

TABLE 6.—DTS COMPLEX  
[Coastwide]

Phase	Cumulative trip limit periods	Cumulative trip limits (in pounds)				Length of cumulative trip limit period (months)
		Dover sole cumulative trip limit	Longspine thornyhead cumulative trip limit	Shortspine thornyhead cumulative trip limit	Trawl-caught sablefish* cumulative trip limit	
I .....	Jan 1–Mar 31 .....	70,000 ..... (31,752 kg) ..	12,000 ..... (5,443 kg) ....	3,000 ..... (1,361 kg) ....	13,000 ..... (5,897 kg) ....	3
II .....	Apr 1–May 31 .....	25,000 ..... (11,340 kg) ..	8,000 ..... (3,629 kg) ....	2,000 ..... (907 kg) .....	12,000 ..... (5,443 kg) ....	2
	June 1–July 31 .....	20,000 ..... (9,072 kg) ....	8,000 ..... (3,629 kg) ....	2,000 ..... (907 kg) .....	10,000 ..... (4,536 kg) ....	2 months
	Aug 1–Sept 30 .....	20,000 ..... (9,072 kg) ....	8,000 ..... (3,629 kg) ....	2,000 ..... (907 kg) .....	10,000 ..... (4,536 kg) ....	2 months
III .....	Oct 1–31 .....	22,000 ..... (9,979 kg) ....	4,000 ..... (1,814 kg) ....	1,000 ..... (454 kg) .....	6,000 ..... (2,722 kg) ....	1
	Nov 1–30 .....	22,000 ..... (9,979 kg) ....	4,000 ..... (1,814 kg) ....	1,000 ..... (454 kg) .....	6,000 ..... (2,722 kg) ....	1 month
	Dec 1–31 .....	22,000 ..... (9,979 kg) ....	4,000 ..... (1,814 kg) ....	1,000 ..... (454 kg) .....	6,000 ..... (2,722 kg) ....	1 month

\* At any time of year unless otherwise announced, no more than 500 lb (227 kg) per trip may be trawl-caught sablefish smaller than 22 inches (56 cm) total length. (See paragraph IV.A.(6) regarding length measurement.) The increases to the Dover sole and trawl-caught sablefish trip limits for the April 1 through May 31 period are not effective until May 1, 1999.

(d) \* \* \*

(i) *Regular season.* The regular season will begin at 12 noon l.t. on August 16, 1999, and end at noon on August 25, 1999. Pre-season and post-season closures described at 50 CFR § 660.323(a)(2) are in effect. The pre-season closure will begin at 12 noon l.t. on August 14, 1999, and end when the regular season begins, at 12 noon l.t. on August 16, 1999. The post-season closure will begin when the regular season ends at noon l.t. on August 25, 1999, and end at 1800 hours l.t. on August 26, 1999. During the regular season, each vessel with a limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for the tier to which the permit is assigned. For 1999, the following tier limits are in effect: Tier 1, 84,800 lb (40,823 kg); Tier 2, 38,300 lb (17,373 kg); Tier 3, 22,000 lb (9,979 kg).

\* \* \* \* \*

2. In section IV, under C. *Trip Limits in the Open Access Fishery*, paragraph C. (6) is revised to read as follows:

C. Trip Limits in the Open Access Fishery

\* \* \* \* \*

(6) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for spot and ridgeback prawns, California halibut, and sea cucumbers—*

(a) *Trip limits.* No more than 300 lb (136 kg) of groundfish may be taken per vessel per fishing trip. Limits and closures in paragraphs IV.C(1) through IV.C(5) also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea

cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (*Squalus acanthias*) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish (paragraph IV.C.2) and thornyheads south of Pt. Conception (paragraph IV.C.1(a)) may not be multiplied by the number of days of the fishing trip. The groundfish “per trip” limit may not be multiplied by the number of days in the fishing trip, although this was allowed in 1998.

\* \* \* \* \*

#### Classification

These actions are authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see ADDRESSES) during business hours. Because of the need to implement these changes by May 1, consistent with the states of Washington, Oregon, and California, and because the public had an opportunity to comment on the action at the April 1999 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR

660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: April 28, 1999.

**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 648

[Docket No. 990318076–9109–02; I.D. 030599A]

RIN 0648–AL72

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 27

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

**ACTION:** Final rule and 1999 target total allowable catch (TAC) levels.

**SUMMARY:** NMFS issues final regulations to implement Framework Adjustment 27 to the Northeast Multispecies Fishery Management Plan (FMP). Framework Adjustment 27 is necessary to address overfishing of several stocks, in particular Gulf of Maine (GOM) cod, and to achieve the rebuilding goals of the FMP for the 1999 multispecies fishing year. This final rule implements management measures that establish GOM Rolling Closures of greater size

and duration than the current GOM Inshore Closure Areas, reconfigure and increase the duration of the Cashes Ledge Closure Area, reduce the GOM cod landing limit to 200 lb/day-at-sea (DAS) (90.7 kg/DAS), modify the haddock landing limit, increase the minimum square-mesh size to 6.5 inches (16.51 cm) for the Gulf of Maine/ Georges Bank and Southern New England (SNE) Regulated Mesh Areas, and clarifies the method of calculating the weight of fish parts and fillets, for purposes of possession limits. Framework 27 also includes mechanisms that allow the Regional Administrator, Northeast Region, NMFS (Regional Administrator) to reduce the GOM cod landing limit to between 5 and 100 lb/DAS (2.3 and 45.3 kg/DAS) when 30 percent of the FMAX GOM cod target TAC (402 mt) is harvested, depending upon the risk of exceeding the target TAC, and allows the Regional Administrator to either increase or decrease the haddock trip limit based upon the percentage of TAC which is projected to be harvested.

**DATES:** Effective on May 1, 1999, except for amendments to §§ 648.14(a)(43) and (a)(116), 648.80(a)(2), (a)(5), (a)(12), (a)(13), (b)(2)(i), (d)(2), and (e)(2), 648.83 and 648.87, which are effective on June 10, 1999.

**ADDRESSES:** Copies of Framework Adjustment 27, its Environmental Assessment, Regulatory Impact Review (RIR), and Final Regulatory Flexibility Analysis (FRFA) are available upon request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906.

Comments regarding the collection-of-information requirements contained in this final rule should be sent to Jon Rittgers, Acting Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298 and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Richard A. Pearson, Fishery Policy Analyst, 978-281-9279.

**SUPPLEMENTARY INFORMATION:** Framework Adjustment 27 to the Northeast Multispecies Fishery Management Plan was prepared by the New England Fishery Management Council (Council). A proposed rule, requesting public comment, was published on March 29, 1999 (64 FR 14846). The comment period ended on April 13, 1999. A complete discussion of the process used to develop the

management measures in Framework Adjustment 27 appears in the preamble to the proposed rule and is not repeated here.

The closed areas, possession and landing restrictions, and associated definitions, DAS notification requirements, prohibitions, transiting provisions, exemptions, and permit restrictions contained in this rule are effective on May 1, 1999. The increased minimum square mesh size to 6.5 inches (16.51 cm), prohibition on roller and rockhopper gear in excess of 12 inches (30.48 cm) diameter in the GOM Inshore Restricted Roller Gear Area, elimination of the 6 inch (15.24 cm) square mesh requirement in the Stellwagen Bank/Jeffreys Ledge Juvenile Protection Area, new method of calculating the weight of fish parts and fillets for purposes of possession limits, and exemptions not occurring during the month of May are effective on June 10, 1999.

#### 1999 Target Total Allowable Catches

Based on projected 1999 stock sizes and Amendment 7's fishing mortality targets, the target TACs for the 1999 fishing year, as recommended by the Multispecies Monitoring Committee, are as follows:

Species/area	Target TACs (metric tons)	
	1999	1998
Georges Bank cod .....	5,354	4,700
Georges Bank haddock .....	5,600	4,797
Georges Bank yellowtail flounder .....	2,725	2,145
Southern New England yellowtail flounder .....	1,115	814
Gulf of Maine cod (F <sub>MAX</sub> ) .....	1,340	1,783
Gulf of Maine cod (F <sub>O.1</sub> ) .....	782	1,783
Aggregate for remaining regulated species .....	25,500	25,500

#### Summary of Approved Management Measures

This final rule implementing Framework Adjustment 27: (1) Replaces the current GOM Inshore Closure Areas with larger and longer GOM Rolling Closure Areas; (2) reconfigures the area and increases the duration of the Cashes Ledge Closure Area; (3) maintains the current year-round Western GOM Closure Area; (4) eliminates the 1-month NE Closure Area; (5) exempts scallop dredge gear from the GOM Rolling Closure Areas and Cashes Ledge Closure Area with no possession of regulated multispecies allowed; (6) reduces the daily GOM cod landing limit to 200 lb/DAS (90.7 kg/DAS); (7) authorizes the

Regional Administrator to reduce the GOM cod landing limit to between 5 and 100 lb/DAS (2.3–45.3 kg/DAS), when 30 percent of the GOM cod F<sub>MAX</sub> target TAC is caught; (8) changes the haddock landing limit to 2,000 lb/DAS (907.2 kg/DAS) with a 20,000-lb (9071.8-kg) trip limit, and authorizes the Regional Administrator to adjust the haddock limit up or down based upon the likelihood of reaching the target TAC; (9) increases the minimum square-mesh size from 6 inches (15.24 cm) to 6.5 inches (16.51 cm) in the GOM/GB and SNE Regulated Mesh Areas; (10) eliminates the mesh restrictions in the Stellwagen Bank and Jeffreys Ledge Juvenile Protection Area; (11) limits the size of roller and rockhopper gear to a maximum diameter of 12 inches (30.48 cm) in a defined GOM inshore area; and (12) clarifies the method of calculating the weight of fish parts and fillets for purposes of determining compliance with possession and landing limits. In addition, this framework codifies a method of on-reel net stowage for vessels transiting the GOM Closure Areas. These measures are described in the following sections.

