DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 170712657–7999–02]
RIN 0648–BG85

International Fisheries; Pacific Tuna Fisheries; Restrictions on Fishing for Sharks in the Eastern Pacific Ocean

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

ACTION: Final rule.

SUMMARY: NMFS is issuing regulations under the Tuna Conventions Act to implement Resolution C–16–05 (Resolution on the Management of Shark Species) of the Inter-American Tropical Tuna Commission (IATTC) adopted in July 2016. NMFS requests comments on the proposed rule on or before November 28, 2017.

DATES: This rule is effective January 1, 2018.


FOR FURTHER INFORMATION CONTACT: Daniel Studt, NMFS, West Coast Region, 562–980–4073.

SUPPLEMENTARY INFORMATION: On August 7, 2017, NMFS published a proposed rule in the Federal Register (82 FR 36724) to implement provisions of Resolution C–16–05 adopted by the IATTC in July 2016. The 30-day public comment period for the proposed rule closed on September 6, 2017, and one comment was received from an individual in support of the proposed rule as drafted. NMFS is finalizing the rule as proposed, except for non-substantive revisions as described below. The preamble to the proposed rule contains additional background information, including information on the IATTC, the international obligations of the United States as an IATTC member, and the need for regulations.

This final rule is implemented under the Tuna Conventions Act (16 U.S.C. 951 et seq.), as amended on November 5, 2015, by title II of Public Law 114–81. The recent amendments direct the Secretary of Commerce, in consultation with the Secretary of State, and, with respect to enforcement measures, the U.S. Coast Guard, to promulgate such regulations as may be necessary to carry out the United States’ obligations under the Antigua Convention, including recommendations and decisions adopted by the IATTC. The authority of the Secretary of Commerce to promulgate such regulations has been delegated to NMFS. This rule implements provisions of Resolutions C–16–05 for U.S. commercial fishing vessels that fish for tuna or tuna-like species in the IATTC Convention Area. The IATTC Convention Area is defined as waters of the EPO within the area bounded by the west coast of the Americas and by 50° N, latitude, 150° W, longitude, and 50° S, latitude.

This final rule requires that the crew, operator, and owner of a U.S. commercial purse seine fishing vessel promptly release unharmed, to the extent practicable, any shark (whether live or dead) caught in the IATTC Convention Area, as soon as it is seen in the net or on the deck, without compromising the safety of any persons. If a shark is live when caught, the crew, operator, or owner of a U.S. commercial purse seine vessel must follow the release procedures described in the regulatory text at 50 CFR 300.27(k).

This rule also prohibits the towing of a whale shark (Rhincodon typus) out of a purse seine net (e.g., using towing ropes).

Furthermore, this rule prohibits longline vessels targeting tuna or swordfish in the IATTC Convention Area from using “shark lines.”

Lastly, this final rule updates paragraph references in 50 CFR 300.24 for consistency and accuracy with existing regulations.

Public Comment and Response
NMFS received one written comment from an individual during the 30-day public comment period that closed on September 6, 2017. The individual supported the proposed rulemaking and noted shark populations’ vulnerability to threats.

Changes From the Proposed Rule

There are no changes to the regulatory text in the final rule from the proposed rule except that 50 CFR 300.27(b) has been revised by removing the phrase in parentheticals, “other than silky shark, oceanic whitetip shark, and whale shark, which may not be retained for consumption”.

NMFS removed this parenthetical language from the regulatory text of the final rule because it was unnecessary: Oceanic whitetip, silky or whale sharks are already required to be released as soon as possible; as a result, those three types of shark may never be retained even for the purpose of consumption. Also, for consistency with other definitions in 50 CFR 300.21, a colon was removed from the shark line definition in the proposed rule. Furthermore, paragraph 50 CFR 300.24(i) was removed by a final rule on September 29, 2017 (82 FR 45514); therefore, paragraph additions of 50 CFR 300.24(jj) and (kk) have been updated to 50 CFR 300.24(ii) and (jj), respectively.

Classification

The NMFS Assistant Administrator, in consultation with the Department of State and the U.S. Coast Guard, has determined that this final rule is consistent with the Tuna Conventions Act and other applicable laws.

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13771

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

Paperwork Reduction Act Collection of Information

There are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act (PRA), and existing collection-of-information requirements still apply under the following Control Numbers: 0648–0148, 0648–0214, and 0648–0593. Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid Office of Management and Budget control number. All
currently approved NOAA collections of
information may be viewed at: http://
www.cio.noaa.gov/services_programs/
prsubs.html

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility
Act, 5 U.S.C. 605(b), the Chief Counsel
for Regulation of the Department of
Commerce certified to the Chief Counsel
for Advocacy of the Small Business
Administration that this action would
not have a significant economic impact
on a substantial number of small
entities. The factual basis for the
certification was published in the
proposed rule and is not repeated here.

No comments were received regarding
this certification. As a result, a
Regulatory Flexibility Analysis was not
required and none was prepared.

List of Subjects in 50 CFR Part 300

Fish, Fisheries, Fishing, Fishing
vessels, International organizations,
Marine resources, Reporting and
recordkeeping requirements, Treaties.

Sharks that cannot be released without
compromising the safety of persons or
the sharks before being landed on deck
must be returned to the water as soon
as possible, either utilizing a ramp from
the deck connecting to an opening on
the side of the boat, or through escape
hatches. If ramps or escape hatches are
not available, the sharks must be
lowered with a sling or cargo net, using
a crane or similar equipment, if
available.

(2) No shark may be gaffed or hooked,
lifted by the head, tail, gill slits or
spiracles, or lifted by using bind wire
against or inserted through the body,
and no holes may be punched through
the bodies of sharks (e.g., to pass a cable
through for lifting the shark).

(l) Shark line prohibition for longline
vessels. Any U.S. longline vessel used to
fish for tuna or swordfish is prohibited
from using any shark line in the IATTC
Convention Area.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 622

[Docket No. 170803719–7719–01]

RIN 0648–XF848

Fishing of the Caribbean, Gulf of
Mexico, and South Atlantic; Snapper-
Grouper Fishery of the South Atlantic;
Re-Opening of the Recreational Sector
for Red Snapper

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

ACTION: Temporary rule; re-opening.

SUMMARY: NMFS announces the re-
opening of the recreational sector for red
snapper in the exclusive economic zone
(EEZ) of the South Atlantic through this
temporary rule. The most recent
preliminary recreational harvest
information for red snapper indicate the
recreational harvest catch limit (ACL) for
the limited 2017 fishing season has not
yet been reached. Therefore, NMFS re-
opens the recreational sector for red
snapper in the South Atlantic EEZ for 3
days (see DATES) to allow the
recreational ACL to be caught, while
minimizing the risk of the recreational
ACL being exceeded.

DATES: This rule is effective 12:01 a.m.,
local time, December 8, 2017, and closes