

Science, Service, Stewardship

# HMS Commercial Compliance Guide

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



(As of November 11, 2011)

Office of Sustainable Fisheries  
Highly Migratory Species  
Management Division

U.S. Department of Commerce | National Oceanic and Atmospheric Administration  
National Marine Fisheries Service



# Introduction to Atlantic Highly Migratory Species (HMS) Management



Atlantic Highly Migratory Species (HMS) include tunas, swordfish, sharks, and billfish and 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.

The *2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan* (HMS FMP) was developed for the integrated management of HMS within the Atlantic Ocean, which includes the Caribbean Sea, and Gulf of Mexico. Consistent with the HMS FMP, NMFS recently updated and amended several regulations. Important regulatory changes from previous versions of the Compliance Guide (August 16, 2010) include, **but are not limited to**, the following sections:

- II. Atlantic Tunas Regulations, Landing Restrictions: Upper and lower lobes of the tuna tail may be removed for storage purposes as long as the fork of the tail remains intact.
- IV and VI. Pelagic longline vessels are required to use weak hooks when fishing in the Gulf of Mexico
- IX. Commercial Tuna Fishing: Pelagic Longline target catch requirements for bluefin tuna when fishing in the Northeast Distant Gear Restricted Area (NED).
- VI. Pelagic Longline, Bottom Longline, and Gillnet Gear Restrictions: All vessels required to use Vessel Monitoring Systems (VMS) are required to have an Enhanced Mobile Transmitting Unit (E-MTU) VMS unit installed by a qualified marine electrician (effective January 1, 2012). These E-MTU VMS units must also be used to declare target species, fishing gear, return port, and estimated time of landing (effective March 1, 2012).
- VIII and XI. Commercial Shark Fishing and Charter Headboat Fishing: Vessels with pelagic longline gear onboard are not authorized to retain great hammerhead, scalloped hammerhead, smooth hammerhead, and oceanic whitetip sharks. Vessels with charter/headboat permits cannot simultaneously possess great hammerhead, scalloped hammerhead, smooth hammerhead, and oceanic whitetip sharks if tunas, swordfish, and/or billfish are retained.
- X. Commercial Swordfish Fishing: A new Incidental HMS Squid Trawl permit is available to all *Illex* squid moratorium permit holders that allows up to 15 North Atlantic swordfish to be retained per trip, subject to target catch requirements.

This version of the Commercial Compliance Guide replaces all 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 the HMS regulations for Atlantic tunas, swordfish, sharks, and billfish.

Commercial fishermen must hold a federal permit in order to commercially harvest and sell Atlantic sharks, tunas, and swordfish. Harvest of billfish (*i.e.*, white or blue marlin, sailfish, and longbill spearfish) for commercial purposes is **prohibited**. Recreational landings of white or blue marlin and sailfish are permitted when the vessel is in possession of a valid HMS Charter/Headboat permit, valid Atlantic Tunas General category permit, or an HMS angling permit, **and** participating in a registered Atlantic HMS tournament. Please see the appropriate section(s) of this guide for more information on permitting and reporting requirements. NMFS

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

**does not** facilitate the transfer of permits between vessels (*i.e.*, new entrants in limited access fisheries are responsible for finding permit holders that who are interested in selling and transferring their permits).

Atlantic HMS permit holders must abide by all applicable federal regulations, regardless of where fishing occurs, including in state waters. However, when fishing in the waters of a state with more restrictive regulations, vessels must abide by the more restrictive state regulations.

Since fishery rules frequently change, it is ***your responsibility as a fisherman*** 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://ecfrecfr.gpoaccess.gov/>). **If there is a discrepancy between the summary in this document and the regulations in 50 CFR part 635, the regulations will take precedence.**

For updates on **Atlantic sharks** or **swordfish** you may visit the HMS webpage at <http://www.nmfs.noaa.gov/sfa/hms/> or call the HMS Management Division located in Silver Spring, Maryland at (301) 427-8503. For updates on **Atlantic tunas**, such as bluefin tuna quota monitoring or retention limits, visit <http://www.hmspermits.gov> or call the Atlantic Tunas Information Line at (888) 872-8862. For more detailed information on tunas, contact the HMS Management Division in Gloucester, Massachusetts at (978) 281-9260.

To request a copy of a particular rule or for current updates, call the NMFS HMS Management Division at (301) 427-8503 or view the HMS website at <http://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/>.

# TABLE OF CONTENTS

I. QUICK REFERENCE: ATLANTIC SHARK REGULATIONS.....	5
II. QUICK REFERENCE: ATLANTIC TUNAS REGULATIONS .....	7
III. QUICK REFERENCE: ATLANTIC SWORDFISH .....	9
REGULATIONS.....	9
IV. GEAR DEFINITIONS.....	11
V. GENERAL RESTRICTIONS .....	13
VI. PELAGIC LONGLINE, BOTTOM LONGLINE, AND SHARK GILLNET RESTRICTIONS.....	14
VII. COMMERCIAL FISHING PERMITS.....	27
VIII. COMMERCIAL SHARK FISHING.....	30
IX. COMMERCIAL TUNA FISHING.....	34
X. COMMERCIAL SWORDFISH FISHING .....	40
XI. CHARTER/HEADBOAT FISHING .....	44
XII. OBSERVER COVERAGE.....	49
XIII. HMS WORKSHOPS.....	50
XIV. CONTACT LIST .....	52

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# I. QUICK REFERENCE: ATLANTIC SHARK REGULATIONS

AUTHORIZED SPECIES
<p><u>Large Coastal Sharks (LCS)</u>: Blacktip, bull, lemon, nurse, spinner, silky, hammerhead (great, scalloped, and smooth)*, tiger sharks</p> <p><u>Small Coastal Sharks (SCS)</u>: Atlantic sharpnose, blacknose, bonnethead, finetooth</p> <p><u>Pelagic Sharks</u>: Blue, common thresher, oceanic whitetip*, shortfin mako, porbeagle</p> <p>* These sharks may not be retained, transshipped, landed, stored, or sold by vessels with PLL gear onboard. Charter/headboat vessels cannot simultaneously possess hammerhead (great, smooth, or scalloped) or oceanic whitetip sharks and tunas, swordfish, and/or billfish.</p>
PROHIBITED SPECIES
<p>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, and white sharks.</p> <p>** Only vessels selected to participate in the shark research fishery are allowed to harvest sandbar sharks, subject to the retention limits set forth by NMFS, and only when a NMFS-approved observer is onboard.</p>
PERMITS
<p>Commercial fishermen must possess a valid Atlantic shark Directed or Incidental permit for the vessel they are using to harvest Atlantic sharks. Under the limited access program, NMFS is no longer issuing new commercial shark permits. Prior to renewing or obtaining a shark limited access permit, fishermen must become certified at a Protected Species Safe Handling, Release and Identification Workshop if fishing with longline or gillnet gear (see Section XIII). Contact the Southeast Regional Office at (727) 824-5326 for information on commercial shark permits.</p>
RETENTION LIMITS
<p><u>Directed Permit</u>: 33 non-sandbar LCS per vessel per trip. No retention limits for pelagic or SCS.</p> <p><u>Incidental Permit</u>: 3 non-sandbar LCS per vessel per trip. 16 pelagic or SCS (combined) per vessel per trip.</p>
AUTHORIZED GEARS
<ul style="list-style-type: none"><li>• Longline**: Bottom or pelagic***</li><li>• Handgear: Rod and reel, handline, and bandit gear</li><li>• Gillnet: A gillnet cannot be longer than 2.5 km, must be attached to the vessel at one end while fishing, and is subject to additional restrictions in place in the Southeast Restricted Areas (North and South) between November 15 and April 15 every year per the Atlantic Large Whale Take Reduction Plan (ALWTRP) regulations at 50 CFR 229.32</li></ul> <p>Gillnet checks <b>must</b> be conducted every 1-2 hours.</p> <p>** All commercial longline vessels <b>must</b> have handling and release gear and corrodible hooks on board. Circle hooks are required for pelagic longline gear. Bait restrictions also apply.</p> <p>*** Vessels with pelagic longline gear onboard are not authorized to possess, retain, transship, store, or land hammerhead sharks (great, smooth, and scalloped) or oceanic whitetip sharks.</p>
MINIMUM SIZES
<p>At this time there is no commercial minimum size for Atlantic sharks.</p>
LANDING RESTRICTIONS
<p>All sharks <b>must</b> have their fins naturally attached through offloading. Fins may be cut as long as they remain naturally attached to the carcass with at least a small flap of uncut skin. Sharks may be eviscerated and the heads may be removed, but they cannot be filleted or cut into pieces at sea</p>
<p><u>Additional remarks</u>:</p> <p>There are two regions [Gulf of Mexico (GOM) (which includes the U.S. Caribbean) and Atlantic] for non-sandbar LCS; there is one region for SCS and pelagic sharks.</p>

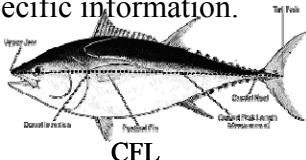
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The commercial fishing season is approximately January 1 through December 31. Individual shark seasons will close when 80% of quota is reached, with 5 days' notice.

Vessel Monitoring System (VMS) requirements apply for certain bottom longline and shark gillnet vessels.

There are several closed areas. See the appropriate section of this guide, the HMS webpage, or 50 CFR part 635 for more details and locations of area closures.

## II. QUICK REFERENCE: ATLANTIC TUNAS REGULATIONS

<b>AUTHORIZED SPECIES</b>	
Atlantic bluefin tuna (BFT), “BAYS” tunas ( <i>i.e.</i> , bigeye, albacore, yellowfin, and skipjack)	
<b>PERMITS</b>	
All owners/operators of vessels fishing for regulated Atlantic tunas in the management area <b>must</b> obtain an Atlantic tunas or Atlantic HMS Charter/Headboat vessel permit. Only one permit category may be assigned to a vessel. Information on Atlantic tunas permits can be obtained by calling (888) 872-8862 or by visiting <a href="http://www.hmspermits.gov">http://www.hmspermits.gov</a> . For an Atlantic tunas longline permit, call the Southeast Regional Office at (727) 824-5326 or visit <a href="http://sero.nmfs.noaa.gov/">http://sero.nmfs.noaa.gov/</a>	
<b>RETENTION LIMITS</b>	
There are regional and seasonal differences in the number of tunas that may be kept for some permit types. Please visit <a href="http://www.hmspermits.gov">http://www.hmspermits.gov</a> or call the Atlantic Tunas Information Line at (888) 872-8862 or (978) 281-9260 for more information.	
<b>AUTHORIZED GEARS</b>	
<p><u>Bluefin Tuna</u> (gear types authorized for each permit category)</p> <ul style="list-style-type: none"> <li>• HMS Charter/Headboat: Rod and reel (incl. downriggers), bandit, green-stick, handline gear</li> <li>• General category: Rod and reel (incl. downriggers), bandit, green-stick, handline, harpoon</li> <li>• Harpoon category: Harpoon</li> <li>• Trap category: Pound net and fish weir</li> <li>• Purse Seine category: Purse seine</li> <li>• Longline category*: (no directed fishery, limited incidental allowance based on ‘target’ catch in the pelagic longline fisheries for swordfish and other tunas)</li> </ul> <p>* Fishermen using longline gear must become have a current certificate from a Protected Species Safe Handling, Release and Identification workshop (see Section XIII). Vessels in the Gulf of Mexico, with pelagic gear onboard, are not authorized to use circle hooks that are constructed of round wire stock which is larger than 3.65 mm in diameter (see Section IX for further information). All commercial longline vessels <b>must</b> have safe handling and release gear and may only deploy or possess corrodible hooks on board. For pelagic longline gear, circle hooks are required and bait restrictions apply in all areas.</p> <p><u>BAYS Tunas</u></p> <p>The gear types authorized for bluefin tuna (listed above) are also authorized for BAYS tunas, regardless of permit category, except purse seine and longline gear. Purse seine and Longline category permits must be held to use these gears for BAYS.</p>	
<b>MINIMUM SIZES</b>	
<p><u>Bluefin tuna</u>: Generally, 73” (186 cm) CFL but refer to the website for specific information.</p> <p><u>Bigeye tuna</u>: 27 inches (69 cm) CFL</p> <p><u>Yellowfin tuna</u>: 27 inches (69 cm) CFL</p> <p><u>Albacore</u> and <u>skipjack</u> tunas: no minimum size</p> <p>Curved fork length (CFL) - line tracing the contour of the body from the tip of the upper jaw to the fork of the tail. See section IX for specific details.</p>	
	
<b>LANDING RESTRICTIONS</b>	
Atlantic tunas may be landed round with fins intact, or eviscerated with the head removed but with one pectoral fin and the tail remaining attached. No person shall retain, or possess a commercial BFT with the head removed that is less than 54 inches (137 cm) pectoral fin curved length. No person may remove the head of a <b>bigeye tuna</b> or <b>yellowfin tuna</b> if the remaining portion would be less than 27 inches (69 cm) from the fork of the tail to the <b>forward edge of the cut</b> (Section IX). Tunas harvested from the management unit cannot be filleted or cut into pieces at sea. The upper and lower lobes of the tail may be removed from tunas for storage purposes but the fork of the tail must remain intact.	

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Additional remarks:

Federal regulations for tunas apply in all waters (*i.e.*, shoreline to the outermost boundary of the EEZ) of the Atlantic Ocean, including the Gulf of Mexico, and Caribbean Sea.

There are several closed areas; see section VI, the HMS webpage, or 50 CFR part 635 for more details and locations of area closures.



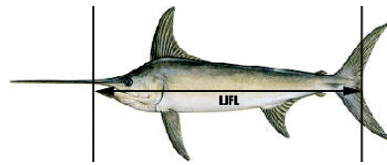
### III. QUICK REFERENCE: ATLANTIC SWORDFISH REGULATIONS

<b>PERMITS</b>
<p>Commercial fishermen must possess a valid swordfish limited access permit for the vessel they are operating in order to fish for, take, or retain Atlantic swordfish. All commercial swordfish permits are issued under a limited access system. To enter the fishery, fishermen must obtain a permit from a permit holder who is leaving the fishery. Limited access permits are transferred between vessels and are subject to upgrading restrictions. Atlantic Directed and Incidental swordfish permits are valid <b>only</b> when held in conjunction with both a shark limited access and Atlantic tunas longline permit. An Incidental HMS Squid Trawl permit is available to all valid <i>Illex</i> squid moratorium permit holders and authorizes incidental swordfish retention using trawl gear subject to target catch requirements. Prior to renewing or obtaining an Atlantic Directed or Incidental swordfish limited access permit, fishermen must become certified at a Protected Species Safe Handling, Release and Identification workshop if fishing with longline or gillnet gear. Contact the Southeast Regional Office at (727) 824-5326 for information on commercial swordfish permits.</p>
<b>RETENTION LIMITS</b>
<p><b>North Atlantic Swordfish</b> (north of 5° N latitude):  <u>Directed</u>: No trip limit (when the directed fishery closes, fishermen may retain 15 swordfish per pelagic longline trip, two swordfish per handgear trip, and no swordfish per harpoon trip)  <u>Incidental</u>: 30 swordfish per trip, or no more than 15 if fishing with squid trawl  <u>Handgear</u>: No trip limit (when the directed fishery is closed, fishermen may retain two swordfish per handgear trip, and no swordfish per harpoon trip)  <u>Incidental HMS Squid Trawl</u>: 15 swordfish per trip (provided squid constitute not less than 75 percent of the total catch on board and trawl gear is the only gear onboard the vessel)  <b>South Atlantic Swordfish</b> (south of 5° N latitude):  <u>Directed</u>: No trip limit (when the directed fishery closes, no swordfish may be retained)  <u>Incidental</u>: No retention allowed</p>
<b>AUTHORIZED GEARS</b>
<p><u>North Atlantic Swordfish</u> can only be taken with handgear (bandit gear, handline, harpoon, rod and reel), buoy gear (directed or handgear permit holders only), or longline, except that a limited number of swordfish may be taken incidentally on a vessel issued an Incidental HMS Squid Trawl permit.  <u>South Atlantic Swordfish</u> can only be taken with longline.  All commercial longline vessels <b>must</b> have handling and release gear, workshop certificates, and corrodible hooks on board. Circle hooks are required for pelagic longline gear. Vessels in the Gulf of Mexico, with pelagic longline gear onboard, are prohibited from possessing, using, or deploying circle hooks that are constructed of round wire stock which is larger than 3.65 mm in diameter. Bait restrictions also apply in the Atlantic and Gulf of Mexico.</p>
<b>MINIMUM SIZES</b>
<p>A North or South Atlantic swordfish from which any portion of the head has been removed must be at least 29 inches (73 cm) as measured from the point on the cleithrum that provides the shortest possible measurement along the body contour to the anterior portion of the caudal keel. A North or South Atlantic swordfish with its head naturally attached (i.e., one from which no portion of the head has been removed) must be at least 47 inches (119 cm) lower jaw fork length, as measured in a straight line, not following the body contour, from the tip of the lower jaw to the fork of the caudal fin. A swordfish that has been damaged by shark bites may be retained only if the remainder of the carcass meets the appropriate minimum size.</p>

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CK - Cleithrum to Caudal Keel



LJFL - Lower Jaw Fork Length

### **LANDING RESTRICTIONS**

Swordfish must be kept in whole or dressed form through landing (“dressed” indicates a headed/gutted fish with some or all fins removed). Swordfish harvested from the management unit cannot be filleted or cut into pieces at sea.

