

§ 679.23

50 CFR Ch. VI (10–1–02 Edition)

W long.; 56.98° N lat., 151.27° W long.; 57.62° N lat., 152.16° W long.; and hence counterclockwise along the shoreline of Kodiak Island to 57.81° N lat., 152.37° W long.

(ii) *Closure.* (A) The Chiniak Gully Research Area is closed to federally permitted vessels using trawl gear from August 1 to a date no later than September 20, except that trawl gear may be tested in the manner described at § 679.24(d)(2) in the Kodiak Test Area defined at § 679.24(d)(4)(i) and illustrated in Figure 7 to this part.

(B) Prior to September 20, the Regional Administrator may publish notification in the FEDERAL REGISTER rescinding the trawl closure in the Chiniak Gully Research Area described in paragraph (b)(6)(ii)(A) of this section.

(c) *Directed fishing closures.* See § 679.20(d) and § 679.20(i).

(d) *Groundfish as prohibited species closures.* See § 679.20(d).

(e) *Overfishing closures.* See § 679.20(d).

(f) *Prohibited species closures.* See § 679.21.

(g) [Reserved]

(h) *CDQ fisheries closures.* See § 679.7(d)(6) through (10) for time and area closures that apply to the CDQ fisheries once salmon and crab PSQ amounts have been reached.

(i) *Forage fish closures.* See § 679.20(i)(3).

[61 FR 31230, June 19, 1996, as amended at 61 FR 65988, Dec. 16, 1996; 62 FR 2046, Jan. 15, 1997; 63 FR 13011, Mar. 17, 1998; 63 FR 30401, June 4, 1998; 63 FR 38502, July 17, 1998; 63 FR 47367, Sept. 4, 1998; 64 FR 3451, Jan. 22, 1999; 64 FR 3658, Jan. 25, 1999; 64 FR 61970, 61982, Nov. 15, 1999; 65 FR 49769, Aug. 15, 2000; 65 FR 61267, Oct. 17, 2000; 65 FR 67308, Nov. 9, 2000; 65 FR 79785, Dec. 20, 2000; 67 FR 1002, Jan. 8, 2002; 67 FR 4148, Jan. 28, 2002; 67 FR 21605, May 1, 2002]

EFFECTIVE DATE NOTE: At 67 FR 1002, Jan. 8, 2002, § 679.22 was amended by suspending paragraphs (a)(5)(i) through (iii), (a)(7), (a)(8), and (b)(2) until July 8, 2002. At 67 FR 34860, May 16, 2002, the effective date was extended through Dec. 31, 2002. Paragraph (a)(5)(iv) was added, effective Jan. 1, 2002. For the convenience of the user the added text follows:

§ 679.22 Closures.

(a) \* \* \*

(5) \* \* \*

(iv) *Catcher/processor restrictions* (applicable through July 8, 2002). A catcher/processor

vessel authorized to fish for BSAI pollock under § 679.4 is prohibited from conducting directed fishing for pollock in the CVOA during the pollock B season defined at § 679.23(e)(5)(ii), unless it is operating under a CDP approved by NMFS.

\* \* \* \* \*

EDITORIAL NOTE: At 67 FR 4148, Jan. 28, 2002, § 679.22 was amended by revising the phrase “SCA” to read “SCA (see Figure 20 to this part” in paragraph (a)(11)(iv)(B) introductory text, revising the phrase “defined at § 679.23(d)(3) of this part” to read “defined at § 679.23 and Figure 20 of this part,” in paragraph (b)(3)(iii)(A) and the phrase “Shelikof Strait conservation area” to read “Shelikof Strait conservation area (see Figure 19 to this part” in paragraph (b)(3)(iii)(B) introductory text. However, paragraphs (a)(11)(iv)(B) introductory text, (b)(3)(iii)(A) and (B) introductory text do not exist.

§ 679.23 Seasons.

(a) *Groundfish, general.* Fishing for groundfish in the GOA and BSAI is authorized from 0001 hours, A.l.t., January 1, through 2400 hours, A.l.t., December 31, subject to the other provisions of this part, except as provided in paragraph (c) of this section.

(b) *Time of groundfish openings and closures.* The time of all openings and closures of fishing seasons, other than the beginning and end of the calendar fishing year, is 1200 hours, A.l.t.

