

Dated: February 28, 1997.

J.L. Gerst,

Acting Director, Fish and Wildlife Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 648 and 649

[Docket No. 970221036-7036-01; I.D. 012797D]

RIN 0648-AJ48

#### Fisheries of the Northeastern United States; Framework Adjustments to the Northeast Multispecies and American Lobster Fishery Management Plans

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement measures contained in Framework Adjustment 22 to the Northeast Multispecies Fishery Management Plan (FMP) and Framework Adjustment 4 to the American Lobster FMP. This rule will close certain areas to specific gear types, thereby alleviating the gear conflicts in Southern New England.

**EFFECTIVE DATE:** March 17, 1997.

**ADDRESSES:** Copies of Amendment 7 to the Northeast Multispecies FMP, Amendment 5 to the American Lobster FMP, the regulatory impact review and the initial regulatory flexibility analysis, its final supplemental environmental impact statement (FSEIS), and the supporting documents for Framework Adjustment 22 to the Northeast Multispecies FMP and Framework 4 to the American Lobster FMP are available from Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council, 5 Broadway, (Route 1), Saugus, MA 01906-1097.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 508-281-9273.

**SUPPLEMENTARY INFORMATION:** An emergency interim rule to the American Lobster FMP was published on March 27, 1996 (61 FR 13454). This action implemented a prohibition on mobile gear vessels fishing in Restricted Gear Areas I and II, a prohibition on lobster pot vessels fishing in and lobster pots in Restricted Gear Area III, and a

requirement that all mobile gear vessels in Restricted Gear Areas I and II and all lobster pot (fixed gear) vessels in Restricted Gear Area III stow their gear while transiting the restricted gear areas. This action became necessary after a New England Fishery Management Council (Council) and Industry-negotiated voluntary agreement concerning gear conflicts failed to resolve the problem.

Regulations implementing Amendment 8 to the Northeast Multispecies, Amendment 6 to the Atlantic Sea Scallop, and Amendment 6 to the American Lobster FMPs became effective on February 10, 1997 (62 FR 1403, January 10, 1997). The regulations added to each FMP a list of management measures from which the Council could select future solutions to gear conflicts through the framework adjustment process. The regulations authorize the Council to recommend adjustments to any of the measures currently in the FMPs.

Framework Adjustment 22 to the Northeast Multispecies FMP and Framework Adjustment 4 to the American Lobster FMP closes four small, defined areas to fishers using certain gears during certain times of the year. Specifically, the action implements a prohibition on mobile gear vessels fishing in Restricted Gear Area I during October 1 through June 15, in Restricted Gear Area IV during June 16 through September 30, in Restricted Gear Area II during November 27 through June 15, and in Restricted Gear Area III during June 16 through November 26, and a prohibition on lobster pot vessels fishing in Restricted Gear Area I during June 16 through September 30, in Restricted Gear Area II during June 16 through November 26, and in Restricted Gear Area III during January 1 through April 30. Vessels may transit these areas provided that all mobile gear is on board the vessel while inside these areas.

This action is necessary because substantial harm and disruption to the fishery is again occurring through gear conflicts since the emergency action expired on June 25, 1996. These conflicts are occurring because of increased targeting of monkfish by mobile gear vessels since the emergency action and the failure of the Council's voluntary industry agreement. The framework measures build upon the emergency action and provisions of the Council's voluntary industry agreement. The measures in this rulemaking were selected from among other options because they are relatively less controversial, as evidenced by the near unanimous support of the Council. The

action is expected to reduce gear damage and economic loss.

Direct economic losses to individual lobster vessels from gear loss are reported by the Council to be as high as \$125,780. As reported to the Council by eight lobster vessels, the value of lost gear for a partial season totaled more than \$290,000. There are approximately 50 active lobster vessels fishing within the gear conflict areas. If the above data are representative of the fleet, the direct economic loss as the result of lost gear was potentially \$1.8 million, or more than \$36,000 per lobster vessel.

The value of lobster landings during October through June, when lobster vessels move their gear inshore, averaged more than \$8.5 million for 1991-93. Landings data showing the magnitude of lost fishing opportunity during 1994 and 1995 are unavailable. Lobster fishers, however, reported setting their gear in a severely restricted band that had a significant effect on catch per trap. Even if the number of traps remained constant and catch per trap only declined 25 percent, the lost revenue could have totaled more than \$2.1 million. The total estimated economic loss that could be prevented by taking this action is, therefore, nearly \$4 million. Furthermore, the action is consistent with the American Lobster FMP objectives to minimize social, cultural, and economic dislocation in the lobster fishery.

The Council requests publication of the management measures as a final rule after considering the required factors stipulated in the regulations governing the Northeast multispecies fishery and the American lobster fishery and providing supporting analysis for each factor considered. The Regional Administrator, Northeast Region, NMFS, concurs with the Council's recommendation and has determined the framework adjustments should be published as a final rule.

NMFS is amending the multispecies and lobster regulations following the procedure for framework adjustments codified in 50 CFR parts 648 and 649. The Council followed this procedure when making adjustments to the FMPs by developing and analyzing the actions at two Council meetings held on August 21-22 and October 2, 1996.

#### Comments and Responses

The August 21-22, 1996, Council meeting was the first of two meetings that provided an opportunity for public comment on the frameworks. A draft document containing the proposed management measures and their rationale was available to the public during the second week in August 1996

and notice of the initial and final Council meetings were mailed to approximately 1,900 people and published in the Federal Register. The final public hearing was held on October 2, 1996. Testimony provided by industry members at the public meetings favored the framework adjustments.