There are several closed areas. See the appropriate section of this guide, the HMS webpage, or 50 CFR part 635 for more details and locations of area closures.

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## IV. GEAR DEFINITIONS

The actual gear type authorized for an activity depends upon three things: 1) the type of fishing being conducted (commercial or recreational), 2) the species being targeted, and 3) the type of permit which is being used for that activity. Please see the tables below and the appropriate section(s) in this guide to determine which gear types may be used.

<b>Gear Type</b>	<b>Shark</b>	<b>Tuna</b>	<b>Swordfish</b>
Pelagic Longline	X	X	X
Bottom Longline	X	X	X
Handline	X	X	X
Buoy Gear*			X
Harpoon		X	X
Rod and Reel	X	X	X
Bandit Gear	X	X	X
Gillnet	X		
Green-stick Gear		X	
Trap		X	
Purse Seine		X	
Speargun**		X (BAYS only)	

\* For use by swordfish directed or swordfish handgear limited access permit holders only

\*\* For use by Charter/Headboat permit holders for BAYS tunas only.

**Longline gear** – Longline gear is set horizontally, either anchored, floating, or attached to a vessel, and consists of a mainline with three or more gangions or hooks. This gear can be retrieved by hand or by mechanical means.

**Pelagic longline (PLL) gear** – A longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom. A vessel is designated as possessing pelagic longline gear on board when the following equipment is on board:

1. A power-operated longline hauler,
2. A mainline,
3. Floats capable of supporting the mainline, and
4. Leaders (gangions) with hooks.

Removing any one of these four elements from the vessel constitutes removal of PLL gear.

**NOTE:** PLL vessels fishing in areas closed to bottom longline gear **may not possess** demersal species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) on board the vessel.

**Bottom longline (BLL) gear** – A longline that is deployed with enough weights and/or anchors to maintain contact with the ocean bottom. A vessel is designated as possessing bottom longline gear on board when the following equipment is on board:

1. A power operated longline hauler,
2. A mainline,
3. Weight and/or anchor capable of maintaining contact between mainline and ocean bottom, and
4. Leaders (gangions) with hooks.

Removing any one of these four elements from the vessel constitutes removal of BLL gear.

**NOTE:** BLL vessels fishing in areas closed to PLL gear **may not possess** pelagic species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) on board the vessel. Please see Section VI for a list of demersal and pelagic

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“indicator” species.

**Handgear** – Handgear includes handline, harpoon, rod and reel, buoy gear, or bandit gear.

**Handline** – A mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand (not mechanical means), and must be attached to, or in contact with, a vessel.

**Buoy gear** – Buoy gear consists of one or more floatation devices supporting a single mainline to which no more than two hooks or gangions are attached. This gear may be free-floating and is not required to be attached to, or in contact with, a vessel; however, it must be released and retrieved by hand. Vessels utilizing buoy gear are limited to possessing or deploying no more than 35 floatation devices. Fishermen must mark each floatation device with the vessel’s name, registration number, or HMS permit number, as per regulations at 50 CFR § 635.6(c). Monitoring equipment such as radar reflectors, beeper devices, lights, or reflective tape must be attached. Individual buoy gears must not be attached to one another.

**Floatation device** – Any positively buoyant object rigged to be attached to a fishing gear.

**Harpoon** – A pointed dart or iron attached to the end of a line several hundred feet in length, the other end of which is attached to a floatation device. Harpoon gear is attached to a pole that is propelled only by hand and **not** by mechanical means.

**Rod and reel** – A handheld fishing rod with a manually or electronically operated reel attached.

**Downrigger** – A piece of equipment attached to a vessel that has a weight on a cable that is in turn attached to hook-and-line gear to maintain lures or bait at depth while trolling.

**Hook and line** – One or more hooks attached to one or more lines (can include a troll).

**Bandit gear** – A vertical hook and line with rods that are attached to the vessel when in use. Lines can be retrieved by hand or mechanical means.

**Gillnet** – A gillnet is a panel of netting suspended vertically in the water with floats at the top and weights along the bottom. Shark gillnets must remain attached to the vessel at one end except when conducting net checks.

**Green-stick gear** – An actively trolled mainline attached to a vessel and elevated or suspended above the surface of the water with no more than 10 hooks or gangions attached to the mainline. The suspended line, attached gangions and/or hooks, and catch may be retrieved collectively by hand or mechanical means. Green-stick does not constitute a pelagic longline or a bottom longline as described at § 635.21(c) or § 635.21(d), respectively.

**Trap** – A portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats. Also called a pot.

**Fish weir** – A large catching arrangement with a collecting chamber that is made of non-textile material (wood, wicker) instead of netting as in a pound net.

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**Purse seine** – A purse seine is a floated and weighted encircling net that is closed (“pursed”) by means of a drawstring threaded through the bottom of the net.

**Circle Hook** – A hook originally designed and manufactured so that the point of the hook is turned perpendicularly back toward the shank of the hook to form a generally circular or oval shape. Circle hooks are required for pelagic longline gear.

**Speargun** - a muscle-powered speargun equipped with a trigger mechanism, a spear with a tip designed to penetrate and retain fish, and terminal gear. Terminal gear may include, but is not limited to, trailing lines, reels, and floats. The term “muscle-powered speargun” means a speargun that stores potential energy provided from the operator's muscles, and that releases only the amount of energy that the operator has provided to it from his or her own muscles. Common energy storing methods for muscle-powered spearguns include compressing air and springs, and the stretching of rubber bands.

**Weak Hook** – A circle hook that is constructed of round wire stock which is less than 3.65 mm in diameter.

## **V. GENERAL RESTRICTIONS**

### **GEAR MARKING**

Fishermen deploying handline, buoy gear, harpoon, longline, and gillnet gear must mark their floats with their vessel identification number, vessel name, and Atlantic tunas or limited access permit number. Additional information concerning gear marking requirements can be found at 50 CFR Part 635.6.

### **HIGH SEAS FISHING**

In addition to the appropriate HMS permit, a High Seas Fishing permit is required for all U.S. vessels commercially fishing on the High Seas. To apply for a High Seas Fishing Permit, contact NMFS Office of International Affairs (F/IA), 1315 East-West Highway, Room 12659, Silver Spring, Maryland 20910, or call (301) 713-9090 or -2276. Generally, U.S. flagged vessels must comply with U.S. domestic regulations that pertain to Atlantic HMS while fishing outside the exclusive economic zone (EEZ) in the Atlantic. Some U.S. citizens, even on foreign-flagged vessels, may need an exempted fishing permit. Please call the HMS Management Division at (301) 427-8503 for more information.

### **FISHING FOR HMS IN STATE WATERS**

Both the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act have provisions that allow NMFS to apply federal regulations to state waters. In general, Atlantic HMS permit holders must abide by all applicable federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more stringent regulations, vessels must abide by the more restrictive state regulations. However, as reflected in this Guide, the regulations are species and situation-specific. Please call the HMS Management Division at (301) 427-8503 for more information.

### **SECONDARY GEARS**

Secondary, or “cockpit,” gears may be used only at boatside to aid and assist in subduing, or bringing onboard a vessel, Atlantic HMS that have first been caught or captured using primary authorized gears. Secondary gears include, but are not limited to, dart harpoons, gaffs, tail ropes, etc. Secondary gears may not be used to capture, or attempt to capture, free-swimming or

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undersized HMS.

### **SPEARGUN RESTRICTIONS**

Speargun fishing gear is only authorized for the recreational harvest of BAYS tunas. To fish with a speargun, a vessel must be issued an Atlantic HMS Angling or Charter/Headboat permit. Persons fishing for Atlantic BAYS tunas using speargun gear must be physically in the water when the speargun is fired or discharged. No other HMS may be taken with speargun fishing gear, including bluefin tuna, swordfish, sharks, sailfish, spearfishes, roundscale spearfish, or white or blue marlin.

### **TRANSFER AT SEA**

Atlantic tuna, blue marlin, white marlin, roundscale spearfish, or swordfish may not be transferred at sea in the Atlantic Ocean, regardless of where the fish was harvested. An owner or operator of a vessel for which a Purse Seine category Atlantic Tunas category permit has been issued under § 635.4 may transfer large medium and giant BFT at sea from the net of the catching vessel to another vessel for which a Purse Seine category Atlantic Tunas permit has been issued, provided the amount transferred does not cause the receiving vessel to exceed its currently authorized vessel allocation, including incidental catch limits. Shark and sailfish may not be transferred at sea, shoreward of the outer boundary of the EEZ, regardless of where the shark was harvested, and persons may not transfer at sea a shark or a sailfish taken shoreward of the outer boundary of the EEZ, regardless of where the transfer takes place.

## **VI. PELAGIC LONGLINE, BOTTOM LONGLINE, AND SHARK GILLNET RESTRICTIONS**

Vessels fishing with longline and gillnet gear must possess valid Protected Species Safe Handling, Release, and Identification Workshop certificates onboard for both the owner and operator.

### **PELAGIC LONGLINE RESTRICTIONS**

#### **PERMIT REQUIREMENTS FOR USE OF PELAGIC LONGLINE GEAR**

Generally to fish with pelagic longline gear, fishermen must possess all three valid, limited-access HMS permits listed below. These permits are:

1. Directed or incidental swordfish permit (a swordfish handgear permit is not acceptable);  
AND,
2. Directed or incidental shark permit; AND,
3. Atlantic tunas Longline category permit (an Atlantic tunas General category permit is not an acceptable substitute for the Atlantic tunas Longline category permit).

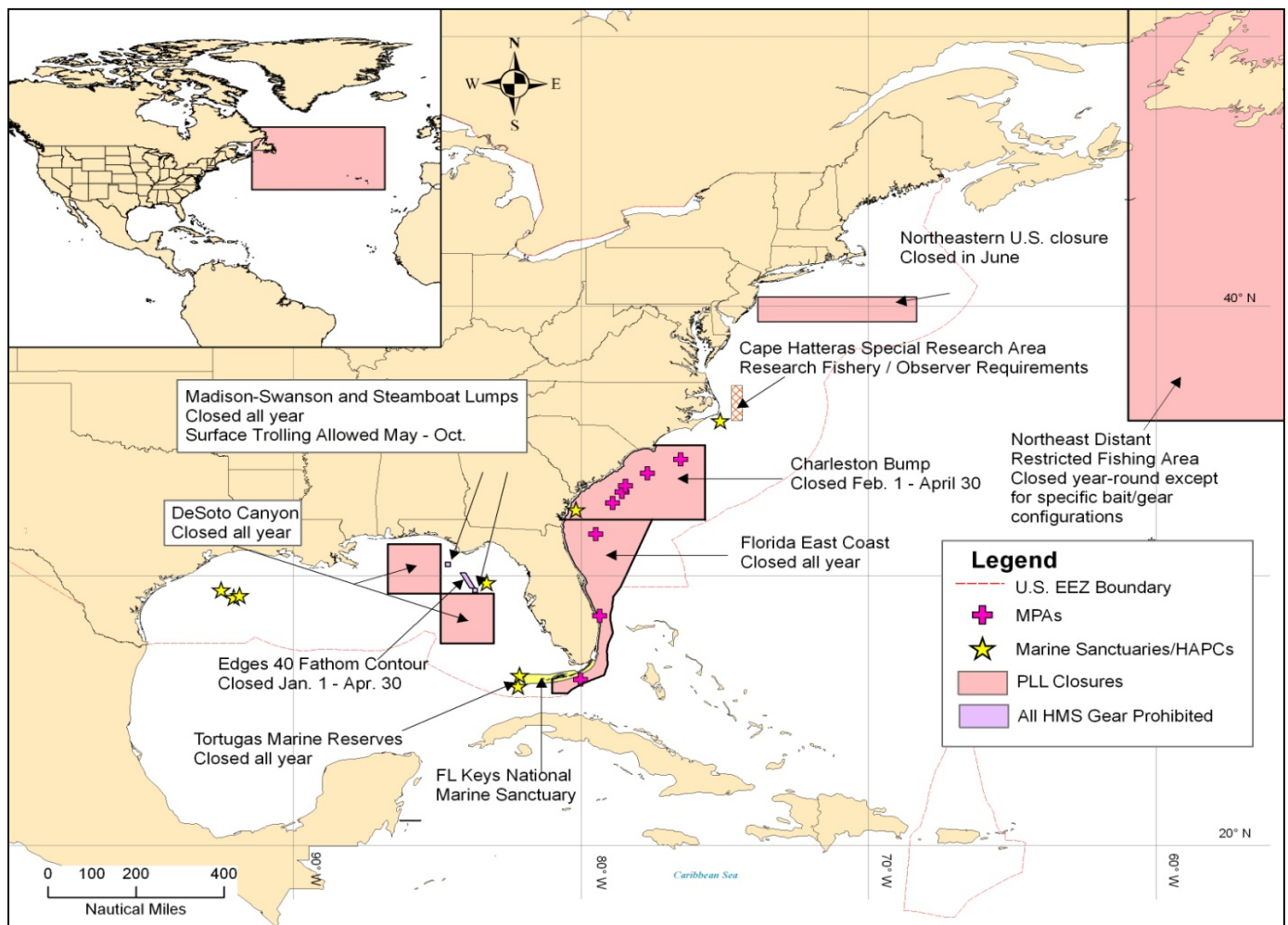
Fishermen with only a federal shark permit may also use pelagic longline gear, however, they must discard all swordfish and tunas caught. These permits are administered under a limited access program. Permits may only be obtained by transferring the permit, within the upgrading restrictions, from a permit holder who is leaving the fishery. All fishermen using pelagic longline gear must comply with the gear restrictions described below. Prior to renewing or obtaining a commercial swordfish or shark limited access permit, fishermen must attend a Protected Species Safe Handling, Release, and Identification workshop and obtain a certificate. A copy of the workshop certificate must be included in the permit application package. For

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

more information on workshops, see Section XIII.

## TIME/AREA CLOSURES FOR USE OF PELAGIC LONGLINE GEAR

Under the Magnuson-Stevens Fishery Conservation and Management Act, among other statutes, NMFS is required to minimize bycatch, to the extent practicable. Many gear types, particularly longline gear, catch a number of species as bycatch. NMFS has closed a number of areas to fishermen with HMS permits who have pelagic longline gear on board. The closures listed below were implemented to reduce bycatch by longline gear. The Northeastern closure was designed to reduce bluefin tuna discards; the Charleston Bump, East Florida Coast, and DeSoto Canyon closures were designed to reduce the discards of undersized swordfish, billfish, sharks, and other species; and the NED restrictions are designed to reduce interactions with leatherback and loggerhead sea turtles. NMFS continues to explore methods of reducing bycatch in all HMS fisheries and for all gear types. These are shown in Figure 1.



