

**§ 648.323**

skate or skate parts in an amount not to exceed 10 percent by weight of all other species on board, as specified in § 648.80(b)(3)(ii), without a NE multispecies or monkfish DAS.

(3) Discard any skate wings when in possession of barndoor skate wings.

(4) Retain, possess, or land smooth skates taken in or from the GOM RMA described at § 648.80(a)(1)(i).

[75 FR 34060, June 16, 2010, as amended at 76 FR 28331, May 17, 2011; 77 FR 25100, Apr. 27, 2012; 81 FR 54747, Aug. 17, 2016; 83 FR 6135, Feb. 13, 2018; 83 FR 48988, Sept. 28, 2018; 85 FR 23242, Apr. 27, 2020]

**§ 648.323 Accountability measures.**

(a) *TAL overages.* If the skate wing fishery TAL or skate bait fishery TAL is determined to have been exceeded by more than 5 percent in any given year based upon, but not limited to, available landings information, the Regional Administrator shall reduce the in-season possession limit trigger for that fishery, as specified at § 648.322(b) and (d), in the next fishing year by 1 percent for each 1 percent of TAL overage, consistent with the Administrative Procedure Act.

(b) *ACL overages.* (1) If the ACL is determined to have been exceeded in any given year, based upon, but not limited to, available landings and discard information, the percent buffer between ACL and ACT shall be increased by 1 percent for each 1-percent ACL overage in the second fishing year following the fishing year in which the ACL overage occurred, through either the specifications or framework adjustment process described under §§ 648.320 and 648.321.

(2) If the Council fails to initiate action to correct an ACL overage through the specifications or framework adjustment process, consistent with paragraph (b)(1) of this section, the Regional Administrator shall implement the required adjustment, as described under paragraph (b)(1) of this section, consistent with the Administrative Procedure Act.

[75 FR 34061, June 16, 2010, as amended at 84 FR 4376, Feb. 15, 2019]

**50 CFR Ch. VI (10–1–22 Edition)**

**Subpart P—Mid-Atlantic Forage Species**

SOURCE: 82 FR 40733, Aug. 28, 2017, unless otherwise noted.

**§ 648.350 Mid-Atlantic forage species landing limits.**

(a) *Mid-Atlantic forage species.* There is no annual landing limit for Mid-Atlantic forage species, as defined at § 648.2.

(b) [Reserved]

[82 FR 40733, Aug. 28, 2017, as amended at 85 FR 47117, Aug. 4, 2020]

**§ 648.351 Mid-Atlantic forage species possession limits.**

(a) *Mid-Atlantic forage species.* Unless otherwise prohibited in § 648.80, a vessel issued a valid commercial permit in accordance with § 648.4 may fish for, possess, and land up to 1,700 lb (771.11 kg) of all Mid-Atlantic forage species combined per trip in or from the EEZ portion of the Mid-Atlantic Forage Species Management Unit, as defined in paragraph (b) of this section. A vessel not issued a permit in accordance with § 648.4 that is fishing exclusively in state waters is exempt from the possession limits specified in this section.

(b) *Mid-Atlantic Forage Species Management Unit.* The Mid-Atlantic Forage Species Management Unit is the area of the Atlantic Ocean that is bounded on the southeast by the outer limit of the U.S. EEZ; bounded on the south by 35°15.3' N lat. (the approximate latitude of Cape Hatteras, NC); bounded on the west and north by the coastline of the United States; and bounded on the northeast by the following points, connected in the order listed by straight lines:

Point	Latitude	Longitude
1 .....	40°59.32' N	73°39.62' W
2 .....	40°59.02' N	73°39.41' W
3 .....	40°57.05' N	73°36.78' W
4 .....	40°57.87' N	73°32.85' W
5 .....	40°59.78' N	73°23.70' W
6 .....	41°1.57' N	73°15.00' W
7 .....	41°3.40' N	73°6.10' W
8 .....	41°4.65' N	73°0.00' W
9 .....	41°6.67' N	72°50.00' W
10 .....	41°8.69' N	72°40.00' W
11 .....	41°10.79' N	72°29.45' W
12 .....	41°12.22' N	72°22.25' W
13 .....	41°13.57' N	72°15.38' W
14 .....	41°14.94' N	72°8.35' W
15 .....	41°15.52' N	72°5.41' W

