

VIII. CHARTER/HEADBOATS

Vessels fishing with a HMS Charter/Headboat permit are able to take for-hire passengers recreational fishing for HMS.⁹² These vessels have different requirements than vessels fishing under an HMS Angling, Atlantic Tunas General category, or Swordfish General Commercial permit. The operator of the vessel must also possess a Merchant Marine License or Uninspected Passenger Vessel License.⁹³ Regulations may vary further among Charter/Headboat permit holders based on the following two vessel types:

Charter: A vessel less than 100 gross tons (90.8 metric tons) that meets the requirements of the U.S. Coast Guard to carry six or fewer passengers on a for-hire trip.

Headboat: A vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers on a for-hire trip.⁹⁴

A “for-hire” trip is 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 people; 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.⁹⁵

COMMERCIAL SALE RESTRICTIONS

In the Atlantic HMS Charter/Headboat permit fishery, there are instances when the catch may be commercially sold; however, this depends on the species and other types of commercial fishing permits that are held. Below is a list of HMS permit combinations, the type of charter/headboat trip, and the species that may be commercially sold in that situation. Atlantic HMS may only be sold by federally-permitted vessels to federally-permitted dealers.

Sharks

Silky, oceanic whitetip, and great, smooth, and scalloped hammerhead sharks cannot be possessed or retained on vessels that have both a Charter/Headboat and commercial shark permit (directed or incidental) when tunas, swordfish, or billfishes are onboard, offloaded, or being offloaded from the vessel.⁹⁶

HMS Charter/Headboat AND Shark Directed Limited Access Permit

- **For-hire:** May sell up to the recreational size and bag limits as long as the commercial fishery is open. When the commercial fishery is closed, may keep, but not sell, up to the recreational size and bag limits.⁹⁷
- **Non-for-hire:** May sell up to the commercial size (no minimum size) and bag limits (ranges from 0 to 55 non-sandbar LCS per vessel per trip, no limit for SCS and Pelagic sharks) as long as the commercial fishery is open. When the commercial fishery is closed, may not keep any sharks from that fishery.⁹⁸

HMS Charter/Headboat AND Shark Incidental Limited Access Permit

- **For-hire:** May sell up to the recreational size and bag limits as long as the commercial fishery is open. When the commercial fishery is closed, may

keep, but not sell, up to the recreational size and bag limits.⁹⁹

- **Non-for-hire:** May sell up to the commercial size (no minimum size) and bag limits (3 non-sandbar LCS per vessel per trip, 16 SCS and Pelagic sharks combined per vessel per trip) as long as the commercial fishery is open. When the commercial fishery is closed, may not keep any sharks from that fishery.¹⁰⁰

HMS Charter/Headboat AND Smoothhound Shark Permit

- **For-hire:** May sell up to the recreational size and bag limits as long as the commercial fishery is open. At this time, there is no recreational size limit or bag limit for smoothhound sharks. When the commercial fishery is closed, may keep, but not sell, up to the recreational size and bag limits.¹⁰¹
- **Non-for-hire:** May sell up to the commercial size and bag limits as long as the commercial fishery is open. At this time, there is no commercial size or bag limit for smoothhound sharks. When the commercial fishery is closed, may not keep any smoothhound sharks.¹⁰²

Tunas

HMS Charter/Headboat permit only

Bigeye, Albacore, Yellowfin, and Skipjack (BAYS)

- **For-hire:** May sell BAYS tunas up to the recreational size and bag limits.¹⁰³
- **Non-for-hire:** There are no limits on the number of BAYS tunas that may be retained and sold, but size limits do apply.¹⁰⁴

Bluefin

HMS Charter/Headboat category vessels may fish under either the Angling or Atlantic Tunas General category retention limits. The size class of the first bluefin tuna retained will determine the fishing category of all persons aboard the vessel for a given day. If fish >73" CFL are retained, they may be sold in accordance with the General category seasons and retention limits.^{105,106} HMS Charter/Headboat vessels may not target or sell bluefin tuna while fishing in the Gulf of Mexico.¹⁰⁷

Swordfish

HMS Charter/Headboat permit only

- **For-hire:** May **not** sell swordfish. Recreational retention limits apply.¹⁰⁸
- **Non-for-hire:** May sell swordfish as long as the commercial fishery is open.¹⁰⁹ Swordfish General Commercial permit regional retention limits apply (see the HMS Commercial Compliance Guide for more information).¹¹⁰

HMS Charter/Headboat AND Swordfish Handgear Limited Access Permit¹¹¹

- **For-hire:** May **not** sell swordfish. Recreational retention limits apply.¹¹²
- **Non-for-hire:** May sell commercial size fish with no bag limit as long as the commercial fishery is open.¹¹³

HMS Charter/Headboat AND Swordfish Directed or Incidental LAPs

- In this combination, the Swordfish Directed or Incidental permits are not valid because they must be held in combination with an Atlantic Tunas Longline permit.¹¹⁴

Billfishes

Sale of any Atlantic billfish (marlins, spearfishes, or sailfish) is **prohibited**.¹¹⁵

REPORTING REQUIREMENTS¹¹⁶

Recreational Landings

- **Bluefin tuna:** All HMS Charter/Headboat vessel owners/operators* **must report all recreational landings** (i.e., fish kept) **and dead discards** of Atlantic bluefin tuna to NOAA Fisheries within 24 hours of landing at the dock at <https://hmspermits.noaa.gov> or by calling (888) 872-8862.
- **Billfishes and Swordfish:** All HMS Charter/Headboat vessel owners/operators* **must report all recreational landings** (i.e., fish kept) of blue marlin, white marlin, roundscale spearfish, sailfish, and swordfish to NOAA Fisheries within 24 hours of landing at the dock at <https://hmspermits.noaa.gov> or by calling (800) 894-5528.

* In Maryland and North Carolina, HMS Charter/Headboat vessel owners must report their HMS landings at state-operated reporting stations (not via the web or phone number reported above). For additional information on these states' reporting stations, please call (410) 213-1531 (MD) or (800) 338-7804 (NC).

Atlantic HMS Tournament Landings¹¹⁷

Vessel owners that land and enter billfish or swordfish in a registered Atlantic HMS tournament do not need to report these landings to NOAA Fisheries. However, if the fish are not reported to the tournament operator, it is the responsibility of the vessel owner to report the fish to NOAA Fisheries.¹¹⁸

NMFS Recreational Surveys

Recreational anglers may be contacted on the dock or by phone and asked to participate in the Large Pelagic Survey (LPS) or Marine Recreational Information Program (MRIP). If contacted, anglers must participate in these surveys to facilitate scientific research and catch monitoring on these species. Participation in the LPS or MRIP does not fulfill reporting obligations and vessel owners/operators must still report all Atlantic bluefin tuna, billfish, and swordfish as instructed above.

Commercial Landings of Swordfish, Sharks, and Tunas

If a vessel owner that has an HMS Charter/Headboat permit also has a permit issued in a fishery that is required to report (e.g., NOAA Fisheries Greater Atlantic Region Multispecies logbook (VTR) or NOAA Fisheries Southeast Region Snapper/Grouper logbook), then commercial landings must be reported through that logbook program. If the vessel owner only holds an HMS Charter/Headboat permit, NOAA Fisheries will notify the owner if they are selected to report commercial landings and cost earnings information in a logbook program.¹¹⁹

NOAA FISHERIES OBSERVER PROGRAM

HMS Charter/Headboat vessels are not required to carry a fishery observer on board, but may participate in a voluntary Charter/Headboat observer program.¹²⁰ To participate in the voluntary observer program, call (301) 427-8503.