

3.0 DESCRIPTION OF AFFECTED ENVIRONMENT

3.1 Introduction

This year, NMFS has combined the annual HMS SAFE Report with the Predraft to the Consolidated HMS FMP as many of the requirements of a SAFE report are needed to conduct the analyses for an EIS. Additionally, consideration of many of the alternatives in Chapter 2 requires knowledge of the state of the fishery and the stocks. As described in Chapter 1 of this document, this Chapter comprises the main SAFE Report section of the document. This Chapter also includes much of the information that will be needed to analyze and compare the different alternatives outlined in Chapter 2. As with the alternatives outlined in Chapter 2, Chapter 3 will likely be revised and modified as the HMS FMP is developed, new information becomes available, and/or new analyses are conducted. However, the 2005 SAFE Report will continue to be the same version of Chapter 3 released in this document.

Under the National Standard Guidelines for National Standard 2, NMFS prepares a SAFE Report annually to summarize the best available information. It provides a summary of the best available scientific information on the condition of stocks, marine ecosystems, and fisheries being managed under Federal regulation. It also provides updated information regarding the economic status of fisheries, fishing communities, and industries, as well as the socio-economic and environmental impacts of recently implemented regulations. Cumulatively, this information establishes the effectiveness of the management programs for Atlantic HMS, and provides the basis for future management decisions.

This chapter, as with past SAFE reports, is divided into different sections including recent management actions, the current status of the stocks, habitat research, fishery catch data, economic status, community status, fish processing and trade, bycatch, and permits. Unlike past SAFE Reports, because this chapter is also an early draft of the information that will be in the EIS for the consolidated HMS FMP, many of the sections will include more than just an update from the 2004 SAFE Report.

3.1.1 Summary and Update on HMS Management Division Activities During 2004

A summary of the management history for HMS can be found in Chapter 1 of this document. A full listing of all the Federal Register documents for each year can be found in previous SAFE reports or on the Federal Register webpage at <http://www.gpoaccess.gov/fr/index.html>. During the calendar year 2004, the HMS Management Division completed numerous rulemakings and inseason actions. Each of these regulatory actions is consistent with the existing HMS stock rebuilding plans, and is supported by a regulatory analysis, as required, of the action's socio-economic and/or ecological effects. These analyses are updates to previous environmental and regulatory impact analyses and are found in supporting documents including but not limited to EAs, EISs, and/or RIRs. As reflected in these supporting documents, which are available upon request, these actions are not expected to have adverse ecological impacts on target, non-target, or protected species, but are expected to have overall positive cumulative impacts. Similarly, while individual actions may have social and/or economic impacts, particularly in the short term, the final actions minimize the economic and

social impacts, to the extent practicable, and in the long-term should aid in rebuilding overfished stocks, preventing overfishing, and meeting domestic obligations/laws. Table 3.1 provides a list of all the Federal Register actions taken in 2004 that affect HMS fisheries.

A number of significant actions were completed during 2004. On February 9-11, 2004, a combined HMS and Billfish Advisory Panel meeting was held in Silver Spring, Maryland. This meeting established much of the background and need for amendments to the FMPs. A summary and transcript of the discussion can be found on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>. On April 30, 2004, NMFS released an Issues and Options paper and scheduled numerous scoping meetings to discuss the amendments and what issues should be included. A summary of all the comments received during the scoping process was released in December 2004.

In June 2004, NMFS released a Biological Opinion under the ESA for the pelagic longline fishery that has specific goals for reducing sea turtle bycatch and bycatch mortality for the fleet over the next few years. If those goals are not met, NMFS may need to close the fishery. In July 2004, NMFS published a final rule that affected any vessel that has, or is supposed to have, an HMS permit and pelagic longline gear onboard. That rule was designed to reduce sea turtle bycatch and bycatch mortality by requiring vessels to use specific hooks, bait, and release equipment. The rule also allowed fishing in the Northeast Distant Statistical Areas for vessels with specified gear on board.

