

**§ 625.33 Relation to other laws.**

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Nothing in these regulations supersedes more restrictive state management measures.

**§ 625.39 Prohibitions.**

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person owning or operating a vessel fishing commercially for scup, which are harvested in or from the EEZ, to do any of the following:

(1) Land or possess at sea any scup, or parts thereof, that fail to meet the minimum fish sizes specified in § 625.53(a);

(2) Sell any scup harvested in or from the EEZ that fail to meet the minimum fish size specified in § 625.53(a).

(3) Possess 4,000 or more lb (1,814.4 or more kg) of scup harvested in or from the EEZ unless the vessel meets the minimum mesh size requirement specified in § 625.54(a).

(4) Fish with or possess nets or netting in the EEZ that do not meet the minimum mesh requirement, or that are modified, obstructed, constricted, or constructed with mesh in which the bars entering or exiting the knots twist around each other, if subject to the minimum mesh requirement specified in § 625.54, unless the nets or netting are stowed in accordance with § 625.24(d).

(5) Engage in recreational fishing in the EEZ while simultaneously conducting commercial fishing operations.

(b) It is unlawful for the owner or operator of any recreational fishing vessel, including party or charter boats, to: (1) Possess scup harvested in or from the EEZ smaller than the minimum size limit for recreational fishermen established pursuant to § 625.53(b);

(2) [Reserved]

(c) It is unlawful for any person to do any of the following:

(1) Purchase any scup harvested in or from the EEZ that fail to meet the minimum fish size specified in § 625.53(a).

(2) Possess any scup harvested in or from the EEZ that fail to meet the minimum fish size specified in § 625.53(b).

(3) Sell any scup harvested in or from the EEZ that fail to meet the minimum fish sizes specified in § 625.53(a).

(4) Land any scup harvested in or from the EEZ in fillet form with the skin removed.

**Subpart D—Management Measures, Scup****§ 625.53 Minimum sizes.**

(a) The minimum size for scup is 9 inches (22.9 cm) total length for all vessels engaged in commercial fishing.

(b) The minimum size for scup is 7 inches (17.8 cm) TL for all vessels that are engaged in recreational fishing.

(c) The minimum size applies to whole fish or any part of a fish found in possession, e.g., fillets.

**§ 625.54 Gear restrictions.**

(a) *General.* Applicable April 8, 1996, otter trawl vessels that land or possess 4,000 lb or more (1,814.4 kg or more) of scup harvested in or from the EEZ must fish with nets that have a minimum mesh size of 4 inches (10.2 cm) applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, for codends with less than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the head rope, excluding any turtle excluder device extension.

(b) *Mesh-size measurement.* Mesh sizes will be measured according to the procedure described in § 625.24(c).

(c) *Net modification and mesh obstruction and constriction.* Vessels are prohibited from modifying, obstructing, and/or constricting their nets as described in § 625.24(d) and (e).

(d) *Stowage of nets.* Applicable April 8, 1996, otter trawl vessels retaining 4,000 lb or more (1,814.4 or more kg) of scup harvested in or from the EEZ, and subject to the minimum mesh requirement specified in paragraph (a) of this section may not have available for immediate use any net, or any piece of net, not meeting the minimum mesh size requirement, or mesh that is rigged in a manner that is inconsistent with the minimum mesh size. A net that conforms to the specifications specified in § 625.24(f) and that can be shown not to have been in recent use is considered to be not "available for immediate use." [FR Doc. 96-7386 Filed 3-22-96; 3:45 pm]

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**50 CFR Part 649**

[Docket No. 960304058-6058-01; I.D. 020696A]

RIN 0648-XX50

**American Lobster Fishery; Emergency Gear Conflict Regulations**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Emergency interim rule.

**SUMMARY:** NMFS, by emergency interim rule, amends the regulations implementing the American Lobster Fishery Management Plan (FMP). This emergency rule implements a prohibition on mobile gear vessels fishing in newly defined Restricted Gear Areas I and II; a prohibition on lobster pot vessels fishing in and lobster pots in newly defined 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. The intended effect is to reduce gear losses caused by use of fixed and mobile gear simultaneously in the same area. **EFFECTIVE DATE:** April 1, 1996 through June 25, 1996. Restricted Gear Areas I and II will be closed to mobile gear for the duration of this emergency action. Restricted Gear Area III will be closed April 1, 1996 through April 30, 1996, to fishing by fixed gear vessels.

