For each crab QS fishery:

<table>
<thead>
<tr>
<th>Column A:</th>
<th>Column B: The Regional Administrator shall calculate PQS for any qualified person based on that person's total legal purchase of crab in each of the crab QS fisheries for any...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Bering Sea Tanner crab (EBT)</td>
<td>Equivalent to 50 percent of the total legally processed crab in the Bering Sea snow crab fishery during the qualifying years established for that fishery, and 50 percent of the total legally processed crab in the Bristol Bay red king crab fishery during the qualifying years established for that fishery.</td>
</tr>
<tr>
<td>Pribilof Islands red and blue king crab (PIK)</td>
<td>3 years of the 3-year period beginning on: (1) September 15–26, 1996; (2) September 15–28, 1997; and (3) September 15–26, 1998.</td>
</tr>
<tr>
<td>St. Matthew blue king crab (SMB)</td>
<td>3 years of the 3-year period beginning on: (1) September 15–23, 1996; (2) September 15–22, 1997; and (3) September 15–26, 1998.</td>
</tr>
<tr>
<td>Western Aleutian Island golden king crab (WAG)</td>
<td>4 years of the 4-year base period beginning on: (1) September 1, 1996 through August 31, 1997; (2) September 1, 1997 through August 31, 1998; (3) September 1, 1998 through August 31, 1999; and (4) September 1, 1999 through August 14, 2000.</td>
</tr>
<tr>
<td>Western Aleutian Islands red king crab (WAI)</td>
<td>Equivalent to the total legally processed crab in the Western Aleutian Islands golden (brown) king crab fishery during the qualifying years established for that fishery.</td>
</tr>
<tr>
<td>Western Bering Sea Tanner crab (WBT)</td>
<td>Equivalent to 50 percent of the total legally processed crab in the Bering Sea snow crab fishery during the qualifying years established for that fishery, and 50 percent of the total legally processed crab in the Bristol Bay red king crab fishery during the qualifying years established for that fishery.</td>
</tr>
</tbody>
</table>

[71 FR 32867, June 7, 2006]

PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

Subpart A—General Provisions

§ 697.1 Purpose and scope.
§ 697.2 Definitions.
§ 697.3 Relation to other Federal and state laws.
§ 697.4 Vessel permits and trap tags.
§ 697.5 Operator permits.
§ 697.6 Dealer permits.
§ 697.7 Prohibitions.
§ 697.8 Vessel identification.
§ 697.9 Facilitation of enforcement.
§ 697.10 Penalties.
§ 697.11 Civil procedures.
§ 697.12 At-sea sea sampler/observer coverage.

Subpart B—Management Measures

§ 697.17 Non-trap harvest restrictions.
§ 697.18 Lobster management areas.
§ 697.19 Trap limits and trap tag requirements for vessels fishing with lobster traps.
§ 697.20 Size, harvesting and landing requirements.
§ 697.21 Gear identification and marking, escape vent, maximum trap size, and ghost panel requirements.
§ 697.22 Exempted fishing.

§ 697.23 Restricted gear areas.
§ 697.24 Exempted waters for Maine State American lobster permits.
§ 697.25 Adjustment to management measures.
§ 697.26 EEZ Nearshore Management Area 5 Trap Waiver.

Table 1 to Part 697—Area 3 Trap Reduction Schedule

Authority: 16 U.S.C. 5101 et seq.

Source: 64 FR 68248, Dec. 6, 1999, unless otherwise noted.

Subpart A—General Provisions

§ 697.1 Purpose and scope.

The regulations in this part are issued under the authority of section 804(b) of the Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 5101 et seq., and section 6 of the Atlantic Striped Bass Conservation Act Appropriations Authorization, 16 U.S.C. 1851 note, and govern fishing in the EEZ on the Atlantic Coast for species covered by those acts.

§ 697.2 Definitions.

(a) In addition to the definitions in the Magnuson-Stevens Act and in
§§ 600.10 and 648.2 of this chapter, for the purposes of this part, the following terms have the following meanings:

*American lobster* or lobster means *Homarus americanus*.

*Approved TED* means any approved TED as defined at §217.12 of this title.

*Atlantic Coastal Act* means the Atlantic Coastal Fisheries Cooperative Management Act, as amended (16 U.S.C. 5101 et seq.).

*Atlantic red drum*, also called redfish, means *Sciaenops ocellatus*, or a part thereof, found in the waters of the Atlantic Ocean off the Atlantic coastal states, to the outer boundary of the EEZ, as specified in §600.10 of this chapter, from the boundary of the United States and Canada, to the boundary between the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council, as specified in §600.105(c) of this chapter.

*Atlantic striped bass* means members of stocks or populations of the species *Morone saxatilis* found in the waters of the Atlantic Ocean north of Key West, FL.

*Atlantic sturgeon* means members of stocks or populations of the species *Acipenser oxyrhynchus*.

*Berried female* means a female American lobster bearing eggs attached to the abdominal appendages.

*Block Island Southeast Light* means the aid to navigation light located at Southeast Point, Block Island, RI, and defined as follows: Located at 40°09.2' N. lat., 71°33.1' W. long; is 201 ft (61.3 m) above the water; and is shown from a brick octagonal tower 67 ft (20.4 m) high attached to a dwelling on the southeast point of Block Island, RI.

*BRD* means bycatch reduction device.

*Carapace length* is the straight line measurement from the rear of the eye socket parallel to the center line of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster.

*Certified BRD* means any BRD, as defined in part 622, Appendix D of this chapter: Specifications for Certified BRDs.

*Charter or head boat* means any vessel carrying fishing persons or parties for a per capita fee, for a charter fee, or any other type of fee.

