

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act⁶ and subparagraph (e)(2) of Rule 19b-4 thereunder.⁷

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR-PCX-98-61 and should be submitted by January 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-33817 Filed 12-21-98; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice No. 2949]

Bureau of Oceans and International Environmental and Scientific Affairs; Conservation Measures for Antarctic Fishing Under the Auspices of the Commission for the Conservation of Antarctic Marine Living Resources

AGENCY: Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

ACTION: Notice.

SUMMARY: At its Seventeenth Meeting in Hobart, Tasmania, October 26 to November 6, 1998, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which the United States is a member, adopted conservation measures, pending countries' approval, pertaining to fishing in the CCAMLR Convention Area in Antarctic waters. These were agreed upon in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources. The measures restrict overall catches of certain species of fish and crabs, restrict fishing in certain areas, specify licensing and inspection obligations of Contracting Parties, encourage cooperation between Contracting Parties to ensure compliance with CCAMLR conservation measures, promote compliance with CCAMLR measures by non-Contracting Party vessels, and mandate the use of Automated Satellite-Linked Vessel Monitoring Systems (VMS) by Contracting Parties.

This notice includes the full text of the conservation measures adopted at the seventeenth meeting of CCAMLR and lists the measures remaining in force from previous years that are not otherwise addressed by U.S. regulations (see Supplementary Information and Conservation Measures Remaining in Force). This notice, therefore, together with the U.S. regulations referenced under Supplementary Information and the conservation measures noted in the section entitled Conservation Measures Remaining in Force, provides a comprehensive register of all current U.S. obligations under CCAMLR.

DATES: Persons wishing to comment on the measures or desiring more information should submit written comments on or before January 21, 1999.

FOR FURTHER INFORMATION CONTACT: Alfred Schandlbauer, Office of Oceans Affairs (OES/OA), Room 5805, Department of State, Washington, D.C. 20520; 202 647-3947.

SUPPLEMENTARY INFORMATION:

Individuals interested in CCAMLR should also see 15 CFR Chapter III—International Fishing and Related Activities, Part 300—International Fishing Regulations, Subpart A—General; Subpart B—High Seas Fisheries; and Subpart G—Antarctic Marine Living Resources, for other regulatory measures related to conservation and management in the CCAMLR Convention area. Subpart B notes the requirements for high seas fishing vessel licensing. Subparts A and G describe the process for regulating U.S. fishing in the CCAMLR Convention area and contain the text of CCAMLR Conservation Measures that are not expected to change from year to year. The regulations in Subparts A and G include sections on; Purpose and scope; Definitions; Relationship to other treaties, conventions, laws, and regulations; Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites; Scientific Research; Initiating a new fishery; Exploratory fisheries; Reporting and recordkeeping requirements; Vessel and gear identification; Gear disposal; Mesh size; Harvesting permits; Import permits; Appointment of a designated representative; Prohibitions; Facilitation of enforcement and inspection; and Penalties. For the text of CCAMLR Conservation Measures remaining in force, see 61 **Federal Register** 66723, dated December 18, 1996, and 63 FR 5587, dated February 3, 1998. For copies of the figures and tables mentioned in the Conservation measures, please contact Alfred Schandlbauer at the Office of Oceans Affairs, Room 5805, Department of State, Washington, D.C. 20520, tel: 202 647-3947.

Conservation Measures Remaining in Force: The Commission agreed that Conservation Measures 2/III, 3/IV, 4/V, 5/V, 6/V, 7/V, 18/XII, 19/IX, 29/XVI, 30/X, 31/X, 32/X, 40/X, 45/XIV, 51/XII, 61/XII, 62/XI, 63/XV, 64/XII, 65/XII, 82/XIII, 95/XIV, 106/XV, 121/XVI, 122/XVI, and 129/XVI should remain in force as they stand. Please contact Alfred Schandlbauer, Department of State, 202 647-3947 (email: aschandl@state.gov) for copies of any of the above-mentioned Measures.

Conservation Measures Adopted in 1998

Conservation Measures Adopted at the Seventeenth Meeting of CCAMLR:

At its Seventeenth Annual Meeting in Hobart, Tasmania, October 26 to November 6, 1998, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) revised several of its previously adopted

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(e)(2).

⁸ 17 CFR 200.30-3(a)(12).

Conservation Measures and adopted new measures. The new and revised measures follow:

Conservation Measure 72/XVII

Prohibition of Directed Fishing for Finfish in Statistical Subarea 48.1

Taking of finfish, other than for scientific research purposes, is prohibited in Statistical Subarea 48.1 from 7 November 1998 until at least such time that a survey of stock biomass is carried out, its results reported to and analyzed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

Conservation Measure 73/XVII

Prohibition of Directed Fishing for Finfish in Statistical Subarea 48.2

Taking of finfish, other than for scientific research purposes, is prohibited in Statistical Subarea 48.2 from 7 November 1998 until at least such time that a survey of stock biomass is carried out, its results reported to and analyzed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

Conservation Measure 118/XVII¹

Scheme to Promote Compliance by Non-Contracting Party

Vessels With CCAMLR Conservation Measures

The Commission hereby adopts the following Conservation Measure in accordance with Article IX.2(i) of the Convention:

1. A non-Contracting Party vessel which has been sighted engaging in fishing activities in the Convention Area is presumed to be undermining the effectiveness of CCAMLR Conservation Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel inside or outside the Convention Area, the presumption of undermining the effectiveness of CCAMLR Conservation Measures applies to any other non-Contracting Party vessel which has engaged in such activities with that vessel.

2. Information regarding such sightings shall be transmitted immediately to the Commission in accordance with Article XXII of the Convention. The Secretariat shall transmit this information to all Contracting Parties within one business day of receiving this information, and to

the Flag State of the sighted vessel as soon as possible.

3. The Contracting Party which sights the non-Contracting Party vessel shall attempt to inform the vessel that it has been sighted engaging in fishing activities in the Convention Area and is accordingly presumed to be undermining the objective of the Convention and that this information will be distributed to all Contracting Parties to the Convention and to the Flag State of the vessel.

4. When a non-Contracting Party vessel referred to in paragraph 1 enters a port of any Contracting Party, it shall be inspected by authorized Contracting Party officials knowledgeable of CCAMLR Conservation Measures and shall not be allowed to land or transship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, logbooks, fishing gear, catch on board and any other matter, which may include information from a VMS¹, relating to the vessel's activities in the Convention Area.

5. Landing and transshipments of all fish from a non-Contracting Party vessel, which has been inspected pursuant to paragraph 4, shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has on board species subject to CCAMLR Conservation Measures, unless the vessel establishes that the fish were caught outside the Convention Area or in compliance with all relevant CCAMLR Conservation Measures and requirements under the Convention.

6. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Convention Area and therefore presumed as having undermined the effectiveness of CCAMLR Conservation Measures.

7. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and on any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information immediately to all Contracting Parties and to the relevant Flag State(s).

¹ The term VMS shall be taken to mean a system which operates to the same standard as defined in Conservation Measure 148/XVII.

Conservation Measure 119/XVII^{1,2,3}

Licensing and Inspection Obligations of Contracting Parties With Regard to Their Flag Vessels Operating in the Convention Area

1. Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence³ that the Contracting Party has issued setting forth the specific areas, species and time periods for which such fishing is authorized and all other specific conditions to which the fishing is subject to give effect to CCAMLR Conservation Measures and requirements under the Convention.

