

Galapagos shark, *Carcharhinus galapagensis*
 Lemon shark, *Negaprion brevirostris*
 Narrowtooth shark, *Carcharhinus brachyurus*
 Night shark, *Carcharhinus signatus*
 Sandbar shark, *Carcharhinus plumbeus*
 Silky shark, *Carcharhinus falciformis*
 Spinner shark, *Carcharhinus brevipinna*
 Tiger shark, *Galeocerdo cuvieri*

(2) Small coastal species:

Angel sharks—Squatinae
 Atlantic angel shark, *Squatina dumerili*
 Hammerhead sharks—Sphyrnidae
 Bonnethead, *Sphyrna tiburo*
 Requiem sharks—Carcharhinidae
 Atlantic sharpnose shark, *Rhizoprionodon terraenovae*
 Blacknose shark, *Carcharhinus acronotus*
 Caribbean sharpnose shark, *Rhizoprionodon porosus*
 Finetooth shark, *Carcharhinus isodon*
 Smalltail shark, *Carcharhinus porosus*

(3) Pelagic species:

Cow sharks—Hexanchidae
 Bigeye sixgill shark, *Hexanchus vitulus*
 Sevengill shark, *Heptranchias perlo*
 Sixgill shark, *Hexanchus griseus*
 Mackerel sharks—Lamnidae
 Longfin mako, *Isurus paucus*
 Porbeagle shark, *Lamna nasus*
 Shortfin mako, *Isurus oxyrinchus*
 Requiem sharks—Carcharhinidae
 Blue shark, *Prionace glauca*
 Oceanic whitetip shark, *Carcharhinus longimanus*
 Thresher sharks—Alopiidae
 Bigeye thresher, *Alopias superciliosus*
 Thresher shark, *Alopias vulpinus*

(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 tauris*
 Whale sharks - Rhincodontidae
 Whale shark - *Rhincodon typus*

Pelagic species means any of the species, or a part thereof, listed in paragraph (3) of the definition of *management unit*.

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813-570-5301, or a designee.

Science and Research Director means the Science and Research Director, Southeast Fisheries Science Center, NMFS, 75 Virginia Beach Drive, Miami,

FL 33149, telephone 305-361-5761, or a designee.

Shark means any of these species listed in the definition of the management unit, or a part thereof.

Shark tournament means any fishing competition involving sharks in which participants must register or otherwise enter or in which a prize or award is offered for catching a shark.

Small coastal species means any of the species, or a part thereof, listed in paragraph (2) of the definition of *management unit*.

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

Trip limit means the total allowable take from a single trip as defined in this section.

Weightout slip means the document provided by the person weighing the shark carcasses and fins to the owner or operator of a permitted vessel that records the weights of the shark carcasses and fins, prior to or as part of, a commercial transaction involving such shark carcasses and/or fins. Any document such as "tally slip," "trip ticket," or "sales receipt," that contains such information will be considered as a weighout slip.

[58 FR 21944, Apr. 26, 1993, as amended at 58 FR 68558, Dec. 28, 1993; 59 FR 52456, Oct. 18, 1994; 60 FR 35341, July 7, 1995; 62 FR 16655, Apr. 7, 1997]

§ 678.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) and (c) of this section.

(b) In accordance with regulations issued under the Marine Mammal Protection Act of 1972, as amended, it may be unlawful for a commercial fishing vessel, a vessel owner, or a master or operator of a vessel to engage in a longline or gillnet shark fishery in the Atlantic Ocean (including the Gulf of Mexico and Caribbean Sea) unless the vessel owner or authorized representative has complied with specified requirements including, but not limited

to, registration, exemption certificates, decals, and reports, as contained in 50 CFR part 229.

(c) Regulations governing fishing in the EEZ by vessels other than vessels of the United States appear at 50 CFR part 611, subpart A, and §§611.60 and 611.61 of subpart D.

§ 678.4 Permits and fees.

(a) *Applicability.* (1) *Annual vessel permit.* (i) As a prerequisite to sell shark from the management unit or to be eligible for exemption from the bag limits specified in §678.23(b), an owner or operator of a vessel that fishes in the EEZ must obtain an annual vessel permit; except that there is no Federal requirement for a permit for a vessel that fishes exclusively within state waters.

(ii) For a vessel owned by a corporation or partnership to be eligible for a vessel permit, the earned income qualification specified in paragraph (b)(2)(vi) of this section must be met by, and the statement required by that paragraph must be submitted by, an officer or shareholder of the corporation, a general partner of the partnership, or the vessel operator.

(iii) A vessel permit issued upon the qualification of an operator is valid only when that person is the operator of the vessel.

(iv) An owner or operator who applies for a permit under paragraph (b) of this section must agree, as a condition of such permit, that the vessel's shark fishing, catch, and gear are subject to the requirements of this part during the period of validity of the permit, without regard to whether such fishing occurs in the EEZ, landward of the EEZ, or outside the EEZ, and without regard to where such shark or gear are possessed, taken, or landed. However, when a vessel fishes in the waters of a state that has more restrictive regulations on shark fishing, those more restrictive regulations may be applied by that state to fishing, catch, and gear in its waters.

(2) *Annual dealer permit.* A dealer who receives sharks from the management unit must have an annual dealer permit.

(b) *Application for an annual vessel permit.* (1) An application for a vessel

permit must be submitted and signed by the owner (in the case of a corporation, the qualifying officer or shareholder; in the case of a partnership, the qualifying general partner) or operator of the vessel. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) An applicant must provide the following information:

(i) A copy of the vessel's U.S. Coast Guard certificate of documentation or, if not documented, a copy of its state registration certificate.

(ii) The vessel's name and official number.

(iii) Name, mailing address including ZIP code, telephone number, and social security number, and date of birth of the owner (if the owner is a corporation/partnership, in lieu of the social security number, provide the employer identification number, if one has been assigned by the Internal Revenue Service (IRS), and, in lieu of the date of birth, provide the date the corporation/partnership was formed).

(iv) If the owner does not meet the earned income qualification specified in paragraph (b)(2)(vi) of this section and the operator does meet that qualification, the name, mailing address including ZIP code, telephone number, social security number, and date of birth of the operator.

(v) Information concerning vessel, gear used, fishing areas, and fisheries vessel is used in, as requested by the Regional Director and included on the application form.

(vi) A sworn statement by the applicant certifying that, during 1 of the 3 calendar years preceding the application,

(A) More than 50 percent of his or her earned income was derived from commercial fishing, that is, sale of the catch, or from charter or headboat operations; or

(B) His or her gross sales of fish were more than \$20,000; or

(C) For a vessel owned by a corporation or partnership, the gross sales of fish of the corporation or partnership were more than \$20,000.