

Species	Gears	Permits Needed
	Pelagic Longline	Atlantic tunas Longline category – Incidental only
‘BAYS’ Tunas (Bigeye, Yellowfin, Albacore, and Skipjack)	Harpoon	1. Atlantic tunas Harpoon category OR 2. Atlantic tunas General category
	Greenstick	1. Atlantic tunas General category OR 2. HMS Charter/Headboat OR 3. Atlantic tunas Longline category
	Any authorized gear other than Purse Seine, Longline, and Speargun	1. Atlantic tunas General category OR 2. HMS Charter/Headboat OR 3. Atlantic tunas Harpoon category
	Purse Seine	Atlantic tunas Purse Seine category
	Longline	1. Shark Limited Access Permit: Directed (allows for targeting of sharks) OR Incidental (limited number of shark allowed per trip) AND 2. Swordfish Limited Access Permit: Directed (allows for targeting of swordfish) OR Incidental (limited number of swordfish allowed per trip) AND 3. Atlantic tunas Longline category Permit (allows for targeting of tunas other than Bluefin. An Atlantic tunas General category permit is not an acceptable substitute for the tuna Longline category permit).

VIII. COMMERCIAL SHARK FISHING

PERMITS

Any fishermen who fishes for, retains, possesses, sells, or intends to sell, Atlantic sharks needs a Federal Atlantic **Directed** or **Incidental** shark limited access permit. Generally, directed shark permits allow fishermen to target sharks while incidental permits allow fishermen who normally fish for other species to land a limited number of sharks. These permits are administered under a limited access program and NMFS is no longer issuing new shark permits. To obtain a permit, fishermen must transfer a permit, within the upgrading restrictions, from a permit holder who is leaving the fishery. For information on permit renewals and transfers please contact the Southeast Region Permit Office at (727) 824-5326.

A **Directed shark permit** allows fishermen to retain 33 non-sandbar large coastal sharks (LCS) per vessel per trip. There is no directed retention limit for pelagic sharks or small coastal sharks. Additionally, no prohibited species may be retained.

An **Incidental permit** allows fishermen to retain up to 3 non-sandbar LCS per vessel per trip. Fishermen may also keep up to a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip. Additionally, no prohibited species may be retained.

Fishermen who use longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification workshop and obtain a certificate prior to obtaining a commercial shark limited access permit (LAP). Both the owner and operator of the vessel permitted for this fishery must have a workshop certificate on board the vessel. NMFS also encourages commercial fishermen to attend an Atlantic Shark Identification workshop to enhance identification of shark species (see Section XIII).

SHARK RESEARCH FISHERY

Each year, NMFS will accept applications to participate in a shark research fishery. From the applications NMFS receives, NMFS will randomly select a small number of commercial vessels based upon set criteria to participate in the shark research fishery. Selected vessels are able to harvest sandbar sharks when a NMFS-approved observer is onboard. Possession of sharks are subject to the modified retention limits for this research fishery. Commercial shark fishermen who are interested in participating in the shark research fishery need to submit a completed Shark Research Fishery Permit Application in order to be considered. For copies of the Shark Research Fishery Application during the application period announced each year, please visit <http://www.nmfs.noaa.gov/sfa/hms/index.htm> or call the HMS Management Division at (301) 713-2347

AUTHORIZED GEAR TYPES

Authorized gear types include: pelagic or bottom longline, gillnet, rod and reel, handline, or bandit gear. Bottom longline vessels need to have corrodible, non-stainless steel hooks, release equipment (see Section VI under “sea turtles”), and move 1 nautical mile after an interaction with a protected species. Pelagic longline vessels must have corrodible, non-stainless steel hooks as well as additional release equipment (see Section VI under “sea turtles”). When using pelagic longline gear, certain-sized circle hooks are required. Please see 50 CFR 635.21 for hook specifications. Circle hooks are fishing hooks originally designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval shape. Handlines must remain attached to, or in contact with, the vessel at all times.

MINIMUM SIZE

There is no commercial minimum size limit for large coastal sharks, pelagic sharks or small coastal sharks.

FISHING SEASON(S) AND CLOSURE DATE(S)

Seasons for all shark species will generally open on or around January 1 every year contingent upon available quota. The season will not open until NMFS publishes in the Federal Register the opening date and available quota. Once NMFS estimates that 80 percent of an individual species/complex’s quota has been caught the season will be closed within five days of filing with the Federal Register. NMFS will send out a notice to the HMS listserve, and post the announcement on the website five days ahead of when a season is going to be closed. Call the HMS Management Division at (301) 713-2347 or visit <http://www.nmfs.noaa.gov/sfa/hms/> for information regarding current openings and closings.

FISHING REGION(S)

The non-sandbar large coastal shark (LCS) commercial quotas are split between two regions, the Gulf of Mexico and the Atlantic. The **boundary** between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4’ N. lat, proceeding due east.

Gulf of Mexico: Any water and land to the south and west of 25°20.4' N. lat. This includes the U.S. Caribbean.

Atlantic: Any water and land to the north and east of 25°20.4' N. lat.

There is one region for sandbar shark, small coastal shark (SCS), and pelagic shark commercial quotas. When a region is closed for a particular species group, fishermen in that region cannot fish for species in that group and dealers in that region cannot buy species in that group from Federally permitted fishermen.

