

1.0 INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established a long-range, transparent, and inclusive process to sustainably manage the fisheries of the United States. As part of this process, National Standard (NS) 2 of the Magnuson-Stevens Act requires the use of the best scientific information available. The NS 2 guidelines (50 CFR 600.315) require the National Marine Fisheries Service (NMFS) to, among other things, assure that a Stock Assessment and Fishery Evaluation (SAFE) Report or similar document is prepared, reviewed annually, and changed as necessary for each fishery management plan (FMP). As such, this document constitutes the 2008 SAFE Report for Atlantic highly migratory species (HMS) managed under the 2006 Consolidated HMS FMP.

Consistent with the NS 2 guidelines, this 2008 SAFE Report provides a summary of the best available scientific information on the condition of HMS stocks, marine ecosystems, and fisheries being managed under Federal regulation. It also provides updated information regarding the economic status of HMS fisheries, fishing communities, and industries, as well as the socio-economic and environmental impacts of recently implemented regulations. This information evaluates the effectiveness of Federal and state Atlantic HMS management programs, and provides the basis for future management decisions.

This document is one method that NMFS uses to introduce new information, identify additional management issues that may need to be addressed, and begin a preliminary assessment and evaluation of fishery regulations. This SAFE Report includes the latest stock assessment data, recommendations, and resolutions from the International Commission for the Conservation of Atlantic Tunas (ICCAT) and its Standing Committee on Research and Statistics (SCRS). The report also includes the latest domestic shark assessment information. In compliance with the NS 2 guidelines, the report presents a comprehensive summary of the most recent Atlantic HMS fisheries-related data from a variety of sources across a wide range of disciplines.

1.1 Summary and Update on HMS Management Division Activities and Regulatory Actions In 2008

Table 1.1 provides a list of most of the abbreviations and acronyms that are used in this document or that are commonly used in fisheries management.

From January 1 through October 31, 2008, NMFS took or proposed a number of actions in regards to Atlantic HMS. All such actions published in the Federal Register during that time frame are listed in Table 1.2. Most documents related to these actions can be found on the Atlantic HMS webpage at <http://www.nmfs.noaa.gov/sfa/hms/>. Actions taken before January 1, 2008, are noted in similar tables in previous SAFE reports. A summary of the actions listed in the table is presented below.

NMFS held HMS Advisory Panel meetings from April 15 - 17, 2008, and September 30 - October 2, 2008, in Silver Spring, MD (February 27, 2008, 73 FR 10424; September 16, 2008, 73 FR 53408). These meetings provided valuable comments on a suite of management actions

that NMFS took or considered in 2008. Summaries of these discussions can be found on the HMS website at: www.nmfs.noaa.gov/sfa/hms, along with the meeting transcripts. These documents are also available by calling the HMS Management Division at 301-713-2347.

In April, NMFS released the Final Environmental Impact Statement (FEIS) for Amendment 2 to the Consolidated HMS FMP. The final rule implementing Amendment 2 published in June and was effective on July 24, 2008 (June 24, 2008, 73 FR 35778; correction published July 15, 2008, 73 FR 40658). Amendment 2 establishes numerous regulations designed, among other things, to rebuild and prevent overfishing of various shark species. The final rule for Amendment 2 also contained the fishing season notification regarding available quotas for the different shark species/complexes. As part of Amendment 2, NMFS also established a shark research fishery. On June 24, 2008, NMFS announced its intent to issue shark research fishery permits and requested applications (June 24, 2008, 73 FR 35834). In May 2008, NMFS announced its intent to prepare two Environmental Impact Statements (EIS) to amend the Consolidated HMS FMP (May 7, 2008, 73 FR 25665; May 27, 2008, 73 FR 30381). These two EISs will be for Amendments 3 and 4 to the Consolidated HMS FMP and would amend the FMP in order to rebuild blacknose sharks and address HMS issues in the Caribbean region, respectively. NMFS also announced scoping meetings for those FMP Amendments. In September, NMFS released the Draft of Amendment 1 to the FMP, which outlines several alternatives for redefining HMS essential fish habitat (EFH) and proposes to establish a habitat area of particular concern (HAPC) for bluefin tuna (BFT) (Sept. 19, 2008, 73 FR 54384).

Besides FMP amendments, NMFS conducted other rulemakings relating to Atlantic HMS. In January and again in September, NMFS released temporary rules that made inseason adjustments to the BFT retention limits. In April and May, NMFS released three proposed rules regarding: 1) international trade permits and permit requirements for shark importers and exporters (June 2, 2008, 73 FR 31380), 2) the renewal of Atlantic tunas longline permits and shark dealer workshop requirements (April 11, 2008, 73 FR 19795), and 3) the use of different gears (*e.g.*, greenstick) in HMS fisheries and the need for additional sea turtle handling and release equipment (May 6, 2008, 73 FR 24922). These rules were finalized in June, July, and September, respectively (June 2, 2008, 73 FR 31380; July 3, 2008, 73 FR 38144; Sept. 23, 2008, 73 FR 54721). In June, the Office of Protected Resources released a proposed rule regarding the 2009 List of Fisheries consistent with the Marine Mammal Protection Act (June 13, 2008, 73 FR 33760). This rule proposed certain categories of HMS fisheries for classification as high seas fisheries, including the Atlantic HMS pelagic longline, purse seine, and shark gillnet fisheries.