In July through September 2004, NMFS released an Advance Notice of Proposed Rulemaking to gather ideas to further reduce sea turtle bycatch in the pelagic longline fishery and held a number of workshops to demonstrate how to use the required sea turtle handling and release equipment. NMFS also mailed copies of a video demonstrating the equipment, a revised sea turtle handling and release laminated placard, and the sea turtle handling and release protocols on waterproof paper and in aluminum binders to all shark and swordfish permit holders. These documents are now also available in Spanish and Vietnamese.

NMFS also published several final rules in 2004. Several of those rules implemented ICCAT recommendations regarding quotas or trade monitoring. Another rule adjusted the shark quotas for different regions and seasons.

Currently, there is one active lawsuit relating to an HMS management action. In the summer of 2004, environmental groups challenged the July 2004 sea turtle bycatch mitigation rule that NMFS implemented for the Atlantic pelagic longline fishery and the accompanying BiOp. The Ocean Conservancy v. Evans, Civ. No. 1:04-cv-1155 (D.D.C.). Parties are in the briefing stage of litigation.

Table 3.1 Summary of 2004 Federal Register Notices Related to HMS.

Action type NMFS ID#	CFR Part	Action Description	Action Pub Info
Proposed Rule; Request for Comments; Public Hearings ID 112403A RIN 0648-AR80	223, 635	Atlantic Highly Migratory Species; Pelagic Longline Fishery	69 FR 6621 02/11/04

Action type NMFS ID#	CFR Part	Action Description	Action Pub Info
Regional Fisheries Closure ID 030304A	635	Atlantic Highly Migratory Species; Small Coastal Shark Fishery	69 FR 10936 03/09/04
Proposed Rule; Request for Comments ID 103003A RIN 0648-AQ37	300, 635	International Fisheries; Atlantic Highly Migratory Species	69 FR 16211 03/29/04
Notice ID 032904E		Proposed Information Collection; Comment Request; Billfish Certificate of Eligibility	69 FR 17649 04/05/04
Notice ID 032904F		Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Implementation and Recovery of Archival Tags	69 FR 17650 04/05/04
Notice of Public Hearings ID 040604C	300, 635	International Fisheries; Atlantic Highly Migratory Species	69 FR 19147 04/12/04
Notice of Availability, Notice of Public Scoping Meetings, Notice of Public Comment Period ID 060603D		Atlantic Highly Migratory Species; Issues and Options Paper for Amendment 2 to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and Amendment 2 to the Atlantic Billfish Fishery Management Plan (Billfish FMP)	69 FR 23730 04/30/04
Proposed Rule; Request for Comments, Notice of Public Hearing ID 051403A RIN 0647-AR10	635	Atlantic Highly Migratory Species; Atlantic Trade Restrictive Measures	69 FR 25357 05/06/04
Proposed Rule; Request for Comments ID 042204C RIN 0648-AS28	635	Atlantic Highly Migratory Species Fisheries; Adjustment of the Semi- annual Quotas for Large Coastal Sharks (LCS) in the North Atlantic Region	69 FR 26540 05/13/04
Proposed Rule; Request for Comments ID 042204B RIN 0648-AS07	635	Atlantic Highly Migratory Species; Vessel Monitoring System Requirement; Effective Date for Atlantic Shark Fisheries	69 FR 28106 05/18/04
Notice of Additional Public Scoping Meeting; Extension of Comment Period ID 060303D		Atlantic Highly Migratory Species; Issues and Options Paper for Amendment 2 to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and Amendment 2 to the Atlantic Billfish Fishery Management Plan (Billfish FMP); Additional Public Scoping Meeting and Extension of Comment Period	69 FR 29927 05/26/04
Fishing Season Notification ID 052004D	635	Atlantic Highly Migratory Species; Shark Fishing Season	69 FR 30837 06/01/04

