

(3) Purchase, trade, or barter, or attempt to purchase, trade, or barter, a shark from the management unit without an annual dealer permit, as specified in § 678.4(a)(2).

(4) Falsify information required in § 678.4(b) and (c) on an application for a permit.

(5) Fail to display a permit, as specified in § 678.4(h).

(6) Falsify or fail to provide information required to be maintained, submitted, or reported, as specified in § 678.5.

(7) Fail to make a shark available for inspection or provide data on catch and effort, as required by § 678.5(d).

(8) Falsify or fail to display and maintain vessel identification, as required by § 678.6.

(9) Falsify or fail to provide requested information regarding a vessel's trip, as specified in § 678.10(a).

(10) Fail to embark an observer on a trip when selected, as specified in § 678.10(b).

(11) Assault, resist, oppose, impede, harass, intimidate, or interfere with a NMFS-approved observer aboard a vessel or prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his/her duties aboard a vessel.

(12) Fail to provide an observer with the required food, accommodations, access, and assistance, as specified in § 678.10(c).

(13) Remove the fins from a shark and discard the remainder, as specified in § 678.22 (a)(1).

(14) Possess shark fins, carcasses, or parts on board, or offload shark fins from, a fishing vessel, except as specified in § 678.22, or possess shark carcasses or parts on board, or offload shark fins, carcasses, or parts from, a vessel, except as specified in § 678.22(a)(2) and (3).

(15) Fail to release a shark that will not be retained in the manner specified in § 678.22(b).

(16) Land, or possess on any trip, shark in excess of the vessel trip limit, as specified in § 678.22(c)(1).

(17) Transfer a shark at sea, as specified in §§ 678.22(c)(2) and 678.23(e).

(18) Fillet a shark at sea, as specified in § 678.22(d), except that sharks may be eviscerated and the head and fins may be removed.

(19) Exceed the bag limits, as specified in § 678.23 (a) through (c), or operate a vessel with a shark on board in excess of the bag limits, as specified in § 678.23(d).

(20) Sell, trade, or barter, or attempt to sell, trade, or barter, a shark harvested in the EEZ, except as an owner or operator of a vessel with a permit, as

specified in § 678.25(a), or sell, trade, or barter, or attempt to sell, trade or barter, a shark from the management unit, except as an owner or operator of a vessel with a permit, as specified in § 678.26.

(21) Purchase, trade, or barter, or attempt to purchase, trade or barter, shark meat or fins from the management unit from an owner or operator of a vessel that does not possess a vessel permit, as specified in § 678.26(b); or sell, trade, or barter, or attempt to sell, trade, or barter, a shark from the management unit, except to a permitted dealer, as specified in § 678.26(d).

(22) Sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter, shark fins that are disproportionate to the weight of carcasses landed, as specified in § 678.26(c).

(23) 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-Stevens Act.

(24) During a closure for a shark species group, retain a shark of that species group on board a vessel that has been issued a permit under § 678.4, except as provided in § 678.24(a), or sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter a shark of that species group, as specified in § 678.24.

(25) Fish for sharks with a drift gillnet that is 2.5 km or more in length or possess a shark aboard a vessel possessing such drift gillnet, as specified in § 678.21.

(b) [Reserved]

5. In § 678.22, a new paragraph (d) is added to read as follows:

§ 678.22 Harvest limitations.

* * * * *

(d) *Filleting.* (1) A shark from any of the three management units that is possessed in the EEZ, or harvested by a vessel that has been issued a permit pursuant to § 678.4, may not be filleted at sea. Sharks may be eviscerated and the head and fins may be removed.

6. In § 678.23, paragraphs (b) and (c) are revised to read as follows:

§ 678.23 Bag limits.

* * * * *

(b) Large coastal, small coastal and pelagic species, combined—2 per vessel per trip.

(c) Atlantic sharpnose shark—2 per person per trip.

* * * * *

7. In § 678.24, paragraph (b) is revised to read as follows:

§ 678.24 Commercial quotas.

* * * * *

(b) *Semiannual.* The following commercial quotas apply:

(1) For the period January 1 through June 30:

(i) Large coastal species—642 metric tons, dressed weight.

(ii) Small coastal species—880 metric tons, dressed weight.

(iii) Pelagic species—290 metric tons, dressed weight.

(2) For the period July 1 through December 31:

(i) Large coastal species—642 metric tons, dressed weight.

(ii) Small coastal species—880 metric tons, dressed weight.

(iii) Pelagic species—290 metric tons, dressed weight.

* * * * *

8. Section 678.29 is added to read as follows:

§ 678.29 Catch-and-release program.

(a) Notwithstanding other provisions of this part, a person may fish for, but not retain, white sharks with rod and reel only under a catch and release program, provided the person releases and returns such fish to the sea immediately with a minimum of injury.

(b) [Reserved]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 678

[I.D. 031797B]

Atlantic Shark Fisheries; Large Coastal Shark Species

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the commercial fishery for large coastal sharks conducted by vessels with a Federal Atlantic shark permit in the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea. This action is necessary because the semiannual quota of 642 metric tons (mt) for the period January 1 through June 30, 1997 has been exceeded.

EFFECTIVE DATE: The closure is effective from 11:30 p.m. local time April 7, 1997, through June 30, 1997.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey, John Kelly or Margo B. Schulze, 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed by NMFS according to the Fishery Management Plan (FMP) for Atlantic Sharks prepared by NMFS under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 678.

Section 678.24(b) of the regulations provides for two semiannual quotas of large coastal sharks to be harvested from Atlantic, Caribbean, and Gulf of Mexico waters by commercial fishermen. The first semiannual quota of 642 mt is available for harvest from January 1 through June 30, 1997.

The Assistant Administrator for Fisheries, NOAA (AA), is required under § 678.25 to monitor the catch and landing statistics and, on the basis of these statistics, to determine when the

catch of Atlantic, Caribbean, and Gulf of Mexico sharks will equal any quota under § 678.24(b). When shark harvests reach, or are projected to reach, a quota established under § 678.24(b), the AA is further required under § 678.25 to close the fishery.

The AA has determined, based on the reported catch and other relevant factors, that the semiannual quota for the period January 1 through June 30, 1997, for large coastal sharks, in or from the Western North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, had been attained as of March 14, 1997. During the closure retention of large coastal sharks from the management unit is prohibited for vessels issued a permit under § 678.4, unless the vessel is operating as a charter vessel or headboat, in which case the vessel limit per trip is two large coastal sharks. Also, the sale, purchase, trade, or barter or attempted sale, purchase, trade, or barter of carcasses and/or fins of large coastal sharks harvested by a person aboard a vessel

that has been issued a permit under § 678.4, is prohibited, except for those that were harvested, offloaded, and sold, traded, or bartered prior to the closure, and were held in storage by a dealer or processor.

Vessels that have been issued a Federal permit under § 678.4 are reminded that, as a condition of permit issuance, the vessel may not retain a large coastal shark during the closure, except as provided by § 678.24(a). Fishing for pelagic and small coastal sharks may continue. The recreational fishery is not affected by this closure.

Classification

This action is taken under 50 CFR part 678 and is exempt from review under E.O. 12866.

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

Dated: April 1, 1997.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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