

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

(2) Fishing that results in or can be reasonably expected to result in sale, barter, trade or other disposition of fish for other than personal consumption.

*Commercial fishing gear* means the following types of gear and equipment used in the highly migratory species fisheries:

(1) *Harpoon*. Gear consisting of a pointed dart or iron attached to the end of a pole or stick that is propelled only by hand and not by mechanical means.

(2) *Surface hook-and-line*. Fishing gear, other than longline gear, with one or more hooks attached to one or more lines (includes troll, rod and reel, handline, albacore jig, live bait, and bait boat). Surface hook and line is always attached to the vessel.

(3) *Drift gillnet*. A panel of netting, 14 inch stretched mesh or greater, suspended vertically in the water by floats along the top and weights along the bottom. A drift gillnet is not stationary or anchored to the bottom.

(4) *Purse seine*. An encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets.

(5) *Pelagic longline*. A main line that is suspended horizontally in the water column and not stationary or anchored, and from which dropper lines with hooks (gangions) are attached. Legal longline gear also includes basket-style longline gear.

*Council* means the Pacific Fishery Management Council, including its Highly Migratory Species Management Team (HMSMT), Scientific and Statistical Committee (SSC), Highly Migratory Species Advisory Subpanel (HMSAS), and any other committee established by the Council.

*Fishing trip* is a period of time between landings when fishing is conducted.

*Fishing year* is the year beginning at 0801 GMT (0001 local time) on April 1 and ending at 0800 GMT on March 31 (2400 local time on September 30) of the following year.

*Fishery management area* means the U.S. EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nautical miles offshore, and bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico.

*Harvest guideline* means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require closure of a fishery.

*Highly Migratory species (HMS)* means species managed by the FMP, specifically:

Billfish/Swordfish:

striped marlin (*Tetrapturus audax*)  
swordfish (*Xiphias gladius*)

Sharks:

common thresher shark (*Alopias vulpinus*)  
pelagic thresher shark (*Alopias pelagicus*)  
bigeye thresher shark (*Alopias superciliosus*)  
shortfin mako or bonito shark (*Isurus oxyrinchus*)  
blue shark (*Prionace glauca*)

Tunas:

north Pacific albacore (*Thunnus alalunga*)  
yellowfin tuna (*Thunnus albacares*)  
bigeye tuna (*Thunnus obesus*)  
skipjack tuna (*Katsuwonus pelamis*)  
northern bluefin tuna (*Thunnus orientalis*)

Other:

dorado or dolphinfish (*Coryphaena hippurus*)

*Highly Migratory Species Advisory Subpanel (HMSAS)* means the individuals comprised of members of the fishing industry and public appointed by the Council to review proposed actions for managing highly migratory species fisheries.

*Highly Migratory Species Fishery Management Plan (FMP)* means the Fishery Management Plan for the U.S. West Coast Fisheries for Highly Migratory Species developed by the Pacific Fishery Management Council and approved by the Secretary and amendments to the FMP.

*Highly Migratory Species Management Team (HMSMT)* means the individuals appointed by the Council to review, analyze, and develop management measures for highly migratory species fisheries.

*Incidental catch or incidental species* means HMS caught while fishing for the primary purpose of catching other species with gear not authorized by the FMP.

*Land or landing* means offloading fish from a fishing vessel or arriving in port to begin offloading fish or causing fish to be offloaded from a fishing vessel.

*Mesh size* means the opening between opposing knots in a net. Minimum mesh size means the smallest distance allowed between the inside of one knot

to the inside of the opposing knot when the mesh is stretched, regardless of twine size.

*Offloading* means removing HMS from a vessel.

*Permit holder* means a permit owner.

*Permit owner* means a person who owns an HMS permit for a specific vessel fishing with specific authorized fishing gear.

*Person*, as it applies to fishing conducted under this subpart, means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

*Processing or to process* means the preparation or packaging of HMS to render it suitable for human consumption, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done.

*Prohibited species* means those species and species groups whose retention is prohibited unless authorized by other applicable law (for example, to allow for examination by an authorized observer or to return tagged fish as specified by the tagging agency).

*Quota* means a specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group.

*Recreational fishing* means fishing with authorized recreational fishing gear for personal use only and not for sale, barter or trade of all or any part of the catch.

*Recreational charter vessel* means a vessel that carries fee-paying passengers for the purpose of recreational fishing.

*Regional Administrator* means the Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.

*Special Agent-In-Charge (SAC)* means the Special Agent-In-Charge, NMFS, Office of Enforcement, Southwest Region, or a designee of the Special Agent-In-Charge.

*Sustainable Fisheries Division (SFD)* means the Assistant Regional Administrator for Sustainable Fisheries, Southwest Region, NMFS, or a designee.

*Transship* means offloading or otherwise transferring HMS or products thereof to a receiving vessel.

*Vessel monitoring system unit (VMS unit)* means the hardware and software