

consistent with the goals and objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made.

DATES: Comments must be received on or before October 9, 2009.

ADDRESSES: Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is nero.eff@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: "Comments on CCE Offshore Fluke Discard EFP." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on CCE Offshore Fluke Discard EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Sarah Bland, Fishery Management Specialist, (978) 281-9257.

SUPPLEMENTARY INFORMATION: A complete application for an EFP was submitted by CCE on August 31, 2009, for a study that would evaluate summer flounder discard mortality in the offshore winter trawl fishery off Long Island, NY. The EFP would be issued to an initial list of seven vessels.

Research trips would be conducted as normal fishing operations, modified only by standardized tow times and deck cull times, in the offshore winter trawl fishery off Long Island, NY. Research trips would occur south and east of Long Island, NY, between Veatch Canyon and Hudson Canyon, in statistical areas 616, 526, 537, 613, and 611. One to two trips would be made each month, beginning in October 2009, and continuing through April 2010, for a total of eight trips. Four trips would occur during normal fishing operations targeting *Loligo* squid using small-mesh gear, and four trips would target summer flounder using large-mesh gear. Trips are expected to take 2 days due to steaming time to and from winter fishing grounds; however, poor weather conditions may lengthen trip times.

For each trip, vessels would conduct three tows of 1, 2, and 3-hr durations. For each tow, two tows would be performed; an immediate cull and a delayed 30-min cull. Ten legal-sized summer flounder and 10 sub-legal sized summer flounder would be randomly collected from each cull, for a total of 20 fish per tow. If there are not 10 sub-legal sized summer flounder available, additional legal-sized summer flounder would be kept to maintain the random

sampling at 20 fish per tow. Summer flounder would be randomly selected using sub-sampling and random sampling guidelines established by the NMFS At-Sea Observer Program. In addition to the random sample, 10 jumbo market category summer flounder (greater than 4 lb (1.81 kg) or 55 cm) would be collected per tow.

Summer flounder collected would be measured, weighed, and their physical condition noted. Fish would be tagged at the dorsal area of the eyed-side anterior of the caudal peduncle with a Floy-FD-94 Super Heavy Duty T-Bar Anchor Tag and transferred to an on-board holding tank. During the time it takes to clear the deck of catch, summer flounder would be sorted into live and dead components on set time intervals, in addition to immediate and delayed cull times. Information on tow duration, location, boat and gear specifics, fishing speed, total volume of the catch and discards, depth and surface water temperatures, and on-deck air temperature would be recorded. The applicant anticipates that catch species would include a mix of summer flounder, scup, black sea bass, butterfish, whiting, and *Loligo* squid.

Collected fish would be transported from the on-board holding tanks to the Multi Aquaculture Systems, Inc., facility. Fish would be monitored for a 14-day period. Any fish still alive after the monitoring period would be examined and ranked according to a health index, and blood would be drawn for cortisol analysis. These fish would then be released into Gardiners Bay from the holding facility. The applicant anticipates that, although fish would be released inshore during winter or early spring, some of these fish would survive. Scales and otoliths would be taken from those fish not surviving the monitoring period. Up to 180 fish would be landed for the extended mortality monitoring period, and the applicant anticipates the mortality rate would be between 75 and 90 percent.

The applicant has requested an exemption from the summer flounder size restrictions at § 648.103 to allow sub-legal sized fish to be retained for data collection purposes. The applicant has also requested an exemption from the summer flounder mesh size restrictions at § 648.104(a)(1) to allow vessels targeting squid in the small-mesh fishery to retain more than the incidental limit of summer flounder. In addition, the applicant requested an exemption from the summer flounder fishery closure restrictions at § 648.101(a) and (b) to allow summer flounder to be landed during a closure and transported to the Multi

Aquaculture Systems facility for mortality observations. However, the regulations at § 648.12(a)(2) prevent NMFS from issuing an EFP that would cause a quota to be exceeded; therefore, unless research set-aside quota is made available to this project, no exemption from fishery closure restrictions would be granted.

The applicants may request minor modifications and extensions to the EFP throughout the course of research. EFP modifications and extensions may be granted without further public notice if they are deemed essential to facilitate completion of the proposed research and result in only a minimal change in the scope or impacts of the initially approved EFP request.

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

Dated: September 21, 2009.

Emily H. Menashes,

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

[FR Doc. E9-23064 Filed 9-23-09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XR76

Marine Mammals; File No. 605-1904

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that the Whale Center of New England (WCNE), [Mason Weinrich, Principal Investigator], P.O. Box 159, Gloucester, MA 01930, has been issued an amendment to scientific research Permit No. 605-1904.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281-9300; fax (978)281-9333; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

FOR FURTHER INFORMATION CONTACT:

Amy Hapeman or Kristy Beard,
(301)713-2289.

SUPPLEMENTARY INFORMATION: On August 4, 2008, notice was published in the **Federal Register** (73 FR 45217) that an amendment to Permit No. 605-1904, issued February 21, 2008 (73 FR 10744), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 605-1904 authorizes the WCNE to harass humpback (*Megaptera novaengliae*), fin (*Balaenoptera physalus*), and sei (*Balaenoptera borealis*) whales along the U.S. Atlantic coast during close approaches for vessel surveys, photo-identification, tracking, and incidental harassment annually. During approaches, researchers may suction-cup tag and/or biopsy sample whales greater than six months of age. A subset of approached humpback and fin whale calves three to six months of age may also be biopsy sampled. This amendment authorizes the WCNE to harass up to 75 North Atlantic right whales (*Eubalaena glacialis*) annually during close vessel approaches for photo-identification, behavioral observation, and prey sampling. This work would continue long-term population monitoring to determine status and trends of this species in the North Atlantic. The amendment is valid until the permit expires on February 15, 2013.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 18, 2009.

P. Michael Payne,

Chief, Permits, Conservation and Education
Division, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. E9-23065 Filed 9-23-09; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XR79

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council(s) (Council) Habitat Committee and Habitat Advisory Panel will hold meetings to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meetings will be held in October, 2009. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meetings will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200; fax: (508) 339-1040.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: The advisory panel and committee meeting schedules and agendas are as follows:

1. *Joint Habitat Committee and Advisory Panel Meeting - Tuesday, October 13, 2009 beginning at 9 a.m.*

The committee and advisory panel will review Swept Area Seabed impact (SASI) model. They will also solicit Committee and Advisory Panel input on model components and discuss terms of reference for upcoming Scientific and Statistical Committee review of SASI. The Committee and Advisory Panel may also consider other topics at their discretion.

2. *Habitat Committee Meeting - Wednesday, October 14, 2009 beginning at 9 a.m.*

The Committee will discuss alternatives to minimize the effects of

fishing on essential fish habitat (EFH) and will also review a timeline for completion of Omnibus EFH Amendment 2.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council(s) intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**), at least 5 working days prior to the meeting date.

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

Dated: September 21, 2009.

William D. Chappell,

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

[FR Doc. E9-23019 Filed 9-23-09; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XR80

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene its Law Enforcement Advisory Panel (LEAP).

DATES: The meeting will convene at 1:30 p.m. on Tuesday, October 13, 2009 and conclude no later than 5 p.m.

ADDRESSES: The meeting will be held at the IP Casino Resort, 850 Bayview Ave., Biloxi, MS 39530.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Deputy Executive Director, Gulf of Mexico Fishery