#### Area Closures and Exemptions

The closures implemented by Framework 27 modify the current GOM Inshore Closure Areas (now referred to as the GOM Rolling Closure Areas) by increasing their geographic size, primarily eastward and by increasing their duration from 1 to 2 months. In addition, this framework action changes the configuration and increases the duration (from 1 month to 4 months) of the Cashes Ledge Closure Area, adds an additional 2-month closure encompassing portions of Massachusetts Bay from October 1 to November 30, and eliminates the 1-month multispecies Northeast Closure Area. This framework adjustment maintains the existing year-round Western GOM Closure comprising parts of Stellwagen Bank, Jeffreys Ledge, and Wildcat Knoll. Exemptions to the GOM Rolling Closure Areas and Cashes Ledge Closure Area remain the same, except that scallop dredge gear is considered exempted gear in the newly closed areas when fishing under a scallop DAS or participating in the Scallop Dredge Fishery Exemption Area, provided that a vessel does not retain any regulated multispecies during any part of a trip. The Council clarified that "newly closed areas" refer only to the Rolling Closure Areas specified in Framework 27, as well as the Cashes Ledge Closure Area. It does not refer to Closed Areas I and II, the Nantucket Lightship Closed Area and the Western GOM Area Closure. Vessels may transit

through any of the GOM Inshore Closure Areas, provided gear is stowed properly according to the regulations. This framework also codifies an additional method of on-reel net stowage for vessels transiting the GOM Rolling Closure Areas. For these areas, the requirement to remove the codend has been eliminated, provided that other requirements are met, including that the net is entirely covered, the towing wires are detached, and no containment rope or codend tripping device is attached to the codend.

#### **GOM Cod Landing Limit**

This action reduces the GOM cod landing limit at the start of the fishing year from 400 lb/DAS (181.4 kg) to 200 lb/DAS (90.7 kg/DAS), or any part of a DAS. For instance, a vessel that has called-in to the multispecies DAS program at 3 p.m. on a Monday and ends its trip the next day (Tuesday) at 4 p.m. (accruing a total of 25 hours) may legally land up to 400 lb (181.4 kg) of cod on such a trip, but the vessel may not end any subsequent trip with cod on board until after 3 p.m. on the following day (Wednesday). As is currently the case, however, vessels may allow their DAS clock to run in order to account for any cod overages, provided they report their haul weight to the Regional Administrator, as described in the multispecies regulations. When 30 percent of the GOM cod  $F_{MAX}$  TAC (886,000 lb (402 mt), in 1999) is projected by the Regional Administrator to be harvested, the Regional Administrator could reduce the trip landing limit to an amount in the range between 5 lb/DAS (2.3 kg/DAS) and 100 lb/DAS (45.3 kg/DAS), depending upon an evaluation of the risk of exceeding the target TAC.

#### **Haddock Landing Limit**

This action changes the haddock landing limit to 2,000 lb (907.2 kg) per DAS, or any part of a DAS, up to 20,000 lb (9,071.8 kg) per trip. When 75 percent of the target TAC for Georges Bank haddock for the 1999 fishing year is reached (9.3 million lb (4,218.5 mt)), the Regional Administrator is authorized to reduce the trip limit either to a 1,000 lb (453.6 kg) per trip possession limit restriction, or to a landing limit restriction of 1,000 lb/DAS (453.6 kg/DAS), with a 10,000 lb (4,536.0 kg) maximum per trip, based on a determination of the risk of exceeding the target TAC. Beginning October 1, 1999, if the Regional Administrator projects that less than 75 percent of the target TAC will be harvested by April 30, 2000, NMFS may publish a notification in the **Federal Register** that,

on a specific date, the limit shall be increased to an amount that the Regional Administrator projects will be sufficient to allow landings of at least 9.3 million lb (4,218.5 mt) by April 30, 2000.

#### **Gear Restrictions**

This action imposes two gear restrictions. They become effective on June 10, 1999. The first is an increase in the minimum square-mesh size for otter trawl vessels in the GOM/GB and SNE Regulated Mesh Areas from 6-inch (15.24 cm) square to 6.5-inch (16.51 cm) square. The diamond mesh size of 6 inches (15.24 cm) is not changed. Concurrent with the increase in the minimum square mesh size, the requirement to use 6-inch (15.24 cm) square mesh only, in the Stellwagen Bank/Jeffreys Ledge Juvenile Protection Area, is eliminated.

The second gear restriction limits the size of roller or rockhopper gear on trawl footropes to a maximum diameter of 12 inches (30.48 cm) within a newly established GOM/GB Inshore Restricted Roller Gear Area.

#### **Calculation of the Weight of Fish Parts**

Possession and landing limits for regulated multispecies are determined on the basis of the weight of whole, whole-gutted, or gilled fish. This action clarifies the method of calculating the weight of parts of fish and fillets by specifying that they will be multiplied by three, to equate to the weight of whole, whole-gutted, or gilled fish.

#### **Other Measures**

This final rule also clarifies that measures concerning areas closed to gillnet gear to prevent right whale takes specified at § 648.87(b) apply to limited access multispecies permit holders using gillnet gear in the entire area described at § 648.87(b)(1) and (b)(2), including state waters.

#### **Comments and Responses**

Twelve comments were received on Framework 27 and its proposed implementing regulations. Two of the comments were supportive of measures in Framework 27. Specific comments and responses on Framework 27 and the proposed implementing regulations are provided here.

*Comment 1:* Several commenters indicated that the 12 inch (30.48 cm) size limitation on roller and rockhopper gear within the GOM/GB Inshore Restricted Roller Gear Area should not be implemented because: (1) the public was not provided adequate opportunity to comment during the framework process because the description of these

measures did not appear on Council meeting notices and the measure was not voted upon until after midnight on the meeting day; (2) there was not adequate documentation in the Council's Framework 27 documentation or the proposed rule explaining how these measures meet the conservation objectives for GOM cod; and (3) the assessment of the economic impact of these measures does not address the fact that the measure will prevent access to certain hard bottom areas in the inshore GOM area by otter trawl vessels and will allocate these areas entirely to other gear sectors. Similarly, mobile gear vessels with rockhopper and roller gear greater than 12 inches (30.48 cm) would always have to transit the inshore restricted area in compliance with burdensome gear stowage provisions. The commenters also stated that the discussion in Framework 27 on the 12-inch (30.48 cm) roller gear restriction and the analysis of the economic costs are not thorough enough.

*Response:* There were many opportunities to comment upon the 12 inch maximum size inshore roller gear limitation during the development of Framework 27. This measure, either in the form of an inshore/offshore category declaration or a gear restriction, has been an integral component of Draft Framework Option 1 (Gulf of Maine Fishermens Alliance (GOMFA) proposal) of Framework 27 since the inception of the document. The delineated area, and the option to include gear restrictions instead of an inshore/offshore declaration, are contained in the draft Framework 27 document which was available prior to the final framework meeting on January 28, 1999. The measure was indeed voted upon late in the evening. However, this is because the Council heard from many commenters during the meeting. Also, the public was given additional opportunity to comment upon the measure through the proposed rule.

The economic analysis conducted for Framework Adjustment 27 concluded that this action, in its entirety, would have a significant economic impact on a substantial number of small entities. It is not possible to precisely estimate how the roller gear restriction would impact vessels because gear configurations, usage, and fishing areas vary by vessel. Existing data are inadequate to determine gear usage at such a fine degree of resolution. Trawlers will still be allowed to fish in the inshore area with roller gear less than 12 inches diameter (30.48 cm), but it is not possible to accurately predict whether they will. Vessels could also change to other gear types in response to the

measure. The cost of purchasing a 116 foot footrope with rollers was estimated in the IRFA to range from \$1,100 to \$2,500. There were 127 vessels that fished, to varying degrees, in both inshore and offshore areas, and may be impacted by the measure. Those with rollers less than 12 inches (30.48 cm) would not be impacted. Thirty-six of the inshore/offshore vessels received 75 percent or more of their GOM revenue from offshore areas. Those 36 inshore/offshore vessels, without rollers less than 12 inches (30.48 cm), will have to decide whether their inshore activity warrants the cost of converting existing nets or buying a new net. For the remaining 91 inshore/offshore vessels that relied on inshore fishing for at least 25 percent of gross revenues, it is unclear how they might be impacted, because they may already be using conforming roller gear. They would be faced of refitting their gear or shifting to offshore areas. Reliable data concerning many important variables such as gear usage practices, alternative gear availability, behavioral response to the measure, the amount of ocean bottom which actually becomes inaccessible for trawlers not using the smaller roller gear, and the amount of foregone revenue from these areas is not available. Therefore, quantifying the measure with confidence is not possible. That is why the capital costs of compliance were estimated only for those measures for which reliable data is available.

