

FMP); the Atlantic herring fishery (Atlantic Herring FMP); the spiny dogfish fishery (Spiny Dogfish FMP); the Atlantic deep-sea red crab fishery (Deep-Sea Red Crab FMP); the golden and blueline tilefish fisheries (Tilefish FMP); and the NE skate complex fisheries (Skate FMP). These FMPs and the regulations in this part govern the conservation and management of the above named fisheries of the Northeastern United States.

(b) This part governs domestic fishing only. Foreign fishing is governed under subpart F of part 600 of this chapter.

[61 FR 34968, July 3, 1996, as amended at 61 FR 43424, Aug. 23, 1996; 62 FR 13299, Mar. 20, 1997; 65 FR 1568, Jan. 11, 2000; 65 FR 77464, Dec. 11, 2000; 66 FR 49192, Sept. 26, 2001; 67 FR 63229, Oct. 10, 2002; 68 FR 49699, Aug. 19, 2003; 76 FR 60649, Sept. 29, 2011; 82 FR 52855, Nov. 15, 2017; 85 FR 47109, Aug. 4, 2020]

#### § 648.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 600.10 of this chapter, the terms used in this part have the following meanings:

*Alewife* means *Alosa pseudoharengus*.

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

*American shad* means *Alosa sapidissima*.

*Annual catch entitlement (ACE)*, with respect to the NE multispecies fishery, means the share of the annual catch limit (ACL) for each NE multispecies stock that is allocated to an individual sector or state-operated permit bank based upon the cumulative fishing history attached to each permit participating in that sector or held by a state-operated permit bank in a given year. This share may be adjusted due to penalties for exceeding the sector's ACE for a particular stock in earlier years, or due to other violations of the FMP, including the yearly sector operations plan. When a sector's or state-operated permit bank's share of a NE multispecies stock, as determined by the fishing histories of vessels participating in that sector or permits held by a state-operated permit bank, is multiplied by the available catch, the result is the amount of ACE (live weight in pounds) that can be harvested (landings and discards) by participants in that sector

or transferred by a state-operated permit bank, during a particular fishing year.

*At-sea monitor*, with respect to the NE multispecies fishery, means any person responsible for observing, verifying, and reporting area fished, catch, and discards of all species by gear type for sector trips as part of an approved sector at-sea monitoring program.

*Atlantic butterfish* or *butterfish* means *Peprilus triacanthus*.

*Atlantic Chub Mackerel Management Unit* means an area of the Atlantic Ocean in which the United States exercises exclusive jurisdiction over all Atlantic chub mackerel fished for, possessed, caught, or retained in or from that is bounded on the west and north by the coastline of the United States; bounded on the east by the outer limit of the U.S. EEZ; and bounded on the south by a line following the lateral seaward boundary between North Carolina and South Carolina from the coast to the Submerged Lands Act line, approximately 33°48'46.37" N lat., 78°29'46.46" W long., and then heading due east along 33°48'46.37" N lat. to the outer limit of the U.S. Exclusive Economic Zone.

*Atlantic croaker* means *Micropogonias undulatus*.

*Atlantic deep-sea red crab (red crab)* means *Chaceon quinque-dens*.

*Atlantic hagfish* means *Myxine glutinosa*.

*Atlantic herring* means *Clupea harengus*.

*Atlantic herring carrier* means a fishing vessel that may receive and transport herring caught by another fishing vessel, provided the vessel has been issued a herring permit, does not have any gear on board capable of catching or processing herring, and that has on board a letter of authorization from the Regional Administrator to transport herring caught by another fishing vessel or has declared an Atlantic herring carrier trip via VMS consistent with the requirements at § 648.4(a)(10)(ii).

*Atlantic herring dealer* means:

(1) Any person who purchases or receives for a commercial purpose other than solely for transport or pumping operations any herring from a vessel

issued a Federal Atlantic herring permit, whether offloaded directly from the vessel or from a shore-based pump, for any purpose other than for the purchaser's own use as bait;

(2) Any person owning or operating a processing vessel that receives any Atlantic herring from a vessel issued a Federal Atlantic herring permit whether at sea or in port; or

(3) Any person owning or operating an Atlantic herring carrier that sells Atlantic herring received at sea or in port from a vessel issued a Federal Atlantic herring permit.

*Atlantic herring offload* means to remove, begin to remove, to pass over the rail, or otherwise take Atlantic herring off of or away from any vessel issued an Atlantic herring permit for sale to either a permitted at-sea Atlantic herring dealer or a permitted land-based Atlantic herring dealer.

*Atlantic herring processor* means a person who receives unprocessed Atlantic herring from a fishing vessel issued a Federal Atlantic herring permit or from an Atlantic herring dealer for the purposes of processing; or the owner or operator of a fishing vessel that processes Atlantic herring; or an Atlantic herring dealer who purchases Atlantic herring from a fishing vessel with a Federal Atlantic herring permit for resale as bait.

*Atlantic herring transfer at-sea* means a transfer from the hold, deck, codend, or purse seine of a vessel issued an Atlantic herring permit to another vessel for personal use as bait, to an Atlantic herring carrier or at-sea processor, to a permitted transshipment vessel, or to another permitted Atlantic herring vessel. Transfers between vessels engaged in pair trawling are not herring transfers at-sea.

*Atlantic mackerel* means *Scomber scombrus*.

*Atlantic salmon* means *Salmo salar*.

*Atlantic sea scallop* or *scallop* means *Placopecten magellanicus*, throughout its range.

*Beam trawl* means gear, consisting of a twine bag attached to a beam attached to a towing wire, designed so that the beam does not contact the bottom. The beam is constructed with sinkers or shoes on either side that support the beam above the bottom or

any other modification so that the beam does not contact the bottom. The beam trawl is designed to slide along the bottom rather than dredge the bottom.

*Black sea bass* means *Centropristis striata*.

*Black Sea Bass Monitoring Committee* means a committee made up of staff representatives of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, the Northeast Regional Office of NMFS, the Northeast Fisheries Science Center, and Commission representatives. The Council Executive Director or his designee chairs the Committee.

*Black sea bass pot* or *black sea bass trap* means any such gear used in catching and retaining black sea bass.

*Blowfish (puffer)* means any species in the family Tetraodontidae.

*Blueback herring* means *Alosa aestivalis*.

*Bluefish* means *Pomotomus saltatrix*.

*Bluefish Monitoring Committee* means a committee made up of staff representatives of the Mid-Atlantic Fishery Management Council, the New England Fishery Management Council, and South Atlantic Fishery Management Council, the NMFS Northeast Regional Office, the NMFS Northeast Fisheries Science Center, and the Commission. The Mid-Atlantic Fishery Management Council's Executive Director or a designee chairs the committee.

*Blueline tilefish* means *Caulolatilus microps*.

*Bonito* means *Sarda sarda*.

*Border transfer (BT)* means the amount of herring specified pursuant to § 648.200 that may be transferred to a Canadian transport vessel that is permitted under the provisions of Pub. L. 104–297, section 105(e).

*Bottom-tending mobile gear*, means gear in contact with the ocean bottom, and towed from a vessel, which is moved through the water during fishing in order to capture fish, and includes otter trawls, beam trawls, hydraulic dredges, non-hydraulic dredges, and seines (with the exception of a purse seine).

*Bridles* connect the wings of a bottom trawl to the ground cables. The ground cables lead to the doors or otter boards. The doors are attached to the

towing vessel via steel cables, referred to as wires or warps. Each net has two sets of bridles, one on each side.

