

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 EFP would allow for exemptions from the days-at-sea (DAS) and Rolling Closure Area IV regulations. The experiment proposes to design and test a baited groundfish pot in a portion of the Gulf of Maine. 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 must be received on or before April 10, 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 Baited Groundfish Pot EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Susan W. Chinn, Fishery Management Specialist, 978-281-9218.

SUPPLEMENTARY INFORMATION: An application for an EFP was submitted on October 28, 2002, by University of New Hampshire (UNH) Cooperative Extension for an experiment funded by the Northeast Consortium to design and test a baited groundfish pot, with a final submission on February 3, 2003. The EFP would facilitate the development of a viable alternative to traditional fishing gear for cod and other groundfish based on examples that are already being used in Alaska, New Zealand, and Australia. This experiment is important because the use of baited pots to harvest groundfish could reduce seabed impact compared to trawling; reduce bycatch due to high selectivity of species and size enabled by the ability to control entrance size, mesh size, escape vents, and type of bait; and increase survivability of discards, because fish would be brought aboard alive and relatively unharmed.

The experiment would commence as soon as possible and extend through October 30, 2003. The field sampling portion of the baited groundfish pot study would require up to 20 days at sea on board one commercial fishing vessel using up to 10 pots per day. The pots would be constructed using wire mesh

materials with a poly netting roof. The prototype would be 5 ft x 5 ft x 2.5 ft (1.5 m x 1.5 m x 0.8 m) (length x width x height) with an expandable/collapsible roof of 5-ft (1.5-m) high netting to increase pot volume while keeping the physical size of the pot relatively small while on board. A total of 10 pots would be constructed and tested at sea during the experiment. Each pot would be deployed similarly to the method for lobster pot deployment. Weak links would be used and escape panels installed in accordance with lobster gear requirements.

During the sea trial phase, the first eight data collection trips would have a UNH Cooperative Extension scientist/researcher on board, and the catch would be measured according to NMFS sea sampling methodology and recorded on NMFS logbooks. All experimental activities would be conducted in the area bounded by the lines extending from 43°30' N. lat., 69°00' W. long., northward along 69°00' W. long., and westward along 43°30' N. lat., to their intersection with the Maine coastline. Estimated total daily landings, including discards for the 20 days, are 500 lb (226.8 kg) of mixed groundfish. Each day's catch would be sampled, measured, and returned to the sea as quickly as possible. It is expected that most fish would be released alive. A small portion of the catch might be retained for tagging and further research at the laboratory.

The EFP would be issued to one federally-permitted commercial multispecies vessel to exempt it from certain requirements of the FMP. Specifically, the vessel would be exempt from the DAS requirements at 50 CFR 648.82(a) and from Rolling Closure Area IV, specified at § 648.81(g)(1)(iv).

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

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

Dated: March 20, 2003.

Richard W. Surdi,

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. 030314060-3060-01; I.D. 021003E]

RIN 0648-AQ57

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Framework Adjustment 3

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement measures contained in Framework Adjustment 3 (Framework 3) to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP). This action would extend the limited entry program for the Illex squid fishery for an additional year. This action is intended to further the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Public comments must be received no later than 5 p.m., eastern standard time, on April 10, 2003.

ADDRESSES: Copies of Framework 3, including the Environmental Assessment (EA), Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) are available upon request from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 South New Street, Dover, DE 19904-6790. The EA/RIR/IRFA is accessible via the Internet at <http://www.nero.noaa.gov/ro/doc/com.htm>.

Comments on Framework 3 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-SMB Framework Adjustment 3." Comments also may 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: Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail Paul.H.Jones@noaa.gov.

SUPPLEMENTARY INFORMATION: In 1997, Amendment 5 to the FMP established a limited entry program for the Illex squid

fishery in response to a concern that fishing capacity could otherwise expand to overexploit the stock. At the time the program was established, there was a concern that the capacity of the limited entry vessels might prove, over time, to be insufficient to fully exploit the annual quota. In response to this concern, a 5-year sunset provision was placed on the *Illex* squid limited entry program. Framework 2 to the FMP extended the *Illex* squid moratorium for 1 year, and it is currently scheduled to end on July 1, 2003. Since the implementation of the limited entry program, the *Illex* squid fishery's performance has demonstrated that the current fleet possesses the capacity to harvest the long-term potential yield from this fishery. The Mid-Atlantic Fishery Management Council (Council) must prepare an amendment to the FMP (Amendment 9) to evaluate whether or not the limited entry program should be made permanent. This action would extend the *Illex* squid moratorium through July 1, 2004, to prevent overcapitalization while Amendment 9 is being prepared and considered by the Council. This extension would comply with the criteria in section 303(b)(6) of the Magnuson-Stevens Act. The extension would allow the Council additional time to consider long-term management for the *Illex* squid fishery, including the limited entry program. Vessels that took small quantities of *Illex* squid in the past may continue to do so under the incidental catch provision of the FMP.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Council prepared an IRFA that describes the economic impacts this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the SUPPLEMENTARY INFORMATION section of the preamble. This proposed rule does not duplicate, overlap, or conflict with other Federal rules. There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action. There are 73 vessels that have been issued moratorium permits, all of which would be impacted by this action. Since per vessel costs are not available for vessels participating in the *Illex* moratorium fishery, individual vessel profitability could not be estimated. Therefore, changes in gross revenue of the aggregate fleet is used as a proxy for changes in individual vessel