NMFS notes that both the cost to industry and the benefits of this measure are unquantifiable, at this time. In light of this uncertainty, NMFS has approved the measure rather than substitute its judgement for that of the Council on the grounds that it may reduce the amount of larger vessels fishing inshore, which could result in conservation benefits. The Council considered, but rejected, a delineation of the inshore and offshore area, using these same coordinates, and requiring vessels to annually declare into one of the areas. The Council did not adopt the declaration program because of concerns about administration and enforcement.

Regarding stowage provisions for roller and rockhopper gear in excess of 12 inches diameter (30.48 cm), the Regional Administrator may authorize alternative gear stowage methods and has urged the industry to propose alternatives that are less burdensome.

*Comment 2:* Several commenters wrote that the measure to increase the minimum square mesh size from 6 inches (15.24 cm) to 6.5 inches (16.51 cm) will greatly reduce the financial

viability and profitability of the industry in the Long Island, New York area, and advocated disapproval. The commenters proposed an alternative measure that would require vessels calling into the DAS program that fish west of the 71°30' W. Long. line to be limited to 6 inch mesh (15.24 cm) and those fishing east of the 71°30' W. Long. line to be limited to 6.5 inch mesh (16.51 cm). The 72°30' W. Long. line would apply to vessels fishing outside the DAS program.

*Response:* Much of the opposition to this measure relates to the controversy about the appropriate minimum size for winter flounder. Amendment 9 to the FMP proposed a winter flounder size increase to 13 inches (33 cm) which NMFS disapproved, because the recent assessment indicated that this stock is not overfished. Many commenters felt that the increase to 6.5 inch (16.51 cm) square mesh is inappropriate to use for 12 inch (30.5 cm) winter flounder. However, there are other reasons to support this measure. Most importantly, it aligns the selectivity characteristics of square mesh with those of 6-inch (15.24 cm) diamond mesh in all flounder fisheries and contributes to reducing discards of all sub-legal size flatfish, including American plaice, yellowtail flounder, and summer flounder, which are also caught in the SNE region.

*Comment 3:* One commenter supported the measure to increase the minimum square mesh size from 6 inches (15.24 cm) to 6.5 inches (16.51 cm).

*Response:* The comment has been noted, and the measure is approved.

*Comment 4:* Several commenters requested NMFS to disapprove the measure which closes all of Block 124 for 2 months, because the closure would prevent trawling for whiting in two important seasonal areas where the Provincetown, Massachusetts fleet has been conducting an experimental fishery using a raised footrope trawl. The commenters wrote that the fishery does not capture large amounts of cod, and that approval of the measure will destroy the historically based whiting fishery in Provincetown, Massachusetts.

*Response:* The whiting fishery referred to is currently under review as both an experiment and as a potential exempted gear fishery. It would be inappropriate to revise the Framework 27 management measures to conform to the experiment/exemption request. NMFS will continue to work with the sponsors of the experimental fishery as it goes through the review process. NMFS notes that experimental results, to date, have shown that this fishery

may capture cod during certain times and areas.

*Comment 5:* Several commenters stated that the wrong areas were proposed for closure, if the objective of Framework 27 is to protect GOM cod. Several of these areas have historically produced low cod landings. Also, significant cod spawning areas would remain open in May. For these specific reasons, the comments recommended that NMFS could eliminate the March Block 121 closure; the April Block 121, 122, 129, and 130 closures; the May Block 129, 130, and 131 closures; and the June Block 141, 142, and 143 closures because these closures have no potential benefit to rebuild GOM cod.

*Response:* In developing Framework 27, the Council considered three alternatives. During the final framework meeting, the three alternatives were combined to create a composite plan. The composite plan, including the closed areas and trip limits, was analyzed and found to meet the GOM cod  $F_{max}$  Amendment 7 objective, primarily because the lower value associated with a fishing mortality rate of  $F_{0.1}$  had been used as a benchmark in developing the measures. Consequently, NMFS finds that an appropriate combination of area closures and trip limits has been chosen to conserve GOM cod while minimizing the displacement of fishing effort into other productive areas, thereby providing conservation for other overfished GOM regulated multispecies.

*Comment 6:* NMFS received many comments suggesting that the running clock measure allows a directed cod fishery to occur in areas of high cod concentration, because latent DAS are being activated to account for cod landings in excess of the daily cod trip limit. Consequently, this measure increases the likelihood that the target TAC will be exceeded in a very short time, and the trip limit will need to be reduced early in the fishing year. Several commenters believe that maintaining the running clock measure at current trip levels directly counters national standard 8 and 9 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) because different fishing communities may suffer by losing even incidental catch levels of cod after the trip limit is reduced, while other communities gain the benefit of directed cod fishing at the start of the year.

*Response:* The running clock continues to be the subject of debate; however it is intended to prevent discards. The Council and NMFS have publicly stated their intent to discourage

a directed GOM cod fishery and only allow landings of GOM cod at incidental levels. The running clock attempts to balance these objectives by allowing for occasionally high levels of incidental catch but not creating an incentive to target GOM cod. The degree to which a 200 lb/DAS (90.7 kg/DAS) trip limit could create a directed GOM cod fishery will be examined in 1999, as fishery data becomes available. The Council has directed the Multispecies Oversight Committee to reevaluate the running clock measure in conjunction with Framework 31, and it would be premature for NMFS to take action while that work is under way. Moreover, the running clock is a pre-existing measure that was not proposed by this framework and, therefore, it is not appropriate for NMFS to remove the measure as part of this framework procedure.

When 30 percent of the GOM cod  $F_{max}$  TAC (886,000 lb (402 mt)) is projected to be harvested, the Regional Administrator is authorized to reduce the trip limit to an amount in the range of between 5 and 100 lb/DAS (2.3 and 45.3 kg/DAS), depending upon an evaluation of the risk of exceeding the target TAC. This "backstop" measure is intended to keep landings below the TAC, to the extent practicable, because of the critical condition of GOM cod. If fishing patterns in 1999 are similar to previous years, this "backstop" could be triggered early in the fishing year. However, times and areas of traditionally high levels of GOM cod landings will be closed so that the opportunity to land large amounts of GOM cod is diminished. Prior to implementation of the "backstop", all vessels in the fishery, regardless of their port, will be under the 200 lb/DAS (90.7 kg/DAS) GOM cod trip limit.

*Comment 7:* The GOM cod trip limits and "backstop" measure would turn the TAC established in Amendment 7 into a specific, or "hard", quota which: (1) would reduce the harvest level below any reasonably attainable bycatch level, (2) would worsen the potential to turn catch into discards, and (3) would run afoul of the legal requirement to prevent discards. As an alternative, NMFS should set the "backstop" trip limit no lower than 100 lb (45.4 kg) per DAS.

*Response:* SAW 27 indicated that the GOM cod is on the verge of collapse and that directed fishing on this stock should cease. The "backstop" trip limit allows between 5 and 100 lb/DAS (2.3—45.3 kg/DAS) of GOM cod to be landed and, therefore, is neither a "hard" quota, nor contrary to Amendment 7. The purpose of the "backstop" is to prevent a TAC overage, so that more stringent

measures are not necessary in future years. If it becomes necessary to reduce the trip limit, NMFS will consider the impact of the new limit on discards.

*Comment 8:* One commenter supported the measure allowing scallop fishing in the new GOM Rolling Closure Areas.

*Response:* The comment has been noted, and the measure is approved.

*Comment 9:* The provision which prohibits the possession of regulated multispecies for scallop dredge vessels fishing under a DAS in the new GOM closed areas should be changed, due to enforceability, because other scallop vessels using DAS and not fishing in the closed areas will be allowed to retain 300 lb (136.1 kg) of regulated multispecies. The trip limit for scallop dredge vessels fishing in the GOM closed areas should be set at zero for the small dredge exempted fishery, and 300 lb (136.1 kg) for scallop DAS vessels.

*Response:* Within the new GOM Rolling Closure Areas, scallop dredge gear is exempt. On any trip that a scallop dredge vessel fishes in a closed area, for any part of the trip, the vessel may not possess any regulated species. The Vessel Monitoring System is mandatory for scallop DAS vessels and will facilitate enforcement of this measure.

*Comment 10:* The haddock trip limit should not be reduced to 2,000 lb/DAS (907.2 kg/DAS) with a 20,000 lb (9,071.8 kg) cap. There is no biological basis to reduce the haddock trip limit. It will result in discards of haddock. The haddock trip limit should continue to be accumulated at a per-day rate.

*Response:* The haddock trip limit had been scheduled to revert to 1,000 lb/DAS (453.6 kg/DAS) (as of May 1, 1999), so the haddock limit is actually being increased by this rule. The Regional Administrator has the authority to increase the trip limit as of October 1, 1999, if 75 percent of the TAC is not projected to be reached. The haddock trip limit will continue to be accumulated on a per-DAS basis, with the upper limit of 20,000 lb (9,071.8 kg) intended to accommodate most trips.

*Comment 11:* One commenter was concerned that scallop dredge vessels may catch large amounts of regulated multispecies if they are allowed into the GOM newly closed areas.