**Classification**

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

NMFS recently reinitiated consultation on the Northeast Multispecies and American Lobster FMPs. These consultations were reinitiated as the result of new information concerning the status of the northern right whale and concluded that: (1) The fishing activities carried out under the Northeast Multispecies and American Lobster FMPs are likely to jeopardize the continued existence of the northern right whale; (2) the prosecution of the multispecies and lobster fisheries will not adversely modify right whale critical habitat; and (3) the current fishing practices allowed under the American Lobster and Northeast Multispecies FMPs may affect, but are not likely to jeopardize the continued existence of the harbor porpoise and the distinct population segment of Atlantic salmon stocks found in certain Maine rivers that are both currently proposed to be listed as threatened. The new information provided above does not change the basis for the conclusions of the 1996 Biological Opinion regarding right whales nor does this information change the basis for, or conclusions that, the fishing activities carried out under the American Lobster and Northeast Multispecies FMPs may affect, but are not likely to jeopardize the continued existence of the other endangered and threatened whale and sea turtle species under NMFS jurisdiction.

Public meetings held by the Council to discuss the management measures implemented by this rule provided prior notice and an opportunity for public comment to be heard and considered. The Council considered this action at public meetings on August 21–22, 1996, and October 2, 1996. Therefore, the Assistant Administrator for Fisheries, NOAA (AA), finds cause, under 5 U.S.C. 553(b)(B), to waive the requirement to provide prior notice and an opportunity for public comment as such procedures are unnecessary. The AA finds that under 5 U.S.C. 553(d)(1), the need to have this regulation in place by March 17, 1997, is good cause to waive the 30-day delay in effectiveness of this

regulation. Implementation of this regulation by March 17, 1997, will alleviate the increased gear conflicts in Southern New England, while providing enough time to notify fishermen to be prepared for the new requirements.

Because a general notice of proposed rulemaking is not required to be published for this rule by 5 U.S.C. 553 or by any other law, this rule is exempt from the requirement to prepare an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act. As such, none has been prepared.

**List of Subjects**

50 CFR Part 649

Fisheries.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 28, 1997.

Gary Matlock,

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

For the reasons set out in the preamble, 50 CFR parts 648 and 649 are amended as follows:

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

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

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

2. In § 648.2, definitions for “Beam trawl,” “Mobile gear,” and “Trawl” are added, in alphabetical order, to read as follows:

**§ 648.2 Definitions.**

\* \* \* \* \*

*Beam trawl* means gear, consisting of a twine bag attached to a beam attached to a towing wire, designed so that the beam does not contact the bottom. The beam is constructed with sinkers or shoes on either side that support the beam above the bottom or any other modification so that the beam does not contact the bottom. The beam trawl is designed to slide along the bottom rather than dredge the bottom.

\* \* \* \* \*

*Mobile gear* means trawls, beam trawls, and dredges that are designed to maneuver with that vessel.

\* \* \* \* \*

*Trawl* means gear consisting of a net that is towed, including but not limited to beam trawls, pair trawls, otter trawls, and Danish and Scottish seine gear.

\* \* \* \* \*

3. In § 648.14, paragraphs (a)(97), (a)(98), and (a)(99) are added to read as follows:

**§ 648.14 Prohibitions.**

(a) \* \* \*

(97) Fish, or be in the areas described in § 648.81(j)(1), (k)(1), (l)(1), and (m)(1) on a fishing vessel with mobile gear during the time periods specified in § 648.81(j)(2), (k)(2), (l)(2), and (m)(2), except as provided in § 648.81(j)(2), (k)(2), (l)(2), and (m)(2).

(98) Fish, or be in the areas described in § 648.81(j)(1), (k)(1), and (l)(1) on a fishing vessel with lobster pot gear during the time periods specified in § 648.81(j)(2), (k)(2), and (l)(2).

(99) Deploy in or fail to remove lobster pot gear from the areas described in § 648.81(j)(1), (k)(1), and (l)(1), during the time periods specified in § 648.81(j)(2), (k)(2), and (l)(2).

\* \* \* \* \*

4. In § 648.81, paragraphs (j), (k), (l), and (m) are added to read as follows:

**§ 648.81 Closed areas.**

\* \* \* \* \*

(j) *Restricted Gear Area I.* (1)

Restricted Gear Area I is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
to 120		
69 .....	40°07.9' N.	68°36.0' W.
70 .....	40°07.2' N.	68°38.4' W.
71 .....	40°06.9' N.	68°46.5' W.
73 .....	40°08.1' N.	68°51.0' W.
74 .....	40°05.7' N.	68°52.4' W.
75 .....	40°03.6' N.	68°57.2' W.
76 .....	40°03.65' N.	69°00.0' W.
77 .....	40°04.35' N.	69°00.5' W.
78 .....	40°05.2' N.	69°00.5' W.
79 .....	40°05.3' N.	69°01.1' W.
80 .....	40°08.9' N.	69°01.75' W.
81 .....	40°11.0' N.	69°03.8' W.
82 .....	40°11.6' N.	69°05.4' W.
83 .....	40°10.25' N.	69°04.4' W.
84 .....	40°09.75' N.	69°04.15' W.
85 .....	40°08.45' N.	69°03.6' W.
86 .....	40°05.65' N.	69°03.55' W.
87 .....	40°04.1' N.	69°03.9' W.
88 .....	40°02.65' N.	69°05.6' W.
89 .....	40°02.00' N.	69°08.35' W.
90 .....	40°02.65' N.	69°11.15' W.
91 .....	40°00.05' N.	69°14.6' W.
92 .....	39°57.8' N.	69°20.35' W.
93 .....	39°56.65' N.	69°24.4' W.
94 .....	39°56.1' N.	69°26.35' W.
95 .....	39°56.55' N.	69°34.1' W.
96 .....	39°57.85' N.	69°35.5' W.
97 .....	40°00.65' N.	69°36.5' W.
98 .....	40°00.9' N.	69°37.3' W.
99 .....	39°59.15' N.	69°37.3' W.
100 .....	39°58.8' N.	69°38.45' W.
102 .....	39°56.2' N.	69°40.2' W.
103 .....	39°55.75' N.	69°41.4' W.
104 .....	39°56.7' N.	69°53.6' W.
105 .....	39°57.55' N.	69°54.05' W.
106 .....	39°57.4' N.	69°55.9' W.
107 .....	39°56.9' N.	69°57.45' W.
108 .....	39°58.25' N.	70°03.0' W.