Action type NMFS ID#	CFR Part	Action Description	Action Pub Info
Final Rule ID 042204C RIN 0648-AS28	635	Atlantic Highly Migratory Species Fisheries; Adjustment of the Semiannual Quotas for Large Coastal Sharks in the North Atlantic Region; Shark Fishing Season	69 FR 33321 06/15/04
Adjustment of Angling and Charter/Headboat Retention Limits ID 061604A	635	Atlantic Highly Migratory Species; Bluefin Tuna Catch Limit Adjustment	69 FR 34960 06/23/04
Announcement of Availability		Environmental Impact Statements; Notice of Availability	69 FR 35599 06/25/04
Notice of Receipt of a Request for Exempted Fishing Permits; Request for Comments ID 061604D		Atlantic Highly Migratory Species; Exempted Fishing Permits	69 FR 39435 06/30/04
Final Rule ID 112403A RIN 0648-AR80	223, 635	Atlantic Highly Migratory Species; Pelagic Longline Fishery	69 FR 40734 07/06/04
Atlantic Bluefin Tuna Retention Limit Adjustment ID 071504A	635	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries	69 FR 43535 07/21/04
Notice of Public Workshops ID 071404A		Atlantic Highly Migratory Species; Notice of Sea Turtle Release/ Protocol Workshops	69 FR 44513 07/26/04
Final Rule; Amendment ID 072804A RIN 0648-AS52	635	Atlantic Highly Migratory Species Fisheries; Pelagic and Bottom Longline Fisheries; Correction	69 FR 47797 08/6/04
Advanced Notice of Proposed Rulemaking; Request for Comments ID070804B RIN 0648-AS49	635	Atlantic Highly Migratory Species; Reducing Sea Turtle Interactions With Fishing Gear	69 FR 49858 08/12/04
Final Rule ID 042204B RIN 0648-AS07	635	Atlantic Highly Migratory Species Fisheries; Vessel Monitoring System Requirement; Effective Date for Atlantic Shark Fisheries	69 FR 51010 08/17/04
Adjustment of Recreational Fishery Retention Limits ID 072104B	635	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries	69 FR 51608 08/20/04
Notice of Receipt of a Request for Exempted Fishing Permits; Request for Comments ID 080904E		Atlantic Highly Migratory Species; Exempted Fishing Permits	69 FR 51636 08/20/04
Notice of Highly Migratory Species and Billfish Advisory Panel meetings; Request for Nominations ID 081204B		Atlantic Highly Migratory Species; Advisory Panels	69 FR 52235 08/25/04
Proposed Rule; Request for Comments ID 072704A RIN 0648-AS08	635	Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures	69 FR 56024 09/17/04

Action type NMFS ID#	CFR Part	Action Description	Action Pub Info
Atlantic Bluefin Tuna Retention Limit Adjustment ID 091604A	635	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries	69 FR 56719 09/22/04
Rescheduling of Public Hearings ID 072704A	635	Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures; Rescheduling of Public Hearings	69 FR 56741 09/22/04
Issuance of 2005 Exempted Fishing, Scientific Research, Display, and Chartering Permits; Request For Comments ID 110104B		Magnuson-Stevens Act Provisions; Atlantic Highly Migratory Species; Exempted Fishing, Scientific Research, Display, and Chartering Permits	69 FR 65421 11/12/04
Final Rule ID 103003A RIN 0648-AQ37	300, 635	International Fisheries; Atlantic Highly Migratory Species;	69 FR 67268 11/17/04
Final Rule ID 030403C RIN 0648-AQ90	635	Atlantic Highly Migratory Species; Atlantic Swordfish Quotas	69 FR 68090 11/23/04
Closure ID 111804A	635	Atlantic Highly Migratory Species; Bluefin Tuna Fisheries	69 FR 68094 11/23/04
Final Rule ID 072704A RIN 0648-AS08	635	Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures	69 FR 69537 11/30/04
Final rule ID 051403A RIN 0648-AR10	635	Atlantic Highly Migratory Species; Atlantic Trade Restrictive Measures	69 FR 70396 12/6/04
Quota Transfer; Fishery Reopening; Catch Limit Adjustment ID 120704C	635	Atlantic Highly Migratory Species; Bluefin Tuna Fisheries	69 FR 71732 12/10/04
Final rule; fishing season notification; correction ID 072704A RIN 0648-AS08	635	Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures; Correction	69 FR 71735 12/10/04
Proposed Rule; Request for Comments ID 072304B RIN 0648-AR86	635	Atlantic Highly Migratory Species; Bluefin Tuna Quota Specifications, General Category Effort Controls, and Catch-and-Release Provision	69 FR 71771 12/10/04

3.1.2 ICCAT Accomplishments in 2004

Information in this section is summarized from the NOAA Public Affairs Press Release (NOAA 04-115) summarizing the results of the 2004 ICCAT Meeting held in New Orleans, Louisiana in November 2004. Information regarding past ICCAT meetings or ICCAT management actions can be found in the management histories described in Chapter 1 of this document or in previous SAFE reports.