*Response:* The Council did consider this when exempting scallop dredge vessels from the new GOM Rolling Closure Areas. However, it was decided that the benefits of exempting scallop dredge gear outweighed the costs of excluding scallop dredge gear from the new GOM Rolling Closure Areas.

*Comment 12:* Many of the commenters wrote that, in general, Framework 27 is not specifically designed to protect GOM cod; instead, it disproportionately impacts vessels prosecuting other groundfish fisheries.

*Response:* Framework Adjustment 27 does meet the Amendment 7  $F_{max}$  GOM cod TAC, because  $F_{0.1}$  has been used as a benchmark in developing the management measures. The closures that were selected by the Council have been analyzed and found to reduce landings of GOM cod by a larger percentage than either of the two other options that were considered for the framework. However, while GOM cod is a major concern, Framework 27 is intended to make the annual adjustment required by Amendment 7 to conserve and manage all of the species included in the multispecies complex. Thus, the measure is also intended to impact those fisheries, since many of the other regulated multispecies are overfished.

#### Changes From the Proposed Rule

In the proposed regulations, a coordinate for Small Mesh Area 2 (SM 13) at § 648.80(a)(8) was incorrectly published as 4°05.6' 69°55.0'. It has been corrected to read 43°05.6' 69°55.0'.

#### Classification

##### Magnuson-Stevens Act

The Regional Administrator, Northeast Region, NMFS determined that this annual framework adjustment to the Northeast Multispecies FMP is necessary for the conservation and management of the Northeast multispecies fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

##### Partial Waiver of 30 Day Delay in Effectiveness

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause under 5 U.S.C. 553(d)(3), to waive the 30 day delay in effective date for certain provisions of this rule. The good cause is based upon the need to have these provisions in place by May 1, 1999, the start of the multispecies fishing year. The measures are essential for the conservation of GOM cod, which is on the verge of collapse. Given the extremely low biomass of GOM cod, it is essential to have the measures in Framework Adjustment 27 that relate to GOM cod effective at the beginning of the fishing year because the species aggregates for spawning during this period and is very susceptible to large catches per unit effort. Without these measures in place by May 1, 1999, the GOM cod trip limit will revert from 400

lb/DAS (181.4 kg/DAS) to 700 lb/DAS (317.5 kg/DAS) and areas of high cod abundance in Rolling Closure Area III will remain open. Because May has historically been a month of very high GOM cod landings, a failure to implement these measures immediately could result in potentially irreparable damage to GOM cod stocks and undermine the very purpose of this framework. Specific measures for which the waiver applies include: the cod trip limit and the backstop trip limit and the new GOM Rolling Closure Areas. In addition, the new haddock trip limit is being made effective without a 30-day delay under authority at 5 U.S.C. 553(d)(1), because it relieves a restriction. If the new haddock trip limit is not implemented on May 1, 1999, the trip limit will revert to 1,000 lb/DAS (453.6 kg/DAS) rather than 2,000 lb/DAS (907.2 kg/DAS). The fishing industry will be notified of these measures by way of a fax to interested parties including state agencies, industry groups, U.S. Coast Guard and NMFS port agents. A National Weather Service radio announcement may be broadcast, if necessary. All of the other measures in Framework 27 become effective on June 10, 1999.

#### **Executive Order 12866**

This final rule has been determined to be significant under Section (3)(f)(4) of Executive Order 12866.

#### **Final Regulatory Flexibility Analysis**

The proposed rule to implement Framework Adjustment 27 was published in the **Federal Register** on March 29, 1999. A copy of the Initial Regulatory Flexibility Analysis (IRFA) analysis is available from the Council (see ADDRESSES). The FRFA incorporates the IRFA and its findings, the responses to public comments that mentioned possible effects of Framework Adjustment 27 on small entities, and the following discussion which is based on the IRFA.

The following description summarizes the impact of the measures in the final rule (closed areas, trip limits, increased mesh size, restrictions on roller gear) on vessels, dealers, and processors, the alternatives that were considered and rejected, and measures that minimize the economic impact of this action.

Based upon calendar year 1997, 1729 vessels held limited access multispecies permits. Of these vessels, 1287 actually participated in the multispecies fishery and, thereby, constitute the universe of vessels. Of these vessels, 601 (47 percent) would be impacted by the measures because they fished within

one or more of the GOM Rolling Closure Areas and/or would be affected by the trip limits. Using estimated proportional reductions in gross revenues from 1997 (i.e., excluding measures enacted in fishing year 1998 by Frameworks 25 and 26), 456 vessels out of a universe of 1287 vessels (35 percent) would be affected by a reduction in gross revenues of more than 5 percent as a result of Framework 27. When Framework 25 and 26 measures are included, 32 additional vessels would be impacted by a reduction in gross revenues of more than 5 percent.

The impact of the measures (closed areas and trip limits) on profitability and on the financial viability of vessels in the northeast multispecies fishery was also analyzed. Compared to the 1997 baseline, the cumulative profitability for the median vessel was estimated to decline 66 percent from \$21,409 to \$7,282. A total of 115 vessels were found to be operating below break even (i.e., zero profit) as a result of the combined measures implemented by Frameworks 25 and 26. Carrying those losses forward into Framework 27 and adding the accumulated debt under Frameworks 25, 26, and 27 results in a total of 155 vessels that were estimated to be below break-even profit. Therefore, 155 out of 1,287 vessels (12 percent), may not be able to maintain their economic viability and may be forced to cease their operations.

In terms of absolute numbers, Framework 27 would impact the most vessels in Massachusetts (317) followed by Maine (82), New Hampshire (35), New York (7), and Rhode Island (1). As a proportion of total vessels in a state, New Hampshire had the highest proportion (90 percent) of impacted vessels, followed by Massachusetts (79 percent) and Maine (74 percent).

The economic impacts of the increase in square-mesh size are expected to be small because, with the elimination of the Stellwagen Bank/Jeffreys Ledge Juvenile Protection Area, vessels will still be able to use existing 6-inch (15.24-cm) diamond mesh wherever they fish, and the cost of 6.5-inch (16.51-cm) square mesh is likely to be similar to that of 6-inch (15.24-cm) mesh when periodically replacing worn-out gear.

Depending upon current gear usage and fishing patterns, the requirement to use roller gear of a maximum 12-inch (30.48 cm) diameter in a defined GOM inshore area may result in vessels spending money on gear changes. The cost of the gear change is difficult to estimate because gear configurations, usage and fishing areas vary by vessel. Existing data is inadequate to determine

gear usage at such a fine degree of resolution. However, if a vessel does have to purchase a new footrope with rollers, the onetime cost could range from \$1,100 to \$2,500.

Compared to the 1997 baseline, 186 dealers were estimated to be affected by the Framework 27 measures. Using estimated proportional reductions in gross revenues from a 1997 baseline (i.e., excluding Frameworks 25 and 26), 77 dealers out of these 186 dealers (41 percent) would be affected by a reduction in gross revenues of more than 5 percent as a result of Framework 27. When Framework 25 and 26 measures are included, 4 additional dealers are impacted by a reduction in gross revenues of more than 5 percent. However, dealers may have some flexibility by marketing alternative product lines or by obtaining product from alternative sources.

The impacts of the Framework 27 measures on processors are difficult to predict because the extent to which domestic and foreign imports can adequately offset local supply shortages is unknown. Nevertheless, processors in Maine, Massachusetts, and New Hampshire who rely on a stable supply of fresh groundfish to meet their demands will likely be disproportionately affected by Framework 27.

Using a no-displacement model (i.e., vessels stop fishing and do not fish in other open areas), the decline in total revenues of the action is estimated at \$7.3 million. The impacts on net revenues (i.e., revenues minus costs), however, will be less than these levels since operating costs will also decline as effort is reduced by the closures under the no-displacement scenario. Assuming 50-percent displacement at 50-percent revenue per unit effort (i.e., 50 percent of vessels fish in other open areas and obtain 50 percent of the revenue they would have otherwise obtained in the closed area), the decline in total revenues of the action is estimated at \$5.5 million.

The impacts of the various alternatives that were analyzed for Framework 27 were estimated in the IRFA to be more severe than those of the selected action, except for the GOMFA alternative which would have closed large areas, both inshore and offshore, for shorter periods of time. The GOMFA option was not selected because the Council indicated that the closures in the Preferred Alternative would better protect GOM cod. The selected action, a combination of the various alternatives, considered all of the alternatives and their impacts, and simultaneously attempted to reach the

Amendment 7 rebuilding goals while minimizing the negative impacts on the fishing industry, to the extent practicable given the severity of the necessary mortality reduction for GOM cod. Measures which minimize the negative impacts of Framework 27 include an exemption for scallop dredge gear in the new GOM Rolling Closure Areas, an increase in the haddock trip limit, and a relaxation of the gear stowage provisions for vessels transiting the GOM Rolling Closure Areas.

#### Paperwork Reduction Act (PRA)

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

This rule clarifies collection-of-information requirements subject to the PRA and which have been cleared by OMB, under OMB control number 0648-0202. The estimated response times are as follows:

1. Declaration of transit to another port under the exception to the cod landing limit requirement to remain in port (1 minute/response when made in conjunction with a cod hail line call, 3 minutes/response when made as a separate call).

