

12.0 MANAGEMENT MEASURES THAT CONTINUE IN EFFECT WITH IMPLEMENTATION OF AMENDMENT 4

The following management measures from the FMP, as amended, or implementing regulations continue in effect with implementation of Amendment 4, but may be modified in the future. The only changes are editorial or technical refinements, most notably: (1) commercial fishing is more accurately defined to include persons required by state law to have a commercial fishing license, but who have not obtained such a license; (2) definitions for fixed gear, nontrawl gear, and commercial vertical hook-and-line gear have been added; and (3) the definitions of gillnet, hook-and-line, and mesh size have been clarified.

12.1 Vessel Identification

Display. The operator of a vessel which is over 25 feet in length and is engaged in commercial fishing for groundfish must display the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck so as to be visible from above. The number must contrast with the background and be in block arabic numerals at least 18 inches high for vessels over 65 feet long and at least 10 inches high for vessels between 25 and 65 feet in length. The length of a vessel for purposes of this section is the length set forth in U.S. Coast Guard records or in state records if no U.S. Coast Guard record exists.

Maintenance of Numbers. The operator of a vessel engaged in commercial fishing for groundfish shall keep the identifying markings required in the previous paragraph clearly legible and in good repair, and must ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

Commercial Passenger Vessels. This section does not apply to vessels carrying fishing parties on a per-capita basis or by charter.

12.2 Gear Restrictions

These definitions and restrictions are taken from the current FMP, as amended, and its implementing regulations. Reasons for their selection are found in the FMP, its amendments, and associated documents. These restrictions have not been substantially changed by Amendment 4.

12.2.1 Commercial Fishing

Commercial fishing is (a) fishing by a person who possesses a commercial fishing license or is required by law to possess such license issued by one of the states or the federal government as a prerequisite to taking, landing and/or sale; or (b) fishing which results in or can be reasonably expected to result in sale, barter, trade, or other disposition of fish for other than personal consumption.

Legal Gear. The following types of fishing gear are authorized, with the restrictions set forth in this section: trawl (bottom, pelagic, and roller), hook-and-line, longline, pot or trap, set net, trammel net, and spear.

12.2.1.1 Trawl

A trawl is a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels. Trawls are used both on-bottom and off-bottom. They may be fished with or without trawl doors (otter boards). They may employ warps or cables to herd fish. Trawl gear includes roller, bottom, and pelagic trawls, and, as appropriate, trawls used to catch non-groundfish species but which incidentally intercept groundfish.

12.2.1.1.1 Mesh Size

Mesh size is the opening between opposing knots. For all net gear, minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot, regardless of twine size.

The minimum trawl mesh size allowed regionwide is 4.5 inches. Exceptions to accommodate biological differences between species, species distribution, and economic concerns are listed below.

Trawl nets may be used if they meet the minimum sizes set forth below. The minimum sizes apply to the last 50 meshes running the length of the net to the terminal (closed) end of the codend. Minimum trawl mesh size requirements are met if a 20-gauge stainless steel wedge, 3.0 or 4.5 inches (depending on the gear being measured) less one thickness of the metal at the widest part, can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh in the codend.

Minimum Trawl Mesh Size (in inches)

Trawl Type	Subarea				
	Vancouver	Columbia	Eureka	Monterey	Conception
Bottom	4.5	4.5	4.5	4.5	4.5
Roller or Bobbin	3.0	3.0	3.0	4.5	4.5
Pelagic	3.0	3.0	3.0	3.0	3.0

12.2.1.1.2 Bottom (or Flatfish Bottom) Trawl

A bottom trawl is a trawl in which the otter boards or the footrope of the net are in contact with the seabed, including pair trawls fished on-bottom, and Danish and Scottish seine gear.

All trawl nets used for flatfish which have continuous footrope contact with the bottom shall have a minimum mesh size of 4.5 inches or larger throughout the net. At least two continuous riblines must be sewn to the net, extending from the mouth of the trawl net to the terminal end of the codend, if the fishing vessel is simultaneously carrying aboard a net of less than 4.5 inch mesh size.