(c) *GOA and BSAI trawl groundfish.* Notwithstanding other provisions of this part, fishing for groundfish with trawl gear in the GOA and BSAI is prohibited from 0001 hours, A.l.t., January 1, through 1200 hours, A.l.t., January 20.

(d) *GOA groundfish seasons—(1) Directed fishing for trawl rockfish.* Directed fishing for rockfish with trawl gear is authorized from 1200 hours, A.l.t., on the first day of the third quarterly reporting period of a fishing year through 2400 hours, A.l.t., December 31, subject to other provisions of this part.

(2) *Directed fishing for pollock.* Subject to other provisions of this part, directed fishing for pollock in the Western and Central Regulatory Areas is authorized only during the three seasons:

(i) From 0001 hours, A.l.t., January 1, through 1200 hours, A.l.t., April 1;

## Fishery Conservation and Management

§ 679.23

(ii) From 1200 hours, A.l.t., June 1, through 1200 hours, A.l.t., July 1; and

(iii) From 1200 hours, A.l.t., September 1, through 2400 hours, A.l.t., December 31.

(3) *Directed fishing for pollock* (applicable through July 8, 2002). Subject to other provisions of this part, directed fishing for pollock in the Western and Central Regulatory Areas is authorized only during the following four seasons:

(i) *A season*. From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., February 25;

(ii) *B season*. From 1200 hours, A.l.t., March 10 through 1200 hours, A.l.t., May 31;

(iii) *C season*. From 1200 hours, A.l.t., August 25 through 1200 hours, A.l.t., September 15; and

(iv) *D season*. From 1200 hours, A.l.t., October 1 through 1200 hours, A.l.t., November 1.

(4) *Directed fishing for Pacific cod* (applicable through July 8, 2002)—(i) *Hook-and-line, pot, or jig gear*. Subject to other provisions of this part, directed fishing for Pacific cod with hook-and-line, pot, or jig gear in the Western and Central Regulatory Areas is authorized only during the following two seasons:

(A) *A season*. From 0001 hours, A.l.t., January 1 through 1200 hours, A.l.t., June 10; and

(B) *B season*. From 1200 hours, A.l.t., September 1 through 2400 hours, A.l.t., December 31.

(ii) *Trawl gear*. Subject to other provisions of this part, directed fishing for Pacific cod with trawl gear in the Western and Central Regulatory Areas is authorized only during the following two seasons:

(A) *A season*. From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., June 10; and

(B) *B season*. From 1200 hours, A.l.t., September 1 through 1200 hours, A.l.t., November 1.

(5) *Directed fishing for Pacific cod*. Directed fishing for Pacific cod in the Western and Central Regulatory Areas is prohibited.

(e) *BSAI groundfish seasons*—(1) *Directed fishing for arrowtooth flounder and Greenland turbot*. Directed fishing for arrowtooth flounder and Greenland turbot in the BSAI is authorized from 1200 hours, A.l.t., May 1, through 2400

hours, A.l.t., December 31, subject to the other provisions of this part.

(2) *Directed fishing for pollock*. (i) Subject to other provisions of this part, and except as provided in paragraphs (e)(2)(ii) and (e)(2)(iii) of this section, directed fishing for pollock is authorized only during the following two seasons:

(A) *A season*. From 0001 hours A.l.t. January 1 through 1200 hours A.l.t. April 15.

(B) *B season*. From 1200 hours A.l.t. September 1 through 1200 hours A.l.t. November 1.

(ii) *Offshore component in the BSAI restrictions (applicable through December 31, 2004)*—(A) *Offshore A season*. Subject to other provisions of this part, directed fishing by the offshore component in the BSAI, or by vessels catching pollock for processing by the offshore component in the BSAI, is authorized from 1200 hours A.l.t. January 26 through 1200 A.l.t. April 15.

(B) *Offshore A season “fair start” requirement*. Directed fishing for pollock by the offshore component in the BSAI, or by vessels catching pollock for processing by the offshore component in the BSAI, is prohibited through 1200 hours A.l.t., February 5, for any vessel that is used to fish in a non-CDQ fishery for groundfish in the BSAI or GOA, or for king or Tanner crab in the BSAI prior to 1200 hours, A.l.t., January 26 of the same year.

