



NOAA Fisheries

National Marine Fisheries Service



GUIDE FOR COMPLYING WITH THE REGULATIONS FOR ATLANTIC TUNAS, SWORDFISH, SHARKS, AND BILLFISH

September 2003

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

The *Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks* (HMS FMP) was developed for the integrated management of those HMS within the Atlantic Ocean and adjacent waters. *Amendment One to the Atlantic Billfish Fishery Management Plan* was developed in coordination with the HMS FMP to manage Atlantic billfish in the Atlantic Ocean and adjacent waters. The strategies and objectives of the HMS FMP and Amendment One to the Billfish FMP are similar to and consistent with one another.

Both the HMS FMP and Amendment One to the Billfish FMP were finalized in April 1999. Since that time, additional regulations for these species have been finalized. This 2003 Guide amends the original *Small Entity Compliance Guide for HMS* published in June 1999, the Guide published in June 2002, and any *Small*

Entity Compliance Guides for individual rules published and 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 regulations for Atlantic tunas, swordfish, sharks, and billfish.

For the official and complete set of regulations, see 50 CFR part 635 and the *Federal Register*. Since fishery rules frequently change, fishermen must familiarize themselves with the latest complete regulations and are responsible for complying with the current official regulations. If there is a discrepancy between the regulations in 50 CFR part 635 and the answers given in this Guide, the regulations will take precedence.

You can request a copy of a particular rule or current updates by calling the NOAA Fisheries HMS Management Division at (301) 713-2347 or by viewing the HMS website at www.nmfs.noaa.gov/sfa/hmspg.html. A summary of the regulations is also available on the HMS Info line at (800) 894-5528 and tuna related information is available on the Tuna Information Line at (888) 872-8862.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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I. GEAR DEFINITIONS

Q1: *What types of gear may I use in HMS fisheries?*

A: Generally, pelagic longline, bottom longline, handline, harpoon, rod and reel, bandit gear, shark gillnet, and purse seine are acceptable in HMS fisheries. However, the actual gear type allowed depends on the type of fishing you are conducting (commercial or recreational), what species you are targeting, and what type of permit you have. Please see the appropriate section in this guide to determine which gear types you may use.

Q2: *What is longline gear?*

A: 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.

Q3: *What is pelagic longline gear?*

A: Pelagic longline gear is defined as a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom. Your vessel has pelagic longline 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 pelagic longline gear.

Q4: *What is bottom longline gear?*

A: Bottom longline gear is longline gear that is not suspended in the water with floats. Bottom longline gear uses weights or anchors to ensure that the gear is placed on or close to the ocean bottom.

Q5: *What is handgear?*

A: Handgear means handline, harpoon, rod and reel, or bandit gear.

Q6: *What is a handline?*

A: A handline consists of a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means.

Q7: *What is a harpoon?*

A: A harpoon consists of 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.

Q8: *What is rod and reel?*

A: Rod and reel consists of a handheld fishing rod with a manually or electronically operated reel attached.

Q9: *What is bandit gear?*

A: Bandit gear is 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.

Q10: *What is hook and line gear?*

A: Hook and line means one or more hooks attached to one or more lines (can include a troll).

Q11: *What is a shark gillnet?*

A: A gillnet is a panel of netting suspended vertically in the water. Under the Atlantic Large Whale Take Reduction Plan regulations (50 CFR part 229), a person is shark gillnetting if they are fishing in waters south of the South Carolina/Georgia border with a gillnet that has five inches or greater of stretched mesh.

Q12: *What is a purse seine?*

A: 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.

II. GENERAL GEAR RESTRICTIONS

Q1: *Do I have to mark my fishing gear?*

A: Yes. You must mark your handline, harpoon, longline, and gillnet floats with the vessel’s registration number, vessel name, or Atlantic Tunas or Atlantic HMS permit number.

Q2: *Are there time/area closures in HMS fisheries?*

A: Yes. Most time/area closures relate only to fishermen using pelagic longline gear and can be found in the pelagic longline section below. However, there are other time/area closures

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that restrict HMS fishermen. Some of these closures include:

1. 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;

2. Southeast Right Whale Calving Area: shark gillnet fishing is prohibited by the large whale regulations each year from November 15 to March 31 in the area from 27°51'N latitude (near Sebastian Inlet, FL) to 32°00'N latitude (near Savannah, GA) extending from the shore outward to 80°W longitude;

3. As part of the Southeast Right Whale Calving Area, 100 percent observer coverage is required by the large whale regulations for the use of gillnets in the area from West Palm Beach (26°46.5'N latitude) to Sebastian Inlet (27°51'N latitude) from November 15 through March 31 and for the use of strikenets in the area between West Palm Beach, FL, and Savannah, GA, from November 15 to March 31 each year; and,

4. Other Marine Protected Areas: throughout the United States there are a number of marine protected areas that may affect fishing activities. More information on marine protected areas can be found at <http://mpa.gov>.

Q3: *If I am fishing in parts of the Atlantic outside the U.S. EEZ, do I have to comply with U.S. domestic regulations?*

A: Depending on your circumstances, the answer to this question may change. Generally, U.S. flagged vessels are required to comply with U.S. domestic regulations that

pertain to Atlantic HMS while fishing anywhere in the Atlantic. Some U.S. citizens, even on foreign flagged vessels, may need an exempted fishing permit. Please call HMS Headquarters at (301) 713-2347 to discuss your specific situation.

Q4: *Do federal regulations apply if I am fishing for HMS in state waters?*

A: Both the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act have provisions that allow NOAA Fisheries to apply regulations to state waters. However, the regulations are species- and situation-specific. Please call HMS Headquarters at (301) 713-2347 for more information.

III. PELAGIC LONGLINE GEAR RESTRICTIONS

Q1: *What permits do I need in order to use pelagic longline gear in HMS fisheries?*

A: To fish with pelagic longline gear, you must possess all three of the HMS permits listed below. These permits are:

1. a directed or incidental swordfish permit (a swordfish handgear permit is not acceptable);
2. a directed or incidental shark permit; and,
3. a tuna Longline category permit.

All the permits must be valid and up-to-date. These permits are administered under a limited access program. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on permit transfers

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and renewals, please contact the Southeast Region Permit Office at (727) 570-5326.

Q2: *Are there time/area closures for pelagic longline gear?*

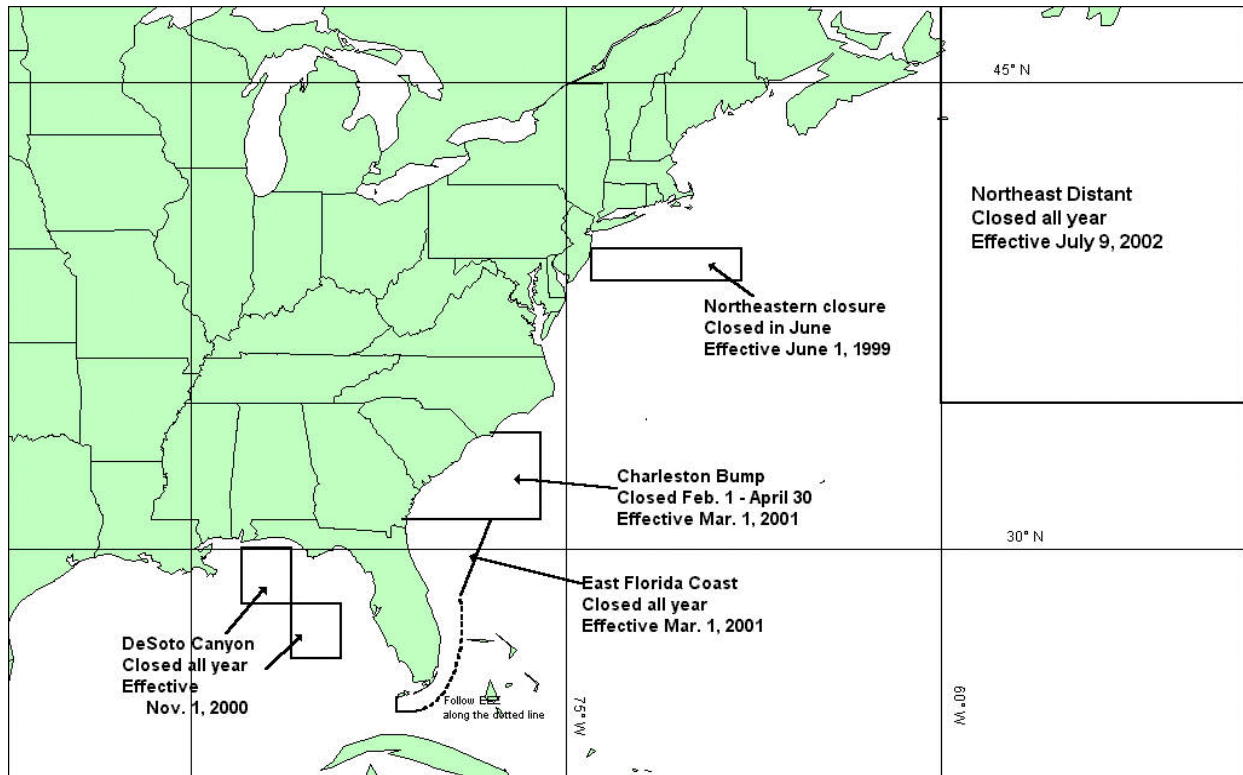
A: Yes. NOAA Fisheries has closed a number of areas to fishermen with HMS permits who have pelagic longline gear on board. These are listed below and shown in the following figure.

1. The Northeastern United States closed area: this area is closed during the month of June each year. The coordinates are 39 to 40°N and 68 to 74°W;

2. The Charleston Bump closed area: this area is closed from February 1 through April 30 each year. The coordinates are: the Atlantic Ocean area 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;

3. The Florida East Coast closed area: this area is closed year-round. The coordinates are: the Atlantic Ocean area 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' N. lat., 79°12' W. long.; then proceeding along the outer boundary of the EEZ to the



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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;

4. 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; and,

5. The Northeast Distant (NED) closed area: This area is closed year-round. The coordinates are: 35° to 55° N. and 20° to 60° W. NOAA Fisheries will re-evaluate the need for this closure upon completion of the NED experimental fishery.

