

quahogs from Atlantic waters north of 43° 50' N. lat. in 2004.

DATES: Comments must be received no later than 5 p.m., eastern standard time, on November 21, 2003.

ADDRESSES: Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), and the Essential Fish Habitat Assessment, are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. A copy of the EA/RIR/IRFA is accessible via the Internet at <http://www.nero.gov/ro/doc/nr.htm>.

Written comments on the proposed specifications should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments—2004 Clam and Quahog Specifications." Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Susan W. Chinn, Fishery Management Specialist, 978-281-9218, susan.chinn@noaa.gov.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surfclam and Ocean Quahog Fisheries (FMP) requires that NMFS, in consultation with the Mid-Atlantic Fishery Management Council (Council), specify quotas for surfclams and ocean quahogs on an annual basis from a range that represents the optimum yield (OY) for each fishery. It is the policy of the Council that the levels selected allow sustainable fishing to continue at that level for at least 10 years for surfclams and 30 years for ocean quahogs. In addition to this constraint, the Council policy also considers the economic impacts of the quotas. Regulations implementing Amendment 10 to the FMP, published on May 19, 1998 (63 FR 27481), added Maine mahogany ocean quahogs (locally known as mahogany quahogs) to the management unit and provided that a small artisanal fishery for ocean quahogs in the waters north of 43° 50' N. lat. has an annual quota with an initial amount of 100,000 Maine bu (35,240 hectoliters (hL)) within a range of 17,000 to 100,000 Maine bu (5,991 hL to 35,240 hL). As specified in Amendment 10, the Maine mahogany ocean quahog quota is in addition to the quota specified for the ocean quahog fishery. The fishing quotas must be in

compliance with overfishing definitions for each species. In proposing these quotas, the Council considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report prepared by the Council staff. The proposed quotas for the 2004 Atlantic surfclam, ocean quahog, and Maine mahogany ocean quahog fisheries are shown here. The status quo level of 2003 for the Maine mahogany ocean quahog is proposed to be maintained for 2004, but the surfclam quota would be increased by 4.6 percent (from 3.25 to 3.4 million bu) and the ocean quahog quota would be increased by 11.1 percent (from 4.5 to 5.0 million bu).

PROPOSED 2004 SURFLAM/OCEAN QUAHOG QUOTAS

Fishery	2004 final quotas (bu)	2004 final quotas (hL)
¹ Surfclam	3,400,000	1,810,000
¹ Ocean quahog	5,000,000	2,662,000
² Maine mahogany ocean quahog	100,000	35,240

¹ 1 bushel = 1.88 cubic ft. = 53.24 liters

² 1 bushel = 1.2445 cubic ft. = 35.24 liters

Surfclams

The Council's recommended 2004 quota of 3.4 million bu (1.81 million hL) for surfclams is the fourth change in the quota since 1995. In 1999, the Council expressed its intention to increase the surfclam quota to OY over a period of 5 years, (OY = 3.4 million bu (1.81 million hL)). The most recent assessment for surfclams, Stock Assessment Workshop 30 (SAW 30), indicated that the resource is at a high level of biomass, is under-exploited, and can safely sustain increased harvests, but cautioned that it may be advantageous to avoid localized depletion. Industry reports that the current demand for clam products is very strong, with processors describing an inability to fill all orders due to a lack of clams. However, information reported by industry in their vessel trip reports has shown a steady reduction in the landings per unit of effort, an important indicator that the annual quota is approaching the OY for the resource. Federal landings of surfclams increased by 8 percent in 2002 to a total of 3.11 million bu (1.656 million hL). The majority of the surfclam catch

continues to be derived from one area (northern NJ). Based on the information and advice from the most recent assessment for surfclams, the Council recommends an increase of 4.6 percent from the 2003 level of 3.25 million bu (1.730 million hL), which would result in a 2004 quota of 3.4 million bu (1.810 million hL), the maximum allowable quota under the current FMP.

Ocean Quahogs

The Council has recommended a 2004 quota of 5.0 million bu (2.662 million hL) for ocean quahogs. This represents an increase of 11.1 percent, but would be the first increase in the quota in 5 years. Although ocean quahog landings had been on a declining trend from the 4.9-million bu (2.609 million hL) peak in 1992, quahog landings have increased consecutively by 17 percent and by 5 percent for the past 2 fishing years (from fishing year 2000 to 2001, and from fishing year 2001 to 2002, respectively) to a total of 3.87 million bu (2.061 million hL), or 86 percent of the annual quota in fishing year 2002. Another encouraging development has been the increase in average landings per unit of effort in 2002. Considering these positive indicators for the status of the ocean quahog stock, the Council recommends increasing the ocean quahog quota for 2004 by 11.1 percent, to 5.0 million bu (2.662 million hL). The best scientific information currently available suggests that an increase in the quahog quota to 5.0 million bu (2.662 million hL) would be sustainable. Such an increase in the quahog quota would also help offset the impact on industry of the expected reduction of the NJ state surfclam quota to prevent localized depletion of the surfclam resource in state waters.

The Atlantic surfclam and ocean quahog quotas are specified in standard bushels of 53.24 L per bushel, while the Maine mahogany ocean quahog quota is specified in "Maine" bushels of 35.24 L per bushel. Because Maine mahogany ocean quahogs are the same species as ocean quahogs, both fisheries are combined and share the same ocean quahog overfishing definition. When the two quota amounts (ocean quahog and Maine mahogany quahog) are added, the total allowable harvest is still lower than the level that would result in overfishing for the entire stock.

The Council has recommended that the Maine mahogany ocean quahog quota for 2004 remain unchanged from the 2001, 2002, and 2003 quota level at 100,000 Maine bu (35,240 hL). No additional information is available at this time on the impacts of the Maine mahogany ocean quahog quota that