

Science, Service, Stewardship



Overview of Regulations for Atlantic Highly Migratory Species

February 18, 2009
Silver Spring, MD

**NOAA
FISHERIES
SERVICE**

NOAA



Presentation Outline

- HMS Fisheries & Gears
- HMS Regulations
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 - BLL/Gillnet Permitting
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- Recreational Minimum Sizes and Trip Limits
- Tournament Registration & Reporting
- Non-Tournament Reporting
- Billfish Tournament Circle Hooks



HMS Fisheries & Gears

Commercial*:

- Pelagic longline – tunas, swordfish, shark
- Bottom longline – shark
- Gillnet – shark only
- Purse seine – tunas
- Greenstick gear** – tunas
- Harpoon – tunas, swordfish
- Buoy gear – swordfish only
- Handgear (inc. handline, rod & reel, bandit gear) – All HMS
- Trap – tunas

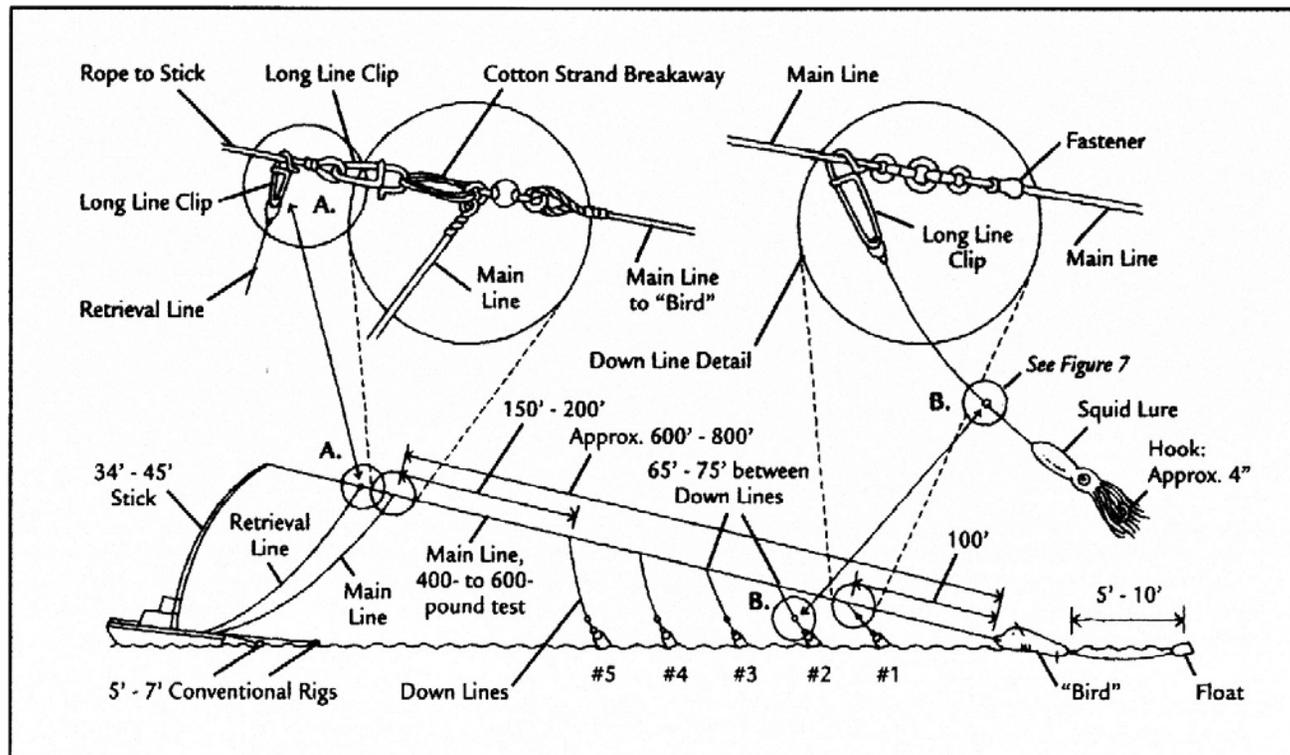
Recreational:

- Handline – tunas, swordfish, shark
- Rod & reel – all HMS
- Speargun – BAYS tunas only
- Bandit gear – Charter/Headboat tunas only



Green-Stick Gear

- Final rule published Sept 23, 2008
- Authorized green-stick gear for Atlantic tunas, including BFT on General, Charter/Headboat, and Atlantic Tunas Longline permitted vessels.





