

measures it determines are necessary to assure that the specifications are not exceeded:

- (1) Commercial quotas;
- (2) The amount of *Loligo* squid, *Illex* squid, and butterfish which may be retained, possessed and landed by vessels issued the incidental catch permit specified in § 655.4(c);
- (3) Commercial minimum fish sizes;
- (4) Commercial trip limits;
- (5) Commercial seasonal quotas;
- (6) Minimum mesh sizes;
- (7) Commercial gear restrictions;
- (8) Recreational harvest limit;
- (9) Recreational minimum fish size;
- (10) Recreational possession limits;
- (11) Recreational season.

(e) *Annual fishing measures.* (1) The Committee shall review the recommendations of the Monitoring Committee. Based on these recommendations and any public comment, the Committee shall make its recommendations to the Council with respect to the specifications and any other measures necessary to assure that the specifications are not exceeded. The Council shall review these recommendations. Based on these recommendations, and any public comment, the Council shall make recommendations to the Regional Director. Included in the recommendation will be supporting documents, as appropriate, concerning the environmental, economic, and social impacts of the proposed action. The Regional Director will review these recommendations, and on or about November 1 of each year, will publish a notification in the Federal Register of proposed specifications and any other measures necessary to assure that the specifications are not exceeded. If the specifications differ from those recommended by the Council, the reasons for any differences must be clearly stated and the revised specifications must satisfy the criteria set forth in this section. The Federal Register notification of proposed specifications will provide for a 30-day public comment period.

(2) The Council's recommendations will be available in aggregate form for inspection at the office of the Regional Director during the public comment period.

(3) On or about December 15 of each year, the Secretary will make a final determination concerning the specifications for each species and the other measures contained in the notification of proposed specifications. After the Secretary considers all relevant data and any public comments, a notification of final specifications and response to public comments will be

published in the Federal Register. If the final amounts differ from those recommended by the Council, the reason(s) for the difference(s) must clearly be stated and the revised specifications must be consistent with the guidelines set forth in paragraph (b) of this section.

§ 655.23 Closure of the fishery.

(a) *General.* The Secretary shall close the directed Atlantic mackerel, *Illex* squid, *Loligo* squid, or butterfish fishery in the EEZ when U.S. fishermen have harvested 80 percent of the DAH, if such closure is necessary to prevent the DAH from being exceeded. The closure will be in effect for the remainder of the fishing year, with incidental catches allowed as specified in paragraph (c) of this section, until the entire DAH is attained. When the Regional Director projects that DAH will be attained for any of the species, the Secretary shall close the fishery in the EEZ to all fishing for that species, and the incidental catches specified in paragraph (c) of this section will be prohibited.

(b) *Notification.* The Secretary will take the following actions if it is determined that a closure is necessary:

(1) Notify, in advance, the Executive Directors of the Mid- Atlantic, New England, and South Atlantic Councils;

(2) Mail notifications of the closure to all holders of permits issued under §§ 655.4, 655.5 and 655.6 at least 72 hours before the effective date of the closure;

(3) Provide for adequate notification of the closure to recreational participants in the fishery; and

(4) Publish a notification of closure in the Federal Register.

(c) *Incidental catches.* During a period of closure of the directed fishery, the trip limit for the species for which the fishery is closed is 10 percent by weight of the total amount of fish on board for vessels with *Loligo*/butterfish moratorium permits, *Illex* moratorium permits or mackerel commercial permits. During a period of closure of the directed fishery, the trip limit for the species for which the fishery is closed is either 10 percent by weight of the total amount of fish on board, or the allowed level of incidental catch specified in § 655.4(c)(1), whichever is less.

§ 655.24 Time and area restrictions for directed foreign fishing.

Foreign fishing is regulated under the provisions specified in § 611.50(b)(2).

§ 655.25 Gear restrictions.

(a) *Mesh restriction and exemptions.* Owners or operators of otter trawl

vessels possessing *Loligo* squid harvested in or from the EEZ may only fish with nets having a minimum mesh size of 1 $\frac{7}{8}$ inches (48 mm) diamond mesh, inside stretch measure, applied throughout the entire net. There are two exemptions to this requirement:

(1) During the months of June, July, August, and September, otter trawl vessels fishing for *Illex* seaward of the following coordinates (see Figure 1 to part 655):

Point	Latitude	Longitude
Point M1	43°58.0' N.	67°22.0' W.
Point M2	43°50.0' N.	68°35.0' W.
Point M3	43°30.0' N.	69°40.0' W.
Point M4	43°20.0' N.	70°00.0' W.
Point M5	42°45.0' N.	70°10.0' W.
Point M6	42°13.0' N.	69°55.0' W.
Point M7	41°00.0' N.	69°00.0' W.
Point M8	41°45.0' N.	68°15.0' W.
Point M9	42°10.0' N.	67°10.0' W.
Point M10	41°18.6' N.	66°24.8' W.
Point M11	40°55.5' N.	66°38.0' W.
Point M12	40°45.5' N.	68°00.0' W.
Point M13	40°37.0' N.	68°00.0' W.
Point M14	40°30.0' N.	69°00.0' W.
Point M15	40°22.7' N.	69°00.0' W.
Point M16	40°18.7' N.	69°40.0' W.
Point M17	40°21.0' N.	71°03.0' W.
Point M18	39°41.0' N.	72°32.0' W.
Point M19	38°47.0' N.	73°11.0' W.
Point M20	38°04.0' N.	74°06.0' W.
Point M21	37°08.0' N.	74°46.0' W.
Point M22	36°00.0' N.	74°52.0' W.
Point M23	35°45.0' N.	74°53.0' W.
Point M24	35°28.0' N.	74°52.0' W.

Vessels fishing under this exemption may not have available for immediate use, as described in paragraph (b) of this section, any net with mesh size less than 1 $\frac{7}{8}$ inches (48 mm) diamond mesh when the vessel is landward of the specified coordinates.

(2) Vessels participating in the directed fishery for sea herring, provided that their catch comprises 75 percent or more by weight of sea herring.

(b) *Net stowage requirements.* Otter trawl vessels possessing *Loligo* squid that are subject to the minimum mesh size may not have "available for immediate use" any net, or any piece of net, not meeting the minimum mesh size requirement, or any net, or any piece of net, with mesh that is rigged in a manner that is inconsistent with the minimum mesh size. A net that conforms to one of the following specifications and that can be shown not to have been in recent use, is considered not to be "available for immediate use":

(1) A net stowed below deck, provided: