

## Fishery Conservation and Management

## § 630.21

is subject to the donation program in subpart D of this part, as specified at § 630.51(b)(9), § 630.51(c)(4), or § 630.51(d)(5).

(z) Exceed the vessel trip limits specified in § 630.23.

(aa) [Reserved]

(bb) Fish for swordfish from the south Atlantic swordfish stock using any gear other than pelagic longline, or possess swordfish while carrying drift gillnet gear on board south of 5° N. latitude.

(cc) Fish for, or retain, a swordfish from the south Atlantic swordfish stock or to sell, barter or trade or attempt to sell, barter, or trade a swordfish harvested from or possessed in the Atlantic Ocean south of 5° N. latitude during a closure of the South Atlantic swordfish fishery under § 630.25(a)(1).

[56 FR 65018, Dec. 13, 1991, as amended at 57 FR 34265, Aug. 4, 1992; 59 FR 55064, Nov. 3, 1994; 60 FR 46778, Sept. 8, 1995; 61 FR 27307, May 31, 1996; 62 FR 30776, June 5, 1997; 62 FR 55361, Oct. 24, 1997]

### § 630.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

### § 630.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

### § 630.10 At-sea observer coverage.

(a) If a vessel's trip is selected by the Science and Research Director for observer coverage, the owner or operator of such vessel must accommodate an NMFS-approved observer.

(b) When notified in writing by the Science and Research Director that his vessel has been selected to carry an NMFS-approved observer, an owner or operator of a vessel for which a vessel permit has been issued under § 630.4 must advise the Science and Research Director in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time); and

(2) Expected landing information (port, dock, and date).

(c) An owner or operator of a vessel on which an NMFS-approved observer is embarked must—

(1) Provide accommodations and food that are equivalent to those provided to the crew;

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties;

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position;

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish; and

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

[56 FR 65018, Dec. 13, 1991]

## Subpart B—Management Measures

SOURCE: 56 FR 65019, Dec. 13, 1991, unless otherwise noted.

### § 630.20 Fishing Year.

The fishing year is June 1 through July 31.

[61 FR 27307, May 31, 1996]

### § 630.21 Restrictions on transfer, off-loading, and sale.

(a) A swordfish harvested from the north or south Atlantic swordfish stocks may not be transferred at sea, regardless of where the transfer takes place or where the swordfish was harvested.

(b) A swordfish harvested from the north Atlantic Swordfish stock may be initially sold, traded, or bartered or attempted to be sold, traded, or bartered only by an owner or operator of a vessel that has been issued a swordfish vessel permit under § 630.4(e), except if the swordfish is off-loaded in Puerto Rico or the U.S. Virgin Islands from a non-permitted vessel that fished exclusively shoreward of the outer boundary of the EEZ around Puerto Rico and the

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U.S. Virgin Islands with only handline gear on board.

(c) A swordfish harvested from the south Atlantic swordfish stock, may be initially sold, traded, or bartered or attempted to be sold, traded, or bartered only by an owner or operator of a vessel that has been issued a vessel permit under § 630.4(e).

(d) A swordfish harvested from the north Atlantic swordfish stock may be initially purchased, traded, or bartered or attempted to be purchased, traded, or bartered only by a dealer with a valid dealer permit issued under § 630.4(e).

(e) A swordfish harvested from the north Atlantic swordfish stock by persons aboard a vessel in the recreational fishery may not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

[62 FR 55361, Oct. 24, 1997]

### § 630.22 Gear restrictions.

A drift gillnet with a total length of 2.5 kilometers or more may not be used to fish for swordfish. A vessel using or having aboard a drift gillnet with a total length of 2.5 kilometers or more may not possess a swordfish.

### § 630.23 Harvest limitations.

(a) *Minimum size.* The minimum allowable size for possession on board a fishing vessel for a swordfish taken from the north or south Atlantic swordfish stocks is 29 inches (73 cm) carcass length, measured along the body contour (i.e., a curved measurement) from the cleithrum to the anterior portion of the caudal keel (CK measurement) or, if swordfish are weighed, 33 lb (15 kg) dressed weight. The cleithrum is the semicircular bony structure that forms the posterior edge of the gill opening. Measurement must be made at the point on the cleithrum that provides the shortest possible CK measurement (Figure 1 to part 630).

(b) *Carcass condition.* A swordfish possessed on board a fishing vessel of the United States in the Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, must be in whole or dressed form, and a swordfish landed from a fishing vessel of the United States in an Atlantic coastal port, including the Gulf of Mexico or Carib-

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bean Sea, must be maintained in whole or dressed form through offloading, except such swordfish as are damaged by shark bites. A shark-bit swordfish for which the remainder of the carcass is less than the minimum size limit specified in paragraph (a) of this section may not be landed.

(c) *Vessel trip limits.* In 1996, vessels issued a swordfish permit under § 630.4 may not land from, or possess during, a single trip more than 31,600 lb (14,334 kg) dressed weight of swordfish, unless a closure has been effected under § 630.25.

[57 FR 57369, Dec. 4, 1992, as amended at 60 FR 46778, Sept. 8, 1995; 61 FR 27307, May 31, 1996; 62 FR 55362, Oct. 24, 1997]

### § 630.24 Quotas.

(a) *Applicability.* (1) A swordfish harvested from the North Atlantic swordfish stock by a vessel of the United States in other than the recreational fishery is counted against the directed-fishery gear quota or the by catch quota. A swordfish harvested by drift gillnet, longline, or harpoon and landed before the effective date of a closure for that gear, done pursuant to § 630.25(a)(1), is counted against the applicable directed-fishery gear quota. After a gear closure, a swordfish landed by a vessel using or possessing gear for which a bycatch is allowed under § 630.25(c) is counted against the bycatch allocation specified in paragraph (c) of this section. Notwithstanding the above, a swordfish harvested by a vessel using or possessing gear other than drift gillnet, longline, harpoon, or rod and reel is counted against the bycatch quota specified in paragraph (c) of this section at all times.

(2) A swordfish harvested from the south Atlantic swordfish stock by a vessel subject to the jurisdiction of the United States is counted against the directed-fishery quota for the south Atlantic.

(3) A swordfish possessed on board or offloaded from a vessel that used or had on board a driftnet during its current or most recent fishing trip in waters of the North and/or South Atlantic Oceans (including the Gulf of Mexico and Caribbean Sea) will be deemed to have been harvested by a driftnet.