**Figure 1.** Marine sanctuaries, HAPCs, and time area closures that restrict use of pelagic longline gear (PLL) in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

- **The Northeastern United States Closed Area:** This area is closed during the month of June each year. The coordinates are: 40°002 N. lat., 74°002 W. long. To 40°002 N. lat., 68°002 W. long. To 39°002 N. lat., 68°002 W. long. To 39°002 N. lat., 74°002 W. long. See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

- The Charleston Bump Closed Area: This area is closed from February 1 through April 30 each year. The coordinates are: the Atlantic Ocean seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 34°00' N. lat. near Wilmington Beach, North Carolina, and proceeding due east to connect by straight lines the following coordinates in the order stated: 34°00' N. lat., 76°00' W. long.; 31°00' N. lat., 76°00' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia.
- The East Florida Coast Closed Area: This area is closed year-round. The coordinates are: the Atlantic Ocean seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia, and proceeding due east to connect by straight lines the following coordinates in the order stated: 31°00' N. lat., 78°00' W. long.; 28°17' 10" N. lat., 79°11' 24" W. long.; then proceeding along the outer boundary of the EEZ to the intersection of the EEZ with 24°00' N. lat.; then proceeding due west to the following coordinates: 24°00' N. lat., 81°47' W. long.; then proceeding due north to intersect the inner boundary of the U.S. EEZ at 81°47' W. long. near Key West, Florida.
- The DeSoto Canyon Closed Area: This area is closed year-round and consists of two squares offshore of the west coast of Florida. The corner coordinates are: 30°00' N. lat., 88°00' W. long.; 30°00' N. lat., 86°00' W. long.; 28°00' N. lat., 86°00' W. long.; 28°00' N. lat., 84°00' W. long.; 26°00' N. lat., 84°00' W. long.; 26°00' N. lat., 86°00' W. long.; 28°00' N. lat., 86°00' W. long.; 28°00' N. lat., 88°00' W. long.; 30°00' N. lat., 88°00' W. long.
- The Northeast Distant Gear Restricted Area (NED): Vessels with pelagic longline gear onboard must use specific gear and bait combinations (specified at 50 CFR § 635.21(c)(2)(v)(A)-(B)), and comply with other conditions (specified at 50 CFR § 635.21(c)(2)(v)(C)-(G)). The corner coordinates are: 35°00' N. lat., 60°00' W. long.; 55°00' N. lat., 60°00' W. long.; 55°00' N. lat., 20°00' W. long.; 35°00' N. lat., 20°00' W. long.
- The Tortugas Marine Reserves: Fishing for any species and anchoring by fishing vessels is prohibited in the EEZ portions of Tortugas North and Tortugas South by non-HMS regulations. The Tortugas North area is bounded by 24° 40'00" N. lat., 83° 06'00" W. long.; 24° 46'00" N. lat., 83° 06'00" W. long.; 24° 46'00" N. lat., 83° 00'00" W. long.; thence along the line denoting the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11438 to 24° 40'00" N. lat., 83° 06'00" W. long. Tortugas South is bounded by 24° 33'00" N. lat., 83° 09'00" W. long.; 24° 33'00" N. lat., 83° 05'00" W. long.; 24° 18'00" N. lat., 83° 05'00" W. long.; 24° 18'00" N. lat., 83° 09'00" W. long.; 24° 33'00" N. lat., 83° 09'00" W. long. (50 CFR 622.34(d)).
- Madison-Swanson and Steamboat Lumps closed areas: These areas are closed to all HMS fishing gears year-round, except that surface trolling is allowed from May through October, consistent with the recommendations from the Gulf of Mexico Fishery Management Council. The coordinates for the Madison-Swanson closed area are: 29° 17' N. lat., 85° 50' W. long. ; 29° 17' N. lat., 85° 38' W. long.; 29° 06' N. lat., 85° 38' W. long.; 29° 06' N. lat., 85° 50' W. long. The coordinates for the Steamboat Lumps closed area are: 28° 14' N. lat., 84° 48' W. long.; 28° 14' N. lat., 84° 37' W. long.; 28° 03' N. lat., 84° 37' W. long.; 28° 03' N. lat., 84° 48' W. long. Surface trolling is defined as fishing with lines trailing behind a vessel which is

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.



in constant motion at speeds in excess of four knots with a visible wake. Such trolling may not involve the use of downriggers, wire lines, planers, or similar devices.

- Edges 40 Fathom Contour closed area: This area is closed to all HMS fishing gears from January through April. Its coordinates are: 28° 51' N. Lat., 85° 16' W. Long. to 28° 51' N. Lat., 85° 04' W. Long. to 28° 14' N. Lat., 84° 42' W. Long. to 28° 14' N. Lat., 84° 54' W. Long.

### **PELAGIC LONGLINE RESTRICTIONS WHEN FISHING IN THE NED**

When fishing in the NED, pelagic longline vessels are limited to possessing onboard and/or using only 18/0 or larger circle hooks with an offset not to exceed 10 degrees. Only whole Atlantic mackerel and/or squid baits may be possessed and/or utilized with the allowed hooks, except that artificial bait may be possessed and used only with green-stick gear.

If green-stick gear is onboard, a vessel may possess up to 20 J-hooks. J-hooks may be used only with green-stick gear, and no more than 10 hooks may be used at one time with each green-stick gear. J-hooks used with green-stick gear may be no smaller than 1.5 inch (38.1 mm) when measured in a straight line over the longest distance from the eye to any other part of the hook. Pelagic longline vessels fishing within the NED must also possess and use sea turtle handling and release gear in compliance with NMFS' careful release protocols. The required handling and release gears are fully described in the document entitled "NMFS Approved Models For Equipment Needed For the Careful Release of Sea Turtles Caught in Hook and Line Fisheries." The list of approved models is available on the HMS Management Division website at (<http://www.nmfs.noaa.gov/sfa/hms/>) and upon request from the HMS St. Petersburg Office. Also, a Technical Memorandum (NMFS-SEFSC-580) entitled "Careful Release Protocols for Sea Turtle Release with Minimal Injury," and a placard entitled "Handling/Release Guidelines," must be onboard. These materials are available on the HMS Management Division website, or you can call (301) 427-8503 to request a waterproof copy.

### **PELAGIC LONGLINE RESTRICTIONS WHEN FISHING OUTSIDE THE NED\***

Outside of the NED restricted area, pelagic longline vessels are limited, at all times, to possessing and/or using only 18/0 or larger circle hooks with an offset not to exceed 10 degrees, or 16/0 or larger non-offset circle hooks. Only whole finfish and/or squid bait may be used on pelagic longlines. If green-stick gear is onboard, a vessel may possess up to 20 J-hooks. J-hooks may be used only with green-stick gear, and no more than 10 hooks may be used at one time with each green-stick gear. J-hooks used with green-stick gear may be no smaller than 1.5 inch (38.1 mm) when measured in a straight line over the longest distance from the eye to any other part of the hook.

\*Special restrictions that apply to vessels in the Gulf of Mexico, with pelagic gear on board are listed separately below.

### **RESTRICTIONS FOR VESSELS IN THE GULF OF MEXICO WITH PELAGIC LONGLINE GEAR ON BOARD**

In addition, vessels in the Gulf of Mexico, with pelagic longline gear onboard are prohibited from possessing, using, or deploying circle hooks that are constructed of round wire stock which is larger than 3.65 mm in diameter. Two circle hook models that meet this requirement are Mustad Model 39988D – 16/0 and Eagle Claw Model L2048ELM -16/0. **Live bait may not be used** in the Gulf of Mexico. Specifically, a person aboard a vessel with pelagic longline gear on

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

board shall not maintain live baitfish in any tank or well on board the vessel and shall not possess live baitfish or set up an aeration device on board the vessel. This restriction on live bait is designed to reduce the catch of billfish on pelagic longline gear. **Vessels fishing with PLL gear in the Gulf of Mexico are restricted in the number of bluefin tuna they are allowed to possess and are prohibited from possessing any billfish.**

### **OTHER RESTRICTIONS FOR PELAGIC LONGLINE GEAR**

- If the total length of any gangion plus the length of any floatline is less than 100 meters, then the length of all gangions must be at least 10 percent longer than the length of the floatlines. (Pelagic longline only)
- If pelagic longline gear is on board, all HMS pelagic longline vessels must possess and use only corrodible (i.e., non-stainless steel) 18/0 or 16/0 circle hooks depending on location.
- Longline vessels may keep one bluefin tuna if 2,000 lbs (907 kg) of targeted catch is onboard, two bluefin tuna if 6,000 lbs (2,727 kg) of targeted catch is onboard, and three bluefin tuna if 30,000 lbs (13,620 kg) of targeted catch is onboard.
- To protect pilot whales and Risso's dolphins, pelagic longline vessel operators fishing in the Cape Hatteras Special Research Area (CHSRA) must contact NMFS at least 48 hours prior to a trip, and carry observers if requested. The Pelagic Longline Take Reduction Plan also established a 20 nm upper limit on mainline length for all pelagic longline sets in the mid-Atlantic Bight (MAB), and requires that an informational placard be displayed in the wheelhouse and on the working deck of all active pelagic longline vessels in the Atlantic fishery. For more information, please see:  
[http://sero.nmfs.noaa.gov/pr/mm/20090610\\_pltrtcompliance%20guide\\_FINAL.pdf](http://sero.nmfs.noaa.gov/pr/mm/20090610_pltrtcompliance%20guide_FINAL.pdf)
- Vessels with pelagic longline gear onboard are not authorized to retain, transship, land, store, or sell great hammerhead, scalloped hammerhead, smooth hammerhead, and oceanic whitetip sharks.

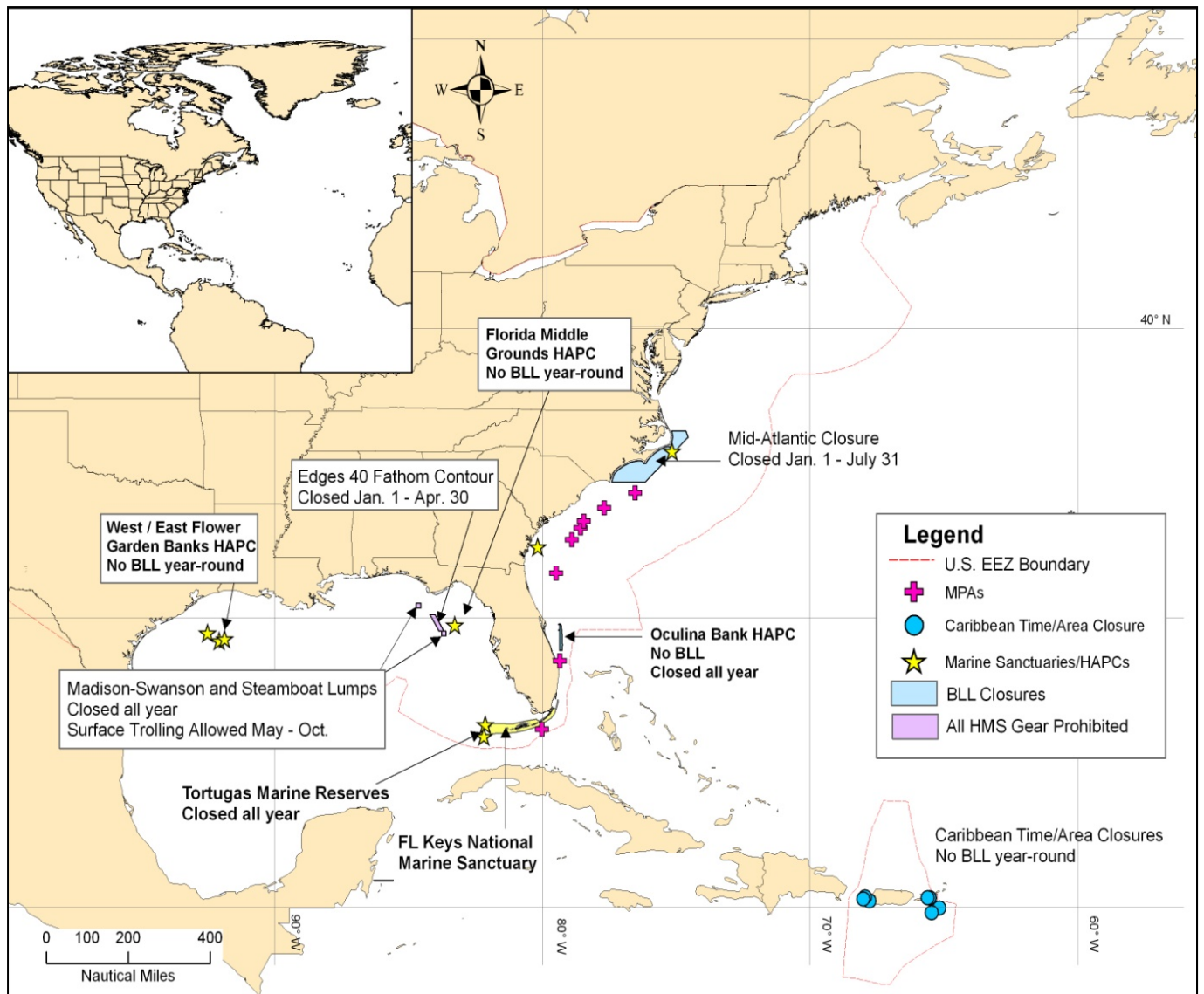
### **BOTTOM LONGLINE RESTRICTIONS**

#### **TIME/AREA CLOSURES FOR USE OF BOTTOM LONGLINE GEAR**

NMFS has closed a number of areas to fishermen with HMS permits who have bottom longline gear on board. These are listed as follows and shown in Figure 1. Please see Section V for other time/area closures that may affect bottom longline gear including, but not limited to: Oculina Banks, Florida Middle Grounds Habitat Areas of Particular Concern (HAPC), Tortugas Marine Reserves, West and East Flower Garden Banks HAPC, Madison Swanson and Steamboat Lumps, and Edges 40 Fathom Contour

The Mid-Atlantic Shark closed area is designed to reduce interactions with juvenile and/or prohibited sharks. NMFS continues to explore methods of reducing bycatch in all HMS fisheries and for all gear types. The other closures were implemented to complement closures implemented by the relevant Fishery Management Councils.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.



**Figure 2.** Marine sanctuaries, Habitat Areas of Particular Concern (HAPCs.), and time area closures that restrict use of bottom longline gear (BLL) in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

- The Mid-Atlantic Shark Area:** This area includes Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) for sandbar and dusky sharks, serving as nursery and pupping areas for these species. The area is closed from January 1 through July 31. “Mid-Atlantic shark closed area” means the Atlantic Ocean area seaward of the inner boundary of the U.S. EEZ at 35°41' N. lat. just south of Oregon Inlet, North Carolina, and connecting by straight lines the following coordinates in the order stated: 35°41' N. lat., 75°25' W. long. proceeding due east to 35°41' N. lat., 74°51' W. long.; then proceeding southeast to 35°30' N. lat, 74°46' W. long.; then proceeding southwest, roughly following the 55 fathom mark, to 33°51' N. lat., 76°24' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 33°51' N. lat., 77°53' W. long. near Cape Fear, North Carolina.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

- Caribbean closed areas: To minimize impacts on EFH and to reduce fishing mortality on mutton snapper, red hind and other reef-dwelling species, fishing for HMS with bottom longline gear is prohibited year-round in seven distinct areas off the U.S. Virgin Islands and Puerto Rico. These areas are described in 50 CFR § 622.33(a)(1) – (a)(3). These closures were implemented at the request of the Caribbean Fishery Management Council to complement and maintain consistency with the Caribbean Council management measures. (A) Mutton Snapper Spawning Aggregation Area. From March 1 through June 30 each year, fishing is prohibited in that part of the following area that is in the EEZ. The area is bounded by rhumb lines connecting, in order, the points listed.

Point	North latitude	West longitude.
A	17° 37.8'	64° 53.0'
B	17° 39.0'	64° 53.0'
C	17° 39.0'	64° 50.5'
D	17° 38.1'	64° 50.5'
E	17° 37.8'	64° 52.5'
A	17° 37.8'	64° 53.0'

(B) Red Hind Spawning Aggregation Areas

(i) East of St. Croix

Point	North latitude	West longitude.
A	17° 50.2'	64° 27.9'
B	17° 50.1'	64° 26.1'
C	17° 49.2'	64° 25.8'
D	17° 48.6'	64° 25.8'
E	17° 48.1'	64° 26.1'
F	17° 47.5'	64° 26.9'
A	17° 50.2'	64° 27.9'

(C) Tourmaline Bank

Point	North latitude	West longitude.
A	18° 11.2'	67° 22.4'
B	18° 11.2'	67° 19.2'
C	18° 08.2'	67° 19.2'
D	18° 08.2'	67° 50.5'
E	18° 08.2'	64° 52.5'

(D) Abrir La Sierra Bank

Point	North latitude	West longitude.
A	18° 06.5'	67° 26.9'
B	18° 06.5'	67° 23.9'
C	18° 03.5'	67° 23.9'
D	18° 03.5'	67° 26.9'
E	18° 06.5'	64° 26.9'

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

(E) Grammanik Bank

Point	North latitude	West longitude.
A	18° 11.898'	64° 56.328'
B	18° 11.645'	64° 56.225'
C	18° 11.058'	64° 57.810'
D	18° 11.311'	64° 57.913'
E	18° 11.898'	64° 56.328'

(F) Bajo de Sico

Point	North latitude	West longitude.
A	18° 15.7'	64° 26.4'
B	18° 15.7'	64° 23.2'
C	18° 12.7'	64° 23.2'
D	18° 12.7'	64° 26.4'
E	18° 15.7'	64° 26.4'

(G) Hind Bank Marine Conservation District

Point	North latitude	West longitude.
A	18° 13.2'	65° 06.0'
B	18° 13.2'	64° 59.0'
C	18° 11.8'	64° 59.0'
D	18° 10.7'	65° 06.0'
E	18° 13.2'	65° 06.0'

• South Atlantic Marine Protected Areas (MPAs):

(A) Snowy Grouper Wreck. Bounded by rhumb lines connecting, in order, the following points:

Point	North latitude	West longitude.
A	33° 25'	77° 04.75'
B	33° 34.75'	76° 51.3'
C	33° 25.5'	76° 46.5'
D	33° 15.75'	77° 00.0'
A	33° 25'	77° 04.75'

(B) Northern South Carolina: Bounded on the north by 32° 53.5' N. lat.; on the south by 32° 48.5' N. lat.; on the east by 78° 04.75' W. long.; and on the west by 78° 16.75' W. long.

