

## IV. RESTRICTIONS

### HMS RESTRICTIONS

Dealers may only purchase HMS from a vessel with pelagic longline gear on board when the Atlantic Tunas Longline category is open.<sup>12</sup>

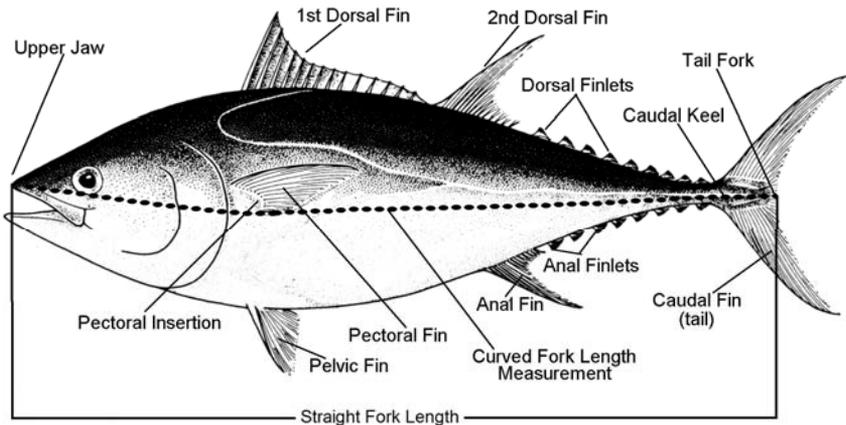
### ATLANTIC TUNAS RESTRICTIONS

Atlantic tunas dealers may only purchase Atlantic tunas from properly permitted commercial Atlantic tunas permit holders, and may not purchase tunas harvested with a speargun.<sup>13</sup>

All tunas must be landed with at least the tail and one pectoral fin attached. 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.<sup>14</sup>

### ATLANTIC BLUEFIN TUNA RESTRICTIONS

In addition to the restrictions above, Atlantic bluefin tuna dealers may only purchase Atlantic bluefin tuna that are at least 73" curved fork length (CFL) (equivalent to 54" pectoral fin curved fork length (PFCFL)) and only from commercially permitted U.S. vessels.<sup>15</sup> CFL means the length of the fish measured from the tip of the upper jaw to the fork of the tail in a line that runs along the contour of the body, along the tops of the pectoral and caudal keel. PFCFL is the length of a fish measured from the dorsal insertion of the pectoral fin to the fork of the tail, in a line that runs along the contour of the body along the tops of the pectoral fin and caudal keel.<sup>16</sup>



Dealers may not purchase bluefin tuna harvested by a vessel with a General category or HMS Charter/Headboat permit when that vessel is fishing in the Gulf of Mexico, or when the General category is closed<sup>17</sup>.

Dealers may purchase Atlantic bluefin tuna from vessels issued an Atlantic

Tunas Longline category permit only when the tuna were taken incidentally while fishing for other species and if both the dealer and vessel have access to the electronic IBQ system and have set up an IBQ account on that system.<sup>18</sup> Effective January 1, 2016, dealers may purchase bluefin tuna from vessels issued an Atlantic Tunas Longline category permit only if the Longline category is open *and* the vessel has met the minimum quota allocation and accounting requirements.

**ATLANTIC SHARKS RESTRICTIONS**

Federal shark dealers may *not* purchase the following **prohibited shark species**:

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

\*Sandbar sharks are prohibited, except for vessels participating in the shark research fishery while carrying a NMFS-approved observer (see *Sandbar Sharks* below).

Shark Fins<sup>19</sup>

A dealer may not purchase shark fins from an owner or operator of a fishing vessel issued a federal Atlantic commercial shark permit who lands sharks in an Atlantic coastal port, unless such fins were naturally attached to the corresponding carcass through offloading. (For information on importing or exporting shark fins, see *Section V. Importing, Exporting, and Re-Exporting HMS.*)

Oceanic Whitetip, Silky and Hammerhead Sharks<sup>20</sup>

A dealer may not purchase oceanic whitetip sharks, silky sharks, or scalloped, smooth, or great hammerhead sharks from an owner or operator of a fishing vessel with pelagic longline gear on board. A dealer may not purchase these sharks from the owner of a fishing vessel issued both an HMS Charter/Headboat permit and a commercial shark permit when tuna, swordfish, or billfish are on board the vessel, offloaded from the vessel, or being offloaded from the vessel.

