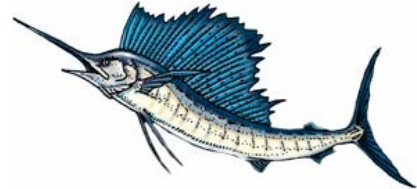




Guide for Complying with the Atlantic Tunas, Swordfish, Sharks, and Billfish Regulations



National Marine
Fisheries Service

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Highly Migratory Species Management Division

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

The *Consolidated Atlantic Highly Migratory Species Fishery Management Plan* (HMS FMP) was developed for the integrated management of those HMS within the Atlantic Ocean and adjacent waters, the Caribbean Sea, and Gulf of Mexico. The HMS FMP was approved in 2006, and updated and consolidated previous versions of fishery management plans for Atlantic tunas, sharks, swordfish, and billfish.

The objectives of the HMS FMP include, among other things, preventing overfishing of HMS stocks, rebuilding overfished HMS stocks, minimizing bycatch in HMS fisheries, establishing a foundation for international conservation of HMS stocks, and minimizing adverse impacts to fishing communities from management actions. These objectives are implemented via the HMS regulations.

Consistent with the HMS FMP, NMFS recently updated and amended several regulations. Important changes are

highlighted in the “What’s New?” section of this 2007 Compliance Guide, and other changes are noted under the applicable sections within this document.

This 2007 Compliance Guide amends all previous guides and is produced in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act. This guide is intended to provide a plain-language summary of how to comply with the regulations for Atlantic tunas, swordfish, sharks, and billfish.

For the official and complete set of regulations, please see 50 CFR part 635 and other relevant parts of the CFR (electronic version of CFR at www.gpoaccess.gov), and the *Federal Register*. Since fishery rules frequently change, fishermen must familiarize themselves with the latest regulatory updates and are responsible for complying with the current official regulations. If there is a discrepancy between the regulations in 50 CFR part 635 or other applicable CFR parts, and the answers given in this Guide, the regulations will take precedence.

You may request a copy of a particular rule or current updates by calling the NMFS HMS Management Division at (301) 713-2347 or by viewing the HMS website at www.nmfs.noaa.gov/sfa/hms.



What's New in Atlantic HMS Regulations?



New regulatory requirements were implemented under the Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP), and announced in the Federal Register since the previous October 2006 Compliance Guide. Some of the new requirements are summarized below and some requirements/regulations may have changed since October 2006. Please see the complete regulatory text, which takes precedence over the information provided here.

Receive Timely Regulatory Updates

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

Billfish

- Billfish tournament circle hook requirements have been suspended from May – December 31, 2007, to allow anglers time to become proficient with circle hooks and familiar with their benefits. During this period, J-hooks may be used by billfish tournament anglers. Beginning January 1, 2008, anglers fishing from HMS permitted vessels and participating in billfish tournaments must use only non-offset circle hooks when deploying natural bait or natural bait artificial lure combinations.

Bluefin Tuna

- Effective July 18, 2007: (1) the carryover of U.S. total underharvest is limited to no more than 50 percent of the U.S. Total Allowable Catch (TAC); (2) the Angling category subquota for school BFT (measuring 27 inches to less than 47 inches) is limited to 10 percent of the initial U.S. TAC, calculated on a four-year basis (2007-2010); and (3) a one-time transfer of up to 15 percent of the U.S. TAC to other contracting parties with TAC allocations, consistent with domestic obligations and conservation considerations is allowed.

Swordfish

- Vessels issued an HMS Angling category permit may retain, possess, or land no more than one North Atlantic swordfish per person, up to four per vessel per trip.
- Vessels issued an HMS CHB permit that are charter vessels may retain, possess, or land no more than one North Atlantic swordfish per paying passenger, up to six per vessel per trip. Headboat vessels issued an HMS CHB permit are limited to 15 North Atlantic swordfish per vessel per trip.
- Incidental permit holders may keep up to 15 North Atlantic swordfish with trawl on a squid trip, and 30 swordfish per trip may be kept for all other authorized gears.

Reporting

- Owners of recreational and Charter/Headboat vessels, or their designee, must report landings of non tournament recreationally caught Atlantic blue marlin, white marlin, sailfish, and swordfish to NMFS within 24 hours of landing at the dock. Anglers may report via the internet or by phone. Landings from a registered HMS tournament are exempt from the call-in or internet reporting requirement, but still need to be reported through the tournament landing report if selected for reporting.
- Landings from a registered HMS tournament are exempt from the call-in or internet reporting requirement, but still need to be reported through the tournament landing report if selected for reporting.

Time/Area Closures

- Six year-round bottom longline (BLL) closures in the Caribbean have been implemented (outlined at 50 CFR Part 622.33(a)(1) – (3)) for HMS vessels with BLL onboard to protected essential fish habitat (EFH).
- Southeast right whale calving area - Shark gillnet fishing is prohibited by the large whale regulations each year in the Southeastern U.S. restricted area. The Southeastern U.S. Atlantic shark gillnet fishery is exempt from this prohibition, following certain specifications outlined at 50 CFR §229.32(f)(4)(iii).

Upgrading Restrictions for Limited Access Permits

- New upgrading restrictions for vessels issued limited access permits have been implemented

- The upgrading restrictions now differ, depending upon whether a vessel has concurrently been issued, or is eligible to renew, each of the following limited access permits on August 6, 2007: 1) incidental or directed swordfish permit; 2) incidental or directed shark permit; 3) an Atlantic Tunas Longline category permit.

Changes to Dehooking Equipment Required in HMS Fisheries

- Shark bottom longline vessels must possess, maintain, and utilize the same sea turtle safe handling equipment and follow the same protocols as required in the pelagic longline fishery.

General

- Because Atlantic tunas, HMS Charter/Headboat, and HMS Angling category vessel permits issued for the 2007 fishing year are effective through December 31, 2008, NMFS will allow permit holders to make a permit category change for the 2008 fishing year, *i.e.*, once during the period of January 1, 2008, through May 31, 2008.

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I. GEAR DEFINITIONS

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

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

Commercial Gear Type

Gear Type	Shark	Tuna	Swordfish
Pelagic Longline	X	X	X
Bottom Longline	X	X	X
Handline	X	X	X
Buoy Gear*			X
Harpoon		X	X
Rod and Reel	X	X	X
Bandit Gear	X	X	X
Gillnet	X		
Trap		X	
Purse Seine		X	

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

Recreational Gear Type

Gear Type	Shark	Tuna	Swordfish	Billfish
Handline	X	X	X	
Rod and Reel*	X	X	X	X
Speargun		X BAYS** Only		
Bandit Gear (Charter/Headboat only)		X		

*including downriggers

** BAYS tunas include Bigeye, Albacore, Yellowfin, and Skipjack

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 a longline 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. Your vessel has bottom longline onboard when the following equipment is on board:

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

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

Q5. *How will pelagic and bottom longline gears be distinguished?*

A: To ensure compliance with closures,

composition of catch will be used to differentiate between bottom longline and pelagic longline gear, in addition to the definitions for these gears. Pelagic longline vessels fishing in areas closed to bottom longline gear may not possess demersal species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) on board the vessel. Conversely, bottom longline vessels fishing in areas closed to pelagic longline gear may not possess pelagic species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) on board the vessel. Please see Section III, Q10 for a list of demersal and pelagic indicator species.

Q6: *What is handgear?*

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

Q7: *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, and must be attached to, or in contact with, a vessel.

Q8: *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.

Q9: *What is rod and reel?*

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

Q10: *What is a downrigger?*

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

Q11: *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.

Q12: *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).

Q13: *What is a shark gillnet?*

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

Q14: *What is a purse seine?*

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

Q15: *What is buoy gear?*

A: Buoy gear consists of one or more floatation devices supporting a single mainline to which no more than two hooks or gangions are attached. This gear may be free-floating and is not required to be attached to, or in contact with, a vessel; however, it must be released and retrieved by hand. Vessels utilizing buoy gear are limited to possessing or deploying no more than 35 floatation devices. Monitoring

equipment such as radar reflectors, beeper devices, lights, or reflective tape must be attached. Individual buoy gears must not be attached to one another.

Q16: *What is speargun gear?*

A: Speargun gear consists of a muscle-powered speargun equipped with a trigger mechanism, a spear with a tip designed to penetrate and retain fish, and terminal gear. Terminal gear may include, but is not limited to, trailing lines, reels, and floats. The term “muscle-powered speargun” means those spearguns that store potential energy provided from the operator’s muscles, and that release only the amount of energy that the operator has provided to it from his or her own muscles.

Q17: *What is a circle hook?*

A: With regard to Atlantic HMS, a circle hook is a hook originally designed and manufactured so that the point of the hook is turned perpendicularly back toward the shank of the hook to form a generally circular or oval shape.



Q18: *What is green-stick gear and when is it authorized for use in HMS fisheries?*

A: Currently, green-stick fishing gear meets the definitions for longline or handgear, depending on the configuration of the gear, and may only be used aboard vessels possessing the permits necessary to use longline or handgear.

“Green-stick gear,” although not specifically defined in the HMS regulations, may be used to target Atlantic tunas or other HMS, provided it is configured in such a way that it conforms to existing HMS gear and permit constraints. For example, to be considered handgear, there can be no more than two gangions/leaders/hooks per line. If configured with two or less hooks, it may be used by General, Angling, and Charter/Headboat permitted vessels. If a third gangion/leader/hook is added to a line, it is defined as longline gear and the vessel must possess the appropriate HMS longline permits to fish with such gear. Longline category vessels fishing with green-stick gear that fall under the definition of longline gear must also abide by all other longline gear constraints, including circle hooks.

On June 8, 2007, NMFS published a notice (72 FR 31312) and held a series of public information meetings regarding the use of greenstick gear in HMS fisheries. NMFS is currently considering proposal of a new definition of this gear. For further information, please call HMS St. Petersburg at (727) 824-5399.

II. GENERAL RESTRICTIONS

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

A: Yes. You must mark your handline, buoy gear, 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 or bottom longline gear and may be found in the longline gear section III below. However, there are other time/area closures that restrict HMS fishermen. The following list

is not all inclusive, but covers most current time/area closures relating to HMS gears. New closures are periodically implemented; 50 CFR 622 as well as the Marine Protected Areas website listed below should be consulted periodically:

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 (50 CFR 622);

2. The Florida Middle Grounds HAPC: fishing with bottom longline, bottom trawl, dredge, pot, or trap fishing in the Florida Middle Grounds HAPC is prohibited year-round by non-HMS regulations. The area is bounded by 28° 42.5' N lat., 84° 24.8' W. long.; 28° 42.5' N lat., 84° 16.3' W. long.; 28° 11.0' N lat., 84° 0.00' W. long.; 28° 11.0' N lat., 84° 07.0' W. long.; 28° 26.6' N lat., 84° 24.8' W. long.; 28° 42.5' N lat., 84° 24.8' W. long. (50 CFR 622.34(b));

3. The Tortugas Marine Reserves: fishing for any species and anchoring by fishing vessels is prohibited in the EEZ portions of Tortugas North and Tortugas South by non-HMS regulations. The Tortugas North area is bounded by 24° 40'00" N. lat., 83° 06'00" W. long.; 24° 46'00" N. lat., 83° 06'00" W. long.; 24° 46'00" N. lat., 83° 00'00" W. long.; thence along the line denoting the seaward limit of Florida’s waters, as shown on the current edition of NOAA chart 11438 to 24° 40'00" N. lat., 83° 06'00" W. long. Tortugas South is bounded by 24° 33'00" N. lat., 83° 09'00" W. long.; 24° 33'00" N. lat., 83° 05'00" W. long.; 24° 18'00" N. lat., 83° 05'00" W. long.; 24° 18'00" N. lat., 83° 09'00" W. long.; 24° 33'00" N. lat., 83° 09'00" W. long. (50 CFR 622.34(d));

4. The West and East Flower Garden Banks HAPC: fishing with bottom longline, bottom trawl, dredge, pot, or trap fishing in

the West and East Flower Garden Banks HAPC is prohibited year-round by non-HMS regulations. The area is geographically centered at 27° 52' 14.21" N. lat., 93° 48' 54.79" W. long. and 27° 55' 07.44" N. lat., 93° 36' 08.49" W. long., respectively. The HAPC extends from these centers to the 50-fathom (300-ft) (91.4-m) isobath (50 CFR 622.34(j));

5. Southeast Right Whale Calving Area: NMFS regulations governing large whale take reductions prohibit shark gillnet fishing each year from November 15 to April 15 in the area from 27°51'N latitude (near Sebastian Inlet, FL) to 33°27'N latitude (near Little River Inlet, SC) extending from the shore outward to 80°W longitude (50 CFR 229.32 (f)). NMFS regulations provide limited exceptions for gillnet fishing for sharks in the Southeastern U.S. restricted area south of 29°00'N latitude, (50 CFR 229.32 (f) (4) (iii)). In the vicinity of the Southeastern U.S. restricted area during the North Atlantic right whale calving season (Nov. 15 – April 15), a shark gillnet is defined as any gillnet with stretched mesh size greater than 5 inches;

6. As part of the NMFS regulations governing the Southeast Right Whale Calving Area, NMFS prohibits the use of gillnets in the Southeast U.S. Restricted Area North is prohibited from November 15 - April 15 each year. NMFS prohibits gillnet fishing annually in the Southeast U.S. Restricted Area South from December 1 - March 31 with limited exemptions for gillnet fishing for sharks (50 CFR 229.32 (f)(4)(iii)).