Permit Condition

Permit condition attaches regardless of where fishing takes place

- §635.4(a)(10) An owner of a vessel with a valid swordfish, shark, HMS Angling, or HMS Charter/ Headboat permit issued pursuant to this part must agree, as a condition of such permit, that the vessel's HMS fishing, catch, and gear are subject to the requirements of this part during the period of validity of the permit, without regard to whether such fishing occurs in the U.S. EEZ, or outside the U.S. EEZ, and without regard to where such HMS, or gear, are possessed, taken, or landed. However, when a vessel fishes within the waters of a state that has more restrictive regulations pertaining to HMS, persons aboard the vessel must abide by the state's more restrictive regulations.



Atlantic HMS Pelagic Longline (PLL) Permitting

To fish for and retain Atlantic swordfish and tunas using PLL gear, an individual must possess all three of the following types of permits:

- Swordfish (SWO) LAP (directed or incidental)
- Shark LAP (directed or incidental)
- Tuna Longline category permit

Individuals can fish for sharks using PLL gear with only a Shark LAP, but they must discard all SWO and tunas

Commercially permitted HMS Fishermen may only sell HMS to HMS permitted dealers



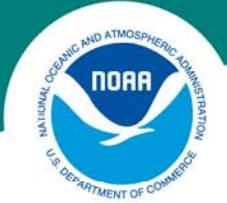
Atlantic HMS Bottom Longline (BLL) and Gillnet Permitting

To fish for and retain Atlantic sharks in Federal waters using BLL and/or gillnet gear, an individual must possess:

—Shark LAP (directed or incidental)

Federally permitted shark fishermen may only sell sharks to Federal shark dealers

Fishermen fishing exclusively in state waters do not need to possess a Federal commercial shark permit; these fishermen may sell to Federal or state shark dealers



Protected Species Release, Disentanglement, and ID Certification

Effective Jan 1, 2007, SWO and SHK LAPs will not be issued (transfers) or renewed for vessels that use or possess LL/gillnet without a workshop certification

Once a permit is acquired or renewed, vessel operators are required to possess on board the vessel valid workshop certificates for **BOTH** the vessel owner and operator at all times

Certifications are valid for 3 years

Vessels must possess onboard and use required disentanglement and release gears and sea turtle placards



