

XIII. COMMERCIAL TUNA FISHING

AUTHORIZED SPECIES

Atlantic bluefin tuna; and bigeye, albacore, yellowfin, and skipjack (BAYS) tunas.

BLUEFIN TUNA SIZE CLASS CATEGORIES²⁷⁶			
Size Class	Curved Fork Length (inches)	Pectoral Fin Curved Fork Length (inches)	Round Weight (approximate pounds)
Young School	less than 27	less than 20	less than 14
School	27 – less than 47	20 – less than 35	14 – less than 66
Large School	47 – less than 59	35 – less than 44	66 – less than 135
Small Medium	59 – less than 73	44 – less than 54	135 – less than 235
Large Medium	73 – less than 81	54 – less than 60	235 – less than 310
Giant	81 or longer	60 or longer	310 or greater

PERMITS

A vessel permit is required to fish for, retain, possess, or sell Atlantic bluefin tuna, or BAYS tunas in Federal or most state waters²⁷⁷ of the Atlantic, Gulf of Mexico, or Caribbean Sea.²⁷⁸ Check with the states of Maine, Connecticut, and Mississippi for more information on additional state requirements.

DIRECTED FISHING FOR BLUEFIN TUNA IN THE GULF OF MEXICO IS PROHIBITED.^{279, 280}

The commercial Atlantic tunas vessel permit categories include: General, Harpoon, Purse Seine, Longline, and Trap. HMS Charter/Headboat permit category and HMS Commercial Caribbean Small Boat permit holders may also participate in commercial tuna fisheries.²⁸¹

A permit in only one permit category may be issued to a vessel per year; therefore, fishermen must choose between a commercial Atlantic tunas permit (described on the following pages) or the HMS Charter/Headboat permit (described in Section 0). Both the Atlantic tunas General category and HMS Charter/Headboat permits also authorize vessels to fish recreationally for all HMS in registered HMS fishing tournaments. Atlantic tunas General category permit holders must comply with General category regulations pertaining to tunas when fishing in a registered HMS tournament. Please note that Atlantic tunas Longline and Purse Seine category permits are limited access permits and NOAA Fisheries will not issue 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 can be transferred between vessels and are subject to vessel upgrading restrictions.²⁸² A vessel owner may transfer an Atlantic tunas Purse Seine category permit to another purse seine vessel that he or she owns. NOAA Fisheries will issue no more than 5 Atlantic tunas Purse Seine category permits.²⁸³

For more information on how to apply for a permit, or for permit renewal and transfers, please visit hmspermits.noaa.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. For information on how to apply for an HMS Commercial Caribbean Small Boat permit or an Atlantic Tunas Longline Category permit, please contact the Southeast Regional Permit Office at (727) 824-5326.

Fishing Permit Category Regulations

Atlantic Tunas General category permit holders may retain bluefin tuna subject to the current

retention limits.²⁸⁴ Vessel operators should check the web site at hmspermits.noaa.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 inches curved fork length.²⁸⁵

NOTE: Under current regulations, General category permit holders may participate in a registered HMS recreational fishing tournament. During a registered tournament, General category vessels must follow HMS Angling category regulations for sharks, swordfish, and billfish, and must follow General category regulations for all Atlantic tunas.

Atlantic tunas Harpoon category permit holders may retain 4 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.²⁸⁶ There is no retention limit on BAYS tunas; however, yellowfin and bigeye tuna must be greater than 27 inches curved fork length.²⁸⁷

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.²⁸⁸ When fishing for skipjack or yellowfin tuna, purse seine vessels may land bluefin tuna smaller than 73 inches CFL if the weight of the bluefin tuna is less than 1 percent of the total weight of the skipjack and yellowfin tuna combined. Landings of bluefin tuna smaller than the large medium size class may not be sold and are counted against the Purse Seine category.²⁸⁹ There is no retention limit on BAYS tunas; however, yellowfin and bigeye tuna must be greater than 27 inches curved fork length.²⁹⁰