7. Madison-Swanson and Steamboat Lumps closed areas: these areas are closed to all HMS fishing gears year-round except surface trolling from May through October, consistent with the recommendations from the Gulf of Mexico Fishery Management Council. The coordinates for the Madison-

Swanson closed area are: 29° 17' N. lat., 85° 50' W. long.; 29° 17' N. lat., 85° 38' W. long.; 29° 06' N. lat., 85° 38' W. long.; 29° 06' N. lat., 85° 50' W. long. The coordinates for the Steamboat Lumps closed area are: 28° 14' N. lat., 84° 48' W. long.; 28° 14' N. lat., 84° 37' W. long.; 28° 03' N. lat., 84° 37' W. long.; 28° 03' N. lat., 84° 48' W. long. Surface trolling is defined as fishing with lines trailing behind a vessel which is in constant motion at speeds in excess of four knots with a visible wake. Such trolling may not involve the use of downriggers, wire lines, planers, or similar devices; and,

8. 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://www.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: 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. Depending on your circumstances, the answer to this question may change. 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 NMFS to apply Federal regulations to state waters. In general, HMS permit holders must abide by

all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more stringent regulations, vessels must abide by the more restrictive state regulations. However, as reflected in this Guide, the regulations are species and situation-specific. Please call HMS Headquarters at (301) 713-2347 for more information.

Q5: *When may I use secondary or “cockpit” gears?*

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

Q6: *What HMS may I harvest with speargun gear?*

A: Speargun fishing gear is only authorized for the recreational harvest of BAYS (bigeye, albacore, yellowfin, and skipjack) tunas. No other HMS may be taken with speargun fishing gear, including bluefin tuna, swordfish, sharks, sailfish, or white or blue marlin.

III. PELAGIC & BOTTOM LONGLINE GEAR RESTRICTIONS

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

A: Generally to fish with pelagic longline gear, you must possess all three valid HMS permits listed below. These permits are:

1. Directed or incidental swordfish permit (a swordfish handgear permit

is not acceptable);

2. Directed or incidental shark permit; and,
3. Tuna longline category permit (an Atlantic Tunas General Category permit is not an acceptable substitute for the tuna longline category permit).

Fishermen with only a Federal shark permit may also use pelagic longline gear, however, they must discard all swordfish and tunas caught. These permits are administered under a limited access program. Permits may only be obtained by transferring the permit, within the upgrading restrictions, from someone who is leaving the fishery. All fishermen using pelagic longline gear must comply with the gear restrictions described below. Prior to renewing or obtaining a commercial swordfish or shark limited access permit, you will need to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop certificate must be included in your permit application package. For more information, please see Section XVII Workshops. For information on permit transfers and renewals, please contact the Southeast Region Permit Office at (727) 824-5326.

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

A: Yes. NMFS has closed a number of areas to fishermen with HMS permits who have pelagic longline gear on board. These are listed as follows and shown in Figure 1.

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. lat., and 68 to 74°W long;
2. The Charleston Bump Closed Area: This area is closed from February 1 through April 30 each year. The

coordinates are: the Atlantic Ocean seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 34°00' N. lat. near Wilmington Beach, North Carolina, and proceeding due east to connect by straight lines the following coordinates in the order stated: 34°00' N. lat., 76°00' W. long.; 31°00' N. lat., 76°00' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia;

3. The East Florida Coast Closed Area: this area is closed year-round. The coordinates are: the Atlantic Ocean seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia, and proceeding due east to connect by straight lines the following coordinates in the order stated: 31°00' N. lat., 78°00' W. long.; 28°17' 10" N. lat., 79°11' 24" W. long.; then proceeding along the outer boundary of the EEZ to the intersection of the EEZ with 24°00' N. lat.; then proceeding due west to the following coordinates:

24°00' N. lat., 81°47' W. long.; then proceeding due north to intersect the inner boundary of the U.S. EEZ at 81°47' W. long. near Key West, Florida;

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 Gear Restricted Fishing Area (NED): This area is closed year-round, except to vessels fishing with specific pelagic longline gear and bait combinations, and complying with other conditions, as described below in Question 3. The coordinates are: 35° to 55° N. lat. and 20° to 60° W. long.

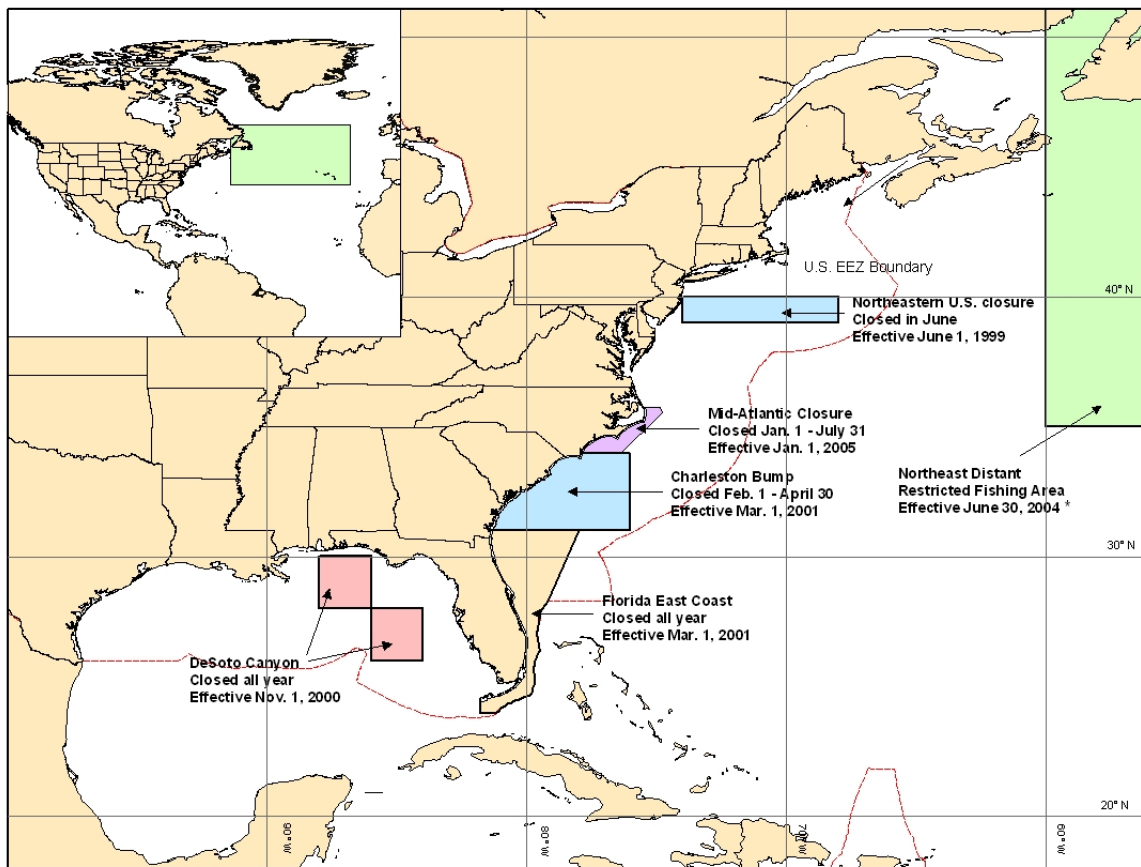


Figure 1. Map of closed and restricted fishing areas for PLL and BLL. Please see Section II General Restrictions for other time/area closures that may affect PLL and Section III for restrictions affecting PLL and BLL.

Q3: *What gear restrictions apply to pelagic longline vessels when fishing in the NED restricted area?*

A: When fishing in the NED restricted area, pelagic longline vessels are limited, at all times, to possessing onboard and/or using only 18/0 or larger circle hooks with an offset not to exceed 10 degrees. Only whole Atlantic mackerel and/or squid baits may be possessed and/or utilized with the allowed hooks. Pelagic longline vessels fishing within the NED must also possess and use sea turtle handling and release gear in compliance with NMFS' careful release protocols. The required handling and release gears are fully described in the document entitled "NMFS Approved Models For Equipment Needed For the Careful Release of Sea Turtles Caught in Hook and Line Fisheries." The list of

approved models is available on the HMS Management Division website at (<http://www.nmfs.noaa.gov/sfa/hms>) and upon request from the HMS St. Petersburg Office. Also, a Technical Memorandum (NMFS-SEFSC-524) entitled "Careful Release Protocols for Sea Turtle Release with Minimal Injury," and a plastic placard entitled "Handling/Release Guidelines," are required to be onboard, and are available on the HMS Management Division website.

Q4: *What gear restrictions apply to pelagic longline vessels when fishing outside the NED restricted area?*

A: Outside of the NED restricted area, you are limited at all times, to possessing and/or using only 18/0 or larger circle hooks with an offset not exceed 10 degrees, or 16/0 or larger non-offset circle hooks, and only

whole finfish and/or squid bait may be used on pelagic longlines. Live bait may *not* be used in the Gulf of Mexico (see Q17). In addition, pelagic longline vessels fishing within the NED must possess and use sea turtle handling and release gear in compliance with NMFS' careful release protocols. The required handling and release gears are fully described in the document entitled "NMFS Approved Models For Equipment Needed For the Careful Release of Sea Turtles Caught in Hook and Line Fisheries." The list of approved models is available on the HMS Management Division website at (<http://www.nmfs.noaa.gov/sfa/hms>) and upon request from the HMS St. Petersburg Office. Also, a Technical Memorandum (NMFS-SEFSC-524) entitled "Careful Release Protocols for Sea Turtle Release with Minimal Injury," and a plastic placard entitled "Handling/Release Guidelines," are required to be onboard, and are available on the HMS Management Division website.

Q5: *What permits are needed to use bottom longline gear?*

A: Generally, in HMS fisheries, only commercial shark fishermen use bottom longline gear. These fishermen only need a commercial shark Federal limited access permit. Fishermen holding the three permits listed under question 1 of this section for pelagic longline may also use bottom longline gear. Prior to renewing or obtaining a shark limited access permit, you will need to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop certificate must be included in your permit application package. For more information on the protected species workshops, please see Section XVII Workshops.

Q6. *Are there time/area closures for bottom longline gear?*

A: Yes. The Mid-Atlantic Shark Area is closed from January 1 through July 31. Mid-Atlantic shark closed area means the Atlantic Ocean area seaward of the inner boundary of the U.S. EEZ at 35°41' N. lat. just south of Oregon Inlet, North Carolina, and connecting by straight lines the following coordinates in the order stated: 35°41' N. lat., 75°25' W. long. proceeding due east to 35°41' N. lat., 74°51' W. long.; then proceeding southeast to 35°30' N. lat, 74°46' W. long.; then proceeding southwest, roughly following the 55 fathom mark, to 33°51' N. lat., 76°24' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 33°51' N. lat., 77°53' W. long. near Cape Fear, North Carolina.

Caribbean closed areas: fishing for HMS species with bottom longline gear in Caribbean closed areas is prohibited year-round by HMS regulations at the request of the Caribbean Fishery Management Council. A final rule published on February 7, 2007 (72 FR 5633) implemented six year-round BLL closures in the Caribbean (boundaries are outlined at 50 CFR Part 622.33) to HMS vessels with bottom longline onboard to protect essential fish habitat of mutton snapper, red hind, and other reef-dwelling species. These closures were implemented at the request of the Caribbean Fishery Management Council to complement and maintain consistency with the Caribbean Council management measures.

Please see Section II General Restrictions for other time/area closures that may affect bottom longline gear.

Q7: *Why are there so many time/area closures for pelagic and bottom longline gear?*

A: Under the Magnuson-Stevens Fishery Conservation and Management Act, among other statutes, NMFS is required to minimize bycatch, to the extent practicable. Many gear types, particularly longline gear, catch a number of species as bycatch. The closures listed above were implemented to reduce bycatch by longline gear. The Northeastern closure was designed to reduce bluefin tuna discards; the Charleston Bump, East Florida Coast, and DeSoto Canyon closures were designed to reduce the discards of undersized swordfish, billfish, and other species; the NED restrictions are designed to reduce interactions with leatherback and loggerhead sea turtles; and the Mid-Atlantic Shark closed area is designed to reduce interactions with juvenile and/or prohibited sharks. NMFS continues to explore methods of reducing bycatch in all HMS fisheries and for all gear types.

Q8: *Do I need to have a working vessel monitoring system (VMS) on board my vessel?*

A: All vessels with pelagic longline gear on board are required to have a Vessel Monitoring System (VMS) installed and operating. All vessels with bottom longline gear on board off South Carolina, North Carolina, and Virginia between 33°N and 36°30'N from January through July are required to have VMS installed and operating, and all vessels issued a directed shark LAP with gillnet gear on board during the right whale calving season from November 15 to March 31, regardless of location, are required to have VMS installed and operating. On April 15, 2004, NMFS published a notice in the Federal Register that provided a list of the VMS units

approved by NMFS in all HMS fisheries (69 FR 19979). An additional NOAA approved VMS unit was published on February 27, 2007 (72 FR 8695).

Q9: *What types of VMS units and which service providers are approved for HMS fisheries?*

Approved VMS units and service providers are: Thrane & Thrane TT-3026D-NMFS (Inmarsat C) – Xantic as provider, Faria WatchDog (Cellular and Iridium) – Iridium/Cingular Wireless as provider, Thrane & Thrane TT-3026S-NMFS (mini-C) - Telenor as provider, Skymate ST2500 (firmware version 245a) – Orbcomm as provider. To obtain copies of the list of NMFS-approved VMS mobile transmitting units and communications service providers or information regarding VMS write to NMFS, Office of Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910, (301) 427-2300.

