

address or fax number (see **ADDRESSES**) on or before May 14, 2002.

ADDRESSES: Comments should be sent to Patricia Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope "Comments on Exempted Fishing Permit Application."

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 978-281-9104.

SUPPLEMENTARY INFORMATION: The Mount Desert Oceanarium of Southwest Harbor, ME submitted an application for an EFP on March 11, 2002 to collect several species of fish for public display. The target species would include winter flounder (blackbacks), witch flounder (dabs), yellowtail flounder, American plaice (grey sole), Atlantic halibut, monkfish, eel pouts, sculpins, sea ravens, Atlantic cod, wolfish, spiny dogfish, little skate, barndoor skate, and various species of the Phyla Arthropoda (not including lobsters) and several species of Echinodermata.

A single chartered vessel would use a shrimp trawl with 2-inch (5.08-cm) mesh to collect marine fish over a 3-day period from May 7, 2002, through May 27, 2002. The specimens would be cared for in chilled and aerated seawater while on board the fishing vessel and would be transferred live to tanks the day they are caught. They would then be brought to shore, maintained in tanks for public display for a period of time not to exceed 5 months and returned to the sea in October 2002.

Collection would be made using a 2-inch (5.08-cm) mesh shrimp net within the Small Mesh Northern Shrimp Fishery Exemption Area (Area) off Maine. Since the shrimp fishery would be closed at the time of collection, an exemption from the Northeast multispecies minimum mesh regulation of 6-inch (15.24-cm) diamond/6.5-inch (16.51-cm) square mesh at 50 CFR 648.80(a)(2) for vessels operating in the Area would be required. If the target species cannot be located in the Area, an exemption from the Northeast multispecies minimum mesh regulation of 6-inch (15.24-cm) diamond/6.5-inch (16.51-cm) square mesh at 50 CFR 648.80(a)(2) would be required to allow collection farther east and southeast in portions of the Gulf of Maine/Georges Bank Regulated Mesh Area.

In addition, the applicant has requested exemptions from monkfish and multispecies days-at-sea requirements at 50 CFR 648.92 and 648.82. The target species would include winter flounder (blackbacks),

witch flounder (dabs), yellowtail flounder, American plaice (grey sole), Atlantic halibut, monkfish, eel pouts, sculpins, sea ravens, Atlantic cod, wolfish, spiny dogfish, little skate, barndoor skate, and several species of the Phyla Arthropoda (excluding lobsters) and Echinodermata.

The applicant would retain a maximum of six fish per species, juveniles and adults combined. The applicant has requested exemption from minimum fish sizes and possession limits at 50 CFR 648.83, 648.86, 648.89, 648.93, 648.94 (multispecies and monkfish fisheries), 648.103, 648.105 (summer flounder fishery), 648.124, 648.125 (scup fishery), and 648.143, 648.145 (black sea bass fishery).

Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

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

Dated: April 23, 2002.

Bruce C. Morehead,

Acting director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02-10489 Filed 4-26-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 042202D]

Atlantic Highly Migratory Species; Sea Turtle and Whale Protection Measures; Fishing Vessel Permits; Charter Boat Operations

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

ACTION: Notice of public hearings; extension of comment period; request for comments.

SUMMARY: NMFS will hold four public hearings to receive comments from fishery participants and other members of the public on two proposed rules. The first would implement sea turtle and whale protection measures for the bottom longline, pelagic longline, and shark gillnet fisheries for Atlantic highly migratory species (HMS). The comment period on this proposed rule is extended to May 20, 2002, to coincide with the comment period of the supporting Draft Supplemental Environmental Impact Statement (DSEIS) issued for the rule.

The second proposed rule would amend the consolidated regulations governing the Atlantic HMS fisheries to define operations and regulations for HMS Charter/Headboats (CHBs), require an Atlantic HMS recreational permit, adjust the timeframe for permit category changes for Atlantic HMS and Atlantic tunas permits, clarify the regulations regarding the retention of Atlantic bluefin tuna (BFT) in the Gulf of Mexico by recreational and HMS CHB vessels, and clarify NMFS' authority to set different BFT recreational fishing retention limits by vessel type (e.g., charter boats, headboats). To accommodate people unable to attend a hearing or wishing to provide written comments, NMFS also solicits written comments on these proposed rules.

DATES: See **SUPPLEMENTARY INFORMATION** for hearing dates and times.

Written comments on the proposed rule implementing protection measures for sea turtles and whales must be received no later than 5 p.m., eastern standard time, on May 20, 2002, which was extended from May 10, 2002.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for hearing locations.

For copies of the proposed rule implementing protection measures for sea turtles and whales and the DSEIS contact Tyson Kade or Margo Schultze-Haugen at 301-713-2347, or write to Christopher Rogers.

For copies of the proposed rule on CHB and recreational HMS permits, contact Brad Mchale or Pasquale Scida at 978-281-9260.

Written comments on these proposed rules should be sent to Christopher Rogers, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments also may be sent via facsimile (fax) to 301-713-1917. Comments will not be accepted if submitted via e-mail.

