

intent of this action is to fulfill this requirement and to promote the development and conservation of the MSB resources. This action also proposes an increase in the *Illex* squid catch limit for squid/butterfish incidental catch permit holders from 5,000 lb (2.27 mt) to 10,000 lb (4.54 mt). In addition, this action would correct the regulations implementing the MSB Fishery Management Plan (FMP) by reinserting regulatory text that was incorrectly removed in the final rule that implemented measures contained in the Atlantic Herring FMP, which was published on December 11, 2000.

**DATES:** Public comments must be received no later than 5 p.m., Eastern Standard Time, on December 15, 2003.

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

Comments on the proposed specifications should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Please mark the envelope, "Comments-2004 MSB Specifications." Comments also may be sent via facsimile (fax) to 978-281-9135.

Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 978-281-9273, fax 978-281-9135, e-mail [paul.h.jones@noaa.gov](mailto:paul.h.jones@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP), prepared by the Mid-Atlantic Fishery Management Council (Council), appear at 50 CFR part 648, subpart B. Regulations governing foreign fishing appear at 50 CFR part 600, subpart F. These regulations, at §§ 600.516(c) and 648.21, require that NMFS, based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, annually publish a proposed rule specifying the initial amounts of the initial optimum yield (IOY), as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), total allowable level of foreign fishing (TALFF), and JVP for the affected species managed under the FMP. In addition, these regulations allow *Loligo* squid specifications to be specified for up to 3 years, subject to annual review. The regulations found in § 648.20 also specify that IOY for squid is equal to the combination of research quota and DAH, with no TALFF specified for squid. For butterfish, the regulations specify that a butterfish bycatch TALFF will be specified only if TALFF is specified for Atlantic

mackerel. Procedures for determining the initial annual amounts are found in § 648.21.

In addition, the regulations at § 648.21(g) allow the specification of research set-asides (RSA) to be used for research purposes. For 2004, the Council recommended RSAs of up to 2 percent of IOY for Atlantic mackerel and butterfish; and of up to 3 percent of IOY for squids. The RSAs would fund research and data collection for those species. A Request for Research Proposals was published to solicit proposals for 2004 based on research priorities previously identified by the Council (68 FR 3864, January 27, 2003). The deadline for submission was March 28, 2003. On July 19, 2003, NOAA Fisheries convened a Review Panel to review the comments submitted by technical reviewers on proposed research projects that would be funded using RSAs. Based on discussions among participants on the Review Panel, one *Loligo* squid project proposal was recommended for approval and will be forwarded to the NOAA Grants Office for award. Consistent with the Council's recommendations, the quotas in this proposed rule have been adjusted to reflect the project recommended for approval. If the awards are not made by the NOAA Grants Office for any reason, NMFS will publish a notice in the **Federal Register** to restore the unused RSA amount to the annual quota.

Table 1 contains the proposed initial specifications for the 2004 Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish fisheries.

TABLE 1. PROPOSED INITIAL ANNUAL SPECIFICATIONS, IN METRIC TONS (MT), FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 2004

Specifications	<i>Loligo</i>	<i>Illex</i>	Atlantic Mackerel	Butterfish
Max OY .....	26,000	24,000	<sup>1</sup> N/A	16,000
ABC .....	17,000	24,000	347,000	7,200
IOY .....	<sup>4</sup> 16,872.4	24,000	<sup>3</sup> 170,000	5,900
DAH .....	16,872.4	24,000	<sup>3</sup> 170,000	5,900
DAP .....	16,872.4	24,000	150,000	5,900
JVP .....	0	0	5,000	0
TALFF .....	0	0	0	0

<sup>1</sup> Not applicable.

<sup>2</sup> IOY may be increased during the year, but the total ABC will not exceed 347,000 mt

<sup>3</sup> Includes 15,000 mt of Atlantic mackerel recreational allocation.

<sup>4</sup> Excludes 127.6 mt for RSA.

## 2004 Proposed Specifications

### *Atlantic Mackerel*

Overfishing for Atlantic mackerel is defined by the FMP to occur when the catch associated with a threshold fishing mortality rate (F) of  $F_{MSY}$  (the F that produces MSY (maximum sustainable yield)) is exceeded. When

spawning stock biomass (SSB) is greater than 890,000 mt, the maximum F threshold is  $F_{MSY}$  (0.45), and the target F is 0.25. To avoid low levels of recruitment, the FMP contains a control rule whereby the threshold F decreases linearly from 0.45 at 890,000 mt SSB to zero at 225,000 mt SSB (1/4 of the

biomass level that would produce MSY on a continuing basis ( $B_{MSY}$ )), and the target F decreases linearly from 0.25 at 890,000 mt SSB to zero at 450,000 mt SSB (1/2  $B_{MSY}$ ). Annual quotas are specified that correspond to the target F resulting from this control rule.