In January, NMFS released a notice of availability of a final environmental assessment regarding scientific research in closed areas to study bycatch rates of pelagic longline gear (January 3, 2008, 73 FR 450). NMFS also requested comments for several data collections, per the Paperwork Reduction Act (PRA), and announced the fall meetings of the Advisory Committee to the U.S. section of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

While not specific to Atlantic HMS, NMFS has also released a number of proposed rules to implement measures in the Magnuson-Stevens Reauthorization Act that could impact Atlantic HMS management. These rules include, but are not limited to, the creation of annual catch

limits (ACLs) and accountability measures (AMs) (June 9, 2008, 73 FR 32526) and changes to the way NMFS integrates National Environmental Policy Act (NEPA) documents into the fishery management process (May 14, 2008, 73 FR 27997). For more information on the implementation of the Reauthorized Magnuson-Stevens Act and for copies of those and other proposed rules, please go to <http://www.nmfs.noaa.gov/msa2007/>.

1.2 2007 and 2008 Accomplishments of the International Commission for the Conservation of Atlantic Tunas (ICCAT)

ICCAT is an international fishery management organization with 46 members, including the United States. The 16th Special Meeting of ICCAT was held in Marrakech, Morocco, November 17-24, 2008. The 20th Regular Meeting of ICCAT was held in Antalya, Turkey, November 12-18, 2007. The United States helped develop recommendations aimed at promoting the conservation and rebuilding of Atlantic highly migratory fish stocks (*e.g.*, tunas, swordfish, sharks), including those critical to U.S. fishermen. ICCAT made progress on a number of issues in 2007 and 2008, including compliance issues and action to address the decline of both eastern and western Atlantic bluefin tuna. Dr. Christopher Rogers, of the United States, was elected as Chairman of the Compliance Committee in 2007. U.S. leadership of this committee provided the United States a heightened ability to positively affect compliance issues in 2008.

Marlins: No new binding measures were adopted in 2007 or 2008 for Atlantic billfishes.

North Atlantic Swordfish: No new measures were adopted in 2007. In 2008, ICCAT adopted recommendation 08-02 which extended current north Atlantic swordfish management measures through 2009. These measures, initially adopted in 2006 via ICCAT Recommendation 06-02, set a total allowable catch (TAC) of 14,000 metric tons (mt) for 2007 and 2008 with 3,907 mt allocated to the United States per year. Recommendation 08-02 extends this and the other provisions through 2009. In addition, recommendation 08-02 continued carryover caps for Contracting Parties and Co-operating Non-Contracting Parties, Entities or Fishing Entities (CPCs). The maximum underage that a CPC may carry over cannot exceed 50 percent of its quota allocation, which is 1,953.5 mt for the United States under the current allocation scheme. Furthermore, it extended a clause that allows CPCs with a TAC allocation to make a one-time transfer within a fishing year of up to 15 percent of its TAC allocation to other CPCs with TAC allocations. Recommendation 08-02 allocates 1,345 mt of U.S. underharvest from the previous management period to the TAC for 2009 in an effort to accommodate interest expressed by a number of developing states to develop fisheries for North Atlantic swordfish. Recommendation 08-02 also extends the provision allowing the United States to harvest up to 200 mt of its annual catch limit between 5 degrees North latitude and 5 degrees South latitude, and the provision for the transfer of 25 mt to Canada annually.

South Atlantic Swordfish: No new measures were adopted at the 2007 or 2008 meeting. The 2006 ICCAT Recommendation 06-03 set a TAC of 17,000 mt for 2007, 2008, and 2009, with 100 mt allocated to the United States per year. In addition, the recommendation set carryover caps for CPCs. The maximum underage that a CPC may carry over cannot exceed 50 percent of its quota allocation.

Western Atlantic Bluefin Tuna: No new measures were adopted in 2007. In 2008, a new recommendation (08-04) was adopted that sets the western Atlantic BFT (WBFT) TAC for 2009 and 2010 at 1900 t and 1800 t, respectively. These new TACs represent a 10% and 14% reduction, respectively, from the current 2100 t-TAC and are intended to stop overfishing by 2010 with a 75% probability of success. The new TACs also substantially increase the probability of rebuilding the stock by 2019, consistent with the 1998 rebuilding program. Another notable change from the previous recommendation (06-06) is that the 10% tolerance of WBFT < 115 cm (primarily the U.S. school fishery) will now be managed over a two-year period (2009-2010) rather than a four-year period. Recommendation 08-04 also includes provisions for Mexico to transfer 73 t of its accrued underharvest to Canada in 2009. For 2010, recommendation 08-04 specifies that Mexico will transfer accrued underage to Canada such that Canada's initial allocation is 480 t. If Mexico has insufficient underharvest to keep Canada at 480 t in 2010, the recommendation includes a provision for the United States to provide some underharvest to Canada if available. WBFT quota allocations will be renegotiated in 2010.

