

### § 229.33

surface buoys, toggles, window weights, etc., must be attached to the buoy line with a weak link placed as close to each individual buoy, flotation device, and/or weight as operationally feasible that has a maximum breaking strength of up to 600 lb (272.2 kg). The weak link must be chosen from the following list approved by NMFS: Swivels, plastic weak links, rope of appropriate breaking strength, hog rings, rope stapled to a buoy stick, or other materials or devices approved in writing by the Assistant Administrator. Weak links must break cleanly leaving behind the bitter end of the line. The bitter end of the line must be free of any knots when the weak link breaks. Splices are not considered to be knots for the purposes of this provision. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Northeast Region upon request.

(iv) *Offshore Trap/Pot Waters Area and Great South Channel Restricted Trap/Pot Area (that overlaps with LMA 2/3 Overlap and LMA 3 only) buoy line weak links.* All buoys, flotation devices, and/or weights (except traps/pots, anchors, and leadline woven into the buoy line), such as surface buoys, high flyers, sub-surface buoys, toggles, window weights, etc., must be attached to the buoy line with a weak link placed as close to each individual buoy, flotation device, and/or weight as operationally feasible that has a maximum breaking strength of up to 1,500 lb (680.4 kg). The weak link must be chosen from the following list approved by NMFS: swivels, plastic weak links, rope of appropriate breaking strength, hog rings, rope stapled to a buoy stick, or other materials or devices approved in writing by the Assistant Administrator. Weak links must break cleanly leaving behind the bitter end of the line. The bitter end of the line must be free of any knots when the weak link breaks. Splices are not considered to be knots for the purposes of this provision. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Northeast Region upon request.

(ii) *SAM East—(A) Area.* SAM East consists of all waters bounded by

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straight lines connecting the following points in the order stated:

#### SAM EAST

Point	N. Lat.	W. Long.
1E .....	42°30'	69°45'
2E .....	42°30'	67°27'
3E .....	42°09'	67°08.4'
4E .....	41°00'	69°05'
5E .....	41°40'	69°45'

(B) *Gear or vessel requirements.* Unless otherwise authorized by the Assistant Administrator, in accordance with paragraph (i)(2) of this section, from May 1 through July 31, no person or vessel may fish with or possess anchored gillnet or trap/pot gear in SAM East unless that gear complies with the gear modifications found in paragraphs (i)(3)(i)(B)(I) and (i)(3)(i)(B)(2) of this section, or unless the gear is stowed as specified in § 229.2.

[72 FR 57181, Oct. 5, 2007, as amended at 73 FR 51241, Oct. 2, 2008]

### § 229.33 Harbor Porpoise Take Reduction Plan Regulations—New England.

(a) *Restrictions—(1) Northeast Closure Area—(i) Area restrictions.* From August 15 through September 13, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Northeast Closure Area. This restriction does not apply to vessels fishing with a single pelagic gillnet (as described and used as set forth in § 648.81(f)(2)(ii) of this title).

(ii) *Area boundaries.* The Northeast Closure Area is bounded by straight lines connecting the following points in the order stated:

#### NORTHEAST CLOSURE AREA

Point	N. Lat.	W. Long.
NE1 .....	44°27.3'	68°55.0' (ME shoreline)
NE2 .....	43°29.6'	68°55.0'
NE3 .....	44°04.4'	67°48.7'
NE4 .....	44°06.9'	67°52.8'
NE5 .....	44°31.2'	67°02.7'
NE6 .....	44°45.8'	67°02.7' (ME shoreline)

(2) *Mid-Coast Management Area—(i) Area restrictions.* From September 15

through May 31, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Mid-Coast Management Area, unless the gillnet gear is equipped with pingers in accordance with paragraphs (b) and (c) of this section. This prohibition does not apply to vessels fishing with a single pelagic gillnet (as described and used as set forth in § 648.81(f)(2)(ii) of this title).

(ii) *Area boundaries.* The Mid-Coast Management Area is the area bounded by straight lines connecting the following points in the order stated:

## MID-COAST MANAGEMENT AREA

Point	N. Lat.	W. Long.
MC1 .....	42°30.0' .....	70°50.1' (MA shoreline)
MC2 .....	42°30.0' .....	70°15.0'
MC3 .....	42°40.0' .....	70°15.0'
MC4 .....	42°40.0' .....	70°00.0'
MC5 .....	43°00.0' .....	70°00.0'
MC6 .....	43°00.0' .....	69°30.0'
MC7 .....	43°30.0' .....	69°30.0'
MC8 .....	43°30.0' .....	69°00.0'
MC9 .....	44°17.8' .....	69°00.0' (ME shoreline)

(3) *Massachusetts Bay Management Area*—(i) *Area restrictions.* From November 1 through February 28/29 and from April 1 through May 31, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Massachusetts Bay Management Area, unless the gillnet gear is equipped with pingers in accordance with paragraphs (b) and (c) of this section. From March 1 through March 31, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Massachusetts Bay Management Area. These restrictions do not apply to vessels fishing with a single pelagic gillnet (as described in § 648.81(f)(2)(ii) of this title).

