

regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 625.20. The commercial summer flounder quota for the 1994 calendar year, adopted to ensure achievement of the appropriate fishing mortality rate of 0.53 for 1994,

is set to equal 16,005,560 lb (7.3 million kg) (59 FR 10586, March 7, 1994). Section 625.20(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota will be deducted from that state's annual quota for the following year. Based on dealer reports and other available information, the following states were determined to have exceeded their 1993 quotas: Maine, Massachusetts, New Jersey, Delaware,

Maryland, Virginia, and North Carolina. The remaining states of New Hampshire, Rhode Island, Connecticut, and New York did not exceed their 1993 quotas and, therefore, no adjustments are necessary for these states. Table 1 shows the 1993 quotas adjusted for authorized transfers made between states during the year, 1993 landings, 1993 overage amounts, 1994 quotas, and the adjusted 1994 quotas taking into account 1993 overage amounts, by state.

TABLE 1. ADJUSTED 1994 COMMERCIAL QUOTA FOR THE SUMMER FLOUNDER FISHERY
(Parentheses Indicate a Negative Amount)

	1993 quota (lb)	1993 landings (lb)	1993 overage (lb)	Initial 1994 quota (lb)	Adjusted 1994 quota	
					(lb)	(kg)
ME	5,874	6,023	149	7,612	7,463	3,385
NH	57	0	0	74	74	34
MA	842,327	902,786	60,459	1,091,653	1,031,194	467,746
RI	1,946,851	1,942,451	0	2,510,149	2,510,149	1,138,596
CT	278,749	224,620	0	361,258	361,258	163,865
NY	944,405	849,376	0	1,223,943	1,223,943	555,177
NJ	2,323,354	2,466,452	143,098	2,676,928	2,533,830	1,149,338
DE	2,197	6,403	4,206	2,847	(1,359)	(616)
MD	251,829	254,061	2,252	326,369	324,117	147,018
VA	2,882,623	3,052,136	169,513	3,411,867	3,242,354	1,470,722
NC	2,871,750	2,894,835	23,085	4,392,860	4,369,775	1,982,117

Classification

This action is required by 50 CFR part 625 and is exempt from OMB review under E.O. 12866.

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

Dated: May 19, 1994.

Charles Karnella,

Acting Program Management Officer,
National Marine Fisheries Service.

[FR Doc. 94-12714 Filed 5-20-94; 12:21 pm]

BILLING CODE 3510-22-P

50 CFR Part 651

[Docket No. 940562-4152; I.D. 051294A]

Northeast Multispecies Fishery

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 4 to the Northeast Multispecies Fishery Management Plan (FMP). The measures contained in this rule are a series of time and area closures for sink gillnet gear to reduce bycatch of harbor porpoise. These measures replace blocks of time during each month during which all sink gillnets would be

required to be removed from the water. The intent of this rule is to reduce significantly the bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery.

EFFECTIVE DATE: May 20, 1994.

ADDRESSES: Copies of Amendment 5, its regulatory impact review (RIR) and the final regulatory flexibility analysis (FRFA) contained with the RIR, its final supplemental environmental impact statement (FSEIS), and Framework Adjustment #4 and its environmental assessment are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508-281-9272.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council (Council) submitted Amendment 5 to NMFS on September 27, 1993. One of its principal objectives was to reduce the bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery by the end of year 4 of implementation of the Amendment to a level not to exceed 2 percent of the population, based on the best estimates of abundance and bycatch.

The Council was requested by NMFS in October 1992 to take action to reduce the harbor porpoise bycatch within the context of Amendment 5. The Council agreed to develop fishery management measures that would address the issue on the basis that the sink gillnet fishery was subject to regulation under the FMP, there were no existing regulatory mechanisms to reduce porpoise takes, and the current level of bycatch in the fishery was not sustainable.

