

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 678

[Docket No. 961211348-7065-03; 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:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement certain measures authorized by the Fishery Management Plan for Sharks of the Atlantic Ocean (FMP). These measures: Reduce commercial quotas for large coastal sharks, reduce recreational bag limits; establish a commercial quota for small coastal sharks; prohibit directed commercial fishing for, landing of, or sale of five species of sharks; establish a recreational catch-and-release only fishery for white sharks; prohibit filleting of sharks at sea; and refers to 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 FMP. This rule is intended to reduce effective fishing mortality, stabilize the large coastal shark population, facilitate enforcement, and improve management of Atlantic shark resources.

**EFFECTIVE DATE:** April 2, 1997.

**ADDRESSES:** Copies of the Final Environmental Assessment and Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) may be obtained from the Highly Migratory Species Management Division (SF1), Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, (301) 713-2347, fax (301) 713-1917.

**FOR FURTHER INFORMATION CONTACT:** C. Michael Bailey, John D. Kelly or Margo B. Schulze, 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 current status of the commercial and recreational

shark fisheries, the status of the shark stocks, the proposed management measures, and the anticipated effects of the proposed management measures were discussed in the preamble to the proposed rule (61 FR 67295, December 20, 1996) and are not repeated here.

The framework provisions of the FMP allow the Assistant Administrator (AA) to make adjustments in specified management measures in order to achieve the FMP's objectives of preventing overfishing, and increasing the benefits of shark resources to the nation while reducing waste. This action is being taken 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.

## Comments and Responses

Comments were requested for the measures in the proposed rule. The comment period on the proposed rule was originally scheduled to end on January 21, 1997. Four public hearings were held on the proposed rule. Due to scheduling conflicts for the final hearing, the public comment period was extended until January 24, 1997 (62 FR 1872, January 14, 1997). Based on public request, the comment period was again extended until February 7, 1997 (62 FR 4239, January 29, 1997), to allow for additional public input.

NMFS received more than 600 written comments from members of Congress, regional fishery management councils, states, the U.S. Coast Guard, conservation organizations, a scientific organization, scientists from four universities, scientists from a marine laboratory, recreational fishing associations, marine oriented publications, recreational fishermen involved in the party charter boat business, a business that sells shark parts, commercial fishermen, commercial fishermen's associations, a fisheries development foundation, individuals, and a shark fishery observer. NMFS also received verbal comments on this rule at public hearings and other public meetings. Agency responses to public comments follow.

## 1. Large Coastal Shark Commercial Quota

NMFS received several hundred comments regarding the large coastal shark commercial quota. In addition to numerous individuals, seventy-four comments from members of Congress, regional fishery management councils, states, conservation organizations, a scientific organization, and recreational fishing associations support a 50

percent or higher commercial quota reduction for large coastal sharks as a minimum measure to rebuild the large coastal shark population. Other commentors, including one state and several commercial fishermen's associations, questioned the effectiveness of the quota reduction and/or strenuously opposed the quota reduction and stated that the scientific data, upon which the 1996 Stock Evaluation Workshop (SEW) final report is based, are incomplete, flawed, and/or biased.

*Comment:* Stock assessment results indicate that large coastal sharks remain overfished and that rebuilding has not begun. Demographic analyses show that effective fishing mortality needs to be halved in order for large coastal sharks to recover. NMFS needs to take action immediately and reduce the commercial quota for large coastal sharks by 50 percent at a minimum.

*Response:* NMFS agrees that the 1996 SEW final report indicates that large coastal sharks remain overfished and that a risk-averse approach is needed. A 50 percent reduction in commercial quota for large coastals is an approximation to halving current effective fishing mortality. Production model analyses indicate that a 50 percent reduction in effective fishing mortality is likely to maintain large coastal sharks near 1996 levels. This will ensure that allowable catches of large coastals are consistent with the best available scientific information and reduce the probability of further declines until a new rebuilding schedule can be developed. The final action is intended as an interim measure because NMFS intends to update the scientific information to the extent practicable and to develop a long-term rebuilding schedule for large coastal sharks. NMFS intends to implement this updated rebuilding schedule through an FMP amendment in consultation with an Advisory Panel (AP) as required by the amended Magnuson-Stevens Act. At that time, NMFS will analyze alternative management measures, such as nursery/pupping ground closures and minimum sizes, and may adjust commercial quota levels if alternative management measures can supplement quotas in controlling effective fishing mortality. Towards this end, NMFS has accelerated an ongoing effort to determine the potential effects of these alternative management measures on fishing mortality.

*Comment:* NMFS should close the large coastal commercial fishery until there is clear evidence that rebuilding has been initiated.

*Response:* NMFS disagrees that a fishery closure is necessary to initiate rebuilding of large coastal sharks at this time. The 1996 SEW final report indicates that the rapid rate of decline that characterized the stock in the mid 1980's has slowed significantly and that there is no statistically significant evidence of further decline since the FMP was implemented, indicating that the FMP management measures implemented have been working. While it is true that clear evidence of rebuilding is not available, NMFS believes that the final action will reduce the probability of further declines until alternative management measures are developed. The 1996 SEW production model analyses, which are probabilistic in nature, also indicate that a 50 percent reduction in quota may lead to slow rebuilding. Additionally, a fishery closure would impose substantial hardship on the commercial fishing sector and would likely increase fishing pressure on other fishery resources, particularly the fully fished small coastal and pelagic sharks.

