

§ 660.22 Prohibitions.

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(ee) Fish for Pacific pelagic management unit species using pelagic longline gear with a vessel registered for use under a Hawaii pelagic longline limited access permit north of 25° N. lat. without employing two or more of the seabird mitigation measures described in § 660.33(b).

(ff) Fail to release seabirds that are caught by pelagic longline gear in a manner that maximizes their long-term survival as described in § 660.33(a).

(gg) Operate a vessel used to fish for Pacific pelagic management unit species using pelagic longline gear with a vessel registered for use under a Hawaii pelagic longline limited access permit after September 30, 2000, without a certificate showing completion of a NMFS workshop on protected species as described in § 660.34.

3. A new § 660.33 is added to subpart C to read as follows:

§ 660.33 Pelagic longline seabird mitigation measures.

The operator of a vessel registered for use under a Hawaii pelagic longline limited access permit and engaged in fishing for Pacific pelagic management unit species using pelagic longline gear north of 25° N. lat. must:

(a) Release seabirds that are caught by pelagic longline gear in a manner that maximizes their long-term survival. The vessel operator must have on board the vessel a long-handled dip net, bolt cutters, pliers, and a knife. If a seabird is hooked, the operator must stop the vessel to reduce the tension on the line and bring the seabird on board the vessel using a dip net. Vessel crew must work in pairs to remove hooks from seabirds. The vessel operator must ensure that hooks are not removed backward, as this will cause further damage to the seabird. The vessel operator must ensure that the line is cut as close as possible to the hook, that the hook barb is pushed out point first through a small knife incision and then cut off using bolt cutters, and that the hook shank is removed. If an ingested hook is in the bird's stomach and cannot be removed, the vessel operator must ensure that the line is cut as close as possible to the hook. After removing entangled lines or hooks from seabirds, the vessel operator must ensure that the birds are left to recover on board the vessel for a short period before being released; and

(b) Use at least two of the following six seabird mitigation methods:

(1) *Discharge offal strategically.* While pelagic longline gear is being set or hauled, fish, fish parts, or bait must be

discharged on the opposite side of the vessel from where the longline is being set or hauled. Sufficient quantities of offal must be retained between sets for this purpose;

(2) *Night setting.* Begin setting pelagic longline gear at least 1 hour after local sunset and complete the setting process at least 1 hour before local sunrise, utilizing only enough deck lighting to ensure safety;

(3) *Blue-dyed bait.* Thaw, and dye blue, all bait used. The color intensity of the blue-dyed bait must conform to a level specified by a color quality control card issued by NMFS;

(4) *Towed deterrent.* While setting and hauling the gear, employ a tori (bird) line or towed buoy that meets the specifications of this paragraph. The point of attachment between the tori line, or towing line for the towed buoy, and the towing pole to which it is attached must be 4 to 8 m above the sea surface. The tori line or towing line for the towed buoy must be constructed of material that is between 5 mm and 8 mm in diameter. The tori line must be a minimum of 150 m in length and be weighted at the end so that it streams directly over the pelagic longline gear, even in cross winds. If a towed buoy is used, it must be an inflatable type rubber buoy at least 50 in. (127 cm) in circumference. The buoy must be attached to the towing pole by a line which is at least 175 ft (53.3 m) long, and must be towed to maintain a distance of approximately 150 ft (45.7 m) behind the vessel during setting and approximately 90 ft (27.4 m) during hauling operations. For both types of deterrents, swivels must be placed every 20 m along the line to reduce twisting. A total of 7–10 pairs of streamers must be attached to the line at 5 m intervals beginning 10 m from the point of attachment to the towing pole. The streamers must be made of a heavy, flexible material which allows them to move freely and be attached to the line using three-way swivels or adjustable snaps. The tori line, or towing line for the buoy, must be attached to a towing pole at the stern of the vessel that is positioned such that it is directly above the baited hooks as they are deployed or hauled back. The streamers must be constructed and deployed in a manner such that they each skim the water's surface in the area where the gear is being set and hauled;

(5) *Weighted branch lines.* Attach a weight of at least 45 g to each branch line within 1 m of each hook; or

(6) *Line-setting machine with weighted branch lines.* Set the mainline using a line-setting machine (e.g. Lindgren-Pitman model LS-4) operating

at least 1.3 times the average setting speed of the vessel. A weight of at least 45 g must be attached to each branch line within 1 m of the hook.

4. A new § 660.34 is added to subpart C to read as follows:

§ 660.34 Annual protected species workshops.

The owner and operator of a vessel registered for use under a Hawaii pelagic longline limited access permit and engaged in fishing for Pacific pelagic management unit species using pelagic longline gear must annually attend a NMFS workshop on protected species and receive a protected species workshop certificate before commencing fishing each fishing season. For the years 2000 and 2001, all vessel owners and operators must have attended a protected species workshop by September 30, 2000. The vessel owner must ensure the vessel operator is certified. An owner or operator must maintain proficiency sufficient to perform the procedures required by relevant protected species regulations of NMFS, and must attend and satisfactorily complete a formal training session approved by the Administrator of PIAO, in order to obtain his or her protected species workshop certificate. Owners and operators may be required to attend additional formal training sessions if there are substantial changes in the fishery, fishing gear, or mitigation techniques. Additional training may be required for any owner or operator who is found by the Administrator of PIAO, to lack proficiency in the application of mitigation techniques presented at the workshop. NMFS may waive the requirement to attend these workshops by notice to all vessel owners and operators.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 000504124–0124–01; I.D. 011900B]

RIN 0648–AK11

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Prohibition on the Use of Set Net Fishing Gear

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

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: NMFS reopens the public comment period on a proposed rule to prohibit the use of setnet (gillnet and trammel nets) fishing gear to take groundfish species in portions of the exclusive economic zone (EEZ) adjacent to state waters at four areas off California. NMFS is reopening the comment period to ensure that affected fishers are aware of the proposed changes and have an opportunity to provide comments. This action is intended to avoid unnecessary bycatch and is expected to promote consistent conservation of groundfish stocks and species managed by California throughout their range.

DATES: Comments must be received on or before August 3, 2000.

ADDRESSES: Comments on the proposed rule should be sent to Rodney R. McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562-980-4040.

SUPPLEMENTARY INFORMATION: The proposed rule that would prohibit the use of set nets in portions of the EEZ was published in the **Federal Register** on May 19, 2000 (65 FR 31871). Groundfish fisheries on the west coast are managed under the authority of the Fishery Management Plan for Groundfish Fisheries off Washington, Oregon, and California. California has jurisdiction over fishing for groundfish

and other species within State waters and, with respect to State registered vessels, in the EEZ off California as long as State regulations are not in conflict with Federal regulations. This action would achieve consistency between regulations governing waters under California's jurisdiction and those of the EEZ. NMFS is reopening the comment period to ensure that affected fishers are aware of the proposed changes and have an opportunity to provide comments.

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

Dated: June 29, 2000.

Andrew A. Rosenberg,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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