*Brush-sweep trawl gear* means trawl gear consisting of alternating roller discs and bristle brushes that are strung along cables, chains, or footropes, and aligned together to form the sweep of the trawl net, designed to allow the trawl sweep to maintain contact with the ocean floor, or any modification to trawl gear that is substantially similar in design or effect.

*Bushel* (bu) means a standard unit of volumetric measurement deemed to hold 1.88 ft<sup>3</sup> (53.24 L) of surfclams or ocean quahogs in shell.

*Cage* means a container with a standard unit of volumetric measurement containing 60 ft<sup>3</sup> (1,700 L). The outside dimensions of a standard cage generally are 3 ft (91 cm) wide, 4 ft (122 cm) long, and 5 ft (152 cm) high.

*Calendar day*, with respect to the squid and butterfish fisheries, means the 24-hr period beginning at 0001 hours and ending at 2400 hours.

*Chafing gear* or *cookies*, with respect to the scallop fishery, means steel, rubberized or other types of donut rings, disks, washers, twine, or other material attached to or between the steel rings of a sea scallop dredge.

*Charter or party boat* means any vessel that carries passengers for hire to engage in recreational fishing and, with respect to multispecies, that is not fishing under a DAS.

*Circle hook*, with respect to the NE multispecies fishery, means a fishing hook with the point turned perpendicularly back to the shank, or an offset circle hook where the barbed end of the hook is displaced relative to the parallel plane of the eyed-end, or shank, of the hook when laid on its side.

*Combination vessel* means a vessel that has fished in any one calendar year with scallop dredge gear and otter trawl gear during the period 1988 through 1990, and that is eligible for an allocation of individual DAS under the NE Multispecies FMP and has applied for or been issued a limited access scallop permit.

*Commercial fishing* or *fishing commercially* means fishing that is intended to, or results in, the barter, trade, transfer, or sale of fish.

*Commission* means the Atlantic States Marine Fisheries Commission.

*Common pool trip*, with respect to the NE multispecies fishery, means any trip taken by a common pool vessel under a NE multispecies DAS or under the provisions of a limited access NE multispecies Small Vessel or Handgear A permit, or an open access Handgear B permit that lands regulated species or ocean pout.

*Common pool vessel*, with respect to the NE multispecies fishery, means any vessel issued a limited access NE multispecies permit or open access NE multispecies Handgear B permit that is not a member of an approved sector for a particular fishing year and that is not operating under the provisions of an approved sector operations plan. Such vessels must use a NE multispecies DAS, or be fishing under the provisions of a limited access NE multispecies Small Vessel or Handgear A permit, or an open access Handgear B permit, to land regulated species or ocean pout, and must comply with effort controls, trip limits, gear restricted areas, and other provisions specified in this part. Vessels fishing under the provisions of the common pool are also referred to as non-sector vessels.

*Conger eel* means *Conger oceanicus*.

*Council* means the New England Fishery Management Council (NEFMC) for the Atlantic herring, Atlantic sea scallop, Atlantic deep-sea red crab, NE multispecies, monkfish, and NE skate fisheries; or the Mid-Atlantic Fishery Management Council (MAFMC) for the Atlantic mackerel, Atlantic chub mackerel, *Illex* squid, longfin squid, and butterfish; Atlantic surfclam and ocean quahog; summer flounder, scup, and black sea bass; spiny dogfish; Atlantic bluefish; and tilefish fisheries.

*Councils* with respect to the monkfish fishery and spiny dogfish fishery means the New England Fishery Management Council (NEFMC) and the Mid-Atlantic Fishery Management Council (MAFMC).

*Cunner* means *Tautoglabrus adspersus*.

*DAS flip*, with respect to the NE multispecies fishery, means ending fishing under a Regular B DAS and beginning fishing under a Category A DAS.

*DAS Lease*, with respect to the NE multispecies limited access fishery, means the transfer of the use of DAS from one limited access NE multispecies vessel to another limited access NE multispecies vessel for a period not to exceed a single fishing year.

*DAS Lessee*, with respect to the NE multispecies limited access fishery, means the NE multispecies limited access vessel owner and/or the associated vessel that acquires the use of DAS from another NE multispecies limited access vessel.

*DAS Lessor*, with respect to the NE multispecies limited access fishery, means the NE multispecies limited access vessel owner and/or the associated vessel that transfers the use of DAS to another NE multispecies limited access vessel.

*Day(s)-at-Sea (DAS)*, with respect to the NE multispecies and monkfish fisheries (except as described in § 648.82(k)(1)(iv)), and the Atlantic sea scallop fishery, means the 24-hr period of time or any part thereof during which a fishing vessel is absent from port to fish for, possess, or land, or fishes for, possesses or lands, regulated species, monkfish, or scallops.

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

*Dealer code* means a confidential five-digit number assigned to each dealer required to submit purchases using the IVR system for the purpose of maintaining the integrity of the data reported through the IVR system.

*De-hooker*, with respect to the NE multispecies hook gear fishery, means the fairlead rollers when used in a manner that extracts fish hooks from caught fish, also known as “crucifiers.”

*Directed fishery*, with respect to the longfin squid, *Illex* squid, and butterflyfish fisheries, means commercial fishery operations in which more than an incidental catch of each species, as defined in this section, is retained by a vessel.

*Dockside/roving monitor*, with respect to the NE multispecies fishery, means any person responsible for observing/verifying the offloads of all species by common pool or sector vessels either directly to a federally permitted dealer or to a truck for later delivery to a federally permitted dealer, and for certifying the accuracy of landed weights, as reported by federally permitted dealers, pursuant to this part.

*Dredge or dredge gear*, with respect to the scallop fishery, means gear consisting of a mouth frame attached to a holding bag constructed of metal rings, or any other modification to this design, that can be or is used in the harvest of scallops.

*Dredge bottom*, with respect to scallops, means the rings and links found between the bail of the dredge and the club stick, which, when fishing, would be in contact with the sea bed. This includes the triangular shaped portions of the ring bag commonly known as “diamonds.”

*Dredge top*, with respect to the scallop fishery, means the mesh panel in the top of a dredge and immediately adjacent rings and links found between the bail of the dredge, the club stick, and the two side panels. The bail of the dredge is the rigid structure of the forward portion of the dredge that connects to the warp and holds the dredge open. The club stick is the rigid bar at the tail of the dredge bag that is attached to the rings.

*Dredge vessel*, with respect to the scallop fishery, means any fishing vessel that is equipped for fishing using dredge gear and that is capable of catching scallops.

*Electronic monitoring* means a network of equipment that uses a software operating system connected to one or more technology components, including, but not limited to, cameras and recording devices to collect data on catch and vessel operations. With respect to the groundfish sector monitoring program, electronic monitoring means any equipment that is used to meet sector monitoring requirements in § 648.11 in lieu of at-sea monitors as part of an approved sector at-sea monitoring program, including the audit model and maximized retention model.

*Electronic monitoring audit model* with respect to the groundfish sector monitoring program means a program in which all eligible trips must be electronically monitored; fish must be handled in view of cameras; allowed discarding must occur at controlled points in view of cameras; species identification and length must be collected for regulated species and ocean pout discards for catch estimation; discards are reported at the sub-trip level; and electronic monitoring data are compared to the area fished, regulated species and ocean pout discards, and other information reported on the vessel trip report on a subset of trips for validation.

*Electronic monitoring data* means the data that are created in the collection of fishery-dependent data by electronic monitoring systems during fishing operations, including the video, images, and other sensor data, as well as the metadata that provides information (e.g., trip sail date, vessel information) about the raw data.

*Electronic monitoring maximized retention model* with respect to the groundfish sector monitoring program, means a program in which all eligible trips are electronically monitored; fish must be handled in view of cameras; allowed discarding must occur at controlled points in view of cameras; all allocated regulated species stocks must be retained; electronic monitoring is used to verify compliance; and offloads are subject to observation by dockside monitors.