*Comment:* NMFS should not reduce the large coastal shark quota at all. Recent increases in some catch per unit effort indices in addition to significant uncertainty in accuracy of data, model simulation results, and interpretation of assessment results do not warrant drastic reductions. NMFS should address alternative management measures, which might mitigate or eliminate the need for quota reductions, before making significant changes in commercial quotas.

*Response:* NMFS is aware that different interpretations exist regarding the accuracy and interpretation of the 1996 SEW stock assessment results. These differences are an important part of the scientific process which involves rigorous discussion and analysis of all interpretations of assessment results. However, NMFS does not believe that disagreement or uncertainty preclude valid management actions. It is true that some catch rate indices have shown recent increases and that assessment results can be interpreted to support the status quo for quota levels. However, it should be noted that none of those increases in catch rate indices were statistically significant because of high variability in the data. Until a long-term rebuilding schedule which includes alternative management measures can be analyzed and developed, NMFS believes that a risk-averse approach is necessary to reduce the probability of further declines.

*Comment:* The State of North Carolina expressed concern with the proposed 50 percent reduction in the quota by

stating: "Our concern with quota reduction as the sole method of achieving the reduction in fishing mortality is that the population simulation models are based on data that are inadequate to incorporate the benefits of the management measures implemented in the FMP in 1993. These data are not available because increases in production since the 1993 FMP have not entered the fishery."

*Response:* NMFS believes that there is measurable evidence of the effects of management since implementation of the FMP. The 1996 SEW final report states that the rapid rate of decline that characterized the large coastal shark stocks in the mid 1980's has slowed significantly. However, no clear evidence is available that rebuilding has begun. The report also states that additional reductions in fishing mortality would improve the probability of stock increases. The commercial quota reduction for large coastal species is intended to be an interim measure while other management options are examined.

*Comment:* The 1996 SEW analyses did not account for gear changes made by the industry to use lighter leaders and smaller hooks that result in increased bite-offs, lowered catches and catch rate indices, and smaller size of fish landed.

*Response:* NMFS is aware that changes in fishing patterns, including gear modifications, can affect stock assessment results but currently is unable to account for such gear modifications quantitatively due to lack of detailed data. Nevertheless, this change in fishing practice was taken into account by comparing trends in affected and unaffected catch rate indices. Gear modifications including changes like lighter leaders and smaller hooks occurred only in the longline commercial fisheries. However, the 1996 SEW stock assessment for large coastal sharks included many different catch rate indices from several different commercial and recreational fisheries (see the 1996 SEW final report detailed discussion), including fishery independent longline indices which also show catch per unit effort declines. Therefore, NMFS believes that declines in catch rates, as evidenced from all catch rates indices analyzed in the stock assessment, are real. NMFS will continue to include consideration of these issues in analyzing and developing a long-term rebuilding plan.

*Comment:* Significant amounts of data on shark landings, particularly data on fin landings, have not been incorporated in the stock assessments, which may substantially bias assessment results.

*Response:* It is NMFS' practice to incorporate landings information into stock assessments, to the extent appropriate, once it has been verified for authenticity, and is in a usable format. Not all data that exist in raw form can or should be included in stock assessments. However, NMFS is aware that some data may not have been included in the stock assessments because they were unavailable (e.g., copies not provided to NMFS, not in electronic form, etc.). To this end, NMFS intends to work with industry to recover missing data and use them, if appropriate and practicable, in order to increase stock assessment accuracy and precision.

*Comment:* Quota reductions may increase, not decrease, effective fishing mortality as well as increase regulatory discards and mortality of sharks that cannot be landed during a closed season. Thus National Standard 5, which requires that "conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources," and National Standard 9, which requires that "conservation and management measures shall, to the extent practicable, minimize bycatch and to the extent such bycatch cannot be avoided, minimize the mortality of such bycatch," will be violated as the shark fishery becomes increasingly less efficient and regulatory discards increase.

*Response:* NMFS believes that the large coastal shark quota reduction will reduce effective fishing mortality, consistent with the best available scientific information. NMFS has concluded that any decrease in efficiency due to a reduced quota is outweighed by the benefits of preventing further declines while alternative management measures are developed. In terms of increased regulatory discards and the associated mortality of sharks during a closed season, NMFS does not believe that maintaining commercial quota levels above sustainable levels in order to reduce discards is consistent with the Magnuson-Stevens Act. Alternative fishing methods are available to reduce the unwanted catch of sharks (e.g., gear modifications like lighter leaders, avoiding inshore pupping and nursery grounds where juvenile sharks congregate, checking and resetting gear frequently if shark catches are high, etc.) that could reduce regulatory discards. At this time, the AA does not have the authority to create a bycatch set-aside from the commercial quota for the Atlantic shark fishery. However, as this final rule is intended to be effective until an FMP amendment can be

developed, NMFS may examine the need to restructure the shark commercial fishery to create a bycatch and discard set-aside to account for this source of mortality. Finally, NMFS has proposed regulations to address overcapitalization of the shark commercial fishery through a limited access proposal that is intended to help reduce derby fishing conditions and thereby, reduce inefficiency in the shark fishery (61 FR 68202). Some preliminary comments on this proposed rule, which would include creation of an incidental permit category, also call for an "incidental" quota or set-aside.

