

shrimp season, as established by the Atlantic States Marine Fisheries Commission (ASMFC). The northern shrimp season is December 1 through May 30, or as modified by the ASMFC.

(8) *Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area*. Except as provided in paragraphs (a)(7), (a)(9), (e) and (f) of this section, the minimum mesh size for any trawl net or Scottish seine in use, or available for use as described under paragraph (c)(7) of this section, by a vessel fishing in the following area shall be 6 inches (15.24 cm) square mesh in the last 50 bars of the codend and extension piece for vessels 45 ft (13.7 m) and less, and in the last 100 bars of the codend and extension piece for vessels greater than 45 ft (13.7 m).

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(9) *Transitting*. (i) Vessels subject to the mesh requirements specified in paragraph (a)(6) of this section may transit through the Northern Shrimp Exemption Area defined in paragraph (a)(7) of this section with nets on board with mesh smaller than the minimum size specified in paragraph (a)(6) of this section, provided that the nets are stowed in accordance with the provisions of paragraph (c)(7) of this section, and provided the vessel has no fish on board; and

(ii) Vessels subject to the mesh requirements specified in paragraph (a)(6) of this section may transit through the SB/JL juvenile protection area defined in paragraph (a)(8) of this section with nets on board that do not conform to the requirements specified in paragraphs (a)(6) or (a)(8) of this section, provided that the nets are stowed in accordance with the provisions of paragraph (c)(7) of this section.

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(c) * * *

(6) * * *

(ii) *Possession and net stowage requirements*. Vessels may possess regulated species while in possession of nets with mesh less than the minimum size specified in paragraph (c)(5) of this section, provided that the nets are stowed and are not available for immediate use in accordance with paragraph (c)(7) of this section, and provided that regulated species were not harvested by nets of mesh size smaller than the minimum mesh size specified in paragraph (c)(5) of this section. Vessels may only fish for, or retain, butterfly, dogfish, herring, mackerel, ocean pout, scup, shrimp, *Loligo* squid, *Illex* squid, summer flounder, whiting and/or weakfish, while fishing with nets of mesh smaller than the minimum size

specified in paragraph (c)(5) of this section. Vessels fishing for these species under the exemption provided herein may also possess and retain the following species as incidental take to these exempted fisheries: Conger eels (*Conger oceanicus*); searobins (species in the family Triglidae); black sea bass (*Centropristis striata*); red hake; tautog (blackfish) (*Tautoga onitis*); blowfish (puffer) (species in the family Tetraodontidae); cunner (*Tautoglabrus adspersus*); John Dory (*Zenopsis conchifera*); mullet (species in the family Mugilidae); bluefish (*Pomatomus saltatrix*); tilefish (*Lopholatilus chamaeleonticeps*); longhorn sculpin (*Myoxocephalus octodecimspinosus*); fourspot flounder (*Paralichthys oblongus*); alewife (*Alosa pseudoharengus*); hickory shad (*Alosa mediocris*); American shad (*Alosa sapidissima*); blueback herring (*Alosa aestivalis*); sea ravens (*Hemitripteris americanus*); Atlantic croaker (*Micropogonias undulatus*); spot (*Leiostomus xanthurus*); and swordfish (*Xiphias gladius*).

(7) *Net stowage requirements*. Any person on a fishing vessel or any fishing vessel subject to the net stowage or transitting requirements of this section may not have available for immediate use any net not meeting the regulated mesh requirements as specified in paragraphs (a)(7), (a)(8), (c)(5), and (d)(4) of this section and, as applicable, in the areas and for the times specified in § 651.32(c). A net that conforms to one of the following specifications and that can be shown not to have been in recent use is considered to be not "available for immediate use:"

* * * * *

(d) * * *

(5) * * *

(ii) *Possession and net stowage requirements*. Vessels may possess regulated species while in possession of nets with mesh less than the minimum size specified in paragraph (d)(4) of this section, provided that the nets are stowed and are not available for immediate use in accordance with paragraph (c)(7) of this section, and provided that regulated species were not harvested by nets of mesh size smaller than the minimum mesh size specified in paragraph (d)(4) of this section. Vessels may only fish for, or retain, butterfly, dogfish, herring, mackerel, ocean pout, scup, shrimp, *Loligo* squid, *Illex* squid, summer flounder, whiting weakfish, and/or scallops while fishing with nets of mesh smaller than the minimum size specified in paragraph (d)(4) of this section. Vessels fishing for these species under the exemption

provided herein may also possess and retain the following species as incidental take to these exempted fisheries: Conger eels (*Conger oceanicus*); searobins (species in the family Triglidae); black sea bass (*Centropristis striata*); red hake; tautog (blackfish) (*Tautoga onitis*); blowfish (puffer) (species in the family Tetraodontidae); cunner (*Tautoglabrus adspersus*); John Dory (*Zenopsis conchifera*); mullet (species in the family Mugilidae); bluefish (*Pomatomus saltatrix*); tilefish (*Lopholatilus chamaeleonticeps*); longhorn sculpin (*Myoxocephalus octodecimspinosus*); fourspot flounder (*Paralichthys oblongus*); alewife (*Alosa pseudoharengus*); hickory shad (*Alosa mediocris*); American shad (*Alosa sapidissima*); blueback herring (*Alosa aestivalis*); sea ravens (*Hemitripteris americanus*); Atlantic croaker (*Micropogonias undulatus*); spot (*Leiostomus xanthurus*); swordfish (*Xiphias gladius*); and skate (species in the family Rajidae).

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4. In § 651.21, paragraphs (d)(1)(ii) and (d)(2)(ii)(B), which were temporarily added at 59 FR 63932, December 12, 1994, effective December 12, 1994, through March 12, 1995, are temporarily revised, and paragraphs (d)(1)(iii) and (d)(3)(ii)(C) are temporarily added, effective January 10, 1995, through March 12, 1995, to read as follows. On March 12, 1995, § 651.21(d)(1)(ii), (d)(1)(iii), (d)(2)(ii)(B) and (d)(3)(ii)(C) will expire.

§ 651.21 Closed areas.

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(d) * * *

(1) * * *

(ii) Paragraph (d)(1)(i) of this section does not apply to persons on fishing vessels or fishing vessels:

(A) Fishing with or using pot gear designed and used to take lobsters, and which have no other gear on board capable of catching multispecies finfish;

(B) Seeking safe haven from storm conditions. Such fishing vessels may transit through the closed area providing that:

(1) Gale, storm, or hurricane conditions are posted for the area by the National Weather Service;

(2) Such vessels do not fish in the area;

(3) Fishing net gear is stowed in accordance with

§ 651.20(c)(7) and scallop dredge gear is stowed in accordance with paragraph (d)(1)(iii) of this section; and

(4) The vessel provides notice to a patrolling U.S. Coast Guard aircraft or