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(1) The maximum amount of each species that can be harvested and landed during the term of the experimental fishing permit, including trip limitations, where appropriate.

(2) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the experimental fishing permit.

(3) The time(s) and place(s) where experimental fishing may be conducted.

(4) The type, size, and amount of gear that may be used by each vessel operated under the experimental fishing permit.

(5) The condition that observers be carried aboard vessels operated under an experimental fishing permit.

(6) Reasonable data reporting requirements.

(7) Such other conditions as may be necessary to assure compliance with the purposes of the experimental fishing permit and consistency with the FMP objectives.

(8) Provisions for public release of data obtained under the experimental fishing permit.

(f) Effectiveness. Unless otherwise specified in the experimental fishing permit or superseding notification or regulation, an experimental fishing permit is effective for no longer than 1 calendar year, but may be revoked, suspended, or modified during the calendar year. Experimental fishing permits may be renewed following the application procedures in paragraph (b) of this section.

§679.7 Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(a) Groundfish of the GOA and BSAI—

(1) Federal fisheries permit. Fish for groundfish in the GOA or BSAI with a vessel of the United States that does not have on board a valid Federal fisheries permit issued pursuant to §679.4.

(2) Inseason action or adjustment. Conduct any fishing contrary to notification of inseason action or adjustment issued under §679.20, §679.21, or §679.25.

(3) Groundfish Observer Program. Fish for or process groundfish except in compliance with the terms of the Groundfish Observer Program as provided by subpart E of this part.

(4) Pollock roe. Retain pollock roe on board a vessel in violation of §679.20(g).

(5) Prohibited species bycatch rate standard. Exceed a bycatch rate standard specified for a vessel under §679.22(f).

(b) Gear. Deploy any trawl, longline, single pot-and-line, or jig gear in an area where directed fishing for, or retention of, all groundfish by operators of vessels using that gear type is prohibited in that area, except that this paragraph (b)(6) shall not prohibit:

(i) Deployment of hook-and-line gear by operators of vessels fishing for halibut during seasons prescribed in the annual management measures published in the FEDERAL REGISTER pursuant to §300.6 of chapter III of this title.

(ii) Deployment of pot gear by operators of vessels fishing for crab during seasons governed by the State of Alaska.

(iii) Deployment of jig gear by operators of vessels fishing for salmon during seasons governed by the State of Alaska.

(7) Inshore-offshore—(i) (Applicable through December 31, 2004). Operate any vessel in the BSAI in more than one of the two categories included in the definition of “inshore component in the BSAI” in §679.2, during any fishing year.

(ii) (Applicable through December 31, 2004). Operate any vessel in the BSAI under both the “inshore component in the BSAI” and the “offshore component in the BSAI” definitions in §679.2 during the same fishing year.

(iii) (Applicable through December 31, 2001). Operate any vessel in the BSAI under both the “inshore component in the GOA” and the “offshore component in the GOA” definitions in §679.2 during the same fishing year.

(iv) (Applicable through December 31, 2001). Operate any vessel in the GOA in more than one of the three categories included in the definition of “inshore component in the GOA,” in §679.2, during any fishing year.
(v) (Applicable through December 31, 2001). Operate any vessel in the GOA under both the "inshore component in the GOA" and the "offshore component in the GOA" definitions in §679.2 during the same fishing year.

(vi) (Applicable through December 31, 2001). Operate any vessel in the GOA under both the "inshore component in the GOA" and the "offshore component in the BSAI" or under both the "offshore component in the GOA" and the "inshore component in the BSAI" definitions in §679.2 during the same fishing year.

(vii) (Applicable through December 31, 2001). Operate any vessel that processes pollock or Pacific cod, harvested in a directed fishery for those species, at a single location in Alaska State waters under the "inshore component in the BSAI" and the "inshore component in the GOA" definitions in §679.2 during the same fishing year.

(8) Fishing in Donut Hole. Except as authorized by permit issued pursuant to the section of the Donut Hole Convention implementing legislation authorizing NMFS to issue Donut Hole fishing permits (Public Law 104-43, section 104(d)), it is unlawful for any person to:

(i) Fish in the Donut Hole from a vessel for which a Federal fisheries permit has been issued pursuant to §679.4 during the year for which the permit was issued.

(ii) Possess within the EEZ fish harvested from the Donut Hole on board a vessel for which a Federal fisheries permit has been issued pursuant to §679.4 during the year for which the permit was issued.

(9) Authorized fishing gear. Retain groundfish taken with other than authorized fishing gear as defined in §679.2, except that groundfish incidentally taken by pot gear by a vessel while participating in an open crab season governed by the State of Alaska may be retained for use as unprocessed bait on board that vessel.

