

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 600 and 649**

[I.D. 080999H]

**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications 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:** NMFS issues this document to announce that the Regional Administrator, Northeast Region, NMFS (Regional Administrator), is considering approval of 21 EFPs to conduct exempted experimental fishing activities otherwise restricted by regulations governing the Fisheries of the Northeastern United States. These EFPs would allow the fieldwork for a study that proposes to ascertain the overfished status of American lobster (*Homarus americanus*) through the collection of stock assessment information. These EFPs would allow for the temporary possession of sublegal and egg-bearing female lobsters (berried female lobsters) in industry-standard lobster traps during normal fishing operations for tag, v-notch, and release purposes only. The tagging/v-notch program will be conducted by participating commercial fishermen in designated American lobster Management Areas 2 and 3 and the Area 2/3 overlap area from mid-September 1999 through mid-September 2000. Regulations under 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 EFPs.

**DATES:** Comments on this document must be received by September 7, 1999.

**ADDRESSES:** Comments should be sent to the Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Proposed Experimental Fisheries."

**FOR FURTHER INFORMATION CONTACT:** Bonnie VanPelt, Fishery Management Specialist, 978-281-9244.

**SUPPLEMENTARY INFORMATION:** The Rhode Island Lobsterman's Association (RILA), University of Rhode Island (URI), and the Rhode Island Division of Environmental Management (RIDEM) have submitted a joint proposal to conduct a lobster tag and release program in inshore/nearshore and offshore waters within two of the seven numeric lobster management areas; specifically, from the Upper Narragansett Bay, East and West Passage, Rhode Island Sound, Block Island Sound to the Offshore Canyons (Block and Hudson).

A lobster tagging program has been conducted in Rhode Island state waters under the joint management of the URI and Rhode Island Sea Grant for the past 5 years. This cooperative effort was developed to help shift the responsibility of the lobster tagging and release program from its current joint management to the RILA.

The project is funded through a Saltonstall-Kennedy grant and would commence in mid-September 1999 and continue over the course of 1 year. Approximately 60,000 American lobsters will be tagged and released; 40,000 sub-legal lobsters and 20,000 berried female lobsters. There are three main objectives of the experimental fishery: (1) To collect information for use in models that currently assess overfished status (e.g., NMFS' Eggs Per Recruit Model) and to provide updated information for inclusion to the Atlantic States Marine Fisheries Commission's stock assessment for lobsters; (2) to educate and provide training to fishermen about the v-notch program and to recognize v-notched lobsters; and

(3) to share the responsibility in data collection for the co-management of the American lobster resource.

URI and RIDEM will provide sea sampling coverage on a combined total of 70 inshore and nearshore trips throughout the course of the experiment. Due to time and money constraints the offshore areas in the Canyons (Block and Hudson) will not be monitored by sea samplers. However, the two vessels that will be involved in tagging activities offshore will also conduct trips inshore that are being monitored.

The study involves the tag, v-notch, and release of American lobsters only; no other species will be retained. It is anticipated that the lobsters will be held for no longer than 3-4 hours before they are released. All program participants will receive training on tagging and v-notching protocols prior to the start of operations.

The participating vessel owners have obtained collectors permits from the RIDEM that will enable them to catch, tag, and release juvenile lobsters as well as egg-bearing female lobsters in state waters.

EFPs would be issued to 21 participating federally permitted lobster vessels to exempt them from the size and possession restrictions of the American Lobster Fishery Management Plan. Exemption to the regulations specified at 50 CFR 649.20(b) and (d) will remain in effect until Federal authority to manage the American lobster fishery is transferred from the Magnuson-Stevens Act to the Atlantic Coastal Cooperative Management Act, at which time the authority for this exemption will transfer to the regulations specified at 50 CFR 697.20(b) and (d).

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

Dated: August 16, 1999.

**Gary C. Matlock,**

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

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