

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648****[I.D. 101701A]****New England Fishery Management Council; Public Meeting**

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

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 3-day Council meeting on November 6 through 8, 2001, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Tuesday, Wednesday, and Thursday, November 6, 7, and 8, 2001. The meeting will begin at 9 a.m. on Tuesday and 8:30 a.m. on Wednesday and Thursday.

**ADDRESSES:** The meeting will be held at the Tavern on the Harbor, 30 Western Avenue, Gloucester, MA 01930; telephone (978) 283-4200. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492.

**SUPPLEMENTARY INFORMATION:****Tuesday, November 6, 2001**

Following introductions, the Council staff will present the 2001 Whiting Stock Assessment and Fishery Evaluation (SAFE) Report for small mesh multispecies, including Whiting Monitoring Committee recommendations concerning future management actions. The Scallop Committee will request approval of additional management alternatives to be included in draft Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and analyzed in the Draft Supplemental Environmental Impact Statement (DSEIS). Primary issues include alternatives to manage limited access fishing effort and general category scallop vessels, minimize habitat and bycatch impacts, and address monitoring and data collection issues.

The afternoon session will include consideration and approval of a schedule of management actions for 2002. The Spiny Dogfish Committee will then seek approval of New England Council recommendations for spiny dogfish specifications for the 2002-2003 fishing year. Measures may include a Total Allowable Catch (TAC) quota, trip limits, and/or any other measures specified in the Spiny Dogfish FMP.

**Wednesday, November 7, 2001**

The meeting will reconvene with reports on recent activities from the Council Chairman and Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the U.S. Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. A brief period for general comments from the public concerning fisheries management issues will follow. The Multispecies Monitoring Committee (MSMC) will present an update on stock status and management alternatives to meet Northeast Multispecies FMP goals and objectives. During the Groundfish Committee Report, the Council will review scoping comments on the Notice of Intent for Framework Adjustment 36 to the Northeast Multispecies FMP. Measures in this action would be designed to reduce Gulf of Maine cod fishing mortality and discards, extend or change the Western Gulf of Maine closed area, change the area authorized for the northern shrimp fishery, and allow tuna purse seine vessels access to groundfish closed areas. The Council is considering the full range of measures for reducing Gulf of Maine cod fishing mortality, including changes to recreational fishing measures. In addition, because Framework 36 will address the Northeast multispecies annual adjustment process for the 2002 fishing year, the Council will also consider alternatives that may be necessary to meet the goals and objectives of the plan. The Framework 36 discussions will include opportunities for the public to comment. During this discussion, the Council also will review the MSMC-proposed management alternatives for achieving plan goals for possible inclusion in Framework Adjustment 36, as well as identify alternatives for analyses in the accompanying DSEIS.

**Thursday, November 8, 2001**

On the final day of the meeting, the agenda will include red crab and monkfish issues. During the Red Crab

report, the Council intends to approve the Red Crab FMP DEIS (including possible identification of a preferred alternative) and public hearing document. Discussion will include review and approval of the Habitat Committee's recommendations for the designation of red crab Essential Fish Habitat. There will be a presentation of the Monkfish SAFE Report for the 2000-2001 fishing year, including the recommendations of the Monkfish Monitoring Committee concerning management recommendations. The Council also intends to approve initial action on Framework Adjustment 1 to the Monkfish FMP (annual framework adjustment) to implement management measures for the 2002-2003 fishing year (Year 4 of the rebuilding program). Measures under consideration include, but are not limited to, no action, which would allow the Year 4 default measures to take effect; continue the Year 3 measures with adjustments to the gear-based trip limits to account for the recent federal court decision; or adjust Year 3 measures to achieve Year 3 target total allowable catch (TAC) levels. Any outstanding business will be addressed following this report.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

The New England Council will consider public comments at a minimum of two Council meetings before making recommendations to the National Marine Fisheries Service Regional Administrator on any framework adjustment to a fishery management plan. If the Regional Administrator concurs with the adjustment proposed by the Council, the Regional Administrator may publish the action either as proposed or final regulations in the **Federal Register**. Documents pertaining to framework adjustments are available for public review 7 days prior to a final vote by the Council.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul

J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: October 19, 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 648

[Docket No. 011004242-1242-01; I.D. 092401F]

RIN 0648-AP09

#### Fisheries of the Northeastern United States; Proposed 2002 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs

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

**ACTION:** Proposed 2002 fishing quotas for Atlantic surfclams, ocean quahogs, and Maine mahogany ocean quahogs; request for comments.