(10) Recordkeeping and reporting. Fail to comply with or fail to ensure compliance with requirements in §679.5.

(11) Tender vessel. Use a catcher vessel or catcher/processor as a tender vessel before offloading all groundfish or groundfish product harvested or processed by that vessel.

(12) Prohibited species donation program. Retain or possess prohibited species, defined at §679.21(b)(1), except as permitted to do so under the PSD program as provided by §679.26 of this part, or as authorized by other applicable law.

(13) Halibut. With respect to halibut caught with hook-and-line gear deployed from a vessel fishing for groundfish, except for vessels fishing for halibut as prescribed in the annual management measures published in the Federal Register pursuant to §300.62 of chapter III of this title:

(i) Fail to release the halibut outboard a vessel’s rails.

(ii) Release the halibut by any method other than—(A) Cutting the gangion.

(B) Positioning the gaff on the hook and twisting the hook from the halibut.

(C) Straightening the hook by using the gaff to catch the bend of the hook and bracing the gaff against the vessel or any gear attached to the vessel.

(iii) Puncture the halibut with a gaff or other device.

(iv) Allow the halibut to contact the vessel, if such contact causes, or is capable of causing, the halibut to be stripped from the hook.

(14) Trawl performance standard. Use a vessel to participate in a directed fishery for pollock with trawl gear and have on board the vessel, at any particular time, 20 or more crab of any species that have a width of more than 1.5 inches (38 mm) at the widest dimension when directed fishing for pollock with nonpelagic trawl gear is closed.

(15) Federal Processor Permit. Receive or process groundfish harvested in the GOA or BSAI by a shoreside processor or vessel of the United States operating solely as a mothership in Alaska State waters that does not have on site a valid Federal processor permit issued pursuant to §679.4(f).

(16) Retention of groundfish bycatch species. Exceed the maximum retainable groundfish bycatch amount established under §679.20(e).

(b) Prohibitions specific to GOA. Use any gear other than non-trawl gear in
the GOA east of 140° W. long. (South-east Outside District).

(c) Prohibitions specific to BSAI. (1) Incidental salmon. Discard any salmon taken incidental to a directed fishery for BSAI groundfish by vessels using trawl gear until notified by an observer that the number of salmon has been determined and the collection of any scientific data or biological samples has been completed as provided in §679.21(c)(1).

(2) Prohibited species. Conduct any fishing contrary to a notification issued under §679.21.

(d) CDQ. (1) Participate in a Western Alaska CDQ program in violation of this part.

(2) Fail to submit, submit inaccurate information on, or intentionally submit false information on any report, application, or statement required under this part.

(3) Participate as a community in more than one CDP, unless the second CDP is for vessels fishing halibut CDQ only.

(4) Harvest groundfish CDQ on behalf of a CDQ group with a vessel that is not listed as an eligible vessel on an approved CDP for that CDQ group.

(5) For a CDQ group, exceed a CDQ, halibut PSQ, or crab PSQ.

(6) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in Zone 1 after the CDQ group’s red king crab PSQ or C. bairdi Tanner crab PSQ in Zone 1 is attained.

(7) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in Zone 2 after the CDQ group’s PSQ for C. bairdi Tanner crab in Zone 2 is attained.

(8) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in the C. opilio Bycatch Limitation Zone after the CDQ group’s PSQ for C. opilio Tanner crab is attained.

(9) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in the Chum Salmon Savings Area between January 1 and April 15 after the CDQ group’s chinook salmon PSQ is attained.

(10) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest groundfish CDQ in the Chum Salmon Savings Area between September 1 and October 14 after the CDQ group’s non-chinook salmon PSQ is attained.

(11) For the operator of a catcher vessel using trawl gear or any vessel less than 60 ft (18.3 m) LOA that is groundfish CDQ fishing as defined at §679.2, discard any groundfish CDQ species or salmon PSQ before it is delivered to an eligible processor listed on an approved CDP.

(12) For the operator of a vessel using trawl gear, release CDQ catch from the codend before it is brought on board the vessel and weighed on a scale approved by NMFS under §679.28(b) or delivered to a processor. This includes, but is not limited to, “codend dumping” and “codend bleeding.”

(13) For the operator of a catcher vessel, catch, retain on board, or deliver groundfish CDQ species together with moratorium groundfish species.

(14) For the operator of a catcher/processor, catch groundfish CDQ species together with moratorium groundfish species in the same haul, set, or pot.

(15) For the operator of a catcher/processor or a catcher vessel required to carry a CDQ observer, combine catch from two or more CDQ groups in the same haul or set.

(16) Use any groundfish CDQ species as a basis species for calculating retainable bycatch amounts under §679.20.

