§ 648.14 Prohibitions.

(a) General prohibitions. It is unlawful for any person to do any of the following:

(1) Violate any provision of this part, the Magnuson-Stevens Act, or any regulation, notice, or permit issued under the Magnuson-Stevens Act, or any other statute administered by NOAA.

(2) Assist, aid, or abet in the commission of any act prohibited by the Magnuson-Stevens Act; or any regulation, notice, or permit issued under the Magnuson-Stevens Act; or any other statute administered by NOAA.

(3) Fail to report to the Regional Administrator within 15 days any change in the information contained in any permit or permit application.

(4) Falsify or fail to affix and maintain vessel markings as required by § 648.8.

(5) Make any false statement or provide any false information on, or in connection with, an application, declaration, record or report under this part.

(6) Fail to comply in an accurate and timely fashion with the log report, reporting, record retention, inspection, or other requirements of § 648.7, or submit or maintain false information in records and reports required to be kept or filed under § 648.7.

(7) Possess, import, export, transfer, land, or have custody or control of any species of fish regulated pursuant to this part that do not meet the minimum size provisions in this part, unless such species were harvested exclusively within state waters by a vessel not issued a permit under this part or whose permit has been surrendered in accordance with applicable regulations.

(8) Fail to comply with any sea turtle conservation measure specified in 50 CFR parts 222 and 223, including any sea turtle conservation measure implemented by notification in the Federal Register.

(9) Violate any provision of an in-season action to adjust trip limits, gear usage, season, area access and/or closure, or any other measure authorized by this part.
(10) **Food safety program.** (i) Purchase, receive for a commercial purpose other than transport to a testing facility, or process; or attempt to purchase, receive for commercial purpose other than transport to a testing facility; or process, outside Maine, ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone, except at a facility participating in an overall food safety program, operated by the official state agency having jurisdiction, that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with procedures used by the State of Maine for such purpose.

(ii) Land ocean quahogs outside Maine that are harvested in or from the EEZ within the Maine mahogany quahog zone, except at a facility participating in an overall food safety program, operated by the official state agency having jurisdiction, that utilizes food safety-based procedures including sampling and analyzing for PSP toxin consistent with procedures used by the State of Maine for such purpose.

(iii) Fish for, harvest, catch, possess or attempt to fish for, harvest, catch, or possess any bivalve shellfish, including Atlantic surfclams, ocean quahogs, and mussels, with the exception of sea scallops harvested only for adductor muscles and shucked at sea, and any gastropods, including whelks, conchs, and carnivorous snails, unless issued and possessing on board a Letter of Authorization (LOA) from the Regional Administrator authorizing the collection of shellfish and/or gastropods for biological sampling and operating under the terms and conditions of said LOA, in the area of the U.S. Exclusive Economic Zone bound by the following coordinates in the order stated:

(A) 43°00' N. lat., 71°00' W. long.;
(B) 43°00' N. lat., 69°00' W. long.;
(C) 41°39' N. lat., 69°00' W. long.;
(D) 41°39' N. lat., 71°00' W. long.; and then ending at the first point.

(iv) Fish for, harvest, catch, possess, or attempt to fish for, harvest, catch, or possess any sea scallops, except for sea scallops harvested only for adductor muscles and shucked at sea, and any gastropods, including whelks, conchs, and carnivorous snails, unless issued and possessing on board a Letter of Authorization, and fishing under the terms and conditions of the GEFCO for biological sampling and operating under the terms and conditions of said LOA, in the area of the U.S. Exclusive Economic Zone bound by the following coordinates in the order stated:

(A) 43°00' N. lat., 71°00' W. long.;
(B) 43°00' N. lat., 69°00' W. long.;
(C) 41°39' N. lat., 69°00' W. long.;
(D) 41°39' N. lat., 71°00' W. long.; and then ending at the first point.

(v) Fish for, harvest, catch, possess, or attempt to fish for, harvest, catch, or possess any sea scallops, except for sea scallops harvested only for adductor muscles and shucked at sea, and any gastropod species, including whelks, conchs, and carnivorous snails, unless issued and possessing on board a Letter of Authorization (LOA) from the Regional Administrator authorizing the collection of shellfish and/or gastropods for biological sampling and operating under the terms and conditions of said LOA, in the area of the U.S. Exclusive Economic Zone bound by the following coordinates in the order stated:

(A) 43°00' N. lat., 71°00' W. long.;
(B) 43°00' N. lat., 69°00' W. long.;
(C) 41°39' N. lat., 69°00' W. long.;
(D) 41°39' N. lat., 71°00' W. long.; and then ending at the first point.

(vi) Fish for, harvest, catch, possess, or attempt to fish for, harvest, catch, or possess any sea scallops, except for sea scallops harvested only for adductor muscles and shucked at sea, and any gastropods, including whelks, conchs, and carnivorous snails, unless issued and possessing on board a Letter of Authorization (LOA) from the Regional Administrator authorizing the collection of shellfish and/or gastropods for biological sampling and operating under the terms and conditions of said LOA, in the area of the U.S. Exclusive Economic Zone bound by the following coordinates in the order stated:

(A) 43°00' N. lat., 71°00' W. long.;
(B) 43°00' N. lat., 69°00' W. long.;
(C) 41°39' N. lat., 69°00' W. long.;
(D) 41°39' N. lat., 71°00' W. long.; and then ending at the first point.

(b) **Vessel and operator permits.** It is unlawful for any person to do any of the following:

(1) Fish for, take, catch, harvest or land any species of fish regulated by this part in or from the EEZ, unless the vessel has a valid and appropriate permit issued under this part and the permit is on board the vessel and has
not been surrendered, revoked, or suspended.

(2) Alter, erase, or mutilate any permit issued under this part or any document submitted in support of an application for any such permit.

(3) Operate or act as operator of a vessel that fishes for or possesses any species of fish regulated by this part, or that is issued a vessel permit pursuant to this part, without having been issued and possessing a valid operator’s permit.

(4) Fish for, possess, or land species regulated under this part with or from a vessel that is issued a limited access or moratorium permit under §648.4(a) and that has had the horsepower, length, GRT, or NT of such vessel or its replacement upgraded or increased in excess of the limitations specified in §648.4(a)(1)(i)(E) and (F).

(5) Fish for, take, catch, harvest or land any species of fish regulated by this part for which the vessel is eligible to possess under a limited access or moratorium permit prior to the time the vessel has been reissued the applicable limited access or moratorium permit by NMFS.

(6) Purchase, possess, or receive from a vessel for a commercial purpose, other than solely for transport on land, any species of fish regulated by this part for which a vessel permit is required under this part, unless the vessel possesses a valid vessel permit issued under this part.

(7) Transfer, remove, or offload, for a commercial purpose, or attempt to transfer, remove, land, or offload, for a commercial purpose; at sea, any species regulated under this part; unless the transferring vessel has been issued and carries on board a valid LOA from the Regional Administrator, or is otherwise exempted, and the receiving vessel has been issued and has on board a valid Federal permit for the species that is being transferred.

(9) Fish for, possess, or retain fish, during a fishing trip, aboard a Federally permitted vessel that, in the absence of an emergency, has not been operating under its own power for the entire trip.

(c) Dealer permits. It is unlawful for any person to do any of the following:

(1) Purchase, possess or receive for a commercial purpose; or attempt to purchase, possess or receive for a commercial purpose; other than solely for transport on land, any species regulated under this part unless in possession of a valid dealer permit issued under this part, except that this prohibition does not apply to species that are purchased or received from a vessel not issued a permit under this part that fished exclusively in state waters, or pursuant to the §648.17 NAFO Regulatory Area exemptions.

(2) Sell, barter, trade, or transfer; or attempt to sell, barter, trade, or transfer; other than solely for transport on land, any Atlantic herring, multispecies, or monkfish from a vessel that fished for such species in the EEZ, unless the dealer or transferee has a valid dealer permit issued under §648.6. A person who purchases and/or receives Atlantic herring at sea for his own personal use as bait, and does not have purse seine, mid-water trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on board, is exempt from the requirement to possess an Atlantic herring dealer permit.

(d) VMS. It is unlawful for any person to do any of the following:

(1) Tamper with, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate the VMS, VMS unit, or VMS signal required to be installed on or transmitted by vessel owners or operators required to use a VMS by this part.

(2) Fail to submit the appropriate VMS activity code for the intended activity at the appropriate time, in accordance with §648.10.

(3) Fail to comply with the appropriate VMS reporting requirements, as specified in §648.10.

(e) Observer program. It is unlawful for any person to do any of the following:

(1) Assault, resist, oppose, impede, harass, intimidate, or interfere with or bar by command, impediment, threat, or coercion any NMFS-approved observer or sea sampler conducting his or
her duties; any authorized officer conducting any search, inspection, investigation, or seizure in connection with enforcement of this part; any official designee of the Regional Administrator conducting his or her duties, including those duties authorized in §648.7(g).

(2) Refuse to carry onboard a vessel an observer or sea sampler if requested to do so by the Regional Administrator or the Regional Administrator’s designee.

(3) Fail to provide information, notification, accommodations, access, or reasonable assistance to either a NMFS-approved observer or sea sampler conducting his or her duties aboard a vessel as specified in §648.11.

(4) Submit false or inaccurate data, statements, or reports.

(f) Research and experimental fishing. It is unlawful for any person to violate any terms of a letter authorizing experimental fishing pursuant to §648.12 or fail to keep such letter on board the vessel during the period of the experiment.

(g) Squid, mackerel, and butterfish—(1) All persons. Unless participating in a research activity as described in §648.22(g), it is unlawful for any person to do any of the following:

(i) Possession and landing. Take, retain, possess, or land more mackerel, squid or butterfish than specified under, or after the effective date of, a notification issued under §648.22.

(ii) Transfer and purchase. (A) Purchase or otherwise receive for a commercial purpose; other than solely for transport on land; mackerel, squid, or butterfish caught by a vessel that has not been issued a Federal mackerel, squid, and butterfish vessel permit, unless the vessel fishes exclusively in state waters.

(B) Transfer longfin squid, Illex, or butterfish within the EEZ, unless the vessels participating in the transfer have been issued a valid longfin squid and butterfish or Illex moratorium permit and are transferring species for which the vessels are permitted, or have a valid squid/butterfish incidental catch permit and the appropriate LOA from the Regional Administrator.

(2) Vessel and operator permit holders. Unless participating in a research activity as described in §648.22(g), it is unlawful for any person owning or operating a vessel issued a valid mackerel, squid, and butterfish fishery permit, or issued an operator’s permit, to do any of the following:

(i) General requirement. Fail to comply with any measures implemented pursuant to §648.22.

(ii) Possession and landing. (A) Possess more than the incidental catch allowance of longfin or butterfish, unless issued a longfin squid and butterfish fishery moratorium permit.

(B) Possess more than the incidental catch allowance of Illex squid, unless issued an Illex squid moratorium permit.

(C) Possess more than the incidental catch allowance of mackerel, unless issued a Limited Access mackerel permit.

(D) Take, retain, possess, or land mackerel, squid, or butterfish in excess of a possession limit specified in §648.26.

(E) Possess more than 2,500 lb (1.13 mt) of butterfish, unless the vessel meets the minimum mesh requirements specified in §648.23(a).

(F) Take, retain, possess, or land mackerel after a total closure specified under §648.24(b)(1).

(ii) Gear and vessel requirements. (A) Fish with or possess nets or netting that do not meet the gear requirements for Atlantic mackerel, longfin squid, Illex, or butterfish specified in §648.23(a); or that are modified, obstructed, or constricted, if subject to the minimum mesh requirements, unless the nets or netting are stowed and not available for immediate use as defined in §648.2 or the vessel is fishing under an exemption specified in §648.23(a)(3)(ii).

(B) Fish for, retain, or possess Atlantic mackerel in or from the EEZ with a vessel that exceeds either 165 ft (50.3 m) in length overall and 750 GRT, or a shaft horsepower (shp) of 3,000 shp, except for the retention and possession of Atlantic mackerel for processing by a vessel holding a valid at-sea processor permit pursuant to §648.6(a)(2). It shall be presumed that the Atlantic mackerel on board were harvested in or from the EEZ, unless the preponderance of reliable evidence available indicates otherwise.
(C) Enter or fish in the mackerel, squid, and butterfish bottom trawling restricted areas, as described in §648.23(a)(4).

(D) If fishing with midwater trawl or purse seine gear, fail to comply with the requirements of §648.80(d) and (e).

(iv) Observer requirements for longfin squid fishery. Fail to comply with any of the provisions specified in §648.27.

(v) Reporting requirements in the limited access Atlantic mackerel and longfin squid/butterfish moratorium fisheries. (A) Fail to declare via VMS into the mackerel or longfin squid/butterfish fisheries by entering the fishery code prior to leaving port at the start of each trip to harvest, possess, or land Atlantic mackerel or longfin squid, if a vessel has been issued a Limited Access Atlantic mackerel permit or longfin squid/butterfish moratorium permit, pursuant to §648.10.

(B) Fail to notify NMFS Office of Law Enforcement through VMS of the time and place of offloading at least 6 hr prior to arrival, or, if fishing ends less than 6 hours before arrival, immediately upon leaving the fishing grounds, if a vessel has been issued a Limited Access Atlantic mackerel permit or longfin squid/butterfish moratorium permit, pursuant to §648.10.

(vi) Release fish from the codend of the net, transfer fish to another vessel that is not carrying a NMFS-approved observer, or otherwise discard fish at sea before bringing the fish aboard and making it available to the observer for sampling, unless subject to one of the exemptions defined at §648.11(n)(3) if issued a Limited Access Atlantic mackerel permit, or a longfin squid/butterfish moratorium permit.

(vii) Fail to complete, sign, and submit an affidavit if fish are released pursuant to the requirements at §648.11(n)(3).

(3) Charter/party restrictions. Unless participating in a research activity as described in §648.22(g), it is unlawful for the owner and operator of a party or charter boat issued a mackerel, squid, and butterfish fishery permit (including a moratorium permit), when the boat is carrying passengers for hire, to do any of the following:

(i) Violate any recreational fishing measures established pursuant to §648.22(d).

(ii) Sell or transfer mackerel, squid, or butterfish to another person for a commercial purpose.

(iii) Carry passengers for hire while fishing commercially under a mackerel, squid, and butterfish fishery permit.

(4) Presumption. For purposes of this part, the following presumption applies: All mackerel and butterfish possessed on board a party or charter boat issued a mackerel, squid, and butterfish fishery permit are deemed to have been harvested from the EEZ.

(h) Atlantic salmon. Unless participating in a research activity as described in §648.22(g), it is unlawful for any person to do any of the following:

(1) Possession and landing. (i) Use any vessel of the United States for taking, catching, harvesting, fishing for, or landing any Atlantic salmon taken from or in the EEZ. It shall be presumed that the Atlantic salmon on board were harvested in or from the EEZ, unless the preponderance of reliable evidence available indicates otherwise.

(ii) Transfer, directly or indirectly; or attempt to transfer, directly or indirectly; to any vessel any Atlantic salmon taken in or from the EEZ.

(2) [Reserved]

(i) Atlantic sea scallops—(1) All persons. It is unlawful for any person to do any of the following:

(i) Permit requirement. Fish for, possess, or land, scallops without the vessel having been issued and carrying on-board a valid scallop permit in accordance with §648.4(a)(2), unless the scallops were harvested by a vessel that has not been issued a Federal scallop permit and fishes for scallops exclusively in state waters.