Riblines are heavy rope or lines that run down the sides, top, or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

12.2.1.1.3 Roller (or Bobbin) Trawl

A roller trawl has footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material which keep the footrope above the seabed, thereby protecting the net.

In the Eureka, Columbia, and Vancouver subareas, trawl mesh size less than 4.5 inches is permitted provided that: (1) the rollers or bobbins are at least 14 inches in diameter and free to rotate, with at least two rollers or bobbins equally spaced on each side of the footrope within 10 feet of the center of the footrope of the net; and (2) a tickler chain (continuous chain, rope, or cable which contacts the sea floor ahead of the rollers) is not used.

12.2.1.1.4 Pelagic (Midwater or Off-bottom) Trawl

A pelagic trawl is a trawl in which the otter boards may contact the seabed, but the footrope does not. Pair trawls, if fished in midwater, must follow the requirements for pelagic trawls.

Pelagic trawl nets must have unprotected footropes at the trawl mouth (without rollers, bobbins or discs), and codends must be single-walled (one wall of webbing knitted with single or double-ply mesh). Sweepstakes; including the bottom leg of the bridle, must be bare. The minimum mesh size is 3.0 inches. (These restrictions apply only to the domestic fishery. Requirements for the foreign trawl fishery appear later in Section 12.5.)

12.2.1.1.5 Codend Chafing Gear

Chafing gear is webbing or other material attached to the bottom (underside) or around the codend of a trawl net to protect the codend from wear. Codend means the terminal, closed end of a trawl net.

On 4.5-inch bottom trawls, encircling chafing gear may not be less than 15 inches minimum mesh. If mesh size is less than 15 inches, only the bottom one-half of the codend may be covered.

On 3-inch pelagic and roller or bobbin trawls, chafing gear is permitted but the upper one-half may not be less than 6-inch minimum mesh.

No chafing gear or chafing gear sections on any trawl may be connected directly to the terminal end of the codend.

12.2.1.1.6 Double-Walled Codends

A double-walled codend is a codend constructed of two walls of webbing.

Double-walled codends must not be used in any pelagic trawl, or in any other trawl with mesh size less than 4.5 inches. The double-walled portion may not be longer than 25 meshes or 12 feet, whichever is greater. Meshes must coincide

knot-for-knot throughout the double-walled portion. Manufactured double-ply mesh (double twine tied into a single knot) is not considered to be double-walled.

12.2.1.2 Fixed Gear

Fixed gear (anchored nontrawl gear) includes longline, pot, set net, and stationary hook-and-line gear. (See following section 12.2.1.3 on nontrawl gear.)

Fixed gear must be marked at the surface, individually or at each terminal end of the set as appropriate, with a pole, flag, light, radar reflector, and a buoy clearly identifying the owner. In addition, fixed gear shall not be left unattended for more than seven days.

Reporting of fixed gear locations is not required, but fixed gear fishermen are encouraged to do so with the U.S. Coast Guard. Reporting of fixed gear will facilitate compensation claims by fishermen who have lost fixed gear.

12.2.1.3 Nontrawl Gear

Nontrawl gear includes all legal commercial groundfish gear other than trawl gear.

12.2.1.3.1 Commercial Vertical Hook-and-Line

Commercial vertical hook-and-line gear is hook-and-line gear that involves a single line anchored at the bottom and buoyed at the surface so as to fish vertically.

12.2.1.3.2 Hook-and-Line

Hook-and-line means one or more hooks attached to one or more lines. Commercial hook-and-line fisheries may be mobile (troll) or stationary (anchored).

12.2.1.3.3 Longline

A longline is a stationary, buoyed, and anchored groundline with hooks attached.

12.2.1.3.4 Set Net A set net is a stationary, buoyed, and anchored gillnet or trammel net.

Fishing for groundfish with set nets is prohibited north of 38°00'N latitude (Point Reyes, California).

12.2.1.3.5 Gillnet

A gillnet is a rectangular net which is set upright in the water.

12.2.1.3.6 Trammel Net

A trammel net is a gillnet made with two or more walls joined to a common float line.

12.2.1.3.7 Traps (or Pots)

A trap or pot is a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats.

Traps must have biodegradable escape panels constructed with number 21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches in diameter results when the twine deteriorates.