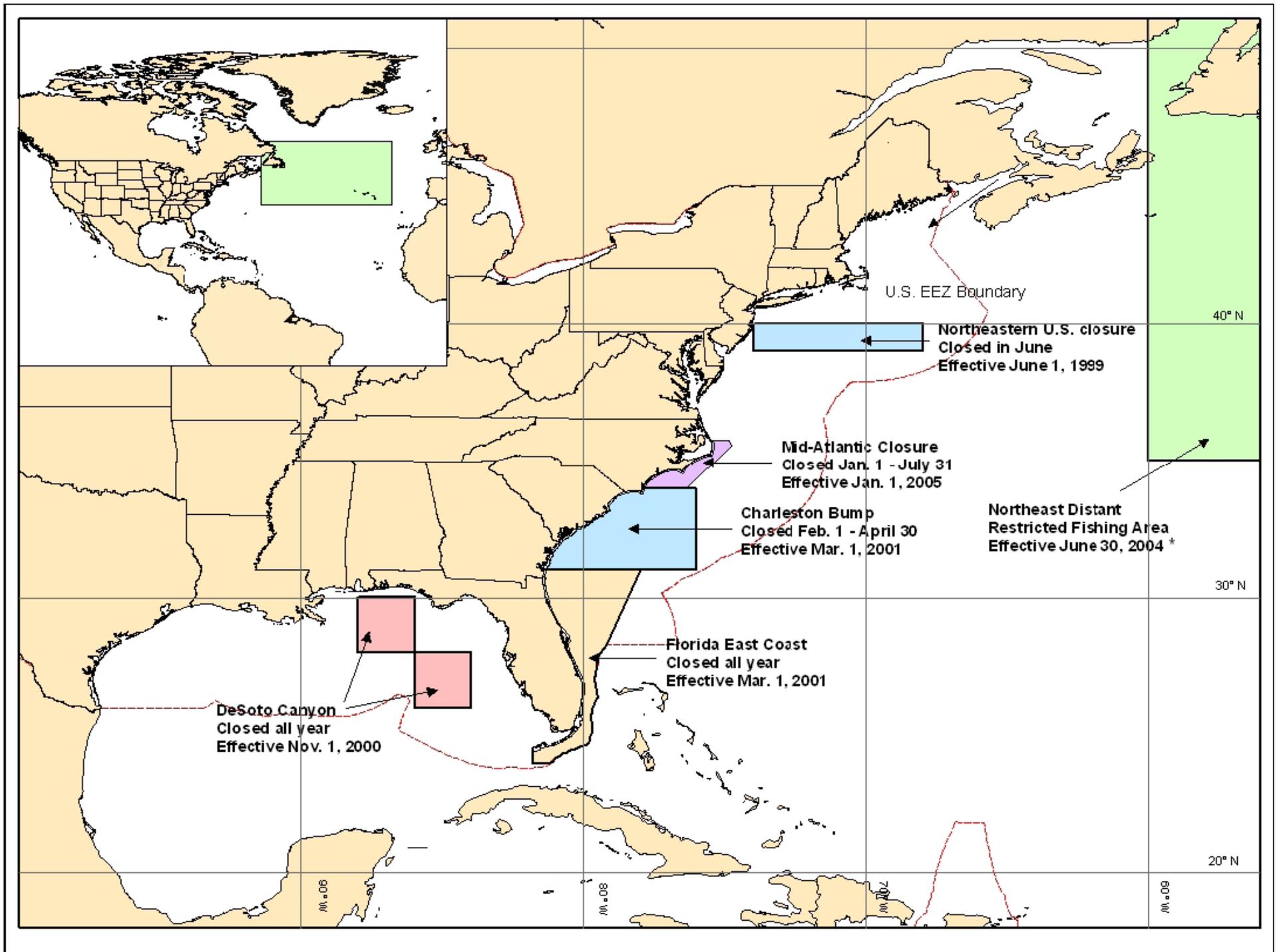
Time Area Closures/Restrictions

Pelagic Longline (PLL) Closed Areas –

- Desoto Canyon – Closed year round, effective November 2000
- Florida East Coast – Closed year round, effective March 2001
- Charleston Bump – Closed Feb 1 – April 30 annually, effective March 2001
- Northeastern U.S. – Closed in June, -effective June 1999
- Northeast Distant Gear Restricted Area – Year round, effective June 2004*

All Gear Closures –

- Madison-Swanson & Steamboat Lumps
 - Closed to all gears year round except surface trolling is allowed from May – October





Pelagic/Bottom Longlines in Closed Areas

§ 635.21(c)(1) & § 635.21(d)(4) - If a vessel is in a pelagic longline closed area and has bottom longline gear onboard, the vessel may not, at any time, possess or land any pelagic “indicator” species in excess of 5 percent, by weight, of the total weight of pelagic and demersal “indicator” species possessed or landed, and vice-versa.



