

preliminary decision to issue EFPs that would allow three federally permitted fishing vessels to conduct fishing operations otherwise restricted by the regulations governing the Northeast multispecies fishery. EFPs would allow the federally permitted vessels to compare a standard flounder otter trawl to a modified flounder otter trawl in order to estimate cod bycatch reduction in the modified trawl. EFPs are needed to allow the fishing activities to be conducted in areas of the Gulf of Maine (GOM) otherwise closed to fishing in March and April. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before March 6, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope "Comments on EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135. A copy of the proposal and the Environmental Assessment are available from the Northeast Regional Office at the address stated above.

FOR FURTHER INFORMATION CONTACT: Peter Christopher, Fishery Policy Analyst, 978-281-9288.

SUPPLEMENTARY INFORMATION: The Massachusetts Division of Marine Fisheries (MADMF) submitted an application on January 16, 2002, to conduct an experimental fishery using three federally permitted vessels to fish with experimental fishing gear in and near the GOM Rolling Closures during March and April, 2002. The experiment is a continuation of an experiment that the MADMF conducted in 2001.

The continuation of the experiment is necessary to expand the level of information and data that the MADMF has collected on the experimental flounder trawl and to conduct the experimental fishing at a time when, and in areas where, both flounder and cod are in abundance relative to other areas and times of the year. Experimental fishing in 2001 demonstrated a reduction of cod bycatch of between 75 and 90 percent, compared to traditional flounder otter trawl gear. The MADMF anticipates this reduction in bycatch to continue.

The proposed experiment would be conducted in March and April in statistical areas 123 and 124 in the

GOM. According to the MADMF, operation of the experiment in statistical areas 123 and 124 in March and April would allow the experiment to occur when concentrations of flounder and cod are high enough to demonstrate sufficiently the gear's effectiveness in catching flounder and reducing cod bycatch. EFPs are required because statistical areas 123 and 124 are closed to fishing during March and April under the GOM Rolling Closure Areas I and II. The participating vessels would be allowed to retain 400 lb (181.4 kg) of cod for each 24-hour period they are fishing, as allowed by the regulations at 50 CFR 648.86(b)(i). Any remaining cod captured during the experiment would be immediately returned to the sea. The MADMF anticipates a 50-percent survival rate of released cod collected, based on research conducted by the MADMF.

The MADMF expects that the experiment this year will allow expansion of the data that they have collected from prior experiments, investigation of daytime and nighttime catches, and comparisons of the data between two different vessels. Information obtained by MADMF (and provided to NMFS after completion) could provide for potential gear modification alternatives to be used in the groundfish fishery to prevent the bycatch of cod in directed flounder fisheries.

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

Dated: February 12, 2002.

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. 012402A]

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 that an application to issue EFPs to six longline and tub trawl vessels, submitted by the Maine Department of Marine Resources (Maine DMR), contains all the information required by the regulations governing exempted experimental fishing under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under these EFPs would be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP) and is within the scope of earlier analyses of the impacts. However, further review and consultation may be necessary before a final determination is made to issue six EFPs.

Regulations under the Magnuson-Stevens Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this notification must be received at the appropriate address or fax number (see **ADDRESSES**) on or before March 6, 2002.

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

FOR FURTHER INFORMATION CONTACT: Allison Ferreira, Fishery Management Specialist, 978-281-9103.

SUPPLEMENTARY INFORMATION: NMFS announces that the Regional Administrator intends to issue EFPs to allow six federally permitted vessels to fish for, land, and possess Atlantic halibut (*Hippoglossus hippoglossus*) in excess of the allowable landing and possession limit specified at 50 CFR 648.86(c) within a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area (GOM/GB RMA). The EFPs would also allow these vessels to possess temporarily Atlantic halibut less than the minimum size requirement specified at § 648.83(a)(1) for purposes of collecting scientific information.

Maine DMR submitted a proposal on November 6, 2001, to conduct an experimental Atlantic halibut fishery in a portion of the GOM/GB RMA. The

industry collaborative experiment involves Maine DMR, with consultation provided by the NMFS Northeast Fisheries Science Center (Center). The purpose of the experiment is to continue the collection of data on the distribution, relative abundance, migration, stock definition, mortality

rates, stock size, yield, and other significant biological reference points of the Atlantic halibut resource to be used in the long-term management of the species. In addition, the experiment proposes to collect information on age and growth, size and sex composition, and rate and onset of sexual maturity.

The proposed experiment is a continuation of experimental fisheries conducted by Maine DMR in 2000 and 2001.