After a week of deliberations, 63 ICCAT-member countries unanimously adopted the U.S. proposal to ban the wasteful practice of shark finning – the removal of fins from sharks and

discarding of the shark carcasses to save space on a fishing vessel. The United States has long condemned shark finning, which threatens future food security in many countries as well as the delicate balance of marine ecosystems. The United States banned finning in the Atlantic in 1993, and this binding agreement will require other countries fishing in the Atlantic Ocean and Mediterranean to do the same.

This historic agreement came just days after the United Nations General Assembly passed a resolution urging nations to work together through regional fisheries management organizations to manage sharks. It includes adoption of additional shark management practices already in place in the United States, such as data collection on catches of sharks, research on shark nursery areas and a provision to encourage the release of live sharks, especially juveniles. Other countries that co-sponsored the shark proposal included Canada, the European Community, Japan, Mexico, Panama, South Africa, Trinidad and Tobago, and Venezuela.

ICCAT also adopted important measures for other species and addressed additional issues:

- Bluefin Tuna

Another priority for the United States was to seek integrated management of bluefin tuna in the eastern and western Atlantic. Countries fishing in the eastern area agreed to adopt a higher minimum size with no tolerance, a significant step for the protection of juvenile bluefin in the Mediterranean – bringing them closer to conservation steps already taken in the United States. Japan will host a meeting in April 2005 to discuss integrated management of bluefin tuna and issues relating to bluefin tuna farming.

- Bigeye Tuna

ICCAT adopted a multi-year total allowable catch for bigeye tuna, including allocations for major players with payback provisions for past overharvests. There are some concerns about changes to a time/area closure in the Gulf of Guinea that could weaken protection for juvenile bigeye. However, ICCAT will conduct a scientific review of the closure in 2005 and recommend other alternatives to protect juvenile bigeye. The United States is a relatively minor player in this fishery; nonetheless, this species is very important to U.S. recreational and commercial fishermen.

- Marlin

Conservation measures that are part of Phase I of the rebuilding plan for white marlin and blue marlin were extended through 2006. This extension was very important to the United States as it will allow NOAA to complete Congressionally funded research on marlin and have the results available for the next stock assessments in 2006.

- Driftnets

In response to direction given by the Commission at last year's meeting, Morocco presented a four-year plan for eliminating the use of driftnets in their fisheries, through public education and assistance to fishermen. The United States highlighted the urgency of this action and offered to work with Morocco to help them expedite the implementation of this plan.

- **Vessel Monitoring Systems**

ICCAT members agreed to implement a requirement to have vessel monitoring systems onboard large-scale longline vessels (> 24 m) by November 1, 2005. This requirement has already been implemented in the United States.

- **Addressing Non-cooperation with Existing Agreements**

In light of compliance problems with vessels from Taiwan, including insufficient monitoring and control, ICCAT took the first step toward implementing trade sanctions against Taiwan. A similar step was taken toward Singapore, which in spite of being the world's largest importer and re-exporter of swordfish, has refused to adopt ICCAT's swordfish trade tracking scheme. Taiwan and Singapore must take corrective action before next year's ICCAT meeting if they wish to avoid further steps toward punitive action by the Commission.

3.1.3 Existing State Regulations

The HMS Management Division primarily manages HMS fisheries in Federal waters and the high seas while individual States establish regulations for HMS in their own waters. There are exceptions to this generalization. For example, Federal bluefin tuna regulations apply in all waters, including State waters, and Federal shark and swordfish fishermen, as a condition of their permit, are required to follow Federal regulations in all waters unless that State has more restrictive regulations. The HMS Management Division intends to continue improving its communication and coordination with State agencies. Table 3.2 outlines the existing State regulations as of February 16, 2004, with regard to HMS species. The HMS Management Division updates this table periodically throughout the year.

