

bycatch in South Atlantic penaeid shrimp fisheries included in the amendment.

Draft Amendment 2 would also modify the management unit to include the populations of brown and pink shrimp occurring along the U.S. Atlantic coast from the east coast of Florida, including the Atlantic side of the Florida Keys, to the North Carolina/Virginia border. This amendment includes measures to reduce bycatch only in the penaeid shrimp fishery.

Shrimp trawls have a significant bycatch of non-target finfish and invertebrates, most of which are discarded dead. This may reduce ecosystem diversity, adversely impact other fauna, and significantly reduce yield in other fisheries directed at these discarded species. The Council is proposing regulations to address a mandate established by the Atlantic States Marine Fishery Commission to minimize the impact of bycatch on Spanish mackerel and weakfish resources.

Also, the South Atlantic states, North Carolina, South Carolina, Georgia, and Florida are directed under the interjurisdictional weakfish management plan to implement management measures that will reduce bycatch of weakfish in shrimp trawls by 50 percent for the 1996 shrimp season. The Council, in order to create compatible regulations with the South Atlantic states, is addressing bycatch in Federal waters to ensure effective reduction of weakfish bycatch throughout the range of the species.

Management Measures under Consideration

The following management measures are under consideration by the Council for inclusion in Amendment 2 to the Shrimp FMP:

1. Add brown and pink shrimp to the management unit,
2. Define overfishing for brown and pink shrimp,
3. Define optimum yield for the pink and brown shrimp fisheries,
4. Require the use of certified BRDs in all penaeid shrimp trawls in the South Atlantic Exclusive Economic Zone (EEZ). All shrimp nets (any net with mesh less than 2 1/2 inches (6.35 cm) stretch mesh) and all nets greater than 15 ft (4.6 m) in footrope length (or compatible with Turtle Excluder Device requirements for try nets) that are used as try (test) nets would be required to use a certified BRD.

A. Upon implementation of Amendment 2, BRDs that have passed the operational testing phase of the NMFS cooperative bycatch research

program (fish eyes, extended funnels and large mesh) are de facto certified for use in the EEZ.

B. Other BRDs will subsequently be certified according to procedures and criteria specified in item 5.

5. Establish a BRD certification process and specify certification criteria for new or modified BRDs. The Council is specifically requesting input from industry members concerning protocol options for future BRD certification of new or modified BRDs:

A. The following are options for BRD certification protocol being considered by the Council:

Option 1: The Council makes final recommendations for certification to the NMFS Regional Director;

Option 2: The Regional Director makes the decision based on direct application to NMFS; and

Option 3: BRDs developed, tested and approved by state agencies, meeting the criteria specified in the amendment, may be used in the EEZ in lieu of BRDs certified by NMFS.

Three geographical sub-options are identified for Option 3 to specify where state-approved BRDs would be allowed for use in the EEZ:

- i: Adjacent to the state in which the BRD was approved,
- ii: Throughout the EEZ in the South Atlantic region, or
- iii: In the EEZ by vessels registered in the state where BRDs have been approved.

B. The Amendment will also establish certification criteria for new or modified BRDs. New or modified BRDs must be certified or approved by NMFS for use in the South Atlantic penaeid shrimp fishery based on the following criteria:

- i. The BRD must reduce the bycatch component of fishing mortality for Spanish mackerel and weakfish by 50 percent, and
- ii. The shrimp loss rate (by weight) must be acceptable to fishermen.

The Council intends to finalize both Amendments at its meeting in St. Augustine, FL, from February 12-16, 1996. The public will have an opportunity to comment at the full Council session before the Council takes final action to adopt the amendment's management measures. Once finalized, the amendment will be submitted to NMFS for review, approval and implementation. NMFS will provide a 60-day public comment period on the amendment and a 45-day public comment period on the proposed implementing rule during its 110-day review period.

Special Accommodations

These hearings are physically accessible to people with disabilities.

Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see ADDRESSES) by December 27, 1995.

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

Dated: December 15, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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50 CFR Part 655

[Docket No. 951211295-5295-01; I.D. 111595C]

RIN 0648-XX37

Atlantic Mackerel, Squid, and Butterfish Fisheries; 1996 Specifications

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

ACTION: Proposed 1996 initial specifications; request for comments.

SUMMARY: NMFS proposes initial specifications for the 1996 fishing year for Atlantic mackerel, squid, and butterfish (SMB). Regulations governing these fisheries require NMFS to publish specifications for the upcoming fishing year and provide an opportunity for the public to comment. This action is intended to promote the development of the U.S. SMB fisheries.

DATES: Public comments must be received on or before January 17, 1996.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's quota paper and recommendations are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

Comments should be sent to Dr. Andrew A. Rosenberg, Director, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Please mark the envelope "Comments—1996 SMB specifications."

FOR FURTHER INFORMATION CONTACT: Myles Raizin, 508-281-9104.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP)

prepared by the Mid-Atlantic Fishery Management Council (Council) appear at 50 CFR part 655. These regulations stipulate that NMFS publish a document specifying the initial annual amounts of the optimum yield (IOY), allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint

venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. No reserves are permitted under the FMP for any of these species. Regulations implementing Amendment 4 to the FMP allow the Council to recommend specifications for these fisheries for up to 3 consecutive years.