(ii) Gear and crew requirements. Have a shucking or sorting machine on board a vessel while in possession of more than 600 lb (272.2 kg) of shucked scallops, unless that vessel has not been issued a scallop permit and fishes for scallops exclusively in state waters.

(iii) Possession and landing. (A) Fish for or land per trip, or possess at any time prior to a transfer to another person for a commercial purpose, other than solely for transport on land:

(I) In excess of 40 lb (18.1 kg) of shucked scallops at any time, 5 bu (1.76
The scallops were harvested by a vessel that has been issued and carries a VMS declaration, and is not fishing in a sea scallop access area.

(ii) The scallops were harvested by a vessel that has been issued and carries on board a limited access scallop permit and is properly declared into the scallop DAS or Area Access program.

(iii) The scallops were harvested by a vessel that has not been issued a scallop permit and fishes for scallops exclusively in state waters.

(iv) The scallops were harvested by a vessel that has been issued and carries on board an IFQ scallop permit and is properly declared into the IFQ scallop fishery or is properly declared into the NE multispecies, Atlantic surfclam or quahog fishery, or other fishery requiring a VMS declaration, and is not fishing in a sea scallop access area.

(v) The scallops were harvested by a vessel that has been issued and carries on board a scallop permit and fishes for scallops exclusively in state waters.

(vi) The scallops were harvested by a vessel that has been issued and carries on board a limited access scallop permit and is properly declared into the scallop DAS or Area Access program.

(vii) The scallops were harvested by a vessel that has been issued and carries on board an IFQ scallop permit and is properly declared into the IFQ scallop fishery or is properly declared into the NE multispecies, Atlantic surfclam or quahog fishery, or other fishery requiring a VMS declaration, and is not fishing in a sea scallop access area.

(viii) The scallops were harvested by a vessel that has been issued and carries on board a scallop permit and the vessel is fishing in accordance with the provisions of the state waters exemption program specified in §648.54.

(v) [Reserved]

(3) In excess of 600 lb (272.2 kg) of shucked scallops at any time, 75 bu (26.4 hL) of in-shell scallops per trip South of 42°20′ N. Lat. and seaward of the VMS Demarcation Line or 100 bu (35.2 hL) in-shell scallops South of 42°20′ N. Lat. and seaward of the VMS Demarcation Line, unless:

(i) The scallops were harvested by a vessel that has not been issued a scallop permit and fishes for scallops exclusively in state waters.

(ii) The scallops were harvested by a vessel that has been issued and carries on board a limited access scallop permit issued pursuant to §648.4(a)(2)(i) and is properly declared into the scallop DAS or Area Access program.

(iii) The scallops were harvested by a vessel that has been issued and carries on board a scallop permit and the vessel is fishing in accordance with the provisions of the state waters exemption program specified in §648.54.

(iv) The scallops were harvested by a vessel that has been issued and carries on board an IFQ scallop permit, is carrying an at-sea observer, and is authorized by the Regional Administrator to have, and the vessel does not exceed, an increased possession limit to compensate for the cost of carrying the observer.

(4) Transfer and purchase. (A) Land, offload, remove, or otherwise transfer; or attempt to land, offload, remove or otherwise transfer; scallops from one vessel to another, unless that vessel has not been issued a scallop permit and fishes exclusively in state waters.

(B) Sell, barter, or trade, or otherwise transfer scallops from a vessel; or attempt to sell, barter or trade, or otherwise transfer scallops from a vessel; for a commercial purpose, unless the vessel has been issued a valid scallop permit pursuant to §648.4(a)(2), or the scallops were harvested by a vessel that has not been issued a scallop permit and fishes for scallops exclusively in state waters.

(C) Purchase, possess, or receive for commercial purposes; or attempt to purchase or receive for commercial...
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purposes; scallops from a vessel other
than one issued a valid limited access
or LAGC scallop permit, unless the
scallops were harvested by a vessel
that has not been issued a Federal scal-
lop permit and fishes for scallops ex-
clusively in state waters.

(D) Sell or transfer to another person
for a commercial purpose, other than
solely for transport on land, any scal-
llops harvested from the EEZ by a ves-
sel issued a Federal scallop permit, un-
less the transferee has a valid scallop
deraler permit.

(E) Fish for, possess, or retain scal-
llops in Federal waters of the NGOM
management area on a vessel that has
been issued and carries on board a
NGOM permit and has declared into
the state waters fishery of the NGOM
management area.

(v) Ownership cap. Have an ownership
interest in more than 5 percent of the
total number of vessels issued limited
access scallop permits and confirma-
tions of permit history, except as pro-
vided in § 648.4(a)(2)(i)(M).

(vi) Closed area requirements. (A) Fish
for scallops in, or possess or land scal-
llops from, the areas specified in
§§ 648.58 and 648.61.

(B) Transit or be in the areas de-
scribed in §§ 648.58 or 648.61 in posses-
sion of scallops, except when all fishing
gear is not available for immediate use
as defined in § 648.2, or unless there is a
compelling safety reason to be in such
areas.

(vii) Scallop sectors. Fail to comply
with any of the requirements or re-
strictions for general category scallop
sectors specified in § 648.63.

(viii) Scallop research. Fail to comply
with any of the provisions specified in
§ 648.56.

(ix) Observer program. (A) Refuse, or
fail, to carry onboard an observer after
being requested to by the Regional Ad-
mnistrator or the Regional Adminis-
trator’s designee.

(B) Fail to provide information, notifi-
cation, accommodations, access, or
reasonable assistance to a NMFS-ap-
proved observer conducting his or her
duties aboard a vessel, as specified in
§ 648.11.

(C) Fail to comply with the notifica-
tion, observer services procurement,
and observer services payment require-
ments of the sea scallop observer pro-
gram specified in § 648.11(g).

(x) Presumption. For purposes of this
section, the following presumption ap-
plies: Scallops that are possessed or
landed at or prior to the time when the
scallops are received by a dealer, or
scallops that are possessed by a dealer,
are deemed to be harvested from the
EEZ, unless the preponderance of evi-
dence demonstrates that such scallops
were harvested by a vessel without a
scallop permit and fishing exclusively
for scallops in state waters.

(2) Limited access scallop vessel permit
holders. It is unlawful for any person
owning or operating a vessel issued a
limited access scallop permit under
§ 648.4(a)(2) to do any of the following:

(1) Minimum shell height. Land, or pos-
sess at or after landing, in-shell scal-
llops smaller than the minimum shell
height specified in § 648.50(a).

(ii) Vessel, gear, and crew restrictions.

(A) Possess more than 40 lb (18.1 kg) of
shucked, or 5 bu (1.76 hL) of in-shell
scallops, or participate in the scallop
DAS or Area Access programs, while in
the possession of trawl nets that have a
maximum sweep exceeding 144 ft (43.9
m), as measured by the total length of
the footrope that is directly attached
to the webbing of the net, except as
specified in § 648.51(a)(1), unless the ves-


measured at the widest point in the bail of the dredge.

(5) Fish under the small dredge program specified in §648.51(e) with more than five persons on board the vessel, including the operator, unless otherwise authorized by the Regional Administrator or unless participating in the Area Access Program, with the exception of the Delmarva Access Area in from March 1, 2014 to February 28, 2015, pursuant to the requirements specified in §648.60.

(6) Participate in the DAS allocation program with more persons on board the vessel than the number specified in §648.51(c), including the operator, when the vessel is not docked or moored in port, unless otherwise authorized by the Regional Administrator, or unless participating in the Area Access Program, with the exception of the Delmarva Access Area in from March 1, 2014 to February 28, 2015, pursuant to the requirements specified in §648.60.

(7) Have a shucking or sorting machine on board a vessel that shucks scallops at sea while fishing under the DAS allocation program; unless otherwise authorized by the Regional Administrator.

(8) Fish with, possess on board, or land scallops while in possession of trawl nets, when fishing for scallops under the DAS allocation program, unless exempted as provided for in §648.51(f).

(9) Fail to comply with the gear restrictions described in §648.51.

(iii) Possession and landing. (A) Land scallops after using up the vessel’s annual DAS allocation or land scallops on more than one trip per calendar day when not participating under the DAS allocation program pursuant to §648.10, unless exempted from DAS allocations as provided for in §648.51(f).

(B) If the vessel is not subject to VMS requirements specified in §648.10(b), fail to comply with the requirements of the call-in system specified in §648.10(c).

(C) Fish for or land per trip, or possess at any time, scallops in the NGOM scallop management area after notification in the Federal Register that the NGOM scallop management area TAC has been harvested, as specified in §648.62, unless the vessel possesses or lands scallops that were harvested south of 42°20’ N. lat. and the vessel only transits the NGOM scallop management area with the vessel’s fishing gear properly stowed and unavailable for immediate use in accordance with §648.23.

(D) Fish for, possess, or land yellowtail flounder from a vessel on a scallop fishing trip.

(iv) DAS. (A) Fish for, possess, or land scallops after using up the vessel’s annual DAS allocation and Access Area trip allocations, or when not properly declared into the DAS or an Area Access program pursuant to §648.10, unless the vessel has been issued an LAGC scallop permit pursuant to §648.4(a)(2)(ii) and is lawfully fishing in a LAGC scallop fishery, unless exempted from DAS allocations as provided in state waters exemption, specified in §648.54.

(B) Combine, transfer, or consolidate DAS allocations, except as allowed for one-for-one Access Area trip exchanges as specified in §648.60(a)(3)(ii).

(C) Fail to comply with any requirement for declaring in or out of the DAS allocation program or other notification requirements specified in §648.10.

(v) VMS requirements. (A) Fail to have an approved, operational, and functioning VMS unit that meets the specifications of §648.9 on board the vessel at all times, unless the vessel is not subject to the VMS requirements specified in §648.10.

(B) If a limited access scallop vessel declares a scallop trip before first crossing the VMS Demarcation Line, but not necessarily from port, in accordance with §648.10(f), fail to declare out of the fishery in port and have fishing gear not available for immediate use as defined in §648.2, until declared into the scallop fishery.
(D) Once declared into the scallop fishery in accordance with §648.10(f), change its VMS declaration until the trip has ended and scallop catch has been offloaded.

(vi) Scallop access area program. (A) Fail to comply with any of the provisions and specifications of §648.50.

(B)-(C) [Reserved]

(D) Possess more than 50 bu (17.6 hL) of in-shell scallops outside the boundaries of a Sea Scallop Access Area by a vessel that is declared into the Area Access Program as specified in §648.60.

(E) Fish for, possess, or land scallops in or from any Sea Scallop Access Area without an observer on board, unless the vessel owner, operator, or manager has received a waiver to carry an observer for the specified trip and area fished.

(F)-(G) [Reserved]

(vii) State waters exemption program. Fail to comply with any requirement for participating in the State Waters Exemption Program specified in §648.54.

(viii) Fish for scallops in, or possess scallops or land scallops from, the yellowtail flounder accountability measure closed areas specified in §648.64 during the period specified in the notice announcing the closure and based on the closure table specified in §648.64.

(ix) Fish for scallops west of 71° W. long., outside of the Sea Scallop Access Areas, with gear that does not meet the specifications described in §648.65 during the period specified in the notice announcing the windowpane flounder accountability measure gear restricted area described in §648.65.

(3) LAGC scallop vessels. It is unlawful for any person owning or operating a vessel issued an LAGC scallop permit to do any of the following:

(i) Permit requirements. (A) Fail to comply with the LAGC scallop permit restrictions as specified in §648.4(a)(2)(ii)(G) through (O).

(B) Fish for, possess, or land scallops on a vessel that is declared out of scallop fishing unless the vessel has been issued an Incidental scallop permit, or is an IPQ scallop vessel that is properly declared into the IPQ scallop, NE multispecies, Atlantic surfclam or quahog, or other fishery requiring a VMS declaration.

(ii) Gear requirements. (A) Possess or use trawl gear that does not comply with any of the provisions or specifications in §648.51(a), unless the vessel is fishing under the Northeast multispecies or monkfish DAS program.

(B) Possess or use dredge gear that does not comply with any of the provisions or specifications in §648.51(b).

(iii) Possession and landing. (A) Land scallops more than once per calendar day.

(B) Possess in-shell scallops while in possession of the maximum allowed amount of shucked scallops specified for each LAGC scallop permit category in §648.52.

(C) Declare into the NGOM scallop management area after the effective date of a notification published in the FEDERAL REGISTER stating that the NGOM scallop management area TAC has been harvested as specified in §648.62.

(D) Fish for, possess, or land scallops in or from the NGOM scallop management area after the effective date of a notification published in the FEDERAL REGISTER that the NGOM scallop management area TAC has been harvested, as specified in §648.62, unless the vessel possesses or lands scallops that were harvested south of 42°20’ N. lat., the vessel is transiting the NGOM scallop management area, and the vessel’s fishing gear is properly stowed and unavailable for immediate use in accordance with §648.23.

(iv) VMS requirements. (A) Fail to comply with any of the VMS requirements specified in §§648.10, 648.60, or 648.62.

(B) Fail to comply with any requirement for declaring in or out of the LAGC scallop fishery or other notification requirements specified in §648.10(b).

(C) If an LAGC scallop vessel declares a scallop trip shoreward of the VMS Demarcation Line, but not necessarily from port, in accordance with §648.10(f), fail to declare out of the fishery in port and have fishing gear not available for immediate use as defined in §648.2, until declared into the scallop fishery.
(D) Once declared into the scallop fishery in accordance with §648.10(f), change its VMS declaration until the trip has ended and scallop catch has been offloaded.

(v) Scallop access area program. (A) Fail to comply with any of the requirements specified in §648.60.

(B) Declare into or leave port for an area specified in §648.59(b) through (d) after the effective date of a notification published in the FEDERAL REGISTER stating that the number of LAGC trips have been taken, as specified in §648.60.

(C) [Reserved]

(D) Fish for, possess, or land scallops in or from any Sea Scallop Access Area without an observer on board, unless the vessel owner, operator, or manager has received a waiver to carry an observer for the specified trip and area fished.

(vi) Sectors. Fail to comply with any of the requirements and restrictions for General Category sectors and harvesting cooperatives specified in §648.63.

(4) IFQ scallop permit. It is unlawful for any person owning or operating a vessel issued an IFQ scallop permit to do any of the following:

(i) Possession and landing. (A) Fish for or land per trip, or possess at any time, in excess of 600 lb (272.2 kg) of shucked, or 75 bu (26.4 hL) of in-shell scallops per trip, or 100 bu (35.2 hL) in-shell scallops seaward of the VMS Demarcation Line, unless the vessel is carrying an observer as specified in §648.11 and an increase in the possession limit is authorized by the Regional Administrator and not exceeded by the vessel, as specified in §§648.52(g) and 648.60(d).

(B) Fish for or land per trip, or possess at any time, in excess of 200 lb (90.7 kg) of shucked or 25 bu (8.8 hL) of in-shell scallops in the NGOM scallop management area, unless the vessel is seaward of the VMS Demarcation Line and in possession of no more than 50 bu (17.6 hL) of in-shell scallops, or when the vessel is not declared into the NGOM scallop management area and is transiting the NGOM scallop management area with gear properly stowed and unavailable for immediate use in accordance with §648.23.

(C) Declare into the NGOM scallop management area after the effective date of a notification published in the FEDERAL REGISTER stating that the NGOM scallop management area TAC has been harvested as specified in §648.62.

