

§ 648.89

50 CFR Ch. VI (10–1–23 Edition)

subject to the additional restrictions on gear, recreational minimum fish sizes, possession limits, and prohibitions on sale specified in § 648.89, and any other applicable provisions of this part.

(c) *Scallop NE multispecies possession limit permit.* With the exception of vessels fishing in the Sea Scallop Access Areas as specified in § 648.59(b) through (d), a vessel that has been issued a valid open access scallop NE multispecies possession limit permit may possess and land up to 300 lb (136.1 kg) of regulated NE multispecies when fishing under a scallop DAS allocated under § 648.53, provided the vessel does not fish for, possess, or land haddock from January 1 through June 30, as specified under § 648.86(a)(2)(i), and provided that the amount of regulated NE multispecies on board the vessel does not exceed any of the pertinent trip limits specified under § 648.86, and provided the vessel has at least one standard tote on board. A vessel fishing in the Sea Scallop Access Areas as specified in § 648.59(b) through (d) is subject to the possession limits specified in § 648.60(a)(5)(ii).

(d) *Non-regulated NE multispecies permit.* A vessel issued a valid open access non-regulated NE multispecies permit may possess and land one Atlantic halibut and unlimited amounts of the other non-regulated NE multispecies, unless otherwise restricted by § 648.86. The vessel is subject to restrictions on gear, area, and time of fishing specified

in § 648.80 and any other applicable provisions of this part.

[69 FR 22983, Apr. 27, 2004, as amended at 69 FR 63481, Nov. 2, 2004; 71 FR 62195, Oct. 23, 2006; 75 FR 18348, Apr. 9, 2010; 76 FR 23075, Apr. 25, 2011; 77 FR 19143, Mar. 30, 2012; 79 FR 52580, Sept. 4, 2014; 79 FR 67375, Nov. 13, 2014; 80 FR 25141, May 1, 2015]

**§ 648.89 Recreational and charter/party vessel restrictions.**

(a) *Recreational gear restrictions.* Persons aboard charter/party vessels permitted under this part and not fishing under the DAS program or under the restrictions and conditions of an approved sector operations plan, as specified in § 648.87(c), and recreational fishing vessels in the EEZ, are prohibited from fishing with more than one line per angler, and all other gear on board must be stowed and not available for immediate use as defined in § 648.2.

(b) *Recreational minimum and maximum fish sizes—(1) Minimum and maximum fish sizes.* Unless further restricted under this section, persons aboard charter or party boats permitted under this part and not fishing under the NE multispecies DAS program or under the restrictions and conditions of an approved sector operations plan, and private recreational fishing vessels may not possess fish in or from the EEZ that are smaller than the minimum fish sizes or larger than the maximum fish sizes, measured in total length, as follows:

TABLE 1 TO PARAGRAPH (b)(1)

Species	Charter/party minimum size		Private minimum size		Maximum size	
	Inches	cm	Inches	cm	Inches	cm
Cod:						
Inside GOM Regulated Mesh Area <sup>1</sup> ..	22	55.9	22	55.9	N/A	N/A
Outside GOM Regulated Mesh Area <sup>1</sup>	23	58.4	23	58.4	N/A	N/A
Haddock:						
Inside GOM Regulated Mesh Area <sup>1</sup> ..	18	45.7	17	43.2	N/A	N/A
Outside GOM Regulated Mesh Area <sup>1</sup>	18	45.7	18	45.7	N/A	N/A
Pollock .....	19	48.3	19	48.3	N/A	N/A
Witch Flounder (gray sole) .....	14	35.6	14	35.6	N/A	N/A
Yellowtail Flounder .....	13	33.0	13	33.0	N/A	N/A
American Plaice (dab) .....	14	35.6	14	35.6	N/A	N/A
Atlantic Halibut .....	41	104.1	41	104.1	N/A	N/A
Winter Flounder (black back) .....	12	30.5	12	30.5	N/A	N/A
Redfish .....	9	22.9	9	22.9	N/A	N/A

<sup>1</sup> GOM Regulated Mesh Area specified in § 648.80(a).

**Fishery Conservation and Management**

**§ 648.89**

(2) *Exceptions*—(i) *Fillet size*. Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter.

(ii) *Transiting*. Vessels in possession of cod or haddock caught outside the GOM Regulated Mesh Area specified in §648.80(a)(1) may transit this area with cod and haddock that meet the minimum size specified for fish caught outside the GOM Regulated Mesh Area specified in §648.80(b)(1), provided all bait and hooks are removed from fishing rods, and any cod and haddock on board has been gutted and stored.

