

XIV. COMMERCIAL SWORDFISH FISHING

PERMITS

Commercial fishermen must hold a valid limited access permit, an open access HMS Commercial Caribbean Small Boat permit, an open access Swordfish General Commercial permit, or an HMS Charter/Headboat permit (non-for-hire trips only) for the vessel they are operating in order to fish for, retain, possess, or sell Atlantic swordfish.³⁴³ 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.³⁴⁴ The limited access permits are administered under a limited access program. NOAA Fisheries is no longer issuing new swordfish limited access permits. To enter the directed, handgear, or incidental swordfish fisheries, fishermen must obtain a permit via transfer from an existing permit holder who is leaving the fishery, within the upgrading restrictions.³⁴⁵ For information on applying for an HMS Commercial Caribbean Small Boat permit or renewing or transferring a limited access swordfish permit, please contact the Southeast Region Permit Office at (727) 824-5326. For information on applying for a Swordfish General Commercial permit or an HMS Charter/Headboat permit, or for permit renewal and transfers, please visit hmspermits.noaa.gov or contact the Atlantic Tunas Information line at (888) 872-8862. A customer service representative may be reached by dialing “0” from the main menu.

A **Directed permit** allows fishermen to target swordfish using any authorized gear.³⁴⁶ 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.³⁴⁷ There are no trip limits for swordfish when the directed fishery is open.*³⁴⁸

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.³⁴⁹ No other permit is required to land swordfish.³⁵⁰ There are no trip limits for swordfish when the directed fishery is open.*³⁵¹

An **Incidental permit** allows fishermen to land swordfish incidental to the catch from other fishing activities.³⁵² Incidental permits are not subject to vessel upgrading restrictions.³⁵³ 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.³⁵⁴ The incidental limits are 30 fish per vessel per trip for most gear types.³⁵⁵ Incidental permit holders may not possess or utilize buoy gear.³⁵⁶

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.³⁵⁷ No other permit is required to land swordfish. Permit holders must comply with the regional retention limit (ranging from 0-6 swordfish) specified for the region in which the vessel is located.³⁵⁸

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.³⁵⁹

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.³⁶⁰ 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.³⁶¹

An **incidental HMS Squid Trawl permit** is available to all valid *Illex* squid moratorium permit holders.³⁶² 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.³⁶³

Both the owner and operator of a vessel using longline gear must attend 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. A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section I. Swordfish handgear permit holders are not required to obtain a protected species safe handling, release, and identification workshop certificate.³⁶⁴

* 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.

VESSEL UPGRADING RESTRICTIONS

In general, an owner may upgrade a vessel with a Directed or 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.³⁶⁵ 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 (LOA), gross registered tonnage, or net tonnage, as measured relative to the original qualifying vessel's specifications. Horsepower (HP) is not restricted for these vessels.³⁶⁶

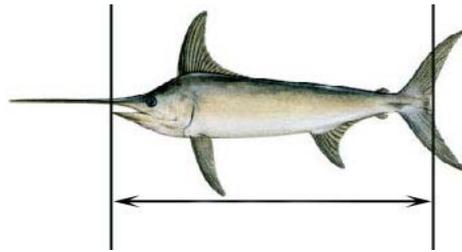
Incidental catch limited access permits are not subject to vessel upgrading restrictions.³⁶⁷ For more information on upgrading restrictions, call the Southeast Regional Permit Office at (727) 824-5326.

AUTHORIZED GEAR TYPES

North Atlantic swordfish (fish taken north of 5° N lat.) can only be taken with handgear (bandit gear, handline, harpoon, rod and reel), buoy gear (Directed, Handgear, and HMS Commercial Caribbean Small Boat permit holders only), greenstick (Swordfish General Commercial permit), or longline, except that a limited number of swordfish may be taken incidentally on a vessel with squid trawl.³⁶⁸ **South Atlantic swordfish** (fish taken south of 5° N lat.) can only be taken with pelagic longline.³⁶⁹

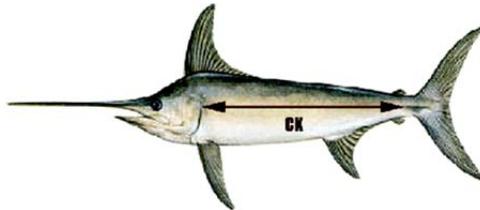
MINIMUM SIZE

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.**³⁷⁰ 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.³⁷¹ 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.³⁷²



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.³⁷³ 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.³⁷⁴ 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.³⁷⁵

LANDING RESTRICTIONS

Swordfish must be kept in whole or dressed form through landing.³⁷⁶ **Dressed** indicates a headed/gutted fish with some or all fins removed. Swordfish cannot be filleted or cut into pieces at sea.³⁷⁷

Billfish may not be sold or purchased. Billfish may only be possessed on board vessels that have been issued an HMS Angling or HMS Charter/Headboat permit, or on board vessels that possess an Atlantic Tunas General category permit that are participating in a registered HMS tournament.³⁷⁸

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.³⁷⁹

FISHING SEASONS AND CLOSURE DATES

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

QUOTA MONITORING REGIONS

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 I through IX 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. Dealers can obtain a swordfish dealer permit by contacting the Southeast Regional Permit Office (727) 824-5326. Swordfish landed by HMS Commercial Caribbean Small Boat permit holders may be sold to dealers and non-dealers.³⁸⁰

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.³⁸¹

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.³⁸²

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 Program³⁸³: Vessels may be required to carry NOAA Fisheries observers. See Section XVI 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 underharvests, the number of fish discarded, and changes in the amount allocated to the United States at ICCAT.³⁸⁴ 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 longline gear may be required to install and use VMS. See Section X for details.