*Comment:* The State of North Carolina was concerned that there may be a conflict with National Standards 4 and 6. The state also requested clarification of National Standard 10, which requires that "Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea" as it relates to the shortened quota coinciding with the state's winter season.

*Response:* Regarding National Standard 4, the FMP established an allocation scheme between recreational and commercial catches, and semiannual commercial quotas allow for two fishing seasons with equal harvest allocations. The large coastal shark quota reduction reduces the quota equally for both fishing seasons and the recreational bag limits are reduced to maintain the FMP's allocation scheme; therefore, the final management measures are fair and equitable to all fishermen.

NMFS' action is consistent with National Standard 6. NMFS has examined the biological and socio-economic impacts of this final rule in the accompanying Final Environmental Assessment and Regulatory Impact Review/Final Regulatory Flexibility Analysis. National Standard 6 requires flexibility and the ability to address circumstances as they arise; NMFS is responding to the most recent stock assessment. The agency did account for variations and contingencies by reducing the large coastal commercial quota, thereby preventing further decline while a rebuilding program is developed. Any changed circumstances in the future will be addressed by NMFS, in consultation with the AP.

Regarding National Standard 10, NMFS' analyses indicate that the winter shark fishery for North Carolina ranges from October through December and that the fishery has not previously been open during these months for that state. NMFS is aware that derby fishing conditions can develop when quota reductions are proposed and, within the constraints of regulatory processes,

NMFS has attempted to prevent these conditions from developing. For example, NMFS implemented a 4,000 lb trip limit for large coastal sharks in an attempt to slow the pace of the fishery; this trip limit is currently in effect. However, individuals must decide for themselves whether or not it is safe to fish, and NMFS encourages fishermen to consider safety issues first and foremost prior to making the decision to participate in the fishery.

*Comment:* One commercial fishermen's association commented that NMFS should follow through on the 1994 SEW's recommendation to protect pupping areas and juvenile sharks, rather than halve the quota.

*Response:* NMFS does not have regulatory authority over inshore waters where most shark nursery/pupping areas are located; however, NMFS has been actively working with the coastal states to reach agreement on cooperative efforts to protect these critical nursery/pupping areas. NMFS has greatly accelerated ongoing research to develop a nursery ground index and may use the information from these research efforts to develop, as part of the long-term rebuilding plan, management measures with states to close specific areas to fishing activity when gravid females and/or shark pups are present in those areas.

*Comment:* One commercial fishermen's association commented that foreign catches of large coastal and pelagic sharks must be quantified and considered in order for stock assessments to include complete and accurate data and be in compliance with National Standard 3, which states that "to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination."

*Response:* NMFS has and will continue to work closely with fisheries scientists and managers from Atlantic coastal states, Canada, and Mexico to assess the state of shared stocks. NMFS believes that international cooperation and management of shared shark stocks is very important to shark conservation and prevention of overfishing. However, NMFS believes that domestic action is needed immediately and this interim quota reduction is a risk-averse action, based on the best scientific data available, to protect all sharks found in U.S. waters, not only shared stocks.

*Comment:* The lack of a rational rebuilding schedule should be addressed before severe, short term measures are implemented.

*Response:* NMFS agrees that a rebuilding schedule needs to be developed to address the overfished

status of large coastal sharks. However, NMFS disagrees that action should await a rebuilding schedule to be implemented in an amendment to the shark FMP. The rebuilding plan outlined in the original FMP was determined to be inadequate to achieve the goal of rebuilding the large coastal shark resource to a level consistent with MSY (60 FR 21468, May 2, 1995). The 1996 SEW final report indicates that a 50 percent reduction in effective fishing mortality should stabilize the large coastal shark population near current levels. This action is intended to reduce the probability of further declines as the rebuilding schedule is developed.

*Comment:* NMFS has not taken into account the impacts of a large coastal shark quota reduction on shoreside entities, which are primarily small businesses. Reducing the large coastal shark quota will ruin the domestic shark meat market because the extended fishery closures and market gluts disallow advanced planning required for shark meat buyers to distribute and advertise the product.

*Response:* NMFS believes that most shoreside entities in the shark fishery process and sell wet and/or dry shark fins. Information available to NMFS indicates that few shoreside entities deal exclusively in domestic shark fins. Such fin dealers import the majority of fins from other countries and then re-export them unprocessed or semi-processed to the Asian fin market. Accordingly, U.S. shoreside fin dealers supplement exports with domestic shark fins but do not rely on the domestic market. Because domestic shark fins make up a very small percentage of the U.S. fin dealer product, a large coastal shark domestic quota reduction would have negligible impact on such shoreside entities gross revenues.

