

Science, Service, Stewardship

2009 Dealer and Importer/Exporter Compliance Guide

Guide for Complying with the
Atlantic Tunas, Swordfish, Sharks,
and Billfish Regulations

Office of Sustainable Fisheries
Highly Migratory Species
Management Division

(As of November 20, 2008)



U.S. Department of Commerce

National Oceanic and Atmospheric Administration

National Marine Fisheries Service

Introduction to the Highly Migratory Species (HMS) Management Division



Atlantic highly migratory species (HMS) including tunas, swordfish, sharks, and billfish are managed by the National Marine Fisheries Service (NMFS) under the authority of the Secretary of Commerce, with consideration for the domestic and international aspects of these fisheries.

This document is meant to provide a summary of Atlantic HMS Dealer and Importer/Exporter regulations per the 2006 Consolidated HMS Fishery Management Plan (FMP). This October 2008 Dealer and Importer/Exporter Guide amends all dealer and importer/exporter sections of previous guides and is produced in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act. This guide is intended to provide a plain-language summary of how to comply with Federal regulations for Atlantic tunas, swordfish, sharks, and billfish.

Since regulations frequently change, it is ***your responsibility as a dealer*** to become familiar with the latest regulatory updates and to comply with the current official regulations. For a comprehensive list of updated Atlantic HMS regulations, please refer to the ELECTRONIC CODE OF FEDERAL REGULATIONS (<http://ecfr.gpoaccess.gov>). **If there is a discrepancy between this summary and the regulations in 50 CFR part 635, the regulations will take precedence.**

Anyone who is a first receiver for **Atlantic sharks** must have a Federal Atlantic Shark Dealer permit. A first receiver, as defined in § 635.2, is any entity, person, or company that takes, for commercial purposes (other than solely for transport), immediate possession of the fish, or any part of the fish, as the fish are offloaded from a fishing vessel of the United States, as defined under § 600.10 of this chapter, whose owner or operator has been issued, or should have been issued, a valid permit under this part. Prior to renewing or obtaining a Federal Atlantic Shark Dealer permit, the dealer or their proxy must have attended an **Atlantic Shark Identification** workshop and obtained a workshop certificate as proof of completing the workshop (see Section III for workshop information). Anyone who receives **Atlantic swordfish** from U.S. vessels must have a Federal Atlantic Swordfish Dealer permit. Federal Atlantic shark and swordfish dealer permits can be obtained by calling the NMFS Southeast Region Permit Office (727) 824-5326. Anyone who receives **Atlantic tunas** (bluefin, bigeye, albacore, yellowfin, or skipjack tunas) from U.S. vessels must have a Federal Atlantic Tunas Dealer permit. Federal Tuna Dealer permits can be obtained by calling the NMFS Northeast Regional Office (978) 281-9370.

NOTE: The purchase or sale of **Atlantic billfish** is ***prohibited***.

An **HMS International Trade Permit** (ITP) is required to lawfully import, export, or re-export Atlantic bluefin tuna, Southern bluefin tuna, Pacific bluefin tuna, frozen bigeye tuna, swordfish, and shark fins. The HMS ITP may be obtained from the NMFS Southeast Region Permit Office (727) 824-5326.

For updates affecting HMS Dealers and Importers/Exporters, please call the HMS Management Division at (301) 713-2347, or visit the HMS website at www.nmfs.noaa.gov/sfa/hms. To stay up-to-date on HMS regulations, sign-up for the HMS email newsletter and listserv *Atlantic HMS News* at <http://www.nmfs.noaa.gov/sfa/hms/newslist/>.

