

XVI. COMMERCIAL SWORDFISH FISHING

PERMITS

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 during the course of those operations..³¹⁶

Limited Access Permits

A **Directed permit** allows fishermen to target swordfish using any authorized gear.³¹⁷ Directed permits are valid only when the permit holder also has both an Atlantic tunas Longline category permit and an Atlantic shark limited access permit.³¹⁸ There are no trip limits for swordfish when the directed fishery is open.*³¹⁹

A **Handgear permit** allows fishermen to target swordfish using only handgear (handline, buoy gear, rod and reel, harpoon, bandit gear). If longline gear is onboard the vessel, any swordfish onboard the vessel will be deemed to have been harvested with longline gear.³²⁰ No other permit is required to land swordfish.³²¹ There are no trip limits for swordfish when the directed fishery is open.*³²²

An **Incidental permit** allows fishermen to land swordfish incidental to the catch from other fishing activities.³²³ Incidental permits are not subject to vessel upgrading restrictions.³²⁴ Incidental swordfish permits are valid only when held in combination with both a valid Atlantic tunas Longline category permit and an Atlantic shark limited access permit.³²⁵ The incidental limits are 30 fish per vessel per trip for most gear types.³²⁶ Incidental permit holders may not possess or utilize buoy gear.³²⁷

Open Access Permits

A **Swordfish General Commercial permit** allows fishermen to fish for, retain, and sell a limited number of swordfish caught on rod and reel, handline, harpoon, green-stick, or bandit gear.³²⁸ No other permit is required to land swordfish. Permit holders must comply with the regional retention limit (which may range from 0-6 swordfish) specified for the region in which the vessel is located.³²⁹

An **HMS Commercial Caribbean Small Boat permit** is valid only in the U.S. Caribbean and allows fishermen to retain 2 swordfish per vessel per trip.³³⁰

An **HMS Charter/Headboat permit** allows fishermen to fish for, retain, and sell a limited number of swordfish caught on rod and reel or handline, but only on non-for-hire trips.³³¹ No other permit is required to land swordfish. Permit holders must comply with the regional retention limits (ranging from 0-6 swordfish) specified for the region in which the vessel is located.³³²

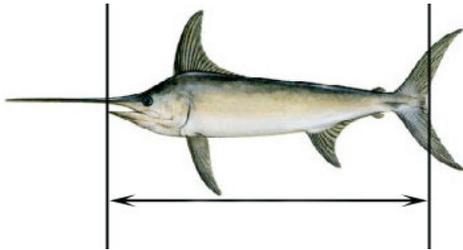
An **incidental HMS Squid Trawl permit** is available to all valid *Illex* squid moratorium permit holders.³³³ The permit allows 15 North Atlantic swordfish to be retained per trip, provided that squid constitute 75 percent (by weight) of the total catch onboard and only trawl gear is on the vessel.³³⁴

Both the owner and operator of a vessel using longline gear must become certified at 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. Certificates are valid for three years. A copy of the valid workshop certificate must be included in the permit application package. For more information on workshops, see Section XIX.³³⁵

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

MINIMUM SIZE

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



Lower Jaw Fork Length (LJFL)

If the head is naturally attached (i.e., no portion of the head has been removed, except that the bill can be removed forward of the anterior tip of the lower jaw), the fish must be at least 47 inches (119 cm) LJFL.³³⁶ LJFL is a straight-line measurement (not along the curve of the body) from the anterior tip of the lower jaw to the fork of the tail.³³⁷ In the case of a swordfish that has been damaged by shark bites, but from which no portion of the head has been removed, the remainder of the carcass must be at least 47 inches LJFL.³³⁸



Cleithrum to Caudal Keel (CK)