The study would occur from April 1 through May 31, 2002, and would take place in a portion of the GB/GOM RMA defined by the following coordinates:

Area Point	N. Latitude	W. Longitude
HAL 1	Mainland Maine Coastline	69° 00"
HAL 2	43° 12.3"	69° 00"
HAL 3	43° 58.3"	67° 21.5"
HAL 4*	Mainland Maine Coastline and U.S./Canada Maritime Boundary	Mainland Maine Coastline and U.S./Canada Maritime Boundary

*Between points HAL 3 and HAL 4, the area follows the U.S. /Canada maritime boundary.

A maximum of six traditional longline and tub trawl vessels would be authorized to participate in the experiment at any given time. These vessels would be limited to a maximum number of 700 hooks per boat, and would be restricted to using circle hooks no smaller than 14/0 in size. Each of the six participating vessels would also be limited to a total allowable catch (TAC) of 50 halibut, with no possession or landing limit. Once this TAC is reached by an individual vessel, that vessel would be restricted to possessing and landing no more than six legal-sized halibut per day. The maximum number of Atlantic halibut that could be harvested as part of this study would be 1,080 halibut, the amount established for the 2000 and 2001 experimental fisheries.

Logbooks supplied by Maine DMR would be used to record information on length of all halibut caught, whether retained or released, time and place of all halibut caught, tag number (if applicable), amount of gear used, and bait type. In addition, species identification and length of all species caught as bycatch during the course of the study would be recorded. For all halibut that are retained, participants would be required to preserve stomachs, gonads, and any other biological samples (including scale and otolith samples) requested by scientists from Maine DMR and the NMFS for further analyses. All halibut less than 36 inches (91.4 cm) total length would be measured, tagged and released. Only legal-sized halibut would be retained for commercial sale. Training in the procedures for collecting this information would be provided by Maine DMR or Center personnel. In addition, participants would be required to complete a training program in the tagging and release of halibut.

Vessels may be required to carry onboard observers as requested by

NMFS and Maine DMR. Onboard observers will consist primarily of Maine DMR staff and possibly University of Maine students. Maine DMR or Center personnel would train observers in the protocols of the experiment.

The 2001 experimental Atlantic halibut fishery took place from April 12—May 31, 2001, within the same study area as the proposed 2002 experimental fishery. Although six vessels were permitted to fish in the 2001 experimental fishery, only four actively participated. Over the course of 50 days, 152 Atlantic halibut were caught, of which 126 were kept and 26 were tagged and released. Most of the kept halibut were sold for consumption, but 45 of the 126 kept halibut were sold live to the University of Maine for use as brood stock. Two of the fish that were caught were recaptured from the 2000 experimental fishery. One of the recaptured fish was re-released, while the other was sold live to the University of Maine. Otolith and gonad samples were taken from all fish retained, except for the 45 fish sold live to the University of Maine.

The 2000 experimental Atlantic halibut fishery took place from April 15 to June 15, 2000. Three vessels participated in this experimental fishery capturing 234 halibut, of which 162 were kept. At an average weight of 40 lb (based on data from the 2000 and 2001 experimental fisheries), this equates to 6,480 lb (2.9 mt) of halibut caught. Compared to a total of 11 mt (24,250 lb) of Atlantic halibut landed from the Gulf of Maine and Georges Bank during 2000, the experimental fishery was responsible for approximately 27 percent of total Atlantic halibut landings in 2000. Furthermore, the amount of Atlantic halibut landed in 2000 from the Gulf of Maine and Georges Bank was 1 mt less

than the Atlantic halibut landed from this region in 1999.

As stated previously, 126 Atlantic halibut were landed during the 2001 Atlantic halibut experimental fishery. This is approximately 22 percent less than the halibut landed during the 2000 experimental fishery. Commercial 2001 halibut landings data are not yet available. However, the percentage of halibut retained during the 2001 experimental fishery in relation to total 2001 halibut landings is not expected to exceed the percentage for 2000, or 27 percent. Based on this information, NMFS believes that the catch rates for the 2002 experimental fishery will not exceed those of the 2000 and 2001 studies. Therefore, the impact of the proposed 2002 experimental halibut fishery on the Atlantic halibut resource as a whole is expected to be minimal. Furthermore, the Center intends to closely monitor the catch rates of vessels participating in this experimental fishery. If the Center determines that catch rates are declining, indicating a significant impact to the resource, NMFS would have the authority to terminate the experimental fishery.