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I. PERMITS

ATLANTIC TUNAS
Atlantic tuna dealers must obtain a Federal Atlantic Tunas Dealer permit in order to receive, purchase, trade for, or barter for Atlantic bluefin, bigeye, albacore, yellowfin, and skipjack tunas from a vessel. Atlantic Tunas Dealer Permits are available from the NMFS Northeast Regional Office at http://www.nero.noaa.gov/permits/forms.html or by calling (978) 281-9370, and are valid for one year.
ATLANTIC SHARKS
The Federal Atlantic Shark Dealer permit is required for any entity, person, or company that is the “first receiver” of any Atlantic shark or part of an Atlantic shark. A first receiver, as defined in 50 CFR 635.2, is any entity, person, or company that takes, for commercial purposes (other than solely for transport), immediate possession of the fish, or any part of the fish, as the fish are offloaded from a fishing vessel of the United States, as defined under 50 CFR 600.10, whose owner or operator has been issued, or should have been issued, a valid permit under this part. Atlantic shark dealer permits are available from the NMFS Southeast Regional Permits Office at (727) 824-5326, and are valid for one year.
ATLANTIC SWORDFISH
Atlantic swordfish dealers must obtain a Federal Atlantic Swordfish Dealer permit in order to receive, purchase, trade for, or barter for Atlantic swordfish from a vessel. Atlantic swordfish dealer permits are available from the NMFS Southeast Regional Permits Office at (727) 824-5326, and are valid for one year.
ATLANTIC BILLFISH
Atlantic billfish, including blue and white marlin, sailfish, and spearfish may not be sold, traded, or bartered anywhere in the United States.
INTERNATIONAL TRADE PERMIT
The HMS International Trade permit (ITP) is required for importers, exporters, and re-exporters of Atlantic bluefin tuna, Southern bluefin tuna, Pacific bluefin tuna, frozen bigeye tuna, swordfish, and shark fins. International Trade Permits are available from the NMFS Southeast Regional Permits Office at (727) 824-5326, and are valid for one year.

Please see 50 CFR part 635 for the current HMS regulations, as regulations are subject to change. October 2008

II. TUNAS

REPORTING REQUIREMENTS

Bi-weekly reports must be completed by all dealers that receive Atlantic bluefin, bigeye, albacore, yellowfin, and skipjack tuna. Bi-weekly report forms are distributed to dealers along with, or shortly after receiving, their permits. Bluefin tuna biweekly reports may be obtained at the following website: http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting_forms.htm (scroll down to “Dealers”), or by emailing BFTReporting@noaa.gov. For information on additional reporting forms for bigeye, albacore, yellowfin and skipjack (BAYS) tunas, see below.

Bi-weekly reports for any Atlantic tunas that are received by a permitted Atlantic tunas dealer between the 1st and 15th of each month must be completed and received by the appropriate NMFS office by the 25th of that month. Bi-weekly reports for tunas received between the 16th and the last day of each month must be completed and received by the appropriate NMFS office by the 10th day of the following month. **NOTE:** If no BAYS tunas were received during a reporting period, dealers must still submit a report stating none of these tuna species were received for that period (*i.e.*, “no fish” requirement). This “no fish” requirement does **not** apply to bluefin tuna dealers.

Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.

BAYS tuna – Southeast region

Dealers located in the Southeast Region (North Carolina through Texas, Puerto Rico, and the U.S. Virgin Islands) must fax (305) 361-4460, electronically send (Heather.Balchowsky@noaa.gov), or mail completed reports to NMFS at the Southeast Fisheries Science Center, 75 Virginia Beach Dr. Miami, FL 33149, or in the pre-addressed envelopes included with reporting supplies.

Additional reporting forms for the dealers in the Southeast Region can be obtained at the following website: <http://www.sefsc.noaa.gov/flsformsdownload.jsp> under “Dealer Logbook Forms” and selecting “HMS_Dealer.pdf” (bottom of the page), or by contacting the NMFS Southeast Fisheries Science Center at (305) 361-4581.

BAYS tuna – Northeast region

Dealers located in the Northeast Region (Virginia through Maine) may utilize several methods to submit their information. Dealers that have another Federal permit issued by the Northeast Regional Office (NERO), and are required to report electronically, must also report all landed fish through any of the approved electronic reporting methods (to NERO or SAFIS). Atlantic tunas dealers that do not also have a NERO dealer permit must submit a bi-weekly report to their local port office.

Additional reporting forms for dealers in the Northeast Region can be obtained by contacting their local port office or by email to: reporting.ne@noaa.gov.

Bluefin tuna – Landings reports and tags

In addition to biweekly reports, Atlantic tuna dealers must submit a daily landing report to NMFS for each bluefin tuna that is received from a U.S. vessel authorized to harvest Atlantic tunas. Daily landing reports can be obtained from the Northeast Regional Office (NERO) by

Please see 50 CFR part 635 for the current HMS regulations, as regulations are subject to change. October 2008

emailing BFTReporting@noaa.gov or calling (978) 281-9260. Landing reports must be submitted via fax to (978) 281-9393 and must be received by NMFS no later than 24 hours after a dealer receives a bluefin tuna. Landing reports must indicate both the permit number and name of the vessel that landed the bluefin tuna and be signed by the vessel operator/owner.