Sandbar Sharks<sup>21</sup>

The *only* federally permitted vessels that are authorized to possess sandbar sharks are those vessels with a valid shark research fishery permit that also have a NMFS-approved observer onboard during the trip when sandbar sharks were landed. When buying sandbar sharks, dealers *must* verify that the product they are purchasing came from a vessel that has the shark research fishery permit, which authorizes a specific trip limit for sandbar sharks, and that the vessel carried an observer during that particular trip. *If the vessel did not carry an observer during that trip, any sandbar sharks taken are illegal and may not be purchased, even if the vessel has a valid shark research fishery permit.*

Vessels that possess only a state permit and **do not** have a federal directed or incidental shark permit and were fishing in state waters and in accordance with state regulations may also be authorized to possess sandbar sharks, depending on the state.

### Non-sandbar Large Coastal Sharks (LCS)

Federally permitted dealers can only purchase 36 non-sandbar LCS sharks per vessel per trip from fishermen with a federal directed shark limited access permit and 3 non-sandbar LCS per vessel per trip from a fishermen with a federal incidental shark limited access permit *if* the species, management group, and/or region is open.<sup>22</sup> Federally permitted dealers who also possess the appropriate state dealer permits can buy non-sandbar LCS sharks from fishermen who do not have a federal shark limited access permit *if* the fishermen fish exclusively in state waters and are following state regulations.<sup>23</sup>

NOTE: Atlantic states (Maine through Florida) mirror federal shark regulations and require that any dealers buying sharks must hold a federal shark dealer permit in addition to any state requirements, per the Atlantic States Marine Fisheries Commission (ASMFC) Shark Plan. Visit [www.asmfc.org](http://www.asmfc.org) or call (202) 289-6400 for more information. Other states (i.e., Gulf states) also mirror federal regulations measures such as seasons, trip limits, sandbar sharks and prohibited species. Dealers should contact their state fishery resource management agency if they have questions about the state regulations. State agencies are listed in Section VI. *Contact List*.

### Required Atlantic Shark Identification Workshops<sup>24</sup>

Federally permitted Atlantic shark dealers, or a proxy for each of the dealer's locations that purchase sharks, must attend an ***Atlantic Shark Identification Workshop*** in order to renew their Atlantic shark dealer permit. The objective of these workshops is to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form, and to increase the accuracy of species-specific dealer reported information, quota monitoring, and the data used in stock assessments. These workshops will train shark dealer permit holders, or their proxies, to properly identify Atlantic shark carcasses.

***Shark dealer proxies*** are persons currently employed at a location that purchases sharks under a shark dealer permit.<sup>25</sup> This proxy must be the primary participant in identifying, weighing, and/or first receipt of fish as they are received. The proxy must also be involved in completing dealer reports. If a dealer opts to send a proxy to the workshop, the dealer must designate at least one proxy from each place of business listed on the dealer permit which purchases Atlantic sharks.

Persons holding an expired Atlantic Sharks Dealer Permit, and persons who intend to apply for a new Atlantic Sharks Dealer Permit, will be issued a "participant" certificate in their name upon successful completion of the Atlantic shark identification workshop.<sup>26</sup> A participant certificate may be used only to

apply for an Atlantic Sharks Dealer Permit. An Atlantic shark dealer may not purchase Atlantic shark without a valid “dealer” or “proxy” Atlantic shark identification workshop certificate issued to the dealer or proxy. After an Atlantic Shark Dealer Permit is issued to a person using an Atlantic shark identification workshop participant certificate, such person may obtain an Atlantic shark identification workshop dealer certificate for each location which purchases Atlantic sharks by contacting NMFS at (727) 824-5399.

