

§ 678.8

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]

[62 FR 16655, Apr. 7, 1997]

§ 678.8 Facilitation of enforcement.

See §620.8 of this chapter.

§ 678.9 Penalties.

See §620.9 of this chapter.

§ 678.10 At-sea observer coverage.

(a) When requested by the Science and Research Director, an owner or operator of a vessel for which a permit has been issued pursuant to §678.4 must advise the Science and Research Director in writing not less than 10 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time); and

(2) Expected landing information (port, dock, and date).

(b) If a vessel's trip is selected by the Science and Research Director for observer coverage, the owner or operator of such vessel must accommodate an NMFS-approved observer.

(c) An owner or operator of a vessel on which an NMFS-approved observer is embarked must—

(1) Provide, at no cost to the observer or the United States government, accommodations and food that are equivalent to those provided to the crew;

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties;

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position;

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(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish; and

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish.

Subpart B—Management Measures

§ 678.20 Fishing year.

The fishing year is January 1 through December 31.

§ 678.21 Gear restrictions.

A drift gillnet with a total length of 2.5 km or more may not be used to fish for shark. A vessel using or having aboard a drift gillnet with a total length of 2.5 km or more may not possess a shark.

[59 FR 52457, Oct. 18, 1994]

§ 678.22 Harvest limitations.

(a) *Finning.* (1) The practice of "finning," that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited in the EEZ or aboard a vessel that has been issued a permit pursuant to §678.4.

(2) Shark fins that are possessed aboard or off-loaded from a fishing vessel must be in proper proportion to the weight of carcasses. That is, the weight of fins may not exceed five percent of the weight of the carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on the weighout slips submitted by the vessel owner or operator under §678.5(a).

(3) Shark fins may not be possessed aboard a fishing vessel after the vessel's first point of landing.

(b) *Release.* A shark that is harvested in the EEZ or harvested by a vessel that has been issued a permit pursuant to §678.4 that is not retained—

(1) Must be released in a manner that will ensure maximum probability of survival; and

(2) If caught by hook and line, must be released by cutting the line near the hook without removing the fish from the water.

(c) *Vessel trip limits.* (1) A vessel that has been issued a permit pursuant to §678.4 may not possess on any trip, or land from any trip, large coastal species in excess of 4,000 lb (1,814 kg), dressed weight.

(2) A shark from any of the three management units may not be transferred at sea from a vessel issued an Atlantic shark permit issued under §678.4 to any other vessel.

(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.

[58 FR 21944, Apr. 26, 1993, as amended at 58 FR 68558, Dec. 28, 1993; Redesignated and amended at 59 FR 52457, Oct. 18, 1994; 62 FR 16656, Apr. 7, 1997]

§678.23 Bag limits.

(a) *Applicability.* The bag limits apply to a person who fishes in the EEZ or possesses a shark in or from the EEZ aboard a vessel—

(1) When the vessel does not have on board a permit issued under §678.4; or

(2) When the vessel is operating as a charter vessel or headboat.

(b) *Bag limits.* Bag limits are as follows:

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

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

(c) *Combination of bag limits.* A person to whom the bag limits apply may not combine a bag limit specified in paragraph (b) of this section with a bag or possession limit applicable to state waters.

(d) *Responsibility for the bag limits.* The operator of a vessel for which the bag limits apply is responsible for the vessel trip limit applicable to large coastal species and pelagic species combined, and for the cumulative bag limit applicable to small coastal species based on the number of persons aboard.

(e) *Transfer of sharks.* A person for whom a bag limit specified in this section applies may not transfer at sea a shark—

(1) Taken in the EEZ, regardless of where such transfer takes place; or

(2) In the EEZ, regardless of where such shark was taken.

[58 FR 21944, Apr. 26, 1993. Redesignated at 59 FR 52457, Oct. 18, 1994; 62 FR 16656, Apr. 7, 1997; 62 FR 27704, May 21, 1997]

§678.24 Commercial quotas.

(a) *Applicability.* Persons fishing aboard vessels for which vessel permits have been issued under §678.4, except for persons aboard vessels that are operating as charter vessels or headboats, are limited to the quotas specified in this section. Persons aboard vessels that are operating as charter vessels or headboats are limited to the bag limits, as specified in §678.22(a)(2) and (b). Large coastal or pelagic species sharks that are sold are counted against the appropriate quota for their species group.

(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.

(c) *Adjustments to quotas.* The Assistant Administrator may adjust a semi-annual quota to reflect actual catches during the preceding semi-annual period. That is, catch in excess of the semi-annual quota in the preceding period may be deducted from the current semi-annual quota and catch less than the semi-annual quota may be added. Such adjustments to semi-annual quotas will be published in the FEDERAL REGISTER. Quotas may also be adjusted under the framework procedure