

process is not sufficient to prevent large losses that may result in extinction.

Upon receipt of the petition, we reviewed the available information to determine if the existing and foreseeable threats represented an emergency to the western gray squirrel. The petition identified the proposed construction of the Cross-Base Highway in Pierce County as presenting an imminent and significant threat to the well-being of western gray squirrels in south Puget Sound. Consequently, the petitioners requested an emergency listing of the Washington population(s) of the western gray squirrel or, as an alternative, emergency listing the Puget Sound population "followed by consideration of the full Washington State distinct population segment."

The currently anticipated schedule for the proposed Cross-Base Highway indicates the Record of Decision will not be completed until August 2003. There is limited funding available for project development beyond the completion of the environmental documentation phase. Before construction can begin, the project will require 2 years for engineering design and 2 years for right-of-way acquisition. Although there will be some overlap in timing, Pierce County anticipates the necessary time for completion of the three phases will not be less than about 5 years (T.G. Ballard, County Engineer, Pierce County Public Works and Utilities, *in litt.*, 2002). Consequently, we have determined that the Cross-Base Highway does not present an imminent threat to the southern Puget Sound population of western gray squirrels, and an emergency listing is not warranted at this time. However, we would initiate an emergency listing if, at any time, we determine that an emergency listing of a species, including a DPS, is warranted.

#### Petition Finding

We have reviewed the petition, the literature cited in the petition, and other literature and information available in our files. On the basis of the best scientific and commercial information, we find the petition presents substantial information that there may be one or more distinct population segments of western gray squirrels in Washington for which listing may be warranted.

With the publication of this notice, we are initiating a status review of *Sciurus griseus griseus* to determine whether one or more of this subspecies' populations in Washington constitute a DPS, and if so, whether listing of such DPS(s) is warranted, not warranted, or warranted but precluded by other pending proposals.

#### Public Information Solicited

When we make a finding that sufficient information exists to indicate that listing a species may be warranted, we are required to promptly commence a review of the status of the species. To ensure the status review is complete and based on the best available scientific and commercial information, we are soliciting information on the western gray squirrel throughout the subspecies' (*Sciurus griseus griseus*) range in Washington, Oregon, California, and Nevada. Information on the status of the subspecies rangewide will assist us in determining if one or more of the Washington populations of western gray squirrels meet the distinct vertebrate population segment criteria, particularly the significance test, or constitute a significant portion of the range.

We request any additional information, comments, and suggestions from the public, governmental agencies, the scientific community, industry, and any other interested parties concerning the status of this subspecies of western gray squirrel throughout its range in Washington, Oregon, California, and Nevada. We are seeking information regarding historic and current distribution, habitat use and habitat conditions, biology and ecology, ongoing conservation measures for the subspecies and its habitat, and threats to the subspecies and its habitat. More specifically, for the three Washington populations of the western gray squirrel, we request any available information on: (1) The genetics of these populations, as they relate to each other and to the closest populations in Oregon; (2) the extent to which the two populations east of the Cascade Range are discrete from each other; (3) current status and trends of each of these populations; (4) the presence and status of the subspecies on additional public or private lands; (5) identification of current specific threats to each of the populations; and (6) any additional information that will support the DPS analysis of the significance, as defined in our DPS policy (see Distinct Vertebrate Population Segment section above), of each of these populations to the subspecies as a whole.

If you wish to comment, you may submit your comments and materials concerning this finding to the Manager, Western Washington Fish and Wildlife Office (see ADDRESSES section). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular office hours. Respondents may request that we withhold a respondent's identity, as

allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

#### References Cited

A complete list of all references cited herein is available upon request from the Western Washington Fish and Wildlife Office (see ADDRESSES section).

#### Author

The primary author of this document is Dr. Karolee Owens, of the Western Washington Fish and Wildlife Office (see ADDRESSES above).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 17, 2002.