2. A Contracting Party may only issue such a license to fish in the Convention Area to vessels flying its flag, if it is satisfied of its ability to exercise its responsibilities under the Convention and its Conservation Measures, by requiring from each vessel, *inter alia*, the following:

(i) timely notification by the vessel to its Flag State of exit from and entry into any port;

(ii) notification by the vessel to its Flag State of entry into the Convention Area and movement between areas, subareas/divisions;

(iii) reporting by the vessel of catch data in accordance with CCAMLR requirements; and

(iv) operation of a VMS system on board the vessel in accordance with Conservation Measure 148/XVII.

3. The license or an authorized copy of the license must be carried by the fishing vessel and must be available for inspection at any time by a designated CCAMLR inspector in the Convention Area.

4. Each Contracting Party shall verify, through inspections of all of its fishing vessels at the Party's departure and arrival ports, and where appropriate, in its Exclusive Economic Zone, their compliance with the conditions of the license as described in paragraph 1 and with the CCAMLR Conservation Measures. In the event that there is evidence that the vessel has not fished in accordance with the conditions of its license, the Contracting Party shall investigate the infringement and, if necessary, apply appropriate sanctions in accordance with its national legislation.

5. Each Contracting Party shall include in its annual report pursuant to paragraph 12 of the CCAMLR System of Inspection, steps it has taken to implement and apply this Conservation Measure; and may include additional measures it may have taken in relation to its flag vessels to promote the

effectiveness of CCAMLR Conservation Measures.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands.

² Except for waters adjacent to the Prince Edward Islands.

³ Includes permit.

Conservation Measure 146/XVII^{1,2}

Marking of Fishing Vessels and Fishing Gear

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. All Contracting Parties shall ensure that their fishing vessels licensed² in accordance with Conservation Measure 119/XVII to operate in the Convention Area are marked in such a way that they can be readily identified in accordance with internationally recognized standards, such as the FAO Standard Specifications and Guidelines for the Marking and Identification of Fishing Vessels.

2. Marker buoys and similar objects floating on the surface and intended to indicate the location of fixed or set fishing gear shall be clearly marked at all times with the letter(s) and/or numbers of the vessels to which they belong.

¹ Except for waters adjacent to Kerguelen and Crozet Islands.

² Includes permitted.

Conservation Measure 147/XVII^{1,2}

Cooperation Between Contracting Parties To Ensure Compliance With CCAMLR Conservation Measures With Regard to Their Vessels

1. When a fishing vessel licensed² by a Contracting Party to fish in the Convention Area in accordance with Conservation Measure 119/XVII approaches the port of another Contracting Party in order to land or transship its catch, it shall notify the Port State, 72 hours in advance, of its intended arrival. The Port State, in exercise of its rights under international law, shall undertake an inspection of the vessel, within 48 hours of the vessel entering the port, to confirm that it has carried out activities in the Convention Area in accordance with CCAMLR Conservation Measures. The inspection shall be carried out in an expeditious fashion, shall impose no undue burdens on the vessel or its crew, and be guided by the relevant provisions of the CCAMLR System of Inspection.

2. In the event that there is evidence that the vessel has fished in contravention of the CCAMLR Conservation Measures, the Contracting Party shall inform the Flag State of the

vessel of its inspection findings. The two Contracting Parties shall, in the spirit of cooperation, take such appropriate action as is required by the Flag State of the vessel to enable it to investigate the infringement and, if necessary, apply appropriate sanctions in accordance with its national legislation.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Includes permitted

Conservation Measure 148/XVII¹

Automated Satellite-Linked Vessel Monitoring Systems (VMS)

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. Each Contracting Party shall, no later than 1 March 1999, establish an automated Vessel Monitoring System (VMS) to monitor the position of its fishing vessels, which are licensed¹ in accordance with Conservation Measure 119/XVII, to harvest marine living resources in the Convention Area, and for which catch limits, fishing seasons or area restrictions have been set by Conservation Measures adopted by the Commission.

2. Any Contracting Party unable to establish VMS in accordance with paragraph 1 shall inform the CCAMLR Secretariat within 90 days following the notification of this Conservation Measure, and communicate its intended timetable for implementation of VMS. However, the Contracting Party shall establish VMS at the earliest possible date, and in any event, no later than 31 December 2000.

3. The implementation of VMS on vessels while participating only in a krill fishery is not currently required.

4. For the purpose of this Measure, VMS means a system where, *inter alia*:

(i) through the installation of satellite-tracking devices on board its fishing vessels, the Flag State receives automatic transmission of certain information. This information includes the fishing vessel identification, location, date and time, and is collected by the Flag State at least every four hours to enable it to monitor effectively its flag vessels;

(ii) performance standards provide, as a minimum, that the VMS:

(a) is tamper proof;

(b) is fully automatic and operational at all times regardless of environmental conditions;

(c) provides real time data;

(d) provides the geographical position of the vessel, with a position error of less than 500 m with a confidence

interval of 99%, the format being determined by the Flag State; and

(e) in addition to regular messages, provides special messages when the vessel enters or leaves the Convention Area and when it moves between one CCAMLR area, subarea or division within the Convention Area.

5. In the event of technical failure or other non-function of the VMS, the master or the owner of the fishing vessel, as a minimum:

(i) shall communicate at least once every 24 hours, starting from the time that this event was detected, the data referred in paragraph 4(i) by telex, by fax, by telephone message or by radio to the Flag State; and

(ii) shall take immediate steps to have the device repaired or replaced as soon as possible, and, in any event, within two months. If during that period the vessel returns to port it shall not be allowed to commence a further fishing trip without having the defective device repaired or replaced.

6. In the event that the VMS ceases to operate, the Contracting Party as soon as possible shall advise the Executive Secretary of the name of the vessel, the date, time and the location of the vessel when the VMS failed. The Party shall also inform the Executive Secretary when the VMS becomes operational again. The Executive Secretary shall make such information available to Contracting Parties upon request.

7. Contracting Parties shall report to the Secretariat before the start of annual meeting of the Commission in 1999, on the VMS which has been introduced in accordance with paragraphs 1 and 2, including its technical details, and each year thereafter, on:

(i) any change in the VMS;

(ii) in accordance with paragraph XI of the CCAMLR System of Inspection, all cases where they have determined, with the assistance of the VMS that vessels of their flag had fished in the Convention Area in possible contravention of CCAMLR Conservation Measures.

¹ Includes permitted.

Conservation Measure 149/XVII

Prohibition on Directed Fishing for *Dissostichus* spp. except in Accordance With Specific Conservation Measures in the 1998/99 Season

The Commission,

Concerned to ensure the regulation of directed fishing for *Dissostichus* spp. in all statistical areas and subareas in the Convention Area, and

Noting that Conservation Measures in respect of the regulation of *Dissostichus* spp. have been agreed for all areas

except Statistical Subareas 48.5, 88.2, 88.3 and Statistical Division 58.4.1 (east of 90°E),

hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Directed fishing for *Dissostichus* spp. in Statistical Subareas 48.5, 88.2, 88.3 and Statistical Division 58.4.1 (east of 90°E) is prohibited from 7 November 1998 to 30 November 1999.

