

GILLNET C RESTRICTIONS

- Directed shark gillnet vessels have 100% observer coverage during Right Whale Calving Season and 50% observer coverage the rest of the year. Selected vessels will be notified. If you are not sure if you need an observer, call John Carlson at (850) 234-6541 x221.
- If a whale is sighted while fishing with a gillnet, the vessel operator must call the Southeast Fisheries Science Center at (305) 862-2850 and cease fishing immediately.
- Gillnet vessels must conduct net checks every 2 hours to look for and remove any protected species. This is the only time while fishing that the gillnet is allowed to be detached from the vessel.
- Shark gillnet vessels with a directed shark permit need to install and operate a VMS unit during the Right Whale Calving Season (Nov. 15 to Mar. 31).

COMING SOON

HMS Identification Guide - Available Now
HMS Advisory Panel Meeting - Mar. 21-23, 2005
Amendment 2 to the HMS FMP - 2005

FOR MORE INFORMATION

Contact: Karyl Brewster-Geisz, Chris Killing, or Mike Clark at (301) 713-2347.

If your marina or fishing club would like to receive regular shark postings from our HMS FAX network, please contact the HMS Management Division at (301) 713-2347. Alternatively, information about all Federal fisheries, including the shark fishery, can be obtained electronically via FISHERIES. Please see www.nmfs.noaa.gov to sign up for this service.

Important Phone Numbers

Enforcement Hotline 800-853-1964
Southeast HMS Office 727-824-5399
Northeast HMS Office 978-281-9260
HMS Headquarters Office 301-713-2347
HMS Infoline 800-894-5528
Southeast Permit Office 727-824-5326

HMS CHARTER/HEADBOAT PERMITS

If you own or operate a charter/headboat vessel that fishes for Atlantic HMS, including sharks, you must have an Atlantic HMS Charter/ Headboat permit. The permit can be purchased online at www.nmfspermits.com or by calling 888-872-8862. If you have both a charter/headboat and a commercial shark permit, you may sell sharks when the season is open. When the commercial shark season is closed, you may land sharks under the recreational limits only if engaged in a for-hire trip.

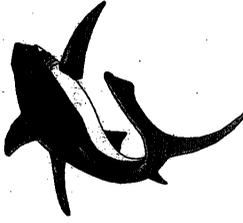
RECREATIONAL PERMITS

If you do not intend to sell sharks, you can take sharks recreationally if you have an HMS angling permit. There is a bag limit and size limit on recreationally-caught sharks. The permit can be purchased online at www.nmfspermits.com or by calling 888-872-8862.

UPCOMING REGULATIONS

Dehooking device: NMFS recently approved a regulation that will require shark bottom longline fishermen to have and use a dehooking device. The dehooking device should not be used on smalltooth sawfish. NMFS is currently working to type-approve a dehooking device. The effective date will be announced in the future and will likely be in 2005.

Atlantic Shark Commercial Fishery Regulations



**National Marine Fisheries
Service**
Office of Sustainable Fisheries
Highly Migratory Species (HMS)
Management Division



This pamphlet provides a summary of commercial fishing regulations for Atlantic sharks for the 2005 fishing year as of February 2005. For the complete and official set of regulations, see 50 CFR part 635 and the Federal Register or call the Highly Migratory Species Management Division at 301-713-2347. Since fishery rules are subject to change, fishermen must familiarize themselves with the latest complete regulations and are responsible for complying with current official regulations. If there is a discrepancy between the regulations in 50 CFR part 635 and this brochure, the regulations will take precedence. This brochure is produced in compliance with Section 212 of the Small Business Regulatory Enforcement Fairness Act.

Highly Migratory Species Management Division SFI
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

COMMERCIAL SHARK FISHING PERMITS

Owners of vessels used to fish commercially for Atlantic sharks or who intend to sell sharks are required to obtain a shark limited access commercial permit from the National Marine Fisheries Service (NMFS). Without this permit, fishermen who fish in Federal waters cannot sell sharks. Under the limited access program, NMFS is no longer issuing new commercial shark permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on renewals and transfers, please contact the Southeast Regional Permit Office at (727) 824-5326. Fishermen with this permit must abide by Federal regulations even within state waters unless that state has more restrictive regulations.

REPORTING REQUIREMENTS

Fishermen with a commercial shark permit are required to report fishing activities in an approved logbook. Logbooks must be filled out within 48 hours of fishing and before offloading. Logbooks must be submitted to NMFS within 7 days of offloading. Weight slips for fish sold must accompany the logbook submission. Additionally, selected permit holders may be required to report cost and earnings information. This information must be submitted within 30 days of offloading. Please call the HMS Management Division at (301) 713-2347 for details.

OBSERVER PROGRAM

Fishermen with a commercial shark permit may be selected to carry an observer. If selected, you are required to carry an observer on every trip unless notified otherwise. Information on how to comply with the observer requirement will be specified in the selection package. Compliance includes all U.S. Coast Guard and NMFS safety regulations such as having a valid safety decal for your vessel, having a useable life raft that will fit everyone on board, and providing the observer with the same accommodations as any crew member. Please call the HMS Management Division at (301) 713-2347 for details.

SPECIES THAT MAY BE KEPT

Large Coastal Sharks: Sandbar, Tiger, Silky, Blacktip, Spinner, Nurse, Lemon, Bull, Great hammerhead, Smooth hammerhead, Scalloped hammerhead

Small Coastal Sharks: Atlantic sharpnose, Finetooth, Blacknose, Bonnethead

Pelagic Sharks: Shortfin mako, Common thresher, Porbeagle, Oceanic whitetip, Blue

SPECIES THAT MUST BE RELEASED

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

If you catch a prohibited species, you must release that fish to the sea immediately with a minimum of injury and without removing the fish from the water. If you are not sure of the species and whether you may keep it, release it.

RETENTION LIMITS

Directed Shark Permits: During open seasons, directed shark permit holders may keep up to 4,000 lbs. dressed weight of large coastal sharks per vessel per trip. There are no retention limits for pelagic or small coastal sharks.

Incidental Shark Permits: During open seasons, incidental shark permit holders may keep up to 5 large coastal sharks per vessel per trip and 16 pelagic or small coastal sharks (all species combined) per vessel per trip.

LANDING RESTRICTIONS

Harvested sharks can be eviscerated and have the heads and fins removed but they cannot be filleted at sea.

SHARK FINS

Shark fins cannot exceed 5% of the dressed weight of the carcasses. No fins may remain on board the vessel after the first point of landing.

FISHING SEASONS

There are 3 fishing seasons: Jan. 1 through April 30; May 1 through Aug. 31; and Sept. 1 through Dec. 31.

FISHING REGIONS

The large and small coastal shark commercial quotas are split between 3 regions:

Gulf of Mexico: TX through west coast of FL including the FL Keys;

South Atlantic: east coast of FL through NC including the Caribbean; and

North Atlantic: VA through ME.

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.

2005 BASE ANNUAL QUOTAS

Large Coastal: 1,017 mt dw or 2,242,078 lbs dw; 52% to Gulf of Mexico, 41% to S. Atlantic, 7% to N. Atlantic.

Small Coastal: 454 mt dw or 1,000,888.4 lbs dw; 10% to Gulf of Mexico, 87% to S. Atlantic, 3% to N. Atlantic.

Blue: 273 mt dw or 601,855.8 lbs dw

Porbeagle: 92 mt dw or 202,823.2 lbs dw

Other pelagic: 488 mt dw or 1,075,844.8 lbs dw

The quotas are currently split equally between each fishing season and may be adjusted to account for over- and underharvests from the 2004 seasons.

CLOSURE DATES

Large coastal shark fishery closure dates are announced before the start of each fishing season.

The fishing season is not re-opened once closed.

Small coastal shark and pelagic shark fisheries are monitored during the season. If needed, fishermen will be given at least 14 days notice of a fishery closure.

Call the HMS Management Division at (301) 713-2347 for information regarding current openings and closings.

SELLING SHARKS

Sharks and shark fins can only be sold to permitted dealers. Dealers can obtain a shark dealer permit by contacting the Southeast Regional Permit Office at (727) 824-5326.

AUTHORIZED GEARS

Pelagic or bottom longline, gillnet, rod and reel, handline, or bandit gear. Time/area closures and other gear-specific regulations may apply. Please call HMS Management Division at (301) 713-2347 for details.

BOTTOM LONGLINE GEAR RESTRICTIONS

Bottom longline vessels must post sea turtle handling and release guidelines in their wheelhouse. Guidelines can be obtained on the HMS webpage or by calling (301) 713-2347.

Bottom longline vessels will need to: have corrodible non-stainless steel hooks; have and use line cutters and dipnets; and move 1 mmi after an interaction with a protected species.

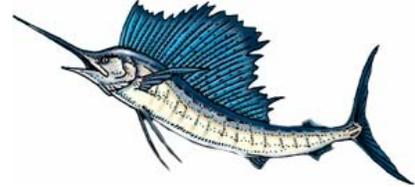
From January through July of each year, an area seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 35°41' N. lat. just south of Oregon Inlet, North Carolina, and connecting by straight lines the following coordinates in the order stated: 35°41' N. lat., 75°25' W. long.

proceeding due east to 35°41' N. lat., 74°51' W. long.; then proceeding southeast to 35°30' N. lat., 74°46' W. long.; then proceeding southwest, roughly following the 55 fathom mark, to 33°51' N. lat., 76°24' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 33°51' N. lat., 77°53' W. long. near Cape Fear, North Carolina.

Directed shark bottom longline vessels located between 33° N and 36° 30' N need to install and operate a VMS unit from January through July.



Guide for Complying with the Atlantic Tunas, Swordfish, Sharks, and Billfish Regulations



National Marine
Fisheries Service

October 2006

Highly Migratory Species Division

INTRODUCTION - Atlantic highly migratory species (HMS) including tunas, swordfish, sharks, and billfish are managed by the National Marine Fisheries Service (NMFS) under the authority of the Secretary of Commerce, with consideration for the domestic and international aspects of these fisheries.

The *Consolidated Atlantic Highly Migratory Species Fishery Management Plan* (HMS FMP) was developed for the integrated management of those HMS within the Atlantic Ocean and adjacent waters, the Caribbean Sea, and Gulf of Mexico. The HMS FMP was approved in 2006, and updated and consolidated previous versions of fishery management plans for Atlantic tunas, sharks, swordfish, and billfish.

The objectives of the HMS FMP include, among other things, preventing overfishing of HMS stocks, rebuilding HMS stocks, minimizing bycatch in HMS fisheries, establishing a foundation for international conservation of HMS stocks, and minimizing adverse impacts to fishing communities from management actions. These objectives are implemented via the HMS regulations.

The HMS FMP recently updated and amended these regulations. Several important changes are included in the

“What’s New?” section of this 2006 Compliance Guide, and other changes are noted under the applicable sections within this document.

This 2006 Compliance Guide amends all previous guides and is produced in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act. This guide is intended to provide a plain-language summary of how to comply with the regulations for Atlantic tunas, swordfish, sharks, and billfish.

For the official and complete set of regulations, please see 50 CFR part 635 and other relevant parts of the CFR (electronic version of CFR at www.gpoaccess.gov), and the *Federal Register*. Since fishery rules frequently change, fishermen must familiarize themselves with the latest regulatory updates and are responsible for complying with the current official regulations. If there is a discrepancy between the regulations in 50 CFR part 635 or other applicable CFR parts, and the answers given in this Guide, the regulations will take precedence.

You may request a copy of a particular rule or current updates by calling the NMFS HMS Management Division at (301) 713-2347 or by viewing the HMS website at www.nmfs.noaa.gov/sfa/hms.





What's New in Atlantic HMS Regulations?

New regulatory requirements were implemented under the Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP), and announced on October 2, 2006, in the Federal Register. Some of the new requirements are summarized below. Please see the complete regulatory text, which takes precedence over the information provided here

Receive Timely Regulatory Updates

- Stay up-to-date on HMS regulations by signing up for the new email newsletter and listserv *Atlantic HMS News*. To subscribe, visit <http://www.nmfs.noaa.gov/sfa/hms/newslist/>.

Billfish

- Effective January 1, 2007, the International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation establishing a 250 marlin per year landings limit will be codified. In-season increases in white or blue marlin size limits may be implemented if landings near the 250 fish limit, or retention may be prohibited if landings reach the 250 fish limit.
- Effective January 1, 2007, all HMS permitted vessels participating in Atlantic billfish tournaments may only deploy non-offset circle hooks when using natural baits or natural bait/artificial lure combos.

Mandatory Workshops for Longline and Shark Gillnet Vessel Owners and Operators, and Shark Dealers.

- Pelagic and bottom longline vessel owners and vessel operators, and shark gillnet vessel owners and vessel operators must obtain certification by attending a protected species safe handling, release, and identification workshop, and must be re-certified every three years. Permits that expire in 2007 will not be renewed without certification.
- Shark dealers must be certified by attending a shark identification workshop, and must be re-certified every three years. After 2007, shark dealer permits will not be renewed without certification.

Time/Area Closures

- Madison-Swanson and Steamboat Lumps Marine Reserves (in the Gulf of Mexico) are closed to all HMS fishing, except that surface trolling for HMS may be conducted from May through October.
- New restrictions on the species composition of catch are established for HMS longline vessels when fishing in HMS longline closed areas.

Changes to Gear Types Authorized for Use in HMS Fisheries

- Use of a speargun is authorized for recreational capture of bigeye, albacore, yellowfin, and skipjack (BAYS) tuna (no sale allowed).
- Buoy gear is defined and authorized for use in the commercial swordfish hand-gear fishery.
- Use of greenstick gear under existing regulations is clarified.
- Allowable use of cockpit gear is clarified.
- Handline must be attached to the vessel.

Bluefin Tuna Commercial Fisheries

- General category bluefin tuna time period subquotas have been established for December and January.
- Speargun gear is *not* authorized for use in commercial bluefin tuna fisheries.
- Bluefin tuna quota rollovers will be limited to 100 percent of the baseline quota.

HMS Angling and Charter/Headboat Permits

- Permit holders must abide by Federal regulations regardless of where fishing occurs, unless regulations in state waters are more restrictive.

Sharks

- The 2nd dorsal fin and the anal fin must remain on all sharks through landing.

Management Calendar

- Management of HMS fisheries, including annual fishery specifications and permit issuance for HMS Angling, Charter/Headboat, and Atlantic tunas vessel permits, will be shifted to a calendar year.

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I. GEAR DEFINITIONS

Q1: *What types of gear may I use in HMS fisheries?*

A: The actual gear type allowed depends on the type of fishing you are conducting (commercial or recreational), species you are targeting, and type of permit you have. Generally, pelagic longline, bottom longline, handline, buoy gear, harpoon, rod and reel, speargun, bandit gear, shark gillnet, and purse seine are acceptable in HMS fisheries. Please see the tables below and the appropriate section in this guide to determine which gear types you may use.

Commercial Gear Type

Gear Type	Shark	Tuna	Swordfish
Pelagic Longline	X	X	X
Bottom Longline	X	X	X
Handline	X	X	X
Buoy Gear			X
Harpoon		X	X
Rod and Reel	X	X	X
Bandit Gear	X	X	X
Gillnet	X		
Trap		X	
Purse Seine		X	

Recreational Gear Type

Gear Type	Shark	Tuna	Swordfish	Billfish
Handline	X	X	X	
Rod and Reel *	X	X	X	X
Speargun		X BAYS** Only		
Bandit Gear (Charter/Headboat only)		X		

*including downriggers

** BAYS tunas include Bigeye, Albacore, Yellowfin, and Skipjack.

Q2: *What is longline gear?*

A: Longline gear is set horizontally, either anchored, floating, or attached to a vessel, and consists of a mainline with three or more gangions or hooks. This gear can be retrieved by hand or by mechanical means. Any hook and line gear with three or more hooks is considered a longline.

Q3: *What is pelagic longline gear?*

A: Pelagic longline gear is defined as a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom. Your vessel has pelagic longline on board when the following equipment is on board:

1. A power-operated longline hauler,
2. A mainline,
3. Floats capable of supporting the mainline, and
4. Leaders (gangions) with hooks.

Removing any one of these four elements from the vessel constitutes removal of pelagic longline gear.

Q4: *What is bottom longline gear?*

A: Bottom longline gear is a longline that is not suspended in the water with floats. Bottom longline gear uses weights or anchors to ensure that the gear is placed on or close to the ocean bottom. Your vessel has bottom longline onboard when the following equipment is on board:

1. A power operated longline hauler,
2. A mainline,
3. Weight and/or anchor capable of maintaining contact between mainline and ocean bottom, and
4. Leaders (gangions) with hooks.

