

Law Enforcement would randomly inspect fish holds on approximately 10 percent of EFP trips.

Because vessels would be fully monitored, GMRI also requested exemptions to incentivize participation in the project and increase fishing opportunities for healthy stocks. The EFP would allow vessels to use the codend configuration used in the Canadian haddock fishery (5.1-inch (13.0-cm) square mesh codend) and/or the codend configuration tested in the REDNET project (4.5-inch (11.4-cm) diamond mesh codend). This exemption is intended to improve size selectivity and increase catch of target species, while avoiding groundfish species of concern.

The applicant also requested access to portions of Closed Area II. Vessels would be allowed to fish in the non-essential fish habitat portions of Closed Areas I and II from May 1 through February 15. Vessels would not be allowed to fish in the area from February 16 through April 30 as fishing activity during this time may negatively affect Georges Bank cod and haddock spawning. The applicant states that, due to the distribution and movement of groundfish stocks, this exemption would improve vessels' ability to selectively target healthy groundfish stocks.

The EFP application also requested an exemption from sector third-party ASM requirements. We do not intend to grant this requested exemption. Participating vessels would still be required to discard non-allocated groundfish stocks (*e.g.* ocean pout, wolffish, windowpane flounder) and adhere to possession limits for certain groundfish stocks (*e.g.* halibut) and non-groundfish species (*e.g.* monkfish, dogfish, skate). NMFS applies assumed discard rates to all trips to estimate catch for non-allocated groundfish and non-groundfish species. These discard rates are calculated from the data that at-sea monitors collect. Therefore, continued ASM coverage for participating vessels is necessary to collect catch and discard information on a subset of EFP trips to derive assumed discard rate values. These vessels would carry ASM coverage at the standard level required for sectors, which is 15 percent for the 2018 fishing year. Northeast Fishery Observer Program observers would not be deployed on these vessels because their fishing activity is not consistent with the Standardized Bycatch Reporting Methodology sampling design.

This EFP would cover fishing trips that occur in the 2018 and 2019 fishing years. NMFS would authorize a maximum of eight bottom-trawl vessels

to participate. All catch of groundfish stocks allocated to sectors would be deducted from the appropriate sector's allocation for each groundfish stock. Because this is a maximized retention program, vessels would not be permitted to discard legal unmarketable fish for allocated groundfish stocks, regardless of whether the vessel holds a sector exemption to do so through its operations plan.

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 9, 2018.

**Jennifer M. Wallace,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG151**

#### 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 Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an exempted fishing permit application submitted by The Nature Conservancy contains all of the required information and warrants further consideration. This exempted fishing permit would allow participants to use electronic monitoring systems in lieu of at-sea monitors in support of a study to develop electronic monitoring for catch monitoring in the groundfish fishery. 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 April 27, 2018.

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

- *Email:* [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line "TNC EM EFP RENEWAL."
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "TNC EM EFP RENEWAL."

**FOR FURTHER INFORMATION CONTACT:** Claire Fitz-Gerald, Groundfish Fishery Management Specialist, 978-281-9255.

**SUPPLEMENTARY INFORMATION:** Groundfish sectors are required to implement and fund an at-sea monitoring (ASM) program. Sectors may use electronic monitoring (EM) to satisfy this monitoring requirement, provided NMFS deems the technology sufficient for catch monitoring. NMFS has yet to approve EM as a suitable alternative to ASM. However, we are working with industry and other stakeholders to test the operational feasibility of EM and resolve outstanding issues that are barriers to implementation.

In fishing year 2016, The Nature Conservancy, in partnership with the Cape Cod Commercial Fishermen's Alliance; the Maine Coast Fishermen's Association; and, the Gulf of Maine Research Institute; and fishermen from the Northeast Fishery Sectors V & XI, the GB Cod Fixed Gear Sector, the Sustainable Harvest Sector, and the Maine Coast Community Sector; obtained an exempted fishing permit (EFP) for vessels to use EM systems in lieu of human observers to meet their ASM requirements. Fourteen vessels participated in the project, and 52 EFP trips were completed. In fishing year 2017, the project partners submitted a renewal request for this EFP as well as an additional EFP application for a 100-percent EM project. Both EFPs were issued; 13 vessels participated in the 100-percent EFP and 5 vessels participated in this EFP. Thirty-seven EFP trips were completed this year to date under this EFP.

The project partners have submitted a renewal request for this EFP for the 2018 fishing year. The proposed participant list includes five vessels, all of which participated in this EFP in fishing year 2017. Together, they are expected to take an estimated 225 trips in fishing year 2018. At 15-percent

observer coverage, this would equate to roughly 30–35 EFP trips.

Vessels participating in this EFP would use EM in lieu of human ASMs, and in addition to Northeast Fishery Observer Program (NEFOP) observers, on groundfish trips selected for observer coverage. Vessels would adhere to a vessel-specific Vessel Monitoring Plan (VMP) detailing at-sea catch handling protocols. An EM service provider would review 100 percent of the video footage. The provider would also produce an EM summary report identifying, counting, and generating weight estimates for all groundfish discards, which it would submit to the NMFS Greater Atlantic Fisheries Regional Office. These data would be used for catch accounting purposes on trips selected for ASM coverage. EM data would not be used for catch accounting in place of observer data on NEFOP trips, but the information generated would facilitate comparisons between cameras and human observers. The Northeast Fisheries Science Center would conduct a secondary review of the EM summary reports for a subset of EFP trips.

Under this EFP, vessels would be exempt from their sector's monitoring program requirement only, and all other standard sector reporting and monitoring requirements would still apply, such as using dealer-reported landings and vessel trip reports. Vessels would be assigned observer coverage at the standard ASM coverage level of 15 percent, which is a combination of NEFOP and ASM coverage. All catch of allocated groundfish stocks would be deducted from the appropriate sector's allocation. Legal-sized regulated groundfish would be retained and landed, as required by the Northeast Multispecies Fishery Management Plan. Undersized groundfish would be handled according to the VMP guidelines in view of cameras and returned to the sea as quickly as possible. All other species would be handled per normal commercial fishing operations. No legal-size regulated groundfish would be discarded, unless otherwise permitted through regulatory exemptions granted to the participating vessel's sector.

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 9, 2018.

**Jennifer M. Wallace,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG059**

#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Demolition and Reuse of the Original East Span of the San Francisco-Oakland Bay Bridge**

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from the California Department of Transportation (Caltrans) for authorization to take marine mammals during the dismantling and reuse of the original East Span of the San Francisco-Oakland Bay Bridge (SFOBB) in the San Francisco Bay (SFB). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

**DATES:** Comments and information must be received no later than May 14, 2018.

**ADDRESSES:** Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Young@noaa.gov](mailto:ITP.Young@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all

attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/node/23111> without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Sara Young, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed above.

#### **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 (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers 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.

An authorization for incidental takings 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 (where relevant), and if 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.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.