**ADDRESSES:** Copies of the Environmental Assessment supporting this action may be obtained from Douglas Marshall, Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906-1097.

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

**SUPPLEMENTARY INFORMATION:****Background**

American lobster pot gear vessels began losing fixed gear in the offshore waters of Southern New England as a result of increased trawling by mobile gear fishers targeting monkfish during 1991. In 1992, offshore lobster fishers and some mobile gear fishers sought assistance from the Council. At that time, the Council believed that voluntary industry agreements were preferable to regulatory action. The Council helped several groups of fixed and mobile gear fishers draft and circulate the "Southern New England Offshore Gear Conflict Resolution." The agreement was initially effective, because the fishers designed it to allow them to fish their gear in the most productive areas and seasons. Both fixed and mobile gear fishers gave up access to fishing grounds when they were less productive to gain easier access to grounds during more productive seasons. Besides setting aside areas to separate fixed and mobile gear, the resolution stressed cooperation

and good communication among the different fishing groups. Due to the resolution, the fishers reported much greater cooperation and significantly less gear loss.

During the 1994–95 season conflicts rapidly escalated as mobile gear fishers changed their fishing practices. The pursuit of alternative species, declining abundances of traditional species, additional regulations to reduce fishing on stressed fish stocks, and changing market conditions all have contributed to the recent increase in gear conflicts. New mobile gear fishers targeting monkfish with deepwater trawls frequently failed to recognize the agreement and gear conflicts increased.

Because of the increase in gear conflicts, the Council decided at its February 1995 meeting to hold additional meetings and reemphasize its support of the voluntary agreement. The Council also warned that regulations designed to reduce the gear conflicts would be developed if the voluntary agreement continued to be ineffective. Continued efforts by the Council to resolve the problem through voluntary means were not successful during the first half of 1995.

Due to these failed efforts and the anticipated economic hardship, the Council requested on August 21, 1995, that NMFS take Secretarial emergency action to implement segments of the voluntary agreement by regulation. On September 13, 1995, NMFS disapproved the request, because the situation described by the Council in the emergency request was a longstanding one and the recent escalation from increased monkfish trawling was known to the Council the previous fall, the proposed boundaries were unenforceable, and the Council had not proposed a permanent solution to the problem.

On October 25, 1995, the Council announced that gear conflicts had increased. The U.S. Coast Guard affirmed this statement by reporting that gear conflicts had almost doubled those for October 1994. Due to the unanticipated level of the increase in fishing effort for monkfish in areas where lobster fishers place their traps during the winter, the Council reiterated its request for Secretarial emergency action on October 25, 1995, and modified its August 21, 1995, request to include defined straight lines by latitude and longitude, rather than the fathom contoured lines defined in their last request. The Council's Gear Conflict Committee met on November 15, 1995, and boundaries defined by latitude and longitude for the two mobile gear and one fixed gear areas were developed to

accommodate the ability of the U.S. Coast Guard to enforce the gear closure areas.

In recommending the emergency action, the Council stated that it recognizes that the action does not address all types of fixed gear conflicts, nor does it apply to all fishing areas within Southern New England. The failure of the current industry agreement to adequately manage the gear conflict is an unforeseen event, for which the Council had insufficient time to respond by developing amendments and implementing rules through the standard rulemaking process. Additionally, the magnitude of the conflict and the degree of economic hardship in the fixed gear fleet due to the conflict was unanticipated by the Council.

During the Council's October 25, 1995, meeting, NMFS informed the Council that development of permanent measures was a requisite for consideration of its request for Secretarial emergency action. At its December 13, 1995, meeting, the Council voted to hold public hearings on an action that will insert a framework mechanism in each of its FMPs through the amendment process to allow gear conflicts to be addressed in a timely manner in the future.

Although the development of these framework actions is moving forward, it will likely take several months for them to be completed and implemented, if approved. Due to the unanticipated levels of increases in effort by mobile gear vessels on monkfish and the time needed for the Council to develop measures to alleviate this problem, NMFS believes that emergency action is warranted.

