

effectiveness of the 10-inch (25.4-cm) twine top.

The proposed experiment would be conducted as soon as possible following approval of the EFP, if the final decision is to grant the EFP. The participating vessel would be authorized to take four trips in Georges Bank, including Closed Area I, II or the Nantucket Lightship Closed Area. Conducting the trips in both closed and open areas would allow the gear to be tested in areas of both extremely high and moderate scallop and finfish abundance. The information gathered from this experiment could be used in the consideration in future management actions under the Atlantic Sea Scallop FMP. The participating vessel would be allowed to retain up to 15,000 lb (6,804 kg) of scallops and the regulated amount of incidental catch of other species (e.g., 300 lb (136 kg) of regulated multispecies and monkfish) per trip. The EFP would allow exemptions from the following regulations for Fisheries of the Northeastern United States (50 CFR part 648): DAS notification requirements specified at § 648.10(b)(1)(i); scallop dredge twine top restrictions specified at § 648.51(b)(4)(iv); scallop DAS restrictions specified at § 648.53; and Northeast multispecies Closed Area I, II, and Nantucket Lightship Closed Area restrictions specified at § 648.81(b)(1) and (c)(1).

The participating vessel would land approximately 60,000 lb (27,216 kg) of scallops, 1,200 lb (544 kg) of Northeast multispecies, and 1,200 lb (544 kg) of monkfish. Minimal amounts of other legally retained bycatch species, such as skates, may be landed. The catch of scallops in excess of the 15,000-lb (6,804-kg) per trip allowance may occur in closed areas due to very high concentrations of scallops. This would result in some scallop discard, but discard survival rates of scallops is expected to be high. Discards of other species caught during experimental fishing is expected to be about 40,000 lb (18 mt) of flounder species and skates, 35,000 lb (16 mt) of monkfish, and 4,400 lb (2 mt) of other species. For comparison, the total allowed catch in the 2000 Georges Bank Sea Scallop Exemption Program (the same portions of Closed Area II and the Nantucket Lightship Closed Area are proposed for access in the experiment) for yellowtail flounder was 725 mt with no catch limits on other species. Although information on the survival of finfish discards is lacking, not all discarded fish would die. Based on the analyses of the proposed action, the relative impact of the expected catch overall during the proposed experiment does not appear to

be significant. The increase in DAS (exempting one vessel from DAS restrictions for a total of 40 DAS) is approximately 0.14-percent of the overall DAS used in the scallop fishery on an annual basis.

Based on the results of this EFP, this action may lead to future rulemaking.

Dated: July 14, 2003.

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 Part 600

[I.D. 071403A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit (EFP)

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

ACTION: Notification of a proposal for an EFP to conduct experimental fishing; request for comments.

SUMMARY: The Assistant Regional Administrator, Northeast Region, NMFS has made a preliminary determination that the subject 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 an EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue an EFP 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 would allow the vessel to fish outside the regulated fishing season for shrimp, which occurred in 2003 between January 15- February 27. The proposed experiment would test a semi-pelagic shrimp trawl using 180-ft (54.6-m) bridles, and small mesh (50 mm), with the codend left open. All experimental work would be monitored by University of New Hampshire (UNH)

personnel. 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 must be received at the appropriate address or fax number (see **ADDRESSES**) on or before August 4, 2003.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on UNH Semi-Pelagic Shrimp Trawl EFP Proposal." Comments may also be sent via fax to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Heather Sagar, Fisheries Management Specialist, 978-281-9341, or e-mail heather.sagar@noaa.gov.

SUPPLEMENTARY INFORMATION: An initial application from UNH for an EFP was received on June 16, 2003, and the application was completed on July 1, 2003. The proposed study would test a semi-pelagic shrimp trawl net with small mesh (50 mm) and up to 180-ft (54.6-m) bridles, which would be designed in such a way as to reduce seabed impact when trawling for shrimp in the Gulf of Maine. The bridles would not be in contact with the seabed and, therefore, are not expected to adversely affect benthic organisms, demersal species, or the seabed itself. The codend would be left open throughout testing and no fish, therefore, would be retained. The proposed study would take place off the coast of Seabrook, NH, west of 70 W. long., excluding closed areas. One commercial vessel would fish a maximum 4 days, making approximately 6 tows per day, for a total of 24 tows for this study. Tow length would be approximately 1 hour. The participating vessel would be required to notify NMFS prior to commencing an experimental fishing trip. The final phase of the experiment would be data analysis and reporting, including an acoustic monitoring analysis and video analysis. A final report containing the results of the study would be provided to NMFS no later than 6 months following completion of the study.

The EFP would allow this vessel to fish outside the regulated fishing season for shrimp, which occurred in 2003 between January 15-February 27.

Based on the results of this EFP, this action may lead to future rulemaking.

