

Science, Service, Stewardship

HMS Commercial Compliance Guide

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



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Office of Sustainable Fisheries
Highly Migratory Species
Management Division



Introduction to Atlantic Highly Migratory Species Management



Atlantic highly migratory species (HMS) include tunas, swordfish, sharks, and billfishes. These species are managed in the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico, by the National Marine Fisheries Service (NOAA Fisheries) under the authority of the Secretary of Commerce, with consideration for the domestic and international aspects of these fisheries. Management of these species is outlined in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments. NOAA Fisheries frequently modifies the regulations to meet fishery management goals and requirements. This guide is intended to provide a plain-language summary of how to comply with the HMS regulations for Atlantic tunas, swordfish, sharks, and billfishes.

Important regulatory changes and corrections since previous versions of the Compliance Guide were published include, *but are not limited to*:

<u>Effective Date</u>	<u>Description of Change</u>
March 2016	Smoothhound Shark/VMS Regulations: Federal management of smoothhound sharks is in effect. Fishermen intending to target, retain, and sell smoothhound sharks must obtain a commercial smoothhound shark open access permit from NMFS. Dealers wishing to purchase smoothhound sharks must obtain an Atlantic shark dealer permit. There are now regional smoothhound shark commercial quotas in the Atlantic and Gulf of Mexico. In limited circumstances, smooth dogfish fins may be removed at sea, only if certain criteria are met. Please see Section XIV for details. Atlantic shark and smoothhound shark permit holders using gillnet gear must limit soak times to 24 hours when using sink gillnet gear and conduct a net check at least every 2 hours when using drift gillnet gear. Fishermen with a federal directed Atlantic shark limited access permit and gillnet gear on board are now required to use a vessel monitoring system only in the vicinity of the Southeast U.S. Monitoring Area.
August 2015	Shark Regulations: The default commercial shark retention limit for directed shark limited access permit holders is 45 large coastal sharks (LCS), other than sandbar sharks, per trip. Sandbar sharks still may only be retained with a shark research permit. NMFS can adjust the trip limit from zero to 55 LCS (other than sandbar sharks) per trip throughout the year. NMFS established a management boundary line in the Atlantic region, modified the quota linkage between blacknose and non-blacknose small coastal shark (SCS) management groups along 34° 00' N. latitude, and prohibited the retention of blacknose north of that management boundary. The Gulf of Mexico regional aggregated LCS, blacktip, and hammerhead shark commercial quotas were split into western and eastern sub-regional quotas along 88° 00' W longitude. The retention of blacknose sharks is prohibited in the Gulf of Mexico region. NMFS eliminated the vessel upgrading restrictions for shark limited access permit holders.

Since fishery rules frequently change, it is **your responsibility as a fisherman** to become familiar with the latest regulatory updates and to comply with the current official regulations. Check <http://go.usa.gov/3qjTV> to make sure you have the most recent version of this guide. This version of the

Commercial Compliance Guide replaces all previous versions and is produced in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act.

Official Regulations

For the Atlantic HMS regulations, please refer to the Code of Federal Regulations (CFR), at 50 CFR part 635 (available electronically at <http://www.ecfr.gov/>). **If there is a discrepancy between the summary in this document and the regulations in the CFR, the regulations take precedence.**

Endnotes (^{1, 2, 3}, etc.) are in the final chapter of this guide, and refer to the locations of the regulations in the CFR at Title 50 (Wildlife and Fisheries). In the PDF version of this guide, clicking the endnote hyperlinks in the final chapter will open your internet browser to the section containing the regulation in the electronic CFR.

Permits

Commercial fishermen must hold the appropriate **federal vessel permit** in order to harvest and sell Atlantic sharks, tunas, and swordfish.¹ The owner of a vessel with an HMS vessel permit agrees, as a condition of the permit, to **comply with all applicable federal regulations**, regardless of where fishing occurs, including in state waters. However, when fishing in the waters of a state with more restrictive regulations, the **more restrictive state regulations must be followed.**² NOAA Fisheries does not broker limited access permits; new entrants in limited access fisheries are responsible for finding permit holders who are interested in selling and transferring their permits.

Billfish and Recreational Fishing

Harvest of **billfishes** (i.e., white or blue marlin, sailfish, roundscale spearfish, and longbill spearfish) for commercial purposes is **prohibited.**³ Limited recreational landings of white or blue marlin, sailfish, and roundscale spearfish are permitted **only** when the vessel has a valid HMS Charter/Headboat permit or HMS Angling permit. Recreational landings of white or blue marlin, sailfish, and roundscale spearfish are permitted for a vessel with an Atlantic tunas General category permit and/or Swordfish General Commercial permit **only** when participating in a registered Atlantic HMS tournament.⁴ See the HMS Recreational Compliance Guide for more details.

Regulatory Updates

Atlantic sharks, swordfish, and tunas:

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

HMS Management Division (Silver Spring, MD) phone: (301) 427-8503

Atlantic tunas, such as bluefin tuna quota status or retention limits:

<http://hmspermits.noaa.gov>

Atlantic Tunas Information Line: (888) 872-8862

More detailed information on tunas:

HMS Management Division (Gloucester, MA) phone: (978) 281-9260

Sign up for **Atlantic HMS News**, an electronic newsletter:

http://www.nmfs.noaa.gov/sfa/hms/news/news_list/index.html