**SUMMARY:** NMFS proposes quotas for the Atlantic surfclam, ocean quahog, and Maine mahogany ocean quahog fisheries for 2002. Regulations governing these fisheries require NMFS to propose for public comment specifications for the 2002 fishing year. The intent of this action is to propose allowable harvest levels of Atlantic surfclams and ocean quahogs from the exclusive economic zone and an allowable harvest level of Maine mahogany ocean quahogs from the waters north of 43°50' N. lat. in 2002.

**DATES:** Comments must be received no later than 5 p.m., eastern standard time, on November 23, 2001.

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

Written comments on the proposed specifications should be sent to: Patricia

A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments--2002 Clam and Quahog Specifications." Comments may also be sent via facsimile (fax) to (978) 281-9371. Comments will not be accepted if submitted via e-mail or the Internet.

#### FOR FURTHER INFORMATION CONTACT:

Walter Gardiner, Fishery Management Specialist, 978-281-9326.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for the Atlantic Surfclam and Ocean Quahog Fisheries (FMP) requires NMFS, in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surfclams and ocean quahogs on an annual basis from a range that represents the optimum yield (OY) for each fishery. It is the policy of the Council that the levels selected allow sustainable fishing to continue at that level for at least 10 years for surfclams and 30 years for ocean quahogs. While staying within this constraint, the Council must also consider the economic impacts of the quotas. Regulations implementing Amendment 10 to the FMP published on May 19, 1998 (63 FR 27481), added Maine mahogany ocean quahogs to the management unit and provides that a small artisanal fishery for ocean quahogs in the waters north of 43°50' N. lat. will have an annual quota within a range of 17,000 to 100,000 Maine bushels (bu) (5,991 to 35,240 hectoliters (hL)), with an initial amount of 100,000 Maine bu (35,240 hL). As specified in Amendment 10, the Maine mahogany ocean quahog quota is in addition to the quota specified for the ocean quahog fishery.

The quotas recommended by the Council must be in compliance with overfishing definitions for each species. The overfishing definition for ocean quahogs is based on a control rule, which specifies a biomass target of one half of the virgin biomass, or 2 billion lb (907,200 mt) of meats (200 million bu); a target fishing mortality rate (F) of  $F_{0.1} = 0.02$ ; a minimum biomass threshold of one half of the biomass target, or 1 billion lb (453,600 mt) of meats (100 million bu); and a maximum fishing mortality threshold of  $F = 0.042$ . The current biomass of ocean quahog is estimated to be about 3.3 billion lb (1.6 million mt) of meats (330 million bu), or about 80 percent of the virgin biomass, and currently F is estimated to be 0.02. Thus, the stock is not overfished and overfishing is not occurring. NMFS approved the overfishing definition for

ocean quahogs in Amendment 12 to the FMP, but disapproved the proposed overfishing definition for surfclams because it was based only on surfclams from the Northern New Jersey area and did not take into account the entire range of the resource. The December 1999 Stock Assessment Review Committee (SARC) proposed an overfishing definition for surfclams, which the Council reviewed and approved at their March 2000 meeting.

The definition approved by the Council for surfclams has a biomass target of one half of the current biomass as a proxy for  $F_{MSY}$  (1.4 billion lb, or 640,000 mt, or 82.4 million bu); a minimum biomass threshold of one-half of the proxy for  $B_{MSY}$  (700,000 million lb or 320,000 mt); and a maximum fishing mortality rate threshold of  $F_{MSY}$ , where the current best proxy for  $F_{MSY}$  is the natural mortality rate of  $M = (0.15)$ . The fishing mortality target is always to be set less than the F threshold and is to be the F associated with the Council-selected quota (approximately 0.03 for 2002). This new overfishing definition for surfclams will be submitted to the Secretary of Commerce for approval in Amendment 13 to the FMP, which the Council is currently developing. If the Secretary were to approve these standards, the surfclam resource will not be overfished and overfishing will not be occurring.

In proposing the 2002 quotas, the Council considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report prepared by the Council staff. The proposed quotas for the 2002 Atlantic surfclam, ocean quahog, and Maine mahogany ocean quahog fisheries are shown in the following table. The Council's recommended quotas for 2002 would maintain the status quo levels of 2001 for both the ocean quahog and Maine mahogany ocean quahog, but the surfclam quota would be increased by 10 percent, from 2.85 million bu to 3.135 million bu (1.518 million hL to 1.669 million hL).

#### PROPOSED 2002 SURFLAM/ OCEAN QUAHOG QUOTAS

Fishery	2002 final quotas (bu)	2002 final quotas (hL)
<sup>1</sup> Surfclam	3,135,000	1,669,000
<sup>1</sup> Ocean quahog	4,500,000	2,396,000