

(e) *Transfer at sea.* A person who fishes for or possesses spiny lobster in or from the EEZ under a bag or possession limit specified in paragraph (a) or (b) of this section may not transfer a spiny lobster at sea from a fishing vessel to any other vessel, and no person may receive at sea such spiny lobster.

[60 FR 41831, Aug. 14, 1995]

§ 640.24 Authorized activities.

The Assistant Administrator may authorize, for the acquisition of information and date, activities otherwise prohibited by the regulations in this part.

[57 FR 56520, Nov. 30, 1992, as amended at 60 FR 41832, Aug. 14, 1995]

FIGURES—PART 640

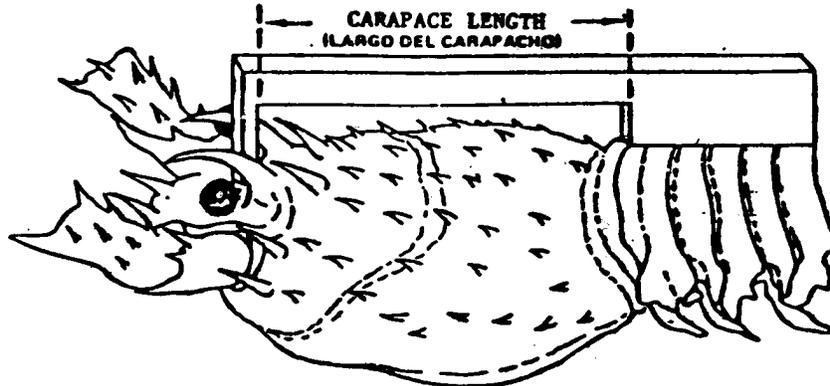


Figure 1

[47 FR 29203, July 2, 1982. Redesignated at 57 FR 56518, Nov. 30, 1992]

PART 644—ATLANTIC BILLFISHES

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 53 FR 37769, Sept. 28, 1988, unless otherwise noted.

Subpart A—General Provisions

Subpart A—General Provisions

- Sec.
- 644.1 Purpose and scope.
- 644.2 Definitions.
- 644.3 Relation to other laws.
- 644.4 Permits and fees. [Reserved]
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- 644.6 Vessel identification. [Reserved]
- 644.7 Prohibitions.
- 644.8 Facilitation of enforcement.
- 644.9 Penalties.
- 644.10 Recordkeeping and reporting.

§ 644.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for Atlantic Billfishes prepared jointly by the South Atlantic, New England, Mid-Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils.

Subpart B—Management Measures

(b) This part governs conservation and management of billfish off the Atlantic, Gulf of Mexico, and Caribbean coastal states, and regulates the possession or sale in any state of a billfish harvested from its management unit.

- 644.20 Fishing year.
- 644.21 Size limits.
- 644.22 Gear limitations.
- 644.23 Incidental catch restrictions.
- 644.24 Restrictions on sale.
- 644.25 Specifically authorized activities.
- 644.26 Catch limits.

[53 FR 37769, Sept. 28, 1988, as amended at 56 FR 13417, Apr. 2, 1991]

§644.2 Definitions.

In addition to the definitions in the Magnuson Act and in §620.2 of this chapter, the terms used in this part have the following meanings:

Billfish means sailfish, *Istiophorus platypterus*; white marlin, *Tetrapturus albidus*; blue marlin, *Makaira nigricans*, and longbill spearfish, *Tetrapturus pfluegeri*.

Billfish tournament means any fishing competition involving billfish in which participants must register or otherwise enter or in which a prize or award is offered for catching billfish.

Councils means the following Regional Fishery Management Councils:

(a) South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699;

(b) New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906;

(c) Mid-Atlantic Fishery Management Council, Federal Building, Room 2115,

300 South New Street, Dover, DE 19901-6790;

(d) Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 881, Tampa, FL 33609;

(e) Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, PR 00918-2577.

Dealer, for the purposes of this part 644, means a person, other than the consumer, who receives fish by way of purchase, barter, or trade.

Drift net, sometimes called a drift entanglement net or drift gill net, means a flat, unmoored net suspended vertically in the water that entangles the head or other body parts of fish that attempt to pass through the meshes.

EEZ, for the purposes of this part 644, means the EEZ, as defined at 50 CFR 620.2, in the Atlantic Ocean including the Gulf of Mexico and the Caribbean Sea.