(C) Edisto: Bounded on the north by 32° 24' N. lat.; on the south by 32° 18.5' N. lat.; on the east by 78° 54.0' W. long.; and on the west by 79° 06.0' W. long.

(D) Charleston Deep Artificial Reef: Bounded by rhumb lines connecting, in order, the following points:

Point	North latitude	West longitude.
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See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

A	32° 04'	79° 12'
B	32° 08.5'	79° 07.5'
C	32° 06'	79° 05'
D	32° 01.5'	79° 09.3'
A	32° 04'	79° 12'

(E) Georgia: Bounded by rhumb lines connecting, in order, the following points:

Point	North latitude	West longitude.
A	31° 43'	79° 31'
B	31° 43'	79° 21'
C	31° 34'	79° 29'
D	31° 34'	79° 39'
A	31° 43'	79° 31'

(F) North Florida: Bounded on the north by 30 29' N. lat.; on the south by 30 19' N. lat.; on the east by 80 02' W. long.; and on the west by 80 14' W. long.

(G) St. Lucie Hump: Bounded on the north by 27 08' N. lat.; on the south by 27 04' N. lat.; on the east by 79 58' W. long.; and on the west by 80 00' W. long.

(H) East Hump: Bounded by rhumb lines connecting, in order, the following points:

Point	North latitude	West longitude.
A	24° 36.5'	80° 45.5'
B	24° 32'	80° 36'
C	24° 27.5'	80° 38.5'
D	24° 32.5'	80° 48'
A	24° 36.5'	80° 45.5'

- The Oculina Banks: Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited in the Oculina Bank by non-HMS regulations. The area is bounded on the north by 27° 53' N, on the south by 27° 30' N, on the east by 79° 56' W, and on the west by 80° 00' W (50 CFR part 622).
- The Florida Middle Grounds HAPC: Fishing with bottom longline, bottom trawl, dredge, pot, or trap fishing in the Florida Middle Grounds HAPC is prohibited year-round by non-HMS regulations. The area is bounded by 28° 42.5' N lat., 84° 24.8' W. long.; 28° 42.5' N lat., 84° 16.3' W. long.; 28° 11.0' N lat., 84° 0.00' W. long.; 28° 11.0' N lat., 84° 07.0' W. long.; 28° 26.6' N lat., 84° 24.8' W. long.; 28° 42.5' N lat., 84° 24.8' W. long. (50 CFR § 622.34(b)).
- The West and East Flower Garden Banks HAPC: Fishing with bottom longline, bottom trawl, dredge, pot, or trap fishing in the West and East Flower Garden Banks HAPC is prohibited year-round by non-HMS regulations. The area is geographically centered at 27° 52'14.21" N. lat., 93° 48'54.79" W. long. and 27° 55'07.44" N. lat., 93° 36'08.49" W. long., respectively. The HAPC extends from these centers to the 50-fathom (300-ft) (91.4-m) isobath (50 CFR § 622.34(j)).
- Other Marine Protected Areas (MPAs): Throughout the United States, there are a number of marine protected areas that may affect fishing activities. More information on See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

marine protected areas can be found at <http://www.mpa.gov>.

### **PERMIT REQUIREMENTS FOR USE OF BOTTOM LONGLINE GEAR**

Generally, in HMS fisheries, only commercial shark fishermen use bottom longline gear. These fishermen only need a limited-access commercial shark federal limited access permit. Fishermen holding the three permits listed above for pelagic longline gear may also use bottom longline gear. Prior to renewing or obtaining a shark limited access permit, fishermen must attend a Protected Species Safe Handling, Release, and Identification Workshop and obtain a certificate. A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIII.

### **OTHER RESTRICTIONS FOR BOTTOM LONGLINE GEAR**

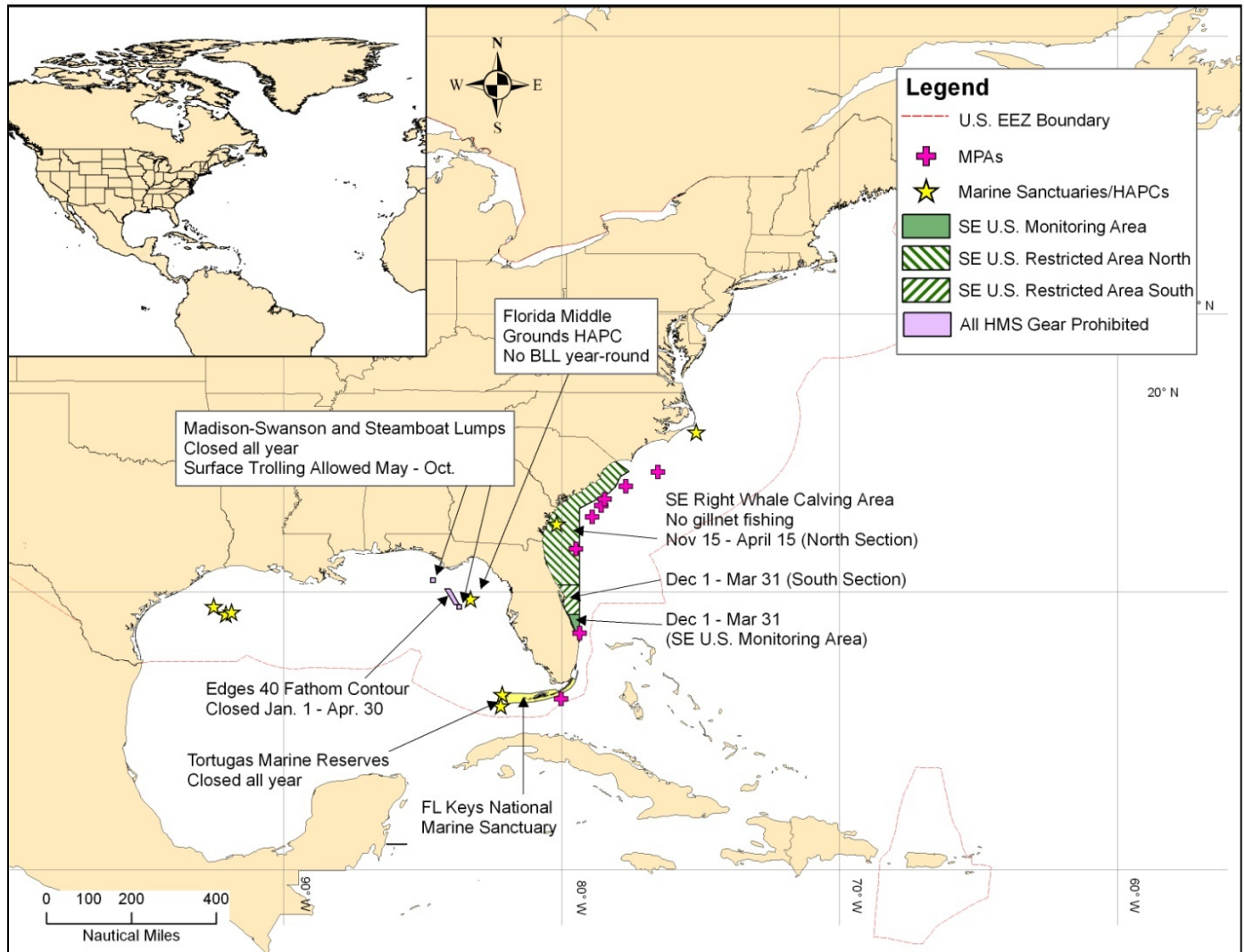
- If bottom longline gear is on board, only corrodible (i.e., non-stainless steel) hooks may be deployed or possessed on board. At this time, there are no hook size or bait restrictions.

### **SHARK GILLNET GEAR RESTRICTIONS**

#### **PERMIT REQUIREMENTS FOR USE OF SHARK GILLNET GEAR**

Only commercial shark fishermen can use gillnet gear in HMS fisheries. These fishermen must possess a limited-access commercial (directed or incidental) shark federal limited access permit. Prior to renewing or obtaining a shark limited access permit, fishermen must attend a Protected Species Safe Handling, Release, and Identification Workshop and obtain a certificate. A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIII.

## TIME/AREA CLOSURES FOR USE OF GILLNET GEAR



**Figure 3.** Marine sanctuaries, HAPCs, and time area closures that may restrict the use of gillnet gear in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

- **Southeast U.S. Restricted Areas:** NMFS regulations established per the Atlantic Large Whale Take Reduction Plan restrict shark gillnet fishing each year from November 15 to April 15 in the area from 27°51'N latitude (near Sebastian Inlet, FL) to 32°00' N lat. (near Georgia/South Carolina border) from shore eastward to 80°00' W long., and off South Carolina, within 35 nautical miles (nm) of shore (Figure 3). Little River Inlet, SC, is not located in the Southeast U.S. Restricted Area. (50 CFR 229.32 (f)).
- NMFS prohibits the use of gillnets in the Southeast U.S. Restricted Area **North** (restricted area north of 29°00'N latitude) from November 15 - April 15.
- NMFS prohibits gillnet fishing in the Southeast U.S. Restricted Area **South** (restricted area south of 29°00'N latitude) from December 1 - March 31. Fishing for sharks with gillnet with 5 inches or greater stretched mesh is exempt from the prohibition under limited conditions See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.



(50 CFR 229.32 (f)(2)(iii)).

- Southeast U.S. Monitoring Area: The Monitoring Area consists of the area from 27°51' N. lat. (near Sebastian Inlet, FL) south to 26°46.50' N. lat. (near West Palm Beach, FL), extending from the shoreline out to 80°00' W. long.. Observer coverage, gear marking, and vessel monitoring systems are required in this area.
- For additional information:  
<http://www.nmfs.noaa.gov/sfa/hms/sharks/2007/Gillnetters%20Guide%20to%20New%20ALWTRT%20Regs%2012-11-07.pdf>

## **OTHER RESTRICTIONS FOR USE OF GILLNET GEAR**

No person may fish for sharks with a gillnet with a total length of 2.5 km or more. No person may have on board a vessel a gillnet with a total length of 2.5 km or more.

While fishing with a gillnet for, or in possession of, any federally managed Atlantic shark species, the gillnet must remain attached to at least one vessel at one end, except during net checks.

Vessel operators fishing with gillnets must conduct net checks every 0.5 to 2 hours to look for and remove any sea turtles, marine mammals or smalltooth sawfish.

## **VMS REQUIREMENTS (VMS)**

Effective January 1, 2012, any new or replacement Enhanced Mobile Transmitting (E-MTU) VMS units must be installed by a qualified marine electrician. Effective March 1, 2012, a declaration system, where vessel operators must declare their target species and gear type(s) on board two hours prior to departing from port and provide NMFS advanced notice of landing three hours before a trip has been completed.

All vessels with pelagic longline gear on board must have a Vessel Monitoring System (VMS) unit installed and operating. All vessels with bottom longline gear on board off South Carolina, North Carolina, and Virginia between 33°N and 36°30'N from January through July must have a VMS unit installed and operating, and all vessels issued a directed shark limited access permit with gillnet gear on board during the right whale calving season from November 15 to April 15, regardless of location, must have a unit VMS installed and operating. Vessels owners that are required to use VMS in HMS fisheries are eligible to receive reimbursement funds (up to \$3,100/unit) for procuring Enhanced Mobile Transmitting Unit (E-MTU) VMS units. The reimbursement does not cover installation or communication costs.

Vessel monitoring systems are used to track the location and fishing activity of pelagic longline vessels year-round, bottom longline vessels fishing in the vicinity of the mid-Atlantic shark closure from January through July, and gillnet vessels consistent with the Atlantic Large Whale Take Reduction Plan. Pelagic longline, bottom longline, and gillnet vessels that are required to carry VMS must turn on their VMS units two hours before leaving port for a fishing trip, and their units must report vessel position at one hour intervals. Pelagic longline, bottom longline, and gillnet vessels are allowed to shut off their VMS units once they return to port at the conclusion of a fishing trip. If suspicious fishing activity is detected via a fishing vessel's VMS signal (including the sudden failure of a vessel's VMS unit to report positional information), NMFS Office of Law Enforcement and/or the U.S. Coast Guard may investigate, including at-

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

sea boarding, overflight, or meeting the fishing vessel once it returns to port. The VMS system also allows pelagic longline, bottom longline, and gillnet vessels to transit through areas closed to pelagic longline and/or bottom longline gear.

To determine compliance with the closed area restrictions, NMFS Office of Law Enforcement and the U.S. Coast Guard use the definitions for pelagic and bottom longline gear (see Section IV) to determine if a vessel is fishing with pelagic or bottom longline gear. The species composition of the catch on board the vessel or landed can be used to differentiate between these gear types. As such, bottom longline vessels fishing in areas closed to pelagic longline gear may not possess or land pelagic species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic). Conversely, pelagic longline vessels fishing in areas closed to bottom longline fishing cannot possess or land demersal species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic). The species that qualify as pelagic and demersal indicator species are:

<b>PELAGIC INDICATOR SPECIES</b>	<b>DEMERSAL INDICATOR SPECIES</b>	
DOLPHINFISH SHARK, BLUE SHARK, OCEANIC WHITETIP SHARK, PORBEAGLE SHARK, SHORTFIN MAKO SHARK, THRESHER SWORDFISH TUNA, ALBACORE TUNA, BLUEFIN TUNA, BIGEYE TUNA, SKIPJACK TUNA, YELLOWFIN WAHOO	GROUPER, BLACK GROUPER, GAG GROUPER, MARBLED GROUPER, MISTY GROUPER, RED GROUPER, SNOWY GROUPER, WARSAW GROUPER, YELLOWEDGE GROUPER, YELLOWFIN HIND, RED HIND, ROCK HIND, SPECKLED SHARK, ATL. SHARPNOSE SHARK, BLACKNOSE SHARK, BLACKTIP SHARK, BONNETHEAD  SHARK, BULL SHARK, FINETOOTH SHARK, LEMON	SHARK, NURSE SHARK, SANDBAR SHARK, SPINNER SHARK, TIGER SNAPPER, BLACKFIN SNAPPER, CUBERA SNAPPER, DOG SNAPPER, MANGROVE  SNAPPER, LANE SNAPPER, MUTTON SNAPPER, QUEEN SNAPPER, RED SNAPPER, SCHOOLMASTER SNAPPER, SILK SNAPPER, VERMILION SNAPPER, YELLOWTAIL TILEFISH TILEFISH, BLUELINE

### **PROTECTED RESOURCE SPECIES INTERACTIONS**

If a marine mammal, smalltooth sawfish, or sea turtle is hooked or entangled in pelagic/pelagic longline, bottom longline, and/or gillnet gear, the animal must be released following approved handling and release guidelines. Once the animal has been released, the gear must be retrieved and the vessel must move at least 1 nautical mile from the location of the incident before resuming fishing. Marine mammal entanglements must be reported to NMFS within 48 hours after the end of the trip. The reporting form is available from the Office of Protected Resources

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

at (301) 713-2322.

### **Marine mammals**

For large whales caught alive and on the line, immediately contact the Atlantic Large Whale Disentanglement Network Hotline at: (866) 755-NOAA.. For small marine mammals, gently bring the mammal alongside the vessel and work the tangle off the mammal as quickly as possible. When a small marine mammal is hooked, if possible, cut off the barb of the hook with long handled bolt cutters, and then cut the line as close to the hook as possible.