Q3: *Why are there so many time/area closures for pelagic longline gear?*

A: Under the Magnuson-Stevens Fishery Conservation and Management Act, NOAA Fisheries is required to minimize bycatch, to the extent practicable. Many gear types, particularly pelagic longline gear, catch a number of species as bycatch. These closures were implemented to reduce this bycatch by pelagic 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, sharks, and other HMS; and the NED closure is designed to reduce interactions with leatherback and loggerhead sea turtles.

NOAA Fisheries is examining methods of reducing bycatch in all HMS fisheries and for all gear types.

Q4: *What happens if a marine mammal or sea turtle is entangled in my pelagic longline gear?*

A: If a marine mammal or sea turtle is hooked or entangled in your gear, you must release the animal following approved handling and release guidelines (see Q5 below), retrieve your gear, and move at least 1 nm from the location of the incident before you can resume fishing.

Q5: *How do I release a marine mammal or sea turtle that is entangled with my gear?*

A: You must carry line cutters and a dipnet on board your vessel in order to release entangled protected species. These line cutters and dipnets must meet NOAA Fisheries specifications. For information regarding these specifications, please contact HMS Headquarters at (301) 713-2347. Additionally, you must post in your wheelhouse handling and release guidelines to assist you during such an incident. For copies of the handling and release guidelines, please contact HMS Headquarters or visit the HMS web page.

Q6: *What do I do if I encounter a dead sea turtle in my gear?*

A: The animal should be released or removed from the gear as if it were alive and the mortality must be reported to NOAA Fisheries within 48 hours of returning to port. Call (800) 858-0624 to report the lethal take.

Q7: *Are there any requirements concerning the*

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setting of pelagic longline gear?

A: Yes. The length of the gangion must be at least 10% longer than the length of the floatline if the total length of any gangion plus the length of any floatline is less than 100 meters. Additionally, if you have pelagic longline gear on board, you must possess and use only corrodible, non-stainless steel hooks.

Q8: *Are there any other restrictions specific to pelagic longline gear?*

A: Yes. Fishermen using pelagic longline gear are prohibited from using live bait in the Gulf of Mexico. Specifically, a person aboard a vessel with pelagic longline on 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. Additionally, HMS fishermen using pelagic longline gear are restricted in the number of bluefin tuna they are allowed to possess and are not allowed to possess any billfish. There may be regulations that apply that are not specific to pelagic longline fishing. Please see other sections in this guide for those regulations.

Q9: *Do I need to have a working vessel monitoring system (VMS) on board my vessel?*

A: Effective September 1, 2003, all vessels that leave port on or after September 1, 2003, with pelagic longline gear on board are required to have Vessel Monitoring Systems (VMS) installed and operating. On March 11, 2003, NOAA Fisheries published a notice in the Federal Register that provided a list of the VMS units approved by NOAA Fisheries (68 FR 11534; corrected by 68 FR 14949, March

27, 2003; added to 68 FR 23285, May 1, 2003). To obtain copies of the list of NOAA Fisheries-approved VMS mobile transmitting units and communications service providers or information regarding VMS write to NOAA Fisheries Office of Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Springs, MD 20910, or contact Jonathan Pinkerton, National VMS Program Manager, phone (301) 427-2300, or Fred Kyle, Special Agent, NMFS Office of Law Enforcement, Southeast Division, 727-570-5351.

IV. COMMERCIAL SHARK FISHING

Q1: *If I am a fisherman who sells shark, do I need a permit?*

A: Yes, you need either a directed or incidental shark permit. These permits are administered under a limited access program. Under the limited access program, NOAA Fisheries is no longer issuing new shark permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on permit renewals and transfers please contact the Southeast Region Permit Office at (727) 570-5326.

Q2: *What are the upgrading restrictions for transferring a limited access permit?*

A: An owner may upgrade a vessel with a limited access permit, or transfer the limited access permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20% or an increase of more than 10 % in length overall, gross registered tonnage, or net tonnage from

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the original qualifying vessel's specifications.

Q3: *If I am a fisherman who lands more sharks than allowed under the recreational bag limit but I do not plan to sell my sharks, do I need a permit?*

A: Yes. If you land more sharks than is allowed under the recreational limit even though you do not intend to sell them, you still need a commercial shark permit.

Q4: *Who can I sell sharks to?*

A: You can sell sharks to permitted dealers. Dealers can obtain a shark dealer permit by contacting the Southeast Region Permit Office at (727) 570-5326.

Q5: *What is the difference between directed and incidental limited access permits?*

A: A directed permit will allow fishermen to retain more sharks than an incidental 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.

Q6: *If I have a directed shark permit, is there a limit to the number of sharks I can keep per trip?*

A: Yes. You may keep 4,000 pounds dressed weight of large coastal sharks per trip. There is no directed retention limit for pelagic sharks or small coastal sharks. Additionally, you may not keep any sharks that are prohibited.

Q7: *If I have a shark incidental limited access permit, how many sharks may I keep per trip?*

A: You may keep 5 large coastal sharks per vessel per trip. You may also keep a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip. Additionally, you may not keep any sharks that are prohibited.

Q8: *What gears may I use to commercially catch sharks?*

A: You may use pelagic or bottom longline, gillnet, rod and reel, handline, and bandit gear.

Q9: *Are there any prohibited shark species?*

A: Yes. The 19 prohibited species are listed below. Fishermen are not allowed to possess these species. If you catch one, you must release it in the water with minimal injury to the shark in a method that maximizes its survival.

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

Q10: *What shark species may I keep?*

A: Sharks are managed in different species

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groups. The species groups and the species within each group that may be caught are:

Group	Shark species that can be retained
Large Coastal Sharks	<p style="text-align: center;">Ridgeback</p> Sandbar Silky Tiger <p style="text-align: center;">Non-Ridgeback</p> Blacktip Spinner Lemon Bull Nurse Smooth hammerhead Scalloped hammerhead Great hammerhead
Small Coastal Sharks	Atlantic sharpnose Blacknose Finetooth Bonnethead
Pelagic Sharks	Shortfin mako Blue Thresher Porbeagle Oceanic whitetip
Deepwater and other	Catsharks Dogfish (except spiny dogfish) Sawsharks Smoothhound

Q11: *What is the fishing year for sharks?*

A: The shark fishing year is January 1 through December 31. The year is divided into 2 semi-annual seasons: the first is from January 1 to June 30, and the second from July 1 to December 31. NOAA Fisheries announces the closure date for large coastal sharks prior to the start of each semi-annual season. The closure dates for pelagic and small coastal sharks are announced when these quotas are expected to be met.

Q12: *What is the annual quota for large coastal sharks?*

A: For the 2003 fishing year, the annual quota is 783 metric tons (mt) dressed weight (dw) for ridgeback Large Coastal Sharks (LCS) and 931 mt dw for non-ridgeback LCS. This is split equally between each semi-annual fishing season. Generally, the half of the quota allocated to the first semi-annual season lasts from January through March and the half of the quota allocated to the second semi-annual season lasts for several weeks between July and August. NOAA Fisheries announces the available quota and the length of the semi-annual season approximately 30 days before the start of the fishing season. Contact HMS Headquarters at (301) 713-2347 for current information regarding the closure date. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

Q13: *What is the annual quota for pelagic sharks?*

A: There are three species sub-groups within the pelagic shark species group. Each sub-group has its own quota. The quotas are:

1. Pelagic sharks (shortfin mako, thresher, oceanic whitetip): 488 metric tons (mt) dressed weight (dw);
2. Porbeagle: 46 mt dw;
3. Blue: 136.5 mt dw.

As with the large coastal shark quota, these quotas are split evenly between the two semi-annual fishing seasons. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

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Q14: *What is the annual quota for small coastal sharks?*

A: For the 2003 fishing year, the small coastal shark annual quota is 326 metric tons dressed weight. As with the large coastal and the pelagic shark quotas, this quota is split evenly between the two semi-annual fishing seasons. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

Q15: *I am interested in catching sharks for use in aquariums. Is there a quota for public display sharks?*

A: Yes, there is a public display and scientific research quota of 60 metric tons whole weight (43 metric tons dressed weight) for all species combined. You must also have an exempted fishing permit for this activity. Please see the exempted fishing permit section at the end of the guide for more information.

Q16: *Are there any restrictions on fishing for sharks in the “deepwater and others” category?*

A: The only restriction, at this time, is the prohibition on finning these species. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

Q17: *May I fin my sharks?*

A: Finning, the removal of fins from a shark and discarding the rest of the carcass, is

prohibited for all fishing vessels under U.S. jurisdiction in the Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and Pacific Ocean. This regulation applies to fishermen with a Federal shark permit in all waters including State waters and the high seas. However, commercial fishermen may remove fins as part of dressing the carcass in the commercial fishery. The wet weight of the fins in your possession or that you offload may not exceed 5 percent of the wet weight of the dressed carcasses.

Q18: *What are the reporting requirements for commercial shark fishermen?*

A: If NOAA Fisheries sends you a letter telling you that you have been selected to complete logbook reports, you must complete a logbook within 48 hours of each day’s fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading. If NOAA Fisheries sends you a letter telling you that you have been selected to carry an observer aboard your vessel, you must inform NOAA Fisheries when you will be taking a trip and if that trip is selected, you must have a NOAA Fisheries observer aboard in order to go fishing. If NOAA Fisheries sends you a letter telling you that you have been selected to complete the cost-earnings section of the logbook, you must 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.