Q10: *How does NMFS enforce fishing restrictions in the time/area closures?*

A: Vessel monitoring systems (VMS) are used to track the location and fishing activity of pelagic longline vessels year-round, and bottom longline vessels fishing in the vicinity of the mid-Atlantic shark closure from January through July. Pelagic longline, bottom longline, and gillnet vessels that are required to carry VMS must turn on their VMS units two hours before leaving port for a fishing trip, and their units must report at one hour intervals. Pelagic longline, bottom longline, and gillnet vessels are allowed to shut off their VMS units once they return to port at the conclusion of a fishing trip. If a suspicious fishing activity is detected in a closed area via a fishing vessel's VMS signal (including the sudden turning off of a fishing vessel's VMS unit),

NMFS Office of Law Enforcement and/or the U.S. Coast Guard may investigate, including at-sea boarding, overflight, or meeting the fishing vessel once it returns to port. The VMS system also allows pelagic longline, bottom longline, and gillnet vessels to transit through areas closed to pelagic longline and/or bottom longline gear.

To determine compliance with the closed area restrictions, NMFS Office of Law Enforcement and the U.S. Coast Guard use the definitions for pelagic and bottom longline gear (see Section I, Q3 and Q4) to determine if a vessel is fishing with pelagic or bottom longline gear. The species composition of the catch on board the vessel or landed can be used to differentiate between these gear types. As such, bottom longline vessels fishing in areas closed to pelagic longline gear may not possess or land pelagic species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic). Conversely, pelagic longline vessels fishing in areas closed to bottom longline fishing cannot possess or land demersal species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic). The species that qualify as pelagic and demersal indicator species are:

PELAGIC INDICATOR SPECIES
DOLPHINFISH
SHARK, BLUE
SHARK, OCEANIC WHITETIP
SHARK, PORBEAGLE
SHARK, SHORTFIN MAKO
SHARK, THRESHER
SWORDFISH
TUNA, ALBACORE
TUNA, BLUEFIN
TUNA, BIGEYE
TUNA, SKIPJACK
TUNA, YELLOWFIN
WAHOO

DEMERSAL INDICATOR SPECIES	
GROUPER, BLACK	SHARK, NURSE
GROUPER, GAG	SHARK, SANDBAR
GROUPER, MARBLED	SHARK, SPINNER
GROUPER, MISTY	SHARK, TIGER
GROUPER, RED	SNAPPER, BLACKFIN
GROUPER, SNOWY	SNAPPER, CUBERA
GROUPER, WARSAW	SNAPPER, DOG
GROUPER, YELLOWEDGE	SNAPPER, MANGROVE
GROUPER, YELLOWFIN	SNAPPER, LANE
HIND, RED	SNAPPER, MUTTON
HIND, ROCK	SNAPPER, QUEEN
HIND, SPECKLED	SNAPPER, RED
SHARK, ATL.	SNAPPER, SCHOOLMASTER
SHARPNOSE	SNAPPER, SILK
SHARK, BLACKNOSE	SNAPPER, VERMILION
SHARK, BLACKTIP	SNAPPER, YELLOWTAIL
SHARK, BONNETHEAD	TILEFISH
SHARK, BULL	TILEFISH, BLUELINE
SHARK, FINETOOTH	
SHARK, LEMON	

Q11: *What happens if a marine mammal or sea turtle is entangled in my pelagic, bottom longline, or gillnet 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 Q12 below). Once the animal has been released, retrieve your gear, and move at least 1 nautical mile from the location of the incident before resuming fishing. Marine mammal entanglements must be reported to NMFS within 48 hours after the end of the trip. The reporting form is available from the Office of Protected Resources at (301) 713-2322.

Q12: *How do I release a sea turtle that is hooked or entangled with my gear?*

A: Sea turtles must be released using specified gear and safe handling/release guidelines. Owners and operators of all longline and gillnet vessels are required to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop certificate must be included in your permit application package. For more information, please see Section XVII Workshops.

Both pelagic and bottom longline vessels are also required to carry a Technical Memorandum (NMFS-SEFSC-524) entitled “Careful Release Protocols for Sea Turtle Release with Minimal Injury,” and a plastic placard entitled “Sea Turtle Handling/Release Guidelines: Quick Reference for Atlantic Longline Gear.” The placard must be posted inside the wheelhouse to provide readily accessible information concerning such an incident. Additionally, safe handling and release gear is required onboard each vessel and must be used in compliance with the Safe Handling/Release guidelines. Specifications for the required gear are fully described in a document entitled “NMFS Approved Models for Equipment Needed for The Careful Release of Sea Turtles Caught in Hook and Line Fisheries.” The technical memorandum, placard, and list of approved gear are available on the HMS Management Division website.

On February 7, 2007, (72 FR 5633) NMFS published a rule that requires bottom longline vessel operators to possess, maintain, and utilize the same equipment and follow the same protocols as required in the pelagic longline fishery. For information regarding these specifications, please contact HMS Headquarters at (301)

713- 2347 or visit the HMS web page: http://www.nmfs.noaa.gov/sfa/hms/protected_species.

Q13: *What do I do if I encounter a dead sea turtle in my gear?*

A: The animal should be removed from the gear as if it were alive and released into the water, preferably away from fishing activities. The mortality must be reported to NMFS (800) 858-0624 within 48 hours of returning to port.

Q14: *What do I do if I encounter a smalltooth sawfish with bottom longline gear?*

A: Smalltooth sawfish should be released by keeping the fish in the water and cutting the line as close to the hook as possible. Before cutting the line, make note of any research tags. Once the fish is released, report the catch in your logbook, retrieve your gear, and move 1 nautical mile from the location of the incident before resuming fishing. Currently, NMFS is proposing Amendment 2 to the 2006 Consolidated HMS FMP, which would implement a dehooking process for sawfish.

Q15: *What do I do if I encounter a marine mammal with pelagic longline gear?*

A: For large whales caught alive and on the line, immediately contact the Center for Coastal Studies Disentanglement Hotline at: (800) 900-3622. For small marine mammals, gently bring the mammal alongside the vessel and work the tangle off the mammal as quickly as possible. When a small marine mammal is hooked, if possible, cut off the barb of the hook with long handled bolt cutters, and then cut the line as close to the hook as possible.

Q16: *Are there any other requirements concerning the configuration and deployment of pelagic longline gear?*

A: Yes. If the total length of any gangion plus the length of any floatline is less than 100 meters, then the length of all gangions must be at least 10 percent longer than the length of the floatlines. Additionally, if pelagic longline gear is on board, all HMS pelagic longline vessels must possess and use only corrodible, non-stainless steel 18/0 or 16/0 circle hooks depending on location.

Q17: *What other restrictions are specific to pelagic longline gear?*

A: 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 gear

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. Please see other sections in this guide for regulations pertaining to all gears that may also apply to pelagic longlines.

Q18: *What types of hooks may I use on bottom longlines?*

A: If bottom longline gear is on board, hooks must be corrodible and non-stainless steel. At this time there are no hook size or bait restrictions.

IV. FISHING PERMITS

Q1: *What fishing permit do I need?*

A: The actual permit(s) depends on the type of fishing you are conducting, species you are targeting, and gear you are using. See the table below and the appropriate sections in this guide to determine the permit(s) you need.

Type of Fishing	Species	Gears	Permits Needed
COMMERCIAL- sale of fish allowed to permitted dealers	Swordfish	Longline or handgear (except swordfish incidental permit holders may not use buoy gear)	1. Shark Limited Access Permit: Directed (allows for targeting of sharks) OR Incidental (limited number of shark allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (allows for targeting of swordfish) OR Incidental (limited number of swordfish allowed per trip) AND 3. Atlantic Tunas Limited Access Longline Category Permit (Allows for targeting of tunas other than Bluefin with longline only. An Atlantic Tunas General Category permit is not an acceptable substitute for the tuna longline category permit).
		Handgear only (handline, buoy)	Swordfish Handgear Limited Access Permit (allows targeting of swordfish with

Type of Fishing	Species	Gears	Permits Needed
		gear, harpoon, rod and reel, or bandit gear)	handgear) or all three of the permits listed above
	Shark	Rod and reel, handline, bandit gear, longline, or gillnet	Shark Limited Access Permit: Directed (allows for targeting of sharks) OR Incidental (limited number of shark allowed per trip)
	Bluefin Tuna	Rod and reel, Handline, and/or Bandit gear	1. Atlantic Tunas General Category OR 2. HMS Charter/Headboat Vessel Permit
		Purse Seine	Atlantic Tunas Purse Seine
		Harpoon	1. Atlantic Tunas Harpoon Category OR 2. Atlantic Tunas General Category
		Pound Net / Fish Weir	Trap – Incidental only
		Pelagic Longline	1. Shark Limited Access Permit: Directed (allows for targeting of sharks) OR Incidental (limited number of shark allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (allows for targeting of swordfish) OR Incidental (limited number of swordfish allowed per trip) AND 3. Atlantic Tunas Longline Category Permit (Allows for targeting of tunas other than Bluefin. An Atlantic Tunas General Category permit is not an acceptable substitute for the tuna longline category permit).
		Tunas other than Bluefin (i.e. BAYS Tunas (Bigeye, Yellowfin, Albacore, and Skipjack))	Harpoon
	Any gear authorized for tuna other than Purse Seine, Longline, and Speargun		1. Atlantic Tunas General Category OR 2. HMS Charter/Headboat OR Atlantic Tunas Harpoon Category
	Purse Seine		Atlantic Tunas Purse Seine Category
	Longline		1. Shark Limited Access Permit: Directed (allows for targeting of sharks) OR Incidental (limited number of shark allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (allows for targeting of swordfish) OR Incidental (limited number of swordfish allowed per trip) AND 3. Atlantic Tunas Longline Category Permit (allows for targeting of tunas other than Bluefin. An Atlantic Tunas General category permit is not an acceptable substitute for the tuna

Type of Fishing	Species	Gears	Permits Needed
			longline category permit).
RECREATIONAL - sale of fish prohibited	Billfish	Rod and reel	1. HMS Angling, OR 2. HMS Charter/Headboat, OR 3. Atlantic tunas General Category ONLY if participating in a HMS registered tournament.
	Shark, Swordfish, and Tunas	Rod and reel, Handline	1. HMS Angling, OR 2. HMS Charter/Headboat, OR 3. Atlantic Tunas General Category ONLY if participating in a HMS registered tournament.
	BAYS Tunas only	Speargun gear	1. HMS Angling, OR 2. HMS Charter/Headboat

V. HMS EXEMPTED AND OTHER FISHING PERMITS

Q1: *What are exempted fishing permits?*

A: Exempted fishing permits (EFPs) and similar permits for HMS are generally issued to authorize activities otherwise prohibited by the Atlantic HMS regulations. These similar permits include Scientific Research Permits (SRPs), Display Permits, Chartering Permits, and Letters of Authorization (LOAs). The specific type of permit issued depends on the type of vessel

being used, the species being targeted, and the persons involved in the activity. Such permits are necessary for a number of reasons, including: scientific research or the acquisition of data for HMS that would otherwise be prohibited, the enhancement of safety at sea, collecting animals for public education or display, investigating means of reducing bycatch, and for testing experimental fishing gear and methods. The issuance of exempted fishing permits can also facilitate the collection of information to determine if regulatory changes are needed. NMFS also issues chartering permits for U.S. vessels that are chartered to

fish in other countries' Exclusive Economic Zone's (EEZ).

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

A: Applications for exempted fishing permits are available from the HMS Management Division and are also on the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/>. Completed applications must be mailed to HMS Headquarters and must include copies of the vessel documentation (U.S. Coast Guard or state registration). Depending on the type of EFP requested, additional information may also be required. For additional information about application requirements, please contact the HMS Headquarters Office at (301) 713-2347. Any activity needing an EFP is subject to the specific conditions described in the permit including the submission of interim and annual fishing reports. An application is not deemed complete unless all required reports are received. EFP applications can take up to 60 days to process, and their approval is subject to the discretion of the HMS Headquarters Office of NMFS.

Q3. *If I get an exempted fishing permit, are there any reporting requirements?*

A: Any catches in the U.S. EEZ, including bycatch, must be reported via submission of an exempted fishing permit Interim Report form to the HMS Management Division within 5 days of the fishing activity. Also, all incidental mortalities associated with these activities are required to be reported via the Interim Report form. If an individual issued an EFP captures no HMS in any given month, either in or outside the EEZ, a “no-catch” report must be submitted to NMFS within 5 days of the last day of that month. In addition, an Annual Report is required within 30 days of the expiration date of the EFP. Copies of both the Interim Report and Annual Report Forms can be obtained by contacting the HMS Headquarters Office at (301) 713-2347 or via the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/>.

VI. COMMERCIAL SHARK FISHING

Please Note: NMFS is currently proposing an Amendment 2 to the 2006 Consolidated HMS FMP. This Amendment would amend some of the regulations addressed below.

Q1: *If I am a fisherman who sells shark(s), 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, NMFS 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. Prior to obtaining a commercial shark limited access permit, if you are fishing with longline or gillnet gear, you will

need to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop certificate must be included in your permit application package. For more information, please see Section XVII Workshops. Both the owner and operator of the vessel permitted for this fishery must have a workshop certificate on board the vessel. For information on permit renewals and transfers please contact the Southeast Region Permit Office at (727) 824-5326.

