

hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

### Permit Application Received

TRPA has applied for a scientific research permit to conduct a study with endangered Southern California (SC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*) in the Ventura River. The purpose of this study is to use monitoring and sampling methods to gather information that will contribute to the understanding of abundance and distribution of juvenile steelhead in various portions of the Ventura River watershed. Information obtained by this study is anticipated to help support restoration efforts for the SC DPS. For this study, snorkel surveys will be used to the greatest extent possible for assessing steelhead abundance within stream habitats. Electrofishing will also be used as a sampling method to calibrate fish counts obtained from snorkel surveys and provide estimates of steelhead abundance in selected run and riffle habitat types. Electrofishing will be conducted only by qualified individuals and according to NMFS' electrofishing guidelines. The proposal specifies a 5-year study starting in 2009 and ending in 2014. Field activities for this study would occur between March 1st and September 30th during each year of the study. TRPA has requested an annual non-lethal take of up to 600 juvenile steelhead. The unintentional lethal take that may occur as a result of project activities is up to 30 juvenile steelhead. See the permit application for a complete project description including tables and figures.

Dated: June 12, 2009.

**Angela Somma,**

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XP80**

### Endangered and Threatened Species; Take of Anadromous Fish

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; availability of fishery plan and request for comment.

**SUMMARY:** Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has submitted a Fishery Management and Evaluation Plan (FMEP) pursuant to the protective regulations promulgated for Oregon Coast (OC) coho salmon under the Endangered Species Act (ESA). The FMEP specifies the future management of freshwater inland recreational fisheries potentially affecting coho salmon on the Oregon coast. This document serves to notify the public of the availability of the FMEP for review and comment before final approval or disapproval is made by NMFS.

**DATES:** Comments on the FMEP must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on July 17, 2009.

**ADDRESSES:** Written comments on the application should be addressed to the NMFS Salmon Recovery Division, 2900 NW Stewart Parkway, Roseburg, OR 97471, or faxed to 541-957-3386. Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is

*CohoFisheryPlan.nwr@noaa.gov*.

Include in the subject line of the e-mail comment the following identifier: *Comments on Oregon's coho FMEP*.

**FOR FURTHER INFORMATION CONTACT:**

Lance Kruzic, Roseburg, Oregon, at phone number: (541) 957-3381, or e-mail: *lance.kruzic@noaa.gov*.

**SUPPLEMENTARY INFORMATION:**

#### Species Covered in This Notice

This notice is relevant to the Oregon Coast Coho Salmon (*Oncorhynchus kisutch*) evolutionarily significant unit (ESU).

ODFW has submitted to NMFS an FMEP entitled "Oregon Coastal Coho, Coastal Rivers Coho Sports Fishery." This FMEP describes management of recreational fisheries for adult coho salmon in the bays and rivers within the OC Coho Salmon ESU. The objective of the fishery management described in this FMEP is to harvest unmarked coho salmon in a manner that does not exceed the harvest impact limits prescribed in the overarching harvest management plan for both ocean and freshwater fisheries that has already been approved under the ESA (i.e., the Pacific Fishery Management Council's Amendment 13 to the Pacific Salmon Plan). The impact levels on ESA-listed OC coho salmon are specified in the

Amendment 13 harvest plan that has been implemented successfully since 1998. The proposed FMEP does not change in any way the existing Amendment 13 harvest plan for OC coho salmon, but could allow for additional freshwater harvest of coho salmon if specific conditions are met and the fishery impacts are still within the limits prescribed in Amendment 13. Population viability analyses and risk assessments conducted since this harvest management plan went into effect indicate the extinction risk for listed OC coho salmon would not increase as a result of the fishery impact levels. A variety of monitoring and evaluation tasks are specified in the FMEPs to assess the abundance of coho salmon, determine fishery effort and catch of coho salmon, and monitor angler compliance. A review of compliance within the provisions of the FMEP will be conducted by ODFW annually. Each year's upcoming recreational fishery management intentions will have to get NMFS concurrence beforehand to ensure compliance with the proposed FMEP.

As specified in the July 10, 2000, ESA 4(d) rule for salmon and steelhead (65 FR 42422) and updated June 28, 2005 (70 FR 37160), NMFS may approve an FMEP if it meets criteria set forth in 50 CFR 223.203(b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and comment.

#### Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, July 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to activities associated with fishery harvest provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, July 28, 2005).

