

under the New England and Mid-Atlantic Fishery Management Councils' Monkfish Research Set-Aside (RSA) Program. The primary goal of this study is to investigate the length-weight relationship, spawning frequency, and rate of cannibalism in these members of the population not often reflected in the trawl survey. This information is considered to be very helpful to the management of the species. This is the second year this project has been funded under the Monkfish RSA Program.

The project is scheduled to be conducted for 1 year (May 2007–April 2008) and would collect large monkfish from three industry collaborators fishing using 102 Monkfish Days-At-Sea (DAS) awarded to the project through the RSA Program. Monkfish gillnet vessels fishing in the Southern Fishery Management Area will collect large monkfish as part of otherwise normal fishing activities and do not require an EFP. One vessel would fish inside the eastern edge of the Western GOM Closure Area from August 2007 through April 2008. Fishing would take place in deep mud habitats outside of the Western GOM Habitat Closure Area. This is east of the Stellwagen Bank National Marine Sanctuary and would require exemption from the gear restrictions of the Western GOM Closure Area at 50 CFR 648.81(e), as well as from the restrictions of Rolling Closure Areas I and II at § 648.81(f) that will be in effect during March and April 2008. It is expected that this location would provide access to large monkfish and would avoid gear interactions between these gillnets and trawls. The applicant is also requesting exemption from the NE multispecies effort control measures at § 648.80(a)(3)(vi) in order to create sufficient incentive for a commercial vessel to participate in this experiment. This would exempt the vessel from the need to use a NE Multispecies DAS concurrent with Monkfish RSA DAS for these trips.

The vessel would make up to 48 trips (30 DAS) using gillnets that are 13–inch (33–cm) stretch mesh with 24 gauge web and 12 meshes deep. Each net is 300 ft (91 m) long by 3 ft (0.91 m) high, and 150 nets would be used with an average soak time of 72 hr. Ten fish per week would be donated to the research project during the months of August–September, and five fish per week from October–April 2008. This project is specifically interested in large monkfish, so donated fish would be the largest from each trip, at least 90 cm total length. Additional catch, within applicable size and possession limits, would be sold to help offset the costs of

the research. As a consequence of the exemption from the need to use a NE Multispecies DAS, the vessel would not keep any regulated groundfish. Since these trips would use very large mesh nets, the bycatch of regulated groundfish is expected to be minimal.

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: January 17, 2007.

James P. Burgess,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011607B]

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 submitted by Bradford Bowen contains all of the required information and warrants further consideration. The Assistant Regional Administrator has made a preliminary determination that the activities authorized under this EFP would be consistent with the goals and objectives of the Monkfish Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue an 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 would enable researchers to determine selectivity curves and catch rates for monkfish in large mesh gillnets by granting exemption from possession and landing restrictions of the FMP.

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 February 6, 2007.

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

- *E-mail:* DA6–386@noaa.gov. Include in the subject line “Comments on monkfish gillnet EFP.”

- *Mail:* Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope “Comments on monkfish gillnet EFP, DA6–386.”

- *Fax:* (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Management Specialist, 978–281–9341.

SUPPLEMENTARY INFORMATION: An application for an EFP was submitted on December 26, 2006, by Bradford Bowen of the F/V Jessica Marie and Michael Pol of the Massachusetts Division of Marine Fisheries, for a project funded under the New England and Mid-Atlantic Fishery Management Councils' Monkfish Research Set-Aside (RSA) Program. The primary goal of this study is to provide information on the selectivity of large mesh gillnets that can be used to enhance the management of this species.

The EFP would exempt one vessel from monkfish trip limits while conducting research trips using extra large mesh gillnets. This project was awarded 80 monkfish days-at-sea (DAS) through the 2007 Monkfish RSA Program under project 07–MONK–003. These DAS would be used to conduct the research, as well as to provide funds to support the research through the sale of fish from these trips.

Trips are proposed to occur May 1 through June 30, 2007, and then again from November 1, 2007, through April 30, 2008. Nets would be set south of Cape Cod and would follow the expected movements of the monkfish, starting at a depth of 50 fm in May and gradually moving to 20 fm by the end of June. In November, trips would begin in 15–20 fm and gradually move

offshore to a depth of 80–100 fm by the end of April 2008. No trips would be conducted July 1–October 31, 2007, because of warm water temperatures and a typical absence of fish.

Research trips would be conducted aboard the F/V Jessica Marie (permit # 146901, hull # MA9252KR), owned by Mr. Bowen. Each net panel for this study would be 300 ft (91.4 m) long and made of 30 gauge webbing. Seven nets each of 10–inch (25.4–cm), 12–inch (30.5–cm), and 14–inch (35.6–cm) mesh would be combined into a single 21–net “string.” Net height for the different mesh panels would be coordinated to be within 1 inch (2.5 cm) of each other. Two such strings would be used, for a total of 42 nets. Each string would be fitted with 85–lb (38.5–kg) lead line, 3/8–inch (0.95–cm) polypropylene float line with floats every 8 ft (2.4 m), and tied down to stand 30 inches (76 cm) above the bottom. The strings would also be fitted with temperature loggers, 1,100–lb (498.9–kg) breakaway links, and “pingers” to help minimize effects on marine mammals.

This gear configuration is expected to be much less efficient than the current regulatory limit of up to 150 300–ft (91.4–m) nets of 10–inch (25.4–cm) mesh. It is expected that most trips would result in catches well below the trip limit. Specific trips could occur when the trip limit would be reached or exceeded after hauling only one of the two strings. To prevent excess discards and to ensure that all of the experimental gear can be hauled during each trip, the applicant has requested the exemption outlined above.

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: January 17, 2007.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122106A]

Taking of Marine Mammals Incidental to Specified Activities; On-ice Geotechnical Operations in the Beaufort Sea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of application and proposed incidental take authorization; request for comments.

SUMMARY: NMFS has received an application from ConocoPhillips Alaska, Inc (CPAI) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting on-ice geotechnical operations on the Outer Continental Shelf (OCS) and State of Alaska leases in the U.S. Beaufort Sea in spring 2007. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to CPAI to incidentally take, by harassment, small numbers of ringed seals for a limited period during the proposed project period.

DATES: Comments and information must be received no later than February 21, 2007.

ADDRESSES: Comments on the application should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning one of the contacts listed here. The mailbox address for providing email comments is PR1.122106A@noaa.gov. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size. A copy of the application containing a list of the references used in this document may be obtained by writing to this address or by telephoning the first contact person listed here and is also available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 713–2289, ext 137 or Brad Smith, Alaska Region, NMFS, (907) 271–5006.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as “...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except for certain categories of activities not pertinent here, the MMPA defines “harassment” as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45–day time limit for NMFS review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On November 29, 2006, NMFS received an application from CPAI for the taking, by harassment, of small number of ringed seals (*Phoca hispida*) incidental to conducting geotechnical portions of a site clearance survey just