Eastern Atlantic and Mediterranean Bluefin Tuna: While the United States, in 2007, pressed ICCAT to adopt a measure to suspend bluefin fishing in the eastern Atlantic and Mediterranean until monitoring and control issues could be addressed, ICCAT instead adopted a non-binding measure (Resolution 07-05). The non-binding measure requested that parties submit documents by February 2008 detailing how they are implementing ICCAT's 2006 management plan for the eastern fishery and submit a report at the end of the fishing season on the results of implementation. ICCAT also adopted Recommendation 07-04, which specified a yearly deduction of 1,480 mt for the period 2009-2011 from the European Community's quota allocation to repay a 2007 quota overharvest.

In 2008, ICCAT adopted recommendation 08-05 which includes a number of changes to the rebuilding plan for the Eastern Atlantic and Mediterranean BFT (EBFT), including: setting total allowable catches (TACs) for 2009 (22,000 t), 2010 (19,950 t) and 2011 (18,500 t); amending the EC overharvest repayment plan to cover 4,020 t of its previous overharvest during the period 2009-12; extending the purse seine time and area closure by 15 days; requiring reductions in fleet capacity by 2013; freezing farming capacity at 2008 levels; and, strengthening monitoring and control elements in the plan. EBFT allocations will be renegotiated in 2010.

North and South Atlantic Albacore: At the 2007 meeting, ICCAT adopted a two-year measure (Recommendation 07-02) on North Atlantic albacore tuna catch limits for 2008 and 2009 that reduced the TAC. This measure reduced the U.S. allocation of northern albacore from 607 mt to 538 mt. The recommendation provided that overages/underages of annual catch limits should be deducted from, or added to, specific future catch limits, and the 2007 recommendation limits carryover of underharvests to 25 percent of the initial U.S. catch quota. A binding recommendation (Recommendation 07-03) was adopted for Southern Atlantic albacore for 2008 through 2011 that reduces the TAC consistent with scientific advice. No new measures for north or south Atlantic albacore were adopted in 2008.

Sharks: At the 2007 meeting, ICCAT adopted measures for the conservation of sharks (Recommendation 07-06) that included requirements to submit Task I and Task II data on bycatch and targeted fisheries for sharks, and to reduce fishing mortality in fisheries targeting

porbeagle and shortfin mako sharks. This binding measure also requires research on pelagic sharks, consideration of time-area closures, and an assessment of porbeagle sharks as soon as possible, but no later than 2009. At the 2008 meeting, ICCAT adopted a binding management recommendation (08-07) requiring the live release of bigeye thresher sharks that are brought to the boat alive as well as mandating reporting of bycatch and live releases of bigeye thresher sharks. A non-binding resolution (08-08) was adopted that suggested a joint meeting with the International Council for the Exploration of the Seas should be held to help further the assessment of porbeagle sharks. Resolution 08-08 also recommended a joint meeting of representatives from regional fisheries management organizations (RFMOs) concerned with fisheries for porbeagle in the Atlantic to examine the possibility of adopting compatible management measures.

Trade related measures: No trade restrictive measures were passed by the Commission at the 2007 meeting or 2008 meeting. ICCAT adopted a catch documentation scheme for bluefin tuna (Recommendation 07-10) which should improve overall data reporting since the new approach will document bluefin tuna catch and landings as well as the international trade of this species. NMFS implemented this recommendation in June 2008. The new program repeals the pre-existing statistical document program and continues to require that bluefin tuna are fitted with a tail tag upon sale to a domestic dealer, thus tracking domestic harvest to international markets. In 2008, ICCAT amended 07-10 through the adoption of 08-12 to improve the functioning of the catch document scheme.

Seabirds: A recommendation on reducing the incidental by-catch of seabirds in longline fisheries (Recommendation 07-07) was adopted. This recommendation requires the use of tori lines and line weighting on vessels fishing south of 20 degrees south to reduce seabird bycatch. However, the United States does not have any vessels actively participating in ICCAT-managed fisheries south of 20 degrees S longitude. No new recommendations pertaining to seabirds were adopted in 2008.

Vessel Monitoring & Compliance: In 2007, ICCAT adopted a recommendation (Recommendation 07-08) that requires installation of VMS on vessels fishing for bluefin tuna in the Eastern Atlantic and Mediterranean. In 2008, ICCAT adopted recommendation 08-09 that establishes a process for the submission and review of compliance related information. ICCAT also agreed (via recommendation 08-13) to hold an intercessional meeting of the Compliance Committee in March 2009 focused primarily on the multiannual EBFT recovery plan and farming of EBFT.