Atlantic shark identification workshops are held quarterly and occur throughout the Atlantic and Gulf coast. More information on workshops, including upcoming locations and dates, can be found on the HMS Management Division’s webpage

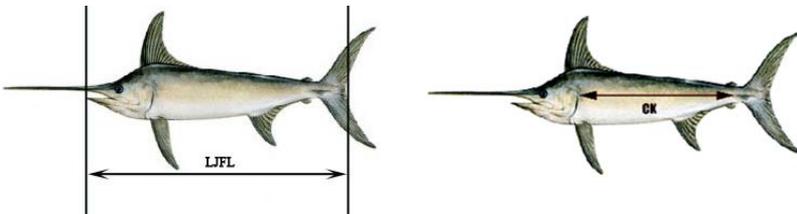
<http://www.nmfs.noaa.gov/sfa/hms/compliance/workshops/index.html>. To pre-register for a workshop, please call Eric Sander at (386) 852-8588 and either fax a completed pre-registration form to Eric Sander at (386) 756-1756, attach it to an email to [esander@peoplepc.com](mailto:esander@peoplepc.com), or bring it with you to the workshop.

### ATLANTIC SWORDFISH RESTRICTIONS

Atlantic swordfish dealers may only purchase swordfish from an owner or operator of a fishing vessel that has a federal commercial permit for swordfish<sup>27</sup>. Such swordfish must meet the minimum size requirements.<sup>28</sup> The measurement used to determine if a swordfish is of legal size depends on whether or not the head is naturally attached to the carcass.

*If the head is naturally attached, the fish must be at least 47" (119 cm) lower jaw fork length (LJFL).* LJFL is a straight line measurement from the tip of the lower jaw to the fork of the tail (see figure). “Naturally attached” means that the whole head is fully attached to the carcass except for the bill, which may be removed provided it has been removed forward of the front tip of the lower jaw.

*If the head is removed prior to or at the time of landing, the fish must be at least 25" (63 cm) cleithrum to caudal keel (CK) length.* CK is the curved length measurement from cleithrum to the caudal keel.

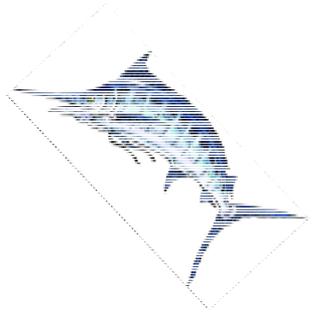


### Importing or Exporting Atlantic Swordfish

For information on importing or exporting swordfish, see *Section V. Importing, Exporting, and Re-Exporting HMS*.

## RESTRICTIONS ON SALE OF ATLANTIC BILLFISH

The purchase of Atlantic billfish from a fishing vessel is prohibited.<sup>29</sup> An Atlantic dealer permit is not required in order to buy Pacific billfishes landed in Hawaii or Pacific Insular Areas.



The Billfish Conservation Act and regulations at 50 CFR 635.31(b) prohibit the sale of billfish and billfish products, and custody, control or possession of billfish and billfish products, for purposes of offering them for sale. The Billfish Conservation Act includes exceptions for billfish caught by U.S. fishing vessels and landed in Hawaii or Pacific Insular Areas and for billfish landed in the Pacific Insular Areas by foreign vessels and exported or retained for local consumption in Hawaii or the Pacific Insular Areas (see Section 4(c) of the Billfish Conservation Act; Public Law 112-183 October 5, 2012 and 78 FR 20291 (April 4, 2013)). Billfish possessed by a dealer or seafood processor must be accompanied by a Billfish Certificate of Eligibility (COE)<sup>30</sup> that documents the harvesting vessel and the body of water from which the fish was harvested. The COE must be signed and dated by each dealer that possessed the product throughout the chain of custody, up to but not including the consumer. Billfish COEs are available at the HMS Management Division's website:

[http://www.nmfs.noaa.gov/sfa/hms/compliance/permits\\_reporting/0216\\_billfish\\_coeform.pdf](http://www.nmfs.noaa.gov/sfa/hms/compliance/permits_reporting/0216_billfish_coeform.pdf).