*Electronic monitoring provider staff* means any video reviewer, or any person employed or contracted by an electronic monitoring service provider to provide electronic monitoring services to vessels.

*Exempted gear*, with respect to the NE multispecies fishery, means gear that is deemed to be not capable of catching NE multispecies, and includes: Pelagic hook and line, pelagic longline, spears, rakes, diving gear, cast nets, tongs, harpoons, weirs, dipnets, stop nets, pound nets, pelagic gillnets, pots and traps, shrimp trawls (with a properly configured grate as defined under this part), and surfclam and ocean quahog dredges.

*Fishing circle*, with respect to the NE multispecies limited access fishery, means the calculated circumference of a bottom trawl based on the number of meshes and stretched mesh length at the narrow, aft end of the square of the net.

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

*Fishing year* means:

(1) For the Atlantic deep-sea red crab fishery, from March 1 through the last day of February of the following year.

(2) Beginning in 2018, for the Atlantic sea scallop fishery, from April 1 through March 31 of the following year (for 2017, the Atlantic sea scallop fishing year will be from March 1, 2017, through March 31, 2018).

(3) For the NE multispecies, monkfish and skate fisheries, from May 1 through April 30 of the following year.

(4) For all other fisheries in this part, from January 1 through December 31.

*Fixed gear*, for the purposes of the Atlantic herring fishery, means weirs or stop seines.

*Flatfish gillnets* means gillnets that are either constructed with no floats on the float line, or that are constructed with floats on the float line and that have tie-down twine between the float line and the lead line not more than 48 inches (18.90 cm) in length and spaced not more than 15 feet (4.57 m) apart.

*FMP* means fishery management plan.

*Fourspot flounder* means *Paralichthys oblongus*.

*Full-processing (fully process or fully processed)*, with respect to the Atlantic deep-sea red crab fishery, means any activity that removes meat from any part of a red crab.

*Gillnet gear capable of catching multispecies* means all gillnet gear except pelagic gillnet gear specified at § 648.81(b)(2)(ii) and (d)(5)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.

*Golden tilefish* means *Lopholatilus chamaeleonticeps*.

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*Gross registered tonnage* (GRT) means the gross registered tonnage specified on the USCG documentation for a vessel.

*Ground cables* on a bottom trawl run between the bridles, which attach directly to the wings of the net, and the doors, or otter boards. The doors are attached to the towing vessel via steel cables, referred to as wires or warps.

*Hagfish* means *Myxine glutinosa*.

*Hail Weight* means a good-faith estimate in pounds (or count of individual fish, if a party or charter vessel), by species, of all species, or parts of species, such as monkfish livers, landed or discarded for each trip.

*Handgear*, with respect to the NE multispecies fishery, means handline gear, rod and reel gear, and tub-trawl gear.

*Handline* or *handline gear* means fishing gear that is released by hand and consists of one main line to which is attached no more than two leaders for a total of no more than three hooks. Handlines are retrieved only by hand, not by mechanical means.

*Harbor porpoise* means *Phocoena phocoena*.

*Harbor Porpoise Review Team (HPRT)* means a team of scientific and technical experts appointed by the NEFMC to review, analyze, and propose harbor porpoise take mitigation alternatives.

*Hickory shad* means *Alosa mediocris*.

*Hook gear* means fishing gear that is comprised of a hook or hooks attached to a line and includes, but is not limited to, longline, setline, jigs, troll line, rod and reel, and line trawl.

*Illex* means *Illex illecebrosus* (short-finned or summer squid).

*Incidental catch*, with respect to the longfin squid, *Illex* squid, and butterfish fisheries, means less than 250 lb (113 kg) of longfin squid, 10,000 lb (4,536 kg) of *Illex* squid, or 600 lb (272 kg) of butterfish retained on board the vessel.

*Incidental Total Allowable Catch (TAC)*, with respect to the NE multispecies fishery, means the total amount of catch (both kept and discarded) of a regulated groundfish stock of concern that can be taken by vessels fishing under Category B DAS.

*Individual Transferable Quota (ITQ) Program* means, for the Atlantic

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surfclam and ocean quahog fishery, the annual individual allocation of quota specified at § 648.74.

*Inshore exempted species* means the following species:

Bay scallop—*Aequipecten irradians*.

Blood arc clam—*Anadara ovalis*.

Blood worm—*Glycera dibranchiata*.

Blue crab—*Callinectes similis* and *Callinectes sapidus*.

Blue mussel—*Mytilus edulis*.

Green crab—*Carcinus maenas*.

Hermit crab—*Clibanarius vittatus*, *Pagurus pollicaris* and *Pagurus longicarpus*.

Japanese shore crab—*Hemigrapsus sanguineus*.

Oyster—*Crassostrea virginica* and *Ostrea edulis*.

Quahog—*Mercenaria mercenaria*.

Razor clam—*Ensis directus*.

Sand worm—*Nereis virens*.

Soft clam—*Mya arenaria*.

Spider crab—*Libinia emarginata*.

*Interest in an IFQ allocation* means: An allocation of quota share or annual IFQ allocation held by an individual; or by a company in which the individual is an owner, part owner, officer, shareholder, or partner; or by an immediate family member (an individual's parents, spouse, children, and siblings).

*IVR System* means the Interactive Voice Response reporting system established by the Regional Administrator for the purpose of monitoring harvest levels for certain species.

*Jigging*, with respect to the NE multispecies fishery, means fishing for regulated species with handgear, handline, or rod and reel using a jig, which is a weighted object attached to the bottom of the line used to sink the line and/or imitate a baitfish, which is moved ("jigged") with an up and down motion.

*John Dory* means *Zenopsis conchifera*.

*JVpt, with respect to the Atlantic herring fishery*, means the specification of the total amount of herring available for joint venture processing by foreign vessels in the EEZ and state waters.

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

*Lessee* means:

(1) A vessel owner who receives temporarily transferred NE multispecies DAS from another vessel through the DAS Leasing Program specified at § 648.82(k); or

(2) A person or entity eligible to hold golden tilefish IFQ allocation, who receives temporarily transferred golden tilefish IFQ allocation, as specified at § 648.294(e)(1).

*Lessor* means:

(1) A vessel owner who temporarily transfers NE multispecies DAS to another vessel through the DAS Leasing Program specified at § 648.82(k); or

(2) An IFQ allocation permit holder who temporarily transfers golden tilefish IFQ allocation, as specified at § 648.294(e)(1).

*Limited access general category (LAGC) scallop vessel* means a vessel that has been issued an individual fishing quota (IFQ), Northern Gulf of Maine (NGOM), or incidental catch LAGC scallop permit pursuant to § 648.4(a)(2)(ii). An LAGC scallop vessel may also be issued a limited access scallop permit.

*Limited access herring vessel* means a vessel that has been issued a valid permit for any type of limited access herring vessel permit described in § 648.4.

*Limited access scallop vessel* means a vessel that has been issued a limited access full-time, part-time, or occasional scallop permit pursuant to § 648.4(a)(2)(i). A limited access scallop vessel may also be issued an LAGC scallop permit.

*Liner* means a piece of mesh or any other material rigged inside or outside the main or outer net or dredge that restricts the mesh or ring size or otherwise reduces escapement.

*Link*, with respect to the sea scallop fishery, means the material, usually made of a  $\frac{3}{16}$ -inch (10-mm) or  $\frac{7}{16}$ -inch (11-mm) diameter metal rod, that joins two adjacent rings within the ring bag of a dredge.

*Little tunny* means *Euthynnus alleteratus*.

*Longfin squid* means *Doryteuthis (Amerigo) pealeii* (formerly *Loligo pealeii*).

*Longhorn sculpin* means *Myoxocephalus octodecimspinosus*.

*Longline gear* means fishing gear that is or is designed to be set horizontally, either anchored, floating, or attached to a vessel, and that consists of a main or ground line with three or more gangions and hooks.

*Mackerel, Squid, and Butterfish Monitoring Committee* means the committee

made up of staff representatives of the MAFMC and the NEFMC, and the Greater Atlantic Regional Fisheries Office and NEFSC of NMFS. The MAFMC Executive Director or a designee chairs the Committee.

*Mahogany Quahog* see *Ocean Quahog*

*Maine bushel* means a standard unit of volumetric measurement equal to 1.2445 cubic feet (35.24 L) of ocean quahogs in the shell.

*Maine mahogany quahog zone* means the area bounded on the east by the U.S.-Canada maritime boundary, on the south by a straight line at 43°50' N. latitude, and on the north and west by the shoreline of Maine.

*MCSP* means a Mobile Communications Service Provider, which is an operator of a mobile communications service used to provide wireless connectivity between mobile platforms and fixed platforms, and enables location transmission and two-way message exchange between the vessel and NMFS, when using a compatible MTU.

*Menhaden* means Atlantic menhaden, *Brevoortia tyrannus*.

*Mid-Atlantic forage species* means the following species and species groups:

(1) Anchovies (family Engraulidae), including but not limited to the following species:

(i) Striped anchovy-*Anchoa hepsetus*.

(ii) Dusky anchovy-*Anchoa lyolepis*.

(iii) Bay anchovy-*Anchoa mitchilli*.

(iv) Silver anchovy-*Engraulis eurystole*.

(2) Argentines (family Argentinidae), including but not limited to the following species:

(i) Striated argentine-*Argentina striata*.

(ii) Pygmy argentine-*Glossanodon pygmaeus*.

(3) Greeneyes (family Chlorophthalmidae), including but not limited to the following species:

(i) Shortnose greeneye-*Chlorophthalmus agassizi*.

(ii) Longnose greeneye-*Parasudis truculenta*.

(4) Halfbeaks (family Hemiramphidae), including but not limited to the following species:

(i) Flying halfbeak-*Euleptorhamphus velox*.

(ii) Balao-Hemiramphus *balao*.

(iii) Ballyhoo-*Hemiramphus brasiliensis*.

(iv) False silverstripe halfbeak/American halfbeak/Meek's halfbeak-*Hyporhamphus meeki*.

(5) Herrings and Sardines (family Clupeidae). With the exception of other herring and sardine species managed under this part, including American shad, Atlantic herring, blueback herring, hickory shad, and river herring/alewife, as defined in this section, the following herring and sardine species are Mid-Atlantic forage species:

(i) Round herring-*Etrumeus teres*.

(ii) Scaled sardine-*Harengula jaguana*.

(iii) Atlantic thread herring-*Opisthonema oglinum*.

(iv) Spanish sardine-*Sardinella aurita*.

(6) Lanternfishes (family Myctophidae), including but not limited to the following species:

(i) Horned lanternfish-*Ceratoscopelus maderensis*.

(ii) Dumril's headlightfish-*Diaphus dumerilii*.

(iii) Crocodile lanternfish-*Lampanyctus crocodilus*.

(iv) Doflein's false headlightfish-*Lobianchia dofleini*.

(v) Spotted lanternfish-*Myctophum punctatum*.

(7) Pearlsides (family Sternoptychidae), including but not limited to the following species:

(i) Atlantic silver hatchetfish-*Argyropelecus aculeatus*.

(ii) Muller's pearlside-*Maurolicus muelleri*.

(iii) Weizman's pearlside-*Maurolicus weitzmani*.

(iv) Slope hatchetfish-*Polyipnus clarus*.

(8) Sand lances (family Ammodytidae), including but not limited to the following species:

(i) American/inshore sand lance-*Ammodytes americanus*.

(ii) Northern/offshore sand lance-*Ammodytes dubius*.

(9) Silversides (family Atherinopsidae), including but not limited to the following species:

(i) Rough silverside-*Membras martinica*.

(ii) Inland silverside-*Menidia beryllina*.

(iii) Atlantic silverside-*Menidia menidia*.

(10) Cusk-eels (order Ophidiiformes), including but not limited to the following species:

(i) Chain pearlfish-*Echiodon dawsoni*.

(ii) Fawn cusk-eel-*Lepophidium profundorum*.

(iii) Striped cusk-eel-*Ophidion marginatum*.

(11) Atlantic saury-*Scomberesox saurus*.

(12) Pelagic mollusks and cephalopods, excluding sharptail shortfin squid (*Illex oxygonius*), but including the following pelagic mollusc species:

(i) Neon flying squid-*Ommastrephes bartramii*.

(ii) European flying squid-*Todarodes sagittatus*.

(iii) Atlantic brief squid-*Lolliguncula brevis*.

(iv) Bobtail squids (family Sepiolidae), including but not limited to the following species:

(A) Odd bobtail squid-*Heteroteuthis dispar*.

(B) Big fin bobtail squid-*Rossia megaloptera*.

(C) Warty bobtail squid-*Rossia palpebrosa*.

(D) Lesser bobtail squid-*Semirossia tenera*.

(E) Butterfly bobtail squid-*Stoloteuthis leucoptera*.

(v) Sea angels and sea butterflies (orders Gymnosomata and Thecosomata).

(vi) Tuberculate pelagic octopus-*Ocythoe tuberculata*.

(13) Species under one inch as adults, including but not limited to the following species groups:

(i) Copepods (subclass Copepoda).

(ii) Krill (order Euphausiacea).

(iii) Amphipods (order Amphipoda).

(iv) Ostracods (class Ostracoda).

(v) Isopods (order Isopoda).

(vi) Mysid shrimp (order Mysidacea).

*Midwater trawl gear* means trawl gear that is designed to fish for, is capable of fishing for, or is being used to fish for pelagic species, no portion of which is designed to be or is operated in contact with the bottom at any time. The gear may not include discs, bobbins, or rollers on its footrope, or chafing gear as part of the net.

*Mobile gear* means trawls, beam trawls, and dredges that are designed to maneuver with that vessel.



*Monkfish*, also known as *anglerfish* or *goosefish*, means *Lophius americanus*.

*Monkfish gillnets* means gillnet gear with mesh size no smaller than 10-inches (25.4 cm) diamond mesh that is designed and used to fish for and catch monkfish while fishing under a monkfish DAS.

*Monkfish Monitoring Committee* means a team of scientific and technical staff appointed by the NEFMC and MAFMC to review, analyze, and recommend adjustments to the management measures. The team consists of staff from the NEFMC and the MAFMC, NMFS Northeast Regional Office, NEFSC, the USCG, two fishing industry representatives selected by their respective Council chairman (one from each management area with at least one of the two representing either the Atlantic sea scallop or northeast multispecies fishery), and staff from affected coastal states, appointed by the Atlantic States Marine Fisheries Commission. The Chair is elected by the Committee from within its ranks, subject to the approval of the Chairs of the NEFMC and MAFMC.

*Monkfish-only DAS* means monkfish DAS allocated to a limited access monkfish Category C, D, F, G, or H permit that are in excess of that permit's initial allocation of Northeast multispecies Category A DAS at the beginning of a fishing year.

*MTU* means a Mobile Transmitting Unit, which is a transceiver or communications device, including antennae, dedicated message terminal and display, and an input device such as a keyboard installed on a fishing vessel participating in the VMS program.

*Mullet* means any species in the family Mugilidae.

