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Dated: November 27, 2000.

**Michael J. Armstrong,**  
*Associate Director for Mitigation.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 112700D]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

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

**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has made a preliminary determination to issue EFPs that would allow two vessels to conduct fishing operations otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The Manomet Center for Conservation Sciences (Manomet) submitted a complete application for the issuance of EFPs to two commercial fishing vessels, which warrants further consideration. The EFPs would allow two federally permitted groundfish vessels to conduct composite mesh selectivity studies with small-mesh codend covers to target mixed groundfish species--primarily yellowtail flounder, winter flounder (blackback), summer flounder (fluke), American plaice (dab) and cod, and may also allow access to seasonal area closures in the Gulf of Maine (GOM). The study is intended to determine the selective efficiency of each experimental codend and will attempt to correlate fish behavior with these findings. 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 action must be received at the appropriate address or fax number (see **ADDRESSES**) on or before December 20, 2000.

**ADDRESSES:** Written comments should be sent to Patricia Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Van Pelt, Fishery Management Specialist, 978-281-9244.

**SUPPLEMENTARY INFORMATION:** Manomet submitted an industry cooperative proposal on November 6, 2000, for two EFPs to conduct composite codend mesh selectivity studies to address bycatch and discard of incidental catch and sub-legal sized fish in the mixed-groundfish fisheries of the Northeast. The study would be conducted in that portion of the GOM/Georges Bank Regulated Mesh Area that extends east from the New Hampshire shoreline at 43° N. lat. to 43° N. lat./70° W. long., then following the 70° W. long. line south to the 42° N. lat. line, and then extending west to the Cape Cod shoreline.

This industry collaborative study involves Manomet, the Massachusetts Division of Marine Fisheries, and the Maine Department of Marine Resources as co-principal investigators, and proposes to field test two composite mesh combinations against two industry-standard codend mesh sizes as follows: (1) Two composite codends made of 6.5-inch (16.51-cm) square mesh on the top half, one with 6.5-inch (16.51-cm) diamond mesh on the bottom half and the other with 6-inch (15.24-cm) diamond mesh on the bottom half, and (2) Two industry-standard codends, one made entirely of 6-inch (15.24-cm) diamond mesh and one made entirely of 6.5-inch (16.51-cm) square mesh.

The purpose of the study is to compare the length frequencies (size classes) of the catch retained by the two industry-standard codends and the two composite mesh codend combinations. To accomplish this, 1-7/8 inch (4.78-cm) codends will be used to cover the four test codends in order to retain for analysis fish that pass through the larger-mesh codends. The catch data for each sample (tow) would be used to prepare species-specific mesh selectivity curves. That is, the research will determine the size of each fish species retained by each of the codends tested versus the fish that are excluded by the codends. Data would be pooled for each of the codends tested and the selective efficiency of each codend will be determined for each important target species. Manomet will also conduct a detailed behavioral analysis to ascertain

the presence/absence of species-specific behavioral patterns that may explain observed differences in the selective efficiency of the experimental composite codend mesh.

The field trials would take place over a period of approximately 5 days, with a total sample size of 10 tows. The 40 tows will consist of 10 tows for each of four codend mesh sizes (standard and composite mesh), at eight tows per day. These commercial gear trials would operate in the designated study area outside the Western GOM Year Round Closure Area beginning in December 2000, until the 40 tows are obtained. However, the principal investigator may decide that access to the GOM seasonal closure areas is necessary to catch the desired species at the appropriate time, in order to achieve the optimal sample. This would only occur as a last resort, in the event that the required species cannot be caught outside of these areas. Should access to these areas be necessary, the GOM seasonal closures that may correspond in time and location with the proposed study are as follows: Rolling Closure Area I (March 1- March 31), Rolling Closure Area II (April 1- April 30), Rolling Closure Area III (May 1 - May 31), and Rolling Closure Area VI (February 1 - February 28).

The experimental sampling design (use of double codend) is intended to greatly minimize the number of tows necessary to yield the necessary amount of catch information; a minimum of 10 tows (1 hour in length) is required for satisfactory selectivity curve results. The target species are yellowtail flounder, winter flounder (blackback), summer flounder (fluke), American plaice (dab) and cod. The main incidental species are expected to be skates, smooth and spiny dogfish, sculpins, sea raven and sea robin. Any sub-legal sized fish would be processed by the researcher (e.g., measured) and returned immediately to the water. During the experimental trials, participating vessels would be instructed to conduct normal fishing operations. Therefore, the vessels may only retain fish for commercial sale in the amount allowed under their respective Federal fishery permits and Days-at-Sea allocations. Catch would be sampled on each trip by NMFS-certified observers and all data, including the weight and length of all fish caught, would be entered into NMFS logbooks and submitted to the Northeast Fisheries Science Center upon completion of a trip.