On the other hand, there is a limited domestic market for shark meat that could be negatively impacted by a reduced supply of product. However, the commercial large coastal shark fishery has been open for only a few months each year such that shark meat buyers necessarily have diversified. Additionally, shark meat is not a high value product and is readily substituted by other products. Reducing the season, even if by half, should not have a substantial impact because of the already short fishing season, low value and volume of shark meat processed, and the high degree of diversity in shoreside operations. In consultation with an AP, NMFS may develop a market analysis for the shark fin industry which may include an estimate

of the impacts of regulations on processors and society.

*Comment:* Numerous commentors were concerned that the final rule is inconsistent with National Standard 2, which states; "Conservation and management measures shall be based upon the best available scientific information available." Several fishermen's associations questioned the accuracy and reliability of the 1996 SEW Report, and stated that the 50% quota reduction was not a mandate, or even a recommendation of, the SEW. In addition, some commentors contended that the SEW Report did not recommend a 50% reduction in effective fishing effort through a 50% quota reduction.

*Response:* The 1996 Report of the SEW is based on a meeting of NMFS and non-NMFS scientists. The non-NMFS scientists included representatives from two fishery management councils, two states, a fisheries development foundation, industry, and academia. All 1996 SEW participants were given the opportunity to comment on drafts of the report. However, the final report was written and edited by NMFS scientists and is not, nor was ever intended to be, a consensus document. The 1996 SEW final report heavily weighs all stock assessment participants' views in its conclusions and recommendations. While different interpretations exist regarding the accuracy and implications of the stock assessment results, the 1996 SEW final report represents the best scientific data available to NMFS. The commercial quota reduction is a risk-averse action to ensure that allowable catch levels of Atlantic sharks are consistent with the best available scientific information until an updated rebuilding schedule can be developed.

*Comment:* One fishermen's association commented that the Shark Operations Team (OT) did not consent to a 50% quota reduction, and claims that NMFS apparently selectively consulted outside of the OT meeting with certain OT members who support dramatic reductions, which may violate the Federal Advisory Committee Act.

*Response:* In the proposed rule (61 FR 67295, December 20, 1996), the statement "Members of the OT were consulted and some members have been instrumental in the formulation of this proposed rule; \* \* \*" meant that; 1) some OT members agreed with the determination of the SEW, and 2) NMFS scientists who are also OT members have been and will continue to be routinely consulted on an ongoing basis. NMFS did not meet with non-NMFS OT members except at the public OT meeting in August 1996. NMFS agrees

that the OT did not reach consensus regarding a commercial quota reduction. The final action is being taken independently by the AA under authority of the framework provisions of the FMP because no consensus was reached by the OT and NMFS has concluded that action was necessary. NMFS did, however, take into account the various opinions raised at the OT meeting.

## 2. Pelagic Shark Commercial Quota

NMFS received 65 comments regarding the pelagic shark commercial quota from members of Congress, regional fishery management councils, states, conservation organizations, scientific organizations, and recreational fishing associations. *Comment:* NMFS should maintain the current commercial pelagic shark quota. Pelagic sharks are determined to be fully-fished and the commercial quota, which was established to ensure that the total allowable catch (TAC) does not exceed a level that would preclude maximum sustainable yield (MSY), should not be adjusted without new scientific analyses and information.

*Response:* NMFS agrees.

*Comment:* NMFS should reduce the pelagic shark commercial quota by 50 percent because the quota has never been reached.

*Response:* No change in the commercial quota for pelagic sharks was proposed in this action. No new analyses have been presented upon which to modify MSY or the TAC of pelagic sharks. Accordingly, the estimates of MSY and TAC presented in the FMP still constitute the best available scientific information. Until new analyses are presented, adjustments to the pelagic shark quota are not warranted. NMFS intends to amend the FMP to address the overfished status of large coastal sharks. At that time, the pelagic shark quota may be adjusted if new analyses warrant modifications.

## 3. Small Coastal Shark Commercial Quota

NMFS received numerous comments regarding the small coastal shark commercial quota from members of Congress, regional fishery management councils, states, conservation organizations, scientific organizations, and recreational fishing associations. Several commentors support establishment of the proposed commercial quota for small coastal sharks, while others argued that no quota was justified or that smaller commercial quotas for small coastal sharks were more appropriate.

*Comment:* NMFS should implement a commercial quota for small coastal sharks to prevent large increases in fishing pressure that may result from closure of other fishery resources.

*Response:* NMFS agrees.

*Comment:* NMFS should not implement a commercial quota for small coastal sharks because they are not considered overfished and because the proposed quota is much greater than historical landings.

*Response:* The FMP concluded that small coastal sharks were fully fished, meaning that fishing mortality levels should not increase or overfishing may occur. NMFS believes that potential displacement of vessels and crews from the large coastal shark fishery into other fisheries, including pelagic and small coastal shark fisheries, may result in increased fishing mortality on small coastal sharks. NMFS believes that implementing the commercial quota outlined in the FMP is a preventative measure to ensure that any increases in fishing mortality do not exceed allowable levels.

## 4. Recreational Bag Limits

NMFS has received numerous comments concerning recreational bag limits from members of Congress, regional fishery management councils, states, individual scientists, conservation organizations, recreational fishing associations, one fisheries development foundation, and party/charter boat owners.

*Comment:* Recreational bag limits should be reduced as they are currently excessively high and promote waste.