NMFS concurs with the Council that this emergency action is necessary because substantial harm and disruption to the fishery is occurring on a scale unforeseen in previous seasons that threatens the economic liability of offshore lobster fishing operations. Direct economic losses to individual lobster vessels are reported by the Council to be as high as \$75,000. The value of lost gear reported to the Council for a partial season by eight lobster vessels totaled more than \$290,000. There are approximately 50 active lobster vessels fishing within the gear conflict areas. If the above data are extrapolated across the 50 vessel fleet, the direct economic loss as a result of lost gear is potentially \$1.8 million.

The value of lobster landings during October through June, when operators of 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 reported setting their gear in a severely closed 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 emergency action is therefore nearly \$4 million. The Council believes that the potential benefit of taking emergency action significantly exceeds the economic loss by trawlers targeting monkfish in the restricted gear areas, and greatly outweighs the value of advance notice and public comment. This action is consistent with the FMP objectives to minimize social, cultural, and economic dislocation in the lobster fishery.

The Council is actively pursuing viable means to mitigate the long-term gear conflicts, but recent conditions have caused rapid escalation of the conflicts and efforts to resolve this problem have only recently failed. These conditions include increased targeting of monkfish by mobile gear vessels, as reported to the Council by the U.S. Coast Guard on October 25, 1995. The emergency measures are a set of initial measures addressing the immediate interim need to begin the process of curtailing gear conflicts. These measures were selected rather than other options because they are relatively less controversial, as evidenced by the near unanimous support of the Council and because the area boundaries are more narrowly defined and more easily enforced.

The emergency action is expected to greatly reduce gear damage and economic loss. The Council believes, and NMFS agrees, that preventing the potential economic loss greatly outweighs the need for advance notice and public comment before taking action.

The closures will be known as Restricted Gear Areas I, II, and III. Restricted Gear Areas I and II will be closed to mobile gear (defined as trawls, beam trawls, and dredges) for the duration of this emergency action. Restricted Gear Area III will be closed upon implementation of this rule through April 30, 1996, to fishing by fixed gear vessels. Vessels may transit these areas if their gear is properly stowed.

#### Classification

NMFS has determined that this rule is necessary to respond to an emergency situation and is consistent with the

Magnuson Fishery Conservation and Management Act and other applicable law.

The Assistant Administrator for Fisheries, NOAA, also finds for good cause that the reasons justifying implementation of this rule on an emergency basis make it impracticable and contrary to the public interest to provide additional notice and opportunity for public comment, or to delay for 30 days the effective date of these emergency regulations, under the provisions of sections 553 (b) and (d) of the Administrative Procedure Act.

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

This rule is exempt from the procedures of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because the rule is issued without opportunity for prior public comment, therefore, no analysis has been prepared.

List of Subjects in 50 CFR Part 649

Fisheries.

Dated: March 20, 1996.

Gary Matlock,  
Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 649 is amended as follows:

**PART 649—AMERICAN LOBSTER FISHERY**

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

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

2. In § 649.2 definitions for "Beam trawl", "Dredge or dredge gear", "Fixed gear", "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.

\* \* \* \* \*

*Dredge or dredge gear* means gear consisting of a mouth frame attached to a holding bag constructed of metal rings, or any other modification to this design,

that can be or is used in the harvest of Atlantic sea scallops.

\* \* \* \* \*

*Fixed gear* means lobster pot trawls.

\* \* \* \* \*

*Mobile gear* means trawls, beam trawls, and dredges that are attached to a vessel at all times and which maneuver with that vessel.

\* \* \* \* \*

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

\* \* \* \* \*

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

**§ 649.8 Prohibitions.**

\* \* \* \* \*

(c) \* \* \*

(11) Enter or be in the areas described in § 649.23 (a)(1) and (b)(1) on a mobile gear fishing vessel, during the time periods specified in § 649.23 (a)(2) and (b)(2), except as provided in § 649.23 (a)(3) and (b)(3).

(12) Enter or be in, and no fixed gear may be deployed or remain in, the areas described in § 649.23(c)(1) on a fixed gear fishing vessel, during the time periods specified in § 649.23(c)(2), except as provided in § 649.23(c)(3).