Q2: *What are the upgrading restrictions for vessels issued HMS limited access permits?*

A: The upgrading restrictions differ, depending upon whether a vessel has concurrently been issued, or is eligible to renew, each of the following three LAPs on August 6, 2007: 1) incidental or directed swordfish permit; 2) incidental or directed shark permit; and, 3) an Atlantic Tunas Longline category permit. Vessels concurrently issued, or eligible to renew, these three permits on August 6, 2007, will be eligible for vessel upgrades, or permit transfers to other vessels, only if the upgrade or permit transfer does not result in an increase of more than 35 percent in length overall (LOA), gross registered tonnage (GRT), or net tonnage (NT), as measured relative to the original qualifying vessel’s specifications. Horsepower (HP) is not restricted for these vessels. Other vessels issued limited access permits, other than incidental permits, may be upgraded, or have the permits transferred, only if the upgrade or transfer does not result in an increase in HP of more than 20 percent or an increase of more than 10 percent in LOA, GRT, or NT from the original qualifying vessel’s specifications. Incidental catch LAPs are not subject to vessel upgrading restrictions.

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

A: Yes. If you want to 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 may I sell sharks to?*

A: Fishermen with a Federal limited access permit must sell to a Federally permitted dealer. Dealers may obtain a shark dealer permit by contacting the Southeast Region Permit Office at (727) 824-5326.

Q5: *If my region is open, can I sell to a dealer in a region that is closed?*

A: No. Dealers located in closed regions are not permitted to purchase sharks landed in open regions and may be subject to enforcement actions.

Q6: *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. There is no difference in the types of gear that may be used. Both types of permits require the owner to be certified in the safe handling, release, and identification of protected species.

Q7: *If I have a directed shark permit, is there a limit to the number of sharks I may keep per trip?*

A: Yes. You may keep up to 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. See response to Q.12 for the list of prohibited shark species.

Q8: *If I have a shark incidental limited access permit, how many sharks may I keep per trip?*

A: You may keep up to 5 large coastal sharks per vessel per trip. You may also keep up to 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. See response to question 10 for the list of prohibited shark species.

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

A: Yes, from January through July, all directed shark vessels with bottom longline gear on board that are located between 33° N and 36° 30' N. lat. (roughly South Carolina, North Carolina, and Virginia) must have a working VMS unit installed and operating. Directed shark vessels with gillnet gear on board, regardless of location, must have a VMS unit installed and operating during the northern right whale calving season, from November 15 – April 15 of each year.

Q10: *What type of VMS units and which service providers are approved for HMS fisheries?*

Please see response to Part III Q9.

Q11: *What gears may I use to commercially catch sharks?*

A: You may use pelagic or bottom longline,

gillnet, rod and reel, handline, or bandit gear. Bottom longline vessels need to have corrodible, non-stainless steel hooks, move 1 nautical mile after an interaction with a protected species and also possess and use sea turtle handling and release gear in compliance with NMFS' careful release protocols. The required handling and release gears are fully described in the document entitled "NMFS Approved Models For Equipment Needed For the Careful Release of Sea Turtles Caught in Hook and Line Fisheries." The list of approved models is available on the HMS Management Division website at (<http://www.nmfs.noaa.gov/sfa/hms>) and upon request from the HMS St. Petersburg Office. Also, a Technical Memorandum (NMFS-SEFSC-524) entitled "Careful Release Protocols for Sea Turtle Release with Minimal Injury," and a plastic placard entitled "Handling/Release Guidelines," are required to be onboard, and are available on the HMS Management Division website. Pelagic longline vessels need to have corrodible, non-stainless steel hooks as well as additional release equipment (see Section III Pelagic and Bottom Longline Gear Restrictions). Handlines must remain attached to, or in contact with, the vessel.

Q12: *Are there any prohibited shark species?*

A: Yes. The 19 prohibited species are listed below. Neither commercial nor recreational fishermen are allowed to possess these species. If you catch one, you must release the animal while keeping it in the water and with a method that minimizes injury to the shark and maximizes its probability of survival.

Shark Species that Cannot be Kept	
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	

On July 27, 2007, (72 FR 41392) NMFS published a proposed rule that would place porbeagle sharks on the prohibited shark species list.

Q13: *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 caught are:

Group	Shark species that can be retained
Large Coastal Sharks	Sandbar Silky Tiger 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

Q14: *What is the fishing year for sharks?*

A: The year is divided between three trimester seasons: the first is from January 1 to April 30; the second is from May 1 to August 31, the third trimester is from September 1 to December 31. The closure dates for pelagic and small coastal sharks are announced when these quotas are expected to be met. Please refer to Q.16, Q.17, and Q.18 for seasons specific to each shark species complex.

Q15: *What are the different regions for catching sharks?*

A: The Atlantic commercial shark fishery is managed on a regional basis. The three regions are: the Gulf of Mexico (Texas to west coast of Florida including the Florida Keys), the South Atlantic (east coast of Florida to North Carolina and Caribbean), and the North Atlantic (Virginia to Maine).

Q16: *What is the annual quota for large coastal sharks?*

A: For the 2007 fishing year, the baseline quota is 1,017 metric tons (mt) dressed weight (dw) for Large Coastal Sharks (LCS). This does not account for any over- or underharvests. The quota will be split between the three trimester seasons, and the three regions. For 2007, the 2nd and 3rd trimester seasons for LCS are merged. For information on current shark seasons, please contact HMS Headquarters (301) 713-2347 or see the HMS webpage (www.nmfs.noaa.gov/sfa/hms/).

Q17: *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, not accounting for over or under-harvesting are:

1. Pelagic sharks (shortfin mako, thresher, oceanic whitetip): 488 metric tons (mt) dressed weight (dw);
2. Porbeagle: 92 mt dw;
3. Blue: 273 mt dw.

As with the large coastal shark quota, these quotas are split among the three trimester fishing seasons.

Q18: *What is the annual quota for small coastal sharks?*

A: For the 2007 fishing year, the baseline small coastal shark annual quota is 454 metric tons dressed weight not accounting for over- or underharvests. As with the large coastal shark quotas, this quota is split between the three trimester fishing seasons and regional areas. NMFS will complete its most recent SCS assessment during the fall of 2007.

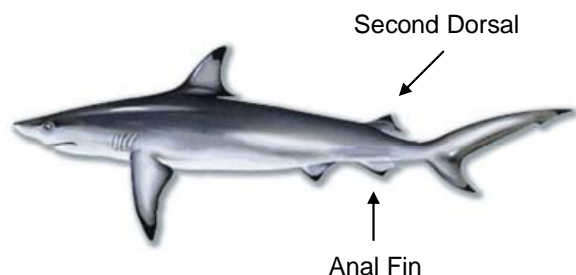
Q19: *I am interested in catching sharks for use in aquariums. Is there a quota for public display sharks?*

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. NMFS recently completed stock assessments for large coastal sharks and dusky sharks. As a result, NMFS may change the display quota in the near future. You must also have a display permit for this activity. Please see Section V (Exempted Fishing Permits) for more information.

Q20: *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 all fins except for the 2nd dorsal and anal fins as part of dressing the carcass in the commercial fishery. The 2nd dorsal and anal fins may be removed at the dock after the fish has been landed (see figure below). 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. Fins must be offloaded at the first port of landing.



On July 27, 2007, (72 FR 41392) NMFS published a proposed rule that would require fishermen to land sharks with all fins attached.

Q21: *What are the reporting requirements for commercial shark fishermen?*

A: Selected fishermen with a commercial shark permit are required to report fishing activities in an approved logbook within 48 hours of completing that day's fishing activities, or before offloading, whichever is sooner. Logbooks must be submitted within seven days of offloading. If the observer program coordinator sends you a letter telling you that you have been selected to carry an observer aboard your vessel, you must inform NMFS when you will be taking a trip. If that trip is selected, you must have a NMFS observer aboard in order to go fishing. If NMFS 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.

Q22: *Are there any minimum sizes for commercially caught sharks?*

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

Q23: *What regulations must I follow when fishing in state waters?*

A: If you have a Federal limited access permit, you must follow Federal regulations regardless of whether you are fishing in state or Federal waters. However, if state regulations are more restrictive, you must follow those.

Q24: *May I use the shark I catch as bait?*

A: Shark carcasses must remain whole or as a log until landed. The term log is used to describe sharks that have been eviscerated and have their head and certain fins removed. The 2nd dorsal and anal fins may not be removed from shark carcasses or logs prior to landing. Once you have documentation that the sharks were landed, you may use them as bait.

On July 27, 2007, (72 FR 41392) NMFS published a proposed rule that would require fishermen to land sharks with all fins attached.

Q25: *May I retain billfish?*

A: No. Persons with a commercial shark permit may not retain billfish. However, persons with both a commercial shark permit and a Charter/Headboat category permit may retain billfish taken with rod and reel provided the other HMS onboard do not exceed the HMS recreational retention limits. If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.

VII. COMMERCIAL TUNA FISHING

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

A: Yes, all vessel owners 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. NMFS is not issuing any new Longline Category permits for tunas; you must obtain 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 an Atlantic HMS Angling permit, you cannot also have a commercial Atlantic Tunas permit. For more information on HMS Charter/Headboat permits, see the Charter/Headboat section below.

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

A: NMFS maintains an automated permitting system for the issuance of Atlantic tunas and HMS Angling and Charter/Headboat permits. To apply for or renew an Atlantic Tunas, HMS Angling or HMS Charter/Headboat permit, visit www.hmspermits.gov or dial (888) 872-8862. Customer service for the Automated Permitting System may be reached by pressing "0" from the main menu.

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

A: Federal commercial tuna permit holders may also need a state permit in order to land tunas. Please check with your local state marine fish or natural resource management office. If you have pelagic longline gear on board to fish for tunas, you must have an Atlantic Tunas Longline category permit, a swordfish limited access permit (directed or incidental only), and a shark limited access permit. These permits are administered under a limited access program. Under the limited access program, NMFS is no longer issuing new tuna permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions (see below), from someone who is leaving the fishery.

Q4: *What are the upgrading restrictions for vessels issued HMS limited access permits?*

A: The upgrading restrictions differ, depending upon whether a vessel has concurrently been issued, or is eligible to renew, each of the following three LAPs on August 6, 2007: 1) incidental or directed swordfish permit; 2) incidental or directed shark permit; and, 3) an Atlantic Tunas Longline category permit. Vessels concurrently issued, or eligible to renew, these three permits on August 6, 2007, will be eligible for vessel upgrades, or permit transfers to other vessels, only if the upgrade or permit transfer does not result in an increase of more than 35 percent in length overall (LOA), gross registered tonnage (GRT), or net tonnage (NT), as measured relative to the original qualifying vessel's specifications. Horsepower (HP) is not restricted for these vessels. Other vessels issued limited access permits, other than incidental permits, may be upgraded, or have the permits transferred, only if the upgrade or transfer does not result in an increase in HP of more than 20 percent or an increase of more than 10 percent in LOA, GRT, or NT from the original qualifying

vessel's specifications. Incidental catch LAPs are not subject to vessel upgrading restrictions.

Q5: *When am I allowed to change the category of my Atlantic Tunas, HMS Angling, or HMS Charter/Headboat permit?*

A: Permit category changes must be made while you are renewing your permit for the new fishing year. A 10-calendar-day period is provided for all Atlantic tunas category permit holders to correct permit errors (e.g. if a permit is issued on July 1, then corrections to the permit category must be made by July 10). To make a permit category change within the 10-calendar-day period, call the information lines at (888) 872-8862 and press "0" from the main menu to reach a Customer Service representative. No changes to permits are allowed after 10 calendar days. Atlantic Tunas Longline and Purse Seine category permits are limited access permits; please contact the HMS Management Division if you have questions regarding these permits.

Because of the scheduled change to a calendar fishing year beginning January 1, 2008, and because Atlantic Tunas, HMS Charter/Headboat, and HMS Angling category permits issued for the 2007 fishing year are effective through December 31, 2008, NMFS will allow permit holders to make a permit category change for the 2008 fishing year, i.e., once during the period of January 1, 2008, through May 31, 2008.

Q6: *Who may I sell tunas to?*

A: You may only sell Federally regulated tunas to Federally 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: Commercial fishing for Atlantic tunas is authorized using the following gear: rod and reel (including downriggers), handline, harpoon, bandit gear, longline, trap (pound nets and fish weirs), and purse seine. Only vessels with Atlantic Tunas Purse Seine category permits may use purse seine gear. Only vessels with Atlantic Tunas Longline category permits may use longline gear. Vessels in other commercial permit categories may use any other authorized gear except speargun gear to retain bigeye, albacore, yellowfin, or skipjack tunas. When fishing for bluefin tuna, however, only the gear type authorized for the particular permit category may be used. These gear types are specified in the table:

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

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

A: Yes. However, fishermen may continue to use driftnet gear to fish for bonito, as they are not included as a regulated Atlantic tuna.

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

A: The **current** seasons are:

Atlantic tunas permit category	Open	Close
General	June 1	December 31, or when quota is filled
Harpoon	June 1	November 15, or when quota is filled
Purse Seine	July 15	December 31, or when quota is filled
Longline	June 1	December 31, or when quota is filled
Trap	June 1	December 31, or when quota is filled

As of **January 1, 2008**, the seasons will be as follows:

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

Q10: *When is the fishing year for Atlantic tunas?*

A: Due to changes from the Consolidated HMS FMP, the 2007 fishing year will be abbreviated to shift from a June through May fishing year to a calendar year management system. Beginning in 2008, the fishing year will change to January 1, 2008, through December 31, 2008.