Table 3.2 State Rules and Regulations Pertaining to Highly Migratory Species as of February 16, 2004. State regulations are subject to change; contact the appropriate state personnel to ensure that the regulations listed below remain current. ✓ = Regulation in effect; * = Regulation in development; ✕ = Regulation repealed; FL = Fork Length; CL = Carcass Length; TL = Total Length; LJFL = Lower Jaw Fork Length; CFL = Curved Fork Length; DW = Dressed Weight; SCS = Small Coastal Sharks; LCS = Large Coastal Sharks.

State	HMS Rules and Regulations				Cite Reference	Regulatory Details	Contact Information
	Regulations						
	Tuna	Swords	Billfish	Sharks			
ME	✓			✓	Tuna - ME Rev. Stat. Ann. tit. 12, §§ 6001, 6502, and 6551 Sharks - Code ME R. 13-188 § 50.02	Tuna - Retention limit - 1 tuna/year - non resident special tuna permit holder; Unlawful to fish for tuna with gear other than harpoon or hook and line or possess tuna taken in unlawful manner. No minimum size limits. Sharks - Regulations apply to Spiny dogfish only	ME Department of Marine Resources George Lapointe Phone: 207/624-6553 Fax: 207/624-6024
NH	✕		✓	✓	Tuna - FIS 603.10 (REPEALED) Billfish - FIS 603.13 Sharks - FIS 603.19	Billfish - Possession limit - 1 billfish/trip; Minimum size - Blue marlin - 99"; White marlin - 66"; Sailfish - 57"; May be taken by hook and line only; Unlawful to sell billfish Sharks - Regulations apply to Spiny dogfish only	NH Fish and Game Clare McBane Phone: 603/868-1095 Fax: 603/868-3305
MA	✓		✓	✓ * prohibition on attempt to harvest certain coastal shark species; complements	Tuna - MA Regs. Code tit. 322 § 6.04 Billfish - MA Regs. Code tit. 322, § 6.11 Sharks – www.mass.gov/dfwele/dmf/commercialfishing/regsummary_012005.pdf ; MA Marine Fisheries Regulation Summaries 2005	Tuna - Reference to ATCA and Federal regulations Billfish - Possession limit - 1 fish/trip; Recreational minimum size - Blue marlin - 86"; Sailfish - 57"; White marlin - 62"; Billfish may be taken by hook and line only; spearing, netting, snagging are prohibited; Sale of billfish is prohibited Sharks - Regulations apply to Spiny dogfish only	MA Division of Marine Fisheries David Pierce Phone: 617/626-1530 Fax: 617/626-1509
RI				✓	Sharks - RIMFC Regulations § 7.15	Sharks - Regulations apply to spiny dogfish only	RI Department of Environment Management Brian Murphy Phone: 401/783-2304

State	HMS Rules and Regulations				Regulatory Details	Contact Information	
	Regulations						Cite Reference
	Tuna	Swords	Billfish	Sharks			
CT				✓	Dogfish – Regulations of Connecticut State Agencies § 26-159a-19	Sharks - Regulations apply to spiny dogfish only CT Department of Environmental Protection Eric Smith Phone: 860/434-6043 Fax: 860/434-6150	
NY			✓	✓	Billfish -NY Environmental Conservation § 13-0339 (5) Sharks - NY Environmental Conservation § 13-0338; State of New York Codes, Rules and Regulations (Section 40.1)	Billfish - Blue marlin, White marlin, Sailfish, and Longbill spearfish shall not be bought, sold or offered for sale; Striped marlin, Black marlin, Shortbill spearfish shall not be bought, sold or offered for sale Sharks - Shark finning prohibited; Reference to the Federal regulations 50 CFR part 635; Prohibited sharks listed NY Department of Environmental Conservation Byron Young Phone: 631/444-0435 Fax: 631/444-0449	
NJ				✓	Sharks -NJ Administrative Code tit. 7, §§ 25-18.1 - 25-18.2	Sharks - Commercial/Recreational possession limit - 2 fish/vessel; Finning prohibited; May be eviscerated; Dorsal fin to pre-caudal pit must be at least 23" in length; Total length must be 48" in length NJ Fish, Game and Wildlife Bruce Freeman Phone: 609/292-2083	
DE			✓	✓	Billfish - DE Code Ann. tit. 7, § 1310 Sharks - DE Code Regulations 3541	Billfish/Sharks - Reference to Federal regulations for sharks; Prohibition on sale of Atlantic Sailfish and Blue/White/Striped marlin Sharks - Creel limit on regulated sharks 1fish/vessel/day; Creel limit for sharpnose is 2/day; Minimum size on regulated sharks - 54 in FL. Prohibition against possessing fins without them being attached naturally to the body. DE Division of Fish and Wildlife Roy Miller Phone: 302/739-3441	