Q19: *Are there any minimum sizes for commercially caught sharks?*

A: There is no commercial minimum size limit for pelagic sharks, small coastal sharks or

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deepwater and other sharks. There is a minimum size for ridgeback large coastal sharks but it is not in effect due to an emergency rule. However, NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

V. COMMERCIAL TUNA FISHING

Q1: *If I am a fisherman who sells Atlantic tunas, do I need a permit?*

A: Yes, all vessel owners/operators commercially fishing for Atlantic bluefin, bigeye, yellowfin, albacore, or skipjack tuna in the Atlantic, including the Gulf of Mexico and Caribbean Sea, must obtain a permit. The commercial permit categories are: General, Harpoon, Purse Seine, Longline, and Trap. **This permit is required if fishing in Federal or State waters.** Only one category may be assigned to a vessel per year. NOAA Fisheries is not issuing any new Longline Category permits for tunas; you must purchase one from another fisherman if you wish to enter the fishery. If you have an Atlantic HMS Charter/Headboat permit (required to take fee-paying passengers fishing for all managed HMS) or a HMS Angling permit, you cannot also have a commercial Atlantic tunas permit. For more information on Charter/Headboat permits, see the Charter/Headboat section below.

Q2: *How do I apply for an Atlantic tunas permit?*

A: NOAA Fisheries maintains an automated permitting system for the issuance of Atlantic

tunas and HMS permits. To apply for or renew an Atlantic tunas or a HMS permit, visit www.nmfspermits.com or dial (888) 872-8862. Customer Service for the Automated Permitting System can be reached by pressing "0" from the main menu.

Q3: *Do I need any other permits in addition to a tuna permit?*

A: If you have pelagic longline gear on board, you must have a tuna longline category permit, a swordfish limited access permit (directed or incidental only), and a shark limited access permit to fish for tunas. Commercial tuna permit holders may also need a state permit in order to land tunas. Please check with your local state fish/natural resource management office.

Q4: *What are the upgrading restrictions for transferring a limited access permit?*

A: An owner may upgrade a vessel with a limited access permit, or transfer the limited access permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20% or an increase of more than 10% in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel's specifications.

Q5: *When am I allowed to change the category of my Atlantic tunas or HMS permit?*

A: Permit category changes must be made while you are renewing your permit for the new fishing year. A temporary rule was issued on August 23, 2003, that provided a 10-day period 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).

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Atlantic Longline and Purse Seine category permits are limited access permits and are not eligible for changes under this rule. To make a permit category change under this temporary rule, call the information lines at (888) 872-8862 and press "0" from the main menu to reach a Customer Service representative.

HMS Charter/Headboat	Refer to the Charter/Headboat section
HMS Angling	Refer to the Recreational tuna fishing section

Q6: *Who can I sell tunas to?*

A: You can sell tunas only to permitted dealers. Dealers can obtain a tuna dealer permit by contacting the Northeast Region Permit Office at (978) 281-9370.

Q7: *What gear may I use to catch Atlantic tunas?*

A: The authorized gears for Atlantic tunas are rod and reel (including downriggers), handline, harpoon, bandit gear, longline, trap (pound nets and fish weirs), and purse seine. Only vessels with Atlantic tunas purse seine category permits may use purse seine gear. Vessels in other permit categories may use any other authorized gear to retain bigeye, albacore, yellowfin, or skipjack tunas. When fishing for bluefin tuna, however, only the gear type authorized for the particular Atlantic tunas or HMS permit category that you have may be used. These gear types are specified in the table below.

Atlantic tunas permit category	Authorized gear
General	Rod & reel (including downriggers), handline, harpoon, and bandit gear
Harpoon	Harpoon
Longline	Longline
Purse Seine	Purse Seine

Q8: *Are driftnets banned in the Atlantic tuna fishery?*

A: Yes. However, NOAA Fisheries recognizes that the prohibition on driftnets for Atlantic tunas would preclude a small coastal driftnet fishery from retaining its catch of skipjack tuna. NOAA Fisheries is interested in investigating the bycatch issues in this fishery and may issue Experimental Fishing Permits (EFPs) on a provisional basis to a limited number of coastal driftnet fishermen affected by the gear prohibition in order to collect more information on this fishery and help determine NOAA Fisheries' future course of action. Individuals who wish to use driftnet gear when targeting species other than Atlantic tunas may apply to NOAA Fisheries at (978) 281-9260 for an EFP to land incidentally caught tunas (other than bluefin tuna). Finally, fishermen may continue to use driftnet gear to fish for bonito.

Q9: *When are the seasons for commercial bluefin tuna fishermen?*

See the last two pages of this Guide for a list of contacts.
 Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
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A: The seasons are:

Atlantic tunas permit category	Open	Close
General	June 1	December 31, or when quota is filled
Harpoon	June 1	May 31, or when quota is filled
Purse Seine	August 15	December 31, or when quota is filled
Longline	June 1	May 31, or when quota is filled
Trap	June 1	May 31, or when quota is filled
HMS Charter/headboat	Refer to the Charter/headboat section later in this Guide	

Q10: *When is the fishing year for bigeye, albacore, yellowfin, and skipjack tunas?*

A: For all categories of tuna fishermen, the fishing year for bigeye, albacore, yellowfin, and skipjack tunas is June 1 to May 31.

Q11: *What are the annual domestic commercial quota allocations for bluefin tuna?*

A: The quota allocation percentages are set in the HMS FMP. On July 10, 2003, NOAA Fisheries proposed the quotas shown based on the U.S. landings quota negotiated at the International Commission for the Conservation of Atlantic Tunas (68 FR 41103). Actual annual quotas may vary due to quota over- and under-harvests, which are carried forward from year to year. Please contact the HMS Gloucester office at (978) 281-9260 for more information regarding current quotas for each category.

Atlantic tunas permit category	Percentage of bluefin tuna landings quota	Metric tons (mt), in whole weight based on proposed quota of 1,489.6 mt
General	47.1	689.8
Harpoon	3.9	57.1
Purse Seine	18.6	272.4
Longline	8.9	143.6
Northern	21.1	74.8
Southern	78.9	71.2
Trap	0.1	1.5

Q12: *Where is the separation for Atlantic bluefin tuna between “North” and “South” regions for the longline category?*

A: For the Longline category, 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.

Q13: *If I have a Longline category permit, how many bluefin tuna may I keep?*

A: Target catch requirements in all areas, at all times, for permitted longline vessels is 2,000 lbs (907 kg) to retain one BFT, 6,000 lbs (2,727 kg) to retain two BFT, and 30,000 lbs (13,620 kg) to retain three BFT; unless adjusted by NOAA Fisheries, published in the *Federal Register*, and announced on the web site and telephone information lines. For those vessels fishing in the NED, a 25 mt set aside has been established for the incidental take of BFT while pursuing other species. These target catch requirements do not apply to vessel fishing in the NED.

Q14: *If I have a Harpoon category permit, how many bluefin tuna may I keep?*

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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A: In the Harpoon category, you may keep one bluefin measuring 73" to less than 81" curved fork length per trip per vessel. There is no limit on the number of bluefin tuna longer than 81" curved fork length that you may keep, as long as the Harpoon category season is open.

Q15: *If I have a General category permit, how many bluefin tuna may I keep?*

A: NOAA Fisheries has the ability to adjust the BFT retention limit between 0 and 3 fish per vessel per day for General category vessels. Typically, the retention limit ranges between 1 and 2 fish. Vessel operators should check the web site at www.nmfspermits.com or telephone information lines at (888) 872-8862 to verify the BFT retention limit on any given day.

Q16: *I hold the Atlantic tunas General category permit. Can I recreationally fish for or retain sharks, billfish, and/or swordfish with this permit? Can I also get the HMS Angling permit?*

A: No. The new HMS Angling category permit completes a process NOAA Fisheries initiated several years ago to separate commercial and recreational fishing activities for Atlantic HMS. Since only one permit can be issued to a vessel, fishermen who have held General category permits in order to sell Atlantic tunas will have to choose between the commercial and recreational fishing permits.

Q17: *I hold the Atlantic tunas General category permit. What happens if I catch a shark, swordfish and/or billfish while fishing for tunas? Can I tag and release it?*

A: All Atlantic HMS caught that are not retained must be released in a manner that will ensure maximum probability of survival, but without removing the fish from the water. To tag and release, you must have a tagging kit on board your vessel. These kits are available by calling the Cooperative Tagging Program at (800) 437-3936.

Q18: *I hold the Atlantic tunas General category permit. Can I participate in recreational HMS fishing tournaments?*

A: Under current regulations, General category permit holders may participate in a tournament but only if fishing for Atlantic tunas (bluefin, bigeye, albacore, yellowfin, and/or skipjack tunas). NOAA Fisheries published a proposed rule on July 10, 2003 (68 FR 41103), that would allow General category permit holders to participate in registered HMS recreational fishing tournaments. If finalized, General Category permit holders would be allowed to participate in registered HMS fishing tournaments, provided that, when the targeted fish of a fishing tournament is shark, swordfish, and/or billfish, then the HMS Angling Category regulations, as well as any specific tournament rules, would apply to General Category vessels. However, if Atlantic tunas are the targeted fish, the General Category regulations would apply, including Restricted Fishing Days and retention limits.

Q19: *How many bigeye, albacore, yellowfin, and skipjack tunas may a commercial fisherman keep?*

A: Currently there are no restrictions on the number of bigeye, albacore, yellowfin, and

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skipjack tunas that may be landed by a commercial vessel with an Atlantic tunas permit. Fishermen with pelagic longline gear on board must also have either a directed or incidental limited access shark permit and a directed or incidental limited access swordfish permit.

Q20: *What are the commercial minimum sizes for bluefin tuna?*

A: The minimum sizes for bluefin tuna are:

1. General: 73" curved fork length;
2. Longline: 73" curved fork length;
3. Harpoon: 81" curved fork length, with allowance per trip of one 73" to 81";
4. Purse seine: 81" curved fork length, except for 15 percent per trip and 10 percent per fishing year allowance for bluefin tuna between 73" to 81", and a 1 percent incidental take of bluefin tuna less than 73" per trip which cannot be sold.

Q21: *What is the commercial minimum size for bigeye, albacore, yellowfin, and skipjack tunas?*

A: The minimum size for yellowfin and bigeye tuna landed in all tuna permit categories is 27" curved fork length. Currently, there are no minimum sizes for albacore and skipjack tuna.

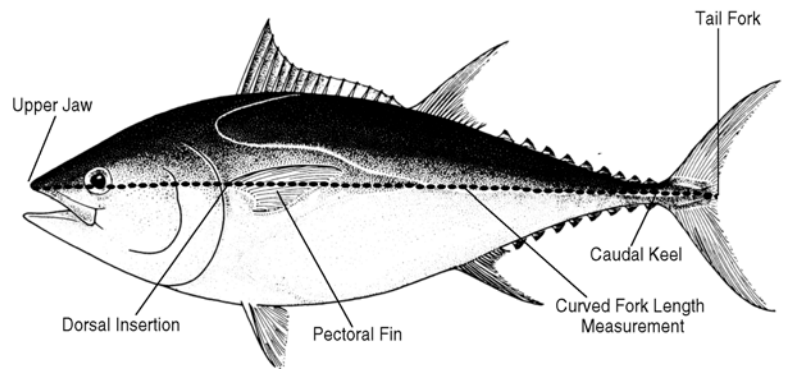
Q22: *How do I measure the curved fork length of an Atlantic tuna?*

A: 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. If the head has been removed, 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. This measure must be multiplied by 1.35. The resulting number is the curved fork length.

Q23: *What are the reporting requirements for commercial tuna fishermen?*

A: If NOAA Fisheries sends you a letter telling you that you have been selected to complete logbook reports, you must complete a



logbook within 48 hours of each day's fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading. If NOAA Fisheries sends you a letter telling you that you have been selected to carry an observer, you must inform NOAA Fisheries when you will be taking a trip and if that trip is selected, you must have a NOAA Fisheries observer on board in order to go fishing. In addition, all commercially landed bluefin tuna must be tagged by a permitted tuna dealer. If NOAA Fisheries sends you a letter telling you that you have been selected to complete the cost-earnings section of the logbook, you must complete and submit that section of the

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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logbook within 30 days of offloading. This section must be completed in addition to the other logbook reporting requirements.

Q24: *What are the “days off” in the General category BFT fishery?*

A: The General category “days off”, or Restricted-Fishing Days (RFDs) are used to moderate landings when catch rates are high. These RFDs vary from year to year, and are set by NOAA Fisheries each year through a notice published in the Federal Register. On RFDs, vessels with General category permits are prohibited from fishing for BFT. To find out this year’s RFDs and to keep up with adjustments, visit www.nmfspermits.com, or call (888) 872-8862 or (978) 281-9305 for recorded information.

Q25: *Can I dress any tuna I keep?*

A: You may remove the head, gut the fish, and remove most of the fins. However, the tail and at least one pectoral fin must remain attached through landing.

VI. COMMERCIAL SWORDFISH FISHING

Q1: *If I am a fisherman who sells swordfish, do I need a permit?*

A: Yes, you need a directed, incidental, or handgear swordfish permit. These permits are administered under a limited access program. Under the limited access program, NOAA Fisheries is no longer issuing new swordfish permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on permit renewals and transfers

please contact the Southeast Regional Permit Office at (727) 570-5326.

Q2: *Who can I sell swordfish to?*

A: You can sell swordfish only to permitted dealers. Dealers can obtain a swordfish dealer permit by contacting the Southeast Regional Permit Office at (727) 570-5326.

Q3: *What is the difference between the three types of permits?*

A: A directed or handgear permit allows fishermen to retain more swordfish than an incidental permit. Generally, directed or handgear swordfish permits allow fishermen to target swordfish while incidental permits allow fishermen who normally fish for other species to land a limited number of swordfish. Handgear swordfish permit holders may only use handgear (harpoon, rod and reel, bandit gear, handline) while directed and incidental swordfish permit holders may use any allowable gear type.

Q4: *If I have a handgear permit, how many swordfish may I keep?*

A: When the directed fishery is open, there is no trip limit. However, you can fish for swordfish with a handgear permit only if you do not have longline gear onboard. During a directed fishery closure, handgear fishermen who are not using harpoon may land two swordfish per trip. Fishermen using harpoon cannot land any swordfish during a directed fishery closure.

Q5: *If I have an incidental swordfish permit, how many swordfish may I keep?*

A: Five swordfish per trip may be kept if you

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fish with a trawl on a squid trip, and two swordfish per trip for all other authorized gears regardless of whether the directed fishery season is open or closed. However, once the incidental quota has been met, you may not retain any swordfish.

Q6: *If I have a directed swordfish permit, how many swordfish may I keep?*

A: When the directed north Atlantic swordfish fishery is open, there are no retention limits for swordfish landed by directed swordfish permit holders. When the directed north Atlantic fishery is closed, you may keep 15 swordfish from the north Atlantic per pelagic longline trip, two swordfish per trip for handgear (other than harpoon), and no swordfish per trip for harpoon trips. Note that the retention limit may be adjusted. Please check with the HMS Headquarters Office at (301) 713-2347 or by fax at (301) 713-1917 if the fishery is closed. There are no retention limits for swordfish in the south Atlantic when the directed fishery is open and pelagic longline is on board. However, when the south Atlantic fishery is closed, you cannot keep any south Atlantic swordfish.

Q7: *What kind of gear may I use to fish for swordfish?*

A: Longlines and handgear (handline, rod and reel, harpoon, bandit gear) are permitted in the swordfish fishery. Squid trawlers may land swordfish, subject to incidental catch limits as described above. Driftnet gear is now banned in the Atlantic swordfish fishery.

Q8: *What is the annual quota for North Atlantic swordfish?*

A: U.S. domestic quota percentages for

swordfish are negotiated at the International Commission for the Conservation of Atlantic Tunas (ICCAT). Currently, the annual directed fishery quota for the north Atlantic swordfish stock is 1,919 metric tons (mt) dressed weight (dw). This quota is divided into two equal semi-annual quotas of 959.5 mt dw, one for June 1 through November 30, and the other for December 1 through May 31 of the following year. There is also an annual incidental catch quota for the north Atlantic swordfish stock of 300 mt dw. The quotas are adjusted annually based on over- and under-harvests, overages of the dead discard allowance, and changes in the amount allocated to the United States at ICCAT. On June 20, 2003, NOAA Fisheries published a proposed rule that would adjust the quota to 2,615 mt dw (68 FR 36967). Please contact the HMS Headquarters Office at (301) 713-2347 or by fax at (301) 713-1917 for the latest quota information.

Q9: *What is the annual quota for South Atlantic swordfish?*

A: Currently, the annual south Atlantic swordfish quota is 289 mt dw. No incidental harvest is authorized for the south Atlantic swordfish stock. On June 20, 2003, NOAA Fisheries published a proposed rule (86 FR 36967) that would set the annual directed fishery quota for South Atlantic swordfish stock at 75 mt dw from June 1, 2003 to May 31, 2006. Beginning June 1, 2006, the annual directed fishery quota for the South Atlantic swordfish stock would be 90 mt dw.

Q10: *What is the dead discard allowance for swordfish?*

A: All swordfish that are discarded dead from U.S. fishing vessels, regardless of the permit type held by the vessel, are counted against the

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
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dead discard allowance. Any overages of the dead discard allowance are counted against the annual quota for the following fishing year. Currently, the dead discard allowance has expired. However, NOAA Fisheries published a proposed rule on June 20, 2003 (68 FR 36967), that would establish a dead discard allowance of 60 mt dw for the 2003 fishing year. For the fishing year beginning June 1, 2004, and all subsequent fishing years, all swordfish discarded dead from U.S. fishing vessels shall be counted against the directed fishery quota.

Q11: *When is the fishing year for the commercial swordfish fishery?*

A: The fishing year is from June 1 to May 31 of the following year. The quota is divided into two semi-annual seasons. The first season runs from June 1 through November 30 and the second runs from December 1 through May 31 of the following year.

Q12: *What is the minimum size for north Atlantic swordfish?*

A: The minimum size for north Atlantic swordfish is:

1. 29" (73 cm) from cleithrum to caudal keel;
2. 47" (119 cm) lower jaw fork length; or,
3. 33 lbs (15 kg) dressed weight (dw).

A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass meets one of the above minimum sizes.

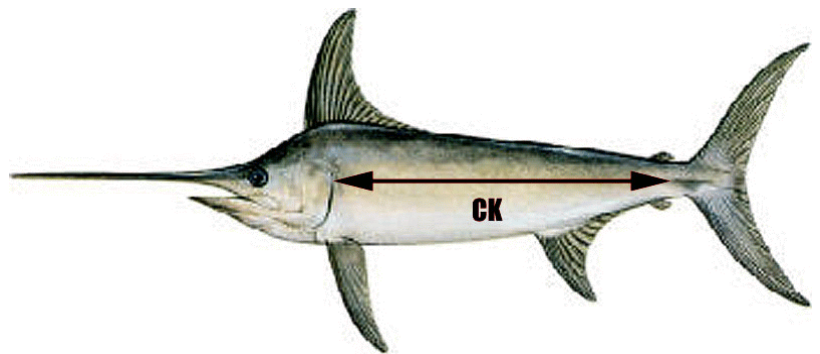
Q13: *How do I measure the size of an Atlantic swordfish?*

A: Swordfish can be measured along the body

contour from the cleithrum (semicircular bony structure that forms the posterior edge of the gill opening) to the anterior portion of the caudal keel (CK). This measurement must be made at the point on the cleithrum that provides the shortest possible cleithrum to caudal keel measurement. Swordfish can also be measured from the tip of the lower jaw to the fork of the tail, for a lower jaw fork length (LJFL). The CK measurement is described in the figure below. Please see the Billfish section for the figure regarding the LJFL measurement.

Q14: *What are the reporting requirements for commercial swordfish fishermen?*

A: If NOAA Fisheries sends you a letter telling you that you have been selected to complete logbook reports, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading. If NOAA



Fisheries sends you a letter telling you that you have been selected to carry an observer aboard your vessel, you must inform NOAA Fisheries when you will be taking a trip and if that trip is selected, you must have a NOAA Fisheries observer on board in order to go fishing. However, once the incidental quota has been

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met, you may not retain any swordfish. If NOAA Fisheries sends you a letter telling you that you have been selected to complete the cost-earnings section of the logbook, you must 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.