(3) *Fillets*. Fish fillets, or parts of fish, must have at least 2 square inches (5.1 square cm) of skin on while possessed on board a vessel and at the time of landing in order to meet minimum size

requirements. The skin must be contiguous and must allow ready identification of the fish species.

(c) *Possession Restrictions*—(1) *Private recreational vessels*. Persons aboard private recreational fishing vessels during the open season listed in the column titled “Open Season” in Table 2 to paragraph (c)(1)(i), may not possess more fish in or from the EEZ than the amount listed in the column titled “Possession Limit” in Table 2 to paragraph (c)(1)(i).

(i) *Closed season*. Persons aboard private recreational fishing vessels may not possess species, as specified in the column titled “Species” in Table 2 to paragraph (c)(1)(i), in or from the EEZ during that species closed season as specified in the column titled “Closed Season” in Table 2 to paragraph (c)(1)(i).

TABLE 2 TO PARAGRAPH (c)(1)(i)

Stock	Open season	Possession limit	Closed season
GB Cod .....	September 1–April 30 May 1–31	5 .....	June 1–August 31.
GOM Cod .....	September 1–October 31 .....	1 .....	May 1–August 31. November 1–April 30.
GB Haddock .....	All Year .....	Unlimited .....	N/A.
GOM Haddock .....	May 1–February 28 (or 29) April 1–30.	10 .....	March 1–March 31.
GB Yellowtail Flounder .....	All Year .....	Unlimited .....	N/A.
SNE/MA Yellowtail Flounder .....	All Year .....	Unlimited .....	N/A.
CC/GOM Yellowtail Flounder .....	All Year .....	Unlimited .....	N/A.
American Plaice .....	All Year .....	Unlimited .....	N/A.
Witch Flounder .....	All Year .....	Unlimited .....	N/A.
GB Winter Flounder .....	All Year .....	Unlimited .....	N/A.
GOM Winter Flounder .....	All Year .....	Unlimited .....	N/A.
SNE/MA Winter Flounder .....	All Year .....	Unlimited .....	N/A.
Redfish .....	All Year .....	Unlimited .....	N/A.
White Hake .....	All Year .....	Unlimited .....	N/A.
Pollock .....	All Year .....	Unlimited .....	N/A.
N. Windowpane Flounder .....	CLOSED .....	No retention .....	All Year.
S. Windowpane Flounder .....	CLOSED .....	No retention .....	All Year.
Ocean Pout .....	CLOSED .....	No retention .....	All Year.
Atlantic Halibut .....	See paragraph (c)(3).		
Atlantic Wolffish .....	CLOSED .....	No retention .....	All Year.

(ii) [Reserved]

(2) *Charter or Party Boats*. Persons aboard party or charter boats during the open season listed in the column titled “Open Season” in Table 3 to para-

graph (c)(2), may not possess more fish in or from the EEZ than the amount listed in the column titled “Possession Limit” in Table 3 to paragraph (c)(2).

TABLE 3 TO PARAGRAPH (c)(2)

Stock	Open season	Possession limit	Closed season
GB Cod .....	September 1–April 30 May 1–31	5 .....	June 1–August 31.
GOM Cod .....	September 1–October 31 .....	1 .....	May 1–August 31. November 1–April 30.

TABLE 3 TO PARAGRAPH (c)(2)—Continued

Stock	Open season	Possession limit	Closed season
GB Haddock .....	All Year .....	Unlimited .....	N/A.
GOM Haddock .....	May 1–February 28 (or 29) April 1–30.	15 .....	March 1–March 31.
GB Yellowtail Flounder .....	All Year .....	Unlimited .....	N/A.
SNE/MA Yellowtail Flounder .....	All Year .....	Unlimited .....	N/A.
CC/GOM Yellowtail Flounder .....	All Year .....	Unlimited .....	N/A.
American Plaice .....	All Year .....	Unlimited .....	N/A.
Witch Flounder .....	All Year .....	Unlimited .....	N/A.
GB Winter Flounder .....	All Year .....	Unlimited .....	N/A.
GOM Winter Flounder .....	All Year .....	Unlimited .....	N/A.
SNE/MA Winter Flounder .....	All Year .....	Unlimited .....	N/A.
Redfish .....	All Year .....	Unlimited .....	N/A.
White Hake .....	All Year .....	Unlimited .....	N/A.
Pollock .....	All Year .....	Unlimited .....	N/A.
N. Windowpane Flounder .....	CLOSED .....	No retention .....	All Year.
S. Windowpane Flounder .....	CLOSED .....	No retention .....	All Year.
Ocean Pout .....	CLOSED .....	No retention .....	All Year.
Atlantic Halibut .....	See Paragraph (c)(3).		
Atlantic Wolffish .....	CLOSED .....	No retention .....	All Year.