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

A: The quota allocation percentages are set in the HMS FMP. U.S. quota is negotiated at ICCAT. Actual annual quotas may vary due to quota over and underharvests, 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) whole weight based on base quota of 1,190.1* mt
General	47.1	548.8
Harpoon	3.9	45.4
Purse Seine	18.6	216.7
Longline	8.1	94.4*
	40% of Longline quota	62.8*
	60% of Longline quota	56.6
Trap	0.1	1.2

* Percentages of bluefin tuna landings quotas are calculated after the removal of a 25 mt set-aside for the NED, i.e., on 1,165.1 mt. The 25 mt set-aside is reincorporated into the Longline North subquota.

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: Permitted longline vessels must retain 2,000 lbs (907 kg) of targeted catch to retain one bluefin tuna, 6,000 lbs (2,727 kg) to retain two bluefin tuna, and 30,000 lbs (13,620 kg) to retain three bluefin tuna;

unless otherwise adjusted and published in the *Federal Register* and on the HMS web site and telephone information lines. For vessels fishing in the NED, 25 mt has been set aside for the incidental take of bluefin tuna while pursuing other species. These target catch requirements do not apply to vessels fishing in the NED until the set aside has been harvested in its entirety.

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

A: In the Harpoon category, you may keep two 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: NMFS can adjust the bluefin tuna retention limit between 0 and 3 fish per vessel per day for General Category vessels. Vessel operators should check the web site at www.hmspermits.gov or telephone information lines at (888) 872-8862 to verify the bluefin tuna retention limit on any given day.

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

A: No, since only one HMS permit can be issued to a vessel, fishermen have to choose between the HMS commercial and recreational fishing permits. General category HMS permit holders, however, may participate in registered HMS tournaments. Fishermen may still go fishing for non-HMS as long as they follow the

appropriate regulations. Please refer to Q18 of this section, for more information regarding tournament fishing for General Category permit holders. Vessels that hold an Atlantic Tunas General category permit and are participating in a registered HMS Tournament may fish for all HMS.

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

A: All Atlantic HMS that are caught and 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 for Tunas, Swordfish, and Billfish at (800) 437-3936. For kits for sharks call Apex Predator Program at (401) 782-3200, or visit <http://www.nefsc.noaa.gov/read/popdy/TagReporting/TagReporting.htm>. You may not retain a swordfish unless you also hold a commercial swordfish permit. You may not retain a shark unless you also hold a commercial shark permit. You may not retain a billfish.

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

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

limits, retention limits, and Restricted Fishing Days.

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 skipjack tunas that may be landed by a commercial vessel with an Atlantic tunas permit.

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

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

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

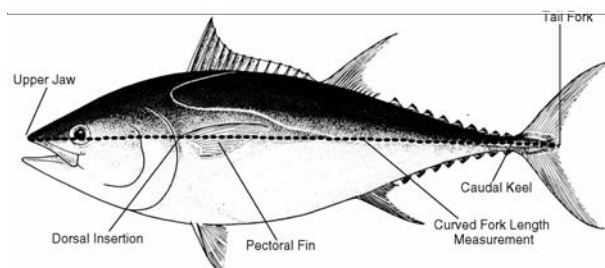
Q21: *What are the commercial minimum sizes for bigeye, albacore, yellowfin, and skipjack tunas?*

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 crosses 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 approximate curved fork length.



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

A: All commercially landed bluefin tuna must be tagged by a Federally permitted tuna dealer. If NMFS 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 NMFS 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. If NMFS sends you a letter telling you that you have been selected to carry an observer, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board in order to go fishing.

Q24: *What are the “days off” in the General category bluefin tuna 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 NMFS each year through a notice published in the *Federal Register*. On RFDs, vessels with General category permits are prohibited from fishing for bluefin tuna. To find out this year’s RFDs and to keep up with adjustments, visit www.hmspermits.gov, or call (888) 872-8862 or (978) 281-9260 for recorded information.

Q25: *May 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.

Q26: *May I retain billfish?*

A: No. Persons with a commercial tuna permit may not retain billfish. However, persons with both a commercial tuna permit and a Charter/Headboat category permit may retain billfish taken with rod and reel provided the other HMS onboard do not exceed the HMS recreational retention limits. General category vessels in registered tournaments can retain billfish. If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.

VIII. COMMERCIAL SWORDFISH FISHING

Q1: *If I am a fisherman who wants to sell 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, NMFS 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 888-872-8862.

If fishing with longline gear, you will need to attend a protected species safe handling, release, and identification workshop and obtain a certificate prior to renewing or obtaining a commercial swordfish directed or incidental limited access permit. A copy of the workshop certificate must be included in your permit application package. For more information, please see Section XVII Workshops. Swordfish handgear permit holders are not required to obtain a protected species safe handling, release, and identification workshop certificate.

Q2: *If I have a commercial permit which authorizes me to target a non-HMS species with pelagic longline gear (dolphin/wahoo), can I still land and sell swordfish with an incidental permit?*

No. You must have the three permits (tuna longline, swordfish incidental or directed, and shark incidental or directed) or a swordfish handgear permit to be able to land and sell swordfish. If you have another commercial permit that allows you to target a non-HMS species (dolphin/wahoo), you still must have the permit combination listed above to retain and sell swordfish.

Q3: *What are the upgrading restrictions for vessels issued HMS limited access permits?*

A: The upgrading restrictions differ,

depending upon whether a vessel has concurrently been issued, or is eligible to renew, each of the following three LAPs on August 6, 2007: 1) incidental or directed swordfish permit; 2) incidental or directed shark permit; and, 3) an Atlantic Tunas Longline category permit. Vessels concurrently issued, or eligible to renew, these three permits on August 6, 2007, will be eligible for vessel upgrades, or permit transfers to other vessels, only if the upgrade or permit transfer does not result in an increase of more than 35 percent in length overall (LOA), gross registered tonnage (GRT), or net tonnage (NT), as measured relative to the original qualifying vessel's specifications. Horsepower (HP) is not restricted for these vessels. Other vessels issued limited access permits, other than incidental permits, may be upgraded, or have the permits transferred, only if the upgrade or transfer does not result in an increase in HP of more than 20 percent or an increase of more than 10 percent in LOA, GRT, or NT from the original qualifying vessel's specifications. Incidental catch LAPs are not subject to vessel upgrading restrictions.

Q4: *Who may I sell swordfish to?*

A: You may sell swordfish only to Federally permitted dealers. Dealers can obtain a swordfish dealer permit by contacting the Southeast Regional Permit Office.

Q5: *What is the difference between the three types of swordfish 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 (*i.e.*, harpoon, buoy gear, rod and reel, bandit gear, handline). Incidental swordfish permit holders may use any allowable gear type *except* for buoy gear. Directed swordfish permit holders may use any allowable gear type.

Q6: *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 may fish for swordfish with a handgear permit only if you do not have longline gear onboard. During a directed fishery closure, handgear fishermen may land two swordfish per trip; however, harpoons are not permitted during a directed fishery closure.

Q7: *If I have an incidental swordfish permit, how many swordfish may I keep?*

A: Fifteen swordfish per trip may be kept if you fish with a trawl on a squid trip, and 30 swordfish per trip may be kept 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. Also, NMFS may adjust the incidental catch limit during a directed fishery closure based upon the length of the directed fishery closure and the estimated rate of catch by vessels fishing under the incidental catch quota.

Q8: *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 to see 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.

Q9: *What kind of gear may I use to fish for swordfish?*

A: Longlines (*e.g.*, pelagic and bottom) and handgear (*i.e.*, handline, rod and reel, buoy gear, harpoon, bandit gear) are permitted in the swordfish fishery but are dependent upon the permit that is held. Please see the table in Section IV, Q1. Squid trawlers may land swordfish, subject to incidental catch limits as described above. Driftnet gear is prohibited in the Atlantic swordfish fishery.

Q10: *What is the annual quota for North Atlantic swordfish?*

A: U.S. domestic quota percentages for swordfish are negotiated at ICCAT. Currently, the baseline annual fishery quota for the north Atlantic swordfish stock is 2,937.9 metric tons (mt) dressed weight (dw) not accounting for over or under-harvesting. Of this annual quota, 2,554.9 mt dw is allocated to the annual directed fishery. The incidental catch quota is 300 mt dw, and 82.7 mt dw is allocated to the Reserve category annually. This annual directed quota is divided into two equal semi-annual quotas of 1,277.5 mt dw during the yearly fishing season, which operates on

a calendar year beginning January 1, 2008. The quotas are adjusted annually based on over- and underharvests, the number of fish discarded, and changes in the amount allocated to the United States at ICCAT. Please contact the HMS Headquarters Office at (301) 713-2347 or by fax at (301) 713-1917 for the latest quota information. On June 18, 2007, NMFS published a proposed rule that would change 2007 and 2008 quotas (72 FR 33436).

Q11: *What is the annual quota for South Atlantic swordfish?*

A: The 2007 and 2008 South Atlantic swordfish quotas will be 75.2 mt dw (the 2006 South Atlantic swordfish quota was 90.2 mt dw). No incidental harvest is authorized for the South Atlantic swordfish stock. On June 18, 2007, NMFS published a proposed rule that will change 2007 and 2008 quotas (72 FR 33436).

Q12: *When is the fishing year for the commercial swordfish fishery?*

A: Due to changes from the Consolidated HMS FMP, the 2007 fishing year will be abbreviated to shift from a June through May fishing year to a calendar year management system. The abbreviated 2007 fishing year will take place from June 1, 2007, through December 31, 2007. Beginning in 2008, the fishing year will change to January 1, 2008, through December 31, 2008, with the first semi-annual period from January 1 to June 30, 2008, and the second from July 1 to December 31, 2008.

Q13: *What is the minimum size for North Atlantic swordfish?*

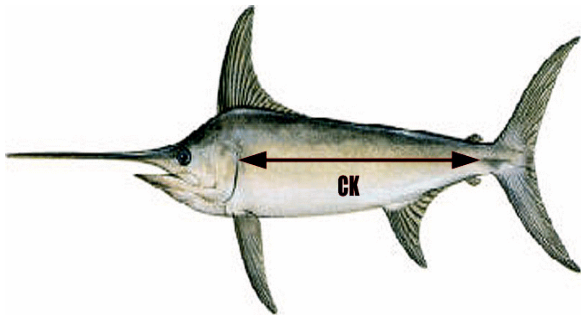
A: The minimum size for North Atlantic swordfish is:

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.

Q14: *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.



Q15: *What are the reporting requirements for commercial swordfish fishermen?*

A: Fishermen with a commercial swordfish permit are required to report fishing activities in an approved logbook within 48 hours of each day's fishing activities, or before offloading for one-day trips,

whichever is sooner, and submit the logbook within 7 days of offloading. If the observer program coordinator sends you a letter telling you that you have been selected to carry an observer aboard your vessel, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board in order to go fishing. However, once the incidental quota has been met, you may not retain any swordfish. If NMFS 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.

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

A: Yes, you may dress the swordfish (gut and remove the head and fins), but the dressed weight of the swordfish must be greater than 33 lbs. You may not cut the remaining carcass into pieces while on your vessel.

Q17: *May I retain billfish?*

A: No. Persons with a commercial swordfish permit may not retain billfish. However, persons with both a commercial swordfish permit and a Charter/Headboat category permit may retain billfish taken with rod and reel provided the other HMS onboard do not exceed the HMS recreational retention limits. General category vessels in registered tournaments can retain billfish. If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.

IX. HMS DEALERS AND IMPORTERS/EXPORTERS

Q1: *If I am a dealer who purchases Atlantic tunas from a vessel, what kind of permit do I need?*

A: Anyone who receives or buys Atlantic tunas (bluefin, bigeye, albacore, yellowfin, or skipjack tunas) from U.S. vessels must have a Federal Atlantic Tunas Dealer Permit, which is available from the NMFS Northeast Regional Office ((978) 281-9370). Dealers must report all Atlantic bluefin tuna received or purchased from U.S. vessels to NMFS through biweekly reports and daily landings reports. Landings reports should be submitted within 24 hours of receipt; biweekly reports within 10 days of the end of the biweekly period, defined as the 1st to the 15th and the 16th to the end of the month. Within 5 days of the end of each biweekly period, dealers must submit reports to NMFS of all bigeye, albacore, yellowfin, and skipjack tunas (BAYS) received or purchased from U.S. vessels. Questions concerning bluefin tuna reporting should be directed to the HMS Gloucester Office at (978) 281-9260; for BAYS tuna reporting for North Carolina to Maine, to John Mahoney at (508) 984-0063, or for any other location, to Steve Turner at (305) 361-4482.

Q2: *Do dealers who purchase swordfish from vessels need to have a special permit?*

A: Yes. Anyone who buys Atlantic swordfish from a U.S. vessel must have a Federal Atlantic Swordfish Dealer Permit. Dealers must report to NMFS all swordfish purchased from U.S. vessels and/or imported through biweekly reports, that must be postmarked by the 25th or the 10th of each month. To obtain an Atlantic Swordfish Dealer Permit, please call the NMFS Southeast Region Permit Office

(727) 824-5326; (see section including contact list). For more information on the reporting requirements for swordfish dealers, call John Mahoney at (508) 984-0063 for North Carolina to Maine information or Steve Turner (305) 361-4482 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 Federal Atlantic shark dealer permit. Prior to renewing or obtaining a Federal Atlantic Shark Dealer Permit, the dealer must have attended an Atlantic shark identification workshop and obtained a workshop certificate as proof of completing the workshop (see Q1 Workshops). A copy of this certificate must be submitted with the permit application package. For more information on workshops, please see Section XVII Workshops. Permits can be obtained by calling the NMFS Southeast Region Permit Office (727) 824-5326; see contact list). Dealers must report to NMFS all sharks purchased from U.S. vessels through biweekly reports that must be postmarked by the 25th or the 10th of each month. Dealers must only purchase sharks harvested from a vessel that has a valid commercial permit for shark, except that 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. Dealers may only buy from Federally-permitted fishermen if the region in which they are located is open.

