

legally land up to 2,000 lb (907.2 kg) of cod on such a trip, but the vessel may not end any subsequent trip with cod on board until after 3 p.m. on the following day (Wednesday). Cod on board a vessel subject to this landing limit must be separated from other species of fish and stored so as to be readily available for inspection.

(ii) [Reserved]

(4) *Transiting.* A vessel that has exceeded the cod landing limit as specified in paragraphs (b)(1) and (b)(3) of this section and is, therefore, subject to remain in port for the period of time described in paragraph (b)(1)(ii)(A) of this section, may transit to another port during this time, provided that the vessel operator notifies the Regional Administrator (see Table 1 to §600.502) either at the time the vessel reports its hailed weight of cod or at a later time prior to transiting, and provides the following information: Vessel name and permit number, destination port, time of departure, and estimated time of arrival. A vessel transiting under this provision must stow its gear in accordance with one of the methods specified in §648.81(e), and may not have any fish on board the vessel.

(c) *Other possession restrictions.* Vessels are subject to any other applicable possession limit restrictions of this part.

[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]

§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.* Section 648.81(f) sets forth a closed area restriction to reduce the take of harbor porpoise consistent with the harbor porpoise mortality reduction goals. Further, all persons owning or operating vessels in the EEZ portion of the areas and times specified in paragraphs (a)(1), (2) and (3) 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(f)(2)(ii)), and may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of §648.81(e)(4), sink gillnet gear or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in §648.81(f)(2)(ii)) in the EEZ portion of the areas and for the times specified in paragraphs (a)(1), (2) and (3) 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(f)(2)(ii)), from the areas and for the times specified in paragraphs (a)(1), (2) and (3) of this section, and, may not use, set, haul back, fish with, or possess on board, unless stowed in accordance with the requirements of §648.81(e)(4), sink gillnets or other gillnet gear capable of catching multispecies, with the exception of single pelagic gillnets (as described in §648.81(f)(2)(ii)) in the areas and for the times specified in paragraphs (a)(1), (2) and (3) of this section.

(1) *Mid-coast Closure Area.*

(i) From March 25 through April 25, and from September 15 through December 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. lat.	W. long.
MC1	42°30'	(1)
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°15'	69°30'
MC8	43°15'	69°00'
MC9	(2)	69°00'

¹ Massachusetts shoreline.
² 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 November 1 through December 31 of each fishing year, provided that an acoustic deterrent device (“pinger”) is attached at the end of each string of nets and at the bridle of every net within a string of nets, and is maintained as operational and functioning. Each pinger, when immersed in water, must broadcast a 10kHz +/- 2kHz sound at 132 dB +/- 4dB re 1 micropascal at 1 m. This sound must last 300 milliseconds and repeat every 4 seconds.

(2) *Cape Cod South Closure Area.* From March 1 through March 30 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), 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	(¹)	71°45' W
CCS2	40°40' N	71°45' W
CCS3	40°40' N	70°30' W
CCS4	(²)	70°30' W

¹ RI Shoreline.
² MA Shoreline.

(3) *Massachusetts Bay Closure Area.* From March 1 through March 30, 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 (see Table 1 to §600.502)), which is the area bounded by straight lines connecting the following points in the order stated.

MASSACHUSETTS BAY CLOSURE AREA

Point	N. lat.	W. long.
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)

¹ Massachusetts shoreline.
² Cape Cod shoreline.

(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(f)(2)(ii)), from the EEZ portion of the areas and for the times specified in (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 §648.81(e)(4), sink gillnet gear or gillnet gear capable of catching multispecies, with the exception of single pelagic gillnet gear (as described in §648.81(f)(2)(ii)) in the EEZ portion of 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 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) At least annually, the Regional Administrator 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. Within 60 days of receipt of that information, the NEFMC's HPRT shall complete a review of the data, assess the adequacy of existing regulations, evaluate the impacts of other measures that reduce harbor porpoise take and, if necessary, recommend additional measures in light of the NEFMC's harbor porpoise mortality reduction goals. In addition, the HPRT shall make a determination on whether other conservation issues exist that require a management response to meet the goals and objectives outlined in the NE Multispecies FMP. The HPRT shall report its findings and recommendations to the NEFMC.

(2) After receiving and reviewing the HPRT's findings and recommendations, the NEFMC shall determine whether adjustments or additional management measures are necessary to meet the goals and objectives of the NE Multispecies FMP. If the NEFMC determines that adjustments or additional management measures are necessary, or at any other time in consultation with the HPRT, it shall develop and analyze appropriate management actions over the span of at least two NEFMC meetings.

(3) The NEFMC may request, at any time, that the HPRT review and make recommendations on any harbor porpoise take reduction measures or develop additional take reduction proposals.

(4) 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 rec-

ommendation on adjustments or additions to management measures must come from one or more of the categories specified under §648.90(b)(1).

(5) 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).

(6) 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]

§648.88 Open access permit restrictions.

(a) *Handgear permit.* A vessel issued a valid open access multispecies handgear permit is subject to the following restrictions:

(1) The vessel may possess and land up to 300 lb (136.1 kg) of cod, haddock, and yellowtail flounder, combined, per trip, and unlimited amounts of the other NE multispecies, provided that it 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.

(2) A vessel may not fish for, possess, or land regulated species from March 1 through March 20 of each year.

(b) *Charter/party permit.* A vessel that has been issued a valid open access multispecies charter/party permit is subject to the restrictions on gear, recreational minimum fish sizes and prohibitions on sale specified in §648.89, and any other applicable provisions of this part.

(c) *Scallop multispecies possession limit permit.* A vessel that has been issued a valid open access scallop multispecies possession limit permit may possess and land up to 300 lb (136.1 kg) of regulated species when fishing under a scallop DAS allocated under §648.53, provided the vessel does not fish for, possess, or land haddock from January 1 through June 30 as specified under