§ 697.7 Prohibitions.

(a) Atlantic Coast weakfish fishery. In addition to the prohibitions set forth in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(1) Fish for, harvest, or possess any weakfish less than 12 inches (30.5 cm) in total length (measured as a straight line along the bottom of the fish from...
the tip of the lower jaw with the mouth closed to the end of the lower tip of the tail) from the EEZ.

2. Retain any weakfish less than 12 inches (30.5 cm) in total length taken in or from the EEZ.

3. Fish for weakfish in the EEZ with a minimum mesh size less than 3 1/4-inch (8.3 cm) square stretch mesh (as measured between the centers of opposite knots when stretched taut) or 3 3/4-inch (9.5 cm) diamond stretch mesh for trawls and 2 7/8-inch (7.3 cm) stretch mesh for gillnets.

4. Possess more than 150 lb (67 kg) of weakfish during any one day or trip, whichever is longer, in the EEZ when using a mesh size less than 3 1/4-inch (8.3 cm) square stretch mesh (as measured between the centers of opposite knots when stretched taut) or 3 3/4-inch (9.5 cm) diamond stretch mesh for finfish trawls and 2 7/8-inch (7.3 cm) stretch mesh for gillnets.

5. Fish using a flynet in the EEZ off North Carolina in the area bounded as follows:

   (i) On the north by a straight line connecting points 35°10.8′ N. lat., 75°29.2′ W. long. (3 nm off Cape Hatteras) and 35°03.5′ N. lat., 75°11.8′ W. long. (20 nm off Cape Hatteras).

   (ii) The east by a straight line connecting points 35°03.5′ N. lat., 75°11.8′ W. long. (20 nm off Cape Hatteras) and 33°21.1′ N. lat., 77°57.5′ W. long. (about 30 nm off Cape Fear on the extension of the North Carolina/South Carolina state line into the EEZ).

   (iii) On the south by a straight line connecting points 33°21.1′ N. lat., 77°57.5′ W. long. and 33°48.8′ N. lat., 78°29.7′ W. long. (3 nm off Little River Inlet on the North Carolina/South Carolina state line).

   (iv) On the west by state waters.

6. Possess any weakfish in the closed area of the EEZ, as described in paragraph (a)(5) of this section, when fishing with shrimp trawls or crab trawls.

(b) Atlantic striped bass fishery. In addition to the prohibitions set forth in §600.725 of this chapter, it is unlawful for any person to do any of the following:

1. Fish for Atlantic striped bass in the EEZ.

2. Harvest any Atlantic striped bass from the EEZ.

3. Possess any Atlantic striped bass in or from the EEZ, except in the following area: The EEZ within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, NY, and Block Island Southeast Light, Block Island, RI, and west of a line connecting Point Judith Light, Point Judith, RI, and Block Island Southeast Light, Block Island, RI. Within this area, possession of Atlantic striped bass is permitted, provided no fishing takes place from the vessel while in the EEZ and the vessel is in continuous transit.

4. Retain any Atlantic striped bass taken in or from the EEZ.

(c) American lobster. (1) In addition to the prohibitions specified in §600.725 of this chapter, it is unlawful for any person owning or operating a vessel issued a Federal limited access American lobster permit under §697.4 or a vessel or person holding a valid State of Maine American lobster permit or license and fishing under the provisions of and under the areas designated in §697.24 to do any of the following:

   (i) Retain on board, land, or possess at or after landing, whole American lobsters that fail to meet the minimum carapace length standard specified in §697.20(a). All American lobsters will be subject to inspection and enforcement action, up to and including the time when a dealer receives or possesses American lobsters for a commercial purpose.

   (ii) Retain on board, land, or possess, up to the time when a dealer first receives or possesses American lobster for a commercial purpose, any American lobster or parts thereof in violation of the mutilation standards specified in §697.20(c).

   (iii) Retain on board, land, or possess any berried female American lobster specified in §697.20(d).