profitability. Furthermore, assumptions are made that revenue losses and gains are shared equally among these vessels. NMFS' guidelines suggest consideration of disproportionate economic impacts between large and small entities that may result from the proposed regulatory action. Because there are no large entities (vessels) participating in this fishery, small vessels will not be placed at a competitive disadvantage to large vessels, thus rendering the issue of disproportionate impacts between these two classes moot. A copy of the complete analysis can be obtained from the Mid-Atlantic Fishery Management Council (see ADDRESSES) or via the Internet at <http://www.nero.noaa.gov/ro/doc/com.htm>. A summary of the analysis follows.

In addition to the preferred alternative 1, the Council considered three non-preferred alternatives. Alternative 2 would extend the moratorium on entry to the *Illex* fishery for an additional 2 years (through July 1, 2005); Alternative 3 would extend the moratorium on entry to the *Illex* fishery for an additional 3 years (through July 1, 2006); and Alternative 4 would allow the moratorium on entry to the *Illex* fishery to expire on July 1, 2003 (no action).

The preferred alternative and alternatives 2 and 3 would extend the moratorium on entry of new vessels into the *Illex* fishery; therefore, no impact is expected on vessels in the fishery in 2003 (and the first half of 2004), compared to individual vessel revenues in 2002. The Council assumed that the market and prices would remain stable. Therefore, any changes in individual vessel revenues would be the result of factors outside the scope of the moratorium (e.g., change in fishing practices for individual vessels, or changes in abundance and distribution of *Illex* squid).

Under alternative 4, the no-action alternative, the *Illex* fishery would revert to open access. This would result in an increase in fishing effort in the *Illex* fishery. New vessels entering the fishery would limit per vessel share of the *Illex* squid quota and reduce revenues for the present participants. Computing the total revenue losses for the existing moratorium vessels is impossible due to the unpredictability of redirection of effort into the *Illex* squid fishery. Therefore, the Council developed a sensitivity analysis to determine the impact of the entry of additional vessels into the fishery on revenues earned by individual vessels already engaged in the fishery. The sensitivity analysis examined three scenarios that presumed revenues

derived from landings of *Illex* squid would be reduced by 75, 50, and 25 percent. The analysis was based on 1998 data because in 1998 the *Illex* quota was completely harvested. Therefore, those data would allow the greatest impact to be assessed.

Under scenario 1, the review of revenue impacts examined the landings of vessels that landed at least one pound in 1998 and presumed that revenues derived from landing *Illex* for these vessels would be reduced by 75 percent. The 109 impacted vessels were projected to be impacted by revenue losses that ranged from less than 5 percent for 79 vessels, to a maximum of 40–49 percent for 2 vessels. There were no impacted vessels home-ported in Maryland, New Hampshire, or Virginia; a high of 15 vessels had home ports in New Jersey. Other impacted vessels were home ported in Massachusetts, Maine, Rhode Island, New York, and North Carolina. Presumably, other vessels entering the fishery would experience gains in revenues.

Under scenario 2, the review of revenue impacts presumed that vessel revenues derived from landing *Illex* would be reduced by 50 percent. The 109 impacted vessels were projected to be impacted by revenue losses that ranged from less than 5 percent for 84 vessels, to a maximum of 30–39 percent for one vessel. There were no impacted vessels home-ported in Maryland, New Hampshire, or Virginia; a high of 11 vessels had home ports in New Jersey. Others were in Massachusetts, Maine, Rhode Island, and North Carolina. Presumably, other vessels entering the fishery would experience gains in revenues.

Under scenario 3, the review of revenue impacts presumed that vessel revenues derived from landing *Illex* would be reduced by 25 percent. The 109 impacted vessels were projected to be impacted by revenue losses that ranged from less than 5 percent, for 88 vessels, to a maximum of 10–19 percent for 8 vessels. The number of impacted vessels by home state ranged from none in Maryland, New Hampshire, New York, and Virginia, to a high of 11 in New Jersey. Other impacted vessels were home ported in Massachusetts, Maine, Rhode Island, and North Carolina.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 20, 2003.

Rebecca Lent,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

For the reasons set out in the
preamble, 50 CFR part 648 is proposed
to be amended as follows:

**PART 648—FISHERIES OF THE
NORTHEASTERN UNITED STATES**

1. The authority citation for part 648
continues to read as follows:

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

2. In § 648.4, the heading of paragraph
(a)(5)(i) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(5) * * *

(i) *Loligo squid/butterfish and Illex
squid moratorium permits (Illex squid
moratorium is applicable from July 1,
1997, until July 1, 2004).* * * *

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