

II. DEALER REPORTING REQUIREMENTS – Atlantic Sharks, Atlantic Swordfish, and Atlantic BAYS Tunas⁶

Dealer reporting regulations apply to all dealers who “first receive” HMS products. In the HMS regulations, “first receive” means to take possession for commercial purposes, of any HMS or any part thereof, by purchasing, trading or bartering for it from the fishing vessel owner or operator once it is offloaded, except when such possession is solely for transport. ⁷ The purpose of using the term “first receive” in the regulations is to clarify that reporting requirements do apply at the point of the first commercial transaction but do not apply to individuals (i.e., transportation companies) that take custody of a product solely for transport. This includes any HMS product that is “first received” by a U.S. entity from a U.S. fishing vessel, even if the product was landed in a foreign port (unless that vessel is operating under a chartering agreement with another country). If the HMS product was landed by a U.S. fishing vessel, even outside of the United States, the HMS product is not considered an import, and the “first receiver” must have a federal dealer permit and comply with the dealer reporting requirements described below.

In most cases, dealers purchase product directly from a fisherman without transportation of the product from fisherman to dealer via a third party transportation company. To reflect this, and to simplify the terminology in this guide, we used the term “purchase” broadly to include any product that was “first received.”

Dealers must submit ***weekly electronic*** reports for purchases of HMS. The reporting period consists of a week that begins Sunday and runs through the following Saturday. Reports for each week must be submitted no later than midnight (local time) on Tuesday of the following week (Table 2). If no purchases were made during a week, dealers must submit a negative (i.e., no purchase) report by the same deadline. NMFS requires negative reports so that we know you did not purchase any fish during the previous week. Without a negative report, we assume you purchased fish and did not report. Dealers may purchase Atlantic swordfish, sharks, and BAYS tunas only if they have submitted all required weekly electronic reports to NMFS. Any delinquent (i.e., late or missing) reports must be submitted to NMFS before a dealer can lawfully purchase Atlantic swordfish, sharks, and BAYS tunas.

Example of reporting week and respective due dates for weekly electronic dealer reports:

Week #	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1							
2			<i>Week #1 Report due</i>				
3 (etc.)			<i>Week #2 Report due</i>				

Although submission of delinquent reports will allow you to lawfully purchase Atlantic swordfish, sharks, and BAYS tunas from a fishing vessel, late reporting is still a violation of the regulations and could result in enforcement action, including the revocation, suspension or modification of your dealer permit or the denial of any future permit applications.

You are required to submit your weekly reports through one of the approved electronic reporting systems. The required data elements include but are not limited to:

- fishing vessel ID number
- fishing vessel name
- logbook ID information or VTR
- landings from the Atlantic Shark Research Fishery
- Southeast Observer log ID number
- gear type
- HMS catch area
- landing date
- sale price
- information on whether shark fins were naturally attached at the time of landing
- explanation for a late, modified and/or negative report

These elements allow for verification across various data sets (e.g., between vessel logbooks, dealer reports, and observer logs) and improve management of HMS fisheries.

Each electronic dealer report must include a Logbook identification number, also known as a Vessel Trip Report number or “VTR #”, which you must obtain from the fisherman who sold you his catch. An HMS fisherman may use one of three types of logbooks. Each type of logbook has a unique ID number that is used as the VTR # for dealer reporting: 1) in the “Fishing Vessel Logbook Record Atlantic Highly Migratory Species Fisheries” (also known as the HMS Pelagic Longline logbook), the VTR # is found in the area labeled “HMS VTR#/Schedule #” on the Trip Summary Report form; 2) in the Coastal Fisheries logbook, the VTR # is shown on the Southeast Coastal Fisheries Trip Report Form; 3) if you purchase HMS from a vessel that uses Vessel Trip Reports, the VTR Serial Number on the Fishing Vessel Trip Report should be

used. If a VTR number is not available, you will need to indicate the reason why on your electronic dealer report (such as you purchased fish from a state-only vessel), and we will contact you to follow-up.

You are required to report how much you paid the vessel owner for any purchased fish. While you will need to provide this price information in each electronic dealer report, you will be able to update price information on a previously submitted report for up to 30 days from the submission of that report in order to provide the most accurate price information available (unless prohibited by state regulations).

You are also required to provide either a sales price in the space provided or click on the “no sale” check box when submitting a report to indicate how much money you received for HMS product you bought from a fishing vessel and then sold to a third party (e.g., restaurant, HMS dealer, grocery store).

If you encounter problems while submitting electronic dealer reports or encounter problems in reporting due to a power outage, natural disaster, or other circumstance beyond your control, you should contact us as soon as possible by calling 301-427-8590 or emailing HMS.DealerReports@noaa.gov.

Official correspondence from NMFS regarding late reports or other reporting issues is via email. Please keep your email address up to date and notify us at HMS.DealerReports@noaa.gov or 301-427-8590 regarding any changes to your email address.

Dealers must retain all reports for a period of two years after they are required to be submitted to NMFS.⁸