(iii) *B season “fair start” requirement*. Directed fishing for pollock is prohibited from 1200 hours, A.l.t., September 1, through 1200 hours, A.l.t., September 8, for any vessel that is used to fish for groundfish with trawl gear in a non-CDQ fishery in the BSAI or GOA between 1200 hours, A.l.t., August 25, and 1200 hours, A.l.t., September 1.

(3) *Directed fishing for Atka mackerel with trawl gear*. Subject to other provisions of this part, directed fishing for Atka mackerel with trawl gear in the Aleutian Islands Subarea is authorized only during the following two seasons:

(i) *A season*. From 0001 hours, A.l.t., January 1, through 1200 hours, A.l.t., April 15;

(ii) *B season*. From 1200 hours, A.l.t., September 1, through 1200 hours, A.l.t., November 1.

(4) *CDQ fishing seasons.* (i) *Halibut CDQ.* Fishing for CDQ halibut with fixed gear under an approved CDQ allocation may begin on the effective date of the allocation, except that CDQ fishing may occur only during the fishing periods specified in the annual management measures published in the FEDERAL REGISTER pursuant to §300.62 of chapter III of this title.

(ii) *Sablefish CDQ.* Fishing for CDQ sablefish with fixed gear under an approved CDQ allocation may begin on the effective date of the allocation, except that it may occur only during the IFQ fishing season specified in paragraph (g)(1) of this section.

(iii) *Groundfish CDQ.* Fishing for groundfish CDQ species, other than fixed gear sablefish CDQ under subpart C of this part, is authorized from 0001 hours, A.l.t., January 1, through the end of each fishing year, except as provided in paragraph (c) of this section.

(iv) *Groundfish CDQ* (applicable through July 8, 2002). Fishing for groundfish CDQ species, other than pollock CDQ; hook-and-line, jig, or trawl Pacific cod CDQ; and fixed gear sablefish CDQ under subpart C of this part, is authorized from 0001 hours, A.l.t., January 1 through the end of each fishing year, except as provided under paragraph (c) of this section.

(v) *Pollock CDQ and Pacific cod CDQ harvested with hook-and-line, jig or trawl gear* (applicable through July 8, 2002). (A) Fishing for pollock CDQ is authorized under paragraph (e)(5) of this section.

(B) Fishing for Pacific cod CDQ with hook-and-line, jig or trawl gear is authorized under paragraph (e)(6) of this section.

(5) *Directed fishing for pollock in the Bering Sea Subarea by inshore, offshore catcher/processor, and mothership components and pollock CDQ fisheries* (applicable through July 8, 2002). Subject to other provisions of this part, directed fishing for pollock by vessels catching pollock for processing by the inshore component, catcher/processors in the offshore component, and motherships in the offshore component in the Bering Sea subarea or directed fishing for pollock CDQ in the Bering Sea subarea is authorized only during the following two seasons:

(i) *A season.* From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., June 10; and

(ii) *B season.* From 1200 hours, A.l.t., June 10 through 1200 hours, A.l.t., November 1.

(6) *Directed fishing for Pacific cod* (applicable through July 8, 2002). (i) *Fixed gear.* Subject to other provisions of this part, directed fishing for Pacific cod with fixed gear in the BSAI is authorized only during the following two seasons:

(ii) *Hook-and-line and jig gear.* Subject to other provisions of this part, directed fishing for CDQ and non-CDQ Pacific cod with vessels equal to or greater than 60 ft (18.3 m) LOA using hook-and-line and with vessels using jig gear in the BSAI is authorized only during the following two seasons:

(A) *A season.* From 0001 hours, A.l.t., January 1 through 1200 hours, A.l.t., June 10; and

(B) *B season.* From 1200 hours, A.l.t., June 10 through 2400 hours, A.l.t., December 31.

(iii) *Trawl gear.* Subject to other provisions of this part, directed fishing for CDQ and non-CDQ Pacific cod with trawl gear in the BSAI is authorized only during the following three seasons:

(A) *A season.* From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., April 1;

(B) *B season.* From 1200 hours, A.l.t., April 1 through 1200 hours, A.l.t., June 10; and

(C) *C season.* From 1200 hours, A.l.t., June 10 through 1200 hours, A.l.t., November 1.