State	HMS Rules and Regulations				Regulatory Details	Contact Information	
	Regulations						Cite Reference
	Tuna	Swords	Billfish	Sharks			
MD	✓	✓	✓	✓	<p>Tuna - Code of Maryland Regulations tit. 8, § 02.12.01 and tit. 8, § 02.05.23</p> <p>Swordfish - Code of Maryland Regulations tit. 8, § 02.12.01 and tit. 8, § 02.05.27</p> <p>Billfish - Code of Maryland Regulations tit. 8, § 02.12.01 and tit. 8, § 02.05.26</p> <p>Sharks - Code of Maryland Regulations tit 8, § 02.05.17</p>	<p>Tuna - Reference to listing Bluefin Tuna as “in need of conservation”; Federal regulations used to control size and seasons and recreational catch required to be tagged</p> <p>Swordfish - Reference to listing Swordfish as “in need of conservation”; Federal regulations used to control size and seasons and recreational catch required to be tagged</p> <p>Billfish (blue and white marlin and sailfish) - Reference to listing Billfish as “in need of conservation”; Federal regulations control size and seasons and recreational catch required to be tagged</p> <p>Sharks - Minimum size - 54" FL; 31" carcass; Finning prohibition; Recreational catch limit - 1 fish/person/day; Commercial catch limit - 4,000 lbs/day; Reference to 50 CFR 635</p>	<p>MD Department of Natural Resources Harley Speir Phone: 410/260-8303</p>
VA			✓	✓	<p>Billfish - 4 VA Administrative Code 20-350</p> <p>Sharks - 4 VA Administrative Code 20-490</p>	<p>Billfish - Prohibition on sale of billfish</p> <p>Sharks - Possession limit - 1 fish/person; 1 fish for each person on board boat with common hold; Minimum size - 58" FL (Commercial Only); 31" CL (Commercial Only); 7500 lb/vessel/day limit; 200 lb limit on shark carcasses less than 31" minimum CL taken within VA state waters; Finning prohibited; Spiny dogfish regulations as well.</p>	<p>VA Marine Resources Commission Jack Travelstead Phone: 757/247-2247 Fax: 757/247-2020</p>
NC			✓	✓	<p>Billfish -NC Administrative Code tit. 15A, r.3M.0507</p> <p>Sharks -NC Administrative Code tit. 15A, r.3M.0505; Proclamation FF-24-2004</p>	<p>Billfish - Recreational possession limit - 1 Blue or White marlin/vessel/trip; 1 Sailfish/person/day; Minimum size - Blue marlin - 99"; White marlin - 66"; Sailfish - 63"; unlawful to sell or offer for sale Blue or White marlin and Sailfish</p> <p>Sharks - Director may impose restrictions for size, seasons, areas, quantity, etc.; Proclamations consistent with closures for LCS, SCS, and Pelagics; Closure to directed shark harvest since 1997; proclamation smooth dogfish may be dressed at sea</p>	<p>NC Division of Marine Fisheries Preston Pate Phone: 252/726-7021 Fax: 252/726-0254</p>