*Multispecies frames*, also known as multispecies racks, means the remains of the multispecies finfish after it has been filleted or processed, not including the fillet.

*Multispecies Monitoring Committee* means a team of scientific and technical staff appointed by the NEFMC to review, analyze, and recommend adjustments to the measurement measures. The team consists of staff from the NEFMC and the MAFMC, NMFS Northeast Region Office, NEFSC, the USCG, an industry representative, and

no more than two representatives, appointed by the Commission, from affected states.

*NAFO* means Northwest Atlantic Fisheries Organization.

*NAFO Convention Area* means the waters of the Northwest Atlantic Ocean north of 35°00' N. lat. and west of a line extending due north from 35°00' N. lat. and 42°00' W. long. to 59°00' N. lat., thence due west to 44°00' W. long., and thence due north to the coast of Greenland and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10' N. lat.

*NAFO Regulatory Area* means the part of the NAFO Convention Area which lies beyond the 200-mile zone of the coastal states.

*NEFSC* means the Northeast Fisheries Science Center, NMFS.

*NE Skate Complex (skates)* means *Leucoraja ocellata* (winter skate); *Dipturus laevis* (barndoor skate); *Amblyraja radiata* (thorny skate); *Malacoraja senta* (smooth skate); *Leucoraja erinacea* (little skate); *Raja eglanteria* (clearnose skate); and *Leucoraja garmani* (rosette skate).

*Net tonnage (NT)* means the net tonnage specified on the USCG documentation for a vessel.

*Non-exempt gillnet fishery* means a fishery which uses gillnet gear capable of catching multispecies.

*Non-exempt species* means species of fish not included under the GOM, GB and SNE Regulated Mesh Area exempted fisheries, as specified in § 648.80(a)(5); (a)(6); (a)(9) through (14); (b)(3)(i) and (ii); (b)(5) through (8); and (d), (e), (h), and (i).

*Northeast (NE) multispecies or multispecies* means the following species:

American	plaice— <i>Hippoglossoides</i>
	<i>platessoides</i> .
Atlantic cod— <i>Gadus morhua</i> .	
Atlantic	halibut— <i>Hippoglossus</i>
	<i>hippoglossus</i> .
Atlantic wolffish— <i>Anarhichas lupus</i> .	
Haddock— <i>Melanogrammus aeglefinus</i> .	
Ocean pout— <i>Macrozoarces americanus</i> .	
Offshore hake— <i>Merluccius albidus</i> .	
Pollock— <i>Pollachius virens</i> .	
Redfish— <i>Sebastes fasciatus</i> .	
Red hake— <i>Urophycis chuss</i> .	
Silver hake (whiting)— <i>Merluccius bilinearis</i> .	
White hake— <i>Urophycis tenuis</i> .	
Windowpane	flounder— <i>Scophthalmus</i>
	<i>aquosus</i> .
Winter flounder— <i>Pleuronectes americanus</i> .	

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Witch flounder—*Glyptocephalus cynoglossus*.  
Yellowtail flounder—*Pleuronectes ferruginea*.

*Northern shrimp* means *Pandalus borealis*.

*Not available for immediate use* means that the gear is not being used for fishing and is stowed in conformance with one of the following methods:

(1) *Nets*—(i) *Below-deck stowage*. (A) The net is stored below the main working deck from which it is deployed and retrieved;

(B) The net is fan-folded (flaked) and bound around its circumference.

(ii) *On-deck stowage*. (A) The net is fan-folded (flaked) and bound around its circumference;

(B) The net is securely fastened to the deck or rail of the vessel; and

(C) The towing wires, including the leg wires, are detached from the net.

(iii) *On-reel stowage*. (A) The net is on the net reel;

(B) The codend of the net is removed from the net and stored below deck; and

(C) The entire surface of the net is covered and securely bound by:

(1) Canvas of other similar opaque material; or

(2) A highly visible orange or yellow mesh material that is not capable of catching fish or being utilized as fishing gear. An example of highly visible orange or yellow mesh includes but is not limited to the orange fence material commonly used to enclose construction sites.

(iv) *On-reel stowage for vessels transiting the Gulf of Maine Rolling Closure Areas and the Georges Bank Seasonal Closure Area*. (A) If a vessel is transiting the *Gulf of Maine Rolling Closure Areas and the Georges Bank Seasonal Closure Area*, not available for immediate use also means, the net is on the net reel;

(B) No containment rope, codend tripping device, or other mechanism to close off the codend is attached to the codend;

(C) The entire surface of the net is covered and securely bound by:

(1) Canvas of other similar opaque material; or

(2) A highly visible orange or yellow mesh material that is not capable of catching fish or being utilized as fish-

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ing gear. Highly visible orange or yellow mesh includes but is not limited to the orange fence material commonly used to enclose construction sites.

(2) *Scallop dredges*. (i) The towing wire is detached from the scallop dredge, the towing wire is completely reeled up onto the winch, the dredge is secured, and the dredge or the winch is covered so that it is rendered unusable for fishing; or

(ii) The towing wire is detached from the dredge and attached to a bright-colored poly ball no less than 24 inches (60.9 cm) in diameter, with the towing wire left in its normal operating position (through the various blocks) and either is wound back to the first block (in the gallows) or is suspended at the end of the lifting block where its retrieval does not present a hazard to the crew and where it is readily visible from above.

(3) *Hook gear (other than pelagic)*. All anchors and buoys are secured and all hook gear, including jigging machines, are covered.

(4) *Sink gillnet gear*. All nets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or rail, and all buoys larger than 6 inches (15.24 cm) in diameter, high flyers, and anchors are disconnected.

(5) *Other methods of stowage*. Any other method of stowage authorized in writing by the Regional Administrator and subsequently published in the FEDERAL REGISTER.

*Observer or monitor* means any person authorized by NMFS to collect observer information, operational fishing data, biological data, or economic data for conservation and management purposes on or from fishing vessels or federally permitted dealers as required by the regulations, including, but not limited to, observers, at-sea monitors, observer/sea samplers, portside samplers, or dockside monitors.

*Ocean quahog* means the species *Arctica islandica*.

*Offload or offloading* means to begin to remove, to remove, to pass over the rail, or otherwise take away fish from any vessel. For purposes of the surfclam and ocean quahog fishery, it means to separate physically a cage from a vessel, such as by removing the

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slings or wire used to remove the cage from the harvesting vessel.

*Open areas*, with respect to the Atlantic sea scallop fishery, means any area that is not subject to restrictions of the Scallop Access Area Program specified in §§ 648.59 and 648.60, the Northern Gulf of Maine Management Area specified in § 648.62, Habitat Management Areas specified in § 648.370, Dedicated Habitat Research areas specified in § 648.371, the Frank R. Lautenberg Deep-Sea Coral Protection Area described in § 648.372, or the New England Deep-Sea Coral Protection Area in § 648.373.

*Operational discards in the Atlantic herring fishery* means small amounts of fish that cannot be pumped on board and remain in the codend or seine at the end of pumping operations. Leaving small amounts of fish in the codend or seine at the end of pumping operations is operationally discarding catch.

*Operator* means the master, captain, or other individual on board a fishing vessel, who is in charge of that vessel's operations.

*Out of the monkfish fishery* means the period of time during which a vessel is not fishing for monkfish under the monkfish DAS program.

*Out of the multispecies fishery* means the period of time during which a vessel is not fishing for regulated species under the NE multispecies DAS program.

*Ownership interest*, in the NE multispecies fishery, includes, but is not limited to holding share(s) or stock in any corporation, any partnership interest, or membership in a limited liability company, or personal ownership, in whole or in part, of a vessel issued a limited access NE multispecies permit or confirmation of permit history (CPH), including any ownership interest in any entity or its subsidiaries or partners, no matter how far removed.