(D) Possess more than 100 bu (35.2 hL) of in-shell scallops seaward of the VMS Demarcation Line and not be participating in the Access Area Program, or possess or land per trip more than 50 bu (17.6 hL) of in-shell scallops shoreward of the VMS Demarcation Line, unless exempted from DAS allocations as provided in §648.54.

(E) [Reserved]

(F) Fish for, possess, or land scallops in excess of a vessel’s IFQ.

(G) Fish for, possess, or land more than 40 lb (18.1 kg) of shucked scallops, or 5 bu (1.76 hL) of in-shell scallops shoreward of the VMS Demarcation Line, or 10 bu (3.52 hL) of in-shell scallops seaward of the VMS Demarcation Line, when the vessel is not declared into the IFQ scallop fishery, unless the vessel is fishing in compliance with all of the requirements of the State waters exemption program, specified at §648.54.

(H) Land scallops more than once per calendar day.

(ii) Owner and allocation cap. (A) Have an ownership interest in vessels that collectively are allocated more than 5 percent of the total IFQ scallop ACL as specified in §648.53(a)(5)(ii) and (iii).

(B) Have an IFQ allocation on an IFQ scallop vessel of more than 2.5 percent of the total IFQ scallop ACL as specified in §648.53(a)(4)(i).

(iii) IFQ Transfer Program. (A) Apply for an IFQ transfer that will result in the transferee having an aggregate ownership interest in more than 5 percent of the total IFQ scallop ACL.

(B) Apply for an IFQ transfer that will result in the receiving vessel having an IFQ allocation in excess of 2.5 percent of the total IFQ scallop ACL as specified in §648.53(a)(4)(i).

(C) Fish for, possess, or land transferred IFQ prior to approval of the transfer by the Regional Administrator as specified in §648.53(h)(5).

(D)–(F) [Reserved]

(G) Transfer scallop IFQ to, or receive scallop IFQ from, a vessel that
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has not been issued a valid IFQ scallop permit.

(iv) Cost Recovery Program. Fail to comply with any of the cost recovery requirements specified under § 648.53(g)(4).

(v) NGOM scallop permit. It is unlawful for any person owning or operating a vessel issued an NGOM scallop permit to do any of the following:

(i) Declare into, or fish for or possess scallops outside of the NGOM Scallop Management Area as defined in § 648.62.

(ii) Fish for or land per trip, or possess at any time, in excess of 200 lb (90.7 kg) of shucked or 25 bu (8.81 hL) of in-shell scallops in or from the NGOM scallop management area, or seaward of the VMS Demarcation Line more than 50 bu (17.6 hL) of in-shell scallops.

(iii) Fish for, possess, or land scallops in state or Federal waters of the NGOM management area after the effective date of notification in the FEDERAL REGISTER that the NGOM scallop management area TAC has been harvested as specified in § 648.62.

(iv) Fish for, possess, or retain scallops in Federal waters of the NGOM after declaring a trip into NGOM state waters.

(6) Incidental scallop permit. It is unlawful for any person owning or operating a vessel issued an Incidental scallop permit to fish for, possess, or retain, more than 40 lb (18.1 kg) of shucked scallops, or 5 bu (1.76 hL) of in-shell scallops shoreward of the VMS Demarcation Line, or 10 bu (3.52 hL) of in-shell scallops while seaward of the VMS Demarcation Line.

(i) Atlantic surfclam and ocean quahog. It is unlawful for any person to do any of the following:

(1) Possession and landing. (i) Fish for surfclams or ocean quahogs in any area closed to surfclam or ocean quahog fishing.

(ii) Shuck surfclams or ocean quahogs harvested in or from the EEZ at sea, unless permitted by the Regional Administrator under the terms of § 648.74.

(iii) Fish for, retain, or land both surfclams and ocean quahogs in or from the EEZ on the same trip.

(iv) Fish for, retain, or land ocean quahogs in or from the EEZ on a trip designated as an ocean quahog fishing trip under § 648.15(b); or fish for, retain, or land surfclams in or from the EEZ on a trip designated as an ocean quahog fishing trip under § 648.15(b).

(v) Fail to offload any surfclams or ocean quahogs harvested in the EEZ from a trip discontinued pursuant to § 648.15(b) prior to commencing fishing operations in waters under the jurisdiction of any state.

(vi) Land or possess any surfclams or ocean quahogs harvested in or from the EEZ without having been issued, or in excess of, an individual allocation.

(2) Transfer and purchase. (i) Receive for a commercial purpose other than solely for transport on land, surfclams or ocean quahogs harvested in or from the EEZ, whether or not they are landed under an allocation under § 648.70, unless issued a dealer/processor permit under this part.

(ii) Transfer any surfclams or ocean quahogs harvested in or from the EEZ to any person for a commercial purpose, other than solely for transport on land, without a surfclam or ocean quahog processor or dealer permit.

(iii) Offload unshucked surfclams or ocean quahogs harvested in or from the EEZ outside the Maine mahogany quahog zone from vessels not capable of carrying cages, other than directly into cages.

(3) Gear and tags requirements. (i) Alter, erase, mutilate, duplicate or cause to be duplicated, or steal any cage tag issued under this part.

(ii) Produce, or cause to be produced, cage tags required under this part without written authorization from the Regional Administrator.

(iii) Tag a cage with a tag that has been rendered null and void or with a tag that has been previously used.

(iv) Tag a cage of surfclams with an ocean quahog cage tag, or tag a cage of ocean quahogs with a surfclam cage tag.

(v) Possess an empty cage to which a cage tag required by § 648.75 is affixed, or possess any cage that does not contain surfclams or ocean quahogs and to which a cage tag required by § 648.75 is affixed.

(vi) Land or possess, after offloading, any cage holding surfclams or ocean quahogs without a cage tag or tags required by § 648.75, unless the person can...
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demonstrate the inapplicability of the presumptions set forth in §648.75(h).

(vii) Sell null and void tags.

(4) VMS requirements. (i) Fail to maintain an operational VMS unit as specified in §648.9, and comply with any of the notification requirements specified in §648.15(b) including:
(A) Fish for, land, take, possess, or transfer surfclams or ocean quahogs under an open access surfclam or ocean quahog permit without having provided proof to the Regional Administrator that the vessel has a fully functioning VMS unit on board the vessel and declared a surfclam, ocean quahog, or Maine mahogany quahog fishing activity code via the VMS unit prior to leaving port as specified at §648.15(b).

(B) Fish for, land, take, possess, or transfer ocean quahogs under a limited access Maine mahogany quahog permit without having provided proof to the Regional Administrator of NMFS that the vessel has a fully functioning VMS unit on board the vessel and declared a fishing trip via the VMS unit as specified at §648.15(b).

(5) Maine mahogany quahog zone. (i) Land unshucked surfclams or ocean quahogs harvested in or from the EEZ outside the Maine mahogany quahog zone in containers other than cages from vessels capable of carrying cages.

(ii) Land unshucked surfclams and ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone in containers other than cages from vessels capable of carrying cages unless, with respect to ocean quahogs, the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under §648.70.

(iii) Offload unshucked surfclams harvested in or from the EEZ within the Maine mahogany quahog zone from vessels not capable of carrying cages, other than directly into cages.

(iv) Offload unshucked ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone from vessels not capable of carrying cages, other than directly into cages, unless the vessel has been issued a Maine mahogany quahog permit under this part and is not fishing for an individual allocation of quahogs under §648.70.

(v) Land or possess ocean quahogs harvested in or from the EEZ within the Maine mahogany quahog zone after the effective date published in the Federal Register notifying participants that Maine mahogany quahog quota is no longer available for the respective fishing year, unless the vessel is fishing for an individual allocation of ocean quahogs under §648.70.

(6) Presumptions. For purposes of this part, the following presumptions apply:

(i) Possession of surfclams or ocean quahogs on the deck of any fishing vessel in closed areas, or the presence of any part of a vessel’s gear in the water in closed areas is prima facie evidence that such vessel was fishing in violation of the provisions of the Magnuson-Stevens Act and these regulations.

(ii) Surfclams or ocean quahogs landed from a trip for which notification was provided under §648.15(b) or §648.70(b) are deemed to have been harvested in the EEZ and count against the individual’s annual allocation, unless the vessel has a valid Maine mahogany quahog permit issued pursuant to §648.4(a)(4)(i) and is not fishing for an individual allocation under §648.70.

(iii) Surfclams or ocean quahogs found in cages without a valid state tag are deemed to have been harvested in the EEZ and are deemed to be part of an individual’s allocation, unless the vessel has a valid Maine mahogany quahog permit issued pursuant to §648.4(a)(4)(i) and is not fishing for an individual allocation under §648.70; or, unless the preponderance of available evidence demonstrates that he/she has surrendered his/her surfclam and ocean quahog permit issued under §648.4 and he/she conducted fishing operations exclusively within waters under the jurisdiction of any state. Surfclams and ocean quahogs in cages with a Federal tag or tags, issued and still valid pursuant to this part, affixed thereto are deemed to have been harvested by the individual allocation holder to whom the tags were issued or transferred under §648.70 or §648.75(b).

(k) NE multispecies—(1) Permit requirements for all persons. It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under
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(A) The NE multispecies are being fished for or were harvested in or from the EEZ by a vessel holding a valid Federal NE multispecies permit under this part, or a letter under § 648.4(a)(1), and the operator on board such vessel has a valid operator’s permit and has it on board the vessel.

(B) The NE multispecies were harvested by a vessel not issued a Federal NE multispecies permit, nor eligible to renew or be reissued a limited access NE multispecies permit as specified in § 648.4(b)(2), that fishes for NE multispecies exclusively in state waters.

(C) The NE multispecies were harvested in or from the EEZ by a recreational fishing vessel.

(D) Any haddock, and up to 100 lb (45 kg) of other regulated NE multispecies other than haddock, were harvested by a vessel issued an All Areas Limited Access Herring Permit and/or an Area 2 and 3 Limited Access Herring Permit on a declared herring trip, regardless of gear or area fished, or a vessel issued a Limited Access Incidental Catch Herring Permit and/or an Open Access Herring Permit that fished with midwater trawl gear, pursuant to the requirements in §648.80(d) and (e), and such fish are not sold for human consumption.

(E) Otherwise specified in §648.17.

(ii) Land, offload, remove, or otherwise transfer; or attempt to land, offload, remove or otherwise transfer; NE multispecies from one vessel to another vessel, unless both vessels have not been issued Federal NE multispecies permits and both fish exclusively in state waters, unless authorized in writing by the Regional Administrator, or otherwise allowed.

(iii) Sell, barter, trade, or otherwise transfer; or attempt to sell, barter, trade, or otherwise transfer; for a commercial purpose any NE multispecies from a trip, unless:

(A) The vessel is holding a Federal NE multispecies permit, or a letter under §648.4(a)(1), and is not fishing under the charter/party vessel restrictions specified in §648.89.

(B) The NE multispecies were harvested by a vessel without a Federal NE multispecies permit that fishes for NE multispecies exclusively in state waters.

(C) Or as otherwise specified in §648.17.

(iv) Operate or act as an operator of a vessel fishing for or possessing NE multispecies in or from the EEZ, or holding a Federal NE multispecies vessel permit without having been issued and possessing a valid operator’s permit.

(2) Permit requirements for vessel and operator permit holders. It is unlawful for any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under §648.4(a)(1), unless otherwise specified in §648.17, to do any of the following:

(i) Fish for, possess, or land NE multispecies with or from a vessel that has had the length, GRT, or NT of such vessel, or its replacement, increased or upgrading or in excess of limitations specified in §648.4(a)(1)(i)(E) and (F).

(ii) Fish for, possess, or land NE multispecies with or from a vessel that has had the horsepower of such vessel or its replacement upgraded or increased in excess of the limitations specified in §648.4(a)(1)(i)(E) and (F).

(iii) Fail to comply with the pre-trip notification requirements of the NE multispecies observer program specified in §648.11(k).

(iv) Possess or land fish while setting fixed gear on a set-only trip as declared through the pre-trip notification system pursuant to §648.11(k).

(3) Dealer requirements. (i) It is unlawful to purchase, possess, import, export, or receive as a dealer, or in the capacity of a dealer, regulated species or ocean pout in excess of the possession limits specified in §648.82, §648.85, §648.86, or §648.87 applicable to a vessel issued a NE multispecies permit, unless otherwise specified in §648.17, or unless the regulated species or ocean pout are purchased or received from a vessel that caught them on a sector trip and such species are exempt from such possession limits in accordance with an approved sector operations plan, as specified in §648.87(c).

(ii) Sell or transfer to another person for a commercial purpose, other than
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solely for transport on land, any NE multispecies harvested from the EEZ by a vessel issued a Federal NE multispecies permit, unless the transferee has a valid NE multispecies dealer permit.

(4) NAFO. It is unlawful for any owner or operator of a vessel issued a valid NE multispecies permit or letter under §648.4(a)(1)(i), to fail to comply with the exemption specifications in §648.17.

(5) Regulated Mesh Areas. It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under §648.4(a)(1)(i), unless otherwise specified in §648.17, to do any of the following:

(i) Violate any of the provisions of §648.80, including paragraphs (a)(5), the Small-mesh Northern Shrimp Fishery Exemption Area; (a)(6), the Cultivator Shoal Whiting Fishery Exemption Area; (a)(9), Small-mesh Area 1/Small-mesh Area 2; (a)(10), the Nantucket Shoals Dogfish Fishery Exemption Area; (a)(11), the GOM Scallop Dredge Exemption Area; (a)(12), the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area; (a)(13), the GOM/GB Monkfish Gillnet Exemption Area; (a)(14), the GOM/GB Dogfish Gillnet Exemption Area; (a)(15), the Raised Footrope Trawl Exempted Whiting Fishery; (a)(16), the GOM Grate Raised Footrope Trawl Exempted Whiting Fishery; (a)(18), the Great South Channel Scallop Dredge Exemption Area; (a)(19), the Eastern and Western Cape Cod Spiny Dogfish Exemption Areas; (b)(3), exemptions (small mesh); (b)(5), the SNE Monkfish and Skate Trawl Exemption Area; (b)(6), the SNE Monkfish and Skate Gillnet Exemption Area; (b)(8), the SNE Mussel and Sea Urchin Dredge Exemption Area; (b)(9), the SNE Little Tunny Gillnet Exemption Area; (b)(11), the SNE Scallop Dredge Exemption Area; or (b)(12), the SNE Skate Bait Trawl Exemption Area. Each violation of any provision in §648.80 constitutes a separate violation.

(ii) Enter or fish in the Gulf of Maine, Georges Bank, or Southern New England Regulated Mesh Areas, except as provided in §648.80(a)(3)(vi) and (b)(2)(vi), and, for purposes of transiting, all gear (other than exempted gear) must be stowed and not available for immediate use as defined in §648.2.

(iii) Gulf of Maine and Georges Bank Regulated Mesh Areas. (A) Fish with, use, or have on board, within the areas described in §648.80(a)(1) and (2), nets with mesh size smaller than the minimum mesh size specified in §648.80(a)(3) and (4); except as provided in §648.80(a)(5) through (8), (a)(9), (a)(10), (a)(15), (a)(16), (d), (e), and (i); unless the vessel has not been issued a NE multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in §648.17.

(B) Fish within the areas described in §648.80(a)(6) with net mesh smaller than the minimum size specified in §648.80(a)(3) or (4).

(iv) Southern New England Regulated Mesh Area. Fish with, use, or have available for immediate use within the area described in §648.80(b)(1), net mesh smaller than the minimum mesh size specified in §648.80(b)(2), except as provided in §648.80(b)(3), (b)(9), (d), (e), and (i), or unless the vessel has not been issued a Federal NE multispecies permit and fishes for multispecies exclusively in state waters, or unless otherwise specified in §648.17.

