

action and the effective dates of the action;

(3) Refer the IPA to its procedural rights of appeal and reconsideration under § 1641.24; and

(4) Inform the IPA that a copy of the debarment official's decision will be a public document and the fact of debarment, suspension or removal will be a matter of public record.

(e) If the debarment official decides that a debarment, suspension, or removal is not warranted, the Notice may be withdrawn or the proceeding may be otherwise terminated.

(f) If the debarment official deems it appropriate, the debarment official may, at any time, settle by agreement with the IPA a debarment, suspension, or removal action. Such a negotiated settlement may include the imposition of appropriate conditions on the IPA.

#### **§ 1641.23 Exceptions to debarment, suspension and removal.**

Exceptions to the effects of debarment, suspension or removal may be available in unique circumstances, when there are compelling reasons to use a particular IPA for a specific task. Requests for such exceptions may be submitted only by the recipient requiring audit services. The Inspector General may except a contract from the effects of debarment, suspension or removal upon a written determination that a compelling reason exists for using the IPA in the particular instance.

#### **§ 1641.24 Appeal and reconsideration of debarment official decisions.**

(a) *Appeal and reconsideration generally.* A debarred, suspended or removed IPA may submit the debarment official's decision for appeal or reconsideration in accordance with this section. Within 60 days, IPAs shall be given notice of decisions on appeal and reconsideration. The relief, if any, granted upon appeal or reconsideration shall be limited to the relief stated in the decision on the appeal or reconsideration.

(b) *Appeal.* (1) A debarred, suspended or removed IPA may appeal the decision to the Inspector General, who may uphold, reverse or modify the debarment official's decision.

(2) The appeal shall be filed in writing:

(i) By a debarred or removed IPA, within 30 days of receipt of the decision;

(ii) By a suspended IPA, within 15 days of receipt of the decision.

(3) The Inspector General, at his or her discretion and after determining that a compelling reason exists, may stay the effect of the debarment, suspension or

removal pending conclusion of his or her review of the matter.

(c) *Reconsideration.* (1) A debarred, suspended or removed IPA may submit a request to the debarment official to reconsider the debarment, suspension or removal decision, reduce the period of debarment or removal, or terminate the suspension.

(2) Such requests shall be in writing and supported by documentation that the requested action is justified by:

(i) In the case of suspension, reversal of the conviction or civil judgment upon which the suspension was based;

(ii) Newly discovered material evidence;

(iii) Bona fide change in ownership or management;

(iv) Elimination of other causes for which the debarment, suspension or removal was imposed; or

(v) Other reasons the debarment official deems appropriate.

(3) A request for reconsideration of a suspension which was based a conviction, civil judgment, or sanction that has been reversed may be filed at any time.

(4) Requests for reconsideration based on other grounds may only be filed during the period commencing 60 days after the debarment official's decision imposing the debarment or suspension. Only one such request may be filed in any twelve month period.

(5) The debarment official's decision on a request for reconsideration is subject to the appeal procedure set forth in paragraph (b) of this section.

Dated: November 22, 1999.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel, Corporate Secretary.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 600**

**[Docket No. 980519132-9315-03; I.D.022498F]**

**RIN 0648-AK49**

#### **Magnuson-Stevens Act Provisions; List of Fisheries and Gear, and Notification Guidelines**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS revises the list of authorized fisheries and fishing gear used in those fisheries (LOF) contained in 50 CFR 600.725(v). Effective December 1, 1999, no person or vessel may employ fishing gear or participate in a fishery in the exclusive economic zone (EEZ) not included in this LOF without giving 90 days' advance notice to the appropriate Fishery Management Council (Council) or, with respect to Atlantic highly migratory species (HMS), the Secretary of Commerce (Secretary).

**DATES:** Effective December 1, 1999.

**ADDRESSES:** Copies of the regulatory impact review for the final rule for this action can be obtained from Dr. Gary C. Matlock, Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Send comments regarding the collection-of-information requirements associated with this rule to the above address 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:** Mark Millikin, NMFS, (301) 713-2344.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 305(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(a)) requires the Secretary to publish in the **Federal Register**, after notice and an opportunity for public comment, a list of authorized fisheries under the authority of each Council and all fishing gear used in such fisheries in the EEZ, as well as the fisheries and fishing gear used in those fisheries under the authority of the Secretary of Commerce (Secretary) with respect to HMS. A fish, regardless of whether targeted, may be retained only if it is taken within a listed fishery, is taken with a gear authorized for that fishery, and is taken in conformance with all other applicable regulations. This LOF is based on information submitted by the Councils and by the Director, Office of Sustainable Fisheries, NMFS (Director), in the case of HMS, and upon public comments received.

On June 4, 1998, NMFS published a proposed LOF and invited public comment thereon (63 FR 30455). On January 27, 1999, NMFS by final rule published the LOF (64 FR 4030). On July 28, 1999, NMFS delayed the effectiveness of the LOF and invited additional public comments (64 FR 40781). This final rule revises the LOF

and makes it effective on December 1, 1999.

### Relationship of This Rule to Other Federal Fishery Regulations

Fisheries and associated gear in the EEZ continue to be managed by implementing regulations in 50 CFR chapter VI for the various FMPs under authority of the Councils and the Secretary. FMPs often address issues about gear, such as structure, size, shape, material, deployment, seasonality of allowed use, prohibitions, or other features of gear and its use. The LOF contained in § 600.725(v) is not intended to alter or supersede any other regulations related to fisheries and gear (for example, specific prohibitions).

The LOF does not affect experimental fisheries conducted for a year or less under 50 CFR chapter VI.

NMFS is not aware of any Treaty Indian tribe or subsistence fisheries in the EEZ other than those listed in § 600.725(v). This action does not supersede or otherwise affect exemptions that exist for Treaty Indian fisheries.

### Comments and Responses

Forty-four sets of comments were received regarding the LOF from various individuals and organizations in response NMFS' invitation to public comment in the final rule, delay of effectiveness published on July 28, 1999 (64 FR 40781).

*Comment 1:* One commenter stated that the following species should be allowed to be harvested by trawl, pot, trap, gill nets, pound nets, dredge, haul seine, and handline in waters off New York: Eels, crabs (including horseshoe crabs), menhaden, sea robins, sculpins, puffer, triggerfish, lumpfish, toadfish, hogchoker, striped bass, shrimp, wolfish, spiny dogfish, smooth dogfish, lobster, conch, jellyfish, seaweeds, Spanish mackerel, octopus, spot, skate (all species), snails, stingrays, sturgeon, herring, anchovy, sardine, silverside, killifish, minnow, sea raven, red porgy, sheepshead, spottail pinfish, Atlantic croaker, black drum, Northern kingfish, sea trout, ocean perch, cunner, tautog, halibut, tuna, dolphin, chub, perch, jack, lookdown, crevalle, and John Dory.

*Response:* While the purpose of this final rule is to include all fisheries and gear currently in use, an attempt to list all species that may be retained might unintentionally exclude some minor species caught incidentally and retained. Therefore, this rule lists fisheries managed under a Fishery Management Plan (FMP), or fisheries not currently managed under an FMP (referred to as Non-FMP fisheries), with

authorized gear types for a given area. This rule is designed to include all gear currently in use in a given area. Each area contains various Non-FMP fisheries and two general fishery categories, "Commercial Fishery (Non-FMP)" and "Recreational Fishery (Non-FMP)." If a given species is not included in an FMP's list of managed species (*i.e.*, management unit), and does not fit under a specific Non-FMP (*e.g.*, only groundfish would fit under a "Groundfish Non-FMP"), then that species fits under one of these two general fishery categories. For example, in the case of the comment received about species harvested off New York, crabs fit under the "Crab Fishery (Non-FMP)," menhaden fit under the "Atlantic Menhaden Fishery (Non-FMP)," possession of striped bass is prohibited in the EEZ, spiny dogfish fit under "Spiny Dogfish Fishery (FMP)," lobster fits under "American Lobster Fishery (FMP)," conch fits under the "Whelk Fishery (Non-FMP)," Spanish mackerel and dolphin fit under the "South Atlantic Coastal Migratory Pelagics Fishery (FMP)," skates (all species) fit under "Atlantic Skate Fishery (Non-FMP)," possession of Atlantic sturgeon is prohibited in the EEZ, Atlantic herring fits under "Atlantic Herring (FMP)," sea trout fits under "Weakfish Fishery (Non-FMP)," tautog fits under "Tautog Fishery (Non-FMP)," and Atlantic halibut fits under "Northeast Multispecies Fishery (FMP)." The rest of these species fit under the "Commercial Fishery (Non-FMP)" or the "Recreational Fishery (Non-FMP)."

*Comment 2:* One commenter listed an array of species that the commenter felt should be allowed to be harvested by various gear (dredge, gigs, spear, trawl, longline, hook and line, handline, rod and reel, pots and traps, and gillnets) in the EEZ off North Carolina under the jurisdiction of the Mid-Atlantic Fishery Management Council (MAFMC).

