

Dated: July 25, 2003.

Rebecca Lent,

Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

For the reasons set out in the
preamble, 50 CFR parts 600 and 635 are
proposed to be amended as follows:

PART 600—MAGNUSON-STEVENSON ACT PROVISIONS

1. The authority citation for 50 CFR
part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801
et seq.

2. In § 600.725, section IX of the list
of authorized fisheries and gears in
paragraph (v) is revised to read as
follows:

§ 600.725 General prohibitions.

* * * * *

(v) * * *

Fishery	Authorized gear types
* * * * *	*

IX. SECRETARY OF COMMERCE

1. Atlantic Tunas, Swordfish,
and Sharks Fisheries
(FMP):

A. Swordfish handgear fishery	A. Rod and reel, har- poon, handline, bandit gear
B. Pelagic longline fishery	B. Longline
C. Shark gillnet fishery	C. Strikenet
D. Shark bottom longline fish- ery	D. Longline
E. Shark handgear fishery	E. Rod and reel, handline, bandit gear
F. Shark recreational fishery	F. Rod and reel, handline
G. Tuna purse seine fishery	G. Purse seine
H. Tuna recreational fishery	H. Rod and reel, handline
I. Tuna handgear fishery	I. Rod and reel, har- poon, handline, bandit gear
J. Tuna harpoon fishery	J. Harpoon
2. Atlantic Billfish Fisheries (FMP):	
Recreational fishery	Rod and reel
3. Commercial Fisheries (Non-FMP)	Rod and reel, handline, longline, gillnet, har- poon, band- it gear, purse seine
* * * * *	*

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

3. The authority citation for 50 CFR
part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C.
1801 *et seq.*

4. In § 635.2, the definition of
“Management unit,” under paragraph
(5), is revised and new definitions for
“Display permit,” “Mid-Atlantic shark
closed area,” and “Strikenet or to fish
with strikenet gear” are added in
alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Display permit means a permit issued
in order to catch and land sharks for the
purpose of public display pursuant to
§ 635.32.

* * * * *

Management unit means in this part:

* * * * *

(5) *For sharks*, means all fish of these
species in the western north Atlantic
Ocean, including the Gulf of Mexico
and the Caribbean Sea, excluding those
species listed in Table 2 of Appendix A.
* * * * *

Mid-Atlantic shark closed area means
the Atlantic Ocean area seaward of the
inner boundary of the U.S. EEZ from a
point intersecting the inner boundary of
the U.S. EEZ at 37°30' N. lat. near
Wachapreague Inlet, Virginia, and
proceeding due east to connect by
straight lines the following coordinates
in the order stated: 37°30' N. lat., 74°15'
W. long.; 33°00' N. lat., 74°15' W. long.;
then proceeding due west to intersect
the inner boundary of the U.S. EEZ at
33°00' N. lat. near Cape Romain, South
Carolina.
* * * * *

Strikenet or to fish with strikenet gear
means a gillnet with webbing of 5
inches or greater stretched mesh that is
designed so that, when it is deployed,
it encircles or encloses an area of water
either with the net or by utilizing the
shoreline to complete encirclement, or
to fish with such a net and method.
* * * * *

5. In § 635.3, paragraph (d) is revised
to read as follows:

§ 635.3 Relation to other laws.

* * * * *

(d) An activity that is otherwise
prohibited by this part may be
conducted if authorized as scientific
research activity, exempted fishing or
exempted educational activity, or for
public display, as specified in § 635.32.
* * * * *

6. In § 635.5, paragraph (e) is revised
to read as follows:

§ 635.5 Recordkeeping and reporting.

* * * * *

(e) *Inspection.* Any person authorized
to carry out enforcement activities
under the regulations in this part has
the authority, without warrant or other
process, to inspect, at any reasonable
time, catch on board a vessel or on the
premises of a dealer, logbooks, catch
reports, statistical records, sales
receipts, or other records and reports
required by this part to be made, kept,
or furnished. An owner or operator of a
fishing vessel that has been issued a
permit under § 635.4 or § 635.32 must
allow NMFS or an authorized person to
inspect and copy any required reports
and the records, in any form, on which
the completed reports are based,
wherever they exist. An agent of a
person issued a vessel or dealer permit
under this part, or anyone responsible
for offloading, storing packing, or selling
regulated HMS for such permittee, shall
be subject to the inspection provisions
of this section.
* * * * *

§ 635.16 [Reserved]

7. Remove and reserve § 635.16.

8. In § 635.20, paragraph (e) is revised
to read as follows:

§ 635.20 Size limits.

* * * * *

(e) *Sharks.* All sharks landed under
the recreational retention limits
specified at § 635.22(c) must have the
head, tail, and fins attached and be at
least 54 inches (137 cm) FL, except that
the minimum size limit does not apply
for Atlantic sharpnose sharks or for
bonnethead sharks.
* * * * *

9. In § 635.21, paragraph (d) is
redesignated as paragraph (e), a new
paragraph (d) is added, and the newly
redesignated paragraphs (e)(3)(i)
through (e)(3)(iv) are revised to read as
follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(d) *Bottom longlines.* For the purposes
of this part, a vessel is considered to
have bottom longline gear on board
when a power-operated longline hauler,
a mainline, weights and/or anchors
capable of maintaining contact of the
mainline with the ocean bottom, and
leaders (gangions) with hooks are on
board. Removal of any one of these
elements constitutes removal of bottom
longline gear. If a vessel issued a permit
under this part is in a closed area
designated under paragraph (d)(1) of
this section with bottom longline gear
on board, it is a rebuttable presumption