

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. On January 2, 2011, President Obama signed the Shark Conservation Act. NMFS is in the process of implementing the requirements of this Act.

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. Dusky sharks are not authorized to be collected for public display.

IX. COMMERCIAL TUNA FISHING

PERMITS

A vessel permit is required to fish for, retain, possess, or sell Atlantic bluefin tuna, or ‘BAYS’ tunas (bigeye, albacore, yellowfin, and skipjack) in federal or state waters of the Atlantic, Gulf of Mexico, or Caribbean Sea. The commercial Atlantic Tunas vessel permit categories include: General, Harpoon, Purse Seine, Longline, and Trap. The HMS Charter/Headboat permit category permit holders may also participate in commercial tuna fisheries. Only one category may be assigned to a vessel per year.*

* Since only one Atlantic tunas permit can be issued to a vessel, fishermen have to choose between a commercial Atlantic tunas permit or the HMS Charter/Headboat permit. An Atlantic tunas vessel permit issued in the General category may be used to participate in registered HMS tournaments. Please refer to Section XI for more information regarding tournament fishing for Atlantic tunas General category permit holders. Vessels that hold an Atlantic tunas General category permit and are participating in a registered HMS Tournament may fish for all HMS.

Please note that Atlantic tunas Longline and Purse Seine category permits are limited access permits and NMFS is no longer issuing new permits in these categories. To obtain a Longline permit, fishermen must obtain a permit from a fisherman leaving the fishery. Atlantic tunas Longline permits are transferred between vessels and are subject to upgrading restrictions.

For more information on how to apply for a permit, or for permit renewal and transfers, please visit www.hmspermits.gov or contact the Atlantic Tunas Information line at (888) 872-8862 or (978) 281-9260. A customer service representative may be reached by dialing “0” from the main menu.

REQUIREMENTS BY FISHING PERMIT CATEGORY

Atlantic Tunas General category permit holders may retain bluefin tuna subject to the retention limits set forth by NMFS. Vessel operators should check the web site at www.hmspermits.gov or telephone information lines at (888) 872-8862 to verify the bluefin tuna retention limit on any given day. There is no daily retention limit on BAYS tunas; however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

See 50 CFR part 635 for the current Atlantic HMS regulations and 50 CFR part 300 subpart M for the ITP regulations. Regulations may change, and if disparities with this guide exist, the regulations prevail.

NOTE: Under current regulations, General category permit holders may participate in a registered HMS recreational fishing tournament. When the targeted fish of a fishing tournament is shark, swordfish, and/or billfish, then the HMS Angling category regulations would apply to General category vessels. However, if Atlantic tunas are the targeted fish, the General category regulations would apply, including size limits, retention limits, and Restricted Fishing Days.

Atlantic tunas Harpoon category permit holders may retain 2 large medium bluefin tuna per vessel per day. There is no limit for giant bluefin tuna that may be kept, as long as the Harpoon category season is still open. There is no retention limit on BAYS tunas, however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

NOTE: Vessels permitted in the Harpoon category **may not** participate in the General category fishery.

Purse seine category permit holders may retain large medium bluefin tuna in amounts not exceeding 15 percent, by weight, of the total amount of giant bluefin landed during the current fishing year. If fishing for skipjack tuna or yellowfin tuna, purse seine vessels may land bluefin tuna smaller than the large medium size class if not exceeding 1 percent, by weight, of the skipjack tuna and yellowfin tuna landed on that trip. Landings of bluefin tuna smaller than the large medium size class may not be sold and are counted against the Purse Seine category bluefin tuna quota allocated to that vessel. There is no retention limit on BAYS tunas, however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

Atlantic tunas Longline category permit holders who possess **pelagic longline gear** on board must also possess a valid swordfish limited access permit (directed or incidental only), and a shark limited access permit. Please see Section VI for additional restrictions that apply to the use of pelagic longline gear. Vessels deploying longline gear may not target bluefin tuna. When caught as bycatch in another directed fishery, Longline vessels may keep one bluefin tuna if 2,000 lbs (907 kg) of targeted catch is onboard, two bluefin tuna if 6,000 lbs (2,727 kg) of targeted catch is onboard, and three bluefin tuna if 30,000 lbs (13,620 kg) of targeted catch is onboard. Longline vessels fishing in the Gulf of Mexico must use circle hooks constructed of corrodible round wire stock that is no larger than 3.65 mm in diameter. For vessels fishing in the NED, 25 mt of bluefin tuna quota has been set aside for vessels operating in the NED for the incidental take of bluefin tuna while pursuing other species. These target catch requirements and retention limits apply in all areas and are subject to change and longline fishermen are encouraged to visit the HMS Management Division’s website, at <http://www.nmfs.noaa.gov/sfa/hms/> for updates. There is no retention limit for BAYS tunas; however, yellowfin and bigeye tuna must be greater than 27” curved fork length.

