

§ 630.7

50 CFR Ch. VI (10–1–98 Edition)

anything carried aboard obstructs the view of the official number from any enforcement vessel or aircraft.

[50 FR 33956, Aug. 22, 1985, as amended at 53 FR 27694, July 22, 1988]

§ 630.7 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) Fish for, possess, retain, or land swordfish without a valid permit aboard a vessel when such permit is required under § 630.4(a)(1).

(b) Purchase, sell, barter, or trade or attempt to purchase, sell, barter, or trade a swordfish taken by a vessel that does not have a valid permit when such permit is required under § 630.4(a)(1) and as specified in § 630.21(b).

(c) Sell, barter or trade or attempt to sell, barter, or trade a swordfish harvested from or possessed in the North Atlantic Ocean north of 5° N. latitude, including the Gulf of Mexico and Caribbean Sea, to a dealer without a valid dealer permit issued under § 630.4(e).

(d) As a dealer, purchase, barter, or trade or attempt to purchase, barter, or trade a swordfish without an annual dealer permit, as specified in §§ 630.4(a)(2) and 630.21(c).

(e) Falsify information required on an application for a permit submitted under § 630.4 (b) or (c).

(f) Fail to display a permit, as required by § 630.4(h).

(g) Falsify or fail to maintain or submit information required to be maintained or submitted, as specified in § 630.5 (a) or (b).

(h) Falsify or fail to affix and maintain vessel markings, as specified in § 630.6.

(i) Fail to embark an observer on a trip when selected, as specified in § 630.10(a).

(j) Falsify or fail to provide requested information regarding a vessel's trip, as specified in § 630.10(b).

(k) Assault, resist, oppose, impede, harass, intimidate, or interfere with an NMFS-approved observer aboard a vessel.

(l) Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer

conducting his or her duties aboard a vessel.

(m) Fail to provide an observer with the required food, accommodations, access, and assistance, as specified in § 630.10(c).

(n) Transfer a swordfish at sea from or to a fishing vessel, as specified in § 630.21(a).

(o) Sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter a swordfish harvested in the recreational fishery, as specified in § 630.21(d).

(p) Fish for swordfish with a drift gillnet that is 2.5 kilometers or more in length or possess a swordfish aboard a vessel possessing such drift gillnet, as specified in § 630.22.

(q) Possess on board a vessel a swordfish that is smaller than the minimum size specified in § 630.23(a).

(r) Possess or land a swordfish in other than whole or dressed form, as specified in § 630.23(c).

(s) During a closure of the drift gillnet, longline, or harpoon fisheries under § 630.25(a)(1) or (b), aboard a vessel using or having aboard the specified gear, fish for swordfish, or possess or land swordfish in excess of the bycatch limits, as specified in § 630.25(c).

(t) Aboard a vessel using or having aboard gear other than drift gillnet, longline, or harpoon, fish for swordfish, or possess or land swordfish in excess of the bycatch limit, as specified in § 630.25(d).

(u) During a closure of the bycatch fishery under § 630.25(a)(2), fish for, possess, or land swordfish, as specified in § 630.25(e).

(v) Interfere with, obstruct, delay, or prevent by any means, a lawful investigation or search in the process of enforcing this part.

(w) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of a swordfish.

(x) Violate any provision of this part, the Magnuson Act, the Atlantic Tunas Convention Act, or any regulations or permits issued under the Magnuson Act or the Atlantic Tunas Convention Act.

(y) Purchase, sell, trade, or barter, or attempt to purchase, sell, trade, or barter, any swordfish or part thereof that

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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