

the Carlsbad Fish and Wildlife Office (see ADDRESSES section).

Author: The primary author of this document is Douglas Krofta, biologist, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service (see ADDRESSES section).

Authority

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

Dated: April 13, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99-9783 Filed 4-15-99; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[I.D. 040999B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Experimental Fishing Permits

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

ACTION: Notification of experimental fishery proposal; request for comments.

SUMMARY: NMFS announces that the Regional Administrator, Northeast Region, NMFS, is considering approval of an experimental fishing proposal that would permit vessels to conduct operations otherwise restricted by regulations governing the Fisheries of the Northeastern United States, 50 CFR part 648. The experimental fishery would involve fishing for, retention, and landing of Atlantic sea scallops with modified dredge gear in the Georges Bank and Nantucket Lightship Closed Areas. Regulations implementing the Magnuson-Stevens Fishery Conservation and Management Act provisions require publication of this notification to provide interested parties the opportunity to comment on the proposed experimental fishery.

DATES: Comments on this document must be received by May 4, 1999.

ADDRESSES: Comments should be sent to Jon Rittgers, Acting Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope: "Comments on Proposed Scallop Experimental Fishery."

FOR FURTHER INFORMATION CONTACT: David Gouveia, Fishery Management Specialist, 978-281-9280.

SUPPLEMENTARY INFORMATION: The NMFS Northeast Fisheries Science Center (NEFSC) submitted an application on April 12, 1999, to map the distribution and estimate the abundance of Atlantic sea scallops, and to determine the rate and distribution of finfish and invertebrate bycatches to sea scallop dredges in portions of the Georges Bank and Nantucket Lightship Closed Areas. The proposed experimental fishery would also provide information on the potential habitat effects of the use of scallop fishing gear in these areas and test new gear designs to reduce finfish bycatch rates.

The NEFSC would conduct experimental fishing activities with three commercial vessels federally permitted with a limited access Atlantic sea scallop permit. Vessels interested in participating in this experiment would be chosen by a lottery system administered by the NMFS Northeast Regional Office. Exempted fishing permits would be issued to the participating vessels to exempt them from closed areas and gear restrictions contained in the regulations implementing the Northeast Multispecies and Atlantic Sea Scallop Fishery Management Plans.

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

Dated: April 13, 1999.

Gary C. Matlock,

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

[FR Doc. 99-9726 Filed 4-16-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990226056-9056-01; I.D. 122498C]

RIN 0638-AL31

Northeast Multispecies Fishery; Amendment 9 to the Northeast Multispecies Fishery Management Plan; Supplement to the Proposed Rule

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

ACTION: Supplement to the proposed rule.

SUMMARY: NMFS issues this supplement to the proposed rule for Amendment 9 to the Fishery Management Plan for the Northeast Multispecies Fishery. The supplement is intended to provide information inadvertently omitted from the summary of the initial regulatory flexibility analysis (IRFA) prepared for Amendment 9 published with the proposed rule. Specifically, this supplement summarizes information about alternatives that the New England Fishery Management Council (Council) considered, but rejected, for the Amendment.

DATES: Public comments will be accepted from April 14, 1999 through May 3, 1999.

ADDRESSES: Comments should be sent to Jon C. Rittgers, Acting Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the initial regulatory flexibility analysis of Amendment 9."

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, 978-281-9252.

SUPPLEMENTARY INFORMATION: Analytical documents in Amendment 9 pertaining to requirements of the Regulatory Flexibility Act include "Volume I," October 9, 1998; "Supplement," November 14, 1998; and "Supplement," January 27, 1999. This supplement to the proposed rule for Amendment 9 republishes, for the convenience of the public, the portion of the classification section of that proposed rule (64 FR 13952; March 23, 1999) that addressed the Regulatory Flexibility Act and adds information inadvertently omitted from that classification section relevant to alternatives considered, but rejected, by the Council for Amendment 9.