IUU vessel list: A measure was adopted in 2007 (Recommendation 07-09), that amended provisions of the ICCAT IUU vessel list, including defining IUU activities, establishing a process for incorporating or deleting vessels on the ICCAT IUU list based on IUU lists established by other RFMOs managing tuna and tuna-like species.

Vessel Length: In 2008, ICCAT adopted recommendation 08-10 to harmonize the measurement of the length of vessels authorized to fish in the ICCAT convention area by defining the length of a vessel, as referred to in ICCAT recommendations, as length overall.

Length overall was defined as the distance measured in a straight line between the foremost point of the bow and the aftermost point of the stern.

1.3 Existing State Regulations

Table 1.3 outlines the existing State regulations as of October 15, 2008, with regard to HMS species. While the HMS Management Division updates this table periodically throughout the year, persons interested in the current regulations for any state should contact that state directly.

Table 1.1 List of Commonly Used Fishery Management Abbreviations, Acronyms, and Initialisms.

AA	Assistant Administrator for Fisheries
ABC	Acceptable biological catch
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACL	Annual catch limit
ACS	Angler consumer surplus
ACT	Annual catch target
AM	Accountability measure
ANPR	Advanced Notice of Proposed Rulemaking
AOCTRP	Atlantic Offshore Cetacean Take Reduction Plan
AOCTRT	Atlantic Offshore Cetacean Take Reduction Team
AP	Advisory Panel
APA	Administrative Procedure Act
ASMFC	Atlantic States Marine Fisheries Commission
ATCA	Atlantic Tunas Convention Act
B	Biomass
BAYS	Bigeye, albacore, yellowfin, skipjack tunas
BET	Bigeye tuna
BFT	Bluefin tuna
BiOp	Biological Opinion
B _{MSY}	Biomass expected to yield maximum sustainable yield
B _{OY}	Biomass expected to yield optimum yield
CFMC	Caribbean Fishery Management Council
CFL	Curved fork length
CFR	Code of Federal Regulations
CHB	Charter/Headboat
CIE	Center for Independent Experts
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPUE	Catch per unit effort
CSFOP	Commercial shark fishery observer program

CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
DPS	Distinct population segment
dw	Dressed weight
EA	Environmental Assessment
EEZ	Exclusive economic zone
EFH	Essential fish habitat
EFP	Exempted fishing permit
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
F	Instantaneous fishing mortality
FAO	Food and Agriculture Organization
FEIS	Final Environmental Impact Statement
FL	Fork Length
FMP	Fishery Management Plan
F _{MSY}	Instantaneous fishing mortality rate expected to yield maximum sustainable yield
FMU	Fishery management unit
F _{OY}	Fishing mortality rate expected to yield optimum yield
FR	Federal Register
FRFA	Final regulatory flexibility analysis
GSAFF	Gulf and South Atlantic Fishery Foundation
GMFMC or GOMFMC	Gulf of Mexico Fishery Management Council
GSMFC	Gulf States Marine Fisheries Commission
HAPC	Habitat area of particular concern
HMS	Highly migratory species: Atlantic sharks, tunas, swordfish, and billfish
HMS FMP	Consolidated Highly Migratory Species Fishery Management Plan
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPOA	International Plan of Action
IRFA	Initial regulatory flexibility analysis
ITQ	Individual transferable quota

ITS	Incidental take statement
LAP	Limited access permit
LCS	Large coastal sharks
LOA	Letter of acknowledgment
LPS	Large Pelagic Survey
LWTRP	Large Whale Take Reduction Plan
LWTRT	Large Whale Take Reduction Team
MAFMC	Mid-Atlantic Fishery Management Council
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	Maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MPA	Marine protected area
MRFSS	Marine Recreational Fishing Statistics Survey
MSST	Minimum stock size threshold
MSY	Maximum sustainable yield
mt	Metric tons
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NERO	Northeast Regional Office
NGO	Non-governmental organization
nmi	Nautical mile
NOA	Notice of Availability
NMFS	National Marine Fisheries Service
NOAA	National Oceanographic and Atmospheric Administration
NOI	Notice of Intent
NPOA	National Plan of Action
NS	National Standards
OSF	Office of Sustainable Fisheries
OY	Optimum yield
POP	Pelagic observer program
OPR	Office of Protected Resources

PRA	Paperwork Reduction Act
Reg Flex Act	Regulatory Flexibility Act
RIR	Regulatory Impact Review
RPAs	Reasonable and Prudent Alternatives
RPMs	Reasonable and Prudent Measures
SAFE Report	Stock Assessment and Fishery Evaluation report
SAFMC	South Atlantic Fishery Management Council
SCRS	Standing Committee for Research and Statistics
SCS	Small coastal sharks
SDC	Status determination criteria
SEFSC	Southeast Fisheries Science Center
SEIS	Supplemental environmental impact statement
SERO	Southeast Regional Office
SEW	Stock evaluation workshop
SFA	Sustainable Fisheries Act
SFL	Straight fork length
SK Program	Saltonstall-Kennedy Program
SRP	Scientific research permit
SSB	Spawning stock biomass
TAC	Total allowable catch
TAL	Total allowable landings
TCs	Terms and Conditions
TL	Total length
USFWS	United States Fish and Wildlife Service
VMS	Vessel monitoring system
WTP	Willingness to pay
ww	Whole weight

Table 1.2 Summary of NMFS' Atlantic HMS Fisheries Actions as of October 31, 2008.