Dated: June 12, 2009.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E9-14267 Filed 6-16-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 080626787-8788-01]

RIN 0648-XP54

#### 2009 Monkfish Research Set-Aside Program

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

**ACTION:** Notice; reallocation of set-aside days-at-sea.

**SUMMARY:** NMFS notifies the public of the reallocation of monkfish research days-at-sea (DAS) as exempted DAS. These are DAS that were set aside under the 2009 Monkfish Research Set-Aside (RSA) Program, but were not distributed through the NOAA grant process. These exempted DAS may be used for the conduct of monkfish related research activities during fishing year (FY) 2009 (May 1, 2009, through April 30, 2010). Requests for a monkfish DAS exemption must be submitted with a complete application for an exempted fishing permit (EFP).

**DATES:** Effective June 17, 2009 through April 30, 2010. Projects involving the use of exempted DAS, under this program, must be completed on or before April 30, 2010.

**ADDRESSES:** Applications for an EFP must be sent to the Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Allison McHale, Fishery Policy Analyst, by phone 978-281-9103 or by fax 978-281-9135.

#### SUPPLEMENTARY INFORMATION:

##### Background

Amendment 2 to the Monkfish Fishery Management Plan (FMP) (70 FR 21927, April 28, 2005) established the Monkfish RSA Program, which annually sets aside 500 monkfish DAS from the total number of monkfish DAS allocated to limited access monkfish vessels to be used for cooperative monkfish research programs. Amendment 2 also established a Monkfish Exemption

Program, which requires the Regional Administrator (RA) to reallocate as exempted DAS any monkfish research DAS not allocated through the Monkfish RSA Program. These exempted DAS may be then used by vessels for the conduct of monkfish research activities during the current fishing year (e.g., FY 2009).

On July 11, 2008, NMFS published a notice in the *Federal Register* announcing the 2009 Monkfish RSA Program (73 FR 40052), and solicited proposals for monkfish research activities to be conducted under this RSA program. Five proposals were received as part of this solicitation, and three were granted awards totaling 449 monkfish research DAS. As a result, there are 51 DAS available to be reallocated as exempted DAS during FY 2009. Therefore, the RA, pursuant to the regulations governing the monkfish fishery at 50 CFR 648.92(c)(1)(v), reallocates these unused research DAS from the FY 2009 Monkfish RSA Program, as exempted DAS, that may be used for the conduct of monkfish research projects during FY 2009.

All requests for monkfish DAS exemptions under the Monkfish DAS Exemption Program must be submitted to the RA along with a complete application for an EFP. The requirements for submitting a complete EFP application are provided in the regulations implementing the Magnuson-Stevens Fishery Conservation and Management Act at § 600.745(b).

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C.553(b)(B), there is good cause to waive prior notice and opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to the public interest because the action is administrative in nature, and because it provides the public (i.e., researchers) the opportunity to reduce costs associated with conducting monkfish related research activities. Additionally, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date because the action is administrative in nature.

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

Dated: June 11, 2009.

**Kristen C. Koch,**

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

[FR Doc. E9-14263 Filed 6-16-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XM35

#### New Conservation and Management Measures and Resolutions for Antarctic Marine Living Resources Under the Auspices of CCAMLR

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

**ACTION:** Final notice.

**SUMMARY:** NMFS notifies the public that the United States has accepted conservation and management measures and resolutions pertaining to fishing in Antarctic waters managed by the Commission for the Conservation of Antarctic Marine Living Resources (Commission or CCAMLR). The Commission adopted these measures at its twenty-seventh meeting in Hobart, Tasmania, October 27 to November 7, 2008. The measures have been agreed upon by the Member countries of CCAMLR, including the United States, in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources (the Convention). The measures include: measures previously adopted by the Commission and remaining in force; measures adopted for the 2008/2009 fishing season to restrict overall catches, research catch and bycatch of certain species of finfish, squid, krill and crabs; restrict fishing in certain areas; restrict use of certain fishing gear; specify implementation and inspection obligations supporting the Catch Documentation Scheme of Contracting Parties; promote compliance with CCAMLR measures by non-Contracting Party vessels; and require vessels engaged in bottom fishing to report data on benthic organisms recovered by their gear. This notice includes a summary of the 22 new measures adopted at the twenty-seventh meeting of CCAMLR. The full text of all measures adopted by CCAMLR can be found on CCAMLR's Web site—[www.ccamlr.org](http://www.ccamlr.org).

**DATES:** These measures are effective on June 17, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Robert Gorrell, Office of Sustainable Fisheries, Room 13463, 1315 East-West Highway, SSMC3, NMFS, Silver Spring, MD 20910; tel: 301-713-2341; fax 301-713-1193; e-mail [Robert.Gorrell@noaa.gov](mailto:Robert.Gorrell@noaa.gov).

#### SUPPLEMENTARY INFORMATION: