§ 648.83

Multispecies minimum fish sizes.

(a) Minimum fish sizes. (1) Minimum fish sizes for recreational vessels and charter/party vessels that are not fishing under a NE multispecies DAS are specified in § 648.89. Except as provided in § 648.17, all other vessels are subject to the following minimum fish sizes, determined by total length (TL):

<table>
<thead>
<tr>
<th>Species</th>
<th>Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cod</td>
<td>22 (55.9 cm)</td>
</tr>
<tr>
<td>Haddock</td>
<td>18 (45.7 cm)</td>
</tr>
<tr>
<td>Pollock</td>
<td>19 (48.3 cm)</td>
</tr>
<tr>
<td>Witch flounder (gray sole)</td>
<td>14 (35.6 cm)</td>
</tr>
<tr>
<td>Yellowtail flounder</td>
<td>13 (33.0 cm)</td>
</tr>
<tr>
<td>American plaice</td>
<td>14 (35.6 cm)</td>
</tr>
<tr>
<td>Atlantic halibut</td>
<td>36 (91.4 cm)</td>
</tr>
<tr>
<td>Winter flounder (blackback)</td>
<td>12 (30.5 cm)</td>
</tr>
<tr>
<td>Redfish</td>
<td>9 (22.9 cm)</td>
</tr>
</tbody>
</table>

(2) The minimum fish size applies to whole fish or to any part of a fish while possessed on board a vessel, except as provided in paragraph (b) of this section, and to whole, whole-gutted or grilled fish only, after landing. For purposes of determining compliance with the possession limits in § 648.86, the weight of fillets and parts of fish, other than whole-gutted or grilled fish, will be multiplied by 3. Fish fillets, or parts of fish, must have skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. ‘Skin on’ means the entire portion of the skin normally attached to the portion of the fish or to fish parts possessed is still attached.

(3) Minimum fish sizes for recreational vessels and charter/party vessels that are not fishing under a NE multispecies DAS are specified in

§ 648.89.

§ 648.83 Exceptions.

(1) Each person aboard a vessel issued a NE multispecies limited access permit and fishing under the DAS program may possess up to 25 lb (11.3 kg) of fillets that measure less than the minimum size, if such fillets are from legal-sized fish and are not offered or intended for sale, trade, or barter. For purposes of determining compliance with the possession limits specified in § 648.86, the weight of fillets and parts of fish, other than whole-gutted or grilled fish, will be multiplied by 3.

(2) Recreational, party, and charter vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter.

(3) Vessels fishing exclusively with pot gear may possess NE multispecies frames used, or to be used, as bait, that measure less than the minimum fish size, if there is a receipt for purchase of those frames on board the vessel.

(4) Vessels that have an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit may possess and land haddock and other regulated species that are smaller than the minimum size specified under § 648.83, consistent with the bycatch caps specified in §§ 648.86(a)(3) and 648.86(k). Such fish may not be sold for human consumption.

(c) Adjustments.

(1) At any time when information is available, the NEFMC will review the best available mesh selectivity information to determine the appropriate minimum size for the species listed in paragraph (a) of this section, except winter flounder, according to

§ 648.17, all other vessels are subject to the following minimum fish sizes, determined by total length (TL):

<table>
<thead>
<tr>
<th>Species</th>
<th>Sizes (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cod</td>
<td>22 (55.9 cm)</td>
</tr>
<tr>
<td>Haddock</td>
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<td>12 (30.5 cm)</td>
</tr>
<tr>
<td>Redfish</td>
<td>9 (22.9 cm)</td>
</tr>
</tbody>
</table>
to the length at which 25 percent of the
regulated species would be retained by
the applicable minimum mesh size.

(2) Upon determination of the appro-
priate minimum sizes, the NEFMC
shall propose the minimum fish sizes to
be implemented following the proce-
dures specified in §648.90.

(3) Additional adjustments or
changes to the minimum fish sizes
specified in paragraph (a) of this sec-
tion, and exemptions specified in para-
graph (b) of this section, may be made
at any time after implementation of
the final rule as specified under §648.90.

[69 FR 22974, Apr. 27, 2004, as amended at 71
FR 46876, Aug. 15, 2006; 72 FR 11276, Mar. 12,
2007; 75 FR 18328, Apr. 9, 2010]

§648.84 Gear-marking requirements
and gear restrictions.

(a) Bottom-tending fixed gear, in-
cluding, but not limited to, gillnets
and longlines designed for, capable of,
or fishing for NE multispecies or
monkfish, must have the name of the
owner or vessel or the official number
of that vessel permanently affixed to
any buoys, gillnets, longlines, or other
appropriate gear so that the name of
the owner or vessel or the official num-
ber of the vessel is visible on the sur-
face of the water.

(b) Bottom-tending fixed gear, in-
cluding, but not limited to gillnets
or longline gear, must be marked so
that the westermost end (measuring the
half compass circle from magnetic
south through east to, and including,
north) of the gear displays a standard
12-inch (30.5-cm) tetrahedral corner
radar reflector and a pennant posi-
tioned on a staff at least 6 ft (1.8 m)
between the buoy.

(c) Continuous gillnets must not ex-
ceed 6,600 ft (2,011.7 m) between the end
buoys.

(d) In the GOM and GB regulated
mesh area specified in §648.80(a),
gillnet gear set in an irregular pattern
or in any way that deviates more than
30° from the original course of the set
must be marked at the extremity of
the deviation with an additional mark-
er, which must display two or more
visible streamers and may either be at-
tached to or independent of the gear.

[69 FR 22974, Apr. 27, 2004]

§648.85 Special management pro-
grams.

(a) U.S./Canada Resource Sharing Un-
derstanding. No NE multispecies fishing
vessel, or person on such vessel, may
enter, fish in, or be in the U.S./Canada
Resource Sharing Understanding Man-
age Areas (U.S./Canada Management
Areas), as defined in paragraph
(a)(1) of this section, unless the vessel
is fishing in accordance with the re-
strictions and conditions of this sec-
tion. These restrictions do not preclude
fishing under an approved Special Ac-
cess Program specified under para-
graph (b) of this section.

(1) U.S./Canada Management Areas. A
vessel issued a NE multispecies permit
that meets the requirements of para-
graph (a)(3) of this section may fish in
the U.S./Canada Management Areas de-
scribed in paragraphs (a)(1)(i) and (ii)
of this section.

(i) Western U.S./Canada Area. The
Western U.S./Canada Area is the area
defined by straight lines connecting
the following points in the order stated
(a chart depicting this area is available
from the Regional Administrator upon
request):

<table>
<thead>
<tr>
<th>Point</th>
<th>N. lat.</th>
<th>W. long.</th>
</tr>
</thead>
<tbody>
<tr>
<td>USCA 1</td>
<td>42°20’</td>
<td>68°50’</td>
</tr>
<tr>
<td>USCA 2</td>
<td>39°50’</td>
<td>68°50’</td>
</tr>
<tr>
<td>USCA 3</td>
<td>39°50’</td>
<td>66°40’</td>
</tr>
<tr>
<td>USCA 4</td>
<td>40°40’</td>
<td>66°40’</td>
</tr>
<tr>
<td>USCA 5</td>
<td>40°40’</td>
<td>66°50’</td>
</tr>
<tr>
<td>USCA 6</td>
<td>40°50’</td>
<td>66°50’</td>
</tr>
<tr>
<td>USCA 7</td>
<td>40°50’</td>
<td>67°00’</td>
</tr>
<tr>
<td>USCA 8</td>
<td>41°00’</td>
<td>67°00’</td>
</tr>
<tr>
<td>USCA 9</td>
<td>41°00’</td>
<td>67°20’</td>
</tr>
<tr>
<td>USCA 10</td>
<td>41°10’</td>
<td>67°20’</td>
</tr>
<tr>
<td>USCA 11</td>
<td>41°10’</td>
<td>67°40’</td>
</tr>
<tr>
<td>USCA 12</td>
<td>42°20’</td>
<td>67°40’</td>
</tr>
<tr>
<td>USCA 1</td>
<td>42°20’</td>
<td>68°50’</td>
</tr>
</tbody>
</table>

(ii) Eastern U.S./Canada Area. The
Eastern U.S./Canada Area is the area
defined by straight lines connecting
the following points in the order stated
(a chart depicting this area is available
from the Regional Administrator upon
request):