(ii) *Area boundaries.* The Massachusetts Bay Management Area is bounded by straight lines connecting the following points in the order stated:

## MASSACHUSETTS BAY MANAGEMENT AREA

Point	N. Lat.	W. Long.
MB1 .....	42°30.0' .....	70°50.1' (MA shoreline)
MB2 .....	42°30.0' .....	70°30.0'
MB3 .....	42°15.0' .....	70°30.0'
MB4 .....	42°15.0' .....	70°00.0'
MB5 .....	42°00.0' .....	70°00.0'
MB6 .....	42°00.0' .....	70°01.2' (MA shoreline)
MB7 .....	42°00.0' .....	70°04.8' (MA shoreline)
MB8 .....	42°00.0' .....	70°42.2' (MA shoreline)

(4) *Stellwagen Bank Management Area*—(i) *Area restrictions.* From November 1 through May 31, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Stellwagen Bank Management Area, unless the gillnet gear is equipped with pingers in accordance with paragraphs (b) and (c) of this section. This restriction does not apply to vessels fishing with a single pelagic gillnet (as described in § 648.81(f)(2)(ii) of this title).

(ii) *Area boundaries.* The Stellwagen Bank Management Area is bounded by straight lines connecting the following points in the order stated:

## STELLWAGEN BANK MANAGEMENT AREA

Point	N. Lat.	W. Long.
SB1 .....	42°30.0' .....	70°30.0'
SB2 .....	42°30.0' .....	70°15.0'
SB3 .....	42°15.0' .....	70°15.0'
SB4 .....	42°15.0' .....	70°30.0'
SB1 .....	42°30.0' .....	70°30.0'

(5) *Southern New England Management Area*—(i) *Area restrictions.* From December 1 through May 31, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Southern New England Management Area, unless the gillnet gear is equipped with pingers in accordance with paragraphs (b) and (c) of this section. This prohibition does not apply to vessels fishing with a single pelagic gillnet (as described in § 648.81(f)(2)(ii) of this title).

(ii) *Area boundaries.* The Southern New England Management Area is bounded by straight lines connecting

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the following points in the order stated:

### SOUTHERN NEW ENGLAND MANAGEMENT AREA

Point	N. Lat.	W. Long.
SNE1 .....	Western boundary as specified <sup>1</sup> .	
SNE2 .....	40°00.0' .....	72°30.0'
SNE3 .....	40°00.0' .....	69°30.0'
SNE4 .....	42°15.0' .....	69°30.0'
SNE5 .....	42°15.0' .....	70°00.0'
SNE6 .....	41°58.3' .....	70°00.0' (MA shoreline)

<sup>1</sup> Bounded on the west by a line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI), southwesterly through Fishers Island, NY, to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY; southeasterly to the intersection of the 3-nautical mile line east of Montauk Point; southwesterly along the 3-nautical mile line to the intersection of 72°30.0' W. long.

(6) *Cape Cod South Closure Area—(i) Area restrictions.* From March 1 through March 31, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Cape Cod South Closure Area. This prohibition does not apply to vessels fishing with a single pelagic gillnet (as described in § 648.81(f)(2)(ii) of this title).

(ii) *Area boundaries.* The Cape Cod South Closure Area is bounded by straight lines connecting the following points in the order stated:

### CAPE COD SOUTH CLOSURE AREA

Point	N. Lat.	W. Long.
CCS1 .....	41°19.6' .....	71°45.0' (RI shoreline)
CCS2 .....	40°40.0' .....	71°45.0'
CCS3 .....	40°40.0' .....	70°30.0'
CCS4 .....	41°20.9' .....	70°30.0'
CCS5 .....	41°23.1' .....	70°30.0'
CCS6 .....	41°33.1' .....	70°30.0' (MA shoreline)

(7) *Offshore Management Area—(i) Area restrictions.* From November 1 through May 31, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Offshore Management Area, unless the gillnet gear is equipped with pingers in accordance with paragraphs (b) and (c) of this section. This restriction does not apply to vessels fishing with a single pelagic gillnet (as described in § 648.81(f)(2)(ii) of this title).

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(ii) *Area boundaries.* The Offshore Management Area is bounded by straight lines connecting the following points in the order stated:

### OFFSHORE MANAGEMENT AREA

Point	N. Lat.	W. Long.
OFS1 .....	42°50.0' .....	69°30.0'
OFS2 .....	43°10.0' .....	69°10.0'
OFS3 .....	43°10.0' .....	67°40.0'
OFS4 .....	43°05.8' .....	67°40.0' (EEZ boundary)
OFS5 .....	42°53.1' .....	67°44.5' (EEZ boundary)
OFS6 .....	42°47.3' .....	67°40.0' (EEZ boundary)
OFS7 .....	42°10.0' .....	67°40.0'
OFS8 .....	42°10.0' .....	69°30.0'
OFS1 .....	42°50.0' .....	69°30.0'

(8) *Cashes Ledge Closure Area—(i) Area restrictions.* During the month of February, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies from the Cashes Ledge Closure Area. This restriction does not apply to vessels fishing with a single pelagic gillnet (as described in § 648.81(f)(2)(ii) of this title).