\* \* \* \* \*

4. Section 649.23 is added to subpart B to read as follows:

**§ 649.23 Restricted gear areas.**

(a) *Restricted Gear Area I.* (1) No mobile gear fishing vessel or person on a mobile gear fishing vessel, may enter, fish, or be in the following areas during the time period specified in paragraph (a)(2) of this section (Figure 4 to part 649), as defined by straight lines connecting the following points in the order stated, except as specified in paragraph (a)(3) of this section:

Point	Latitude	Longitude
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**Inshore Boundary**

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°05.2' 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.

Point	Latitude	Longitude
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°36.5' 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.

to 181.

**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.

Point	Latitude	Longitude
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.* No mobile gear fishing vessel or person on a mobile gear fishing vessel may enter, fish, or be in Restricted Gear Area I from April 1, 1996 through June 25, 1996, except as specified in paragraph (a)(3) of this section.

(3) *Transiting.* Vessels may transit Restricted Gear Area I as defined in paragraph (a)(1) of this section, provided that gear is stowed and not available for immediate use in accordance with the provisions of paragraph (d)(1) of this section.

(b) *Restricted Gear Area II.* (1) No mobile gear fishing vessel or person on a mobile gear fishing vessel may enter, fish, or be in the following areas during the time period specified in paragraph (b)(2) of this section (Figure 5 to part 649), as defined by straight lines connecting the following points in the order stated, except as specified in paragraph (b)(3) of this section:

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.

Point	Latitude	Longitude
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.
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.
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.* No mobile gear fishing vessel or person on a mobile gear fishing vessel may enter, fish, or be in Restricted Gear Area II from April 1, 1996 through June 25, 1996, except as specified in paragraph (b)(3) of this section.

(3) *Transiting.* Vessels may transit Restricted Gear Area II as defined in paragraph (b)(1) of this section, provided that gear is stowed and not available for immediate use in accordance with the provisions of paragraph (d)(1) of this section.

(c) *Restricted Gear Area III.* (1) No fixed gear fishing vessel or person on a fixed gear fishing vessel may enter, fish,

or be in, and no fixed gear may be deployed or remain in, the following areas during the time period specified in paragraph (c)(2) of this section (Figure 6 to part 649), as 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
<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.		

**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.* No fixed gear fishing vessel or person on a fixed gear fishing vessel may enter, fish, or be in, and no fixed gear may be deployed or remain in, Restricted Gear Area III from April 1, 1996 through April 30, 1996, except as specified in paragraph (c)(3) of this section.

(3) *Transiting.* Vessels may transit Restricted Gear Area III as defined in paragraph (c)(1) of this section, provided that their gear is stowed in accordance with the provisions of paragraph (d)(2) of this section.

(d) *Gear stowage requirements.* (1) Mobile gear vessels transiting Restricted Gear Area I and Restricted Gear Area II specified under paragraphs (a)(1) and

(b)(1) of this section must stow their gear so it is not available for immediate use as follows:

(i) *Trawl vessel net stowage requirements.* A net that is stowed and is not available for immediate use conforms to one of the following specifications:

(A) A net stowed below deck, provided:

(1) It is located below the main working deck from which the net is deployed and retrieved;

(2) The towing wires, including the leg wires, are detached from the net; and

(3) It is fan-folded (flaked) and bound around its circumference; or

(B) A net stowed and lashed down on deck, provided:

(1) It is fan-folded (flaked) and bound around its circumference;

(2) It is securely fastened to the deck or rail of the vessel; and

(3) The towing wires, including the leg wires, are detached from the net; or

(C) A net that is on a reel and is covered and secured, provided:

(1) The entire surface of the net is covered with canvas or other similar material that is securely bound;

(2) The towing wires, including the leg wires, are detached from the net; and

(3) The codend is removed from the net and stored below deck; or

(D) Nets that are secured in a manner authorized in writing by the Regional Director.

(ii) *Scallop dredge and beam trawl stowage requirements.* A scallop dredge and beam trawl that is stowed and is not available for immediate use must:

(A) Detach the towing wire from the scallop dredge or beam trawl;

(B) Reel the wire up onto the winch; and

(C) Secure and cover the dredge or beam trawl so that it is rendered unusable for fishing.