Point	Latitude	Longitude
110 .....	39°59.2' N.	70°04.9' W.
111 .....	40°00.7' N.	70°08.7' W.
112 .....	40°03.75' N.	70°10.15' W.
115 .....	40°05.2' N.	70°10.9' W.
116 .....	40°02.45' N.	70°14.1' W.
119 .....	40°02.75' N.	70°16.1' W.

**Offshore Boundary**

to 69		
120 .....	40°06.4' N.	68°35.8' W.
121 .....	40°05.25' N.	68°39.3' W.
122 .....	40°05.4' N.	68°44.5' W.
123 .....	40°06.0' N.	68°46.5' W.
124 .....	40°07.4' N.	68°49.6' W.
125 .....	40°05.55' N.	68°49.8' W.
126 .....	40°03.9' N.	68°51.7' W.
127 .....	40°02.25' N.	68°55.4' W.
128 .....	40°02.6' N.	69°00.0' W.
129 .....	40°02.75' N.	69°00.75' W.
130 .....	40°04.2' N.	69°01.75' W.
131 .....	40°06.15' N.	69°01.95' W.
132 .....	40°07.25' N.	69°02.0' W.
133 .....	40°08.5' N.	69°02.25' W.
134 .....	40°09.2' N.	69°02.95' W.
135 .....	40°09.75' N.	69°03.3' W.
136 .....	40°09.55' N.	69°03.85' W.
137 .....	40°08.4' N.	69°03.4' W.
138 .....	40°07.2' N.	69°03.3' W.
139 .....	40°06.0' N.	69°03.1' W.
140 .....	40°05.4' N.	69°03.05' W.
141 .....	40°04.8' N.	69°03.05' W.
142 .....	40°03.55' N.	69°03.55' W.
143 .....	40°01.9' N.	69°03.95' W.
144 .....	40°01.0' N.	69°04.4' W.
146 .....	39°59.9' N.	69°06.25' W.
147 .....	40°00.6' N.	69°10.05' W.
148 .....	39°59.25' N.	69°11.15' W.
149 .....	39°57.45' N.	69°16.05' W.
150 .....	39°56.1' N.	69°20.1' W.
151 .....	39°54.6' N.	69°25.65' W.
152 .....	39°54.65' N.	69°26.9' W.
153 .....	39°54.8' N.	69°30.95' W.
154 .....	39°54.35' N.	69°33.4' W.
155 .....	39°55.0' N.	69°34.9' W.
156 .....	39°56.55' N.	69°36.0' W.
157 .....	39°57.95' N.	69°36.45' W.
158 .....	39°58.75' N.	69°36.3' W.
159 .....	39°58.8' N.	69°36.95' W.
160 .....	39°57.95' N.	69°38.1' W.
161 .....	39°54.5' N.	69°38.25' W.
162 .....	39°53.6' N.	69°46.5' W.
163 .....	39°54.7' N.	69°50.0' W.
164 .....	39°55.25' N.	69°51.4' W.
165 .....	39°55.2' N.	69°53.1' W.
166 .....	39°54.85' N.	69°53.9' W.
167 .....	39°55.7' N.	69°54.9' W.
168 .....	39°56.15' N.	69°55.35' W.
169 .....	39°56.05' N.	69°56.25' W.
170 .....	39°55.3' N.	69°57.1' W.
171 .....	39°54.8' N.	69°58.6' W.
172 .....	39°56.05' N.	70°00.65' W.
173 .....	39°55.3' N.	70°02.95' W.
174 .....	39°56.9' N.	70°11.3' W.
175 .....	39°58.9' N.	70°11.5' W.
176 .....	39°59.6' N.	70°11.1' W.
177 .....	40°01.35' N.	70°11.2' W.
178 .....	40°02.6' N.	70°12.0' W.
179 .....	40°00.4' N.	70°12.3' W.
180 .....	39°59.75' N.	70°13.05' W.
181 .....	39°59.3' N.	70°14.0' W.
to 119		

(2) *Duration.* (i) *Mobile gear.* From October 1 through June 15, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area I unless transiting. Vessels may transit this area provided that mobile gear is on board the vessel while inside the area.

(ii) *Lobster pot gear.* From June 16 through September 30, no fishing vessel with lobster pot gear or person on a fishing vessel with lobster pot gear may fish, and no lobster pot gear may be deployed or remain, in Restricted Gear Area I.