Q15: *What are the upgrading restrictions for transferring a limited access permit?*

A: An owner may upgrade a vessel with a limited access permit, or transfer the limited access permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20% or an increase of more than 10% in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel's specifications.

Q16: *Can I dress any swordfish I keep?*

A: Yes, you may gut and remove the head of the swordfish. However, you may not cut the remaining carcass into pieces while on your vessel.

VII. HMS DEALERS AND IMPORTERS

Q1: *Do dealers and importers of bluefin tuna need to have a special permit?*

A: Yes. Anyone who buys Atlantic bluefin tuna from U.S. vessels or imports bluefin tuna from any ocean area must have an Atlantic Tunas dealer permit. Dealers must report to NOAA Fisheries all bluefin tuna purchased

from U.S. vessels through landings and biweekly reports, and all imported or exported bluefin must be accompanied by a Bluefin Statistical Document (BSD). Atlantic Tunas dealer permits are issued by NOAA Fisheries' Northeast Region Office at (978) 281-9370.

Q2: *Do dealers and importers of swordfish need to have a special permit?*

A: Yes. Anyone who buys or imports swordfish must have a dealer permit. Dealers must report to NOAA Fisheries all swordfish purchased from U.S. vessels through biweekly reports. Each swordfish import shipment must be accompanied by a Swordfish Certificate of Eligibility (COE). A Swordfish COE attests that the swordfish was harvested from an ocean area other than the Atlantic Ocean or that the fish parts (e.g. steaks or portions) were derived from a swordfish harvested in the Atlantic Ocean that weighed at least 33 pounds dressed weight at harvest. To obtain a swordfish dealer permit, please call the Southeast Regional Permit Office at (727) 570-5236. For more information on the reporting requirements for swordfish dealers or importers, call Greg Power at (978) 281-9304 for North Carolina to Maine information or John Poffenberger at (305) 361-4263 for information for any other location.

Q3: *Do dealers of sharks need to have a special permit?*

A: Yes. Anyone who buys Atlantic sharks must have a dealer permit. Permits can be obtained by calling the NOAA Fisheries' Southeast Permit Office at (727) 570-5326. Dealers must report to NOAA Fisheries all shark purchased from U.S. vessels through biweekly reports. Dealers must only purchase sharks harvested from a vessel that has a valid commercial permit for shark, except that

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dealers may purchase a shark harvested by a vessel that does not have a commercial permit for shark if that vessel fishes exclusively in state waters. Dealers may not purchase from an owner of a fishing vessel shark fins that are disproportionate to the weight of shark carcasses landed, i.e., the wet fins may not exceed 5 percent of the dressed weight of the carcasses.

Q4: *If I buy billfish that was caught in the Pacific Ocean, do I need to document it?*

A: Yes. Outside of Pacific coast states, all billfish must be accompanied by the billfish Certificate of Eligibility indicating that the fish is not Atlantic billfish.

Q5: *Can I buy or sell Atlantic billfish?*

A: No.

VIII. RECREATIONAL SHARK FISHING

Q1: *If I do not intend to sell my sharks, do I need a permit?*

A: Yes. Owners of vessels used to fish recreationally (i.e., no sale of fish) for Atlantic HMS (including sharks), or on which Atlantic HMS are retained or possessed, must obtain an Atlantic HMS Angling permit. **For sharks, this permit requirement is applicable only when fishing in Federal waters, although state regulations may also apply.** Owners of vessels possessing an Atlantic HMS Angling permit may not sell or transfer any Atlantic HMS for a commercial purpose. Owners of charter or headboats used to fish for Atlantic HMS (including sharks) must obtain an annual HMS Charter/Headboat permit. Only one type

of HMS or Atlantic Tunas permit may be issued to a vessel (Atlantic HMS Angling, HMS Charter/Headboat, or Atlantic Tunas). HMS Angling and Charter/headboat permits are available by calling 1-888-872-8862 or by logging onto www.nmfspermits.com. For more information on HMS Charter/Headboat permits, please see the Charter/Headboat section below.

Q2: *What gears can I use in the recreational shark fishery?*

A: You may use rod and reel, handline, and bandit gear. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

Q3: *Are there any prohibited shark species?*

A: Yes. The 19 prohibited species are listed below. Recreational fishermen are not allowed to possess these species. If you catch one, you must release it in the water with minimal injury in a method that maximizes its survival. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

Prohibited Shark Species	
Atlantic angel	Night
Basking	Sevengill
Bigeye thresher	Sixgill
Bignose	Bigeye sixgill
Caribbean reef	Sand tiger
Caribbean sharpnose	Bigeye sand tiger

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Dusky	Smalltail
Galapagos	Whale
Longfin mako	White
Narrowtooth	

sharpnose per person per trip, with no minimum size. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

Q4: *What shark species may I keep?*

A: Sharks are managed in different species groups. The species groups and the species within each group that may be kept are:

Group	Shark species that can be retained
Large Coastal Sharks	Ridgeback Sandbar Silky Tiger
	Non-Ridgeback Blacktip Spinner Lemon Bull Nurse Smooth hammerhead Scalloped hammerhead Great hammerhead
Small Coastal Sharks	Atlantic sharpnose Blacknose Finetooth Bonnethead
Pelagic Sharks	Shortfin mako Blue Thresher Porbeagle Oceanic whitetip
Deepwater and other	Catsharks Sawsharks Dogfish (except spiny dogfish) Smoothhound

NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

Q5: *How many sharks may I keep?*

A: Recreational fishermen are allowed to keep one shark (any of the allowed species) per vessel per trip, subject to the minimum size. In addition, there is an allowance of one Atlantic

Q6: *What if I want to keep more sharks than are allowed under the bag limit?*

A: If you want to keep a greater number of sharks than is allowed under the bag limit, you must have a commercial shark permit. Please see the section on commercial shark fishing earlier in this guide.

Q7: *May I dress the sharks that I keep?*

A: No. Recreational fishermen must land sharks with the head, fins, and tail attached. You are allowed to gut and bleed the sharks by making an incision at the base of the tail as long as the caudal fin is still attached.

Q8: *What is the minimum size?*

A: Except for Atlantic sharpnose, recreational fisherman can only keep allowed shark species that are larger than 4.5 feet fork length. There is no minimum size for Atlantic sharpnose sharks. NOAA Fisheries is currently working on an amendment to the HMS FMP regarding shark regulations; the proposed rule for these changes is available from HMS Headquarters and is on the HMS webpage.

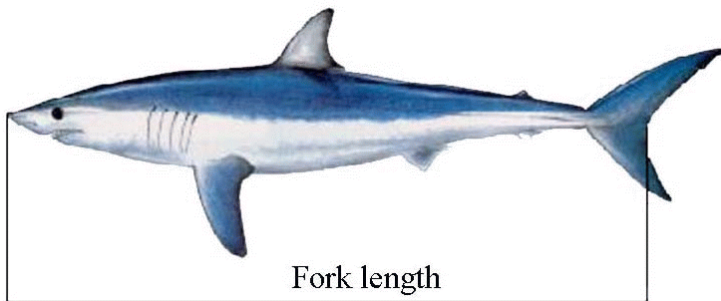
See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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Q9: *Are there any monitoring or reporting requirements for recreational shark anglers?*

A: If contacted on the dock or by phone, recreational anglers are encouraged to



cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

IX. RECREATIONAL TUNA FISHING

Q1: *If I do not intend to sell my Atlantic tunas, do I need a permit?*

A: Yes. Private vessel owners/operators who fish recreationally for Atlantic bluefin tuna in the school, large school, and small medium size classes and other tunas such as bigeye, albacore, yellowfin, and skipjack tunas must obtain a permit in the HMS Angling category. **This permit is required if fishing in Federal or State waters.** Please see the table below on the size classes for bluefin tuna. The HMS Angling permit is not required to fish for Atlantic blackfin tuna or Atlantic bonito. Owners of vessels possessing an Atlantic HMS Angling permit may not sell or transfer any Atlantic HMS for a commercial purpose. Owners of charter or headboats used to fish for Atlantic HMS (including sharks) must obtain an annual HMS Charter/Headboat permit.

Only one type of HMS or Atlantic Tunas permit may be issued to a vessel (Atlantic HMS Angling, HMS Charter/Headboat, or Atlantic Tunas). HMS Angling and Charter/Headboat permits are available by calling 1-888-872-8862 or by logging onto www.nmfspermits.com.

Q2: *May I sell my tunas?*

A: Atlantic tunas may only be sold by fishermen permitted in a commercial category. If you have an HMS Angling category permit, you may not sell tunas.

Q3: *What are the allowable gear types in the HMS Angling category?*

A: Recreational anglers are allowed to use rod and reel (including downriggers and rodholders) or handline.

Q4: *When is the fishing year for recreationally landed bluefin, bigeye, albacore, yellowfin, and skipjack tunas?*

A: The recreational fishing year is from June 1 to May 31, or, for bluefin, until the quota has been met. This also applies to HMS Charter/Headboats fishing under the bluefin tuna Angling category quota. For more information on Charter/Headboat fishing, please see Section XII.

Q5: *What are the fishing seasons for recreational angling for tunas?*

A: The tuna fishing season for private recreational anglers opens June 1 and closes May 31 or when the quota for the category is met (for bluefin tuna). Seasons and

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recreational retention limits for school, large school, and small medium bluefin tuna change seasonally. Therefore, anglers should visit www.nmfspermits.com, or call (888) 872-8862 or (978) 281-9305 to check the current retention limits. Recreational anglers are limited to one large medium or giant bluefin tuna (“trophy”) per vessel per year that may not be sold. See above for reporting requirements for recreational bluefin landings. Currently, there are no seasonal restrictions on recreational fishing for tuna species other than bluefin.

Q6: *What are the annual quotas for recreationally landed bigeye, albacore, yellowfin, and skipjack tunas?*

A: There are currently no U.S. domestic quotas for bigeye, albacore, yellowfin, and skipjack tunas.