Manomet will train up to five commercial fishers as sea samplers for use during the course of this

experiment. It is hoped that the newly trained sea samplers would be available to support other programs at the completion of the proposed experiment.

EFPs would be issued to two participating federally permitted Northeast multispecies vessels to exempt them from the gear restrictions and, if necessary, the GOM seasonal area closures of the Northeast Multispecies Fishery Management Plan, found at 50 CFR part 648, subpart F.

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

Dated: November 28, 2000.

**Bruce C. Morehead,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 648

[Docket No. 001127331-0331-01; I.D. No. 102600B]

RIN 0648-AN69

#### Magnuson-Stevens Act Provisions; Foreign Fishing and Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2001 Specifications and Foreign Fishing Restrictions

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

**ACTION:** Proposed 2001 initial specifications; request for comments.

**SUMMARY:** NMFS proposes initial specifications for the 2001 fishing year for Atlantic mackerel, squid, and butterfish (MSB). Regulations governing these fisheries require NMFS to publish specifications for the upcoming fishing year and to provide an opportunity for public comment. The intent of this action is to fulfill this requirement and

to promote the development and conservation of the MSB resources. This action also proposes an inseason adjustment procedure for the 2001 mackerel joint venture processing (JVP) annual specifications and a proposal to allocate the domestic annual harvest (DAH) for *Loligo* squid into quarterly periods.

**DATES:** Public comments must be received no later than 5 p.m., eastern standard time, on January 4, 2001.

**ADDRESSES:** Comments on the proposed specifications should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Please mark the envelope, "Comments-2001 MSB Specifications." Comments also may be sent via facsimile (fax) to 978-281-9135. Comments will not be accepted if submitted via e-mail or Internet.

Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790.

Send comments on any ambiguity or unnecessary complexity arising from the language used in this proposed rule to Patricia A. Kurkul, Regional Administrator.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst (978)281-9273, fax 978-281-9135, e-mail paul.h.jones@noaa.gov.

**SUPPLEMENTARY INFORMATION:** Regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP), prepared by the Mid-Atlantic Fishery Management Council (Council), appear at 50 CFR part 648, subpart B. Regulations governing foreign fishing appear at 50 CFR part 600, subpart F. These regulations, at §§

600.516(c) and 648.21, require that NMFS, based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, annually publish a proposed rule specifying the initial amounts of the initial optimum yield (IOY), as well as the amounts for allowable biological catch (ABC), DAH, domestic annual processing (DAP), JVP, and total allowable levels of foreign fishing (TALFF) for the affected species managed under the FMP. The regulations also specify that there will be no JVP or TALFF specified for *Loligo*, *Illex*, or butterfish, except that a butterfish bycatch TALFF will be specified if TALFF is specified for Atlantic mackerel. Procedures for determining the initial annual amounts are found in § 648.21.

In addition to the annual specifications for each of the four species managed under the FMP, the Council recommended that, for several species managed by the Council, 2 percent of the 2001 total allowable landings (TAL) for each of these species be set aside for data collection purposes. Because no TAL is specified for Atlantic mackerel, squid, and butterfish, TAL is considered equivalent to IOY. The deduction would occur no later than December 31, 2000, upon notification to the Northeast Regional Administrator that the Council, in consultation with the Atlantic States Marine Fisheries Commission, has approved a specific data collection project that would use the set-aside allocation. If a project is not approved before December 31, 2000, then a set-aside deduction from the TAL would not occur. However, the set-aside recommendation cannot become effective until the Council adopts a framework measure, which in turn, is approved by NMFS, to establish the regulatory underpinnings of the process to allocate the set-aside.

Table 1 contains the proposed initial specifications for the 2001 Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish fisheries.

TABLE 1. PROPOSED INITIAL ANNUAL SPECIFICATIONS, IN METRIC TONS (MT), FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 2001.

Specifications	Squid		Atlantic Mackerel	Butterfish
	<i>Loligo</i>	<i>Illex</i>		
Max OY	26,000	24,000	N/A <sup>1</sup>	16,000
ABC	17,000	24,000	347,000	7,200
IOY	17,000 <sup>6</sup>	24,000 <sup>6</sup>	88,000 <sup>2,6</sup>	5,900 <sup>6</sup>
DAH	17,000	24,000	85,000 <sup>3</sup>	5,897
DAP	17,000	24,000	50,000	5,897
JVP	0	0	20,000 <sup>4</sup>	0