

SUPPLEMENTARY INFORMATION: An EFP is being requested for one vessel participating in the Southern New England (SNE) Flatfish Discard Mortality Study conducted by the University of Massachusetts, Dartmouth, School for Marine Science and Technology (SMAST) Cooperative Marine Education and Research program. The primary objective of this study is to assess the effects of different stressors on the mortality of flatfish discarded in SNE and Mid-Atlantic trawl fisheries. The researchers would conduct field and lab observations of flatfish captured during regular commercial fishing operations for Reflex Action Mortality Predictors (RAMP) under different stressors to assess the discard mortality rates of five flatfish stocks: SNE yellowtail flounder; SNE

winter flounder; summer flounder; northern windowpane flounder; and southern windowpane flounder. In addition, the applicants would use the results of their study to assess the use of RAMP in estimating the mortality of each species within the flatfish complex.

The study would be conducted aboard one commercial fishing vessel in the SNE and Mid-Atlantic mixed trawl fishery, beginning the date of issuance of the EFP and continuing for a full year. The vessel would utilize otter trawl gear with gear configuration and mesh size dictated by current fishery regulations. SMAST technicians and/or commercial fishermen would collect 100 fish of each species per month, during regular commercial fishing operations, for a maximum catch of

6,000 fish over the course of the 12-month study (Table 1). Fish would be placed in oxygen-enriched seawater tanks and, upon landing, be transported live to the SMAST seawater lab facility for testing. Fish collected for laboratory observation would not be sold. The applicant has requested an exemption from NE multispecies possession restrictions for SNE yellowtail flounder, and SNE winter flounder and windowpane flounder, at §§ 648.86(g)(1) and 648.86(l), respectively, in order to land the live specimens in excess of possession limits. The applicants have also requested an exemption from NE multispecies minimum fish sizes at § 648.83 and the summer flounder minimum fish size at § 648.103(a), in order to test a representative sample of the age composition of flatfish.

TABLE 1—ESTIMATED SAMPLE SIZE

Species	Number of fish/month	Number of fish total
SNE Yellowtail Flounder	100	1200
SNE Winter Flounder	100	1200
Summer Flounder	100	1200
Northern Windowpane Flounder	100	1200
Southern Windowpane Flounder	100	1200

The participating vessel is enrolled in Northeast Fishery Sector V for the 2010 fishing year, which has received a SNE yellowtail flounder annual catch entitlement (ACE). Consistent with the regulations at § 648.87, the participating vessel is currently exempt from trip limits on this stock, but would not be exempt from any sector requirements, including at-sea and dockside monitoring of sector trips and full retention of legal-sized fish of allocated stocks, while fishing under this EFP. In addition, all catch of allocated stocks by the sector vessel on a sector trip, while participating in the EFP, would count toward the sector's ACE, and the vessel's sector must have ACE of all stocks in the area the vessel intends to fish a sector trip. The vessel would be required to report research catch landed that is of legal size separate from that of sub-legal size, on their Vessel Trip Reports (VTRs). The vessel's sector manager would be notified to include legal-sized research landings from the VTRs in their ACE accounting, in addition to the vessel's dealer-recorded landings.

In addition to retaining fish for laboratory observation, technicians would observe a minimum of 100 fish of each species on commercial fishing trips for RAMP before they are discarded at-sea. The applicants would

require a temporary exemption from the summer flounder commercial minimum fish size restriction at § 648.103(a), the NE multispecies minimum fish size restrictions at § 648.83, and the NE multispecies possession restrictions at §§ 648.86(g)(1) and 648.86(l), for the time period when trained technicians or crew are sampling fish. To ensure that monthly sampling is not disrupted, the applicants have also requested vessels be exempt from the summer flounder closure specified at § 648.101(a) for the purposes of collecting the 100 live specimens of each species each month.

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. If an extension is requested that goes beyond the fishing year, it is required to go through the publication process again.

In accordance with NAO Administrative Order 216–6, a Categorical Exclusion or other appropriate National Environmental Policy Act document would be completed prior to the issuance of the EFP. Further review and consultation

may be necessary before a final determination is made to issue the EFP. After publication of this document in the **Federal Register**, the EFP, if approved, may become effective following the public comment period.

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

Dated: October 27, 2010.

Carrie Selberg,

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

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DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Draft Programmatic Environmental Impact Statement for the Mechanical Creation and Maintenance of Emergent Sandbar Habitat in the Riverine Segments of the Upper Missouri River, Missouri River Basin, United States

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1968, as amended, the U.S. Army Corps

of Engineers has prepared a Draft Programmatic Environmental Impact Statement (EIS) for the Mechanical Creation and Maintenance of Emergent Sandbar Habitat on the Riverine Segments of the Upper Missouri River and by this notice is announcing the opening of the comment period.

DATES: The comment period will be open from November 1, 2010 to January 21, 2011. Public meetings will take place in December, 2010 and January, 2011; The specific schedule is provided under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Written comments should be sent to: Department of the Army; Corps of Engineers, Omaha District; CENWO-PM-AC; ATTN: Emergent Sandbar Habitat Programmatic EIS; 1616 Capitol Avenue; Omaha, NE 68102-4901. Comments can also be e-mailed to: Cynthia.s.upah@usace.army.mil. Comments on the Draft Programmatic Environmental Impact Statement for the Mechanical Creation and Maintenance of Emergent Sandbar Habitat in the Riverine Segments of the Upper Missouri River must be postmarked, e-mailed, or otherwise submitted no later than January 21, 2011.