Additionally, on January 7, 1993, NMFS published a proposed rule (58 FR 3108) to list the Gulf of Maine population of harbor porpoise as threatened under the Endangered Species Act (ESA), due primarily to the level of incidental takes in the sink gillnet fishery and the lack of an adequate regulatory mechanism to accomplish bycatch reductions. As NMFS noted in the rule, the Marine Mammal Exemption Program contained in the 1988 amendments to the Marine Mammal Protection Act (MMPA) did not set bycatch limits.

The Council subsequently adopted the goal of achieving reductions in harbor porpoise bycatch, so that the actual amount of harbor porpoise caught as bycatch in the sink gillnet fishery would not exceed 2 percent of the estimates of the harbor porpoise population, in part to avoid the pending ESA listing. This objective was based on

a recruitment rate for harbor porpoise that is about 4 percent per year, and a conservative fisheries bycatch level that should not exceed 50 percent of the recruitment rate for marine mammals. The 1991/1992 pooled harbor porpoise population abundance estimate is 47,200. Using the lower bound of the 95-percent confidence interval for that estimate, 39,500, the 1990, 1991, and 1992 ratios of bycatch to average population abundance were approximately 6 percent, 4.3 percent and 2.2 percent, respectively. A 2-percent goal allocated solely to the Gulf of Maine sink gillnet fishery did not take into account the unknown level of harbor porpoise takes in the Mid-Atlantic region and in adjacent Canadian waters.

Because the 1992 abundance and bycatch information was not available until June 1993, however, development of effective measures based on the best scientific information lagged behind the formulation of the overall Amendment 5 package. The harbor porpoise bycatch mitigation measure implemented by the final rule for the Amendment required the removal of all sink gillnets from the water during 4-day blocks of time each month in year 1 after implementation of Amendment 5. Years 2 and 3 of Amendment 5 called for 8-day blocks each month. Year 4 required 12-day blocks and year 5 required 16-day blocks. The Council supported, and NMFS approved, the use of blocks of time as an interim measure on the assumption that appropriate time and area management measures would be developed as soon as possible.

The rationale for the interim measure was based largely on the lack of information concerning the sink gillnet fishery. By "masking" periods of time monthly, during which all sink gillnets must be removed from the water, the time during which harbor porpoise would be exposed to that gear would be reduced. In a simulation analyzing the effect of closing the Gulf of Maine sink gillnet fishery for 4 consecutive random days per month, approximately 8.5 percent of the fish would not be landed and 9.3 percent of the harbor porpoise bycatch would be avoided. The effect of choosing random days, however, produced very different values of harbor porpoise bycatch for the different trials.

Because of the imprecise nature of the impacts of the blocks of time, and upon

receipt of the NMFS Northeast Fisheries Science Center's (NEFSC) comprehensive spatial and temporal analysis of the bycatch in the fall of 1993, the Council voted to support the development of a time and area closure management system. The intent was to replace the existing gillnet alternative (nets removed from the water for specified blocks of time) as the harbor porpoise bycatch mitigation measure. The Council decided, and NMFS agreed, that the gillnet fleet would not be subject to groundfish effort reductions until the effect of the harbor porpoise bycatch reduction measures could be evaluated for their impacts on groundfish fishing effort (approximately 1 year after implementation of Amendment 5).

NMFS is amending the regulations under the framework abbreviated rulemaking procedure established by Amendment 5 and codified at 50 CFR part 651, subpart C. This procedure requires the Council, when making specifically allowed adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings. The Council must provide the public with advance notice of both the proposals and the analysis, and opportunity to comment on them prior to and at the second Council meeting. Upon review of the analysis and public comment, the Council may recommend to the Regional Director of NMFS that the measures be published as a final rule if certain conditions are met. The Director, Northeast Region, NMFS, (Regional Director) may publish the measures as a final rule or as a proposed rule if additional public comment is needed.

