



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

## NMFS ANNOUNCES THE CONSOLIDATED HMS FMP AND FINAL RULE

The National Marine Fisheries Service (NMFS) announces the availability of the final rule and Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP). The final rule and HMS FMP describe a range of management measures that could impact fishermen and dealers for all HMS fisheries. The 35 final actions in the rule include:

- Establishing mandatory workshops for fishermen and dealers;
- Implementing complementary time/area closures;
- Considering criteria of modifying and establishing time/area closures;
- Establishing a foundation to negotiate an international rebuilding plan for northern albacore tuna;
- Addressing overfishing of finetooth sharks;
- Requiring the use of non-offset circle hooks in billfish tournaments by HMS permitted vessels when deploying natural baits or natural bait artificial/lure combinations effective January 2007 (NMFS will issue exempted fishing permits to some tournaments, see below);
- Limiting marlin landings consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas;
- Simplifying the management process of bluefin tuna;
- Changing the fishing year for tunas, swordfish, and billfish back to a calendar year;
- Authorizing additional fishing gears including speargun (for recreational bigeye, albacore, yellowfin, and skipjack tunas), buoy gear (for commercial swordfish), and cockpit gear; and,
- Clarifying existing regulations.

In addition to these management measures, NMFS also announces its decision to consolidate the Atlantic Billfish and the Atlantic Tunas, Swordfish, and Sharks FMPs and its decision pertaining to a Petition for Rulemaking from Blue Ocean Institute *et al.* regarding closing bluefin tuna spawning grounds in the Gulf of Mexico to pelagic longline vessels. The related Final Environmental Impact Statement (FEIS) was filed with the Environmental Protection Agency on July 7, 2006, and the Notice of Availability published on July 14, 2006 (71 FR 40096). There were no changes to the selected alternatives from the preferred alternatives released in the FEIS and the final actions in the final rule.

Most of the measures in this rule, such as the measures relating to time/area closures, bluefin tuna, authorized fishing gears, and regulatory housekeeping, will be effective on November 1, 2006. However, the workshop alternatives (§ 635.8) will be effective on January 1, 2007, in order to coordinate the workshop requirements with the fishing vessel and dealer renewal timeframes. The management measures related to the directed billfish fishery (*e.g.*, use of circle hooks in billfish tournaments) will also be effective on January 1, 2007, in order to allow anglers and small entities time to adjust to the new requirements.



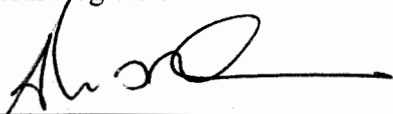
After release of the FEIS, NMFS became aware of issues relating to the use of circle hooks for blue marlin in tournaments, specifically in the mid-Atlantic bight. Some of these tournaments use a specific fishing practice to catch blue marlin. In order to collect data on the specific fishing practice used in that area, NMFS will issue exempted fishing permits to interested tournaments. The collection of data will allow NMFS to consider potential solutions to this concern, as needed.

Also, as a result of this final rule, all of the HMS management programs will be implemented on a calendar year cycle (January 1 to December 31). The Atlantic shark management timeframe will maintain the status quo, whereas tunas, swordfish, and billfish will shift from a fishing year (June 1 - May 31) to a calendar year. The calendar year for billfish will be implemented on January 1, 2007. To transition from a fishing year to a calendar year for BFT and swordfish, NMFS will establish an abbreviated 2007 fishing year via a separate action for BFT and swordfish to cover the months between the end of the 2006 fishing year (May 31, 2007) and the start of the new 2008 calendar year (January 1, 2008).

At the HMS Advisory Panel meeting on October 3-4, 2006, NMFS will discuss the next steps for time/area closures, circle hooks for billfish tournaments, revitalization of the swordfish fishery, and sharks. For the time/area closure discussion, NMFS intends to discuss and to ask the HMS Advisory Panel for advice on the current model, potential other models, and future actions. NMFS is still finalizing the agenda for that meeting.

