

The Council approved an exemption request for an area comprising the experimental Areas 2B and 4 under Framework 35 to the Northeast Fishery Management Plan (Framework 35). The MADMF did not request that Area 3 be included in the exemption due to the low sample size and inconclusive data results from previous year's experiments. Therefore, this year's experiment proposes to increase the sampling size (fleet size expansion) and improve the confidence level of data on bycatch of regulated multispecies, overall effort, species composition and gear performance.

The MADMF has stated that the gear specifications would be identical to those approved under Framework 35, including the minimum mesh size requirement of 2.5 inches (6.35 cm), the headrope, ground gear, footrope and drop chains settings and configurations, option to use the sweepless trawl, and a prohibition on use of net strengtheners. Also, net possession restrictions would be amended to allow fishermen to leave their large-mesh groundfish net aboard the vessel (in addition to the small mesh raised footrope trawl) when enrolled in the fishery.

The area defined by the MADMF for the experiment overlaps a portion of the Gulf of Maine Rolling Closure Area V (Rolling Closure Area) from October 1—November 30, 2000. NMFS is also requesting comments on MADMF's request that participants in the experimental fishery be allowed to fish in the Rolling Closure Area. The MADMF hopes that this overlap would help define a continuous exemption area including the area proposed in Framework 35 and the area proposed in this experiment.

The MADMF personnel would sea sample approximately 10–20 percent of the total trips during the course of the experimental fishery season; September through December of 2000. In addition, participants would be required to record catch information on a tow-by-tow basis on MADMF-supplied logs and submit all logs weekly to MADMF. If bycatch problems should develop, MADMF would take the appropriate remedial actions to amend the problem, as they have in past years.

EFPs would be issued to participating federally permitted whiting vessels to exempt them from DAS, mesh size and other gear restrictions required as part of the Northeast Multispecies FMP during the specified season.

Following reports and consideration of the experimental fishery proposal, the Groundfish Committee will report on the development of Amendment 13 to

the Northeast Multispecies FMP. The Habitat Committee will report during the afternoon session. Included will be a presentation on the 2000 Habitat Annual Review Report, discussion and possible approval of recommendations concerning the establishment of one or more dedicated habitat research areas, and review and possible approval of a letter to the Minerals Management Service about proposed sand mining off the New Jersey coast.

Prior to addressing any other outstanding business, the Capacity and Herring Committees will update the Council on their most recent activities.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

The New England Council will consider public comments at a minimum of two Council meetings before making recommendations to the Regional Administrator on any framework adjustment to a fishery management plan. If she concurs with the adjustment proposed by the Council, the Regional Administrator has the discretion to publish the action either as proposed or final regulations in the **Federal Register**. Documents pertaining to framework adjustments are available for public review 7 days prior to a final vote by the Council.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 24, 2000.

**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 660

[Docket No. 000524153-0153-01; I.D. 042100C]

RIN 0648-AO11

#### Fisheries off West Coast States and in the Western Pacific; Highly Migratory Species Fishery; Control Date

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

**ACTION:** Advance Notice of Proposed Rulemaking; Notice of a control date for Pacific Coast Highly Migratory Species Fisheries; request for comments.

**SUMMARY:** The Pacific Fishery Management Council (Council) is developing a Fishery Management Plan (FMP) for Highly Migratory Species (HMS) off the Pacific Coast that would place HMS species such as tuna, billfish, and sharks under Federal management. This document announces a control date of March 9, 2000, after which vessels participating in the commercial (troll, long line, drift gillnet, harpoon, purse seine), and charter boat fisheries for HMS may not be qualified if the Council determines that a program to limit entry to the fisheries is appropriate. The intended effect of this announcement is to discourage speculative entry into the Pacific Coast HMS fisheries while the Council determines whether, it will limit participation in the fisheries in the future. If the Council decides to limit future participation, it will decide on criteria at that time.

**DATES:** Comments must be submitted by June 30, 2000.

**ADDRESSES:** Comments on this advance notice of proposed rulemaking may be mailed to Jim Lone, Chairman, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562-980-4040.

**SUPPLEMENTARY INFORMATION:** The Council was established under section 302(a)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act. The Council has concluded that an HMS FMP is needed and has named a plan development team. The Council sponsored scoping sessions to obtain

public comment on matters that should be considered in the FMP. Several people strongly supported the development of the FMP, but urged the Council to establish a control date so that there would not be a rush to enter the fishery during the plan development process. These persons were especially concerned that recent tight restrictions in the groundfish fishery and continued restrictions in the ocean salmon fishery might encourage entry to the HMS fisheries. The Council subsequently heard advice from its advisory subpanel in support of a control date and from the public (some of whom supported a control date) at its meeting in March 2000. After considering the comments and weighing the alternatives, the Council agreed that March 9, 2000, should be established as a control date for the commercial and charter boat sectors of the HMS fisheries. The Council requested that NMFS publish a

notification of this control date in the **Federal Register**.

The Council anticipates that the plan development process will take approximately one year. The Council has not yet determined that limited entry in one or more fishery sectors is necessary or appropriate. However, the Council is aware that there is often a rush to enter any fishery for which a new FMP is being developed, in anticipation that a limited entry program could be proposed that would use historic and recent participation as criteria for eligibility for limited entry permits.

The implementation of any management measures for the fishery affecting one or more of these fishery sectors will require approval of the FMP and implementation of associated regulations. Any action will require a regulatory proposal with public input and supporting analysis, NMFS approval, and publication of the

implementing regulation in the **Federal Register**. If catch history is used as a basis for eligibility for participation, it is likely that catch by persons entering after the control date will not be considered in determining eligibility for a limited entry permit. The Council also may decide to use participation prior to the control date as a permit eligibility criterion. Fishers are not guaranteed future participation in the HMS fishery, regardless of their date of entry or level of participation in the fishery.

This advance notice of proposed rulemaking has been determined to be not significant for purposes of Executive Order 12866.

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

Dated: May 24, 2000.

**Andrew A. Rosenberg,**  
*Deputy Assistant Administrator for Fisheries,*  
*National Marine Fisheries Service.*

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