

*Corrodible hook* means a fishing hook composed of any material other than stainless steel.

\* \* \* \*

*Floatline* means a line attached to a buoyant object that is used to support the mainline of a longline at a specific target depth.

\* \* \* \*

*Gangion* means a line that serves to attach a hook, suspended at a specific target depth, to the mainline of a longline.

\* \* \* \*

*Northeast distant closed area* means the Atlantic Ocean area bounded by straight lines connecting the following coordinates in the order stated: 35°00' N. lat., 60°00' W. long.; 55°00' N. lat., 60°00' W. long.; 55°00' N. lat., 20°00' W. long.; 35°00' N. lat., 20°00' W. long.; 35°00' N. lat., 60°00' W. long.

\* \* \* \*

3. In § 635.5, paragraphs (a)(4) and (5) are added to read as follows:

#### § 635.5 Recordkeeping and reporting.

\* \* \* \*

(a) \* \* \*

(4) *Pelagic longline sea turtle reporting.* The operators of vessels that have pelagic longline gear on board and that have been issued, or are required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean including the Caribbean Sea and the Gulf of Mexico are required to report any sea turtles that are dead when they are captured or that die during capture to the NMFS Southeast Fisheries Science Center Observer Program, at a number designated by NMFS, within 48 hours of returning to port, in addition to submitting all other reporting forms required by this part and 50 CFR parts 223 and 224.

(5) *Shark gillnet whale reporting.* The vessel operators of vessels that are shark gillnetting, as defined by 50 CFR 229.2, and that have been issued, or are required to have, shark directed or incidental limited access permits for use in the Atlantic Ocean including the Caribbean Sea and the Gulf of Mexico are required to contact the NMFS Southeast Regional Office, at a number designated by NMFS, if a listed whale is taken, in addition to submitting all other reporting forms required by this part and 50 CFR part 229.

\* \* \* \*

4. In § 635.21, paragraphs (a)(3), (c)(2)(v), (c)(5)(iii), (d)(3)(v), and (d)(3)(vi) are added to read as follows:

#### § 635.21 Gear operation and deployment restrictions.

(a) \* \* \*

(3) Operators of all vessels that have pelagic or bottom longline gear on board and that have been issued, or required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean including the Caribbean Sea and the Gulf of Mexico must post inside the wheelhouse the sea turtle handling and release guidelines provided by NMFS.

\* \* \* \*

(c) \* \* \*

(2) \* \* \*

(v) In the Northeast Distant closed area at any time beginning at 12:01 a.m. on July 9, 2002.

\* \* \* \*

(5) \* \* \*

(iii) *Gear modifications.* The following measures are required of vessel operators to reduce the incidental capture and mortality of sea turtles:

(A) *Gangion placement.* Pelagic longline gear must be deployed such that gangions may not be attached to floatlines nor to the mainline except at a distance from the attachment point of the floatline to the mainline, along the mainline, of at least twice the length of the average gangion length in the set.

(B) *Gangion length.* Pelagic longline gear must be deployed such that the length of the gangion is at least 10 percent greater than the length of the floatline for longline sets in which the combined length of the floatline and the gangion is 100 meters or less.

(C) *Corrodible hooks.* Pelagic longline gear must be deployed with only corrodible hooks.

\* \* \* \*

(d) \* \* \*

(3) \* \* \*

(v) Both the observer and vessel operator are responsible for sighting whales. If a listed whale is taken, the vessel operator must cease fishing operations immediately.

(vi) Vessel operators are required to conduct net checks every 0.5 to 2 hours to look for and remove any sea turtles or marine mammals.

\* \* \* \*

5. In § 635.71, paragraphs (a)(36) and (37) are added to read as follows:

#### § 635.71 Prohibitions.

(a) \* \* \*

(36) Fish with bottom or pelagic longline and shark gillnet gear for HMS without using the gear modifications required in 50 CFR 635.21.

(37) Fail to report to NMFS the incidental capture of listed whales with shark gillnet gear and sea turtle

mortalities associated with pelagic longline gear as required by 50 CFR 635.5.

\* \* \* \*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 032702A]

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit

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

**ACTION:** Notice of receipt of an application for an exempted fishing permit (EFP); request for comments.

**SUMMARY:** NMFS announces receipt of an application for an EFP from the Washington State Department of Fish and Wildlife (WSDFW). If awarded, the EFP would allow vessels with valid Washington state delivery permits that have historically fished for arrowtooth flounder to land certain federally managed groundfish species in excess of cumulative trip limits, providing the vessel carries a state-sponsored observer. Observers would collect total catch and effort data and retain specimens that are otherwise not available shoreside. This EFP proposal is intended to promote the objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by providing much-needed data on total catch and incidental catch rates.

**DATES:** DATES: Comments must be received by April 30, 2002.

**ADDRESSES:** ADDRESSES: Copies of the EFP application are available from Becky Renko, Northwest Region, NMFS, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070.

**FOR FURTHER INFORMATION CONTACT:** Becky Renko, 206-526-6110.

**SUPPLEMENTARY INFORMATION:** This action is authorized by the FMP and implementing regulations at 50 CFR 600.745 and 50 CFR 660.350.