Conservation Measure 150/XVII

Experimental Harvest Regime for the Crab Fishery in Statistical Subarea 48.3 for the Seasons 1998/99 and 1999/2000

The following measures apply to all crab fishing within Statistical Subarea 48.3 for the 1998/99 and 1999/2000 fishing seasons. Every vessel participating in the crab fishery in Statistical Subarea 48.3 shall conduct fishing operations in accordance with an experimental harvest regime as outlined below:

1. The experimental harvest regime shall consist of at least two phases. Each vessel participating in the fishery shall complete all of the phases. Phase 1 shall be conducted during the first season that a vessel participates in the experimental harvest regime. Phase 2, and any additional phases, shall be completed in the next season of fishing.

2. Vessels shall conduct Phase 1 of the experimental harvest regime at the start of their first season of participation in the crab fishery. For the purposes of Phase 1, the following conditions shall apply:

(i) Phase 1 shall be defined as a vessel's first 200,000 pot hours of effort at the start of its first fishing season;

(ii) every vessel conducting Phase 1 shall expend its first 200,000 pot hours of effort within a total area delineated by twelve blocks of 0.5° latitude by 1.0° longitude. For the purposes of this Conservation Measure, these blocks shall be numbered A to L. In Annex 150/A, the blocks are illustrated (Figure 1), and the geographic position is denoted by the coordinates of the northeast corner of the block. For each string, pot hours shall be calculated by taking the total number of pots on the string and multiplying that number by the soak time (in hours) for that string. Soak time shall be defined for each string as the time between start of setting and start of hauling;

(iii) vessels shall not fish outside the area delineated by the 0.5° latitude by 1.0° longitude blocks prior to completing Phase 1;

(iv) during Phase 1, vessels shall not expend more than 30,000 pot hours in

any single block of 0.5° latitude by 1.0° longitude;

(v) if a vessel returns to port before it has expended 200,000 pot hours in Phase 1, the remaining pot hours shall be expended before it can be considered that the vessel has completed Phase 1; and

(vi) after completing 200,000 pot hours of experimental fishing, it shall be considered that vessels have completed Phase 1 and shall commence fishing in a normal fashion.

3. Normal fishing operations shall be conducted in accordance with the regulations set out in Conservation Measure 151/XVII.

4. For the purposes of implementing normal fishing operations after Phase 1 of the experimental harvest regime, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.

5. Vessels shall conduct Phase 2, and any additional phases, of the experimental harvest regime during their second season of participation in the crab fishery. If any vessel initiates Phase 1 of the experimental harvest regime during the 1998/99 or 1999/2000 fishing seasons, the Scientific Committee, and its Working Group on Fish Stock Assessment, shall advise the Commission on an appropriate experimental harvest strategy, Phase 2, for the following fishing season. This advice shall include provisions for:

(i) requiring each vessel to expend approximately one month of experimental fishing effort during its second season of participation in the experimental harvest regime; and

(ii) a data collection and submission policy appropriate to the experimental fishing strategy that is being recommended.

6. Data collected during the experimental harvest regime in both Phase 1 and Phase 2 up to 30 June in any split-year shall be submitted to CCAMLR by 31 August of the following split-year.

7. Vessels that complete all phases of the experimental harvest regime shall not be required to conduct experimental fishing in future seasons. However, these vessels shall abide by the guidelines set forth in Conservation Measure 151/XVII.

8. Fishing vessels shall participate in the experimental harvest regime independently (e.g. vessels may not cooperate to complete phases of the experiment).

9. Crabs captured during the experimental harvest regime shall be considered part of the prevailing TAC for the current fishing season (e.g. for 1998/99, experimental catches shall be

considered part of the 1,600-tonne TAC outlined in Conservation Measure 151/XVII).

10. All vessels participating in the experimental harvest regime shall carry at least one scientific observer on board during all fishing activities.

11. The experimental harvest regime shall be instituted for a period of two fishing seasons (1998/99 and 1999/2000), and the details of the regime may be revised by the Commission during this period of time. Fishing vessels commencing experimental fishing in the 1998/99 season must complete the experimental harvest regime during the 1999/2000 season.

Annex 150/A

Locations of Fishing Areas for the Experimental Harvest Regime of the Exploratory Crab Fishery

Figure 1: Operations area for Phase 1 of the experimental harvest regime for the crab fishery in Statistical Subarea 48.3.

Conservation Measure 151/XVII

Limits on the Crab Fishery in Statistical Subarea 48.3 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The crab fishery is defined as any commercial harvest activity in which the target species is any member of the crab group (Order Decapoda, Suborder Reptantia).

2. In Statistical Subarea 48.3, the crab fishing season is defined as the period from 7 November 1998 to 30 November 1999, or until the catch limit is reached, whichever is sooner.

3. The crab fishery shall be limited to one vessel per Member.

4. The total catch of crab from Statistical Subarea 48.3 shall be limited to 1,600 tons during the 1998/99 crab fishing season.

5. Each vessel participating in the crab fishery in Statistical Subarea 48.3 in the 1998/99 season shall have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

6. Each Member intending to participate in the crab fishery shall notify the CCAMLR Secretariat at least three months in advance of starting fishing of the name, type, size, registration number, radio call sign, and research and fishing operations plan of the vessel that the Member has authorized to participate in the crab fishery.

7. All vessels fishing for crab shall report the following data to CCAMLR by 31 August 1999 for crabs caught prior to 31 July 1999:

(i) the location, date, depth, fishing effort (number and spacing of pots and soak time), and catch (numbers and weight) of commercially sized crabs (reported on as fine a scale as possible, but no coarser than 0.5° latitude by 1.0° longitude) for each 10-day period;

(ii) the species, size, and sex of a representative subsample of crab sampled according to the procedure set out in Annex 151/A (between 35 and 50 crabs shall be sampled every day from the line hauled just prior to noon) and by-catch caught in traps; and

(iii) other relevant data, as possible, according to the requirements set out in Annex 151/A.

8. For the purposes of implementing this Conservation Measure, the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII shall apply.

9. Data on catches taken between 31 July 1998 and 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the Working Group on Fish Stock Assessment.

10. Crab fishing gear shall be limited to the use of crab pots (traps). The use of all other methods of catching crabs (e.g., bottom trawls) shall be prohibited.

11. The crab fishery shall be limited to sexually mature male crabs—all female and undersized male crabs caught shall be released unharmed. In the case of *Paralomis spinosissima* and *Paralomis formosa*, males with a minimum carapace width of 102 mm and 90 mm, respectively, may be retained in the catch.

12. Crab processed at sea shall be frozen as crab sections (minimum size of crabs can be determined using crab sections).

Annex 151/A

Data Requirements on the Crab Fishery in Statistical Subarea 48.3

Catch and Effort Data

Cruise Descriptions

cruise code, vessel code, permit number, year.

Pot Descriptions

diagrams and other information, including pot shape, dimensions, mesh size, funnel position, aperture and orientation, number of chambers, presence of an escape port.

Effort Descriptions

date, time, latitude and longitude of the start of the set, compass bearing of the set, total number of pots set,

spacing of pots on the line, number of pots lost, depth, soak time, bait type.