State	HMS Rules and Regulations				Regulatory Details	Contact Information	
	Regulations						Cite Reference
	Tuna	Swords	Billfish	Sharks			
SC	✓		✓	✓	<p>Tuna -SC Code Ann. § 50-5-2730 Billfish - SC Code Ann. § 50-5-1700 Sharks -SC Code Ann. § 50-5-2725</p>	<p>Tuna - Reference to ATCA and MSA regulations for Tuna Billfish - Unlawful to sell billfish; hook and line gear only; unlawful to possess while transporting gillnets, seines, or other commercial gear Sharks - Retention limit - 2 Atlantic sharpnose/per/day and 1 Bonnethead/person/day; No minimum size for recreationally caught bonnethead sharks; No need for Federal recreational angler permit to fish for shark in state waters; Reference to Federal commercial regulations and closures</p>	<p>SC Department of Natural Resources David Cupka Phone: 843/953-9050 Fax: 912/262-2318</p>
GA			✓	✓	<p>Gear Restrictions/Prohibitions - GA Code Ann. § 27-4-7; Billfish - GA Code Ann. § 27-4-130.2; GA Comp. R. & Regs. § 391-2-4-.04 Sharks - GA Code Ann. § 27-4-130.1; OCGA § 27-4-7(b); GA Comp. R. & Regs. § 391-2-4-.04</p>	<p>Gear Restrictions/Prohibitions - Use of gillnets is prohibited in state waters. Billfish - Possession prohibited in state waters, except for catch and release. Sharks - Daily limit 2; Possession limit 2 person/vessel (whichever less); Minimum size 48"; Limit 1 shark less than 84"; Sand tiger sharks – all harvest is prohibited; SCS (including Atlantic sharpnose and bonnethead) - 2/day/person; Minimum size 30"TL; All species must be landed head and fins intact. Sharks may not be landed in Georgia if harvested using gill nets.</p>	<p>GA Department of Natural Resources Henry Ansley Phone: 912/264-7218 Fax: 912/262-3143</p>

State	HMS Rules and Regulations				Regulatory Details	Contact Information	
	Regulations						Cite Reference
	Tuna	Swords	Billfish	Sharks			
FL		✓	✓	✓	<p>Sharks -FL Administrative Code Ann. r.68B-44, F.A.C Swordfish/ Billfish - FL Administrative Cod Ann. r. 68B-33 F.A.C</p> <p>Billfish – Longbill/Mediterranean/roundscale spearfish – harvest/possession/landing/purchase/sale/exchange prohibited. Blue/White Marlin and Sailfish – Sale prohibited; Aggregate possession of 1 fish/person; Gear restriction (hook and line only); Minimum size limit (Blue Marlin – 99” LJFL; White Marlin – 66” LJFL; Sailfish – 63” LJFL); Recreational catch reporting requirement (all non-tournament landings must be reported NOAA within 24 hours); Must land in whole condition (gutting allowed) Swordfish - Minimum size - 47 in LJFL/29” cleithrum to keel/33 lbs. dw; Possession limit 1 fish/person/day or 3 fish/vessel/day (with 3 or more persons onboard); Commercial harvest and sale allowed only with Florida saltwater products license and a federal LAP for swordfish; Recreational catch reporting requirement (all non-tournament landings must be reported NOAA within 24 hours) Sharks – No size limit; Retention limit (rec and com) - 1 shark/person/day; Maximum of 2 sharks/vessel (with two or more persons on board); Reference to Federal regulations regarding commercial season, closures, and prohibition on sale; Federal regulatory permits for sale of sharks and swordfish; Finning & Filleting prohibited</p>	<p>FL Fish and Wildlife Conservation Commission Robert Kramer Phone: 850/488-6058 Fax: 850/488-7152</p>	
AL	✓	✓	✓	✓	<p>Sharks - AL Administrative Code r. 220-2-.46, r.220-3-.30, r.220-3-.37</p> <p>Tuna/Swordfish/Billfish/Sharks - Reference to Federal regulations Sharks - Recreational daily bag limit - 2 sharpnose/person/day; all other species - 1fish/person/day; Recreational minimum size all sharks (except sharpnose) - 54" FL; Reference to shark commercial season and bycatch provisions</p>	<p>AL Department of Conservation and Natural Resources Major Jenkins jjenkins@dcnr.state.al.us Phone: 251 861 2882</p>	