(2) *Fixed gear stowage requirements.* Fixed gear vessels transiting Restricted Gear Area III specified under paragraphs

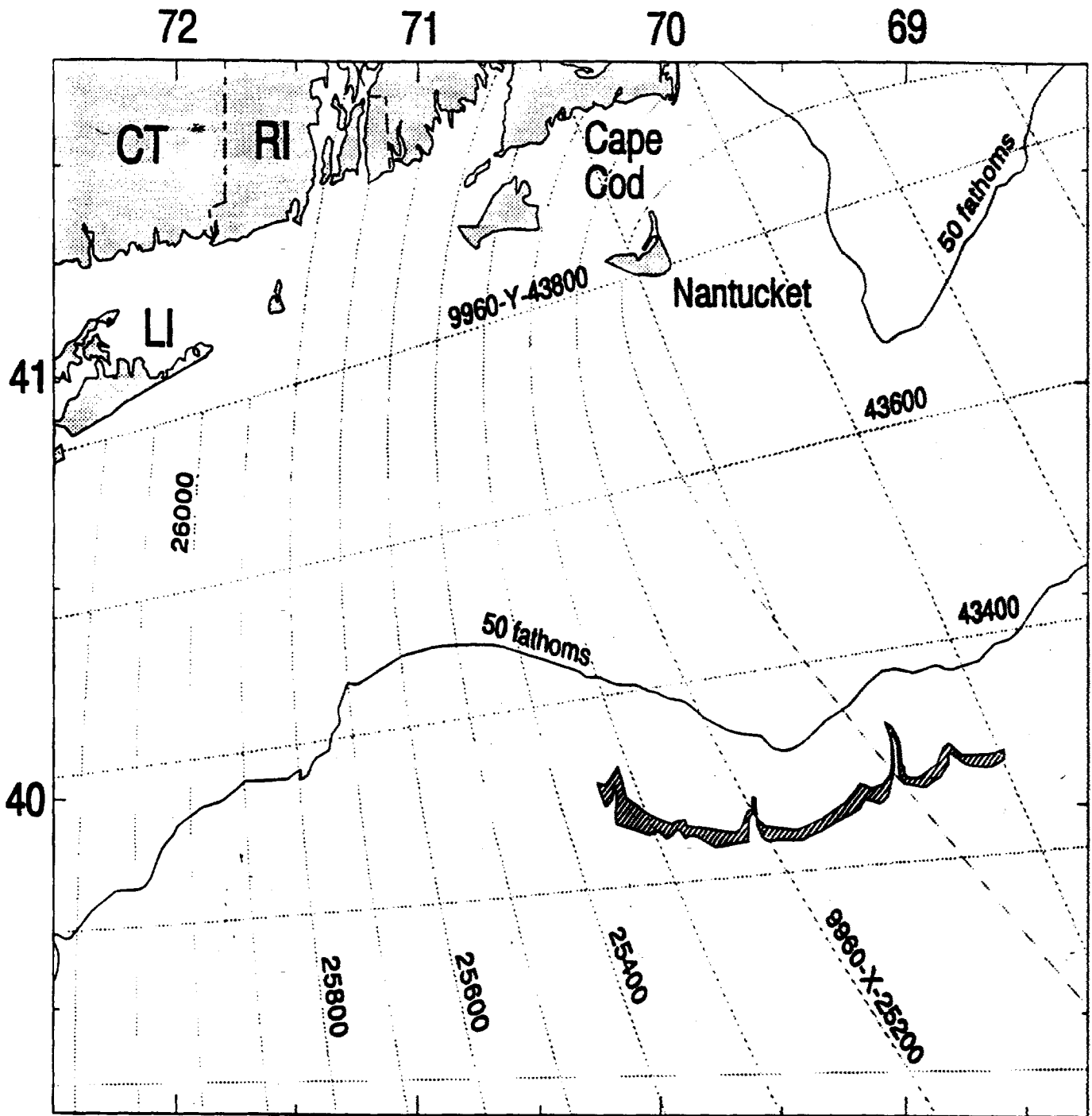
(c)(1) of this section must stow their gear as follows so it is not available for immediate use:

(i) Secure all pots, buoys, and high flyers so that the gear is not available for immediate use and

(ii) The pots must not have trawl warps connected to the bridles and must be unbaited.

