

(15) As the owner of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category, fail to report a North Atlantic swordfish, as specified in §635.5(c)(2) or (c)(3).

(16) Possess any HMS, other than Atlantic swordfish, harvested with buoy gear §635.21(e).

(17) Fail to construct, deploy, or retrieve buoy gear as specified at §635.21(e)(4)(iii).

[64 FR 29135, May 28, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §635.71, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 73 FR 54735, Sept. 23, 2008, §635.71 was amended by revising paragraph (a)(23) and adding paragraphs (b)(36) through (40), effective October 23, 2008. For the convenience of the user, the added and revised text is set forth as follows:

§635.71 Prohibitions.

* * * * *

(a) * * *

(23) Fail to comply with the restrictions on use of pelagic longline, bottom longline, gillnet, buoy gear, speargun gear, or greenstick gear as specified in §635.21(c), (d), (e)(1), (e)(3), (e)(4), (f), or (g).

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(b) * * *

(36) Possess Jhooks onboard a vessel that has pelagic longline gear onboard, and that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico, except when greenstick gear is onboard, as specified at §635.21(c)(2)(v)(A) and (c)(5)(iii)(C)(3).

(37) Use or deploy Jhooks with pelagic longline gear from a vessel that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico.

(38) Possess more than 20 Jhooks onboard a vessel that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico, when possessing onboard both pelagic longline gear, as described at §635.21(c), and greenstick gear as defined at §635.2.

(39) Use or deploy more than 10 hooks at one time on any individual greenstick gear.

(40) Possess, use, or deploy Jhooks smaller than 1.5 inch (38.1 mm), when measured in a straight line over the longest distance from the eye to any other part of the hook, when fishing with or possessing greenstick gear onboard a vessel that has been issued, or is required to have, a limited access swordfish, shark, or tuna longline category permit for use in the Atlantic Ocean, including the Caribbean Sea and the Gulf of Mexico.

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APPENDIX A TO PART 635—SPECIES TABLES

TABLE 1 OF APPENDIX A TO PART 635—OCEANIC SHARKS

A. Large coastal sharks:

1. Ridgeback sharks:

Sandbar, *Carcharhinus plumbeus*
 Silky, *Carcharhinus falciformis*
 Tiger, *Galeocerdo cuvieri*

2. Non-ridgeback sharks:

Blacktip, *Carcharhinus limbatus*
 Bull, *Carcharhinus leucas*
 Great hammerhead, *Sphyrna mokarran*
 Lemon, *Negaprion brevirostris*
 Nurse, *Ginglymostoma cirratum*
 Scalloped hammerhead, *Sphyrna lewini*
 Smooth hammerhead, *Sphyrna zygaena*
 Spinner, *Carcharhinus brevipinna*

B. Small coastal sharks:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
 Blacknose, *Carcharhinus acronotus*
 Bonnethead, *Sphyrna tiburo*
 Finetooth, *Carcharhinus isodon*

C. Pelagic sharks:

Blue, *Prionace glauca*
 Oceanic whitetip, *Carcharhinus longimanus*
 Porbeagle, *Lamna nasus*
 Shortfin mako, *Isurus oxyrinchus*
 Thresher, *Alopias vulpinus*.

D. Prohibited sharks:

Atlantic angel, *Squatina dumerili*
 Basking, *Cetorhinus maximus*
 Bigeye sand tiger, *Odontaspis noronhai*
 Bigeye sixgill, *Hexanchus vitulus*
 Bigeye thresher, *Alopias superciliosus*
 Bignose, *Carcharhinus altimus*
 Caribbean reef, *Carcharhinus perezi*
 Caribbean sharpnose, *Rhizoprionodon porosus*
 Dusky, *Carcharhinus obscurus*
 Galapagos, *Carcharhinus galapagensis*
 Longfin mako, *Isurus paucus*
 Narrowtooth, *Carcharhinus brachyurus*