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

A: Yes. Except for billfish landed in a Pacific state and remaining in the state of landing, all billfish must be accompanied by the billfish certificate of eligibility indicating that the fish is not an Atlantic billfish.

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

A: No.

Q6: *Do I need a permit if I want to import, export, or re-export the following species: bluefin tuna, swordfish, southern bluefin tuna, frozen bigeye tuna?*

Yes. An HMS International Trade Permit (ITP) is required for each of these transaction types, for both Atlantic and Pacific species. The HMS ITP may be obtained from the NMFS Southeast Region Permit Office ((727) 824-5326; see Section XIX including contact list). Dealers must report to NMFS all imports, exports, or re-exports from the U.S., through biweekly reports and the completed international statistical documents. The original or a copy of statistical documents must be submitted to NMFS within 24 hours of receipt or export; biweekly reports are due within 10 days of the end of the biweekly period, defined as the 1st to the 15th and the 16th to the end of the month. (See the NMFS website for links to permits, reporting instructions, and forms at www.nmfs.noaa.gov/sfa/hms).

Q7: *Are there any bans on imported Atlantic HMS?*

A: Any Atlantic bigeye tuna or its products, obtained in Bolivia or Georgia, will be denied entry into the United States. Any

tuna or tuna-like species or their products, obtained in the ICCAT convention area by a fishing vessel larger than 24 meters in length overall, that is not listed on the ICCAT record of authorized vessels, will be denied entry into the United States. Any tuna or tuna-like species or their products, obtained in the ICCAT convention area by a fishing vessel listed on the ICCAT record as engaged in illegal, unreported, and unregulated fishing, will be denied entry into the United States. Any tuna or tuna-like species placed in cages for farming and/or transshipment, obtained in the ICCAT convention area and caught by a fishing vessel included on the ICCAT list as engaged in illegal, unreported, and unregulated fishing, will be denied entry into the United States.

Q8: *How do vessel retention limits affect HMS dealers?*

A: It is illegal for dealers to purchase any HMS offloaded from a vessel in excess of retention limits established in the HMS regulations.

X. RECREATIONAL SHARK FISHING

Please Note: NMFS is currently proposing an Amendment 2 to the 2006 Consolidated HMS FMP. This Amendment would amend some of the regulations addressed below.

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

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 or Charter/Headboat category permit. 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 permit – HMS Angling, Charter/Headboat, or Atlantic tunas permit – may be issued to a vessel. HMS Angling and Charter/Headboat permits are available by calling (888) 872-8862 or by logging onto www.hmspermits.gov. For more information on HMS Charter/Headboat permits, please see the Charter/Headboat section below.

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

A: Recreational anglers may use rod and reel or handline. Handlines must remain attached to, or in contact with, the vessel.

Q3: *Are there any shark species I am not allowed to keep?*

A: Yes. There are 19 species that cannot be targeted, possessed, or kept. Neither commercial nor recreational fishermen are allowed to possess these species. If you catch one, you must release the animal while keeping it in the water and with a method that minimizes injury to the shark and maximizes its probability of survival.

Shark species that cannot be retained	
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	

On July 27, 2007, (72 FR 41392) NMFS published a proposed rule that would place porbeagle sharks on the prohibited shark species list.

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	Sandbar Blacktip Bull Smooth hammerhead Scalloped hammerhead Great hammerhead Silky Spinner Nurse Tiger Lemon
Small Coastal Sharks	Atlantic sharpnose Finetooth Blacknose Bonnethead
Pelagic Sharks	Shortfin mako Thresher Oceanic whitetip Blue Porbeagle

Q5: *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 (tail) fin is still attached.

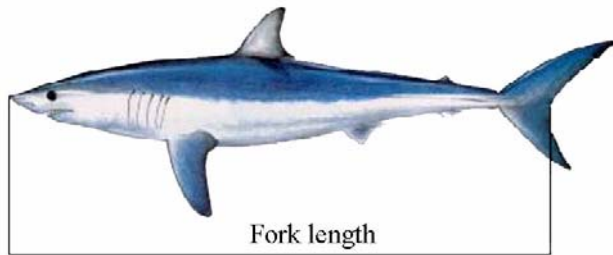
On July 27, 2007, (72 FR 41392) NMFS published a proposed rule that would require fishermen to land sharks with all fins attached.

Q6: *How many sharks may I keep?*

A: Recreational fishermen may 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 sharpnose and one bonnethead per person per trip, with no minimum size.

Q7: *What is the minimum size?*

A: Except for Atlantic sharpnose or bonnethead, recreational fisherman may only keep allowed shark species that are larger than 4.5 feet fork length. There is no minimum size for Atlantic sharpnose or bonnethead sharks.



Q8: *Are there any monitoring or reporting requirements for recreational shark anglers?*

A: If contacted on the dock or by phone, recreational anglers are required to participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q9: *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 NMFS to apply Federal regulations in state waters. HMS permit holders must abide by all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more stringent regulations, vessels must abide by the more restrictive state regulations. Please call HMS Headquarters at (301) 713-2347 for more information.

XI. RECREATIONAL TUNA FISHING

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

A: Yes. Vessel owners/operators who fish recreationally for Atlantic bluefin tuna, bigeye, albacore, yellowfin, and skipjack tunas must obtain a permit in the HMS Angling category. This permit is required if fishing in Federal, state, or international 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 as they are not included as a regulated Atlantic tunas. Owners of vessels possessing an Atlantic HMS Angling permit may not sell or transfer any Atlantic HMS for a commercial purpose. Owners/operators of charter or headboats used to fish for Atlantic HMS must obtain an annual HMS Charter/Headboat permit. Only one type of permit – HMS Angling, Charter/Headboat, or Atlantic tunas permit – may be issued to a vessel. HMS Angling and Charter/Headboat permits are available by calling (888) 872-8862 or by logging onto www.hmspermits.gov.

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 to harvest all Federally managed tunas, and speargun gear to harvest BAYS tunas only.

Q4: *What are the fishing seasons for recreational angling for tunas?*

A: The current recreational fishing year is from June 1 to December 31, or, for bluefin, until the quota has been met. Beginning January 1, 2008, the recreational fishing year will change to a calendar year, which opens on January 1. These seasons also apply to HMS Charter/Headboats fishing under the bluefin tuna Angling category quota. For more information on Charter/Headboat fishing, please see Section XIV. Seasons and recreational retention limits for school, large school, and small medium bluefin tuna change seasonally. Therefore, anglers should visit www.hmspermits.gov, or call (888) 872-8862 or (978) 281-9260 to check the current retention limits. Recreational anglers are limited to one large medium or giant bluefin tuna measuring > 73" (i.e., a "trophy") per vessel per year that may not be sold.

Q5: *What are the annual quotas for recreationally landed bigeye, yellowfin, and skipjack tunas?*

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

Q6: *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. The baseline Angling category quota is 229.5 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. For further information please visit www.hmspermits.gov.

Q7: *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).

Q8: *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.hmspermits.gov, or call (888) 872-8862 or (978) 281-9260 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 Q10 of this section 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, albacore, or skipjack tunas.

Q9: *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.

Q10: *What are the reporting requirements for tunas landed by recreational anglers?*

A: Recreational landings of bluefin tuna must be reported by vessel owners within 24 hours of landing to the NMFS Automated Landings Reporting System (call (888) 872-8862 or visit www.hmspermits.gov) 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 required to cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q11: *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

Q12: *Am I allowed to fish for tuna without a vessel, e.g., from shore, from an oil rig, etc.?*

A: No. Only persons on board permitted vessels may fish for Atlantic bluefin, bigeye, yellowfin, albacore, or skipjack.

Q13: *May 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.

XII. RECREATIONAL SWORDFISH FISHING

Q1: *If I do not intend to sell my swordfish, do I need a permit to fish for 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 on which Atlantic HMS are retained or possessed, must obtain an Atlantic HMS Angling or Charter/Headboat category permit. Permit holders must abide by all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more stringent regulations, vessels issued a HMS Angling or Charter/Headboat category permit must abide by the more restrictive state regulations. Owners of vessels possessing an Atlantic HMS Angling permit may never sell or transfer any Atlantic HMS for a commercial purpose. For more information on HMS Charter/Headboat permits, please refer to the Charter/Headboat section below.

Q2: *How do I obtain an Atlantic HMS Angling or Charter/Headboat Category Permit?*

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

Q3: *Which gears may recreational anglers use to catch swordfish?*

A: Recreational anglers may use rod and reel and handline. The definition of handline gear has been amended to require that handlines be attached to, or in contact with, a vessel. This modification precludes the use of free-floating gears. To reduce the mortality of swordfish that are released, NMFS strongly encourages the use of circle hooks.

Q4: *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 lbs (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 lbs (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

South Atlantic swordfish (south of 5° N latitude).

Q5: *What are the recreational swordfish retention limits?*

A: Vessels issued an HMS Angling category permit may retain, possess, or land no more than one North Atlantic swordfish per person, up to four per vessel per trip. Vessels issued an HMS CHB permit that are charter vessels may retain, possess, or land no more than one North Atlantic swordfish per paying passenger, up to six per vessel per trip. Vessels issued an HMS CHB permit that are headboat vessels are similarly limited to no more than one North Atlantic swordfish per paying passenger, up to 15 per vessel per trip. A charter boat means a vessel that is less than 100 gross tons (90.8 mt) that meets the requirements of the USCG to carry six or fewer passengers for hire. A headboat means a vessel that holds a valid Certificate of Inspection issued by the USCG to carry passengers for hire. Recreational anglers may not land Atlantic swordfish south of 5°N latitude.

Q6: *What are the monitoring and reporting requirements for recreationally landed swordfish?*

A: Owners of recreational and Charter/Headboat vessels, or their designee, **must report** landings (*i.e.*, fish kept) of non-tournament recreationally-caught Atlantic blue marlin, white marlin, sailfish, and swordfish to NMFS within 24 hours of landing at the dock. Anglers may now report via the internet at www.hmspermits.gov or by calling toll-free 1-800-894-5528. If reporting by phone, the vessel owner will be asked to provide their name, phone number, HMS permit number, species caught, and size of fish. NMFS will

return the call and provide a confirmation number for the reported landing. The reporting process is not complete until NMFS has supplied a confirmation number. The vessel owner is responsible for reporting, but the owner's designee may fulfill reporting requirements.

In Maryland and North Carolina, vessel owners should report their recreational billfish and swordfish landings at state-operated reporting stations. For reporting information in Maryland, contact (410) 213-1531. In North Carolina, contact (800) 338-7804. Vessel permit holders are responsible for reporting tournament related landings, if tournament operators do not fulfill tournament reporting requirements. 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. Participation in the LPS or MRFSS does not fulfill non-tournament reporting obligations.

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

A: Landings from a registered HMS tournament are exempt from the call-in or internet reporting requirement because tournament operators are responsible for providing landings information to NMFS, if selected for reporting. 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 to Section XV for more information on HMS tournaments.

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

A: 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 lbs (15 kg) minimum dressed weight shall be applied in all cases.

XIII. BILLFISH FISHING

Q1: *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 or Charter/Headboat permit. Because minimum size and retention limits apply to Atlantic billfish harvested from the management unit, regardless of where caught, owners of vessels that catch, retain, possess, or land Atlantic billfish should have an HMS Angling category permit. Additional state regulations may also apply. Permit holders must abide by all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in waters of a state with more stringent regulations, vessels issued a HMS Angling or Charter/Headboat category permit must abide by the more restrictive state regulations. Owners of vessels possessing an Atlantic HMS Angling permit may never sell or transfer any Atlantic HMS for a commercial purpose. For more information on HMS Charter/Headboat permits, please refer to the charter/headboat section below.

Q2: *How do I obtain an Atlantic HMS Angling or Charter/Headboat Category Permit?*

A: Atlantic HMS Angling and Atlantic HMS Charter/Headboat permits are available by calling 1-888-872-8862 or by logging onto www.hmspermits.gov. Only one type of permit – HMS Angling, Charter/Headboat, or Atlantic Tunas permit – may be issued to a vessel.

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. Additionally, Billfish tournament circle hook requirements have been suspended from May – December 31, 2007, to allow anglers time to become proficient with circle hooks and familiar with their benefits. During this period, J-hooks may be used by billfish tournament anglers. Beginning January 1, 2008, anglers fishing from HMS permitted vessels and participating in billfish tournaments must use only non-offset circle hooks when deploying natural bait or natural bait artificial lure combinations (see Section I, Q17 for circle hook definition and photo). Tournament anglers may deploy “J”-hooks with artificial lures. NMFS encourages the use of circle hooks by non-tournament anglers to reduce post-release mortality of Atlantic billfish. Circle hook restrictions do not apply to non-tournament anglers.

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

A: The fishing year for Atlantic billfish is January 1 – December 31, each year.

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 individual, vessel, or trip retention limits for Atlantic sailfish, blue marlin and white marlin. The United States has a limit of 250 recreationally landed Atlantic blue and white marlin, combined, on an annual basis. Billfish may only be retained onboard vessels that have been issued an HMS Angling or a Charter/Headboat permit, or vessels that have been issued an Atlantic Tunas General category permit and which are participating in a registered tournament. NMFS strongly encourages recreational anglers to release all billfish alive and according to regulations at 50 CFR 635.21 (see Q6). To reduce the mortality of billfish that are released, NMFS also encourages the use of circle hooks outside of billfish tournaments.