2. Reporting of cod catch on board and to be off-loaded for vessels fishing north of the cod exemption line, specified at § 648.86(b)(1), while fishing under a NE multispecies DAS requires vessel notification (3 minutes/response).

3. The DAS call-in requirement for vessels under a DAS upon return to port (2 minutes/response).

This rule also clarifies collection-of-information requirements subject to the PRA and which have been cleared by OMB, under OMB control number 0648-0351. The estimated response time includes marking of pelagic gillnet (1 minute/net).

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 29, 1999.

**Penelope D. Dalton,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.2, the definition for “Gillnet gear capable of catching multispecies” is revised, and a definition for “Rockhopper and roller gear” is added in alphabetical order to read as follows:

##### § 648.2 Definitions.

\* \* \* \* \*

*Gillnet gear capable of catching multispecies* means all gillnet gear except pelagic gillnet gear specified at § 648.81(g)(2)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.

\* \* \* \* \*

*Rockhopper and roller gear* means trawl gear configured with disks, rollers, or other similar shaped devices that are attached to the bottom belly of the trawl, contact the sea bottom, and that are designed to raise the bottom panel of the trawl off the ocean bottom so as to enable the gear to be fished on hard bottom.

\* \* \* \* \*

3. In § 648.10, paragraph (f)(3)(ii) is revised to read as follows:

##### § 648.10 DAS notification requirements.

\* \* \* \* \*

(f) \* \* \*

(3) \* \* \*

(ii) A vessel subject to the cod landing limit restriction specified in § 648.86(b)(1)(i) that exceeds or is expected to exceed the allowable limit of cod based on the duration of the trip must enter port no later than 14 DAS after starting a multispecies DAS trip and must report, upon entering port and before offloading, its hauled weight of cod under the separate call-in system specified in § 648.86(b)(1)(ii)(B). Such vessel must remain in port, unless for transiting purposes as allowed in § 648.86(b)(3), until sufficient time has elapsed to account for and justify the amount of cod on board in accordance with § 648.86(b)(1)(ii), and may not begin its next fishing trip until the vessel has called-out of the multispecies DAS program to end its trip.

4. In § 648.14, paragraphs (a)(43), (a)(52), (a)(90), (a)(101), (a)(104), (a)(112), (c)(10), (c)(24), and (c)(25) are revised and (a)(116) is added to read as follows:

##### § 648.14 Prohibitions.

(a) \* \* \*

(43) Violate any of the provisions of § 648.80, including paragraphs (a)(4), the Cultivator Shoals whiting fishery exemption area; (a)(8), Small Mesh Area 1/Small Mesh Area 2; (a)(9), the Nantucket Shoals dogfish fishery exemption area; (a)(11), the Nantucket Shoals mussel and sea urchin dredge exemption area; (a)(12), the GOM/GB monkfish gillnet exemption area; (a)(13), the GOM/GB dogfish gillnet exemption area; (b)(3), exemptions (small mesh); (b)(5), the SNE monkfish and skate trawl exemption area; (b)(6), the SNE monkfish and skate gillnet exemption area; (b)(7), the SNE dogfish gillnet exemption area; (b)(8), the SNE mussel and sea urchin dredge exemption area; or (b)(9), the SNE little tunny gillnet exemption area. A violation of any of these paragraphs in § 648.80 is a separate violation.

\* \* \* \* \*

(52) Enter, be on a fishing vessel in, or fail to remove gear from the EEZ portion of the areas described in § 648.81 (g)(1) through (i)(1) during the time periods specified, except as provided in § 648.81(d), (g)(2), (h)(2) and (i)(2).

\* \* \* \* \*

(90) Use, set, haul back, fish with, possess on board a vessel, unless stowed in accordance with § 648.81(e)(4), or fail to remove, sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), in the areas and for the times specified in § 648.87(a) and (b), except as provided in § 648.81(g)(2)(ii) and 648.87(a) and (b), or unless otherwise authorized in writing by the Regional Administrator.

\* \* \* \* \*

(101) Enter, fail to remove gear from, or be in the areas described in § 648.81(g)(1) through (i)(1) during the time period specified, except as provided in § 648.81(d), (g)(2), (h)(2), and (i)(2).

\* \* \* \* \*

(104) Fish for, harvest, possess, or land regulated species in or from the closed areas specified in § 648.81(a), (b), (c), (g), (h), and (i), unless otherwise specified in § 648.81(c)(2)(iii), (g)(2)(i), and (g)(2)(iii).

\* \* \* \* \*

(112) Fish for, harvest, possess, or land in or from the EEZ, when fishing with trawl gear, any of the exempted species specified in § 648.80(a)(8)(i), unless such species were fished for or harvested by a vessel meeting the requirements specified in § 648.80(a)(3)(ii) or (a)(8)(ii).

\* \* \* \* \*



(116) Fish for, harvest, possess, or land any species of fish in or from the GOM/GB Inshore Restricted Roller Gear Area described in § 648.80(a)(2)(iv) with trawl gear where the diameter of any part of the trawl footrope, including discs, rollers or rockhoppers, is greater than 12 inches (30.48 cm).

\* \* \* \* \*

(c) \* \* \*

(10) Enter, fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from, or be in the areas, and for the times, described in § 648.87(a) and (b), except as provided in § 648.81(d) and (g)(2), and in § 648.87(a)(1)(ii).

\* \* \* \* \*

(24) Enter port, while on a multispecies DAS trip, in possession of more than the allowable limit of cod specified in § 648.86(b)(1)(i) without reporting the cod hail weight, unless the vessel is fishing under the cod exemption specified in § 648.86(b)(2). Under no circumstances may such a trip exceed 14 days in length.

(25) Fail to remain in port for the appropriate time specified in § 648.86(b)(1)(ii)(A), except for transiting purposes, provided the vessel complies with § 648.86(b)(3).

\* \* \* \* \*

5. In § 648.23, paragraph (b)(4) is redesignated as paragraph (b)(5) and a new paragraph (b)(4) is added to read as follows:

**§ 648.23 Gear restrictions.**

\* \* \* \* \*

(b) \* \* \*

(4) *On-reel stowage for vessels transiting the GOM Rolling Closure Areas.* (i) The net is on a reel, and its entire surface is covered with canvas or other similar material that is securely bound;

(ii) The towing wires are detached from the doors; and

(iii) No containment rope, codend tripping device, or other mechanism to close off the codend is attached to the codend.

\* \* \* \* \*

6. In § 648.80, paragraphs (a)(2)(i), (a)(6)(i), (a)(8), (a)(10) introductory text, (a)(10)(i)(C), (a)(12) introductory text, (a)(13) introductory text, (b)(2)(i), (d)(2), (e)(2), (h), and (i)(8) are revised; paragraph (d)(3) is amended by removing the word "and"; paragraph (d)(4) is amended by removing the period and adding "; and" in its place; paragraph (a)(5) is removed and reserved; paragraph (a)(2)(iv) is added and paragraph (a)(12)(ii) is added and reserved to read as follows:

**§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(i) *Minimum mesh size.* Except as provided in paragraphs (a)(2)(i) and (iii) of this section, and unless otherwise restricted under paragraph (a)(2)(ii) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, midwater trawl, or purse seine on a vessel or used by a vessel fishing under a DAS in the NE multispecies DAS program in the GOM/GB Regulated Mesh Area is 6-inch (15.24-cm) diamond mesh or 6.5-inch (16.51 cm) square mesh throughout the entire net, or any combination thereof, provided the vessel complies with the requirements of paragraph (a)(2)(iv) of this section. This restriction does not apply to nets or pieces of nets smaller than 3 ft (0.9 m) × 3 ft (0.9 m), (9 sq ft (0.81 sq m)), or to vessels that have not been issued a multispecies permit and that are fishing exclusively in state waters.

\* \* \* \* \*

(iv) *Rockhopper and roller gear restrictions.* For all trawl vessels fishing in the GOM/GB Inshore Restricted Roller Gear Area, the diameter of any part of the trawl footrope, including discs, rollers, or rockhoppers, must not exceed 12 inches (30.48 cm). Any gear on a vessel that does not meet the specifications in this paragraph (a)(2)(iv) must be stowed and not available for immediate use in accordance with one of the methods specified in § 648.23(b). The GOM/GB Inshore Restricted Roller Gear Area is defined by straight lines connecting the following points in the order stated:

**INSHORE RESTRICTED ROLLER GEAR AREA**

Point	N. lat.	W. long.
GM1 .....	42°00'	(1)
GM2 .....	42°00'	(2)
GM3 .....	42°00'	(3)
GM23 .....	42°00'	69°50'
GM24 .....	43°00'	69°50'
GM11 .....	43°00'	70°00'
GM17 .....	43°30'	70°00'
GM18 .....	43°30'	(4)

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

<sup>4</sup> Maine shoreline.

\* \* \* \* \*

(5) [Reserved]

(6) \* \* \* (i) Vessels fishing in the Small Mesh Northern Shrimp Fishery or the Small Mesh Area 1/Small Mesh Area 2 fishery, as specified in

paragraphs (a)(3) and (a)(8) of this section, may transit through the Small Mesh Northern Shrimp Fishery Exemption Area as specified in paragraph (a)(3) of this section with nets of mesh size smaller than the minimum mesh size specified in paragraph (a)(2) of this section, provided that the nets are stowed and not available for immediate use in accordance with one of the methods specified in § 648.23(b).