Q7: *What are the fishing year quotas in the HMS Angling category for bluefin tuna?*

A: The quota allocation percentages for all bluefin tuna categories are set in the HMS FMP. The HMS Angling category is allocated 19.7 percent of the U.S. domestic landings quota for bluefin tuna. On July 10, 2003, NOAA Fisheries proposed the quotas shown below, not including carryover adjustments from 2002, based on the U.S. landings quota negotiated at the International Commission for the Conservation of Atlantic Tunas (68 FR 41103). The proposed annual baseline Angling category quota is 288.6 mt. Actual annual quotas may vary due to quota over- and underharvests, which are carried forward from year to year. The HMS Angling category quota for bluefin tuna is subdivided by size class of fish and area landed. These subdivisions are shown in the table below.

Atlantic bluefin tuna size category	Percentage Allocation	2003 Proposed Baseline Quota
School	8% of total U.S quota	97.1mt
Reserve	18.5 % of school quota	22.1 mt
North	47.2 % after sch. reserve	45.8 mt
South	52.8 % after sch. reserve	51.3 mt
Lg. Sch./ Sm. Med.	57.1% of Angling quota	162.8 mt
North	47.2 % of lg sch/sm med	76.8 mt
South	52.8 % of lg sch/sm med	86.0 mt
Trophy	2.3% of Angling quota	6.6 mt
North	33.3 % of Trophy quota	2.2 mt
South	66.7 % of Trophy quota	4.4 mt

Q8: *Where is the separation between “North” and “South” regions for the bluefin tuna HMS Angling category quota?*

A: The North area is north of 39°18'N (North of Great Egg Inlet, NJ), while the South area is south of 39°18'N (Great Egg Inlet, NJ, and South).

Q9: *If I have an Angling category permit, how many bluefin, bigeye, albacore, yellowfin, and skipjack tunas may I keep?*

A: Seasons and recreational retention limits for school, large school, and small medium bluefin tuna change seasonally. Therefore, anglers should visit www.nmfspermits.com, or call (888) 872-8862 or (978) 281-9305 to check the current retention limits. Recreational anglers are limited to one large medium or giant bluefin tuna (“trophy”) per vessel per year that may not be sold. See above for reporting requirements for recreational bluefin landings. Anglers may retain three yellowfin tuna per person per trip. There are currently no recreational retention limits for bigeye,

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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albacore, and skipjack tunas.

Q10: *What are the minimum sizes for landing bluefin, bigeye, albacore, yellowfin, and skipjack tunas in the recreational fishery?*

A: The minimum size is 27" curved fork length for bluefin, yellowfin and bigeye tunas. There is currently no minimum size for albacore or skipjack tuna. Please see the figure in the Commercial Tuna section for instructions on measuring curved fork length.

Q11: *What are the reporting requirements for tunas landed by recreational anglers?*

A: Recreational landings of bluefin tuna must be reported within 24 hours of landing to the NOAA Fisheries Automated Catch Reporting system (call (888) 872-8862 or visit www.nmfspermits.com) or, in North Carolina or Maryland, to a reporting station. In North Carolina, call the North Carolina Harvest Tagging Program at (800) 338-7804. In Maryland, call the Maryland Department of Natural Resources at (410) 213-1531 for reporting station locations. If contacted on the dock or by phone, recreational anglers are encouraged to cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q12: *What are the size class categories for bluefin tuna in the recreational fishery?*

A: Curved fork length (CFL) is the sole criterion for determining the size class of Atlantic tunas but pectoral fin curved fork length (PCFL) and approximate whole weight (ww) are provided as well. The size classes for bluefin tuna are below. Please see the figure in the Commercial Tuna section for instructions

on measuring curved fork length.

Size class	Bluefin tuna size
Young school	< 27" CFL; < 20" PCFL; or < ~ 14 lbs ww
School	27 - 47" CFL; 20 - 35" PCFL; or ~ 14 - 66 lbs ww
Large School	47 - 59" CFL; 35 - 44" PCFL; or ~ 66 - 135 lbs ww
Small Medium	59 - 73" CFL; 44 - 54" PCFL; or ~ 135 - 235 lbs ww
Large Medium	73 - 81" CFL; 54 - 60" PCFL; or ~ 235 - 310 lbs ww
Giant	> 81" CFL; > 60" PCFL; or > ~ 310 lbs ww

Q13: *Am I allowed to fish for tuna without a vessel, e.g. from shore, from an oil rig, etc.?*

A: Only persons on board permitted vessels may fish for Atlantic bluefin, bigeye, yellowfin, albacore, or skipjack tunas in the U.S. EEZ, including the Gulf of Mexico and Caribbean Sea.

Q14: *Can I dress any tuna I keep?*

A: You may remove the head, gut the fish, and remove most of the fins. However, the tail and at least one pectoral fin must remain attached through landing.

X. RECREATIONAL SWORDFISH FISHING

Q1: *If I do not intend to sell my swordfish, do I need a permit to catch Atlantic swordfish?*

A: Yes. Owners of vessels used to fish recreationally (i.e., no sale of fish) for Atlantic HMS (including North Atlantic swordfish), or

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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on which Atlantic HMS are retained or possessed, must obtain an Atlantic HMS Angling permit. **For North Atlantic swordfish, this permit requirement is applicable only when fishing in Federal waters, although state regulations may also apply.** Owners of vessels possessing an Atlantic HMS Angling permit may not sell or transfer any Atlantic HMS for a commercial purpose. Owners of charter or headboats used to fish for Atlantic HMS (including swordfish) must obtain an annual HMS Charter/Headboat permit. Only one type of HMS or Atlantic Tunas permit may be issued to a vessel (Atlantic HMS Angling, HMS Charter/Headboat, or Atlantic Tunas). HMS Angling and Charter/headboat permits are available by calling 1-888-872-8862 or by logging onto www.nmfspermits.com. For more information on HMS Charter/Headboat permits, please refer to the charter/headboat section below.

Q2: *What gears may recreational anglers use to catch swordfish?*

A: Except for persons aboard a vessel that has been issued a limited access North Atlantic swordfish permit, no person may fish for swordfish with, or possess a swordfish taken by, any gear other than handline or rod and reel. Handline is defined as gear that consists of a mainline to which no more than two leaders (gangions) with hooks are attached, and that is released and retrieved by hand, rather than by mechanical means. To reduce the mortality of swordfish that are released, NOAA Fisheries strongly encourages the use of circle hooks.

Q3: *Is there a minimum size requirement for recreationally landed swordfish?*

A: Yes. For whole (head on) North Atlantic swordfish, the minimum size is 47" (119 cm) lower jaw fork length (LJFL). If the head or tail of the swordfish has been removed prior to the time of landing, a minimum size of 29" (73 cm) from cleithrum to caudal keel, or a 33 lb (15 kg) minimum dressed weight shall be applied in all cases. A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass is at least 29 inches (73 cm) CK, 47 inches (119 cm), LJFL, or 33 lb (15 kg) dressed weight. Please see the figure in the Commercial swordfish section for instructions on the cleithrum to caudal keel measurements and the Billfish section for instructions on measuring lower jaw fork length. Recreational anglers may not land Atlantic swordfish south of 5°N latitude.

Q4: *Is there a recreational swordfish retention limit?*

A: Yes. One North Atlantic swordfish per person, up to three per vessel per day, may be retained. Regardless of the length of the trip, no more than the daily limit of swordfish may be possessed on board a vessel. Recreational anglers may not land Atlantic swordfish south of 5°N latitude.

Q5: *What are the monitoring and reporting requirements for recreationally landed swordfish?*

A: All recreational, non-tournament landings of North Atlantic swordfish, including those landed by a charter or headboat, must be reported within 24 hours of landing to NOAA Fisheries by the permitted owner of the vessel landing the fish. A landed fish generally means a fish that is kept and brought to shore. To report a landing, vessel owners should call

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
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1-800-894-5528. Vessel owners will be asked by the automated system to provide a contact number so that NOAA Fisheries can obtain follow-up information and provide a confirmation of the reported landing. The follow-up call is intended to prevent the filing of false reports. A landing report is not complete until the vessel owner receives a confirmation number from NOAA Fisheries. In Maryland and North Carolina, vessel owners should report their recreational swordfish landings at state-operated landing stations. For reporting information in Maryland, contact (410) 213-1531. In North Carolina, contact (800) 338-7804. Also, anglers may be contacted on the dock or by phone and asked to participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS). Anglers are strongly encouraged to participate in these surveys to facilitate scientific research on these species.

Q6: *How will recreational swordfish landing reports be verified so that false reports are not submitted?*

A: During the initial call-in, the vessel owner will be asked by an automated system to provide a return telephone number and other information. NOAA Fisheries will then return each call to identify the landing by vessel permit number and/or documentation number. Upon obtaining this information, the vessel owner will be given a confirmation number. If NOAA Fisheries is unable to contact a vessel owner and provide a confirmation number, the landings report will not be considered complete.

Q7: *Must I report landings of swordfish caught in a tournament?*

A: Landings from a registered HMS

tournament are exempt from the call-in reporting requirement because tournament operators are responsible for providing landings information to NOAA Fisheries, and because all HMS tournaments are required to be registered. If a tournament operator fails to register a tournament and/or report landed swordfish, it is the vessel owner's responsibility to report the landing. Please refer the Section XIII for more information on HMS tournaments.

Q8: *Can I dress any swordfish I keep?*

A: Yes. You may gut and remove the head of a swordfish. However, you may not cut the remaining carcass into pieces while on your vessel. If the head or tail of a swordfish has been removed prior to the time of landing, a minimum size of 29" (73 cm) from cleithrum to caudal keel, or a 33 lb (15 kg) minimum dressed weight shall be applied in all cases.

XI. BILLFISH FISHING

Q1: *What if I encounter Atlantic billfish while fishing?*

A: Retention of longbill spearfish is prohibited in the U.S. EEZ. Recreational fishing (*i.e.*, no sale of fish) for Atlantic blue marlin, white marlin, and sailfish is allowed if the vessel owner possesses an Atlantic HMS Angling permit. **The HMS Angling permit is required when fishing for HMS in Federal waters, however state regulations may also apply.** The following answer describes how to obtain an HMS Angling permit.