(k) *Restricted Gear Area II.* (1) Restricted Gear Area II is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
to 1		
49. ....	40°02.75' N.	70°16.1' W.
50. ....	40°00.7' N.	70°18.6' W.
51. ....	39°59.8' N.	70°21.75' W.
52. ....	39°59.75' N.	70°25.5' W.
53. ....	40°03.85' N.	70°28.75' W.
54. ....	40°00.55' N.	70°32.1' W.
55. ....	39°59.15' N.	70°34.45' W.
56. ....	39°58.9' N.	70°38.65' W.
57. ....	40°00.1' N.	70°45.1' W.
58. ....	40°00.5' N.	70°57.6' W.
59. ....	40°02.0' N.	71°01.3' W.
60. ....	39°59.3' N.	71°18.4' W.
61. ....	40°00.7' N.	71°19.8' W.
62. ....	39°57.5' N.	71°20.6' W.
63. ....	39°53.1' N.	71°36.1' W.
64. ....	39°52.6' N.	71°40.35' W.
65. ....	39°53.1' N.	71°42.7' W.
66. ....	39°46.95' N.	71°49.0' W.
67. ....	39°41.15' N.	71°57.1' W.
68. ....	39°35.45' N.	72°02.0' W.
69. ....	39°32.65' N.	72°06.1' W.
70. ....	39°29.75' N.	72°09.8' W.
to 48		
<b>Offshore Boundary</b>		
to 49		
1. ....	39°59.3' N.	70°14.0' W.
2. ....	39°58.85' N.	70°15.2' W.
3. ....	39°59.3' N.	70°18.4' W.
4. ....	39°58.1' N.	70°19.4' W.
5. ....	39°57.0' N.	70°19.85' W.
6. ....	39°57.55' N.	70°21.25' W.
7. ....	39°57.5' N.	70°22.8' W.
8. ....	39°57.1' N.	70°25.4' W.
9. ....	39°57.65' N.	70°27.05' W.
10. ....	39°58.58' N.	70°27.7' W.
11. ....	40°00.65' N.	70°28.8' W.
12. ....	40°02.2' N.	70°29.15' W.
13. ....	40°01.0' N.	70°30.2' W.
14. ....	39°58.58' N.	70°31.85' W.
15. ....	39°57.05' N.	70°34.35' W.
16. ....	39°56.42' N.	70°36.8' W.
21. ....	39°58.15' N.	70°48.0' W.
24. ....	39°58.3' N.	70°51.1' W.
25. ....	39°58.1' N.	70°52.25' W.
26. ....	39°58.05' N.	70°53.55' W.
27. ....	39°58.4' N.	70°59.6' W.
28. ....	39°59.8' N.	71°01.05' W.

Point	Latitude	Longitude
29. ....	39°58.2' N.	71° 05.85' W.
30. ....	39°57.45' N.	71°12.15' W.
31. ....	39°57.2' N.	71°15.0' W.
32. ....	39°56.3' N.	71°18.95' W.
33. ....	39°51.4' N.	71°36.1' W.
34. ....	39°51.75' N.	71°41.5' W.
35. ....	39°50.05' N.	71°42.5' W.
36. ....	39°50.0' N.	71°45.0' W.
37. ....	39°48.95' N.	71°46.05' W.
38. ....	39°46.6' N.	71°46.1' W.
39. ....	39°43.5' N.	71°49.4' W.
40. ....	39°41.3' N.	71°55.0' W.
41. ....	39°39.0' N.	71°55.6' W.
42. ....	39°36.72' N.	71°58.25' W.
43. ....	39°35.15' N.	71°58.55' W.
44. ....	39°34.5' N.	72°00.75' W.
45. ....	39°32.2' N.	72°02.25' W.
46. ....	39°32.15' N.	72°04.1' W.
47. ....	39°28.5' N.	72°06.5' W.
48. ....	39°29.0' N.	72°09.25' W.
to 70		

(2) *Duration.* (i) *Mobile Gear.* From November 27 through June 15, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area II unless transiting. Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster pot gear.* From June 16 through November 26, no fishing vessel with lobster pot gear or person on a fishing vessel with lobster pot gear may fish, and no lobster pot gear may be deployed or remain, in Restricted Gear Area II.

(l) *Restricted Gear Area III.* (1) Restricted Gear Area III is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
to 49		
182 .....	40°05.6' N.	70°17.7' W.
183 .....	40°06.5' N.	70°40.05' W.
184 .....	40°11.05' N.	70°45.8' W.
185 .....	40°12.75' N.	70°55.05' W.
186 .....	40°10.7' N.	71°10.25' W.
187 .....	39°57.9' N.	71°28.7' W.
188 .....	39°55.6' N.	71°41.2' W.
189 .....	39°55.85' N.	71°45.0' W.
190 .....	39°53.75' N.	71°52.25' W.
191 .....	39°47.2' N.	72°01.6' W.
192 .....	39°33.65' N.	72°15.0' W.
to 70		
<b>Offshore Boundary</b>		
to 182		
49 .....	40°02.75' N.	70°16.1' W.
50 .....	40°00.7' N.	70°18.6' W.
51 .....	39°59.8' N.	70°21.75' W.
52 .....	39°59.75' N.	70°25.5' W.
53 .....	40°03.85' N.	70°28.75' W.
54 .....	40°00.55' N.	70°32.1' W.
55 .....	39°59.15' N.	70°34.45' W.
56 .....	39°58.9' N.	70°38.65' W.

Point	Latitude	Longitude
57	40°00.1' N.	70°45.1' W.
58	40°00.5' N.	70°57.6' W.
59	40°02.0' N.	71°01.3' W.
60	39°59.3' N.	71°18.4' W.
61	40°00.7' N.	71°19.8' W.
62	39°57.5' N.	71°20.6' W.
63	39°53.1' N.	71°36.1' W.
64	39°52.6' N.	71°40.35' W.
65	39°53.1' N.	71°42.7' W.
66	39°46.95' N.	71°49.0' W.
67	39°41.15' N.	71°57.1' W.
68	39°35.45' N.	72°02.0' W.
69	39°32.65' N.	72°06.1' W.
70	39°29.75' N.	72°09.8' W.
to 192		

(2) *Duration.* (i) *Mobile gear.* From June 16 through November 26, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area III unless transiting.

Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster pot gear.* From January 1 through April 30, no fishing vessel with lobster pot gear or person on a fishing vessel with lobster pot gear may fish, and no lobster pot gear may be deployed or remain, in Restricted Gear Area III.

(m) *Restricted Gear Area IV.* (1) Restricted Gear Area IV is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
193	40°13.60' N.	68°40.60' W.
194	40°11.60' N.	68°53.00' W.
195	40°14.00' N.	69°04.70' W.
196	40°14.30' N.	69°05.80' W.
197	40°05.50' N.	69°09.00' W.
198	39°57.30' N.	69°25.10' W.
199	40°00.40' N.	69°35.20' W.
200	40°01.70' N.	69°35.40' W.
201	40°01.70' N.	69°37.40' W.
202	40°00.50' N.	69°38.80' W.
203	40°01.30' N.	69°45.00' W.
204	40°02.10' N.	69°45.00' W.
205	40°07.60' N.	70°04.50' W.
206	40°07.80' N.	70°09.20' W.
to 119		
<b>Offshore Boundary</b>		
69	40°07.90' N.	68°36.00' W.
70	40°07.20' N.	68°38.40' W.
71	40°06.90' N.	68°46.50' W.
72	40°08.70' N.	68°49.60' W.
73	40°08.10' N.	68°51.00' W.
74	40°05.70' N.	68°52.40' W.
75	40°03.60' N.	68°57.20' W.
76	40°03.65' N.	69°00.00' W.
77	40°04.35' N.	69°00.50' W.
78	40°05.20' N.	69°00.50' W.
79	40°05.30' N.	69°01.10' W.
80	40°08.90' N.	69°01.75' W.
81	40°11.00' N.	69°03.80' W.

Point	Latitude	Longitude
82	40°11.60' N.	69°05.40' W.
83	40°10.25' N.	69°04.40' W.
84	40°09.75' N.	69°04.15' W.
85	40°08.45' N.	69°03.60' W.
86	40°05.65' N.	69°03.55' W.
87	40°04.10' N.	69°03.90' W.
88	40°02.65' N.	69°05.60' W.
89	40°02.00' N.	69°08.35' W.
90	40°02.65' N.	69°11.15' W.
91	40°00.05' N.	69°14.60' W.
92	39°57.80' N.	69°20.35' W.
93	39°56.75' N.	69°24.40' W.
94	39°56.50' N.	69°26.35' W.
95	39°56.80' N.	69°34.10' W.
96	39°57.85' N.	69°35.05' W.
97	40°00.65' N.	69°36.50' W.
98	40°00.90' N.	69°37.30' W.
99	39°59.15' N.	69°37.30' W.
100	39°58.80' N.	69°38.45' W.
102	39°56.20' N.	69°40.20' W.
103	39°55.75' N.	69°41.40' W.
104	39°56.70' N.	69°53.60' W.
105	39°57.55' N.	69°54.05' W.
106	39°57.40' N.	69°55.90' W.
107	39°56.90' N.	69°57.45' W.
108	39°58.25' N.	70°03.00' W.
110	39°59.20' N.	70°04.90' W.
111	40°00.70' N.	70°08.70' W.
112	40°03.75' N.	70°10.15' W.
115	40°05.20' N.	70°10.90' W.
116	40°02.45' N.	70°14.1' W.
119	40°02.75' N.	70°16.1' W.
to 206		

(2) *Duration.* (i) *Mobile gear.* From June 16 through September 30, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area IV unless transiting.

Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area.

**PART 649—AMERICAN LOBSTER FISHERY**

5. The authority citation for part 649 continues to read as follows:

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

6. In § 649.2, definitions for “Beam trawl,” “Mobile gear,” and “Trawl” are added, in alphabetical order, to read as follows:

**§ 649.2 Definitions.**

\* \* \* \* \*

*Beam trawl* means gear, consisting of a twine bag attached to a beam attached to a towing wire, designed so that the beam does not contact the bottom. The beam is constructed with sinkers or shoes on either side that support the beam above the bottom or any other modification so that the beam does not contact the bottom. The beam trawl is designed to slide along the bottom rather than dredge the bottom.

\* \* \* \* \*

*Mobile gear* means trawls, beam trawls, and dredges that are designed to maneuver with that vessel.

\* \* \* \* \*

*Trawl* means gear consisting of a net that is towed, including but not limited to beam trawls, pair trawls, otter trawls, and Danish and Scottish seine gear.

\* \* \* \* \*

7. In § 649.8, paragraphs (c)(11), (c)(12), and (c)(13) are added to read as follows:

**§ 649.8 Prohibitions.**

\* \* \* \* \*

(c) \* \* \*

(11) Fish, or be in the areas described in § 649.23(a)(1), (b)(1), (c)(1), and (d)(1) on a fishing vessel with mobile gear during the time periods specified in § 649.23(a)(2), (b)(2), (c)(2), and (d)(2), except as provided in § 649.23(a)(2), (b)(2), (c)(2), and (d)(2).

(12) Fish, or be in the areas described in § 649.23(a)(1), (b)(1), and (c)(1) on a fishing vessel with lobster pot gear during the time periods specified in § 649.23(a)(2), (b)(2), and (c)(2).

(13) Deploy or fail to remove lobster pot gear in the areas described in § 649.23(a)(1), (b)(1), and (c)(1) during the time periods specified in § 649.23(a)(2), (b)(2), and (c)(2).