*Response:* NMFS agrees, with one exception noted below.

*Comment:* Recreational bag limits should not be reduced.

*Response:* The 1996 SEW final report determined that large coastal sharks continue to be overfished and that a 50 percent reduction in effective fishing mortality should stabilize the stock at current levels. Based on this report, which constitutes the best available scientific information, NMFS believes that the bag limits, as well as the commercial quota, should be reduced to further protect and conserve the stocks. Recreational bag limits are reduced within the current allocation scheme (established in the FMP) between commercial and recreational fishing interests. Without a reduction in the bag limit equal to the percentage reduction in the commercial quota, the positive benefits of a reduction in effective fishing mortality in the commercial sector may be negated by increased fishing mortality in the recreational sector.

*Comment:* Given the status of the small coastal stock and recent landings, adding this group into an aggregate bag limit is overly restrictive and unfair to party/charterboats.

*Response:* The rationale for adding the small coastal sharks into an aggregate bag limit is the significant, widespread misidentification of sharks, especially juvenile large coastal sharks identified as small coastal sharks. NMFS believes that adding small coastal sharks to a species aggregate with large coastals will reduce fishing mortality on large coastals and contribute to stock recovery. However, after further review of landings data and consultation with NMFS and non-NMFS scientists, NMFS recognizes that an additional allowance for Atlantic sharpnose sharks, *Rhizoprionodon terraenovae*, would alleviate some of the impacts on recreational operations. A separate bag limit for Atlantic sharpnose is likely to increase fishing mortality on this species as fishing patterns shift away from other species. However, the life history of this species and stable population trends since the 1970's despite considerable bycatch mortality indicate that Atlantic sharpnose sharks will not be negatively impacted by a separate bag limit. Accordingly, NMFS is changing the proposed reduction in bag limits (two sharks per vessel per trip) to the following: Two sharks per vessel per trip, for any combination of species except Atlantic sharpnose sharks, which will have a bag limit of two fish per person per trip.

*Comment:* Several commentors stated grouping all shark species into one recreational bag limit is not warranted given the status of pelagic and small coastal sharks, the ease of differentiating pelagic sharks from other species, and the differences in the fisheries.

*Response:* NMFS agrees that species-specific management would be a preferred means of managing the fishery given sufficient stock assessment data and accuracy of species identification in landings. However, as stated above, widespread misidentification of sharks continues to be a problem that requires attention because of the overfished large coastals. Additionally, NMFS believes that potential displacement of vessels and crews from the large coastal shark fishery into other fisheries, including pelagic and small coastal shark fisheries, warrants adopting a single recreational bag limit for all shark species combined with the exception for Atlantic sharpnose sharks as stated above. NMFS agrees that, for certain species that are readily identifiable, species-specific management measures may be possible in the future. NMFS has

accelerated efforts to develop a useful shark identification manual and training for fishermen.

#### 5. Prohibited Species

Numerous members of Congress, regional fishery management councils, states, conservation organizations, scientific associations, and recreational fishing associations support the species prohibitions whereas other recreational fishing associations oppose the prohibitions. Numerous scientists expressed their concern that a prohibition would adversely affect ongoing research into these five species.

*Comment:* Some species of sharks are especially vulnerable to overexploitation and extra protection should be afforded those species in the form of directed fishery closures or prevention of fishery development.

*Response:* NMFS agrees and has determined that five species of sharks that are highly susceptible to overfishing should be excluded from directed fishing to prevent overfishing and to prevent development of commercial and/or recreational fisheries. The whale shark (*Rhincodon typus*), basking shark (*Cetorhinus maximus*), sand tiger shark (*Odontaspis taurus*), bigeye sand tiger shark (*Odontaspis noronhai*), and white shark (*Carcharodon carcharias*), are removed from the large coastal species group and are reclassified as prohibited species. These species are either encountered very rarely in commercial shark fisheries or are not landed because they are not marketable. Therefore, this action is a preventative measure to ensure that overfishing of these species does not occur. In order to continue scientific research on these species, previously issued provisions that allow for scientific research activity and exempted fishing apply (61 FR 26435, May 28, 1996).

#### 6. White Shark Recreational Catch-and-Release Only Fishery

Numerous members of Congress, regional fishery management councils, states, conservation organizations, scientific associations, and recreational fishing associations support the proposed prohibitions on directed fishing for, landing of, or sale of white sharks. Several recreational fishing associations and commercial fishermen's associations oppose the prohibition. One conservation organization commented that the catch-and-release program may cause increased mortality. Numerous scientists expressed concern that a prohibition on landing would adversely affect ongoing research on white sharks.

*Comment:* The white shark is especially vulnerable to overfishing and since no directed commercial fishery exists at this time, prohibited status should be afforded this species to prevent a directed fishery from developing.