The Council complied with the procedural requirements and submitted the rule to NMFS, and NMFS concurs with the provisions of the Council's submission. This final rule implements time and area closures based on an analysis by the NEFSC of harbor porpoise bycatch using NMFS weighout and observer program data on the distribution of sink gillnet activity and the seasonal and spatial distribution of harbor porpoise in the Gulf of Maine. Extensive discussions among the Council, the fishing industry and scientists led to the measures outlined below.

For purposes of the management measures contained in this final rule for

Framework Adjustment #4, the Gulf of Maine is divided into three areas: The Northeast (from Penobscot Bay to Eastport, ME); Mid-coast (from Cape Ann to Penobscot Bay); and Massachusetts Bay (from Cape Cod to Cape Ann). The Council recommended 30-day closures for each of these areas. The timing of the closures corresponds to periods when harbor porpoise bycatch is most likely to occur. The duration accounts for the variability of harbor porpoise movements. The Council recognizes that the Mid-coast and Northeast areas account for more of the bycatch than Massachusetts Bay. At this time, however, harbor porpoise bycatch mitigation measures are being applied uniformly across all regions in the Gulf of Maine.

The NEFSC estimated that reductions of 20 to 40 percent might be realized in the first year of implementation of Framework Adjustment #4 if boundaries discussed in its initial analysis of a time and area management system for the Gulf of Maine were used in conjunction with the proposed 30-day closures. The Council's boundary modifications could alter that estimate to some unknown degree because of the potential displacement of gillnet fishing effort to areas where harbor porpoise are still subject to some level of bycatch. It is reasonable, however, to anticipate the minimum estimate of approximately 20 percent, given that the timing of the closures occurs in seasons of highest bycatch of harbor porpoise in their respective areas. It is also reasonable to conclude that the continued annual target reductions may be accomplished by modifications to the same measures.

The Council adopted the approach of integrating effort reductions for key species of groundfish stocks with harbor porpoise bycatch mitigation measures after the first year of program implementation. If the measures, or any future approach that is adopted, accomplish the harbor porpoise objective without reducing gillnet fishing effort sufficiently to reach the 50 percent effort reduction target, the Council will impose additional fishing restrictions.

A. Northeast Closure Area

This area will be closed to fishing with sink gillnets from August 15 through September 13 of each fishing year.

Point	Latitude	Longitude
NE1	Maine shoreline	68°55.0'W.
NE2	43°29.8' N.	68°55.0' W.
NE3	44°04.4' N.	67°48.7' W.
NE4	44°06.9' N.	67°52.8' W.

Point	Latitude	Longitude
ME5	44°31.2' N.	67°02.7' W.
ME6	Maine shoreline	67°02.7' W.

B. Mid-coast Closure Area

This area will be closed to fishing with sink gillnets from November 1 through November 30 of each fishing year.

Point	Latitude	Longitude
MC1	42°45' N.	Massachusetts shoreline.
MC2	42°45' N.	70°15' W.
MC3	43°15' N.	70°15' W.
MC4	43°15' N.	69°00' W.
MC5	Maine shoreline	69°00' W.

C. Massachusetts Bay Closure Area

This area will be closed to fishing with sink gillnets from March 1 through March 30 of each fishing year.

Point	Latitude	Longitude
MB1	42°30' N.	Massachusetts shoreline.
MB2	42°30' N.	70°30' W.
MB3	42°12' N.	70°30' W.
MB4	42°12' N.	70°00' W.
MB5	Massachusetts shoreline	70°00' W.

There is a band outside the Mid-coast closure area that encompasses Jeffreys Ledge and is described relative to the Mid-coast area as east on 42°30' N. from the shore to 70°00' W., north along 70°00' W. to 43°00' N., on 43°00' N. to 69°00' W., then north on 69°00' W. to the shore. According to the sea sampling data base, harbor porpoise bycatch in this band has been relatively high during the last 3 years. Concerns focus on whether a displacement of more fishing effort into this region might account for a kill rate as high as or potentially higher than in previous years. Under provisions of this final rule, the band will remain open, but the Council recommended mandatory observer coverage for vessels fishing in the area if funds are available.