(ii) *Area boundaries.* The Cashes Ledge Closure Area is bounded by straight lines connecting the following points in the order stated:

### CASHES LEDGE CLOSURE AREA

Point	N. Lat.	W. Long.
CL1 .....	42°30.0' .....	69°00.0'
CL2 .....	42°30.0' .....	68°30.0'
CL3 .....	43°00.0' .....	68°30.0'
CL4 .....	43°00.0' .....	69°00.0'
CL1 .....	42°30.0' .....	69°00.0'

(b) *Pingers—(1) Pinger specifications.* For the purposes of this subpart, a pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz (plus or minus 2 kHz) sound at 132 dB (plus or minus 4 dB) re 1 micropascal at 1 m, lasting 300 milliseconds (plus or minus 15 milliseconds), and repeating every 4 seconds (plus or minus 0.2 seconds).

(2) *Pinger attachment.* An operating and functional pinger must be attached at each end of a string of gillnets and at the bridle of every net, or every 300 feet (91.4 m or 50 fathoms), whichever is closer.

(c) *Pinger training and authorization.* The operator of a vessel may not fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove sink gillnet gear or gillnet gear capable of catching multispecies in closed areas where pingers are required as specified under paragraph (b) of this section, unless the operator has satisfactorily received pinger training and possesses and retains on board the vessel a valid pinger training authorization issued by NMFS.

(e) *Research permits.* An exemption to the requirements set forth in this section may be acquired for the purposes of conducting scientific or gear research within the restricted areas described in this section. A scientific research permit must be acquired through NMFS's existing permit application process, administered by NMFS.

(f) *Other special measures.* The Assistant Administrator may, after consultation with the Take Reduction Team, revise the requirements of this section through notification published in the FEDERAL REGISTER if:

(1) NMFS determines that pinger operating effectiveness in the commercial fishery is inadequate to reduce bycatch below the stock's PBR level.

(2) NMFS determines that the boundary or timing of a closed area is inappropriate, or that gear modifications (including pingers) are not reducing bycatch to below the PBR level.

[75 FR 7396, Feb. 19, 2010, as amended at 78 FR 61826, Oct. 4, 2013]

#### § 229.34 Harbor Porpoise Take Reduction Plan Regulations—Mid-Atlantic.

(a)(1) *Regulated waters.* The regulations in this section apply to all waters in the Mid-Atlantic bounded on the east by 72°30' W. long. at the southern coast of Long Island, NY at 40°50.1' N. lat. and on the south by the NC/SC border (33°51.1' N. lat.), except for the areas exempted in paragraph (a)(2) of this section.

(2) *Exempted waters.* The regulations within this section are not applicable to waters landward of the first bridge over any embayment, harbor, or inlet, or to waters landward of the following lines:

##### New York

40°45.70' N., 72°45.15' W. to 40°45.72' N., 72°45.30' W. (Moriches Bay Inlet)  
40°37.32' N., 73°18.40' W. to 40°38.00' N., 73°18.56' W. (Fire Island Inlet)  
40°34.40' N., 73°34.55' W. to 40°35.08' N., 73°35.22' W. (Jones Inlet)

##### New Jersey/Delaware

39°45.90' N., 74°05.90' W. to 39°45.15' N., 74°06.20' W. (Barnegat Inlet)  
39°30.70' N., 74°16.70' W. to 39°26.30' N., 74°19.75' W. (Beach Haven to Brigantine Inlet)  
38°56.20' N., 74°51.70' W. to 38°56.20' N., 74°51.90' W. (Cape May Inlet)

All marine and tidal waters landward of the 72 COLREGS demarcation line (International Regulations for Preventing Collisions at Sea, 1972), as depicted or noted on nautical charts published by NOAA (Coast Charts 1:80,000 scale), and as described in 33 CFR part 80. (Delaware Bay)

##### Maryland/Virginia

38°19.48' N., 75°05.10' W. to 38°19.35' N., 75°05.25' W. (Ocean City Inlet)

All marine and tidal waters landward of the 72 COLREGS demarcation line (International Regulations for Preventing Collisions at Sea, 1972), as depicted or noted on nautical charts published by NOAA (Coast Charts 1:80,000 scale), and as described in 33 CFR part 80. (Chincoteague to Ship Shoal Inlet)

37°11.10' N., 75°49.30' W. to 37°10.65' N., 75°49.60' W. (Little Inlet)  
37°07.00' N., 75°53.75' W. to 37°05.30' N., 75°56.' W. (Smith Island Inlet)

##### North Carolina

All marine and tidal waters landward of the 72 COLREGS demarcation line (International Regulations for Preventing Collisions at Sea, 1972), as depicted or noted on nautical charts published by NOAA (Coast Charts 1:80,000 scale), and as described in 33 CFR part 80.

(b) *Restrictions*—(1) *Waters off New Jersey Management Area.* The Waters off New Jersey Management Area is bounded by straight lines connecting the following points in the order stated:

(i) *Closure.* From April 1 through April 20, it is prohibited to fish with, set, haul back, possess on board a vessel unless stowed in accordance with § 229.2, or fail to remove any large mesh