Action Type NMFS ID#	50 CFR Part	Action Description	Publication Info
Notice RIN 0648-XD57	NA	Pelagic Longline Research; Notice of availability.	Jan. 3, 2008 73 FR 450
Temporary Rule RIN 0648-XF39	635	Atlantic Bluefin Tuna Fisheries; inseason retention limit adjustment.	Feb. 8, 2008 73 FR 7479
Notice RIN 0648-XF41	NA	Notice of public meeting regarding the AP meeting.	Feb. 27, 2008 73 FR 10423
Notice	NA	Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Vessel and Gear Marking	Mar. 4, 2008 73 FR 11619
Notice	NA	Notice of Atlantic Shark Identification and Protected Species Safe Handling, Release, and Identification Workshops	Mar. 4, 2008 73 FR 11621
Proposed Rule RIN 0648-AU88	300, 635	International Fisheries; Atlantic Highly Migratory Species; request for comments; notice of public hearings.	April 4, 2008 73 FR 18473
Notice	NA	Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Observer Notification Requirements	April 7, 2008 73 FR 18781
Proposed Rule RIN 0648-AW46	635	Renewal of Atlantic Tunas Longline Limited Access Permits; and, Atlantic Shark Dealer Workshop Attendance Requirements; Request for Comments.	April 11, 2008 73 FR 19795
Notice	NA	Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Permit Family of Forms	April 28, 2008 73 FR 22921
Proposed Rule RIN 0648-AV92	600, 635	Atlantic Tuna Fisheries; Gear Authorization and Turtle Control Devices; request for comments; notice of public hearings.	May 6, 2008 73 FR 24922
Notice RIN 0648-AW65	NA	Atlantic Shark Management Measures; Stock Status Determinations; Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS); request for comments.	May 7, 2008 73 FR 25665

Action Type NMFS ID#	50 CFR Part	Action Description	Publication Info
Notice RIN 0648-AW83	NA	Environmental Impact Statement for Amendment 4 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan; Notice of intent; request for comments.	May 27, 2008 73 FR 30381
Final Rule RIN 0648-AU88	300, 635	International Fisheries; Atlantic Highly Migratory Species; International Trade Permit Program; Bluefin Tuna Catch Documentation Program	June 2, 2008 73 FR 31380
Notice	NA	Notice of Atlantic Shark Identification and Protected Species Safe Handling, Release, and Identification Workshops	June 6, 2008 73 FR 32309
Proposed Rule RIN 0648-AW48	229	List of Fisheries for 2009; Request for Comments.	June 13, 2008, 73 FR 33760
Final Rule RIN 0648-AU89	600, 635	Atlantic Shark Management Measures; fishing season notification	June 24, 2008 73 FR 35778
Notice RIN 0648-XH17	NA	Atlantic Shark Management Measures; Research Fishery; Notice of intent; request for applications.	June 24, 2008 73 FR 35834
Notice RIN 0648-AW65	NA	Atlantic Shark Management Measures; Notice of availability; notice of public scoping meetings; Extension of comment period.	July 2, 2008 73 FR 37932
Final Rule RIN 0648-AW46	635	Renewal of Atlantic Tunas Longline Limited Access Permits; Atlantic Shark Dealer Workshop Attendance Requirements	July 3, 2008 73 FR 38144
Notice RIN 0648-AW83	NA	Caribbean Management; Notice of availability; notice of public scoping meetings.	July 14, 2008 73 FR 40301
Final Rule; Republication RIN 0648-AU89	600, 635	Atlantic Shark Management Measures; fishing season notification	July 15, 2008 73 FR 40658
Final Rule RIN 0648-AU89	635	Atlantic Shark Management Measures; effectiveness of collection-of-information requirements.	Aug. 15, 2008 73 FR 47851
Notice	NA	Submission for OMB Review; Comment Request; Atlantic Highly Migratory Species Vessel and Gear Marking.	Aug. 20, 2008 73 FR 49160
Temporary Rule RIN 0648-XJ69	635	Atlantic Bluefin Tuna Fisheries; inseason retention limit adjustment.	Aug. 29, 2008 73 FR 50885