*Response:* For the purposes of this rule, "gig" is considered to fit under "spear." All of the other gear listed by the commenter is contained under the new category, "Commercial Fishery (Non-FMP)," and many are included in various other FMPs and Non-FMPs contained in the "Mid-Atlantic Fishery Management Council" portion of the LOF.

*Comment 3:* One commenter requested that a "Shrimp Trawl Fishery (Non-FMP)" be added as a fishery under the MAFMC.

*Response:* NMFS does not agree. The "South Atlantic Shrimp Fishery (FMP)" managed by the South Atlantic Fishery Management Council (SAFMC) extends

at least to the Virginia-North Carolina border, so that fisheries and gear under that fishery should be listed under the MAFMC.

*Comment 4:* One commenter requested that pots and traps be added as an authorized gear type in the "Marine Life Aquarium Fishery (non-FMP)" for the waters within the jurisdiction of the South Atlantic Fishery Management Council (SAFMC) and Gulf of Mexico Fishery Management Council (GMFMC). Commercial spiny lobster and stone crab fishermen capture aquarium fishes as incidental catches in traps and pots, and they are allowed to land and sell these fishes under Florida state regulations.

*Response:* Pots and traps have been added to the LOF in the "Marine Life Aquarium Fishery (non-FMP)" for the waters within the jurisdiction of the SAFMC and GMFMC.

*Comment 5:* Twenty-seven commenters requested that "spear" be added as an authorized gear type for recreational finfish fisheries within the jurisdiction of the New England Fishery Management Council (NEFMC), MAFMC, SAFMC, GMFMC, Caribbean Fishery Management Council (CFMC), Pacific Fishery Management Council (PFMC), and Western Pacific Fishery Management Council (WPFMC). In addition, several commenters requested that spear be added as an authorized gear for Atlantic swordfish, Atlantic billfish, and Atlantic tunas managed by the Secretary. One commenter requested that spear be added as an authorized gear for salmon in waters within the jurisdiction of the PFMC. These commenters pointed out that spearfishing has relatively few participants, there is a long history of spearfishing in Federal waters of the U.S., spear gear is beneficial to the few individuals who actually use it, and spearfishing has negligible impacts on fishery populations because there are so few spear fishermen relative to the total number of recreational and commercial fishermen.

*Response:* NMFS agrees that spearfishing is an important component of many recreational fisheries within the jurisdiction of the Councils. Spear has been added as an authorized gear for many FMP and non-FMP fisheries as indicated in the section of this rule, "Changes From the Previous Final Rule," where spearfishing is not specifically prohibited by other regulations. Recreational salmon fisheries managed by the PFMC allow only hook-and-line gear, so spear was not added as an authorized gear for this fishery. Additionally, on May 28, 1999,

the Secretary issued a final rule, which specified authorized gear for various species under the Atlantic tunas, swordfish, and sharks fisheries, and the Atlantic billfish fishery (64 FR 29090). Spear was not included as an authorized gear for these fisheries.

*Comment 6:* Many commenters requested that "hand harvest" be added as an authorized gear type for recreational shellfish and crustacean fisheries within the jurisdiction of the NEFMC, MAFMC, SAFMC, GMFMC, CFMC, PFMC, and WPFMC.

*Response:* NMFS agrees that "hand harvest" is an important component of many recreational shellfish and crustacean fisheries within the jurisdiction of the Councils. "Hand harvest" has been added as an authorized gear for many FMP and non-FMP recreational shellfish and crustacean fisheries where the practice is not specifically prohibited by other regulations (see "Changes From the Previous Final Rule").

*Comment 7:* The listing of fisheries and authorized gear types by Councils is confusing, repetitive, and sometimes contradictory. The American Lobster Fishery is listed under both NEFMC and MAFMC, yet there is no listing for bottom trawl fishery, gillnet fishery, dredge fishery, or a recreational fishery under the jurisdiction of the MAFMC, all of which are listed for fisheries under the jurisdiction of the NEFMC. Fisheries and authorized gear types should be listed only under the primary Council and should cover the full geographic range of the species in question. If this modification cannot be made, then the fishery and authorized gear types should be duplicated exactly and repeated for each Council area in which the species may be harvested.

*Response:* As required by the Magnuson-Stevens Act, NMFS has prepared the LOF so that fisheries and authorized gear are listed separately within each area of authority where they occur. NMFS agrees that the LOF published on January 27, 1999 (64 FR 4030), was inconsistent in a few cases for some fisheries that were listed under more than one Council. The LOF is modified by this final rule so that individual fisheries and their authorized gear under the jurisdiction of each Council are duplicated exactly, when appropriate, and repeated for each Council area in which the species may be harvested. However, Atlantic HMS fisheries managed under Secretarial authority are only listed in the table one time under "Secretary of Commerce," rather than also being listed under each Council area where they occur.

*Comment 8:* There is some confusion in the use of different gear terminology as part of the fishery designation. For instance, under Summer Flounder, Scup, and Black Sea Bass FMP, a pelagic drift gillnet fishery is listed. Does this mean that an anchored gillnet is not authorized? Confusing this issue further is the use of many forms of gillnets within fishery designations. Along with the "pelagic drift gillnet fishery" there is a "gillnet fishery" (monkfish), a "coastal gillnet fishery" (non-FMP), a "sink gillnet fishery" (NE multi-species), and a "coastal/inshore gillnet fishery" (lobster). To reduce this confusion, all fisheries which use gillnet should be referred to by the use of the generic "gillnet fishery" designation.

*Response:* NMFS has revised the LOF so that the more generic term "gillnet" is used for most fisheries that utilize gillnets.

*Comment 9:* There is a great deal of confusion over the disposition of bycatch. Can, for example, a fisherman possess and land an unlisted species (such as tautog) while fishing in a listed fishery (such as American lobster) with an authorized gear type (such as pot or trap)? The disposition of bycatch should be clearly defined. If an unlisted species cannot be retained in a listed fishery with an authorized gear, an additional category for a non-FMP species fishery should be added with authorized gear types being all-inclusive.

*Response:* The LOF as revised by this final rule lists all authorized fisheries and fishing gear within the U.S. EEZ, regardless whether the retained species is "directed" or "incidental" catch. In order to legally harvest a species with a given gear, the species must fit within the management unit of a given FMP or fit within a "Non-FMP Fishery" for a given area. FMPs have defined management units in terms of species, while Non-FMP categories do not. However, the "Crab Non-FMP" for a given area could include any or all crab species and the "Groundfish Fishery (Non-FMP)" could include any or all bottom fish not covered by the management units of that area's FMPs. The "Commercial Fishery (Non-FMP)" and the "Recreational Fishery (Non-FMP)" are the most general Non-FMP categories for a given area and could include any or all species that: (1) Are not covered in the management unit of an FMP, (2) Do not fit within another more specific Non-FMP Fishery. Therefore, the most general "Non-FMP Fisheries" listed for the various Council areas of authority allow harvest of Non-FMP species, and list as authorized gear all the known gear types that are utilized within the EEZ in that

geographical area for such Non-FMP species.

*Comment 10:* One commenter pointed out that there is no octocoral recreational fishery in the SAFMC or GMFMC areas of authority and therefore there is no authorized recreational gear for this fishery. This recreational fishery should be removed from the LOF.

*Response:* The octocoral recreational fishery has been deleted from the fisheries of the SAFMC and GMFMC areas.

*Comment 11:* One commenter was concerned that many of the species are listed as "Non-FMP," such as Atlantic striped bass, Weakfish, and Atlantic menhaden, when Interstate Fishery Management Plans are in place under the Atlantic States Marine Fisheries Commission. The commenter suggested it may be more accurate to list any species that has no "Federal FMP," but has an Interstate FMP as a "Non-Federal FMP."

*Response:* Since the LOF is only intended to cover fishing practices in the EEZ, the LOF as revised, only lists "Federal FMPs."

*Comment 12:* One commenter suggested that the "Striped Bass Fishery (Non-FMP)" be eliminated from the list of fisheries under the MAFMC.

*Response:* NMFS has decided to retain several fisheries in the LOF even though current regulations prohibit possession in the EEZ, with a statement to that effect underneath the "gear heading" of the table. Such fisheries include "Striped Bass Fishery (Non-FMP)" under the New England and Mid-Atlantic Councils, "Atlantic Red Drum Fishery (FMP)" under the SAFMC, and "Gulf of Mexico Red Drum Fishery (FMP)" under the GMFMC.

*Comment 13:* One commenter noted that jig gear should be added as an authorized gear for the "Atlantic Squid, Mackerel, and Butterfish Fishery (FMP)."

*Response:* NMFS notes that for the purpose of this rule "jig gear" falls under the definition of "longline."

*Comment 14:* One commenter stated that monkfish, lobster, multispecies (groundfish), Atlantic skate, and Atlantic herring should have the same gear under both the Mid-Atlantic and New England Councils.

*Response:* NMFS agrees.

*Comment 15:* Several commenters noted that "trawl" needs to be added to authorized gear in the "Tilefish Fishery (Non-FMP)" under the MAFMC.

*Response:* NMFS agrees.