Atlantic tunas Longline category permit holders must also possess a valid swordfish limited access permit (directed or incidental only) and a shark limited access permit.²⁹¹ Please see Section VII for additional restrictions that apply to the use of pelagic longline gear including those related to hook and bait type, mainline length, and additional required gear. Vessels issued an Atlantic tunas Longline category permit may not target bluefin tuna.²⁹² Such vessels may retain (a) one large medium or giant bluefin tuna if 2,000 lb (907 kg) of species other than bluefin tuna are legally caught and offloaded on the same trip; (b) two large medium or giant bluefin tuna if 6,000 lb (2,727 kg) of species other than bluefin tuna are legally caught and offloaded on the same trip; or (c) three large medium or giant bluefin tuna if 30,000 lb (13,620 kg) of species other than bluefin tuna are legally caught and offloaded on the same trip.²⁹³ For pelagic longline vessels fishing in the NED Restricted Area, 25 mt of bluefin tuna quota is allocated for the incidental harvest of bluefin tuna while pursuing other species.²⁹⁴ These target catch requirements and retention limits apply in all areas²⁹⁵ and are subject to change.²⁹⁶ Longline fishermen should 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 inches curved fork length.²⁹⁷

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.²⁹⁸

HMS Commercial Caribbean Small Boat permit is valid only in the U.S. Caribbean region and permit holders may retain up to 10 BAYS tunas per vessel per trip.²⁹⁹ Yellowfin and bigeye tuna must be greater than 27 inches curved fork length.³⁰⁰ No bluefin tuna may be retained.³⁰¹ The HMS Commercial Caribbean Small Boat permit may only be issued to vessels 45 feet or less in length overall.³⁰²

Regulations pertaining to the **General** category and **HMS Charter/Headboat** category (when fishing commercially) 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.³⁰³

Changing permit category

The owner of a vessel issued an Atlantic tunas General, Harpoon, Trap, Charter/Headboat, or Angling permit may change the category only once **within 10 calendar days** of issuance of the permit. Once the 10 calendar day period has passed, a vessel owner cannot change the permit category until the following fishing season.³⁰⁴ A 10-calendar-day period is provided for all 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. **Changes to permits are not allowed after 10 calendar days of the purchase date, unless purchasing an HMS Commercial Caribbean Small Boat permit.**³⁰⁵

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 of more than 20 percent in horsepower or an increase of more than 10 percent of length overall, gross registered tonnage, or net tonnage from the original qualifying vessel’s specifications.³⁰⁶ Some limited access permits, however, 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 on August 6, 2007: (1) an incidental or directed swordfish permit; (2) an 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, gross registered tonnage, or net tonnage, as measured relative to the original qualifying vessel’s specifications. Horsepower is not restricted for these vessels.³⁰⁷

Other tuna permits are not subject to vessel upgrading restrictions. For more information on Atlantic tunas longline vessel upgrading restrictions, call the Gloucester, MA, HMS office at (978) 281-9260 or the Southeast Permits Office at (727) 824-5326.

AUTHORIZED GEAR TYPES

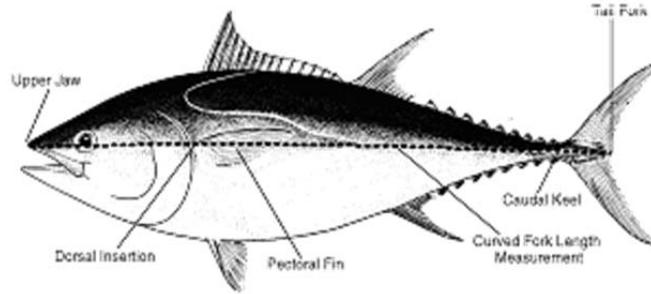
Commercial fishing for Atlantic tunas is authorized using the following gear: rod and reel (including downriggers), handline, harpoon, bandit gear, longline, trap (pound nets and fish weirs), purse seine, and green-stick.³⁰⁸ Only vessels with Atlantic tunas Purse Seine category permits may use purse 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 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.³⁰⁹