(v) Mid-Atlantic Regulated Mesh Area. Fish with, use, or have available for immediate use within the area described in §648.80(c)(1), nets of mesh size smaller than the minimum mesh size specified in §648.80(c)(2); except as provided in §648.80(c)(3), (d), (e), and (i); or unless the vessel has not been issued a Federal NE multispecies permit and fishes for NE multispecies exclusively in state waters, or unless otherwise specified in §648.17.

(vi) Mid-water trawl exempted fishery. (A) Fish for, land, or possess NE multispecies harvested by means of pair trawling or with pair trawl gear, except under the provisions of §648.80(d), or unless the vessels that engaged in pair trawling have not been issued multispecies permits and fish for NE multispecies exclusively in state waters.

(B) Possess, land, or fish for regulated species or ocean pout, except winter flounder as provided for in accordance with §648.80(i) from or within the
areas described in §648.80(i), while in possession of scallop dredge gear on a vessel not fishing under the scallop DAS program as described in §648.53, or fishing under a LAGC permit, unless the vessel and the dredge gear conform with the definition of not available for immediate use as defined in §648.2, or unless the vessel has not been issued a Federal NE multispecies permit and fishes for, possesses, or lands NE multispecies exclusively in state waters.

(vii) Scallop vessels. (A) Violate any of the possession or landing restrictions on fishing with scallop dredge gear specified in §§648.80(h) and 648.94. (B) Possess, land, or fish for regulated species, except winter flounder as provided for in accordance with §648.80(i) from or within the areas described in §648.80(i), while in possession of scallop dredge gear on a vessel not fishing under the scallop DAS program as described in §648.53, or fishing under a general scallop permit, unless the vessel and the dredge gear conform with the definition of not available for immediate use as defined in §648.2, or unless the vessel has not been issued a Federal NE multispecies permit and fishes for NE multispecies exclusively in state waters.

(viii) Northern shrimp and small mesh multispecies exempted fisheries. (A) Fish for, harvest, possess, or land in or from the EEZ northern shrimp, unless such shrimp were fished for or harvested by a vessel meeting the requirements specified in §648.80(a)(5). (B) Fish for, harvest, possess, or land in or from the EEZ, when fishing with trawl gear, any of the exempted species specified in §648.80(a)(9)(i), unless such species were fished for or harvested by a vessel meeting the requirements specified in §648.80(a)(5)(i) or (a)(9)(ii). (ix) Winter flounder state exemption program. Violate any provision of the state waters winter flounder exemption program as provided in §648.80(1).

(b) Gear requirements—(i) For all persons. It is unlawful for any person, including any owner or operator of a vessel issued a valid NE multispecies permit or letter under §648.4(a)(1)(i), unless otherwise specified in §648.17, to do any of the following: (A) Obstruct or constrict a net as described in §648.80(g)(1) or (2).

(B) Fish for, harvest, possess, or land any species of fish in or from the GOM/GB Inshore Restricted Roller Gear Area described in §648.80(a)(3)(vii) with trawl gear where the diameter of any part of the trawl footrope, including discs, rollers or rockhoppers, is greater than 12 inches (30.5 cm). (C) Fish for, land, or possess NE multispecies harvested with brush-sweep trawl gear unless the vessel has not been issued a Federal NE multispecies permit and fishes for NE multispecies exclusively in state waters. (D) Possess brush-sweep trawl gear while in possession of NE multispecies, unless the vessel has not been issued a Federal NE multispecies permit and fishes for NE multispecies exclusively in state waters. (E) Use, set, haul back, fish with, possess on board a vessel, unless stowed and not available for immediate use as defined in §648.2, or fail to remove, sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in §648.81(f)(2)(ii)), in the areas and for the times specified in §648.80(g)(6)(i) and (ii), except as provided in §648.80(g)(6)(i) and (ii), and §648.81(f)(2)(ii), or unless otherwise authorized in writing by the Regional Administrator. (F) Fish for, land, or possess NE multispecies harvested with the use of de-hookers ("crucifiers") with less than 6-inch (15.2-cm) spacing between the fairlead rollers unless the vessel has not been issued a Federal NE multispecies permit and fishes for NE multispecies exclusively in state waters. (G) Possess or use de-hookers ("crucifiers") with less than 6-inch (15.2-cm) spacing between the fairlead rollers while in possession of NE multispecies, unless the vessel has not been issued a Federal NE multispecies permit and fishes for NE multispecies exclusively in state waters.
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(A) Gillnet gear. (1) If the vessel has been issued a limited access NE multispecies permit and fishes under a NE multispecies DAS or on a sector trip with gillnet gear, fail to comply with gillnet tagging requirements specified in §§648.80(a)(3)(iv)(B)(3), (a)(3)(iv)(C), (a)(4)(iv)(B)(3), (b)(2)(iv)(B)(3), and (c)(2)(v)(B)(3), or fail to produce immediately, or cause to be produced immediately, gillnet tags when requested by an authorized officer.

(2) Produce, or cause to be produced, gillnet gear without the written confirmation from the Regional Administrator described in §648.80(a)(3)(iv)(C).

(3) Tag a gillnet or use a gillnet tag that has been reported lost, missing, destroyed, or issued to another vessel.

(4) Sell, transfer, or give away gillnet tags that have been reported lost, missing, destroyed, or issued to another vessel.

(5) Enter, fail to remove sink gillnet gear or gillnet gear capable of catching NE multispecies from, or be in the areas and time periods specified in §648.80(g)(6)(i) and (ii), except as provided in §§648.80(g)(6)(i) and 648.81(1).

(B) Hook gear. Fail to comply with the restrictions on fishing and gear specified in §648.80(a)(3)(v), (a)(4)(v), (b)(2)(v), and (c)(2)(iv)(E) if the vessel has been issued a limited access NE multispecies permit and fishes with hook gear in areas specified in §648.80(a), (b), or (c), unless allowed under §648.85(b)(7)(iv)(E).

(7) Closed areas and EFH—(1) All persons. It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit, or letter under §648.4(a)(1)(i), unless otherwise specified in §648.17, to do any of the following:

(A) Enter, be on a fishing vessel in, or fail to remove gear from the EEZ portion of the areas described in §648.81(d)(1) through (g)(1), except as provided in §§648.81(d)(2), (e)(2), (f)(2), (g)(2), and (i).

(B) Fish for, harvest, possess, or land regulated species in or from the closed areas specified in §648.81(a) through (f) and (g), unless otherwise specified in §648.81(c)(2)(i), (f)(2)(i), (f)(2)(iii), and (c)(2)(vi), (1), (o)(2)(i), or as authorized under §648.85.

(C) Restricted gear areas. (1) Fish, or be in the areas described in §648.81(j)(1), (k)(1), (l)(1), and (m)(1) on a fishing vessel with mobile gear during the time periods specified in §648.81(j)(2), (k)(2), (l)(2), and (m)(2), except as provided in §648.81(j)(2), (k)(2), (l)(2), and (m)(2).

(2) Fish, or be in the areas described in §648.81(j)(1), (k)(1), and (l)(1) on a fishing vessel with lobster pot gear during the time periods specified in §648.81(j)(2), (k)(2), and (l)(2).

(3) Deploy in or fail to remove lobster pot gear from the areas described in §648.81(j)(1), (k)(1), and (l)(1) during the time periods specified in §648.81(j)(2), (k)(2), and (l)(2).

(D) GB Seasonal Closure Area. Enter, fail to remove gear from, or be in the areas described in §648.81(g)(1) through (g)(1) during the time period specified, except as provided in §648.81(d), (g)(2), (h)(2), and (i)(2).

(E) Closed Area I. Enter or be in the area described in §648.81(a)(1) on a fishing vessel, except as provided in §648.81(a)(2) and (1).

(F) Closed Area II. Enter or be in the area described in §648.81(b)(1) on a fishing vessel, except as provided in §648.81(b)(2) and (1).

(G) Nantucket Lightship Closure Area. Enter or be in the area described in §648.81(c)(1) on a fishing vessel, except as allowed under §648.81(c)(2) and (i).

(ii) Vessel and permit holders. It is unlawful for any owner or operator of a vessel issued a valid NE multispecies permit or letter under §648.4(a)(1)(i), unless otherwise specified in §648.17, to do any of the following:

(A) EFH closure area restrictions. If fishing with bottom tending mobile gear, fish in, enter, be on a fishing vessel in, the EFH closure areas described in §648.81(h)(1)(i) through (vi).

(B) [Reserved]

(8) DAS restrictions for all persons. It is unlawful for any person, including any owner or operator of a vessel issued a valid NE multispecies permit or letter under §648.4(a)(1)(i), unless otherwise specified in §648.17, to do any of the following:

(i) For vessels issued a limited access NE multispecies permit, or those issued a limited access NE multispecies...
permit and a limited access monkfish permit (Category C, D, F, G, or H), but not fishing under the limited access monkfish Category A or B provisions as allowed under §648.92(b)(2), call into the DAS program prior to 1 hr before leaving port.

(ii) Call in DAS in excess of those allocated, leased, or permanently transferred, in accordance with the restrictions and conditions of §648.82.

(9) DAS restrictions for vessel and operator permit holders. It is unlawful for any owner or operator of a vessel issued a valid NE multispecies permit or letter under §648.3(a)(1)(i), unless otherwise specified in §648.17, to do any of the following:

(i) If operating under the provisions of a limited access NE multispecies Handgear A permit south of the GOM Regulated Mesh Area, as defined at §648.80(a)(1), fail to declare the vessel operator’s intent to fish in this area via VMS or fail to obtain or retain on board a letter of authorization from the Regional Administrator, as required by §648.82(b)(6)(iv).

(ii) DAS Leasing Program. (A) Provide false information on an application, required by §648.82(k)(4)(xi), to downgrade the DAS Leasing Program baseline.

(B) Lease NE multispecies DAS or use leased DAS that have not been approved for leasing by the Regional Administrator, as specified in §648.82(k).

(C) Provide false information on, or in connection with, an application, required under §648.82(k)(3), to effectuate the leasing of NE multispecies DAS.

(D) Act as lessor or lessee of a NE multispecies Category B DAS, or Category C DAS.

(E) Act as lessor or lessee of NE multispecies DAS, if the lessor’s or the lessee’s vessels do not comply with the size restrictions specified in §648.82(k)(4)(ix).

(F) Sub-lease NE multispecies DAS.

(G) [Reserved]

(H) Lease NE multispecies DAS to a vessel that does not have a valid limited access multispecies permit.

(I) [Reserved]

(J) Lease NE multispecies DAS if the number of unused allocated DAS is less than the number of DAS requested to be leased.

(K) Lease NE multispecies DAS in excess of the duration specified in §648.82(k)(4)(viii).

(L) Combine, transfer, or consolidate DAS allocations, except as provided for under the DAS Leasing Program or the DAS Transfer Program, as specified under §648.82(k) and (l), respectively.

(M) Lease NE multispecies DAS to or from a common pool vessel if either the Lessor or the Lessee vessel is a sector vessel.

(iii) DAS Transfer Program. (A) Transfer NE multispecies DAS, or use transferred DAS, that have not been approved for transfer by the Regional Administrator, as specified in §648.82(l).

(B) Provide false information on, or in connection with, an application, required by §648.82(l)(2), for a NE multispecies DAS transfer.

(C) Permanently transfer only a portion of a vessel’s total allocation of DAS.

(D) Permanently transfer NE multispecies DAS between vessels, if such vessels do not comply with the size restrictions specified in §648.82(l)(1)(i).

(E) Transfer NE multispecies DAS to or from a common pool vessel if either the Transferor or the Transferee vessel is a sector vessel.

(F) Transfer NE multispecies DAS to or from a sector vessel if either the Transferor or the Transferee vessel is enrolled in a different sector for that particular fishing year.

(iv) Gillnet fishery. (A) Fail to declare, and be, out of the non-exempt gillnet fishery as required by §648.82(j)(1)(ii), using the procedure specified in §648.82(h).

(B) For any common pool or sector vessel, fail to comply with the gillnet requirements and restrictions specified in §648.82(j), unless otherwise exempted pursuant to §648.87.

(C) If a vessel has been issued a limited access Day gillnet category designation, fail to comply with the restrictions and requirements specified in §648.82(j)(1).

(D) If a vessel has been issued a limited access Trip gillnet category designation, fail to comply with the restrictions and requirements specified in §648.82(j)(2).

(v) Spawning blocks. Fail to declare, and be, out of the NE multispecies DAS
program as required by §648.82(g), using the procedure described under §648.82(h), as applicable.

(vi) DAS notification. (A) For purposes of DAS notification, if required, or electing, to have a VMS unit under §648.10:

(1) Fail to have a certified, operational, and functioning VMS unit that meets the specifications of §648.9 on board the vessel at all times.

(2) Fail to comply with the notification, replacement, or any other requirements regarding VMS usage specified in §648.10(b).

(B) Fail to comply with any provision of the DAS notification program specified in §648.10.

(vii) Charter/party vessels. Participate in the DAS program pursuant to §648.82 when carrying passengers for hire on board a vessel during any portion of a fishing trip.

(10) Gear marking requirement for all persons. It is unlawful for any person, including any owner or operator of a vessel issued a valid NE multispecies permit or letter under §648.4(a)(1)(i), unless otherwise specified in §648.17, to fail to comply with the gear-marking requirements of §648.84.

(i1) U.S./Canada Resource Management Area—(1) Possession and landing restrictions of the U.S./Canada Area—(A) All Persons. (1) Fish for, harvest, possess or land any regulated NE multispecies from the areas specified in §648.85(a)(1), unless in compliance with the restrictions and conditions specified in §648.85(a)(3).

(2) If fishing under a NE multispecies DAS in the Western U.S./Canada Area or Eastern U.S./Canada Area specified in §648.85(a)(1), exceed the trip limits specified in §648.85(a)(3)(iv), unless further restricted under §648.85(b) or exempted under §648.87.

(3) If fishing inside the Eastern U.S./Canada Area and in possession of fish in excess of what is allowed under more restrictive regulations that apply outside of the Eastern U.S./Canada Area, fish outside of the Eastern U.S./Canada Area on the same trip, as prohibited under §648.85(a)(3)(ii)(A).

(4) If fishing both outside and inside of the areas specified for a SAP under §648.85(b)(3) and (8), under a NE multispecies DAS in the Eastern U.S./Canada Area specified in §648.85(a)(1), fail to abide by the DAS and possession restrictions under §648.85(b)(8)(v)(A)(2) through (4).

(B) Vessel and operator permit holders. Fail to comply with the GB yellowtail flounder trip limit specified under §648.85(a)(3)(iv)(C).

(ii) Gear requirements for all persons. If fishing with trawl gear under a NE multispecies DAS or on a sector trip in the Eastern U.S./Canada Area defined in §648.85(a)(1)(i), fail to fish with a haddock separator trawl, flounder trawl net, or Ruhle trawl, as specified in §648.85(a)(3)(i) and (b)(6)(iv)(J)(7), unless using other gear authorized under §648.85(b)(6) or (8).

(iii) Notification and VMS requirements for all persons. (A) Enter or fish in the Western U.S./Canada Area or Eastern U.S./Canada Area specified in §648.85(a)(1), unless declared into the area in accordance with §648.85(a)(3)(ii).