D. Open Areas:

Areas shown on Figure 4 to part 651, but not enclosed by the boundary lines described above, would not be subject to closure at this time.

The Council program calls for a 20-percent reduction in the Gulf of Maine harbor porpoise bycatch in year 1 of implementation of Amendment 5. To ensure continued efforts to reduce the bycatch, Amendment 5 states that a Harbor Porpoise Review Team (HPRT), appointed by the Council, will evaluate the effectiveness of the Council's mitigation measures annually by September 15 of each year and, if necessary, recommend changes to ensure that the bycatch reduction goals are met.

Future management measures will be designed to achieve a 60-percent reduction in the bycatch of harbor porpoise from current levels over a 3-year period. Based on a bycatch of 1,300 animals (a figure that constitutes a rough average of the bycatch estimates over the last 2 years), the bycatch in years 1, 2, and 3 would be reduced to 1,040, 780, and 520 animals, respectively.

Such a reduction schedule might surpass the goal of reducing the harbor porpoise bycatch to a level not to exceed 2 percent of the estimates of population abundance and bycatch (39,500 and approximately 1,300, respectively). The use of the lower bound of the 95-percent confidence interval for the abundance estimates, 30,500, adds a level of conservatism that in part addresses the problem of the confidence intervals surrounding the bycatch estimates. As previously discussed, the entire 2 percent bycatch cannot be allocated solely to the Gulf of Maine sink gillnet fleet.

A specific target for year 4 will be established by the HPRT after consideration of previous targets not met in any given year or because of possible increased bycatch reductions required by the 1994 amendments to the Marine Mammal Protection Act. For example, if the 20 percent target is missed in any of the first three years, the fourth year allows the flexibility to add that portion of the target reductions not achieved in any of the first three years to be deferred until the next year or until year four of the program. The year-4 target, however, cannot exceed 20 percent of the total reduction required over the entire 4-year period.

Comments and Responses

The Council held the first of two meetings required under the Amendment 5 framework adjustment process on February 17, 1994. Two public hearings were subsequently held on March 9, 1994, in Portsmouth, NH, and on March 10, 1994, in Ellsworth, ME. The Council approved the closures for the Northeast and Mid-coast areas at the second Council meeting held on March 17, 1994. On April 8, 1994, the Council adopted boundaries and a 30-day closure period for the Massachusetts Bay area.

In addition to the meetings held within the formal framework period, the public was notified of all Marine Mammal Committee meetings held between September 1993 and March 1994, for the purpose of developing the time and area closure plan. For scoping purposes, the issue also was included in the Amendment 5 public hearing document and was reviewed at a series of coastwide meetings held in the spring of 1993.

Comments on the Council's proposal were received from Maine Congressional Rep. Olympia J. Snowe and the following organizations: Cape Ann Gillnetter's Association, Beverly, MA; Coonamessett Farm, Falmouth, MA; International

Hampshire Commercial Fishermen's Association, Rye, NH.

Comment: Numbers of fishermen had serious concerns about the quality of the data used to determine time and area closures.

Response: Measures contained in Framework Adjustment #4 are based on the best scientific information available. NMFS has conducted two population surveys of harbor porpoise abundance in the Gulf of Maine/Bay of Fundy region. Additionally, bycatch estimates have been calculated from observed gillnet trips, based on sea sampling data collected since 1989. Since June 1991, observers have made trips on roughly 9 percent of the Gulf of Maine gillnet trips. All available information on the biology, seasonal distribution, abundance and bycatch was reviewed at two international workshops convened by the NEFSC in Woods Hole, MA in May 1992 and February 1994.