Q6: *What is the proper way to release a billfish?*

Under regulations at 50 CFR 635.21, a person must release a billfish caught by a hook and not retained by cutting the line near the hook or by using a dehooking device without removing the fish from the water.

Q7: *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:

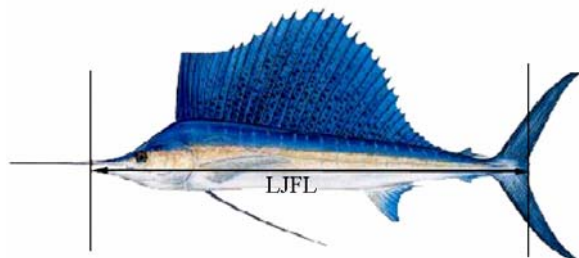
Billfish species	Minimum size*
Blue Marlin	99" (251 cm) LJFL
White Marlin	66" (168 cm) LJFL
Sailfish	63" (160 cm) LJFL
Spearfish	Retention prohibited

*Apply to billfish harvested from the management unit (Atlantic Ocean) regardless of where caught.

To maintain compliance with the annual U.S. 250 Atlantic marlin recreational landing limit, NMFS may increase minimum sizes during a fishing year to between 117 – 138 inches (LJFL) for Atlantic blue marlin and 70 – 79 inches (LJFL) for Atlantic white marlin. Minimum sizes would revert to those identified above at the start of the next fishing year. If NMFS determines that the United States has exceeded, or will exceed, its annual landing limit despite minimum size increases, the Agency may prohibit possession of Atlantic marlins until such time as additional marlins become available for landing.

Q8: *How do I 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.



Q9: *What are the monitoring and reporting requirements for recreational anglers targeting Atlantic billfish?*

A: Owners of recreational and Charter/Headboat vessels, or their designee, **must report** landings (*i.e.*, fish kept) of non-tournament recreationally-caught Atlantic blue marlin, white marlin, sailfish, and swordfish to NMFS within 24 hours of landing at the dock. Anglers may now report via the internet at www.hmspermits.gov or by calling toll-free 1-800-894-5528. If reporting by phone, the

vessel owner will be asked to provide their name, phone number, HMS permit number, species caught, and size of fish. NMFS will return the call and provide a confirmation number for the reported landing. The reporting process is not complete until NMFS has supplied a confirmation number. The vessel owner is responsible for reporting, but the owner's designee may fulfill reporting requirements.

In Maryland and North Carolina, vessel owners should report their recreational billfish and swordfish landings at state-operated reporting stations. For reporting information in Maryland, contact (410) 213-1531. In North Carolina, contact (800) 338-7804. Vessel permit holders are responsible for reporting tournament related landings, if tournament operators do not fulfill tournament reporting requirements. 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. Participation in the LPS or MRFSS does not fulfill non-tournament reporting obligations.

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 or internet reporting requirement because tournament operators are responsible for providing the information to NMFS, if selected for reporting. 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 XV 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 bycatch?*

A: If you are a commercial fisherman (*i.e.*, you sell fish), any billfish caught are 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. NMFS 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 head, fins, and bill intact through landing. You may gut billfish as long as they are otherwise maintained in whole condition.

XIV. CHARTER/HEADBOAT FISHING

Q1: *When do I need the HMS Charter/Headboat permit?*

A: Owners of vessels that carry passengers for-hire and that fish for, possess, or retain

Atlantic HMS must obtain an annual HMS Charter/Headboat permit. A “for-hire” trip is defined as a recreational fishing trip carrying a fee-paying passenger; or a trip having more than three persons for a vessel licensed to carry six or fewer; or a trip having more persons aboard than the number of crew specified on the vessel’s Certificate of Inspection for a 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. While fishing for or possessing Atlantic HMS, the vessel operator must have a valid Merchant Marine License or Uninspected Passenger Vessel License. Because minimum size and retention limits apply to Atlantic billfish harvested from the management unit, regardless of where caught, charter/headboats that catch, retain, possess, or land billfish should have an HMS Charter/Headboat permit. Additional state regulations may also apply. Atlantic HMS Charter/Headboat permits are obtained through the same system as Atlantic tunas permits. Visit www.hmspermits.gov or dial (888) 872- 8862. Customer service for the Automated Permitting System may be reached by pressing “0” from the main menu.

Q2: *I currently hold the HMS Charter/Headboat permit. Do I also need the HMS Angling category permit, as well?*

A: No. NMFS issues a separate permit 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 vessel 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 permit – HMS Angling, Charter/Headboat, or

Atlantic Tunas permit – may be issued to a vessel.

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

A: If you are fishing for Atlantic bluefin tuna, you are only allowed to use rod and reel (including downriggers), bandit gear, and handline. If you are fishing for BAYS tunas, you may use any gear authorized for tuna fishing (including speargun gear for recreational fishing only), except for purse seine and longline. The authorized charter/headboat gears for swordfish and sharks are rod and reel and handline. For Atlantic billfish, the only authorized gear is rod and reel. A new requirement of the Consolidated HMS FMP allows secondary gears, including dart harpoons, gaffs, flying gaffs, tail ropes, etc., to be used at boat side in subduing or bringing onboard Atlantic HMS that have been caught using the primary gears described above. However, these secondary gears may not be used to capture, or attempt to capture, free-swimming or undersized HMS. Also, as a result of the Consolidated HMS FMP, all handlines must remain attached to, or in contact with, the vessel.

Q4: *I currently hold the HMS Charter/Headboat permit. How many BAYS tunas am I allowed to retain, and may BAYS tunas be sold?*

A: HMS Charter/Headboat vessels are subject to recreational limits of BAYS tunas on a for-hire trip, and may sell BAYS tunas up to these limits when engaged on a for-hire trip (except for those harvested by speargun gear). For yellowfin tuna, the recreational retention limit is 3 fish per person per day, with a 27-inch (CFL) minimum size limit. There are no recreational retention limits for bigeye,

albacore, or skipjack tunas, although a 27-inch minimum size limit applies to bigeye tunas. There are no limits on the numbers of BAYS tunas that may be retained and sold by Charter/Headboat vessels on a non-for-hire trip (*i.e.*, 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 permit. How many bluefin tuna am I allowed to retain, and may bluefin be sold?*

A: Owners/operators of vessels that possess the HMS Charter/Headboat permit are required to abide by the Angling category retention limits when fishing recreationally for bluefin tuna, or the General category retention limits when fishing commercially for bluefin tuna, provided quota is still available and the fishery is open. The size category of the first bluefin tuna retained will determine the fishing category applicable to the vessel that day. HMS Charter/Headboat permit holders may sell bluefin tuna > 73" CFL when fishing under the General category regulations. Charter/Headboat vessels may not sell bluefin tuna < 73" CFL. Vessel operators should check the web site or telephone information lines to verify the commercial or recreational bluefin tuna retention limits on any given day. For HMS Charter/Headboat vessels fishing in the Gulf of Mexico, no directed bluefin tuna fishing is allowed. Only the incidental catch of recreational "trophy" size class (large medium or giant) of bluefin tuna is allowed per the retention limits of one bluefin tuna per vessel per year. No sale of these fish is allowed.

Q6: *I currently hold only the HMS Charter/Headboat permit. May I sell sharks and/or swordfish?*

A: No. In order to sell sharks and swordfish, it is necessary for Charter/Headboat permit holders to also possess either a shark limited access permit and/or a swordfish limited access handgear permit, respectively.

Q7: *I currently hold both the HMS Charter/Headboat 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 shark limited access permit are subject to recreational shark retention limits when engaged in for-hire fishing (see definition above). The retained sharks may be sold if the commercial fishery is open, otherwise no sale is allowed. HMS Charter/Headboat vessels that also possess a shark limited access permit are subject to commercial retention limits when engaged in non-for-hire fishing, and may retain sharks while the commercial shark fishery is open.

Q8: *I currently hold both the HMS Charter/Headboat permit, and a limited access swordfish handgear permit. What swordfish retention limits apply, and when do they apply?*

A: HMS Charter/Headboat vessel permit holders who also possess a swordfish limited access handgear permit are subject to recreational swordfish retention limits when engaged in for-hire fishing (see definition above). The retained swordfish may be sold only if the commercial fishery is open, otherwise no sale is allowed. When the commercial swordfish fishery is open, swordfish limited access handgear vessels

may retain swordfish under commercial limits if they are engaged in non-for-hire fishing.

Q9: *May HMS Charter/Headboat permit holders possess or retain Atlantic billfish when fishing on a non-for-hire trip?*

A: Yes. Except for longbill spearfish (which is prohibited), persons who have been issued HMS Charter/Headboat permits may possess or retain Atlantic billfish (blue marlin, white marlin, and sailfish) when engaged on a non-for-hire trip. However, when fishing on a non-for-hire trip, HMS Charter/Headboat vessels may not possess commercial limits of HMS when retaining Atlantic billfish.

Q10: *May Atlantic billfish be sold?*

A: No. The sale of all Atlantic billfish is prohibited, regardless of permit type.

Q11: *If I have the HMS Charter/Headboat permit, do I need to keep a logbook and have a NMFS observer on board?*

A: If NMFS sends you a letter telling you that you have been selected to complete a logbook, you must enter each day's fishing activities on a form specified by NMFS within 48 hours of completing that day's activities or before offloading, whichever is sooner. You must submit the logbook to NMFS postmarked within 7 days of offloading all HMS. If selected for reporting and no fishing occurred during a month, a "no-fishing form" must be submitted to NMFS no later than 7 days after the end of the month. If NMFS sends you a letter telling you that you have been selected to complete the cost-earnings and annual expenditures sections of the logbook, you must complete and submit that cost-earnings section of the logbook within 30

days of offloading, and the annual expenditures section by the date specified on the form. These sections must be completed in addition to the other logbook reporting requirements. You do not have to carry 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.

Q12: *What are the reporting requirements for HMS Charter/Headboat vessel operators?*

A: HMS Charter/Headboat vessel owners/operators must report landings (*i.e.* fish kept) of all bluefin tuna, and non-tournament blue marlin, white marlin, sailfish, and swordfish to NMFS within 24 hours of landing at the dock. The vessel owner is responsible for reporting, but a designee may fulfill the requirement. Recreational landings of all bluefin tuna must be reported to NMFS by calling (888) 872-8862, or by logging onto www.hmspermits.gov. Non-tournament billfish and swordfish landings must be reported to NMFS by calling (800) 894-5528 or by logging onto www.hmspermits.gov. In MD and NC, vessel owners should report their HMS landings at state-operated reporting stations. For additional information on these state's reporting stations, please call (410) 213-1531 (MD) or (800) 338-7804 (NC). Billfish and swordfish that are landed in a registered HMS tournament do not need to be reported by the vessel owners if the tournament operator reports them. However, vessel owners are responsible for reporting these landings if the tournament operator does not. Also, as described above, HMS Charter/Headboat permit holders must complete a logbook and submit cost

earnings information to NMFS, if selected. 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. Participation in the LPS or MRFSS does not fulfill non-tournament reporting obligations.

Q13: *I currently hold the HMS Charter/Headboat permit. Do Federal HMS regulations apply when I am fishing in state waters?*

A: Yes. HMS Angling and Charter/Headboat permit holders must agree, as a condition of their permit, that their vessel's fishing activity, catch and gear are subject to Federal HMS regulations without regard to whether such fishing occurs in the EEZ, or outside the EEZ, and without regard to where such HMS or gear are possessed, taken or landed. However, when fishing within the waters of a state that has more restrictive HMS fishing regulations, persons aboard the vessel must abide by the state's more restrictive regulations.

XV. HMS TOURNAMENTS

Q1: *If I am an HMS tournament operator, do I need to register my tournament with the HMS Management Division of NMFS?*

A: Yes. If you operate a fishing competition 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 the HMS Management Division of NMFS at least 4 weeks prior to

commencement of the tournament and specify the tournament name, location, date(s), director, contact information and target species. To register your tournament, please call the HMS office in St. Petersburg, FL (see contact list below) to request a form, or download the registration form by clicking on “Reporting Forms” at www.nmfs.noaa.gov/sfa/hms or by clicking on “Tournaments” at www.hmspermits.gov. The completed tournament registration form may either be faxed or mailed back to NMFS’ HMS Management Division office in St. Petersburg, FL (see contact list below). Upon receiving the form, NMFS will produce a tournament confirmation number and mail the number to the operator’s address. Please note that registration is not considered complete unless the operator has received a confirmation number from the HMS Management Division of NMFS.

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

A: NMFS will notify tournament operators in writing if their tournament has been selected for reporting. If the tournament is selected, a reporting form and instructions will be sent to the operator. The reporting form must be returned to NMFS’ Southeast Fisheries Science Center in Miami, FL at the address specified on the form within 7 days after tournament fishing has been completed.

Q3: *Why is 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.

Q4: *Do HMS tournament participants need HMS permits?*

A: Yes. HMS tournament participants must possess either an HMS Angling, HMS Charter/Headboat, or an Atlantic tunas General category permit. Atlantic tunas General category permit holders are prohibited from fishing under HMS Angling category regulations except when participating in a registered HMS tournament. When fishing in a registered HMS tournament, Atlantic tunas General category permit holders must comply with HMS Angling category regulations for swordfish, sharks and billfish, and General category regulations for Atlantic tunas (*i.e.*, General category permit holders may not fish for or land bluefin tuna < 73” under any circumstances).

