

environmental impacts, including a DSEIS.

Amendment 8 included the following management measures:

1. Limit permit holders to those who can demonstrate landings of at least 1,000 lb (454 kg) of snapper-grouper species in 2 of the 3 years - 1993, 1994, and 1995, and have held a valid snapper-grouper permit for those years.

2. Control fishing effort by establishing trip limits for identified sub-unit groups of species within the FMP's management unit.

3. Redefine the FMP's definitions of overfishing and optimum yield for all species in the snapper-grouper management unit.

4. Increase the red porgy minimum size limit from 12 inches (30.5 cm) total length (TL) to 14 inches (36 cm) TL for recreational and commercial fishermen and establish a recreational fishery bag limit of two red porgy.

5. Increase the black sea bass minimum size limit from 8 inches (20.3 cm) TL to 10 inches (25.4 cm) TL for both recreational and commercial fishermen.

6. Designate a black sea bass Special Management Zone.

7. Establish a recreational fishery bag limit of 10 black sea bass.

8. Require escape vents and escape panels with degradable fasteners in black sea bass pots.

9. Establish measures for greater amberjack that would extend the April closure throughout the South Atlantic EEZ and prohibit sale during April, reduce the recreational fishery bag limit to one fish per person per day, implement a commercial quota to reduce landings by 21 percent based on average landings from 1986-1995, implement a 500-1,000 lb (227-454 kg) trip limit, change the start of the fishing year from January 1 to July 1, and prohibit coring.

10. Establish, effective January 1, 1998, an annual commercial quota for vermilion snapper of 600,000 lb (272,155 kg), a recreational fishery bag limit of five fish and a recreational fishery minimum size limit of 12 inches (30.5 cm). 11. Increase the gag minimum size limit from 20 inches (50.8 cm) TL to 24 inches (61 cm) TL for the commercial and recreational fisheries, and prohibit all harvest January through March.

12. Require logbook reporting by the 10th of the month following the month of fishing activity.

13. Establish a zone in the South Atlantic exclusive economic zone (EEZ) through which vessels carrying fish traps could transit if they have valid

Gulf reef fish permits and fish trap endorsements.

14. Restrict vessels with bottom longline gear on board to possessing only snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish.

15. Allow use of one bait net per boat, up to 50 ft (1,524 cm) long by 10 ft (305 cm) high with a stretched mesh size of 1.5 inches (3.75 cm) or smaller; also, allow possession and use of cast nets for catching bait.

16. Allow species within the snapper grouper fishery management unit (whether whole or fillets) caught in Bahamian waters in accordance with Bahamian law, to be possessed on board a vessel in the EEZ and landed in the United States provided the vessel is in transit from the Bahamas and valid Bahamian fishing and cruising permits are on board.

17. Establish an aggregate snapper-grouper recreational fishery bag limit of 20-25 fish inclusive of all species in the snapper-grouper fishery management unit.

18. The Council is considering a number of options under this action to reduce fishing mortality including establishing a closure of the South Atlantic EEZ for species in the snapper-grouper fishery management unit, or implementing a trip limit for all temperate, mid-shelf snapper-grouper species, or establishing an aggregate temperate mid-shelf species quota.

The hearings will begin at 7 p.m. and will end when business is completed. The dates and locations are scheduled as follows:

1. Monday, January 6, 1997—Pooler (Savannah area) Ramada Inn, 301 Governor Treutlen Drive, Pooler, GA 31322; telephone: 912-748-6464

2. Tuesday, January 7, 1997—Comfort Inn Oceanfront, 1515 N. 1st Street, Jacksonville Beach, FL 32250; telephone: 904-241-2311

3. Wednesday, January 8, 1997—Holiday Inn, 1300 N. Atlantic Avenue, Cocoa Beach, FL 32931; telephone: 407-783-2271

4. Thursday, January 9, 1997—Sheraton Hotel, 630 Clearwater Park Road, West Palm Beach, FL 33401; telephone: 561-833-1234