Classification

NMFS prepared an IRFA for this proposed rule, pursuant to 5 U.S.C. 603, without regard to whether the proposal would have a significant impact on a substantial number of small entities. Measures analyzed in the IRFA include the brush-sweep trawl gear prohibition, the one-fish halibut possession limit, and the winter flounder fish size increase. The following is a brief discussion of the measures analyzed in the IRFA.

Amendment 9 proposes the prohibition of brush-sweep trawl gear on vessels fishing for multispecies. The cost of the brush-sweep trawl gear is estimated to be between \$8,000 and \$15,000, depending on the individual vessel. Excessive wear and tear on the gear requires that the gear be replaced

often. The overall cost to vessels impacted by this action would be based on the loss of the use of the gear which, when utilized, wears out in a few months to a year. The potential universe of vessels that could be impacted by the brush-sweep trawl gear prohibition is approximately 900 vessels, i.e., based on NMFS Regional Office database, the number of permit holders who fish for multispecies with otter trawl gear. Therefore, the one-time cost to the industry would likely be between \$7.2 million (900 x \$8,000) and \$13.5 million (900 x \$15,000) since there are approximately 900 vessels that fish for multispecies with otter trawl gear. This assumes that all 900 vessels are currently using brush sweep gear. NMFS is seeking information on the number of vessel fishing with brush sweep trawl gear.

A one-fish halibut possession limit with a minimum fish size of 36 inches (91.4 cm) is also proposed. Commercial vessels wishing to retain the one-fish possession limit would be required to obtain a multispecies permit. The economic costs associated with the proposed halibut restrictions include lost revenues from restricted or prohibited landings, as well as the added costs of enforcing new regulations and administering the new open-access permits. For the years 1996 and 1997, Vessel Trip Reports indicate that 134 and 139 vessels, respectively, reported landing halibut. Based on recent landings data reported to NMFS, halibut landings have averaged less than 50,000 lb (22,680 kg), and more recently have declined from 31,542 lb (14,307 kg) in 1996 to 17,078 lb (7,746.5 kg) in 1997. Annual landings per vessel averaged 235 lb (106.5 kg) in 1996 and 123 pounds in 1997. Annual revenues per vessel during this time averaged \$1,059 and \$553,000, respectively. The total exvessel revenue from halibut was \$141,906 (134 x \$1,059) in 1996 and \$76,867 (139 x \$553) in 1997. The number of vessels affected by the proposed one-fish halibut restriction may amount to 1,050 vessels based on the number of permitted vessels in the multispecies fishery. This number includes active limited access multispecies permit holders (1,000) combined with a subset of the estimated 100 active participants in the directed halibut fishery who do not possess a Federal fisheries permit, approximately 50. In 1996 or 1997, 134 to 139 active vessels (those that reported landings of halibut in recent years) are estimated to be only those vessels that caught at least one halibut.

An increase in the minimum fish size for winter flounder to 13 inches (33.0

cm) from the current minimum size of 12 inches (30.5 cm) for both commercial and recreational fishing vessels is proposed in Amendment 9. For the commercial fishery, economic impacts of increasing the winter flounder fish size involve revenue loss from prohibiting landings of fish that are between 12 and 13 inches (30.5 and 33.0 cm) and revenue gains from the increased yield per recruit and price per pound for higher market category once 12-inch (30.5 cm) size fish grow to 13-inch (33.0 cm) size and above.