### **Smalltooth sawfish**

All smalltooth sawfish must be released in a manner that will ensure maximum probability of survival, but without removing the fish from the water or any research tags from the fish. While attempting to dehook a smalltooth sawfish, the fish should be kept in the water while maintaining water flow over the gills and examined for research tags. The animal should not be dehooked if the hook is in the rostrum; if the animal cannot be dehooked, cut the line as close to the hook as possible.

### **Sea turtles**

Sea turtles must be released using specified gear and safe handling/release guidelines. Owners and operators of all longline and gillnet vessels must attend a Protected Species Safe Handling, Release, and Identification Workshop and obtain a certificate. A copy of the workshop certificate must be included in the permit application package. Please see Section XIII for more information on workshops.

Both pelagic and bottom longline vessels are also required to carry a Technical Memorandum (NMFS-SEFSC-580) entitled “Careful Release Protocols for Sea Turtle Release with Minimal Injury,” and a plastic placard entitled “Sea Turtle Handling/Release Guidelines: Quick Reference for Atlantic Longline Gear.” The placard must be posted inside the wheelhouse to provide readily accessible information concerning a sea turtle interaction. Additionally, safe handling and release gear must be onboard each pelagic and bottom longline vessel and must be used in compliance with the Safe Handling/Release guidelines. Specifications for the required gear are fully described in a document entitled “NMFS Approved Models for Equipment Needed for The Careful Release of Sea Turtles Caught in Hook and Line Fisheries.” For information regarding these specifications, please contact the HMS Management Division at (301) 427-8503 or visit the this link on the HMS web page:

[http://www.nmfs.noaa.gov/sfa/hms/GearGear%20Rule/Sea\\_Turtle\\_Mitigation\\_Gear\\_Approved\\_List\\_9\\_23\\_2008.pdf](http://www.nmfs.noaa.gov/sfa/hms/GearGear%20Rule/Sea_Turtle_Mitigation_Gear_Approved_List_9_23_2008.pdf).

If a sea turtle is dead when gear on the fishing vessel is retrieved, the animal should be removed from the gear as if it were alive and released into the water, preferably away from fishing activities. The mortality must be reported to NMFS (800) 858-0624 within 48 hours of returning to port.

## **VII. COMMERCIAL FISHING PERMITS**

The type of permit(s) required to commercially harvest and sell HMS depends upon three things: 1) the type of fishing being conducted (i.e., commercial or recreational), (2) the species being targeted, and 3) the gear being used. See the table below and the appropriate section(s) in this guide to determine which permit(s) are required. Please note that Federal commercial HMS

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

permit holders may also need a state permit in order to sell HMS. For more information, check with the local state marine fisheries or natural resource management office.

<b>Species</b>	<b>Gears</b>	<b>Permits Needed</b>
Swordfish	Handgear* or longline  * Buoy gear may only be possessed or utilized by swordfish directed or swordfish handgear limited access permit holders	1. Shark Limited Access Permit: Directed (allows for targeting of sharks) <b>OR</b> Incidental (limited number of shark allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (allows for targeting of swordfish) <b>OR</b> Incidental (limited number of swordfish allowed per trip) AND 3. Atlantic Tunas Longline category Permit (allows targeting of tunas other than Bluefin. <b>NOTE:</b> An Atlantic Tunas Tunas General category permit may not be substituted for the tuna Longline category permit).
	Handgear only (handline, buoy gear, harpoon, rod and reel, or bandit gear)	Swordfish Handgear Limited Access Permit (allows targeting of swordfish with handgear)
	Trawl	Incidental HMS Squid Trawl Permit (available to all valid <i>Illex</i> squid moratorium permit holders)
Shark	Rod and reel, handline, bandit gear, longline, or gillnet	Shark Limited Access Permit: Directed (allows for targeting of sharks) <b>OR</b> Incidental (limited number of shark allowed per trip)
Bluefin Tuna	Rod & Reel, Handline, and/or Bandit gear	1. Atlantic Tunas General category <b>OR</b> 2. HMS Charter/Headboat Vessel Permit
	Green-stick	1. Atlantic Tunas General category <b>OR</b> 2. HMS Charter/Headboat <b>OR</b> 3. Atlantic Tunas Longline category
	Purse Seine	Atlantic tunas Purse Seine Permit
	Harpoon	1. Atlantic Tunas Harpoon category <b>OR</b> 2. Atlantic Tunas General category
	Pound Net / Fish Weir	Trap – Incidental only
	Pelagic Longline	1. Shark Limited Access Permit: Directed (allows for targeting of sharks within quota or a limited number, depending on the species) <b>OR</b> Incidental (limited number of shark allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (allows for targeting of swordfish) <b>OR</b> Incidental (limited number of swordfish allowed per trip) AND

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

Species	Gears	Permits Needed
		3. Atlantic Tunas Longline category Permit (allows for targeting of tunas other than Bluefin. An Atlantic Tunas General category permit is not an acceptable substitute for the tuna Longline category permit).
‘BAYS’ Tunas (Bigeye, Albacore, Yellowfin, and Skipjack)	Harpoon	1. Atlantic Tunas Harpoon category <b>OR</b> 2. Atlantic Tunas General category
	Green-stick	1. Atlantic Tunas General category <b>OR</b> 2. HMS Charter/Headboat <b>OR</b> 3. Atlantic Tunas Longline category
	Any authorized gear other than Purse Seine, Longline, and Speargun	1. Atlantic Tunas General category <b>OR</b> 2. HMS Charter/Headboat <b>OR</b> 3. Atlantic tunas Harpoon category
	Purse Seine	Atlantic Tunas Purse Seine category
	Longline	1. Shark Limited Access Permit: Directed (allows for targeting of sharks within quota or a limited number, depending on the species) ) <b>OR</b> Incidental (limited number of shark allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (allows for targeting of swordfish) <b>OR</b> Incidental (limited number of swordfish allowed per trip) AND 3. Atlantic Tunas Longline category Permit (allows for targeting of tunas other than Bluefin. An Atlantic tunas General category permit is not an acceptable substitute for the tuna Longline category permit).

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

## VIII. COMMERCIAL SHARK FISHING

### AUTHORIZED SHARK SPECIES\*

Based on a combination of ecology and fishery dynamics, the authorized shark species in the Atlantic HMS management unit have been divided into the following three species groups:

<b><u>Large Coastal Sharks</u></b>						
Blacktip	Bull	Lemon	Nurse	Spinner	Silky	Tiger
Great hammerhead*		Smooth hammerhead*		Scalloped hammerhead*		
<b><u>Small Coastal Sharks</u></b>						
Atlantic sharpnose		Blacknose	Bonnethead		Finetooth	
<b><u>Pelagic Sharks</u></b>						
Blue	Common thresher		Oceanic whitetip*	Porbeagle	Shortfin mako	

\* Hammerhead sharks (great, smooth, and scalloped) and oceanic whitetip sharks cannot be retained, transshipped, landed, stored, or sold by vessels with PLL gear onboard

### COMMERCIALLY PROHIBITED SHARK SPECIES

The following sharks cannot be possessed or retained in any form in the commercial shark fishery. If one of these species is caught, it must be released immediately with minimal injury, without removing it from the water and in a manner that maximizes its chances of survival.

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

\* Only vessels selected to participate in the shark research fishery are authorized to harvest sandbar sharks and only when a NMFS-approved observer is onboard. Possession of sandbar sharks and other shark species isare subject to the modified retention limits for this research fishery.

### PERMITS

Any fishermen who fishes for, retains, possesses, sells, or intends to sell, Atlantic sharks needs a Federal Atlantic **Directed** or **Incidental** shark limited access permit. Generally, directed shark permits allow fishermen to target sharks while incidental permits allow fishermen who normally fish for other species to land a limited number of sharks. These permits are administered under a limited access program and NMFS is no longer issuing new shark permits. To obtain a permit, fishermen must obtain a permit via transfer from an existing permit holder who is leaving the fishery, within the upgrading restrictions. For information on permit renewals and transfers please contact the Southeast Region Permit Office at (727) 824-5326.

A **Directed Shark Permit** allows fishermen to retain 33 non-sandbar large coastal sharks (LCS) per vessel per trip. There is no directed numeric retention limit for pelagic sharks or small coastal sharks, subject to quota limitations No prohibited species may be retained.

An **Incidental Permit** allows fishermen to retain up to 3 non-sandbar LCS per vessel per trip. Fishermen may also keep up to a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip. No prohibited species may be retained.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

Fishermen who use longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and obtain a certificate prior to obtaining a commercial shark limited access permit (LAP). Both the owner and operator of the vessel permitted for this fishery must have a workshop certificate on board the vessel. NMFS also encourages commercial fishermen to attend an Atlantic Shark Identification Workshop to enhance identification of shark species (see Section XIII).

### **SHARK RESEARCH FISHERY**

Each year, NMFS will accept applications to participate in a shark research fishery. From the applications received, NMFS will randomly select a small number of commercial vessels based upon set criteria to participate in the shark research fishery. Selected vessels are able to harvest sandbar sharks when a NMFS-approved observer is onboard. Possession of sharks is subject to the modified retention limits for this research fishery. Commercial shark fishermen who are interested in participating in the shark research fishery need to submit a completed Shark Research Fishery Permit Application in order to be considered. For copies of the Shark Research Fishery Application during the application period announced each year, please visit <http://www.nmfs.noaa.gov/sfa/hms/> or call the HMS Management Division at (301) 427-8503

### **AUTHORIZED GEAR TYPES**

Authorized gear types include: pelagic or bottom longline, gillnet, rod and reel, handline, or bandit gear. Handlines must remain attached to, or in contact with, the vessel at all times. See Section VI for additional restrictions on pelagic and bottom longline gear including closed areas, hook specifications, and protected species interactions.

### **MINIMUM SIZE**

There is no commercial minimum size limit for large coastal sharks, pelagic sharks or small coastal sharks.

### **FISHING SEASON(S) AND CLOSURE DATE(S)**

Seasons for all shark species will generally open on or around January 1 every year contingent upon available quota. The season will not open until NMFS publishes the opening date and available quota in the Federal Register. Once NMFS estimates that 80 percent of an individual species/complex's quota has been caught, the season will be closed no fewer than five days after publication of filing a closure notice in with the Federal Register. When either the blacknose shark or non-blacknose SCS quota has reached 80 percent, the entire SCS fishery will close no fewer than five days after publication of filing a closure notice in the Federal Register. NMFS will send out a notice to the HMS listserve, and post the announcement on the website no fewer than five days ahead of the closure effective date. . Call the HMS Management Division at (301) 427-8503 or visit <http://www.nmfs.noaa.gov/sfa/hms/> for information regarding the current status of shark fishery seasons.

### **FISHING REGION(S)**

The non-sandbar large coastal shark (LCS) commercial quotas are split between two regions, the Gulf of Mexico and the Atlantic. The **boundary** between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east.

Gulf of Mexico: Any water and land to the south and west of 25°20.4' N. lat. This includes the U.S. Caribbean.

Atlantic: Any water and land to the north and east of 25°20.4' N. lat.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

There is one region for sandbar shark, small coastal shark (SCS), and pelagic shark commercial quotas. When a region is closed for a particular species group, fishermen in that region cannot fish for species in that group and dealers in that region cannot buy species in that group from federally-Federally permitted fishermen.

### **TIME/AREA CLOSURES**

For information on existing time and area closures, refer to Sections V and VI of this Compliance Guide, or call the HMS Management Division at (301) 427-8503.

### **ANNUAL QUOTAS**

Please call the HMS Management Division at (301) 427-8503 for details on shark quotas. Quotas may be adjusted in the future to account for yearly over- and/or underharvests. Any quota adjustments will be posted on the HMS website under “Breaking News,” and will also be published in the Federal Register and sent to the *Atlantic HMS News* listserve.

### **VESSEL UPGRADING RESTRICTIONS**

In general, an owner may upgrade a vessel with a directed limited access permit, or transfer the directed limited access permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel’s specifications. However, some limited access permits qualify for less restrictive vessel upgrading limitations as described in the next paragraph.

Vessel upgrading restrictions may differ, depending upon whether a vessel was concurrently issued, or was eligible to renew, each of the following three limited access permits (LAPs) on August 6, 2007: 1) incidental or directed swordfish permit; 2) incidental or directed shark permit; and 3) an Atlantic tunas Longline category permit. Vessels that were concurrently issued, or eligible to renew, these three permits on August 6, 2007, are eligible for vessel upgrades, or permit transfers to other vessels, only if the upgrade or permit transfer does not result in an increase of more than 35 percent in length overall (LOA), gross registered tonnage (GRT), or net tonnage (NT), as measured relative to the original qualifying vessel’s specifications. Horsepower (HP) is not restricted for these vessels.

Incidental catch LAPs are not subject to vessel upgrading restrictions.

For more information on upgrading restrictions, call the Southeast Regional Permit Office at (727) 824-5326.

### **SELLING SHARKS**

Atlantic sharks and shark fins from Federally permitted vessels may be sold **only** to federally permitted dealers. Dealers may obtain an Atlantic shark dealer permit by contacting the Southeast Regional Permit Office at (727) 824-5326.

### **VMS REQUIREMENTS**

Atlantic shark **bottom longline** vessels with directed shark permits located between 33° N and 36° 30' N must operate a VMS unit from January through July. Atlantic shark **gillnet** vessels with a directed shark permit must operate a VMS unit from November 15 - April 15 consistent with the requirement of the Atlantic Large Whale Take Reduction Plan (ALWTRP) regardless of

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.



fishing location. Please contact the HMS Management Division at (301) 427-8503 or see Section XIV for VMS contact information.

Effective January 1, 2012, any new or replacement Enhanced Mobile Transmitting (E-MTU) VMS units must be installed by a qualified marine electrician. Effective March 1, 2012, a declaration system, where vessel operators must declare their target species and gear type(s) on board two hours prior to departing from port and provide NMFS advanced notice of landing three hours before a trip has been completed.

## **REPORTING REQUIREMENTS**

### **Logbooks**

Selected fisherman with a commercial shark permit must report fishing activities in an approved logbook within 48 hours of completing that day's fishing activities, or before offloading, whichever is sooner. Logbooks must be submitted within seven days of offloading. Logbook reports must include weighout slips that have all fin and carcass weights recorded and that shows the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. A weighout slip for sharks prior to, or as part of, a commercial transaction involving shark carcasses or fins must record the weights of carcasses and any detached fins. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing. NMFS requires the submission of a "No Fishing" reporting form if no trips occurred during the preceding month.

NMFS may also send a letter requesting that fishermen complete the cost-earnings section of the logbook. Fishermen must then complete and submit that section of the logbook within 30 days of offloading. This section must be completed in addition to the other logbook reporting requirements. The "annual expenditures" report form must be submitted by the date specified on the form. The economic data section must be completed in addition to the other logbook requirements.

### **NMFS Observer Program**

If NMFS sends a letter to fishermen notifying them that they have been selected to carry an observer aboard their vessel, the fishermen must inform NMFS prior to each trip taken during the selection period when they will be taking a trip. If that trip is selected, a NMFS observer **must** be onboard in order for that vessel to go fishing. In order to carry a NMFS observer, the vessel must comply with certain regulatory requirements regarding observer health and safety; however, failure to comply with those requirements does not relieve a vessel of the requirement to carry an observer if selected.

## **LANDING RESTRICTIONS**

**All sharks must have their fins naturally attached through offloading.** Fins may be cut as long as they remain naturally attached to the carcass with at least a small flap of uncut skin. Sharks may be eviscerated and have the heads removed at sea. Sharks harvested from the management unit cannot be filleted or cut into pieces at sea. Once landed and offloaded, sharks that have been halved, quartered, filleted, cut up, or reduced in any manner may not be brought back on board a vessel that has been issued or should have been issued a federal Atlantic commercial shark permit.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

The Shark Finning Prohibition Act (SFPA) of 2000 established a rebuttable presumption that any shark fins possessed on board a U.S. fishing vessel, or landed from any fishing vessel, were taken, held, or landed in violation of the law if the total weight of the shark fins exceeds 5 percent of the total weight of shark carcasses landed from or found on board the vessel. This statutory requirement was implemented by final rule in 2002. See Regulation Implementing the SFPA of 2000 (67 FR 6194, February 11, 2002). All dealer reports must be species specific and specify the total shark fin weight separately from the weight of the shark carcasses. The SFPA provides that if the total weight of the fins exceeds five percent of the total weight of the landed shark carcasses, this would trigger the rebuttable presumption in the SFPA. Dealer forms for Atlantic shark dealers were modified to include a check box that indicates whether fins were naturally attached to the carcass at landing and through offloading. On January 2, 2011, President Obama signed the Shark Conservation Act. NMFS is in the process of implementing the requirements of this Act.

