS may need to be updated. Through the publication of this notice, NMFS announces its intent to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA) to: examine management alternatives to revise existing HMS EFH; consider additional Habitat Areas of Particular Concern (HAPCs); and to minimize, to the extent practicable, adverse fishing impacts on EFH consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other relevant Federal laws. To complete the EIS and assess the potential effects on the human environment NMFS is requesting: new EFH information not considered previously in the Consolidated HMS FMP, comments on potential HAPCs, and information regarding potential fishing/non-fishing impacts that may adversely affect EFH. This information will be used to propose amendments to the Consolidated HMS FMP.

**DATES:** Comments on this action must be received no later than 5 p.m., local time, on December 22, 2006.

**ADDRESSES:** Written comments on this action should be mailed to Chris Rilling, Highly Migratory Species Management Division by any of the following methods:

- E-mail: [SF1.101606B@noaa.gov](mailto:SF1.101606B@noaa.gov).

Include in the subject line the following identifier: "I.D. 101606B."

- Written: 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope "Comments on EFH Amendment to HMS FMP."

- FAX: 301-713-1917.

**FOR FURTHER INFORMATION CONTACT:** Chris Rilling, Sari Kiraly, or Mike Clark at (301) 713-2347, or Jackie Wilson at (404) 806-7622.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) as amended by the Sustainable Fisheries Act (Public Law 104-297) provided for the establishment of EFH in FMPs and the consideration of actions to ensure the conservation and enhancement of such habitat. The EFH regulatory guidelines (50 CFR 600.815) state that NMFS should periodically review the EFH provisions of FMPs and revise or amend EFH as warranted based on available information. The EFH guidelines further state that NMFS

should review all EFH information at least once every five years.

EFH, including HAPCs, for HMS was identified and described in the 1999 FMP for Atlantic Tunas, Swordfish, and Sharks, and in the 1999 Amendment 1 to the Atlantic Billfish FMP. EFH for five shark species was updated in the 2003 Amendment 1 to the FMP. As part of the five-year review required by the Magnuson-Stevens Act, and set forth by schedule in the EFH regulatory guidelines, NMFS reviewed all new and existing EFH data in the Consolidated HMS FMP and determined that revisions to existing EFH for some Atlantic HMS may be warranted. The EIS will be used to propose alternatives to amend some of the existing EFH identifications and descriptions.

In addition to considering possible revisions to EFH identification and descriptions, the EFH guidelines require FMPs to identify fishing and non-fishing activities that may adversely affect EFH. Each FMP must include an evaluation of the potential adverse impacts of fishing on EFH designated under the FMP, effects of each fishing activity regulated under the FMP, as well as the effects of other Federal FMPs and non-federally managed fishing activities (i.e., state fisheries) on EFH. The FMPs must describe each fishing activity and review and discuss all available relevant information such as the intensity, extent, and frequency of any adverse effects on EFH; the type of habitat within EFH that may be adversely affected; and the habitat functions that may be disturbed (50 CFR 600.815(a)(2)). If adverse effects of fishing activities are identified, then the Magnuson-Stevens Act requires the effects of such fishing activities on EFH to be minimized to the extent practicable (Magnuson-Stevens Act, Section 303(a)(7)).

NMFS completed the original analysis of fishing and non-fishing impacts in the 1999 FMP, and presented all new information gathered during the five-year review, including a comprehensive review of all fishing gears and non-fishing activities that could potentially impact EFH, in the Consolidated HMS FMP. Some new information regarding gear impacts was incorporated into the review. For example, information presented in the Gulf of Mexico and Caribbean Fishery Management Council EFH FEIS's (2004) suggests that bottom longline gear may have an adverse affect on coral reef habitat which serves as EFH for certain reef fishes. As a result, NMFS has made a preliminary determination that bottom longline gear may have an adverse affect on EFH for other federally-managed species. An

assessment of whether HMS bottom longline gear is fished in EFH, and if so, the intensity, extent, and frequency of such impacts, including any measures to minimize potential impacts, will be addressed in the EIS.

Copies of the Consolidated HMS FMP are available for review (see **ADDRESSES**).

#### Request for Comments

NMFS anticipates completing this EIS and any related documents by January 1, 2008.

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

Dated: October 31, 2006.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E6-18783 Filed 11-6-06; 8:45 am]

**BILLING CODE 3510-22-S**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 110206C]

#### 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; receipt of exempted fishing permit application.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Assistant 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 Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP, which would enable researchers to investigate the efficacy of

two experimental flounder trawl designs to reduce bycatch of cod and sublegal-sized flounders, would allow for exemptions from the FMP as follows: U.S./Canada Management Area gear requirements for flounder trawl nets, and the NE multispecies possession restrictions.