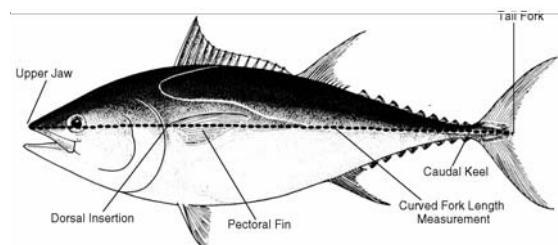
NMFS will issue numbered dealer tags to each permitted Atlantic tuna dealer. One of these tags must be affixed to each bluefin tuna immediately after offloading. Tags must be attached the bluefin tuna between the fifth dorsal finlet and the caudal keel, and must remain on the bluefin tuna until the fish is cut into portions.

Bluefin tuna – import, export, and re-export

See Section VI – Importing, Exporting, and Re-Exporting HMS

RESTRICTIONS

Dealers may only receive Atlantic bluefin tuna ≥ 73 " curved fork length (CFL, see below) from permitted U.S. vessels fishing in the Atlantic, Gulf of Mexico, or Caribbean Sea. Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.



Curved Fork Length (CFL)

III. SHARKS

REPORTING REQUIREMENTS

Bi-weekly reports must be completed by all federally permitted dealers that receive Atlantic sharks. Reporting forms are distributed to Atlantic shark dealers following the receipt of their permits. For information on additional reporting forms, see below.

Bi-weekly reports for any Atlantic sharks that are received by a permitted Atlantic shark dealer between the 1st and 15th of each month must be completed and received by the appropriate NMFS office by the 25th of that month. Bi-weekly reports for sharks received between the 16th and the last day of each month must be completed and received by the appropriate NMFS office by the 10th day of the following month. **Please note that a checkbox has been added to the dealer reports which require dealers to indicate whether sharks were landed with their fins naturally attached through landing and offloading.** Shark dealers **must** report carcass weights and fin weights separately on the dealer reporting form. **NOTE:** If no sharks were received during a reporting period, dealers must still submit a report stating no shark species were received for that period (*i.e.*, “no fish” requirement).

Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.

As of January 1, 2009, Atlantic states (Maine through Florida) will require all state dealers to obtain a Federal Shark Dealer permit per the Atlantic States Marine Fisheries Commission (ASMFC) Shark Plan. For more information on the ASMFC Shark Plan, visit www.asmfc.org or call (202) 289-6400.

Southeast region

Dealers located in the Southeast Region (North Carolina through Texas, Puerto Rico, and the U.S. Virgin Islands) must fax (305) 361-4460, electronically send (Heather.Balchowsky@noaa.gov), or mail completed reports to NMFS at the Southeast Fisheries Science Center, 75 Virginia Beach Dr. Miami, FL 33149, or in the pre-addressed envelopes included with reporting supplies.

Additional reporting forms for the dealers in the Southeast Region can be obtained at the following website: <http://www.sefsc.noaa.gov/flsformsdownload.jsp> under “Dealer Logbook Forms” and selecting “HMS_Dealer.pdf” (bottom of the page) or by contacting the NMFS Southeast Fisheries Science Center at (305) 361-4581.

Northeast region

Dealers located in the Northeast Region (Virginia through Maine) may utilize several methods to submit their information. Dealers that have another Federal permit issued by the Northeast Regional Office (NERO), and are required to report electronically, must also report all landed fish through any of the approved electronic reporting methods (to NERO or SAFIS). Atlantic shark dealers that do not also have a NERO dealer permit must submit a bi-weekly report to their local port office.

Additional reporting forms for dealers in the Northeast Region can be obtained by contacting their local port office or by email to: reporting.ne@noaa.gov.

RESTRICTIONS

Federal shark dealers cannot receive the following prohibited shark species from any federally-permitted vessel.

Atlantic angel	Basking
Bigeye sand tiger	Bigeye sixgill
Bigeye thresher	Bignose
Caribbean reef	Caribbean sharpnose
Dusky	Galapagos
Longfin mako	Narrowtooth
Night	Sandbar*
Sand tiger	Sevengill
Sixgill	Smalltail
Whale	White

* Sandbar sharks are prohibited, with the exception of vessels participating in the shark research fishery while carrying a NMFS-approved observer (see below).

Sandbar sharks

The **only** federally permitted vessels that are authorized to possess sandbar sharks are those vessels with a valid shark research fishery permit that also had a NMFS-approved observer onboard during the trip when sandbar sharks were landed. Dealers **must** verify that the product they are purchasing came from a vessel that has the shark research fishery permit and that the vessel carried an observer during that particular trip. **If the vessel did not carry an observer during that trip, any sandbar sharks taken are illegal and may not be received even if the vessel has a valid shark research fishery permit.** Vessels that possess only a state permit and **do not** have a Federal directed or incidental shark permit and were fishing in accordance with state regulations may also be authorized to possess sandbar sharks, depending on the state.