Catch Descriptions

retained catch in numbers and weight, by-catch of all species (see Table 1), incremental record number for linking with sample information.

TABLE 1.—DATA REQUIREMENTS FOR BY-CATCH SPECIES IN THE CRAB FISHERY IN STATISTICAL SUBAREA 48.3

Species	Data requirements
<i>Dissostichus eleginoides</i> .	Numbers and estimated total weight
<i>Notothenia rossii</i>	Numbers and estimated total weight
Other Species	Estimated total weight

Biological Data:

For these data, crabs are to be sampled from the line hauled just prior to noon, by collecting the entire contents of a number of pots spaced at intervals along the line so that between 35 and 50 specimens are represented in the subsample.

Cruise Descriptions

cruise code, vessel code, permit number.

Sample Descriptions

date, position at start of the set, compass bearing of the set, line number.

Data

species, sex, length of at least 35 individuals, presence/absence of rhizocephalan parasites, record of the destination of the crab (kept, discarded, destroyed), record of the pot number from which the crab comes.

Conservation Measure 152/XVII

Prohibition of Directed Fishery on *Gobionotothen gibberifrons*,

Chaenocephalus aceratus,

Pseudochaenichthys georgianus,

Lepidonotothen squamifrons and

Patagonotothen guntheri in Statistical Subarea 48.3 for the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

Directed fishing on *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3 is prohibited in the 1998/99 season, defined as the period from 7 November 1998 to 30 November 1999.

Conservation Measure 153/XVII^{1 2}

Limitation of the Total Catch of *Champsoccephalus gunnari* in Statistical Subarea 48.3 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. The total catch of *Champsoccephalus gunnari* in the 1998/99 season shall be limited to 4,840 tons in Statistical Subarea 48.3.

2. The fishery for *Champsoccephalus gunnari* in Statistical Subarea 48.3 shall close if the by-catch of any of the species listed in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Champsoccephalus gunnari* reaches 4,840 tons, whichever is sooner.

3. If, in the course of the directed fishery for *Champsoccephalus gunnari*, the by-catch in any one haul of any of the species named in Conservation Measure 95/XIV

- is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or

- is equal to or greater than 2 tons,

then the fishing vessel shall move to another location at least 5 n miles distant.¹ The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch of species named in Conservation Measure 95/XIV exceeded 5% for a period of at least five days.² The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

4. Where any haul contains more than 100 kg of *Champsoccephalus gunnari*, and more than 10% of the *Champsoccephalus gunnari* by number are smaller than 240 mm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant.¹ The fishing vessel shall not return to any point within 5 n miles of the location where the catch of small *Champsoccephalus gunnari* exceeded 10%, for a period of at least five days.² The location where the catch of small *Champsoccephalus gunnari* exceeded 10% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

5. The use of bottom trawls in the directed fishery for *Champsoccephalus gunnari* in Statistical Subarea 48.3 is prohibited.

6. The fishery for *Champscephalus gunnari* in Statistical Subarea 48.3 shall be closed from 1 April 1999 to 30 November 1999.

7. Each vessel participating in the directed fishery for *Champscephalus gunnari* in Statistical Subarea 48.3 in the 1998/99 season shall have a scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

8. For the purpose of implementing paragraphs 1 and 2 of this Conservation Measure:

(i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1998/99 season; and

(ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall apply for *Champscephalus gunnari*. Data shall be reported on a haul-by-haul basis.

9. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

Conservation Measure 154/XVII

Limits on the Fishery for Dissostichus eleginoides in Statistical Subarea 48.3 for the 1998/99 Season

The Commission hereby adopts the in accordance with Conservation Measure 7/V:

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 in the 1998/99 season shall be limited to 3,500 tons.

2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999, or until the catch limit is reached, whichever is the sooner.

3. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.3 in the 1998/99 season shall have at least one scientific observer, including one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

4. For the purpose of implementing this Conservation Measure:

(i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1998/99 season, commencing on 15 April 1999; and

(ii) the Monthly Fine-scale Catch and Effort Reporting System set out in Conservation Measure 122/XVI shall apply in the 1998/99 season, commencing on 15 April 1999. Data shall be submitted on a haul-by-haul basis. For the purpose of Conservation Measure 122/XVI the target species is *Dissostichus eleginoides* and 'by-catch species' are defined as any species other than *Dissostichus eleginoides*.

5. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the System of International Scientific Observation.

6. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.3 shall be prohibited.

Conservation Measure 155/XVII^{1,2}

Precautionary Catch Limit for Electrona carlsbergi in Statistical Subarea 48.3 for the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 7/V:

1. For the purposes of this Conservation Measure the fishing season for *Electrona carlsbergi* is defined as the period from 7 November 1998 to 30 November 1999.

2. The total catch of *Electrona carlsbergi* in the 1998/99 season shall be limited to 109,000 tons in Statistical Subarea 48.3.

3. In addition, the total catch of *Electrona carlsbergi* in the 1998/99 season shall be limited to 14,500 tons in the Shag Rocks region, defined as the area bounded by 52°30'S, 40°W; 52°30'S, 44°W; 54°30'S, 40°W and 54°30'S, 44°W.

4. In the event that the catch of *Electrona carlsbergi* is expected to exceed 20,000 tons in the 1998/99 season, a survey of stock biomass and age structure shall be conducted during that season by the principal fishing nations involved. A full report of this survey including data on stock biomass (specifically including area surveyed, survey design and density estimates), age structure and the biological characteristics of the by-catch shall be made available in advance for discussion at the 1999 meeting of the

Working Group on Fish Stock Assessment.

5. The directed fishery for *Electrona carlsbergi* in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electrona carlsbergi* reaches 109,000 tons, whichever is sooner.

6. The directed fishery for *Electrona carlsbergi* in the Shag Rocks region shall close if the by-catch of any of the species named in Conservation Measure 95/XIV reaches its by-catch limit or if the total catch of *Electrona carlsbergi* reaches 14,500 tons, whichever is sooner.

7. If, in the course of the directed fishery for *Electrona carlsbergi*, the by-catch in any one haul of any species other than the target species

- is greater than 100 kg and exceeds 5% of the total catch of all fish by weight, or

- is equal to or greater than 2 tons, then

the fishing vessel shall move to another fishing location at least 5 n miles distant.¹ The fishing vessel shall not return to any point within 5 n miles of the location where the by-catch of species, other than the target species, exceeded 5%, for a period of at least five days.² The location where the by-catch exceeded 5% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

8. For the purpose of implementing this Conservation Measure:

(i) the Catch Reporting System set out in Conservation Measure 40/X shall apply in the 1998/99 season;

(ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall also apply in the 1998/99 season. For the purposes of Conservation Measure 122/XVI, the target species is *Electrona carlsbergi*, and 'by-catch species' are defined as any cephalopod, crustacean or fish species other than *Electrona carlsbergi*; and

(iii) the Monthly Fine-scale Biological Data Reporting System set out in Conservation Measure 121/XVI shall also apply in the 1998/99 season. For the purposes of Conservation Measure 121/XVI, the target species is *Electrona carlsbergi*, and 'by-catch species' are defined as any cephalopod, crustacean or fish species other than *Electrona carlsbergi*. For the purposes of paragraph 8(ii) of Conservation Measure 121/XVI a representative sample shall be a minimum of 500 fish.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

Conservation Measure 156/XVII

Catch Limit on Dissostichus eleginoides and Dissostichus mawsoni in Statistical Subarea 48.4 for the 1998/99 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.4 in the 1998/99 season shall be limited to 28 tons.