Action Type NMFS ID#	50 CFR Part	Action Description	Publication Info
Notice	NA	Notice of Atlantic Shark Identification and Protected Species Safe Handling, Release, and Identification Workshops	Sept. 3, 2008 73 FR 51448
Notice RIN 0648-XK41	NA	Notice of public meeting, public hearing, and scoping meetings regarding the AP meeting and various other hearings/meetings.	Sept. 16, 2008 73 FR 53408
Notice RIN 0648-AW65	NA	Atlantic Shark Management Measures; Changing the time and location of a scoping meeting.	Sept. 17, 2008 73 FR 53851
Notice	NA	Environmental Impacts Statements; Notice of Availability of Draft Amendment 1 to the Consolidated HMS FMP	Sept. 19, 2008 73 FR 54397
Notice RIN 0648-AV00	NA	Notice of availability of a draft integrated environmental impact statement and a fishery management plan amendment (Amendment 1); request for written comments; notice of public hearings	Sept. 19, 2008 73 FR 54384
Final Rule RIN 0648-AV92	600, 635	Atlantic Tuna Fisheries; Pelagic and Bottom Longline Fisheries; Gear Authorization and Turtle Control Devices	Sept. 23, 2008 73 FR 54721
Notice	NA	Submission for OMB Review; Comment Request; Atlantic Highly Migratory Species Observer Notification Requirements.	Sept. 24, 2008 73 FR 55030
Notice	NA	Submission for OMB Review; Comment Request; Atlantic Highly Migratory Species Permit Family of Forms	Sept. 24, 2008 73 FR 55030
Notice	NA	Atlantic Highly Migratory Species; Advisory Panel; Request for nominations	Oct. 21, 2008 73 FR 62482
Proposed Rule RIN 0648-AX03	635	Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures; Proposed rule; request for comments.	Oct. 27, 2008 73 FR 63668
Notice	NA	Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Extension of Comment Period	Oct. 29, 2008 73 FR 64307

Table 1.3 State Rules and Regulations Pertaining to Atlantic HMS, as of October 15, 2008.

Please note that state regulations are subject to change. Please contact the appropriate state personnel to ensure that the regulations listed below remain current. X = Regulations in Effect; n = Regulation Repealed; FL = Fork Length; CL = Carcass Length; TL = Total Length; LJFL = Lower Jaw Fork Length; CFL = Curved Fork Length; DW = Dressed Weight; and SCS = Small Coastal Sharks; LCS = Large Coastal Sharks.

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
ME	X			X	<p>Tuna -ME Rev. Stat. Ann. tit. 12, " 6001, 6502, and 6551</p> <p>Sharks - Code ME R. 13-188 ' 50.02</p>	<p>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.</p> <p>Sharks - Regulations apply to Spiny dogfish only.</p>	<p>ME Department of Marine Resources George Lapointe Phone: 207/624-6553 Fax: 207/624-6024</p>
NH	X		X	X	<p>Tuna - FIS 603.10 (REPEALED)</p> <p>Billfish - FIS 603.13</p> <p>Sharks - FIS 603.19</p>	<p>Billfish - Possession limit - 1 billfish/trip; Minimum size (LJFL) - Blue marlin - 99"; White marlin - 66"; Sailfish - 57"; May be taken by hook and line only; Unlawful to sell billfish</p> <p>Sharks - Regulations apply to Spiny dogfish only.</p>	<p>NH Fish and Game Clare McBane Phone: 603/868-1095 Fax: 603/868-3305</p>
MA	X		X	X	<p>Tuna - 322 CMR ' 6.04</p> <p>Billfish – 322 CMR ' 6.11 (REPEALED)</p> <p>Sharks – 322 CMR ' 6.35, 6.37, & 6.41 CMRs available online at <u>http://www.mass.gov/dfwele/dmf/commercialfishing/cmr_index.htm</u></p>	<p>Tuna - Reference to ATCA and Federal regulations</p> <p>Billfish – repealed as of December 2005</p> <p>Sharks - Regulations apply to Spiny and Smooth dogfish; Prohibition on harvest, catch, take, possession, transportation, selling or offer to sell any basking, dusky, sand tiger, or white sharks.</p>	<p>MA Division of Marine Fisheries Melanie Griffin Phone: 617/626-1528 Fax: 617/626-1509</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
RI				X	Sharks - RIMFC Regulations ' 7.15	Sharks - Regulations apply to spiny dogfish only.	RI Department of Environment Management Brian Murphy Phone: 401/783-2304
CT				X	Dogfish – Regulations of Connecticut State Agencies § 26-159a-19	Sharks - Regulations apply to spiny dogfish only.	CT Department of Environmental Protection David Simpson Phone: 860/434-6043 Fax: 860/434-6150
NY			X	X	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 Phone: 631/444-0430 Fax: 631/444-0449
NJ				X	Sharks -NJ Administrative Code, Title 7. Department of Environmental Protection, NJAC 7:25-18.1 and 7:25-18.12(d)	Sharks - Commercial/Recreational: min size 48” TL or 23” from the origin of the first dorsal fin to pre-caudal pit; possession limit - 2 fish/vessel or 2 fish per person if fishing from shore or a land based structure, must hold Federal permit to possess or sell more than 2 sharks; no sale during Federal closures; Finning prohibited; Prohibited Species: basking, bigeye sand tiger, sand tiger, whale and white sharks.	NJ Fish and Wildlife Hugh Carberry Phone: 609/748-2020 Fax: 609/748-2032

