

The purpose of the ICA is to use real-time salmon bycatch information to avoid unacceptably high incidental catch rates of chum and Chinook salmon. The ICA is a private, contractual agreement among the parties. All parties to the ICA have agreed to abide by all tenants of the contract and the structure of the ICA and to retain the services of a private contractor to gather and analyze data, monitor the fleet, and report necessary bycatch information to the parties of the ICA.

The ICA requires that the bycatch rate of a participating cooperative be compared to a pre-determined bycatch rate (base rate). All ICA provisions for fleet bycatch avoidance behavior, closures, and enforcement are based on the ratio of the cooperative's actual salmon bycatch rate to the base rate.

An ICA cooperative is assigned to one of three tiers based on its salmon bycatch rate relative to the base rate. Higher tiers correspond to higher salmon bycatch rates. Tier assignments determine access privileges to specific areas. A cooperative assigned to a high tier is restricted from fishing in a relatively larger geographic area to avoid unacceptably high salmon bycatch areas. A cooperative assigned to a low tier based on fishing behavior that results in relatively low salmon bycatch rates is granted access to a wider range of fishing areas. The private contractor tracks salmon bycatch rates for each cooperative. A participating cooperative is assigned to a tier each week based on its salmon bycatch rate for the previous week. Thus, vessels have incentives to avoid fishing behavior that results in high salmon bycatch rates.

Any of the parties to the ICA may bring suit against another party for breaching the contract. A vessel that enters an area closed to it based on its tier assignment may be assessed a monetary penalty. The ICA contains a penalty schedule for violating these closures.

The project would begin January 20, 2007, and continue until November 1, 2007. Fishing would occur in the Bering Sea subarea during the normal fishing seasons described in regulation at § 679.23. Fishing would occur within the annual specified prohibited species catch limits and total allowable catch for pollock. No additional fish would be allocated for fishing under this EFP. Exemptions to regulations granted under the EFP would apply to all directed Bering Sea pollock fisheries, including participants in the CDQ program who participate in the ICA.

The proposed EFP exempts vessels listed in the application from chum and

Chinook salmon savings area closures. These exemptions are necessary to allow the permit holder to effectively test the feasibility the ICA to reduce salmon bycatch in the Bering Sea. As noted above, the analysis prepared for this action indicates that some geographic areas may present additional opportunities to reduce salmon bycatch, but are otherwise closed to fishing during certain times of the year. The EFP would exempt the applicant from fishing closures related to salmon bycatch implemented under §§ 679.21 and 679.22. Additionally, vessels listed on the application would be exempt from salmon bycatch related prohibitions against fishing described in § 679.7(c)(2). Vessels would still be subject to all other requirements described in 50 CFR part 679, including monitoring and observer coverage requirements described in §§ 679.28 and 679.50.

The applicant would be required to report to NMFS and the Council at the December 2007 and February 2008 meetings the findings of this study. Findings will include how well the project met the goals and objectives described above, and the number of violations of the ICA, the nature of those violations, and the penalty imposed, if any, against the violating entity.

In accordance with § 600.745(b) and § 679.6, NMFS has determined that the proposal warrants consideration and has initiated consultation with the Council. The Council will consider the EFP application during its meeting in Anchorage, Alaska from December 4–12, 2006. The applicants have been invited to appear in support of the application. Interested persons may comment on the application at the Council meeting during public testimony. Information regarding the December 2006 Council meeting is available at the Council's website at <http://www.fakr.noaa.gov/npfmc/council.htm>.

Copies of the application and EA are available for review from NMFS (see **ADDRESSES**).

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

Dated: November 15, 2006.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 051017270–5339–02; I.D. 093005B]

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; 2007 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs

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

**ACTION:** Notice.

**SUMMARY:** NMFS is announcing that the quotas for the Atlantic surfclam and ocean quahog fisheries for 2007 remain status quo. Regulations governing these fisheries require NMFS to notify the public of the allowable harvest levels for Atlantic surfclams and ocean quahogs from the Exclusive Economic Zone in the **Federal Register** if the previous year's quota specifications remain unchanged.

**FOR FURTHER INFORMATION CONTACT:** Tobey Curtis, Fishery Management Specialist, 978–281–9273.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for the Atlantic Surfclam and Ocean Quahog Fisheries (FMP) requires that NMFS issue notification in the Federal Register of the upcoming year's quota, even in cases where the quota remains unchanged from the previous year. At its June 2006 meeting, the Mid-Atlantic Fishery Management Council voted that no action be taken to change the quota specifications for Atlantic surfclams and ocean quahogs for the 2007 fishing year (January 1 through December 31, 2007), and recommended maintaining the 2005 and 2006 quota levels of 3.4 million bu (181 million L) for Atlantic surfclams, 5.333 million bu (284 million L) for ocean quahogs, and 100,000 Maine bu (3.524 million L) for Maine ocean quahogs, as announced in the **Federal Register** on December 28, 2005 (70 FR 76715).

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

Dated: November 15, 2006.

**James P. Burgess,**

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