

in turn would help to rebuild the female portion of the stock and to provide greater rebuilding capacity to the stock as a whole. In addition, spiny dogfish gear selectivity research would contribute to improving current information on the species, including bycatch and discard mortality. This measure will remain in place for quota period 2 to allow for this research.

#### Comments and Responses

*Comment 1:* Two commenters felt that measures other than those in the interim rule would be more fair. One stated that the interim final rule measures are unfair to gillnet vessels and that management measures such as weekly trip limits, individual quotas based on vessel history, and a minimum mesh size of 7 inches (17.8 cm) would reduce discarding. Another commentator stated that the shutdown of the directed spiny dogfish fishery would eliminate a portion of his vessel's income for a part of the year.

*Response:* Management alternatives were considered during the development of the annual specifications for the spiny dogfish fishery and in the interim final rule. Individual quotas were not considered by the Councils when the Spiny Dogfish FMP was under development because of a moratorium enacted by Congress in section 303(d) of the Magnuson-Stevens Fishery Conservation and Management Act that prohibited the development of management options involving individual quotas through October 1, 2000, pending a study of individual transferable quotas by the National Research Council. Other management alternatives were determined to be either unlikely to achieve the necessary conservation targets or infeasible. For example, mesh-size restrictions may not provide the necessary conservation benefits because, while the larger mesh size may exclude juvenile spiny dogfish, it would still capture the larger female spiny dogfish, which are of special concern to the reproductive capacity of the stock. The interim final rule implemented measures to end overfishing while providing the greatest future benefits to the fishing communities, based on the available information. In the future, the Councils are expected to consider additional alternatives designed to reduce bycatch of spiny dogfish in other fisheries and to mitigate short-term economic hardships, as requested by the Secretary.

*Comment 2:* One commentator reiterated its concerns expressed during the comment period of the proposed rule for the FMP. The commentator

believes that a lack of information on the fishery and the stock status continues to be a problem with the interim final rule. The commentator believes that some NMFS analyses indicate that the level of discards of spiny dogfish in non-directed fisheries would be so great that it would cause the FMP measures to fail. The commentator stated that the experimental fishery quota set-aside was an attempt to shield the lack of substantive information that is usually required to establish an FMP and an attempt to indicate to the industry that serious work will be done to support changes in the plan that would forestall the closure of directed harvesting and the consequent loss of markets.

*Response:* The need for restrictive management measures for spiny dogfish was established in the FMP. The Secretary delayed implementation of the FMP in order for the Councils to consider additional information and to reach an agreement on management measures for the 2000 fishing year. When the Councils failed to come to an agreement, the Secretary implemented the interim final rule to be consistent with the FMP and to end overfishing. As required by the Magnuson-Stevens Act, the FMP and the interim final rule are based on the best available scientific information and on established measures to end overfishing on spiny dogfish. While an analysis prepared by NMFS does indicate that a high amount of spiny dogfish discards is possible with low trip limits, it does not indicate that such discards compromise the rebuilding plan established in the FMP. The trip limit analysis was unable to quantify the expected changes in fishing practices by fishermen to avoid spiny dogfish due to low trip limits. Also, low trip limits essentially eliminate the directed spiny dogfish fishery, thereby preventing the high amount of discards of small spiny dogfish known to be associated with the directed spiny dogfish fishery. The research set-aside encourages industry and researchers to improve selectivity of spiny dogfish gear and methods.

*Comment 3:* The Massachusetts Division of Marine Fisheries (MADMF) commented on the rationale behind the management measures implemented in Massachusetts shortly before the interim final rule was implemented. In late April, the MADMF implemented a 7-million lb (3,175-mt) quota, a 7,000-lb (3,175-kg) trip limit, a 31-inch (78.7-cm) minimum fish size, and gillnet restrictions. The MADMF believes that these measures allow a small-scale directed fishery while remaining consistent with the FMP and the

Magnuson-Stevens Act. Further, the MADMF believes that the small-scale directed fishery would reduce discards while allowing the processing sector to maintain its infrastructure.

*Response:* The MADMF management strategy does not eliminate overfishing as required by the FMP because it does not result in a fishing mortality rate of  $F = 0.03$  or less. The Spiny Dogfish Technical Committee is continuing to evaluate alternative management approaches and will consider updated stock status information. The Spiny Dogfish Joint Committee and the Councils may consider the new information and new alternatives in 2001 in an amendment to the FMP. An FMP amendment would be necessary to modify the rebuilding program in the FMP.

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

Dated: October 25, 2000.

**William T. Hogarth,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 00-27867 Filed 10-26-00; 1:08 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 991210329-0273-02; I.D. 102699B]

RIN 0648-AM36

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Amendment 58 to Revise the Chinook Salmon Savings Area; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects regulatory text in the final rule that implements Amendment 58 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP), which was published in the **Federal Register** on October 12, 2000.

**DATES:** Effective November 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7008.

**SUPPLEMENTARY INFORMATION:**

#### Background

A final rule was published in the **Federal Register** on October 12, 2000

(65 FR 60587), to implement Amendment 58 to the FMP. In the regulatory text portion of the final rule, a reference to Figure 8a and Figure 8b were inadvertently omitted from the revised definition for "Chinook Salmon Savings Area of the BSAI." Also, the paragraph designations were incorrectly labeled for § 679.21(e)(7)(viii).