Q2: *If I do not sell fish, do I need a permit to fish for Atlantic billfish?*

A: Yes. Owners of vessels used to fish

recreationally for Atlantic HMS (including blue marlin, white marlin, and sailfish), or on which Atlantic HMS are retained or possessed, must obtain an Atlantic HMS Angling category permit. **This permit is required when fishing for HMS in Federal waters, although state regulations may also apply.** Owners of vessels possessing an Atlantic HMS Angling permit may not sell or transfer for a commercial purpose any Atlantic HMS. Owners of charter or headboats used to fish for Atlantic HMS (including blue marlin, white marlin, and sailfish) are required to obtain an annual HMS Charter/Headboat permit. Only one type of HMS or Atlantic Tunas permit may be issued to a vessel (Atlantic HMS Angling, HMS Charter/Headboat, or Atlantic Tunas). HMS Angling and Charter/headboat permits are available by calling 1-888-872-8862 or by logging onto www.nmfspermits.com. For more information on HMS Charter/Headboat permits, please see the charter/headboat section below.

Q3: *What gears may I use to fish for Atlantic billfish?*

A: You may only use rod and reel gear to fish for Atlantic billfish. To reduce the mortality of billfish that are released, NOAA Fisheries strongly encourages the use of circle hooks. You may not possess or retain Atlantic billfish if pelagic longline gear is on board the vessel.

Q4: *When is the fishing year for Atlantic billfish?*

A: The fishing year for Atlantic billfish is June 1 to May 31.

Q5: *Is there a retention limit for Atlantic billfish?*

A: You may not keep longbill spearfish caught in the U.S. EEZ. There are no retention limits for Atlantic sailfish, blue marlin and white marlin. NOAA Fisheries strongly encourages recreational anglers to release all billfish alive. To reduce the mortality of billfish that are released, NOAA Fisheries also encourages the use of circle hooks.

Q6: *What are the minimum size limits for Atlantic billfish landed in the recreational fishery?*

A: The minimum size limits in lower jaw fork length (LJFL) are:

Billfish species	Minimum size
Blue Marlin	99" (251 cm) LJFL*
White Marlin	66" (168 cm) LJFL*
Sailfish	63" (160 cm) LJFL**
Spearfish	Retention prohibited**

* Size limits apply throughout the Atlantic Ocean and adjacent waters to U.S. citizens and U.S. flagged vessels

** Size limit for sailfish and retention prohibition for spearfish apply shoreward of the outer boundary of the U.S. EEZ

Q7: *How do I correctly measure lower jaw fork length?*

A: Lower jaw fork length (LJFL) is a straight line measurement from the tip of the lower jaw to the fork of the caudal fin. The figure of the sailfish below demonstrates how to take this measurement.

See the last two pages of this Guide for a list of contacts.

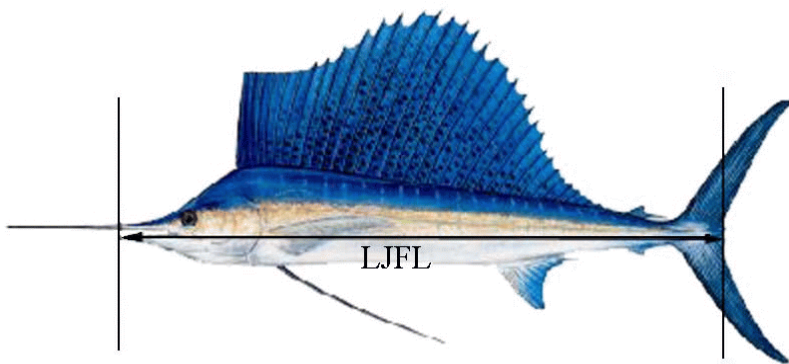
Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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27 - Billfish Fishing

Q8: *What are the monitoring and reporting requirements for recreational anglers targeting Atlantic billfish?*

A: All recreational, non-tournament landings of Atlantic blue marlin, Atlantic white marlin, and Atlantic sailfish, including those landed on a charter/headboat, must be reported to NOAA Fisheries within 24 hours of landing by



the permitted owner of the vessel landing the fish. A landed fish generally means a fish that is kept and brought to shore. To report a landing, vessel owners should call toll-free 1-800-894-5528. Vessel owners will be asked by the automated system to provide a contact number so that NOAA Fisheries can obtain follow-up information and provide a confirmation of the reported landing. The follow-up call is intended to prevent the filing of false reports. A landings report is not considered complete until the vessel owner receives a confirmation number from NOAA Fisheries. In Maryland and North Carolina, vessel owners should report their recreational billfish landings at state-operated reporting stations. For reporting information in Maryland, contact (410) 213-1531. In North Carolina, contact (800) 338-7804. Also, anglers may be contacted on the dock or by phone and asked to participate in the Large Pelagic Survey (LPS) or Marine Recreational

Fisheries Statistics Survey (MRFSS). Anglers are strongly encouraged to participate in these surveys to facilitate scientific research on these species.

Q9: *How will recreational billfish landing reports be verified so that false reports are not submitted?*

A: During the initial call-in, the vessel owner will be asked by the automated system to provide a return telephone number and other information. NOAA Fisheries will then return each call in order to identify the landing by vessel permit number and/or documentation number. Upon obtaining this information, the vessel owner will be given a confirmation number. If NOAA Fisheries is unable to contact a vessel owner and provide a confirmation number, the landing report will not be considered complete.

Q10: *Must I report landings of billfish caught in a tournament?*

A: Landings from a registered HMS tournament are exempt from the telephone call-in requirement because tournament operators are responsible for providing the information to NOAA Fisheries, and because all HMS tournaments are required to be registered. If a tournament operator fails to register a tournament and report landed billfish, it is the vessel owner's responsibility to report the landing. Please refer to Section XIII for more information on HMS tournaments.

Q11: *If I am a recreational angler who participates in tournaments in parts of the Atlantic outside the U.S. EEZ, (for example, in the Caribbean), do I have to comply with U.S. domestic regulations?*

A: Depending on your circumstances, the answer to this question may change. Generally, U.S. flagged vessels are required to comply with U.S. domestic regulations that pertain to Atlantic HMS while fishing in the Atlantic. Some U.S. citizens, even on foreign flagged vessels, may need an exempted fishing permit. Please call HMS Headquarters at (301) 713-2347 to discuss your specific situation.

Q12: *Are the billfish that I release alive considered as bycatch?*

A: If you are a commercial fishermen (i.e., you sell fish), any billfish caught is considered bycatch. If you are a recreational angler (i.e., you do not sell fish), any billfish released alive are not considered to be bycatch. NOAA Fisheries established the recreational catch-and-release fishery management program for Atlantic billfish in recognition of the unique characteristics of the billfish fishery.

Q13: *Can I dress any billfish that I keep?*

A: Billfish must be landed with its head, fins, and bill intact through landings. You may gut the fish as long as it is otherwise maintained in whole condition.

XII. CHARTER/HEADBOAT FISHING

Q1: *Do Charter/Headboats need a permit?*

A: Yes. All charter/headboats that fish for or possess any HMS must have an HMS Charter/Headboat permit. Atlantic HMS Charter/Headboat permits are obtained through the same system as Atlantic tunas permits.

Visit www.nmfspermits.com or dial (888) 872-8862. Customer Service for the Automated Permitting System can be reached by pressing "0" from the main menu.

Q2: *If I have an HMS Charter/Headboat permit, do I need to keep a logbook and have a NOAA Fisheries observer on board?*

A: If NOAA Fisheries sends you a letter telling you that you have been selected to complete a logbook, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips or before offloading for one-day trips. You must submit the logbook to NOAA Fisheries within 7 days of offloading any HMS. If NOAA Fisheries sends you a letter telling you that you have been selected to complete the cost-earnings section of the logbook, you must 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. You do not have to have an 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 Headquarters Office at (301) 713-2347.

Q3: *What gear types may I use with a Charter/Headboat permit?*

A: If you are fishing for Atlantic bluefin tuna, you are only allowed to use rod and reel (including downriggers) and handline. If you are fishing for other tunas, you may use any gear type authorized for tuna fishing. For the other species, the authorized gear is species-specific. Please refer to the species-specific recreational fishing sections earlier in this

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
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guide.

Q4: *I currently hold the HMS Charter/Headboat permit. What is a “for-hire” trip? And how does it affect how many yellowfin tuna may I keep?*

A: NOAA Fisheries 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 vessel. The number of persons aboard is enumerated inclusive of the operator and crew and the retention limits would also apply to the operator and crew. HMS Charter/Headboat vessels are subject to the recreational yellowfin tuna limits, i.e., 3 fish per person per day, only when engaged in ‘for-hire’ fishing. Commercial yellowfin tuna limits would apply if there were no fee-paying passengers on board, there were three or fewer persons on board for a vessel licensed to carry six or fewer, or there were less than the number of crew specified on the vessel’s Certificate of Inspection for a U.S. Coast Guard inspected vessel.

Q5: *I currently hold the HMS Charter/Headboat category permit and a limited access shark permit. What shark retention limits apply, and when do they apply?*

A: HMS Charter/Headboat vessels that also possess a commercial limited access shark permit are subject to the recreational shark retention limits when engaged in for-hire fishing. The retained sharks could be sold if allowed at the time under the commercial regulations (i.e., the commercial fishery was

open), otherwise no sale would be allowed. While the commercial shark fishery is open, vessels may retain shark under the commercial limits while not engaged in for-hire fishing.

Q6: *I hold the HMS Charter/Headboat category permit and operate an United States Coast Guard Inspected vessel. How many bluefin tuna am I allowed to retain?*

A: Owners/operators of vessels that possess the HMS Charter/Headboat permit and operate a United States Coast Guard Inspected vessel are required to abide by the recreational bluefin tuna retention limits. Over the last few years, NOAA Fisheries has implemented a liberalized bluefin tuna retention limit for these inspected vessels in the later portion of the season. Vessel operators should check the web site or telephone information lines to verify the bluefin tuna retention limit on any given day.