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



Caribbean BLL Closures

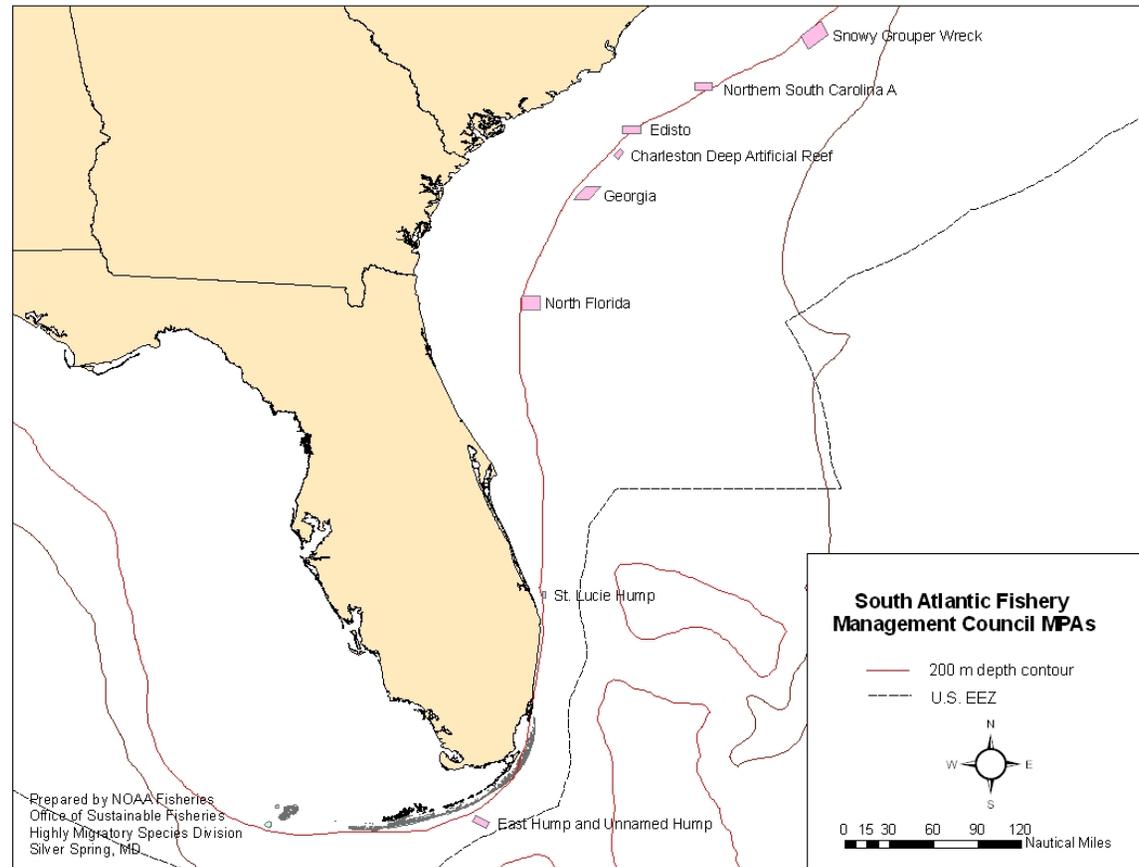
- A final rule published February 7, 2007 established complementary HMS bottom longline gear closures around Puerto Rico and St. Croix to protect reef fish and EFH.





South Atlantic BLL Closures

- A final rule published on June 24, 2008, established complementary HMS BLL gear closures in eight marine protected areas in the South Atlantic.