Removing any one of these four elements from the vessel constitutes removal of pelagic longline gear.

Q5: How will pelagic and bottom longline gears be distinguished?

To ensure compliance with closures, composition of catch will be used to differentiate between bottom longline and pelagic longline gear, in addition to the definitions for these gears. Pelagic longline vessels fishing in areas closed to bottom longline gear may not possess demersal species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) on board the vessel. Conversely, bottom longline vessels fishing in areas closed to pelagic longline gear may not possess pelagic species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) on board the vessel. Please see Section III, Q9 for a list of demersal and pelagic “indicator” species.

Q6: *What is handgear?*

A: Handgear means handline, harpoon, rod and reel, buoy gear, speargun gear, or bandit gear.

Q7: *What is a handline?*

A: A handline consists of a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel.

Q8: *What is a harpoon?*

A: A harpoon consists of a pointed dart or iron attached to the end of a line several hundred feet in length, the other end of which is attached to a floatation device. Harpoon gear is attached to a pole that is propelled only by hand and not by mechanical means.

Q9: *What is rod and reel?*

A: Rod and reel consists of a handheld fishing rod with a manually or electronically operated reel attached.

Q10: *What is a downrigger?*

A: A downrigger is a piece of equipment attached to a vessel that has a weight on a cable that is in turn attached to hook-and-line gear to maintain lures or bait at depth while trolling.

Q11: *What is bandit gear?*

A: Bandit gear is a vertical hook and line with rods that are attached to the vessel when in use. Lines can be retrieved by hand or mechanical means.

Q12: *What is hook and line gear?*

A: Hook and line means one or more hooks attached to one or more lines (can include a troll).

Q13: *What is a shark gillnet?*

A: A gillnet is a panel of netting suspended vertically in the water with floats at the top and weights along the bottom. Shark gillnets must remain attached to the vessel at one end except when conducting net checks.

Q14: *What is a purse seine?*

A: A purse seine is a floated and weighted encircling net that is closed (“pursed”) by means of a drawstring threaded through the bottom of the net.

Q15: *What is buoy gear?*

A: Buoy gear consists of one or more floatation devices supporting a single mainline to which no more than two hooks or gangions are attached. This gear may be free-floating and is not required to be attached to, or in contact with, a vessel; however, it must be released and retrieved by hand. Vessels utilizing buoy gear are limited to possessing or deploying no more

than 35 floatation devices. Monitoring equipment such as radar reflectors, beeper devices, lights, or reflective tape must be attached. Individual buoy gears must not be attached to one another.

Q16: *What is speargun gear?*

A: Speargun gear consists of a muscle-powered speargun equipped with a trigger mechanism, a spear with a tip designed to penetrate and retain fish, and terminal gear. Terminal gear may include, but is not limited to, trailing lines, reels, and floats. The term “muscle-powered speargun” means those spearguns that store potential energy provided from the operator’s muscles, and that release only the amount of energy that the operator has provided to it from his or her own muscles.

Q17: *What is a circle hook?*

A: With regard to Atlantic HMS, a circle hook is a hook originally designed and manufactured so that the point of the hook is turned perpendicularly back toward the shank of the hook to form a generally circular or oval shape.

Q18: *May I use green-stick gear to target Atlantic tunas or other HMS?*

A: “Green-stick gear,” although not specifically defined in the HMS regulations, may be used to target Atlantic tunas or other HMS, provided it is configured in such a way that it conforms to existing HMS gear and permit constraints. For example, to be considered handgear, there can be no more than two gangions/leaders/hooks per line. If configured with two or less hooks, it may be used by General, Angling, and Charter/Headboat permitted vessels. If a third gangion/leader/hook is added to a line, it is defined as longline gear and the vessel must possess the appropriate HMS longline permits to fish with such gear. Longline

category vessels fishing with green-stick gear that fall under the definition of longline gear must also abide by all other longline gear constraints, including circle hooks. For further information, please call HMS Gloucester at (978) 281-9260.

II. GENERAL RESTRICTIONS

Q1: *Do I have to mark my fishing gear?*

A: Yes. You must mark your handline, buoy gear, harpoon, longline, and gillnet floats with the vessel's registration number, vessel name, or Atlantic Tunas or Atlantic HMS permit number.

Q2: *Are there time/area closures in HMS fisheries?*

A: Yes. Most time/area closures relate only to fishermen using pelagic or bottom longline gear and may be found in the longline gear section below. However, there are other time/area closures that restrict HMS fishermen. The following list is not all inclusive, but covers most current time/area closures relating to HMS gears. New closures are periodically implemented; 50 CFR 622 as well as the Marine Protected Areas website listed below should be consulted periodically:

1. The Oculina Banks: fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited in the Oculina Bank by non-HMS regulations. The area is bounded on the north by 27° 53' N, on the south by 27° 30' N, on the east by 79° 56' W, and on the west by 80° 00' W (50 CFR 622);

2. The Florida Middle Grounds HAPC: fishing with bottom longline, bottom trawl, dredge, pot, or trap fishing in the Florida Middle Grounds HAPC is prohibited year-round by non-HMS regulations. The area is bounded by 28° 42.5' N lat., 84° 24.8' W.

long.; 28° 42.5' N lat., 84° 16.3' W. long.; 28° 11.0' N lat., 84° 0.00' W. long.; 28° 11.0' N lat., 84° 07.0' W. long.; 28° 26.6' N lat., 84° 24.8' W. long.; 28° 42.5' N lat., 84° 24.8' W. long. (50 CFR 622.34(b));

3. The Tortugas Marine Reserves: fishing for any species and anchoring by fishing vessels is prohibited in the EEZ portions of Tortugas North and Tortugas South by non-HMS regulations. The Tortugas North area is bounded by 24° 40'00" N. lat., 83° 06'00" W. long.; 24° 46'00" N. lat., 83° 06'00" W. long.; 24° 46'00" N. lat., 83° 00'00" W. long.; thence along the line denoting the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11438 to 24° 40'00" N. lat., 83° 06'00" W. long. Tortugas South is bounded by 24° 33'00" N. lat., 83° 09'00" W. long.; 24° 33'00" N. lat., 83° 05'00" W. long.; 24° 18'00" N. lat., 83° 05'00" W. long.; 24° 18'00" N. lat., 83° 09'00" W. long.; 24° 33'00" N. lat., 83° 09'00" W. long. (50 CFR 622.34(d));

4. The West and East Flower Garden Banks HAPC: fishing with bottom longline, bottom trawl, dredge, pot, or trap fishing in the West and East Flower Garden Banks HAPC is prohibited year-round by non-HMS regulations. The area is geographically centered at 27° 52' 14.21" N. lat., 93° 48' 54.79" W. long. and 27° 55' 07.44" N. lat., 93° 36' 08.49" W. long., respectively. The HAPC extends from these centers to the 50-fathom (300-ft) (91.4-m) isobath (50 CFR 622.34(j));

5. Southeast Right Whale Calving Area: shark gillnet fishing is prohibited by the large whale regulations each year from November 15 to March 31 in the area from 27°51'N latitude (near Sebastian Inlet, FL) to 32°00'N latitude (near Savannah, GA) extending from the shore outward to 80°W longitude (50 CFR 222). In the vicinity of the Southeastern U.S. restricted area (between Sebastian Inlet, FL and Savannah,

GA) during the North Atlantic right whale calving season (Nov. 15 – March 31), a shark gillnet is defined as any gillnet with stretched mesh size greater than 5 inches;

6. As part of the Southeast Right Whale Calving Area, 100 percent observer coverage is required by the large whale regulations for the use of gillnets in the area from West Palm Beach (26° 46.5' N latitude) to Sebastian Inlet (27° 51' N latitude) from November 15 through March 31 and for the use of strikenets in the area between West Palm Beach, FL, and Savannah, GA, from November 15 to March 31 each year;

7. Madison-Swanson and Steamboat Lumps closed areas: these areas are closed to all HMS fishing gears year-round except surface trolling from May through October, consistent with the recommendations from the Gulf of Mexico Fishery Management Council. The coordinates for the Madison-Swanson closed area are: 29° 17' N. lat., 85° 50' W. long.; 29° 17' N. lat., 85° 38' W. long.; 29° 06' N. lat., 85° 38' W. long.; 29° 06' N. lat., 85° 50' W. long. The coordinates for the Steamboat Lumps closed area are: 28° 14' N. lat., 84° 48' W. long.; 28° 14' N. lat., 84° 37' W. long.; 28° 03' N. lat., 84° 37' W. long.; 28° 03' N. lat., 84° 48' W. long. Surface trolling is defined as fishing with lines trailing behind a vessel which is in constant motion at speeds in excess of four knots with a visible wake. Such trolling may not involve the use of downriggers, wire lines, planers, or similar devices; and,

8. Other Marine Protected Areas: throughout the United States there are a number of marine protected areas that may affect fishing activities. More information on marine protected areas can be found at <http://www.mpa.gov>.

Q3: *If I am fishing in parts of the Atlantic*

outside the U.S. EEZ, do I have to comply with U.S. domestic regulations?

A: Generally, U.S. flagged vessels are required to comply with U.S. domestic regulations that pertain to Atlantic HMS while fishing anywhere in the Atlantic. Depending on your circumstances, the answer to this question may change. Some U.S. citizens, even on foreign flagged vessels, may need an exempted fishing permit. Please call HMS Headquarters at (301) 713-2347 to discuss your specific situation.

Q4: *Do Federal regulations apply if I am fishing for HMS in state waters?*

A: Both the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act have provisions that allow NMFS to apply Federal regulations to state waters. In general, HMS permit holders must abide by all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more stringent regulations, vessels must abide by the more restrictive state regulations. However, as reflected in this Guide, the regulations are species and situation-specific. Please call HMS Headquarters at (301) 713-2347 for more information.

Q5: *When may I use secondary or “cockpit” gears?*

A: Secondary, or “cockpit,” gears may only be used at boatside to aid and assist in subduing, or bringing onboard a vessel, Atlantic HMS that have first been caught or captured using primary authorized gears. Secondary gears include, but are not limited to, dart harpoons, gaffs, tail ropes, etc. Secondary gears may not be used to capture, or attempt to capture, free-swimming or undersized HMS.

Q6: *What HMS may I harvest with speargun gear?*

A: Speargun fishing gear is only authorized for the recreational harvest of BAYS (bigeye, albacore, yellowfin, and skipjack) tunas. No other HMS may be taken with speargun fishing gear, including bluefin tuna, swordfish, sharks, sailfish, or white or blue marlin.

III. PELAGIC & BOTTOM LONGLINE GEAR RESTRICTIONS

Q1: *What permits do I need in order to use pelagic longline gear in HMS fisheries?*

A: Generally to fish with pelagic longline gear, you must possess all three valid HMS permits listed below. These permits are:

1. Directed or incidental swordfish permit (a swordfish handgear permit is not acceptable);
2. Directed or incidental shark permit; and,
3. Tuna longline category permit (a tuna General category permit is not an acceptable substitute for the tuna longline category permit).

Fishermen with only a Federal shark permit may also use pelagic longline gear, however, they need to discard all swordfish and tunas caught. These permits are administered under a limited access program. Permits may only be obtained by transferring the permit, within the upgrading restrictions, from someone who is leaving the fishery. All fishermen using pelagic longline gear must comply with the gear restrictions described below. Prior to renewing or obtaining a commercial swordfish or shark limited access permit, you will need to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop

certificate must be included in your permit application package. For more information, please see Section XVII Workshops. For information on permit transfers and renewals, please contact the Southeast Region Permit Office at (727) 824-5326.

Q2: *Are there time/area closures for pelagic longline gear?*

A: Yes. NMFS has closed a number of areas to fishermen with HMS permits who have pelagic longline gear on board. These are listed as follows and shown in Figure 1.

1. The Northeastern United States Closed Area: this area is closed during the month of June each year. The coordinates are 39 to 40°N. lat., and 68 to 74°W long;
2. The Charleston Bump Closed Area: This area is closed from February 1 through April 30 each year. The coordinates are: the Atlantic Ocean seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 34°00' N. lat. near Wilmington Beach, North Carolina, and proceeding due east to connect by straight lines the following coordinates in the order stated: 34°00' N. lat., 76°00' W. long.; 31°00' N. lat., 76°00' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia;
3. The East Florida Coast Closed Area: this area is closed year-round. The coordinates are: the Atlantic Ocean seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia, and proceeding due east to connect by straight lines the following

coordinates in the order stated: 31°00' N. lat., 78°00' W. long.; 28°17' 10" N. lat., 79°11' 24" W. long.; then proceeding along the outer boundary of the EEZ to the intersection of the EEZ with 24°00' N. lat.; then proceeding due west to the following coordinates: 24°00' N. lat., 81°47' W. long.; then proceeding due north to intersect the inner boundary of the U.S. EEZ at 81°47' W. long. near Key West, Florida;

4. The DeSoto Canyon Closed Area: this area is closed year-round and consists of two squares offshore of the west coast of Florida. The corner coordinates are: 30°00' N. lat., 88°00'

W. long.; 30°00' N. lat., 86°00' W. long.; 28°00' N. lat., 86°00' W. long.; 28°00' N. lat., 84°00' W. long.; 26°00' N. lat., 84°00' W. long.; 26°00' N. lat., 86°00' W. long.; 28°00' N. lat., 86°00' W. long.; 28°00' N. lat., 88°00' W. long.; 30°00' N. lat., 88°00' W. long.; and,

5. The Northeast Distant Gear Restricted Fishing Area (NED): This area is closed year-round, except to vessels fishing with specific pelagic longline gear and bait combinations, and complying with other conditions, as described below in Question 3. The coordinates are: 35° to 55° N. lat. and 20° to 60° W. long.

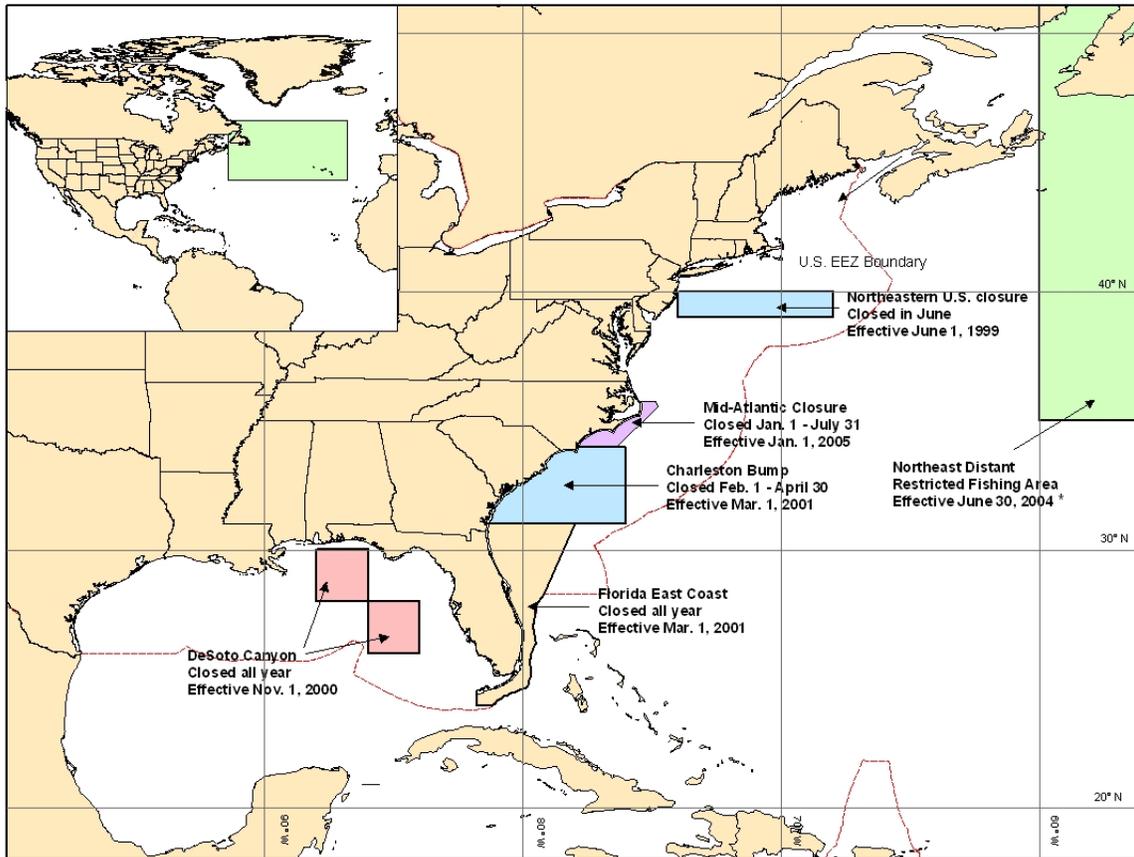


Figure 1. Map of closed and restricted fishing areas for PLL and BLL. * The NED is closed except to vessels complying with specific conditions (see Q3). Please see Section II General Restrictions for other time/area closures that may affect pelagic longline gear. To ensure compliance with closures, composition of catch will be used to differentiate between pelagic longline and bottom longline gear in addition to the definitions for these gears. Bottom longline vessels fishing in areas closed to pelagic longline gear may not possess pelagic species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) on board the vessel. Please see Q9 below for a list of demersal and pelagic “indicator” species.

