

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

[I.D. 092004F]

**New England 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 New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Advisory Panel in October, 2004. Recommendations from the panel will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Wednesday, October 13, 2004 from 12 noon until 5 p.m.

**ADDRESSES:** The meeting will be held at the Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers, MA 01932; telephone: (978) 777-2500.

*Council address:* New England Fishery Management Council, 50 Water Street, 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 will review the gear descriptions developed for Amendment 13 to the Northeast Multispecies Fishery Management Plan and begin preparation of documentation on the subtypes of gear used in the Northeast region and include the following information: (1) Name of gear type or sub-type; (2) principle species captured; (3) geographic area, bottom types, depths where it's used; (4) description of how these gears are used including information regarding fishing intensity, frequency and seasonality of specific gear use; (5) distinguishing features of gear (e.g., range of footrope/headrope lengths, bottom gear attached to footrope, mesh size, type/size of doors); and (6) anything else that would affect how much of the gear contacts the bottom or how "hard" net fishes the bottom.

The Advisory Panel will also consider whether currently proposed or additional areas to those identified in the original "Dedicated Habitat Research Area" (DHRA) document should be considered as the Council develops its Essential Fish Habitat Omnibus amendment and will develop

advice on the attributes of any suggested DHRA alternatives. The panel may consider other additional topics at the discretion of the Chair.

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

**Special Accommodations**

This meeting is 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 days prior to the meeting dates.

Dated: September 21, 2004.

**Alan D. Risenhoover,**

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

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

[I.D. 092104A]

**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), Department of Commerce.

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**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 vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP may allow for exemptions from the NE multispecies rolling closure areas and the days-at-sea (DAS) effort control program for up to 16 DAS for testing a bycatch reducing gear modification. 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 on this document must be received on or before October 12, 2004.

**ADDRESSES:** Comments on this notice may be submitted by e-mail. The mailbox address for providing e-mail comments is [DA564@noaa.gov](mailto:DA564@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: "Comments on UNH Double Grid Gear Modification EFP Proposal." 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 UNH Double Grid Gear Modification EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Brian Hooker, Fishery Policy Analyst, phone 978-281-9220.

**SUPPLEMENTARY INFORMATION:** Bart McNeel, in cooperation with the University of New Hampshire Cooperative Extension (UNH), submitted an application for an EFP on May 21, 2004. This is a continuation of a project that was begun in 2002. This EFP would authorize one commercial vessel to conduct sea trials using a double grid excluder device. The final phase of this 2-year study would be conducted by UNH with the goal of designing a trawl gear through modifications to the grid bar orientations to release sub-legal sized cod and flatfish species incidental to the catch, while retaining fish of marketable size. To accomplish this, the commercial fishing vessel would conduct trawl net gear trials using the double grid excluder device within the Gulf of Maine (GOM) and Georges Bank area from 40°30' N. latitude to the coast of Maine, excluding the Western and