*Comment 16:* Several commenters stated that a tautog fishery occurs in the EEZ.

*Response:* NMFS agrees and has listed that fishery and associated gear mentioned by the commenters under both the New England and Mid-Atlantic Councils.

*Comment 17:* One commenter stated that the following fisheries should be added to the LOF for the EEZ under jurisdiction of the MAFMC because many species from these FMPs' management units occur in the Mid-Atlantic: South Atlantic Shrimp Fishery (FMP), South Atlantic Snapper-Grouper Fishery FMP, South Atlantic Coastal Migratory Pelagics Fishery (FMP), Calico Scallops Trawl Fishery (Non-FMP), Sargassum Fishery (Non-FMP), NE Multispecies Fishery (FMP), Atlantic Skate Fishery (Non-FMP), Atlantic Herring Fishery (FMP), Crab Fishery (Non-FMP), and Non-Federal FMP with a commercial fishery and recreational fishery. The commenter suggested the following gear for a Non-Federal FMP commercial fishery: dredge, trawl, hand harvest, gillnet, longline, handline, rod and reel, trap, pot, seine, spear, purse seine, bandit gear, powerhead, dip net, bully net, snare, cast net, barrier net, slurp gun, and authorized chemicals. The commenter suggested the following gear for a Non-Federal FMP recreational fishery: hand harvest, rod and reel, handline, spear, pot, trap, gillnet, hook and line, bandit gear, powerhead, dip net, bully net, and snare.

*Response:* NMFS agrees (see "Changes from the Previous Final Rule"). The Non-Federal FMP Commercial Fishery and Recreational Fishery are being added under each Council area (under the categories: "Commercial Fishery (Non-FMP)" and "Recreational Fishery (Non-FMP)"), in large part to address species, not in management units of FMPs, that are caught and retained.

*Comment 18:* One commenter stated that smooth dogfish and spiny dogfish are caught in waters off South Carolina with gillnet, trawl, longline, bandit gear, rod and reel, and handline.

*Response:* NMFS agrees and has made the changes to the LOF.

*Comment 19:* One commenter requested that the definition for hoop net be revised as follows: "Hoop net means a cone-shaped or flat net which may or may not have throats and flues stretched over a series of rings or hoops for support, and includes gear used to catch Kona crab."

*Response:* NMFS agrees with the revised "hoop net" definition, and the change has been made in the definitions section. However, the last portion of the requested change, "and includes gear used to catch Kona crab," was not included in the new definition, because no species are listed in the definitions.

*Comment 20:* One commenter requested that a definition be added for "drop net" to read: "a small, usually circular net with weight around the perimeter and a float in the center." These nets are used to collect marine life aquarium fishes.

*Response:* NMFS agrees with the addition of a new definition for "drop net," and the addition has been made in the definitions section.

*Comment 21:* One commenter questioned whether this rule would violate section 306 of the Magnuson-Stevens Act by having an adverse effect on a state's authority to regulate its vessels outside its boundaries in the absence of a Federal FMP.

*Response:* Even if a fishery is listed or a gear is authorized in the LOF, this would not affect a state's ability to prohibit the conduct of the fishery in the EEZ or the use of the particular gear therein, by fishing vessels registered under the law of that state, if the fishery or gear use in the EEZ is not regulated under an FMP. However, if a state's regulations authorize the conduct of a fishery in the EEZ or authorize or require the use of gear in the EEZ, that is not listed or authorized in the LOF, then any fisherman intending to fish under such state's regulations must afford the Secretary or appropriate Council with 90 days prior written notice of his/her intent to conduct such a fishery or to use such gear. Whether notice was given to the Secretary or appropriate Council, the Secretary may issue regulations to prohibit the fishery in the EEZ or the use of such gear in the EEZ. In such a case, the Federal regulations prohibiting the fishery or the use of the gear would pre-empt the state regulations authorizing the fishery in the EEZ or authorizing or requiring the use of the gear in the EEZ.

#### **Changes From the Previous Final Rule (Published on January 27, 1999)**

The following changes have been made to the LOF published on January 27, 1999:

1. Under the New England and Mid-Atlantic Councils, "Non-FMP" has been changed to "FMP" for "Monkfish," "Dogfish," and "Atlantic Herring."

2. Under the NEFMC, "Atlantic Halibut Fishery (Non-FMP)" has been removed from the LOF because that species has been added to the management unit for the "Northeast Multispecies Fishery."

3. A "Recreational Fishery (Non-FMP)" is added under the New England and the Caribbean Councils' listings of fisheries, and a "Commercial Fishery (Non-FMP)" is added under each of the

Councils, and for HMS, under the Secretary.

4. The following changes have been made under the heading "New England Fishery Management Council (NEFMC)":

a. The "Iceland Scallop Fishery (Non-FMP)" has been added.

b. Under the "American Lobster Fishery (FMP)," "Gillnet fishery" has been added.

c. Under the "Atlantic Herring Fishery (FMP)," the "Coastal herring trawl fishery" has been changed to "Trawl fishery," and the "Herring pair trawl fishery" and the "Dredge fishery" have been added.

d. Under the "Dogfish Fishery (FMP)," "Hook and line fishery," "Longline fishery," and "Dredge fishery" have been added.

e. "Spear" has been added as an authorized gear type under the "Recreational fishery" of the "Dogfish Fishery (FMP)," "Atlantic Bluefish Fishery (FMP managed by MAFMC)," "Atlantic Mackerel, Squid, and Butterfish Fishery (FMP managed by MAFMC)," "Weakfish Fishery (Non-FMP)," "Monkfish Fishery (FMP)," and "Summer Flounder, Scup, Black Sea Bass Fishery (FMP managed by MAFMC)."

f. Under the "Atlantic Bluefish Fishery (FMP)," "Pelagic drift gillnet fishery" has been changed to "Gillnet fishery."

g. Under the "Atlantic Mackerel, Squid, and Butterfish Fishery (FMP)," "Dip net fishery" has been added.

h. "Hand harvest" has been added as an authorized gear type to the "Surf Clam and Ocean Quahog Fishery (FMP)."

i. Under the "Atlantic Mussel/Sea Urchin Fishery (Non-FMP)," "Recreational fishery" has been added.

j. Under the "Atlantic Skate Fishery (Non-FMP)," "Recreational fishery" has been added.

k. Under the "Crab Fishery (Non-FMP)," "Trawl fishery," and "Trap and pot fishery" have been added.

l. Under the "Monkfish Fishery (FMP)," "Recreational fishery" has been added.

m. Under the "Summer Flounder, Scup, and Black sea Bass Fishery (FMP)," "Dredge fishery" has been added, and "Pelagic drift gillnet fishery" has been changed to the more general category of "Gillnet fishery."

n. The "Tautog Fishery (Non-FMP)" has been added.

5. The following changes have been made under the heading "Mid-Atlantic Fishery Management Council":

a. Under the "Summer Flounder, Scup, and Black Sea Bass Fishery (FMP)," "Dredge fishery" has been

added, and "Pelagic drift gillnet fishery," has been changed to "Gillnet fishery."

b. Under the "Atlantic Bluefish Fishery (FMP)," "Pelagic drift gillnet fishery" has been changed to "Gillnet fishery."

c. "Spear" has been added as an authorized gear type to the "Recreational fishery" category for the following: "Summer Flounder, Scup, Black Sea Bass (FMP)," "Atlantic Bluefish (FMP)," "Atlantic Mackerel, Squid, and Butterfish Fishery (FMP)," "Weakfish Fishery (Non-FMP)," "Tilefish Fishery (Non-FMP)," and "Dogfish Fishery (FMP)."

d. Under the "Surf Clam/Ocean Quahog Fishery (FMP)," the "Dredge fishery" has been changed to "Commercial fishery" to include gear of "dredge" and "hand harvest."

e. Under the "Sea Scallop Fishery (FMP)," "Recreational fishery" has been added.

f. Under the "American Lobster Fishery (FMP)," "Trawl fishery," "Dredge fishery," "Gillnet fishery," and "Recreational fishery" have been added.

g. Under the "Whelk Fishery (Non-FMP)," "Dredge fishery" and "Recreational fishery" have been added.

h. Under the "Monkfish Fishery (FMP)," "Gillnet fishery," "Dredge fishery," "Trap and pot fishery," and "Recreational fishery" have been added.

i. Under "Tilefish Fishery (Non-FMP)," "Trawl fishery" has been added.

j. Under "Dogfish Fishery (FMP)," "Hook and line fishery," "Dredge fishery," and "Longline fishery" have been added.

k. The following fisheries have been added: "Tautog Fishery (Non-FMP)," "NE Multispecies Fishery (FMP)," "Atlantic Skate Fishery (Non-FMP)," "Crab Fishery (Non-FMP)," "Atlantic Herring Fishery (FMP)," "Shrimp Trawl (Non-FMP)," "South Atlantic Snapper-Grouper Fishery (FMP)," "South Atlantic Coastal Migratory Pelagics (FMP)," "Calico Scallops Trawl Fishery (Non-FMP)," "Sargassum Fishery (Non-FMP)," and "South Atlantic Shrimp Fishery (FMP)."

l. "Spear," "hook and line," "bandit gear," "powerhead," "gillnet," "cast net," and "hand harvest" have been added as authorized gear types to the "Recreational Fishery (Non-FMP)."

m. "Mixed Species Trawl Fishery (Non-FMP)" has been removed and should be considered part of the new category, "Commercial Fisheries (Non-FMP)."