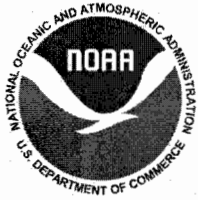
The final rule, HMS FMP, and a revised Compliance Guide are available on the HMS Management Division's webpage at: <http://www.nmfs.noaa.gov/sfa/hms/>. Revised fishing brochures will be available soon. Hard copies are available at the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910, (301) 713-2347 or fax to (301) 713-1917. For further information contact Karyl Brewster-Geisz, Margo Schulze-Haugen, or Chris Rilling at (301) 713-2347; Russell Dunn at (727) 824-5399; or Mark Murray-Brown at (978) 281-9260.

This notice is a courtesy to HMS fishery participants to help keep you informed about your fishery. Official notice of Federal fishing actions is made through filing such notice with the Office of the Federal Register.

  
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Alan Risenhoover  
Director, Office of Sustainable Fisheries

Oct 2, 2006  
Date

**SIGN UP FOR ATLANTIC HMS NEWS**  
-- An electronic newsletter informing you of the latest HMS-related actions --  
<http://www.nmfs.noaa.gov/sfa/hms/newslist/>  
For those who receive email notifications, you will continue to receive fax notices until October 31, 2006, at which time the fax network will be discontinued.



## What's New in Atlantic HMS Regulations?

*New regulatory requirements were implemented under the Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP), and announced on October 2, 2006, in the Federal Register. Some of the new requirements are summarized below. Please see the complete regulatory text, which takes precedence over the information provided here*

### Receive Timely Regulatory Updates

- Stay up-to-date on HMS regulations by signing up for the new email newsletter and listserv *Atlantic HMS News*. To subscribe, visit <http://www.nmfs.noaa.gov/sfa/hms/newslist/>.

### Billfish

- Effective January 1, 2007, the International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation establishing a 250 marlin per year landings limit will be codified. In-season increases in white or blue marlin size limits may be implemented if landings near the 250 fish limit, or retention may be prohibited if landings reach the 250 fish limit.
- Effective January 1, 2007, all HMS permitted vessels participating in Atlantic billfish tournaments may only deploy non-offset circle hooks when using natural baits or natural bait/artificial lure combos.

### Mandatory Workshops for Longline and Shark Gillnet Vessel Owners and Operators, and Shark Dealers.

- Pelagic and bottom longline vessel owners and vessel operators, and shark gillnet vessel owners and vessel operators must obtain certification by attending a protected species safe handling, release, and identification workshop, and must be re-certified every three years. Permits that expire in 2007 will not be renewed without certification.
- Shark dealers must be certified by attending a shark identification workshop, and must be re-certified every three years. After 2007, shark dealer permits will not be renewed without certification.

### Time/Area Closures

- Madison-Swanson and Steamboat Lumps Marine Reserves (in the Gulf of Mexico) are closed to all HMS fishing, except that surface trolling for HMS may be conducted from May through October.
- New restrictions on the species composition of catch are established for HMS longline vessels when fishing in HMS longline closed areas.

### Changes to Gear Types Authorized for Use in HMS Fisheries

- Use of a speargun is authorized for recreational capture of bigeye, albacore, yellowfin, and skipjack (BAYS) tuna (no sale allowed).
- Buoy gear is defined and authorized for use in the commercial swordfish hand-gear fishery.
- Use of greenstick gear under existing regulations is clarified.
- Allowable use of cockpit gear is clarified.
- Handline must be attached to the vessel.

### Bluefin Tuna Commercial Fisheries

- General category bluefin tuna time period subquotas have been established for December and January.
- Speargun gear is *not* authorized for use in commercial bluefin tuna fisheries.
- Bluefin tuna quota rollovers will be limited to 100 percent of the baseline quota.

### HMS Angling and Charter/Headboat Permits

- Permit holders must abide by Federal regulations regardless of where fishing occurs, unless regulations in state waters are more restrictive.

### Sharks

- The 2<sup>nd</sup> dorsal fin and the anal fin must remain on all sharks through landing.

### Management Calendar

Management of HMS fisheries, including annual fishery specifications and permit issuance for HMS Angling, Charter/Headboat, and Atlantic tunas vessel permits, will be shifted to a calendar year.