**Correction**

In the final rule to implement Amendment 58 to the FMP, which revises the Chinook Salmon Savings Area, published at 65 FR 60587, October 12, 2000, FR Doc. 00-26086, the following corrections are made:

**§ 679.2 [Corrected]**

1. On page 60588, column 2, § 679.2, the definition for "Chinook Salmon Savings Area of the BSAI" is corrected to read: "Chinook Salmon Savings Area of the BSAI (see § 679.21(e)(7)(viii) and Figure 8a and Figure 8b to this part)."

2. On page 60588, column three, § 679.21 (e)(7)(viii) is correctly revised to read as follows:

**§ 679.21 Prohibited species bycatch management.**

\* \* \* \* \*

(e) \* \* \*

(7) \* \* \*

(viii) Chinook salmon. If, during the fishing year, the Regional Administrator determines that catch of chinook salmon, by vessels using trawl gear while directed fishing for pollock in the BSAI, will reach the annual limit as identified in paragraph (e)(1)(vii) of this section, NMFS, by notification in the **Federal Register** will close the Chinook Salmon Savings Area, as defined in Figure 8 to this part, to directed fishing for pollock with trawl gear consistent with the following dates:

(A) From the effective date of the closure until April 15, and from September 1 through December 31, if the Regional Administrator determines that the annual limit of chinook salmon will be attained before April 15.

(B) From September 1 through December 31, if the Regional Administrator determines that the annual limit of chinook salmon will be attained after April 15.

\* \* \* \* \*

Dated: October 25, 2000.

**William T. Hogarth,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 00-27874 Filed 10-30-00; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 697**

[Docket No. 00824246-0294-03; I.D. 062700F]

RIN 0648-AO33

**Horseshoe Crab; Interstate Fishery Management Plans; Cancellation of Moratorium**

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

**ACTION:** Cancellation of Federal moratorium; final rule.

**SUMMARY:** The Secretary of Commerce (Secretary) announces the cancellation of the Federal moratorium on fishing for horseshoe crabs in the Commonwealth of Virginia (Virginia) waters and the removal of regulations prohibiting the possession of horseshoe crabs in Virginia waters and the landing of horseshoe crabs in Virginia, regardless of where they were caught. The Secretary cancelled the moratorium, as required by the Atlantic Coastal Fisheries Cooperative Management Act (Act), based on his determination that Virginia is now in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for horseshoe crabs.

**DATES:** Effective October 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 301-427-2014.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 7, 2000, National Marine Fisheries Service (NMFS) determined that Virginia was not in compliance with Addendum 1 to the Commission's ISFMP for horseshoe crabs and that the measure Virginia failed to implement is necessary for the conservation of the fishery in question. Virginia was notified by letter on July 11, 2000, of this determination, and that NMFS required additional time to analyze the timing and nature of the moratorium's implementation before issuing a declaration of a moratorium and a rule necessary to implement Section 806 of the Act.

On October 16, 2000 (65 FR 61116), the Secretary declared a Federal moratorium effective October 23, 2000, on fishing for horseshoe crabs in

Virginia waters and issued regulations prohibiting the possession of horseshoe crabs in Virginia waters and the landing of horseshoe crabs in Virginia, regardless of where they were caught. Details were provided in the October 16, 2000, **Federal Register** document and are not repeated here. On October 20, 2000, the Secretary stayed the effective date of the moratorium and associated regulations until October 27, 2000, because Virginia was in the process of implementing regulations to reduce its horseshoe crab quota. This stay was filed on October 20, 2000, at the Office of the **Federal Register**, effective October 23, 2000, and published in the **Federal Register** on October 24, 2000 (65 FR 63550).

The Act specifies that, if, after a moratorium is declared with respect to a State, the Secretary is notified by the Commission that it is withdrawing the determination of noncompliance, the Secretary shall immediately determine whether the State is in compliance with the applicable plan. If the State is determined to be in compliance, the moratorium shall be terminated.

**Activities Pursuant to the Act**

On October 20, 2000, the Secretary received a letter from the Commission prepared pursuant to the Act. The Commission's letter stated that Virginia had taken corrective action to comply with Addendum 1 to the Commission's ISFMP for horseshoe crabs, and, therefore, the Commission was withdrawing its determination of noncompliance.

**Cancellation of the Moratorium**

Based on the Commission's October 20, 2000, letter, information received from the Virginia, and the Secretary's review of Virginia's revised regulations, which reduced its quota of horseshoe crabs from 355,000 horseshoe crabs to 152,495 horseshoe crabs as required by Addendum 1, the Secretary concurs with the Commission's determination that Virginia is now in compliance with Addendum 1 to the Commission's ISFMP for horseshoe crabs. Therefore, the moratorium on fishing for horseshoe crabs in Virginia waters is cancelled, and the associated regulations removed.

**Changes from Interim Final Rule**

These changes were due to the cancellation of the moratorium and associated regulations. The definition of horseshoe crab in § 697.2 is removed, and in § 697.7, paragraph (e) is removed. This paragraph includes the provision that it is unlawful for any person to possess horseshoe crabs in Virginia waters or land horseshoe crabs