Comment: Several commenters expressed concern over the harbor porpoise abundance estimates for the Gulf of Maine/Bay of Fundy population and the disparity between the point estimates for 1991 and 1992. They urged the Council to ask NMFS to conduct ongoing surveys in order to better refine the data.

Response: Again, the estimates are based on the best scientific information available. NMFS abundance estimates for 1991 and 1992 are 37,500 (% coefficient of variation (CV)=28.8, 95% confidence interval (CI)=26,700 to 86,400) and 67,500 (%CV=23.1, 95% CI=32,900 to 104,600), respectively. The reason for the nearly twofold, but statistically insignificant, increase between 1991 and 1992 is unknown. Although the increase is statistically insignificant, it may reflect a real change in abundance due to a distribution change or methodological sampling error. Methods to investigate this difference were recommended at the February 23-25 NEFSC workshop to evaluate the status of harbor porpoise in the western North Atlantic. An abundance survey has been recommended for 1995.

Comment: A suggestion was made to divide the Northeast closure area in half, longitudinally, or simply to make the entire area smaller.

Response: The Northeast area proposed for closure from August 15 through September 13 already represents a compromise forged between fishermen and the Council. But concerns still exist that animals will move into adjacent areas where vessels may concentrate and increase the likelihood of takes, rather than reduce that possibility. Also, NMFS survey data

indicate that harbor porpoise usually frequent the same general areas of the Gulf of Maine, but not always at the same time every year. Because of this variability, shorter closures in smaller areas could result in little or no reduction in bycatch, if animals are not present during the closure period. This would result in lost fishing time with no benefit.

Comment: Commenters expressed concern about Northeast time and area closures that would eliminate fishing in the Schoodic Ridge area, a region vital to the "downeast" fishermen.

Response: The Council's final decision took into account the fact that the time and area plan would be phased in over 4 years. During the first year of implementation, the Schoodic Ridge fishing grounds will be left open. Further changes to the area will be based on the harbor porpoise bycatch estimates derived from sea sampling program and other relevant data submitted to the Council.

Comment: Commenters from Maine questioned why Jeffreys Ledge, an area located off the coasts of Massachusetts and New Hampshire that accounts for a relatively high level of bycatch, was being left open in the first year of the plan.

Response: The Council's Mid-coast closure area incorporates an area known as Jeffreys Basin, but excludes Jeffreys Ledge. In past years, the basin area has represented a higher level of bycatch than Jeffreys Ledge. Concerns focus on whether the displacement of more fishing effort onto Jeffreys Ledge might account for a kill rate as high as or potentially higher than, in previous years. As with the Northeast area, however, the Council considered the boundaries adequate for year one of implementation of Framework Adjustment #4. Bycatch of harbor porpoise will be monitored and the need to adjust the boundaries can be accomplished under the framework system.

Comment: One individual asked for an exemption for small-boat operators who fish inshore only, and who are responsible for little or no harbor porpoise bycatch. Otherwise, they would effectively be excluded from the fishery as of the November 1-30 Mid-coast closure because they are too small to fish in offshore conditions. Another commenter suggested that these vessels fish under the 500-pound (226.8 kg) possession limit for regulated species of groundfish.

Response: Harbor porpoise throughout the Gulf of Maine are distributed both inshore and offshore and become entangled in gillnets,

regardless of vessel size. Additionally, all sink gillnet vessels fishing under a Federal multispecies permit, regardless of where they are fishing, are subject to the porpoise bycatch reduction measures.

Comment: Gillnet gear should be given credit, one commenter said, for being size-selective and for resulting in discards of juvenile finfish.

Response: Once the time and area program has been in place (approximately 1 year from the date of implementation), the Council will evaluate the impact of the gillnet fishery on the mortality of groundfish stocks and develop management measures that are appropriate for the gillnet sector.

Comment: Some commenters felt the harbor porpoise bycatch reduction program was a mechanism being used by other interests to close the sink gillnet fishery.