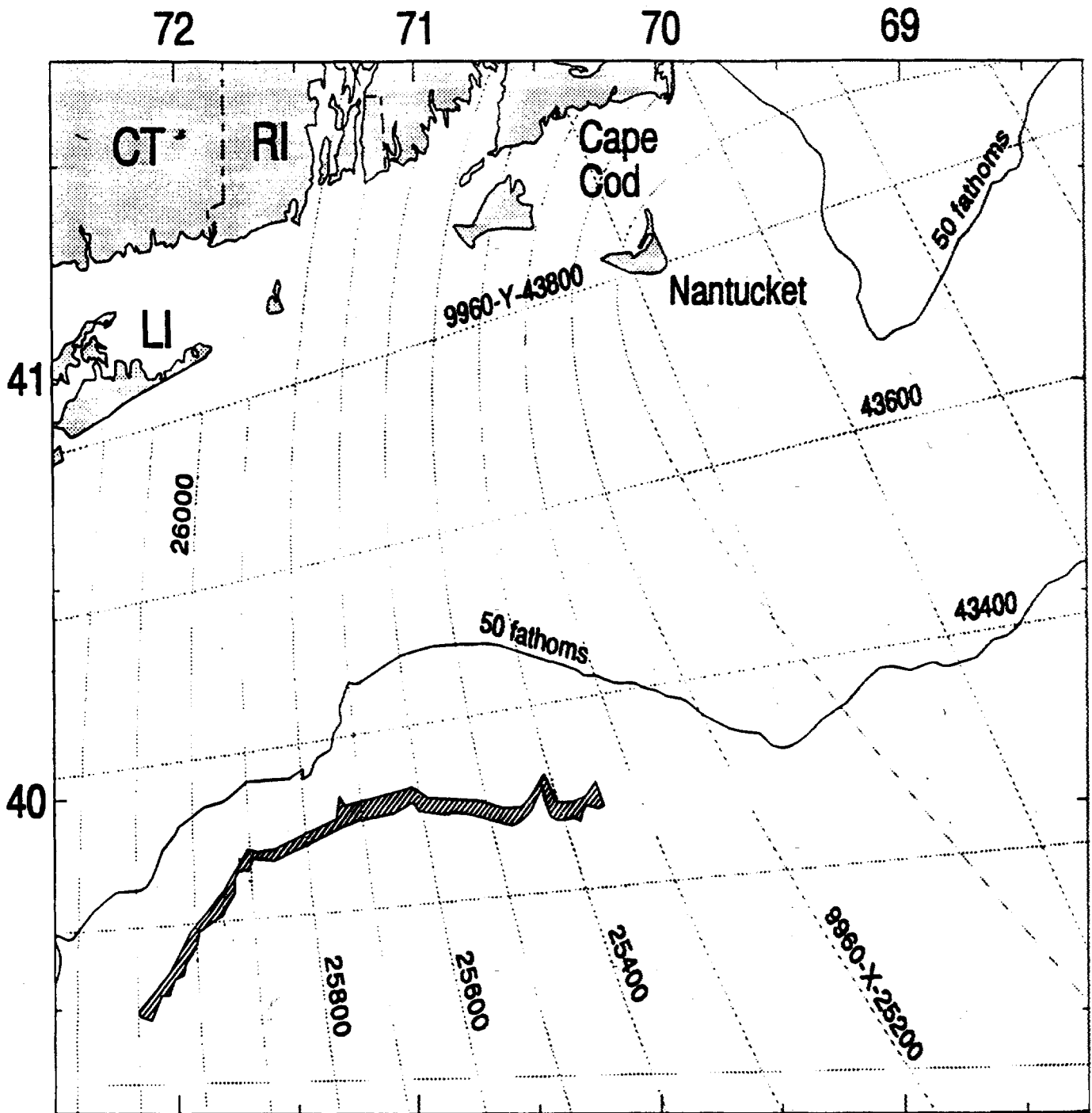
5. Figures 4, 5 and 6 are added to part 649 to read as follows:

