

(2) *Escape Vents.* (i) The owners or operators of fishing vessels issued a scup moratorium permit under § 625.34 that are fishing with scup pots or traps, must fish with traps or pots that have a circular escape vent with a minimum of 3.1 inches (7.9 cm) in diameter, or a square escape vent with a minimum of 2.25 inches (5.7 cm) for each side, or an equivalent rectangular escape vent.

(ii) The minimum escape vent size set forth in paragraph (b)(2) of this section may be revised following the procedures in § 625.50.

§ 625.54 Minimum fish sizes.

(a) The minimum size for scup is 9 inches (22.9 cm) TL for all vessels issued a moratorium permit under § 625.34; if such a vessel is also issued a charter and party boat permit and is carrying passengers for hire, or carrying more than three crew members if a charter boat, or more than five crew members if a party boat, then the minimum size specified in paragraph (b) of this section applies.

(b) The minimum size for scup is 7 inches (17.8 cm) TL for all vessels that do not qualify for a moratorium permit, or for party and charter vessels that are issued a moratorium permit but are fishing with passengers for hire, or carrying more than three crew members if a charter boat, or more than five crew members if a party boat.

(c) The minimum size applies to whole fish or any part of a fish found in possession, e.g., fillets. These minimum sizes may be adjusted pursuant to the procedures in § 625.50.

§ 625.55 Possession limit.

(a) Pursuant to the procedures in § 625.50, the Regional Director may limit the number of scup that may be possessed in or harvested from the EEZ by persons aboard vessels that have not been issued a valid moratorium permit.

(b) If whole scup are processed into fillets, an authorized officer will convert the number of fillets to whole scup at the place of landing by dividing fillet number by 2. If scup are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole scup.

(c) Scup harvested by vessels subject to the possession limit with more than one person aboard may be pooled in one or more containers. Compliance with the daily possession limit will be determined by dividing the number of scup aboard by the number of persons on board other than the captain and crew. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner and operator.

§ 625.56 At-sea observer coverage.

(a) The Regional Director may require observers for any vessel holding a permit issued under § 625.34.

(b) Owners of vessels selected for observer coverage must notify the appropriate Regional Director or Center Director, as specified by the Regional Director, before commencing any fishing trip that may result in the harvest of scup. Notification procedures will be specified in selection letters to vessel owners.

(c) An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy any records associated with the catch and distribution of fish for that trip.

§ 625.57 Experimental fishery.

(a) The Regional Director, in consultation with the Executive Director of the Council, may exempt any person or vessel from the requirements of this part for the conduct of experimental fishing beneficial to the management of the scup resource or fishery.

(b) The Regional Director may not grant such exemption unless he/she determines that the purpose, design, and administration of the exemption is consistent with the objectives of the FMP, the provisions of the Magnuson Act, and other applicable law, and that granting the exemption will not:

(1) Have a detrimental effect on the scup resource and fishery;

(2) Cause any quota to be exceeded; or

(3) Create significant enforcement problems.

(c) Each vessel participating in any exempted experimental fishing activity is subject to all provisions of this FMP except those necessarily relating to the purpose and nature of the exemption. The exemption will be specified in a letter issued by the Regional Director to each vessel participating in the

exempted activity. This letter must be carried on board the vessel seeking the benefit of such exemption.

§ 625.58 Protection of threatened and endangered sea turtles.

This section supplements existing regulations issued to regulate incidental take of sea turtles under authority of the Endangered Species Act under 50 CFR parts 217 and 227. In addition to the measures required under those parts NMFS will investigate the extent of take in flynet gear and if deemed appropriate, may develop and certify a Turtle Excluder Device (TED) for that gear.

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50 CFR Parts 650 and 651

[I.D. 052296A]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will begin on Wednesday, June 5, 1996, at 10 a.m. and on Thursday, June 6, 1996, at 8:30 a.m.

ADDRESSES: The meeting will be held at the King's Grant Inn, Route 128 and Trask Lane, Danvers, MA; telephone (508) 774-6800. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone: (617) 231-0422.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, (617) 231-0422.

