

reports. If selected, fishermen must complete a logbook within 48 hours of each day's fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading.

Logbook reports must include weighout slips showing the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category.

NMFS may also send a letter notifying fishermen that they have been selected to complete the cost-earnings section of the logbook. Those 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.

NMFS Observer Program

If the NMFS Observer Program coordinator 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.

LANDING RESTRICTIONS

Bluefin, bigeye, and yellowfin tuna may be landed round with fins intact, or eviscerated with the head removed, as long as the fish remains within the specified minimum size. **The tail and at least one pectoral fin must remain attached through landing, all other fins may be removed.**

Persons with a commercial tuna permit may not retain billfish. However, persons with both a commercial tuna permit and a Charter/Headboat category permit may retain billfish taken with rod and reel provided the other HMS onboard do not exceed the HMS recreational retention limits. General category vessels in registered tournaments can retain billfish, subject to the HMS Angling category regulations. If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.

X. COMMERCIAL SWORDFISH FISHING

PERMITS

Commercial fishermen must hold a valid limited access permit for the vessel they are operating in order to fish for, retain, possess, or sell Atlantic swordfish. Under the limited access program, NMFS is no longer issuing new swordfish permits. To obtain a permit, fishermen must obtain a permit from a permit holder who is leaving the fishery. Permits are transferred between vessels and are subject to upgrading restrictions. For information on permit renewals and transfers, please contact the Southeast Regional Permit Office at (727) 824-5326.

A **directed permit** allows fishermen to target swordfish using any authorized gear. Directed permit holders must also hold an Atlantic tunas Longline category permit and an Atlantic shark permit to use pelagic longline or buoy gear for swordfish. Directed swordfish permits are valid only when held in combination with both a valid Atlantic tunas Longline category permit and an Atlantic shark permit. There are no trip limits for swordfish when the directed fishery is open.*

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

A **handgear permit** allows fishermen to target swordfish using only handgear (handline, buoy gear, rod and reel, harpoon, bandit gear); longline gear may not be on board the vessel. No other permit is required. There are no trip limits for swordfish when the directed fishery is open.*

An **incidental permit** allows fishermen to land swordfish incidental to the catch from other fishing activities. Incidental permits are not subject to vessel upgrading restrictions. Incidental swordfish permits are valid **only** when held in combination with both a valid Atlantic tunas Longline category permit and an Atlantic shark permit. The incidental limits are 30 fish per vessel per trip for most gear types. Fishermen who use squid trawl gear and also possess a swordfish permit may keep 15 fish per vessel per trip. Incidental permit holders may not possess or utilize buoy gear.

Both the owner and operator of a vessel using longline gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and obtain a certificate prior to renewing or obtaining a commercial swordfish directed or incidental limited access permit. A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIII. Swordfish handgear permit holders are not required to obtain a protected species safe handling, release, and identification workshop certificate.

* When the directed North Atlantic fishery is closed, fishermen may keep 15 swordfish from the North Atlantic Ocean (north of 5 degrees North latitude) per pelagic longline trip, two swordfish per trip for handgear (other than harpoon), and no swordfish per trip for harpoon trips. There are no retention limits for swordfish in the South Atlantic Ocean (south of 5 degrees North latitude) when the directed fishery is open and pelagic longline is on board. However, when the South Atlantic fishery is closed, fishermen cannot keep any South Atlantic Ocean swordfish. Please check with the HMS Management Division at (301) 713-2347 or by fax at (301) 713-1917 to see if the fishery is closed or if retention limits have been adjusted.

AUTHORIZED GEAR TYPES

North Atlantic swordfish (fish taken north of 5 degrees North latitude) can only be taken with handgear (bandit gear, handline, harpoon, rod and reel), buoy gear (directed or handgear permit holders only), or longline except that a limited number of swordfish may be taken incidentally on a vessel with squid trawl. **South Atlantic swordfish** (fish taken south of 5 degrees North latitude) can only be taken with pelagic longline.

There are several closed areas for pelagic longline gear. Please see Sections V and VI of this Compliance Guide, the HMS webpage, or 50 CFR part 635 for more details and locations of area closures.