Response: The Council's measures are designed to minimize impacts on the sink gillnet fishery, while at the same time achieve the stated harbor porpoise bycatch reduction objectives. The Council has held 16 public meetings since its initial commitment to incorporate bycatch measures in Amendment 5 and has involved the fishing community, conservation groups and interested parties in the development of the FMP.

Comment: Several commenters felt it was inappropriate to use the harbor porpoise time and area closure plan to protect endangered whales.

Response: As part of the Council's obligations under section 7 of the ESA, a consultation with NMFS is required if a fishery affects, either directly or indirectly, endangered or threatened species or any designated critical habitat. Because this framework adjustment represents a change in management measures for a gear type that has interactions with endangered species, the Council re-initiated the section 7 consultation developed for Amendment 5, identified potential interactions and has addressed them in the context of this framework adjustment.

Comment: Many fishermen supported the use of "pingers," sound emitting devices that increase an animal's awareness of nets, as a bycatch mitigation measure. A suggestion was made to use pingers in year 1 of implementation of Amendment 5 in conjunction with four-day blocks of time, but with no subsequent expansion of the days during which nets would be removed from the water in future years.

Response: The 4-day blocks of time during which all gillnets would be removed from the water each month

throughout the range of species covered by the Northeast Multispecies FMP was almost universally rejected by commenters who attended public meetings and by those who submitted written comments. The Council and NMFS are aware that initiatives are underway which involve acoustical alarm research and possible modifications to gillnet gear to reduce porpoise bycatch. If any of these approaches produce scientifically supportable results that can be incorporated into a management strategy, the Council would recommend them through a framework adjustment with a minimum of regulatory delay.

Comment: Several commenters questioned why the Council rejected the use of an industry proposal based on a reduction in the number of gillnets in use.

Response: At this time, it is not possible to determine the relationship between the number of nets and fishing or harbor porpoise mortality. It is known only that there is a relationship that is not linear. Even a simple estimation of the number of nets in use is impossible, at present, because of the variability of length of nets, numbers of nets in a string, soak time and the variable numbers of both full- and part-time vessels participating in the fishery. Moreover, enforcement of a reduction in the number of nets in the ocean, as opposed to a time and area prohibition, would be very difficult, if not impossible, to accomplish at this time.

Classification

This regulation is not subject to the requirements to prepare a proposed rule under the conditions met by this framework action that have provided adequate prior public comment when the action was proposed and discussed over the course of several Council meetings. Therefore, a regulatory flexibility analysis was not prepared for this action because it is exempt from such an analysis under the Regulatory Flexibility Act.

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

The Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive prior notice under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA). Public meetings held by the Council to discuss the management measures implemented by this rule provided adequate opportunity for public comment to be considered. Thus, additional opportunity for public comment is unnecessary.

The AA also finds that under section 553(d)(1) of the APA, because immediate implementation of this rule relieves a restriction that would require 4 days out of the water by all vessels using sink gillnet gear in May and June, there is no need to delay for 30 days the effectiveness of this regulation.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 20, 1994.

Charles Karnella,
Acting Program Management Officer,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. Section 651.2 is amended by removing the definition of "bottom-tending gillnet or sink gillnet" and adding a definition of "sink gillnet" in alphabetical order to read as follows:

§ 651.2 Definitions.

* * * * *

Sink gillnet means any gillnet, anchored or otherwise, that is designed to be, capable of being, or is fished on or near the bottom in the lower third of the water column.

* * * * *

3. Section 651.9 is amended by revising paragraphs (a)(13) and (e)(31) to read as follows:

§ 651.9 Prohibitions.

(a) * * *

(13) Fish with, set, haul back, possess on board a vessel, or fail to remove a sink gillnet from the areas and for the times specified in § 651.32(a), unless authorized in writing by the Regional Director.