12.2.2 Recreational Fishing

Recreational fishing is fishing with authorized gear for personal use only, and not for sale or barter.

Legal Gear. The only types of fishing gear authorized for recreational fishing are hook-and-line and spear.

12.2.2.1 Hook-and-Line

The definition is the same as above for the commercial fishery. Currently, there are no gear restrictions on recreational use of hook-and-line gear to harvest groundfish.

12.2.2.2 Spears

A spear is a sharp, pointed, or barbed instrument on a shaft. Spears may be propelled by hand or by mechanical means.

12.3 Species Managed with a Harvest Guideline or Quota

As described in Chapter 5, those species or species groups managed with a harvest guideline or quota at the time Amendment 4 is implemented will continue to be managed with a harvest guideline or quota until changed. These species and species groups initially are as follows:

Harvest Guideline:

- Sebastes complex - north of Coos Bay, Oregon
- Yellowtail rockfish - north of Coos Bay, Oregon

Quota:

- Sablefish - coastwide
- Pacific ocean perch - for Columbia and Vancouver areas separately
- Widow rockfish - coastwide
- Pacific whiting - coastwide
- Shortbelly rockfish - coastwide
- Jack mackerel - north of 39°N latitude

12.4 Catch Restrictions

Groundfish species harvested in the territorial sea (zero to three nautical miles) will be counted toward the catch limitations in this section. These catch

restrictions apply only to domestic fisheries off Washington, Oregon, and California.

12.4.1 Commercial Fishing

California Rockfish. The trip limit for a vessel engaged in fishing with a pelagic trawl with mesh size less than 4.5 inches in the Conception or Monterey subareas is 500 pounds or 5 percent by weight of all fish on board, whichever is greater, of the species group composed of bocaccio, chilipepper, splitnose, and yellowtail rockfishes per fishing trip.

Other Species. Both annual and inseason catch restrictions have been imposed on the species listed below after implementation of the FMP in 1982. The catch restrictions implemented at the beginning of 1990 were published in the Federal Register at 55 FR 1036 (January 11, 1990), 55 FR 3747 (February 5, 1990), and 55 FR 11021 (March 26, 1990). These catch restrictions are likely to change as necessary before Amendment 4 is implemented. Further adjustments are expected when Amendment 4 is implemented, but cannot be announced with certainty at this time. The following general types of restrictions were effective during 1989 and 1990.

Widow Rockfish. Managed by species quota, beyond which landings are prohibited; trip landing and frequency limits, based on weekly landings; options for biweekly and, rarely, twice-weekly landings if state agencies notified in advance; limits generally have been reduced during the year, reaching incidental levels (3,000 pounds) per trip near the end of the season.

Pacific Ocean Perch. Managed by species quota beyond which landings are prohibited; very small trip landing limits to allow only incidental catches in other fisheries to be landed.

Sebastes Complex (Including Yellowtail Rockfish). The Sebastes complex includes all rockfish managed by the FMP (see Table 3.1) except widow rockfish, Pacific ocean perch, shortbelly rockfish, and thornyheads (also called idiot or channel rockfish).

North of Coos Bay, Oregon: managed by a harvest guideline that equals the summed ABCs of the species in the complex, with primary goal of not exceeding the ABC for yellowtail rockfish (as it applies north of Coos Bay); trip landing and frequency limits, based on weekly landings; options for biweekly and twice-weekly landings if state agencies notified in advance; trip limits reduced during the year, reaching incidental levels near the end of the season, to minimize landings above the harvest guideline.

South of Coos Bay, Oregon: trip landing limit.

Sablefish. Trawl fishery: managed by species quota and gear allocation, beyond which landings are prohibited; trip landing and rarely trip frequency limits with biweekly and twice-weekly options; trip limits intended to allow landing predominantly of incidental catch; includes a trip limit on sablefish smaller than 22 inches (total length).

Nontrawl fishery (fixed gear including troll): managed by species quota and gear allocation beyond which landings are prohibited; trip limit on sablefish smaller

than 22 inches (total length) unless incidental trip limit is imposed; otherwise no restriction until an incidental trip limit is imposed near the end of the season.