\* \* \* \* \*

8. Section 649.23 is added to Subpart B to read as follows:

**§ 649.23 Restricted gear areas.**

(a) *Restricted Gear Area I.* (1) Restricted Gear Area I is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
<b>Inshore Boundary</b>		
to 120		
69	40°07.9' N.	68°36.0' W.
70	40°07.2' N.	68°38.4' W.
71	40°06.9' N.	68°46.5' W.
72	40°08.7' N.	68°49.6' W.
73	40°08.1' N.	68°51.0' W.
74	40°05.7' N.	68°52.4' W.
75	40°03.6' N.	68°57.2' W.
76	40°03.65' N.	69°00.0' W.
77	40°04.35' N.	69°00.5' W.
78	40°05.2' N.	69°00.5' W.
79	40°05.3' N.	69°01.1' W.
80	40°08.9' N.	69°01.75' W.
81	40°11.0' N.	69°03.8' W.
82	40°11.6' N.	69°05.4' W.
83	40°10.25' N.	69°04.4' W.
84	40°09.75' N.	69°04.15' W.
85	40°08.45' N.	69°03.6' W.
86	40°05.65' N.	69°03.55' W.
87	40°04.1' N.	69°03.9' W.
88	40°02.65' N.	69°05.6' W.
89	40°02.00' N.	69°08.35' W.
90	40°02.65' N.	69°11.15' W.
91	40°00.05' N.	69°14.6' W.

Point	Latitude	Longitude
92	39°57.8' N.	69°20.35' W.
93	39°56.65' N.	69°24.4' W.
94	39°56.1' N.	69°26.35' W.
95	39°56.55' N.	69°34.1' W.
96	39°57.85' N.	69°35.5' W.
97	40°00.65' N.	69°36.5' W.
98	40°00.9' N.	69°37.3' W.
99	39°59.15' N.	69°37.3' W.
100	39°58.8' N.	69°38.45' W.
102	39°56.2' N.	69°40.2' W.
103	39°55.75' N.	69°41.4' W.
104	39°56.7' N.	69°53.6' W.
105	39°57.55' N.	69°54.05' W.
106	39°57.4' N.	69°55.9' W.
107	39°56.9' N.	69°57.45' W.
108	39°58.25' N.	70°03.0' W.
110	39°59.2' N.	70°04.9' W.
111	40°00.7' N.	70°08.7' W.
112	40°03.75' N.	70°10.15' W.
115	40°05.2' N.	70°10.9' W.
116	40°02.45' N.	70°14.1' W.
119	40°02.75' N.	70°16.1' W.

**Offshore Boundary**

to 69		
120	40°06.4' N.	68°35.8' W.
121	40°05.25' N.	68°39.3' W.
122	40°05.4' N.	68°44.5' W.
123	40°06.0' N.	68°46.5' W.
124	40°07.4' N.	68°49.6' W.
125	40°05.55' N.	68°49.8' W.
126	40°03.9' N.	68°51.7' W.
127	40°02.25' N.	68°55.4' W.
128	40°02.6' N.	69°00.0' W.
129	40°02.75' N.	69°00.75' W.
130	40°04.2' N.	69°01.75' W.
131	40°06.15' N.	69°01.95' W.
132	40°07.25' N.	69°02.0' W.
133	40°08.5' N.	69°02.25' W.
134	40°09.2' N.	69°02.95' W.
135	40°09.75' N.	69°03.3' W.
136	40°09.55' N.	69°03.85' W.
137	40°08.4' N.	69°03.4' W.
138	40°07.2' N.	69°03.3' W.
139	40°06.0' N.	69°03.1' W.
140	40°05.4' N.	69°03.05' W.
141	40°04.8' N.	69°03.05' W.
142	40°03.55' N.	69°03.55' W.
143	40°01.9' N.	69°03.95' W.
144	40°01.0' N.	69°04.4' W.
146	39°59.9' N.	69°06.25' W.
147	40°00.6' N.	69°10.05' W.
148	39°59.25' N.	69°11.15' W.
149	39°57.45' N.	69°16.05' W.
150	39°56.1' N.	69°20.1' W.
151	39°54.6' N.	69°25.65' W.
152	39°54.65' N.	69°26.9' W.
153	39°54.8' N.	69°30.95' W.
154	39°54.35' N.	69°33.4' W.
155	39°55.0' N.	69°34.9' W.
156	39°56.55' N.	69°36.0' W.
157	39°57.95' N.	69°36.45' W.
158	39°58.75' N.	69°36.3' W.
159	39°58.8' N.	69°36.95' W.
160	39°57.95' N.	69°38.1' W.
161	39°54.5' N.	69°38.25' W.
162	39°53.6' N.	69°46.5' W.
163	39°54.7' N.	69°50.0' W.
164	39°55.25' N.	69°51.4' W.
165	39°55.2' N.	69°53.1' W.
166	39°54.85' N.	69°53.9' W.
167	39°55.7' N.	69°54.9' W.

Point	Latitude	Longitude
168	39°56.15' N.	69°55.35' W.
169	39°56.05' N.	69°56.25' W.
170	39°55.3' N.	69°57.1' W.
171	39°54.8' N.	69°58.6' W.
172	39°56.05' N.	70°00.65' W.
173	39°55.3' N.	70°02.95' W.
174	39°56.9' N.	70°11.3' W.
175	39°58.9' N.	70°11.5' W.
176	39°59.6' N.	70°11.1' W.
177	40°01.35' N.	70°11.2' W.
178	40°02.6' N.	70°12.0' W.
179	40°00.4' N.	70°12.3' W.
180	39°59.75' N.	70°13.05' W.
181	39°59.3' N.	70°14.0' W.

(2) *Duration*—(i) *Mobile Gear*. From October 1 through June 15, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area I unless transiting. Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster pot gear*. From June 16 through September 30, no fishing vessel with lobster pot gear or person on a fishing vessel with lobster pot gear may fish, and no lobster pot gear may be deployed or remain, in Restricted Gear Area I.