2. Taking of *Dissostichus mawsoni*, other than for scientific research purposes, is prohibited.

3. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.4, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999, or until the catch limit for *Dissostichus eleginoides* in Subarea 48.4 is reached, or until the catch limit for *Dissostichus eleginoides* in Subarea 48.3, as specified in Conservation Measure 154/XVII, is reached, whichever is sooner.

4. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Subarea 48.4 in the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

5. For the purpose of implementing this Conservation Measure:

(i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply in the 1998/99 season, commencing on 15 April 1999; and (ii) the Monthly Fine-scale Catch and Effort Data Reporting System set out in Conservation Measure 122/XVI shall apply in the 1998/99 season, commencing on 15 April 1999. Data shall be reported on a haul-by-haul basis. For the purposes of Conservation Measure 122/XVI, the target species is *Dissostichus eleginoides*, and 'by-catch species' are defined as any species other than *Dissostichus eleginoides*.

6. Fine-scale biological data, as required under Conservation Measure 121/XVI shall be collected and recorded. Such data shall be reported in accordance with the Scheme of International Scientific Observation.

7. Directed fishing shall be by longlines only. The use of all other methods of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 48.4 shall be prohibited.

Conservation Measures 157/XVII^{1,2}

Limitation of the By-catch in Statistical Division 58.5.2 in the 1998/99 Fishing Season

1. There shall be no directed fishing for any species other than *Dissostichus eleginoides* and *Champsocephalus gunnari* in Statistical Division 58.5.2 in the 1998/99 fishing season.

2. In directed fisheries in Statistical Division 58.5.2 in the 1998/99 fishing season, the by-catch of *Channichthys rhinoceratus* shall not exceed 150 tons, and the by-catch of *Lepidonotothen squamifrons* shall not exceed 80 tons.

3. The by-catch of any fish species not mentioned in paragraph 2, and for which there is no other catch limit in force, shall not exceed 50 tons in Statistical Division 58.5.2.

4. If, in the course of a directed fishery, the by-catch in any one haul of any by-catch species for which by-catch limitations apply under this Conservation Measure is equal to, or greater than 2 tons, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles¹ of the location where the by-catch exceeded 2 tons for a period of at least five days.² The location where the by-catch exceeded 2 tons is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

Conservation Measure 158/XVII

Fishery for Dissostichus eleginoides in Statistical Division 58.5.2 for the 1998/99 Season

1. The total catch of *Dissostichus eleginoides* in Statistical Division 58.5.2 shall be limited to 3 690 tons in the 1998/99 season.

2. For the purpose of this fishery for *Dissostichus eleginoides*, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999.

3. Fishing shall cease if the by-catch of any species reaches its by-catch limit as detailed in Conservation Measure 157/XVII.

4. The catch limit may only be taken by trawling.

5. Each vessel participating in the fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2 shall have at

least one scientific observer, and include, if available, one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities.

6. Each vessel operating in the fishery for *Dissostichus eleginoides* in Statistical Division 58.5.2 shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

7. A ten-day catch and effort reporting system shall be implemented:

(i) for the purpose of implementing this system, the calendar month shall be divided into three reporting periods viz: day 1 to day 10, day 11 to day 20, day 21 to the last day of the month. These reporting periods are hereinafter referred to as periods A, B and C;

(ii) at the end of each reporting period, each Contracting Party participating in the fishery shall obtain from each of its vessels its total catch and total days and hours fished for the period and shall, by electronic transmission, cable, telex or facsimile, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary not later than the end of the next reporting period;

(iii) a report must be submitted by every Contracting Party taking part in the fishery for each reporting period for the duration of the fishery, even if no catches are taken;

(iv) the catch of *Dissostichus eleginoides* and of all by-catch species must be reported;

(v) such reports will specify the month and reporting period (A, B and C) to which each report refers;

(vi) immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties engaged in fishing activities in the division of the total catch taken during the reporting period and the total aggregate catch for the season to date; and (vii) at the end of every three reporting periods, the Executive Secretary shall inform all Contracting Parties of the total catch taken during the three most recent reporting periods and the total aggregate catch for the season to date.

8. A fine-scale effort and biological data reporting system shall be implemented:

(i) the scientific observer(s) aboard each vessel shall collect the data required to complete the CCAMLR fine-scale catch and effort data form C1, latest version. These data shall be submitted to the CCAMLR Secretariat

not later than one month after the vessel returns to port;

(ii) the catch of *Dissostichus eleginoides* and all by-catch species must be reported;

(iii) the numbers of seabirds and marine mammals of each species caught and released or killed must be reported;

(iv) the scientific observer(s) aboard each vessel shall collect data on the length composition from representative samples of *Dissostichus eleginoides* and by-catch species;

(a) length measurements shall be to the nearest centimeter below;

(b) representative samples of length composition shall be taken from each fine-scale grid rectangle (0.5° latitude by 1° longitude) fished in each calendar month; and (v) the above data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port.

9. The total number and weight of *Dissostichus eleginoides* discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.

Conservation Measure 159/XVII^{1, 2}

Fishery for Champsocephalus gunnari in Statistical Division 58.5.2 in the 1998/99 Fishing Season

1. The total catch for *Champsocephalus gunnari* in Statistical Division 58.5.2 shall be limited to 1 160 tons in the 1998/99 fishing season.

2. Areas in Statistical Division 58.5.2 outside that defined in paragraph 4 below shall be closed to directed fishing for *Champsocephalus gunnari*.

3. Fishing shall cease if the by-catch of any of the species reaches its by-catch limit as detailed in Conservation Measure 157/XVII.

4. For the purpose of this fishery for *Champsocephalus gunnari*, the area open to the fishery is defined as that portion of Statistical Division 58.5.2 that lies within the area enclosed by a line:

(i) starting at the point where the meridian of longitude 72°15'E intersects the Australia-France Maritime Delimitation Agreement Boundary then south along the meridian to its intersection with the parallel of latitude 53°25'S;

(ii) then east along that parallel to its intersection with the meridian of longitude 74°E;

(iii) then northeasterly along the geodesic to the intersection of the parallel of latitude 52°40'S and the meridian of longitude 76°E;

(iv) then north along the meridian to its intersection with the parallel of latitude 52°S;

(v) then northwesterly along the geodesic to the intersection of the parallel of latitude 51°S with the meridian of longitude 74°30'E; and (vi) then southwesterly along the geodesic to the point of commencement.

A chart illustrating the above definition is appended to this Conservation Measure (Annex 159/A).

5. For the purposes of this fishery for *Champsocephalus gunnari*, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999.

6. The catch limit may only be taken by trawling.

7. Where any haul contains more than 100 kg of *Champsocephalus gunnari*, and more than 10% of the *Champsocephalus gunnari* by number are smaller than 240 mm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant.¹ The fishing vessel shall not return to any point within 5 n miles of the location where the catch of small *Champsocephalus gunnari* exceeded 10% for a period of at least five days.² The location where the catch of small *Champsocephalus gunnari* exceeded 10% is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

8. Each vessel participating in the fishery shall have at least one scientific observer, and include, if available, one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities.