Permit Category	Authorized Gear for Atlantic Tunas
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 (speargun gear only authorized for recreational catch of BAYS tunas)
Trap (bluefin tuna only)	Pound net, fish weir
HMS Commercial Caribbean Small Boat permit (BAYS only; no bluefin tuna allowed ³¹⁰)	Rod and reel (including downriggers), handline, harpoon, green-stick, bandit gear, and buoy gear ³¹¹

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.³¹² CFL is measured by tracing the contour of the body from the tip of the upper jaw to the fork of the tail in a line that runs along the top of the pectoral fin (shown as the dorsal insertion point in the diagram below) and the top of the caudal keel.³¹³



The commercial minimum size for **yellowfin** and **bigeye tuna** landed in all tuna permit categories is 27 inches (69 cm) curved fork length. Currently, there are no minimum sizes for **albacore** and **skipjack tuna**.³¹⁴

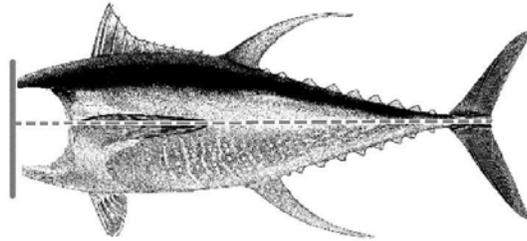
Permit Category	Commercial Size Classes (Minimum Sizes) for Bluefin Tuna
General	Large medium/Giant (73 inches CFL)
Harpoon	Giant (81 inches CFL), with allowance per trip of 4 Large medium (73 inches to 81 inches)
Longline	Large medium/Giant (73 inches CFL)
Purse Seine	Giant (81 inches CFL), with 15 percent per fishing year total landings allowance of Large medium (73 inches to 81 inches), and a 1 percent per fishing year incidental harvest of Young school, School, Large school, and Small medium (less than 73 inches) per trip which cannot be sold

Tunas with heads removed

For **bluefin tunas** with heads removed, pectoral fin curved fork length (PFCFL) may be taken and multiplied by 1.35 to obtain total curved fork length.³¹⁵ 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 MEASURING

TAPE MUST TOUCH THE TOP PORTION OF THE PECTORAL FIN.³¹⁶ Commercial permit holders cannot retain or possess, with the intent to sell, bluefin tuna that is less than 54 inches (137 cm) PFCFL with the head removed.

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 forward edge of the cut to the fork of the tail.³¹⁷



Forward edge of the cut

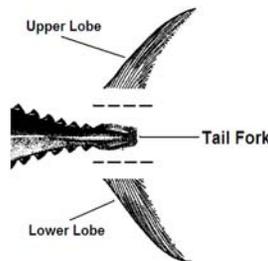
Fork of the tail

LANDING RESTRICTIONS

Bluefin and BAYS tunas may be landed round with fins intact, or eviscerated with the head and fins removed, provided at least one pectoral fin and the tail remain attached. The fish must remain within the specified minimum size.³¹⁸

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.³¹⁹



Persons with an Atlantic tunas permit may not retain billfish;³²⁰ however, General category vessels participating in registered HMS tournaments can retain billfish, subject to the HMS Angling category regulations.³²¹

TRANSFER AT SEA

Persons may not transfer Atlantic tuna at sea regardless of where the tuna was harvested. Transfer includes moving or attempting to move an Atlantic tuna that is on fishing or other gear in the water from one vessel to another vessel.

An owner or operator of a vessel for which an Atlantic tunas Purse Seine category permit has been issued 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.³²²

FISHING SEASONS AND CLOSURE DATES

BAYS tunas

The current seasons for BAYS tunas are January 1 through December 31st.³²³

Bluefin tuna

The current seasons for commercial bluefin tuna are based on permit category. See the following table for information on seasonal openings/closings. For categories that specify "or when quota is filled," the season closes either when the quota is filled or on the specified date, *whichever is sooner*.