SUPPLEMENTARY INFORMATION:

June 5, 1996

After introductions, the June 5 session will begin with the Groundfish Committee Report. Issues associated with the implementation of Amendment 7 to the Council's Northeast Multispecies Fishery Management Plan (Multispecies FMP) will be discussed along with amendment measures disapproved by the Secretary of Commerce. The committee also will provide an update on several pending framework adjustments to the plan, including possible modification of

gillnet effort reduction measures, establishment of area closures in the Gulf of Maine to protect juvenile and spawning fish, the possession limit for haddock, and Southern New England mesh size rules. There will be an update on the development of a plan amendment to address management of the whiting fishery and informal industry meetings on the displacement of fishing effort to New England inshore areas.

During the afternoon session, a representative of the Office of Sustainable Development will brief the Council on Commerce's program to reduce fishing capacity in the groundfish fleet by paying vessel owners to retire vessels and their fishing privileges. The Marine Mammal Committee will then discuss a recommendation to initiate framework adjustment to the Multispecies FMP. If approved as an initial action, the Council would expand the timing of the Mid-coast Closure Area, currently in place to reduce the bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery, to include the period September 15 through October 31. The afternoon agenda will conclude with a discussion of the Monkfish Committee's recommendation for an overfishing definition and management alternatives to be reviewed at future public hearings.

June 6, 1996

The June 6 session will begin with reports from the Council Chairman, Executive Director, Director, Northeast Region, NMFS (Regional Director), and representatives from the Northeast Fisheries Science Center, Atlantic States Marine Fisheries Commission, U.S. Coast Guard, and the Mid-Atlantic Council. The Herring Committee will discuss mid-water trawl operations during the October 1 through 21 spawning closure period and a request for a herring fishery in the areas closed for groundfish conservation. The Large Pelagics Committee will discuss

proposed regulations for Atlantic tunas, followed by the Gear Conflict Committee report. The Council will review recent public hearing comments on the development of a framework adjustment process to address gear conflicts through Council management plans. At the recommendation of the Sea Scallop Committee, the Council may take final action on Framework Adjustment 8 to the Atlantic Sea Scallop Fishery Management Plan (Scallop FMP). If approved, the action would allow some vessels fishing with dredges to also use nets to harvest sea scallops if they meet certain criteria. Scallop regulations currently prohibit dredge vessels from using nets to harvest scallops. The Council may also approve a new location for establishment of a temporary experimental use area 10 miles south of Martha's Vineyard for sea scallop research, enhancement, and aquaculture. The action would be submitted as Amendment 5 to the Scallop FMP. The meeting will conclude after the Council considers *Illex* squid management recommendations from the ad hoc Squid, Mackerel and Butterfish Committee and the conclusion of any other outstanding business.

Abbreviated Rulemaking—Atlantic Sea Scallops

At the recommendation of its Scallop Committee, the Council will consider final action on Framework Adjustment 8 to the Scallop FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 650.40. The Council proposes to allow vessels that have used a scallop dredge five times or less from 1988 through 1994 to continue to use nets to catch scallops. Options for determining whether it is impractical for vessels to use dredges include a change of owners, total refitting of the vessel, and horsepower limits.

Abbreviated Rulemaking Action—Northeast Multispecies

The Council will consider initial action on Framework Adjustment 15 to the Northeast Multispecies FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 651.40. The Council proposes to reduce further the bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery by expanding the closure period in the Mid-coast Area. Currently, the use of sink gillnets is prohibited from November 1 through December 31. This adjustment would add September 15 through October 31 to the existing closure period. No change in area is proposed although the Council may recommend an experimental fishery to continue the assessment of the use of acoustic deterrents to mitigate the porpoise bycatch.

The Council will consider public comments at a minimum of two Council meetings prior to making any final recommendations to the Regional Director, under the provisions for abbreviated rulemaking cited above. If the Regional Director concurs with the measures proposed by the Council, he will publish them as a final rule in the Federal Register.

The Council will address any other outstanding business at the conclusion of the agenda items described above.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall (see ADDRESSES) at least 5 days prior to the meeting date.

Dated: May 28, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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