(B) If declared into one of the areas specified in §648.85(a)(1), fish during that same trip outside of the declared area, unless in compliance with the applicable restrictions specified under §648.85(a)(3)(ii)(A) or (B).

(C) If the vessel has been issued a limited access NE multispecies DAS permit, and is in the area specified in §648.85(a), fail to comply with the VMS requirements in §648.85(a)(3)(i).

(D) If fishing under a NE multispecies DAS or on a sector trip in the Eastern U.S./Canada Area specified in §648.85(a)(1)(ii), but not in a SAP specified in §648.85(b) on the same trip, fail to comply with the requirements specified in §648.85(a)(3).

(E) Fail to notify NMFS via VMS prior to departing the Eastern U.S./Canada Area, when fishing inside and outside of the area on the same trip, in accordance with §648.85(a)(3)(ii)(A)(1).

(F) When fishing inside and outside of the Eastern U.S./Canada Area on the same trip, fail to abide by the most restrictive requirements that apply to any area fished, including the DAS counting, trip limits, and reporting requirements that apply, as described in §648.85(a)(3)(ii)(A).

(iv) Reporting requirements for all persons. (A) If fishing under a NE multispecies DAS or on a sector trip in the

(B) Fail to comply with the reporting requirements under §648.85(a)(3)(i)(A)(2) when fishing inside and outside of the Eastern U.S./Canada Area on one trip.

(v) DAS—(A) All persons. If fishing under a NE multispecies DAS in the Eastern U.S./Canada Area specified in §648.85(a)(1)(ii), and in one of the SAPs specified in §648.85(b)(3) or (8) on the same trip, fail to comply with the no discard and DAS flip provisions specified in §648.85(b)(3)(xi) and (b)(8)(v)(I), or the minimum Category A DAS requirement specified in §648.85(b)(3)(xii) and (b)(8)(v)(J).

(B) Vessel and operator permit holders.

(12) SAP restrictions—(i) General restrictions for all persons. If fishing under a NE multispecies DAS or on a sector trip, declare into, enter, or fish in the Eastern U.S./Canada Area specified in §648.85(a)(1) if the area is closed under the authority of the Regional Administrator as described in §648.85(a)(3)(iv)(D) or (E), unless fishing in the Closed Area II Yellowtail Flounder/Haddock SAP specified in §648.85(b)(3), the Eastern U.S./Canada Haddock SAP Program specified in §648.85(b)(8).

(ii) General restrictions for vessel and operator permit holders. Discard legal-sized NE regulated multispecies, ocean pout, or Atlantic halibut while fishing under a SAP, as described in §§648.85(b)(3)(xii), 648.85(b)(7)(iv)(H), or 648.85(b)(8)(v)(I).

(iii) Closed Area II Yellowtail Flounder/Haddock SAP restrictions for all persons. (A) If fishing under the Closed Area II Yellowtail Flounder/Haddock SAP, fish for, harvest, possess, or land any regulated NE multispecies or ocean pout from the area specified in §648.85(b)(3)(i), unless declared into the area in accordance with §648.85(b)(3)(v) or §648.85(b)(8)(v)(D).

(B) Enter or fish in Closed Area II as specified in §648.81(b), unless declared into the area in accordance with §648.85(b)(3)(v) or §648.85(b)(8)(v)(D).

(E) If fishing in the Closed Area II Yellowtail Flounder/Haddock SAP specified in §648.85(b)(3), exceed the trip limits specified in §648.85(b)(3)(x).

(F) Discard legal-sized NE regulated multispecies, ocean pout, Atlantic halibut, or monkfish while fishing under a SAP, as described in §§648.85(b)(3)(xii), 648.85(b)(7)(iv)(H), or 648.85(b)(8)(v)(I).

(v) Regular B DAS Program restrictions for vessel and operator permit holders. (A) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to use a haddock separator trawl as described in §648.85(b)(6)(iv)(J), or any other approved gear as described in §648.85(b)(6)(iv)(J).

(B) If possessing a Ruhle Trawl, either at sea or elsewhere, as allowed under §648.85(b)(6)(iv)(J) and §648.85(b)(8)(v)(E)(7), fail to comply with the net specifications under §648.85(b)(6)(iv)(J).

(D) Discard legal-sized NE regulated multispecies, ocean pout, Atlantic halibut, or monkfish while fishing under a Regular B DAS in the Regular B DAS.
Program, as described in §648.85(b)(6)(iv)(E).

(E) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to comply with the landing limits specified in §648.85(b)(6)(iv)(D).

(F) If fishing under a Regular B DAS in the Regular B DAS Program, fail to comply with the DAS flip requirements of §648.85(b)(6)(iv)(E) if the vessel harvests and brings on board more than the landing limit for a groundfish stock of concern specified in §648.85(b)(6)(iv)(D), other groundfish specified under §648.86, or monkfish under §648.94.

(G) DAS usage restrictions. (1) If fishing in the Regular B DAS Program, fail to comply with the restriction on DAS use specified in §648.82(d)(2)(i)(A).

(2) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to comply with the minimum Category A DAS and Category B DAS accrual requirements specified in §648.85(b)(6)(iv)(F).

(3) Use a Regular B DAS in the Regular B DAS Program specified in §648.85(b)(6), if the program has been closed as specified in §648.85(b)(6)(iv)(C) or (H), or (b)(6)(vi).

(H) VMS requirements. (1) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to comply with the VMS requirement specified in §648.85(b)(6)(iv)(A).

(2) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to comply with the VMS declaration requirement specified in §648.85(b)(6)(iv)(A).

(I) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to comply with the observer notification requirements specified in §648.85(b)(6)(iv)(C).

(J) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to comply with the observer notification requirements specified in §648.85(b)(6)(iv)(B).

(K) If fishing in the Regular B DAS Program specified in §648.85(b)(6), fail to comply with the landing limits requirements specified in §648.85(b)(6)(iv)(L).  

(1) Closed Area I Hook Gear Haddock SAP restrictions for vessel and operator permit holders. (A) If fishing in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7), fail to comply with the applicable requirements and conditions specified in §648.85(b)(7)(iv), and (b)(7)(v) or (b)(7)(vi).

(B) Fish in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7) outside of the season specified in §648.85(b)(7)(iii).

(C) Fish in the Closed Area I Hook Gear Haddock Access Area specified in §648.85(b)(7)(ii), if that area is closed as specified in §648.85(b)(7)(iv)(J) or (b)(7)(vi)(F).

(D) If fishing in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7), fail to comply with the applicable DAS use requirements specified in §648.85(b)(7)(iv)(A) and (b)(7)(v)(A).

(E) VMS requirements. (1) If fishing in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7), fail to comply with the VMS declaration requirement specified in §648.85(b)(7)(iv)(D).

(2) If fishing in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7), fail to comply with the VMS declaration requirement specified in §648.85(b)(7)(iv)(D).

(F) If fishing in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7), fail to comply with the applicable landing limits specified in §648.85(b)(7)(iv)(H), and (b)(7)(v)(C) or (b)(7)(vi)(C).

(G) If fishing in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7), fail to comply with the applicable landing limits specified in §648.85(b)(7)(iv)(H), and (b)(7)(v)(C) or (b)(7)(vi)(C).

(1) If fishing in the Closed Area I Hook Gear Haddock SAP specified in §648.85(b)(7), fail to comply with the applicable reporting requirement specified in §648.85(b)(7)(v)(C) or (b)(7)(v)(D).

(vii) Eastern U.S./Canada Haddock SAP Restrictions—(A) All Persons. (1) If fishing under a NE multispecies DAS or on a sector trip in the Eastern U.S./Canada Haddock SAP specified in §648.85(b)(8), in the area specified in §648.85(b)(8)(ii), and during the season specified in §648.85(b)(8)(iv), fail to comply with §648.85(b)(8)(v).

(2) VMS and declaration requirements. (i) If fishing under a NE multispecies DAS or on a sector trip in the Eastern U.S./Canada Haddock SAP in the area
specified in §648.85(b)(8)(ii), fail to comply with the VMS requirements in §648.85(b)(8)(B).

(ii) If fishing under a NE multispecies DAS or on a sector trip, fish in the Eastern U.S./Canada Haddock SAP specified in §648.85(b)(8), unless declared into the program in accordance with §648.85(b)(8)(v)(D).

(3) Enter or fish in the Eastern U.S./Canada Haddock SAP outside of the season specified in §648.85(b)(8)(iv).

(4) If possessing a Ruhle Trawl, either at sea or elsewhere, as allowed under §648.85(b)(6)(iv)(J)(1) or (b)(8)(v)(E)(1), fail to comply with the net specifications under §648.85(b)(6)(iv)(J)(3).


(ii) If fishing under the Eastern U.S./Canada Haddock SAP, fish for, harvest, possess, or land any regulated NE multispecies from the area specified in §648.85(b)(8)(ii), unless in compliance with the restrictions and conditions of §648.85(b)(8)(v)(A) through (I).

(6) If fishing in the Eastern U.S./Canada Haddock SAP specified in §648.85(b)(8), fail to comply with the reporting requirements of §648.85(b)(8)(v)(G).

(7) If fishing under the Eastern U.S./Canada Haddock SAP specified in §648.85(b)(8), fail to comply with the observer notification requirements of §648.85(b)(8)(v)(C).

(B) Vessel and operator permit holders. (1) If fishing in the Eastern U.S./Canada Haddock SAP Area, and other portions of the Eastern U.S./Canada Haddock SAP Area on the same trip, fail to comply with the restrictions in §648.85(b)(8)(v)(A).

(2) DAS usage restrictions. (i) If fishing in the Eastern U.S./Canada Haddock SAP Area under a Category B DAS, fail to comply with the DAS flip requirements of §648.85(b)(8)(v)(I), if the vessel possesses more than the applicable landing limit specified in §§648.85(b)(8)(v)(F) or 648.86.

(ii) If fishing in the Eastern U.S./Canada Haddock SAP Area under a Category B DAS, fail to have the minimum number of Category A DAS available as required by §648.85(b)(8)(v)(J).

(3) Fish in the Eastern U.S./Canada Haddock SAP specified in §648.85(b)(8), if the SAP is closed as specified in §648.85(b)(8)(v)(K) or (L).

(13) Possession and landing restrictions—(i) All persons. (A) Under §648.85 or §648.86, fail to offload a sufficient amount of regulated species or ocean pout subject to a daily possession limit at the end of a fishing trip, as required by §648.86(l).

(B) Scallops. Possess or land fish caught with nets of mesh smaller than the minimum size specified in §648.51, or with scallop dredge gear on a vessel not fishing under the scallop DAS program described in §648.54, or fishing under a general scallop permit, unless said fish are caught, possessed, or landed in accordance with §§648.80 and 648.86, or unless the vessel has not been issued a Federal NE multispecies permit and fishes for NE multispecies exclusively in state waters.

(ii) Vessel and operator permit holders. (A) Land, or possess on board a vessel, more than the possession or landing limits specified in §648.86(a), (b), (c), (e), (g), (h), (j), (l), (n), and (o); or violate any of the other provisions of §648.86, unless otherwise specified in §648.17.

(B) Possess or land per trip more than the possession or landing limits specified in §648.86(a), (b), (c), (d), (e), (g), (h), (j), (l), (m), (n), and (o); §648.82(b)(5) and (6); §648.85; or §648.88, if the vessel has been issued a limited access NE multispecies permit or open access NE multispecies permit, as applicable.

(C) Fish for, possess at any time during a trip, or land regulated NE multispecies or ocean pout specified in §648.86 after using up the vessel’s annual DAS allocation or when not participating in the DAS program pursuant to §648.82, unless otherwise exempted by §648.82(b)(5), §648.87, or §648.88, or allowed pursuant to §648.85(b)(6) or §648.88.

(D) Atlantic cod. (1) Enter port, while on a NE multispecies DAS trip, in possession of more than the allowable limit of cod specified in §648.86(b)(1), unless the vessel is fishing under the cod exemption specified in §648.86(b)(4).
(2) Enter port, while on a NE multispecies DAS trip, in possession of more than the allowable limit of cod specified in §648.86(b)(2).

(3) [Reserved]

(4) Fail to declare through VMS an intent to be exempt from the GOM cod trip limit under §648.86(b)(1), as required under §648.86(b)(4), or fish north of the exemption line if in possession of more than the GOM cod trip limit specified under §648.86(b)(1).

(E) Atlantic halibut. Possess or land per trip more than the possession or landing limit specified under §648.86(c).

(F) White hake. Possess or land more white hake than allowed under §648.86(e).

(G) Yellowtail flounder. While fishing in the areas specified in §648.86(g)(1) with a NE multispecies Handgear A permit, or under the NE multispecies DAS program, or under the limited access monkfish Category C or D permit provisions, possess yellowtail flounder in excess of the limits specified under §648.86(g)(1), unless fishing under the recreational or charter/party regulations, or transiting with gear stowed and not available for immediate use as defined in §648.2.

(H) GB winter flounder. Possess or land more GB winter flounder than allowed under §648.86(j).

(I) For common pool vessels, including vessels issued a limited access monkfish permit and fishing under the monkfish Category C or D permit provisions, fail to comply with the most restrictive trip limits applicable when fishing in multiple areas, as specified in §648.85 or §648.86.

(14) Sector requirements. It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit and fishing on a sector trip to do any of the following:

(i) Fail to abide by the restrictions specified in §648.87(b)(1).

(ii) Catch regulated species or ocean pout in excess of ACE allocated or transferred to that sector pursuant to §648.87(b)(1)(i) and (viii), respectively.

(iii) Fish in a particular stock area, the Eastern U.S./Canada Area, or a SAP if the sector has not been allocated, does not acquire, or otherwise has insufficient ACE remaining/available for all stocks caught in that area, or fail to operate in a manner that would not catch stocks for which the sector has not been allocated ACE, as described in an approved sector operations plan pursuant to §648.87(b)(2)(xiv), as prohibited in §648.87(b)(1)(ii).

(iv) Violate the provisions of an approved sector operations plan or letter of authorization issued by the Regional Administrator, as required by §648.87(b)(1)(iv) and (b)(2).

(v) Fail to remain in the sector for the remainder of the fishing year, as required by §648.87(b)(1).

(vi) Unless otherwise required to use a NE multispecies DAS to participate in another fishery, fish in the NE multispecies DAS program in a given fishing year or, for common pool vessels, fish in an approved sector in a given fishing year.

(vii) If a vessel is removed from a sector for violating the Sector rules, fish under the NE multispecies regulations for common pool vessels.

(viii) Discard legal-sized regulated species or ocean pout allocated to sectors pursuant to §648.87(b)(1)(i), as prohibited by §648.87(b)(1)(v).

(ix) Fail to comply with the reporting requirements specified in §648.87(b)(1)(v) or (vi).

(x) Leave port to begin a trip before an at-sea monitor has arrived and boarded the vessel or before electronic monitoring equipment has been properly installed if assigned to carry either an at-sea monitor or electronic monitoring equipment for that trip, as prohibited by §648.87(b)(5)(iii)(A).

(xi) Leave port to begin a trip if a vessel has failed a review of safety issues by an at-sea monitor and has not successfully resolved any identified safety deficiencies, as prohibited by §648.87(b)(5)(iv)(A).

(15) Open access permit restrictions—(i) All persons. (A) Violate any provision of the open access permit restrictions of §648.88.
(B) Possess on board gear other than that specified in §648.88(a)(2)(i), or fish with hooks greater than the number specified in §648.88(a)(2)(iii), if fishing under an open access Handgear permit.