Deepwater Complex (which consists of sablefish, Dover sole, arrowtooth flounder, and thornyheads). Managed to achieve species quota or trawl allocation for sablefish; for about five months in 1989, trawl trip landing and frequency limits imposed on the complex, including separate landing and frequency limits for sablefish (including a trip limit on sablefish smaller than 22 inches).

12.4.2 Recreational Fishing

The current bag limits for each person engaged in recreational fishing are 3 lingcod per day and 15 rockfish per day. Amendment 4, at Section 6.2.1, establishes bag and size limits for the recreational fishery as "routine" management measures. As "routine" management measures, Amendment 4 intends for bag and size limits for lingcod and rockfish to be adjustable by the single meeting, single Federal Register "notice" process described in Section 6.2. Multi-day limits are authorized by a valid permit issued by the State of California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

12.4.3 Restrictions on the Catch of Groundfish in Non-Groundfish Fisheries

12.4.3.1 Pink Shrimp

The trip limit for a vessel engaged in fishing for pink shrimp is 1,500 pounds (multiplied by the number of days of the fishing trip) of groundfish species, excluding catches of Pacific whiting, shortbelly rockfish, or arrowtooth flounder which are not limited.

12.4.3.2 Spot and Ridgeback Prawns

The trip limit for a vessel engaged in fishing for spot or ridgeback prawns is 1,000 pounds of groundfish species per fishing trip.

12.5 Joint Ventures

These provisions reflect the latest restrictions (as of March 1990) on joint venture fisheries. Many of these restrictions may be modified, as explained in Chapter 6.

12.5.1 Pacific Whiting

Target Amount. JVP is announced with the annual specifications on January 1 each year. (At the beginning of 1990, the JVP for Pacific whiting was 161,000 mt.)

Incidental Allowances. In the Pacific whiting joint venture, the incidental retention limits currently are applied to 5,000 mt increments of whiting received. If a retention limit is reached, further amounts of that species may not be retained until the full 5,000 mt increment of whiting is received.

Current incidental retention percentages for the Pacific whiting joint venture are:

Pacific ocean perch	0.062 percent
Other rockfish (excluding Pacific ocean perch)*	0.738 percent
Sablefish	0.173 percent
Flatfish	0.1 percent
Jack mackerel (north of 39°N latitude)	3.0 percent
Other species	0.5 percent

* Unless otherwise specified, shortbelly rockfish are included in the "other rockfish" category.

Prohibited Species. Prohibited species means salmonids, Pacific halibut, Dungeness crab, and any species of fish which that vessel is not specifically authorized to retain, including fish received in excess of any authorization.

Season. Currently no restriction on season.

Area. No U.S.-harvested whiting may be received or processed south of 39°N latitude.

12.5.2 Jack Mackerel (North of 39°N Latitude)

Target Amount. JVP is announced with the annual specifications on January 1 each year. (In 1990, the JVP for jack mackerel was 5,000 mt.)

Incidental Allowances. If a joint venture for jack mackerel north of 39°N latitude were to develop, incidental retention allowances provisionally would be the same as for the Pacific whiting joint venture, but could be modified if better information becomes available, and thus could differ from the incidental percentages in the whiting joint venture. Unless otherwise specified, the incidental percentage for Pacific whiting taken in a joint venture for jack mackerel is 3 percent, the same as for jack mackerel taken in the Pacific whiting joint venture.

Prohibited Species. The same as for the Pacific whiting joint venture.

Season. Currently no restriction.

Area. As long as the FMP manages only that portion of the jack mackerel stock north of 39°N latitude, a joint venture for jack mackerel south of 39°N latitude cannot be authorized.

12.5.3 Shortbelly Rockfish

Target Amount. JVP is announced with the annual specifications on January 1 each year. (The JVP for shortbelly rockfish in 1990 was 12,500 mt.)

Incidental Species. To be determined.

Prohibited Species. The same as for Pacific whiting joint venture.

Season. Currently no restriction.

Area. No U.S.-harvested shortbelly rockfish may be received or processed south of 39°N latitude.