Eye-fork length (EFL) means the straight-line measurement from the eye to the fork of the caudal fin, as shown in figure 1.

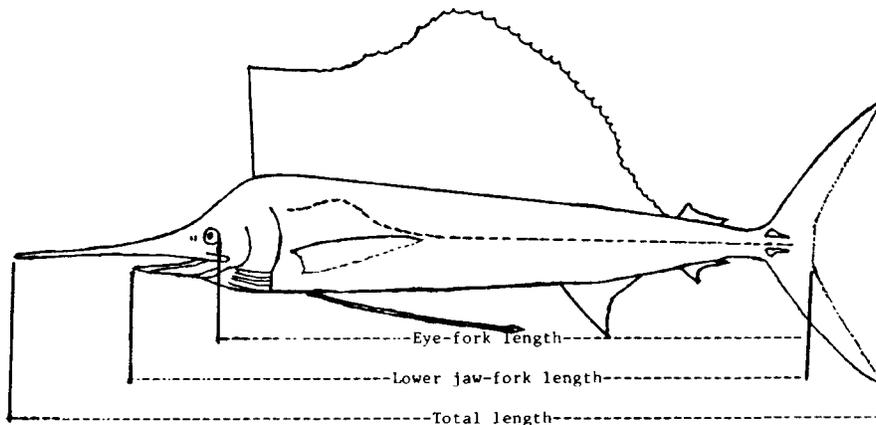


Figure 1. Billfish length measurements.

Lower jaw-fork length (LJFL) means the straight-line measurement from the tip of the lower jaw to the fork of the caudal fin, as shown in figure 1.

Management unit means—

(a) For blue marlin and white marlin, the waters of the North Atlantic Ocean (including the Gulf of Mexico and the Caribbean Sea) north of 5° N. latitude;

(b) For sailfish, the waters of the North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea) west of 30° W. longitude; and

(c) For longbill spearfish, the waters of the entire North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea).

Pelagic longline means a type of fishing gear consisting of a length of line suspended horizontally in the water above the bottom from lines attached to surface floats and to which gangions (leaders) and hooks are attached.

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813-570-5301, or a designee.

Related species means black marlin, *Makaira indica*; striped marlin, *Tetrapturus audax*; or shortbill spearfish, *Tetrapturus angustirostris*.

Rod and reel means a hand-held (includes rod holder) fishing rod with a manually or electrically operated reel attached.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

Total length (TL) means the straight-line measurement from the tip of the upper jaw to the plane of the more extended tip of the caudal fin when in its natural position, as shown in figure 1.

[53 FR 37769, Sept. 28, 1988, as amended at 56 FR 13417, Apr. 2, 1991; 60 FR 35341, July 7, 1995]

§ 644.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Regulations governing fishing in the EEZ by vessels other than vessels of the United States appear at 50 CFR part 611, subpart A, and §§ 611.60 and 611.61.

§ 644.4 Permits and fees. [Reserved]

§ 644.5 Recordkeeping and reporting.

A person conducting a billfish tournament from a port in an Atlantic, Gulf of Mexico, or Caribbean State, and who is selected by the Science and Re-

search Director, must maintain and submit a fishing record on forms available from the Science and Research Director for each day of fishing in the tournament. Forms must be submitted so as to be received by the Science and Research Director within 10 days of the conclusion of the tournament and must be accompanied by a copy of the tournament rules.

(a) The following information must be included on each form:

- (1) Tournament name;
- (2) Recorder's name and telephone number;
- (3) Date for which the information is recorded;
- (4) Hours fished (time from first line in the water to last line out of the water);
- (5) Name of each vessel fishing that day;
- (6) For each vessel listed, the species of each billfish boated or released;
- (7) The weight and length of each billfish brought ashore;
- (8) The name, address, and signature of the tournament director; and
- (9) The date signed.

(b) In addition to the information required to be reported by paragraph (a) of this section, the following information is desired, but is not mandatory:

- (1) Prevailing weather conditions on the day reported, such as wind speed and direction, and sea height and direction; and
- (2) Whether a tag was attached before the billfish was released.

(Approved by the Office of Management and Budget under control number 0648-0031)

EFFECTIVE DATE NOTE: At 63 FR 14033, Mar. 24, 1998, § 644.5 was suspended, effective Mar. 27, 1998, through Sept. 23, 1998. At 63 FR 51859, Sept. 29, 1998, the suspension of § 644.5 was extended through Mar. 19, 1999.