Q3: *What gear restrictions apply to pelagic longline vessels when fishing in the NED restricted area?*

A: When fishing in the NED restricted area, pelagic longline vessels are limited, at all times, to possessing onboard and/or using only 18/0 or larger circle hooks with an offset not to exceed 10 degrees. Only whole Atlantic mackerel and/or squid baits may be possessed and/or utilized with the allowed hooks. Pelagic longline vessels fishing within the NED must also possess and use sea turtle handling and release gear in compliance with NMFS' careful release protocols. The required handling and release gears are fully described in the document entitled "NMFS Approved Models For Equipment Needed For the Careful Release of Sea Turtles Caught in Hook and Line Fisheries." The initial list of approved models is available on the HMS Management Division website at (<http://www.nmfs.noaa.gov/sfa/hms>) and upon request from the HMS St. Petersburg Office. Also, a Technical Memorandum (NMFS-SEFSC-524) entitled "Careful Release Protocols for Sea Turtle Release with Minimal Injury," and a plastic placard entitled "Handling/Release Guidelines," are required to be onboard, and are available on the HMS Management Division website.

Q4: *What gear restrictions apply to pelagic longline vessels when fishing outside the NED restricted area?*

A: Outside of the NED restricted area, you are limited at all times, to possessing and/or using only 18/0 or larger circle hooks with an offset not exceed 10 degrees, or 16/0 or larger non-offset circle hooks, and only whole finfish and/or squid bait may be used on pelagic longlines. In addition, live bait may *not* be used in the Gulf of Mexico (see Q14).

Q5: *What permits are needed to use bottom*

longline gear?

A: Generally, in HMS fisheries, only commercial shark fishermen use bottom longline gear. These fishermen only need a commercial shark Federal limited access permit. Fishermen holding the three permits listed under question 1 of this section for pelagic longline may also use bottom longline gear. Prior to renewing or obtaining a shark limited access permit, you will need to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop certificate must be included in your permit application package. For more information on the protected species workshops, please see Section XVII Workshops.

Q6. *Are there time/area closures for bottom longline gear?*

A: Yes. The Mid-Atlantic Shark Area is closed from January 1 through July 31. Mid-Atlantic shark closed area means the Atlantic Ocean area seaward of the inner boundary of the U.S. EEZ at 35°41' N. lat. just south of Oregon Inlet, North Carolina, and connecting by straight lines the following coordinates in the order stated: 35°41' N. lat., 75°25' W. long. proceeding due east to 35°41' N. lat., 74°51' W. long.; then proceeding southeast to 35°30' N. lat., 74°46' W. long.; then proceeding southwest, roughly following the 55 fathom mark, to 33°51' N. lat., 76°24' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 33°51' N. lat., 77°53' W. long. near Cape Fear, North Carolina.

Please see Section II General Restrictions for other time/area closures that may affect bottom longline gear.

Furthermore, on March 29, 2006, NMFS published a proposed rule (71 FR 15680) to

complement regulations that the Caribbean Fishery Management Council (CFMC) implemented on October 28, 2005 (70 FR 62073) that would close six distinct areas off of Puerto Rico and the U.S. Virgin Islands to bottom longline gear, year-round. The purpose of these closed areas would be to protect essential fish habitat of reef-dwelling species. NMFS expects to publish a final rule regarding these closed areas in the Fall of 2006. These areas are defined in 50 CFR part 622.33 (a)(1) – (a)(3).

Q7: *Why are there so many time/area closures for pelagic and bottom longline gear?*

A: Under the Magnuson-Stevens Fishery Conservation and Management Act, among other statutes, NMFS is required to minimize bycatch, to the extent practicable. Many gear types, particularly longline gear, catch a number of species as bycatch. The closures listed above were implemented to reduce bycatch by longline gear. The Northeastern closure was designed to reduce bluefin tuna discards; the Charleston Bump, East Florida Coast, and DeSoto Canyon closures were designed to reduce the discards of undersized swordfish, billfish, and other species; the NED restrictions are designed to reduce interactions with leatherback and loggerhead sea turtles; and the Mid-Atlantic Shark closed area is designed to reduce interactions with juvenile and/or prohibited sharks. NMFS continues to explore methods of reducing bycatch in all HMS fisheries and for all gear types.

Q8: *Do I need to have a working vessel monitoring system (VMS) on board my vessel?*

A: All vessels with pelagic longline gear on board are required to have a Vessel Monitoring System (VMS) installed and operating. All vessels with bottom longline gear on board off South Carolina, North

Carolina, and Virginia between 33°N and 36°30'N from January through July are required to have VMS installed and operating, and all vessels issued a directed shark LAP with gillnet gear on board during the right whale calving season from November 15 to March 31, regardless of location, are required to have VMS installed and operating. On April 15, 2004, NMFS published a notice in the Federal Register that provided a list of the VMS units approved by NMFS in all HMS fisheries (69 FR 19979). To obtain copies of the list of NMFS-approved VMS mobile transmitting units and communications service providers or information regarding VMS write to NMFS, Office of Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Springs, MD 20910.

Q9: *How does NMFS enforce fishing restrictions in the time/area closures?*

A: Vessel monitoring systems (VMS) are used to track the location and fishing activity of pelagic longline vessels year-round, and bottom longline vessels fishing in the vicinity of the mid-Atlantic shark closure from January through July. Pelagic longline and bottom longline vessels that are required to carry VMS must turn on their VMS units two hours before leaving port for a fishing trip, and their units must report at one hour intervals. Pelagic longline and bottom longline vessels are allowed to shut off their VMS units once they return to port at the conclusion of a fishing trip. If a suspicious fishing activity is detected in a closed area via a fishing vessel's VMS signal (including the sudden turning off of a fishing vessel's VMS unit), NMFS Office of Law Enforcement and/or the U.S. Coast Guard may investigate, including at-sea boarding, overflight, or meeting the fishing vessel once it returns to port. The VMS system also allows pelagic longline and bottom longline vessels to transit through areas closed to pelagic longline and/or

bottom longline gear.

To determine compliance with the closed area restrictions, NMFS Office of Law Enforcement and the U.S. Coast Guard use the definitions for pelagic and bottom longline gear (see Section II, Q3 and Q4) to determine if a vessel is fishing with pelagic or bottom longline gear. Additionally, the species composition of the catch on board the vessel or landed can be used to differentiate between these gear types. As such, bottom longline vessels fishing in areas closed to pelagic longline gear may not possess or land pelagic species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic). Conversely, pelagic longline vessels fishing in areas closed to bottom longline fishing cannot possess or land demersal species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic). The species that qualify as pelagic and demersal indicator species are listed below.

PELAGIC INDICATOR SPECIES	
DOLPHINFISH	
SHARK, BLUE	
SHARK, OCEANIC WHITETIP	
SHARK, PORBEAGLE	
SHARK, SHORTFIN MAKO	
SHARK, THRESHER	
SWORDFISH	
TUNA, ALBACORE	
TUNA, BLUEFIN	
TUNA, BIGEYE	
TUNA, SKIPJACK	
TUNA, YELLOWFIN	
WAHOO	

DEMERSAL INDICATOR SPECIES	
GROUPER, BLACK	SHARK, NURSE
GROUPER, GAG	SHARK, SANDBAR
GROUPER, MARBLED	SHARK, SPINNER
GROUPER, MISTY	SHARK, TIGER
GROUPER, RED	SNAPPER, BLACKFIN
GROUPER, SNOWY	SNAPPER, CUBERA

GROUPER, WARSAW	SNAPPER, DOG
GROUPER, YELLOWEDGE	SNAPPER, MANGROVE
GROUPER, YELLOWFIN	SNAPPER, LANE
HIND, RED	SNAPPER, MUTTON
HIND, ROCK	SNAPPER, QUEEN
HIND, SPECKLED	SNAPPER, RED
SHARK, ATL.	SNAPPER, SCHOOLMASTER
SHARPNOSE	SNAPPER, SILK
SHARK, BLACKNOSE	SNAPPER, VERMILION
SHARK, BLACKTIP	SNAPPER, YELLOWTAIL
SHARK, BONNETHEAD	TILEFISH
SHARK, BULL	TILEFISH, BLUELINE
SHARK, FINETOOTH	
SHARK, LEMON	

Q10: *What happens if a marine mammal or sea turtle is entangled in my pelagic or bottom longline gear?*

A: If a marine mammal or sea turtle is hooked or entangled in your gear, you must release the animal, following approved handling and release guidelines (see Q9 below). Once the animal has been released, retrieve your gear, and move at least 1 nautical mile from the location of the incident before resuming fishing. Marine mammal entanglements must be reported to NMFS within 48 hours after the end of the trip. The reporting form is available from the Office of Protected Resources at (301) 713-2322.

Q11: *How do I release a sea turtle that is hooked or entangled with my gear?*

A: Sea turtles must be released using specified gear and safe handling/release guidelines. Owners and operators of all pelagic longline vessels are required to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop certificate must be included in your permit application package. For more information, please see Section XVII Workshops.

Pelagic longline vessels are also required to carry a Technical Memorandum (NMFS-SEFSC-524) entitled “Careful Release Protocols for Sea Turtle Release with Minimal Injury,” and a plastic placard entitled “Sea Turtle Handling/Release Guidelines: Quick Reference for Atlantic Longline Gear.” The placard must be posted inside the wheelhouse to provide readily accessible information concerning such an incident. Additionally, safe handling and release gear is required onboard each vessel and must be used in compliance with the Safe Handling/Release guidelines. Specifications for the required gear are fully described in a document entitled “NMFS Approved Models for Equipment Needed for The Careful Release of Sea Turtles Caught in Hook and Line Fisheries.” The technical memorandum, placard, and list of approved gear are available on the HMS Management Division website. NMFS can provide these documents, and accompanying video, in English, Spanish, or Vietnamese. Contact the Highly Migratory Species Management Division to request a copy.

Bottom longline vessels must post the Safe Handling/Release placard inside the wheel house, and possess line cutters and dipnets on board, which are to be used to release entangled protected species. These line cutters and dipnets must meet NMFS specifications. For information regarding these specifications, please contact HMS Headquarters at (301) 713- 2347 or visit the HMS web page:

<http://www.nmfs.noaa.gov/sfa/hms>.

Additionally, NMFS published a proposed rule on March 26, 2006 (71 FR 15680), that would require bottom longline vessel operators to possess, maintain, and utilize the same equipment and follow the same protocols as required in the pelagic longline fishery. NMFS expects to publish a final rule regarding these measures in Fall 2006.

Q12: *What do I do if I encounter a dead sea turtle in my gear?*

A: The animal should be removed from the gear as if it were alive and released into the water, preferably away from fishing activities. The mortality must be reported to NMFS (800) 858-0624 within 48 hours of returning to port.

Q13: *What if I catch a smalltooth sawfish with bottom longline gear?*

A: Smalltooth sawfish should be released by keeping the fish in the water and cutting the line as close to the hook as possible. Before cutting the line, make note of any research tags. Once the fish is released, report the catch in your logbook, retrieve your gear, and move 1 nautical mile from the location of the incident before resuming fishing.

Q14: *Are there any other requirements concerning the configuration and deployment of pelagic longline gear?*

A: Yes. If the total length of any gangion plus the length of any floatline is less than 100 meters, then the length of all gangions must be at least 10 percent longer than the length of the floatlines. Additionally, if pelagic longline gear is on board, all HMS pelagic longline vessels must possess and use only corrodible, non-stainless steel hooks.

Q15: *What other restrictions are specific to pelagic longline gear?*

A: Fishermen using pelagic longline gear are prohibited from using live bait in the Gulf of Mexico. Specifically, a person aboard a vessel with pelagic longline gear on board shall not maintain live baitfish in any tank or well on board the vessel and shall not possess live baitfish or set up an aeration device on board the vessel. This

restriction on live bait is designed to reduce the catch of billfish on pelagic longline gear. Additionally, HMS fishermen using pelagic longline gear are restricted in the number of bluefin tuna they are allowed to possess, and are not allowed to possess any billfish. Please see other sections in this guide for regulations pertaining to all gears that may also apply to pelagic longlines.

Q16: *What types of hooks may I use on bottom longlines?*

A: If bottom longline gear is on board, hooks must be corrodible and non-stainless steel. At this time there are no hook size or bait restrictions.

Q17: *Do I need to have a working vessel monitoring system (VMS) on board my vessel?*

A: All vessels with pelagic longline gear on board are required to have a Vessel

Monitoring System (VMS) installed and operating. All vessels with bottom longline gear on board off South Carolina, North Carolina, and Virginia between 33°N and 36°30'N from January through July are required to have VMS installed and operating, and all vessels issued a directed shark LAP with gillnet gear on board during the right whale calving season from November 15 to March 31, regardless of location, are required to have VMS installed and operating. On April 15, 2004, NMFS published a notice in the Federal Register that listed the VMS units approved by NMFS in all HMS fisheries (69 FR 19979). To obtain copies of the list of NMFS-approved VMS mobile transmitting units and communications service providers or information regarding VMS write to NMFS, Office of Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Springs, MD 20910.

IV. FISHING PERMITS

Q1: *What fishing permit do I need?*

A: The actual permit(s) depends on the type of fishing you are conducting, species you are targeting, and gear you are using. See the table below and the appropriate sections in this guide to determine the permit(s) you need.

Type of Fishing	Species	Gears	Permits Needed
COMMERCIAL- sale of fish allowed to permitted dealers	Swordfish	All Authorized Gears (handgear or 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. A tuna General category permit is not an acceptable substitute for the tuna longline category permit).
		Handgear only	Swordfish Handgear Limited Access Permit

Type of Fishing	Species	Gears	Permits Needed
		(handline, buoy gear, harpoon, rod and reel, or bandit gear)	(allows targeting of swordfish with handgear)
	Shark	All Authorized Gears (rod and reel, handline, bandit gear, longline, or gillnet)	Shark Limited Access Permit: Directed (allows for targeting of sharks) OR Incidental (limited number of shark allowed per trip)
	Bluefin Tuna	Rod & Reel, Handline, and/or Bandit gear	1. Atlantic Tunas General Category OR 2. HMS Charter/Headboat Vessel Permit
		Purse Seine	Atlantic Tunas Purse Seine
		Harpoon	1. Atlantic Tunas Harpoon Category OR 2. Atlantic Tunas General Category
		Pound Net / Fish Weir	Trap – Incidental only
		Pelagic Longline	Tuna Longline - Incidental only
Tunas other than Bluefin (i.e. BAYS Tunas (Bigeye, Yellowfin, Albacore, and Skipjack))	Harpoon	1. Atlantic Tunas Harpoon Category OR 2. Atlantic Tunas General Category	
	Any authorized gear other than Purse Seine, Longline, and Speargun	1. Atlantic Tunas General Category OR 2. HMS Charter/Headboat OR 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).	
RECREATIONAL - sale of fish prohibited	Billfish	Rod and reel	1. HMS Angling, OR 2. HMS Charter/Headboat, OR 3. Atlantic tunas General Category ONLY if participating in a HMS registered tournament.
	Shark, Swordfish, and Tunas	Rod and reel, Handline	1. HMS Angling, OR 2. HMS Charter/Headboat, OR 3. Atlantic Tunas General Category ONLY if participating in a HMS registered tournament.
	BAYS Tunas only	Speargun gear	1. HMS Angling, OR 2. HMS Charter/Headboat

V. HMS EXEMPTED AND OTHER FISHING PERMITS

Q1: *What are exempted fishing permits?*

A: Exempted fishing permits (EFPs) and other permits for HMS are generally issued to authorize activities otherwise prohibited by the Atlantic HMS regulations. These permits include Scientific Research Permits (SRPs), Display Permits, Chartering Permits, and Letters of Authorization (LOAs). The specific type of permit issued depends on the type of vessel being used, the species being targeted, and the persons involved in the activity. Such permits are necessary for a number of reasons, including: scientific research or the acquisition of data for HMS that would otherwise be prohibited, the enhancement of safety at sea, collecting animals for public education or display, investigating means of reducing bycatch, and for testing experimental fishing gear and methods. The issuance of exempted fishing permits can also facilitate the collection of information to determine if regulatory changes are needed. NMFS also issues chartering permits for vessels that are chartered to fish in other countries' Exclusive Economic Zone's (EEZ).