(3) *Atlantic halibut.* Vessels permitted under this part, and recreational fishing vessels fishing in the EEZ, may not possess more than one Atlantic halibut on board the vessel.

(4) *Accounting of daily possession limit.* For the purposes of determining the per day trip limit for cod and haddock for private recreational fishing vessels and charter or party boats, any trip in excess of 15 hours and covering 2 consecutive calendar days will be considered more than 1 day. Similarly, any trip in excess of 39 hours and covering 3 consecutive calendar days will be considered more than 2 days and, so on, in a similar fashion.

(5) *Fillet conversion.* For purposes of counting fish for cod and haddock for private recreational fishing vessels and charter or party boats, if fish are filleted, fillets will be converted to whole fish by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(6) *Application of daily possession limit.* Compliance with the daily possession limit for cod and haddock harvested by party, charter, and private recreational fishing vessels, in or from the EEZ, with more than one person aboard, will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the daily possession limit on board a vessel carrying more than one person

the violation shall be deemed to have been committed by the owner or operator of the vessel.

(7) *Storage.* Cod and haddock must be stored so as to be readily available for inspection.

(d) *Restrictions on sale.* It is unlawful to sell, barter, trade, or otherwise transfer for a commercial purpose, or to attempt to sell, barter, trade, or otherwise transfer for a commercial purpose, NE multispecies caught in or landed from the EEZ by recreational, charter, or party vessels permitted under this part not fishing under a DAS, on a sector trip, or under a Handgear A permit, Handgear B permit, or Small Vessel Category C permit.

(e) *Charter/party vessel restrictions on fishing in GOM closed areas and the Nantucket Lightship Closed Area—(1) GOM closed areas.* (i) A vessel fishing under charter/party regulations may not fish in the GOM closed areas specified in §648.81(a)(3) and (4) and (d)(4) during the time periods specified in those paragraphs, unless the vessel has on board a valid letter of authorization issued by the Regional Administrator pursuant to §648.81(d)(5)(v) and paragraph (e)(3) of this section. The conditions and restrictions of the letter of authorization must be complied with for a minimum of 3 months if the vessel fishes or intends to fish in the GOM cod protection closures; or for the rest

## Fishery Conservation and Management

## § 648.89

of the fishing year, beginning with the start of the participation period of the letter of authorization, if the vessel fishes or intends to fish in the year-round GOM closure areas.

(ii) A vessel fishing under charter/party regulations may not fish in the GOM Cod Spawning Protection Area specified at §648.81(b)(3) during the time period specified in that paragraph, unless the vessel complies with the requirements specified at §648.81(b)(2)(iii).

(2) [Reserved]

(3) *Letters of authorization.* To obtain either of the letters of authorization specified in paragraphs (e)(1) and (2) of this section, a vessel owner must request a letter from the NMFS Greater Atlantic Regional Fisheries Office, either in writing or by phone (see Table 1 to 50 CFR 600.502). As a condition of these letters of authorization, the vessel owner must agree to the following:

(i) The letter of authorization must be carried on board the vessel during the period of participation;

(ii) Fish species managed by the NEFMC or MAFMC that are harvested or possessed by the vessel, are not sold or intended for trade, barter or sale, regardless of where the fish are caught;

(iii) The vessel has no gear other than rod and reel or handline gear on board; and

(iv) For the GOM charter/party closed area exemption only, the vessel may not fish on a sector trip, under a NE multispecies DAS, or under the provisions of the NE multispecies Small Vessel Category or Handgear A or Handgear B permit categories, as specified at §648.82, during the period of participation.

(f) *Recreational fishery AM—(1) Catch evaluation.* As soon as recreational catch data are available for the entire previous fishing year, the Regional Administrator will evaluate whether recreational catches exceed any of the sub-ACLs specified for the recreational fishery pursuant to §648.90(a)(4). When evaluating recreational catch, the components of recreational catch that are used shall be the same as those used in the most recent assessment for that particular stock. To determine if any sub-ACL specified for the recreational fishery was exceeded, the Re-

gional Administrator shall compare the 3-year average of recreational catch to the 3-year average of the recreational sub-ACL for each stock.