Up to six EFPs would be issued at any one time to exempt these vessels from the landing and possession limit for Atlantic halibut established under the FMP. The EFPs would also authorize the participating vessels to temporarily possess Atlantic halibut less than the minimum size requirement of 36 in. (91.4 cm) TL for purposes of scientific data collection.

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

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

Dated: February 11, 2002.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service
[FR Doc. 02-3981 Filed 2-15-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012802D]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Amendment 6

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

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (DSEIS); request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) intends to prepare a DSEIS to assess the impacts on the natural and human environment of the management measure being developed in its draft Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of South Atlantic Region (FMP).

DATES: Written comments on the scope of issues to be addressed in the preliminary DSEIS will be accepted through March 21, 2002.

ADDRESSES: Comments and requests for copies of the scoping documents should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, FAX: 843-769-4520; email: robert.mahood@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Office; 843-571-4366 or kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION: The shrimp fishery off the South Atlantic States in the exclusive economic zone (EEZ) is managed under the FMP. Following Council preparation, the FMP was approved and implemented by NMFS under the authority of the Magnuson Fishery Conservation and Management Act in June of 1993. Currently, the Council is preparing draft FMP Amendment 6 and a DSEIS as an integrated part of the Amendment. The DSEIS will discuss the proposed Amendment 6 management measures in

conjunction with reasonable alternatives. Each alternative will be assessed in relation to the environmental consequences with a no-action alternative considered as one of the options.

The South Atlantic shrimp fishery consists of white (*Penaeus setiferus*), brown (*Penaeus aztecus*), pink (*Penaeus duorarum*), rock (*Sicyonia brevirostris*), and royal red shrimp (*Hymenopenaeus robustus*). The FMP applies to the shrimp fishery in the South Atlantic EEZ from the southeast coast of Florida to the North Carolina/Virginia border. The management unit consists of white and rock shrimp, which were added under the original FMP and amendment 1 respectively. Amendment 2 added both brown and pink shrimp.

Current management measures are intended to reduce and protect shrimp populations and habitat. One key element of the management plan allows the states bordered by the South Atlantic EEZ to request a closure in Federal waters adjacent to closed state waters for white shrimp following severe cold weather that results in an 80-percent or greater reduction in the population of white shrimp (whiting, royal red and rock shrimp fisheries are exempt from a Federal closure for white shrimp). During such closure, no trawling is allowed with a net having less than 4 inches (10.16 cm) stretch mesh within a zone extending seaward from shore 25 nautical miles.

The FMP has curbed the potential negative effects of trawling through the protection of bottom habitat in specific areas and by requiring the use of bycatch reduction devices (BRD) by all penaeid shrimp trawlers. A crucial component for habitat protection was established in Amendment 1 with the prohibition of rock shrimp trawling within the *Oculina* Bank Habitat Area of Particular Concern. In addition, NMFS is currently reviewing the Council's proposed Amendment 5, which would require vessel monitoring systems and standard mesh sizes on all rock shrimp vessels.

Through Amendment 6, the Council is considering adjusting the overfishing definitions; establishing minimum stock size thresholds (MSSTs) and maximum fishing mortality thresholds (MFMTs); and modifying the requirements for testing and approving BRDs (BRD protocol).

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that FMPs include overfishing definitions and criteria for determining when overfishing is occurring. NMFS has published guidance on using tools such

as MSST and MFMT to assess the condition of a fishery and avoid overfished situations. The Council is reviewing its overfishing definitions in light of current information and is considering establishing values for MSST and MFMT.

In addition, the Magnuson-Stevens Act requires FMPs to minimize bycatch to the extent practicable. The Council believes that by revising the BRD protocol, they could facilitate development of improved BRD technology that could lead to further reductions in bycatch. Following the mandates set by Shrimp FMP Amendment 2 to develop a protocol for BRD testing, the Bycatch Reduction Device Testing Protocol Manual was developed in 1997. In this manual, the specifications test the effectiveness of any new or modified BRD in reducing bycatch of targeted species. The Council is considering modification of the protocol, and how it is administered, to insure that more efficient BRDs are allowed in the fishery.

A scoping meeting to determine the scope of significant issues to be addressed in the DSEIS and the associated Amendment 6 will be conducted at the Council's March 4-8, 2002, meeting in Savannah, GA.

Authority: 6 U.S.C. 1801 *et seq.*

Dated: February 12, 2002.

Bruce C. Morehead,

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

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 020702E]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Fishery Management Council; Public Hearing

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

ACTION: Notice of public hearings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will convene a public hearing to consider additional alternatives for the Sargassum Fishery Management Plan (FMP). The Secretary of Commerce has prepared a Draft Supplemental