

101.603 Permissible communications
[FR Doc. 99-26593 Filed 10-13-99; 8:45 am]
BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 092799B]

Fisheries of the Northeastern United States; Petition for Rulemaking for Seasonal Area Closures, Bycatch Quotas, and Related Measures to Reduce Scup Bycatch

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

ACTION: Notice of receipt of petition for rulemaking; request for comments.

SUMMARY: NMFS announces receipt of, and requests public comment on, an amended petition for rulemaking to: Reduce scup bycatch through seasonal area closures and a bycatch quota; monitor the *Loligo* fishery through a vessel monitoring system (VMS) and observers; and develop new gear designs. The Natural Resources Defense Council, the Environmental Defense Fund, the Center for Marine Conservation, the National Audubon Society, and the American Oceans Campaign (Petitioners) have petitioned NMFS and the Mid-Atlantic Fishery Management Council (Council) to implement these measures beginning November 1999, to reduce the amount of scup caught incidentally in the *Loligo* squid fishery.

DATES: Comments on the amended petition are requested on or before November 15, 1999.

ADDRESSES: Copies of the amended petition for rulemaking are available upon request from Gary C. Matlock, Ph.D., Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on the amended petition should be directed to Dr. Gary C. Matlock at the above address. Please mark the outside of the envelope "Scup Petition for Rulemaking."

FOR FURTHER INFORMATION CONTACT: Mark R. Millikin, 301-713-2341.

SUPPLEMENTARY INFORMATION: The fisheries affected by this petition for rulemaking and the petition's amendment are primarily the scup (or porgy, *Stenotomus chrysops*) fishery, which is managed jointly by the Council

and the Atlantic States Marine Fisheries Commission under the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and the *Loligo* squid fishery, which is managed by the Council under the Atlantic Mackerel, Squid, and Butterfish FMP. The Secretary of Commerce has management authority for these species in the exclusive economic zone (EEZ) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The management unit for the scup fishery is scup in the U.S. waters of the Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, N.C., northward to the U.S.-Canadian border. Regulations governing the scup fishery in the EEZ are found at 50 CFR part 648, subparts A and H. Regulations governing the *Loligo* squid fishery in the EEZ are found at 50 CFR part 648, subparts A and B.

The Petitioners assert that incidentally-caught juvenile scup are discarded in several small mesh fisheries, in particular the *Loligo* squid fishery. Discarded scup is "bycatch," according to the Magnuson-Stevens Act, because it is not landed and sold or kept for personal use. For the commercial fishery, the FMP requires the discard of scup: (1) smaller than a minimum size of 9 inches (22.9 cm), and (2) when the amount of scup on board exceeds the poundage threshold requiring a minimum mesh size in the codend of the net (either 100 or 200 lb (45.4 or 90.7 kg), depending on the season).

The Petitioners contend that because bycatch in small-mesh fisheries is a significant problem, management of the directed scup fishery alone is inadequate to rebuild the overfished scup stock. In addition, the Petitioners note that NMFS recently partially disapproved Amendment 12 to the FMP because it failed to address adequately the bycatch issue. Consequently, the Petitioners argue, "there are no legally sufficient measures in place to protect the scup from this major source of mortality."

Thus, in order to protect the scup stock, the Petitioners proposed two different actions (either one or both) to be implemented in 1999, and further actions to be implemented in 2000 and beyond. For 1999, the Petitioners proposed (a) a closure of the *Loligo* fishery in NMFS Northeast Statistical Area 613 (area 613) for the Winter II (November-December) season, (b) the imposition of a scup bycatch quota throughout the *Loligo* management unit for the Winter II season, or (c) both options (a) and (b). The Petitioners note that combining the two management

measures could eliminate "hotspots" of discards and protect scup from being discarded on *Loligo* trips redirected into other open areas.

Since submitting their original petition for rulemaking, the Petitioners amended their request based upon new information. The Petitioners reference an analysis of the 1997 and 1998 vessel trip report data conducted by Council staff for presentation to the FMP's Scup Monitoring Committee. These data showed high scup discards in statistical areas 537 and 539 in the *Loligo* fishery during the Winter II (November-December) season, as well as in area 613. Further, the data showed high scup discard rates in statistical areas 616 and 622 for the *Loligo* fishery during the Winter I (January-April) season. These areas were included in the Monitoring Committee's August 1999 recommendations for area closures of the *Loligo* fishery to prevent bycatch of scup. Since the Council did not recommend closure of those areas to *Loligo* fishing, the Petitioners have requested in their amended petition immediate implementation of the Monitoring Committee's recommendation in order to reduce scup bycatch. The Petitioners also request that the above measures (time/area closures, bycatch quota, or both) be part of the specifications for the 2000 *Loligo* squid fishery.

Area 613 is defined as Federal waters off Long Island, NY, bounded by straight lines connecting the following points in the order stated:

NMFS Northeast Statistical Area 613

Point	N. Lat.	W. Long.
L11	(¹)	73°00'
L12	40°00'	73°00'
L13	40°00'	71°40'
L14	41°00'	71°40'
L15	41°00'	(²)

¹ The intersection the longitude line with the 3 nautical mile line south of Patchogue, NY.

² The intersection the latitude line with the 3 nautical mile line south of Montauk, NY.