Non-sandbar LCS

Federally permitted dealers can only buy 33 non-sandbar LCS sharks per vessel per trip from fishermen with a federal directed shark limited access permit and 3 non-sandbar LCS per vessel per trip from a fishermen with federal incidental shark limited access permit **if** their facility is located in a region that is open. Federally permitted dealers who also possess the appropriate state dealer permits can buy non-sandbar LCS sharks from fishermen who do not have a Federal shark limited access permit **if** the fishermen fish exclusively in state waters and are following state regulations. **NOTE:** As of January 1, 2009, Atlantic states (Maine through Florida) will mirror federal shark regulations per the Atlantic States Marine Fisheries Commission (ASMFC) Shark Plan. Visit www.asmfc.org or call (202) 289-6400 for more information.

Shark Fins - import, export, and re-export

See Section VI Importing, Exporting, and Re-Exporting HMS

WORKSHOPS

Federal Atlantic shark dealers or a proxy for each location that first receives sharks must attend an **Atlantic Shark Identification workshop** in order to obtain or renew their shark dealer permit. The objective of these workshops is to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form, and to increase the accuracy of species-specific dealer reported information, quota monitoring, and the data used in stock assessments. These workshops will train shark dealer permit holders, or their proxies, to properly identify Atlantic shark carcasses.

Shark dealer proxies are persons employed at a location that first receives sharks under a shark dealer permit. This proxy must be the primary participant in identification, weighing, and/or first receiver of fish as they are offloaded from the vessel. The proxy must also be involved in completing dealer reports. If a dealer opts to send a proxy to the workshop, the dealer must designate at least one proxy from each place of business listed on the dealer permit which first receives Atlantic sharks.

Atlantic Shark Identification workshops are scheduled quarterly and occur throughout the Atlantic and Gulf coast. More information on workshop locations and dates can be found on the workshops page of the HMS Management Division's webpage at <http://www.nmfs.noaa.gov/sfa/hms/>. To pre-register for the shark identification workshops, please call Eric Sander at (386) 852-8588 and fax a completed pre-registration form to Eric Sander at (386) 756-1756, attached in an email to esander@peoplepc.com, or bring the completed form with you to the workshop.

IV. SWORDFISH

REPORTING REQUIREMENTS

Bi-weekly reports must be completed by all federally permitted dealers that receive Atlantic swordfish from a vessel. Reporting forms are distributed to dealers following the receipt of their permits. For information on additional reporting forms, see below.

Bi-weekly reports for any Atlantic swordfish that are received by a permitted Atlantic swordfish dealer between the 1st and 15th of each month must be completed and received by the appropriate NMFS office by the 25th of that month. Bi-weekly reports for swordfish received between the 16th and the last day of each month must be completed and received by the appropriate NMFS office by the 10th day of the following month. **NOTE:** If no swordfish were received during a reporting period, dealers must still submit a report stating no swordfish species were received for that period (*i.e.*, “no fish” requirement).

Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.

Southeast region

Dealers located in the Southeast Region (North Carolina through Texas, Puerto Rico, and the U.S. Virgin Islands) must fax (305) 361-4460, electronically send (Heather.Balchowsky@noaa.gov), or mail completed reports to NMFS at the Southeast Fisheries Science Center, 75 Virginia Beach Dr. Miami, FL 33149, or in the pre-addressed envelopes included with reporting supplies.

Additional reporting forms for the dealers in the Southeast Region can be obtained at the following website: <http://www.sefsc.noaa.gov/flsformsdownload.jsp> under “Dealer Logbook Forms” and selecting “HMS_Dealer.pdf” (bottom of the page) or by contacting the NMFS Southeast Fisheries Science Center at (305) 361-4581.

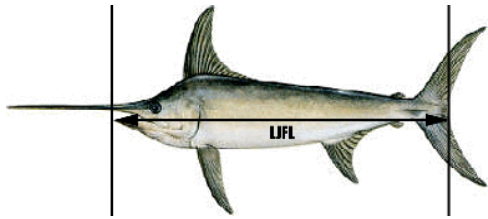
Northeast region

Dealers located in the Northeast Region (Virginia through Maine) may utilize several methods to submit their information. Dealers that have another Federal permit issued by the Northeast Regional Office (NERO), and are required to report electronically, must also report all landed fish through any of the approved electronic reporting methods (to NERO or SAFIS). Atlantic swordfish dealers that do not also have a NERO dealer permit must submit a bi-weekly report to their local port office.