§ 644.6 Vessel identification. [Reserved]

§ 644.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

- (a) Falsify or fail to report information required to be submitted, as specified in § 644.5.

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(b) Possess a billfish less than the minimum size limit specified in § 644.21(a).

(c) Fail to release a billfish in the manner specified in § 644.21(b) or § 644.23.

(d) Possess a billfish with its head, fins, or bill removed shoreward of the outer boundary of the EEZ or through landing, as specified in § 644.21(c).

(e) Possess or retain a billfish by a vessel with a pelagic longline or drift net aboard or harvested by gear other than rod and reel, as specified in § 644.22.

(f) Purchase, barter, trade, sell, or offer for sale a billfish harvested from its management unit, as specified in § 644.24(a).

(g) Falsify information submitted in accordance with § 644.24(b).

(h) As a dealer or seafood processor, possess a billfish or related species without the documentation specified in § 644.24(b), or with incomplete or falsified documentation.

(i) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

(Information collection requirements in paragraph (g) were approved by the Office of Management and Budget under control number 0648-0216)

[53 FR 37769, Sept. 28, 1988, as amended at 54 FR 14239, Apr. 10, 1989; 56 FR 13417, Apr. 2, 1991]

§ 644.8 Facilitation of enforcement.

See § 620.8 of this chapter.

§ 644.9 Penalties.

See § 620.9 of this chapter.

EFFECTIVE DATE NOTE: At 63 FR 14033, Mar. 24, 1998, § 644.10 was added, effective Mar. 27, 1998, through Sept. 23, 1998. At 63 FR 51859, Sept. 29, 1998, the effectiveness of § 644.10 was extended through Mar. 19, 1999.

§ 644.10 Recordkeeping and reporting.

A person conducting a fishing tournament involving score keeping or awards for the capture of Atlantic billfish, regardless of whether retained, from a port in an Atlantic, Gulf of Mexico, or Caribbean state must notify the Science Director of the purpose, dates, and location of the tournament

by letter postmarked, or fax dated, at least 4 weeks prior to commencement. If selected in writing by the Science Director for reporting, that person must maintain and submit a fishing record on forms available from the Science Director for each day of fishing in the tournament. Completed forms must be submitted to the Science Director postmarked not later than the seventh day after the conclusion of the tournament and must be accompanied by a copy of the tournament rules.

(a) The following information must be included on each form:

(1) Tournament name.

(2) Recorder's name and telephone number.

(3) Date for which the information is recorded.

(4) Hours fished (time from first line in the water to last line out of the water).

(5) Name of each vessel fishing that day.

(6) For each vessel listed, the species of each billfish boated or released.

(7) The weight and length of each billfish brought ashore.

(8) The name, address, and signature of the tournament director.

(9) The date signed.

(b) In addition to the information required to be reported by paragraph (a) of this section, the following information is desired, but is not mandatory:

(1) Prevailing weather conditions on the day reported, such as wind speed and direction, and sea height and direction.

(2) Whether a tag was attached before the billfish was released.

[63 FR 14033, Mar. 24, 1998]

Subpart B—Management Measures

§ 644.20 Fishing year.

The fishing year is January 1 through December 31.

§ 644.21 Size limits.

(a) The following minimum size limits, expressed in terms of lower jaw-fork length (LJFL), apply for the possession of billfish shoreward of the outer boundary of the EEZ, regardless of where caught:

§ 644.21

- (1) Blue marlin—86 in.
- (2) White marlin—62 in.
- (3) Sailfish—57 in.
- (4) Longbill spearfish—no minimum size.

(b) A billfish under the minimum size limit caught shoreward of the outer boundary of the EEZ must be released by cutting the line near the hook without removing the fish from the water.

(c) A billfish possessed aboard a fishing vessel shoreward of the outer boundary of the EEZ must have its head, fins, and bill intact, and a billfish landed from a fishing vessel in an Atlantic, Gulf of Mexico, or Caribbean coastal state must have its head, fins, and bill intact through landing. Such billfish may be eviscerated but must otherwise be maintained in a whole condition.