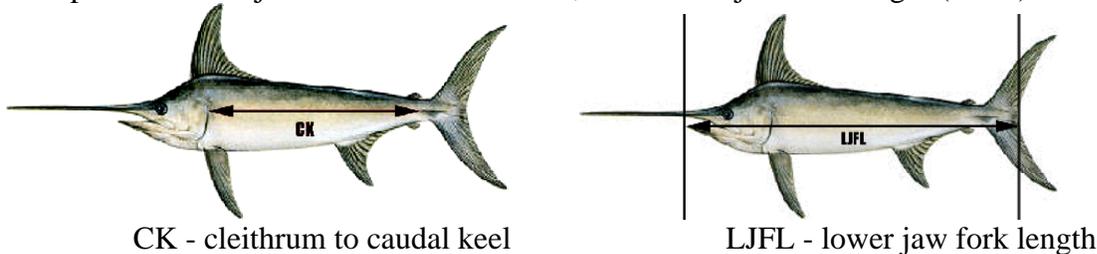
MINIMUM SIZE AND WEIGHT

The **minimum size** for North Atlantic swordfish is:

1. 47" (119 cm) lower jaw fork length; **OR**
2. 29" (73 cm) from cleithrum to caudal keel; **OR**
3. 33 lbs (15 kg) dressed weight (dw).

A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass meets one of the above minimum sizes. Fishermen may dress the swordfish (gut and remove the head and fins), but the **dressed weight** of the swordfish must be greater than 33 lbs. Fishermen may not cut the remaining carcass into pieces while on the vessel.

Swordfish can be measured along the body contour from the cleithrum (semicircular bony structure that forms the posterior edge of the gill opening) to the anterior portion of the caudal keel (CK). This measurement must be made at the point on the cleithrum that provides the shortest possible cleithrum to caudal keel measurement. Swordfish can also be measured from the tip of the lower jaw to the fork of the tail, for a lower jaw fork length (LJFL).



FISHING SEASON(S) AND CLOSURE DATE(S)

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

FISHING REGION(S)

There are two regions for swordfish, the North Atlantic (north of 5 degrees North latitude) and the South Atlantic (south of 5 degrees North latitude).

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

U.S. domestic quota percentages for swordfish are negotiated at ICCAT. The quotas are adjusted annually based on over- and underharvests, the number of fish discarded, and changes in the amount allocated to the United States at ICCAT. Please contact the HMS Management Division at (301) 713-2347 or by fax at (301) 713-1917 for the latest quota information.

VESSEL UPGRADING RESTRICTIONS

In general, an owner may upgrade a vessel with a directed or handgear limited access permit, or transfer the permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel's specifications. 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 SWORDFISH

Federally permitted fishermen may sell swordfish only to federally permitted dealers. Dealers can obtain a swordfish dealer permit by contacting the Southeast Regional Permit Office (727) 824-5326.

REPORTING REQUIREMENTS

Logbooks

Fishermen with a commercial swordfish permit must report fishing activities in an approved logbook within 48 hours of each day's fishing activities, or before offloading for one-day trips, whichever is sooner, and submit the logbook within 7 days of offloading. Logbook reports must include weighout slips showing the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. NMFS requires the submission of a "No Fishing" reporting form if no trips occurred during the preceding month.

If NMFS sends a letter notifying fishermen that they have been selected to complete the cost-earnings section of the logbook, this section must be completed and submitted to NMFS 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 the NMFS Observer Program coordinator 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.

LANDING RESTRICTIONS

Swordfish must be kept in whole or dressed form through landing. "Dressed" indicates a headed/gutted fish with some or all fins removed. Swordfish harvested from the management unit cannot be filleted or cut into pieces at sea.

Persons with a commercial swordfish directed or incidental limited access permit may **not** retain billfish. However, persons with both a commercial swordfish permit and a Charter/Headboat category permit may retain billfish taken with rod and reel provided the other HMS onboard do not exceed the HMS recreational retention limits. General category vessels in registered tournaments can retain billfish. ***If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.***