Area 537 is defined as Federal waters off Nantucket and Martha's Vineyard Islands, MA, bounded by straight lines connecting the following points in the order stated:

NMFS NORTHEAST STATISTICAL AREA 537

Point	N. Lat.	W. Long.
C11	(¹)	70°00'
C12	39°50'	70°00'
C13	39°50'	71°40'
C14	40°50'	71°40'
C15	40°50'	71°20'

NMFS NORTHEAST STATISTICAL AREA
537—Continued

Point	N. Lat.	W. Long.
CI6	41°10'	71°20'
CI7	41°10'	71°10'
CI8	41°20'	71°10'
CI9	41°20'	(²)
CI10	(³)	

¹ The intersection the longitude line with the 3 nautical mile line south of Nantucket Island, MA.

² The intersection the latitude line with the 3 nautical mile line east of Gay Head, Martha's Vineyard, MA.

³ The 3 nautical mile line proceeding easterly along the south of Martha's Vineyard and Nantucket, back to the starting point.

Area 539 is defined as Federal waters off the State of Rhode Island, bounded by straight lines connecting the following points in the order stated:

NMFS NORTHEAST STATISTICAL AREA
539

Point	N. Lat.	W. Long.
RI1	(¹)	71°10'
RI2	41°10'	71°10'
RI3	41°10'	71°20'
RI4	40°50'	71°20'
RI5	40°50'	71°40'
RI6	(²)	71°40'

¹ The intersection the longitude line with the 3 nautical mile line south of approximately Sakonnet, RI.

² The intersection the longitude line with the 3 nautical mile line south of approximately Quonochontaug, RI.

Area 616 is defined as offshore Federal waters off Southern New Jersey, bounded by straight lines connecting the following points in the order stated:

NMFS NORTHEAST STATISTICAL AREA
616

Point	N. Lat.	W. Long.
NJ1	40°00'	71°40'
NJ2	39°00'	71°40'
NJ3	39°00'	73°00'
NJ4	40°00'	73°00'
NJ1	40°00'	71°40'

Area 622 is defined as Federal waters off Ocean City, MD, bounded by straight lines connecting the following points in the order stated:

NMFS NORTHEAST STATISTICAL AREA
622

Point	N. Lat.	W. Long.
OC1	39°00'	73°00'
OC2	38°00'	73°00'
OC3	38°00'	74°00'
OC4	39°00'	74°00'
OC1	39°00'	73°00'

In addition, the Petitioners request that NMFS institute adequate enforcement mechanisms and observer coverage for these bycatch reduction measures. For instance, in closing area 613, the Petitioners suggest NMFS require a VMS in the *Loligo* fleet. If a bycatch quota is implemented, the Petitioners suggest observer coverage be required at levels sufficient to ensure observations of a statistically significant percentage of *Loligo* catch.

In addition, the Petitioners request that, for 2001, NMFS and the Council oversee the development, testing, and implementation of appropriately modified gear as an effective and equitable means of reducing scup bycatch. Such gear, the Petitioners feel, would obviate the need for the measures proposed by this amended petition.

NMFS requests comments on the amended petition for rulemaking. NMFS will consider this information in determining whether to proceed with the development of regulations requested by the amended petition.

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

Dated: October 7, 1999.

Bruce C. Morehead,

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

[FR Doc. 99-26838 Filed 10-13-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[I.D. 093099A]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearing.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings and a hearing for an amendment to the Pacific Coast Groundfish Fishery Management Plan that will address stock rebuilding and specific rebuilding programs for lingcod, bocaccio, and Pacific ocean perch. This document announces the dates and locations of the Council meetings and public hearing.

DATES: The Council and its advisory entities will meet October 31–November

5, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times for these meetings.

ADDRESSES: The meetings and hearing will be held at the Red Lion Hotel Sacramento, 1401 Arden Way, Sacramento, California; telephone: 916-922-8041.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director; telephone: 503-326-6352.

SUPPLEMENTARY INFORMATION:**Dates and Times**

The Council meeting will begin on Tuesday, November 2, 1999, at 8 a.m., reconvening each day through Friday, November 5, 1999. All meetings are open to the public, except a closed session will be held from 8 a.m. until 9 a.m. on Thursday, November 4, 1999, to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business. The public hearing will be held during the regular session on Wednesday, November 3, 1999, beginning at approximately 10 a.m. (The exact time is not known because the time required for other agenda items is uncertain.)

Advisory Meetings

The Groundfish Management Team (GMT) will convene on Sunday, October 31, 1999, at 1 p.m. and on Monday, November 1, 1999, at 8 a.m. to address groundfish issues on the Council agenda. They will continue to meet as necessary through November 5, 1999, to address groundfish issues on the Council agenda.

The Salmon Technical Team will meet on Monday, November 1, 1999, at 8 a.m. and on Tuesday, November 2, 1999, at 8 a.m. to address salmon issues on the Council agenda.

The Scientific and Statistical Committee (SSC) will convene on Monday, November 1, 1999, at 8:30 a.m., and on Tuesday, November 2, at 1999, 8 a.m. to address scientific issues on the Council agenda.

The Habitat Steering Group will meet at 9:30 a.m. on Monday, November 1, 1999, to address issues and actions affecting habitat of fish species managed by the Council.

The Groundfish Advisory Subpanel (GAP) will meet on Monday, November 1, 1999, at 10 a.m. and will convene at 8 a.m. Tuesday, November 2, 1999, through Thursday, November 4, 1999, to address groundfish management items on the Council agenda.