(C) Fish for, possess, or land regulated multispecies from March 1 to March 20, if issued an open access Handgear permit.

(ii) Vessel and operator permit holders—

(A) Open access Handgear permit. It is unlawful for any person owning or operating a vessel issued an open access NE multispecies Handgear permit to do any of the following, unless otherwise specified in §648.17:

(1) Violate any provision of the open access Handgear permit restrictions of §648.88(a).

(2) Possess, at any time during a trip, or land per trip, more than the possession limit of NE multispecies specified in §648.88(a), unless the vessel is a charter or party vessel fishing under the charter/party restrictions specified in §648.89.

(3) Use, or possess on board, gear capable of harvesting NE multispecies, other than rod and reel, or handline gear, or tub-trawls, while in possession of, or fishing for, NE multispecies.

(4) Possess or land NE multispecies during the time period specified in §648.88(a)(2).

(5) If operating under the provisions of a limited access NE multispecies Handgear B permit south of the GOM Regulated Mesh Area, as defined at §648.80(a), fail to obtain or retain on board a letter of authorization from the Regional Administrator, as required by §648.88(a)(2)(iv).

(B) Scallop multispecies possession limit permit. It is unlawful for any person owning or operating a vessel issued a scallop multispecies possession limit permit to possess or land more than the possession limit of NE multispecies specified in §648.88(c), or to possess or land regulated species when not fishing under a scallop DAS, unless otherwise specified in §648.17.

(C) Open access NE multispecies (non-regulated species permit). It is unlawful for any owner or operator of a vessel issued a valid open access NE multispecies permit to possess or land any regulated species, as defined in §648.2, or to violate any applicable provisions of §648.88, unless otherwise specified in §§648.14, 648.86, or 648.88.

(16) Recreational and charter/party requirements. It is unlawful for the owner or operator of a charter or party boat issued a valid Federal NE multispecies permit, or for a recreational vessel, as applicable, unless otherwise specified in §648.17, to do any of the following:

(i) Possession and landing. Possess cod, haddock, or Atlantic halibut in excess of the possession limits specified in §648.89(c).

(ii) Gear requirements. Fish with gear in violation of the restrictions of §648.89(a).

(iii) Seasonal and area restrictions. (A) If fishing under the recreational or charter/party regulations, fish for or possess cod caught in the GOM Regulated Mesh Area during the seasonal GOM cod possession prohibition under §648.89(c)(1)(v) or (c)(2)(v), or fail to abide by the appropriate restrictions if transiting with cod on board.

(B) If the vessel has been issued a charter/party permit or is fishing under charter/party regulations, fail to comply with the requirements specified in §648.81(f)(2)(iii) when fishing in the areas described in §648.81(f)(2)(i) through (f)(1) during the time periods specified.

(C) If the vessel is a private recreational fishing vessel, fail to comply with the seasonal GOM cod possession prohibition described in §648.89(c)(1)(v), or, if the vessel has been issued a charter/party permit or is fishing under charter/party regulations, fail to comply with the prohibition on fishing under §648.89(c)(2)(v).

(iv) Restriction on sale and transfer. Sell, trade, barter, or otherwise transfer; or attempt to sell, trade, barter or otherwise transfer; NE multispecies for a commercial purpose as specified in §648.89(d).

(v) Size limits. If fishing under the recreational or charter/party regulations, possess regulated species or ocean pout that are smaller than the minimum fish sizes specified in §648.89(b)(1) and (b)(3).

(vi) Identification. If fishing under the recreational or charter/party regulations, possess regulated species or ocean pout without at least 2 square inches (5.1 square cm) of contiguous
skin that allows for the ready identification of the species of fish upon landing.

(vi) Atlantic wolffish. If fishing under the recreational or charter/party regulations, possess Atlantic wolffish.

(17) Presumptions. For purposes of this part, the following presumptions apply:

(i) Regulated species possessed for sale that do not meet the minimum sizes specified in §648.83 are deemed to have been taken or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

(ii) Regulated species possessed for sale that do not meet the minimum sizes specified in §648.83 are deemed taken from the EEZ or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

(18) Trimester TAC AM—(i) Vessel and operator permit holders. (A) Fish for, harvest, possess, or land regulated species or ocean pout in or from the closed areas specified in §648.82(n)(2)(ii) once such areas are closed pursuant to §648.82(n)(2)(i). (B)-(D) [Reserved]

(19) At-sea/electronic monitoring service providers. It is unlawful for any at-sea/electronic monitoring service provider, including individual at-sea monitors, to do any of the following:

(i) Fail to comply with the operational requirements, including the recordkeeping and reporting requirements, specified in §648.87(b)(5).

(ii) Provide false or inaccurate information regarding area fished; species identification; or amount of each species kept, discarded, or landed.

(20) AMs for both stocks of windowpane flounder, ocean pout, Atlantic halibut, Atlantic wolffish, and SNE/MA winter flounder. It is unlawful for any person, including any owner or operator of a vessel issued a valid Federal NE multispecies permit or letter under §648.4(a)(1)(i), unless otherwise specified in §648.17, to fail to comply with the restrictions on fishing and gear specified in §648.90(a)(5)(i)(D).

(1) Small-mesh multispecies. (i) It is unlawful for any person owning or operating a vessel issued a valid Federal multispecies permit to land, offload, or otherwise transfer; or attempt to land, offload, or otherwise transfer; small-mesh multispecies from one vessel to another in excess of the limits specified in §648.13.

(2) Presumptions. For purposes of this part, the following presumption applies: All small-mesh multispecies retained or possessed on a vessel issued any permit under §648.4 are deemed to have been harvested from the EEZ.

(m) Monkfish. It is unlawful for any person owning or operating a vessel that engages in fishing for monkfish to do any of the following, unless otherwise fishing in accordance with, and exempted under, the provisions of §648.17:

(1) Permit requirement. (i) Fish for, possess, retain, or land monkfish, unless:

(A) The monkfish are being fished for, or were harvested, in or from the EEZ by a vessel issued a valid monkfish permit under §648.4(a)(9).

(B) The vessel does not hold a valid Federal monkfish permit and fishes for or possesses monkfish exclusively in state waters.

(C) The vessel does not hold a valid Federal monkfish permit and engages in recreational fishing.

(D) The monkfish were harvested from the NAFO Regulatory Area in accordance with the provisions specified under §648.17.

(ii) Fish for, possess, or land monkfish in or from the EEZ without having been issued and possessing a valid operator permit pursuant to §648.5, and this permit is onboard the vessel.

(2) Gear requirements. (i) Fish with or use nets with mesh size smaller than the minimum mesh size specified in
§ 648.14  

§ 648.91(c) while fishing under a monkfish DAS.

(ii) Fail to immediately produce gillnet tags when requested by an authorized officer.

(iii) Tag a gillnet with, or otherwise use or possess, a gillnet tag that has been reported lost, missing, destroyed, or issued to another vessel, or use or possess a false gillnet tag.

(iv) Sell, transfer, or give away gillnet tags.

(v) If the vessel has been issued a valid limited access monkfish permit, and fishes under a monkfish DAS, fail to comply with gillnet requirements and restrictions specified in § 648.92(b)(8).

(3) Area restrictions. (i) Fail to comply with the restrictions applicable to limited access Category G and H vessels specified under § 648.92(b)(9).

(ii) Fail to comply with the NFMA requirements specified at § 648.94(f).

(4) DAS requirements. (i) Fail to comply with the monkfish DAS provisions specified at § 648.92 when issued a valid limited access monkfish permit.

(ii) Combine, transfer, or consolidate monkfish DAS allocations.

(5) Size limits. Fail to comply with the monkfish size limit restrictions of § 648.93 when issued a valid monkfish permit under § 648.4(a)(9) or when fishing in the EEZ.

(6) Possession and landing. (i) Fail to comply with the monkfish possession limits and landing restrictions, including liver landing restrictions, specified under § 648.94.

(ii) Violate any provision of the monkfish incidental catch permit restrictions as specified in §§ 648.4(a)(9)(i) or 648.94(c).

(7) Transfer and sale. (i) Sell, barter, trade, or otherwise transfer for a commercial purpose; or attempt to sell, barter, trade, or otherwise transfer for a commercial purpose; any monkfish from a vessel without having been issued a valid monkfish vessel permit, unless the vessel fishes for monkfish exclusively in state waters, or exclusively in the NAFO Regulatory Area in accordance with the provisions specified under § 648.17.

(ii) Purchase, possess, or receive as a dealer, or in the capacity of a dealer, monkfish in excess of the possession or trip limits specified in § 648.94.

(iii) Land, offload, or otherwise transfer; or attempt to land, offload, or otherwise transfer; monkfish from one vessel to another vessel, unless each vessel has not been issued a monkfish permit and fishes exclusively in state waters.

(8) Presumption. For purposes of this part, the following presumption applies: All monkfish retained or possessed on a vessel issued any permit under § 648.4 are deemed to have been harvested from the EEZ, unless the preponderance of evidence demonstrates that such fish were harvested by a vessel that fished exclusively in the NAFO Regulatory Area, as authorized under § 648.17.

(n) Summer flounder—(1) All persons. Unless participating in a research activity as described in § 648.22(g), it is unlawful for any person to do any of the following:

(i) Permit requirement. Possess summer flounder in or harvested from the EEZ, either in excess of the possession limit specified in § 648.106, or before or after the time period specified in § 648.105, unless the vessel was issued a summer flounder moratorium permit and the moratorium permit is on board the vessel and has not been surrendered, revoked, or suspended.

(ii) Transfer and purchase. (A) Purchase or otherwise receive for a commercial purpose, other than solely for transport on land, summer flounder from the owner or operator of a vessel issued a summer flounder moratorium permit, unless in possession of a valid summer flounder dealer permit.

(B) Purchase or otherwise receive for commercial purposes summer flounder caught by a vessel subject to the possession limit of § 648.106.

(C) Purchase or otherwise receive for a commercial purpose summer flounder landed in a state after the effective date published in the Federal Register notifying permit holders that commercial quota is no longer available in that state for the respective fishing year.

(iii) Gear requirements. Possess nets or netting with mesh not meeting the minimum mesh requirement of § 648.108.
if the person possesses summer flounder harvested in or from the EEZ in excess of the threshold limit of §648.106(a).

(2) Vessel and operator permit holders. Unless participating in a research activity as described in §648.102(e), it is unlawful for any person owning or operating a vessel issued a summer flounder permit (including a moratorium permit) to do any of the following:

(i) Possession and landing. (A) Possess 100 lb (45.4 kg) or more of summer flounder between May 1 and October 31, or 200 lb (90.7 kg) or more of summer flounder between November 1 and April 30, unless the vessel meets the gear requirements or restrictions specified in §648.108.

(B) Possess summer flounder in other than a container specified in §648.106(d) if fishing with nets having mesh that does not meet the minimum mesh-size requirement specified in §648.108(a), unless the vessel is fishing pursuant to the exemptions specified in §648.108(b).

(C) Land summer flounder for sale in a state after the effective date of a notification in the Federal Register notifying permit holders that commercial quota is no longer available in that state.

(ii) Transfer and purchase. Sell or transfer to another person for a commercial purpose, other than solely for transport on land, any summer flounder, possessed or landed by a vessel not issued a summer flounder moratorium permit.

(iii) Gear requirements. (A) Fish with or possess nets or netting that do not meet the minimum mesh requirement, or that are modified, obstructed or constricted, if subject to the minimum mesh requirement specified in §648.106, unless the nets or netting are stowed in accordance with §648.108(e).

(B) Fish with or possess nets or netting that do not meet the minimum mesh requirement, or that are modified, obstructed or constricted, if fishing with an exempted net described in §648.108, unless the nets or netting are stowed in accordance with §648.108(f).

(C) Fish west or south, as appropriate, of the line specified in §648.108(b)(1) if exempted from the minimum mesh requirement specified in §648.108 by a summer flounder exemption permit.

(3) Charter/party restrictions. Unless participating in a research activity as described in §648.102(e), it is unlawful for the owner and operator of a party or charter boat issued a summer flounder permit (including a moratorium permit), when the boat is carrying passengers for hire or carrying more than three crew members if a charter boat or more than five members if a party boat, to:

(i) Carry passengers for hire, or carry more than three crew members for a charter boat or five crew members for a party boat, while fishing commercially pursuant to a summer flounder moratorium permit.

(ii) Possess summer flounder in excess of the possession limit established pursuant to §648.105.

(iii) Fish for summer flounder other than during a season specified pursuant to §648.105.

(iv) Sell or transfer summer flounder to another person for a commercial purpose.

(4) Presumption. For purposes of this part, the following presumption applies: All summer flounder retained or possessed on a vessel issued a permit under §648.4 are deemed to have been harvested in the EEZ.

(o) Scup—(1) All persons. Unless participating in a research activity as described in §648.122(e), it is unlawful for any person to do any of the following:

(i) Permit requirement. Fish for, catch, or retain for sale, barter, or trade scup in or from the EEZ north of 35°15.3′ N. lat. on board a party or charter boat without the vessel having been issued an applicable valid party or charter boat permit pursuant to §648.4(a)(6), unless the vessel other than a party or charter vessel observes the possession limit restrictions and prohibition against sales specified in §648.125.

(ii) Possession and landing. (A) Possess scup in or harvested from the EEZ north of 35°15.3′ N. lat. in an area closed, or before or after a season established pursuant to §§648.124 and 648.127.
(B) Possess scup in excess of the possession limit established pursuant to §648.125.

(C) Fish for, possess, or land scup harvested in or from the EEZ north of 35°15.3' N. lat. for a commercial purpose after the effective date of a notification published in the FEDERAL REGISTER stating that the commercial quota has been harvested.

(D) Fish for, catch, possess, or retain scup in or from the EEZ north of 35°15.3' N. lat. in excess of the amount specified in §648.125, unless the vessel complies with all of the gear restrictions in §648.125.

(E) Fish for, catch, retain, or land scup in or from the EEZ north of 35°15.3' N. lat. in excess of the limit established through the annual specification process and published in the FEDERAL REGISTER pursuant to §648.122(a).

(iii) Minimum fish size. Possess, other than solely for transport on land, scup harvested in or from the EEZ north of 35°15.3' N. lat. that do not meet the minimum fish size specified in §648.126.

(iv) Transfer and purchase. Purchase or otherwise receive for a commercial purpose scup, unless the transferee has a dealer permit issued under §648.6; transfer scup at sea, or attempt to transfer at sea to any vessel, any scup taken from the EEZ, unless in compliance with the provisions of §648.13(i).

(3) Charter/Party requirements. Unless participating in a research activity as described in §648.122(e), it is unlawful for the owner or operator of a party or charter boat issued a scup permit (including a moratorium permit), when the boat is carrying passengers for hire, or when carrying more than three crew members, if a charter boat, or more than five members, if a party boat to:

(i) Carry passengers for hire, or carry more than three crew members for a charter boat, or five crew members for a party boat, while fishing for scup under the terms of a moratorium permit issued pursuant to §648.4(a)(6).

(ii) Possess scup in excess of the possession limit established pursuant to §648.126.

(iii) Fish for scup other than during a season established pursuant to §648.124.

(iv) Sell scup or transfer scup to another person for a commercial purpose other than solely for transport on land.

(v) Possess scup that do not meet the minimum fish size specified in §648.126(b).