   (iv) Remove eggs from any berried female American lobster specified in §697.20(d).
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been removed. No person owning or operating a vessel issued a Federal limited access American lobster permit under §697.4 or a vessel or person holding a State of Maine American lobster permit or license and fishing under the provisions of and under the areas designated in §697.24 may land or possess any lobster that has come in contact with any substance capable of removing lobster eggs.

(v) Retain on board, land, or possess any female lobster that do not meet the area-specific v-notch requirements set forth in §697.20(g).

(vi) Spear any American lobster, or land or possess any American lobster which has been speared.

(vii) Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel any trap gear in excess of the trap limits specified in §697.19 unless exempted pursuant to §697.26.

(viii) Possess, deploy, haul, harvest lobster from, or carry aboard a vessel any trap gear that does not satisfy the requirements on gear identification and marking, escape vents, ghost panel and maximum trap size specified in §697.21, unless such gear has been rendered unfishable, or unless exempted pursuant to §697.26.

(ix) Possess, deploy, haul, harvest lobster from, or carry aboard a vessel any trap gear not tagged in accordance with the requirements in §697.19, unless such gear has been rendered unfishable, or unless exempted pursuant to §697.26.

(x) Possess, deploy, haul, harvest lobster from, or carry aboard a vessel any trap gear not tagged in accordance with the requirements in §697.19, unless exempted pursuant to §697.26.

(xi) Beginning May 1, 2000, reproduce, or cause to be reproduced, lobster trap tags without the written consent of the Regional Administrator.

(xii) Beginning May 1, 2000, reproduce, or cause to be reproduced, lobster trap tags without the written consent of the Regional Administrator.

(xiii) Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel any trap gear on a fishing trip in the EEZ from a vessel that fishes for, takes, catches, or harvests lobster by a method other than traps.

(xiv) Possess, take, catch, or harvest lobster on a fishing trip in or from the EEZ by a method other than traps, in excess of 100 lobsters (or parts thereof), for each lobster day-at-sea or part of a lobster day-at-sea, up to a maximum of 500 lobsters (or parts thereof) for any one trip unless otherwise restricted by §648.80(a)(3)(i), (a)(4)(i)(A), (a)(8)(i), (a)(9)(1)(D), (a)(12)(1)(A), (a)(13)(1)(A), (b)(3)(ii) or §697.7(c)(2)(1)(C) of this chapter.

(xv) Possess, retain on board, land, or possess American lobsters, unless the operator of the vessel has been issued an operator's permit under §697.5, and the permit is on board the vessel and is valid.

(xvi) Fail to report to the Regional Administrator within 15 days any change in the information contained in the permit application as required under §697.4(k) or §697.5(j).

(xvii) Make any false statement in connection with an application under §697.4, §697.5, or §697.6.

(xviii) Sell, transfer, or barter or attempt to sell, transfer, or barter to a dealer any American lobsters, unless the dealer has a valid Federal Dealer's Permit issued under §697.6.

(xix) Refuse or fail to carry a sea sampler/observer if requested to do so by the Regional Administrator.

(xxx) Fail to provide a sea sampler/observer with required food, accommodations, access, and assistance, as specified in §697.12.

(xxi) Violate any terms of a letter authorizing exempted fishing pursuant to §697.22 or to fail to keep such letter aboard the vessel during the time period of the exempted fishing.

(xxii) Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel any trap gear on a fishing trip in the EEZ from a vessel that fishes for, takes, catches, or harvests lobster by a method other than traps.

(xxiii) Fish for, take, catch, or harvest lobster on a fishing trip in or from the EEZ by a method other than traps, in excess of 100 lobsters (or parts thereof), for each lobster day-at-sea or part of a lobster day-at-sea, up to a maximum of 500 lobsters (or parts thereof) for any one trip unless otherwise restricted by §648.80(a)(3)(i), (a)(4)(i)(A), (a)(8)(i), (a)(9)(1)(D), (a)(12)(1)(A), (a)(13)(1)(A), (b)(3)(ii) or §697.7(c)(2)(1)(C) of this chapter.

