

TABLE 1.—OPTIONS FOR THE INSIGNIFICANCE THRESHOLD—Continued

Option	Option 1 10 percent of PBR	Option 2 10 percent Delay in Recovery	Option 3 0.1 percent Nmin ¹ (cetaceans); 0.3 percent Nmin (pinnipeds)
Cons	Consistent with current definition for Category III fishery, such that the List of Fisheries would provide an easy metric for which fisheries have met T _{ins} .	Consistent with the Marine Mammal Commission's recommendation for determining "negligible impact" related to the take of threatened or endangered marine mammals ³ .	Consistent with ETP dolphin standard for T _{ins} , which is an "insignificant" metric specifically defined by Congress
	.....	Consistent application across all stocks because the recovery factor is set as the same number for all stocks..	Consistent application across all stocks because the recovery factor is set as the same number for all stocks
	.....	.....	T _{ins} is always less than PBR level
	.....	.....	Would allow for flexibility in relationship between T _{ins} and negligible impact under 101(a)(5)(E), such that negligible impact could be greater or less than T _{ins} depending on population parameters circumstances
	May lead to overly conservative levels of protection for certain endangered species, whose PBR levels are already set at biologically insignificant levels.	For endangered species, T _{ins} = PBR level, which may be perceived as providing less protection for endangered stocks than for other stocks, even though the PBR for endangered stocks is already set at biologically insignificant levels.	May be perceived as providing less protection for endangered stocks than for other stocks, even though it reduces the PBR for endangered species (already insignificant due to the use of a recovery factor or 0.1) by 50 percent
	.....	Not consistent with the definition of a Category III fishery, such that the definition of a Category III fishery on the List of Fisheries would need to be changed to provide an easy metric for which fisheries have met T _{ins} .	May be too restrictive for stocks at their optimum sustainable population level by setting the T _{ins} for such stocks at 5 percent of their PBR level.
	.....	Does not allow for flexibility in the relationship between T _{ins} and section 101(a)(5)(E) of the MMPA, such that other population parameters could not be taken into account in making a negligible impact determination, potentially making it illegal for certain fisheries to operate.	
		

NUMBER OF CATEGORY I AND II FISHERIES INTERACTING WITH ONE OR MORE STOCKS OF MARINE MAMMALS FOR WHICH INCIDENTAL MORTALITY EXCEEDS T_{ins}

Atlantic	18	18	18
Pacific	8	8	8
Alaska	13	3	6

NUMBER OF MARINE MAMMAL STOCKS FOR WHICH INCIDENTAL MORTALITY EXCEEDS T_{ins}

Atlantic	15	13	14
Pacific	11	8	10
Alaska	6	2	4

1. Nmin is an abbreviation for the minimum estimated abundance for a population stock of marine mammals.

2. The calculations for estimating the delay in recovery were based upon the PBR equation and NMFS's default values for one-half of the maximum net productivity rate (Rmax). For pinnipeds the default value for one-half of Rmax is 6 percent, and for cetaceans, the default value is 2 percent.

3. Marine Mammal Commission, Recommended Guidelines to Govern the Incidental taking of marine mammals in the Course of Commercial Fishing Operations after October 1993, July 1990, at 30.

Dated: July 1, 2003.

Rebecca Lent,
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 03-17240 Filed 7-8-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 062703B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application 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 announces that the Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that an application to issue EFPs for up to 100 commercial lobster vessels, submitted by the Maine Department of Marine Resources (MEDMR), contains all the information required by the regulations governing exempted experimental fishing under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and, therefore, warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under these EFPs would be consistent with the goals and objectives of the American lobster (lobster) fishery under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and is