5. Friday, January 10, 1997—Banana Bay Resort, 4590 Overseas Highway, Marathon, FL 33401; 305-743-3500

6. Monday, January 13, 1997—Town & Country Inn, 2008 Savannah Highway, Charleston, SC 29407; telephone: 803-571-1000

7. Tuesday, January 14, 1997—Holiday Inn, 1601 Virginia Dare Trail,

Kill Devil Hills, NC 27948; telephone: 919-441-6333

8. Wednesday, January 15, 1997—Sheraton Atlantic Beach Resort, Salter Path Road, Atlantic Beach, NC 28512; telephone: 919-240-1155

9. Thursday, January 16, 1997—Holiday Inn, 4903 Market Street, Wilmington, NC 28405; telephone: 910-799-1440

10. Friday, January 17, 1997—Myrtle Beach Martinique Resort & Hotel, 7100 N. Ocean Blvd., Myrtle Beach, SC 29572; telephone: 1-803-449-4441

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see ADDRESSES) by December 30, 1996.

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

Dated: December 16, 1996.

Gary C. Matlock,

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

[FR Doc. 96-32282 Filed 12-19-96; 8:45 am]

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50 CFR Part 678

[Docket No. 961211348-6349-02; I.D. 092396B]

RIN 0648-AH77

Atlantic Shark Fisheries; Quotas, Bag Limits, Prohibitions, and Requirements.

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes changes to the regulations governing the Atlantic shark fisheries that would: Reduce commercial quotas and recreational bag limits; establish a quota for small coastal sharks; prohibit directed commercial fishing for, and landing or sale of, five species of sharks; establish a recreational tag-and-release only fishery for white sharks; prohibit filleting of sharks at sea; and restate the requirement for species-specific identification by all owners or operators, dealers, and tournament operators of all sharks landed under the framework provisions of the Fishery Management Plan for Sharks of the Atlantic Ocean (FMP). This rule would reduce effective fishing mortality, facilitate enforcement, and improve management.

DATES: Written comments on this proposed rule are invited and must be received on or before January 21, 1997.

ADDRESSES: Comments on the proposed rule should be sent to, William T. Hogarth, Chief, Highly Migratory Species Management Division (FCM4), Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, (301)-713-2347, fax (301)-713-1917. Clearly indicate "ASF" on the envelope. Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) are available from the same address.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey or John D. Kelly, 301-713-2347, FAX 301-713-1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed under the FMP prepared by NMFS under authority of section 304(g) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and implemented through regulations found at 50 CFR part 678.

The proposed rule is based in part on recommendations from the 1994 Shark Evaluation Workshop (SEW), the 1995 Shark Evaluation Report, and the 1996 SEW. The proposed rule is also based, in part, on comments received during a series of public scoping meetings, which NMFS held to receive comments from fishery participants and other members of the public regarding issues of concern in the Atlantic shark fishery. NMFS also solicited written comments as part of the scoping process.

On October 17, 1996, the Biodiversity Legal Foundation filed a petition for rulemaking with NMFS. The petition specifically requests that NMFS reduce the 1997 large coastal shark quota by 50 percent and reduce the recreational bag limit to one shark per vessel per day. When the petition was received, this proposed rule was already in preparation. NMFS believes that this proposed rule adequately addresses the petition. Copies of the petition are available. (see **ADDRESSES**)

The framework provisions of the FMP allow the Assistant Administrator (AA) to make adjustments in the management measures in order to achieve the objective of preventing overfishing as stated in the FMP. Members of the Shark Operations Team (OT) were consulted and some members have been instrumental in the formulation of this proposed rule; however, this action is not necessarily based on suggestions made by the OT but is being taken independently by the AA under authority of the framework provisions of the FMP and consistent with the

provisions of 305(c) of the Magnuson-Stevens Act.