## **PUBLIC DISPLAY OF SHARKS**

Please see the HMS website <http://www.nmfs.noaa.gov/sfa/hms/> for more information on Exempted Fishing, Scientific Research, and Display Permits. Dusky sharks are not authorized to be collected for public display.

## **IX. COMMERCIAL TUNA FISHING**

### **PERMITS**

A vessel permit is required to fish for, retain, possess, or sell Atlantic bluefin tuna, or ‘BAYS’ tunas (bigeye, albacore, yellowfin, and skipjack) in federal or state waters of the Atlantic, Gulf of Mexico, or Caribbean Sea. The commercial Atlantic Tunas vessel permit categories include: General, Harpoon, Purse Seine, Longline, and Trap. The HMS Charter/Headboat permit category permit holders may also participate in commercial tuna fisheries. Only one category may be assigned to a vessel per year.\*

\* Since only one Atlantic tunas permit can be issued to a vessel, fishermen have to choose between a commercial Atlantic tunas permit or the HMS Charter/Headboat permit. An Atlantic tunas vessel permit issued in the General category may be used to participate in registered HMS tournaments. Please refer to Section XI for more information regarding tournament fishing for Atlantic tunas General category permit holders. Vessels that hold an Atlantic tunas General category permit and are participating in a registered HMS Tournament may fish for all HMS.

Please note that Atlantic tunas Longline and Purse Seine category permits are limited access permits and NMFS is no longer issuing new permits in these categories. To obtain a Longline permit, fishermen must obtain a permit from a fisherman leaving the fishery. Atlantic tunas Longline permits are transferred between vessels and are subject to upgrading restrictions.

For more information on how to apply for a permit, or for permit renewal and transfers, please visit [www.hmspermits.gov](http://www.hmspermits.gov) or contact the Atlantic Tunas Information line at (888) 872-8862 or (978) 281-9260. A customer service representative may be reached by dialing “0” from the main menu.

### **REQUIREMENTS BY FISHING PERMIT CATEGORY**

**Atlantic Tunas General category permit** holders may retain bluefin tuna subject to the retention limits set forth by NMFS. Vessel operators should check the web site at [www.hmspermits.gov](http://www.hmspermits.gov) or telephone information lines at (888) 872-8862 to verify the bluefin tuna retention limit on any given day. There is no daily retention limit on BAYS tunas; however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

**NOTE:** Under current regulations, General category permit holders may participate in a registered HMS recreational fishing tournament. When the targeted fish of a fishing tournament is shark, swordfish, and/or billfish, then the HMS Angling category regulations would apply to General category vessels. However, if Atlantic tunas are the targeted fish, the General category regulations would apply, including size limits, retention limits, and Restricted Fishing Days.

**Atlantic tunas Harpoon category permit** holders may retain 2 large medium bluefin tuna per vessel per day. There is no limit for giant bluefin tuna that may be kept, as long as the Harpoon category season is still open. There is no retention limit on BAYS tunas, however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

**NOTE:** Vessels permitted in the Harpoon category **may not** participate in the General category fishery.

**Purse seine category permit** holders may retain large medium bluefin tuna in amounts not exceeding 15 percent, by weight, of the total amount of giant bluefin landed during the current fishing year. If fishing for skipjack tuna or yellowfin tuna, purse seine vessels may land bluefin tuna smaller than the large medium size class if not exceeding 1 percent, by weight, of the skipjack tuna and yellowfin tuna landed on that trip. Landings of bluefin tuna smaller than the large medium size class may not be sold and are counted against the Purse Seine category bluefin tuna quota allocated to that vessel. There is no retention limit on BAYS tunas, however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

**Atlantic tunas Longline category permit** holders who possess **pelagic longline gear** on board must also possess a valid swordfish limited access permit (directed or incidental only), and a shark limited access permit. Please see Section VI for additional restrictions that apply to the use of pelagic longline gear. Vessels deploying longline gear may not target bluefin tuna. When caught as bycatch in another directed fishery, Longline vessels may keep one bluefin tuna if 2,000 lbs (907 kg) of targeted catch is onboard, two bluefin tuna if 6,000 lbs (2,727 kg) of targeted catch is onboard, and three bluefin tuna if 30,000 lbs (13,620 kg) of targeted catch is onboard. Longline vessels fishing in the Gulf of Mexico must use circle hooks constructed of corrodible round wire stock that is no larger than 3.65 mm in diameter. For vessels fishing in the NED, 25 mt of bluefin tuna quota has been set aside for vessels operating in the NED for the incidental take of bluefin tuna while pursuing other species. These target catch requirements and retention limits apply in all areas and are subject to change and longline fishermen are encouraged to visit the HMS Management Division’s website, at <http://www.nmfs.noaa.gov/sfa/hms/> for updates. There is no retention limit for BAYS tunas; however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

**Trap category permit** holders may retain one large medium or giant bluefin tuna per vessel per year. No other Atlantic tunas taken incidentally may be retained. Regulations pertaining to the General and HMS Charter/Headboat category fisheries require that all fishing for any species must cease and the vessel must immediately return to port to off-load when the large medium or giant bluefin tuna bag limit is retained or possessed. Regardless of the length of the trip, the **daily** limit applies upon landing. **DIRECTED FISHING FOR BLUEFIN TUNA IN THE GULF OF MEXICO IS PROHIBITED.**

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

### Changing permit category

Permit category changes **must** be made when renewing permits for the new fishing year. A **10-calendar-day period** is provided for all Atlantic tunas category permit holders to correct permit errors (*e.g.*, if a permit is issued on July 1, then corrections to the permit category must be made by July 10). To make a permit category change within the 10-calendar-day period, call the information lines at (888) 872-8862 and press “0” from the main menu to reach a Customer Service representative. ***No changes to permits are allowed after 10 calendar days of the purchase date.***

### **AUTHORIZED GEAR TYPES**

Commercial fishing for Atlantic tunas is authorized using the following gear: rod and reel (including downriggers), handline, harpoon, bandit gear, longline, trap (pound nets and fish weirs), purse seine, and green-stick. Only vessels with Atlantic tunas Purse Seine category permits may use purse seine gear. Only vessels with Atlantic tunas Longline category permits may use longline gear. Vessels in other commercial permit categories may use any other authorized gear except speargun gear (which can only be used for recreational purposes for Charter/Headboat permit holders) to retain bigeye, albacore, yellowfin, or skipjack (BAYS) tunas. When fishing for bluefin tuna, however, only the gear type authorized for the particular permit category may be used, as indicated in the table below.

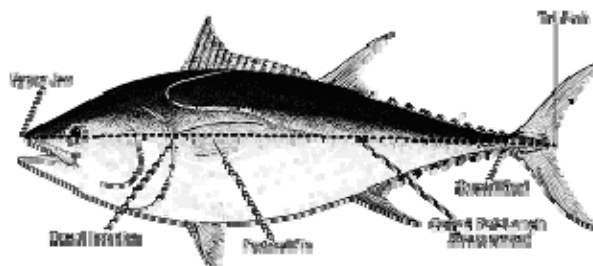
<b>ATLANTIC TUNAS</b>	
<b>Permit Category</b>	<b>Authorized Gear*</b>
General	Rod and reel (including downriggers), handline, harpoon, green-stick, and bandit gear
Harpoon	Harpoon
Longline	Longline and green-stick
Purse Seine	Purse Seine
HMS Charter/Headboat	Rod & reel (including downriggers), handline, bandit gear, green-stick, and speargun gear (BAYS tunas only) (No sale of BAYS tunas captured with spearguns)
Trap	(bluefin tuna only) Pound net, fish weir

\* Driftnets are banned in the Atlantic tunas fishery. However, fishermen may continue to use driftnet gear to fish for bonito, as they are not included as a regulated Atlantic tuna.

### **MINIMUM SIZES**

#### **Whole tunas**

For enforcement purposes, total curved fork length (CFL) is the sole criterion for determining the size class of whole (with head) Atlantic tunas. Measurements must be taken in a line, tracing the contour of the body from the tip of the upper jaw to the fork of the tail, which abuts the dorsal insertion of the pectoral fin and the dorsal side of the caudal keel.



See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

The commercial minimum sizes for **bluefin tuna** landed in the Atlantic tunas permit category are:

**General:** 73" curved fork length;

**Longline:** 73" curved fork length;

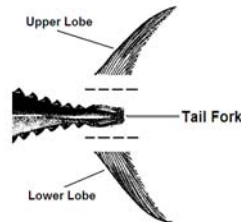
**Harpoon:** 81" curved fork length, with allowance per trip of two 73" to 81";

**Purse seine:** 81" curved fork length, except for 15 percent per fishing year total landings allowance for bluefin tuna between 73" to 81", and a 1 percent incidental take of bluefin tuna <73" per trip which cannot be sold.

The commercial minimum size for **yellowfin** and **bigeye tuna** landed in all tuna permit categories is 27" (69 cm) curved fork length. Currently, there are no minimum sizes for **albacore** and **skipjack tuna**.

### **Tail trimming**

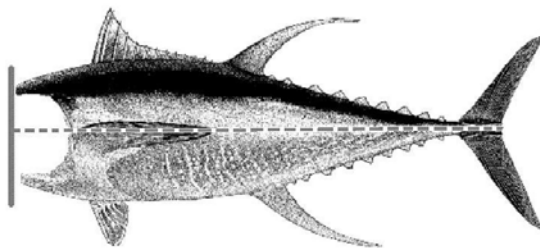
The upper and lower lobes of the tuna tail may be removed for storage purposes as long as the fork of the tail remains intact.



### **Tunas with heads removed**

For **bluefin tunas** with heads removed, pectoral fin curved fork length (PFCFL) may be taken and multiplied by a conversion factor of 1.35 to obtain total curved fork length. Measurements must be taken from the dorsal insertion of the pectoral fin, tracing the contour of the body, to the fork of the tail. THE TAPE MUST TOUCH THE TOP PORTION OF THE PECTORAL FIN. No person shall retain, or possess a commercial **bluefin tuna** with the head removed that is less than 54 inches (137137 cm) pectoral fin curved length.

No person may remove the head of a **bigeye tuna** or **yellowfin tuna** if the remaining portion would be less than 27 inches (69 cm) from the fork of the tail to the forward edge of the cut.



Forward edge of the cut

### **LANDING RESTRICTIONS**

Bluefin, bigeye, and yellowfin tuna may be landed round with fins intact, or eviscerated with the head removed, as long as the fish remains within the specified minimum size. The fork of the

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

tail and at least one pectoral fin must remain attached through landing, all other fins may be removed. The upper and lower lobes of the tuna tail may be removed for storage purposes as long as the fork of the tail remains intact.

Persons with a commercial tuna permit may not retain billfish. However, General category vessels in registered tournaments can retain billfish, subject to the HMS Angling category regulations. If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.

### **TRANSFER AT SEA**

An owner or operator of a vessel for which a Purse Seine category Atlantic Tunas category permit has been issued under § 635.4 may transfer large medium and giant bluefin tuna at sea from the net of the catching vessel to another vessel for which a Purse Seine category Atlantic Tunas permit has been issued, provided the amount transferred does not cause the receiving vessel to exceed its currently authorized vessel allocation, including incidental catch limits.

### **FISHING SEASONS and CLOSURE DATES**

#### **Bluefin tuna**

The current seasons for commercial bluefin tuna are based on permit category. See the table below for information on seasonal openings/closings.

<b>Atlantic Tunas permit category</b>	<b>Open</b>	<b>Closed</b>
General	January 1	January 31, or when quota (or subquota) is filled
	June 1 (re-opening)	December 31, or when quota is filled
Longline	January 1	December 31, or when quota is filled
Trap	January 1	December 31, or when quota is filled
Purse Seine	July 15	December 31 for bluefin tuna, or when quota is filled
	January 1	December 31 for other tunas, or when quota is filled
Harpoon	June 1	November 15, or when quota is filled

#### **BAYS tunas**

The current seasons for most BAYS tunas are January 1 through December 31<sup>st</sup>.

### **FISHING REGIONS**

For the **Longline category**, Atlantic **bluefin tuna** regions are separated into “North” and “South” regions. The Northern area is north of 31°N and the Southern area is south of 31°N. The 31°N separation line is located at Jekyll Island, Georgia.

There is one fishing region for bluefin tuna and BAYS tunas under all other commercial permit categories.

### **TIME/AREA CLOSURES**

For **General category permit** holders, “days off,” or restricted fishing days (RFDs), may be used to moderate landings when catch rates are high. These RFDs vary from year to year, and

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

are set by NMFS each year through a notice published in the *Federal Register*. On RFDs, vessels with General category permits are prohibited from fishing for bluefin tuna. To find out this year's RFDs and to keep up with adjustments, visit [www.hmspermits.gov](http://www.hmspermits.gov), or call (888) 872-8862 or (978) 281-9260 for more information.

### **ANNUAL QUOTAS**

The 2006 Consolidated HMS FMP set the quota allocation percentages for the commercial bluefin tuna fishery. The U.S. bluefin tuna quota is negotiated at ICCAT. The annual quotas may be subject to change based on under or overharvests, which are carried forward from year to year. For up-to-date information on quota allocations, please contact the HMS Gloucester office at (978) 281-9260.

### **VESSEL UPGRADING RESTRICTIONS**

In general, an owner may upgrade a vessel with an Atlantic tunas Longline limited access permit, or transfer the permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel's specifications. However, some limited access permits qualify for less restrictive vessel upgrading limitations as described in the next paragraph.

Vessel upgrading restrictions may differ, depending upon whether a vessel was concurrently issued, or was eligible to renew, each of the following three limited access permits (LAPs) on August 6, 2007: 1) incidental or directed swordfish permit; 2) incidental or directed shark permit; and 3) an Atlantic tunas Longline category permit. Vessels that were concurrently issued, or eligible to renew, these three permits on August 6, 2007, are eligible for vessel upgrades, or permit transfers to other vessels, only if the upgrade or permit transfer does not result in an increase of more than 35 percent in length overall (LOA), gross registered tonnage (GRT), or net tonnage (NT), as measured relative to the original qualifying vessel's specifications. Horsepower (HP) is not restricted for these vessels.

Other tuna permits are not subject to vessel upgrading restrictions.

For more information on Atlantic tunas longline vessel upgrading restrictions, call (978) 281-9260.

### **SELLING TUNAS**

Atlantic tunas may be sold only by fishermen permitted in commercial categories and only to federally-permitted dealers. Dealers can obtain a tuna dealer permit by contacting the Northeast Region Permit Office at (978) 281-9370.

### **REPORTING REQUIREMENTS**

Landings of all bluefin tuna must be reported. If sold, the landings of large medium and giant bluefin tuna must be reported by a licensed dealer on landing cards faxed to the NMFS HMS Gloucester Office. Bluefin tuna not sold by commercial permit holders must be reported to the nearest NMFS Enforcement office upon landing.

### **Logbooks**

All commercially landed bluefin tuna must be tagged by a federally-permitted tuna dealer. NMFS may send a letter notifying fishermen that they have been selected to complete logbook reports. If selected, fishermen must complete a logbook within 48 hours of each day's fishing

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activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading.

Logbook reports must include weighout slips showing the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category.

NMFS may also send a letter notifying fishermen that they have been selected to complete the cost-earnings section of the logbook. Those fishermen must then complete and submit that section of the logbook within 30 days of offloading. This section must be completed in addition to the other logbook reporting requirements.

### **NMFS Observer Program**

If NMFS sends a letter to fishermen notifying them that they have been selected to carry an observer aboard their vessel, the fishermen must inform NMFS prior to each trip taken during the selection period. If a trip is selected, a NMFS observer must be onboard in order for that vessel to go fishing. In order to carry a NMFS observer, the vessel must comply with certain regulatory requirements regarding observer health and safety; however, failure to comply with those requirements does not relieve a vessel of the requirement to carry an observer if selected.

## **X. COMMERCIAL SWORDFISH FISHING**

### **PERMITS**

Commercial fishermen must hold a valid limited access permit for the vessel they are operating in order to fish for, retain, possess, or sell Atlantic swordfish. Under the limited access program, NMFS is no longer issuing new swordfish permits. To obtain a permit, fishermen must obtain a permit from a permit holder who is leaving the fishery. Permits are transferred between vessels and are subject to upgrading restrictions. For information on permit renewals and transfers, please contact the Southeast Regional Permit Office at (727) 824-5326.