* * * * *

(e) * * *

(31) Fish with, set, haul back, possess on board a vessel, or fail to remove a sink gillnet from the EEZ portion of the areas, and for the times specified in § 651.32(a), unless authorized in writing by the Regional Director.

* * * * *

4. Section 651.32 is amended by revising paragraphs (a) and (b) (1) and (2) to read as follows:

§ 651.32 Sink gillnet requirements to reduce harbor porpoise takes.

(a) *General.* In addition to the measures specified in §§ 651.20 and 651.21, persons owning or operating vessels using, possessing on board a vessel, or fishing with, sink gillnet gear are subject to the following restrictions unless otherwise authorized in writing by the Regional Director:

(1) *Areas closed to sink gillnets.* All persons owning or operating vessels must remove all of their sink gillnet gear from, and may not use, set, haul back fish with, or possess on board a vessel a sink gillnet in, the EEZ portion of the areas and for the times specified in paragraphs (a)(1) (i) through (iii) of this section; and, all persons owning or operating vessels issued a Federal Multispecies Limited Access Permit must remove all of their sink gillnet gear from, and, may not use, set, haul back fish with or possess on board a vessel a sink gillnet in, the entire areas and the times specified in paragraphs (a)(i) through (iii) of this section.

(i) *Northeast Closure Area.* During period August 15 through September of each fishing year, the restrictions requirements specified in the introductory text of paragraph (a)(1) this section shall apply to an area known as the Northeast Closure Area which is an area bounded by straight lines connecting the following points in the order stated (see Figure 4 of this part).

NORTHEAST CLOSURE AREA

Point	Latitude	Longitude
NE1.....	Maine shoreline	68°55.0' W.
NE2.....	43°29.6' N.	68°55.0' W.
NE3.....	44°04.4' N.	67°48.7' W.
NE4.....	44°06.9' N.	67°52.8' W.
NE5.....	44°31.2' N.	67°02.7' W.
NE6.....	Maine shoreline	67°02.7' W.

(ii) *Mid-coast Closure Area.* During the period November 1 through November 30 of each fishing year, the restrictions and requirements specified in the introductory text of paragraph (a)(1) of this section shall apply to an area known as the Mid-coast Closure Area, which is an area bounded by straight lines connecting the following points in the order stated (see Figure 4 of this part).

MID-COAST CLOSURE AREA

Point	Latitude	Longitude
MC1	42°45' N.	Massachusetts shoreline.
MC2	42°45' N.	70°15' W.
MC3	43°15' N.	70°15' W.
MC4	43°15' N.	69°00' W.
MC5	Maine shoreline	69°00' W.

(iii) *Massachusetts Bay Closure Area.* During the period March 1 through March 30 of each fishing year, the restrictions and requirements specified in the introductory text of paragraph (a)(1) of this section shall apply to an area known as the Massachusetts Bay Closure Area, which is an area bounded by straight lines connecting the following points in the order stated (see Figure 4 of this part).

MASSACHUSETTS BAY CLOSURE AREA

Point	Latitude	Longitude
MB1	42°30' N.	Massachusetts shoreline.
MB2	42°30' N.	70°30' W.
MB3	42°12' N.	70°30' W.
MB4	42°12' N.	70°00' W.
MB5	Massachusetts shoreline	70°00' W.

(b) * * * (1) By September 15 of each year, the Council's Harbor Porpoise Review team (HPRT) shall complete an annual review of harbor porpoise bycatch and abundance data in the Gulf of Maine sink gillnet fishery, evaluate the impacts on other measures that reduce harbor porpoise take, and may

make recommendations on other "reduction-of-take" measures in light of the harbor porpoise mortality reduction goals.

(2) At the first Council meeting following the HPRT annual meeting, the team shall make recommendations to the Council as to what adjustments or

changes, if any, to the "reduction-of-take" measures should be implemented in order to meet harbor porpoise mortality reduction goals.

5. Figure 4 is added to the part as follows:

BALISE CODE 2610-22-P