\* \* \* \* \*

(8) *Small Mesh Area 1/Small Mesh Area 2.* (i) Unless otherwise prohibited in § 648.81, vessels subject to the minimum mesh size restrictions specified in paragraph (a)(2) of this section may fish with or possess nets with a mesh size smaller than the minimum size, provided the vessel complies with the requirements of paragraph (a)(3)(ii) or (a)(8)(ii) of this section, from July 15 through November 15 when fishing in Small Mesh Area 1 and from January 1 through June 30 when fishing in Small Mesh Area 2. A vessel may not fish for, possess on board, or land any species of fish other than: butterfish, dogfish, herring, mackerel, ocean pout, scup, squid, silver hake, and red hake, except for the following allowable incidental species (bycatch as the term is used elsewhere in this part), with the restrictions noted: Longhorn sculpin; monkfish and monkfish parts—up to 10 percent, by weight, of all other species on board; and American lobster—up to 10 percent, by weight, of all other species on board or 200 lobsters, whichever is less. These areas are defined by straight lines connecting the following points in the order stated (copies of a chart depicting these areas are available from the Regional Administrator upon request (see Table 1 to § 600.502 of this chapter)):

**SMALL MESH AREA 1**

Point	N. lat.	W. long.
SM1 .....	43°03'	70°27'
SM2 .....	42°57'	70°22'
SM3 .....	42°47'	70°32'
SM4 .....	42°45'	70°29'
SM5 .....	42°43'	70°32'
SM6 .....	42°44'	70°39'
SM7 .....	42°49'	70°43'
SM8 .....	42°50'	70°41'
SM9 .....	42°53'	70°43'
SM10 .....	42°55'	70°40'
SM11 .....	42°59'	70°32'
SM1 .....	43°03'	70°27'

**SMALL MESH AREA 2**

Point	N. lat.	W. long.
SM13 .....	43°05.6'	69°55.0'



## SMALL MESH AREA 2—Continued

Point	N. lat.	W. long.
SM14 .....	43°10.1'	69°43.3'
SM15 .....	42°49.5'	69°40.0'
SM16 .....	42°41.5'	69°40.0'
SM17 .....	42°36.6'	69°55.0'
SM13 .....	43°05.6'	69°55.0'

(ii) *Raised footrope trawl.* Vessels fishing with trawl gear must configure it in such a way that, when towed, the gear is not in contact with the ocean bottom. Vessels are presumed to be fishing in such a manner if their trawl gear is designed as specified in paragraphs (a)(8)(ii) (A) through (D) of this section and is towed so that it does not come into contact with the ocean bottom:

(A) Eight inch (20.3 cm) diameter floats must be attached to the entire length of the headrope with a maximum spacing of 4 feet (12.2 cm) between floats;

(B) The ground gear must all be bare wire not larger than 1/2-inch (1.2 cm) for the top leg, not larger than 5/8-inch (1.6 cm) for the bottom leg, and not larger than 3/4-inch (1.9 cm) for the ground cables. The top and bottom legs must be equal in length with no extensions. The total length of ground cables and legs must not be greater than 40 fathoms from the doors to wingends;

(C) The footrope must be at least 20 feet (6.1 m) longer than the length of the headrope; and

(D) The sweep must be rigged so it is behind and below the footrope, and the footrope is off the bottom. This is accomplished by having the sweep longer than the footrope and having long dropper chains attaching the sweep to the footrope at regular intervals. The forward end of the sweep and footrope must be connected to the bottom leg at the same point. This attachment, in conjunction with the headrope flotation, keeps the footrope off the bottom. The sweep and its rigging must be made entirely of 5/16 inch (0.8 cm) diameter bare chain. No wrapping or cookies are allowed on the chain. The total length of the sweep must be at least 7 feet (2.1 m) longer than the total length of the footrope, or 3.5 feet (1.1 m) longer on each side. Drop chains must connect the footrope to the sweep chain, and the length of each drop chain must be at least 42 inches (106.7 cm). One drop chain must be hung from the center of the footrope to the center of the sweep, and one drop chain must be hung from each corner (the quarter or the junction of the bottom wing to the belly at the footrope). The attachment points of each drop chain on the sweep and the

footrope must be the same distance from the center drop chain attachments. Drop chains must be hung at 8-foot (2.4-m) intervals from the corners toward the wing ends. The distance of the drop chain that is nearest the wing end to the end of the footrope may differ from net to net. However, the sweep must be at least 3.5 feet (1.1 m) longer than the footrope between the drop chain closest to the wing ends and the end of the sweep that attaches to the wing end.

\* \* \* \* \*

(10) *Scallop Dredge Fishery Exemption within the Gulf of Maine (GOM) Small Mesh Northern Shrimp Fishery Exemption Area.* Unless otherwise prohibited in § 648.81, vessels with a limited access scallop permit that have declared out of the DAS program as specified in § 648.10, or have used up their DAS allocations, and vessels issued a general scallop permit, may fish in the GOM Small Mesh Northern Shrimp Fishery Exemption Area when not under a NE multispecies DAS providing the vessel complies with the requirements specified in paragraph (a)(10)(i) of this section. The GOM Scallop Dredge Fishery Exemption Area is the same as the area defined in paragraph (a)(3) of this section and designated as the Small Mesh Northern Shrimp Fishery Exemption Area.

(i) \* \* \*

(C) The exemption does not apply to the Western GOM Area Closure specified in § 648.81(i).

\* \* \* \* \*

(12) *GOM/GB Monkfish Gillnet Exemption.* Unless otherwise prohibited in § 648.81, a vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(12)(i) of this section. The GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area is defined by straight lines connecting the following points in the order stated:

N. lat.	W. long.
41°35" .....	70°00'
42°49.5" .....	70°00'
42°49.5" .....	69°40'
43°12" .....	69°00'
(1) .....	69°00'

<sup>1</sup> Due north to Maine shoreline.

\* \* \* \* \*

(ii) [Reserved]

(13) *GOM/GB Dogfish Gillnet Exemption.* Unless otherwise prohibited in § 648.81, a vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption

Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(13)(i) of this section. The area coordinates of the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area are specified in paragraph (a)(12) of this section.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \* (i) *Minimum mesh size.*

Except as provided in paragraphs (b)(2)(i) and (iii) of this section, and unless otherwise restricted under paragraph (b)(2)(ii) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, purse seine or midwater trawl, not stowed and not available for immediate use in accordance with § 648.23(b), by a vessel fishing under a DAS in the multispecies DAS program in the SNE regulated mesh area, is 6-inch (15.24-cm) diamond mesh or 6.5-inch (16.51-cm) square mesh throughout the entire net, or any combination thereof. This minimum mesh size restriction does not apply to vessels that have not been issued a multispecies permit and that are fishing exclusively in state waters.

\* \* \* \* \*

(d) \* \* \*

(2) When fishing under this exemption in the GOM/GB Regulated Mesh Area, and in the area described in § 648.81(c)(1), the vessel has on board a letter of authorization issued by the Regional Administrator, and complies with all restrictions and conditions thereof;

\* \* \* \* \*

(e) \* \* \*

(2) When fishing under this exemption in the GOM/GB Regulated Mesh Area, the vessel has on board a letter of authorization issued by the Regional Administrator;

\* \* \* \* \*

(h) *Scallop vessels.* (1) Except as provided in paragraph (h)(2) of this section, a scallop vessel that possesses a limited access scallop permit and either a multispecies combination vessel permit or a scallop multispecies possession limit permit, and that is fishing under a scallop DAS allocated under § 648.53, may possess and land up to 300 lb (136.1 kg) of regulated species per trip, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and provided the vessel has at least one standard tote on board.

(2) Combination vessels fishing under a NE multispecies DAS are subject to the gear restrictions specified in

§ 648.80 and may possess and land unlimited amounts of regulated species, unless otherwise restricted by § 648.86(b). Such vessels may simultaneously fish under a scallop DAS.

(i) \* \* \*

(8) The vessel does not fish for, possess, or land any species of fish other than winter flounder and the exempted small mesh species specified under paragraphs (a)(3)(i), (a)(8)(i), (b)(3), and (c)(3) of this section when fishing in the areas specified under paragraphs (a)(3), (a)(8), (b)(1), and (c)(1) of this section, respectively. Vessels fishing under this exemption in New York and Connecticut state waters may also possess and retain skate as incidental take in this fishery.

\* \* \* \* \*

7. In § 648.81, paragraphs (d), (g), (h) and (i)(2) are revised; paragraph (f) is removed and reserved; and paragraphs (n) and (o) are removed to read as follows:

**§ 648.81 Closed areas.**

\* \* \* \* \*

(d) *Transiting.* Vessels may transit Closed Area I, the Nantucket Lightship Closed Area, the GOM Rolling Closure Areas, the Cashes Ledge Closure Area, and the Western GOM Closure Area, as defined in paragraphs (a)(1), (c)(1), (f)(1), (g)(1), (h)(1), and (i)(1), respectively, of this section, provided that their gear is stowed in accordance with the provisions of paragraph (e) of this section.