FOR FURTHER INFORMATION CONTACT: For further information and/or questions about the Emergent Sandbar Habitat Programmatic EIS, please contact Ms. Cynthia Upah, Project Manager, by telephone: (402) 995-2672, by mail: 1616 Capitol Avenue, Omaha, NE 68102-4901, or by e-mail: Cynthia.s.upah@usace.army.mil. For inquiries from the media, please contact the USACE Omaha District Public Affairs Officer (PAO), Ms. Monique Farmer by telephone: (402) 995-2416, by mail: 1616 Capitol Avenue, Omaha, NE 68102, or by e-mail: Monique.l.farmer@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. Background

The Emergent Sandbar Habitat (ESH) program is being implemented by the U.S. Army Corps of Engineers (Corps) for the benefit and recovery of the interior population of the Interior least tern (least tern) and the northern Great Plains piping plover (piping plover). This implementation program resulted from a Biological Opinion (BiOp) issued by the U.S. Fish and Wildlife Service (USFWS) in which the Reasonable and Prudent Alternative called for the Corps to provide sufficient ESH acreage in order to meet biological metrics (fledge ratios) to avoid jeopardizing continued existence of the species, as defined by the Endangered Species Act (ESA).

The Programmatic EIS (PEIS) is needed to provide National

Environmental Policy Act (NEPA) coverage for the mechanical construction of ESH. The purpose of the PEIS is to analyze the potential environmental consequences of implementing the ESH program on the Missouri River. The PEIS allows the public, cooperating agencies (USFWS and National Park Service), and Corps decision makers to compare impacts among a range of alternatives. The goal is to inform the selection of a preferred alternative that allows for the creation and replacement of sufficient habitat to support tern and plover populations on the Missouri River in a safe, efficient and cost-effective manner that minimizes negative environmental consequences.

2. Document Availability

The Emergent Sandbar Habitat Programmatic EIS is available online at http://www.moriverrecovery.org/mrrp/mrrp_pub_dev.download_documentation_esh, and at the following community libraries: Glasgow City-County Library, 408 Third Avenue South, Glasgow, MT; Bismarck Veterans Memorial Public Library, 515 N Fifth Street, Bismarck, ND; Rawlins Municipal Library, 1000 E. Church St., Pierre, SD; Yankton Community Library, 515 Walnut, Yankton, SD; Sioux City Public Library, 529 Pierce Street, Sioux City, IA; W Dale Clark Library, 215 S. 15th Street, Omaha, NE; Kansas City Public Library, 14 West 10th Street, Kansas City, MO, or please contact Ms. Cynthia Upah, Project Manager, by telephone: (402) 995-2672, by mail: 1616 Capitol Avenue, Omaha, NE 68102-4901, or by e-mail: Cynthia.s.upah@usace.army.mil.

3. Public Involvement Meetings

The Omaha District of the U.S. Army Corps of Engineers invites all interested entities including Tribal governments, Federal agencies, state and local governments, and the general public to comment on the Emergent Sandbar Habitat Programmatic EIS. The public comment period began with the publication of this notice on November 1, 2010 and will continue until January 21, 2011.

All public involvement meetings will use an open house format, followed by a presentation and the opportunity to make public comment. Informational materials about the Emergent Sandbar Habitat program and the Programmatic EIS will be located throughout the room for participant perusal throughout the evening. Corps representatives will be available to meet one-on-one with meeting participants. In addition to public comments being recorded,

written comments will be collected on comment cards, and the opportunity to have formal verbal comments transcribed will be available. All forms of comment will be weighted equally. Input from the public involvement meetings, along with comments received by other means (regular mail or e-mail), will be used to refine the document before a Final Programmatic EIS is released.

The Corps has scheduled public involvement meetings at the following locations:

1. Tuesday, November 30: Bismarck, North Dakota, Best Western Doublewood Inn & Conference Center, 1400 E. Interchange Avenue, Bismarck, ND 58501.

2. Thursday, December 2: Fort Peck, Montana, Fort Peck Interpretive Center & Museum, Lower Yellowstone Rd., Fort Peck, MT 59223.

3. Tuesday, December 7: Pierre, South Dakota, Best Western Ramkota Hotel & Conference Center, 920 W. Sioux Avenue, Pierre, SD 57501.

4. Wednesday, December 8: Yankton, South Dakota, Riverfront Event Center, 121 W. 3rd Street, Yankton, SD 57078.

5. Thursday, December 9: Sioux City, Iowa, Stoney Creek Inn & Conference Center, 300 3rd Street, Sioux City, IA 51101.

6. Wednesday, January 5, 2011: Omaha, Nebraska, Creighton University Mike & Josie Harper Center, 602 N. 20th Street, Omaha, NE 68178.

7. Thursday, January 6, 2011: Kansas City, Missouri, Kansas City Marriott Country Club Plaza, 4445 Main Street, Kansas City, MO 64111.

If you require assistance under the Americans With Disabilities Act please send your name and phone via e-mail to Lois@djcase.com at least three days prior to the meeting you plan to attend. Persons who use a telecommunications service for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (800) 877-8339, 24 hours a day, seven days a week to relay this same information. For more information about the Emergent Sandbar Habitat program, please visit <http://www.moriverrecovery.org> under "BiOp/Mit Efforts."

Dated: October 19, 2010.

Kayla Eckert Uptmor,

Chief Planning Branch, Omaha District.

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