Quotas and Bag Limits

Commercial Quotas

Upon implementation of the FMP, large coastal sharks were determined to be overfished and the report of the 1996 SEW reiterated that the stock continues to be overfished. NMFS established commercial quotas for Atlantic large coastal sharks and Atlantic pelagic sharks under the framework provisions of the FMP. These quotas apply to federally permitted vessels. For the reasons explained below, NMFS proposes to reduce, as interim measures, annual quotas to the following levels, expressed in metric tons dressed weight (mt dw):

Large coastal species = 1,285 mt dw

Small coastal species = 1,760 mt dw

Pelagic species = 580 mt dw

NMFS has examined possible commercial quota options and has determined that the total allowable catch (TAC) should be reduced, as recommended by the report of the 1996 SEW and supported by some members of the OT. The AA is required to develop a strategy designed to provide for the rebuilding of each stock or stock complex within a reasonable period. A new stock assessment and fishery evaluation (SAFE) report will be published in 1997. NMFS has initiated a study to determine the potential effects of management measures other than quota and bag limit reductions, such as minimum sizes and nursery area closures, on fishing mortality. NMFS intends to amend the FMP within one year, to incorporate an updated rebuilding schedule. At that time, the AA will reexamine the quota levels and decide whether to adjust quotas and other measures.

NMFS has preliminarily determined that the large coastal species annual quota of 2,570 mt, which became effective January 1, 1994, is not effectively reducing mortality of the population and should be reduced by 50 percent. This represents a reasonable management measure for reducing mortality, in light of the absence of a rebuilding schedule. A rebuilding schedule may suggest the need for a different quota, or other management measures such as nursery/pupping area closures and minimum sizes, that could also reduce fishing mortality.

The alternative of increasing the commercial quota as planned in the FMP was previously rejected on the basis of recommendations from the SEW and members of the OT. The 1995 SEW concluded that "the weight of evidence

does not support the previous (FMP) recommendation that the TAC should automatically increase." Thus, the rebuilding plan outlined in the FMP was determined to be inadequate to achieve the goal of rebuilding the large coastal sharks resource to a level consistent with producing maximum sustainable yield (MSY). As a result, NMFS has rejected planned quota increases for 1995 and beyond.

Large reductions in the established quota will likely cause displacement for vessels already commercially fishing for large coastal sharks; however, a complete closure of the established directed shark fishery for large coastal sharks would result in severe financial hardships for vessels already participating in the fishery and could result in additional displacement of vessels and crews from the large coastal shark fishery into other fisheries, including pelagic and small coastal sharks.

While the 1996 SEW focused on the large coastal shark species group, declining CPUE and life history characteristics indicating low productivity for pelagics and small coastals suggest that a prudent approach is also warranted for these groups. No new analyses were presented upon which to modify MSY or TAC of the pelagic and small coastal sharks. Therefore, NMFS proposes to set commercial quotas for pelagic sharks for 1997 and beyond at the current annual level of 580 mt. At present, no quota has been established for the small coastal species group. Potential displacement of vessels and crews from the large coastal shark fishery into other fisheries, including pelagic and small coastal sharks, warrants a risk-averse strategy for small coastal sharks. Accordingly, NMFS proposes to establish a precautionary quota of 1,760 mt dw for the small coastal species group. That quota is 68 percent of the TAC, and represents approximately the same percentage split between commercial and recreational as in the large coastal management group.

The current landings of pelagic and small coastal sharks are estimated to be lower than the proposed quotas. When further analyses are presented, the AA may propose a different quota for small coastal sharks.

Recreational Bag Limits

NMFS established recreational bag limits for Atlantic large coastal sharks, Atlantic small coastal sharks, and Atlantic pelagic sharks under the framework provisions of the FMP. These bag limits apply to all vessels fishing in the Exclusive Economic Zone (EEZ).

The current bag limits are: For small coastal sharks, five per person per day; and for large coastal sharks and pelagic sharks combined, four per vessel per trip. For the reasons explained below, NMFS proposes to reduce bag limits to: Two sharks per vessel per trip, for any combination of species.

