

request for allocation must be made in conjunction with a request for Atlantic bluefin tuna quota allocation as specified under § 285.25(d).

(2) The Regional Director will review applications for allocations of Atlantic yellowfin tuna on or about May 1, and will make equal allocations of the quota among the purse seine vessels that requested an allocation for that . Yellowfin tuna allocations issued to purse seine vessels are freely transferable, in whole, to other Atlantic tuna vessel permit holders, including vessels other than purse seine vessels. Any purse seine vessel permit holder intending to transfer its allocation of yellowfin tuna in any fishing season must provide written notice of such intent to the Regional Director 15 days before commencing fishing in that season. Purse seine vessel permit holders who transfer their yellowfin tuna allocation must not fish their permitted vessel in any fishery in which Atlantic yellowfin tuna might be caught. If an Atlantic bluefin tuna purse seine allocation is transferred pursuant to § 285.25(d)(2), any yellowfin tuna allocation applicable to that purse seine vessel must not be fished, but may be transferred to another eligible vessel.

§ 285.57 Quotas.

The Assistant Administrator shall specify fishing quotas for yellowfin and bigeye tuna as necessary to implement the management recommendations of ICCAT.

(a) *Yellowfin tuna*. The total annual (January 1–December 31) amount of Atlantic yellowfin tuna that may be caught, retained, possessed or landed by persons and vessels subject to U.S. jurisdiction in the regulatory area is subdivided as follows:

(1) *Purse Seine*. The total annual amount of yellowfin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the Purse Seine category under § 285.52(d) is 350 mt.

(2) *Other gear*. The total annual amount of Atlantic yellowfin tuna that may be caught, retained, possessed or landed by persons and vessels subject to U.S. jurisdiction in the regulatory area using gear authorized under § 285.50 other than purse seines is not subject to a quota.

(b) *Bigeeye tuna*. The total annual (January 1–December 31) amount of Atlantic bigeye tuna that may be caught, retained, possessed or landed by persons and vessels subject to U.S. jurisdiction in the regulatory area is not subject to a quota.

§ 285.58 Catch limits.

The Assistant Administrator shall specify catch limits for commercial and recreational fisheries as necessary to implement the management recommendations of ICCAT and to achieve domestic fishery management objectives. Persons aboard vessels permitted under this part may possess yellowfin and bigeye tuna in an amount not to exceed a single day's catch, regardless of the length of the trip, as allowed by the daily catch limit in effect at that time. The captain, mate, or crew member of a party or charter boat is not an angler for purposes of this section. When not operating as a party or charter boat, persons aboard vessels permitted in the Party/Charter category are exempt from the daily catch limit.

(a) *Yellowfin tuna*. Anglers aboard vessels permitted in the Angling category or Party/Charter category may catch and retain each day no more than ten Atlantic yellowfin tuna.

(b) *Bigeeye tuna*. Unless adjusted pursuant to paragraph (c) of this section, anglers aboard vessels permitted in the Angling category or Party/Charter category may catch and retain each day an unlimited number of bigeye tuna.

(c) *Adjustments to catch limits*. The Assistant Administrator may increase or decrease the daily catch limit for yellowfin or bigeye tuna, based on a review of daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, to provide for maximum utilization of the quota, if applicable. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the catch limit made under this paragraph. Such notice shall be published at least 7 calendar days prior to a change in daily catch limit becoming effective.

§ 285.59 Incidental catch.

Persons or fishing vessels subject to the jurisdiction of the United States must release, in a manner to promote survival, any yellowfin tuna or bigeye tuna less than the minimum size specified in § 285.51 taken incidental to authorized fishing in the regulatory area.

§ 285.60 Prohibitions.

(a) It is unlawful for any person or vessel subject to the jurisdiction of the United States to do any of the following:

- (1) Fish for, catch, possess, or land Atlantic yellowfin or bigeye tuna without a valid permit required under § 285.52 and carried on board the vessel;
- (2) Fish for, catch, land, or possess Atlantic yellowfin or bigeye tuna in excess of the catch limits specified in

§ 285.58 or below the minimum size specified in § 285.51;

(3) Fish for or catch Atlantic yellowfin or bigeye tuna in a directed fishery with purse seine nets in excess of an allocation made under § 285.56(c) or if without any remaining bluefin tuna allocation made under § 285.25(d);

(4) For any vessel other than a vessel holding a purse seine permit issued under § 285.52(d), to approach to within 100 yd (91.5 meters) of the cork line of any purse seine net used by any vessel fishing for Atlantic yellowfin or bigeye tuna, or for any such purse seine vessel to approach to within 100 yd (91.5 meters) of any vessel, other than a purse seine vessel, fishing for Atlantic yellowfin or bigeye tuna;

(5) Fail to release immediately with a minimum of injury any Atlantic yellowfin or bigeye tuna that will not be retained;

(6) Begin fishing or offloading from any purse seine vessel to which a permit has been issued under § 285.21 any Atlantic yellowfin or bigeye tuna without first requesting an inspection of the vessel in accordance with § 285.25;

(7) Fail to report the catching of any Atlantic yellowfin or bigeye tuna to which a plastic tag has been affixed under a tag and release program conducted by NMFS or any other scientific organization;

(8) Falsify or fail to make, keep, maintain, or submit any reports, or other record required by this subpart;

(9) Refuse to allow an authorized officer to make inspections for the purpose of checking any records relating to the catching, harvesting, landing, purchase, or sale of any Atlantic yellowfin or bigeye tuna required by this subpart;

(10) Make any false statement, oral or written, to an authorized officer concerning the catching, harvesting, landing, purchase, sale, or transfer of any Atlantic yellowfin or bigeye tuna;

(11) Interfere with, delay, or prevent by any means, the apprehension of another person, knowing that such person has committed any act prohibited by this part;

(12) Refuse to permit access of NMFS personnel to inspect any records relating to, or area of custody of, Atlantic yellowfin or bigeye tuna.

(b) It is unlawful for any person subject to the jurisdiction of the United States to violate any other provision of this subpart, the Act, or any other rules implemented under the Act.

[FR Doc. 95–11686 Filed 5–9–95; 12:21 pm]

BILLING CODE 3510–22–W