Vessel Monitoring Systems and Observers

Vessel Monitoring Systems (VMS)

- All vessels with PLL on board are required to have a VMS unit installed and operating
 - List of approved VMS units is available in the Federal Register or from HMS
- Vessels w/BLL aboard in the vicinity of the Mid-Atlantic BLL closed area from January - July
- Vessels issued a Directed SHK LAP w/gillnet gear aboard during right whale calving season (Nov. 15 – March 31)

Observers

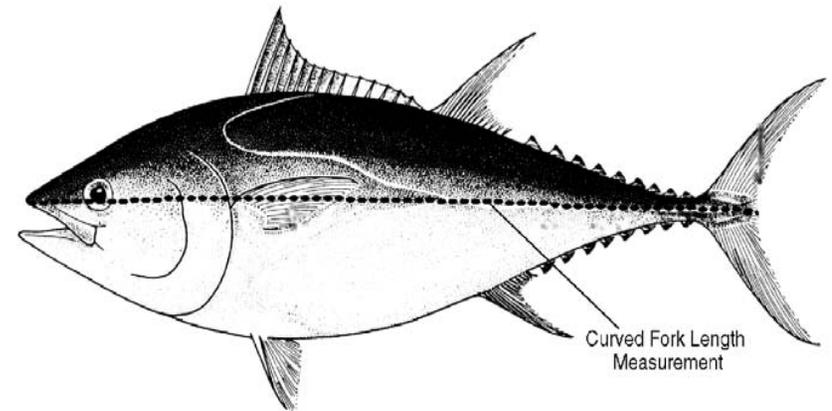
- All HMS permitted PLL vessels are eligible for selection to carry a NMFS observer
- If a vessel is selected, it must carry an observer on every trip, unless otherwise notified
- Selected vessels must comply with all USCG and NMFS safety regulations

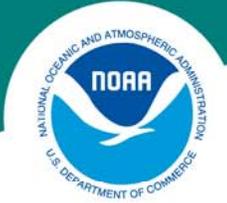


Commercial Minimum Sizes

Minimum Sizes –

- SWO 29" (CK), 47" (LJFL), or 33 lb (dw)
- Bluefin Tuna – PLL minimum size: 73" CFL
- Yellowfin & Bigeye Tunas: 27"CFL
- Skipajck & Albacore Tunas: No minimum sizes
- Sharks: No commercial minimum sizes





Trip Limits/Landing Requirements

Tunas

- Maximum of 3 BFT on a PLL vessel, if catch requirements have been met

Catch requirements for the retention of BFT by PLL vessels:

- 2,000 lbs of targeted catch must be on board to retain 1 BFT
- 6,000 lbs of targeted catch must be on board to retain 2 BFT
- 30,000 lbs of targeted catch must be on board to retain 3 BFT



Trip Limits/Landing Requirements

Sharks

- Directed shark permits: 33 non-sandbar large coastal sharks (until December 31, 2012); no sandbar shark retention unless participating in shark research fishery
- Incidental shark permits:
 - 3 non-sandbar large coastal and;
 - Up to a total of 16 pelagic or small coastal combined
 - No sandbar shark retention unless participating in shark research fishery

Swordfish (SWO)

- Directed SWO permits: no trip limits when open; 15 SWO per PLL trip when season is closed
- Incidental SWO permits – Squid Trawl (15 per trip) Others (30 per trip)



Landing Form

Tunas

- May be headed and gutted provided one pectoral fin and tail remain attached
- Cannot be cut into pieces or filleted

Swordfish

- May be headed, gutted, and have fins removed
- Cannot be cut into pieces or filleted

Sharks

- Sharks may be eviscerated; the heads may be removed
- ALL fins must remain naturally attached through offloading
- May not be cut into pieces or filleted



Gear Restrictions

Bycatch PLL Requirements

- In NED: 18/0 or larger circle hook with an offset not exceed 10 degrees with whole Atlantic mackerel and squid
- Outside of NED: 18/0 or larger circle hook with an offset not to exceed 10 degrees or 16/0 or larger non-offset circle hook with whole fish or squid
- Gangion Length – gangion must be 10% longer than the floatline if the floatline plus gangion are less than 100 meters
- Hooks must be non-stainless corrodible hooks
- Possession and use of live bait is prohibited on vessels in the GOM
- Possess, maintain, and utilize sea turtle disentanglement and release gear