(xxiv) Possess, retain on board, or land lobster by a vessel with any non-trap gear on board capable of catching lobsters, in excess of 100 lobsters (or parts thereof), for each lobster day-at-sea or part of a lobster day-at-sea, up to a maximum of 500 lobsters (or parts thereof) for any one trip unless otherwise restricted by §648.80(a)(3)(i), (a)(4)(i)(A), (a)(8)(i), (a)(9)(1)(D), (a)(12)(1)(A), (a)(13)(1)(A), (b)(3)(ii) or §697.7(c)(2)(1)(C) of this chapter.
(a)(12)(i)(A), (a)(13)(i)(A), (b)(3)(ii) or §697.7(c)(2)(i)(C) of this chapter.

(xxxv) Transfer or attempt to transfer American lobster from one vessel to another vessel.

(xxxvi) Beginning May 1, 2000, possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel any trap gear in or from the management areas specified in §697.18, unless such fishing vessel has been issued a valid management area designation certificate or valid limited access American lobster permit specifying such management area(s) as required under §697.4(a)(7).

(xxxvii) Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel trap gear issued to another vessel.

(xxxviii) Fail to comply with any gear, time, or area restriction in this part or, as is explained in §697.3 and §697.4(b), fail to comply with any gear, time, or area regulation set forth in any other regulatory part, including part 229 and part 648.

(xxix) Retain on board, land, or possess at or after landing, whole American lobsters that exceed the maximum carapace length standard specified in §697.20(b). All American lobsters will be subject to inspection and enforcement action, up to and including the time when a dealer receives or possesses American lobsters for a commercial purpose.

(2) In addition to the prohibitions specified in §600.725 of this chapter and the prohibitions specified in paragraph (c)(1) of this section, it is unlawful for any person to do any of the following:

(i) Retain on board, land, or possess American lobsters unless:

(A) The American lobsters were harvested by a vessel that has been issued and carries on board a valid Federal limited access American lobster permit under §697.4; or

(B) The American lobsters were harvested by a vessel without a valid Federal limited access American lobster permit and that fishes for American lobsters exclusively in state waters; or

(C) The American lobsters were harvested by a charter boat, head boat, or commercial dive vessel that possesses six or fewer American lobsters per person on board the vessel and the lobsters are not intended to be, or are not, traded, bartered, or sold; or

(D) The American lobsters were harvested by a recreational fishing vessel; or

(E) The American lobsters were harvested by a vessel or person holding a valid State of Maine American lobster permit or license and is fishing under the provisions of and in the areas designated in §697.24.

(ii) Sell, barter, or trade, or otherwise transfer, or attempt to sell, barter, or trade, for a commercial purpose, any American lobsters from a vessel, unless the vessel has been issued a valid Federal limited access American lobster permit under §697.4, or the American lobsters were harvested by a vessel without a valid Federal limited access American lobster permit that fishes for American lobsters exclusively in state waters or unless the vessel or person holds a valid State of Maine American lobster permit or license and that is fishing under the provisions of and in the areas designated in §697.24.

(iii) To be, or act as, an operator of a vessel fishing for or possessing American lobsters in or from the EEZ, or issued a Federal limited access American lobster permit under §697.4, without having been issued and possessing a valid operator’s permit under §697.5.

(iv) Purchase, possess, or receive for a commercial purpose, or attempt to purchase, possess, or receive for a commercial purpose, as, or in the capacity of, a dealer, American lobsters taken from or harvested by a fishing vessel issued a Federal limited access American lobster permit, unless in possession of a valid dealer’s permit issued under §697.6.

(v) Purchase, possess, or receive for commercial purposes, or attempt to purchase or receive for commercial purposes, as, or in the capacity of, a dealer, American lobsters caught by a vessel other than one issued a valid Federal limited access American lobster permit under §697.4, or one holding or owned or operated by one holding a valid State of Maine American lobster permit or license and fishing under the provisions of and in the areas designated in §697.24; unless the American lobsters were harvested by a vessel
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without a Federal limited access American lobster permit and that fishes for American lobsters exclusively in state waters.