Trap category permit holders may retain one large medium or giant bluefin tuna per vessel per year. No other Atlantic tunas taken incidentally may be retained. Regulations pertaining to the General and HMS Charter/Headboat category fisheries require that all fishing for any species must cease and the vessel must immediately return to port to off-load when the large medium or giant bluefin tuna bag limit is retained or possessed. Regardless of the length of the trip, the **daily** limit applies upon landing. **DIRECTED FISHING FOR BLUEFIN TUNA IN THE GULF OF MEXICO IS PROHIBITED.**

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Changing permit category

Permit category changes **must** be made when renewing permits for the new fishing year. A **10-calendar-day period** is provided for all Atlantic tunas category permit holders to correct permit errors (*e.g.*, if a permit is issued on July 1, then corrections to the permit category must be made by July 10). To make a permit category change within the 10-calendar-day period, call the information lines at (888) 872-8862 and press “0” from the main menu to reach a Customer Service representative. ***No changes to permits are allowed after 10 calendar days of the purchase date.***

AUTHORIZED GEAR TYPES

Commercial fishing for Atlantic tunas is authorized using the following gear: rod and reel (including downriggers), handline, harpoon, bandit gear, longline, trap (pound nets and fish weirs), purse seine, and green-stick. Only vessels with Atlantic tunas Purse Seine category permits may use purse seine gear. Only vessels with Atlantic tunas Longline category permits may use longline gear. Vessels in other commercial permit categories may use any other authorized gear except speargun gear (which can only be used for recreational purposes for Charter/Headboat permit holders) to retain bigeye, albacore, yellowfin, or skipjack (BAYS) tunas. When fishing for bluefin tuna, however, only the gear type authorized for the particular permit category may be used, as indicated in the table below.

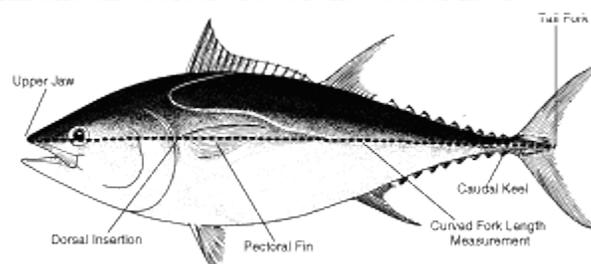
ATLANTIC TUNAS	
Permit Category	Authorized Gear*
General	Rod and reel (including downriggers), handline, harpoon, green-stick, and bandit gear
Harpoon	Harpoon
Longline	Longline and green-stick
Purse Seine	Purse Seine
HMS Charter/Headboat	Rod & reel (including downriggers), handline, bandit gear, green-stick, and speargun gear (BAYS tunas only) (No sale of BAYS tunas captured with spearguns)
Trap	(bluefin tuna only) Pound net, fish weir

* Driftnets are banned in the Atlantic tunas fishery. However, fishermen may continue to use driftnet gear to fish for bonito, as they are not included as a regulated Atlantic tuna.

MINIMUM SIZES

Whole tunas

For enforcement purposes, total curved fork length (CFL) is the sole criterion for determining the size class of whole (with head) Atlantic tunas. Measurements must be taken in a line, tracing the contour of the body from the tip of the upper jaw to the fork of the tail, which abuts the dorsal insertion of the pectoral fin and the dorsal side of the caudal keel.



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The commercial minimum sizes for **bluefin tuna** landed in the Atlantic tunas permit category are:

General: 73" curved fork length;

Longline: 73" curved fork length;

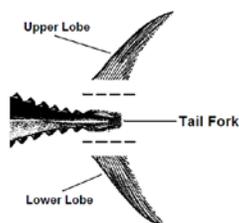
Harpoon: 81" curved fork length, with allowance per trip of two 73" to 81";

Purse seine: 81" curved fork length, except for 15 percent per fishing year total landings allowance for bluefin tuna between 73" to 81", and a 1 percent incidental take of bluefin tuna <73" per trip which cannot be sold.

The commercial minimum size for **yellowfin** and **bigeye tuna** landed in all tuna permit categories is 27" (69 cm) curved fork length. Currently, there are no minimum sizes for **albacore** and **skipjack tuna**.

Tail trimming

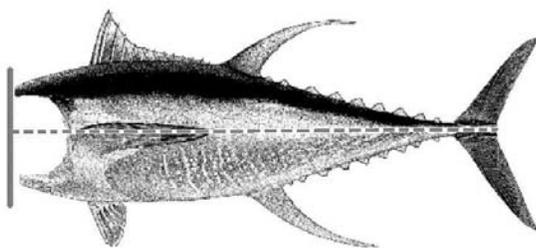
The upper and lower lobes of the tuna tail may be removed for storage purposes as long as the fork of the tail remains intact.