Gear Restrictions

BLL Requirements

- Hooks must be non-stainless corrodible hooks
- Possess, maintain, and utilize sea turtle disentanglement and release gear

Gillnet Requirements

- Gillnets must be attached to a fishing vessel
- Length restriction for gillnets (> 2.5 km prohibited)
- Net checks must occur every 0.5 to 2 hours
- Possess, maintain, and utilize sea turtle disentanglement and release gear
- Additional restrictions around the Southeast Restricted Areas during Atlantic right whale calving times



In-season Actions

- A number of in-season actions can be rapidly implemented with a notice in the Federal Register, including:

Species	Action	Timeframe
Bluefin tuna	<ul style="list-style-type: none"> • Change bag limits • Restricted Fishing Days 	<ul style="list-style-type: none"> • 3 day notice • 3 day notice
Swordfish	<ul style="list-style-type: none"> • Closure of directed fishery 	<ul style="list-style-type: none"> • 14 day notice
Sharks	<ul style="list-style-type: none"> • Closure of the fishery 	<ul style="list-style-type: none"> • 5 day notice
Billfish	<ul style="list-style-type: none"> • Minimum size change • Prohibit recreational landings 	<ul style="list-style-type: none"> • 14 day notice • 14 day notice



Logbook Reporting

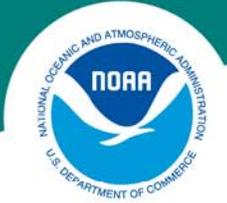
If selected for logbook reporting, entries must be recorded in the logbook within 48 hours of completing that day's activities or before offloading, whichever is sooner

Logbook forms must be submitted to NMFS and post-marked within seven days of offloading.

No fishing reports must be submitted to NMFS and post-marked with seven days after the end of the month

Vessels selected for logbook reporting must also obtain and submit copies of dealer weigh-out slips showing:

- to whom the fish were transferred, date of transfer, and carcass weight of each fish for which individual weights are normally recorded



Federal SHK/SWO/BAYS Dealers Recordkeeping and Reporting

Anyone who buys Atlantic swordfish, tunas, or sharks from a vessel must possess the appropriate Federal dealer permit(s)

Annual Permit (or copy) must be at each location

—SHK/SWO Issued by SERO

—BAYS Issued by NERO

A shark ID workshop certificate must be at each location which first receives Atlantic sharks

Additionally, a copy of a workshop certificate must be possessed in trucks or other conveyances*

Two reports must be submitted each month:

1. Purchases made during the 1st through the 15th of each month, and
2. Purchases made during the 16th through the end of the month.

If no HMS were purchased during a reporting period, a report stating that must be submitted, i.e., Null Reports

Dealers must retain copies of these reports for 2 years from the date on which each report was required to be submitted



Dealer Reporting in the Southeast Region

(North Carolina through Texas, Commonwealth of Puerto Rico, and U.S. Virgin Islands)

Dealers in the Southeast region can submit reports in any of the following three ways:

- Mail to: NOAA Fisheries
 Southeast Fisheries Science Center
 75 Virginia Beach Drive, Miami, Florida 33149
- Electronically send to: heather.balchowsky@noaa.gov
- Fax the completed report to 305-361-4497

Reports must be received **within 10 days** after the end of each reporting period.



Recreational and Charter/Headboat

Permits

—Angling

- No sale, barter, or trade of any fish caught under a recreational angling permit

—Charter/Headboat:

- Recreational limits apply if on a for-hire trip
- Allowed to sell Atlantic tunas to permitted dealers