The data for NMFS 1997 winter flounder landings data, including all sizes of fish, were approximately 11.7 million pounds, or 14 percent of the total regulated species landings. Exvessel revenues of winter flounder during this period amounted to \$15.6 million (8.5 percent) of the total exvessel revenues (\$183.5 million) from all species for vessels that landed winter flounder. Although some fishers have commented that fish in the 12- to 13-inch (30.5-33 cm) size range accounted for up to 30 - 40 percent of their winter flounder catch, many other fishers have reported that very few fish in the 12- to 13-inch (30.5-33 cm) range are retained by nets unless the vessel is fishing with nets that are less than the minimum regulated mesh size. Landing reports from the New Bedford, MA, auction indicate that 12-inch (30.5 cm) fish make up less than 10 percent of winter flounder sold in this port. Assuming that 30 - 40 percent of winter flounder landed were in the 12- to 13-inch (30.5-33 cm) size range, the decrease in exvessel revenue would likely be between 2.6 percent (\$4.68 million of \$183.5 million) and 3.4 percent (\$6.24 million of \$183.5 million) in the first year for all vessels that reported landings of winter flounder.

Compliance costs associated with increasing the minimum winter flounder fish size would result from the cost of modifying trawl codends to reduce the bycatch of 12-inch (30.5 cm) size fish. However, because codends are expandable and replaced often due to constant wear and tear, annual costs associated with this measure would be part of normal gear replacement cost.

Approximately 1,650 vessels have limited access permits and could land winter flounder regardless of whether it was the target species. Based on the NMFS 1997 landings data, 971 of the active multispecies vessels landed winter flounder. On average, reduction in gross revenue per vessel would likely be between \$4,820 and \$6,430 in the first year, assuming uniform landings across vessels. Otter trawl vessels accounted for the majority of the

landings (64 percent), followed by gillnet vessels (18 percent). Thus, otter trawl vessels could lose between \$3.0 million and \$4.0 million in the first year. Gillnet vessels could lose between \$0.8 million and \$1.1 million in the first year.

Alternatives Considered, But Rejected by the Council

1. The Council considered taking "no action" in terms of the use of brush sweep trawl gear but was concerned about the lack of information about its overall use or about how it may impact specific species and other related impacts. The Council was concerned that the efficiency of the gear may be so greatly improved so as to undermine the effectiveness of the days at sea (DAS) reduction program. The basis for this concern is that, if vessels with limited DAS could increase their catch per day significantly, the number of DAS allocated would have to be reduced to achieve the set fishing mortality goal. Because the impacts of the gear are not known at this time, the Council has chosen a precautionary approach by prohibiting use of the gear but recommends comparative studies of roller, rockhopper, chain, brush sweep and other bottom tending trawl gear (not including scallop dredges) be conducted to assess bycatch, gear efficiency and such other impacts as effects on bottom habitat.

2. The Council chose as its preferred alternative for Atlantic halibut to add that species to the management unit for the FMP, and establish a 1-fish possession limit and a minimum fish size of 36 inches (91.4 cm) to begin rebuilding this overfished fish stock. Additionally, the Council considered, but rejected, four other alternatives for halibut management: (1) No action alternative, (2) add Atlantic halibut to the management unit and prohibit possession on halibut, (3) add Atlantic halibut to the management unit and implement a 1-fish possession limit with a maximum fish size of 48 inches (121 cm), and (4) add Atlantic halibut to the management unit and implement a 1-fish possession limit with a maximum fish size limit of 48 inches (121 cm) and a minimum fish size of 36 inches (91.4 cm). The two alternatives that included a maximum fish size limit were rejected based on public comment that capture of a large fish only to determine if it was of illegal size would result in excessive discard mortality. NMFS declared Atlantic halibut to be overfished in its September 1997 and 1998 Reports to Congress. The Council rejected the no action alternative given the overfished condition of halibut and the

requirement under the Sustainable Fisheries Act to prepare a plan to rebuild overfished stocks. The Council also decided the species needs specific management measures to begin rebuilding. It adopted a one-fish possession limit rather than total prohibition in part to minimize the economic effects on the few vessels (believed to be about 50) that are considered to be part of a directed fishery, even though their catch of halibut is only occasional and mostly in state waters.