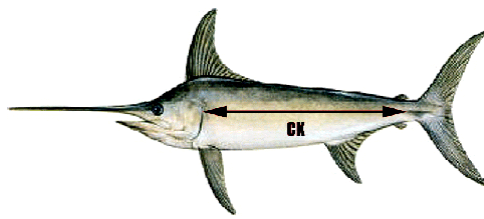
Additional reporting forms for dealers in the Northeast Region can be obtained by contacting their local port office or by email to: reporting.ne@noaa.gov.

RESTRICTIONS

Atlantic swordfish dealers may only receive swordfish that are of the legal size limit for commercial swordfish fishermen. If the fish is whole, it must measure at least 47” lower jaw fork length (LJFL). When swordfish are dressed, they must measure at least 29” from the cleithrum to the caudal keel or weigh at least 33 lbs dressed weight (dw). “Dressed” indicates a headed/gutted fish with some or all fins removed.



Lower Jaw Fork Length (LJFL)



Cleithrum to Caudal Keel (CK)

V. BILLFISH

No Atlantic billfish may be purchased or sold.

Any Pacific billfish that does not remain in the state of landing, or any Pacific billfish that is imported, must be documented with a certificate of eligibility (COE) indicating that the fish is **not an Atlantic billfish**. The COE remains with the fish through commerce. Billfish COEs are available at the HMS Management Division's website at:

http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting_forms.htm. A dealer permit is **not** required in order to buy Pacific billfish.

VI. IMPORTING, EXPORTING, AND RE-EXPORTING HMS

INTERNATIONAL TRADE PERMIT

Importers, exporters and re-exporters of Atlantic bluefin tuna, Southern bluefin tuna, Pacific bluefin tuna, frozen bigeye tuna, swordfish, and shark fins must obtain an HMS International Trade Permit (ITP). NMFS will mail renewal notification and a prefilled application approximately 60 days prior to when the permit is scheduled to expire.

ITP applications are available on the ITP homepage at: <http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm>. Applications can also be obtained from the NMFS Permits Team, Southeast Regional Office, 263 13th Avenue, South, St. Petersburg, FL 33701, or by calling (727) 824-5326.

An **importer** is the principal party responsible for the import of product into a country (see 50 CFR 300 subpart M). For imports into the United States, "importer" means the consignee as identified on entry documentation or any authorized, equivalent electronic medium required for release of shipments from the customs authority of the United States or the separate customs territory of a U.S. insular possession. If a consignee is not declared, then the importer of record is considered to be the consignee.

An **exporter** is defined as the principal party in interest, meaning the party that receives the primary benefit, monetary or otherwise, of the export transaction. For exports from the United States, the exporter is the U.S. principal party in interest, as identified in Part 30 of title 15 of the CFR. An exporter is subject to the all of the requirements outlined in subpart M of Part 300 of title 50, even if exports are exempt from statistical reporting requirements under Part 30 of title 15 of the CFR.

A **re-export** is defined as the export of goods that were previously entered for consumption into the customs territory of a country.

ATLANTIC BLUEFIN TUNA

HMS trade regulations for bluefin tuna apply to bluefin from both the Atlantic and Pacific Oceans. The International Commission for the Conservation of Atlantic Tunas (ICCAT) implemented a catch documentation program for bluefin tuna in 2008. The primary purposes of this program are to better account for landings of Atlantic bluefin tuna, particularly in the Mediterranean Sea, and to track bluefin tuna trade. The ICCAT bluefin tuna statistical document program that was previously in place has been completely replaced with the new ICCAT bluefin tuna catch document (BCD) program.

Importing Atlantic bluefin tuna

Each consignment of Atlantic bluefin tuna imported into the United States must be accompanied by an approved, original, uniquely numbered, complete, and validated BCD issued by the country of the vessel that harvested the bluefin tuna (one vessel per BCD). **Please note that it is the importer's responsibility to ensure that each BCD for an imported consignment is complete and accurate.** Importers are **prohibited** from accepting an import that is not accompanied by an approved, original, complete, and validated BCD. The sections of the BCD that are completed for an imported bluefin tuna will depend upon whether the bluefin tuna was caught wild immediately prior to landing, or transferred through a farming operation. Full instructions for completing a BCD are available on the HMS ITP homepage listed above.

The following links may be helpful to importers in determining the validity of a BCD:

ICCAT IUU Vessel List <http://www.iccat.int/IUU.htm>

ICCAT Record Number <http://www.iccat.int/vesselsrecord.asp>

ICCAT Validation Authorities <http://www.iccat.int/SDP%20summary.htm>

The importer must sign the BCD at the bottom of the document and complete the Importer/Buyer's section of the document. A copy of the completed, signed document must be provided to NMFS within 24 hours of import. In addition, all necessary information must be included on a bi-weekly form which must be received by NMFS within 10 days after the end of the reporting period. Bi-weekly reports are available on the ITP homepage.