(4) Presumption. For purposes of this part, the following presumption applies: All scup retained or possessed on a vessel issued a permit under §648.4 are deemed to have been harvested in the EEZ, north of 35°15.3' N. lat., unless a preponderance of the evidence shows
(p) **Black sea bass—(1) All persons.** Unless participating in a research activity as described in §648.142(d), it is unlawful for any person to do any of the following:

(i) **Permit requirement.** Possess black sea bass in or harvested from the EEZ north of 35°15.3′ N. lat., either in excess of the possession limit established pursuant to §648.145, or before or after the time period established pursuant to §648.146, unless the person is operating a vessel issued a moratorium permit under §648.4 and the moratorium permit is on board the vessel.

(ii) **Possession and landing.** Fish for, catch, possess, land, or retain black sea bass in or from the EEZ north of 35°15.3′ N. lat. (the latitude of Cape Hatteras Light, NC, to the U.S.-Canadian border) in excess of the amount specified in §648.144(a)(1), unless the vessel complies with all of the gear restrictions at §648.144(a).

(iii) **Transfer and purchase.** Purchase or otherwise receive for commercial purposes, other than solely for transport on land, black sea bass from a vessel, unless the transferee has a valid black sea bass dealer permit.

(ii) **Possession and landing.** (A) Land black sea bass for sale in any state, or part thereof, north of 35°15.3′ N. lat. after the effective date of a notification published in the FEDERAL REGISTER stating that the commercial annual quota has been harvested and the EEZ is closed to the harvest of black sea bass.

(B) Possess, retain, or land black sea bass harvested in or from the EEZ in excess of the commercial possession limit established at §648.140.

(C) Land black sea bass for sale in any state south of North Carolina.

(D) Possess black sea bass after the effective date of a notification published in the FEDERAL REGISTER stating that the commercial annual quota has been harvested and the EEZ is closed to the harvest of black sea bass, unless the vessel has been issued a Southeast Region Snapper/Grouper Permit and fishes for and possess black sea bass south of 35°15.3′ N. lat.

(3) **Charter/party restrictions.** Unless participating in a research activity as described in §648.142(e), it is unlawful for the owner or operator of a party or charter boat issued a black sea bass permit (including a moratorium permit), when the boat is carrying passengers for hire or carrying more than three crew members, if a charter boat, or more than five members, if a party boat, to:

(i) Fish for black sea bass under the terms of a moratorium permit issued pursuant to §648.4(a)(7).

(ii) Possess, retain, or land black sea bass in excess of the possession limit established pursuant to §648.145.

(iii) Fish for black sea bass other than during a time allowed pursuant to §648.146.

(iv) Sell black sea bass or transfer black sea bass from a vessel to another person for a commercial purpose other than solely for transport on land.

(4) **Presumption.** For purposes of this part, the following presumption applies: All black sea bass retained or possessed on a vessel issued a permit under §648.4 are deemed to have been harvested in the EEZ, unless the vessel also has been issued a Southeast Region Snapper/Grouper permit and fishes for, retains, or possesses black sea bass south of 35°15.3′ N. lat.
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(q) Bluefish. Unless participating in a research activity as described in §648.162(g), it is unlawful for any person to do any of the following:

(1) Permit requirement. Possess in or harvest from the EEZ, Atlantic bluefish, in excess of the daily possession limit found at §648.164, unless the vessel is issued a valid Atlantic bluefish vessel permit under §648.4(a)(8)(i) and the permit is on board the vessel and has not been surrendered, revoked, or suspended.

(2) Possession and landing. (i) Land bluefish for sale in a state after the effective date of a notification in the FEDERAL REGISTER pursuant to §648.163(b), that the commercial quota is no longer available in that state.

(ii) Land bluefish for sale after the effective date of a notification in the FEDERAL REGISTER pursuant to §648.163(a), that the bluefish fishery is closed.

(3) Transfer and purchase. (i) Sell, barter, trade or transfer; or attempt to sell, barter, trade or otherwise transfer; other than for transport, bluefish that were harvested in or from the EEZ, unless the vessel has been issued a valid bluefish permit under §648.4(a)(8)(i).

(ii) Purchase or otherwise receive for a commercial purpose bluefish harvested from the EEZ after the effective date of a notification in the FEDERAL REGISTER stating that the commercial quota has been harvested.

(iii) Purchase or otherwise receive for a commercial purpose bluefish harvested by a Federally permitted vessel after the effective date of the notification published in the FEDERAL REGISTER stating that the commercial quota has been harvested.

(4) Charter/party restrictions. Carry passengers for hire, or carry more than three crew members for a charter boat or five crew members for a party boat, while fishing commercially pursuant to a bluefish permit issued under §648.4(a)(8)(i).

(5) Presumption. For purposes of this part, the following presumption applies: All bluefish possessed on board a party or charter vessel issued a permit under §648.4(a)(8)(ii) are deemed to have been harvested from the EEZ.

(r) Atlantic herring—(1) All persons. It is unlawful for any person to do any of the following:

(i) Permit requirement. Operate, or act as an operator of, a vessel with an Atlantic herring permit, or a vessel fishing for or possessing herring in or from the EEZ, unless the operator has been issued, and is in possession of, a valid operator permit.

(ii) Possession and landing. (A) Fish for, possess, retain or land herring, unless:

(1) The herring are being fished for, or were harvested in or from, the EEZ by a vessel holding a valid herring permit under this part and the operator on board such vessel possesses a valid operator permit that is on board the vessel.

(2) The herring were harvested by a vessel not issued a herring permit that fished exclusively in state waters.

(B) Possess, transfer, receive, or sell; or attempt to transfer, receive, or sell; more than 2,000 lb (907.2 kg) of herring per trip; or land, or attempt to land more than 2,000 lb (907.2 kg) of herring per day in or from a management area closed pursuant to §648.201(a), if the vessel has been issued and holds a valid herring permit.

(C) Possess or land more herring than is allowed by the vessel’s Atlantic herring permit or the most restrictive herring possession limit associated with the permits issued to vessels working cooperatively, including vessels pair trawling, purse seining, or transferring herring at sea.

(iii) Processing requirements. (A) Process herring that was caught in or from the EEZ by a U.S. vessel that exceeds the size limits specified in §648.4(a)(10)(iii), in excess of the specification of USAP.

(B) Discard herring carcasses at sea after removing the roe, if a Federally permitted vessel; or in the EEZ, if not a Federally permitted vessel.

(C) Catch, take, or harvest herring for roe, at sea, if a Federally permitted
vessel; or if not Federally permitted, in or from the EEZ in excess of any limit established by §648.206(b)(24).

(iv) Transfer and purchase. (A) Purchase, possess, receive; or attempt to purchase, possess, or receive; as a dealer, or in the capacity of a dealer, herring harvested in or from the EEZ, without having been issued, and in possession of, a valid herring dealer permit.

(B) Purchase, possess, receive; or attempt to purchase, possess, or receive; as a processor, or in the capacity of a processor, herring from a fishing vessel with a herring permit or from a dealer with a herring dealer permit, without having been issued, and in possession of, a valid herring processor permit.

(C) Sell, barter, trade, or otherwise transfer; or attempt to sell, barter, trade, or otherwise transfer; for a commercial purpose, any herring, unless the harvesting vessel has been issued a herring permit, or unless the herring were harvested by a vessel without a Federal herring permit that fished exclusively in state waters.

(D) Purchase, possess, or receive, for a commercial purpose; or attempt to purchase, possess, or receive, for a commercial purpose; herring caught by a vessel without a herring permit, unless the herring was harvested by a vessel without a Federal herring permit that fished exclusively in state waters.

(E) Transfer, or attempt to transfer, herring to a Canadian transshipment vessel that is permitted in accordance with Public Law 104–297, if the amount of herring transshipped exceeds the amount of the border transfer specified in §648.200.

(v) Gear and vessel requirements. (A) If fishing with midwater trawl or purse seine gear, fail to comply with the requirements of §648.80(d) and (e).

(B) Catch, take, or harvest Atlantic herring in or from the EEZ with a U.S. vessel that exceeds the size limits specified in §648.4(a)(10)(iii).

(vi) Area requirements. (A) For the purposes of observer deployment, fail to notify NMFS at least 72 hr prior to departing on a declared herring trip with a vessel issued an All Areas Limited Access Herring Permit and/or an Area 1 Limited Access Herring Permit and fishing with midwater trawl or purse seine gear, or on a trip with a vessel issued a Limited Access Incidental Catch Herring Permit and/or an Open Access Herring Permit that is fishing with midwater trawl gear in Management Areas 1A, 1B, and/or 3, as defined in §648.206(f)(1) and (3), pursuant to the requirements in §648.80(d) and (e).

(B) Possess, land, transfer, receive, sell, purchase, trade, or barter; or attempt to transfer, receive, sell, purchase, trade, or barter, more than 2,000 lb (907 kg) of Atlantic herring per trip taken from the Herring GOM Haddock Accountability Measure Area and/or the Herring GB Haddock Accountability Measure Area, defined in §648.86(a)(3)(ii)(A)(I), by a vessel issued an Atlantic herring permit and that fished with midwater trawl gear, after the haddock cap for the area(s) has been reached pursuant to §648.86(a)(3), unless all herring possessed or landed by the vessel was caught outside the applicable Accountability Measure Area(s).

(C) Transit the Herring GOM Haddock Accountability Measure Area and/or the Herring GB Haddock Accountability Measure Area, defined in §648.86(a)(3)(ii)(A)(I), with a vessel issued an Atlantic herring permit and that fished with midwater trawl gear, when the 2,000-lb (907.2 kg) limit specified in §648.86(a)(3)(ii)(A)(I) is in place for the area being transited, in possession of more than 2,000 lb (907 kg) of herring, unless all herring on board was caught outside of the applicable Herring GOM Haddock Accountability Measure Area and/or the Herring GB Haddock Accountability Measure Area, and all fishing gear is stowed and not available for immediate use, as defined in §648.2.

(D) Fish for herring in Area 1A from June 1 through September 30 with midwater trawl gear.

(E) Possess or land haddock taken from the Herring GOM Haddock Accountability Measure Area and/or the Herring GB Haddock Accountability Measure Area, defined in §648.86(a)(3)(ii)(A)(I), by a vessel issued an Atlantic herring permit and that fished with midwater trawl gear, after the haddock cap for the area(s) has been reached pursuant to §648.86(a)(3),
unless all haddock possessed or landed by the vessel was caught outside the applicable Accountability Measure Area(s).

(F) Transit the Herring GOM Haddock Accountability Measure Area and/or the Herring GB Haddock Accountability Measure Area, defined in §648.86(a)(3)(ii)(A)(1), with a vessel issued an Atlantic herring permit and that fished with midwater trawl gear, when the 0-lb (0-kg) haddock possession limit in §648.86(a)(3)(ii)(A)(1) is in place for the area being transited, in possession of haddock, unless all haddock on board was caught outside of the applicable Herring GOM Haddock Accountability Measure Area and/or the Herring GB Haddock Accountability Measure Area, and all fishing gear is stowed and not available for immediate use, as defined in §648.2.

(G) Fish for, possess, or retain herring in any management area during a season that has zero percent of the herring sub-ACL allocated as specified in §648.201(d).

(vii) Transit and transport. (A) Transit or be in an area closed to fishing for Atlantic herring pursuant to §648.201(a) with more than 2,000 lb (907.2 kg) of herring, unless all fishing gear is not available for immediate use as defined in §648.2.

(B) Receive Atlantic herring at sea in or from the EEZ, solely for transport, without an Atlantic herring carrier letter of authorization from the Regional Administrator or having declared an Atlantic herring carrier trip via VMS consistent with the requirements at §648.4(a)(10)(ii).

(C) Fail to comply with a letter of authorization from the Regional Administrator.

(D) Transit Area 1A from June 1 through September 30 with more than 2,000 lb (907.2 kg) of herring without mid-water trawl gear properly stowed and not available for immediate use as defined in §648.2.

(E) Discard haddock at sea that has been brought on deck, or pumped into the hold, of a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit fishing with midwater trawl gear, pursuant to the requirements in §648.80(d) and (e).

(viii) VMS requirements. (A) Catch, take, or harvest Atlantic herring in or from the EEZ, if a limited access herring vessel, unless equipped with an operable VMS unit.

(B) Fail to notify the NMFS Office of Law Enforcement of the time and date of landing via VMS at least 6 hr prior to landing herring at the end of a declared herring trip, if a vessel has an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit and is fishing with either midwater trawl or purse seine gear, or a Limited Access Incidental Catch Herring Permit and is fishing with midwater trawl gear in Management Areas 1A, 1B, and/or 3, as defined in §648.201(d)(1) and (3).

(C) Fail to declare via VMS into the herring fishery by entering the appropriate herring fishery code and appropriate gear code prior to leaving port at the start of each trip to harvest, possess, or land herring, if a vessel has been issued a Limited Access Herring Permit or issued an Areas 23 Open Access Herring Permit or is intending to act as an Atlantic herring carrier.

(D) Fail to notify NMFS Office of Law Enforcement through VMS of the time and place of offloading at least 6 hr prior to landing or, if fishing ends less than 6 hours before landing, as soon as the vessel stops catching fish, if a vessel has been issued a Limited Access Herring Permit or issued an Areas 2/3 Open Access Herring Permit or has declared an Atlantic herring carrier trip via VMS.

(2) Vessel and operator permit holders. It is unlawful for any person owning or operating a vessel holding a valid Federal Atlantic herring permit, or issued an operator’s permit, to do any of the following:

(i) Sell, purchase, receive, trade, barter, or transfer haddock or other regulated NE, multispecies (cod, witch flounder, plaice, yellowtail flounder, pollock, winter flounder, windowpane
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flounder, redfish, white hake, and Atlantic wolffish); or attempt to sell, purchase, receive, trade, barter, or transfer haddock or other regulated NE. multispecies for human consumption; if the regulated NE. multispecies are landed by a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit fishing on a declared herring trip, regardless of gear or area fished, or by a vessel issued a Limited Access Incidental Catch Herring Permit fishing with midwater trawl gear pursuant to §648.80(d).

(ii) Fail to comply with requirements for herring processors/dealers that handle individual fish to separate out, and retain, for at least 12 hr, all haddock offloaded from a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit that fished on a declared herring trip regardless of gear or area fished, or by a vessel issued a Limited Access Incidental Catch Herring Permit and/or an Open Access Herring Permit fishing with midwater trawl gear pursuant to §648.80(d).

(iii) Sell, purchase, receive, trade, barter, or transfer; or attempt to sell, purchase, receive, trade, barter, or transfer; to another person, any haddock or other regulated NE. multispecies (cod, witch flounder, plaice, yellowtail flounder, pollock, winter flounder, windowpane flounder, redfish, white hake, and Atlantic wolffish) separated out from a herring catch offloaded from a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit that fished on a declared herring trip regardless of gear or area fished, or by a vessel issued a Limited Access Incidental Catch Herring Permit and/or an Open Access Herring Permit that fished with midwater trawl gear pursuant to §648.80(d).

(iv) While operating as an at-sea herring processor, fail to comply with requirements to separate out and retain all haddock offloaded from a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit that fished on a declared herring trip regardless of gear or area fished, or by a vessel issued a Limited Access Incidental Catch Herring Permit and/or an Open Access Herring Permit that fished with midwater trawl gear pursuant to §648.80(d).

(v) Fish with midwater trawl gear in Closed Area I, as specified at §648.81(a), without a NMFS approved observer on board, if the vessel has been issued an Atlantic herring permit.