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
DE			X	X	<p>Billfish - DE Code Ann. tit. 7, ' 1310</p> <p>Sharks - DE Code Regulations 3541</p>	<p>Billfish/Sharks - Reference to Federal regulations for sharks; Prohibition on sale of Atlantic Sailfish and Blue/White/Striped marlin</p> <p>Sharks – Recreational/Commercial: min size – 54” FL; bag limit – 1 shark/vessel/trip; shorebound anglers – 1 shark/person/day; 2 Atlantic sharpnose/vessel/trip with no min size; Prohibited Species: same as Federal species. Prohibition against fins without being naturally attached to the body.</p>	<p>DE Division of Fish and Wildlife Roy Miller Phone: 302/739-9914</p>
MD	X	X	X	X	<p>Tuna - Code of Maryland Regulations tit. 8, ' 02.12.03 and tit. 8, ' 02.05.23</p> <p>Swordfish - Code of Maryland Regulations tit. 8, ' 02.12.03 and tit. 8, ' 02.05.27</p> <p>Billfish - Code of Maryland Regulations tit. 8, ' 02.12.03 and tit. 8, ' 02.05.26</p> <p>Sharks - Code of Maryland Regulations tit. 8 ' 02.12.03 and 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 – Reference to listing sharks of the order Squaliformes as in need of conservation; In the process of adopting into regulation all measures of the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (August 2008). It will be effective March 23, 2009.</p>	<p>MD Department of Natural Resources Harley Speir Phone: 410/260-8264</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
VA			X	X	Billfish - 4 VA Administrative Code 20-350 Sharks - 4 VA Administrative Code 20-490	Billfish - Prohibition on sale of billfish Sharks – Recreational: bag limit – 1 LCS, SCS, or pelagic shark/vessel/day with a min size of less than 54” FL or 30” CL; 1 Atlantic sharpnose and bonnethead/person/day with no min size; No limits on rec harvest of smooth and spiny dogfish; Commercial: possession limit - 4000 lb dw/day, min size - 58" FL or 31" CL west of the COLREGS line and no min size limit east of the COLREGS line; Prohibitions: fillet at sea, finning, longlining, same prohibited shark species as Federal regulations; and spiny dogfish commercial regulations.	VA Marine Resources Commission Jack Travelstead Phone: 757/247-2247 Fax: 757/247-2020
NC			X	X * Modify closed area of NC to allow fishing outside 15 fathoms during 1 st trimester (Jan 1 - Feb 15)	Billfish -NC Administrative Code tit. 15A, r.3M.0507 Sharks -NC Administrative Code tit. 15A, r.3M.0505; Proclamation FF-24-2004	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. Sharks - Director may impose restrictions for size, seasons, areas, quantity, etc. via proclamation; Commercial: open seasons and species groups same as Federal; 4000 lb trip limit for LCS; retain fins with carcass through point of landing; LL shall only be used to harvest LCS during open season, shall not exceed 500 yds or have more than 50 hooks; Recreational: LCS (54” FL min size) - no more than 1 shark/vessel/day or 1 shark/person/day, SCS (no min size) – no more than 1 finetooth or blacknose shark/vessel/day and no more than 1 Atlantic sharpnose and 1 bonnethead/person/day, pelagics (no min size) -1 shark/vessel/day; Same prohibited shark species as Federal regulations.	NC Division of Marine Fisheries Randy Gregory Phone: 252/726-7021 Fax: 252/726-0254