NMFS has examined possible recreational bag limit options and has determined that the bag limit, as well as the commercial quota, should be reduced as an additional management measure to further protect and conserve the stocks. Problems in accuracy of species-specific identification of sharks in all three species groups by recreational fishers have caused concern by NMFS that numerous juvenile large coastal sharks are being landed and misidentified as small coastal species. In addition, continuing concerns about misidentification have prompted NMFS enforcement to request that large coastal, small coastal and pelagic species be combined for bag limit purposes.

Prohibition on Directed Fishing for Selected Species

NMFS has determined that certain species of sharks should be excluded from directed fishing due to their vulnerability to overfishing and/or their slow reproductive and growth rates. For these reasons, NMFS is concerned about the potential development of a commercial and/or recreational fishery for these species.

The whale shark, *Rhincodon typus*, and basking shark, *Cetorhinus maximus*, are not subject to organized commercial or recreational fishing efforts. Their habit of swimming at or near the surface makes them vulnerable to indiscriminate killing. The status of these two species has been closely monitored by NMFS since implementation of the FMP and there have been only incidental interactions with these species. NMFS is concerned about the potential for the development of commercial and/or recreational fisheries that could target these highly vulnerable fish. NMFS proposes to remove them from the large coastal species group and make them prohibited species.

Sand Tiger sharks, *Odontaspis taurus*, and bigeye sand tiger sharks, *Odontaspis noronhai*, exhibit a unique reproductive quality, in that the first offspring in each of the two uteri hatches internally and engages in interuterine sibling cannibalism. The result is that the maximum number of live offspring is two. Sand tiger sharks account for less than 1 percent of the total landings of sharks in the directed

large coastal shark fishery; they are not currently targeted by recreational fishermen. NMFS is concerned about the potential for further development of a commercial fishery that would target these highly vulnerable species. NMFS proposes to remove both species of sand tiger sharks from the large coastal species group and make them prohibited species.

Prohibition on Directed Commercial Fishing for, and Landing or Sale of, White Sharks; Allowance for Recreational Catch And Release

The white shark, *Carcharodon carcharias*, is not subject to organized directed commercial fishing efforts. The status of this species has been closely monitored by NMFS since implementation of the FMP and there have been only a small number of incidental commercial interactions with this species. NMFS is concerned about the potential for development of a commercial fishery for this species. NMFS proposes to remove the white shark from the large coastal species group and make it a commercially prohibited species.

There is, in parts of their range, an active recreational fishery for white shark. NMFS proposes to restrict this fishery to tag-and-release only, provided that the fishermen participate in a NMFS-approved tag-and-release program. Tags may be obtained through the APEX Predator Investigation Cooperative Shark Tagging Program, 28 Tarzwell Drive, Narragansett, Rhode Island, 02882, or by calling (401) 782-3200.

Prohibition on Filleting of Sharks at Sea

In order to verify species identification for reporting purposes, the regulation proposes to prohibit filleting of sharks at sea. NMFS enforcement agents have been unable to identify shark parts to the species level on several occasions. During the previous two scoping processes, commercial and recreational fishermen, environmental groups, and other interested parties were asked to comment on this proposal. All affected groups generally supported efforts to aid in species identification to strengthen the database and to help enforcement efforts. If this proposal is adopted, sharks would have to be landed and brought to the point of first landing with the flesh attached and the spinal column present. Fishermen would be permitted to remove the head and fins and eviscerate the catch.

Identification

Species-specific Identification by All Permit Holders

The report of the 1994 SEW stated that "the greatest impediment to management, monitoring and stock assessment is the need to collect more accurate and more complete information on species composition of the catch. Approximately 80% of commercial shark landings are classified as unidentified * * *." The report of the 1995 SEW reiterated this concern, adding that "notable improvements in species-specific catch information have been made for a portion of the recent catches through observer data collections."

Species identification appears to have been more of a problem in the South Atlantic and Gulf of Mexico regions. Northeast landings indicate a greater prevalence of pelagic species in the reported landings. In the recreational fisheries, a greater proportion of the available estimates of catch have been identified to species. Species identification of all sharks landed is required by the existing regulations. Section 678.5 requires that selected owners or operators, dealers and tournament operators submit reports on landings by species.