6. The following changes have been made under the heading "South Atlantic Fishery Management Council":

a. "Crab Fishery (Non-FMP)" has been added.

b. Under the "Coral and Coral Reef Fishery (FMP)," "Octocoral recreational fishery" has been removed because it is not allowed.

c. The word "only" has been deleted from "hand harvest only" under the Coral and Coral Reef Fishery (FMP).

d. "Spear" has been added as an authorized gear type to the "Recreational fishery" under the "South Atlantic Coastal Migratory Pelagics Fishery (FMP)," and "Weakfish Fishery (Non-FMP)."

e. "Hand harvest" has been added as an authorized gear under "Recreational fishery" for "South Atlantic Spiny Lobster Fishery (FMP)."

f. "Bait fishery (Non-FMP)" has been added.

g. "Trap, pot, and trawl" have been added as authorized gear under the "Marine Life Aquarium Fishery (Non-FMP)."

h. "Spear," "hook and line," "powerhead," "gillnet," "cast net," and "hand harvest" have been added as authorized gear types to the Recreational Fishery (Non-FMP).

i. "Summer Flounder Fishery (FMP managed by the Mid-Atlantic Fishery Management Council)" has been added. Summer flounder are part of an important fishery south of the northern border of the SAFMC (Virginia-North Carolina border). Scup and black sea bass in this area are in the management unit of the South Atlantic Snapper-Grouper FMP.

j. "Octopus Fishery (Non-FMP)" has been added.

k. "Smooth Dogfish Fishery (Non-FMP)" has been added.

7. The following changes have been made under the heading "Gulf of Mexico Fishery Management Council":

a. The word "only" has been deleted from "hand harvest only" under the "Coral Reef Fishery (FMP)."

b. "Hand harvest" has been added as an authorized gear type to the "Recreational Fishery" under the "Gulf of Mexico Spiny Lobster Fishery (FMP)," and "Stone Crab Fishery (FMP)."

c. The "Blue Crab Fishery (Non-FMP)" has been added.

d. "Spear" has been added as an authorized gear type to the "Recreational fishery" under the "Mullet Fishery (Non-FMP)" and the "Gulf of Mexico Groundfish Fishery (Non-FMP)."

e. "Cast net" has been added to the commercial and recreational fisheries under the "Mullet Fishery (Non-FMP)."

f. "Hook and line" and "hand harvest" have been added as authorized

gear types to the "Recreational Fishery (Non-FMP)."

g. "Tong" has been added as an authorized gear under the "Oyster Fishery (Non-FMP)."

8. The following changes have been made under the heading "Caribbean Fishery Management Council":

a. "Snare" has been added as an authorized gear type to the "hand harvest fishery" under the "Caribbean Spiny Lobster Fishery (FMP)."

b. "Hand harvest" has been added as an authorized gear type to the "Recreational fishery" under the "Coral and Reef Resources Fishery (FMP)."

c. The word "only" has been deleted from "hand harvest only" under the "Queen Conch Fishery (FMP)."

d. The "Recreational Fishery (Non-FMP)" has been added.

e. "Commercial Fishery (Non-FMP)" has been added.

9. Under the heading "Pacific Fishery Management Council", "hand harvest" has been added as an authorized gear type to the "Recreational Fishery (Non-FMP)."

10. Under the heading "North Pacific Fishery Management Council" "Commercial Fishery (Non-FMP)" has been added.

11. Under the heading "Western Pacific Fishery Management Council" the following changes have been made:

a. Under "Western Pacific Crustacean Fishery (FMP)" "hand harvest" and "hoop net" have been added as authorized gear types.

b. The word "only" has been deleted from "hand harvest only" under the "Western Pacific Precious Corals (FMP)."

c. "Hand harvest" has been added as an authorized gear type to the "Bottomfish hook and line fishery" and "hook and line" has been added as authorized gear type to the "Bottom longline fishery" under the "Western Pacific Bottomfish and Seamount Groundfish Fishery (FMP)."

d. "Hand harvest" and "slurp gun" have been added as authorized gear types to the "Recreational fishery" under the "Western Pacific Bottomfish and Seamount Groundfish Fishery (Non-FMP)."

e. The "Western Pacific Shallow Reef (Non-FMP)" has been renamed "Western Pacific Coral Reef Fishery (Non-FMP)."

f. "Spear", "rod and reel", and "hook and line" have been added as authorized gear types under the "Western Pacific Coral Reef Fishery (Non-FMP)."

g. "Recreational Fishery (Non-FMP)" has been added, with authorized gear types of rod and reel, hook and line, handline, hand harvest, and spear.

h. "Commercial Fishery (Non-FMP)" has been added.  
 12. Under the "Secretary of Commerce," "Atlantic Swordfish (FMP)," "Atlantic Sharks (FMP)," and "Atlantic Tunas (Non-FMP)," have been combined into the "Atlantic Tunas, Swordfish, and Sharks (FMP)" to reflect changes made to 50 CFR parts 600, 630, and 635 in a final rule published on May 28, 1999 (64 FR 29090).

**Classification**

This final rule has been determined to be not significant for purposes of E.O. 12866.

The public has had several opportunities (the original proposed rule; the 180-day period following publication of the final rule; and the additional 45-day comment period when the effectiveness of that final rule was delayed) to submit comments on the content of the LOF in section 600.725(v). Accordingly, the Assistant Administrator for Fisheries, NOAA, pursuant to 5 U.S.C. 553(b)(B), for good cause, namely the opportunities for public comment provided previously, finds that providing prior notice and opportunity for prior public comment is unnecessary. NMFS published a LOF on January 27, 1999, that was scheduled to become effective on July 26, 1999. The effective date of the LOF was postponed until December 1, 1999 (64 FR 40781). This final rule makes additions to the LOF that make it less restrictive on fishermen. Therefore, under 5 U.S.C. 553(d)(1), it is not subject to a 30-day delay in effective date.

This final rule makes minor revisions to a previous final rule published on January 27, 1999, for which the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when that rule was proposed, that if adopted, it would not have a significant impact on a substantial number of small entities. Therefore, initial and final regulatory flexibility analyses were not prepared under the Regulatory Flexibility Act for the previous LOF. However, a regulatory impact review was prepared by NMFS; that analysis includes a description of the extent to which small entities are affected by this rulemaking. A summary of that description appears in the preamble of

the final rule published on January 27, 1999. Because notice and comment for the changes made by this final rule to the previous LOF are not required by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act do not apply.

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 Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule itself does not contain collection-of-information requirements under the PRA. However, it does revise another final rule that contained collection-of-information requirements subject to the PRA that were approved by OMB under control number 0648-0346. The public reporting burdens under that rule have an average estimate of 1½ hours per response for notification of entry into a new fishery or use of a new gear in a current fishery, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to NMFS and OMB (see ADDRESSES).

**List of Subjects in 50 CFR Part 600**

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: November 26, 1999.

**Penelope D. Dalton,**  
*Assistant Administrator for Fisheries,  
 National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR chapter VI is amended as follows:

*50 CFR Chapter VI*

**PART 600—MAGNUSON-STEVENS ACT PROVISIONS**

1. The authority citation for part 600 continues to read as follows:

**Authority:** 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. In section 600.10, the definitions for "Drop net" is added and "Hoop net" is revised in alphabetical order as follows:

**§ 600.10 Definitions.**

\* \* \* \* \*

*Drop net* means a small, usually circular net with weight around the perimeter and a float in the center.

\* \* \* \* \*

*Hoop net* means a cone-shaped or flat net which may or may not have throats and flues stretched over a series of rings or hoops for support.

