

**§ 648.201**

action and providing an opportunity for prior public comment. Any adjustments must be consistent with the Atlantic Herring FMP objectives and other FMP provisions.

(2) If a total allowable catch reserve (TAC reserve) is specified for an area, NMFS may make any or all of that TAC reserve available to fishers after consulting with the Council. NMFS shall propose any release of the TAC reserve in the FEDERAL REGISTER and provide an opportunity for public comment. After considering any comments received, any release of the TAC reserve shall be announced through notification in the FEDERAL REGISTER.

[65 FR 77467, Dec. 11, 2000, as amended at 67 FR 3446, Jan. 24, 2002; 70 FR 21976, Apr. 28, 2005]

EFFECTIVE DATE NOTE: At 70 FR 21976, Apr. 28, 2005, paragraphs (c) and (d) were revised, effective May 31, 2005 through December 31, 2006.

**§ 648.201 Management areas.**

Three management areas, which may have different management measures, are established for the Atlantic herring fishery. Management Area 1 is subdivided into inshore and offshore sub-areas. The management areas are defined as follows:

(a) *Management Area 1 (Gulf of Maine)*: All U.S. waters of the Gulf of Maine (GOM) north of a line extending from the eastern shore of Monomoy Island at 41°35' N. lat., eastward to a point at 41°35' N. lat., 69°00' W. long., thence northeasterly to a point along the Hague Line at 42°53'14" N. lat., 67°44'35" W. long., thence northerly along the Hague Line to the U.S.-Canadian border, to include state and Federal waters adjacent to the States of Maine, New Hampshire, and Massachusetts. Management Area 1 is divided into Area 1A (inshore) and Area 1B (offshore). The line dividing these areas is described by the following coordinates:

AREA 1	
N. Latitude	W. Longitude
41°58' .....	70°00' at Cape Cod shoreline
42°38.4' .....	70°00'
42°53' .....	69°40'
43°12' .....	69°00'
43°40' .....	68°00'

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**AREA 1—Continued**

N. Latitude	W. Longitude
43°58' .....	67°22' (the U.S.-Canada Maritime Boundary)
(1) .....	(1)

<sup>1</sup>Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

(b) *Management Area 2 (South Coastal Area)*: All waters west of 69°00' W. long. and south of 41°35' N. lat., to include state and Federal waters adjacent to the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina.

(c) *Management Area 3 (Georges Bank)*: All U.S. waters east of 69°00' W. long. and southeast of the line that runs from a point at 69°00' W. long. and 41°35' N. lat., northeasterly to the Hague Line at 67°44'35" W. long. and 42°53'14" N. lat.

**§ 648.202 Total allowable catch (TAC) controls.**

(a) If NMFS determines that catch will reach or exceed 95 percent of the annual TAC allocated to a management area before the end of the fishing year, or 95 percent of the Area 1A TAC allocated to the first seasonal period as set forth in paragraph (f) of this section, NMFS shall prohibit a vessel, beginning the date the catch is projected to reach 95 percent of the TAC, from fishing for, possessing, catching, transferring, or landing >2,000 lb (907.2 kg) of Atlantic herring per trip and/or >2,000 lb (907.2 kg) of Atlantic herring per day in such area pursuant to paragraph (e) of this section, except as provided in paragraphs (c) and (d) of this section. These limits shall be enforced based on a calendar day, without regard to the length of the trip.

(b) NMFS may raise the percent of the TAC that triggers imposition of the 2,000-lb (907.2-kg) limit specified in paragraph (a) of this section through the annual specification process described in § 648.200. Any lowering of the percent of the TAC that triggers the 2,000-lb (907.2-kg) limit specified in paragraph (a) of this section must be accomplished through the framework adjustment or amendment processes.

(c) A vessel may transit an area that is limited to the 2,000-lb (907.2-kg) limit