Procedures for determining the initial annual amounts are found in § 655.22. The following table contains the proposed initial specifications for Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish for 1996. These specifications are based on the recommendations of the Council.

PRELIMINARY INITIAL ANNUAL SPECIFICATIONS FOR SMB FOR THE FISHING YEAR
[January 1 through December 31, 1996 (mt)]

Specifications	Squids		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY ¹	44,000	30,000	² N/A	16,000
ABC ³	30,000	30,000	1,175,500	7,200
IOY	25,000	21,000	⁴ 105,500	5,900
DAH	25,000	21,000	105,500	5,900
DAP	25,000	21,000	50,000	5,900
JVP	0	0	35,000	0
TALFF	0	0	0	0

¹ Max optimum yield (OY) as stated in the FMP.

² Not applicable, see the FMP.

³ IOY can increase to this amount.

⁴ Contains 20,500 mt projected recreational catch based on the formula contained in the regulations (50 CFR part 655).

Atlantic Mackerel

The FMP provides that ABC in U.S. waters for the upcoming fishing year is that quantity of mackerel that could be caught in U.S. and Canadian waters minus the estimated catch in Canadian waters, while still maintaining a spawning stock biomass (SSB) in the year following the year for which catch estimates and quotas are being prepared, equal to or greater than 600,000 mt.

The Council recommended an ABC of 125,500 mt, derived by subtracting the estimated Canadian catch of 24,500 mt from the long-term potential yield of 150,000 mt, which was estimated at the 20th Northeast Regional Stock Assessment Workshop (20th SAW) concluded in August 1995. This recommendation for ABC was based on the provisions for deriving that value as contained in Amendment 5 to the FMP. However, NMFS has determined that ABC should be calculated in accordance with § 655.21 (b)(2)(i), while still using the most recent stock assessment. It would be premature to use the provisions of Amendment 5 to determine ABC for 1996 since the amendment is still undergoing Secretarial review and has not been approved or implemented. The 20th SAW concluded that productivity appears to decline when SSB falls below 900,000 mt. Therefore, the ABC specification for Atlantic mackerel is proposed at 1,175,500 mt. This level of ABC would leave an SSB of 900,000 mt for the following year (1997) from a mean starting value of SSB of 2,100,000

mt while also taking into account a projected Canadian catch of 24,500 mt.

The proposed IOY for the 1996 Atlantic mackerel fishery is set at 105,500 mt, equal to the proposed DAH. The specification for DAH is computed by adding the estimated recreational catch, the proposed DAP, and the proposed JVP. The recreational component of DAH is estimated to be 20,500 mt, using a formula found at § 655.21(b)(2)(ii). DAP and JVP components of DAH have historically been estimated using the Council's annual processor survey. However, for the years 1994 and 1995, response was low and did not contain projections from the large, known processors. In addition, inquiries regarding the utilization of displaced Alaskan freezer trawlers and New England groundfish trawlers for possible entry into the Atlantic mackerel fishery have led the Council to recommend no change to the DAP and JVP for the 1996 fishery. It is generally agreed that joint ventures have had a positive impact on the development of the U.S. Atlantic mackerel fishery and should be encouraged.

The Council has recommended and NMFS proposes a DAH of 105,500 mt, which includes the 20,500 mt recreational component. The Council also recommended and NMFS proposes a DAP of 50,000 mt. The difference between DAH (minus the recreational component) and DAP allows for a JVP of 35,000 mt.

Zero TALFF is recommended for the 1996 Atlantic mackerel fishery by the Council and proposed by NMFS. In 1992, the Council used testimony from both the domestic fishing and processing industries and analysis of nine economic factors found at § 655.21(b)(2)(ii) to determine that mackerel produced from directed foreign fishing would compete directly with U.S. processed products, thus limiting markets available to U.S. processors. The industry was nearly unanimous in its assessment that a specification of TALFF would impede the growth of the U.S. fishery. The Council sees no evidence that this evaluation has changed. Further, the Council believes that an expanding mackerel market and uncertainty regarding world supply, due to the economic and political restructuring in Eastern Europe, may substantially increase opportunities for U.S. producers to increase sales to new markets abroad. Although the U.S. industry has not been successful in capturing a substantial market share for mackerel in the Caribbean, North Africa, and Europe so far, several factors indicate that market expansion of Atlantic mackerel may occur soon. Atlantic mackerel stock abundance remains high. Also, the continued low abundance amounts of several important groundfish stocks in the Gulf of Maine, southern New England, and on Georges Bank are causing further restrictions in fishing effort for those species and the need for many

fishermen to redirect their effort to underutilized species. Atlantic mackerel is now considered a prime candidate for innovation in harvesting, processing, and marketing.

As a supplement to the quota paper for the 1993 and 1994 fisheries, benefit-cost and sensitivity analyses were prepared by the Council and NMFS. Results of the analyses indicated that in the long term a specification of zero TALFF will yield positive benefits to the fishery and to the Nation. In its 1996 quota paper, the Council provides an additional analysis of the costs and benefits of directed foreign fishing, which indicates that the conclusions reached in prior analyses of zero TALFF have not changed.