9. Each vessel operating in the fishery for *Champsocephalus gunnari* in Statistical Division 58.5.2 shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

10. A ten-day catch and effort reporting system shall be implemented:

(i) for the purpose of implementing this system, the calendar month shall be divided into three reporting periods, viz: day 1 to day 10, day 11 to day 20 and day 21 to the last day of the month. The reporting periods are hereafter referred to as periods A, B and C;

(ii) at the end of each reporting period, each Contracting Party participating in the fishery shall obtain from each of its vessels its total catch and total days and hours fished for that period and shall, by cable, telex, facsimile or electronic transmission, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary no later

than the end of the next reporting period;

(iii) a report must be submitted by every Contracting Party taking part in the fishery for each reporting period for the duration of the fishery, even if no catches are taken;

(iv) the catch of *Champsocephalus gunnari* and of all by-catch species must be reported;

(v) such reports shall specify the month and reporting period (A, B and C) to which each report refers;

(vi) immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties engaged in fishing activities in the division of the total catch taken during the reporting period and the total aggregate catch for the season to date; and (vii) at the end of every three reporting periods, the Executive Secretary shall inform all Contracting Parties of the total catch taken during the three most recent reporting periods and the total aggregate catch for the season to date.

11. A fine-scale effort and biological data reporting system shall be implemented:

(i) the scientific observer(s) aboard each vessel shall collect the data required to complete the CCAMLR fine-scale catch and effort data form C1, latest version. These data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port;

(ii) the catch of *Champsocephalus gunnari* and of all by-catch species must be reported;

(iii) the numbers of seabirds and marine mammals of each species caught and released or killed must be reported;

(iv) the scientific observer(s) aboard each vessel shall collect data on the length composition from representative samples of *Champsocephalus gunnari* and by-catch species:

(a) length measurements shall be to the nearest centimeter below; and (b) representative samples of length composition shall be taken from each fine-scale grid rectangle (0.5° latitude by 1° longitude) fished in each calendar month; and (v) the above data shall be submitted to the CCAMLR Secretariat not later than one month after the vessel returns to port.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

Annex 159/A*Chart of the Heard Island Plateau***Conservation Measure 160/XVII¹***Prohibition of Directed Fishing for Dissostichus eleginoides in Statistical Subarea 58.7*

Taking of *Dissostichus eleginoides*, other than for scientific research purposes in accordance with Conservation Measure 64/XII, is prohibited in Statistical Subarea 58.7 from 7 November 1998. This prohibition shall apply until at least such time that a survey of the *Dissostichus eleginoides* stock in this subarea is carried out, its results reported to and analyzed by the Working Group on Fish Stock Assessment and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

¹ Except for waters adjacent to the Prince Edward Islands

Conservation Measure 161/XVII^{1, 2, 3}*General Measures for New and Exploratory Longline Fisheries for Dissostichus spp. in the Convention Area for the 1998/99 Season*

The Commission,

Noting the need for the distribution of fishing effort and appropriate catch levels in fine-scale rectangles³ in these new fisheries,

hereby adopts the following Conservation Measure:

1. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any fine-scale rectangle shall cease when the reported catch reaches 100 tons and that rectangle shall be closed to fishing for the remainder of the season. Fishing in any fine-scale rectangle shall be restricted to one vessel at any one time.

2. In order to give effect to paragraph 1 above:

(i) the precise geographic position of the mid-point between the start and end of the longline shall be determined using appropriate means;

(ii) catch and effort information for each species by fine-scale rectangle shall be reported to the Executive Secretary every five days using the Five-Day Catch and Effort Reporting System set out in Conservation Measure 51/XII; and

(iii) the Secretariat shall notify Contracting Parties participating in these fisheries when the total longline catch for *Dissostichus eleginoides* and

Dissostichus mawsoni combined in any fine-scale rectangle exceeds 100 tons.

3. The by-catch of any species in the new and exploratory fisheries other than *Dissostichus* spp. in the Statistical Subareas and Divisions concerned shall be limited to 50 tons.

4. The total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.

5². Each vessel participating in the new and exploratory fisheries for *Dissostichus* spp. during the 1998/99 season shall have on board at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, throughout all fishing activities within the fishing season.

6. The data collection plan (Annex 161/A) shall be implemented. Data collected pursuant to the plan for the period up to 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the 1999 meeting of the Working Group on Fish Stock Assessment. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the Statistical Subarea or Division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.

Annex 161/A*Data Collection Plan for New and Exploratory Longline Fisheries*

1. All vessels will comply with conditions set by CCAMLR. These include five-day catch and effort reporting system (Conservation Measure 51/XII) and monthly fine-scale effort and biological data reporting system (Conservation Measures 121/XVI and 122/XVI) will be followed.

2. All data required by the CCAMLR *Scientific Observers Manual* for finfish fisheries will be collected. These include:

(i) haul-by-haul catch and catch per effort by species;

(ii) haul-by-haul length frequency of common species;

(iii) sex and gonad state of common species;

(iv) diet and stomach fullness;

(v) scales and/or otoliths for age determination;

(vi) by-catch of fish and other organisms; and

(vii) observation on occurrence and incidental mortality of seabirds and mammals in relation to fishing operations.

3. Data specific to longline fisheries will be collected. These include:

(i) number of fish lost at surface;

(ii) number of hooks set;

(iii) bait type;

(iv) baiting success (%);

(v) hook type;

(vi) setting, soak, and hauling times;

(vii) sea depth at each end of line on hauling; and

(viii) bottom type.

Conservation Measure 162/XVII*New Longline Fishery for Dissostichus eleginoides and Dissostichus mawsoni in Statistical Subarea 48.6 in the 1998/99 Season*

The Commission,

Welcoming the notification of South Africa of its intention to conduct a new longline fishery in Statistical Subarea 48.6 for *Dissostichus eleginoides* and *Dissostichus mawsoni* in the 1998/99 fishing season,

hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 48.6 shall be limited to the new longline fishery by South Africa. The fishery shall be conducted by South African flagged vessels using longlining only.

2. The precautionary catch limit for this new longline fishery in Statistical Subarea 48.6 shall be limited to 707 tons of *Dissostichus* spp. north of 60°S, and 495 tons of *Dissostichus* spp. south of 60°S. In the event that either limit is reached, the relevant fishery shall be closed.

3. For the purpose of this new longline fishery, the 1998/99 fishing season to the north of 60°S is defined as the period from 1 March to 31 August 1999. The 1998/99 fishing season south of 60°S is defined as the period from 15 February 1999 to 15 October 1999.

4. The new longline fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 161/XVII.

5. Each vessel participating in this new longline fishery will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

Conservation Measure 163/XVII

New Longline Fishery for Dissostichus spp. in Statistical Division 58.4.3 Outside Areas Under National Jurisdictions in the 1998/99 Season

The Commission,

Welcoming the notification of France of its intention to conduct a new longline fishery in Statistical Division 58.4.3 outside areas under national jurisdictions for *Dissostichus* spp. in the 1998/99 fishing season,

hereby adopts the following

Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus* spp. in Statistical Division 58.4.3 outside areas under national jurisdictions shall be limited to the new longline fishery by France. The fishery shall be conducted by French flagged vessels using longlining only.