(17) For the operator of a catcher/processor using trawl gear or a mothership, harvest or take deliveries of CDQ or PSQ species without a valid scale inspection report signed by an authorized scale inspector under §679.28(b)(2) on board the vessel.

(18) For the operator of a vessel required to have an observer sampling station described at §679.28(d), harvest or take deliveries of CDQ or PSQ species without a valid observer sampling station inspection report issued by NMFS under §679.28(d)(8) on board the vessel.

(19) For the operator of a catcher/processor using trawl gear or a mothership, sort, process, or discard...
CDQ or PSQ species before the total catch is weighed on a scale that meets the requirements of §679.28(b), including the daily test requirements described at §679.28(b)(3).

(20) For the manager of a shoreside processor or the manager or operator of a buying station that is required elsewhere in this part to weigh catch on a scale approved by the State of Alaska under §679.28(c), fail to weigh catch on a scale that meets the requirements of §679.28(c).

(21) For a CDQ representative, use methods other than those approved in the CDP to determine the catch of CDQ and PSQ reported to NMFS on the CDQ catch report.

(22) For a CDQ group, report catch of sablefish CDQ for accrual against the fixed gear sablefish CDQ reserve if sablefish CDQ was caught with fishing gear other than fixed gear.

(23) For any person on a vessel using fixed gear that is fishing for a CDQ group with an allocation of fixed gear sablefish CDQ, discard sablefish harvested with fixed gear.

(24) For a CDQ group, fail to ensure that all vessels and processors listed as eligible on the CDQ group’s approved CDP comply with all regulations in this part while fishing for CDQ.

(25) Fail to comply with the requirements of a CDP.

(e) Moratorium on entry.

(1) Submit false or inaccurate information on a moratorium permit application or application to transfer moratorium qualification.

(2) Alter, erase, or mutilate any moratorium permit.

(3) Catch and retain a moratorium species with a vessel that has a LOA greater than the maximum LOA for the vessel.

(4) Catch and retain a moratorium species with a vessel that has received an unauthorized transfer of moratorium qualification.

(5) Catch and retain moratorium crab species or conduct directed fishing for any moratorium groundfish species with a vessel that has not been issued a valid moratorium permit, unless the vessel is lawfully conducting directed fishing for sablefish under subparts C and D of this part.

(f) IFQ fisheries.

(1) Fail to submit, or submit inaccurate information on, any report, application, or statement required under this part.

(2) Intentionally submit false information on any report, application, or statement required under this part.

(i) Halibut. Retain halibut caught with fixed gear without a valid IFQ or CDQ permit and without an IFQ or CDQ card in the name of an individual aboard.

(ii) Sablefish. Retain sablefish caught with fixed gear without a valid IFQ permit and without an IFQ card in the name of the individual aboard, except as provided under an approved CDP.

(4) Except as provided in §679.51(3), retain IFQ halibut or IFQ sablefish on a vessel in excess of the total amount of unharvested IFQ, applicable to the vessel category and IFQ regulatory area in which the vessel is deploying fixed gear, and that is currently held by all IFQ card holders aboard the vessel, unless the vessel has an observer aboard under subpart E of this part and maintains the applicable daily fishing log prescribed in the annual management measures published in the Federal Register pursuant to §300.62 of chapter III of this title and §679.5.

(5) Possess, buy, sell, or transport IFQ or CDQ halibut or IFQ sablefish harvested or landed in violation of any provision of this part.

(6) Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing without an IFQ or CDQ card in the name of the individual making the landing.

(7) Possess on a vessel or land IFQ sablefish concurrently with non-IFQ sablefish, except that CDQ sablefish may be possessed on a vessel and landed concurrently with IFQ sablefish.

(8) Discard Pacific cod or rockfish that are taken when IFQ halibut or IFQ sablefish are on board, unless Pacific cod or rockfish are required to be discarded under §679.20 or unless, in
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waters within the State of Alaska, Pacific cod or rockfish are required to be discarded by laws of the State of Alaska.

(9) Harvest on any vessel more IFQ halibut or IFQ sablefish than are authorized under §679.42.

(10) Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing other than directly to (or by) a registered buyer.

(11) Discard halibut or sablefish caught with fixed gear from any catcher vessel when any IFQ card holder aboard holds unused halibut or sablefish IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating, unless:

(i) Discard of halibut is required as prescribed in the annual management measures published in the Federal Register pursuant to §300.62 of chapter III of this title;

(ii) Discard of sablefish is required under §679.20 or, in waters within the State of Alaska, discard of sablefish is required under laws of the State of Alaska; or

(iii) Discard of halibut or sablefish is required under other provisions.

