

### § 648.3

through the DAS Transfer Program specified at § 648.82(1).

*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(1).

*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 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

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a particular limited access permit, as described in § 648.82(1).

*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.

*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, appointed 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.fdsys.gov](http://www.fdsys.gov).

EFFECTIVE DATE NOTE: At 76 FR 60649, Sept. 29, 2011, § 648.2 was amended by removing the words “surf clam,” “surf clams,” “Surf clams,” “ § 648.70,” and “§ 648.291(e)(1),” wherever they appeared and adding “surfclam,” “surfclams,” “Surfclams,” “§ 648.74,” and “§ 648.291(e)(1)” in their place, respectively, effective October 31, 2011.

#### § 648.3 Relation to other laws.

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

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(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)(I) and (2) of this section.

(I) The vessel must have been previously issued a valid NE multispecies open access Handgear permit during at least 1 fishing year during the fishing years 1997 through 2002; and

(2) The vessel must have landed and reported to NMFS at least 500 lb (226.8 kg) of cod, haddock, or pollock, when fishing under the open access Handgear permit in at least 1 of the fishing years from 1997 through 2002, as indicated by NMFS dealer records (live weight), sub-

mitted to NMFS prior to January 29, 2004.

(3) *Application/renewal restrictions*. The vessel owner must submit a complete application for an initial limited access handgear permit before May 1, 2005. For fishing years beyond the 2004 fishing year, the provisions of paragraph (a)(1)(i)(B) of this section apply.

(B) *Application/renewal restrictions*. All limited access or moratorium permits established under this section must be issued on an annual basis by the last day of the permit year for which the permit is required, unless a confirmation of permit history (CPH) has been issued as specified in paragraph (a)(1)(i)(J) of this section. If a vessel is issued more than one limited access or moratorium permit under this section, these permits will be regarded as a permit suite. Permit renewal or relinquishment must be made at the time the first permit application is submitted for a new permit year. Application for limited access or moratorium permits must be received no later than 30 days before the last day of the permit year of the earliest expiration date for any permit in the suite of such permits issued to the vessel. Failure to renew a limited access or moratorium permit in any permit year bars the renewal of the permit in subsequent years. Open access permits may not be issued to a vessel eligible to renew a limited access or moratorium permit until such time that the vessel's limited access or moratorium permit(s) are renewed or voluntarily relinquished pursuant to paragraph (a)(1)(i)(K) of this section, or otherwise transferred from the vessel.

(C) *Qualification restriction*. Unless the Regional Administrator determines otherwise, no more than one vessel may qualify, at any one time, for a limited access permit or CPH based on that or another vessel's fishing and permit history. If more than one vessel owner claims eligibility for a limited access permit or CPH, based on one vessel's fishing and permit history, the Regional Administrator will determine who is entitled to qualify for the permit or CPH and any DAS allocation according to paragraph (a)(1)(i)(D) of this section.