

Comment 54: NMFS' abundance estimate for the pelagic stock is scientifically unsound. Specifically, and as described in more detail in a report enclosed with the comment, NMFS' abundance estimate fails to employ a Bayesian methodology, which is well-recognized in the scientific community as the best available method for estimating the population size of marine stocks such as the false killer whale pelagic stock. An alternative analysis of the existing false killer whale data utilizes the best available scientific methods and provides a best estimate of the Hawaii Pelagic Stock as 2,066 whales.

Response: NMFS disagrees that the alternative included in this comment represents the best available scientific information. Bayesian analyses may constitute excellent science and are widely used by NMFS scientists in assessing marine animal populations; however, the report enclosed with this comment has not been peer-reviewed or published, and it violates the fundamental principle of choosing an appropriate prior distribution when conducting a Bayesian analysis. The report assumes that the density of false killer whales in highly productive waters of the Eastern Tropical Pacific Ocean would be a suitable prior for their density in the unproductive waters surrounding Hawaii. The report did not discuss a rationale for this assumption or evaluate alternate, more suitable, data sets for the prior distribution. There is no ecological or oceanographic support for this assumption. Rather, there are differences in ocean productivity between the Eastern Tropical Pacific Ocean and the Hawaiian EEZ, and densities of most tropical dolphin species, including false killer whales, decline as one moves north from tropical latitudes and into the subtropical waters of the Hawaiian Islands.

Comment 55: NMFS fails to discuss a report from April 2009 documenting depredation in the Hawaii longline fishery based on interviews with vessel owners and captains. The comment states that the report constitutes current, published, and NMFS-funded scientific research suggesting that the sheer magnitude of catch depredation by false killer whales implicates a population size much larger than the 484 estimate reported in the 2009 draft SAR.

Response: The report cited in this comment was not available in 2008 when the draft 2009 SAR was prepared, and the report and its findings have not been subjected to peer review. Estimates in the report contain many untested assumptions (e.g., species identification,

range of fishery). Furthermore, NMFS' abundance estimate of 484 is limited to the U.S. EEZ, whereas the depredation report included observations from a much larger area where the fishery operates. No assumption about uniformity of false killer whale distribution has been made in NMFS' estimates of abundance.

Comment 56: False killer whale densities on the high seas south of Hawaii should lead to a higher PBR for high seas stocks, warranting Cat II or III classification for the high seas component of the fishery.

Response: Although the fishery is conducted on the high seas as well as within the EEZ, the fishery is classified based upon its take of false killer whales in within the EEZ, where only U.S.-based fishing occurs. Incidental mortality and serious injury incidental to longline fishing within the EEZ exceed a PBR based upon surveys within the EEZ. Furthermore, mortality and serious injury of false killer whales exceed 50 percent of a number calculated using the PBR approach for false killer whales on the high seas areas of the fishery (which is also subject to an additional unknown level of mortality incidental to a substantial longline fishing effort by vessels from other nations within the range of the U.S. fishery on the high seas). Accordingly, the fishery is appropriately classified as a Category I fishery over its entire range.

Comment 57: Reeves *et al.* make several unsubstantiated assertions. Even if the insular stock has declined, there is no evidence that the longline fishery is responsible. No evidence of strandings or sightings of carcasses were made in support of a large mortality. SAR guidelines state old abundance data should not be used.

Response: Reeves *et al.* is a peer-reviewed scientific article that clearly outlines the data and basis for their conclusions, including observed line injuries and decreases in sighting rates. In the SAR, the longline fishery is listed only as one potential contributing factor, reflecting uncertainty in the sources of such injuries. The longline fishery operated within the known range of the insular false killer whale stock during the early 1990s, when the decline began, but there was no observer program to document potential interactions with cetaceans. Further, it is well established that animals that die at sea rarely strand or are recorded at sea, but rather they sink or are swept away from land by currents. The SAR guidelines state that old abundance data are unreliable to estimate current abundance. However, older data are

essential for evaluating trends, and their inclusion in this historical context is fully warranted.

Comment 58: There is no evidence that the insular stock has interacted with longline fisheries.

Response: NMFS recognizes that the data available for determining stock identity of false killer whales is incomplete for this 2009 SAR. At the time of the 2009 SAR preparation, genetic samples were only available for five of the 24 false killer whales taken by the fishery (and only for two of the takes within HI EEZ waters). Thus, the identity of the majority of false killer whales taken by the fishery is unknown and can be assigned based only on location. No tissue samples are available for three takes that occurred during sets spanning the insular/pelagic stock boundary, and these animals could have been from the insular stock based on the distance from the islands at which they have been documented. NMFS will continue to investigate ways to improve allocation of stock-specific bycatch, taking into account takes and fishing effort within the insular stock range. NMFS will also continue efforts to obtain tissue samples for genetic analysis on as many animals as possible to aid in stock identification.

Dated: March 10, 2010.

Helen M. Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XV22

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a joint public meeting of its Habitat Committee, Advisory Panel and Plan Development Team in April, 2010 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, April 1, 2010 at 9 a.m. and Friday, April 2, 2010 at 9 a.m.

ADDRESSES: This meeting will be held at the Seaport World Trade Center, 200 Seaport Boulevard, Boston, MA 02210; telephone: (617) 385-5000; fax: (617) 385-5090.

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 purpose of this meeting is to review implementation and outputs of the Swept Area Seabed impact (SASI) model, and then to discuss and recommend management alternatives based on model outputs. Committee motions on alternatives for analysis in EFH Omnibus Amendment 2 DEIS will be solicited by the Committee Chair on the second day of the meeting. The meeting will include: PDT presentation on the components and implementation of the SASI model; PDT presentation of general model outputs; PDT presentation of model outputs specified to address previous committee tasking; group discussion of possible EFH impacts minimization alternatives and Committee motions related to inclusion of alternatives in the DEIS. Other issues may be raised at the Committee Chair's discretion.

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 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

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, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: March 11, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2010-5722 Filed 3-15-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XV24

Fisheries of the South Atlantic and Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR Workshop for South Atlantic and Gulf of Mexico goliath grouper.

SUMMARY: The SEDAR assessments of the South Atlantic and Gulf of Mexico stocks of goliath grouper will consist of a series of three workshops: a Data Workshop, an Assessment Workshop, and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

DATES: The Data Workshop will take place April 27-29, 2010. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The Data Workshop will be held at the Hilton Bayfront, 333 First Street South, St. Petersburg, FL 33701; telephone: (727) -894-5000.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; telephone: (843) 571-4366.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR includes three workshops: (1) Data Workshop, (2) Stock Assessment Workshop and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which

datasets are appropriate for assessment analyses. The product of the Stock Assessment Workshop is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Consensus Summary documenting Panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

SEDAR 23 Workshop Schedule

April 27-29, 2010; SEDAR 23 Data Workshop

April 27 - 28, 2010: 8 a.m. - 5 p.m.; April 29, 2010: 8 a.m. - 12 p.m.

An assessment data set and associated documentation will be developed during the Data Workshop. Participants will evaluate all available data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

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 these meetings. 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

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