*Response:* NMFS agrees. The white shark is relatively rare in commercial landings data and very little is known of its reproductive biology and potential. Some evidence suggests that white sharks may practice uterine cannibalism, like sand tiger sharks, and may be highly susceptible to overfishing. NMFS believes that the white shark deserves special protection but acknowledges that there is, in parts of their range, an active recreational fishery for the white shark. Therefore, NMFS removes the white shark from the large coastal species group, making it a commercially prohibited species, and restricts fishing for white sharks to recreational catch-and-release only. This action will prevent a directed fishery from developing, thereby preventing overfishing, while still allowing traditional recreational fishing to continue. Similar to other prohibitions, previously issued provisions that allow for scientific research activity and exempted fishing apply. Additionally, NMFS may consider tagging and reporting requirements for the white shark fishery in the future. Those fishermen who wish to tag white sharks are encouraged to participate in a NMFS-approved tag-and-release program. Tags may be obtained from the NMFS Cooperative Tagging Program, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL, 33149, or the NMFS APEX Predator Investigation Cooperative Shark Tagging Program, 28 Tarzwell Drive, Narragansett, RI, 02882.

*Comment:* Catch-and-release fishing for white sharks may cause increased mortality.

*Response:* NMFS is aware that there is limited information regarding post-release survival for white sharks and that there may be some mortality associated with a catch-and-release-only fishery. However, it is unlikely that mortality would increase from this action because all recreationally caught white sharks will be required to be released, whereas not all are released now. Therefore, even with some post-release mortality, the increased release rate should decrease mortality overall.

#### 7. Prohibition on Filleting at Sea

NMFS received general support for the prohibition on filleting sharks prior to landing; however, the Office of Advocacy of the U.S. Small Business

Administration (SBA) commented that costs would increase.

*Comment:* Prohibiting filleting at sea will increase costs to vessel owner/operators because they will be required to fillet only once in port. Currently, they are allowed to fillet sharks while steaming into port, which saves processing time and reduces labor costs.

*Response:* NMFS recognizes that costs will likely increase somewhat but believes that the benefits of increased species-specific identification and verification greatly outweigh those costs. NMFS believes that the prohibition is necessary to aid in identification of landings by dealers who must report by species. Additionally, NMFS believes that many fishermen currently allow processors to fillet their sharks such that any increase in costs for the fleet would be minimized. NMFS adopts this prohibition without change. Sharks must be landed and brought to the point of first landing with the flesh attached and the spinal column present. Fishermen may remove the head and fins and eviscerate the catch.

#### 8. Species-Specific Identification Requirement

NMFS generally received support that requiring species-specific identification of all sharks landed will improve management. Numerous dealers and commercial and recreational fishermen requested information on identification of sharks.

#### 9. Other comments.

*Comment:* Several commercial shark fishermen, persons involved in shark processing, commercial fishermen's associations, and one legal representative of shark fishery interests commented that NMFS' determination of no significant economic impact was flawed and vastly underestimated the impact of a 50 percent quota reduction on all shark fishermen. In addition, the SBA issued a letter to NMFS indicating their disagreement with the determination. The SBA stated that most, if not all, shark fishermen are small businesses that would suffer a directly corresponding reduction in gross revenue from a large coastal shark quota reduction.

*Response:* No evidence is available to NMFS to support the assumption that there exists a directed fishery for sharks that consists exclusively of specialist shark fishermen who do not harvest any other species of fish. NMFS' permit database indicates that 97.7 percent of shark fishers hold permits for other commercial fishing permits from the Southeast Regional Permit Office

(SERO), which further supports the multi-species nature of the fleet. Even so, the 2.4 percent who do not hold other SERO permits might hold permits from other offices (e.g., Atlantic tunas) or may not be active in the shark fishery, although no integrated database exists for cross-comparison. Since vessels habitually switch to other fisheries as part of the multi-species nature of the fleet, reduction of the time spent in the shark fishery will not affect switching cost; switching still occurs once or twice a year. In addition, since implementation of the FMP in 1993, the fishery has only been open for a short period of time annually and NMFS believes that few, if any, fishermen are exclusively dependent upon income from the large coastal shark fishery. Therefore, alternative sources of income have been necessary, either from other fisheries or other occupations. While NMFS agrees with SBA that most shark vessels are considered small businesses, SBA incorrectly assumes that a reduction in large coastal shark quotas will lead to a directly corresponding reduction in gross ex-vessel revenues of fishermen.

*Comment:* The State of Florida and two conservation organizations requested that NMFS prohibit the landing of additional species, namely certain rays and sawfish.

*Response:* NMFS may investigate the need for affording protection to additional species not currently included in the management unit. Adjustment of the management unit to include additional species would require an FMP amendment.

*Comment:* The State of Georgia requested that NMFS place additional restrictions on the use of gillnets in the shark fishery.

*Response:* Gear restrictions are not currently within the scope of the framework authority under the FMP. NMFS intends to amend the FMP to address alternative management measures and, at that time, may examine the possibility of gear restrictions.

*Comment:* Numerous conservation organizations and individuals suggested a 100 lb. minimum size for mako sharks.

*Response:* NMFS has previously considered a minimum size for mako sharks. A minimum size for mako sharks was rejected in the FMP because of inadequate supporting biological information. No new analyses have been presented to indicate a modification of the current management for mako sharks is warranted. NMFS may address possible use of minimum sizes for this and other species as part of the long-term rebuilding plan.

*Comment:* Two conservation organizations commented that quota overruns should be subtracted from the following years' quotas.