Q2: *How do I apply for an exempted fishing permit?*

A: Applications for exempted fishing permits are available from the HMS Management Division and are also on the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/>. Completed applications must be mailed to HMS Headquarters and must include copies of the vessel documentation (U.S. Coast Guard or state registration). Depending on the type of EFP requested, additional

information may also be required. For additional information about application requirements, please contact the HMS Headquarters Office at (301) 713-2347. Any activity needing an EFP is subject to the specific conditions described in the permit including the submission of interim and annual fishing reports. An application is not deemed complete unless all required reports are received. EFP applications can take up to 60 days to process, and their approval is subject to the discretion of the HMS Headquarters Office of NMFS.

Q3. *If I get an exempted fishing permit, are there any reporting requirements?*

A: Any catches in the U.S. EEZ, including bycatch, must be reported via submission of an exempted fishing permit Interim Report form to the HMS Management Division within 5 days of the fishing activity. Also, all incidental mortalities associated with these activities are required to be reported via the Interim Report form. If an individual issued an EFP captures no HMS in any given month, either in or outside the EEZ, a "no-catch" report must be submitted to NMFS within 5 days of the last day of that month. In addition, an Annual Report is required within 30 days of the expiration date of the EFP. Copies of both the Interim Report and Annual Report Forms can be obtained by contacting the HMS Headquarters Office at (301) 713-2347 or via the HMS website at <http://www.nmfs.noaa.gov/sfa/hms/>.

VI. COMMERCIAL SHARK FISHING

Q1: *If I am a fisherman who sells shark(s), do I need a permit?*

A: Yes, you need either a directed or incidental shark permit. These permits are administered under a limited access program. Under the limited access program, NMFS is no longer issuing new shark permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. Prior to obtaining a commercial shark limited access permit, if you are fishing with longline or gillnet gear, you will need to attend a protected species safe handling, release, and identification workshop and obtain a certificate. A copy of the workshop certificate must be included in your permit application package. For more information, please see Section XVII Workshops. Both the owner and operator of the vessel permitted for this fishery must have a workshop certificate on board the vessel. For information on permit renewals and transfers please contact the Southeast Region Permit Office at (727) 824-5326.

Q2: *What are the upgrading restrictions for transferring a limited access permit?*

A: An owner may upgrade a vessel with a limited access permit, or transfer the 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.

Q3: *If I am a fisherman who wants to land more sharks than allowed under the recreational bag limit but I do not plan to*

sell my sharks, do I need a commercial permit?

A: Yes. If you want to land more sharks than is allowed under the recreational limit, even though you do not intend to sell them, you still need a commercial shark permit.

Q4: *Who may I sell sharks to?*

A: Fishermen with a Federal limited access permit must sell to a Federally permitted dealer. Dealers may obtain a shark dealer permit by contacting the Southeast Region Permit Office at (727) 824-5326.

Q5: *What is the difference between directed and incidental limited access permits?*

A: A directed permit will allow fishermen to retain more sharks than an incidental 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. There is no difference in the types of gear that may be used. Both types of permits require the owner to be certified in the safe handling, release, and identification of protected species.

Q6: *If I have a directed shark permit, is there a limit to the number of sharks I may keep per trip?*

A: Yes. You may keep up to 4,000 pounds dressed weight of large coastal sharks per trip. There is no directed retention limit for pelagic sharks or small coastal sharks. Additionally, you may not keep any sharks that are prohibited. See response to question 10 for the list of prohibited shark species.

Q7: *If I have a shark incidental limited access permit, how many sharks may I keep*

per trip?

A: You may keep up to 5 large coastal sharks per vessel per trip. You may also keep up to a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip. Additionally, you may not keep any sharks that are prohibited. See response to question 10 for the list of prohibited shark species.

Q8: *Do I need to have a working VMS on board my vessel?*

A: Yes, from January through July, all directed shark vessels with bottom longline gear on board that are located between 33° N and 36° 30' N. lat. (roughly South Carolina, North Carolina, and Virginia) must have a working VMS unit installed and operating. Directed shark vessels with gillnet gear on board, regardless of location, must have a VMS unit installed and operating.

Q9: *What gears may I use to commercially catch sharks?*

A: You may use pelagic or bottom longline, gillnet, rod and reel, handline, or bandit gear. Bottom longline vessels need to have corrodible, non-stainless steel hooks, have and use line cutters and dip nets, and move 1 nautical mile after an interaction with a protected species. Pelagic longline vessels need to have corrodible, non-stainless steel hooks as well as additional release equipment (see Section III Pelagic and Bottom Longline Gear Restrictions). Handlines must remain attached to, or in contact with, the vessel.

Q10: *Are there any prohibited shark species?*

A: Yes. The 19 prohibited species are listed below. Neither commercial nor

recreational fishermen are allowed to possess these species. If you catch one, you must release the animal while keeping it in the water and with a method that minimizes injury to the shark and maximizes its probability of survival.

Shark Species that Cannot be Kept	
Atlantic angel	Night
Basking	Sevengill
Bigeye thresher	Sixgill
Bignose	Bigeye sixgill
Caribbean reef	Sand tiger
Caribbean sharpnose	Bigeye sand tiger
Dusky	Smalltail
Galapagos	Whale
Longfin mako	White
Narrowtooth	

Q11: *What shark species may I keep?*

A: Sharks are managed in different species groups. The species groups and the species within each group that may be caught are:

Group	Shark species that can be retained
Large Coastal Sharks	Sandbar Silky Tiger Blacktip Spinner Lemon Bull Nurse Smooth hammerhead Scalloped hammerhead Great hammerhead
Small Coastal Sharks	Atlantic sharpnose Blacknose Finetooth Bonnethead
Pelagic Sharks	Shortfin mako Blue Thresher Porbeagle Oceanic whitetip

Q12: *What is the fishing year for sharks?*

A: The year is divided between three trimester seasons: the first is from January 1 to April 30; the second is from May 1 to August 31, the third trimester is from September 1 to December 31. NMFS announces the opening and closing dates for large coastal sharks prior to the start of each fishing season. The closure dates for pelagic

and small coastal sharks are announced when these quotas are expected to be met.

Q13: *What are the different regions for catching sharks?*

A: The Atlantic commercial shark fishery is managed on a regional basis. The three regions are: the Gulf of Mexico (Texas to west coast of Florida including the Florida Keys), the south Atlantic (east coast of Florida to North Carolina and Caribbean), and the north Atlantic (Virginia to Maine).

Q14: *What is the annual quota for large coastal sharks?*

A: For the 2006 fishing year, the annual quota is 1,017 metric tons (mt) dressed weight (dw) for Large Coastal Sharks (LCS). This does not account for any over- or underharvests. The quota will be split between the three trimester seasons, and the three regions. NMFS announces the available quota and the length of the fishing seasons before the start of the fishing season. NMFS recently completed stock assessments for large coastal sharks and dusky sharks. As a result, NMFS may change the annual quota in the near future. Contact HMS Headquarters at (301) 713-2347 for current information regarding the current quota and the closure dates.

Q15: *What is the annual quota for pelagic sharks?*

A: There are three species sub-groups within the pelagic shark species group. Each sub-group has its own quota. The quotas, not accounting for over or under-harvesting are:

1. Pelagic sharks (shortfin mako, thresher, oceanic whitetip): 488 metric tons (mt) dressed weight (dw);

2. Porbeagle: 92 mt dw;
3. Blue: 273 mt dw.

As with the large coastal shark quota, these quotas are split among the three trimester fishing seasons.

Q16: *What is the annual quota for small coastal sharks?*

A: For the 2006 fishing year, the small coastal shark annual quota is 454 metric tons dressed weight not accounting for over- or underharvests. As with the large coastal shark quotas, this quota is split between the three trimester fishing seasons and regional areas.

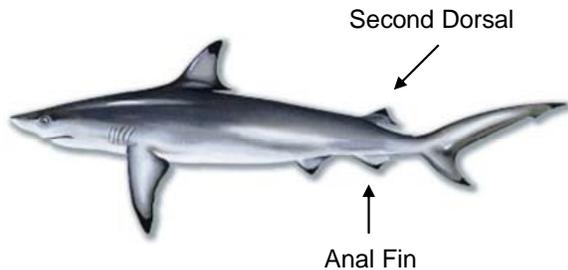
Q17: *I am interested in catching sharks for use in aquariums. Is there a quota for public display sharks?*

A: Yes, there is a public display and scientific research quota of 60 metric tons whole weight (43 metric tons dressed weight) for all species combined. NMFS recently completed stock assessments for large coastal sharks and dusky sharks. As a result, NMFS may change the display quota in the near future. You must also have a display permit for this activity. Please see Section V (Exempted Fishing Permits) for more information.

Q18: *May I fin my sharks?*

A: Finning, the removal of fins from a shark and discarding the rest of the carcass, is prohibited for all fishing vessels under U.S. jurisdiction in the Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and Pacific Ocean. This regulation applies to fishermen with a Federal shark permit in all waters including state waters and the high seas. However, commercial fishermen may remove all fins except for the 2nd dorsal and anal fins as part of dressing the carcass in

the commercial fishery. The 2nd dorsal and anal fins may be removed at the dock after the fish has been landed (see figure below). The wet weight of the fins in your possession or that you offload may not exceed 5 percent of the wet weight of the dressed carcasses. Fins must be offloaded at the first port of landing.



Q19: *What are the reporting requirements for commercial shark fishermen?*

A: Selected fisherman with a commercial shark permit are required to 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. If the observer program coordinator sends you a letter telling you that you have been selected to carry an observer aboard your vessel, you must inform NMFS when you will be taking a trip. If that trip is selected, you must have a NMFS observer aboard in order to go fishing. If NMFS sends you a letter telling you that you have been selected to complete the cost-earnings section of the logbook, you must 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.

Q20: *Are there any minimum sizes for commercially caught sharks?*

A: There is no commercial minimum size limit for large coastal sharks, pelagic sharks

or small coastal sharks.

Q21: *What regulations must I follow when fishing in state waters?*

A: If you have a Federal limited access permit, you must follow Federal regulations regardless of whether you are fishing in state or Federal waters. However, if state regulations are more restrictive, you must follow those.

Q22: *May I use the shark I catch as bait?*

A: Shark carcasses must remain whole or as a log until landed. The term log is used to describe sharks that have been eviscerated and have their head and certain fins removed. The 2nd dorsal and anal fins may not be removed from shark carcasses or logs prior to landing. Once you have documentation that the sharks were landed, you may use them as bait.

Q23: *May I retain billfish?*

A: No. Persons with a commercial shark permit may not retain billfish. However, persons with both a commercial shark 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. If longline gear is onboard the vessel, it a rebuttable presumption that the fish was taken using longline gear.

VII. COMMERCIAL TUNA FISHING

Q1: *If I am a fisherman who wants to sell Atlantic tunas, do I need a permit?*

A: Yes, all vessel owners commercially fishing for Atlantic bluefin, bigeye,

yellowfin, albacore, or skipjack tuna in the Atlantic, including the Gulf of Mexico and Caribbean Sea, must obtain a permit. The commercial permit categories are: General, Harpoon, Purse Seine, Longline, and Trap. This permit is required if fishing in Federal or state waters. Only one category may be assigned to a vessel per year. NMFS is not issuing any new Longline Category permits for tunas; you must obtain one from another fisherman if you wish to enter the fishery. If you have an Atlantic HMS Charter/Headboat permit (required to take fee-paying passengers fishing for all managed HMS) or an Atlantic HMS Angling permit, you cannot also have a commercial Atlantic Tunas permit. For more information on HMS Charter/Headboat permits, see the Charter/Headboat section below.

Q2: *How do I apply for an Atlantic tunas permit?*

A: NMFS maintains an automated permitting system for the issuance of Atlantic tunas and HMS Angling and Charter/Headboat permits. To apply for or renew an Atlantic Tunas, HMS Angling or HMS Charter/Headboat permit, visit www.hmspermits.gov or dial (888) 872-8862. Customer service for the Automated Permitting System may be reached by pressing “0” from the main menu.

Q3: *Do I need any other permits in addition to a tuna permit?*

A: Federal commercial tuna permit holders may also need a state permit in order to land tunas. Please check with your local state marine fish or natural resource management office. If you have pelagic longline gear on board to fish for tunas, you must have an Atlantic Tunas Longline category permit, a swordfish limited access permit (directed or

incidental only), and a shark limited access permit. These permits are administered under a limited access program. Under the limited access program, NMFS is no longer issuing new tuna permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions (see below), from someone who is leaving the fishery.

Q4: *What are the upgrading restrictions for transferring a limited access permit?*

A: An owner may upgrade a vessel with a limited access permit, or transfer the 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.

Q5: *When am I allowed to change the category of my Atlantic Tunas, HMS Angling, or HMS Charter/Headboat permit?*

A: Permit category changes must be made while you are renewing your permit 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. Atlantic Tunas Longline and Purse Seine category permits are limited access permits; please contact the HMS Management Division if you have questions regarding these permits.

Q6: *Who may I sell tunas to?*

A: You may only sell Federally regulated

tunas to Federally permitted dealers. Dealers can obtain a tuna dealer permit by contacting the Northeast Region Permit Office at (978) 281-9370.

Q7: *What gear may I use to catch Atlantic tunas?*

A: 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), and purse seine. 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 to retain bigeye, albacore, yellowfin, or skipjack tunas. When fishing for bluefin tuna, however, only the gear type authorized for the particular permit category may be used. These gear types are specified in the table below:

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

Q8: *Are driftnets banned in the Atlantic tuna fishery?*

A: Yes. However, fishermen may continue to use driftnet gear to fish for bonito, as they are not included as a regulated Atlantic tuna.

Q9: *When are the seasons for commercial bluefin tuna fishermen?*

A: The **current** seasons are:

Atlantic tunas permit category	Open	Close
General	June 1	January 31 or when quota is filled
Harpoon	June 1	November 15 or when quota is filled
Purse Seine	July 15	December 31, or when quota is filled
Longline	June 1	May 31, or when quota is filled
Trap	June 1	May 31, or when quota is filled

As of **January 1, 2008**, the seasons will be as follows:

Atlantic tunas permit category	Open	Close
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
	January 1	December 31 for other tunas
Harpoon	June 1	November 15

Q10: *When is the fishing year for Atlantic tunas?*

A: For all categories of tuna fishermen, the current fishing year is June 1 to May 31. As of January 1, 2008, the fishing year will be a calendar year, spanning from January through December.

Q11: *What are the annual domestic commercial quota allocations for bluefin tuna?*

A: The quota allocation percentages are set in the HMS FMP. U.S. quota is negotiated at ICCAT. Actual annual quotas may vary due to quota over and underharvests, which are carried forward from year to year. Please contact the HMS Gloucester office at (978) 281-9260 for more information regarding current quotas for each category.

Atlantic tunas permit category	Percentage of bluefin tuna landings quota	Metric tons (mt), in whole weight based on base quota of 1,489.6* mt
General	47.1	689.9
Harpoon	3.9	57.1
Purse Seine	18.6	272.4
Longline	8.1	143.6*
Northern	40.0	72.4*
Southern	60.0	71.2
Trap	0.1	1.5

* Percentage of bluefin tuna landings quotas calculated after the removal of a 25 mt set-aside for the NED. The 25 mt set-aside is reincorporated into the Longline North subquota.

Q12: *Where is the separation for Atlantic bluefin tuna between “North” and “South” regions for the longline category?*

A: For the Longline category, 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.

Q13: *If I have a Longline category permit, how many bluefin tuna may I keep?*

A: Permitted longline vessels must retain 2,000 lbs (907 kg) of targeted catch to retain one bluefin tuna, 6,000 lbs (2,727 kg) to retain two bluefin tuna, and 30,000 lbs (13,620 kg) to retain three bluefin tuna; unless otherwise adjusted and published in the *Federal Register* and on the HMS web site and telephone information lines. For vessels fishing in the NED, 25 mt has been set aside for the incidental take of bluefin tuna while pursuing other species. These target catch requirements do not apply to

vessels fishing in the NED until the set aside has been harvested in its entirety.

Q14: *If I have a Harpoon category permit, how many bluefin tuna may I keep?*

A: In the Harpoon category, you may keep two bluefin measuring 73" to less than 81" curved fork length per trip per vessel. There is no limit on the number of bluefin tuna longer than 81" curved fork length that you may keep, as long as the Harpoon category season is open.