On February 20, 2002, NMFS received a completed EFP application from the WSDFW. The primary purpose of this exempted fishing activity would be to measure bycatch rates for canary and other rockfish species associated with

fishing strategies currently used in the northern arrowtooth flounder fishery. The secondary purpose of the exempted fishing activity would be to measure bycatch rates for widow rockfish and other rockfish species associated with fishing strategies currently used in the mid-water yellowtail rockfish fishery. Fishing for arrowtooth flounder and yellowtail rockfish, which are abundant and commercially important species off Washington, is constrained by efforts to rebuild canary and widow rockfish, both overfished species. Fishers who have historically fished for these species believe that the fisheries can be prosecuted with much lower rockfish bycatch rates than are currently assumed. A similar EFP, that yielded useful data on the arrowtooth flounder fishery, was issued in 2001.

If issued, this EFP would allow approximately 7 vessels, which have historically participated in both the arrowtooth flounder and yellowtail rockfish fisheries, to retain and sell arrowtooth flounder, petrale sole, and yellowtail rockfish in excess of cumulative trip limits between May 1 and August 31, 2002. Other rockfish species, caught in excess of current trip limits and retained under the EFP, would be forfeited to the state. Fishing under the proposed EFP would be restricted to waters north of 46°40' N. Lat.

The EFP would provide for a state-sponsored observer program under which observers would collect much-needed data to estimate incidental catch rates and total catch of various species and species groups and collect and retain specimens of otherwise prohibited fish caught by the vessel. Without an EFP, groundfish regulations at 50 CFR 660.306(f) would continue to restrict vessels from landing groundfish species or species groups in excess of trip limits.

Data collected during this project are expected to have a broad significance to the management of the groundfish fishery by providing much needed information on: (1) Total catch of rockfish in the northern flatfish and yellowtail rockfish fisheries; (2) catch rates of incidentally caught rockfish species, including canary rockfish and widow rockfish by fishing location; and (3) age structure data that are otherwise not available from landed catch. To the extent possible, data provided by the observers will be compatible with the data collected by the NMFS coastwide observer program. The information gathered through this EFP may lead to future rulemaking.

At the Pacific Fishery Management Council's (Council) November 2001,

meeting in Burlingame, CA., the applicants appeared in support of the application. The Council considered the EFP application and recommended that NMFS issue the EFP for the proposed activity. A copy of the application is available for review from NMFS (see ADDRESSES).

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

**Dated:** April 3, 2002.

**Bruce C. Morehead,**

*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

[I.D. 032702B]

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit

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

**ACTION:** Notice of receipt of an application for an exempted fishing permit (EFP); request for comments.

**SUMMARY:** NMFS announces receipt of an application for an EFP from the Washington State Department of Fish and Wildlife. If awarded, the EFP would allow vessels with valid Washington state delivery permits that have historically fished for yellowtail rockfish to land certain federally managed groundfish species in excess of cumulative trip limits and sell yellowtail rockfish for profit, providing the vessel carries a state sponsored observer while conducting EFP fishing. State observers would collect total catch and effort data, and retain specimens that are otherwise not available shoreside. This EFP proposal is intended to promote the objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by providing much-needed data on total catch and incidental catch rates, along with a pilot program for the retention of rockfish overages.

**DATES:** Comments must be received by April 30, 2002.

**ADDRESSES:** Copies of the EFP application are available from Becky Renko, Northwest Region, NMFS, 7600

Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070.

**FOR FURTHER INFORMATION CONTACT:** Becky Renko (206) 526-6110.

**SUPPLEMENTARY INFORMATION:** This action is authorized by the FMP and implementing regulations at 50 CFR 600.745 and 50 CFR 660.350.

The purpose of this exempted fishing activity would be to measure bycatch rates for widow and other rockfish associated with fishing strategies currently used in the mid-water yellowtail rockfish fishery off Washington.

Fishing for yellowtail rockfish, which is an abundant and commercially important species off Washington, is constrained by efforts to rebuild widow and canary rockfish, both overfished species. Fishers who have historically targeted yellowtail rockfish believe that the mid-water yellowtail fishery can be prosecuted with a much lower bycatch rate of widow and canary rockfish than is currently assumed.

If issued, this EFP would allow certain vessels with valid Washington state delivery permits to retain and sell yellowtail rockfish in excess of cumulative trip limits. Other rockfish species, caught in excess of current trip limits and retained under the EFP, would be forfeited to the State. This EFP would also provide for a state run observer program where observers collect and retain specimens of otherwise prohibited fish caught by the vessel. Observers would collect much-needed data, to estimate incidental catch rates and total catch of various species. In addition to providing bycatch information, this EFP would be a pilot program for the retention of rockfish overages. Without an EFP, groundfish regulations at 50 CFR 660.306(f) would continue to restrict vessels from landing groundfish species or species groups in excess of trip limits.

Data collected during this project is expected to have a broad significance to the management of the groundfish fishery by providing much needed information on: (1) rockfish catch in the mid-water yellowtail rockfish fishery; (2) catch rates of incidentally caught rockfish species, including widow rockfish and canary rockfish by fishing location; and (3) age structure data that is otherwise not available from landed catch. To the extent possible, data provided by the state observers will be compatible with that collected by the NMFS coastwide observer program. However, the scope of sampling will be narrower to reflect the specific purpose of this EFP. The information gathered