Shortbelly rockfish are most concentrated south of 39°N latitude. A request to conduct a joint venture for shortbelly rockfish south of 39°N latitude in 1989 resulted in a finding that much of the area needed for the fishery would be closed for reasons of national security.

12.6 Foreign Fishery

These provisions reflect the latest restrictions (as of March 1990) on the directed foreign fishery. Many of these restrictions may be modified, as explained in Chapter 6.

12.6.1 Pacific Whiting

These provisions would have been in effect for a directed foreign fishery for Pacific whiting in 1990 if there had been a TALFF and foreign interest.

Target Amount. TALFF is announced with the annual specifications on January 1 each year, and subsequently may be divided into national allocations which may not be exceeded. (In 1990, there was no TALFF for Pacific whiting.)

Incidental Allowances. Current incidental catch percentages for the Pacific whiting directed fishery, if there were such a fishery in 1990, are:

Pacific ocean perch	0.062 percent
Other rockfish (excluding Pacific ocean perch)*	0.738 percent
Sablefish	0.173 percent
Flatfish	0.1 percent
Jack mackerel (north of 39°N latitude)	3.0 percent
Other species	0.5 percent

* Unless otherwise specified, shortbelly rockfish are included in the "other rockfish" category.

Prohibited Species. Prohibited species means salmonids, Pacific halibut, Dungeness crab, and any species of fish which that vessel is not specifically permitted to retain, including fish received in excess of any allocation.

Season. June 1 through October 31.

Closed Areas.

- a. 47°30'N latitude to the U.S.-Canada boundary;
- b. U.S.-Mexico border to 39°N latitude;
- c. area landward of 12 nautical miles;

- d. "Columbia River Recreational Fishery Sanctuary"--that area between 46°00'N latitude and 47°00'N latitude and east of a line connecting the following coordinates in the order listed: 46°00'N latitude, 124°55'W longitude; 46°20'N latitude, 124°40'W longitude; and 47°00'N latitude, 125°20'W longitude;
- e. "Klamath River Pot Sanctuary"--that area between 41°20'N latitude and 41°37'N latitude and east of a line connecting the following coordinates in the order listed: 41°20'N latitude, 124°32'W longitude, and 41°37'N latitude, 124°34'W longitude.

Gear Restrictions. Pelagic trawls with a minimum mesh size of 100 mm (3.94 inches, between opposing knots, stretched when wet) must be used. Codend liners or other devices which have the effect of reducing mesh size or improving ability to fish on the bottom are prohibited. Fishing on the seabed is prohibited.

Chafing gear may be used but must be of a mesh size greater than or equal to two meshes of the codend; i.e., a minimum of 200 mm. The chafing gear must be tied to the straps and riblines and connected so that it is aligned to the codend knot-to-knot. Chafing gear must not be connected directly to the terminal end of the codend. Thread size of the chafing gear shall not be more than four times the diameter of that used in the codend.

12.6.2 Jack Mackerel (North of 39°N Latitude)

Target Amount. TALFF is announced with the annual specifications on January 1 each year, and subsequently may be divided into national allocations which may not be exceeded. (In 1990, the TALFF for jack mackerel was 4,600 mt.)

Incidental Allowances. To be determined.

Prohibited Species. The same as foreign fishery for Pacific whiting.

Area. North of 39°N latitude.

Gear Restrictions. The same as foreign fishery for Pacific whiting.

12.7 Prohibitions

The following prohibitions apply and may be expanded, modified, or removed as needed to implement the FMP, as amended.

Nationwide. It is unlawful for any person to do any of the following:

- a. Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import, or export any fish or parts thereof taken or retained in violation of the MFCMA or any regulation or permit issued under the MFCMA.
- b. Transfer or attempt to transfer, directly or indirectly, any U.S.-harvested fish to any foreign fishing vessel, while such vessel is in the EEZ, unless the foreign fishing vessel has been issued a permit under Section 204 of the MFCMA which authorizes the receipt by such vessel of U.S.-harvested fish.