Q15: *If I have a General category permit, how many bluefin tuna may I keep?*

A: NMFS can adjust the bluefin tuna retention limit between 0 and 3 fish per vessel per day for General Category vessels. 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.

Q16: *I hold an Atlantic Tunas General category permit. May I recreationally fish for or retain sharks, billfish, and/or swordfish with this permit? May I also get the HMS Angling permit?*

A: No, since only one permit can be issued to a vessel, fishermen have to choose between the commercial and recreational fishing permits. General category permit holders, however, may participate in registered HMS tournaments. Please refer to Q18 of this section, for more information regarding tournament fishing for 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.

Q17: *I hold an Atlantic Tunas General category permit. What happens if I catch a*

shark, swordfish and/or billfish while fishing for tunas? May I tag and release it?

A: All Atlantic HMS that are caught and not retained must be released in a manner that will ensure maximum probability of survival, but without removing the fish from the water. To tag and release, you must have a tagging kit on board your vessel. These kits are available by calling the Cooperative Tagging Program for Tunas, Swordfish, and Billfish at (800) 437-3936. For kits for sharks call Apex Predator Program at (401) 782-3200, or visit <http://www.nefsc.noaa.gov/read/popdy/TagReporting/TagReporting.htm>. You may not retain a swordfish unless you also hold a commercial swordfish permit. You may not retain a shark unless you also hold a commercial shark permit. You may not retain a billfish.

Q18: *I hold the Atlantic tunas General category permit. May I participate in recreational HMS fishing tournaments?*

A: 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.

Q19: *How many bigeye, albacore, yellowfin, and skipjack tunas may a commercial fisherman keep?*

A: Currently there are no restrictions on the number of bigeye, albacore, yellowfin, and skipjack tunas that may be landed by a commercial vessel with an Atlantic tunas

permit.

Q20: *What are the commercial minimum sizes for bluefin tuna?*

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

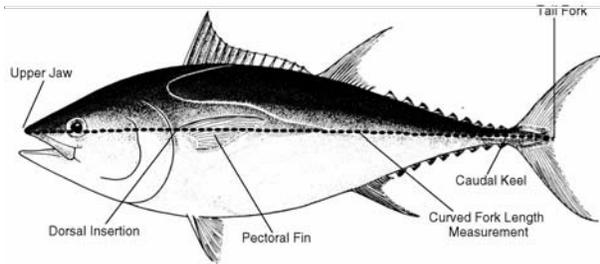
1. General: 73" curved fork length;
2. Longline: 73" curved fork length;
3. Harpoon: 81" curved fork length, with allowance per trip of two 73" to 81";
4. Purse seine: 81" curved fork length, except for 15 percent per fishing year total landings allowance for bluefin tuna between 73" to 81", and a 1 percent incidental take of bluefin tuna less than 73" per trip which cannot be sold.

Q21: *What are the commercial minimum sizes for bigeye, albacore, yellowfin, and skipjack tunas?*

A: The minimum size for yellowfin and bigeye tuna landed in all tuna permit categories is 27" curved fork length. Currently, there are no minimum sizes for albacore and skipjack tuna.

Q22: *How do I measure the curved fork length of an Atlantic tuna?*

A: 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 crosses the dorsal insertion of the pectoral fin and the dorsal side of the caudal keel. If the head has been removed, 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. This measure must be multiplied by 1.35. The resulting number is the approximate curved fork length.



Q23: *What are the reporting requirements for commercial tuna fishermen?*

A: All commercially landed bluefin tuna must be tagged by a Federally permitted tuna dealer. If NMFS sends you a letter telling you that you have been selected to complete logbook reports, you 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. If NMFS sends you a letter telling you that you have been selected to complete the cost-earnings section of the logbook, you must 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. If NMFS sends you a letter telling you that you have been selected to carry an observer, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board in order to go fishing.

Q24: *What are the "days off" in the General category bluefin tuna fishery?*

A: The General category "days off," or restricted fishing days (RFDs), are used to moderate landings when catch rates are high. These RFDs vary from year to year, and 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 recorded information.

Q25: *May I dress any tuna I keep?*

A: You may remove the head, gut the fish, and remove most of the fins. However, the tail and at least one pectoral fin must remain attached through landing.

Q26: *May I retain billfish?*

A: No. 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. If longline gear is onboard the vessel, it is a rebuttable presumption that the fish was taken using longline gear.

VIII. COMMERCIAL SWORDFISH FISHING

Q1: *If I am a fisherman who wants to sell swordfish, do I need a permit?*

A: Yes, you need a directed, incidental, or handgear swordfish permit. These permits are administered under a limited access program. Under the limited access program, NMFS is no longer issuing new swordfish permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on permit renewals and transfers, please contact the Southeast Regional Permit Office.

If fishing with longline gear, you will need to 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 your permit application package. For more information, please see Section XVII Workshops. Swordfish handgear permit holders are not required to obtain a protected species safe handling, release, and identification workshop certificate.

Q2: *What are the upgrading restrictions for transferring a limited access permit?*

A: An owner may upgrade a vessel with a limited access permit, or transfer the 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.

Q3: *Who may I sell swordfish to?*

A: You may sell swordfish only to Federally permitted dealers. Dealers can obtain a swordfish dealer permit by contacting the Southeast Regional Permit Office.

Q4: *What is the difference between the three types of swordfish permits?*

A: A directed or handgear permit allows fishermen to retain more swordfish than an incidental permit. Generally, directed or handgear swordfish permits allow fishermen to target swordfish, while incidental permits allow fishermen who normally fish for other species to land a limited number of swordfish. Handgear swordfish permit

holders may only use handgear (*i.e.*, harpoon, buoy gear, rod and reel, bandit gear, handline) while directed and incidental swordfish permit holders may use any allowable gear type.

Q5: *If I have a handgear permit, how many swordfish may I keep?*

A: When the directed fishery is open, there is no trip limit. However, you may fish for swordfish with a handgear permit only if you do not have longline gear onboard. During a directed fishery closure, handgear fishermen may land two swordfish per trip; however, harpoons are not permitted during a directed fishery closure.

Q6: *If I have an incidental swordfish permit, how many swordfish may I keep?*

A: Five swordfish per trip may be kept if you fish with a trawl on a squid trip, and two swordfish per trip for all other authorized gears regardless of whether the directed fishery season is open or closed. However, once the incidental quota has been met, you may not retain any swordfish.

Q7: *If I have a directed swordfish permit, how many swordfish may I keep?*

A: When the directed North Atlantic swordfish fishery is open, there are no retention limits for swordfish landed by directed swordfish permit holders. When the directed North Atlantic fishery is closed, you may keep 15 swordfish from the North Atlantic per pelagic longline trip, two swordfish per trip for handgear (other than harpoon), and no swordfish per trip for harpoon trips. Note that the retention limit may be adjusted. Please check with the HMS Headquarters Office at (301) 713-2347 or by fax at (301) 713-1917 to see if the fishery is closed. There are no

retention limits for swordfish in the South Atlantic when the directed fishery is open and pelagic longline is on board. However, when the South Atlantic fishery is closed, you cannot keep any South Atlantic swordfish.

Q8: *What kind of gear may I use to fish for swordfish?*

A: Longlines (*e.g.*, pelagic and bottom) and handgear (*i.e.*, handline, rod and reel, buoy gear, harpoon, bandit gear) are permitted in the swordfish fishery. Squid trawlers may land swordfish, subject to incidental catch limits as described above. Driftnet gear is banned in the Atlantic swordfish fishery.

Q9: *What is the annual quota for North Atlantic swordfish?*

A: U.S. domestic quota percentages for swordfish are negotiated at ICCAT. Currently, the baseline annual fishery quota for the north Atlantic swordfish stock is 2937.9 metric tons (mt) dressed weight (dw) not accounting for over or under-harvesting. Of this annual quota, 2,554.9 mt dw is allocated to the annual directed fishery. The incidental catch quota is 300 mt dw, and 82.7 mt dw is allocated to the Reserve category annually. This annual directed quota is divided into two equal semi-annual quotas of 1,277.5 mt dw, for June 1 through November 30, and for December 1 through May 31 of the following year. 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.

ICCAT is expected to conduct a swordfish stock assessment in September 2006. Based on the results of the stock assessment, ICCAT may recommend changes to the annual quota in November 2006. NMFS would need to conduct rulemaking before

implementing any changes. Please contact the HMS Headquarters Office at (301) 713-2347 or by fax at (301) 713-1917 for the latest quota information.

Q10: *What is the annual quota for South Atlantic swordfish?*

A: Currently, the annual South Atlantic swordfish quota is 75.2 mt dw. No incidental harvest is authorized for the South Atlantic swordfish stock. Beginning June 1, 2006, the annual directed fishery quota for the South Atlantic swordfish stock will be 90.2 mt dw.

Q11: *When is the fishing year for the commercial swordfish fishery?*

A: The 2006 fishing year is from June 1, 2006, to May 31, 2007. The quota is divided into two semi-annual seasons. The first season runs from June 1 through November 30, 2006 and the second runs from December 1, 2006 through May 31, 2007. The 2007 fishing year will be abbreviated to shift from a June through May fishing year to a calendar year management system. The abbreviated 2007 fishing year will take place from June 1, 2007, through December 31, 2007. Beginning in 2008, the fishing year will change to January 1, 2008, through December 31, 2008, with the first semi-annual period from January 1 to June 30, 2008, and the second from July 1 to December 31, 2008.

Q12: *What is the minimum size for North Atlantic swordfish?*

A: The minimum size for North Atlantic swordfish is:

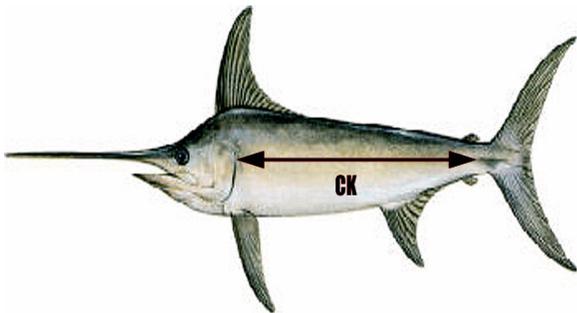
1. 29" (73 cm) from cleithrum to caudal keel;
2. 47" (119 cm) lower jaw fork length; or,

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.

Q13: *How do I measure the size of an Atlantic swordfish?*

A: 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). The CK measurement is described in the figure below. Please see the Billfish section for the figure regarding the LJFL measurement.



Q14: *What are the reporting requirements for commercial swordfish fishermen?*

A: Fishermen with a commercial swordfish permit are required to 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. If the observer program coordinator sends you a letter

telling you that you have been selected to carry an observer aboard your vessel, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board in order to go fishing. However, once the incidental quota has been met, you may not retain any swordfish. If NMFS sends you a letter telling you that you have been selected to complete the cost-earnings section of the logbook, you must 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.

Q15: *May I dress any swordfish I keep?*

A: Yes, you may dress the swordfish (gut and remove the head and fins), but the dressed weight of the swordfish must be greater than 33 lbs. You may not cut the remaining carcass into pieces while on your vessel.

Q16: *May I retain billfish?*

A: No. Persons with a commercial swordfish 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.

IX. HMS DEALERS AND IMPORTERS/EXPORTERS

Q1: *If I am a dealer who purchases Atlantic tunas from a vessel, what kind of permit do I need?*

A: Anyone who receives or buys Atlantic tunas (bluefin, bigeye, albacore, yellowfin, or skipjack tunas) from U.S. vessels must have a Federal Atlantic Tunas Dealer Permit, which is available from the NMFS Northeast Regional Office ((978) 281-9370). Dealers must report all Atlantic bluefin tuna received or purchased from U.S. vessels to NMFS through biweekly reports and daily landings reports. Landings reports should be submitted within 24 hours of receipt or export; biweekly reports within 10 days of the end of the biweekly period, defined as the 1st to the 15th and the 16th to the end of the month. Within 5 days of the end of each biweekly period, dealers must submit reports to NMFS of all bigeye, albacore, yellowfin, and skipjack tunas (BAYS) received or purchased from U.S. vessels. Questions concerning bluefin tuna reporting should be directed to the HMS Gloucester Office at (978) 281-9260; for BAYS tuna reporting for North Carolina to Maine, to Greg Power at (978) 281-9304, or for any other location, to Steve Turner at (305) 361-4482. Atlantic Tunas Dealer Permits are issued by NMFS Northeast Region Office at (978) 281-9370.

Q2: *Do I need a permit if I want to import, export, or re-export the following species: bluefin tuna, swordfish, southern bluefin tuna, frozen bigeye tuna?*

Yes. An HMS International Trade Permit (ITP) is required for each of these transactions, for both Atlantic and Pacific species. The HMS ITP may be obtained from the NMFS Southeast Region Permit Office ((727) 824-5326; see Section XIX including further information and contact list). Dealers must report to NMFS all imports, exports, or re-exports from the U.S, through biweekly reports and the completed international statistical documents. The original or a copy of statistical documents

must be submitted to NMFS within 24 hours of receipt or export; biweekly reports are due within 10 days of the end of the biweekly period, defined as the 1st to the 15th and the 16th to the end of the month.

Q3: *Do dealers who purchase swordfish from vessels need to have a special permit?*

A: Yes. Anyone who buys Atlantic swordfish from a U.S. vessel must have a Federal Atlantic Swordfish Dealer Permit. Dealers must report to NMFS all swordfish purchased from U.S. vessels and/or imported through biweekly reports, that should be submitted within 5 days of the end of each biweekly period. To obtain an Atlantic Swordfish Dealer Permit, please call the NMFS Southeast Region Permit Office (727) 824-5326; see section including further information and contact list). For more information on the reporting requirements for swordfish dealers or importers, call Greg Power at (978) 281-9304 for North Carolina to Maine information or Steve Turner (305) 361-4482 for information for any other location.

Q4: *Do dealers of sharks need to have a special permit?*

A: Yes. Anyone who buys Atlantic sharks must have a Federal Atlantic shark dealer permit. Prior to renewing or obtaining a Federal Atlantic Shark Dealer Permit, the dealer must have attended an Atlantic shark identification workshop and obtained a workshop certificate as proof of completing the workshop (see Q1 Workshops). A copy of this certificate must be submitted with the permit application package. For more information on workshops, please see Section XVII Workshops. Permits can be obtained by calling the NMFS Southeast Region Permit Office (727) 824-5326; see section including further information and

contact list). Dealers must report to NMFS all sharks purchased from U.S. vessels through biweekly reports that should be submitted within 5 days of the end of each biweekly period. Dealers must only purchase sharks harvested from a vessel that has a valid commercial permit for shark, except that dealers may purchase a shark harvested by a vessel that does not have a commercial permit for shark if that vessel fishes exclusively in state waters. Dealers may not purchase from an owner of a fishing vessel shark fins that are disproportionate to the weight of shark carcasses landed, *i.e.*, the wet fins may not exceed 5 percent of the dressed weight of the carcasses.

Q4: *If I buy billfish that was caught in the Pacific Ocean, do I need to document it?*

A: Yes. Except for billfish landed in a Pacific state and remaining in the state of landing, all billfish must be accompanied by the billfish certificate of eligibility indicating that the fish is not an Atlantic billfish.

Q5: *May I buy or sell Atlantic billfish?*

A: No.

Q6: *What are the current bans or restrictions on imported fish?*

A. Any Atlantic bigeye tuna or its products, obtained in Bolivia or Georgia, will be denied entry into the United States. Any tuna or tuna-like species or their products, obtained in the ICCAT convention area by a fishing vessel larger than 24 meters in length overall, that is not listed on the ICCAT record of authorized vessels, will be denied entry into the United States. Any tuna or tuna-like species or their products, obtained in the ICCAT convention area by a fishing vessel listed on the ICCAT record as

engaged in illegal, unreported, and unregulated fishing, will be denied entry into the United States. Any tuna or tuna-like species placed in cages for farming and/or transshipment, obtained in the ICCAT convention area and caught by a fishing vessel included on the ICCAT list as engaged in illegal, unreported, and unregulated fishing, will be denied entry into the United States.

Q7: *How do vessel retention limits affect HMS dealers?*

A: It is illegal for dealers to purchase any HMS offloaded from a vessel in excess of retention limits established in the HMS regulations.

