

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 600

[I.D. 070901B]

## 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 determined that an application for EFPs contains all of the required information and warrants further consideration. The 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 Multispecies Fishery Management Plan (FMP), and the cumulative impacts would be within the scope of earlier analyses on the FMP. However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs in response to the application that would allow up to 20 vessels to conduct fishing operations otherwise restricted by the regulations governing the fisheries of the northeastern United States. Such fishing operations would continue the collection of data on bycatch of regulated multispecies and would provide information to NMFS and the New England Fishery Management Council regarding whether or not the fishery may be made an exempted fishery under the Northeast Multispecies regulations. The Massachusetts Division of Marine Fisheries (MADMF) has submitted an application for EFPs for commercial otter trawl vessels using the raised footrope trawl. The EFPs would allow the federally permitted vessels to fish with the modified otter trawl with mesh less than the minimum mesh size within a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area. 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 notification must be received at the appropriate address or fax number (see **ADDRESSES**) on or before August 3, 2001.

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

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

**SUPPLEMENTARY INFORMATION:** MADMF submitted a proposal on May 18, 2001, for EFPs for up to 20 vessels to fish with a modified small-mesh otter trawl for silver hake (*Merluccius bilinearis*) in a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area. The proposed experiment is a continuation of an experimental fishery conducted in 1999 and 2000 to gather information on bycatch retained by the modified otter trawl in the requested area. The experiment proposes to continue the collection of data to determine whether or not the fishery has a level of bycatch of regulated multispecies that would enable the fishery to be determined an exempted fishery under the criteria set forth in the FMP. Based on the outcome of this EFP, this action may lead to future rulemaking.

The study would occur from September 1 through December 30, 2001, and take place east of Cape Cod in an area defined by the following coordinates:

| Area Point | N. Latitude | W. Longitude |
|------------|-------------|--------------|
| RFT1       | 42°14.05'   | 70°08.80'    |
| RFT2       | 42°09.20'   | 69°47.80'    |
| RFT3       | 41°54.85'   | 69°35.20'    |
| RFT4       | 41°41.50'   | 69°32.85'    |
| RFT5       | 41°39.00'   | 69°44.30'    |
| RFT6       | 41°45.60'   | 69°51.80'    |
| RFT7       | 41°52.30'   | 69°52.55'    |
| RFT8       | 41°55.50'   | 69°53.45'    |

The maximum number of vessels participating in the experiment at a given time would be 20 with an estimated total number of trips at approximately 200. The gear to be used during the experiment is a modified small-mesh otter trawl called the "raised footrope trawl." The gear uses modifications of the float configuration, headrope, footrope, and sweep to keep the mouth of the net from fishing on the bottom and retaining bottom-dwelling species such as flounders, monkfish,

skates, lobster, and crabs. Participating vessels would also be subject to a minimum mesh size of 2.5 inches (6.35 cm) in the codend and would be allowed to retain a maximum of 7,500 lb (3,402 kg) of silver hake and offshore hake (*Merluccius albidus*) with nets of mesh size between 2.5 inches (6.35 cm) and 3 inches (7.62 cm), and a maximum of 30,000 lb (13,608 kg) of silver hake and offshore hake with nets of mesh size 3 inches (7.62 cm) and above. The possession limits are to ensure that the conservation goals for whiting are preserved. Vessels may be required to carry onboard observers as requested by MADMF and/or NMFS. Onboard observers will be trained in the protocols of the experiment by MADMF and/or NMFS.

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

Dated: July 13, 2001.

**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 622

[I.D. 071001F]

RIN 0648-AO51

## Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Fishery Management Plan

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 11 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico (Amendment 11) to NMFS for review, approval, and implementation. Amendment 11 would require all shrimp vessels harvesting shrimp in the Gulf of Mexico exclusive economic zone (EEZ) to obtain an annually renewable Federal shrimp vessel permit from NMFS and would prohibit the use of traps in the royal red shrimp fishery of the Gulf of Mexico. Written comments are requested from the public.

**DATES:** Written comments must be received on or before September 17, 2001.

**ADDRESSES:** Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727-522-5583. Comments will not be accepted if submitted via e-mail or Internet.

Copies of Amendment 11, which includes an Environmental Assessment, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis are available from the Gulf of Mexico Fishery Management Council, The Commons at Rivergate, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266. phone: 813-228-2815; fax: 813-833-1844.

Written comments regarding the collection-of-information (e.g., permits) requirements contained in this document may be submitted to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Dr. Steven Branstetter, 727-570-5305; fax 727-570-5583; e-mail: [steve.branstetter@noaa.gov](mailto:steve.branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any fishery management plan (FMP) or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a document in the **Federal Register** stating that the FMP or amendment is available for public review and comment.

The shrimp fishery is the largest fishery in terms of numbers of fishing vessels and participants in the Gulf of Mexico, but is one of the few federally managed fisheries with no fishing permit requirement. Currently, there are limited data available to estimate the number of shrimp fishing vessels and fishing effort expended by those vessels in the Gulf of Mexico EEZ. Amendment 11 would require all shrimp vessels harvesting shrimp in the Gulf of Mexico EEZ to obtain an annually renewable Federal shrimp vessel permit from NMFS. In proposing this action, the Council concluded that information collected via a Federal permit system would aid in the formulation of sound

management measures for the shrimp fishery and for those finfish fisheries that are impacted because of the bycatch and bycatch mortality attributable to the shrimp fishery.

Royal red shrimp have been a small component of the Gulf of Mexico shrimp fishery since the early 1960s, traditionally being fished by vessels using modified shrimp trawls at depths exceeding 100 fathoms (183 meters). The Council concluded that allowing trap gear to be used in this fishery would likely lead to gear conflicts and could lead to overfishing. At the Council's request, NMFS implemented an emergency interim rule prohibiting the use of trap gear in the royal red shrimp fishery within the EEZ of the Gulf of Mexico that was promulgated on September 19, 2000 (65 FR 56500), and was extended until September 14, 2001 (66 FR 14862, March 14, 2001).

A proposed rule that would implement measures contained in Amendment 11 has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by September 17, 2001, whether specifically directed to the FMP or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve Amendment 11. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on Amendment 11 or its proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: July 13, 2001.

**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 622 and 640

[I.D. 020801A]

RIN 0648-AN83

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to the Fishery Management Plans of the Gulf of Mexico

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** NMFS announces that the Gulf of Mexico Fishery Management Council (Gulf Council) has submitted for review, approval, and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) those measures of its Generic Amendment Addressing the Establishment of the Tortugas Marine Reserves in the Fishery Management Plans of the Gulf of Mexico (Generic Tortugas Amendment) that would amend the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic and the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic. The Generic Tortugas Amendment would establish two marine reserves in the exclusive economic zone in the vicinity of the Dry Tortugas, FL. Within the marine reserves, fishing for any species and anchoring by fishing vessels would be prohibited. The intended effect is to protect and conserve important marine resources. NMFS previously approved those measures of the Generic Tortugas Amendment that amend the Gulf Council's other fishery management plans (FMPs).

**DATES:** Written comments must be received on or before September 17, 2001.

**ADDRESSES:** Written comments on the subject measures of the Generic Tortugas Amendment must be sent to Michael Barnette, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or the Internet.