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
SC	X		X	X	<p>Tuna -SC Code Ann. ' 50-5-2730</p> <p>Billfish - SC Code Ann. ' 50-5-1700</p> <p>Sharks -SC Code Ann. ' 50-5-2725</p>	<p>Tuna - Reference to ATCA and MSA regulations for Tuna</p> <p>Billfish - Unlawful to sell billfish; hook and line gear only; unlawful to possess while transporting gillnets, seines, or other commercial gear.</p> <p>Sharks – Recreational: 2 Atlantic sharpnose/per/day and 1 Bonnethead/person/day, no min size; All others – 1 shark/boat/trip, min size – 54” FL; Reference to Federal commercial regulations and prohibited species.</p>	<p>SC Department of Natural Resources Robert Boyles Phone: 843/953-9304 Fax: 843/953-9159</p>
GA			X	X	<p>Gear Restrictions/Prohibitions - GA Code Ann. ' 27-4-7;</p> <p>Billfish - GA Code Ann. ' 27-4-130.2; GA Comp. R. & Regs. ' 391-2-4-.04</p> <p>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.</p> <p>Billfish - Possession prohibited in state waters, except for catch and release.</p> <p>Sharks – Commercial/Recreational: 2 sharks from the Small Shark Composite (bonnethead, sharpnose, and spiny dogfish, daily limit may consist of 2 of the same species (e.g., 2 bonnetheads, 2 sharpnoses) or 2 different species, SCS min size 30” TL; All other sharks - 2 sharks/person or boat, whichever is less, min size 48” TL, may include only 1 greater than 84”; Prohibited Species: sand tiger sharks. 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 Carolyn Belcher Phone: 912/264-7218 Fax: 912/262-3143</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
FL		X	X	X	<p>Sharks -FL Administrative Code Ann. r.68B-44, F.A.C</p> <p>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.</p> <p>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)</p> <p>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).</p> <p>Sharks – Commercial/Recreational: min size - none; possession limit – 1 shark/person/day or 2 sharks/vessel on any vessel with 2 or more persons on board; State waters close to commercial harvest when adjacent Federal waters close; Federal permit required for commercial harvest, so Federal regulations apply unless state regulations are more restrictive; Finning & Filleting prohibited; and same prohibited species as Federal regulations, except Caribbean sharpnose is not included.</p>	<p>FL Fish and Wildlife Conservation Commission Lisa Gregg Phone: 850/487-0554 Fax: 850/487-4847</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
AL	X	X	X	X	Sharks - AL Administrative Code r. 220-2-.46, r.220-3-.30, r.220-3-.37	Tuna/Swordfish/Billfish/Sharks - Reference to Federal regulations. Sharks – Recreational & Commercial: bag limit – 2 sharpnose/person/day; no min size; all other sharks – 1/person/day; min size – 54” FL or 30” dressed; state waters close when Federal season closes; Prohibition: Atlantic angel, bigeye thresher, dusky, longfin make, sand tiger, basking, whale, white, and nurse sharks.	AL Department of Conservation and Natural Resources Major Jenkins jjenkins@dcnr.state.al.us Phone: 251 861 2882
LA	X	X	X	X	Tuna -LA Administrative Code Title 76, Pt. VII, Ch. 3, § 361 Swords/Billfish - LA Administrative Code Title 76, Pt. VII, Ch. 3, § 355 Sharks - LA Administrative Code Title 76, Pt. VII, Ch. 3, § 357	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 - Recreational: min size – 54” FL, except Atlantic sharpnose and bonnethead; bag limit - 1 sharpnose/person/day; all other sharks – 1 fish/person/day; Commercial: 33 per vessel per trip limit, no min size; Com & Rec Harvest Prohibited: 4/1-6/30; Prohibition: same as Federal regulations.	LA Department of Wildlife and Fisheries Harry Blanchet 225 765-2889 fax (225) 765-2489 hblanchet@wlf.louisiana.gov

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
MS	X		X	X	Tuna/Billfish/Sharks - MS Code Title-22 part 7	<p>Tuna – Min size - Bigeye 27” CFL; Yellowfin 27” CFL; No commercial bag limit; Bag limit of 3 yellowfin tuna/person in recreational; No recreational limit for BET; No commercial take of bluefin tuna; 1 bluefin tuna/vessel/week and landing must be reported to MDMR.</p> <p>Billfish - No take provisions for commercially harvested Blue and White marlin and Sailfish; Recreational minimum size - Blue marlin 99” LJFL; White marlin 66” LJFL; Sailfish 63” LJFL; No position for longbill spear fish. No limit for recreational take.</p> <p>Sharks – Recreational: min size - LCS/Pelagics 37” TL; SCS 25” TL; bag limit - LCS/Pelagics 1/person up to 3/vessel; SCS 4/person; Commercial & Prohibited Species - Reference to Federal regulations.</p>	MS Department of Marine Resources Kerwin Cuevas Phone: 228/374-5000
TX		X	X	X	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; min size Blue Marlin – 131” TL; White Marlin – 86” TL; Sailfish – 84” TL;</p> <p>Sharks - Commercial/Recreational: bag limit - 1 shark/person/day; Commercial/Recreational possession limit is twice the daily bag limit (<i>i.e.</i>, 2 sharks/person/day); min size 24” TL.</p>	TX Parks & Wildlife Mark Lingo Phone: 956/350-4490 Fax: 956/350-3470

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
Puerto Rico	X	X	X	X	Regulation #6768 Article 8 – General Fishing Limits Article 13 – Limitations Article 17 – Permits for Recreational Fishing (March 2004)	Sell, offer for sale, or traffic in any billfish or marlin, either whole or processed, captured in jurisdictional waters of Puerto Rico. 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. In the case of tuna and swordfish, fishers shall obtain a permit according to the requirements of the Federal government.	Puerto Rico Department of Natural and Environmental Resources Craig Lilyestrom Phone: 787-724-8774 x4042 craig@caribe.net
U.S. Virgin Islands	X	X	X	X	US VI Commercial and Recreational Fisher's Information Booklet Revised June 2004	Federal regulations and federal permit requirements apply in territorial waters.	www.caribbeanfmc.com http://www.caribbeanfmc.com/usvi%20booklet/fisher%20booklet%20final.pdf