X. RECREATIONAL SHARK FISHING

Q1: *If I do not intend to sell my sharks, do I need a permit to fish for sharks?*

A: Yes. Owners of vessels used to fish recreationally (*i.e.*, no sale of fish) for Atlantic HMS (including sharks), or on which Atlantic HMS are retained or possessed, must obtain an Atlantic HMS Angling or Charter/Headboat category permit. Owners of vessels possessing an Atlantic HMS Angling permit may not sell or transfer any Atlantic HMS for a commercial purpose. Owners of charter or headboats used to fish for Atlantic HMS (including sharks) must obtain an annual HMS Charter/Headboat permit. Only one type of permit – HMS Angling, Charter/Headboat, or Atlantic tunas permit – may be issued to a vessel. HMS Angling and Charter/Headboat permits are available by calling (888) 872-8862 or by logging onto www.hmspermits.gov. For more information on HMS Charter/Headboat permits, please see the Charter/Headboat

section below.

Q2: *What gears may I use in the recreational shark fishery?*

A: Recreational anglers may use rod and reel or handline. Handlines must remain attached to, or in contact with, the vessel.

Q3: *Are there any shark species I am not allowed to keep?*

A: Yes. There are 19 species that cannot be targeted, possessed, or kept. Neither commercial nor recreational fishermen are allowed to possess these species. If you catch one, you must release the animal while keeping it in the water and with a method that minimizes injury to the shark and maximizes its probability of survival.

Shark species that cannot be retained	
Atlantic angel	Night
Basking	Sevengill
Bigeye thresher	Sixgill
Bignose	Bigeye sixgill
Caribbean reef	Sand tiger
Caribbean sharpnose	Bigeye sand tiger
Dusky	Smalltail
Galapagos	Whale
Longfin mako	White
Narrowtooth	

Q4: *What shark species may I keep?*

A: Sharks are managed in different species groups. The species groups and the species within each group that may be kept are:

Group	Shark species that can be retained
Large Coastal Sharks	Sandbar Silky Tiger Blacktip Spinner Lemon Bull Nurse Smooth hammerhead Scalloped hammerhead Great hammerhead
Small Coastal Sharks	Atlantic sharpnose Blacknose Finetooth Bonnethead
Pelagic Sharks	Shortfin mako Blue

Group	Shark species that can be retained
	Thresher Porbeagle Oceanic whitetip

Q5: *May I dress the sharks that I keep?*

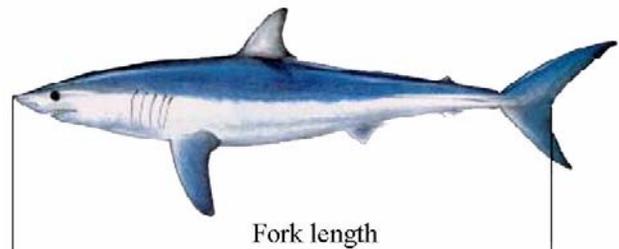
A: No. Recreational fishermen must land sharks with the head, fins, and tail attached. You are allowed to gut and bleed the sharks by making an incision at the base of the tail as long as the caudal (tail) fin is still attached.

Q6: *How many sharks may I keep?*

A: Recreational fishermen may keep one shark (any of the allowed species) per vessel per trip, subject to the minimum size. In addition, there is an allowance of one Atlantic sharpnose and one bonnethead per person per trip, with no minimum size. NMFS recently completed stock assessments for large coastal sharks and dusky sharks. As a result, NMFS may change the recreational retention limit in the near future.

Q7: *What is the minimum size?*

A: Except for Atlantic sharpnose or bonnethead, recreational fisherman may only keep allowed shark species that are larger than 4.5 feet fork length. There is no minimum size for Atlantic sharpnose or bonnethead sharks. NMFS recently completed stock assessments for large coastal sharks and dusky sharks. As a result, NMFS may change the recreational minimum size in the near future.



Q8: *Are there any monitoring or reporting requirements for recreational shark anglers?*

A: If contacted on the dock or by phone, recreational anglers are required to participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q9: *Do Federal regulations apply if I am fishing for HMS in state waters?*

A: Both the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act have provisions that allow NMFS to apply Federal regulations in state waters. In general, HMS permit holders must abide by all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more stringent regulations, vessels must abide by the more restrictive state regulations. Please call HMS Headquarters at (301) 713-2347 for more information.

XI. RECREATIONAL TUNA FISHING

Q1: *If I do not intend to sell my Atlantic tunas, do I need a permit to fish for tuna?*

A: Yes. Vessel owners/operators who fish recreationally for Atlantic bluefin tuna, bigeye, albacore, yellowfin, and skipjack tunas must obtain a permit in the HMS Angling category. This permit is required if fishing in Federal, state, or international waters. Please see the table below on the size classes for bluefin tuna. The HMS Angling permit is **NOT** required to fish for Atlantic blackfin tuna or Atlantic bonito as

they are not included as a regulated Atlantic tunas. Owners of vessels possessing an Atlantic HMS Angling permit may not sell or transfer any Atlantic HMS for a commercial purpose. Owners/operators of charter or headboats used to fish for Atlantic HMS must obtain an annual HMS Charter/Headboat permit. Only one type of permit – HMS Angling, Charter/Headboat, or Atlantic tunas permit – may be issued to a vessel. HMS Angling and Charter/Headboat permits are available by calling (888) 872-8862 or by logging onto www.hmspermits.gov.

Q2: *May I sell my tunas?*

A: Atlantic tunas may only be sold by fishermen permitted in a commercial category. If you have an HMS Angling category permit, you may not sell tunas.

Q3: *What are the allowable gear types in the HMS Angling category?*

A: Recreational anglers are allowed to use rod and reel (including downriggers and rodholders) or handline to harvest all Federally managed tunas, and speargun gear to harvest BAYS tunas only.

Q4: *What are the fishing seasons for recreational angling for tunas?*

A: The current recreational fishing year is from June 1 to May 31, or, for bluefin, until the quota has been met. Beginning January 1, 2008, the recreational fishing year will change to a calendar year, which opens on January 1. These seasons also apply to HMS Charter/Headboats fishing under the bluefin tuna Angling category quota. For more information on Charter/Headboat fishing, please see Section XIV. Seasons and recreational retention limits for school, large school, and small medium bluefin tuna

change seasonally. Therefore, anglers should visit www.hmspermits.gov, or call (888) 872-8862 or (978) 281-9260 to check the current retention limits. Recreational anglers are limited to one large medium or giant bluefin tuna measuring > 73" (i.e., a "trophy") per vessel per year that may not be sold.

Q5: *What are the annual quotas for recreationally landed bigeye, albacore, yellowfin, and skipjack tunas?*

A: There are currently no U.S. domestic quotas for bigeye, albacore, yellowfin, and skipjack tunas.

Q6: *What are the fishing year quotas in the HMS Angling category for bluefin tuna?*

A: The quota allocation percentages for all bluefin tuna categories are set in the HMS FMP. The HMS Angling category is allocated 19.7 percent of the U.S. domestic landings quota for bluefin tuna. The baseline Angling category quota is 288.6 mt. Actual annual quotas may vary due to quota over and underharvests, which are carried forward from year to year. The HMS Angling category quota for bluefin tuna is subdivided by size class of fish and area landed. For further information please visit www.hmspermits.gov.

Q7: *Where is the separation between "North" and "South" regions for the bluefin tuna HMS Angling category quota?*

A: The North area is north of 39°18'N (North of Great Egg Inlet, NJ), while the South area is south of 39°18'N (Great Egg Inlet, NJ, and South).

Q8: *If I have an Angling category permit, how many bluefin, bigeye, albacore, yellowfin, and skipjack tunas may I keep?*

A: Seasons and recreational retention limits for school, large school, and small medium bluefin tuna change seasonally. Therefore, anglers should visit www.hmspermits.gov, or call (888) 872-8862 or (978) 281-9260 to check the current retention limits.

Recreational anglers are limited to one large medium or giant bluefin tuna ("trophy") per vessel per year that may not be sold. See Q10 of this section for reporting requirements for recreational bluefin landings. Anglers may retain three yellowfin tuna per person per trip. There are currently no recreational retention limits for bigeye, albacore, or skipjack tunas.

Q9: *What are the minimum sizes for landing bluefin, bigeye, albacore, yellowfin, and skipjack tunas in the recreational fishery?*

A: The minimum size is 27" curved fork length for bluefin, yellowfin and bigeye tunas. There is currently no minimum size for albacore or skipjack tuna. Please see the figure in the Commercial Tuna section for instructions on measuring curved fork length.

Q10: *What are the reporting requirements for tunas landed by recreational anglers?*

A: Recreational landings of bluefin tuna must be reported by vessel owners within 24 hours of landing to the NMFS Automated Landings Reporting System (call (888) 872-8862 or visit www.hmspermits.gov) or, in North Carolina or Maryland, to a reporting station. In North Carolina, call the North Carolina Harvest Tagging Program at (800) 338-7804. In Maryland, call the Maryland Department of Natural Resources at (410) 213-1531 for reporting station locations. If contacted on the dock or by phone, recreational anglers are required to

cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q11: *What are the size class categories for bluefin tuna in the recreational fishery?*

A: Curved fork length (CFL) is the sole criterion for determining the size class of Atlantic tunas but pectoral fin curved fork length (PCFL) and approximate whole weight (ww) are provided as well. The size classes for bluefin tuna are below. Please see the figure in the Commercial Tuna section for instructions on measuring curved fork length.

Size class	Bluefin tuna size
Young school	< 27" CFL; < 20" PCFL; or < ~ 14 lbs ww
School	27 - 47" CFL; 20 - 35" PCFL; or ~ 14 - 66 lbs ww
Large School	47 - 59" CFL; 35 - 44" PCFL; or ~ 66 - 135 lbs ww
Small Medium	59 - 73" CFL; 44 - 54" PCFL; or ~ 135 - 235 lbs ww
Large Medium	73 - 81" CFL; 54 - 60" PCFL; or ~ 235 - 310 lbs ww
Giant	> 81" CFL; > 60" PCFL; or > ~ 310 lbs ww

Q12: *Am I allowed to fish for tuna without a vessel, e.g., from shore, from an oil rig, etc.?*

A: No. Only persons on board permitted vessels may fish for Atlantic bluefin, bigeye, yellowfin, albacore, or skipjack.

Q13: *May I dress any tuna I keep?*

A: You may remove the head, gut the fish, and remove most of the fins. However, the tail and at least one pectoral fin must remain attached through landing.

XII. RECREATIONAL SWORDFISH FISHING

Q1: *If I do not intend to sell my swordfish, do I need a permit to fish for Atlantic swordfish?*

A: Yes. Owners of vessels used to fish recreationally (*i.e.*, no sale of fish) for Atlantic HMS (including North Atlantic swordfish), or on which Atlantic HMS are retained or possessed, must obtain an Atlantic HMS Angling or Charter/Headboat category permit. Permit holders must abide by all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more stringent regulations, vessels issued a HMS Angling or Charter/Headboat category permit must abide by the more restrictive state regulations. Owners of vessels possessing an Atlantic HMS Angling permit may never sell or transfer any Atlantic HMS for a commercial purpose. For more information on HMS Charter/Headboat permits, please refer to the Charter/Headboat section below.

Q2: *How do I obtain an Atlantic HMS Angling or Charter/Headboat Category Permit?*

A: Atlantic HMS Angling and Atlantic HMS Charter/Headboat permits are available by calling (888) 872-8862 or by logging onto www.hmspermits.gov. Only one type of permit – HMS Angling, Charter/Headboat, or Atlantic Tunas permit – may be issued to a vessel.

Q3: *Which gears may recreational anglers use to catch swordfish?*

A: Recreational anglers may use rod and reel and handline. The definition of handline gear has been amended to require

that handlines be attached to, or in contact with, a vessel. This modification precludes the use of free-floating gears. To reduce the mortality of swordfish that are released, NMFS strongly encourages the use of circle hooks.

Q4: *Is there a minimum size requirement for recreationally landed swordfish?*

A: Yes. For whole (head on) North Atlantic swordfish, the minimum size is 47" (119 cm) lower jaw fork length (LJFL). If the head or tail of the swordfish has been removed prior to the time of landing, a minimum size of 29" (73 cm) from cleithrum to caudal keel, or a 33 lb (15 kg) minimum dressed weight shall be applied in all cases. A swordfish that is damaged by shark bites may be retained only if the remainder of the carcass is at least 29 inches (73 cm) CK, 47 inches (119 cm) LJFL, or 33 lb (15 kg) dressed weight. Please see the figure in the Commercial Swordfish section for instructions on the cleithrum to caudal keel measurements and the Billfish section for instructions on measuring lower jaw fork length. Recreational anglers may not land South Atlantic swordfish (south of 5° N latitude).

Q5: *Is there a recreational swordfish retention limit?*

A: Yes. One North Atlantic swordfish per person, up to three per vessel per day, may be retained. Regardless of the length of the trip, no more than the daily limit of swordfish may be possessed on board a vessel. Recreational anglers may not land Atlantic swordfish south of 5° N latitude.

Q6: *What are the monitoring and reporting requirements for recreationally landed swordfish?*

A: All recreational, non-tournament landings of North Atlantic swordfish, including those landed by a charter or headboat, must be reported within 24 hours of landing to NMFS by the owner of the vessel, or their designee, that is landing the fish. The vessel owner is responsible for reporting, but the owner's designee may fulfill the requirement. A landed fish means a fish that is kept and brought to shore. To report a landing, vessel owners, or their designee, should call (800) 894-5528. In Maryland and North Carolina, vessel owners should report their recreational swordfish landings at state-operated landing stations. For reporting information in Maryland, contact (410) 213-1531. In North Carolina, contact (800) 338-7804. Also, anglers may be contacted on the dock or by phone and asked to participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS). Anglers are strongly encouraged to participate in these surveys to facilitate scientific research on these species. Participation in the LPS or MRFSS does not fulfill non-tournament reporting obligations.

Q7: *How will recreational swordfish landing reports be verified so that false reports are not submitted?*

A: During the initial call-in, the vessel owner, or their designee, will be asked by an automated system to provide a return telephone number and other information so that NMFS can obtain follow-up information and provide a confirmation of the reported landing. NMFS will then return each call to identify the landing by vessel permit number and/or documentation number. The follow-up call is intended to prevent the filing of false reports. Upon obtaining this information, the vessel owner, or their designee, will be given a confirmation number. A landing report is

not complete until the vessel owner, or their designee, receives a confirmation number from NMFS. If NMFS is unable to contact a vessel owner, or their designee, and provide a confirmation number, the landings report will not be considered complete.

Q8: *Must I report landings of swordfish caught in a tournament?*

A: Landings from a registered HMS tournament are exempt from the call-in reporting requirement because tournament operators are responsible for providing landings information to NMFS, if selected for reporting. If a tournament operator fails to register a tournament and/or report landed swordfish, it is the vessel owner's responsibility to report the landing. Please refer to Section XV for more information on HMS tournaments.

Q9: *May I dress any swordfish I keep?*

A: You may gut and remove the head of a swordfish. However, you may not cut the remaining carcass into pieces while on your vessel. If the head or tail of a swordfish has been removed prior to the time of landing, a minimum size of 29" (73 cm) from cleithrum to caudal keel, or a 33 lb (15 kg) minimum dressed weight shall be applied in all cases.

XIII. BILLFISH FISHING

Q1: *Do I need a permit to fish for Atlantic billfish?*

A: Yes. Owners of vessels used to fish recreationally for Atlantic HMS (including blue marlin, white marlin, and sailfish), or on which Atlantic HMS are retained or possessed, must obtain an Atlantic HMS Angling category permit or Charter/Headboat permit. Because

minimum size and retention limits apply to Atlantic billfish harvested from the management unit, regardless of where caught, owners of vessels that catch, retain, possess, or land Atlantic billfish should have an HMS Angling category permit.

Additional state regulations may also apply. Permit holders must abide by all applicable Federal regulations, regardless of where fishing occurs, including in state waters. When fishing in waters of a state with more stringent regulations, vessels issued a HMS Angling or Charter/Headboat category permit must abide by the more restrictive state regulations. Owners of vessels possessing an Atlantic HMS Angling permit may never sell or transfer any Atlantic HMS for a commercial purpose. For more information on HMS Charter/Headboat permits, please refer to the charter/headboat section below.

Q2: *How do I obtain an Atlantic HMS Angling or Charter/Headboat Category Permit?*

A: Atlantic HMS Angling and Atlantic HMS Charter/Headboat permits are available by calling 1-888-872-8862 or by logging onto www.hmspermits.gov. Only one type of permit – HMS Angling, Charter/Headboat, or Atlantic Tunas permit – may be issued to a vessel.