(vi) Release fish from the codend of the net, transfer fish to another vessel that is not carrying a NMFS-approved observer, or otherwise discard fish at sea before bringing the fish aboard and making it available to the observer for sampling, unless subject to one of the exemptions as defined at §648.80(d)(7)(ii), if fishing any part of a tow inside Closed Area I, as defined at §648.81(a).

(vii) Fail to complete, sign, and submit an affidavit if fish are released pursuant to the exemptions detailed at §648.80(d)(7)(ii).

(viii) Fish with midwater trawl gear in any Northeast Multispecies Closed Area, as defined in §648.81(a) through (e), without a NMFS-approved observer on board, if the vessel has been issued an Atlantic herring permit.

(ix) Release fish from the net, transfer fish to another vessel that is not carrying a NMFS-approved observer, or otherwise discard, as defined in §600.10 of this chapter, fish at sea before bringing the fish aboard and making it available to the observer for sampling, unless subject to one of the exemptions defined at §648.202(b)(2), if fishing any part of a tow inside the Northeast Multispecies Closed Areas, as defined at §648.81(a) through (e).

(x) Fail to immediately leave the Northeast Multispecies Closed Areas and complete, sign, and submit an affidavit as required by §648.202(b)(2) and (4).

(xi) Release fish from the net, transfer fish to another vessel that is not carrying a NMFS-approved observer, or otherwise discard, as defined in §600.10 of this chapter, fish at sea before bringing the fish aboard and making it available to the observer for sampling, unless subject to one of the exemptions defined at §648.11(m)(4)(i).
(xii) Fail to complete, sign, and submit an affidavit if fish are released pursuant to the requirements at §648.11(m)(4)(iii)(A).

(3) Presumption. For purposes of this part, the following presumption applies: All Atlantic herring retained or possessed on a vessel issued any permit under §648.4 are deemed to have been harvested from the EEZ, unless the preponderance of all submitted evidence demonstrates that such Atlantic herring were harvested by a vessel fishing exclusively in state waters.

(s) Spiny dogfish—(1) All persons. It is unlawful for any person to do any of the following:

(i) Permit requirement. Purchase or otherwise receive, other than solely for transport on land, spiny dogfish from any person on board a vessel issued a Federal spiny dogfish permit, unless the purchaser or receiver is in possession of a valid spiny dogfish dealer permit.

(ii) Transfer and purchase. Purchase or otherwise receive for a commercial purpose spiny dogfish landed by a federally permitted vessel in any state, from Maine to Florida, after the EEZ is closed to the harvest of spiny dogfish.

(2) Vessel and operator permit holders. It is unlawful for any person owning or operating a vessel issued a valid Federal spiny dogfish permit or issued a valid Federal operator’s permit to do any of the following:

(i) Permit requirement. Sell, barter, trade or transfer; or attempt to sell, barter, trade or otherwise transfer; other than solely for transport on land, spiny dogfish, unless the dealer, transferor, or transferee has a valid dealer permit issued under §648.6(a).

(ii) Possession and landing. (A) Fish for or possess spiny dogfish harvested in or from the EEZ after the EEZ is closed to the harvest of spiny dogfish.

(B) Land spiny dogfish for a commercial purpose after the EEZ is closed to the harvest of spiny dogfish.

(C) Possess more than the daily possession limit of spiny dogfish specified in §648.235.

(iii) Prohibition on finning. Violate any of the provisions in §§600.1203 and 600.1204 applicable to the dogfish fishery that prohibit finning.

(t) Red crab. It is unlawful for any person to do any of the following:

(1) Permit requirement. Fish for, catch, possess, transport, land, sell, trade, or barter; or attempt to fish for, catch, possess, transport, land, sell, trade, or barter; any red crab or red crab parts in or from the EEZ portion of the Red Crab Management Unit, unless in possession of a valid Federal limited access red crab vessel permit or Federal red crab incidental catch permit.

(2) Possession and landing. (i) Fish for, catch, possess, transport, land, sell, trade, or barter; or attempt to fish for, catch, possess, transport, land, sell, trade, or barter; red crab in excess of the limits specified in §648.263.

(ii) Restriction on female red crabs. Fish for, catch, possess, transport, land, sell, trade, or barter; or attempt to fish for, catch, possess, transport, land, sell, trade, or barter; female red crabs in excess of one standard U.S. fish tote.

(iii) Fish for, possess, or land red crab, in excess of the incidental limit specified at §648.263(b)(1), after determination that the TAL has been reached and notice of the closure date has been made.

(3) Transfer and purchase. (i) Transfer at sea, or attempt to transfer at sea, either directly or indirectly, any red crab or red crab parts taken in or from the EEZ portion of the red crab management unit to any vessel.

(ii) Purchase, possess, or receive; or attempt to purchase, possess, or receive; more than 500 lb (226.8 kg) of whole red crab, or its equivalent in weight in accordance with the conversion provisions in §648.263(a)(2), caught or possessed in the EEZ portion of the red crab management unit by a vessel without a valid Federal limited access red crab permit.

(iii) Purchase, possess, or receive; or attempt to purchase, possess, or receive; up to 500 lb (226.8 kg) of whole red crab, or its equivalent in weight in accordance with the conversion provisions in §648.263(a)(2), caught in the EEZ portion of the Red Crab Management Unit by a vessel that has not been issued a valid limited access red crab permit or red crab incidental catch permit under this subpart.

(iv) Purchase or otherwise receive for a commercial purpose in excess of the incidental limit specified at
§ 648.263(b)(1), after determination that the TAL has been reached and notice of the closure date has been made.

(4) Prohibitions on processing and mutilation. (i) Retain, possess, or land red crab claws and legs separate from crab bodies in excess of one standard U.S. fish tote, if fishing on a red crab trip with a valid Federal limited access red crab permit.

(ii) Retain, possess, or land any red crab claws and legs separate from crab bodies if the vessel has not been issued a valid Federal limited access red crab permit or has been issued a valid Federal limited access red crab permit, but is not fishing on a dedicated red crab trip.

(iii) Retain, possess, or land more than two claws and eight legs per crab if the vessel has been issued a valid Federal red crab incidental catch permit, or has been issued a valid Federal limited access red crab permit, but is not fishing on a dedicated red crab trip.

(iv) Possess or land red crabs that have been fully processed at sea, i.e., engage in any activity that removes meat from any part of a red crab, unless a preponderance of available evidence shows that the vessel fished exclusively in state waters and was not issued a valid Federal permit.

(5) Gear requirements. Fail to comply with any gear requirements or restrictions specified at § 648.264.

(6) Presumption. For purposes of this part, the following presumption applies: All red crab retained or possessed on a vessel issued any permit under § 648.4 are deemed to have been harvested in or from the Red Crab Management Unit, unless the preponderance of all submitted evidence demonstrates that such red crab were harvested by a vessel fishing exclusively outside of the Red Crab Management Unit or in state waters.

(u) Golden tilefish. It is unlawful for any person owning or operating a vessel to do any of the following:

(1) Permit requirements—(i) Operator permit. Operate, or act as an operator of, a vessel with a tilefish permit, or a vessel fishing for or possessing tilefish in or from the Tilefish Management Unit, unless the operator has been issued a valid operator permit.

(ii) Dealer permit. Purchase, possess, receive for a commercial purpose; or attempt to purchase, possess, or receive for a commercial purpose; as a dealer, or in the capacity of a dealer, tilefish that were harvested in or from the Tilefish Management Unit, without having been issued, and in possession of, a valid tilefish dealer permit.

(iii) Vessel permit. Sell, barter, trade, or otherwise transfer from a vessel; or attempt to sell, barter, trade, or otherwise transfer from a vessel; for a commercial purpose, other than solely for transport on land, any tilefish, unless the vessel has been issued a tilefish permit, or unless the tilefish were harvested by a vessel without a tilefish permit that fished exclusively in State waters.

(2) Possession and landing. (i) Fish for, possess, retain, or land tilefish, unless:

(A) The tilefish are being fished for or were harvested in or from the Tilefish Management Unit by a vessel holding a valid tilefish permit under this part, and the operator on board such vessel has been issued a valid tilefish permit and was fishing on a dedicated red crab trip.

(B) The tilefish were harvested by a vessel that has not been issued a tilefish permit and that was fishing exclusively in State waters.

(C) The tilefish were harvested in or from the Tilefish Management Unit by a vessel, other than a Party/Charter vessel, that is engaged in recreational fishing.

(ii) Land or possess tilefish harvested in or from the Tilefish Management Unit, in excess of the trip limit pursuant to § 648.295, without a valid tilefish IFQ Allocation permit, as specified in § 648.294(a).

(iii) Land tilefish harvested in or from the Tilefish Management Unit in excess of that authorized under a tilefish IFQ Allocation permit as described at § 648.294(a).

(iv) Operate a vessel that takes recreational fishermen for hire to fish for tilefish in the Tilefish Management Unit without a valid tilefish Charter/Party permit, as required in § 648.4(a)(12)(i).

(v) Fish for tilefish inside and outside of the Tilefish Management Unit on the same trip.
(vi) Discard tilefish harvested in or from the Tilefish Management Unit, as defined in §648.2, unless participating in recreational fishing, as defined in §648.2, or while fishing subject to a trip limit pursuant to §648.294(d)(3) or §648.295.

(vii) Land or possess tilefish in or from the Tilefish Management Unit, on a vessel issued a valid tilefish permit under this part, after the incidental fishery is closed pursuant to §648.245(b), unless fishing under a valid tilefish IFQ allocation permit as specified in §648.249(a), or engaged in recreational fishing.

(3) Transfer and purchase. (i) Purchase, possess, or receive for a commercial purpose, other than solely for transport on land; or attempt to purchase, possess, or receive for a commercial purpose, other than solely for transport on land; tilefish caught by a vessel without a tilefish permit, unless the tilefish were harvested by a vessel without a tilefish permit that fished exclusively in State waters.

(ii) Purchase or otherwise receive for commercial purposes tilefish caught in the EEZ from outside the Tilefish Management Unit unless otherwise permitted under 50 CFR part 622.

(4) Presumption. For purposes of this part, the following presumption applies: All tilefish retained or possessed on a vessel issued any permit under §648.4 are deemed to have been harvested in or from the Tilefish Management Unit, unless the preponderance of all submitted evidence demonstrates that such tilefish were harvested by a vessel fishing exclusively in State waters.

(v) Skates—(1) All persons. It is unlawful for any person to fish for, possess, transport, sell or land skates in or from the EEZ portion of the skate management unit, unless:

(i) Onboard a vessel that possesses a valid skate vessel permit.

(ii) Onboard a federally permitted lobster vessel (i.e., transfer at sea recipient) while in possession of only whole skates as bait that are less than the maximum size specified at §648.322(c).

(2) All Federal permit holders. It is unlawful for any owner or operator of a vessel holding a valid Federal permit to do any of the following:

(i) Retain, possess, or land barndoor or thorny skates taken in or from the EEZ portion of the skate management unit specified at §648.2.

(ii) Retain, possess, or land smooth skates taken in or from the GOM RMA described at §648.80(a)(1)(i).

(3) Skate permitted vessel requirements. It is unlawful for any owner or operator of a vessel holding a valid Federal skate permit to do any of the following:

(i) Skate wings. Fail to comply with the conditions of the skate wing possession and landing limits specified at §648.322(b), unless holding a valid letter of authorization to fish for and land skates as bait at §648.322(c).

(ii) Possession and transfer. (A) Transfer at sea, or attempt to transfer at sea, to any vessel, any skates unless in compliance with the provisions of §§648.13(b) and 648.322(c).

(B) Purchase, possess, trade, barter, or receive; or attempt to purchase, possess, trade, barter, or receive; skates caught in the EEZ portion of the skate management unit by a vessel that has not been issued a valid Federal skate permit under this part.

(C) Fish for, catch, possess, transport, land, sell, trade, or barter; or attempt to fish for, catch, possess, transport, land, sell, trade, or barter; whole skates and skate wings in excess of the possession limits specified at §648.322.

(iii) DAS notification and skate wing possession. Fail to comply with the provisions of the DAS notification program specified in §§648.53, 648.82, and 648.92; for the Atlantic sea scallop, NE multispecies, and monkfish fisheries, respectively; when issued a valid skate permit and fishing under the skate wing possession limits at §648.322.

(iv) SNE Trawl and Gillnet Exemption areas restrictions. Fail to comply with the restrictions under the SNE Trawl and Gillnet Exemption areas for the NE skate fisheries at §§648.80(b)(5)(1)(B) and 648.80(b)(5)(1)(B).

(4) Presumption. For purposes of this part, the following presumption applies: All skates retained or possessed on a vessel are deemed to have been
harvested in or from the Skate Management Unit, unless the preponderance of evidence demonstrates that such skates were harvested by a vessel, that has not been issued a Federal skate permit, fishing exclusively outside of the EEZ portion of the skate management unit or only in state waters.

(74 FR 20535, May 4, 2009)

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §648.14, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.


§ 648.15 Facilitation of enforcement.

(a) General. See §600.504 of this chapter.

(b) Special notification requirements applicable to surfclam and ocean quahog vessel owners and operators. (1) Surfclam and ocean quahog open access permitted vessels. Vessel owners or operators issued an open access surfclam or ocean quahog open access permit for fishing in the ITQ Program, as specified at §648.74, are required to declare their intended fishing activity via VMS prior to leaving port.

(2) Maine mahogany quahog limited access permitted vessels. Beginning January 1, 2009, vessel owners or operators issued a limited access Maine mahogany quahog permit for fishing for Maine mahogany quahogs in the Maine mahogany quahog zone, as specified at §648.78, are required to declare via VMS, prior to leaving port, and entering the Maine mahogany quahog zone, their intended fishing activity, unless otherwise exempted under paragraph §648.4(a)(4)(ii)(B)(1).

(3) Declaration out of surfclam and ocean quahog fisheries. Owners or operators that are transiting between ports or fishing in a fishery other than surfclams and ocean quahogs must either declare out of fisheries or declare the appropriate fishery, if required, via the VMS unit, before leaving port. The owner or operator discontinuing a fishing trip in the EEZ or Maine mahogany quahog zone must return to port and offload any surfclams or ocean quahogs prior to commencing fishing operations in the waters under the jurisdiction of any state.

(4) Inspection by authorized officer. The vessel permits, the vessel, its gear, and catch shall be subject to inspection upon request by an authorized officer.

(5) Authorization for use of fishing trip notification via telephone. The Regional Administrator may authorize or require the notification of surfclam or ocean quahog fishing trip information via a telephone call to the NMFS Office of Law Enforcement nearest to the point of offloading, instead of the use of VMS. If authorized, the vessel owner or operator must accurately provide the following information prior to departure of his/her vessel from the dock to fish for surfclams or ocean quahogs in the EEZ: Name of the vessel; NMFS permit number assigned to the vessel; expected date and time of departure from port; whether the trip will be directed on surfclams or ocean quahogs; expected date, time, and location of landing; and name of individual providing notice. If use of a telephone call-in notification is authorized or required, the Regional Administrator shall notify affected permit holders through a letter, notification in the FEDERAL REGISTER, e-mail, or other appropriate means.

(c) Radio hails. Permit holders, while underway, must be alert for communication conveying enforcement instructions and immediately answer via VHF-FM radio, channel 16 when hailed by an authorized officer. Vessels not required to have VHF-FM radios by the Coast Guard are exempt from this requirement.

(d) Retention of haddock by herring dealers and processors. (1) Federally permitted herring dealers and processors, including at-sea processors, that cull or separate out from the herring catch all fish other than herring in the course of normal operations, must separate out and retain all haddock offloaded from a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access