\* \* \* \* \*

3. In § 600.725, paragraph (v) is revised to read as follows:

**§ 600.725 General prohibitions.**

\* \* \* \* \*

(v) The use of any gear or participation in a fishery not on the following list of authorized fisheries and gear is prohibited after December 1, 1999. A fish, regardless whether targeted, may be retained only if it is taken within a listed fishery, is taken with a gear authorized for that fishery, and is taken in conformance with all other applicable regulations. Listed gear can only be used in a manner that is consistent with existing laws and regulations. The list of fisheries and authorized gear does not, in any way, alter or supersede any definitions or regulations contained elsewhere in this chapter. A person or vessel is prohibited from engaging in fishing or employing fishing gear when such fishing gear is prohibited or restricted by regulation under an FMP or other applicable law. However, after December 1, 1999, an individual fisherman may notify the appropriate Council, or the Director, in the case of Atlantic highly migratory species, of the intent to use a gear or participate in a fishery not already on the list. Ninety days after such notification, the individual may use the gear or participate in that fishery unless regulatory action is taken to prohibit the use of the gear or participate in the fishery (*e.g.*, through emergency or interim regulations). The list of authorized fisheries and gear is as follows:

Fishery	Authorized gear types
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**I. New England Fishery Management Council (NEFMC)**

1. Atlantic Sea Scallop Fishery (FMP): A. Dredge fishery ..... B. Trawl fishery .....	A. Dredge. B. Trawl.
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Fishery	Authorized gear types
C. Hand harvest fishery .....	C. Hand harvest.
D. Recreational fishery .....	D. Hand harvest.
2. Iceland Scallop Fishery (Non-FMP):	
A. Dredge fishery .....	A. Dredge.
B. Trawl fishery .....	B. Trawl.
3. Atlantic Salmon Fishery (FMP) .....	No harvest or possession in the EEZ.
4. Striped Bass Fishery (Non-FMP) .....	No harvest or possession in the EEZ.
5. Northeast (NE) Multispecies Fishery (FMP):	
A. NE multispecies sink gillnet fishery .....	A. Gillnet.
B. North Atlantic bottom trawl fishery .....	B. Trawl.
C. Groundfish hook and line fishery .....	C. Longline, handline, rod and reel.
D. Mixed species trap and pot fishery .....	D. Trap, pot.
E. Dredge fishery .....	E. Dredge.
F. Seine fishery .....	F. Seine.
G. Recreational fishery .....	G. Rod and reel, handline, spear.
6. American Lobster Fishery (FMP):	
A. Lobster pot and trap fishery .....	A. Pot, trap.
B. North Atlantic bottom trawl fishery .....	B. Trawl.
C. Dredge fishery .....	C. Dredge.
D. Hand harvest fishery .....	D. Hand harvest.
E. Gillnet fishery .....	E. Gillnet.
F. Recreational fishery .....	F. Pot, trap, hand harvest.
7. Atlantic Herring Fishery (FMP):	
A. Trawl fishery .....	A. Trawl.
B. Purse seine fishery .....	B. Purse seine.
C. Gillnet fishery .....	C. Gillnet.
D. Herring pair trawl fishery .....	D. Pair trawl.
E. Dredge fishery .....	E. Dredge.
F. Recreational fishery .....	F. Hook and line, gillnet.
8. Spiny Dogfish Fishery (FMP jointly managed by MAFMC and NEFMC):	
A. Gillnet fishery .....	A. Gillnet.
B. Trawl fishery .....	B. Trawl.
C. Hook and line fishery .....	C. Hook and line, rod and reel, spear.
D. Dredge fishery .....	D. Dredge.
E. Longline fishery .....	E. Longline.
F. Recreational fishery .....	F. Hook and line, rod and reel, spear.
9. Atlantic Bluefish Fishery (FMP managed by MAFMC):	
A. Pelagic longline and hook and line fishery .....	A. Longline, handline.
B. Seine fishery .....	B. Purse seine, seine.
C. Mixed species pot and trap fishery .....	C. Pot, trap.
D. Bluefish, croaker, flounder trawl fishery .....	D. Trawl.
E. Gillnet fishery .....	E. Gillnet.
F. Dredge fishery .....	F. Dredge.
G. Recreational fishery .....	G. Rod and reel, handline, trap, pot, spear.
10. Atlantic Mackerel, Squid and Butterfish Fishery (FMP managed by the MAFMC):	
A. Mackerel, squid, and butterfish trawl fishery .....	A. Trawl.
B. Gillnet fishery .....	B. Gillnet.
C. Longline and hook-and-line fishery .....	C. Longline, handline, rod and reel.
D. Purse seine fishery .....	D. Purse seine.
E. Mixed species pot and trap fishery .....	E. Pot, trap.
F. Dredge fishery .....	F. Dredge.
G. Dip net fishery .....	G. Dip net.
H. Bandit gear fishery .....	H. Bandit gear.
I. Recreational fishery .....	I. Rod and reel, handline, pot, spear.
11. Surf Clam and Ocean Quahog Fishery (FMP managed by the MAFMC):	
A. Commercial fishery .....	A. Dredge, hand harvest.
B. Recreational fishery .....	B. Hand harvest.
12. Atlantic Menhaden Fishery (Non-FMP):	
A. Purse seine fishery .....	A. Purse seine.
B. Trawl fishery .....	B. Trawl.
C. Gillnet fishery .....	C. Gillnet.
D. Commercial hook-and-line fishery .....	D. Hook and line.
E. Recreational fishery .....	E. Hook and line, snagging, cast nets.
13. Weakfish Fishery (Non-FMP):	
A. Commercial fishery .....	A. Trawl, gillnet, hook and line.
B. Recreational fishery .....	B. Hook and line, spear.
14. Atlantic Mussel and Sea Urchin Fishery (Non-FMP):	
A. Dredge fishery .....	A. Dredge.
B. Hand harvest fishery .....	B. Hand harvest.
C. Recreational fishery .....	C. Hand harvest.
15. Atlantic Skate Fishery (Non-FMP):	

Fishery	Authorized gear types
A. Trawl fishery .....	A. Trawl.
B. Gillnet fishery .....	B. Gillnet.
C. Hook-and-line fishery .....	C. Longline and handline.
D. Dredge fishery .....	D. Dredge.
E. Recreational fishery .....	E. Rod and reel.
16. Crab Fishery (Non-FMP):	
A. Dredge fishery .....	A. Dredge.
B. Trawl fishery .....	B. Trawl.
C. Trap and pot fishery .....	C. Trap, pot.
17. Northern Shrimp Fishery (Non-FMP):	
A. Shrimp trawl fishery .....	A. Trawl.
B. Shrimp pot fishery .....	B. Pot.
18. Monkfish Fishery (FMP jointly managed by NEFMC and MAFMC):	
A. Trawl fishery .....	A. Trawl.
B. Gillnet fishery .....	B. Gillnet.
C. Longline fishery .....	C. Longline.
D. Dredge fishery .....	D. Dredge.
E. Trap and pot fishery .....	E. Trap, pot.
F. Recreational fishery .....	F. Rod and reel, spear.
19. Summer Flounder, Scup, Black Sea Bass Fishery (FMP managed by MAFMC):	
A. Trawl fishery .....	A. Trawl.
B. Longline and hook and line fishery .....	B. Longline, handline.
C. Mixed species pot and trap fishery .....	C. Pot, trap.
D. Gillnet fishery .....	D. Gillnet.
E. Dredge fishery .....	E. Dredge.
F. Recreational fishery .....	F. Rod and reel, handline, pot, trap, spear.
20. Hagfish Fishery (Non-FMP) .....	Trap, pot.
21. Tautog Fishery (Non-FMP):	
A. Gillnet fishery .....	A. Gillnet.
B. Pot and trap fishery .....	B. Pot, trap.
C. Rod and reel, hook and line fishery .....	C. Rod and reel, handline, hook and line.
D. Trawl fishery .....	D. Trawl.
E. Spear fishery .....	E. Spear.
F. Fyke net fishery .....	F. Fyke net.
G. Recreational fishery .....	G. Rod and reel, hook and line, handline, spear.
22. Recreational Fishery (Non-FMP) .....	Rod and reel, handline, spear, hook and line, hand harvest, bandit gear, powerhead, gillnet, cast net, pot, trap, dip net, bully net, snare.
23. Commercial Fishery (Non-FMP) .....	Trawl, pot, trap, gillnet, pound net, dredge, seine, handline, longline, hook and line, rod and reel, hand harvest, purse seine, spear, bandit gear, powerhead, dip net, bully net, snare, cast net, barrier net, slurp gun, allowable chemicals.

**II. Mid-Atlantic Fishery Management Council (MAFMC)**

1. Summer Flounder, Scup, Black Sea Bass Fishery (FMP):	
A. Trawl fishery .....	A. Trawl.
B. Pelagic longline and hook and line fishery .....	B. Longline, handline, rod and reel.
C. Mixed species pot and trap fishery .....	C. Pot, trap.
D. Gillnet fishery .....	D. Gillnet.
E. Dredge fishery .....	E. Dredge.
F. Recreational fishery .....	F. Rod and reel, handline, pot, trap, spear.
2. Atlantic Bluefish Fishery (FMP):	
A. Bluefish, croaker, and flounder trawl fishery .....	A. Trawl.
B. Pelagic longline and hook and line fishery .....	B. Longline, handline, bandit gear, rod and reel.
C. Mixed species pot and trap fishery .....	C. Pot, trap.
D. Gillnet fishery .....	D. Gillnet.
E. Seine fishery .....	E. Purse seine, seine.
F. Dredge fishery .....	F. Dredge.
G. Recreational fishery .....	G. Rod and reel, handline, trap, pot, spear.
3. Atlantic Mackerel, Squid, and Butterfish Fishery (FMP):	
A. Mackerel, squid, and butterfish trawl fishery .....	A. Trawl.
B. Gillnet fishery .....	B. Gillnet.
C. Longline and hook-and-line fishery .....	C. Longline, handline, rod and reel.
D. Purse seine fishery .....	D. Purse seine.
E. Mixed species pot and trap fishery .....	E. Pot, trap.
F. Dredge fishery .....	F. Dredge.
G. Dip net fishery .....	G. Dip net.
H. Bandit gear fishery .....	H. Bandit gear.
I. Recreational fishery .....	I. Rod and reel, handline, pot, spear.
4. Surf Clam and Ocean Quahog Fishery (FMP):	
A. Commercial fishery .....	A. Dredge, hand harvest.
B. Recreational fishery .....	B. Hand harvest.
5. Atlantic Sea Scallop Fishery (FMP managed by NEFMC):	