- c. Fail to comply immediately with enforcement and boarding procedures specified in the implementing regulations.
- d. Refuse to allow an authorized officer to board a fishing vessel, or to enter areas of custody for purposes of conducting any search, inspection, or seizure in connection with the enforcement of the MFCMA.
- e. Dispose of fish or parts thereof or other matter in any manner, after any communication or signal from an authorized officer, or after the approach by an authorized officer or an enforcement vessel.
- f. Forcibly assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search, inspection, or seizure in connection with enforcement of the MFCMA.
- g. Interfere with, delay, or prevent by any means, the apprehension or of another person, knowing that such person has committed any act prohibited by the MFCMA.
- h. Resist a lawful arrest for any act prohibited under the MFCMA.

Washington, Oregon, and California. In addition to the nationwide prohibitions listed above, it is unlawful for any person to:

- a. Sell, offer to sell, or purchase any groundfish taken in the course of recreational groundfish fishing.
- b. Retain any prohibited species caught with legal groundfish gear unless authorized by other applicable law. Prohibited species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought aboard.
- c. Falsify or fail to affix and maintain vessel and gear markings.
- d. Fish for groundfish in violation of any terms or conditions attached to an EFP.
- e. Fish for groundfish using gear not authorized under the FMP or under an EFP.
- f. Take and retain, possess or land more groundfish than specified under any regulation, notice, permit, or experimental fishing permit implemented under this FMP.
- g. Violate any other provision of the implementing regulations at 50 CFR Parts 620, 663 or 611, the MFCMA, any notice, or any other regulation or permit promulgated under the MFCMA.
- h. Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, possession, landing, purchase, sale, or transfer of any fish.
- i. Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the MFCMA.

- j. Refuse to submit fishing gear or fish subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such as inspection.
- k. Falsify or fail to make and/or file any and all reports of groundfish landings, containing all data, and in the exact manner, required by the applicable state law, provided that person is required to do so by the applicable state law.
- l. Fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, if the weight of the total delivery exceeds 3,000 pounds (round weight or round weight equivalent).
- m. Possess, deploy, haul, or carry onboard a fishing vessel subject to the implementing regulations (50 CFR Part 663) a set net, trap or pot, longline, or commercial vertical hook-and-line that is not in compliance with the gear restrictions, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution from Ships, 1973 (Annex V of MARPOL 73/78).

12.8 Facilitation of Enforcement

The following provisions currently are included in the FMP's implementing regulations (as of March 23, 1990) and may be expanded, modified, or removed as necessary to facilitate enforcement of the provisions of the FMP, as amended, and the MFCMA.

General. The operator of, or any other person aboard, any fishing vessel subject to the FMP must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the MFCMA and this FMP.

Communications.

1. Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.
2. VHF-FM radiotelephone is the preferred method for communicating between vessels. If the size of the vessel and the wind, sea, and visibility conditions allow, a loudhailer may be used instead of the radio. Hand signals, placards, high frequency radiotelephone, or voice may be employed by an authorized officer, and message blocks may be dropped from an aircraft.
3. If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. U.S. Coast Guard units will normally use the flashing light signal "L" as the signal to stop. In the International Code of Signals, "L" (.-..) means "you should stop your vessel instantly".

4. Failure of a vessel's operator promptly to stop the vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes prima facie evidence of the offense of refusal to permit an authorized officer to board.
5. The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

Boarding. The operator of a vessel directed to stop must:

1. Guard Channel 16, VHF-FM if so equipped;
2. Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;
3. Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;
4. When necessary to facilitate the boarding or when requested by an authorized officer or observer, provide a manrope or safety line, and illumination for the ladder; and
5. Take such other actions as necessary to ensure the safety of the authorized officer and the boarding party.

Signals. The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

1. "AA" repeated (.- .-) is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.
2. "RY-CY" (.-. --- -. -, ---) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.
3. "SQ3" (... --.- ...--) means "you should stop or heave to; I am going to board you."

{Note: Period (.) means a short flash of light; dash (-) means a long flash of light.}

12.9 Penalties

Any person committing or fishing vessel used in the commission of a violation of the MFCMA or any regulation issued under the MFCMA, is subject to the civil and

criminal penalty provisions and civil forfeiture provisions of the MFCMA, to Part 621 of this chapter, to 15 CFR Part 904 (Civil Procedures), and to any other applicable law.