2. The precautionary catch limit for this new longline fishery in Statistical Division 58.4.3 shall be limited to 700 tons of *Dissostichus* spp. north of 60°S. In the event that this limit is reached, the fishery shall be closed.

3. For the purpose of this new longline fishery, the 1998/99 fishing season to the north of 60°S is defined as the period from 15 April to 31 August 1999.

4. The new longline fishery for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 161/XVII.

5. Each vessel participating in this new longline fishery will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

Conservation Measure 164/XVII¹

New Longline Fisheries for Dissostichus eleginoides in Statistical Division 58.4.4 in the 1998/99 Season

The Commission,

Welcoming the notifications of France, South Africa, Spain and Uruguay of their intention to conduct new longline fisheries in Statistical Division 58.4.4 for *Dissostichus eleginoides* in the 1998/99 season, hereby adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* in Statistical Division 58.4.4 shall be limited to the new longline fisheries by France, South Africa, Spain and Uruguay. The fisheries shall be conducted by French, South African, Spanish and Uruguayan flagged vessels using longlining only.

2. The precautionary catch for Statistical Division 58.4.4 shall be

limited to 572 tons of *Dissostichus* spp. north of 60°S, to be taken by longlining. In the event that this limit is reached, the fisheries shall be closed.

3. For the purpose of these new longline fisheries, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999.

4. The new longline fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 161/XVII.

5. Each vessel participating in these new longline fisheries will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

¹ Except for waters adjacent to the Prince Edward Islands

Conservation Measure 165/XVII

Exploratory Fishery for Martialia hyadesi in Statistical Subarea 48.3 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measures 7/V and 65/XII:

1. The total catch of *Martialia hyadesi* in the 1998/99 season shall be limited to 2,500 tons.

2. For the purposes of this exploratory fishery, the fishing season is defined as the period from 7 November 1998 to 30 November 1999 or until the catch limit is reached, whichever is sooner.

3. For the purposes of implementing this Conservation Measure:

(i) the Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII shall apply;

(ii) the data required to complete the CCAMLR standard fine-scale catch and effort data form for squid jig fisheries (Form C3) shall be reported from each vessel. These data shall include numbers of seabirds and marine mammals of each species caught and released or killed. These data shall be reported to CCAMLR by 31 August 1999 for catches taken prior to 31 July 1999; and

(iii) data on catches taken between 31 July 1999 and 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the 1999 meeting of the Working Group on Fish Stock Assessment.

4. Each vessel participating in this exploratory fishery for *Martialia hyadesi* in Statistical Subarea 48.3 during the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities in this subarea.

5. The data collection plan in Annex 165/A shall be implemented. Data collected pursuant to the plan for the period up to 31 August 1999 shall be reported to CCAMLR by 30 September 1999 so that the data will be available to the 1999 meeting of the Working Group on Fish Stock Assessment. Such data taken after 31 August shall be reported to CCAMLR not later than three months after the closure of the fishery.

Annex 165/A

Data Collection Plan for Exploratory Squid (Martialia Hyadesi) Fisheries in Statistical Subarea 48.3

1. All vessels will comply with conditions set by CCAMLR. These include data required to complete the data form (Form TAC) for the Ten-day Catch and Effort Reporting System, as specified by Conservation Measure 61/XII; and data required to complete the CCAMLR standard fine-scale catch and effort data form for a squid jig fishery (Form C3). This includes numbers of seabirds and marine mammals of each species caught and released or killed.

2. All data required by the CCAMLR Scientific Observers Manual for squid fisheries will be collected. These include:

- (i) vessel and observer program details (Form S1);
- (ii) catch information (Form S2); and
- (iii) biological data (Form S3).

Conservation Measure 166/XVII^{1,2}

Exploratory Trawl Fishery for Dissostichus spp. in Statistical Division 58.4.1 in the 1998/99 Season

The Commission,

Welcoming the notification of Australia of its intention to conduct an exploratory trawl fishery in Statistical Division 58.4.1 west of 90°E in the 1998/99 season,

hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus* spp. by trawl in Statistical Division 58.4.1 west of 90°E shall be limited to the exploratory fishery by Australian flagged vessels.

2. The total catch of *Dissostichus* spp. in the 1998/99 season taken by the trawl method shall not exceed 261 tons.

3. For the purposes of this exploratory trawl fishery, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999 or until the catch limit is reached, whichever is the sooner.

4. Each vessel participating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division

58.4.1 west of 90°E in the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities within this division.

5. Each vessel operating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division 58.4.1 west of 90°E shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

6. For the purpose of implementing this Conservation Measure:

(i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply; and

(ii) the monthly fine-scale biological data, as required under Conservation Measure 121/XVI, shall be recorded and reported in accordance with the System of International Scientific Observation.

7. (i) There shall be no directed fishing for any species other than *Dissostichus* spp.

(ii) The by-catch of any fish species other than *Dissostichus* spp. shall not exceed 50 tons.

(iii) If, in the course of a directed fishery, the by-catch in any one haul of any by-catch species for which by-catch limitations apply under this Conservation Measure is equal to, or greater than 2 tons, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles¹ of the location where the by-catch exceeded 2 tons for a period of at least five days². The location where the by-catch exceeded 2 tons is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

8. The total number and weight of *Dissostichus* spp. discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.

9. The data collection plan in Conservation Measure 167/XVII for BANZARE Bank as a whole shall be implemented and the results reported to CCAMLR not later than three months after the closure of the fishery.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

Conservation Measure 167/XVII^{1,2}

Exploratory Trawl Fishery for Dissostichus spp. in Statistical Division 58.4.3 in the 1998/99 Season

The Commission,
Welcoming the notification of Australia of its intention to conduct an exploratory trawl fishery in Statistical Division 58.4.3 in the 1998/99 season, hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus* spp. by trawl in Statistical Division 58.4.3 shall be limited to the exploratory fishery by Australian flagged vessels.

2. The total catch of *Dissostichus* spp. in the 1998/99 season taken by the trawl method shall not exceed 625 tons.

3. For the purposes of this exploratory trawl fishery, the 1998/99 fishing season is defined as the period from 7 November 1998 to 30 November 1999 or until the catch limit is reached, whichever is the sooner.

4. Each vessel participating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division 58.4.3 in the 1998/99 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities within this division.

5. Each vessel operating in this exploratory trawl fishery for *Dissostichus* spp. in Statistical Division 58.4.3 shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

6. For the purpose of implementing this Conservation Measure:

(i) the Five-day Catch and Effort Reporting System set out in Conservation Measure 51/XII shall apply; and

(ii) the monthly fine-scale biological data, as required under Conservation Measure 121/XVI, shall be recorded and reported in accordance with the System of International Scientific Observation.

7. (i) There shall be no directed fishing for any species other than *Dissostichus* spp.

(ii) The by-catch of any fish species other than *Dissostichus* spp. shall not exceed 50 tons.

(iii) If, in the course of a directed fishery, the by-catch in any one haul of any by-catch species for which by-catch limitations apply under this Conservation Measure is equal to, or greater than 2 tons, then the fishing vessel shall not fish using that method of fishing at any point within 5 n miles¹ of the location where the by-catch exceeded 2 tons for a period of at least

five days². The location where the by-catch exceeded 2 tons is defined as the path followed by the fishing vessel from the point at which the fishing gear was first deployed from the fishing vessel to the point at which the fishing gear was retrieved by the fishing vessel.