Other Issues

NMFS received a number of comments during the scoping process, including concerns about allowable gear types, the possibility of time/area closures for sharks (e.g., nursery/pupping grounds), modifications of the fishing season, modifications in the fin/carcass ratio, requests for closure of the directed longline fishery, requests for closure of all directed fishing during the spring pupping season, and requests to separate blue sharks (*Prionace glauca*) from the pelagic management unit and establish a separate precautionary quota for them. NMFS believes that these issues may warrant action; however, in the interest of expedient publication of the elements contained in this rule, NMFS has determined that these issues may be addressed in future rulemaking. NMFS intends to amend the FMP within one year, and to reexamine the need for an annual SAFE report.

NMFS has met with members of the Atlantic States Marine Fisheries Commission (ASMFC). Based, in part, on questions posed by ASMFC members, NMFS has accelerated an ongoing effort to identify specific nursery/pupping areas in state-controlled waters. Closing shark nursery areas to fishing would reduce mortality. This option was rejected in the FMP

because of insufficient knowledge of specific nursery areas and the adverse effect closures would have on other fisheries, such as the shrimp trawl fishery. Since determinations of MSY, OY, the commercial quotas, and overfishing are based on estimates of the total biomass of sharks in all U.S. waters (EEZ and state waters), it was recommended in the FMP that coastal states, Puerto Rico, and the Virgin Islands adopt regulations consistent with the federal regulations. State cooperation is essential for effective management. Specifically, it was recommended that states: Apply bag limits to recreational fishermen regardless of where sharks are caught; adopt the specified Federal quotas; prohibit finning and adopt other measures that govern how and when fins may be landed; prohibit the sale of recreationally-caught sharks and shark products; and cooperate with NMFS to ensure consistent and integrated permitting and data collection systems. Consistent with these comments, NMFS intends to continue working with states to develop cooperative management efforts.

Classification

The AA has preliminarily determined that this rule is necessary for the conservation and management of shark resources in the Atlantic Ocean and is consistent with the national standards and other provisions of the Magnuson-Stevens Act and other applicable law. This proposed rule has been preliminarily determined to be not significant for purposes of E.O. 12866. Copies of the EA/RIR are available (see ADDRESSES). The EA/RIR, in combination with the 1996 SEW Report, constitutes the annual SAFE Report.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief of Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities as follows:

The proposed rule would reduce commercial quotas and recreational bag limits; establish a quota for small coastal sharks; prohibit directed commercial fishing for, and landing or sale of, five species of sharks; establish a recreational tag-and-release only fishery for white sharks; prohibit filleting of sharks at sea; and restate the requirement for species-specific identification by all owners or operators, dealers, and tournament operators of all sharks landed under the framework provisions of the Fishery Management Plan for Sharks of the Atlantic Ocean. This rule would reduce effective fishing mortality,

facilitate enforcement, and improve management.

Reducing the commercial quota is not expected to have a significant impact on a substantial number of small entities primarily because of the large degree of diversification in fishing operations that exist in the fleet and the already short shark fishing season, as outlined in the Regulatory Impact Review.

The prohibition of fishing for, landing or sale of whale, basking, and sand tiger sharks will not adversely affect gross revenue because whale and basking sharks are only incidentally encountered in commercial fisheries and sand tiger sharks are not a marketable species at this time. The prohibition of fishing for, landing or sale of white sharks will not adversely affect gross revenue because they are only incidentally encountered in the commercial fishery. Requiring the recreational white shark fishery to operate under a catch and release program may reduce the willingness of recreational anglers to pay for a fishing trip. The prohibition on filleting of sharks at sea will have little economic impact but will increase costs to operators through increased labor to fillet carcasses once in port.

Therefore, it is concluded that these proposed actions, considered separately or in aggregate, will not have a significant impact on a substantial number of small entities. Thus, a regulatory flexibility analysis is not required for these actions.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

This proposed rule contains no new collection of information that is subject to the Paperwork Reduction Act. The proposed rule restates requirements that have been approved by the Office of Management and Budget under Control Number 0648-0016. The prohibitions section is being reordered to group similar or associated prohibitions. In addition, letters are being replaced by numbers for the purposes of clarification.

