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such vessel reports any incidental mortality or injury of such marine mammals in accordance with the requirements of § 229.6.

(e) *Emergency authority.* During the course of the commercial fishing season, if the Assistant Administrator determines that the level of incidental mortality or serious injury from commercial fisheries for which such a determination was made under this section has resulted or is likely to result in an impact that is more than negligible on the endangered or threatened species or stock, the Assistant Administrator will use the emergency authority of § 229.9 to protect such species or stock, and may modify any permit granted under this paragraph as necessary.

(f) *Suspension, revocation, modification and amendment.* The Assistant Administrator may, pursuant to the provisions of 15 CFR part 904, suspend or revoke a permit granted under this section if the Assistant Administrator determines that the conditions or limitations set forth in such permit are not being complied with. The Assistant Administrator may amend or modify, after notification and opportunity for public comment, the list of fisheries published in accordance with paragraph (b) of this section whenever the Assistant Administrator determines there has been a significant change in the information or conditions used to determine such a list.

(g) *Southern sea otters.* This subpart does not apply to the taking of Southern (California) sea otters.

[60 FR 45100, Aug. 30, 1995, as amended at 64 FR 9088, Feb. 24, 1999]

Subpart C—Take Reduction Plan Regulations and Emergency Regulations

§ 229.30 Basis.

Section 118(f)(9) of the Act authorizes the Director, NMFS, to impose regulations governing commercial fishing operations, when necessary, to implement a take reduction plan in order to protect or restore a marine mammal stock or species covered by such a plan.

[64 FR 9088, Feb. 24, 1999]

50 CFR Ch. II (10–1–07 Edition)

§ 229.31 Pacific Offshore Cetacean Take Reduction Plan.

(a) *Purpose and scope.* The purpose of this section is to implement the Pacific Offshore Cetacean Take Reduction Plan. Paragraphs (b) through (d) of this section apply to all U.S. drift gillnet fishing vessels operating in waters seaward of the coast of California or Oregon, including adjacent high seas waters. For purposes of this section, the fishing season is defined as beginning May 1 and ending on January 31 of the following year.

(b) *Extenders.* An *extender* is a line that attaches a buoy (float) to a drift gillnet's floatline. The floatline is attached to the top of the drift gillnet. All extenders (buoy lines) must be at least 6 fathoms (36 ft; 10.9 m) in length during all sets. Accordingly, all floatlines must be fished at a minimum of 36 feet (10.9 m) below the surface of the water.

(c) *Pingers.* (1) For the purposes of this paragraph (c), a pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz (± 2 kHz) sound at 132 dB (± 4 dB) re 1 micropascal at 1 m, lasting 300 milliseconds (± 15 milliseconds), and repeating every 4 seconds ($\pm .2$ seconds); and remains operational to a water depth of at least 100 fathoms (600 ft or 182.88 m).

(2) While at sea, operators of drift gillnet vessels with gillnets onboard must carry enough pingers on the vessel to meet the requirements set forth under paragraphs (c)(3) through (6) of this section.

(3) *Floatline.* Pingers shall be attached within 30 ft (9.14 m) of the floatline and spaced no more than 300 ft (91.44 m) apart.

(4) *Leadline.* Pingers shall be attached within 36 ft (10.97 m) of the leadline and spaced no more than 300 ft (91.44 m) apart.

(5) *Staggered Configuration.* Pingers attached within 30 ft (9.14 m) of the floatline and within 36 ft (10.97 m) of the leadline shall be staggered such that the horizontal distance between them is no more than 150 ft (45.5 m).

(6) Any materials used to weight pingers must not change its specifications set forth under paragraph (c)(1) of this section.

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(7) The pingers must be operational and functioning at all times during deployment.

(8) If requested, NMFS may authorize the use of pingers with specifications or pinger configurations differing from those set forth in paragraphs (c)(1) and (c)(3) of this section for limited, experimental purposes within a single fishing season.

(d) Skipper education workshops. After notification from NMFS, vessel operators must attend a skipper education workshop before commencing fishing each fishing season. For the 1997/1998 fishing season, all vessel operators must have attended one skipper education workshop by October 30, 1997. NMFS may waive the requirement to attend these workshops by notice to all vessel operators.

[62 FR 51813, Oct. 3, 1997, as amended at 63 FR 27861, May 21, 1998; 64 FR 3432, Jan. 22, 1999]

§ 229.32 Atlantic large whale take reduction plan regulations.

(a)(1) Regulated waters. The regulations in this section apply to all U.S. waters in the Atlantic except for the areas exempted in paragraph (a)(2) of this section.

(2) Exempted waters. The regulations in this section do not apply to waters landward of the first bridge over any embayment, harbor, or inlet and to waters landward of the following lines:

Rhode Island

- 41°27.99' N 71°11.75' W TO 41°28.49' N 71°14.63' W (Sakonnet River)
41°26.96' N 71°21.34' W TO 41°26.96' 71°25.92' W (Narragansett Bay)
41°22.41' N 71°30.80' W TO 41°22.41' N 71°30.85' W (Pt. Judith Pond Inlet)
41°21.31' 71°38.30' W TO 41°21.30' N 71°38.33' W (Ninigret Pond Inlet)
41°19.90' N 71°43.08' W TO 41°19.90' N 71°43.10' W (Quonochontaug Pond Inlet)
41°19.66' N 71°45.75' W TO 41°19.66' N 71°45.78' W (Weekapaug Pond Inlet)

New York

- West of the line from the Northern fork of the eastern end of Long Island, NY (Orient Pt.) to Plum Island to Fisher's Island to Watch Hill, RI. (Long Island Sound)
41°11.40' N 72°09.70' W TO 41°04.50' N 71°51.60;min; W (Gardiners Bay)
40°50.30' 72°28.50' W TO 40°50.36' N 72°28.67' W (Shinnecock Bay Inlet)

- 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

- 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)
39°16.70' N 75°14.60' W TO 39°11.25' N 75°23.90' W (Delaware Bay)

Maryland/Virginia

- 38°19.48' N 75°05.10' W TO 38°19.35' N 75°05.25' W (Ocean City Inlet)
37°52.50' N 75°24.30' W TO 37°11.90' N 75°48.30' W (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°56.50' W (Smith Island Inlet)

North Carolina to Florida

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 the National Oceanic and Atmospheric Administration (Coast Charts 1:80,000 scale), and as described in 33 CFR part 80.

(b) Gear marking requirements. (1) Specified gear consists of lobster trap gear and gillnet gear set in specified areas.

(2) Specified areas. The following areas are specified for gear marking purposes: CCB Restricted Area, Stellwagen Bank/Jeffreys Ledge Restricted Area, Northern Nearshore Lobster Waters Area, GSC Restricted Lobster Area, GSC Restricted Gillnet Area, GSC Sliver Restricted Area, Southern Nearshore Lobster Waters Area, Offshore Lobster Waters Area, Other Northeast Gillnet Waters Area, and Southeast U.S. Observer Area.

(3) Requirements for Southeast U.S. Observer Area. Any person who owns or fishes with specified fishing gear in the Southeast U.S. Observer Area must mark that gear in accordance with (b)(3)(i) and (b)(3)(ii) of this section, unless otherwise required by the Assistant Administrator under paragraph (g) of this section.