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

Dated: July 14, 2003.

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 Part 648

[I.D. 070703A]

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fishery

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

ACTION: Notice of intent (NOI) to prepare an environmental impact statement (EIS); request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) announces its intention to prepare, in cooperation with NMFS, an EIS in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures for managing the Atlantic mackerel, squid, and butterfish fisheries pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. The Council intends to develop Framework 4 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan (FMP) to address the issue of expiration of the moratorium on entry to the commercial *Illex* squid fishery. This notification announces a public process for determining the impact on the human environment of measures proposed in Framework 4 relating to possible extension or expiration of the *Illex* moratorium. The intended effect of this notification is to alert the interested public of the development of the Draft EIS (DEIS) for this framework action and to provide for public participation.

DATES: Written comments on the intent to prepare an EIS must be received no later than 5 p.m., local time, on August 18, 2003.

ADDRESSES: Written comments on the intent to prepare the EIS and requests for other information related to the

development of Framework 4 should be directed to Mr. Daniel T. Furlong, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New St., Dover, DE 19904. Comments may also be sent via facsimile (FAX) to (302) 674-5399. Comments will not be accepted if submitted by e-mail or Internet.

FOR FURTHER INFORMATION CONTACT:

Daniel T. Furlong, Executive Director, 302-674-2331.

SUPPLEMENTARY INFORMATION: Prior to the 1980s, the fishery for *Illex illecebrosus*, (short finned squid) in the U.S. Exclusive Economic Zone (EEZ) was prosecuted primarily by foreign distant water fleets. With the implementation of the Atlantic Mackerel, Squid, and Butterfish FMP in 1982 and its subsequent amendments, the fishery became increasingly utilized by the domestic fishery. While the domestic fishery was undergoing development, new biological data became available which indicated that *Illex* is an annual species that resulted in smaller (or lower) revised estimates of the sustainable yield for the species.

In the 1990s, the simultaneous growth of the domestic squid fisheries and reduction in the estimate of sustainable yield resulted in the *Illex* fishery moving toward full capitalization and exploitation. As a result, a limited entry program became necessary and was implemented by a final rule for Amendment 5 to the FMP (62 FR 28638, May 27, 1997). However, due to concerns that capacity might be insufficient to fully exploit the annual quota for this fishery, a 5-year sunset provision was placed on the *Illex* moratorium when it was implemented in Amendment 5. Due to this sunset provision, the moratorium on entry to the *Illex* fishery was set to expire in July 2002, but was extended for one year by a final rule that implemented Framework 2 to the FMP (67 FR 44392, July 2, 2002). An additional one-year extension of the moratorium was implemented by a final rule that implemented Framework 3 (68 FR 31988, May 29, 2003). The Council is currently developing a DEIS through the development of Amendment 9 to the FMP. In addition to the limited access issue in the *Illex* fishery, the Council is also addressing a number of complex issues in Amendment 9 including those related to gear impacts on essential fish

habitat, bycatch reduction, permitting of the Northwest Atlantic Fisheries Organization vessels to transit the U.S. EEZ, and the definition of overfishing for *Loligo* squid. The original NOI to develop a DEIS for Amendment 9 was published on November 29, 2001, (66 FR 56574) and the Council held the initial scoping meeting on December 12, 2001, in Atlantic City, NJ. The Council continued the development of Amendment 9 in 2002-2003 and submitted the DEIS for NMFS approval for public hearings in April 2003. NMFS identified a number of deficiencies in the DEIS for Amendment 9 at the March 19, 2003, Council meeting held in New York City, NY. As a result of those deficiencies, the Council was unable to adopt the DEIS for Amendment 9. At its June 25, 2003, meeting in Philadelphia, PA, the Council concluded that delays in development of the DEIS for Amendment 9 could result in a hiatus in the *Illex* limited access program if the moratorium for the *Illex* fishery expired before the final rule for Amendment 9 is implemented. Therefore, the Council decided to develop Framework 4, the sole purpose of which is to extend the moratorium on entry to the *Illex* fishery while the Council addresses this issue in Amendment 9 to the FMP. The Council concluded that new public scoping meetings are not necessary for this DEIS because this issue was considered during the original December 12, 2001, scoping meeting based on the original NOI. Applicable comments from that meeting will be considered along with the written comments received on this notification in the preparation of the DEIS for Framework 4.

The Council is considering the following alternatives for this framework action: (1) Extend the moratorium on entry to the *Illex* fishery for an additional 5 years (preferred alternative), (2) extend the moratorium on entry to the *Illex* fishery for an additional 2 years, (3) no action, and (4) extend the moratorium on entry to the *Illex* fishery without a sunset provision.

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

Dated: July 14, 2003.

John H. Dunnigan,

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

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