

**SMALL ENTITY COMPLIANCE GUIDE<sup>1</sup>**  
**REGULATIONS TO IMPLEMENT THE SHARK FINNING PROHIBITION ACT**

February 11, 2002

Prohibition of Shark Finning, Possession of Shark Fins without Corresponding Carcasses, and  
Landings of Shark Fins without Corresponding Carcasses in U.S. Fisheries

If you fish for or take sharks in any U.S. fisheries in the U.S. exclusive economic zone (EEZ) or on the high seas, you are subject to the regulations published to implement the Shark Finning Prohibition Act. NMFS provides this guide, in question and answer format, to explain these regulations. Among other things, these regulations prohibit finning and associated activity, which is to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea, to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or to land any such fin without the corresponding carcass. For the complete set of official regulations please refer to Title 50 of the Code of Federal Regulations (Part 660) and the Federal Register document containing the final regulations published on February 11, 2002.<sup>2</sup> Copies of the Final Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis and the final rule can be obtained from the offices listed at the end of this guide. They can also be downloaded from <http://www.nmfs.noaa.gov/sfpa>.

**Q1:** *I am a recreational fisherman. Will these regulations affect me?*

**A:** They will affect you if you have been fishing in waters seaward of the inner boundary of the U.S. EEZ and you catch sharks and keep them. In that case, you cannot remove and keep the fins from the shark and throw the carcass away.

**Q2:** *I am a commercial fisherman. Will these regulations affect me?*

**A:** Yes, just the same as if you were a recreational fisherman. If you have been fishing in waters seaward of the inner boundary of the U.S. EEZ, and you catch sharks, you cannot remove the fins and keep them and then discard the carcass.

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<sup>1</sup>This compliance guide is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

<sup>2</sup>Because fishery regulations are subject to change, any discrepancy between this summary and final regulations will be resolved in favor of the regulations published in the Federal Register (67 FR 6194, February 11, 2002).

**Q3:** *I fish only within state waters. Will these regulations affect me?*

**A:** In most instances, no. These regulations do not apply to persons who only fish in waters under state jurisdiction. However, if you have been fishing in state waters but you hold an Federal Atlantic Shark Fishing Permit or Spiny Dogfish Fishing Permit issued by NMFS, then the regulations apply to you. Also, if you are fishing in state waters, then you must comply with state regulations, which may be more restrictive than these regulations.

**Q4:** *Are there any limits on the numbers of sharks that I keep under these regulations?*

**A:** Not under these regulations, which only control what you can do with the sharks you catch. However, there may be other regulations limiting the number or amount of sharks that you can retain. Be sure to check with your nearest NMFS office (phone numbers and addresses are listed on the back of this guide) if you have any questions.

**Q5:** *Can I sell shark fins under these regulations?*

**A:** Yes, as long as you land the shark fins with the corresponding carcasses and have the fins and carcasses weighed at the same time and you have the appropriate permits. Check with your nearest NMFS office if you have any questions.

**Q6:** *Do the regulations require that I sell the shark carcasses at the same time or to the same person as buys the fins?*

**A:** No. If you are a commercial fisherman the regulations require that you land and have weighed the shark fins and corresponding shark carcasses at the same time, but once the landing and weighing are completed, the shark fins and shark carcasses can be separated. All records of the transactions should be kept for possible inspection by NMFS to ensure that all landings and weighing match.

**Q7:** *Are there any fishing gear or fishing method restrictions in this rule?*

**A:** No. The rules do not affect fishing gear or techniques. The rules only restrict what you do with any sharks you catch and keep. However, there may be other regulations governing the gear that you may use. Again, check with the local NMFS office if you have any questions.

**Q8:** *Will I have to file any reports under the regulations?*

**A:** No, the regulations do not have any reporting requirements. However, there may be other reporting requirements that apply to your fishery or business. Check with your nearest NMFS office if you have any questions about Federal reporting requirements in your area.

**Q9:** *Do the regulations apply to foreign fishing vessels?*

**A:** In many of the same ways, yes. For example, a foreign fishing vessel may be permitted to fish in the U.S. EEZ. If any sharks were taken in such a fishery, the fishing vessel may not remove and keep the shark fins while discarding the corresponding shark carcass at sea. A foreign fishing vessel may be able to land fish in some U.S. ports such as in Pago Pago, American Samoa. Under these regulations, however, a foreign fishing vessel can land shark fins in such a port only as long as the corresponding carcasses are also landed at the same time, and all fins and carcasses must also be weighed at that time. A foreign fishing vessel can possess shark fins without corresponding carcasses while the vessel is transiting the U.S. EEZ or while the vessel is in a U.S. port to obtain provisions. A foreign fishing vessel can never land shark fins in a U.S. port without corresponding carcasses. Also, a foreign vessel may not transship shark fins without corresponding carcasses onto another vessel, whether U.S. or foreign, while in the U.S. EEZ or in a U.S. port.

**Q10:** *How do the regulations apply in U.S. Foreign Trade Zones?*

**A:** The regulations apply in Foreign Trade Zones the same way as in other U.S. ports. That is, a foreign vessel may not land shark fins without corresponding carcasses in a Foreign Trade Zone but may possess shark fins without corresponding carcasses while it is in a Foreign Trade Zone.

**Q11:** *Are foreign fishing vessels subject to inspection under the regulations?*

**A:** Yes, they are. This is the case under customary international law whether or not the shark finning prohibition regulations were published.

**Q12:** *I own a business that has bought shark fins from foreign fishing vessels in the past. Am I limited by this rule?*

**A:** Yes. You may still buy shark fins that have been landed by a foreign fishing vessel, provided that the vessel also has landed the corresponding shark carcasses. You may not buy shark fins from a foreign fishing vessel that has not at the same time landed corresponding shark carcasses.

**Q13:** *I buy and sell shark fins that are imported in cargo containers. These fins are shipped without carcasses. They are delivered directly into a U.S. port. Will these regulations affect me?*

**A:** In most instances, no. The regular delivery of fins that were loaded onto a cargo vessel in cargo containers in the port of origin is not restricted or prohibited by these regulations. However, if the cargo vessel obtained these shark fins from another vessel (most likely a fishing vessel) while at sea, then the regulations apply, and those shark fins may not be landed into a U.S. port. In this situation, the cargo vessel was operating “in support of fishing” and would be considered a fishing vessel under these regulations.

**Q14:** *If a state's regulations governing shark finning are more restrictive than the Federal regulations, what regulations do I follow?*

**A:** If you were fishing under the state's authority, then the state's regulations apply in addition to the shark finning regulations.

**Q15:** *Can I dress a shark carcass under these regulations?*

**A:** These regulations do not affect any regulations allowing you to dress shark carcasses. Check with your nearest NMFS office if you have questions on other regulations that might affect you. However, note that NMFS and NOAA will presume that the fins were taken in violation of the regulations if the weight of the fins is greater than 5 percent of the weight of the carcasses landed. The fact that the carcass(es) were dressed may be offered as evidence to rebut that presumption.

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Southeast Region  
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Southwest Region  
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