List of Subjects in 50 CFR Part 678

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 16, 1996.

Rolland A. Schmitt, Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 678 is proposed to be amended as follows:

PART 678—ATLANTIC SHARKS

1. The authority citation for part 678 continues to read as follows:

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

2. In § 678.2, the definitions for “Dress”, “Eviscerate”, and “Fillet” are added; and the definition for “Management Unit” is amended by removing under paragraph (1), “Basking sharks—Cetorhinidae”, “Basking shark, *Cetorhinus maximus*”; “Sand tiger sharks—Odontaspidae”, “Bigeye sand tiger, *Odontaspis noronhai*”; “Sand tiger shark, *Odontaspis taurus*” and “Whale sharks—Rhincodontidae”, “Whale shark, *Rhincodon typus*”, and by adding a new paragraph (4) to read as follows:

§ 678.2 Definitions

* * * * *

Dress means to remove head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

Eviscerate means removal of the alimentary organs only.

Fillet means to remove slices of fish flesh, of irregular size and shape, from the carcass by cuts made parallel to the backbone.

* * * * *

Management Unit

* * *

- (4) Prohibited species:
- Basking sharks - Cetorhinidae
- Basking shark - *Cetorhinidae maximus*
- Mackerel sharks - Lamnidae
- White sharks - *Carcharodon carcharias*
- Sand tiger sharks - Odontaspidae
- Bigeye sand tiger - *Odontaspis noronhai*
- Sand tiger - *Odontaspis taurus*
- Whale sharks - Rhincodontidae
- Whale shark - *Rhincodon typus*

* * * * *

§ 678.5 [Amended]

3. In § 678.5, in paragraph (b)(1)(iv)(A) and (B) after “market category” add “, and species,”.

4. Section 678.7 is revised to read as follows:

§ 678.7 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, and except as permitted under § 678.29, it is unlawful for any person to do any of the following:

(1) Fish for, purchase, trade, barter, or possess or attempt to fish for, purchase, trade, barter, or possess the following prohibited species:

- Basking sharks-Cetorhinidae
- Basking shark, *Cetorhinus maximus*
- Mackerel sharks-Lamnidae
- White sharks-*Carcharodon carcharias*
- Sand tiger sharks-Odontaspidae
- Bigeye sand tiger, *Odontaspis noronhai*
- Sand tiger shark, *Odontaspis taurus*
- Whale sharks-Rhincodontidae
- Whale shark, *Rhincodon typus*

(2) Fish for shark without a vessel permit as specified in § 678.4(a)(1).

(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 aboard, or offload shark fins from, a fishing vessel, except as specified in § 678.22, or possess shark carcasses or parts aboard, 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 aboard 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 it is prohibited to retain a shark of that species group aboard 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.

(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 harvested 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, paragraph (b) is revised to read as follows:

§ 678.23 Bag limits

* * * * *

(b) Large coastal, small coastal and pelagic species, combined—2 per vessel 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 Tag-and-release program.

(a) Notwithstanding other provisions of this part, an angler may fish for, but not retain, white sharks with rod and reel only under a tag and release program, provided the angler tags all white sharks so caught with tags issued under this section, and releases and returns such fish to the sea immediately after tagging and with a minimum of injury. To participate in this program, an angler must obtain tags, reporting cards, and detailed instructions for their use from NMFS.

(b) Tags obtained from sources other than NMFS may be used to fish for white sharks provided the angler has registered each year with the Cooperative Shark Tagging Program and the NMFS program manager has approved the use of tags from that source. Anglers using an alternative source of tags and wishing to tag white sharks can call or write NMFS.

(c) Anglers registering for the white shark tagging program are required to provide their name, address, phone number, and, if applicable, identify the alternate source of tags.

(d) If NMFS-issued or NMFS-approved tags are not on board a vessel that fishes for white sharks, all anglers on board that vessel are deemed to be ineligible to fish under this section.

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