Commercial Seasons for Bluefin Tuna		
Permit Category	Open	Close
General	January 1	March 31, or when quota (or subquota) is filled ³²⁴
	June 1	August 31, or when quota (or subquota) is filled ³²⁵
	September 1	September 30, or when quota (or subquota) is filled ³²⁶
	October 1	November 30, or when quota (or subquota) is filled
	December	December 31, or when quota is filled
Longline	January 1	December 31, or when quota is filled ³²⁷
Trap	January 1	December 31, or when quota is filled ³²⁸
Purse Seine	July 15 ³²⁹	December 31, or when quota is filled ³³⁰
Harpoon	June 1	November 15, or when quota is filled ³³¹

FISHING REGIONS

For the **Longline category**, Atlantic **bluefin tuna** regions are separated into "North" and "South." 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.³³²

TIME/AREA CLOSURES

For **General category permit** holders, NOAA Fisheries can set "days off," or restricted fishing days (RFDs), to moderate landings when catch rates are high. When used, the number and dates of RFDs vary and are set by NOAA Fisheries 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 whether NOAA Fisheries has instituted RFDs this year, and to keep up with adjustments, visit hmspermits.noaa.gov, or call (888) 872-8862 or (978) 281-9260 for more information.³³³

There are time and area closures that affect all gears. For information on existing time and area closures, refer to Sections I through IX of this guide, or call the HMS Management Division at (301) 427-8503.

SELLING TUNAS

Atlantic tunas may be sold only by fishermen permitted in commercial Atlantic tunas categories and only to federally-permitted dealers, with the exception of BAYS tunas landed by HMS Commercial Caribbean Small Boat permit holders.³³⁴ BAYS tunas landed by HMS Commercial Caribbean Small Boat permit holders may be sold to dealers and non-dealers.³³⁵ Dealers can obtain a tuna dealer permit by contacting the Northeast Region Permit Office at (978) 281-9370.

REPORTING REQUIREMENTS

Bluefin Tuna-Specific

Landings of all bluefin tuna must be reported. All commercially-landed bluefin tuna must be tagged by a federally-permitted tuna dealer.³³⁶ If sold, the landings of large medium and giant bluefin tuna must be reported by a licensed dealer on landing cards faxed to the NOAA Fisheries HMS Gloucester

Office.³³⁷ Bluefin tuna not sold by commercial permit holders must be reported to the nearest NOAA Fisheries Enforcement office upon landing.³³⁸

Logbooks

NOAA Fisheries 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 activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading.³³⁹ Fishermen landing BAYS tunas on a vessel that also holds a permit issued by the Northeast Regional Office should record their landings on the Vessel Trip Report (VTR) form provided by the Northeast Regional Office. Fishermen that do not hold a Northeast Regional permit simultaneously with an HMS tunas permit are not currently required to complete VTRs.

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.

NOAA Fisheries may also send a letter requiring 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.³⁴⁰

HMS Commercial Caribbean Small Boat Permit

Fishermen holding an HMS Commercial Caribbean Small Boat permit must abide by their respective territorial reporting requirements and other applicable territorial commercial fishing requirements.

NOAA Fisheries Observer Program³⁴¹

Vessels may be required to carry NOAA Fisheries observers. See Section XVI for observer requirements.

ANNUAL QUOTAS

The overall U.S. bluefin tuna quota is negotiated at ICCAT, usually specified as an annual quota, although other specifications may be made through negotiations. For example, we receive 25 mt in addition to the annual quota for catch in the NED Restricted Area. This quota usually is negotiated during years that coincide with updated stock assessment. NOAA Fisheries then allocates the quota among the different permit categories, including the Reserve category, domestically while also considering the most recent estimate of dead discards and over- and/or under-harvests. For up-to-date information on quota allocations, please contact the HMS Gloucester office at (978) 281-9260.³⁴² Any quota adjustments will be posted on the HMS website under "Breaking News," and will also be published in the Federal Register and sent to the *Atlantic HMS News* listserv.

VMS REQUIREMENTS

Vessels with an Atlantic tunas Longline category permit that have longline gear onboard may be required to install and use an E-MTU VMS unit. See Section X for a full description of the E-MTU requirements.