Recreational Limits for CHB and Angling Trips

Species	Minimum Sizes		Retention Limits
Blue Marlin	99" (LJFL)		N/A
White Marlin	66" (LJFL)		N/A
Sailfish	63" (LJFL)		N/A
Longbill Spearfish	Prohibited		0
Swordfish	47" (LJFL) or, 29" (CK) or, 33lbs		Varies by permit and trip type
Bigeye Tuna	27" (CFL)		N/A
Albacore Tuna	N/A		N/A
Yellowfin Tuna	27" (CFL)		3/person/day
Skipjack Tuna	N/A		N/A
Bluefin Tuna	Angling Cat.	27" – 73" CFL	Vary in season
	General Cat.	> 73"	Vary in season
Shark (excluding prohibited species)	54" FL		1 authorized species/vessel/ trip 1 Atl. Sharpnose and 1 bonnethead/person/vessel/trip



HMS Tournament Registration Requirements

§635.5 (d) For all tournaments conducted from a port in an Atlantic coastal state, including the U.S.V.I. and Puerto Rico, a tournament operator must register with NMFS' HMS Management Division, at least 4 weeks prior to commencement of the tournament by submitting information on the purpose, dates, and location of the tournament to NMFS.

A tournament is not registered unless the tournament operator has received a confirmation number from NMFS' HMS Management Division.

ATLANTIC HIGHLY MIGRATORY SPECIES TOURNAMENT REGISTRATION



Thank you for registering your _____ fishing tournament with the National Marine Fisheries Service. Please send the completed form (which is also available at www.nmfs.noaa.gov/sfa/hms or www.hmspermits.gov) via mail to: HMS Tournament Registration, National Marine Fisheries Service, 263 13th Avenue S., St. Petersburg, FL, 33701 or FAX to (727) 824-5398.

Tournament Name _____

Tournament Location _____ Date(s): _____
City State

Director/Operator Name _____

Mailing Address _____
Street/P.O. Box

Phone (____) _____ - _____ FAX (____) _____ - _____
City State Zip

E-mail Address (if applicable) _____

Has this tournament operated in previous years? ____ (Y/N); Most recent year _____

What name(s) have been used for this event? _____

Please check the appropriate HMS species below for which points or prizes are awarded for either tag and release, or that are landed in your tournament. Thank you.

Billfish		Swordfish	<input type="checkbox"/>
White Marlin.....	<input type="checkbox"/>		
Blue Marlin.....	<input type="checkbox"/>		
Sailfish.....	<input type="checkbox"/>		
Longbill Spearfish.....	<input type="checkbox"/>		

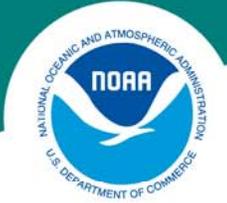
Sharks		Tunas	
Large Coastal Sharks:		Bluefin Tuna.....	<input type="checkbox"/>
Ridgeback Sharks.....	<input type="checkbox"/>	Yellowfin Tuna.....	<input type="checkbox"/>
Non-Ridgeback Sharks.....	<input type="checkbox"/>	Bigeye Tuna.....	<input type="checkbox"/>
Small Coastal Sharks.....	<input type="checkbox"/>	Albacore.....	<input type="checkbox"/>
Pelagic Sharks.....	<input type="checkbox"/>	Skipjack Tuna.....	<input type="checkbox"/>

Checking this box authorizes NMFS to release information to the public regarding tournament name, date(s), city, state, and target species.

(Please See Reverse Side)

OMB NUMBER: 0548-0523

OMB EXPIRATION DATE: 6/30/2009



HMS Tournament Reporting Requirements

§635.5(d) NMFS will notify the tournament operator in writing when a tournament has been selected for reporting

Tournament operators that are selected to report must maintain and submit to NMFS a record of catch and effort on forms available from NMFS

Tournament operators must submit a copy of the completed forms to NMFS, at an address designated by NMFS, postmarked no later than the 7th day after the conclusion of the tournament, and must attach a copy of the tournament rules



Atlantic Highly Migratory Species Tournament Summary Report



OMB #0648-0323, expires 6/30/2009

Tournament Name: _____

Fishing Date(s): _____

Tournament Location (city & state): _____

Total Boats Fishing or # Boats Fishing Per Day: _____ Hours Fished (Lines in-Lines Out): _____