(2) *Reactive AM adjustment.* If it is determined that any recreational sub-ACL was exceeded, as specified in paragraph (f)(1) of this section, the Regional Administrator, after consultation with the NEFMC, shall develop measures necessary to prevent the recreational fishery from exceeding the appropriate sub-ACL in future years. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with final measures published in the FEDERAL REGISTER no later than January when possible. Separate AMs shall be developed for the private and charter/party components of the recreational fishery.

(3) *Proactive AM adjustment.* When necessary, the Regional Administrator, after consultation with the NEFMC, may adjust recreational measures to ensure the recreational fishery achieves, but does not exceed any recreational fishery sub-ACL in a future fishing year. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with final measures published in the FEDERAL REGISTER prior to the start of the fishing year where possible. In specifying these AMs, the Regional Administrator shall take into account the non-binding prioritization of possible measures recommended by the NEFMC: For cod, first increases to minimum fish sizes, then adjustments to seasons, followed by changes to bag limits; and for haddock, first increases to minimum size limits, then changes to bag limits, and then adjustments to seasons.

(g) *Regional Administrator authority for Georges Bank cod recreational measures.* For the 2023 and 2024 fishing years, the Regional Administrator, after consultation with the NEFMC, may adjust recreational measures for Georges Bank cod to prevent the recreational fishery from exceeding the

annual catch target as determined by the NEFMC. Appropriate measures, including adjustments to fishing seasons, minimum fish sizes, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with the final measures published in the FEDERAL REGISTER prior to the start of the fishing year when possible. Separate measures may be implemented for the private and charter/party components of the recreational fishery. Measures in place in fishing year 2024 will be in effect beginning in fishing year 2025, and will remain in effect until they are changed by a Framework Adjustment or Amendment to the FMP, or through an emergency action.

[69 FR 22984, Apr. 27, 2004]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 648.89, 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).

**§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.**

For the NE multispecies framework specification process described in this section, the regulated species and ocean pout biennial review is considered a separate process from the small-mesh species annual review, as described in paragraphs (a)(2) and (b)(1), respectively, of this section. In addition, the process for specifying ABCs and associated ACLs for regulated species and ocean pout, as described in paragraph (a)(4) of this section, is considered a separate process from the small-mesh species ABC and ACL process described in paragraph (b)(2) of this section.

(a) *NE multispecies*. For the purpose of this paragraph (a), the term “NE multispecies fishery” is defined as common pool vessels, sector vessels, and private recreational and charter/party vessels, as defined in this part; the term “NE multispecies commercial fishery” is defined as vessels issued a limited access NE multispecies permit, or an open access NE multispecies Handgear B permit; and the term “NE multispecies recreational fishery” is defined as private recreational vessels

and charter or party boats, as further defined in this part.

(1) *NE Multispecies annual SAFE Report*. The NE Multispecies Plan Development Team (PDT) shall prepare an annual Stock Assessment and Fishery Evaluation (SAFE) Report for the NE multispecies fishery. The SAFE Report shall be the primary vehicle for the presentation of all updated biological and socio-economic information regarding the NE multispecies complex and its associated fisheries. The SAFE report shall provide source data for any adjustments to the management measures that may be needed to continue to meet the goals and objectives of the FMP.

(2) *Biennial review*. (i) At a minimum, the NE multispecies PDT shall meet on or before September 30 every other year to perform a review of the fishery, using the most current scientific information available provided primarily from the NEFSC. Data provided by states, ASMFC, the USCG, and other sources may also be considered by the PDT. The PDT shall review available data pertaining to: Catch and landings, discards, DAS allocations, DAS use, sector operations, and other measures of fishing effort; survey results; stock status; current estimates of fishing mortality and overfishing levels; social and economic impacts; enforcement issues; and any other relevant information. The PDT may also review the performance of different user groups or fleet sectors.

(ii) Based on this review, the PDT shall recommend ACLs for the upcoming fishing year(s), as described in paragraph (a)(4) of this section, and develop options for consideration by the Council, if necessary, on any changes, adjustments, or additions to DAS allocations, closed areas, or other measures necessary to rebuild overfished stocks and achieve the FMP goals and objectives, which may include a preferred option. The range of options developed by the PDT may include any of the management measures in the FMP, including, but not limited to: ACLs, which must be based on the projected fishing mortality levels required to meet the goals and objectives outlined in the FMP for the 12 regulated species