If the head or any portion of the head has been removed, the fish must be at least 25 inches (63 cm) CK.³³⁹ CK is a curved length measurement taken along the body contour from the cleithrum (the semicircular bony structure at the posterior edge of the gill opening) to the caudal keel.³⁴⁰ In the case of a swordfish that has been damaged by shark bites, and from which any portion of the head has been removed, the remainder of the carcass must be at least equal to or greater than 25 inches CK.³⁴¹

LANDING RESTRICTIONS

Swordfish must be kept in whole or dressed form through landing.³⁴² **Dressed** indicates a headed/gutted fish with some or all fins removed. Swordfish cannot be filleted or cut into pieces at sea.³⁴³

A swordfish will be deemed to have been harvested by longline gear when the fish is onboard or offloaded from a vessel that has longline gear onboard.³⁴⁴

FISHING SEASONS AND CLOSURE DATES³⁴⁵

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

QUOTA MONITORING REGIONS³⁴⁶

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

TIME/AREA CLOSURES

For information on existing time and area closures, refer to Sections 0 through X of this guide, or call the HMS Management Division at (301) 427-8503.

SELLING SWORDFISH

Atlantic swordfish may be sold only by fishermen with commercial limited access permits, a Swordfish General Commercial permit, an HMS Commercial Caribbean Small Boat permit, an HMS Charter/Headboat permit (on a non-for-hire trip), or an Incidental HMS Squid Trawl permit. Except for HMS Commercial Caribbean Small Boat permit holders, all federally-permitted fishermen may sell swordfish only to federally-permitted dealers. Swordfish landed by HMS Commercial Caribbean Small Boat permit holders may be sold to dealers and non-dealers.³⁴⁷

REPORTING REQUIREMENTS

Logbooks

If selected, fishermen with a commercial swordfish permit must report fishing activities in an approved logbook within 48 hours of each day's fishing activities, or before offloading for one-day trips, whichever is sooner, and submit the logbook within 7 days of offloading. Logbook reports must include weighout slips showing the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. NOAA Fisheries requires the submission of a "No Fishing" reporting form if no trips occurred during the preceding month.³⁴⁸

NOAA Fisheries may also send a letter requiring that fishermen complete the cost-earnings section of the logbook. Fishermen must then complete and submit that section of the logbook within 30 days of offloading. This section must be completed in addition to the other logbook reporting requirements. The "annual expenditures" report form must be submitted by the date specified on the form. The economic data section must be completed in addition to the other logbook requirements.³⁴⁹

Vessels with Pelagic Longline Gear Onboard

See Section VII for additional reporting requirements (including bluefin tuna interactions).

Incidental HMS Squid Trawl Permit

Vessels issued an Incidental Squid Trawl permit should report their swordfish landings using the Northeast Vessel Trip Report (VTR).

HMS Commercial Caribbean Small Boat Permit

Fishermen holding an HMS Commercial Caribbean Small Boat permit must abide by their respective territorial reporting requirements and other applicable territorial commercial fishing requirements.

NOAA Fisheries Observer Program³⁵⁰

Vessels may be required to carry NOAA Fisheries observers. See Section XVIII for observer requirements.

ANNUAL QUOTAS

The overall U.S. domestic annual quota for swordfish is negotiated at ICCAT. NMFS domestically adjusts the quotas annually based on over- and under-harvests, the number of fish discarded, and changes in the amount allocated to the United States at ICCAT.³⁵¹ Please contact the HMS Management Division at (301) 427-8503 or by fax at (301) 713-1927 for the latest quota information. Any quota adjustments will be posted on the HMS website under "Breaking News," and will also be published in the Federal Register and sent to the *Atlantic HMS News* listserv.

VMS REQUIREMENTS

Vessels with swordfish permits that use pelagic longline gear are required to install and use VMS. See Section 0 for details.

ELECTRONIC MONITORING SYSTEM REQUIREMENTS

Vessels with an Atlantic Tunas Longline category permit that have pelagic longline gear onboard are required to install and operate an electronic monitoring system, as further described in Section XII.³⁵²