*Pair trawl or pair trawling* means to tow a single net between two vessels.

*Parlor trap/pot* means any structure or other device, other than a net, with more than one compartment inside designed to impede escape of lobsters or crabs from the device or structure, which is placed, or designed to be placed, on the ocean bottom and is de-

signed for, or is capable of, catching lobsters and/or red crabs.

*Pelagic hook and line gear* means handline or rod and reel gear that is designed to fish for, or that is being used to fish for, pelagic species, no portion of which is designed to be or is operated in contact with the bottom at any time.

*Pelagic longline gear* means fishing gear that is not fixed, nor designed to be fixed, nor anchored to the bottom and that consists of monofilament main line (as opposed to a cable main line) to which gangions are attached.

*Permit year* means:

(1) For the Atlantic deep-sea red crab fishery, from March 1 through the last day of February of the following year;

(2) Beginning in 2018, for the Atlantic sea scallop fishery, from April 1 through the last day of March of the following year (for 2017, the Atlantic sea scallop permit year will be from March 1, 2017, through March 31, 2018);

(3) For all other fisheries in this part, from May 1 through April 30 of the following year.

*Personal use*, with respect to the surfclam or ocean quahog fishery, means harvest of surfclams or ocean quahogs for use as bait, for human consumption, or for other purposes (not including sale or barter) in amounts not to exceed 2 bu (106.48 L) per person per fishing trip.

*Person who receives bluefish for commercial purposes* means any person (excluding representatives of governmental agencies) engaged in the sale, barter, or trade of bluefish received from a fisherman, or one who transports bluefish from a fisherman.

*Postmark* means independently verifiable evidence of date of mailing, such as U.S. Postal Service postmark, United Parcel Service (U.P.S.) or other private carrier postmark, certified mail receipt, overnight mail receipt, or receipt received upon hand delivery to an authorized representative of NMFS.

*Potential Sector contribution (PSC)*, with respect to the NE multispecies fishery, means an individual vessel's share of the ACL for each stock of regulated species or ocean pout that is derived from the fishing history associated with the permit issued to that particular vessel for the purposes of

participating in a sector and contributing to that sector's ACE for each stock allocated to sectors under the NE Multispecies FMP.

*Prior to leaving port*, with respect to the call-in notification system for NE multispecies, and the call-in notification system for monkfish vessels that are fishing under the limited access monkfish Category C, D, F, G, or H permit provisions that are also fishing under a NE multispecies DAS, means no more than 1 hour prior to the time a vessel leaves the last dock or mooring in port from which that vessel departs to engage in fishing, including the transport of fish to another port. With respect to the call-in notification system for monkfish vessels that are fishing under the limited access monkfish Category A or B permit provisions, it means prior to the last dock or mooring in port from which a vessel departs to engage in fishing, including the transport of fish to another port.

*Private recreational fishing vessel*, with respect to the NE multispecies fishery, means a vessel engaged in recreational fishing that has not been issued a Federal NE multispecies permit, does not sell fish, and does not take passengers for hire.

*Processing, or to process, with respect to the Atlantic herring fishery*, means the preparation of Atlantic herring to render it suitable for human consumption, bait, commercial uses, industrial uses, or long-term storage, including but not limited to cooking, canning, roe extraction, smoking, salting, drying, freezing, or rendering into meat or oil.

*Processor, with respect to the Atlantic surfclam and ocean quahog fisheries*, means a person who receives surfclams or ocean quahogs for a commercial purpose and removes them from a cage.

*Purse seine gear* means an encircling net with floats on the top edge, weights and a purse line on the bottom edge, and associated gear, or any net designed to be, or capable of being, used in such fashion.

*Quota-managed species* means any species of finfish managed under this part by an annual or seasonal quota, by annual target or actual TAC, or by DAH limits.

*Raw*, with respect to electronic monitoring, means the original, unaltered video footage, images, and other sensor data collected by an electronic monitoring system.

*Records*, with respect to records required to be kept by § 648.7, means those that include, but are not limited to, any written, recorded, graphic, electronic, or digital material; as well as other information stored in or accessible through a computer or other information retrieval system; worksheets; weighout slips; preliminary, interim, and final tally sheets; tags; notes; logbooks; statements; receipts; checks; ledgers; notebooks; diaries; spreadsheets; diagrams; graphs; charts; tapes; disks; or computer printouts.

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

*Recreational fishing vessel*, with respect to the scup fishery, means any vessel from which no fishing other than recreational fishing is conducted. Charter and party boats are considered recreational fishing vessels for purposes of the scup minimum size requirement.

*Red Crab Management Unit* means an area of the Atlantic Ocean from 35° 15.3' N. Lat., the approximate latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, extending eastward from the shore to the outer boundary of the exclusive economic zone and northward to the U.S.-Canada border in which the United States exercises exclusive jurisdiction over all Atlantic deep-sea red crab fished for, possessed, caught, or retained in or from such area.

*Red crab trap/pot* means any structure or other device, other than a net or parlor trap/pot, that is placed, or designed to be placed, on the ocean bottom and is designed for, or is capable of, catching red crabs.

*Red crab trip*, with respect to the Atlantic deep-sea red crab fishery, means a trip on which a vessel fishes for, possesses, or lands, or intends to fish for, possess, or land red crab in excess of the incidental limit, as specified at § 648.263(b)(1).

*Regional Administrator* means the Administrator, Northeast Region, NMFS, or a designee.

*Regulated fishery* means any fishery of the United States which is regulated under the Magnuson-Stevens Act.

*Regulated species*, means the subset of NE multispecies that includes Atlantic cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, windowpane flounder, redfish, white hake, Atlantic halibut, and Atlantic wolffish. Regulated species is also referred to as regulated NE multispecies.

*Reporting month* means the period of time beginning at 0001 hours local time on the first day of each calendar month and ending at 2400 hours local time on the last day of each calendar month.

*Reporting week* means the period of time beginning at 0001 local time on Sunday and ending at 2400 hours local time the following Saturday.

*Re-rig or re-rigged* means physical alteration of the vessel or its gear in order to transform the vessel into one capable of fishing commercially for a species in the applicable fishery.

*Rigged hooks* means hooks that are baited, or only need to be baited, in order to be fished. Unsecured, unbaited hooks and gangions are not considered to be rigged.

*River herring* means alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*).

*Rockhopper and roller gear* means trawl gear configured with disks, rollers, or other similar shaped devices that are attached to the bottom belly of the trawl, contact the sea bottom, and that are designed to raise the bottom panel of the trawl off the ocean bottom so as to enable the gear to be fished on hard bottom.

*Rod and reel* means a hand-held (including rod holder) fishing rod with a manually operated reel attached.

*Roundfish gillnets* means gillnets that are constructed with floats on the float line and that have no tie-down twine between the float line and the lead line.

*Runaround gillnet or encircling gillnet* means a rectangular net placed upright in the water column in a circular fashion with an opening equal to or less than  $\frac{1}{4}$  the length of the net or with an opening greater than  $\frac{1}{4}$  the length of the net, if the opening is obstructed in any fashion.

*Scallop dredge vessel* means any fishing vessel, other than a combination vessel, that uses or is equipped to use scallop dredge gear.

*Scup* means *Stenotomus chrysops*.

*Scup Monitoring Committee* means a committee made up of staff representative of the MAFMC, NEFMC, South Atlantic Fishery Management Council, the NMFS Northeast Regional Office, the NEFSC, and the Commission. The MAFMC Executive Director or a designee chairs the committee.