**Marshall P. Jones Jr.,**

*Acting Director, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 100102D]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all 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 (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue an EFP that would allow one vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The experiment proposes to conduct a study of an experimental bycatch reduction device in order to develop otter trawl gear for the NE Multispecies fishery that would result in reduced catch of Atlantic cod. The EFP would allow these exemptions for one commercial vessel for not more than 5 days of sea trials. All experimental work would be monitored by Manomet Center for Conservation Sciences personnel. 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 document must be received on or before November 13, 2002.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Manomet EFP Proposal for Inclined Mesh Bycatch Reduction Device." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Tom Warren, Fishery Policy Analyst, 978-281-9347.

**SUPPLEMENTARY INFORMATION:** An application for an EFP was submitted by Manomet Center for Conservation Sciences on August 19, 2002.

The EFP would allow for exemptions from the Gulf of Maine (GOM) Regulated Mesh Area gear requirements at 50 CFR 648.80(a)(3)(i) and the days-at-sea (DAS) requirements at 648.82(a). The EFP would exempt one federally permitted commercial fishing vessel from the following two requirements of the NE Multispecies FMP: The requirement to use a minimum mesh size of 6.0 inch (15.2 cm) diamond mesh or 6.5 inch (16.5 cm) square mesh in the body and extension of a trawl net while fishing in the GOM Regulated Mesh Area; and the requirement to use a day-at-sea (DAS) while targeting groundfish.

The goal of this study is to assess the utility of a bycatch reduction device in the GOM groundfish fishery. The specific trawl design to be tested is referred to as an inclined separation panel. The separation panel consists of 4 inch (10.2 cm) diamond mesh sewn in the extension and codend of a trawl (with 6.5-inch (16.5-cm) diamond mesh codend). The vessel will target mixed groundfish (yellowtail flounder, winter flounder, American plaice, Atlantic cod, and summer flounder). All undersized fish would be returned to the sea as quickly as possible after measurement. The incidental catch is expected to be comprised of skates, dogfish, sculpin and sea robin. The incidental catch of these species is expected to be minimal and efforts will be made to return incidentally caught species to the sea as quickly as possible. According to the applicant, a trawl net of similar design has been used in Irish Sea fisheries to separate cod from other roundfish and flatfish, with a success rate of approximately 80 percent.

The applicant requested that the research be conducted in the GOM in the area north of 42° 30' N. lat. and west of 69° 00' W. long. However, due to the severely overfished condition of the Cape Cod stock of yellowtail flounder, NMFS will confine the research to the area north of the stock boundary 42° 50' N. lat. The vessel would conduct a total of approximately 25 tows of 20 to 30 minutes duration over a period of 5 sea days. The tows would be recorded using a video camera in order to verify proper net functioning and to record fish behavioral reactions. Fish retained by the upper and lower codends would be counted, weighed and measured, and all legal catch sold. The vessel would be exempted from 5 DAS in order to provide compensation for a portion of the cost of the research.

If the research results prove similar to the 80-percent success rate reported by the Irish industry, the applicant intends to conduct future research to fine-tune the use of the net and conduct fleetwide trials with the hope of integrating a bycatch reduction device requirement into the FMP.

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

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

Dated: October 23, 2002.

**Dean Swanson,**

*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 600 and 648

[Docket No. 021017239-2239-01; I.D. 091902F]

RIN 0648-AQ15

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Foreign Fishing and Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2003 Specifications and Foreign Fishing Restrictions

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

**ACTION:** Proposed rule, 2003 initial specifications; request for comments.

**SUMMARY:** NMFS proposes initial specifications for the 2003 fishing year for Atlantic mackerel, squid, and butterfish (MSB). Regulations governing these fisheries require NMFS to publish proposed specifications for the upcoming fishing year and to provide an opportunity for public comment. This action also proposes an inseason adjustment procedure for the 2003 mackerel joint venture processing (JVP) annual specifications. Finally, NMFS proposes a revision to the method for carrying over *Loligo* squid Quarter I underages into Quarter III. The intent of this action is to promote the development and conservation of the MSB resources.

**DATES:** Public comments must be received no later than 5 p.m., Eastern Standard Time, on November 27, 2002.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. The EA/RIR/IRFA is accessible via the Internet at <http://www.nero.gov/ro/doc/nr.htm>.

Comments on the proposed specifications should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Please mark the envelope, "Comments-2003 MSB Specifications." Comments also may be sent via