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Point	Latitude	Longitude
16 .....	41°17.43' N	72°1.18' W
17 .....	41°18.62' N	71°55.80' W
18 .....	41°18.27' N	71°54.47' W
19 .....	41°10.31' N	71°46.44' W
20 .....	41°2.35' N	71°38.43' W
21 .....	40°54.37' N	71°30.45' W
22 .....	40°46.39' N	71°22.51' W
23 .....	40°38.39' N	71°14.60' W
24 .....	40°30.39' N	71°6.72' W
25 .....	40°22.38' N	70°58.87' W
26 .....	40°14.36' N	70°51.05' W
27 .....	40°6.33' N	70°43.27' W
28 .....	39°58.29' N	70°35.51' W
29 .....	39°50.24' N	70°27.78' W
30 .....	39°42.18' N	70°20.09' W
31 .....	39°34.11' N	70°12.42' W
32 .....	39°26.04' N	70°4.78' W
33 .....	39°17.96' N	69°57.18' W
34 .....	39°9.86' N	69°49.6' W
35 .....	39°1.77' N	69°42.05' W
36 .....	38°53.66' N	69°34.53' W
37 .....	38°45.54' N	69°27.03' W
38 .....	38°37.42' N	69°19.57' W
39 .....	38°29.29' N	69°12.13' W
40 .....	38°21.15' N	69°4.73' W
41 .....	38°13.00' N	68°57.35' W
42 .....	38°4.84' N	68°49.99' W
43* .....	38°2.21' N	68°47.62' W

\* Point 43 falls on the U.S. EEZ.

(c) *Transiting.* Any vessel issued a valid permit in accordance with §648.4 may transit the Mid-Atlantic Forage Species Management Unit, as defined in paragraph (b) of this section, with an amount of Mid-Atlantic forage species on board that exceeds the possession limits specified in paragraph (a) of this section to land in a port in a state that is outside of the Mid-Atlantic Forage Species Management Unit, provided that those species were harvested outside of the Mid-Atlantic Forage Species Management Unit and that all gear is stowed and not available for immediate use as defined in §648.2.

(d) *Transiting.* Any vessel issued a valid permit in accordance with §648.4 may transit the Mid-Atlantic Forage Species Management Unit, as defined in paragraph (c) of this section, with an amount of Mid-Atlantic forage species or Atlantic chub mackerel on board that exceeds the possession limits specified in paragraphs (a) and (b) of this section, respectively, to land in a port in a state that is outside of the Mid-Atlantic Forage Species Management Unit, provided that those species were harvested outside of the Mid-Atlantic Forage Species Management Unit and that all gear is stowed and not available for immediate use as defined in §648.2. The transitting provisions speci-

fied in this paragraph (d) for a vessel possessing Atlantic chub mackerel are effective through December 31, 2020.

[82 FR 40733, Aug. 28, 2017, as amended at 85 FR 47117, Aug. 4, 2020]

**§ 648.352 Mid-Atlantic forage species framework measures.**

(a) *General.* The MAFMC may, at any time, initiate action to add or revise management measures if it finds that action is necessary to meet or be consistent with the goals and objectives of the Atlantic Mackerel, Squid, and Butterfish FMP; the Atlantic Surfclam and Ocean Quahog FMP; the Summer Flounder, Scup, and Black Sea Bass FMP; the Atlantic Bluefish FMP; the Spiny Dogfish FMP; and Tilefish FMPs.

(b) *Adjustment process.* The MAFMC shall develop and analyze appropriate management actions over the span of at least two MAFMC meetings. The MAFMC must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at its first meeting, prior to its second meeting, and at its second meeting. The MAFMC's recommendations on adjustments or additions to management measures must come from one or more of the following categories: The list of Mid-Atlantic forage species, possession limits, annual landing limits, and any other measure currently included in the applicable FMPs specified in paragraph (a) of this section. Issues that require significant departures from previously contemplated measures or that are otherwise introducing new concepts may require an amendment of the FMPs instead of a framework adjustment.

(c) *MAFMC recommendation.* See §648.110(a)(2).

(d) *NMFS action.* See §648.110(a)(3).

(e) *Emergency actions.* See §648.110(a)(4).

**Subpart Q—Habitat-Related Management Measures**

SOURCE: 83 FR 15275, Apr. 9, 2018, unless otherwise noted.