The Council also recommended and NMFS proposes that four special conditions imposed in previous years continue to be imposed on the 1996 Atlantic mackerel fishery as follows: (1) Joint ventures are allowed south of 37°30' N. lat., but river herring bycatch may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Regional Director, Northeast region, NMFS, should ensure that adverse impacts on marine mammals are reduced in the prosecution of the Atlantic mackerel fishery; (3) the mackerel OY may be increased during the year as described under § 655.21(b)(2)(iv) in consultation with the Council, but the total should not exceed 125,500 mt; and (4) applications from a particular nation for a joint venture for 1996 will not be approved until the Regional Director determines, based on an evaluation of performances, that the Nation's purchase obligations for previous years have been fulfilled.

Atlantic Squids

The maximum OY (Max OY) for *Loligo* is 44,000 mt. The recommended ABC for the 1996 fishery is 30,000 mt, representing a decrease of 6,000 mt from the 1995 ABC of 36,000 mt. This level of ABC is based on the most recent stock assessments and is determined to be at a level that will not harm the continued growth of the resource. The 17th SAW concluded that *Loligo* is an annual species and does not have a 3-year life span, as previously assumed. The 17th SAW recommended that a real-time assessment/management system be used to ensure an adequate level of spawning stock. This will be addressed in Amendment 5 to the FMP, which has

been submitted to the Secretary of Commerce for review. Amendment 5 will also address the need to lower the Max OY, which is defined in the regulations governing the fishery to be 44,000 mt. This specification can be changed only with a plan amendment. In the interim, the Council believes that it would be prudent to reduce the ABC for conservation purposes, as suggested by the 17th SAW. The Council recommended and NMFS proposes an IOY of 25,000 mt, which is 5,000 mt less than ABC and equal to DAH and DAP. DAH and DAP have historically been estimated using the Council annual processor survey. However, for 1995, response was low and did not contain projections from the large, known processors. Furthermore, the Council believes that these stocks may be susceptible to recruitment overfishing due to the 1-year life span of the animals, and in the absence of real-time assessment/management, the Council has chosen a conservative strategy. The proposed IOY/DAH/DAP of 25,000 mt for the 1996 fishery represents a decrease of 11,000 mt from the final 1995 IOY/DAH/DAP of 36,000 mt.

The expansion of the U.S. freezer trawler and refrigerated sea water fleets that participate in this fishery and substantially increased U.S. landings indicate that there is no longer a justification for foreign participation. Therefore, zero JVP and TALFF are specified for the 1996 *Loligo* fishery.

The Max OY for *Illex* squid is 30,000 mt. The Council recommended and NMFS proposes an ABC of 30,000 mt, which is equal to the Max OY. However, the Council has recommended and the Regional Director proposes that the IOY for *Illex* be set at 21,000 mt, 9,000 mt below the ABC, due to the conclusion that *Illex* has a life span of only 1 year and is, therefore, susceptible to recruitment overfishing. Though the 17th SAW determined that *Illex* has a life span of 1 year, no recommendations to adjust Max OY ensued. The 17th SAW recommended that, since *Illex* is a transboundary stock between the United States and Canada, a joint assessment be conducted before a revised Max OY is recommended. However, the 17th SAW advised that the current MSY for *Illex* may be inappropriate and cautioned that, while the stock is under-exploited based on current MSY, the potential for recruitment overfishing may be

substantial. No directed foreign fishery has been specified for *Illex* since 1986, which reflects the large increases in the capacity of the East Coast freezer trawler fleet and projected increases in the number of vessels using refrigerated seawater systems capable of landing high quality *Illex*. Because U.S. vessels have the capacity to harvest the IOY, no joint venture processing is proposed 1996 fishery.

Butterfish

The FMP sets the Max OY for butterfish at 16,000 mt. Based on the most current stock assessments, the Council recommends and the Regional Director proposes an ABC of 7,200 mt for the 1996 fishery, representing a decrease of 8,800 mt from the 1995 final initial specification. Commercial landings of butterfish have been low at 4,000 mt, 2,285 mt, 4,430 mt, and 3,537 mt for the 1991 through 1994 fisheries, respectively. Lack of market demand and the difficulty in locating schools of market size fish have caused severe reductions in the supply of butterfish. Discard data from the offshore fishery is lacking and high discard rates could be reducing potential yield.

The Council recommended and NMFS proposes an IOY for butterfish of 5,900 mt. The U.S. industry has the potential to fully utilize this IOY. Thus, there is no TALFF available. The Council recommends and the Regional Director proposes a DAH of 5,900 mt. There has been no interest expressed in joint ventures, thus, the IOY is proposed at a level that does not allow for a JVP. The Council recommended and NMFS proposes that both JVP and TALFF be specified at zero for the 1996 fisheries. However, a 1,300 mt difference between ABC and IOY is available to accommodate an increase in IOY if economic conditions dictate.

Classification

This action is authorized by 50 CFR part 655, and these proposed specifications are exempt from review under E.O. 12866.

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

Dated: December 15, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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