

Fishery Conservation and Management

§ 644.21

(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:

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- (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:

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(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