*Scup pot or trap* means a pot or trap used in catching and retaining scup.

*Sea Scallop Access Area, Scallop Access Area, or Access Area*, with respect to the Atlantic sea scallop fishery, means an area that has been designated under the Atlantic Sea Scallop Fishery Management Plan as a sea scallop rotational area that is open to the scallop fishery in a given fishing year.

*Sea Scallop Plan Development Team (PDT)* means a team of technical experts appointed by the NEFMC.

*Sea Scallop Rotational Area, Scallop Rotational Area, or Rotational Area*, with respect to the Atlantic sea scallop fishery, means an area that has been designated under the Atlantic Sea Scallop Fishery Management Plan as part of the Sea Scallop Rotational Management Program. A rotational area may be closed or open to the scallop fishery in a given fishing year. A rotational area open to the scallop fishery is termed a Sea Scallop Access Area and has area-specific management measures that are designed to control fishing effort and mortality on only the portion of the scallop resource within the area. Such measures are not applicable as defined in § 648.2 in the definition to Open Areas.

*Sea raven* means *Hemitripteris americanus*.

*Searobin* means any species of the family Triglidae.

*Sector*, with respect to the NE multispecies fishery, means a group of persons holding limited access NE multispecies permits who have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time, and that have been

allocated a portion of the TACs of species managed under the NE Multispecies FMP to achieve objectives consistent with the applicable goals and objectives of the FMP. Each sector must meet the sector eligibility and minimum size requirements specified in § 648.87(a)(3) and (4) to be approved by NMFS.

*Sector trip*, with respect to the NE multispecies fishery, means any trip taken by a sector vessel subject to the restrictions and conditions of an approved sector operations plan, as specified in § 648.87(c), in which the vessel declared its intent to fish in the NE multispecies fishery pursuant to § 648.10.

*Sector vessel*, with respect to the NE multispecies fishery, means any vessel assigned a permit that is a member of an approved sector for a particular fishing year and that is subject to the restrictions and conditions of an approved sector operations plan, as specified in § 648.87.

*Set-only trip* means a fishing trip on which any federally permitted vessel deploys gear with the intention of retrieving it on a separate trip and does not haul-back or retrieve any gear capable of catching fish on the set-only trip.

*Shad* means American shad (*Alosa sapidissima*) and hickory shad (*Alosa mediocris*).

*Shucking* or *to shuck* means opening or to open a scallop, surfclam, or ocean quahog and removing the meat or the adductor muscle from the shell.

*Shucking machine* means any mechanical device that automatically removes the meat or the adductor muscle from a scallop, surfclam, or ocean quahog shell.

*Sink gillnet* or *bottom-tending gillnet* means any gillnet, anchored or otherwise, that is designed to be, or is fished on or near, the bottom in the lower third of the water column.

*Skate* means members of the Family Rajidae, including: *Leucoraja ocellata* (winter skate); *Dipturus laevis* (barndoor skate); *Amblyraja radiata* (thorny skate); *Malacoraja senta* (smooth skate); *Leucoraja erinacea* (little skate); *Raja eglanteria* (clearnose skate); and *Leucoraja garmani* (rosette skate).

*Skate Management Unit* means an area of the Atlantic Ocean from 35°15.3' N. lat., the approximate latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border, extending eastward from the shore to the outer boundary of the EEZ and northward to the U.S.-Canada border in which the United States exercises exclusive jurisdiction over all skates fished for, possessed, caught, or retained in or from such area.

*Slippage in the Atlantic herring fishery* means discarded catch from a vessel issued an Atlantic herring permit that is carrying an observer or monitor prior to the catch being brought on board or prior to the catch being made available for sampling and inspection by an observer or monitor after the catch is on board. Slippage also means any catch that is discarded during a trip prior to it being sampled portside by a portside sampler on a trip selected for portside sampling coverage by NMFS. Slippage includes releasing catch from a codend or seine prior to the completion of pumping the catch aboard and the release of catch from a codend or seine while the codend or seine is in the water. Fish that cannot be pumped and remain in the codend or seine at the end of pumping operations are not considered slippage. Discards that occur after the catch is brought on board and made available for sampling and inspection by an observer or monitor are also not considered slippage.

*Slip(s) or slipping catch in the Atlantic herring fishery* means discarded catch from a vessel issued an Atlantic herring permit that is carrying an observer or monitor prior to the catch being brought on board or prior to the catch being made available for sampling and inspection by an observer or monitor after the catch is on board. Slip(s) or slipping catch also means any catch that is discarded during a trip prior to it being sampled portside by a portside sampler on a trip selected for portside sampling coverage by NMFS. Slip(s) or slipping catch includes releasing fish from a codend or seine prior to the completion of pumping the fish on board and the release of fish from a codend or seine while the

codend or seine is in the water. Slippage or slipped catch refers to fish that are slipped. Slippage or slipped catch does not include operational discards, discards that occur after the catch is brought on board and made available for sampling and inspection by an observer or monitor, or fish that inadvertently fall out of or off fishing gear as gear is being brought on board the vessel.

*Small-mesh multispecies* means the subset of Northeast multispecies that includes silver hake, offshore hake, and red hake.

*Smooth dogfish* means *Mustelis canis*.

*Sorting machine, with respect to the Atlantic sea scallop fishery*, means any mechanical device that automatically sorts whole scallops by shell height, size, or other physical characteristics.

*Spiny dogfish* means *Squalus acanthias*.

*Spiny Dogfish Monitoring Committee* means a committee made up of staff representatives of the MAFMC, NEFMC, the NMFS Northeast Regional Office, the Northeast Fisheries Science Center, and the states, as well as two ex-officio industry members (one from each Council jurisdiction). The MAFMC Executive Director or a designee chairs the committee.

*Spot* means *Leiostomus xanthurus*.

*Square mesh*, with respect to the NE multispecies fishery, means mesh in which the horizontal bars of the mesh run perpendicular to the long axis of the net so when the net is placed under a strain the mesh remains open to a square-like shape. Square mesh can be formed by hanging diamond mesh "on the square," if the resulting mesh conforms with the above description of square mesh.

*Squid* means longfin squid (*Doryteuthis (Amerigo) pealeii*, formerly *Loligo pealeii*) or *Illex illecebrosus*.

*Standard tote* means a box typically constructed of plastic, designed to hold 100 lb (45.3 kg) of fish plus ice, and that has a liquid capacity of 70 L, or a volume of not more than 4,320 cubic in (2.5 cubic ft or 70.79 cubic cm).

*State-operated permit bank* means a depository established and operated by a state through an agreement between NMFS and a state in which Federal grant funds have been used by the state

to obtain Federal fishing vessel permits so that the fishing access privileges associated with those permits may be allocated to qualified persons and that meets the requirement of § 648.87(e).

*Static gear*, with respect to the NE multispecies fishery, means stationary gear, usually left for a period of time in one place, that depends on fish moving to the gear, and includes gillnets, longlines, handgear, traps, and pots.

*Stock of concern*, with respect to the NE multispecies fishery, means a stock that is in an overfished condition, or that is subject to overfishing.

*Stocks targeted by the default measures*, with respect to the NE multispecies fishery, are: American plaice, and SNE/MA yellowtail flounder for the 2006 fishing year; and American plaice, GB cod, GOM cod, CC/GOM yellowtail flounder, SNE/MA yellowtail flounder, white hake and SNE/MA winter flounder for the 2009 fishing year.

*Straight line*, with regard to regulated areas, means a rhumb line, unless explicitly stated otherwise.

*Stretched mesh*, with respect to the NE multispecies Ruhl Trawl, means mesh that is pulled so that slack in the mesh is eliminated and the mesh opening is closed.