TIME/AREA CLOSURES

For information on existing time and area closures, refer to Sections V and VI of this Compliance Guide, or call the HMS Management Division at (301) 713-2347.

ANNUAL QUOTAS

Please call the HMS Management Division at (301) 713-2347 for details on shark quotas. Quotas may be adjusted in the future to account for yearly over- and underharvests. Any quota adjustments will be posted on the HMS website under "Breaking News", published in the Federal Register, and sent to the *Atlantic HMS News* listserve.

VESSEL UPGRADING RESTRICTIONS

In general, an owner may upgrade a vessel with a directed limited access permit, or transfer the directed limited access 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. 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 (LAPs) 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 (GRT), or net tonnage (NT), as measured relative to the original qualifying vessel's specifications. Horsepower (HP) is not restricted for these vessels.

Incidental catch LAPs are not subject to vessel upgrading restrictions.

For more information on upgrading restrictions, call the Southeast Regional Permit Office at (727) 824-5326.

SELLING SHARKS

Atlantic sharks and shark fins from federally permitted vessels may be sold **only** to federally permitted dealers. Dealers may obtain an Atlantic shark dealer permit by contacting the Southeast Regional Permit Office at (727) 824-5326.

VMS REQUIREMENTS

Atlantic directed shark **bottom longline** vessels located between 33° N and 36° 30' N must operate a VMS unit from January through July. Atlantic shark **gillnet** vessels must operate a VMS unit during the Right Whale Calving Season (November 15 - April 15) regardless of fishing location. Please contact the HMS Management Division at (301) 713-2347 or see Section XIV for VMS contact information.

REPORTING REQUIREMENTS

Logbooks

Selected fisherman with a commercial shark permit must report fishing activities in an approved logbook within 48 hours of completing that day's fishing activities, or before offloading, whichever is sooner. Logbooks must be submitted within seven 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. A weighout slip for sharks prior to, or as part of, a commercial transaction involving shark carcasses or fins must record the weights of carcasses and any detached fins. NMFS requires the submission of a "No Fishing" reporting form if no trips occurred during the preceding month.

NMFS may also send a letter requesting 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.

NMFS Observer Program

If NMFS sends a letter to fishermen notifying them that they have been selected to carry an observer aboard their vessel, the fishermen must inform NMFS when they will be taking a trip. If that trip is selected, a NMFS observer **must** be onboard in order for that vessel to go fishing.

COMMERCIALLY PROHIBITED SHARK SPECIES

The following sharks cannot be possessed or retained in any form in the commercial shark fishery. If one of these species is caught, it must be released immediately into the water with minimal injury and in a manner that maximizes its chances of survival.

Atlantic angel	Basking
Bigeye sand tiger	Bigeye sixgill
Bigeye thresher	Bignose
Caribbean reef	Caribbean sharpnose
Dusky	Galapagos
Longfin mako	Narrowtooth
Night	Sandbar*
Sand tiger	Sevengill
Sixgill	Smalltail
Whale	White

* Only vessels selected to participate in the shark research fishery are able to harvest sandbar sharks when a NMFS-approved observer is onboard. Possession of sandbar sharks and other shark species are subject to the modified retention limits for this research fishery.

Please see 50 CFR part 635 for the current Atlantic HMS regulations, as regulations are subject to change. October 2008

AUTHORIZED SHARK SPECIES

<u>Large Coastal Sharks</u>	
Blacktip	Bull
Lemon	Nurse
Spinner	Silky
Tiger	Great hammerhead
Smooth hammerhead	Scalloped hammerhead
<u>Small Coastal Sharks</u>	
Atlantic sharpnose	Blacknose
Bonnethead	Finetooth
<u>Pelagic Sharks</u>	
Blue	Common thresher
Oceanic whitetip	Porbeagle
Shortfin mako	

LANDING RESTRICTIONS

All sharks must have their fins naturally attached through offloading. Fins may be cut as long as they remain naturally attached to the carcass with at least a small flap of uncut skin. Sharks may be eviscerated and have the heads removed at sea. Sharks harvested from the management unit cannot be filleted or cut into pieces at sea.

The Shark Finning Prohibition Act (SFPA) of 2000 established a rebuttable presumption that any shark fins possessed on board a U.S. fishing vessel, or landed from any fishing vessel, were taken, held, or landed in violation of the law if the total weight of the shark fins exceeds 5 percent of the total weight of shark carcasses landed from or found on board the vessel. This statutory requirement was implemented by final rule in 2002. See Regulation Implementing the SFPA of 2000 (67 FR 6194, February 11, 2002). All dealer reports must be species specific and specify the total shark fin weight separately from the weight of the shark carcasses. The SFPA provides that if the total weight of the fins exceeds five percent of the total weight of the landed shark carcasses, this would trigger the rebuttable presumption in the SFPA. Dealer forms for Atlantic shark dealers were modified to include a check box that indicates whether fins were naturally attached to the carcass at landing and through offloading.

PUBLIC DISPLAY OF SHARKS

Please see the HMS website <http://www.nmfs.noaa.gov/sfa/hms/> for more information on Exempted Fishing, Scientific Research, and Display Permits.