*Response:* This is not currently within the authority of the FMP. Current regulations allow for the adjustment between quota periods within a single year. NMFS may investigate the need for adjusting quotas from year to year during the FMP amendment process.

*Comment:* One fishermen's association commented that NMFS must not implement retroactive quota reductions.

*Response:* This is not a retroactive quota reduction. The proposed rule was published on December 20, 1996. The fishing year for the Atlantic shark fishery began on January 1, 1997, and the fishery has been ongoing while NMFS has considered comments on the proposed rule. While this action affects all landings beginning January 1, 1997, it is reasonable because quotas have been in place since 1993 and fishery participants are cognizant of annual quota adjustments. Additionally, NMFS believes that any delay in the implementation of the effective date of this action will result in the quota being exceeded for the first season and possibly for the second season.

*Other Issues:* NMFS was provided with additional data and analyses from a fishermen's association for further consideration. The submitted data include species composition, nominal catch rate, and standardized abundance index information from research surveys conducted by the Bureau of Commercial Fisheries (the precursor to NMFS), the Woods Hole Oceanographic Institute, and NMFS during the period 1957–1996. No conclusions were presented about the status of sharks. Further, this information has not been reviewed or analysed by any other scientists so the scientific reliability of the approaches taken to developing the depicted trends in catch rates is unknown. Therefore, it is inappropriate to use the statistics presented to modify the conclusions made in the 1996 SEW final report until such analyses are conducted. The commentator concludes that the analysis presented raises questions about the reliability of the large coastal shark stock declines developed in the 1996 stock assessment. However, the information depicted for the standardized abundance index for combined catches of sandbar, dusky, silky, and blacktip sharks caught in the western North Atlantic Ocean indicates a decline of about 80 percent from 1986–1996, with each year's abundance index being less than the previous year's abundance index, except in 1992 and

1994. While these data may raise questions about the magnitude of declines in shark populations, as estimated by the 1996 SEW final report, they do indicate, consistent with the 1996 SEW final report, a substantial decline. Indeed, they may represent an even greater decline than that presented in the 1996 SEW final report. In any event, NMFS has concluded that they are not sufficient to justify allowing the fishery to continue without the recommended reduction in effective fishing mortality. The data presented apparently warrant further assessment by the scientific community and should be examined for possible additional modification to future commercial quotas by the scientific community.

### Changes From the Proposed Rule

#### *Recreational Bag Limits*

Based on public comments, one management measure has been changed. NMFS has determined that a separate bag limit for Atlantic sharpnose sharks is warranted for the reason outlined above. Therefore, the recreational bag limit is as follows: 2 sharks per vessel per trip, for any combination of species except Atlantic sharpnose sharks, which will have a bag limit of 2 fish per person per trip.

#### *White shark recreational fishery*

NMFS has changed tag-and-release to catch-and-release-only recreational fishing for the white shark. NMFS intends to submit for OMB approval a new collection-of-information reporting requirement to require that recreational fishing for white sharks operate under a tag-and-release-only program.

### Classification

The AA has 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 rule has been determined to be not significant for purposes of E.O. 12866. Copies of the EA/RIR/FRFA are available (see ADDRESSES). The EA/RIR/FRFA, in combination with the SEW Report, constitutes the annual SAFE Report.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified at the proposed rule stage to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule would not have a significant economic impact on a substantial number of small entities. No Initial Regulatory Flexibility Analysis was prepared. During the comment period, NMFS received

comments from the public and SBA that indicated that the proposed rule may have a significant economic impact on a substantial number of small entities. NMFS, in response to the issues raised during the comment period, prepared a Final Regulatory Flexibility Analysis (FRFA) to ensure a thorough analysis of the impacts.

In summary, given the multispecies and multigear nature of the commercial shark fishery and the existing management regulations that control the harvest of sharks, few additional costs are expected to be incurred by reducing the size of the directed shark fishery quota. At present, the shark fishery for large coastal species lasts only a few months twice a year and most, if not all, participants have already had to diversify into other fisheries to maintain their financial viability. Evidence available to NMFS indicates that it is highly unlikely that vessel operators could survive a fishery that lasts a total of less than four months a year without alternative sources of income, either from other fisheries or other occupations. In addition, the permit database indicates that 97.7 percent of permitted shark fishers hold other fishing permits from the Southeast Regional Permit Office (SERO). Even so, the 2.4 percent who do not hold other SERO permits might hold permits from other offices (e.g. Atlantic tunas) or may not participate in the Atlantic shark fishery. NMFS estimates that a directed shark fisher would earn at most \$26,426 in gross revenues - not income - from the large coastal shark fishery alone. These revenues would be supplemented by income from fishing on other Atlantic sharks and other species such as tunas and swordfish. Additionally, nearly all Atlantic shark fishers operate in the multispecies longline fishery where gear requirements are substantially similar and require only a modification to fish at different depths. Since vessels habitually access other fisheries, reduction of the time spent in the shark fishery will not affect switching cost; the switching still occurs once or twice a year. Accordingly, a reduction in large coastal shark quotas is highly unlikely to lead to a directly-corresponding reduction in gross ex-vessel revenues of fishers. The result is that a reduction in quota should have relatively little impact on commercial shark fishing firms since the season, even if cut by more than half, would not adversely impact other harvesting operations that take up the majority of the fishing season.

