

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: February 3, 2003.

Anthony S. Lowe,
Administrator, Federal Insurance and
Mitigation Administration.
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AI52

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Klamath River and Columbia River Distinct Population Segments of Bull Trout

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the proposal to designate critical habitat for the Klamath River and Columbia River distinct population segments of bull trout (*Salvelinus confluentus*) to allow all interested parties additional time to comment on the proposed rule. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this extended comment period, and will be fully considered in preparation of the final rule.

DATES: We will accept comments on the proposed critical habitat designation until the close of business (5 p.m. Pacific standard time) on May 12, 2003.

ADDRESSES: Written comments and information should be submitted to John Young, Bull Trout Coordinator, U.S. Fish and Wildlife Service, Branch of Endangered Species, 911 NE. 11th Avenue, Portland, OR 97232. Written comments may also be sent by fax to 503/231-6243 or hand-delivered to our office at the above address. You may also send comments by electronic mail (e-mail) to: R1BullTroutCH@r1.fws.gov.

You may view comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, by appointment, during normal business hours in the U.S. Fish and Wildlife Service Office at the above address. You may obtain copies of the proposed rule from the above address, by calling 503/231-6131,

or from our Web site at: <http://species.fws.gov/bulltrout>.

FOR FURTHER INFORMATION CONTACT: John Young, at the address above (telephone 503/231-6131; facsimile 503/231-6243).

SUPPLEMENTARY INFORMATION:

Background

We published a proposed rule to designate critical habitat for the Klamath River and Columbia River distinct population segments of bull trout (*Salvelinus confluentus*) on November 29, 2002 (67 FR 71235). The proposed critical habitat designation includes approximately 29,720 kilometers (18,471 miles) of streams and 215,585 hectares (532,721 acres) of lakes, reservoirs, and marshes in Oregon, Washington, Idaho, and Montana. Designation would apply only to the waterways, not the adjacent lands. Under the terms of a court-approved settlement agreement, we are required to submit the final rule designating critical habitat to the **Federal Register** no later than October 1, 2003.

The 90-day comment period on the proposed designation of critical habitat originally closed on January 28, 2003. During that comment period, we received several letters requesting extension of the date for submitting comments. These requests cited the length and scope of the proposal as a key reason for needing additional time to gather information, conduct analyses, and prepare comments. We are reopening the comment period in response to these requests.

Copies of the proposed designation of critical habitat are available on the Internet at <http://www.r1.fws.gov> or by contacting the Bull Trout Coordinator, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Public Comments Solicited

We are reopening the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat designation for the Klamath River and Columbia River distinct population segments of bull trout. Previously submitted comments on the proposed designation need not be resubmitted. We will accept written comments and information during this reopened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

You may mail or hand-deliver written comments and information to the Bull Trout Coordinator, U.S. Fish and Wildlife Service Office (see **ADDRESSES**

section). Hand deliveries must be made during normal business hours.

You may also send comments by e-mail to: R1BullTroutCH@r1.fws.gov. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include a return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our office at telephone number 503/872-2766, during normal business hours.

As described in the preamble of the proposed rule, we are conducting an analysis of the economic impacts of designating the proposed critical habitat. We will publish a notice of availability in the **Federal Register** when the draft economic analysis becomes available and provide for a 30 day comment period, during which we will accept comments on the proposal as well as the draft economic analysis. We anticipate publication of the notice of availability within this current 90 day extension. The notice of availability will provide for the comment period to remain open until the end of this current 90 day extension or 30 days after publication of the notice, whichever is later.

Author

The primary author of this notice is Barbara Behan, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Authority

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

Dated: January 30, 2003.

Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 03-3369 Filed 2-10-03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 012803C]

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: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that an EFP application from the University of New Hampshire (UNH) Cooperative Extension 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), and does not detrimentally affect the well being of any stock of fish likely to be taken during the experiment. 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 EFP would allow for an exemption from the Gulf of Maine (GOM) Rolling Closure area restrictions, and for an exemption from the NE multispecies days-at-sea (DAS) notification requirements. The exempted fishing activity would support research to design, develop and test a soft species separation system for commercial flatfish trawls in the GOM. The system is intended to separate roundfish (particularly cod) from flatfish in trawl nets by exploiting behavioral differences between the species. 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 February 26, 2003.

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 UNH Species Separation System EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Jason Blackburn, Fishery Management Specialist, 978-281-9326.

SUPPLEMENTARY INFORMATION: The application for an EFP was submitted by the UNH Cooperative Extension for research being funded through NMFS' Cooperative Research Partners Program. The applicant is requesting an exemption for one commercial vessel from the NE multispecies DAS notification requirements at 50 CFR 648.10(c) and 648.82(a) for 32 days of at-sea gear testing, and from the GOM Rolling Closure area restrictions specified at 50 CFR 648.81 for the same duration. Twelve (12) of the 32 days are carry-over from the first phase of the study which began in September 2002, and will be fished during the 2002 fishing year (through April 30, 2003). The remaining 20 days will be restricted to the 2003 fishing year (May 1, 2003 to April 30, 2004) and are the subject of this EFP request.

The objective of the research is to test a soft species separation system for the purposes of separating flatfish from roundfish in trawl nets and reducing the inadvertent bycatch of roundfish (particularly cod) when fishing for flatfish. The separation device is designed to separate roundfish from flatfish by exploiting behavioral differences that exist between the species. The experimental design consists of a trawl net with a soft species separation panel, or ramp, that would be positioned in front of a double codend. It would take advantage of the tendency of flatfish to swim towards the ocean bottom after encountering the separation panel and thereby into the lower codend portion of the net. Roundfish, which are not expected to swim towards the sea floor after encountering the panel, would swim into the upper codend portion of the net, which could be left open if roundfish were not being retained.

Underwater video equipment would be employed to observe fish behavior and functioning of the experimental selectivity device. Catch and bycatch are proposed to be sampled from each tow. If available, 100 each of cod, haddock, yellowtail flounder, whiting (silver hake), American plaice and witch flounder (including both legal and sub-legal sizes) would be measured from the catch in both the control net (commercial trawl net) and from the experimental trawl net, using alternating tows. The total weight of roundfish and flatfish would be

determined from the upper and lower codends of the experimental trawl net, and from the control net. Finally, the catch of each species in the upper and lower codend of the experimental net would be analyzed using statistical methods to calculate a separation index to determine whether the experimental system is effective at separating the species.

The sea trials would be conducted in shallow water (30 to 50 fathoms (54.9 - 91.4 meters)) off the coasts of New Hampshire, southern Maine, and a small portion of northern Massachusetts. UNH researchers would be aboard the vessel during all experimental work. All undersized fish, and/or protected species, would be returned to the sea as quickly as possible after measurement. However, legal-sized fish that would otherwise have to be discarded would be allowed to be retained and sold. The overall catch levels are not expected to have a detrimental impact on the NE multispecies resource. Estimated total landings for the 32 days are: Cod - 9,600 lb (4354.5 kg); flatfish (witch flounder, American plaice, winter flounder, yellowtail flounder) - 9,600 lb (4354.5 kg); and other groundfish (haddock, cusk, white hake, silver hake, red hake, ocean pout, wolffish, etc.) - 6,400 lb (2903 kg). This is approximately one-half the level of landings that would be expected for 32 days of normal commercial fishing for this vessel. The participating vessel would be required to report all of its landings in its Vessel Trip Reports.

This experimental work is important because it could lead to the development of gear that could reduce the inadvertent bycatch of species that are subject to restrictive trip limits, such as cod, when fishing for species which are not subject to restrictive trip limits. The successful development of a soft species separation device could provide the fishing industry with more flexibility in conducting fishing activities, while simultaneously providing additional conservation for overfished species.

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

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

Dated: February 4, 2003.

Richard W. Surdi,

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