(vi) Assault, resist, oppose, impede, harass, intimidate, or interfere with or by command, impediment, threat, or coercion any NMFS-approved sea sampler/observer aboard a vessel conducting his or her duties aboard a vessel, or any authorized officer conducting any search, inspection, investigation, or seizure in connection with enforcement of this part, or any official designee of the Regional Administrator conducting his or her duties.

(vii) Refuse to carry a sea sampler/observer if requested to do so by the Regional Administrator.

(viii) Refuse reasonable assistance to either a NMFS-approved sea sampler/observer conducting his or her duties aboard a vessel.

(ix) Make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any American lobster.

(x) Violate any provision of this part, the ACFCMA, the Magnuson-Stevens Act, or any regulation, permit, or notice issued under the ACFCMA, the Magnuson-Stevens Act, or these regulations.

(xi) Retain on board, land, or possess any American lobsters harvested in or from the EEZ in violation of § 697.20.

(xii) Ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live American lobster in violation of § 697.20.

(xiii) Fish, or be in the areas described in § 697.23(b)(2), (c)(2), (d)(2), and (e)(2) on a fishing vessel with mobile gear during the time periods specified in § 697.23(b)(1), (c)(1), (d)(1), and (e)(1), except as provided in § 697.23(b)(1), (c)(1), (d)(1), and (e)(1).

(xiv) Fish, or be in the areas described in § 697.23(b)(2), (c)(2), and (d)(2) on a fishing vessel with lobster trap gear on board during the time periods specified in § 697.23(b)(1), (c)(1), and (d)(1).

(xv) Deploy or fail to remove lobster trap gear in the areas described in § 697.23(b)(2), (c)(2), and (d)(2) during the time periods specified in § 697.23(b)(1), (c)(1), and (d)(1).

(xvi) Violate any terms of a letter authorizing exempted fishing pursuant to § 697.22 or to fail to keep such letter aboard the vessel during the time period of the exempted fishing.

(xvii) Possess, deploy, fish with, haul, harvest lobster from, or carry aboard a vessel any trap gear on a fishing trip in the EEZ on a vessel that fishes for, takes, catches, or harvests lobster by a method other than traps.

(xviii) Fish for, take, catch, or harvest lobster on a fishing trip in the EEZ by a method other than traps, in excess of 100 lobsters (or parts thereof), for each lobster day-at-sea or part of a lobster day-at-sea, up to a maximum of 500 lobsters (or parts thereof) for any one trip unless otherwise restricted by § 648.80(a)(3)(i), (a)(4)(i)(A), (a)(8)(i), (a)(9)(i)(D), (a)(12)(i)(A), (a)(18)(i)(A), (b)(3)(i) or § 697.7(c)(2)(i)(C) of this chapter.

(xix) Possess, retain on board, or land lobster by a vessel with any non-trap gear on board capable of catching lobsters, in excess of 100 lobsters (or parts thereof), for each lobster day-at-sea or part of a lobster day-at-sea, up to a maximum of 500 lobsters (or parts thereof) for any one trip unless otherwise restricted by § 648.80(a)(3)(i), (a)(4)(i)(A), (a)(8)(i), (a)(9)(i)(D), (a)(12)(i)(A), (a)(18)(i)(A), (b)(3)(i) or § 697.7(c)(2)(i)(C) of this chapter.

(xx) Transfer or attempt to transfer American lobster from one vessel to another vessel.

(xxi) Fail to comply with dealer record keeping and reporting requirements as specified in § 697.6.