Additionally, nearly all Atlantic shark commercial fishers operate in the multispecies longline fishery where gear

requirements are substantially similar and require only a modification to fish at different depths. Since vessels habitually access other fisheries, reduction of the time spent in the shark fishery will not affect switching cost; the switching still occurs once or twice a year. Estimates of additional cost to access other fisheries are therefore expected to be minimal. The fact remains that most shark fishermen are longline operators and that longlines are used to target Atlantic tunas, swordfish, and other sharks as well. The other Atlantic sharks, i.e. small coastals and pelagic sharks, are subject to quotas which are higher than historical catch levels (the pelagic shark fishery has never been closed). It should also be noted that, the current trip limit for large coastal sharks is designed, in part, to mitigate the impact of restrictive quotas on the industry. Trip limits help to extend the season, minimize market glut, and thereby maintain higher prices.

NMFS notes that the Atlantic tunas fishery is open access, and that with the exception of bluefin tuna, Atlantic tunas are not subject to quotas. The Atlantic swordfish fishery is currently open access and subject to a quota, although the fishery has not been closed since the fall of 1995. There is a proposal being developed to limit access to the swordfish fishery, however any current participant with a history of swordfish catch will be allowed to land and sell swordfish under the rule as proposed. Therefore, displaced fishers could transfer effort to the Atlantic tuna, reef fish, or coastal pelagic fisheries for king and Spanish mackerel, and potentially to Atlantic swordfish if previous participation can be documented.

The recreational shark fisheries are exploited primarily by private boat, charter boat, and head boat based fishers although some shore based fishers are active in the fishery in the Florida Keys. The restriction of 2 shark per vessel per day could reduce consumer surplus generated by a directed recreational shark fishing trip. However, the costs of reducing the landings rate should be mitigated by the 2 Atlantic sharpnose per person per trip exception as well as alternative directed recreational fishing trips for other fish species and by catch-and-release fishing. In addition, the state territorial seas should remain open subject to their respective landings regulations. This could cause a reallocation of effort from offshore waters to nearshore waters which could increase fishing pressure on juvenile stocks. However, major changes in net benefits are not expected for recreational fishers.



The prohibition of fishing for, landing or sale of whale, basking, sand tiger, and bigeye sand tiger sharks will not adversely affect gross revenue because whale, basking, and bigeye sand tiger 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-only 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.

In response to comments, NMFS did modify the recreational bag limits to allow additional limits for Atlantic sharpnose sharks. It was determined that providing this additional allowance would alleviate some of the impacts on recreational operations while not negatively impacting the resource. NMFS is aware that there may be alternative actions that could stabilize or improve the population status of sharks. However, the 1996 SEW final report indicated the need for immediate reductions in effective fishing mortality. Alternative actions, such as minimum sizes and/or nursery and pupping area closures, were recommended in general by the 1996 SEW as mechanisms to implement the immediate reductions in effective fishing mortality required. However, specific area closures or minimum sizes were not examined. Further, implementation of such alternative actions would require more scientific analyses and coordination with Atlantic states and regional fishery management councils, which would delay the implementation of fishing mortality reductions beyond the recommendation of immediate action. However, NMFS, consistent with recent requirements of the Magnuson-Stevens Act, is establishing an advisory panel that will consider these alternatives and others that could be less burdensome and could achieve the appropriate levels of fishing mortality necessary to rebuild the shark resource in the context of the FMP.

Further, under 5 U.S.C. § 553(d)(3), NMFS has determined that there is good cause to waive the 30-day delay in effective date as such a delay would be contrary to the public interest. Preliminary commercial landings estimates indicate that as of March 15,

1997, approximately 740 metric tons dressed weight of large coastal sharks had been taken, which is 115 percent of the first semiannual quota of 642 metric tons dressed weight. If this harvest rate continues, it is possible that a significant portion or the entire first semiannual quota might be taken prior to the effective date of this action, if delayed. Further, the second semiannual quota would have to be decreased by the overage in the first semiannual quota, and this could adversely affect the northern states if that overage is significant. If this authority results in a closure action for the large coastal shark fishery, NMFS has the ability to rapidly communicate the closure to fishery participants through its FAX network or NOAA weather radio. To the extent practicable, advance notice of such closure will be provided.

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 rule contains no new collection of information that may be subject to the Paperwork Reduction Act but refers to requirements that have been approved by the Office of Management and Budget under Control Number 0648-0016, 0648-0013, 0648-0205, 0648-0229, and 0648-0306. NMFS intends to submit a tagging reporting requirement to OMB for approval.

The prohibitions section has been reordered to group similar or associated prohibitions. In addition, paragraphs are now designated by numbers for the purposes of clarification.

#### List of Subjects in 50 CFR Part 678

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 1, 1997.

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

For the reasons set out in the preamble, 50 CFR part 678 is 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, *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 shark - *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) Sell shark from the management unit or be exempt from the bag limits 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 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]

[FR Doc. 97-8754 Filed 4-2-97; 8:53 am]

BILLING CODE 3510-22-F

**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.