Fishery	Authorized gear types
A. Dredge fishery .....	A. Dredge.
B. Trawl fishery .....	B. Trawl.
C. Hand harvest fishery .....	C. Hand harvest.
D. Recreational fishery .....	D. Hand harvest.
6. Atlantic Menhaden Fishery (Non-FMP):	
A. Purse seine fishery .....	A. Purse seine.
B. Trawl fishery .....	B. Trawl.
C. Gillnet fishery .....	C. Gillnet.
D. Commercial hook-and-line fishery .....	D. Hook and line.
E. Recreational fishery .....	E. Hook and line, snagging, cast nets.
7. Striped Bass Fishery (Non-FMP) .....	No harvest or possession in the EEZ.
8. Northern Shrimp Trawl Fishery (Non-FMP) .....	Trawl.
9. American Lobster Fishery (FMP managed by NEFMC):	
A. Pot and trap fishery .....	A. Pot, trap.
B. Hand harvest fishery .....	B. Hand harvest.
C. Trawl fishery .....	C. Trawl.
D. Dredge fishery .....	D. Dredge.
E. Gillnet fishery .....	E. Gillnet.
F. Recreational fishery .....	F. Pot, trap, hand harvest.
10. Weakfish Fishery (Non-FMP):	
A. Commercial fishery .....	A. Trawl, gillnet, hook and line, rod and reel.
B. Recreational fishery .....	B. Hook and line, spear.
11. Whelk Fishery (Non-FMP):	
A. Trawl fishery .....	A. Trawl.
B. Pot and trap fishery .....	B. Pot, trap.
C. Dredge .....	C. Dredge.
D. Pound net, gillnet, seine .....	D. Pound net, gillnet, seine.
E. Recreational fishery .....	E. Hand harvest.
12. Monkfish Fishery (FMP jointly managed by NEFMC and MAFMC):	
A. Trawl fishery .....	A. Trawl.
B. Longline fishery .....	B. Longline, rod and reel.
C. Gillnet fishery .....	C. Gillnet.
D. Dredge fishery .....	D. Dredge.
E. Trap and pot fishery .....	E. Trap and pot.
F. Recreational fishery .....	F. Rod and reel, spear.
13. Tilefish Fishery (Non-FMP):	
A. Groundfish hook-and-line fishery .....	A. Longline, handline, rod and fishery reel.
B. Trawl fishery .....	B. Trawl.
C. Recreational fishery .....	C. Rod and reel, spear.
14. Spiny Dogfish Fishery (FMP jointly managed by MAFMC and NEFMC):	
A. Gillnet fishery .....	A. Gillnet.
B. Trawl fishery .....	B. Trawl.
C. Hook and line fishery .....	C. Hook and line, rod and reel, spear.
D. Dredge fishery .....	D. Dredge.
E. Longline fishery .....	E. Longline.
F. Recreational fishery .....	F. Hook and line, rod and reel, spear.
15. Tautog Fishery (Non-FMP):	
A. Gillnet fishery .....	A. Gillnet.
B. Pot and trap fishery .....	B. Pot, trap.
C. Rod and reel, hook and line handline fishery .....	C. Rod and reel, hook and line, handline.
D. Trawl fishery .....	D. Trawl.
E. Spear fishery .....	E. Spear.
F. Fyke net fishery .....	F. Fyke net.
G. Recreational fishery .....	G. Rod and reel, handline, hook and line, spear.
16. Coastal Gillnet Fishery (Non-FMP): .....	Gillnet
17. Recreational Fishery (Non-FMP)	Rod and reel, handline, spear, hook and line, hand harvest, bandit gear, powerhead, gillnet, cast net.
18. NE Multispecies Fishery (FMP managed by NEFMC):	
A. NE multispecies sink gillnet fishery .....	A. Gillnet.
B. North Atlantic bottom trawl fishery .....	B. Trawl.
C. Groundfish hook and line .....	C. Longline, handline, rod and fishery reel.
D. Mixed species trap and pot fishery .....	D. Trap, pot.
E. Dredge fishery .....	E. Dredge.
F. Seine fishery .....	F. Seine.
G. Recreational fishery .....	G. Rod and reel, handline, spear.
19. Atlantic Skate Fishery (Non-FMP):	
A. Trawl fishery .....	A. Trawl.
B. Gillnet fishery .....	B. Gillnet.
C. Hook-and-line fishery .....	C. Longline and handline.
D. Dredge fishery .....	D. Dredge.
E. Recreational fishery .....	E. Rod and reel.
20. Crab Fishery (Non-FMP):	
A. Dredge fishery .....	A. Dredge.

Fishery	Authorized gear types
B. Trawl fishery .....	B. Trawl.
C. Trap and pot fishery .....	C. Trap, pot.
21. Atlantic Herring Fishery (FMP managed by the NEFMC):	
A. Trawl fishery .....	A. Trawl.
B. Purse seine fishery .....	B. Purse seine.
C. Gillnet fishery .....	C. Gillnet.
D. Herring pair trawl fishery .....	D. Pair trawl.
E. Dredge fishery .....	E. Dredge.
F. Recreational fishery .....	F. Hook and line, gillnet.
22. South Atlantic Snapper-Grouper Fishery (FMP managed by the SAFMC):	
A. Commercial fishery .....	A. Longline, rod and reel, bandit gear, handline, spear, powerhead.
B. Black sea bass trap and pot fishery .....	B. Pot, trap.
C. Wreckfish fishery .....	C. Rod and reel, bandit gear, handline.
D. Recreational fishery .....	D. Handline, rod and reel, bandit gear, spear, powerhead.
23. South Atlantic Coastal Migratory Pelagics Fishery (FMP managed by the SAFMC):	
A. Commercial Spanish mackerel fishery .....	A. Handline, rod and reel, bandit gear, gillnet, cast net.
B. Commercial king mackerel fishery .....	B. Handline, rod and reel, bandit gear.
C. Other commercial coastal migratory pelagics fishery .....	C. Longline, handline, rod and reel, bandit gear.
D. Recreational fishery .....	D. Bandit gear, rod and reel, handline, spear.
24. Calico Scallops Fishery (Non-FMP):	
A. Trawl fishery .....	A. Trawl.
B. Dredge fishery .....	B. Dredge.
C. Recreational fishery .....	C. Hand harvest.
25. Sargassum Fishery (Non-FMP) .....	Trawl.
26. South Atlantic Shrimp Fishery (FMP) .....	Trawl.
27. Commercial Fishery (Non-FMP) .....	Trawl, pot, trap, gillnet, pound net, dredge, seine, handline, longline, hook and line, rod and reel, spear.

**III. South Atlantic Fishery Management Council**

1. Golden Crab Fishery (FMP) .....	Trap.
2. Crab Fishery (Non-FMP):	
A. Dredge fishery .....	A. Dredge.
B. Trawl fishery .....	B. Trawl.
C. Trap and pot fishery .....	C. Trap, pot.
3. Atlantic Red Drum Fishery (FMP) .....	No harvest or possession in the EEZ.
4. Coral and Coral Reef Fishery (FMP):	
A. Octocoral commercial fishery .....	Hand harvest.
B. Live rock aquaculture fishery .....	Hand harvest.
5. South Atlantic Shrimp Fishery (FMP) .....	Trawl.
6. South Atlantic Snapper-Grouper Fishery (FMP):	
A. Commercial fishery .....	A. Longline, rod and reel, bandit gear, handline, spear, powerhead.
B. Black sea bass trap and pot fishery .....	B. Pot, trap.
C. Wreckfish fishery .....	C. Rod and reel, bandit gear, handline.
D. Recreational fishery .....	D. Handline, rod and reel, bandit gear, spear, powerhead.
7. South Atlantic Spiny Lobster Fishery (FMP):	
A. Commercial fishery .....	A. Trap, pot, dip net, bully net, snare, hand harvest.
B. Recreational fishery .....	B. Trap, pot, dip net, bully net, snare, hand harvest.
8. South Atlantic Coastal Migratory Pelagics Fishery (FMP):	
A. Commercial Spanish mackerel fishery .....	A. Handline, rod and reel, bandit gear, gillnet, cast net.
B. Commercial king mackerel fishery .....	B. Handline, rod and reel, bandit gear.
C. Other commercial coastal migratory pelagics fishery .....	C. Longline, handline, rod and reel, bandit gear.
D. Recreational fishery .....	D. Bandit gear, rod and reel, handline, spear.
9. Spiny Dogfish Fishery (FMP jointly managed by NEFMC and SAFMC):	
A. Gillnet fishery .....	A. Gillnet.
B. Trawl fishery .....	B. Trawl.
C. Hook and line fishery .....	C. Hook and line, rod and reel, spear, bandit gear.
D. Dredge fishery .....	D. Dredge.
E. Longline fishery .....	E. Longline.
F. Recreational fishery .....	F. Hook and line, rod and reel, spear.
10. Smooth Dogfish Fishery (Non-FMP):	
A. Gillnet fishery .....	A. Gillnet.
B. Trawl fishery .....	B. Trawl.
C. Hook and line fishery .....	C. Hook and line, rod and reel, spear, bandit gear.
D. Dredge fishery .....	D. Dredge.
E. Longline fishery .....	E. Longline.
F. Recreational fishery .....	F. Hook and line, rod and reel, spear.
11. Atlantic Menhaden Fishery (Non-FMP):	
A. Purse seine fishery .....	A. Purse seine.
B. Trawl fishery .....	B. Trawl.
C. Gillnet fishery .....	C. Gillnet.

