

on January 11–12, 1995, and February 15–16, 1995. The Council provided the public with advance notice of both the proposal and the analysis, and opportunity to comment on them prior to and at the February 15–16 Council meeting. Upon review of the analysis and public comment, the Council recommended to the Regional Director that the measures contained in Framework Adjustment 9 be published as a final rule. The Regional Director has determined that the measures in Framework Adjustment 9 are appropriate to publish as a final rule.

Because many of the measures contained within this rule relieve a burden on the fishing industry, it is the intent of the Council and NMFS that Framework Adjustment 9 supersede the extension to the emergency action.

The Council has clearly stated that this framework adjustment, with its modifications, does not necessarily reflect its policies in regard to the development of Amendment 7.

Comments and Responses

Written comments were submitted by Capt. John Boats, Inc., East Coast Fisheries Federation, Inc., Greenpeace, NMFS Office of Enforcement (NE Region), Plum Island Surfcasters, Ram Point Marina, Inc., Seafarers International Union of No. America (AFL–CIO), Shinnecock Marlin & Tuna Club, Inc., *The Fisherman Magazine*, U.S. Coast Guard, Zonta Club of Northampton, and 1,168 individuals including Congressman Patrick J. Kennedy (RI). One association and three individuals supported everything in the framework amendment. Several letters addressed solutions that are not within the scope of this framework amendment. The majority of letters addressed the exemption for recreational vessels fishing in the Nantucket Lightship Closed Area.

Comment 1: Of the 1,168 individual letters, 664 were signed form letters submitted by a representative of the Francis Fleet supporting an exemption for recreational fishing in the yellowtail area south of Nantucket. Most of the remainder were signed form letters submitted independently, but identical to the Francis Fleet submission, supporting a recreational exemption. Further, Congressman Kennedy supported the recreational exemption. Four associations supported the exemption.

Response: The letters of support have been noted and an exemption for recreational and charter vessels in the Nantucket Lightship Closed Area, under the conditions specified in this framework, has been approved.

Comment 2: Two of the associations (one of which attached a petition signed by 28 individuals) and eight individuals supported exempting recreational fisheries from the possible closing of Georges Bank.

Response: The only recreational fishing exemption under consideration by the New England Fishery Management Council during the framework process was a proposal to exempt recreational fishing in the Nantucket Lightship Closed Area. The issue of closing additional areas will be dealt with by Amendment 7 to the Northeast Multispecies FMP. Therefore, comments supporting a recreational fishing exemption on Georges Bank should be made during hearings to be scheduled regarding Amendment 7.

Comment 3: One association (speaking for recreational fishing vessels) opposed the transiting prohibition through the Nantucket Lightship Closed Area. It stated that the prohibition is dangerous for vessels fishing the east side of Nantucket shoals.

Response: An exception allowing transiting through the Nantucket Lightship Closed Area and Closed Area I for all fishing vessels, including recreational and charter vessels, under the conditions specified in this framework, has been approved.

Comment 4: One association, with 16 signatures on its letter, supported the fishing limitations on Georges Bank and urged an extension of the 6-month emergency action to allow for stock rebuilding.

Response: The Magnuson Act authorizes for emergency rules to be effective for up to 90 days, with a provision that they may be extended by Council recommendation for an additional 90 days. As no authority exists for another extension by emergency rule, the Council initiated this framework action under the abbreviated rulemaking procedures established by Amendment 5. Its effect will be to continue the measures promulgated under the emergency action until at least such time as a more comprehensive amendment (Amendment 7) is implemented.

Comment 5: One environmental organization urged that the Council not exempt recreational, party, and charter boats from the closure of certain areas of Georges Bank. It disagreed with the recreational sector's argument that the financial hardship posed by their inclusion in the Council's plans should take precedence over the conservation measures deemed necessary by the Council since their impact on regulated species is minimal. It added that the

level of removal of groundfish by the recreational sector works at cross-purposes to the Council's intentions of accomplishing a near-zero fishing mortality rate.

Response: This framework allows an exemption only to the Nantucket Lightship Closed Area for recreational, party, and charter vessels. It does not exempt this segment of the fishery from other closed areas of Georges Bank. Furthermore, the sale of fish caught on vessels fishing under this exemption is explicitly prohibited (regardless of where the fish are caught), thereby reducing the incentive to target on critical stocks of groundfish. Each vessel in the party/charter fleet will further need a letter of authorization to enter this closed area, and both recreational and party/charter vessels may carry only hand-line and/or rod-and-reel fishing gear aboard. Anecdotal information indicates that the primary target species in this area is white hake, with pollock and cod being caught to a lesser extent. Although some cod is caught in this area, the Council and NMFS believe it should have a minimal impact on the depleted stocks. Concerning the Council's intentions of accomplishing a near-zero fishing mortality rate, that rate is the basis for stock rebuilding under Amendment 7 of the multispecies FMP, now under development. The driving force for this framework is continuation of temporary measures to slow the decline of multispecies stocks until stock rebuilding regulations are in place.

Comment 6: One commentator criticized the make-up of the Council, suggesting that recreational fishing interests are not adequately represented.

Response: Of the six appointed at-large members of the Council, four have backgrounds involving recreational fishing interests. Of those four, one is editor of *Salt Water Sportsman Magazine*. There are also five state representatives to the Council, one from each New England state, representing the concerns of all sectors of the fisheries. Furthermore, the Regional Director of NMFS is also a member of the Council, and represents commercial and recreational interests, equitably.

Comment 7: One association stated that the emergency rule (whose provisions will continue, as modified, by this framework amendment) unfairly affects the winter flounder fishery in the Mid-Atlantic Regulated Mesh Area. The association seeks an exemption west of 72°30' west longitude.

Response: This issue was not adequately analyzed in time for Framework Adjustment 9 but is currently under consideration by the