Q5: *Are there any other regulations that apply specifically to HMS tournaments or tournament participants?*

A: Yes. In general, all HMS recreational fishing regulations (size limits, bag limits, gear restrictions, possession restrictions, etc.) apply to HMS tournament participants. Additionally, billfish tournament circle hook requirements have been suspended from May 11 – December 31, 2007, to allow anglers time to become proficient with circle hooks and familiar with their benefits. During this period, J-hooks may be used by billfish tournament anglers with any hook and bait combination. Beginning January 1, 2008, anglers fishing from HMS permitted vessels and participating in billfish tournaments must use only non-offset circle hooks when deploying natural bait or natural bait artificial lure combinations. Tournament anglers may deploy “J”-hooks with artificial lures. NMFS encourages the

use of circle hooks by non-tournament anglers to reduce post-release mortality of Atlantic billfish.

XVI. HMS OBSERVER COVERAGE

Q1: *What does an observer do?*

A: An observer collects biological information on all the fish or other species caught. Often this information, such as the species, sex, and size of a fish, 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 NMFS 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 may be able to offer help to fishermen in reviewing safe handling and gear removal techniques. However, at least for the Pelagic Longline fishery, the observer may not assist in the removal of fishing gear from trapped sea turtles.

Q2: *Am I required to carry an observer?*

A: If you are notified by NMFS 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 NMFS 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 accommodations as any crewmember. Additional information regarding these regulations is included on the selection letter. If you are selected and continue to fish without an observer or without contacting the observer program office you may be subject to penalties and sanctions. Harassing an observer or preventing an observer from carrying out his/her duties is illegal (50 CFR Part 635.7 (c)).

XVII. HMS Workshops

Q1: *Do I need to attend a workshop to renew my permit?*

A: All commercial shark and swordfish directed or incidental limited access permit holders that use longline or gillnet gear on their vessel must attend a protected species safe handling, release, and identification workshop. Operators of these vessels, if different from the permit holder, must also attend the workshop. Both the permit holder and operator must attend the workshop and become certified prior to renewing the vessel's shark and swordfish limited access permit in 2007. Additionally, Federally permitted shark dealers or their proxies must attend an Atlantic shark identification workshop before December 31, 2007. In 2008, shark dealers will need to submit copies of their workshop certificate with their application to renew their Federal shark dealer permit.

Q2: *Why is NMFS holding these workshops?*

A: The objective of the safe handling, release, and identification workshops is to provide fishermen with the skills to reduce

the mortality of protected species in compliance with the 2003 and 2004 Biological Opinions for the shark and pelagic longline fisheries, respectively. These workshops are designed to educate longline and gillnet fishermen on the proper techniques for safe handling and release of entangled or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. Identification of protected species will also be taught at these workshops in an effort to improve reporting. The objective of the Atlantic shark identification workshops is to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species specific dealer reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies on how to properly identify Atlantic shark carcasses.

Q3: *Who is required to attend these workshops?*

A: Owners of commercial shark and swordfish vessels with a Federal permit that deploy longline or shark gillnet gear and the operators of these vessels are required to attend the protected species safe handling, release, and identification workshops.

All Federally permitted shark dealers (or their proxies) are required to attend a shark identification workshop. Shark dealers will be issued a workshop certificate for each location authorized to receive sharks under their permit.

Q4: *How much time do I have to get a workshop certificate?*

A: Vessel owners and operators that fish with longline or gillnet gear must be certified as having completed a workshop on the safe handling, release, and identification of protected species prior to the owner renewing or transferring a shark or swordfish limited access vessel permit in 2007. Applications for renewals or transfers will not be considered complete and a permit will not be issued until a workshop certification from the vessel owner is presented. Vessels may not fish unless both the owner and operator certificates are on the vessel. Shark dealers or their proxies must be certified as having completed the shark identification workshop by December 31, 2007. Applications for permit renewals in 2008 will not be considered complete and a permit will not be issued until a workshop certification from the shark dealer is presented. A workshop certification must be available at every business authorized to receive sharks under the dealer's permit.

Workshops will be available to individuals entering the fishery after 2007. A workshop certification will be needed prior to obtaining a permit.

Q5: *Can I send someone else to the workshop for me instead of going myself?*

A: Permit holders and operators that are required to attend a protected species safe handling, release, and identification workshop may not send someone else, (*i.e.*, a proxy) to a workshop instead of attending themselves. Crew members may attend workshops; however, crew members are not required to attend workshops.

Shark dealers may send a proxy to a shark identification workshop. If a shark dealer chooses to send a proxy to a workshop, instead of attending themselves, a proxy from every business location authorized to

receive sharks under the dealer's permit must attend a shark identification workshop. A proxy must be a person who is currently employed by a business authorized to receive sharks under the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and is involved in filling out dealer reports.

Q6: *How often do I need to renew my workshop certificate?*

A: All safe handling, release, and identification and shark identification workshop certificates must be renewed, prior to the expiration date on the certificate, generally every three years. The time between workshops may be slightly more or less than three years depending on when the certificate is received in relationship to your permit renewal.

Q7: *How can I find out where and when the workshops are held?*

A: Workshop dates and locations will be listed on the HMS website: <http://www.nmfs.noaa.gov/sfa/hms/>. The list will also be available by calling the HMS Management Division at (301) 713-2347.

Q8: *Are vessel operators required to train to the vessel's crew and are shark dealers required to train their employees?*

A: No. Vessel owners and operators are not required to train crew members on safe handling, release, and identification of protected species, but NMFS highly recommends owners and operators share the information with their crew.

Shark dealers are not required to train their employees to identify Atlantic shark

carcasses, but NMFS encourages shark dealers to send individuals involved with shark identification and completing the shark dealer report. Dealers are encouraged to make the shark identification materials from the workshop readily available for employees involved with identifying shark carcasses.

Q9: *Since workshop certificates are linked to the permits, can a workshop certificate be transferred?*

A: Workshop certificates are not transferable. An individual interested in receiving an HMS permit must first attend a workshop, obtain a certification, and submit a copy of the certificate with the application to transfer the HMS permit.

Workshop certificates are not transferable because the person issued the certificate is responsible for being familiar with the techniques and protocols for the safe handling and release of protected species or the proper identification of Atlantic shark carcasses.

Q10: *If I attended an industry sponsored handling and release workshop in 2005, do I need to attend another handling and release workshop in 2007?*

A: No. Individuals that attended and successfully completed an industry certification workshop on safe handling and release held on either April 8, 2005, in Orlando, FL, or June 27, 2005, in New Orleans, LA, as documented by workshop facilitators, will automatically receive valid protected species safe handling, release, and identification workshop certificate no later than December 31, 2006. If you do not, please call HMS Headquarters at (301) 713-2347 or the St. Petersburg Office at (727) 824-5399.

Q11: *How do I prove that I have been certified in a workshop?*

A: A copy of a valid workshop certificate will serve as proof that you have completed your required workshop. As such, two safe handling, release, and identification workshop certificates must be on board vessels with longline or gillnet gear – one issued to the vessel owner, even if the owner is not on board, and a second issued to the vessel operator. Additionally, when renewing a shark or swordfish limited access permit, a copy of both the owner and operator workshop certificates must be submitted with the application to renew shark or swordfish limited access permit.

By December 31, 2007, all Federally permitted shark dealers are required to have an original shark identification workshop certificate at every location authorized to receive sharks under the dealer's permit. Shark dealers with multiple locations authorized to receive sharks under one permit will be issued a workshop certificate for each location listed in the permit application. Additionally, after December 31, 2007, a copy of the shark identification workshop certificate (or copies, if multiple locations are authorized to receive sharks) must be submitted with the application to renew a shark dealer permit.

XVIII. UPCOMING RULES AND EVENTS

The following is a list of events that could modify the regulations described in this compliance guide. This list does not signify that any regulations have been modified, but is intended to give the reader an idea of what regulations may have changed since the compliance guide publication date.

Upcoming Rules

1. On November 7, 2006, NMFS published a notice of intent for the development of Amendment 1 to the Consolidated HMS FMP (Amendment 1), which has a focus on essential fish habitat (EFH) (71 FR 65087). NMFS has conducted scoping to identify and describe EFH, minimize, to the extent practicable, adverse effects on EFH caused by fishing, and to identify other actions to encourage the conservation and enhancement of EFH. NMFS expects to release the draft in fall 2007 for public comment.

2. NMFS is currently developing Amendment 2 to the Consolidated HMS FMP (Amendment 2), which has a focus on shark management measures. NMFS published a notice of intent (NOI) on November 7, 2006 (71 FR 65086), announcing the development of the draft Environmental Impact Statement (DEIS) for Amendment 2. Amendment 2 will implement new shark management measures to rebuild overfished sandbar, dusky, and porbeagle sharks and end overfishing of sandbar and dusky sharks based on the results of several stock assessment conducted in 2005 and 2006. NMFS published a proposed rule on 2007. The comment period for this proposed rule closes on October 10, 2007, with a final rule to be published early in 2008.

3. NMFS published a proposed rule on June 18, 2007, that would set U.S. baseline quotas for North (2,937.6 mt dw) and South (75.2 mt dw) Atlantic swordfish based on ICCAT recommendations. In addition, this action would cap the amount of underharvest carryover for swordfish in the North (50 percent of the baseline quota) and South (75.2 mt dw) Atlantic. Furthermore, this action would transfer 15 percent of the

baseline quota for North Atlantic swordfish into the reserve category in anticipation of a possible transfer to another ICCAT contracting party, should the situation arise. The comment period for this proposed rule closed on July 18, 2007. NMFS expects to publish the final rule in early October, 2007.

4. NMFS expects to finalize its small coastal shark assessment in the fall of 2007.

5. A proposed rule for the 2008 first trimester shark season will be published in early fall 2007.

6. A proposed rule for 2008 bluefin tuna specifications will be published in early fall 2007.

Upcoming Events/Potential Rules

- ICCAT Meeting, November 2007.
- HMS Advisory Panel Meeting, October, 2007.

XIX. CONTACT LIST

NATIONAL MARINE FISHERIES SERVICE HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION

Margo Schulze-Haugen, Chief

<http://www.nmfs.noaa.gov/sfa/hms>.

HMS information line (*recorded information only*): (800) 894-5528

Topics	Office	Phone Number and Address
Commercial Swordfish Sharks Exempted fishing permits Atlantic HMS News List Pelagic and bottom longline Protected Species Shark and Swordfish Limited Access permits	HMS Headquarters Office	Phone: (301) 713-2347; Fax: (301) 713-1917 Address: 1315 East-West Highway, NMFS/SF1 Silver Spring, MD 20910
Atlantic tunas Atlantic tunas dealer reporting Bluefin tuna Statistical Document Program Charter/Headboat operations International Trade Permit Tuna Longline Permits	HMS Gloucester Office	Phone: (978) 281-9260; Fax: (978) 281-9340 Address: One Blackburn Drive, NMFS/SF1 Gloucester, MA 01930-2298
Billfish Recreational Swordfish Tournament registration Billfish Certificate of Eligibilities Pelagic Longline Shark and Swordfish Limited Access Permit Upgrading Restrictions	HMS St. Petersburg Office	Phone: (727) 824-5399 Fax: (727) 824-5398 Address: 263 13 th Ave. South St. Petersburg, FL 33701
FISHING AND DEALER PERMITS		
<i>- for Atlantic Shark and Swordfish Vessel and Dealer permits</i>	NMFS Southeast Regional Permit Office Webpage: http://caldera.sero.nmfs.gov/fishery/permits/permit.htm	Phone: (727) 824-5326 Address: 263 13 th Ave. South St. Petersburg, FL 33701
<i>- for Atlantic tunas, Atlantic HMS Charter/Headboat and HMS Angling Vessel Permits -</i>	Automated Permitting System Webpage: http://www.hmspermits.gov/	Phone: (888) 872-8862
<i>- for Atlantic Tunas Dealer Permits</i>	NMFS Northeast Region Permit Office Webpage: www.nero.noaa.gov/fso/permits/initialapp1.htm	Phone: (978) 281-9370; Fax: (978) 281-9366 One Blackburn Drive Gloucester, MA 01930
Vessel Monitoring Systems (VMS)		
Jonathan Pinkerton	National VMS Program Manager	(301) 427-2300
Beverly Lambert	Southeast VMS Program Manager	(727) 824-5347

**NMFS
LAW 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
New Bedford, MA	(508) 992-7711
Bellport, NY	(631) 776-1734
Wall, NJ	(732) 280-6490
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) 852-3341
Glynco, GA	(912) 261-8242 (912) 267-2335
Titusville, FL	(321) 269-0004
Miami, FL	(954) 746-4160
Marathon, FL	(305) 743-3110
Fort Meyers, FL	(239) 334-2575
St. Petersburg, FL	(727) 824-5344
Niceville, FL	(850) 729-8628
Slidel, LA	(985) 643-6232
Austin, TX	(512) 916-5401
Galveston, TX	(409) 770-0182
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 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, billfish, or swordfish tagging kit or report a tag recovery: (800) 437-3936

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

APEX Predator Program
NOAA/NMFS
28 Tarzwell Drive
Narragansett, RI 02882
www.nefscsharks.nmfs.gov
(410) 213-1531

**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

To Order an HMS Identification Guide:

Rhode Island Sea Grant
University of Rhode Island
Narragansett Bay Campus
Narragansett RI 0282
Phone: (401) 874-6842
Fax: (401) 874-6817