State	HMS Rules and Regulations				Regulatory Details	Contact Information	
	Regulations						Cite Reference
	Tuna	Swords	Billfish	Sharks			
LA	✓	✓	✓	✓	<p>Tuna -LA Administrative Code tit. 76, § 361 Swords/Billfish - LA Administrative Code tit. 76, § 355 Sharks - LA Administrative Code tit. 76, § 357</p>	<p>Tuna - Recreational bag and possession limit Yellowfin (3 fish/person); Rec/Commercial minimum size - Yellowfin, Bigeye and Bluefin (27 in CFL) Billfish/Swordfish - Minimum size - Blue marlin (99 in LJFL), White marlin (66" LJFL), Sailfish (63 in LJFL), Swordfish (29 in carcass length or 33 lbs dw); Recreational creel limit - 5 swordfish/vessel/trip Sharks - Minimum size - 54" except sharpnose; Possession limit - 1 fish/vessel/trip; Trip limit 4,000 lbs dw LCS; Reference to Federal regulations; State waters closed to rec/commercial April 1 through June 30</p>	<p>LA Department of Wildlife and Fisheries Harry Blanchet 225 765-2889 fax (225) 765-2489 hblanchet@wlf.louisiana.gov</p>
MS	✓		✓	✓	<p>Tuna/Billfish/Sharks - MS Code R. 43 000 040, Ord. 7.025</p>	<p>Tuna - Minimum size - Bigeye (27 in CFL); Yellowfin (27 in CFL); Bag limit none in commercial; Bag limit of 3 yellowfin tuna/person in recreational Billfish - No take provisions for commercially harvested Blue and White marlin and Sailfish; Recreational minimum size - Blue marlin (99 in LJFL); White marlin (66 in LJFL); Sailfish (63 in LJFL) Sharks - Recreational minimum size - LCS/Pelagics (37 in TL); SCS (25 in TL); Recreational bag limit - LCS/Pelagics (1/person up to 3/vessel); SCS (4/person); Commercial - Reference to Federal regulations.</p>	<p>MS Department of Marine Resources Kerwin Cuevas Phone: 228/374-5000</p>

State	HMS Rules and Regulations				Regulatory Details	Contact Information	
	Regulations						Cite Reference
	Tuna	Swords	Billfish	Sharks			
TX		✓	✓	✓	Billfish/Swordfish/Sharks - TX Administrative Code Title 31, Part 2, Parks and Wildlife Code Title 5, Parks and Wildlife Proclamations 65.3 and 65.72	<p>Blue Marlin, White Marlin, Sailfish, Sharks, Longbill spearfish, and Broadbill swordfish are gamefish and may only be taken with pole and line (including rod and reel);</p> <p>Blue Marlin, White Marlin, Sailfish, and Longbill spearfish may not be sold for any purpose;</p> <p>Billfish - Bag limit none; Minimum size (Blue Marlin - 131 in TL; White Marlin - 86 in TL; Sailfish - 84 in TL);</p> <p>Sharks - Commercial/Recreational retention limit 1 fish/person/day; Commercial/Recreational possession limit is twice the daily bag limit (i.e., 1 fish/person/day); Commercial/Recreational minimum size 24 in TL.</p>	TX Parks & Wildlife Randy Blankinship Phone: 956/350-4490 Fax: 956/350-3470
Puerto Rico	✓	✓	✓	✓	<p>Regulation #6768 Article 8 – General Fishing Limits</p> <p>Article 13 – Limitations</p> <p>Article 17 – Permits for Rec Fishing (March 2004)</p>	<p>Sell, offer for sale, or traffic in any billfish or swordfish, either whole or processed, captured in jurisdictional waters of Puerto Rico.</p> <p>Swordfish or billfish, tuna and shark are covered under the federal regulation known as Highly Migratory Species of the United States Department of Commerce (50 CFR, Part 635). Fishers who capture these species shall comply with said regulation. Billfish captured incidentally with long line must be released by cutting the line close to the fishhook, avoiding the removal of the fish from the water.</p> <p>In the case tuna and swordfish fishers shall obtain a permit according to the requirements of the Federal government.</p>	<p>Puerto Rico Department of Natural and Environmental Resources Craig Lileystrom Phone: 787-724-8774 x4042 craig@caribe.net</p>
U.S. Virgin Islands	✓	✓	✓	✓	US VI Commercial and Recreational Fisher's Information Booklet Revised June 2004	<p>Federal regulations and federal permit requirements apply in territorial waters.</p> <p>www.caribbeanfmc.com http://www.caribbeanfmc.com/usvi%20booklet/fisher%20booklet%20final.pdf</p>	