

§ 644.21

50 CFR Ch. VI (10-1-98 Edition)

- (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.

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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

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**

Sec.

648.1 Purpose and scope.

648.2 Definitions.

648.3 Relation to other laws.

648.4 Vessel and individual commercial permits.

648.5 Operator permits.

648.6 Dealer/processor permits.

648.7 Recordkeeping and reporting requirements.

648.8 Vessel identification.

648.9 VTS requirements.

648.10 DAS notification requirements.

648.11 At-sea sea sampler/observer coverage.

648.12 Experimental fishing.

648.13 Transfers at sea.

648.14 Prohibitions.

648.15 Facilitation of enforcement.

648.16 Penalties.

648.17 Exemptions for vessels fishing in the NAFO Regulatory Area for Multispecies vessels.

**Subpart B—Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries**

648.20 Maximum optimum yield (OYs).

648.21 Procedures for determining initial annual amounts.

648.22 Closure of the fishery.

648.23 Gear restrictions.

**Subpart C—Management Measures for Atlantic Salmon**

648.40 Prohibition on possession.

**Subpart D— Management Measures for the Atlantic Sea Scallop Fishery**

648.50 Shell-height standard.

648.51 Gear and crew restrictions.

648.52 Possession limits.

648.53 DAS allocations.

648.54 State waters exemption.

648.55 Framework specifications.

648.56 Scallop research project.

648.57 Closed areas.

**Subpart E—Management Measures for the Atlantic Surf Clam and Ocean Quahog Fisheries**

648.70 Annual individual allocations.

648.71 Catch quotas.

648.72 Minimum surf clam size.

648.73 Closed areas.

648.74 Shucking at sea.

648.75 Cage identification.

648.76 Maine mahogany quahog zone.

**Subpart F—Management Measures for the NE Multispecies Fishery**

648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

648.81 Closed areas.