Recorder's Name: _____ Phone: _____

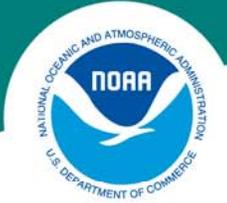
ATLANTIC BILLFISHES						OTHER SPECIES							
	No. Kept	Number Released				Size of Fish Kept (lbs.)		No. Kept	Number Released				Size of Fish Kept (lbs.)
		Alive tag	Alive tag	Dead	Total				Alive tag	Alive tag	Dead	Total	
Blue Marlin							Swordfish						
White Marlin							OTHER						
Sailfish													
Spezfish													

ATLANTIC PELAGIC SHARKS						ATLANTIC COASTAL SHARKS							
	No. Kept	Number Released				Size of Fish Kept (lbs.)		No. Kept	Number Released				Size of Fish Kept (lbs.)
		Alive tag	Alive tag	Dead	Total				Alive no tag	Alive tag	Dead	Total	
Blue							Bignose	N/A				N/A	
Longfin Mako	N/A					N/A	Blacktip						
Shortfin Mako							Dusky	N/A				N/A	
Oceanic Whitetip							Great Hammerhead						
Common Thresher							Scalloped Hammerhead						
Bigeye Thresher	N/A					N/A	Smooth Hammerhead						
Porbeagle							Night	N/A				N/A	
OTHER							Sandbar						
							Silky						
							Spinner						
							Tiger						
							White	N/A				N/A	
							OTHER						

ATLANTIC TUNAS													
	No. Kept	Number Released				Size of Fish Kept (lbs.)		No. Kept	Number Released				Size of Fish Kept (lbs.)
		Alive tag	Alive tag	Dead	Total				Alive tag	Alive tag	Dead	Total	
Yellowfin Tuna							Albacore Tuna						
Bluefin Tuna							OTHER TUNA						
Skipjack Tuna													
Bigeye Tuna													

N/A - Not Applicable (Retention of this species is prohibited)

PAPERWORK REDUCTION ACT NOTICE: Atlantic Highly Migratory Species tournament information is required by NOAA Fisheries under authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Tuna Convention Act, as amended. Catch and effort information will be used in stock assessments, to monitor total catch of species under quota management, and in reports to international commissions with respect to catch sharing agreements. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (50 CFR 2.15-100). Upon request, some individual responses, stripped of personal identifiers, may be released to the public. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 20 minutes per respondent (reporting of selected tournaments), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing the burden to the Highly Migratory Species Management Division, NOAA Fisheries, 1315 Blue-Weat Highway, Silver Spring, MD 20910.



Non-Tournament Reporting of Bluefin Tuna, Swordfish and Billfish

All bluefin tuna, billfish, and North Atlantic swordfish non-tournament landings must be reported to NMFS or via alternative state reporting systems if landed in NC or MD

BFT must be reported through the NMFS automated catch reporting system within 24 hours of the landing (888-872-8862 or www.hmspermits.gov)

Non-tournament landings of billfish and SWO must be reported within 24 hours of landing. Anglers must report via the internet at www.hmspermits.gov or by calling toll-free 800-894-5528

The reporting process is not complete until the permit holder is in receipt of a confirmation number issued by NMFS



Atlantic Billfish Tournament Circle Hook Requirements

Effective January 1, 2008:

§635.21(e)(2)(iii)persons who have been issued or are required to be issued a permit under this part and who are participating in a “tournament”, as defined in § 635.2, that bestows points, prizes, or awards for Atlantic billfish must deploy only non-offset circle hooks when using natural bait or natural bait/artificial lure combinations, and may not deploy a J-hook or an offset circle hook in combination with natural bait or a natural bait/artificial lure combination.”

Regulations allow use of J-hooks with any bait or lure outside of billfish tournaments, and in tournaments on artificial lures.