(12) Make an IFQ landing without prior notice of landing and before 6 hours after such notice, except as provided in §679.5.

(13) Possess processed and unprocessed IFQ species on board a vessel during the same trip except when fishing exclusively with IFQ derived from vessel category A QS.

(14) Violate any other provision under subpart D of this part.

(15) Process fish on board a vessel on which a person aboard has unused IFQ derived from QS issued to vessel categories B, C, or D, except as provided in §679.42(k) of this part.

(16) Groundfish Observer Program. (1) Forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with an observer.

(2) Interfere with or bias the sampling procedure employed by an observer, including physical, mechanical, or other sorting or discarding of catch before sampling.

(3) Tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.

(4) Prohibit or bar by command, impediment, threat, coercion, or by refusal of reasonable assistance, an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer's duties.

(5) Harass an observer by conduct that has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(6) Fish for or process fish without observer coverage required under subpart E of this part.

(7) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

(h) High Seas Salmon Fisheries. (1) Fish for, take, or retain any salmon in violation of the North Pacific Fisheries Act of 1954, 16 U.S.C. 1021-1035 or this part.

(2) Engage in fishing for salmon in the High Seas Salmon Management Area except to the extent authorized by §679.4(h).

(i) License Limitation Program—(1) Number of licenses. (i) Hold more than 10 groundfish licenses in the name of that person at any time, except as provided in paragraph (i)(1)(iii) of this section; or

(ii) Hold more than five crab species licenses in the name of that person at any time, except as provided in paragraph (i)(1)(ii) of this section; or

(iii) Hold more licenses than allowed in paragraphs (i)(1)(i) and (i)(1)(ii) of this section unless those licenses were issued to that person in the initial distribution of licenses. Any person who receives in the initial distribution

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§ 679.7 Prohibitions.

(i) Prohibitions specific to the GOA (applicable through July 19, 1999)—

(1) Southeast Outside trawl closure (applicable through July 19, 1999). Use any gear other than non-trawl gear in the GOA east of 140° W long.

(2) Western/Central GOA Pollock trip limit (applicable through July 19, 1999). Retain on board a catcher vessel at any time, more than 136 mt of unprocessed pollock, or retain on board a tender vessel at any time, more than 272 mt of unprocessed pollock, harvested in the Western or Central Areas of the GOA.

§ 679.8 Facilitation of enforcement.

See § 600.740 of this chapter.

§ 679.9 Penalties.

See § 600.730 of this chapter.

Subpart B—Management Measures

§ 679.20 General limitations.

This section applies to vessels engaged in directed fishing for groundfish in the GOA and BSAI.

(a) Harvest limits—(1) OY. The OY for BSAI and GOA target species and the “other species” category is a range that can be harvested consistently with this part, plus the amounts of “nonspecified species” taken incidentally to the harvest of target species and the “other species” category. The species categories are defined in Table 1 of the specifications as provided in paragraph (c) of this section.

§ 600.730 of this chapter.

(2) TAC. NMFS, after consultation with the Council, will specify and apportion the annual TAC and reserves in effect from Jan. 20, 1999 through Dec. 31, 1999 is set forth as follows:

§ 679.7 Prohibitions.

(i) Prohibitions specific to the GOA (applicable through July 19, 1999)—

(1) Southeast Outside trawl closure (applicable through July 19, 1999). Use any gear other than non-trawl gear in the GOA east of 140° W long.

(2) Western/Central GOA Pollock trip limit (applicable through July 19, 1999). Retain on board a catcher vessel at any time, more than 136 mt of unprocessed pollock, or retain on board a tender vessel at any time, more than 272 mt of unprocessed pollock, harvested in the Western or Central Areas of the GOA.

§ 679.8 Facilitation of enforcement.

See § 600.740 of this chapter.

§ 679.9 Penalties.

See § 600.735 of this chapter.

Subpart B—Management Measures

§ 679.20 General limitations.

This section applies to vessels engaged in directed fishing for groundfish in the GOA and BSAI.

(a) Harvest limits—(1) OY. The OY for BSAI and GOA target species and the “other species” category is a range that can be harvested consistently with this part, plus the amounts of “nonspecified species” taken incidentally to the harvest of target species and the “other species” category. The species categories are defined in Table 1 of the specifications as provided in paragraph (c) of this section.

(i) BSAI. The OY for groundfish in the BSAI regulated by this section and by part 600 of this chapter is 1.4 to 2.0 million mt.

(ii) GOA. The OY for groundfish in the GOA regulated by this section and by part 600 of this chapter is 116,000 to 800,000 mt.

(2) TAC. NMFS, after consultation with the Council, will specify and apportion the annual TAC and reserves