A **directed permit** allows fishermen to target swordfish using any authorized gear. Directed permit holders must also hold an Atlantic tunas Longline category permit and an Atlantic shark permit to use pelagic longline or buoy gear for swordfish. Directed swordfish permits are valid only when held in combination with both a valid Atlantic tunas Longline category permit and an Atlantic shark permit. There are no trip limits for swordfish when the directed fishery is open.\*

A **handgear permit** allows fishermen to target swordfish using only handgear (handline, buoy gear, rod and reel, harpoon, bandit gear); longline gear may not be on board the vessel. No other permit is required. There are no trip limits for swordfish when the directed fishery is open.\*

An **incidental permit** allows fishermen to land swordfish incidental to the catch from other fishing activities. Incidental permits are not subject to vessel upgrading restrictions. Incidental swordfish permits are valid **only** when held in combination with both a valid Atlantic tunas Longline category permit and an Atlantic shark permit. The incidental limits are 30 fish per vessel per trip for most gear types. Fishermen who use squid trawl gear and

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also possess a swordfish permit may keep 15 fish per vessel per trip. Incidental permit holders may not possess or utilize buoy gear.

An **incidental HMS squid trawl permit** is available to all valid *Illex* squid moratorium permit holders. The permit allows 15 North Atlantic swordfish to be retained per trip, provided that squid constitute 75 percent (by weight) of the total catch onboard and only trawl gear is on the vessel.

Both the owner and operator of a vessel using longline gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and obtain a certificate prior to renewing or obtaining a commercial swordfish directed or incidental limited access permit. A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIII. Swordfish handgear permit holders are not required to obtain a protected species safe handling, release, and identification workshop certificate.

\* When the directed North Atlantic fishery is closed, fishermen may keep 15 swordfish from the North Atlantic Ocean (north of 5 degrees North latitude) per pelagic longline trip, two swordfish per trip for handgear (other than harpoon), and no swordfish per trip for harpoon trips. There are no retention limits for swordfish in the South Atlantic Ocean (south of 5 degrees North latitude) when the directed fishery is open and pelagic longline gear is on board. However, when the South Atlantic fishery is closed, fishermen cannot keep any South Atlantic Ocean swordfish. Please check with the HMS Management Division at (301) 427-8503 or by fax at (301) 713-1917 to see if the fishery is closed or if retention limits have been adjusted.

## **AUTHORIZED GEAR TYPES**

**North Atlantic swordfish** (fish taken north of 5 degrees North latitude) can only be taken with handgear (bandit gear, handline, harpoon, rod and reel), buoy gear (directed or handgear permit holders only), or longline except that a limited number of swordfish may be taken incidentally on a vessel with squid trawl. **South Atlantic swordfish** (fish taken south of 5 degrees North latitude) can only be taken with pelagic longline.

There are several closed areas for pelagic longline gear. Please see Sections V and VI of this Compliance Guide, the HMS webpage, or 50 CFR part 635 for more details and locations of area closures.

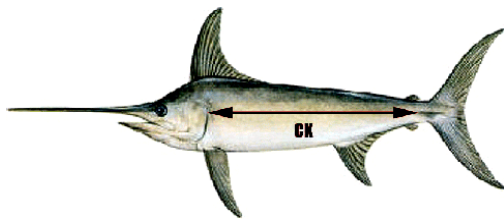
## **MINIMUM SIZE AND WEIGHT**

There are two permissible ways to measure swordfish for the minimum size requirement. The type of measurement used to determine if a swordfish is of legal size depends on whether or not the head is naturally attached to the carcass.

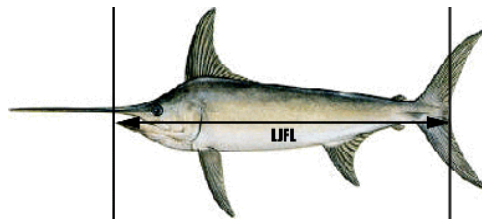
- If the head is naturally attached (i.e., no portion of the head has been removed), the fish must be at least 47" (119 cm) lower jaw fork length (LJFL): LJFL is a straight-line measurement (not along the curve of the body) from the tip of the lower jaw to the fork of the tail. In the case of a swordfish that has been damaged by shark bites, but from which no portion of the head has been removed, the remainder of the carcass must be at least 47" LJFL.
- If the head, or any portion of the head has been removed, , the fish must be at least 29" (73 cm) cleithrum to caudal keel (CK): CK is a curved length measurement taken along the body contour from cleithrum to caudal keel. In the case of a swordfish that has been damaged by shark bites, and from which any portion of the head has been removed, the

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

remainder of the carcass must be at least equal to or greater than 29" CK.



CK - cleithrum to caudal keel



LJFL - lower jaw fork length

### **FISHING SEASON(S) AND CLOSURE DATE(S)**

There are two seasons for swordfish: January 1 – June 30, and July 1 – December 31.

### **FISHING REGION(S)**

There are two regions for swordfish, the North Atlantic (north of 5 degrees North latitude) and the South Atlantic (south of 5 degrees North latitude).

### **TIME/AREA CLOSURES**

For information on existing time and area closures, refer to Sections V and VI of this Compliance Guide, or call the HMS Management Division at (301) 427-8503.

### **ANNUAL QUOTAS**

U.S. domestic quota percentages for swordfish are negotiated at ICCAT. The quotas are adjusted annually based on over- and underharvests, the number of fish discarded, and changes in the amount allocated to the United States at ICCAT. Please contact the HMS Management Division at (301) 427-8503 or by fax at (301) 427-8503 for the latest quota information.

### **VESSEL UPGRADING RESTRICTIONS**

In general, an owner may upgrade a vessel with a directed or handgear limited access permit, or transfer the permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel's specifications. However, some limited access permits qualify for less restrictive vessel upgrading limitations as described in the next paragraph.

Vessel upgrading restrictions may differ, depending upon whether a vessel was concurrently issued, or was eligible to renew, each of the following three limited access permits (LAPs) on August 6, 2007: 1) incidental or directed swordfish permit; 2) incidental or directed shark permit; and, 3) an Atlantic tunas Longline category permit. Vessels that were concurrently issued, or eligible to renew, these three permits on August 6, 2007, are eligible for vessel upgrades, or permit transfers to other vessels, only if the upgrade or permit transfer does not result in an increase of more than 35 percent in length overall (LOA), gross registered tonnage (GRT), or net tonnage (NT), as measured relative to the original qualifying vessel's specifications. Horsepower (HP) is not restricted for these vessels.

Incidental catch LAPs are not subject to vessel upgrading restrictions. For more information on upgrading restrictions, call the Southeast Regional Permit Office at (727) 824-5326.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

## **SELLING SWORDFISH**

Atlantic swordfish may be sold only by fishermen with commercial limited access permits or an Incidental HMS Squid Trawl permit. Federally-permitted fishermen may sell swordfish only to federally-permitted dealers. Dealers can obtain a swordfish dealer permit by contacting the Southeast Regional Permit Office (727) 824-5326.

## **REPORTING REQUIREMENTS**

### **Logbooks**

Fishermen with a commercial swordfish permit must report fishing activities in an approved logbook within 48 hours of each day's fishing activities, or before offloading for one-day trips, whichever is sooner, and submit the logbook within 7 days of offloading. Logbook reports must include weighout slips showing the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. NMFS requires the submission of a "No Fishing" reporting form if no trips occurred during the preceding month.

If NMFS sends a letter notifying fishermen that they have been selected to complete the cost-earnings section of the logbook, this section must be completed and submitted to NMFS within 30 days of offloading. This section must be completed in addition to the other logbook reporting requirements. The "annual expenditures" report form must be submitted by the date specified on the form. The economic data section must be completed in addition to the other logbook requirements.

Vessels issued an Incidental HMS Squid Trawl permit may sell swordfish only to permitted swordfish dealers and should report their swordfish landings using the Northeast Vessel Trip Report.

### **NMFS Observer Program**

If NMFS sends a letter to fishermen notifying them that they have been selected to carry an observer aboard their vessel, the fishermen must inform NMFS prior to each trip taken during the selection period. If a trip is selected, a NMFS observer must be onboard in order for that vessel to go fishing. In order to carry a NMFS observer, the vessel must comply with certain regulatory requirements regarding observer health and safety; however, failure to comply with those requirements does not relieve a vessel of the requirement to carry an observer if selected.

## **LANDING RESTRICTIONS**

Swordfish must be kept in whole or dressed form through landing. "Dressed" indicates a headed/gutted fish with some or all fins removed. Swordfish harvested from the management unit cannot be filleted or cut into pieces at sea.

Persons with a commercial swordfish directed or incidental limited access permit may **not** retain billfish. However, persons with both a commercial swordfish permit and a Charter/Headboat category permit may retain billfish taken with rod and reel provided the other HMS onboard do not exceed the HMS recreational retention limits. General category vessels in registered tournaments can retain billfish. ***If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.***

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

# XI. CHARTER/HEADBOAT FISHING

## PERMITS

Owners of vessels that carry passengers for-hire and fish for, possess, or retain Atlantic HMS (tunas, billfish, swordfish, and sharks) **must** obtain an annual HMS CHB permit. NMFS defines a “for-hire” trip as a trip carrying a fee-paying passenger; or having more than three persons for a vessel licensed to carry six or fewer; or having more persons aboard than the number of crew specified on the vessel’s Certificate of Inspection for U.S. Coast Guard inspected vessels. The number of persons aboard includes the operator and crew and the retention limits would also apply to the operator and crew.

NMFS issues permits for the HMS Charter/Headboat (CHB) fishery and manages the fleet as a unique sector due to its unique mix of commercial and recreational operations. Atlantic HMS CHB permits are available by logging onto [www.hmspermits.gov](http://www.hmspermits.gov), or by calling (888) 872-8862. Only **one** type of permit (HMS Angling, Charter/Headboat, or Atlantic tunas permit) may be issued to a vessel.

NMFS defines Charter and Headboat vessels as the following:

**Charter:** A vessel less than 100 gross tons (90.8 mt) that meets the requirements of the U.S. Coast Guard to carry six or fewer passengers for-hire.

**Headboat:** A vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for-hire.

While fishing for, or possessing, Atlantic HMS, the vessel operator **must** have a valid Merchant Marine License or Uninspected Passenger Vessel License. Because size and retention limits apply to Atlantic HMS harvested from the management unit regardless of where caught, charter/headboat vessels that catch, retain, possess, or land billfish should have an HMS Charter/Headboat permit.

## AUTHORIZED GEAR TYPES

**Billfish** – Rod & Reel (including downriggers)

**Swordfish** – Rod & Reel (including downriggers); Handline

**Sharks** – Rod & Reel (including downriggers); Handline

**Tunas** – Bluefin: Rod & Reel (including downriggers); Handline; Green-stick; Bandit Gear

BAYS: Rod & Reel (including downriggers); Handline; Green-stick; Bandit Gear;

Speargun\*

\* Speargun gear for recreational fishing only

Secondary gears, including dart harpoons, gaffs, flying gaffs, tail ropes, etc., may be used at boat side in subduing or bringing onboard Atlantic HMS that have been caught using the primary gears described above. However, these secondary gears may **not** be used to capture, or attempt to capture, free-swimming or undersized HMS. Also, all handlines **must** remain attached to, or in contact with, the vessel.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

## MINIMUM SIZE AND RETENTION LIMITS

HMS retention limits vary by trip type (for-hire vs. non-for-hire).

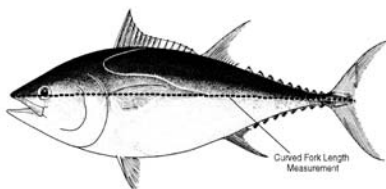
Limits for for-hire HMS CHB trips		
Species	Minimum Size*	Retention Limits
Blue Marlin	99" (LJFL)	N/A
White Marlin	66" (LJFL)	N/A
Roundscale Spearfish	66" (LJFL)	N/A
Sailfish	63" (LJFL)	N/A
Longbill Spearfish	Prohibited	0
Swordfish	Charter Vessels	47" (LJFL) or, 29" (CK)
	Headboat Vessels	47" (LJFL) or, 29" (CK)
Bigeye Tuna	27" (CFL)	N/A
Albacore Tuna	N/A	N/A
Yellowfin Tuna	27" (CFL)	3 per person per day
Skipjack Tuna	N/A	N/A
Bluefin Tuna	Angling Cat.	27" - <73" (CFL) slotted in size cats
	General Cat.	>73" (CFL)
Sharks (excluding prohibited species) ***	54" (FL)**	1 per vessel per trip**

\* If state regulations are more restrictive, then those regulations will apply.

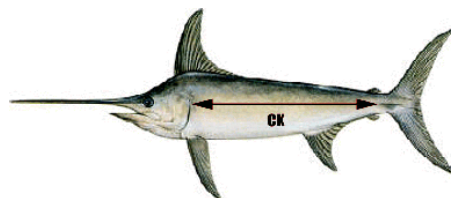
\*\* With an allowance for one bonnethead and one Atlantic sharpnose shark per person per trip with no minimum size.

\*\*\* The retention of hammerhead (great, smooth, and scalloped) and oceanic whitetip sharks is prohibited for Charter/Headboat permit holders that simultaneously retain tunas, swordfish, and/or billfish

LJFL – lower jaw fork length; CK – cleithrum to caudal keel; CFL – curved fork length; FL – fork length

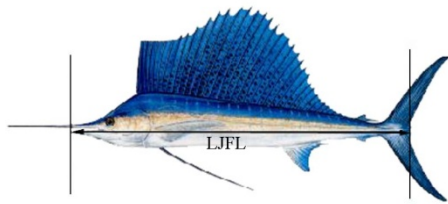


Curved Fork Length (CFL)

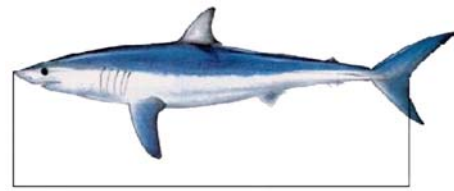


Cleithrum to Caudal Keel (CK)

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.



Lower Jaw Fork Length (LJFL)



Fork Length (FL)

## **SALE OF FISH**

### **Sharks**

On **for-hire trips**, Atlantic HMS CHB vessels that also possess a shark limited access permit are subject to recreational shark retention limits. On **non-for-hire trips**, HMS CHB vessels that also possess a shark limited access permit are subject to commercial retention limits and may retain sharks under the commercial regulations while the commercial shark fishery is open. The retained sharks may be sold **only** if the commercial fishery is open and the vessel has been issued a valid limited access shark permit, otherwise no sale is allowed.

### **Swordfish**

On **for-hire trips**, Atlantic HMS CHB vessel permit holders that also possess a swordfish limited access handgear permit are subject to recreational swordfish retention limits. On **non-for-hire trips**, Atlantic HMS CHB vessel permit holders that also possess a swordfish limited access handgear permit may retain swordfish under commercial limits if the commercial fishery is open. The retained swordfish may be sold **only** if the commercial fishery is open and the vessel has been issued a valid swordfish handgear limited access permit, otherwise no sale is allowed.

### **Bluefin tuna**

Owners/operators of vessels that possess the Atlantic HMS CHB permit must abide by the Angling category retention limits when fishing **recreationally** for bluefin tuna, or the General category retention limits when fishing **commercially** for bluefin tuna, provided quota is still available and the fishery is open.

The size category of the first bluefin tuna retained will determine the fishing category applicable to the vessel that day. HMS CHB permit holders may sell bluefin tuna > 73" CFL when fishing under the General category regulations. CHB vessels may not sell bluefin tuna < 73" CFL. Vessel operators should check the web site [www.hmspermits.gov](http://www.hmspermits.gov) or call (888) 872-8862 to verify the commercial or recreational bluefin tuna retention limits on any given day.

For HMS CHB vessels fishing in the **Gulf of Mexico**, no directed bluefin tuna fishing is allowed. However, HMS CHB vessels may land one incidentally caught recreational "trophy" size class ( $\geq 73$ " ) bluefin tuna per vessel per year. No sale is allowed.

CHB vessels may sell bluefin tuna (except in the Gulf of Mexico) if they meet the commercial minimum size and retention limits and the vessel does not have any recreational sized bluefin tuna onboard the vessel (*i.e.*, < 73 inches CFL).