Fishery	Authorized gear types
D. Commercial hook-and-line .....	D. Hook and line fishery.
E. Recreational fishery .....	E. Hook and line, snagging, cast nets.
12. Atlantic Mackerel, Squid, and Butterfish Trawl Fishery (Non-FMP) ..	Trawl.
13. Bait Fisheries (Non-FMP) .....	Purse seine.
14. Weakfish Fishery (Non-FMP):	
A. Commercial fishery .....	A. Trawl, gillnet, hook and line.
B. Recreational fishery .....	B. Hook and line, spear.
15. Whelk Fishery (Non-FMP):	
A. Trawl fishery .....	A. Trawl.
B. Pot and trap fishery .....	B. Pot, trap.
C. Dredge fishery .....	C. Dredge.
D. Recreational fishery .....	D. Hand harvest.
16. Marine Life Aquarium Fishery (Non-FMP) .....	Dip net, slurlp gun, barrier net, drop net, allowable chemical, trap, pot, trawl.
17. Calico Scallop Fishery (Non-FMP):	
A. Dredge fishery .....	A. Dredge.
B. Trawl fishery .....	B. Trawl.
C. Recreational fishery .....	C. Hand harvest.
18. Summer Flounder Fishery (FMP managed by MAFMC):	
A. Commercial fishery .....	A. Trawl, longline, handline, rod and reel, pot, trap, gillnet, dredge.
B. Recreational fishery .....	B. Rod and reel, handline, pot, trap, spear.
19. Bluefish, Croaker, and Flounder Trawl and Gillnet Fishery (Bluefish FMP managed by MAFMC).	Trawl, gillnet.
20. Commercial Fishery (Non-FMP) .....	Trawl, gillnet, longline, handline, hook and line, rod and reel, bandit gear, cast net, pot, trap, lampara net, spear.
21. Recreational Fishery (Non-FMP) .....	Rod and reel, handline, spear, hook and line, hand harvest, bandit gear, powerhead, gillnet, cast net.
22. Sargassum Fishery (Non-FMP) .....	Trawl.
23. Octopus Fishery (Non-FMP) .....	Trap, pot.

#### IV. Gulf of Mexico Fishery Management Council

1. Gulf of Mexico Red Drum Fishery (FMP) .....	No harvest or possession in the EEZ.
2. Coral Reef Fishery (FMP):	
A. Commercial fishery .....	A. Hand harvest.
B. Recreational fishery .....	B. Hand harvest.
3. Gulf of Mexico Reef Fish Fishery (FMP):	
A. Snapper-Grouper reef fish longline and hook and line fishery ....	A. Longline, handline, bandit gear, rod and reel, buoy gear.
B. Pot and trap reef fish fishery .....	B. Pot, trap.
C. Other commercial fishery .....	C. Spear, powerhead, cast net, trawl.
D. Recreational fishery .....	D. Spear, powerhead, bandit gear, handline, rod reel, cast net.
4. Gulf of Mexico Shrimp Fishery (FMP):	
A. Gulf of Mexico commercial fishery .....	A. Trawl butterfly net, skimmer, cast net.
B. Recreational fishery .....	B. Trawl.
5. Gulf of Mexico Coastal Migratory Pelagics Fishery (FMP):	
A. Large pelagics longline fishery .....	A. Longline.
B. King/Spanish mackerel gillnet fishery .....	B. Gillnet.
C. Pelagic hook and line fishery .....	C. Bandit gear, handline, rod and reel.
D. Pelagic species purse seine fishery .....	D. Purse seine.
E. Recreational fishery .....	E. Bandit gear, handline, rod and reel, spear.
Gulf of Mexico Spiny Lobster Fishery (FMP):	
A. Commercial fishery .....	A. Trap, pot, dip net, bully net, hoop net, trawl, snare, hand harvest.
C. Recreational fishery .....	C. Dip net, bully net, pot, trap, snare, hand harvest.
6. Stone Crab Fishery (FMP):	
A. Trap and pot fishery .....	A. Trap, pot
B. Recreational fishery .....	B. Trap, pot, hand harvest.
7. Blue Crab Fishery (Non-FMP) .....	Trap, pot.
8. Golden Crab Fishery (Non-FMP) .....	Trap.
9. Mullet Fishery (Non-FMP):	
A. Trawl fishery .....	A. Trawl.
B. Gillnet fishery .....	B. Gillnet.
C. Pair trawl fishery .....	C. Pair trawl.
D. Cast net fishery .....	D. Cast net.
E. Recreational fishery .....	E. Bandit gear, handline, rod and reel, spear, cast net.
10. Inshore Coastal Gillnet Fishery (Non-FMP) .....	Gillnet.
11. Octopus Fishery (Non-FMP) .....	Trap, pot.
12. Marine Life Aquarium Fishery (Non-FMP) .....	Dip net, slurlp gun, barrier net, drop net, allowable chemical, trap, pot, trawl.
13. Coastal Herring Trawl Fishery (Non-FMP) .....	Trawl.
14. Butterfish Trawl Fishery (Non-FMP) .....	Trawl.
15. Gulf of Mexico Groundfish (Non-FMP):	
A. Commercial fishery .....	A. Trawl, purse seine, gillnet.
B. Recreational fishery .....	B. Hook and line, rod and reel, spear.
16. Gulf of Mexico Menhaden Purse Seine Fishery (Non-FMP) .....	Purse seine.

Fishery	Authorized gear types
17. Sardine Purse Seine Fishery (Non-FMP) .....	Purse seine.
18. Oyster Fishery (Non-FMP) .....	Dredge, tongs.
19. Commercial Fishery (Non-FMP) .....	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, lampara net, spear.
20. Recreational Fishery (Non-FMP) .....	Bandit gear, handline, rod and reel, spear, bully net, gillnet, dip net, longline, powerhead, seine, slurp gun, trap, trawl, harpoon, cast net, hoop net, hook and line, hand harvest.

**V. Caribbean Fishery Management Council**

1. Caribbean Spiny Lobster Fishery (FMP):	
A. Trap/pot fishery .....	A. Trap/pot.
B. Dip net fishery .....	B. Dip net.
C. Entangling net fishery .....	C. Gillnet, trammel net.
D. Hand harvest fishery .....	D. Hand harvest, snare.
E. Recreational fishery .....	E. Dip net, trap, pot, gillnet, trammel net.
2. Caribbean Shallow Water Reef Fish Fishery (FMP):	
A. Longline/hook and line fishery .....	A. Longline, hook and line.
B. Trap/pot fishery .....	B. Trap, pot.
C. Entangling net fishery .....	C. Gillnet, trammel net.
D. Recreational fishery .....	D. Dip net, handline, rod and reel, slurp gun, spear.
3. Coral and Reef Resources Fishery (FMP):	
A. Commercial fishery .....	A. Dip net, slurp gun.
B. Recreational fishery .....	B. Dip net, slurp gun, hand harvest.
4. Queen Conch Fishery (FMP):	
A. Commercial fishery .....	A. Hand harvest.
B. Recreational fishery .....	B. Hand harvest.
5. Caribbean Pelagics Fishery (Non-FMP):	
A. Pelagics drift gillnet fishery .....	A. Gillnet.
B. Pelagics longline/hook and line fishery .....	B. Longline/hook and line.
C. Recreational fishery .....	C. Spear, handline, longline, rod and reel.
6. Commercial Fishery (Non-FMP) .....	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.
7. Recreational Fishery (Non-FMP) .....	Rod and reel, hook and line, spear, powerhead, handline, hand harvest, cast net.

