

V. COMMERCIAL FISHING PERMITS

The type of permit(s) required to commercially harvest and sell HMS depends upon the species being targeted and the gear being used. See the table below and the appropriate section(s) in this guide to determine which permit(s) are required. Federal commercial HMS permit holders may also need a state permit in order to sell HMS. Contact information for state marine fisheries management offices and for purchasing, transferring, or renewing an HMS permit is in Section XX of this guide.

LIMITED ACCESS PERMITS

The Directed and Incidental Swordfish and Shark permits, Swordfish Handgear permit, Atlantic Tunas Longline permit, and the Purse Seine permit are limited access permits. NOAA Fisheries is not issuing any new limited access permits. Persons wishing to enter these fisheries may only obtain these permits by transferring the permit, subject to the vessel upgrading restrictions, from a permit holder who is leaving the fishery.¹⁰⁴ All permits must be renewed annually.¹⁰⁵ Only persons holding shark and swordfish limited access permits that did not expire in the preceding year are eligible to renew those permits.¹⁰⁶

Prior to renewing or obtaining a commercial swordfish or shark limited access permit, both the vessel owner and the vessel operator must attend a Protected Species Safe Handling, Release, and Identification workshop and obtain a certificate.¹⁰⁷ A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIX.

VESSEL UPGRADING RESTRICTIONS¹⁰⁸

In general, an owner may upgrade a vessel with a swordfish Directed, Atlantic tunas Longline, or swordfish Handgear limited access permit, or transfer the permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel's specifications. However, some limited access permits qualify for less restrictive vessel upgrading limitations as described in the next paragraph.

Vessel upgrading restrictions may differ, depending upon whether a vessel was concurrently issued, or was eligible to renew, each of the following three limited access permits 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 that were concurrently issued, or eligible to renew, these three permits on August 6, 2007, are 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, gross registered tonnage, or net tonnage, as measured relative to the original qualifying vessel's specifications. Horsepower is not restricted for these vessels.

Swordfish Incidental limited access permits and both Directed and Incidental shark limited access permits are not subject to vessel upgrading restrictions.

Species	Gears ¹⁰⁹	Permit(s) Needed
Swordfish	Longline or Handgear (not including speargun) ¹¹⁰	1. Shark Limited Access Permit: Directed (allows for targeting of sharks) or Incidental (limited number of sharks allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (authorizes targeting of swordfish; authorizes use of buoy gear) or Incidental (authorizes limited number of swordfish per trip; does not authorize use of buoy gear) AND 3. Atlantic Tunas Longline category Permit (allows targeting of tunas other than bluefin). NOTE: An Atlantic Tunas General category permit may not be substituted for the tuna Longline category permit. ¹¹¹
	Handgear only ¹¹² (Handline, Buoy gear, Harpoon, Rod and reel, or Bandit gear only; not including Speargun ¹¹³)	1. Swordfish Handgear Limited Access Permit OR 2. HMS Commercial Caribbean Small Boat permit ¹¹⁴
	Rod and reel, Handline, Harpoon, Bandit gear, or Green-stick	Swordfish General Commercial permit ¹¹⁵
	Rod and reel or Handline	HMS Charter/Headboat permit (non-for-hire trips only) ¹¹⁶
	Trawl	Incidental HMS Squid Trawl Permit (available to all valid <i>Illex</i> squid moratorium permit holders) ¹¹⁷
Sharks	Longline or Gillnet	1. Shark Limited Access Permit: Directed (allows for targeting of sharks) or Incidental (limited number of sharks allowed per trip) ¹¹⁸ OR 2. Smoothhound Shark Open Access Permit *
	Rod and reel, Handline, or Bandit gear	1. Shark Limited Access Permit: Directed (allows for targeting of sharks) or Incidental (limited number of sharks allowed per trip) OR 2. HMS Commercial Caribbean Small Boat permit (shark retention limit set at zero at this time) OR 3. Smoothhound Shark Open Access Permit ¹¹⁹ *

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* Effective March 15, 2016.

Species	Gears	Permit(s) Needed
Bluefin tuna	Rod and reel, Handline, and Bandit gear	1. Atlantic Tunas General category vessel permit OR 2. HMS Charter/Headboat permit ¹²⁰
	Green-stick	1. Atlantic Tunas General category permit OR 2. HMS Charter/Headboat permit OR 3. Atlantic Tunas Longline category permit (allows retention of incidentally-caught bluefin tuna, subject to retention restrictions)
	Purse seine	Atlantic tunas Purse Seine permit
	Harpoon	1. Atlantic Tunas Harpoon category permit OR 2. Atlantic Tunas General category permit
	Pound net / Fish weir	Atlantic Tunas Trap category permit – Incidental only ¹²¹
	Longline	1. Shark Limited Access Permit: Directed (allows for targeting of sharks within quota or a limited number, depending on the species) or Incidental (limited number of sharks 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). NOTE: An Atlantic Tunas General category permit may not be substituted for the tuna Longline category permit.

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Species	Gears	Permit(s) Needed
Bigeye, Albacore, Yellowfin, and Skipjack (BAYS) tunas	Harpoon	1. Atlantic Tunas Harpoon category permit OR 2. Atlantic Tunas General category permit OR 3. HMS Commercial Caribbean Small Boat permit
	Green-stick ¹²²	1. Atlantic Tunas General category permit OR 2. HMS Charter/Headboat permit OR 3. Atlantic Tunas Longline category permit OR 4. HMS Commercial Caribbean Small Boat permit
	Handgear (Rod and reel, Handline, and Bandit gear)	1. Atlantic Tunas General category permit OR 2. HMS Charter/Headboat permit (including speargun for recreational use only) OR 3. Atlantic Tunas Harpoon category permit OR 4. HMS Commercial Caribbean Small Boat permit (including buoy gear)
	Purse seine	Atlantic Tunas Purse Seine category
	Longline	1. Shark Limited Access Permit: Directed (allows for targeting of sharks within quota or a limited number, depending on the species) 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). NOTE: An Atlantic Tunas General category permit may not be substituted for the Tunas Longline category permit.