### **BAYS tunas**

On **for-hire trips**, Atlantic HMS CHB permit holders may sell up to the recreational limits of BAYS tunas, however no recreationally caught bluefin tuna may be sold. On **non-for-hire trips**, there are no limits on the number of BAYS tunas that may be retained and sold.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

### **Billfish**

The sale of all Atlantic billfish is **prohibited** regardless of permit type. However, CHB vessels can retain billfish when engaged in a non for-hire trip if no commercial limits of HMS are on board. Except for longbill spearfish (which is prohibited), persons who have been issued HMS Charter/Headboat permits may possess or retain Atlantic billfish (blue marlin, white marlin, roundscale spearfish, and sailfish) when engaged on a non-for-hire trip.

Federally-permitted vessels must sell Atlantic HMS only to federally-permitted dealers.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

## **REPORTING REQUIREMENTS**

### **Commercial reporting requirements**

#### **Billfish**

No commercial landings of billfish are allowed.

#### **Swordfish, Sharks, and Tunas**

If a vessel owner issued an HMS Charter/Headboat permit also has a permit issued in a NMFS fishery that is required to report (*e.g.*, NMFS Northeast Region Multispecies vessel trip report (VTR) or NMFS Southeast Region Snapper/Grouper logbook), then any commercial landings must be reported under the appropriate NMFS Regional vessel logbook program. If the vessel owner only holds an HMS Charter/Headboat permit, that owner is required to report commercial landings in the appropriate NMFS logbook program, if selected.

#### **HMS Logbook and NMFS Observer Program**

In addition, if selected by NMFS, HMS CHB permit holders must complete a logbook and submit cost earnings information to NMFS. You are not required to carry a fishery observer on board, but you may participate in a voluntary Charter/Headboat observer program. If you are interested in participating in the voluntary observer program, please contact the HMS Management Division at (301) 427-8503.

### **Recreational reporting requirements**

#### **Non-tournament Landings**

All HMS Charter/Headboat vessel owners/operators must report all **non-tournament landings** (*i.e.*, fish kept) of Atlantic bluefin tuna, blue marlin, white marlin, roundscale spearfish, sailfish, and swordfish to NMFS within 24 hours of landing at the dock (with the exception of fish landed in Maryland or North Carolina\*). Non-tournament recreational landings of all **bluefin tuna** must be reported to NMFS by logging onto [www.hmspermits.gov](http://www.hmspermits.gov), or by calling (888) 872-8862. Non-tournament recreational landings of all **billfish** and **swordfish** must be reported to NMFS by logging onto [www.hmspermits.gov](http://www.hmspermits.gov), or by calling (800) 894-5528.

\* In Maryland and North Carolina, HMS Charter/Headboat vessel owners must report their HMS landings at state-operated reporting stations (not via the web or phone number reported above). For additional information on these states' reporting stations, please call (410) 213-1531 (MD) or (800) 338-7804 (NC).

#### **HMS Tournament Landings**

Atlantic bluefin tuna, billfish and swordfish that are **landed in a registered HMS tournament** do not need to be reported by the vessel owners if the tournament operator reports them. However, a vessel owner is responsible for reporting these landings if the tournament operator does not.

#### **NMFS Recreational Surveys**

Recreational anglers may be contacted on the dock or by phone and asked to participate in the Large Pelagic Survey (LPS) or Marine Recreational Information Program (MRIP, formerly MRFSS). If contacted, anglers must participate in these surveys to facilitate scientific research and catch monitoring on these species. Participation in the LPS or MRIP does not fulfill non-tournament reporting obligations.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.



## **XII. OBSERVER COVERAGE**

NMFS Observers collect biological information on all HMS species and other fish species caught in the commercial fishery. Observers note information recorded on logbooks such as the gear used, fishing location, and the number of fish caught and discarded, as well as information not reported on logbook forms, including the species, sex, and size of fish. This information is used in stock assessments and to help NMFS verify logbook information. **NOTE:** Observers only observe fishing activities and are **not** considered crew or deckhands. Observers are **not** to be used in place of a certified dealer or proxy for HMS identification purposes.

The observer must have access to navigation equipment, logbook records, communication equipment, and other equipment in order to perform his/her job. The observer is **not** an enforcement officer; however, data gathered by the observer may be used in support of enforcement investigations. The observer may be able to offer help to fishermen in reviewing safe handling and gear removal techniques. However, the observer may not assist in the removal of fishing gear from trapped sea turtles.

### **Requirements to Carry a NMFS Observer**

Fishermen who are notified by NMFS in writing that their vessel is selected must inform NMFS prior to each fishing trip taken during the selection period. If a trip is selected for observer coverage, If a trip is selected, a NMFS observer must be onboard in order for that vessel to go fishing. Fishermen that are selected and continue to fish without an observer, or without contacting the observer program office prior to each fishing trip taken during the selection period, may be subject to enforcement action, including the assessment of penalties and sanctions.

In order to carry a NMFS observer, the vessel must comply with certain regulatory requirements regarding observer health and safety (50 CFR §635.7). These regulations include having a valid U.S. Coast Guard safety decal, having a useable life raft that will fit everyone on the vessel, including the observer, and providing the observer with the same accommodations as an officer on the crew. Inability or failure to comply with those requirements does not relieve a vessel of the requirement to carry an observer if selected. Additional information on how to comply with the observer requirements is included in the selection notification package.

Harassing an observer or preventing an observer from carrying out his/her duties is illegal (50 CFR §635.7 (c)).

## XIII. HMS WORKSHOPS

### PROTECTED SPECIES SAFE HANDLING, RELEASE, AND IDENTIFICATION WORKSHOPS

The objective of the **Protected Species Safe Handling, Release and Identification Workshops** is to provide fishermen with the skills to reduce the mortality of protected species consistent with the 2004 and 2008 Biological Opinions for the pelagic longline and shark fisheries, respectively. These workshops are designed to educate longline and gillnet fishermen on the proper techniques for safe handling and release of entangled or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. Identification of protected species will also be taught at these workshops in an effort to improve reporting.

**All commercial shark and swordfish directed or incidental limited access permit** holders that use longline or gillnet gear on their vessel must attend a Protected Species Safe Handling, Release and Identification Workshop. At least one operator onboard these vessels, if different from the permit holder, must also attend the workshop. Both the permit holder and operator must attend the workshop and become certified prior to renewing the vessel's shark and swordfish limited access permit. As such, two safe handling, release, and identification workshop certificates must be on board vessels with longline or gillnet gear – one issued to the vessel owner, even if the owner is not on board, and a second issued to the vessel operator. Applications for renewals or transfers will not be considered complete and a vessel permit will not be issued until a workshop certification from the vessel owner is presented. Vessels may not fish unless both an owner certificate and at least one operator certificate are on board the vessel.

**Permit holders and operators** that are required to attend a protected species safe handling, release, and identification workshop may not send someone else, (*i.e.*, a proxy) to a workshop instead of attending themselves. Crew members may attend workshops; however, crew members are not required to attend workshops. Vessel owners and operators are not required to train crew members on safe handling, release, and identification of protected species, but NMFS highly recommends owners and operators share the information with their crew.

### ATLANTIC SHARK IDENTIFICATION

The objective of the **Atlantic Shark Identification Workshops** is to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops are required for shark dealer permit holders or their proxies to train them on how to properly identify Atlantic shark carcasses. Shark fishermen, or any fishermen who may catch sharks, are also encouraged to attend.

**All federally-permitted Atlantic shark dealers or their proxies** must attend an Atlantic Shark Identification Workshop before renewing their permit. Permitted shark dealers will be issued a workshop “dealer” certificate for each location authorized to first receive sharks under a dealer permit. A valid workshop “dealer” or “proxy” certificate must be available at every location which first receives sharks under a dealer permit. Trucks or other conveyances which are extensions of a dealer's place of business must possess a copy of a valid workshop certificate. If a permitted shark dealer chooses to send a proxy to a workshop, instead of attending themselves, a proxy from every business location authorized to first receive sharks under the dealer's permit must attend a shark identification workshop. A proxy must be a person who is currently

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employed by a business authorized to first receive sharks under the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and is involved in filling out dealer reports. Dealer proxies will be issued a "proxy" workshop certificate. Applications for Atlantic shark dealer permit renewals will not be considered complete and a renewal will not be issued unless a valid "dealer" or "proxy" workshop certification is presented for each location which first receives sharks under a dealer permit.

Persons holding an expired Atlantic shark dealer permit, and persons who intend to apply for a new Atlantic shark dealer permit, will be issued a "participant" certificate in their name upon successful completion of the Atlantic shark identification workshop. A "participant" certificate may be used only to apply for an Atlantic shark dealer permit. An Atlantic shark dealer may not first receive, purchase, trade, or barter for Atlantic shark without a valid "dealer" or "proxy" Atlantic shark identification workshop certificate issued to the dealer or proxy. After an Atlantic shark dealer permit is issued to a person using an Atlantic shark identification workshop "participant" certificate, such person may obtain an Atlantic shark identification workshop "dealer" certificate for each location which first receives Atlantic sharks by contacting NMFS at an address designated by NMFS.

### **WORKSHOP RENEWAL/RESTRICTIONS**

All Protected Species Safe Handling, Release and Identification and Atlantic Shark Identification Workshop certificates **must** be renewed, *prior to the expiration date on the certificate*, generally every three years. The time between workshops may be slightly more or less than three years depending on when the certificate is received in relationship to the permit renewal. Workshop dates and locations will be listed on the HMS website: <http://www.nmfs.noaa.gov/sfa/hms/>. The list will also be available by calling the HMS Management Division at (301) 427-8503.

Please note that workshop certificates are not transferable because the person issued the certificate is responsible for being familiar with the techniques and protocols for the safe handling and release of protected species or the proper identification of Atlantic shark carcasses. An individual interested in receiving an HMS permit must first attend a workshop, obtain a certification, and submit a copy of the certificate with the application to transfer the HMS permit.

## XIV. CONTACT LIST

<p align="center"><b>NATIONAL MARINE FISHERIES SERVICE</b>  HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION  Margo Schulze-Haugen, Chief  <a href="http://www.nmfs.noaa.gov/sfa/hms/">http://www.nmfs.noaa.gov/sfa/hms/</a>  (301) 427-8503</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) 427-8503; 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 Workshops	HMS St. Petersburg Office	Phone: (727) 824-5399 Fax: (727) 824-5398 Address: 263 13 <sup>th</sup> Ave. South St. Petersburg, FL 33701
<b>FISHING AND DEALER PERMITS</b>		
<i>- Atlantic Shark and Swordfish Vessel and Dealer permits</i>	NMFS Southeast Regional Permit Office Webpage: <a href="http://sero.nmfs.noaa.gov/permits/permits.htm">http://sero.nmfs.noaa.gov/permits/permits.htm</a>	Phone: (727) 824-5326 Address: 263 13 <sup>th</sup> Ave. South St. Petersburg, FL 33701
<i>- Atlantic tunas, Atlantic HMS Charter/Headboat and HMS Angling Vessel Permits</i>	Automated Permitting System Webpage: <a href="http://www.hmspermits.gov/">http://www.hmspermits.gov/</a>	Phone: (888) 872-8862 Please dial "0" to speak with a person.
<i>- Atlantic tunas Dealer Permits</i>	NMFS Northeast Region Permit Office Webpage: <a href="http://www.nero.noaa.gov/permits/">http://www.nero.noaa.gov/permits/</a>	Phone: (978) 281-9370; Fax: (978) 281-9366 Address: 55 Great Republic Drive Gloucester, MA 01930
<i>Incidental HMS Squid Trawl permit</i>	NMFS Northeast Region Permit Office Webpage: <a href="http://www.nero.noaa.gov/permits/">http://www.nero.noaa.gov/permits/</a>	Phone: (978) 281-9370; Fax: (978) 281-9366 Address: 55 Great Republic Drive

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

		Gloucester, MA 01930
<b>Vessel Monitoring Systems (VMS)</b>		
Kelly Spalding	National VMS Program Manager	(301) 427-2300
Patrick O'Shaughnessy	Southeast VMS Program Manager	(727) 824-5358

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

## 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) 554-9896	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 (603) 436-3186
Gloucester, MA	(978) 281-9213	Portsmouth, NH	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](http://www.fishsafe.info).

## **COOPERATIVE TAGGING PROGRAMS**

**To obtain a tuna, billfish, or swordfish tagging kit or report a tag recovery: (800) 437-3936**

**To obtain a shark tagging kit or report a tag recovery:**

Apex Predators Investigation

NOAA/NMFS/NEFSC

28 Tarzwell Drive

Narragansett, RI 02882-1152 USA

401-782-3320 or (877) 826-2612

<http://na.nefsc.noaa.gov/sharks/>

**To report Bluefin Tuna recreational landings in North Carolina or Maryland:**

North Carolina Harvest Tagging Program: (800) 338-7804

Maryland Department of Natural Resources: (410) 213-1531

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

## STATE FISHING REGULATIONS

State	Agency	Contact Information
Maine	ME Department of Marine Resources <a href="http://www.state.me.us/dmr/index.htm">http://www.state.me.us/dmr/index.htm</a>	Phone: (207) 624-6550
New Hampshire	NH Fish and Game <a href="http://www.wildlife.state.nh.us/">http://www.wildlife.state.nh.us/</a>	Phone: (603) 868-1095
Massachusetts	MA Division of Marine Fisheries <a href="http://www.mass.gov/dfwele/dmf/">http://www.mass.gov/dfwele/dmf/</a>	Phone: (617) 626-1520
Rhode Island	RI Department of Environmental Management <a href="http://www.dem.ri.gov/">http://www.dem.ri.gov/</a>	Phone: (401) 789-3094
Connecticut	CT Department of Environmental Protection <a href="http://www.ct.gov/dep/site/default.asp">http://www.ct.gov/dep/site/default.asp</a>	Phone: (860) 424-3000
New York	NY Department of Environmental Conservation <a href="http://www.dec.ny.gov/">http://www.dec.ny.gov/</a>	Phone: (631) 444-0430
New Jersey	NJ Fish and Wildlife <a href="http://www.state.nj.us/dep/fgw/">http://www.state.nj.us/dep/fgw/</a>	Phone: (609) 292-2083
Delaware	DE Division of Fish and Wildlife <a href="http://www.fw.delaware.gov/Pages/FWPortal.aspx">http://www.fw.delaware.gov/Pages/FWPortal.aspx</a>	Phone: (302) 739-9914
Maryland	MD Department of Natural Resources <a href="http://www.dnr.state.md.us/">http://www.dnr.state.md.us/</a>	Phone: (410) 260-8264 (877) 620-8367
Virginia	VA Marine Resources Commission <a href="http://www.mrc.state.va.us/">http://www.mrc.state.va.us/</a>	Phone: (757) 247-2200
North Carolina	NC Division of Marine Fisheries <a href="http://www.ncfisheries.net/">http://www.ncfisheries.net/</a>	Phone: (252) 808-8013 (800) 682-2632
South Carolina	SC Department of Natural Resources <a href="http://www.dnr.sc.gov/">http://www.dnr.sc.gov/</a>	Phone: (843) 953-9312
Georgia	GA Department of Natural Resources <a href="http://www.gadnr.org/">http://www.gadnr.org/</a>	Phone: (912) 264-7218
Florida	FL Fish and Wildlife Conservation Commission <a href="http://www.floridaconservation.org/">http://www.floridaconservation.org/</a>	Phone: (850) 487-0554
Alabama	AL Department of Conservation and Natural Resources <a href="http://www.outdooralabama.com/">http://www.outdooralabama.com/</a>	Phone: (251) 861-2882 (251) 968-7576
Louisiana	LA Department of Wildlife and Fisheries <a href="http://www.wlf.state.la.us/">http://www.wlf.state.la.us/</a>	Phone: (225) 765-2800
Mississippi	MS Department of Marine Resources <a href="http://www.dmr.state.ms.us/">http://www.dmr.state.ms.us/</a>	Phone: (228) 523-4078
Texas	TX Parks and Wildlife Department <a href="http://www.tpwd.state.tx.us/">http://www.tpwd.state.tx.us/</a>	Phone: (512) 389-4800 (800) 792-1112
Puerto Rico	Caribbean Fishery Management Council <a href="http://www.caribbeanfmc.com/">http://www.caribbeanfmc.com/</a>	Phone: (787) 766-5927
U.S. Virgin Islands	Caribbean Fishery Management Council <a href="http://www.caribbeanfmc.com/">http://www.caribbeanfmc.com/</a>	Phone: (787) 766-5927

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.