FOR FURTHER INFORMATION CONTACT: Tyson Kade and Margo Schulze-Haugen at 301-713-2347 about the sea turtle and whale protection measures and Brad Mchale and Pasquale Scida at 978-281-9260 about CHB and recreational HMS permits.

SUPPLEMENTARY INFORMATION: The proposed regulations that are the subjects of these hearings are necessary to address requirements of the Magnuson-Stevens Fishery Conservation and Management Act and the Endangered Species Act.

A complete description of the sea turtle and whale protection measures and the purpose and need for the

proposed action are contained in the proposed rule, published April 10, 2002 (67 FR 17349), and are not repeated here. Copies of the proposed rule may be obtained by writing (see **ADDRESSES**) or by calling the listed contact person (see **FOR FURTHER INFORMATION CONTACT**).

The proposed rule addressing CHB and recreational HMS permits will publish in the **Federal Register** on April 26, 2002. Upon publication, copies of the proposed rule may be obtained by writing (see **ADDRESSES**) or by calling the listed contact person (see **FOR FURTHER INFORMATION CONTACT**).

Hearing Dates, Times, and Locations

The hearings for these proposed rules will be conducted jointly at the identified locations. NMFS intends to dedicate half of the hearing time to each proposed rule. The public hearing schedule is as follows:

Wednesday, May 8, 2002—Panama City, FL, 7–9 p.m.—NMFS Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408

Monday, May 13, 2002—Barnegat Light, NJ, 7–9 p.m.—Barnegat Light Fire House, 10th and Boulevard Street, Long Beach Island, Barnegat Light, NJ 08006

Wednesday, May 15, 2002—Riverhead, NY, 7–9 p.m.—Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901

Friday, May 17, 2002—Silver Spring, MD, 2–4 p.m.—NOAA Science Center, 1301 East-West Highway, Silver Spring, MD 20910

Public Hearings Code of Conduct

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a representative of NMFS will explain the ground rules (e.g., alcohol is prohibited from the hearing room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the hearing so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they will be asked to leave the hearing.

Special Accommodations

The hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to

Tyson Kade (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the hearing.

Authority: 16 U.S.C. 971 *et seq.*, and 16 U.S.C. 1801 *et seq.*

Dated: April 24, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–10487 Filed 4–24–02; 3:20 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 020311051–2051–01; I.D. 022002C]

RIN 0648–AN75

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Pelagic Longline Gear Restrictions, Seasonal Area Closure, and Other Sea Turtle Take Mitigation Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule that would implement the reasonable and prudent alternatives of the March 29, 2001, Biological Opinion (BiOp) issued by NMFS under the Endangered Species Act (ESA). This proposed rule is intended to reduce interactions between endangered and threatened sea turtles and pelagic fishing gear and to mitigate the harmful effects of interactions that occur. This proposed rule would apply to the owners and operators of all vessels fishing for pelagic species under Federal western Pacific limited access longline permits (longline vessels) within the exclusive economic zone (EEZ) and the high seas around Hawaii, as well as those fishing for pelagic species with other types of hook and line gear (non-longline pelagic vessels) within the EEZ around Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Midway, Johnston or Palmyra Atolls, Kingman Reef, and Wake, Jarvis, Baker, or Howland Islands (the western Pacific region). This proposed rule would prohibit the targeting of swordfish north of the equator by longline vessels, close all longline fishing to longline vessels

during April and May in waters south of the Hawaiian Islands (from 15° N. lat. to the equator, and from 145° W. long. to 180° long.), prohibit the landing or possessing of more than 10 swordfish per fishing trip by longline vessels fishing north of the equator, allow the re-registration of vessels to Hawaii longline limited access permits only during the month of October, require all longline vessel operators to annually attend a protected species workshop and, impose sea turtle handling and resuscitation measures on both longline vessels, and non-longline pelagic vessels.

DATES: Comments on this proposed rule must be received no later than 5 p.m., Hawaiian standard time, on May 14, 2002.

ADDRESSES: Written comments on this proposed rule or its Initial Regulatory Flexibility Analysis (IRFA) must be mailed to Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI, 96814–4700; or faxed to 808–973–2941. Comments will not be accepted if submitted via e-mail or the Internet. Copies of the Environmental Impact Statement (EIS), Regulatory Impact Review, and IRFA prepared for this action may be obtained from Dr. Charles Karnella, PIAO. See also <http://swr.nmfs.noaa.gov> to view the EIS.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, PIAO, at 808–973–2937.

SUPPLEMENTARY INFORMATION: The BiOp concluded that the ongoing operations of the pelagic fisheries of the western Pacific region managed under the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP), particularly the Hawaii-based longline fishery, were likely to jeopardize the continued existence of green, leatherback, and loggerhead sea turtles. This conclusion was based on the status of these sea turtle populations, as well as the types and numbers of fishery interactions that occur annually. The majority of interactions are believed to involve Hawaii-based longline vessels and typically are the result of hookings or entanglements with fishing gear that is soaking in the water column. A percentage of these turtles die and others are released alive. Of those released alive, some are injured and released with embedded hooks or trailing gear while others are released unharmed. Historic data (1994–1999) indicate that, on average, this fishery was annually involved in 40 interactions with green sea turtles, 112