(3) Presumptions. (i) Any person possessing, or landing American lobsters or parts thereof at or prior to the time when those American lobsters are landed, or are received or possessed by a dealer for the first time, is subject to all of the prohibitions specified in paragraph (c) of this section, unless the American lobsters were harvested by a vessel without a Federal limited access American lobster permit and that fishes for American lobsters exclusively in state waters; or are from a charter, head, or commercial dive vessel that possesses or possessed six or fewer American lobsters per person aboard the vessel and the lobsters are not intended for sale, trade, or barter;
(ii) American lobsters or parts there- 
of that are possessed, or landed at or 
before to the time when the American 
lobsters are received by a dealer, or 
whole American lobsters that are pos-
sessed by a dealer, are presumed to 
have been harvested from the EEZ or 
by a vessel with a Federal limited ac-
cess American lobster permit. A pre-
ponderance of all submitted evidence 
that such American lobsters were har-
vested by a vessel without a Federal 
limited access American lobster permit 
and fishing exclusively for American 
lobsters in state or foreign waters will 
be sufficient to rebut this presumption. 

(iii) The possession of egg-bearing fe-
male American lobsters, v-notch fe-
male American lobsters in violation of 
the v-notch requirements set forth in 
§697.20(g), American lobsters that are 
smaller than the minimum size set 
forth in §697.20(a), American lobsters 
that are larger than the maximum car-
apace sizes set forth in §697.20(b), or 
lobster parts, possessed at or prior to 
the time when the aforementioned lob-
sters or parts are received by a dealer, 
will be prima facie evidence that such 
American lobsters or parts were taken 
or imported in violation of these regu-
lations. A preponderance of all sub-
mitted evidence that such American 
lobsters were harvested by a vessel not 
holding a permit under this part and 
fishing exclusively within state or for-
eign waters will be sufficient to rebut 
the presumption. 

(d) Atlantic sturgeon fishery. In addi-
tion to the prohibitions set forth in 
§600.725, it is unlawful for any person 
to do any of the following: 

(1) Fish for Atlantic sturgeon in the 
EEZ. 

(2) Harvest any Atlantic sturgeon 
from the EEZ. 

(3) Possess any natural or stocked 
Atlantic sturgeon in or from the EEZ. 

(4) Retain any Atlantic sturgeon 
taken in or from the EEZ. 

(5) Possess any natural Atlantic stur-
geron parts, including Atlantic sturgeon 
eggs, in the EEZ. 

(e) Atlantic Coast Horseshoe Crab 
fishery. In addition to the prohibitions set 
forth in §600.725 of this chapter, it is 
unlawful for any person to do any of 
the following: 

(1) Fish for horseshoe crabs in the 
Carl N. Shuster Jr. Horseshoe Crab Re-
serve described in §697.23(f)(1). 

(2) Possess horseshoe crabs on a ves-
sel with a trawl or dredge in the closed 
area described in §697.23(f)(1). 

(3) Fail to return to the water imme-
diately without further harm, all 
horseshoe crabs caught in the closed 
area described in §697.23(f)(1). 

(7) Atlantic red drum fishery. In addi-
tion to the prohibitions set forth in 
§600.725 of this chapter, it is unlawful 
for any person to do any of the fol-
lowing: 

(1) Harvest or possess Atlantic red 
drum in the EEZ south of a line ex-
tending in a direction of 105° from true 

north commencing at a point at 40°29.6′ 
N. lat., 73°54.1′ W. long., such point 
being the intersection of the New Jer-
sey/New York boundary with the 3-nm 
line denoting the seaward limit of state 
waters, and north of the demarcation 
line between the South Atlantic Fish-
ery Management Council and the Gulf 
of Mexico Fishery Management Coun-
del in described in §600.105(c) of this chap-
ter. 

(2) Fail to release immediately with-
out further harm, all Atlantic red 
drum caught in the EEZ area described 
in paragraph (f)(1) of this section. 

§697.8 Vessel identification. 

(a) Vessel name and official number. 
Each fishing vessel issued a limited ac-
cess American lobster permit and over 
25 ft (7.6 m) in registered length must: 

(1) Have affixed permanently its 
name on the port and starboard sides of 
the bow and, if possible, on its stern. 

(2) Have its official number displayed 
on the port and starboard sides of the 
deckhouse or hull, and on an appro-
priate weather deck so as to be clearly 
visible from enforcement vessels and 
aircraft. The official number is the 
USCG documentation number or the 
vessel’s state registration number for 
vessels not required to be documented 
under title 46 U.S.C.