Q3: *What gears may I use to fish for Atlantic billfish?*

A: You may only use rod and reel gear to fish for Atlantic billfish. To reduce billfish fishing mortality, anglers fishing from HMS permitted vessels and participating in Atlantic billfish tournaments may only use non-offset circle hooks when deploying natural bait or natural bait/ artificial lure combinations (see Section I, Q16 for circle hook definition). Billfish tournament

anglers may use “J”-hooks with artificial lures. Circle hook restrictions do not apply to non-tournament anglers.

Q4: *When is the fishing year for Atlantic billfish?*

A: Beginning on January 1, 2007, and thereafter, the fishing year for Atlantic billfish will shift to the calendar year (January 1 – December 31).

Q5: *Is there a retention limit for Atlantic billfish?*

A: You may not keep longbill spearfish caught in the U.S. EEZ. There are no individual, vessel, or trip retention limits for Atlantic sailfish, blue marlin and white marlin. The United States has a limit of 250 recreationally landed Atlantic blue and white marlin, combined, on an annual basis. Billfish may only be retained onboard vessels that have been issued an HMS Angling or a Charter/Headboat permit, or vessels that have been issued an Atlantic Tunas General category permit and which are participating in a registered tournament. NMFS strongly encourages recreational anglers to release all billfish alive and according to regulations at 50 CFR 635.21. To reduce the mortality of billfish that are released, NMFS also encourages the use of circle hooks outside of billfish tournaments.

Q6: *What are the minimum size limits for Atlantic billfish landed in the recreational fishery?*

A: The minimum size limits in lower jaw fork length (LJFL) are:

Billfish species	Minimum size*
Blue Marlin	99" (251 cm) LJFL
White Marlin	66" (168 cm) LJFL
Sailfish	63" (160 cm) LJFL

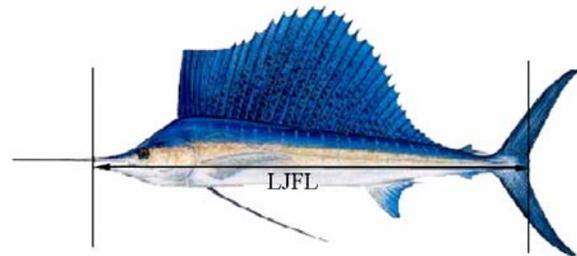
Billfish species	Minimum size*
Spearfish	Retention prohibited

*Apply to billfish harvested from the management unit (Atlantic Ocean) regardless of where caught.

To maintain compliance with the annual U.S. 250 Atlantic marlin recreational landing limit, NMFS may increase minimum sizes during a fishing year to between 117 – 138 inches (LJFL) for Atlantic blue marlin and 70 – 79 inches (LJFL) for Atlantic white marlin. Minimum sizes would revert to those identified above at the start of the next fishing year. If NMFS determines that the United States has exceeded, or will exceed, its annual landing limit despite minimum size increases, the Agency may prohibit possession of Atlantic marlins until such time as additional marlins become available for landing.

Q7: *How do I measure lower jaw fork length?*

A: Lower jaw fork length (LJFL) is a straight line measurement from the tip of the lower jaw to the fork of the caudal fin. The figure of the sailfish below demonstrates how to take this measurement.



Q8: *What are the monitoring and reporting requirements for recreational anglers targeting Atlantic billfish?*

A: All recreational, non-tournament landings of Atlantic blue marlin, Atlantic white marlin, and Atlantic sailfish, including

those landed on a charter/headboat, must be reported to NMFS within 24 hours of landing. A landed fish generally means a fish that is kept and brought to shore. To report a landing, vessel owners, or their designee, should call toll-free 1-800-894-5528. The vessel owner is responsible for reporting, but the owner's designee may fulfill the requirement. Vessel owners, or their designee, will be asked by the automated system to provide a contact number so that NMFS can obtain follow-up information and provide a confirmation of the reported landing. The follow-up call is intended to prevent the filing of false reports. A landings report is not considered complete until the vessel owner, or their designee, receives a confirmation number from NMFS. In Maryland and North Carolina, vessel owners should report their recreational billfish landings at state-operated reporting stations. For reporting information in Maryland, contact (410) 213-1531. In North Carolina, contact (800) 338-7804. Also, anglers may be contacted on the dock or by phone and asked to participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS). Anglers are strongly encouraged to participate in these surveys to facilitate scientific research on these species. Participation in the LPS or MRFSS does not fulfill non-tournament reporting obligations, as detailed above.

Q9: *How will recreational billfish landing reports be verified so that false reports are not submitted?*

A: During the initial call-in, the vessel owner will be asked by the automated system to provide a return telephone number and other information. NMFS will then return each call in order to identify the landing by vessel permit number and/or documentation number. Upon obtaining this

information, the vessel owner will be given a confirmation number. If NMFS is unable to contact a vessel owner and provide a confirmation number, the landing report will not be considered complete.

Q10: *Must I report landings of billfish caught in a tournament?*

A: Landings from a registered HMS tournament are exempt from the telephone call-in requirement because tournament operators are responsible for providing the information to NMFS, if selected for reporting. If a tournament operator fails to register a tournament and report landed billfish, it is the vessel owner's responsibility to report the landing. Please refer to Section XV for more information on HMS tournaments.

Q11: *If I am a recreational angler who participates in tournaments in parts of the Atlantic outside the U.S. EEZ, (for example, in the Caribbean), do I have to comply with U.S. domestic regulations?*

A: Depending on your circumstances, the answer to this question may change. Generally, U.S. flagged vessels are required to comply with U.S. domestic regulations that pertain to Atlantic HMS while fishing in the Atlantic. Some U.S. citizens, even on foreign flagged vessels, may need an exempted fishing permit. Please call HMS Headquarters at (301) 713-2347 to discuss your specific situation.

Q12: *Are the billfish that I release alive considered bycatch?*

A: If you are a commercial fisherman (*i.e.*, you sell fish), any billfish caught are considered bycatch. If you are a recreational angler (*i.e.*, you do not sell fish), any billfish released alive are not considered to be

bycatch. NMFS established the recreational catch-and-release fishery management program for Atlantic billfish in recognition of the unique characteristics of the billfish fishery.

Q13: *Can I dress any billfish that I keep?*

A: Billfish must be landed with head, fins, and bill intact through landing. You may gut billfish as long as they are otherwise maintained in whole condition.

XIV. CHARTER/HEADBOAT FISHING

Q1: *When do I need the HMS Charter/Headboat permit?*

A: Owners of vessels that carry passengers for-hire and that fish for, possess, or retain Atlantic HMS must obtain an annual HMS Charter/Headboat permit. A “for-hire” trip is defined as a recreational fishing trip carrying a fee-paying passenger; or a trip having more than three persons for a vessel licensed to carry six or fewer; or a trip having more persons aboard than the number of crew specified on the vessel’s Certificate of Inspection for a U.S. Coast Guard inspected vessel. The number of persons aboard is enumerated inclusive of the operator and crew, and the retention limits would also apply to the operator and crew. While fishing for or possessing Atlantic HMS, the vessel operator must have a valid Merchant Marine License or Uninspected Passenger Vessel License. Because minimum size and retention limits apply to Atlantic billfish harvested from the management unit, regardless of where caught, charter/headboats that catch, retain, possess, or land billfish should have an HMS Charter/Headboat permit. Additional state regulations may also apply. Atlantic

HMS Charter/Headboat permits are obtained through the same system as Atlantic tunas permits. Visit www.hmspermits.gov or dial (888) 872- 8862. Customer service for the Automated Permitting System may be reached by pressing “0” from the main menu.

Q2: *I currently hold the HMS Charter/Headboat permit. Do I also need the HMS Angling category permit, as well?*

A: No. NMFS issues a separate permit for the HMS charter/headboat fishery and manages the fleet as a unique sector, due to its intrinsic mix of commercial and recreational operations. Charter and headboat vessel operators should continue to apply for the HMS Charter/Headboat permit, which covers the same fish as the HMS Angling permit. Only one type of permit – HMS Angling, Charter/Headboat, or Atlantic Tunas permit – may be issued to a vessel.

Q3: *What gear types may I use with the HMS Charter/Headboat permit?*

A: If you are fishing for Atlantic bluefin tuna, you are only allowed to use rod and reel (including downriggers), bandit gear, and handline. If you are fishing for BAYS tunas, you may use any gear authorized for tuna fishing (including speargun gear for recreational fishing only), except for purse seine and longline. The authorized charter/headboat gears for swordfish and sharks are rod and reel and handline. For Atlantic billfish, the only authorized gear is rod and reel. A new requirement of the Consolidated HMS FMP allows secondary gears, including dart harpoons, gaffs, flying gaffs, tail ropes, etc., to be used at boat side in subduing or bringing onboard Atlantic HMS that have been caught using the primary gears described above. However,

these secondary gears may not be used to capture, or attempt to capture, free-swimming or undersized HMS. Also, as a result of the Consolidated HMS FMP, all handlines must remain attached to, or in contact with, the vessel.

Q4: *I currently hold the HMS Charter/Headboat permit. How many BAYS tunas am I allowed to retain, and may BAYS tunas be sold?*

A: HMS Charter/Headboat vessels are subject to recreational limits of BAYS tunas on a for-hire trip, and may sell BAYS tunas up to these limits when engaged on a for-hire trip (except for those harvested by speargun gear). For yellowfin tuna, the recreational retention limit is 3 fish per person per day, with a 27-inch (CFL) minimum size limit. There are no recreational retention limits for bigeye, albacore, or skipjack tunas, although a 27-inch minimum size limit applies to bigeye tunas. There are no limits on the numbers of BAYS tunas that may be retained and sold by Charter/Headboat vessels on a non-for-hire trip (*i.e.*, there were no fee-paying passengers on board, there were three or fewer persons on board for a vessel licensed to carry six or fewer, or there were less than the number of crew specified on the vessel's Certificate of Inspection for a U.S. Coast Guard inspected vessel).

Q5: *I currently hold the HMS Charter/Headboat permit. How many bluefin tuna am I allowed to retain?*

A: Owners/operators of vessels that possess the HMS Charter/Headboat permit are required to abide by the Angling category retention limits when fishing recreationally for bluefin tuna, or the General category retention limits when fishing commercially for bluefin tuna, provided quota is still

available and the fishery is open. The size category of the first bluefin tuna retained will determine the fishing category applicable to the vessel that day. HMS Charter/Headboat permit holders may sell bluefin tuna > 73" CFL when fishing under the General category regulations.

Charter/Headboat vessels may not sell bluefin tuna < 73" CFL. Vessel operators should check the web site or telephone information lines to verify the commercial or recreational bluefin tuna retention limits on any given day. For HMS Charter/Headboat vessels fishing in the Gulf of Mexico, no directed bluefin tuna fishing is allowed. Only the incidental catch of recreational "trophy" size class (large medium or giant) of bluefin tuna is allowed per the retention limits of one bluefin tuna per vessel per year. No sale of these fish is allowed.

Q6: *I currently hold only the HMS Charter/Headboat permit. May I sell sharks and/or swordfish?*

A: No. In order to sell sharks and swordfish, it is necessary for Charter/Headboat permit holders to also possess either a shark limited access permit and/or a swordfish limited access handgear permit, respectively.

Q7: *I currently hold both the HMS Charter/Headboat permit, and a limited access shark permit. What shark retention limits apply, and when do they apply?*

A: HMS Charter/Headboat vessels that also possess a shark limited access permit are subject to recreational shark retention limits when engaged in for-hire fishing (see definition above). The retained sharks may be sold if the commercial fishery is open, otherwise no sale is allowed. HMS Charter/Headboat vessels that also possess a

shark limited access permit are subject to commercial retention limits when engaged in non-for-hire fishing, and may retain sharks while the commercial shark fishery is open.

Q8: *I currently hold both the HMS Charter/Headboat permit, and a limited access swordfish handgear permit. What swordfish retention limits apply, and when do they apply?*

A: HMS Charter/Headboat vessel permit holders who also possess a swordfish limited access handgear permit are subject to recreational swordfish retention limits when engaged in for-hire fishing (see definition above). The retained swordfish may be sold only if the commercial fishery is open, otherwise no sale is allowed. When the commercial swordfish fishery is open, swordfish limited access handgear vessels may retain swordfish under commercial limits if they are engaged in non-for-hire fishing.

Q9: *May HMS Charter/Headboat permit holders possess or retain Atlantic billfish when fishing on a non-for-hire trip?*

A: Yes. Except for longbill spearfish (which is prohibited), persons who have been issued HMS Charter/Headboat permits may possess or retain Atlantic billfish (blue marlin, white marlin, and sailfish) when engaged on a non-for-hire trip. However, when fishing on a non-for-hire trip, HMS Charter/Headboat vessels may not possess commercial limits of HMS when retaining Atlantic billfish.

Q10: *May Atlantic billfish be sold?*

A: No. The sale of all Atlantic billfish is prohibited, regardless of permit type.

Q11: *If I have the HMS Charter/Headboat permit, do I need to keep a logbook and have a NMFS observer on board?*

A: If NMFS sends you a letter telling you that you have been selected to complete a logbook, you must enter each day's fishing activities on a form specified by NMFS within 48 hours of completing that day's activities or before offloading, whichever is sooner. You must submit the logbook to NMFS postmarked within 7 days of offloading all HMS. If selected for reporting and no fishing occurred during a month, a "no-fishing form" must be submitted to NMFS no later than 7 days after the end of the month. If NMFS sends you a letter telling you that you have been selected to complete the cost-earnings and annual expenditures sections of the logbook, you must complete and submit that cost-earnings section of the logbook within 30 days of offloading, and the annual expenditures section by the date specified on the form. These sections must be completed in addition to the other logbook reporting requirements. You do not have to carry an observer on board, but you may participate in a voluntary Charter/Headboat observer program. If you are interested in participating in the voluntary observer program please contact the HMS Headquarters Office at (301) 713-2347.

Q12: *What are the reporting requirements for HMS Charter/Headboat vessel operators?*

A: HMS Charter/Headboat vessel owners/operators must report landings (*i.e.* fish kept) of all bluefin tuna, and non-tournament blue marlin, white marlin, sailfish, and swordfish to NMFS within 24 hours of landing at the dock. The vessel owner is responsible for reporting, but a designee may fulfill the requirement.

Recreational landings of all bluefin tuna must be reported to NMFS by calling (888) 872-8862, or by logging onto www.hmspermits.gov. Non-tournament billfish and swordfish landings must be reported to NMFS by calling (800) 894-5528. In MD and NC, vessel owners should report their HMS landings at state-operated reporting stations. For additional information on these state's reporting stations, please call (410) 213-1531 (MD) or (800) 338-7804 (NC). Billfish and swordfish that are landed in a registered HMS tournament do not need to be reported by the vessel owners if the tournament operator reports them. However, vessel owners are responsible for reporting these landings if the tournament operator does not. Also, as described above, HMS Charter/Headboat permit holders must complete a logbook and submit cost earnings information to NMFS, if selected.

Q13: *I currently hold the HMS Charter/Headboat permit. Do federal HMS regulations apply when I am fishing in state waters?*

A: The Consolidated HMS FMP specifies that HMS Angling and Charter/Headboat permit holders must agree, as a condition of their permit, that their vessel's fishing activity, catch and gear are subject to Federal HMS regulations without regard to whether such fishing occurs in the EEZ, or outside the EEZ, and without regard to where such HMS or gear are possessed, taken or landed. However, when fishing within the waters of a state that has more restrictive HMS fishing regulations, persons aboard the vessel must abide by the state's more restrictive regulations.

XV. HMS TOURNAMENTS

Q1: *If I am an HMS tournament operator,*

do I need to register my tournament with the HMS Management Division of NMFS?

A: Yes. If you operate a fishing competition that requires participants to register, or enter, or in which a prize or award is offered for Atlantic HMS, and the tournament is conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, you must notify the HMS Management Division of NMFS at least 4 weeks prior to commencement of the tournament and specify the tournament name, location, date(s), director, contact information and target species. To register your tournament, please call the HMS office in St. Petersburg, FL (see contact list below) to request a form, or download the registration form by clicking on "Reporting Forms" at www.nmfs.noaa.gov/sfa/hms or by clicking on "Tournaments" at www.hmspermits.gov. The completed tournament registration form may either be faxed or mailed back to NMFS' HMS Management Division office in St. Petersburg, FL (see contact list below). Upon receiving the form, NMFS will produce a tournament confirmation number and mail the number to the operator's address. Please note that registration is not considered complete unless the operator has received a confirmation number from the HMS Management Division of NMFS.

Q2: *How will I know if my tournament has been selected for reporting?*

A: NMFS will notify tournament operators in writing if their tournament has been selected for reporting. If the tournament is selected, a reporting form and instructions will be sent to the operator. The reporting form must be returned to NMFS' Southeast Fisheries Science Center in Miami, FL at the address specified on the form within 7 days

after tournament fishing has been completed.