(d) The following approximations of the minimum size limits for blue marlin, white marlin, and sailfish, expressed in terms of EFL, LJFL, TL, and whole, live weight, are provided for the convenience of fishermen. These approximations may not be substituted for the minimum size limits expressed in terms of LJFL specified in paragraph (a) of this section.

	Eye-fork length (in.)	Lower jaw-fork length (in.)	Total length (in.)	Whole, live wt. (lbs.)
Blue marlin	75	86	110	200
White marlin	53	62	81	50
Sailfish	49	57	76	30

[53 FR 37769, Sept. 28, 1988, as amended at 56 FR 13417, Apr. 2, 1991]

EFFECTIVE DATE NOTES: At 63 FR 14034, Mar. 24, 1998, §644.21 was amended by suspending paragraphs (a) and (d) and adding paragraph (e) effective Mar. 27, 1998, through Sept. 23, 1998.

2. At 63 FR 51859, Sept. 29, 1998, §644.21 was amended by extending the effectiveness of the suspension of paragraphs (a) and (d), until Mar. 19, 1999. At 63 FR 51862, Sept. 29, 1998, §644.21 was amended by suspending paragraph (e) and by adding paragraph (f), effective Sept. 24, 1998, through Mar. 19, 1999. For the convenience of the user, paragraphs (e) and (f) are set forth as follows:

§ 644.21 Size limits.

* * * * *

(e) The following minimum size limits, expressed in terms of lower jaw-fork length (LJFL), apply for the possession of billfish shoreward of the outer boundary of the EEZ, regardless of where caught:

- (1) Blue marlin—96 inches (244 cm)
- (2) White marlin—66 inches (168 cm)
- (3) Sailfish—57 inches (145 cm)

(f) The following minimum size limits, expressed in terms of lower jaw-fork length (LJFL), apply for the possession of billfish shoreward of the outer boundary of the EEZ, regardless of where caught:

- (1) Blue marlin-99 inches (251 cm)
- (2) White marlin-66 inches (168 cm)
- (3) Sailfish-57 inches (145 cm)

§ 644.22 Gear limitations.

(a) The possession or retention shoreward of the outer boundary of the EEZ of a billfish harvested by gear other than rod and reel is prohibited.

(b) The possession or retention shoreward of the outer boundary of the EEZ of a billfish by a vessel with a pelagic longline or drift net aboard is prohibited.

§ 644.23 Incidental catch restrictions.

A billfish harvested by gear other than rod and reel shoreward of the outer boundary of the EEZ must be released in a manner that will ensure maximum probability of survival. A billfish caught by a pelagic longline shoreward of the outer boundary of the EEZ must be released by cutting the line near the hook without removing the fish from the water.

§ 644.24 Restrictons on sale.

(a) A billfish harvested from its management unit may not be purchased, bartered, traded, sold, or offered for sale in any state.

(b) Except for a billfish or related species landed in a Pacific state and remaining in the state of landing, a billfish or related species that is possessed by a dealer or seafood processor will be presumed to be a billfish harvested from its management unit unless it is accompanied by documentation that the billfish was harvested from outside its management unit or the related species was harvested from other than the Atlantic Ocean (including the Gulf

of Mexico and the Caribbean Sea). Such documentation must contain:

(1) The information specified in 50 CFR part 246 for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce.

(2) The name and home port of the vessel harvesting the billfish or related species;

(3) The port and date of offloading from the vessel harvesting the billfish or related species; and

(4) A statement signed by the dealer or seafood processor attesting that each billfish was harvested from an area other than its management unit and each related species was harvested from other than the Atlantic Ocean (including the Gulf of Mexico and the Caribbean Sea).

[56 FR 13418, Apr. 2, 1991]

§644.25 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

EFFECTIVE DATE NOTE: At 63 FR 51862, Sept. 29, 1998, §644.26 was added, effective September 24, 1998, through March 19, 1999.

§644.26 Catch Limits.

(a) Only one Atlantic marlin (either a blue marlin or a white marlin) may be possessed or landed per vessel per trip.

(b) If he determines after considering the most recent tournament and other landings data that such action is necessary to comply international obligations, the Assistant Administrator may increase or reduce the catch limit, including reduction to zero Atlantic marlin per vessel per trip. The Assistant Administrator will publish a notice in the FEDERAL REGISTER of any adjustment in the allowable catch limit per trip under this paragraph.

[63 FR 51862, Sept. 29, 1998]

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

Subpart A—General Provisions

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