Tunas with heads removed

For **bluefin tunas** with heads removed, pectoral fin curved fork length (PFCFL) may be taken and multiplied by a conversion factor of 1.35 to obtain total curved fork length. Measurements must be taken from the dorsal insertion of the pectoral fin, tracing the contour of the body, to the fork of the tail. THE TAPE MUST TOUCH THE TOP PORTION OF THE PECTORAL FIN. No person shall retain, or possess a commercial **bluefin tuna** with the head removed that is less than 54 inches (137137 cm) pectoral fin curved length.

No person may remove the head of a **bigeye tuna** or **yellowfin tuna** if the remaining portion would be less than 27 inches (69 cm) from the fork of the tail to the forward edge of the cut.



Forward edge of the cut

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 fork of the

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tail and at least one pectoral fin must remain attached through landing, all other fins may be removed. The upper and lower lobes of the tuna tail may be removed for storage purposes as long as the fork of the tail remains intact.

Persons with a commercial tuna permit may not retain billfish. However, 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.

TRANSFER AT SEA

An owner or operator of a vessel for which a Purse Seine category Atlantic Tunas category permit has been issued under § 635.4 may transfer large medium and giant bluefin tuna at sea from the net of the catching vessel to another vessel for which a Purse Seine category Atlantic Tunas permit has been issued, provided the amount transferred does not cause the receiving vessel to exceed its currently authorized vessel allocation, including incidental catch limits.

FISHING SEASONS and CLOSURE DATES

Bluefin tuna

The current seasons for commercial bluefin tuna are based on permit category. See the table below for information on seasonal openings/closings.

Atlantic Tunas permit category	Open	Closed
General	January 1	January 31, or when quota (or subquota) is filled
	June 1 (re-opening)	December 31, or when quota is filled
Longline	January 1	December 31, or when quota is filled
Trap	January 1	December 31, or when quota is filled
Purse Seine	July 15	December 31 for bluefin tuna, or when quota is filled
	January 1	December 31 for other tunas, or when quota is filled
Harpoon	June 1	November 15, or when quota is filled

BAYS tunas

The current seasons for most BAYS tunas are January 1 through December 31st.

FISHING REGIONS

For the **Longline category**, Atlantic **bluefin tuna** regions are separated into “North” and “South” regions. The Northern area is north of 31°N and the Southern area is south of 31°N. The 31°N separation line is located at Jekyll Island, Georgia.

There is one fishing region for bluefin tuna and BAYS tunas under all other commercial permit categories.

TIME/AREA CLOSURES

For **General category permit** holders, “days off,” or restricted fishing days (RFDs), may be used to moderate landings when catch rates are high. These RFDs vary from year to year, and

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are set by NMFS each year through a notice published in the *Federal Register*. On RFDs, vessels with General category permits are prohibited from fishing for bluefin tuna. To find out this year's RFDs and to keep up with adjustments, visit www.hmspermits.gov, or call (888) 872-8862 or (978) 281-9260 for more information.

ANNUAL QUOTAS

The 2006 Consolidated HMS FMP set the quota allocation percentages for the commercial bluefin tuna fishery. The U.S. bluefin tuna quota is negotiated at ICCAT. The annual quotas may be subject to change based on under or overharvests, which are carried forward from year to year. For up-to-date information on quota allocations, please contact the HMS Gloucester office at (978) 281-9260.

VESSEL UPGRADING RESTRICTIONS

In general, an owner may upgrade a vessel with an Atlantic tunas Longline 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.

Other tuna permits are not subject to vessel upgrading restrictions.

For more information on Atlantic tunas longline vessel upgrading restrictions, call (978) 281-9260.

SELLING TUNAS

Atlantic tunas may be sold only by fishermen permitted in commercial categories and only to federally-permitted dealers. Dealers can obtain a tuna dealer permit by contacting the Northeast Region Permit Office at (978) 281-9370.

REPORTING REQUIREMENTS

Landings of all bluefin tuna must be reported. If sold, the landings of large medium and giant bluefin tuna must be reported by a licensed dealer on landing cards faxed to the NMFS HMS Gloucester Office. Bluefin tuna not sold by commercial permit holders must be reported to the nearest NMFS Enforcement office upon landing.

Logbooks

All commercially landed bluefin tuna must be tagged by a federally-permitted tuna dealer. NMFS may send a letter notifying fishermen that they have been selected to complete logbook reports. If selected, fishermen must complete a logbook within 48 hours of each day's fishing

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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 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 prior to each trip taken during the selection period. If a trip is selected, a NMFS observer must be onboard in order for that vessel to go fishing. In order to carry a NMFS observer, the vessel must comply with certain regulatory requirements regarding observer health and safety; however, failure to comply with those requirements does not relieve a vessel of the requirement to carry an observer if selected.

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.*

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

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