

**§ 648.14, Nt.**

**50 CFR Ch. VI (10–1–07 Edition)**

Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTES: 1. At 71 FR 76948, Dec. 22, 2006, §648.14 was amended by suspending paragraph (i)(1), and by adding paragraphs (h)(27), (i)(13), and (i)(14), effective Dec. 22, 2006, through June 20, 2007. At 72 FR 29889, May 30, 2007, the effective date was extended through Dec. 23, 2007.

2. At 72 FR 20958, Apr. 27, 2007, §648.14 was amended by suspending paragraph (y)(7) and adding paragraph (y)(22), effective May 1, 2007 through Oct. 27, 2007. At 72 FR 53942, Sept. 21, 2007, the expiration date was changed to Oct. 22, 2007.

3. At 72 FR 35201, June 27, 2007, §648.14 was amended by revising paragraphs (a)(170) through (171), effective July 1, 2007, through December 31, 2007.

4. At 72 FR 43192, Aug. 3, 2007, §648.14 was amended by adding paragraph (a)(179), effective Jan. 1, 2008.

EFFECTIVE DATE NOTES: 5. At 72 FR 51703, Sept. 11, 2007, §648.14 was amended by revising paragraph (a)(25), effective Jan. 1, 2008. For the convenience of the user, the revised text is set forth as follows:

**§ 648.14 Prohibitions.**

(a) \*\*\*

(25) Fail to maintain an operational VMS unit as specified in §648.9, and comply with any of the notification requirements specified in §648.15(b) including:

(i) Fish for, land, take, possess, or transfer surfclams or ocean quahogs under an open access surfclam or ocean quahog permit without having provided proof to the Regional Administrator of NMFS that the vessel has a fully functioning VMS unit on board the vessel and declared a surfclam, ocean quahog, or Maine mahogany quahog fishing activity code via the VMS unit prior to leaving port as specified at §648.15(b);

(ii) Beginning January 1, 2009, fish for, land, take, possess, or transfer ocean quahogs under a limited access Maine mahogany quahog permit without having provided proof to the Regional Administrator of NMFS that the vessel has a fully functioning VMS unit on board the vessel and declared a fishing trip via the VMS unit as specified at §648.15(b).

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6. At 72 FR 53949, Sept. 21, 2007, §648.14 was amended by revising paragraph (y)(21), effective Oct. 22, 2007. For the convenience of the user, the revised text is set forth as follows:

**§ 648.14 Prohibitions.**

\* \* \* \* \*

(y) \*\*\*

(21) Fail to comply with the area declaration requirements specified at §648.94(f) when fishing under a scallop, NE multispecies, or monkfish DAS exclusively in the NFMA under the less restrictive measures of that area.

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**§ 648.15 Facilitation of enforcement.**

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

(b) *Special notification requirements applicable to surf clam and ocean quahog vessel owners and operators.* (1) Vessel owners or operators are required to call the NMFS Office of Law Enforcement nearest to the point of offloading (contact the Regional Administrator for locations and phone numbers) and accurately provide the following information prior to the departure of their vessel from the dock to fish for surf clams or ocean quahogs in the EEZ: Name of the vessel; NMFS permit number assigned to the vessel; expected date and time of departure from port; whether the trip will be directed on surf clams or ocean quahogs; expected date, time, and location of landing; and name of the individual providing notice.

(2) Owners or operators that have given notification of a fishing trip under this paragraph (b) who decide to cancel or postpone the trip prior to departure must immediately provide notice of cancellation by telephone to the Office of Law Enforcement to which the original notification was provided. A separate notification shall be provided for the next fishing trip. Owners or operators that discontinue a fishing trip in the EEZ must immediately provide notice of discontinuance by telephone to the Office of Law Enforcement to which the original notification was provided. The owner or operator providing notice of discontinuance shall advise of any changes in landing time or port of landing. The owner or operator discontinuing a fishing trip in the EEZ must return to port and offload any surf clams or ocean quahogs prior to commencing fishing operations in the waters under the jurisdiction of any state.

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

(4) *Suspension of notification requirements.* The Regional Administrator may suspend notification requirements for vessels fishing under a Maine mahogany quahog permit issued pursuant to §648.4(a)(4)(i) if he determines that such notification is not necessary to enforce effectively the management measures in the Maine mahogany quahog zone. The Regional Administrator may rescind such suspension if he concludes that the original determination is no longer valid. A suspension or rescission of suspension of the notification requirements by the Regional Administrator shall be published in the FEDERAL REGISTER.

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

(d) *Retention of haddock by herring dealers and processors.* (1) Federally permitted herring dealers and processors, including at-sea processors, that cull or separate out from the herring catch all fish other than herring in the course of normal operations, must separate out and retain all haddock offloaded from vessels that have an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit. Such haddock may not be sold, purchased, received, traded, bartered, or transferred, and must be retained, after they have been separated, for at least 12 hr for dealers and processors on land, and for 12 hr after landing by at-sea processors. The dealer or processor, including at-sea processors, must clearly indicate the vessel that landed the retained haddock or transferred the retained haddock to an at-sea processor. Law enforcement officials must be given access to inspect the haddock.

(2) All haddock separated out and retained is subject to reporting requirements specified at §648.7.

(e) *Retention of haddock by limited access herring vessels.* Vessels that have an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit may not discard any haddock that has been brought on the deck or pumped into the hold.

[61 FR 34968, July 3, 1996, as amended at 62 FR 14648, Mar. 27, 1997; 63 FR 27485, May 19, 1998; 71 FR 46875, Aug. 15, 2006; 72 FR 11276, Mar. 12, 2007]

EFFECTIVE DATE NOTE: At 72 FR 51703, Sept. 11, 2007, §648.15 was amended by revising paragraph (b), effective Jan. 1, 2008. For the convenience of the user, the revised text is set forth as follows:

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(b) *Special notification requirements applicable to surfclam and ocean quahog vessel owners and operators.* (1) *Surfclam and ocean quahog open access permitted vessels.* Vessel owners or operators issued an open access surfclam or ocean quahog open access permit for fishing in the ITQ Program, as specified at §648.70, are required to declare their intended fishing activity via VMS prior to leaving port.

(2) *Maine mahogany quahog limited access permitted vessels.* Beginning January 1, 2009, vessel owners or operators issued a limited access Maine mahogany quahog permit for fishing for Maine mahogany quahogs in the Maine mahogany quahog zone, as specified at §648.76, are required to declare via VMS, prior to leaving port, and entering the Maine mahogany quahog zone, their intended fishing activity, unless otherwise exempted under paragraph §648.4(a)(4)(ii)(B)(1).

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

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

(5) *Authorization for use of fishing trip notification via telephone.* The Regional Administrator may authorize or require the notification of surfclam or ocean quahog fishing trip information via a telephone call to the NMFS Office of Law Enforcement nearest to the point of offloading, instead of the use of