\* \* \* \* \*

(f) [Reserved]

(g) *GOM Rolling Closure Areas.* (1) No fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in, or on board a vessel in, GOM Rolling Closure Areas I through V, as described in paragraphs (g)(1) (i) through (v) of this section, for the times specified in paragraphs (g)(1) (i) through (v) of this section, except as specified in paragraphs (d), and (g)(2) of this section. A chart depicting these areas is available from the Regional Administrator upon request (see Table 1 to § 600.502 of this chapter).

(i) *Rolling Closure Area I.* From March 1 through March 31, the restrictions

specified in paragraph (g)(1) of this section apply to Rolling Closure Area I, which is the area bounded by straight lines connecting the following points in the order stated:

**ROLLING CLOSURE AREA I**

(March 1–March 31)

Point	N. lat.	W. long.
GM1 .....	42°00'	(1)
GM2 .....	42°00'	(2)
GM3 .....	42°00'	(3)
GM5 .....	42°00'	68°30'
GM6 .....	42°30'	68°30'
GM9 .....	42°30'	(1)

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

(ii) *Rolling Closure Area II.* From April 1 through April 30, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area II, which is the area bounded by straight lines connecting the following points in the order stated:

**ROLLING CLOSURE AREA II**

[April 1–April 30]

Point	N. lat.	W. long.
GM1 .....	42°00'	(1)
GM2 .....	42°00'	(2)
GM3 .....	42°00'	(3)
GM5 .....	42°00'	68°30'
GM13 .....	43°00'	68°30'
GM10 .....	43°00'	(4)

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

<sup>4</sup> New Hampshire shoreline.

(iii) *Rolling Closure Area III.* From May 1 through May 31, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area III, which is the area bounded by straight lines connecting the following points in the order stated:

**ROLLING CLOSURE AREA III**

[May 1–May 31]

Point	N. lat.	W. long.
GM9 .....	42°30'	(1)
GM6 .....	42°30'	68°30'
GM14 .....	43°30'	68°30'
GM18 .....	43°30'	(2)

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Maine shoreline.

(iv) *Rolling Closure Area IV.* From June 1 through June 30, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area IV, which is the area bounded by straight lines connecting the following points in the order stated:

**ROLLING CLOSURE AREA IV**

[June 1–June 30]

Point	N. lat.	W. long.
GM10 .....	43°00'	(1)
GM11 .....	43°00'	70°00'
GM17 .....	43°30'	70°00'
GM19 .....	43°30'	67°32.0' or (2)
GM20 .....	44°00'	67°21.0' or (2)
GM21 .....	44°00'	69°00'
GM22 .....	(3)	69°00'

<sup>1</sup> New Hampshire shoreline.

<sup>2</sup> U.S.-Canada maritime boundary.

<sup>3</sup> Maine shoreline.

(v) *Rolling Closure Area V.* From October 1 through November 30, the restrictions specified in paragraph (g)(1) of this section apply to Rolling Closure Area V, which is the area bounded by straight lines connecting the following points in the order stated:

**ROLLING CLOSURE AREA V**

[October 1–November 30]

Point	N. lat.	W. long.
GM1 .....	42°00'	(1)
GM2 .....	42°00'	(2)
GM3 .....	42°00'	(3)
GM4 .....	42°00'	70°00'
GM8 .....	42°30'	70°00'
GM9 .....	42°30'	(1)

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

(2) Paragraph (g)(1) of this section does not apply to persons aboard fishing vessels or fishing vessels:

(i) That have not been issued a multispecies permit and that are fishing exclusively in state waters;

(ii) That are fishing with or using exempted gear as defined under this part, subject to the restrictions on midwater trawl gear in paragraph (a)(2)(iii) of this section, and excluding pelagic gillnet gear capable of catching multispecies, except for vessels fishing with a single pelagic gillnet, not longer

than 300 ft (91.44 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.62 cm), provided:

(A) The net is attached to the boat and fished in the upper two-thirds of the water column;

(B) The net is marked with the owner's name and vessel identification number;

(C) There is no retention of regulated species; and

(D) There is no other gear on board capable of catching NE multispecies;

(iii) That are classified as charter, party, or recreational; or

(iv) That are fishing with or using scallop dredge gear when fishing under a scallop DAS or when lawfully fishing in the Scallop Dredge Fishery Exemption Area as described in § 648.80(a)(10), provided the vessel does not retain any regulated multispecies during a trip, or on any part of a trip.

(h) *Cashes Ledge Closure Area.* (1) From July 1 through October 31, no fishing vessel or person on a fishing vessel may enter, fish in, or be in, and no fishing gear capable of catching NE multispecies, unless otherwise allowed in this part, may be in, or on board a vessel in, the area known as the Cashes Ledge Closure Area, as defined by straight lines connecting the following points in the order stated, except as specified in paragraphs (d) and (h)(2) of this section:

**CASHES LEDGE CLOSURE AREA**  
[July 1–October 31]

Point	N. lat.	W. long.
CL1 .....	43°07'	69°02'
CL2 .....	42°49.5'	68°46'
CL3 .....	42°46.5'	68°50.5'
CL4 .....	42°43.5'	68°58.5'
CL5 .....	42°42.5'	69°17.5'
CL6 .....	42°49.5'	69°26'
CL1 .....	43°07'	69°02'

(i) A chart depicting this area is available from the Regional Administrator upon request (see Table 1 to § 600.502 of this chapter).

(ii) [Reserved]

(2) Paragraph (h)(1) of this section does not apply to persons on fishing vessels or fishing vessels:

(i) That meet the criteria in paragraph (g)(2)(ii), (iii), or (iv) of this section.

(ii) [Reserved]

(i) Western GOM Area Closure. \* \* \*

(2) Paragraph (i)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraph (g)(2)(ii), (iii) or (iv) of this section.

\* \* \* \* \*

8. In § 648.82, paragraph (b)(3)(i) is revised to read as follows:

**§ 648.82 Effort-control program for limited access vessels.**

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \* (i) *DAS allocation.* A vessel qualified and electing to fish under the small vessel category may retain up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip without being subject to DAS restrictions, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip. Such a vessel is not subject to a possession limit for other NE multispecies.

\* \* \* \* \*

9. In § 648.83, paragraphs (a)(2) and (b)(1) are revised to read as follows:

**§ 648.83 Minimum fish sizes.**

(a) \* \* \*

(2) The minimum fish size applies to whole fish or to any part of a fish while possessed on board a vessel, except as provided in paragraph (b) of this section, and to whole, whole gutted or gilled fish only, after landing. For purposes of determining compliance with the possession limits in § 648.86, the weight of fillets and parts of fish, other than whole-gutted or gilled fish, will be multiplied by 3. Fish fillets, or parts of fish, must have skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. "Skin on" means the entire portion of the skin normally attached to the portion of the fish or to fish parts possessed is still attached.

(b) \* \* \* (1) Each person aboard a vessel issued a multispecies limited access permit and fishing under the

DAS program may possess up to 25 lb (11.3 kg) of fillets that measure less than the minimum size if such fillets are from legal-sized fish and are not offered or intended for sale, trade, or barter. For purposes of determining compliance with the possession limits specified in § 648.86, the weight of fillets and parts of fish, other than whole-gutted or gilled fish, will be multiplied by 3.

\* \* \* \* \*

10. In § 648.86, the section heading, paragraphs (a)(1), (b)(1) heading, (b)(1)(i), (b)(1)(ii) introductory text, (b)(1)(ii)(A) and (c) are revised; paragraph (b)(3) is removed; paragraph (b)(4) is redesignated as paragraph (b)(3) and revised; and paragraph (d) is added to read as follows:

**§ 648.86 Possession and landing restrictions.**

\* \* \* \* \*

(a) \* \* \* (1) *NE multispecies DAS vessels.* (i) Except as provided in paragraphs (a)(1)(ii) and (a)(1)(iii) of this section, a vessel that fishes under a NE multispecies DAS may land up to 2,000 lb (907.2 kg) of haddock per DAS fished, or any part of a DAS fished, up to 20,000 lb (9071.8 kg) per trip, provided it has at least one standard tote on board. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) When the Regional Administrator projects that 75 percent of the target TAC will be harvested (9.3 million lb (4,218.5 mt) for the 1999 fishing year), NMFS may publish a notification in the **Federal Register** that, as of a specific date, the limit specified in paragraph (a)(1)(i) of this section is reduced to either a 1,000 lb (453.6 kg) per trip possession limit restriction, or to a landing limit restriction of 1,000 lb (453.6 kg) per DAS fished, 10,000 lb (4,536.0 kg) maximum, depending on the risk of exceeding the target TAC. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection. Vessels subject to this landing limit must have at least one standard tote on board.

(iii) Paragraph (a)(1)(ii) of this section notwithstanding, beginning October 1, 1999, through April 30, 2000, if the Regional Administrator projects that less than 75 percent of the target TAC will be harvested (9.3 million lb (4,218.5 mt) for the 1999 fishing year) by April 30, 2000, NMFS may publish a notification in the **Federal Register** that, as of a specific date, the limit is increased to the amount that the Regional Administrator projects will be sufficient to allow harvesting of at least 9.3 million lb (4,218.5 mt) by April 30, 2000. Haddock on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection. Vessels subject to this landing limit must have at least one standard tote on board.