**VI. Pacific Fishery Management Council**

1. Washington, Oregon, and California Salmon Fisheries (FMP):	
A. Salmon set gillnet fishery .....	A. Gillnet.
B. Salmon hook and line fishery .....	B. Hook and line.
C. Trawl fishery .....	C. Trawl.
D. Recreational fishery .....	D. Rod and reel.
2. West Coast Groundfish Fisheries (FMP):	
A. Pacific groundfish trawl fishery .....	A. Trawl.
B. Set gillnet fishery .....	B. Gillnet.
C. Groundfish longline and setline fishery .....	C. Longline.
D. Groundfish handline and hook and line fishery .....	D. Handline, hook and line.
E. Groundfish pot and trap fishery .....	E. Pot, trap.
F. Recreational fishery .....	F. Rod and reel, handline, spear, hook and line.
3. Northern Anchovy Fishery (FMP) .....	Purse seine, lampara net.
4. Angel Shark, White Croaker, California Halibut, White Sea Bass, Pacific Mackerel Large-Mesh Set Net Fishery (Non-FMP).	Gillnet.
5. Thresher Shark and Swordfish Drift Gillnet Fishery (Non-FMP) .....	Gillnet.
6. Pacific Shrimp and Prawn Fishery (Non-FMP):	
A. Pot and trap fishery .....	A. Pot, trap.
B. Trawl fishery .....	B. Trawl.
7. Lobster and Rock Crab Pot and Trap Fishery (Non-FMP) .....	Pot, trap.
8. Pacific Halibut Fishery (Non-FMP):	
A. Longline and setline fishery .....	A. Longline.
B. Hook-and-line fishery .....	B. Hook and line.
9. California Halibut Trawl and Trammel Net Fishery .....	Trawl, trammel net.
10. Shark and Bonito Longline and Setline Fishery (Non-FMP) .....	Longline.
11. Dungeness Crab Pot and Trap Fishery (Non-FMP) .....	Pot, trap.
12. Hagfish Pot and Trap Fishery (Non-FMP) .....	Pot, trap.
13. Pacific Albacore and Other Tuna Hook-and-line Fishery (Non-FMP)	Hook and line.
14. Pacific Swordfish Harpoon Fishery (Non-FMP) .....	Harpoon.
15. Pacific Scallop Dredge Fishery (Non-FMP) .....	Dredge.
16. Pacific Yellowfin, Skipjack Tuna, Purse Seine Fishery, (Non-FMP)	Purse seine.
17. Market Squid Fishery (Non-FMP) .....	Purse seine, dip net.
18. Pacific Sardine, Pacific Mackerel, Pacific Saury, Pacific Bonito, and Jack Mackerel Purse Seine Fishery (Non-FMP).	Purse seine.
19. Finfish and Shellfish Live Trap, Hook-and-line, and Handline Fishery (Non-FMP).	Trap, handline, hook and line.

Fishery	Authorized gear types
20. Recreational Fishery (Non-FMP) .....	Spear, trap, handline, pot, hook and line, rod and reel, hand harvest.
21. Commercial Fishery (Non-FMP) .....	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

#### VII. North Pacific Fishery Management Council

1. Alaska Scallop Fishery (FMP) .....	Dredge.
2. Bering Sea (BS) and Aleutian Islands (AI) King and Tanner Crab Fishery (FMP):	
Pot fishery .....	Pot.
3. BS and AI King and Tanner Crab Fishery (Non-FMP):	
Recreational fishery .....	Pot.
4. BS and AI Groundfish Fishery (FMP):	
A. Groundfish trawl fishery .....	A. Trawl.
B. Bottomfish hook-and-line, and handline fishery .....	B. Hook and line, handline.
C. Longline fishery .....	C. Longline.
D. BS and AI pot and trap fishery .....	D. Pot, trap.
5. BS and AI Groundfish Recreational Fishery (Non-FMP) .....	Handline, rod and reel, hook and line, pot, trap.
6. Gulf of Alaska (GOA) Groundfish Fishery (FMP):	
A. Groundfish trawl fishery .....	A. Trawl.
B. Bottomfish hook-and-line and handline fishery .....	B. Hook and line, handline.
C. Longline fishery .....	C. Longline.
D. GOA pot and trap fishery .....	D. Pot, trap.
E. Recreational fishery .....	E. Handline, rod and reel, hook and line, pot, trap.
7. Pacific Halibut Fishery (Non-FMP):	
Hook-and-line, Jig, and Troll Fishery .....	Hook and line.
8. Alaska High Seas Salmon Hook and Line Fishery (FMP) .....	Hook and line.
9. Alaska Salmon Fishery (Non-FMP):	
A. Hook-and-line fishery .....	A. Hook and line.
B. Gillnet fishery .....	B. Gillnet.
C. Purse seine fishery .....	C. Purse seine.
D. Recreational fishery .....	D. Handline, rod and reel, hook and line.
10. Finfish Purse Seine Fishery (Non-FMP) .....	Purse seine.
11. Octopus/Squid Longline Fishery (Non-FMP) .....	Longline.
12. Finfish Handline and Hook-and-line Fishery (Non-FMP) .....	Handline, hook and line.
13. Recreational Fishery (Non-FMP) .....	Handline, rod and reel, hook line.
14. Commercial Fishery (Non-FMP) .....	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

#### VIII. Western Pacific Fishery Management Council

1. Western Pacific Crustacean Fishery (FMP)	Trap, hand harvest, hoop net.
2. Western Pacific Crustacean Fishery (Non-FMP):	
A. Commercial fishery .....	A. Gillnet, hand harvest, hoop net, spear, snare, trap, trawl.
B. Recreational fishery .....	B. Gillnet, hand harvest, hoop net, spear, snare, trap.
C. Charter fishery .....	C. Hand harvest, spear.
3. Western Pacific Precious Corals Fishery (FMP):	
A. Tangle net dredge fishery .....	A. Tangle net dredge.
B. Submersible fishery .....	B. Submersible.
C. Dive fishery .....	C. Hand harvest.
D. Recreational fishery .....	D. Hand harvest.
4. Western Pacific Precious Corals Fishery (Non-FMP) .....	Hand harvest, submersible, tangle net dredge.
5. Western Pacific Bottomfish and Seamount Groundfish Fishery (FMP):	
A. Bottomfish hook-and-line fishery .....	A. Bandit gear, buoy gear, handline, hook and line, rod and reel, hand harvest.
B. Seamount groundfish fishery .....	B. Longline, trawl.
C. Bottom longline fishery .....	C. Longline, hook and line.
D. Trap fishery .....	D. Trap.
E. Spear fishery .....	E. Spear, powerhead.
6. Western Pacific Bottomfish and Seamount Groundfish Fishery (Non-FMP):	
A. Commercial fishery .....	A. Bandit gear, buoy gear, gillnet, handline, hook-and-line, longline, rod and reel, spear, trap.
B. Recreational fishery .....	B. Bandit gear, buoy gear, Gillnet, handline, hook and line, longline, rod and reel, spear, trap, slurp gun, hand harvest.
C. Charter fishery .....	C. Bandit gear, buoy gear, handline, hook-and-line, rod and reel, spear.
7. Western Pacific Pelagics Fishery (FMP):	
A. Longline Fisher .....	A. Longline.
B. Hook and line fishery .....	B. Bandit gear, buoy gear, handline, hook and line, rod and reel.
C. Purse seine fishery .....	C. Lampara net, purse seine.
D. Spear fishery .....	D. Spear, powerhead.

Fishery	Authorized gear types
8. Western Pacific Pelagics Fishery (Non-FMP):	
A. Recreational fishery .....	A. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
B. Commercial fishery .....	B. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
C. Charter fishery .....	C. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear.
9. Western Pacific Coastal Pelagics Fishery (Non-FMP) .....	Bandit gear, buoy gear, dip net, gillnet, handline, hook and line, hoop net, lampara net, purse seine, rod and reel, spear.
10. Western Pacific Squid and Octopus Fishery (Non-FMP) .....	Bandit gear, hand harvest, hook and line, rod and reel, spear, trap.
11. Western Pacific Coral Reef Fishery (Non-FMP) .....	Allowable chemical, barrier net, dip net, gillnet, hand harvest, seine, slurp gun, trap, spear, rod and reel, hook and line.
12. Recreational Fishery (Non-FMP) .....	Rod and reel, hook and line, handline, hand harvest, spear.
13. Commercial Fishery (Non-FMP) .....	Trawl, gillnet, hook and line, longline, handline, rod and reel, bandit gear, cast net, spear.

**IX. Secretary of Commerce**

1. Atlantic Tunas, Swordfish, and Sharks Fisheries (FMP):	
A. Swordfish handgear fishery .....	A. Rod and reel, harpoon, handline, bandit gear.
B. Pelagic longline fishery .....	B. Longline.
C. Shark drift gillnet fishery .....	C. Gillnet.
D. Shark bottom longline fishery .....	D. Longline.
E. Shark handgear fishery .....	E. Rod and reel, handline, bandit gear.
F. Tuna purse seine fishery .....	F. Purse seine.
G. Tuna recreational fishery .....	G. Rod and reel, handline.
H. Tuna handgear fishery .....	H. Rod and reel, harpoon, handline, bandit gear.
I. Tuna harpoon fishery .....	I. Harpoon.
2. Atlantic Billfish Fishery (FMP):	
Recreational fishery .....	Rod and reel.
3. Commercial Fisheries (Non-FMP) .....	Rod and reel, handline, longline, gillnet, harpoon, bandit gear, purse seine

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