(b) *Restricted Gear Area II*. (1) Restricted Gear Area II is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
to 1		
49	40°02.75' N.	70°16.1' W.
50	40°00.7' N.	70°18.6' W.
51	39°59.8' N.	70°21.75' W.
52	39°59.75' N.	70°25.5' W.
53	40°03.85' N.	70°28.75' W.
54	40°00.55' N.	70°32.1' W.
55	39°59.15' N.	70°34.45' W.
56	39°58.9' N.	70°38.65' W.
57	40°00.1' N.	70°45.1' W.
58	40°00.5' N.	70°57.6' W.
59	40°02.0' N.	71°01.3' W.
60	39°59.3' N.	71°18.4' W.
61	40°00.7' N.	71°19.8' W.
62	39°57.5' N.	71°20.6' W.
63	39°53.1' N.	71°36.1' W.
64	39°52.6' N.	71°40.35' W.
65	39°53.1' N.	71°42.7' W.
66	39°46.95' N.	71°49.0' W.
67	39°41.15' N.	71°57.1' W.
68	39°35.45' N.	72°02.0' W.
69	39°32.65' N.	72°06.1' W.
70	39°29.75' N.	72°09.8' W.
to 48		

**Offshore Boundary**

to 49		
1	39°59.3' N.	70°14.0' W.
2	39°58.85' N.	70°15.2' W.
3	39°59.3' N.	70°18.4' W.

Point	Latitude	Longitude
4	39°58.1' N.	70°19.4' W.
5	39°57.0' N.	70°19.85' W.
6	39°57.55' N.	70°21.25' W.
7	39°57.5' N.	70°22.8' W.
8	39°57.1' N.	70°25.4' W.
9	39°57.65' N.	70°27.05' W.
10	39°58.58' N.	70°27.7' W.
11	40°00.65' N.	70°28.8' W.
12	40°02.2' N.	70°29.15' W.
13	40°01.0' N.	70°30.2' W.
14	39°58.58' N.	70°31.85' W.
15	39°57.05' N.	70°34.35' W.
16	39°56.42' N.	70°36.8' W.
21	39°58.15' N.	70°48.0' W.
24	39°58.3' N.	70°51.1' W.
25	39°58.1' N.	70°52.25' W.
26	39°58.05' N.	70°53.55' W.
27	39°58.4' N.	70°59.8' W.
28	39°59.8' N.	71°01.05' W.
29	39°58.2' N.	71°05.85' W.
30	39°57.45' N.	71°12.15' W.
31	39°57.2' N.	71°15.0' W.
32	39°56.3' N.	71°18.95' W.
33	39°51.4' N.	71°36.1' W.
34	39°51.75' N.	71°41.5' W.
35	39°50.05' N.	71°42.5' W.
36	39°50.0' N.	71°45.0' W.
37	39°48.95' N.	71°46.05' W.
38	39°46.6' N.	71°46.1' W.
39	39°43.5' N.	71°49.4' W.
40	39°41.3' N.	71°55.0' W.
41	39°39.0' N.	71°55.6' W.
42	39°36.72' N.	71°58.25' W.
43	39°35.15' N.	71°58.55' W.
44	39°34.5' N.	72°00.75' W.
45	39°32.2' N.	72°02.25' W.
46	39°32.15' N.	72°04.1' W.
47	39°28.5' N.	72°06.5' W.
48	39°29.0' N.	72°09.25' W.
to 70		

(2) *Duration*—(i) *Mobile Gear*. From November 27 through June 15, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area II unless transiting. Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster pot gear*. From June 16 through November 26, no fishing vessel with lobster pot gear or person on a fishing vessel with lobster pot gear may fish, and no lobster pot gear may be deployed or remain, in Restricted Gear Area II.

(c) *Restricted Gear Area III*. (1) Restricted Gear Area III is defined by straight lines connecting the following points in the order stated, except as specified in paragraph (c)(3) of this section:

Point	Latitude	Longitude
to 49		
182	40°05.6' N.	70°17.7' W.
183	40°06.5' N.	70°40.05' W.

Point	Latitude	Longitude
184 .....	40°11.05' N.	70°45.8' W.
185 .....	40°12.75' N.	70°55.05' W.
186 .....	40°10.7' N.	71°10.25' W.
187 .....	39°57.9' N.	71°28.7' W.
188 .....	39°55.6' N.	71°41.2' W.
189 .....	39°55.85' N.	71°45.0' W.
190 .....	39°53.75' N.	71°52.25' W.
191 .....	39°47.2' N.	72°01.6' W.
192 .....	39°33.65' N.	72°15.0' W.

Offshore Boundary		
to 182		
49 .....	40°02.75' N.	70°16.1' W.
50 .....	40°00.7' N.	70°18.6' W.
51 .....	39°59.8' N.	70°21.75' W.
52 .....	39°59.75' N.	70°25.5' W.
53 .....	40°03.85' N.	70°28.75' W.
54 .....	40°00.55' N.	70°32.1' W.
55 .....	39°59.15' N.	70°34.45' W.
56 .....	39°58.9' N.	70°38.65' W.
57 .....	40°00.1' N.	70°45.1' W.
58 .....	40°00.5' N.	70°57.6' W.
59 .....	40°02.0' N.	71°01.3' W.
60 .....	39°59.3' N.	71°18.4' W.
61 .....	40°00.7' N.	71°19.8' W.
62 .....	39°57.5' N.	71°20.6' W.
63 .....	39°53.1' N.	71°36.1' W.
64 .....	39°52.6' N.	71°40.35' W.
65 .....	39°53.1' N.	71°42.7' W.
66 .....	39°46.95' N.	71°49.0' W.
67 .....	39°41.15' N.	71°57.1' W.
68 .....	39°35.45' N.	72°02.0' W.
69 .....	39°32.65' N.	72°06.1' W.
70 .....	39°29.75' N.	72°09.8' W.
to 192		

(2) *Duration*—(i) *Mobile Gear*. From June 16 through November 26, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area III unless transiting. Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area.

