

**Fishery Conservation and Management**

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flounder in or from the area south of 40°00' N. lat.

[61 FR 34968, July 3, 1996, as amended at 62 FR 14650, Mar. 27, 1997; 62 FR 15389, Apr. 1, 1997; 62 FR 37157, July 11, 1997; 63 FR 11595, Mar. 10, 1998; 63 FR 15332, Mar. 31, 1998; 63 FR 42592, Aug. 10, 1998; 64 FR 24076, May 5, 1999; 64 FR 31151, June 10, 1999; 64 FR 42048, Aug. 3, 1999; 64 FR 55827, Oct. 15, 1999; 65 FR 380, Jan. 5, 2000; 65 FR 16778, 16782, Mar. 29, 2000; 65 FR 21666, Apr. 24, 2000; 65 FR 30548, May 12, 2000; 65 FR 37915, June 19, 2000; 66 FR 24060, May 11, 2001; 67 FR 5243, Feb. 5, 2002; 67 FR 50321, Aug. 1, 2002]

**§ 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), through (a)(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 §648.23(b), 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 §648.23(b), 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.

(1) *Mid-coast Closure Area.* (i) From September 15 through May 31 of each fishing year, the restrictions and requirements specified in paragraph (a) of this section apply to the Mid-coast Closure Area (copies of a chart depicting this area are available from the Regional Administrator upon request), except as provided in paragraph (a)(1)(ii) of this section, which is the area bounded by straight lines connecting the following points in the order stated.

**MID-COAST CLOSURE AREA**

Point	N. latitude	W. longitude
MC1 .....	42°30'	( <sup>1</sup> )
MC2 .....	42°30'	70°15'
MC3 .....	42°40'	70°15'
MC4 .....	42°40'	70°00'
MC5 .....	43°00'	70°00'
MC6 .....	43°00'	69°30'
MC7 .....	43°30'	69°30'
MC8 .....	43°30'	69°00'
MC9 .....	( <sup>2</sup> )	69°00'

<sup>1</sup> Massachusetts shoreline.  
<sup>2</sup> Maine shoreline.

(ii) Vessels subject to the restrictions and regulations specified in paragraph (a) of this section may fish in the Mid-coast Closure Area, as defined under paragraph (a)(1)(i) of this section, from September 15 through May 31 of each fishing year, provided that pingers are used in accordance with the requirements found at §229.33(b) of this title.

(2) *Cape Cod South Closure Area.* (i) From December 1 through May 31 of each fishing year, the restrictions and requirements specified in paragraph (a) of this section apply to the Cape Cod South Closure Area (copies of a chart depicting this area are available from the Regional Administrator upon request), except as provided in paragraph (a)(2)(ii) of this section, which is the area bounded by straight lines connecting the following points in the order stated.

**CAPE COD SOUTH CLOSURE AREA**

Point	N. latitude	W. longitude
CCS1 .....	( <sup>1</sup> )	71°45'
CCS2 .....	40°40'	71°45'
CCS3 .....	40°40'	70°30'
CCS4 .....	( <sup>2</sup> )	70°30'

<sup>1</sup> RI Shoreline.  
<sup>2</sup> MA Shoreline.

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(ii) Vessels subject to the restrictions and regulations specified in paragraph (a) of this section may fish in the Cape Cod South Closure Area, as defined under paragraph (a)(2)(i) of this section, from December 1 through the last day of February and April 1 through May 31 of each fishing year, provided that pingers are used in accordance with the requirements found at § 229.33(b) of this title.

(3) *Massachusetts Bay Closure Area.* (i) From December 1 through May 31 of each fishing year, the restrictions and requirements specified in paragraph (a) of this section apply to the Massachusetts Bay Closure Area (copies of a chart depicting this area are available from the Regional Administrator upon request), except as provided in paragraph (a)(3)(ii) of this section, which is the area bounded by straight lines connecting the following points in the order stated.

MASSACHUSETTS BAY CLOSURE AREA

Point	N. latitude	W. longitude
MB1 .....	42°30'	(1)
MB2 .....	42°30'	70°30'
MB3 .....	42°12'	70°30'
MB4 .....	42°12'	70°00'
MB5 .....	(2)	70°00'
MB6 .....	42°00'	(2)
MB7 .....	42°00'	(1)

<sup>1</sup> Massachusetts shoreline.  
<sup>2</sup> Cape Cod shoreline.