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 November 22, 2006.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on the Massachusetts Flounder Trawl Study." Comments may also be sent via facsimile (fax) to (978) 281-9135, or submitted via e-mail to the following address: [DA6327@noaa.gov](mailto:DA6327@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Tobey Curtis, Fishery Management Specialist, (978) 281-9273, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** A complete application for an EFP was submitted on October 23, 2006, by David Chosid and Michael Pol of the Massachusetts Division of Marine Fisheries (DMF). The project was funded by the Saltonstall-Kennedy Grant Program. The primary goal of the research is to test the efficacy of two experimental flounder trawl designs to reduce the bycatch of cod and sublegal-sized flounders. The intent of the researchers is that the experimental nets, if successful, could potentially be an acceptable alternative trawl design to be used in the future in flounder fisheries and/or in Special Access Programs.

The project continues previous work conducted by DMF, which has preliminarily shown that these net designs significantly reduce the bycatch of cod and sublegal yellowtail flounder, as compared to the standard 2-seam flounder trawl. Specifically, DMF will test the effectiveness of two modified 2-seam flounder trawl designs, referred to as the "Ribas" net and the "Topless" net. The Ribas net is constructed of 6-inch (15.24 cm) diamond mesh with 75 meshes of 6.5-inch (16.51 cm) square knotless mesh in the codend, 25 meshes wide on the top and bottom. The 6-inch (15.24 cm) diamond mesh normally found on the top middle of flounder nets is replaced with 25 meshes wide of 8-inch (20.32 cm) square mesh from the

headrope to the codend. This design has a headrope and footrope length of 60 ft (18.3 m). The Topless net has an identical bottom half and codend to the Ribas net, but has no top wings, and much of the top webbing of the net is removed. The headrope of the Topless net tapers into the top belly of the net, and has a length of 89 ft (27.1 m).

The species of principal interest in the study are cod and yellowtail flounder, but the study will also have implications for other flatfishes, including winter flounder, witch flounder, and American plaice. All fish would be sorted and weighed, and fish of legal size would be retained for sale. All discards would be released as quickly as practicable to reduce incidental mortality. Based on catch data from previous experimental tows, the researchers anticipate that a total of 79,300 lb (35,970 kg) of fish would be harvested throughout the course of the study along with 204,479 lb (92,750 kg) of regulatory discards. All proceeds from the sale of the fish will be returned to DMF for the purpose of enhancing future research.

All at-sea research would be conducted from the F/V Mary Elena (Permit # 330739, O.N. 970254). The vessel intends to fish in the Eastern and Western U.S./Canada Management Areas. The vessel would fish exclusively outside of all closed areas. A total of 11 days would be used for testing the experimental trawls, carried out under A days-at-sea (DAS). An anticipated 70, 2-hour tows, using a twin trawl rig, would be conducted during that time. This effort would result in a total of 140 hours of bottom time for the experimental trawls.

Based on preliminary review of this project, and in accordance with NOAA Administrative Order 216-6, a Categorical Exclusion (CE) from requirements to prepare either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) appears to be justified. 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.

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

Dated: November 2, 2006.

**James P. Burgess,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E6-18721 Filed 11-6-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 103106A]

#### U.S. Climate Change Science Program Synthesis and Assessment Product Draft Prospectus 1.2

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability and request for public comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration publishes this notice to announce the availability of the draft Prospectus for one of the U.S. Climate Change Science Program (CCSP) Synthesis and Assessment Products for public comment. This draft Prospectus addresses the following CCSP Topic: Product 1.2 Past Climate Variability and Change in the Arctic and at High Latitudes.

After consideration of comments received on the draft Prospectus, the final Prospectus along with the comments received will be published on the CCSP web site.

**DATES:** Comments must be received by December 7, 2006.

**ADDRESSES:** The draft Prospectus is posted on the CCSP Program Office web site. The web addresses to access the draft Prospectus is:

Product 2.4  
<http://www.climatechange.gov/Library/sap/sap2-4/default.htm>

Detailed instructions for making comments on the draft Prospectus is provided with the Prospectus. Comments should be prepared in accordance with these instructions.

**FOR FURTHER INFORMATION CONTACT:** Dr. Fabien Laurier, Climate Change Science Program Office, 1717 Pennsylvania Avenue NW, Suite 250, Washington, DC 20006, Telephone: (202) 419 3481.

**SUPPLEMENTARY INFORMATION:** The CCSP was established by the President in 2002 to coordinate and integrate scientific research on global change and climate change sponsored by 13 participating departments and agencies of the U.S. Government. The CCSP is charged with preparing information resources that