3. In addition to the preferred alternative of an increase in minimum fish size for winter flounder, the Council considered, but rejected, a possession limit of between 5,000 and 12,000 lb (2268 and 5443.2 kg) of winter flounder for Southern New England and a mesh change for the Gulf of Maine/ Georges Bank area. There were a strong opposition by industry to the mesh-size change alternative and a concern over a trip limit being confined to one area. The Council rejected the no action alternative because most stocks of winter flounder are considered overfished and in need of further protection of spawning size fish for rebuilding stock abundance.

NMFS seeks comments regarding the IRFA. In particular, NMFS is seeking information on the number of vessels using brush sweep trawl gear, the number of vessels currently fishing for halibut, and the number of vessels impacted by the proposed increase in the winter flounder fish size. Copies of the IRFA are available (see ADDRESSES).

Dated: April 14, 1999.

Andrew A. Rosenberg,

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

[FR Doc. 99-9700 Filed 4-14-99; 4:07 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990407088-9088-01; I.D. 030999A]

RIN 0648-AK69

Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would amend the regulations implementing the License Limitation Program (LLP) for the groundfish fisheries and the king and tanner crab fisheries of the exclusive economic zone (EEZ) off Alaska by adding an application process and a transfer process for licenses. This proposed rule would establish an application process for an LLP license by providing for an application period, specifying the type of information necessary for license eligibility, and providing the procedure for appealing agency determinations that are made based on information and evidence provided in support of applications. The proposed rule also would establish a transfer process for LLP licenses. This action is necessary to complete implementation of the LLP, a fishery management program recommended by the North Pacific Fishery Management Council (Council), and intended to further the objectives of the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI), the Fishery Management Plan for Groundfish of Gulf of Alaska (GOA), and the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands.

DATES: Comments must be received by May 19, 1999.

ADDRESSES: Comments should be addressed to Susan J. Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Send comments regarding burden estimates or any other aspect of the data requirements, including suggestions for reducing the burdens, to NMFS and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attn: NOAA Desk Officer.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone (EEZ) pursuant to the FMPs for groundfish in the respective management areas. The state of Alaska manages the commercial king crab and Tanner crab fisheries in the Bering Sea and the Aleutian Islands with Federal oversight, pursuant to the FMP for those

fisheries. The Council prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801, *et seq.* Regulations at 50 CFR part 679 implemented the FMPs. General regulations at 50 CFR 600 also apply.

Fishing under the LLP for the commercial groundfish fisheries in the EEZ of the GOA and the BSAI and the commercial king crab and Tanner crab fisheries in the Bering Sea and Aleutian Islands fishing is scheduled to begin January 1, 2000. The LLP will replace the Vessel Moratorium Program (VMP), which is scheduled to expire December 31, 1999 (64 FR 3651, January 25, 1999). The VMP which was implemented to curtail increases in fishing capacity and to provide industry stability while the Council developed and NMFS implemented a comprehensive solution for the affected fisheries. The LLP is an integral part of that solution.

The Council took final action to recommend the LLP in June 1995. The design and implementation of the LLP required more time than originally anticipated. When the final rule implementing the LLP was published on October 1, 1998 (63 FR 52642), the application process and the transfer process were postponed for further development. Paragraphs at § 679.4(k)(6) [Application Process] and § 679.4(k)(7) [Transfer Process] were reserved to allow for the inclusion of these processes.

Application Process for LLP Licenses

This proposed rule would provide for a one-time application period of no less than 90 days to be specified by a notice in the **Federal Register**. NMFS anticipates that the application period for LLP licenses will be in the second half of 1999. All applications for LLP licenses would have to be submitted during the time period specified for applying for a license. Applications postmarked after the ending date for the application period would be denied.

In anticipation of the information that will be necessary to evaluate and verify the claims of an applicant, NMFS is compiling a database containing information on vessels that were used to participate in the groundfish and crab fisheries during the qualifying periods for licenses. This database will constitute the official LLP record that will contain only complete and verifiable information and that, under this proposed rule, would be used for the purpose of determining eligibility for a license. An applicant who includes information in an application that is inconsistent with information in the