\* \* \* \* \*

(b) \* \* \* (1) *Landing limit.* (i) Except as provided in paragraphs (b)(1)(ii) and (b)(2) of this section, and subject to the cod landing limit call-in provision specified at § 648.10(f)(3)(i), a vessel fishing under a NE multispecies DAS may land up to 200 lb (90.7 kg) of cod per DAS, or any part of a DAS, unless otherwise specified in this paragraph. Vessels calling-out of the multispecies DAS program under § 648.10(c)(3) that have utilized part of a DAS (less than 24 hours) may land up to an additional 200 lb (90.7 kg) of cod for that part of a DAS; however, such vessels may not end any subsequent trip with cod on board within the 24-hour period following the beginning of the part of the DAS utilized (e.g., a vessel that has called-in to the multispecies DAS program at 3 p.m. on a Monday and ends its trip the next day (Tuesday) at 4 p.m. (accruing a total of 25 hours) may legally land up to 400 lb (181.4 kg) of cod on such a trip, but the vessel may not end any subsequent trip with cod on board until after 3 p.m. on the following day (Wednesday)). When the Regional Administrator projects that 30 percent of the FMAX target TAC will be harvested (886,000 lb (402 mt) for the 1999 fishing year), NMFS will publish a notification in the **Federal Register** that, as of a specific date, the limit is reduced to a specified amount between 5 lb (2.3 kg) and 100 lb (45.3 kg) per DAS, depending on the risk of exceeding the target TAC. Cod on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) A vessel subject to the cod landing limit restrictions described in paragraph (b)(1)(i) of this section, and subject to the cod landing limit call-in provision specified at § 648.10(f)(3)(ii), may come

into port with and offload cod in excess of the landing limit as determined by the number of DAS elapsed since the vessel called into the DAS program, provided that:

(A) The vessel operator does not call-out of the DAS program as described under § 648.10(c)(3) and does not depart from a dock or mooring in port to engage in fishing, unless transiting as allowed in paragraph (b)(3) of this section, until sufficient time has elapsed to account for and justify the amount of cod harvested at the time of offloading regardless of whether all of the cod on board is offloaded (e.g., a vessel subject to the landing limit restriction, described in paragraph (b)(1)(i) of this section, that has called-in to the multispecies DAS program at 3 p.m. on Monday and that fishes and comes back into port at 4 p.m. on Wednesday of that same week with 800 lb (362.9 kg) of cod to offload some or all of its catch cannot call-out of the DAS program or leave port until 3:01 p.m. the next day, Thursday (i.e., 3 days plus one minute); and

\* \* \* \* \*

(3) *Transiting.* A vessel that has exceeded the cod landing limit as specified in paragraph (b)(1) of this section, and is, therefore, subject to the requirement to remain in port for the period of time described in paragraph (b)(1)(ii)(A) of this section may transit to another port during this time, provided that the vessel operator notifies the Regional Administrator (see Table 1 to § 600.502 of this chapter) either at the time the vessel reports its hailed weight of cod or at a later time prior to transiting and provides the following information: vessel name and permit number, destination port, time of departure, and estimated time of arrival. A vessel transiting under this provision must stow its gear in accordance with one of the methods specified in § 648.81(e) and may not have any fish on board the vessel.

(c) *Other possession restrictions.* Vessels are subject to all other applicable possession limit restrictions, as specified under §§ 648.82(b)(3), 648.83(b)(1), 648.88(a) and (c), and § 648.89(c).

(d) *Calculation of weight of fillets or parts of fish.* The possession limits described under this part are based on the weight of whole, whole-gutted, or gilled fish. For purposes of determining compliance with the possession limits specified in paragraph (a), (b), or (c) of this section, the weight of fillets and parts of fish, other than whole-gutted or gilled fish, as allowed under § 648.83(a) and (b) will be multiplied by 3.

11. In § 648.87, introductory text for paragraphs (a) and (b) is revised, and paragraph (a)(4) is added to read as follows:

**§ 648.87 Gillnet requirements to reduce or prevent marine mammal takes.**

(a) *Areas closed to gillnet gear capable of catching multispecies to reduce harbor porpoise takes.* All persons owning or operating vessels in the EEZ portion of the areas and times specified in paragraphs (a)(1), (2), (3) and (4) of this section must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in § 648.81(g)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (a)(1) through (a)(4) of this section. Also, all persons owning or operating vessels issued a limited access multispecies permit must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the areas and for the times specified in paragraphs (a)(1) through (a)(4) of this section, and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnets or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)) in the areas and for the times specified in paragraphs (a)(1) through (a)(4) of this section.

\* \* \* \* \*

(4) *NE Closure Area.* From August 15 through September 13, of each fishing year, the restrictions and requirements specified in this paragraph (a) apply to the NE Closure Area, which is the area bounded by straight lines connecting the following points in the order stated:

**NORTHEAST CLOSURE AREA**

Point	N. lat.	W. long.
NE1 .....	(1)	68°55.0'
NE2 .....	43°29.6'	68°55.0'
NE3 .....	44°04.4'	67°48.7'
NE4 .....	44°06.9'	67°52.8'
NE5 .....	44°31.2'	67°02.7'
NE6 .....	(1)	67°02.7'

<sup>1</sup> Maine shoreline.

(i) Copies of a chart depicting this area are available from the Regional Administrator upon request.

(ii) [Reserved]

(b) *Areas closed to gillnet gear capable of catching multispecies to prevent right whale takes.* All persons owning or operating vessels must remove all of their sink gillnet gear and gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (2) of this section, and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in § 648.81(g)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (b)(1) and (2) of this section. Also, all persons owning or operating vessels issued a limited access multispecies permit must remove all of their sink gillnet gear and other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)), from the areas and for the times specified in paragraphs (b)(1) and (2) of this section, and, may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of § 648.81(e)(4), sink gillnet gear or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in § 648.81(g)(2)(ii)) in the areas and for the times specified in paragraphs (b)(1) and (2) of this section.

\* \* \* \* \*

12. In § 648.88, paragraphs (a)(1) and (c) are revised to read as follows:

**§ 648.88 Open access permit restrictions.**

(a) \* \* \*

(1) The vessel may possess and land up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip, and unlimited amounts of the other NE multispecies, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not use or possess on board gear other than rod and reel or handlines while in possession of, fishing for, or landing NE multispecies, and provided it has at least one standard tote on board.

\* \* \* \* \*

(c) *Scallop multispecies possession limit permit.* Unless otherwise

prohibited in § 648.86(b), a vessel that has been issued a valid open access scallop multispecies possession limit permit may possess and land up to 300 lb (136.1 kg) of regulated species per trip when fishing under a scallop DAS allocated under § 648.53, provided that the amount of cod on board does not exceed the daily cod limit specified in § 648.86(a)(2) and (b), up to a maximum of 300 lb (136.1 kg) of cod for the entire trip, and that the vessel does not fish for, possess, or land haddock from January 1 through June 30 as specified under § 648.86(a)(2)(i), and provided the vessel has at least one standard tote on board.

\* \* \* \* \*

[FR Doc. 99-11157 Filed 4-30-99; 2:27 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 990430113-913-01; I.D. 042799A]

RIN 0648-AL64

### Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 1999 Management Measures

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

**ACTION:** Annual management measures for the ocean salmon fishery; request for comments.

**SUMMARY:** NMFS establishes fishery management measures for the ocean salmon fisheries off Washington, Oregon, and California for 1999 and 2000 salmon seasons opening earlier than May 1, 2000. Specific fishery management measures vary by fishery and by area. The measures establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the exclusive economic zone (3-200 nm) off Washington, Oregon, and California. These management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian and non-treaty commercial and recreational fisheries. The measures are also intended to allow a portion of the salmon runs to escape the ocean fisheries in order to provide for

spawning escapement and for inside fisheries.

**DATES:** Effective from 0001 hours Pacific Daylight Time (P.d.t.), May 1, 1999, until the effective date of the 2000 management measures, as published in the **Federal Register**. Comments must be received by May 17, 1999.

**ADDRESSES:** Comments on the management measures and the related environmental assessment (EA) may be sent to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way N.E., Seattle, WA 98115-0070; or William Hogarth, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213. Copies of the EA and other documents cited in this document are available from Larry Six, Executive Director, Pacific Fishery Management Council, 2130 S.W. Fifth Ave., Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** William Robinson at 206-526-6140, or Svein Fougner at 562-980-4040.

#### SUPPLEMENTARY INFORMATION:

#### Background

The ocean salmon fisheries in the exclusive economic zone off Washington, Oregon, and California are managed under a "framework" fishery management plan entitled the Pacific Coast Salmon Plan (FMP). Regulations at 50 CFR part 660, subpart H, provide the mechanism for making preseason and inseason adjustments to the management measures, within limits set by the FMP, by notification in the **Federal Register**.

These management measures for the 1999 and pre-May 2000 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at its April 5 to 9, 1999, meeting.

#### Schedule Used To Establish 1999 Management Measures

In accordance with the FMP, the Council's Salmon Technical Team (STT) and staff economist prepared several reports for the Council, its advisors, and the public. The first report, "Review of 1998 Ocean Salmon Fisheries," (Review) summarizes the 1998 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1998. The second report, "Preseason Report I Stock Abundance Analysis for 1999 Ocean Salmon Fisheries" (PRE I), provides the 1999 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 1998 regulations or regulatory procedures