(ii) Vessels subject to the restrictions and regulations specified in paragraph (a) of this section may fish in the Massachusetts Bay Closure Area, as defined under paragraph (a)(3)(i) of this section, from December 1 through the last day of February and April 1 through May 31 of each fishing year, provided that pingers are used in accordance with the requirements found at § 229.33(b) of this title.

(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'

NORTHEAST CLOSURE AREA—Continued

Point	N. lat.	W. long.
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 § 648.23(b), 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 § 648.23(b), 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.

(1) *Cape Cod Bay Critical Habitat Closure Area.* From March 27, 1997 through May 15, 1997 and from January 1 through May 15 of each subsequent year, the restrictions and requirements

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specified in paragraph (b) of this section apply to the Cape Cod Bay Critical Habitat Closure Area (copies of a chart depicting this area are available from the Regional Administrator upon request), which is the area bounded by straight lines connecting the following points in the order stated.

**CAPE COD BAY CRITICAL HABITAT CLOSURE AREA**

Point	N. latitude	W. longitude
CCB1 .....	42°12' N	70°30' W
CCB2 .....	42°12' N	70°15' W
CCB3 .....	42°08' N	70°12.4' W
Then westerly along the 3 NM state boundary to.		
CCB4 .....	42°08' N	70°30' W
Then due north to CCB1.		

(2) *Great South Channel Critical Habitat Closure Area.* From April 1 through June 30 of each year, the restrictions and requirements specified in paragraph (b) of this section apply to the Great South Channel Critical Habitat Closure Area (copies of a chart depicting this area are available from the Regional Administrator upon request), which is the area bounded by straight lines connecting the following points in the order stated.

**GREAT SOUTH CHANNEL CRITICAL HABITAT CLOSURE AREA**

Point	N. latitude	W. longitude
GSC1 .....	41°02.2' N	69°02' W
GSC2 .....	41°43.5' N	69°36.3' W
GSC3 .....	42°10' N	68°31' W
GSC4 .....	41°38' N	68°13' W

(c) *Framework adjustment.* (1) The Harbor Porpoise Take Reduction Team will provide the NEFMC with the best available information on the status of Gulf of Maine harbor porpoise, including estimates of abundance and estimates of bycatch in the sink gillnet fishery.

(2) After receiving and reviewing the Harbor Porpoise Take Review Team's findings and recommendations, the NEFMC shall determine whether adjustments or additional management measures are necessary to avoid inconsistencies with the Harbor Porpoise Take Reduction Plan. If the NEFMC determines that adjustments or additional management measures are nec-

essary, it shall develop and analyze appropriate management actions over the span of at least two NEFMC meetings.

(3) The NEFMC shall provide the public with advance notice of the availability of the proposals, appropriate rationale, economic and biological analyses, and opportunity to comment on them prior to and at the second NEFMC meeting. The NEFMC's recommendation on adjustments or additions to management measures must come from one or more of the categories specified under § 648.90(b)(1).

(4) If the NEFMC recommends that the management measures should be issued as a final rule, the NEFMC must consider at least the factors specified in § 648.90(b)(2).

(5) The Regional Administrator may accept, reject, or with NEFMC approval, modify the NEFMC's recommendation, including the NEFMC's recommendation to issue a final rule, as specified under § 648.90(b)(3).

[61 FR 34968, July 3, 1996, as amended at 61 FR 47828, Sept. 11, 1996; 62 FR 52274, Oct. 7, 1997; 62 FR 52274, Oct. 7, 1997; 63 FR 15333, Mar. 31, 1998; 63 FR 19850, Apr. 22, 1998; 64 FR 15706, Apr. 1, 1999; 64 FR 24077, May 5, 1999; 65 FR 37916, June 19, 2000]

**§ 648.88 Multispecies open access permit restrictions.**

(a) *Handgear permit.* Beginning August 1, 2002, NE multispecies open access Handgear permits shall not be issued to any vessel that has never been issued such permit, or has not submitted a complete application for such permit as of August 1, 2002. A vessel issued a valid open access NE multispecies Handgear permit is subject to the following restrictions:

(1) Unless otherwise restricted under § 648.86(h), the vessel may possess and land up to 200 lb (90.9 kg) of cod, haddock, and yellowtail flounder, combined, one Atlantic halibut, per trip, and unlimited amounts of the other NE multispecies, provided 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.