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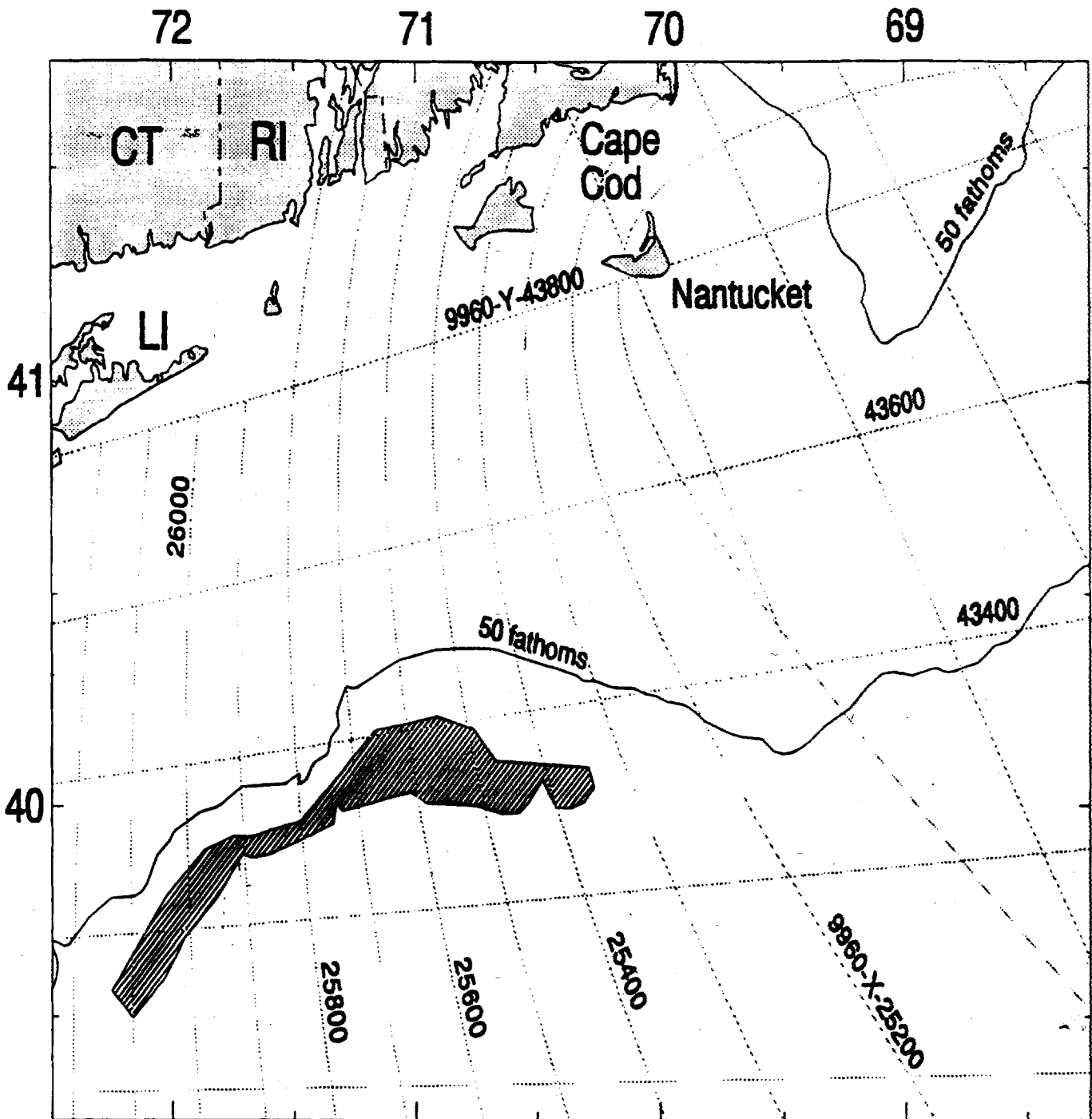
Restricted Gear Area I; Closed to Mobile Gear Towed From a Vessel

Figure 4 to Part 649—Restricted Gear Area I



Restricted Gear Area II; Closed to Mobile Gear Towed From a Vessel

Figure 5 to Part 649—Restricted Gear Area II



Restricted Gear Area III, Closed to Lobster Trap Gear

Figure 6 to Part 649—Restricted Gear Area III

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