Night, *Carcharhinus signatus*
 Sand tiger, *Odontaspis taurus*
 Sevengill, *Heptranchias perlo*
 Sixgill, *Hexanchus griseus*
 Smalltail, *Carcharhinus porosus*
 Whale, *Rhincodon typus*
 White, *Carcharodon carcharias*

TABLE 2 OF APPENDIX A TO PART 635—PELAGIC SPECIES

Albacore tuna, *Thunnus alalunga*
 Bigeye tuna, *Thunnus obesus*
 Blue shark, *Prionace glauca*
 Bluefin tuna, *Thunnus thynnus*
 Dolphin fish, *Coryphaena hippurus*
 Oceanic whitetip shark, *Carcharhinus longimanus*
 Porbeagle shark, *Lamna nasus*
 Shortfin mako shark, *Isurus oxyrinchus*
 Skipjack tuna, *Katsuwonus pelamis*
 Swordfish, *Xiphias gladius*
 Thresher shark, *Alopias vulpinus*
 Wahoo, *Acanthocybium solandri*
 Yellowfin tuna, *Thunnus albacares*

TABLE 3 OF APPENDIX A TO PART 635—DEMERSAL SPECIES

Atlantic sharpnose shark, *Rhizoprionodon terraenovae*
 Black grouper, *Mycteroperca bonaci*
 Blackfin snapper, *Lutjanus buccanella*
 Blacknose shark, *Carcharhinus acronotus*
 Blacktip shark, *Carcharhinus limbatus*
 Blueline tilefish, *Caulolatilus microps*
 Bonnethead shark, *Sphyrna tiburo*
 Bull shark, *Carcharhinus leucas*
 Cubera snapper, *Lutjanus cyanopterus*
 Dog snapper, *Lutjanus jocu*
 Finetooth shark, *Carcharhinus isodon*
 Gag grouper, *Mycteroperca microlepis*
 Lane snapper, *Lutjanus synagris*
 Lemon shark, *Negaprion brevirostris*
 Mangrove snapper, *Lutjanus griseus*
 Marbled grouper, *Dermatolepis inermis*
 Misty grouper, *Epinephelus mystacinus*
 Mutton snapper, *Lutjanus analis*
 Nurse shark, *Ginglymostoma cirratum*
 Queen snapper, *Etelis oculatus*
 Red grouper, *Epinephelus morio*
 Red hind, *Epinephelus guttatus*
 Red snapper, *Lutjanus campechanus*
 Rock hind, *Epinephelus adscensionis*
 Sand tilefish, *Malacanthus plumieri*
 Sandbar shark, *Carcharhinus plumbeus*
 Schoolmaster snapper, *Lutjanus apodus*
 Silk snapper, *Lutjanus vivanus*
 Snowy grouper, *Epinephelus niveatus*
 Speckled hind, *Epinephelus drummondhayi*
 Spinner shark, *Carcharhinus brevipinna*
 Tiger shark, *Galeocerdo cuvieri*
 Tilefish, *Lopholatilus chamaeleonticeps*
 Vermilion snapper, *Rhomboplites aurorubens*
 Warsaw grouper, *Epinephelus nigritus*
 Yellowedge grouper, *Epinephelus flavolimbatus*
 Yellowfin grouper, *Mycteroperca venenosa*

Yellowtail snapper, *Ocyurus chrysurus*

[64 FR 29135, May 28, 1999 as amended at 71 FR 58174, Oct. 2, 2006]

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Subpart A—General Provisions

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FIGURE 1 TO PART 640

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 640.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic prepared by the South Atlantic and Gulf of Mexico Fishery Management Councils under the Magnuson Act.

(b) This part governs conservation and management of spiny lobster and slipper (Spanish) lobster in the EEZ in the Atlantic Ocean and Gulf of Mexico off the Atlantic and Gulf of Mexico states from the Virginia/North Carolina border south and through the Gulf of Mexico.

(c) An owner or operator of a vessel that has legally harvested spiny lobsters in the waters of a foreign nation and possesses spiny lobsters, or separated tails, in the EEZ incidental to such foreign harvesting is exempt from