8. The total number and weight of *Dissostichus* spp. discarded, including those with the jellymeat condition, shall be reported. These fish will count towards the total allowable catch.

9. The data collection plan in Annex 167/A shall be implemented and the results reported to CCAMLR not later than three months after the closure of the fishery.

¹ This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.

² The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

ANNEX 167/A

Research and Fishery Operations Plan

During the early stages of exploratory fishing on the Elan and BANZARE Banks, subject to the catch limits set by CCAMLR, Australian vessels will conduct a trawl survey to assess the biomass of commercially important species on each of the banks down to 1 500 m depth. Exploration and surveys might not occur on both banks in the same season, but commercial exploration will not occur unless a survey is conducted at the same time. The survey, once commenced, will be completed in as short a time period as possible.

The survey on each bank will comprise 40 hauls at randomly chosen positions. Because the suitability of the bottom on these banks for fishing is not well known, and even the positions of some parts of the banks are not precisely known, it is likely that a high proportion of the sites will be unsuitable for trawling. To make the survey as practicable as possible, the ground shallower than 1 500 m on each bank has been divided into just over 40 squares, each of 15 n miles square for Elan Bank and 25 n miles square for BANZARE Bank (Figures 1 and 2). Within each square, five randomly chosen trawling positions have been nominated (Tables 1 and 2), and the vessel will trawl at one of the five positions in each square. If no nominated trawl position in a square is suitable, then that square will be abandoned. More accurate charts of these areas will be available soon, and it may be necessary to alter the positions of the sampling squares.

Permit Conditions and Data Collection Plan

The vessels will comply with all express and implied conditions set by CCAMLR. General conditions include 120 mm minimum mesh size (Conservation Measure 2/III), and no net monitor cables to be used (Conservation Measure 30/X). The five-day catch and effort reporting system (Conservation Measure 51/XII) and the monthly effort and biological data reporting required by Conservation Measures 121/XVI and 122/XVI will also apply in Statistical Division 58.4.3, and Statistical Division 58.4.1 west of 90°E.

In addition to conditions set by CCAMLR, the Australian Fisheries Management Authority (AFMA) will require that the vessels carry an operating VMS which will enable AFMA to know their position at all times. An inspector/scientific observer will also be aboard all vessels at all times to monitor activities and catches and to collect biological data.

The following data and material will be collected from both the survey and commercial fishing operations, as required by the CCAMLR Scientific Observers Manual for finfish fisheries:

- (i) haul-by-haul catch and catch per effort by species;
- (ii) haul-by-haul length frequency of common species;
- (iii) sex and gonad state of common species;
- (iv) diet and stomach fullness;
- (v) scales and/or otoliths for age determination;
- (vi) by-catch of fish and other organisms; and
- (vii) observations on the occurrence of seabirds and mammals in relation to fishing operations, and details of any incidental mortality of these animals.

Figure 1: Chart of the Elan Bank area, showing the location and numbering system of the 15 n mile sampling squares.

Figure 2: Chart of the BANZARE Bank area, showing the location and numbering system of the 25 n mile sampling squares.

Conservation Measure 168/XVII^{1,2}

Exploratory Longline Fisheries for Dissostichus eleginoides in Statistical Subarea 58.6 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* in Statistical Subarea 58.6 shall be limited to the exploratory longline fisheries by France and South Africa. The fisheries shall be conducted by

French and South African flagged vessels using longlining only.

2. The precautionary catch limit for these exploratory fisheries in Statistical Subarea 58.6 shall be limited to 1 555 tons of *Dissostichus eleginoides*, to be taken by longlining. In the event that this limit is reached, the fisheries shall be closed.

3. For the purpose of these exploratory longline fisheries, the 1998/99 fishing season is defined as the period from 15 April to 31 August 1999.

4. The exploratory longline fisheries for the above species shall be carried out in accordance with Conservation Measures 29/XVI and 133/XVI.

5. Each vessel participating in these exploratory longline fisheries will be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

¹ Except for waters adjacent to the Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

Conservation Measure 169/XVII

Exploratory Longline Fishery for Dissostichus eleginoides and *Dissostichus mawsoni* in Statistical Subarea 88.1 in the 1998/99 Season

The Commission hereby adopts the following Conservation Measure in accordance with Conservation Measure 65/XII:

1. Fishing for *Dissostichus eleginoides* and *Dissostichus mawsoni* in Statistical Subarea 88.1 shall be limited to the exploratory longline fishery by New Zealand. The fishery shall be conducted by no more than two New Zealand flagged vessels using longlining only.

2. The precautionary catch for these exploratory longline fisheries in Subarea 88.1 shall be limited to 271 tons of *Dissostichus* spp. north of 65°S and 2 010 tons of *Dissostichus* spp. south of 65°S. In the event that these limits are reached, the fishery shall be closed.

3. For the purposes of this exploratory longline fishery, the 1998/99 fishing season is defined as the period from 15 December 1998 to 31 August 1999.

4. The directed longline fishery for *Dissostichus* spp. in Statistical Subarea 88.1 north of 65°S shall be carried out in accordance with Conservation Measure 29/XVI. South of 65°S the directed fishery for the above species shall be carried out in accordance with all the provisions of Conservation Measure 29/XVI, except paragraph 3. To permit experimental line weighting trials south of 65°S, longlines may be set during daylight hours if the vessels can demonstrate a consistent minimum line sink rate of 0.3 meters per second.

Vessels shall revert to setting longlines at night in accordance with Conservation Measure 29/XVI if a significant level of seabird by-catch occurs.

5. The directed longline fishery for the above species shall be carried out in accordance with Conservation Measure 161/XVII.

6. Each vessel participating in this exploratory longline fishery shall be required to operate a VMS at all times, in accordance with Conservation Measure 148/XVII.

Dated: December 8, 1998.

Raymond V. Arnaudo,

Deputy Director, Office of Oceans Affairs.

[FR Doc. 98-33660 Filed 12-21-98; 8:45 am]

BILLING CODE 4710-09-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Aviation Proceedings, Agreements Filed During the Week Ending December 11, 1998**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST-98-4870.

Date Filed: December 7, 1998.

Parties: Members of the International Air Transport Association.

Subject:

COMP Telex Mail Vote 978

Resolution 017I

Intended effective date: January 1, 1999.

Docket Number: OST-98-4892.

Date Filed: December 9, 1998.

Parties: Members of the International Air Transport Association.

Subject:

PTC3 0257 dated December 8, 1998 r1-5

PTC3 0259 dated December 8, 1998 r6

PTC3 0261 dated December 8, 1998 r7-9

PTC3 0263 dated December 8, 1998 r10-13

PTC3 0266 dated December 8, 1998 r14

Intended effective date: February 1, 1999.

Docket Number: OST-98-4893.

Date Filed: December 9, 1998.

Parties: Members of the International Air Transport Association.

Subject:

PTC3 0255 dated December 8, 1998 r1

PTC3 0256 dated December 8, 1998 r2-6

PTC3 0258 dated December 8, 1998 r7

PTC3 0260 dated December 8, 1998 r8-13