Q7: *I currently hold the HMS Charter/Headboat category permit and a limited access swordfish permit. What swordfish retention limits apply, and when do they apply?*

A: HMS Charter/Headboat vessels that also possess a commercial limited access swordfish handgear permit are subject to the recreational swordfish retention limits when engaged in for-hire fishing. The retained swordfish could be sold if allowed at the time under the commercial regulations (i.e., the commercial fishery was open), otherwise no sale would be allowed. While the commercial swordfish fishery is open, vessels may retain swordfish under the commercial limits while not engaged in for-hire fishing.

Q8: *I currently hold the HMS Charter/Headboat category permit. Do I need the HMS*

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
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Angling category permit as well?

A: No. NOAA Fisheries issues permits for the HMS Charter/Headboat fishery and manages the fleet as a unique sector due to its intrinsic mix of commercial and recreational operations. Charter and Headboat operators should continue to apply for the HMS Charter/Headboat permit, which covers the same fish as the HMS Angling permit. Only one type of HMS or Atlantic Tunas permit may be issued to a vessel (Atlantic HMS Angling, HMS Charter/Headboat, or Atlantic Tunas).

Q9: *What is the fishing year for Charter/Headboat fishing?*

A: Fishing years are based on species, not permit type. However, if you are fishing for bluefin tuna, the fishing year begins on June 1 and lasts until the quota is filled. For other species, please see the appropriate commercial section above to determine fishing year.

XIII. HMS TOURNAMENTS

Q1: *If I am a tournament operator, do I need to register my tournament with NOAA Fisheries?*

A: Yes. If you operate a tournament that requires participants to register, or enter, or in which a prize or award is offered for Atlantic HMS and the tournament is conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, you must notify NOAA Fisheries of the tournament name, location, dates, director and contact information of the tournament at least 4 weeks prior to commencement of the tournament. To register your tournament, please call the HMS St. Petersburg Office at (727) 570-5447 or download it at:

www.nmfs.noaa.gov/sfa/hms/tournament.htm or by clicking on “Tournaments” at www.nmfspermits.com.

Q2: *How will I know if my tournament has been selected for reporting?*

A: NOAA Fisheries will notify HMS tournament operators in writing if a tournament has been selected for reporting. If a tournament is selected, a reporting form will be sent to the operator. The reporting form must be returned to NOAA Fisheries within 7 days after tournament fishing has been completed.

Q3: *Why are tournament registration and reporting necessary?*

A: Tournament registration and reporting is a critical component of the HMS monitoring program. The collected information is used to estimate tournament fishing effort and landings of HMS for stock assessments, national and international reports and other monitoring efforts.

XIV. HMS EXEMPTED FISHING PERMITS

Q1: *What are exempted fishing permits?*

A: Exempted fishing permits for HMS are generally issued to authorize activities otherwise prohibited by the Atlantic HMS regulations. Such permits are at times necessary to facilitate the conduct of scientific research or the acquisition of data for species that would otherwise be prohibited for harvesting, for the enhancement of safety at sea, for the purpose of collecting animals for

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Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
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public education or display, for investigating means of reducing bycatch, economic discards or regulatory discards, or for the purpose of limited testing of fishing gear and methods. More importantly, this process can facilitate the collection of information to determine if regulatory changes are needed.

Q2: *How do I apply for an exempted fishing permit?*

A: Applications for exempted fishing permits must be mailed to HMS Headquarters and must include: the date of the application; the applicant's name, address, and telephone number; a statement of the purpose, goal, justification of the fishing activity, and the need for an exempted fishing permit; for each vessel, a copy of the U.S. Coast Guard documentation or state license and the current name and address of the vessel's owner; the species expected to be harvested under the permit (incidental and target); the amount of fish likely to be harvested; the likelihood that species to be released alive will be released with a minimum of injury; the arrangements for disposition of all regulated species (including a description of the facilities where the animals will be maintained if for display purposes); anticipated impacts on marine mammals, sea turtles, and sea birds; the approximate times and places the fishing will take place; the type, size, and amount of gear to be used; and the signature of the applicant. Any activity needing an exempted fishing permit is subject to the conditions specified in the permit including the submission of fishing reports. Exempted fishing permits can take up to 60 days to process. Applications are not always approved.

XV. HMS OBSERVER

COVERAGE

Q1: *What does an observer do?*

A: An observer collects biological information on all the fish or other species caught. Often times this information such as the species sex and size is not required on logbook forms. The observer also records information that is similar to that recorded on logbooks such as the gear used, fishing location, and the number of fish caught and discarded. The information collected is used in stock assessments and to help NOAA Fisheries verify logbook information. 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 should be able to provide you with basic information regarding regulations and should help fishermen release any protected species appropriately.

Q2: *Do I need to carry an observer?*

A: If you are notified by NOAA Fisheries in writing that your vessel is selected, you are required to carry an observer on every trip unless notified otherwise. Information on how to comply with the observer requirement is included in the package that notifies you of your selection. If you are selected, you must comply with all U.S. Coast Guard and NOAA Fisheries safety regulations. These regulations include having a valid safety decal for your vessel, having a useable life raft that will fit everyone on the vessel, including the observer, and providing the observer with the same

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accommodations as any crew member. Additional information regarding these regulations are included on the selection letter. You will be compensated for any food eaten by the observer for the duration of the trip. Harassing an observer or preventing an observer from carrying out his/her duties is illegal.

XVI. UPCOMING RULES AND EVENTS

The following is a list of rules that were proposed when this compliance guide was drafted, rules that were expected to be proposed shortly, or events that could modify the regulations described here. This list does not signify that these rules will be finalized as proposed. Rather they are included to give the reader an idea of what regulations may have changed since the publication of this Guide.

Proposed Rules

1. Billfish Recreational Fishing
2. ICCAT Trade Measures
3. Bluefin Tuna Regulatory Amendment

Final rules

1. Swordfish Specifications
2. Bluefin Tuna Specifications/Permit Revisions
3. Exempted Fishing Permit Procedures
4. Shark FMP Amendment

Upcoming events or possible regulations

1. Conservation of Atlantic Tunas Meeting and stock assessments
2. 2004 Pelagic shark stock assessment
3. HMS FMP Amendment 2 - Review of bluefin tuna, swordfish, and shark quota allocations, HMS limited access program improvements and streamlining, HMS essential fish habitat five-year review, exempted fishing and scientific research permit issues.

XVII. CONTACT LIST

NOAA FISHERIES HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION

Christopher Rogers, Chief
<http://www.nmfs.noaa.gov/sfa/hmspg.html>
HMS information line (*recorded information only*): (800) 894-5528

HMS Headquarters Office:

Phone: (301) 713-2347; Fax: (301) 713-1917
1315 East-West Highway, NMFS/SF1
Silver Spring, MD 20910

Species and Regulations

Commercial Swordfish	Sharks
Exempted fishing permits	Fax network
Pelagic and bottom longline	Protected Species
Shark and Swordfish Limited Access	

HMS Gloucester Office

Phone: (978) 281-9260; Fax: (978) 281-9340
One Blackburn Drive, NMFS/SF1
Gloucester, MA 01930-2298

Species and Regulations

Atlantic tunas Atlantic tunas dealer reporting
Bluefin tuna Statistical Document Program
Charter/Headboat operations

HMS St. Petersburg Office

Phone: (727) 570-5447; Fax: (727) 570-5656
9721 Executive Center Drive
St. Petersburg, FL 33702-2432

Species and Regulations

Billfish Recreational Swordfish
Tournament registration
Billfish and Swordfish Certificate of Eligibilities

FISHING AND DEALER PERMITS

NMFS Southeast Regional Permit Office - for Atlantic

Shark and Swordfish Vessel and Dealer permits
Phone: (727) 570-5326; Fax: (727) 570-5583
9721 Executive Center Drive North
St. Petersburg, FL 33702
Webpage:

<http://caldera.sero.nmfs.gov/fishery/permits/permit.htm>

Atlantic tunas, Atlantic HMS Charter/Headboat and
HMS Angling Vessel Permits - Automated Permitting
System

See the last two pages of this Guide for a list of contacts.
Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
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Phone: (888) 872-8862

Webpage: <http://www.nmfspermits.com/>

NMFS Northeast Region Permit Office - for Atlantic
Tunas Dealer Permits

Phone: (978) 281-9370; Fax: (978) 281-9366

One Blackburn Drive
Gloucester, MA 01930

NOAA FISHERIES ENFORCEMENT OFFICES

Ellsworth, ME	(207) 664-0508
Portland, ME	(207) 780-3241
Portsmouth, NH	(603) 436-3186
Manchester, MA	(978) 526-4802
Gloucester, MA	(978) 281-9213
Braintree, MA	(781) 843-9267
New Bedford, MA	(508) 992-7711
Bellport, NY	(631) 776-1734
Wall, NJ	(732) 528-3315
Marmora, NJ	(609) 390-8303
Ocean City, MD	(410) 629-1258
Newport News, VA	(757) 595-2692
Kitty Hawk, NC	(252) 449-0456
Charleston, SC	(843) 308-9861
Brunswick, GA	(912) 261-8242
Titusville, FL	(321) 269-0004
Miami, FL	(786) 845-9580
Marathon, FL	(305) 743-3110
Fort Meyers, FL	(941) 334-2575
St. Petersburg, FL	(727) 570-5344
Niceville, FL	(850) 729-8628
Carriere, MS	(601) 798-9535
Baton Rouge, LA	(225) 769-3134
Austin, TX	(512) 916-5400
Galveston, TX	(409) 766-3701
Harlingen, TX	(956) 423-3450
Guaynabo, PR	(787) 749-4405

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 Hotline (800) SAVE-FISH

Coast Guard Regulations

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

Maine to New York (617) 223-8315

New Jersey to North Carolina 757) 398-6304

South Carolina to Florida (305) 536-5091

Gulf of Mexico (504) 589-4999

COOPERATIVE TAGGING PROGRAMS

To obtain a TUNA tagging kit or report a tag recovery:
(800) 437-3936

To obtain a SHARK tagging kit or report a tag recovery:
APEX Predator Program
NOAA/NMFS
28 Tarzwell Drive
Narragansett, RI 02882
www.nefscsharks.nmfs.gov

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 the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

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