(iv) *Pot gear.* Subject to other provisions of this part, non-CDQ directed fishing for Pacific cod with vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear in the BSAI is authorized only during the following two seasons:

(A) *A season.* From 0001 hours, A.l.t., January 1 through 1200 hours, A.l.t., June 10; and

(B) *B season.* From 1200 hours, A.l.t., September 1 through 2400 hours, A.l.t., December 31.

(7) *Directed fishing for Atka mackerel with trawl gear* (applicable through July 8, 2002). Subject to other provisions of this part, non-CDQ directed

**Fishery Conservation and Management**

**§ 679.23**

fishing for Atka mackerel with trawl gear in the Aleutian Islands subarea is authorized only during the following two seasons:

(i) *A season*. From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., April 15; and

(ii) *B season*. From 1200 hours, A.l.t., September 1 through 1200 hours, A.l.t., November 1.

(f) *IFQ halibut*. The fishing period(s) for IFQ halibut are established by the IPHC and are specified in the annual management measures published in the FEDERAL REGISTER pursuant to §300.62 of chapter III of this title. Catches of halibut by fixed gear at times other than during the specified fishing periods must be treated as prohibited species as prescribed at §679.21(b).

(g) *IFQ sablefish*. (1) Directed fishing for sablefish using fixed gear in any IFQ regulatory area may be conducted in any fishing year during the period specified by the Regional Adminis-

trator and announced by publication in the FEDERAL REGISTER. The Regional Administrator will take into account the opening date of the halibut season when determining the opening date for sablefish for the purposes of reducing bycatch and regulatory discards between the two fisheries.

(2) Catches of sablefish by fixed gear during other periods may be retained up to the amounts provided for by the directed fishing standards specified at §679.20 when made by an individual aboard the vessel who has a valid IFQ card and unused IFQ in the account on which the card was issued.

(3) Catches of sablefish in excess of the maximum retainable bycatch amounts and catches made without IFQ must be treated in the same manner as prohibited species as defined at §679.21(b).

(h) *Stand down requirements for trawl catcher vessels transiting between the BSAI and GOA*.

If you own or operate a catcher vessel and fish for groundfish with trawl gear in the* * *	You are prohibited from subsequently deploying trawl gear in the* * *	Until* * *
(1) BSAI while pollock or Pacific cod is open to directed fishing in the BSAI.	Western and Central GOA regulatory areas.	1200 hours A.l.t. on the third day after the date of landing or transfer of all groundfish on board the vessel harvested in the BSAI, unless you are engaged in directed fishing for Pacific cod in the GOA for processing by the offshore component.
(2) Western GOA regulatory area while pollock or inshore Pacific cod is open to directed fishing in the Western GOA regulatory area.	BSAI .....	1200 hours A.l.t. on the third day after the date of landing or transfer of all groundfish on board the vessel harvested in the Western Regulatory Area of the GOA, unless you are participating in a CDQ fishery.
(3) Central GOA regulatory area while pollock or inshore Pacific cod is open to directed fishing in the Central GOA regulatory area.	BSAI .....	1200 hours A.l.t. on the second day after the date of landing or transfer of all groundfish on board the vessel harvested in the Central GOA regulatory area, unless you are participating in a CDQ fishery.

(i) *Catcher vessel exclusive fishing seasons for pollock* (applicable through July 8, 2002). Catcher vessels are prohibited from participating in directed fishing for pollock under the following

conditions. Vessels less than 125 ft (38.1 m) LOA are exempt from this restriction when fishing east of 157°00' W long. GOA and Bering Sea seasons are specified at §679.23(d)(3) and §679.23(e)(5).

If you own or operate a catcher vessel and engage in directed fishing for pollock in the	During the	Then you are prohibited from subsequently engaging in directed fishing for pollock with that catcher vessel in the
Bering Sea subarea .....	A season .....	GOA until the following C season.
	B season .....	GOA until the A season of the next year.
GOA .....	A season .....	BSAI until the following B season.
	B season .....	BSAI until the following B season.
	C season .....	BSAI until the A season of the following year.
	D season .....	BSAI until the A season of the following year.