*Commercial dive vessel* means any vessel carrying divers for a per capita fee, a charter fee, or any other type of fee.

*Commercial purposes* means for the purpose of selling, trading, transferring, or bartering all or part of the fish harvested.


*Conservation equivalency* means a measure adopted by a state that differs from the specific requirements of an interstate fishery management plan, but achieves the same level of conservation for the resource under management.

*Continuous transit* means that a vessel does not have fishing gear in the water and remains continuously underway.

*CPH* means Confirmation of Permit History.

*Crab trawl* means any trawl net that is rigged for fishing and has a mesh size of 3.0 inches (7.62 cm), as measured between the centers of opposite knots when pulled taut.

*Cull American lobster* means a whole American lobster that is missing one or both claws.

*Dealer* means any person who receives, for a commercial purpose (other than solely for transport on land), any species of fish, the harvest of which is managed by this part, from the owner or operator of a vessel issued a valid permit under this part, or any person who receives, for a commercial purpose (other than solely for transport on land), any species of fish managed under this part.

*De minimis state* means any state where the landings are so low that the Commission’s Fisheries Management Board has exempted that state from some of its regulatory responsibilities under an Interstate Fishery Management Plan.

*Director* means the Director of the Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD 20910.
§ 697.2 Dredge means a gear consisting of a mouth frame attached to a holding bag constructed of metal rings or mesh.

Egg Production Rebuilding Schedule means the schedule identified in section 2.5 of Amendment 3 to the Commission’s ISFMP.

Escape vent means an opening in a lobster trap designed to allow lobster smaller than the legal minimum size to escape from the trap.

Fishing trip or trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

Fishing year means, for the American lobster fishery, from May 1 through April 30 of the following year.

Flynet means any trawl net, except shrimp trawl nets containing certified BRDs and approved TEDs, when required under §227.72(e)(2) of this title, and except trawl nets that comply with the gear restrictions specified at §648.104 of this chapter for the summer flounder fishery and contain an approved TED, when required under §227.72(e)(2) of this title.

Ghost panel means a panel, or other mechanism, designed to allow for the escapement of lobster after a period of time if the trap has been abandoned or lost.

Horseshoe crab means members of stocks or populations of the species Limulus polyphemus.

ISFMP means the Commission’s Interstate Fishery Management Plan for American Lobster, as amended.

Land means to begin offloading fish, to offload fish, or to enter port with fish.

Lobster day-at-sea with respect to the American lobster fishery means each 24-hour period of time during which a fishing vessel is absent from port in which the vessel intends to fish for, possess, or land, or fishes for, possesses, or lands American lobster.

Lobster permit means a Federal limited access American lobster permit.

Lobster trap means any structure or other device, other than a net, that is placed, or designed to be placed, on the ocean bottom and is designed for or is capable of, catching lobsters. Red crab fishing gear, fished deeper than 200 fathoms (365.8 m), and fishing gear fished by a vessel not issued a limited access lobster permit under §697.4(a), are gear deemed not to be lobster traps for the purpose of this part, and are not subject to the provisions of this part.

Lobster trap trawl means 2 or more lobster traps, all attached to a single ground line.

Management area means each of the geographical areas identified in this part for management purposes under the lobster ISFMP.

Montauk light means the aid to navigation light located at Montauk Point, NY, and defined as follows: Located at 41°04.3′ N. lat., 71°51.5′ W. long.; is shown from an octagonal, pyramidal tower, 108 ft (32.9 m) high; and has a covered way to a dwelling.

Natural Atlantic sturgeon means any Atlantic sturgeon that is not the result of a commercial aquaculture operation, and includes any naturally occurring Atlantic sturgeon (those Atlantic sturgeon naturally spawned and grown in rivers and ocean waters of the Atlantic Coast).

One-quarter-inch (1/4-inch) v-shaped notch means a straight-sided triangular cut, without setal hairs, at least 1/4 inch (0.64 cm) in depth and tapering to a point.

Parts thereof means any part of an American lobster. A part of a lobster counts as one lobster.

Point Judith Light means the aid to navigation light located at Point Judith, RI, and defined as follows: Located at 41°21.7′ N. lat., 71°28.9′ W. long.; is 65 ft (19.8 m) above the water; and is shown from an octagonal tower 51 ft (15.5 m) high.

Qualifying year means any calendar year during the period from March 25, 1991, through September 1, 1999, excluding the time periods in calendar years 1991 and 1999 that are outside the qualification period (i.e., January 1, 1991 through March 24, 1991, and September 2, 1999, through December 31, 1999), and refers to the specific year selected by the applicant for the purposes of qualifying for access to the lobster trap fishery in Areas 3, 4 and/or 5 under the requirements set forth in 697.4(a)(7)(vi-x).

Recreational fishing means fishing that is not intended to, nor results in the barter, trade, or sale of fish.
Fishery Conservation and Management

§ 697.3 Relation to other Federal and state laws.

(a) The provisions of sections 307 through 311 of the Magnuson-Stevens Act, as amended, regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement apply with respect to the regulations in this part, as if the regulations in this part were issued under the Magnuson-Stevens Act.

(b) The relation of this part to other laws is further set forth in § 600.705 of this chapter and would include all regulations and statutes administered by the National Oceanic and Atmospheric Administration (NOAA), including, but not limited to the regulations in this part issued pursuant to the ACFCMA, the regulations at 50 CFR part 229 issued pursuant to the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), and the regulations at 50 CFR part 648 issued pursuant to the Magnuson-Stevens Act.

(c) The regulations in this part do not preempt more restrictive state laws, or state enforcement of more restrictive state laws, with respect to weakfish fishing and American lobster fishing. If a requirement of this part and a management measure required