Exporting Atlantic bluefin tuna

Each U.S. commercially-caught Atlantic bluefin tuna is required to be tagged by an Atlantic Tunas Dealer permit holder with a NMFS-issued tag. NMFS tagging regulations and associated permitting and reporting requirements simplify exporting requirements because BCDs for tagged fish do not need to be validated.

Export BCDs are available on the HMS ITP homepage. The exporter should fill out a separate BCD for each vessel's catch. If the export consignment contains bluefin tuna captured by more than one vessel, then a separate BCD must be completed for the catch from each vessel. All information should be entered following the instructions on the back of the form. The exporter may need to contact the Atlantic Tunas Dealer permit holder who first received the bluefin to obtain vessel information such as the vessel's Atlantic Tuna Vessel Permit Number (ATVP No.) and the ICCAT Record Number (for vessels over 24 meters in length).

The document number should be assigned using the following numbering convention: US Year–ITP Number (include numerals only)–sequential number. For example, an exporter with the ITP number “SE 10543” who is exporting the first bluefin for the year 2008 would use the following document number: US2008-10543-1.

The original document should accompany the shipment, and a copy of the document should be provided to NMFS within 24 hours of export. Relevant information from this document must be included on the “Bi-weekly Atlantic Bluefin Tuna Dealer Landings and Trade Report” available on the ITP homepage, which must be received by NMFS within 10 days of the end of the applicable reporting period. If the exporter also tagged the fish under his Atlantic Tunas Dealer permit, then only one bi-weekly report need be submitted. If the exporter does not hold a domestic Atlantic Tunas Dealer permit, as long as he provides the information required on the bi-weekly report to the Atlantic Tunas Dealer permit holder who tagged the fish, and maintains a copy of the complete bi-weekly report submitted by the Atlantic Tunas Dealer permit holder, then the exporter may forgo submitting a bi-weekly report to NMFS.

Re-exporting Atlantic bluefin tuna*

Imported bluefin tuna that is to be re-exported from the United States must be accompanied by a bluefin tuna re-export certificate and the original BCD when it leaves the United States. The re-exporter must complete the re-export certificate according to the instructions on the back of the form, have it government validated, and attach it to the original BCD. For government validation, see “Validation Services” below. Re-export certificates are available on the HMS ITP homepage.

* Re-exports of untagged bluefin tuna must also be reported to the ICCAT Secretariat and the competent government authority of the importing nation. See the HMS ITP website for country-specific addresses. If the re-export is tagged, then reporting to the importing nation is not necessary. However, the re-export certificate must still accompany the shipment.

PACIFIC BLUEFIN TUNA

Trade of Pacific bluefin tuna requires documentation similar to that required for trade of Atlantic bluefin tuna. Importers, exporters, and re-exporters must obtain an ITP, and each import and export consignment must be accompanied by a BCD. However, catch-related information is not required on the BCDs for Pacific bluefin tuna. The information required for Pacific bluefin tuna imports and exports on each BCD includes the area of harvest, product information, and trade information, including government validation (see “Validation Services” below). BCDs for U.S. exports of Pacific bluefin tuna are available on the HMS ITP website.

Like Atlantic bluefin tuna, each re-export of Pacific bluefin tuna from the United States must be accompanied by a re-export certificate and the original BCD, and must be validated prior to re-export.

Copies of import and export BCDs, and re-export certificates, must be provided to NMFS within 24 hours of international trade. Original BCDs for imports and bi-weekly reports must be received by NMFS within 10 days after the reporting period ends. The “HMS Trade Bi-Weekly Dealer Report” should be used for bi-weekly reports to NMFS. **NOTE:** Pacific bluefin tuna BCDs and re-export certificates are not required to be submitted to the ICCAT Secretariat or the importing nation.

SOUTHERN BLUEFIN TUNA, FROZEN BIGEYE TUNA, SWORDFISH, SHARK FINS

HMS trade regulations for swordfish, Southern bluefin tuna, and frozen bigeye tuna apply to United States trade of product that originated from any ocean area. ICCAT adopted statistical document (SD) trade-tracking programs for swordfish and frozen bigeye tuna in 2001. The United States has implemented the ICCAT SD programs along with a SD program adopted by the Commission for the Conservation of Southern Bluefin Tuna to monitor trade, and better understand the impact of the international market on these species. Since the reporting and recordkeeping requirements are similar for these species, they are addressed together below. Additionally, for the import, export, and re-export of shark fins an ITP is required, but ITP reporting requirements are not required for shark fin trade.

Importing Southern bluefin tuna, frozen bigeye tuna, and swordfish

Each consignment imported to the United States must be accompanied by an approved, original, species-specific, completed SD, issued and validated by the country of the vessel of harvest. Instructions for completing SDs for each species are available on the HMS ITP homepage. **It is the importer's responsibility to ensure that each SD for an imported consignment is complete and accurate.** The following links may be useful to importers in determining the validity of a SD. Importers are **prohibited** from accepting an import that is not accompanied by an approved, original, species-specific, completed, and validated SD.

The following links may be helpful to importers in determining the validity of a SD:

ICCAT IUU Vessel List <http://www.iccat.int/IUU.htm>

ICCAT Record Number <http://www.iccat.int/vesselsrecord.asp>

ICCAT Validation Authorities <http://www.iccat.int/SDP%20summary.htm>

The importer must sign the SD at the bottom of the document and complete the Importer/Buyer's section of the document. A copy of the completed, signed document must be provided to NMFS within 24 hours of import. All necessary information relative to the import must be included on a bi-weekly form submitted to NMFS (see "Addresses" section below) which must be received within 10 days of the end of the reporting period.

Exporting Southern bluefin tuna, frozen bigeye tuna, and swordfish

Statistical documents (SDs) for use in exporting these species are available on the HMS ITP homepage. All information should be entered following the instructions on the back of the form. Please note that for swordfish or bigeye originating from the Pacific or Indian oceans, the description of fish and exporter certification are not required. All exports must be government validated (see "Validation Services" below).

The original document should accompany the shipment, and a copy of the document should be provided to NMFS within 24 hours of export. Relevant information from this document should be included on the "HMS Trade Bi-Weekly Dealer Report" and received by NMFS within 10 days of the end of the applicable reporting period.

Re-exporting Southern bluefin tuna, frozen bigeye tuna, and swordfish

The SD that accompanied the import is the only documentation required to re-export an imported consignment from the United States that has not been subdivided or consolidated with another consignment. The re-exporter should ensure that the intermediate importer certification is

completed as required and send the original statistical document with the re-exported consignment. A copy of the SD must be received by NMFS within 24 hours of re-export.

If an import has been subdivided or consolidated with another consignment, then a re-export certificate must be prepared. Re-export certificates are available on the HMS ITP website. The re-exporter must complete the re-export certificate following the instructions on the reverse side of the document, contact NMFS to have it validated, and attach it to the original SD to accompany the consignment. All necessary information relative to the re-export must be included on a bi-weekly form submitted to NMFS at the address indicated below, and received within 10 days of the end of the reporting period.

GOVERNMENT VALIDATION OF FORMS RELATED TO THE ITP

Government validation is available 24 hours a day, seven days per week on a fax-in basis. To obtain validation, fax documents to (866) 252-3751. The document must be complete, and fax and phone numbers must be included. Document will be faxed back within approximately two hours. If there is a delay, please contact the NMFS validating official at (843) 724-6425. Please note that assistance in preparing a complete document is only available during business hours at the following phone numbers: (228) 769-8964 (swordfish, Southern bluefin tuna, frozen bigeye tuna) or (978) 281-9140 (bluefin tuna).

NMFS regulations also provide for validation by non-government entities, once the entities have been authorized as validating officials by NMFS. To apply for status as a validating official, please submit a request in writing to: HMS Management Division, NMFS, One Blackburn Drive, Gloucester, MA, 01930. The request must specify the following information:

- 1) Names, addresses, and telephone/fax numbers of individuals who would perform validation;
- 2) Procedures to be used to notify NMFS of validations; and
- 3) An example of the stamp or seal to be applied.
- 4) NMFS will then make a determination and notify the applicant if they are granted an authorization as a validating official.

