

Management Act, 16 U.S.C. 5101 *et seq.*, and govern fishing for and possession of Atlantic Coast weakfish in the EEZ.

#### § 697.2 Definitions.

The terms used in this part have the following meanings:

*Act* means the Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 5101 *et seq.*

*Area of Custody* means any vessel, building, vehicle, live car, pound, pier, or dock facility where Atlantic coast weakfish might be found.

*Atlantic Coast weakfish* means members of stocks or populations of the species *Cynoscion regalis*, found in the waters of the Atlantic Ocean north of Key West, FL.

*Authorized officer* means:

- (1) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;
- (2) Any special agent or enforcement officer of the National Marine Fisheries Service;
- (3) Any officer designated by the head of any Federal or state agency that has entered into an agreement with the Secretary to enforce the Act; or
- (4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

*Catch, take, or harvest* means, but is not limited to, any activity that results in killing any fish or bringing any live fish on board a vessel.

*EEZ* means the Exclusive Economic Zone of the United States, from 3 to 200 nautical miles (5.6-370.6 km) offshore of the United States, beginning at the seaward boundary of the territorial sea of the coastal states.

*Fish* means finfish (including highly migratory species), mollusks, crustaceans, and all other forms of marine animal and plant life.

*Fishing or to fish* means:

- (1) The catching, taking, or harvesting of fish;
- (2) The attempted catching, taking, or harvesting of fish; or
- (3) Any operation at sea in support of, or in preparation for, any activity described in paragraphs (1) or (2) of this definition.

*Land* means to begin offloading fish, to offload fish, or to enter port with fish.

*Magnuson Act* means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

*Person* means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, local, or foreign government or any entity of any such government.

*Retain* means to fail to return Atlantic Coast weakfish to the sea immediately after the hook has been removed or the fish has otherwise been released from the capture gear.

*Secretary* means the Secretary of Commerce or a designee.

*Vessel* means any boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for:

- (1) Fishing; or
- (2) Aiding and assisting one or more vessels at sea in the performance of any activity related to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

#### § 697.3 Prohibitions.

No person shall:

- (a) Catch, take, or harvest and retain any Atlantic Coast weakfish within the EEZ;
- (b) Fail to return to the water immediately, with the least possible injury, any Atlantic Coast weakfish taken within the EEZ incidental to the commercial or recreational fishing for species of fish other than Atlantic Coast weakfish;
- (c) Possess any Atlantic Coast weakfish on board a vessel while such vessel is in the EEZ;
- (d) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import or export, or transfer any Atlantic Coast weakfish taken and retained in violation of the Act or the regulations in this part;
- (e) Interfere with, obstruct, delay, or prevent by any means a lawful investigation, search or seizure conducted in the process of enforcing the Act;
- (f) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, shipping,

transporting, selling, offering for sale, purchasing, importing or exporting, or transferring of any Atlantic Coast weakfish;

(g) Refuse to allow an authorized officer to board any vessel or to enter any area of custody for the purpose of conducting any search, inspection, or seizure in connection with the enforcement of the Act or the regulations in this part;

(h) Dispose of any Atlantic Coast weakfish, or parts thereof, or other matter, in any manner, after any communication or signal from an authorized officer, or after the approach by an authorized officer or an enforcement vessel;

(i) Forcibly assault, resist, oppose, impede, intimidate, threaten or interfere with any authorized officer in the conduct of any search, inspection, or seizure in connection with enforcement of the Act or the regulations in this part;

(j) Resist a lawful arrest for any act prohibited by the Act or these regulations; or

(k) Interfere with, delay, or prevent by any means the apprehension of another person, knowing that such person has committed any act prohibited by the Act or the regulations in this part.

#### § 697.4 Relation to the Magnuson Act.

The provisions of sections 307 through 311 of the Magnuson Act, as amended, regarding prohibited acts, civil penalties, criminal forfeitures, and enforcement apply with respect to the regulations in this part, as if the regulations in this part were issued under the Magnuson Act.

#### § 697.5 Civil procedures.

The civil procedure regulations at 15 CFR part 904 apply to civil penalties, seizures, and forfeitures under the Act and the regulations in this part.

#### § 697.6 Specifically authorized activities.

NMFS may authorize for the acquisition of information and data, activities that are otherwise prohibited by these regulations.

#### Subpart B—[Reserved]

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