(ii) *Lobster pot gear*. From January 1 through April 30, no fishing vessel with lobster pot gear or person on a fishing vessel with lobster pot gear may fish, and no lobster pot gear may be deployed or remain, in Restricted Gear Area III.

(d) *Restricted Gear Area IV*. (1) Restricted Gear Area IV is defined by straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
Inshore Boundary		
193 .....	40°13.60' N.	68°40.60' W.
194 .....	40°11.60' N.	68°53.00' W.
195 .....	40°14.00' N.	69°04.70' W.
196 .....	40°14.30' N.	69°05.80' W.
197 .....	40°05.50' N.	69°09.00' W.
198 .....	39°57.30' N.	69°25.10' W.
199 .....	40°00.40' N.	69°35.20' W.
200 .....	40°01.70' N.	69°35.40' W.
201 .....	40°01.70' N.	69°37.40' W.
202 .....	40°00.50' N.	69°38.80' W.

Point	Latitude	Longitude
203 .....	40°01.30' N.	69°45.00' W.
204 .....	40°02.10' N.	69°45.00' W.
205 .....	40°07.60' N.	70°04.50' W.
206 .....	40°07.80' N.	70°09.20' W.

Offshore Boundary		
to 193		
69 .....	40°07.90' N.	68°36.00' W.
70 .....	40°07.20' N.	68°38.40' W.
71 .....	40°06.90' N.	68°46.50' W.
72 .....	40°08.70' N.	68°49.60' W.
73 .....	40°08.10' N.	68°51.00' W.
74 .....	40°05.70' N.	68°52.40' W.
75 .....	40°03.60' N.	68°57.20' W.
76 .....	40°03.65' N.	69°00.00' W.
77 .....	40°04.35' N.	69°00.50' W.
78 .....	40°05.20' N.	69°00.50' W.
79 .....	40°05.30' N.	69°01.10' W.
80 .....	40°08.90' N.	69°01.75' W.
81 .....	40°11.00' N.	69°03.80' W.
82 .....	40°11.60' N.	69°05.40' W.
83 .....	40°10.25' N.	69°04.40' W.
84 .....	40°09.75' N.	69°04.15' W.
85 .....	40°08.45' N.	69°03.60' W.
86 .....	40°05.65' N.	69°03.55' W.
87 .....	40°04.10' N.	69°03.90' W.
88 .....	40°02.65' N.	69°05.60' W.
89 .....	40°02.00' N.	69°08.35' W.
90 .....	40°02.65' N.	69°11.15' W.
91 .....	40°00.05' N.	69°14.60' W.
92 .....	39°57.80' N.	69°20.35' W.
93 .....	39.56.75' N.	69°24.40' W.
94 .....	39°56.50' N.	69°26.35' W.
95 .....	39.56.80' N.	69°34.10' W.
96 .....	39°57.85' N.	69°35.05' W.
97 .....	40°00.65' N.	69°36.50' W.
98 .....	40°00.90' N.	69°37.30' W.
99 .....	39°59.15' N.	69°37.30' W.
100 .....	39°58.80' N.	69°38.45' W.
102 .....	39°56.20' N.	69°40.20' W.
103 .....	39°55.75' N.	69°41.40' W.
104 .....	39°56.70' N.	69°53.60' W.
105 .....	39°57.55' N.	69°54.05' W.
106 .....	39°57.40' N.	69°55.90' W.
107 .....	39°56.90' N.	69°57.45' W.
108 .....	39°58.25' N.	70°03.00' W.
110 .....	39°59.20' N.	70°04.90' W.
111 .....	40°00.70' N.	70°08.70' W.
112 .....	40°03.75' N.	70°10.15' W.
115 .....	40°05.20' N.	70°10.90' W.
116 .....	40°02.45' N.	70°14.1' W.
119 .....	40°02.75' N.	70°16.1' W.
to 206		

(2) *Duration*—(i) *Mobile Gear*. From June 16 through September 30, no fishing vessel with mobile gear or person on a fishing vessel with mobile gear may fish, or be in Restricted Gear Area IV unless transiting. Vessels may transit this area provided that all mobile gear is on board the vessel while inside the area.

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**50 CFR Part 679**

[Docket No. 961107312-7021-02; I.D. 030497A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Aleutian Islands Subarea**

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

**ACTION:** Inseason adjustment; request for comments.

**SUMMARY:** NMFS issues an inseason adjustment closing directed fishing for pollock by vessels catching pollock for processing by the inshore component in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). An adjustment to the normal time of closure is necessary to prevent the underharvest of pollock by vessels catching pollock for processing by the inshore component in the AI of the BSAI.

**DATES:** 2400 hrs, Alaska local time (A.l.t.), March 4, 1997, until 2400 hrs, A.l.t., December 31, 1997. Comments must be received no later than 1630 hrs, A.l.t., March 19, 1997 (see **ADDRESSES**).

**ADDRESSES:** Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn. Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(iii), the allocation of the pollock total allowable catch for vessels catching pollock for processing by the inshore component in the AI was established by the Final 1997 Harvest Specifications for Groundfish of the BSAI (62 FR 7168, February 18, 1997) as 9,065 metric tons (mt).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has