ITP REPORTING REQUIREMENTS

Reporting to NMFS	
Atlantic & Pacific Bluefin BCDs, Re-export Certificates, Bi-weekly Reports	NMFS Northeast Regional Office Highly Migratory Species 55 Great Republic Drive Gloucester, MA 01930-2298 FAX: (978) 281-9340 Phone: (978) 281-9140 Email: BFTReporting@noaa.gov
Southern Bluefin Tuna, Frozen Bigeye Tuna, and Swordfish SDs, Re-export Certificates, Bi-weekly Reports	NMFS National Seafood Inspection Laboratory P.O. Drawer 1207 Pascagoula, MS 39568-1207 Phone: (228) 762-7402
Reporting to ICCAT Secretariat	
BCD (copy) for untagged re- exports	ICCAT Secretariat Corazón de María, 8 28002 Madrid, SPAIN info@iccat.int
Reporting to Importing Nations	
	See HMS ITP website: http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm

VII. CONTACT LIST

<p align="center">NATIONAL MARINE FISHERIES SERVICE HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION Margo Schulze-Haugen, Chief http://www.nmfs.noaa.gov/sfa/hms (301) 713-2347</p>		
Topics	Office	Phone Number and Address
Commercial Swordfish Sharks Exempted fishing permits Atlantic HMS News List Pelagic and bottom longline Protected Species Shark and Swordfish LAPs	HMS Headquarters Office	Phone: (301) 713-2347; Fax: (301) 713-1917 Address: 1315 East-West Highway, NMFS/SF1 Silver Spring, MD 20910
Atlantic tunas Atlantic tunas dealer reporting Bluefin tuna Catch Document Program Charter/Headboat operations International Trade Permit	HMS Gloucester Office	Phone: (978) 281-9260; Fax: (978) 281-9340 Address: 55 Great Republic Drive NMFS/SF1 Gloucester, MA 01930-2298
Billfish Swordfish Tournament registration Billfish Certificate of Eligibility Pelagic Longline	HMS St. Petersburg Office	Phone: (727) 824-5399 Fax: (727) 824-5398 Address: 263 13 th Ave. South St. Petersburg, FL 33701
FISHING AND DEALER PERMITS		
- <i>Atlantic Shark and Swordfish Vessel and Dealer permits</i>	NMFS Southeast Regional Permit Office Webpage: http://sero.nmfs.noaa.gov/	Phone: (727) 824-5326 Address: 263 13 th Ave. South St. Petersburg, FL 33701
- <i>Atlantic tunas, Atlantic HMS Charter/Headboat and HMS Angling Vessel Permits</i>	Automated Permitting System Webpage: http://www.hmspermits.gov/	Phone: (888) 872-8862 Please dial "0" to speak with a person.
- <i>Atlantic tunas Dealer Permits</i>	NMFS Northeast Region Permit Office Webpage: http://www.nero.noaa.gov/permits/	Phone: (978) 281-9370; Fax: (978) 281-9366 Address: 55 Great Republic Drive Gloucester, MA 01930
Vessel Monitoring Systems (VMS)		
Jonathan Pinkerton	National VMS Program Manager	(301) 427-2300
Patrick O'Shaughnessy	Southeast VMS Program Manager	(727) 824-5358

Please see 50 CFR part 635 for the current HMS regulations, as regulations are subject to change. October 2008

NMFS LAW ENFORCEMENT OFFICES

Aguadilla, PR	(787) 890-0715	Morehead City, NC	(252) 726-0314
Bellport, NY	(631) 776-1734	New Bedford, MA	(508) 992-7711
Boston, MA	(617) 884-5754	Newport News, VA	(757) 595-2692
Charleston, SC	(843) 852-3343	Niceville, FL	(850) 729-8628
Ellsworth, ME	(207) 664-0508	Ocean City, MD	(410) 629-1258
Galveston, TX	(409) 770-0812	Portland, ME	(207) 780-3241
Gloucester, MA	(978) 281-9213	Portsmouth, NH	(603) 436-3186 x224
Guaynabo, PR	(787) 749-4405	Slidell, LA	(985) 643-6232
Harlingen, TX	(956) 423-3450	St. Petersburg, FL	(727) 824-5344
Marathon, FL	(305) 743-3110	Titusville, FL	(321) 269-0004
Marmora, NJ	(609) 390-8303	Wall, NJ	(732) 280-6490
Miami, FL	(954) 746-4160	Woods Hole, MA	(508) 495-2147

24-Hour Enforcement Hotline: (800) 853-1964

The NMFS Office of Law Enforcement maintains a 24- hour hotline for the public to report potential violations of Atlantic HMS regulations. This number should be used only to report potential violations, not for general information, concerning Atlantic HMS.

U.S. COAST GUARD

Coast Guard Regulations

Commercial vessels are subject to the Fishing Vessel Safety Act of 1988. For information, contact one of the following local Coast Guard offices:

Maine to New York (617)223-8440

New Jersey to North Carolina (757)398-6554

South Carolina to Florida (305)415-6868

Gulf of Mexico (504)671-2154

Please also visit the Coast Guard Commercial Fishing Vessel Safety Program's website at:

www.fishsafe.info.