

*Science, Service, Stewardship*

# HMS Commercial Compliance Guide

Guide for Complying with the Atlantic  
Tunas, Swordfish, Sharks, 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 billfish. 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 billfish.

Important regulatory changes and re-issues (corrections) since previous versions of the Compliance Guide include, *but are not limited to*, the following:

Effective Date	Description of Change
<b>November 15, 2013</b>	<b>Vessel Monitoring System (VMS):</b> Vessel owners or operators who have been issued HMS permits and are required to use VMS must provide hourly position reports 24 hours a day, 7 days a week (24/7) via VMS. Vessel owners or operators of such vessels may declare out of the HMS fishery when not fishing for or retaining HMS for a period of time encompassing two or more trips.
<i>August 29, 2013</i>	<b>Correction to Recreational reporting of bluefin tuna:</b> All recreational bluefin tuna landings, regardless of whether they are entered in a registered HMS tournament or not, must be reported to NOAA Fisheries by the permit holder within 24 hours of landing. (Section XV)
<b>August 20, 2013</b>	<b>Commercial Swordfish Fishing:</b> A new open-access commercial fishing vessel permit called the “Swordfish General Commercial permit” became available for the 2014 fishing year. Additionally, the HMS Charter/Headboat permit has been modified to allow for the commercial retention of swordfish under certain conditions on non-for-hire trips upon issuance of a 2014 permit. Retention limits, gear authorizations, and reporting requirements are described in Sections III, XIV, and throughout this guide.
<b>August 2, 2013</b>	The minimum size for <b>hammerhead sharks</b> (great, smooth, and scalloped) is now 78 inches fork length for <b>charter/headboats</b> when recreationally fishing. (Sections XII and I)
<i>July 25, 2013</i>	<b>Correction to HMS Permits web address:</b> The address for the HMS permits website (HMS Angling, HMS Charter/headboat, and Atlantic Tunas General category permits) has been corrected to <a href="http://hmspermits.noaa.gov">http://hmspermits.noaa.gov</a> . (Throughout guide)
<b>July 3, 2013</b>	<b>Shark Fishing:</b> New shark management groups and quota linkages have been created for commercial fishermen. (Section XII)

- January 2, 2013**      **Commercial Fishing in the U.S. Caribbean:** A new fishing vessel permit is now available called the Commercial Caribbean Small Boat permit. This permit is valid for fishing only in the U.S. Caribbean Region. Permit requirements are described throughout this guide.
- January 1, 2013**      **Vessel Monitoring System Requirements:** All vessels required to use Vessel Monitoring Systems (VMS) now are required to have an Enhanced Mobile Transmitting Unit (E-MTU) VMS unit installed by a qualified marine electrician. These E-MTU VMS units must be used to declare target species, fishing gear, return port, and estimated time of landing. (Section X)
- January 1, 2013**      **All dealers** who purchase commercially-harvested Atlantic sharks, swordfish, and bigeye, albacore, yellowfin, and skipjack (BAYS) tunas are required to report to NOAA Fisheries through an electronic reporting system on a weekly basis. Details are in the Compliance Guide for the Electronic Dealer Reporting System at <http://www.nmfs.noaa.gov/sfa/hms>.

This version of the Commercial Compliance Guide replaces all previous guides and is produced in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act. **Endnotes** (<sup>1</sup>, <sup>2</sup>, <sup>3</sup>, etc.) are in the final chapter of this guide, and refer to the locations of the regulations in the Code of Federal Regulations (Title 50 Wildlife and Fisheries). In the electronic version of this guide, citations are to the electronic version of the Code of Federal Regulations. Clicking the endnote hyperlinks in the final chapter will open your internet browser to the section containing the regulation in the CFR.

Harvest of **billfish** (i.e., white or blue marlin, sailfish, roundscale spearfish, and longbill spearfish) for commercial purposes is **prohibited**.<sup>1</sup> Limited recreational landings of white or blue marlin, sailfish, and roundscale spearfish are permitted 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 **only** when participating in a registered Atlantic HMS tournament.<sup>2</sup>

Commercial fishermen must hold the appropriate federal vessel permit in order to harvest and sell Atlantic sharks, tunas, and swordfish.<sup>3</sup> **NOAA Fisheries does not broker permits;** new entrants in limited access fisheries are responsible for finding permit holders who are interested in selling and transferring their permits. 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.**<sup>4</sup>

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

For updates on **Atlantic sharks, swordfish, or tunas**, you may visit the HMS webpage at <http://www.nmfs.noaa.gov/sfa/hms/>, call the HMS Management Division located in Silver Spring, Maryland, at (301) 427-8503, or sign up for **Atlantic HMS News**, an electronic newsletter, at <http://www.nmfs.noaa.gov/sfa/hms/newslist/>. Updates on **Atlantic tunas**, such as bluefin tuna quota monitoring or retention limits, can be found by visiting <http://hmspermits.noaa.gov> or by calling the

Atlantic Tunas Information Line at (888) 872-8862. For more detailed information on tunas, contact the HMS Management Division in Gloucester, Massachusetts at (978) 281-9260.

To request a copy of a particular rule or for current updates, call the NOAA Fisheries HMS Management Division at (301) 427-8503 or visit the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/>.