*Sub-lease*, with respect to the NE multispecies fishery, means the leasing of DAS that have already been leased to another vessel.

*Summer flounder* means *Paralichthys dentatus*.

*Summer Flounder Monitoring Committee* means a committee made up of staff representatives of the MAFMC, NEFMC, and SAFMC, the NMFS Northeast Regional Office, the NEFSC, the Southeast Science Center, and the Commission. The MAFMC Executive Director or a designee chairs the committee.

*Surfclams* means Atlantic surfclams of the species *Spisula solidissima*.

*Sweep*, with respect to the NE multispecies limited access fishery, means the part of a bottom trawl that, during normal use, is in contact with the sea floor along the outer edges of the lower webbing of the net.

*Swordfish* means *Xiphias gladius*.

*Target total allowable catch (TAC)* means the annual domestic harvest targets for regulated species.

*Tautog* (blackfish) means *Tautoga onitis*.

*Tied up to the dock* or *tying up at a dock* means tied up at a dock, on a mooring, or elsewhere in a harbor.

*Tilefish* means golden tilefish and blueline tilefish, collectively, unless otherwise noted.

*Tilefish FMP Monitoring Committee* means a committee made up of staff representatives of the MAFMC, the NMFS Greater Atlantic Regional Fisheries Office, the Northeast Fisheries Science Center, up to three state representatives (the New England states having one representative and the Mid-Atlantic states having a maximum of two representatives) and one non-voting industry member. The MAFMC Executive Director or his designee chairs the committee.

*Tilefish Management Unit* means an area of the Atlantic Ocean from the latitude of the VA and NC border (36°33.36' N. Lat.), extending eastward from the shore to the outer boundary of the exclusive economic zone and northward to the United States-Canada border in which the United States exercises exclusive jurisdiction over all golden tilefish (*Lopholatilus chamaeleonticeps*) and blueline tilefish (*Caulolatilus microps*) fished for, possessed, caught or retained in or from such area.

*Total Length (TL)* means the straight-line distance from the tip of the snout to the end of the tail (caudal fin) while the fish is lying on its side. For black sea bass, *Total Length (TL)* means the straight-line distance from the tip of the snout to the end of the tail (caudal fin), excluding any caudal filament, while the fish is lying on its side.

*Transboundary Management Guidance Committee (TMGC)*, with respect to the NE multispecies fishery, means the technical sub-committee that provides non-binding guidance to the U.S./Canada Steering Committee, comprised of government and industry representatives from U.S. and Canada.

*Transboundary Resource Advisory Committee (TRAC)*, with respect to the NE multispecies fishery, means a committee consisting of scientific staff

from NMFS and Canada's Department of Fisheries and Oceans that jointly assess the status of the shared U.S./Canada stocks of cod, haddock, and yellowtail flounder.

*Transfer* means to begin to remove, to remove, to pass over the rail, or to otherwise take away fish from any vessel and move them to another vessel.

*Transferee* means a vessel owner who receives permanently transferred NE multispecies DAS and potentially other permits from another vessel through the DAS Transfer Program specified at §648.82(l).

*Transferor* means a vessel owner who permanently transfers NE multispecies DAS and potentially other permits to another vessel through the DAS Transfer Program specified at §648.82(l).

*Trawl* means gear consisting of a net that is towed, including but not limited to beam trawls, pair trawls, otter trawls, and Danish and Scottish seine gear.

*Trawl sweep* means the total length of the footrope on a trawl net that is directly attached to the webbing of a net.

*Trip Identifier* means the complete serial number of the vessel logbook page completed for that trip.

*Tub-trawl*, with respect to the NE multispecies fishery, means gear designed to be set horizontally on the bottom, with an anchored mainline to which are attached three or more gangions and hooks. Tub-trawls are retrieved only by hand, not by mechanical means.

*Tuna purse seine gear*, with respect to the NE multispecies fishery, means encircling gear designed and utilized to harvest pelagic tuna.

*Under construction* means that the keel had been laid or the vessel was under written agreement for construction or the vessel was under written contract for purchase.

*Upon returning to port*, means, for purposes of the call-in notification system for the NE multispecies and monkfish fisheries, upon first tying up at a dock at the end of a fishing trip.

*U.S. at-sea processing (USAP)*, with respect to the Atlantic herring fishery, means the specification, pursuant to §648.200, of the amount of herring available for processing by U.S. vessels



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issued an Atlantic herring processing permit as described in § 648.4(a)(10)(ii).

*U.S./Canada Steering Committee*, with respect to the NE multispecies fishery, means the joint U.S./Canada committee consisting of staff from NMFS and Canada's Department of Fisheries and Oceans that has overall responsibility for the U.S./Canada Resource Sharing Understanding.

*Used DAS baseline*, with respect to the NE multispecies fishery, means the number of DAS that represent the historic level of DAS use associated with a particular limited access permit, as described in § 648.82(l).

*Vessel length* means the length specified on the USCG documentation for a vessel or on the state registration for a vessel not required to be documented under title 46 U.S.C., if the state length is verified by an authorized officer or NMFS official.

*Vessel Monitoring System (VMS)* means a vessel monitoring system or VMS unit as set forth in § 648.9 and approved by NMFS for use on Atlantic sea scallop, NE multispecies, monkfish, Atlantic herring, and Atlantic surfclam and ocean quahog vessels, as required by this part.

*Video reviewer* means any electronic monitoring service provider staff approved/certified or training to be approved/certified by NMFS for providing electronic monitoring video review services consistent with electronic monitoring program requirements.

*VMS unit* means a device installed on board a vessel used for vessel monitoring and transmitting the vessel's position as required by this part.

*Weakfish* means *Cynoscion regalis*.

*Whiting* means *Merluccius bilinearis*.

*Whiting Monitoring Committee (WMC)* means a team appointed by the NEFMC to review, analyze, and recommend adjustments to the management measures addressing small-mesh multispecies. The team consists of staff from the NEFMC and MAFMC, NMFS Northeast Regional Office, the NEFSC, the USCG, at least one industry representative from each geographical area (northern New England, southern New England, and the Mid-Atlantic), and no more than two representatives, ap-

pointed by the Commission, from affected states.

[61 FR 34968, July 3, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 648.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

### § 648.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 600.705.

(b) Nothing in these regulations supersedes more restrictive state management measures for any of the species referenced in § 648.1 and, for Atlantic salmon, more restrictive local management measures.

### § 648.4 Vessel permits.

(a) *Fishery specific permit information*—(1) *NE multispecies vessels*. Except for vessels that have been issued a valid High Seas Fishing Compliance permit, have declared their intent to fish, and fish exclusively in the NAFO Regulatory Area as provided in § 648.17, any vessel of the United States, including a charter or party boat, must have been issued and have on board a valid multispecies permit to fish for, possess, or land multispecies finfish in or from the EEZ. Multispecies frames used as, or to be used as, bait on a vessel fishing exclusively with pot gear are deemed not to be multispecies finfish for purposes of this part provided that there is a receipt for the purchase of those frames on board the vessel.

(i) *Limited access multispecies permits*—(A) *Eligibility*. To be eligible to apply for a limited access NE multispecies permit, as specified in § 648.82, a vessel must have been issued a limited access NE multispecies permit for the preceding year, be replacing a vessel that was issued a limited access NE multispecies permit for the preceding year, or be replacing a vessel that was issued a confirmation of permit history; unless otherwise specified in this paragraph (a)(1)(i)(A). For the fishing year beginning May 1, 2004, a vessel may apply for a limited access Handgear A permit described in § 648.82(b)(6), if it meets the criteria described under paragraphs (a)(1)(i)(A)(1) and (2) of this section.