## § 679.24

[61 FR 31230, June 19, 1996, as amended at 61 FR 35579, July 5, 1996; 61 FR 39602, July 30, 1996; 62 FR 2046, Jan. 15, 1997; 63 FR 11168, Mar. 6, 1998; 63 FR 30401, June 4, 1998; 63 FR 47368, Sept. 4, 1998; 63 FR 48642, Sept. 11, 1998; 64 FR 3452, Jan. 22, 1999; 64 FR 3658, Jan. 25, 1999; 64 FR 20214, Apr. 26, 1999; 67 FR 1003, Jan. 8, 2002; 67 FR 4818, Jan. 28, 2002; 67 FR 22017, May 2, 2002]

EFFECTIVE DATE NOTE: At 67 FR 1003, 1004, Jan. 8, 2002, § 679.23 was amended by suspending paragraphs (d)(2), (e)(2), (e)(3), and (e)(4)(iii), effective Jan. 1, 2002, until July 8, 2002. In addition, new paragraph (e)(6)(i) was suspended until July 8, 2002. At 67 FR 34860, May 16, 2002, the effective date was extended through Dec. 31, 2002.

### § 679.24 Gear limitations.

Regulations pertaining to vessel and gear markings are set forth in this section and as prescribed in the annual management measures published in the FEDERAL REGISTER pursuant to § 300.62 of chapter III of this title.

(a) *Marking of hook-and-line, longline pot, and pot-and-line gear.* (1) All hook-and-line, longline pot, and pot-and-line marker buoys carried on board or used by any vessel regulated under this part shall be marked with the following:

- (i) The vessel's name; and
- (ii) The vessel's Federal fisheries permit number; or
- (iii) The vessel's ADF&G vessel registration number.

(2) Markings shall be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

(b) *Gear restrictions—(1) Pots—Longline pot gear.* Any person using longline pot gear must treat any catch of groundfish as a prohibited species, except:

- (i) In the Aleutian Islands subarea.
- (ii) While directed fishing for sablefish in the Bering Sea subarea, except as provided in paragraph (c)(4)(ii) of this section.

(2) [Reserved]

(3) *Trawl footrope.* No person trawling in any GOA area limited to pelagic trawling under § 679.22 may allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow.

(4) *BSAI pollock nonpelagic trawl prohibition.* No person may use nonpelagic

## 50 CFR Ch. VI (10–1–02 Edition)

trawl gear to engage in directed fishing for non-CDQ pollock in the BSAI.

(c) *Gear restrictions for sablefish—(1) Gear allocations.* Gear allocations of sablefish TAC are set out under § 679.20.

(2) *Eastern GOA regulatory area—(i) General.* (A) No person may use any gear other than hook-and-line and trawl gear when fishing for sablefish in the Eastern GOA regulatory area.

(B) No person may use any gear other than hook-and-line gear to engage in directed fishing for sablefish.

(ii) *Sablefish as prohibited species—(A) Trawl gear.* When operators of vessels using trawl gear have harvested 5 percent of the TAC for sablefish in the Eastern GOA regulatory area during any year, further trawl catches of sablefish must be treated as prohibited species as provided by § 679.21(b).

(B) *Other gear.* Operators of vessels using gear types other than those specified in paragraph (c)(2)(i) of this section in the Eastern GOA regulatory area must treat any catch of sablefish as a prohibited species as provided by § 679.21(b).

(3) *Central and Western GOA regulatory areas; sablefish as prohibited species.* Operators of vessels using gear types other than hook-and-line and trawl gear in the Central and western GOA regulatory areas must treat any catch of sablefish in these areas as a prohibited species as provided by § 679.21(b).

(4) *BSAI.* (i) Operators of vessels using gear types other than hook-and-line, longline pot, pot-and-line, or trawl gear in the BSAI must treat sablefish as a prohibited species as provided by § 679.21(b).

(ii) Longline pot gear is prohibited in directed fishing for sablefish from 0001 hrs, A.l.t., on June 1 until 1200 hrs, A.l.t., on June 30.

(d) *Trawl gear test areas—(1) General.* For purposes of allowing pelagic and nonpelagic trawl fishermen to test trawl fishing gear, NMFS may establish, after consulting with the Council, locations for the testing of trawl fishing gear in areas that would otherwise be closed to trawling.

(2) *Trawl gear testing.* For the purposes of this section, "trawl gear testing" means deploying trawl gear in areas designated in this paragraph (d)