Q3: *Why is tournament registration and reporting necessary?*

A: Tournament registration and reporting is a critical component of the HMS monitoring program. The collected information is used to estimate tournament fishing effort and landings of HMS for stock assessments, national and international reports, and other monitoring efforts.

Q4: *Do HMS tournament participants need HMS permits?*

A: Yes. HMS tournament participants must possess either an HMS Angling, HMS Charter/Headboat, or an Atlantic tunas General category permit. Atlantic tunas General category permit holders are prohibited from fishing under HMS Angling category regulations except when participating in a registered HMS tournament. When fishing in a registered HMS tournament, Atlantic tunas General category permit holders must comply with HMS Angling category regulations for swordfish, sharks and billfish, and General category regulations for Atlantic tunas (*i.e.*, General category permit holders may not fish for or land bluefin tuna < 73” under any circumstances).

Q5: *Are there any other regulations that apply specifically to HMS tournaments or tournament participants?*

A: Yes. In general, all HMS recreational fishing regulations (size limits, bag limits, gear restrictions, possession restrictions, etc.) apply to HMS tournament participants. Additionally, beginning on January 1, 2007, all anglers fishing from HMS permitted vessels and participating in billfish

tournaments are required to use only non-offset circle hooks when deploying natural bait or natural bait/artificial lure combinations. Billfish tournament anglers may deploy “J”-hooks on artificial lures.

XVI. HMS OBSERVER COVERAGE

Q1: *What does an observer do?*

A: An observer collects biological information on all the fish or other species caught. Often this information, such as the species, sex, and size of a fish, is not required on logbook forms. The observer also records information that is similar to that recorded on logbooks such as the gear used, fishing location, and the number of fish caught and discarded. The information collected is used in stock assessments and to help NMFS verify logbook information. The observer must have access to navigation equipment, logbook records, communication equipment, and other equipment in order to perform his/her job. The observer is not an enforcement officer; however, data gathered by the observer may be used in support of enforcement investigations. The observer may be able to offer help to fishermen in reviewing safe handling and gear removal techniques. However, at least for the Pelagic Longline fishery, the observer may not assist in the removal of fishing gear from trapped sea turtles.

Q2: *Am I required to carry an observer?*

A: If you are notified by NMFS in writing that your vessel is selected, you are required to carry an observer on every trip unless notified otherwise. Information on how to comply with the observer requirement is included in the package that notifies you of your selection. If you are selected, you must

comply with all U.S. Coast Guard and NMFS safety regulations. These regulations include having a valid safety decal for your vessel, having a useable life raft that will fit everyone on the vessel, including the observer, and providing the observer with the same accommodations as any crewmember. Additional information regarding these regulations is included on the selection letter. If you are selected and continue to fish without an observer or without contacting the observer program office you may be subject to penalties and sanctions. Harassing an observer or preventing an observer from carrying out his/her duties is illegal (50 CFR Part 635.7 (c)).

XVII. HMS Workshops

Q1: *Do I need to attend a workshop to renew my permit?*

A: All commercial shark and swordfish directed or incidental limited access permit holders that use longline or gillnet gear on their vessel must attend a protected species safe handling, release, and identification workshop. Operators of these vessels, if different from the permit holder, must also attend the workshop. Both the permit holder and operator must attend the workshop and become certified prior to renewing the vessel's shark and swordfish limited access permit in 2007.

Additionally, Federally permitted shark dealers or their proxies must attend an Atlantic shark identification workshop before December 31, 2007. In 2008, shark dealers will need to submit copies of their workshop certificate with their application to renew their Federal shark dealer permit.

Q2: *Why is NMFS holding these workshops?*

A: The objective of the safe handling, release, and identification workshops is to provide fishermen with the skills to reduce the mortality of protected species in compliance with the 2003 and 2004 Biological Opinions for the shark and pelagic longline fisheries, respectively. These workshops are designed to educate longline and gillnet fishermen on the proper techniques for safe handling and release of entangled or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. Identification of protected species will also be taught at these workshops in an effort to improve reporting.

The objective of the Atlantic shark identification workshops is to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species specific dealer reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies on how to properly identify Atlantic shark carcasses.

Q3: *Who is required to attend these workshops?*

A: Owners of commercial shark and swordfish vessels with a Federal permit that deploy longline or shark gillnet gear and the operators of these vessels are required to attend the protected species safe handling, release, and identification workshops.

All Federally permitted shark dealers (or their proxies) are required to attend a shark identification workshop. Shark dealers will

be issued a workshop certificate for each location authorized to receive sharks under their permit.

Q4: *How much time do I have to get a workshop certificate?*

A: Vessel owners and operators that fish with longline or gillnet gear must be certified as having completed a workshop on the safe handling, release, and identification of protected species prior to the owner renewing or transferring a shark or swordfish limited access vessel permit in 2007. Applications for renewals or transfers will not be considered complete and a permit will not be issued until a workshop certification from the vessel owner is presented. Vessels may not fish unless both the owner and operator certificates are on the vessel.

Shark dealers or their proxies must be certified as having completed the shark identification workshop by December 31, 2007. Applications for permit renewals in 2008 will not be considered complete and a permit will not be issued until a workshop certification from the shark dealer is presented. A workshop certification must be available at every business authorized to receive sharks under the dealer's permit.

Workshops will be available to individuals entering the fishery after 2007. A workshop certification will be needed prior to obtaining a permit.

Q5: *Can I send someone else to the workshop for me instead of going myself?*

A: Permit holders and operators that are required to attend a protected species safe handling, release, and identification workshop may not send someone else, (*i.e.*, a proxy) to a workshop instead of attending

themselves. Crew members may attend workshops; however, crew members are not required to attend workshops.

Shark dealers may send a proxy to a shark identification workshop. If a shark dealer chooses to send a proxy to a workshop, instead of attending themselves, a proxy from every business location authorized to receive sharks under the dealer's permit must attend a shark identification workshop. A proxy must be a person who is currently employed by a business authorized to receive sharks under the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and is involved in filling out dealer reports.

Q6: *How often do I need to renew my workshop certificate?*

A: All safe handling, release, and identification and shark identification workshop certificates must be renewed, prior to the expiration date on the certificate, generally every three years. The time between workshops may be slightly more or less than three years depending on when the certificate is received in relationship to your permit renewal.

Q7: *How can I find out where and when the workshops are held?*

A: Workshop dates and locations will be listed on the HMS website: <http://www.nmfs.noaa.gov/sfa/hms/>. The list will also be available by calling the HMS Management Division at (301) 713-2347.

Q8: *Are vessel operators required to train to the vessel's crew and are shark dealers required to train their employees?*

A: No. Vessel owners and operators are not required to train crew members on safe handling, release, and identification of protected species, but NMFS highly recommends owners and operators share the information with their crew.

Shark dealers are not required to train their employees to identify Atlantic shark carcasses, but NMFS encourages shark dealers to send individuals involved with shark identification and completing the shark dealer report. Dealers are encouraged to make the shark identification materials from the workshop readily available for employees involved with identifying shark carcasses.

Q9: *Since workshop certificates are linked to the permits, can a workshop certificate be transferred?*

A: Workshop certificates are not transferable. An individual interested in receiving an HMS permit must first attend a workshop, obtain a certification, and submit a copy of the certificate with the application to transfer the HMS permit.

Workshop certificates are not transferable because the person issued the certificate is responsible for being familiar with the techniques and protocols for the safe handling and release of protected species or the proper identification of Atlantic shark carcasses.

Q10: *If I attended an industry sponsored handling and release workshop in 2005, do I need to attend another handling and release workshop in 2007?*

A: No. Individuals that attended and successfully completed an industry certification workshop on safe handling and release held on either April 8, 2005, in

Orlando, FL, or June 27, 2005, in New Orleans, LA, as documented by workshop facilitators, will automatically receive valid protected species safe handling, release, and identification workshop certificate no later than December 31, 2006. If you do not, please call HMS Headquarters or the St. Petersburg Office.

Q11: *How do I prove that I have been certified in a workshop?*

A: A copy of a valid workshop certificate will serve as proof that you have completed your required workshop. As such, two safe handling, release, and identification workshop certificates must be on board vessels with longline or gillnet gear – one issued to the vessel owner, even if the owner is not on board, and a second issued to the vessel operator. Additionally, when renewing a shark or swordfish limited access permit, a copy of both the owner and operator workshop certificates must be submitted with the application to renew shark or swordfish limited access permit.

By December 31, 2007, all Federally permitted shark dealers are required to have an original shark identification workshop certificate at every location authorized to receive sharks under the dealer's permit. Shark dealers with multiple locations authorized to receive sharks under one permit will be issued a workshop certificate for each location listed in the permit application. Additionally, after December 31, 2007, a copy of the shark identification workshop certificate (or copies, if multiple locations are authorized to receive sharks) must be submitted with the application to renew a shark dealer permit.

XVII. UPCOMING RULES AND EVENTS

The following is a list of events that could modify the regulations described in this compliance guide. This list does not signify that any regulations have been modified, but is intended to give the reader an idea of what regulations may have changed since the compliance guide publication date.

Upcoming Rules

1. NMFS published a proposed rule on June 21, 2005 (70 FR 35894) that would amend the Atlantic Large Whale Take Reduction Plan regulations to reduce the level of injury to Northern Right, Humpback, and Fin whale populations from gillnet and trap/pot fisheries. The FEIS is expected to be available for review in August 2006. For further information, see

<http://www.nero.noaa.gov/whaletrp/>

2. NMFS published a proposed rule on March 26, 2006 (71 FR 15680), that would require bottom longline vessel operators to possess, maintain, and utilize the same sea turtle safe handling equipment and follow the same protocols as required in the pelagic longline fishery. The rule also proposes measures complementary to the closures in the Caribbean SFA Amendment (close six areas in the U.S. Virgin Islands and Puerto Rico to HMS vessels with bottom longline onboard). NMFS expects to publish a final rule regarding these measures in Fall 2006. For further information, contact Michael Clark at (301) 713-2347.

- A draft pelagic longline take reduction plan (TRP) was submitted to NMFS in June 2006 on behalf of the pelagic longline take reduction team. The goal of the TRP is to reduce, within five years of its implementation, serious injuries and

mortalities of long-finned pilot whales (*Globicephala melas*), short-finned pilot whales (*Globicephala macrorhynchus*), and Risso's dolphins (*Delphinus delphis*) in the Atlantic pelagic longline fishery to insignificant levels approaching a zero mortality and serious injury rate within 5 years. Potential regulatory changes are addressed in the TRP. A proposed rule is expected shortly.

- Bluefin tuna and Swordfish specifications for fishing year 2007 will be prepared in early 2007.

- NMFS recently completed stock assessments for large coastal sharks and dusky sharks. NMFS expects to amend the FMP as a result and will schedule scoping meetings.

Upcoming Events/Potential Rules

- ICCAT Meeting, November 2006

- HMS Advisory Panel Meeting, October, 2006.

XVIII. CONTACT LIST

NATIONAL MARINE FISHERIES SERVICE HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION

Margo Schulze-Haugen, Chief

<http://www.nmfs.noaa.gov/sfa/hms>.

HMS information line (*recorded information only*): (800) 894-5528

Topics	Office	Phone Number and Address
Commercial Swordfish Sharks Exempted fishing permits Atlantic HMS News List Pelagic and bottom longline Protected Species Shark and Swordfish Limited Access permits	HMS Headquarters Office	Phone: (301) 713-2347; Fax: (301) 713-1917 Address: 1315 East-West Highway, NMFS/SF1 Silver Spring, MD 20910
Atlantic tunas Atlantic tunas dealer reporting Bluefin tuna Statistical Document Program Charter/Headboat operations International Trade Permit	HMS Gloucester Office	Phone: (978) 281-9260; Fax: (978) 281-9340 Address: One Blackburn Drive, NMFS/SF1 Gloucester, MA 01930-2298
Billfish Recreational Swordfish Tournament registration Billfish Certificate of Eligibilities Pelagic Longline	HMS St. Petersburg Office	Phone: (727) 824-5399 Fax: (727) 824-5398 Address: 263 13 th Ave. South St. Petersburg, FL 33701
FISHING AND DEALER PERMITS		
<i>- for Atlantic Shark and Swordfish Vessel and Dealer permits</i>	NMFS Southeast Regional Permit Office Webpage: http://caldera.sero.nmfs.gov/fishery/permits/permit.htm	Phone: (727) 824-5326 Address: 263 13 th Ave. South St. Petersburg, FL 33701
<i>- for Atlantic tunas, Atlantic HMS Charter/Headboat and HMS Angling Vessel Permits -</i>	Automated Permitting System Webpage: http://www.hmspermits.gov/	Phone: (888) 872-8862
<i>- for Atlantic Tunas Dealer Permits</i>	NMFS Northeast Region Permit Office Webpage: www.nero.noaa.gov/fso/permits/initialapp1.htm	Phone: (978) 281-9370; Fax: (978) 281-9366 One Blackburn Drive Gloucester, MA 01930
Vessel Monitoring Systems (VMS)		
Jonathan Pinkerton	National VMS Program Manager	(301) 427-2300
Beverly Lambert	Southeast VMS Program Manager	(727) 824-5347

**NMFS
LAW ENFORCEMENT
OFFICES**

Ellsworth, ME	(207) 664-0508
Portland, ME	(207) 780-3241
Portsmouth, NH	(603) 436-3186
Manchester, MA	(978) 526-4802
Gloucester, MA	(978) 281-9213
Braintree, MA	(781) 843-9267
New Bedford, MA	(508) 992-7711
Bellport, NY	(631) 776-1734
Wall, NJ	(732) 280-6490
Marmora, NJ	(609) 390-8303
Ocean City, MD	(410) 629-1258
Newport News, VA	(757) 595-2692
Kitty Hawk, NC	(252) 449-0456
Charleston, SC	(843) 572-5801
Brunswick, GA	(912) 261-8242
Titusville, FL	(321) 269-0004
Miami, FL	(786) 845-9580
Marathon, FL	(305) 743-3110
Fort Meyers, FL	(239) 334-2575
St. Petersburg, FL	(727) 551-5769
Niceville, FL	(850) 729-8628
Stennis Space Center, MS	(228) 688-2920
Baton Rouge, LA	(225) 769-3134
Austin, TX	(512) 916-5400
Galveston, TX	(409) 766-3701
Harlingen, TX	(956) 423-3450
Guaynabo, PR	(787) 749-4405

24-Hour Enforcement Hotline (800) 853-1964

The NMFS Office of Law Enforcement maintains a 24- hour hotline for the public to report potential violations of Atlantic HMS regulations. This number should be used only to report potential violations, not for general information, concerning Atlantic HMS.

U.S. COAST GUARD

Coast Guard Regulations

Commercial vessels are subject to the Fishing Vessel Safety Act of 1988. For information, contact your local Coast Guard office:

Maine to New York (617) 223-8315
New Jersey to North Carolina 757) 398-6304

South Carolina to Florida (305) 536-5091
Gulf of Mexico (504) 589-4999

**COOPERATIVE TAGGING
PROGRAMS**

To obtain a tuna, billfish, or swordfish tagging kit or report a tag recovery: (800) 437-3936

To obtain a shark tagging kit or report a tag recovery:

APEX Predator Program
NOAA/NMFS
28 Tarzwell Drive
Narragansett, RI 02882
www.nefscsharks.nmfs.gov
(410) 213-1531

**To report Bluefin Tuna recreational
landings in North Carolina or Maryland:**

North Carolina Harvest Tagging Program
(800) 338-7804

Maryland Department of Natural Resources
(410) 213-1531

To Order an HMS Identification Guide:

Rhode Island Sea Grant
University of Rhode Island
Narragansett Bay Campus
Narragansett RI 0282
Phone: (401) 847-6842
Fax: (401) 874-6817



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

3-201
(1/97)

FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES
16 USC 1538 (f)

REGULATIONS (Attached)
50 CFR SUBPART 13
50 CFR 14.31

1. PERMITTEE

NOAA, NATIONAL MARINE FISHERIES SERVICE, SEFSC AND NEFSC
75 VIRGINIA BEACH DRIVE
MIAMI, FL 33149
U.S.A.

3. NUMBER
LE046715-1 AMENDMENT

4. RENEWABLE	5. MAY COPY
<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input type="checkbox"/> NO	<input type="checkbox"/> NO

6. EFFECTIVE 08/14/2003	7. EXPIRES 08/12/2005
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8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
DR. NANCY B. THOMPSON
CENTER DIRECTOR

9. TYPE OF PERMIT
DESIGNATED PORT EXCEPTION PERMIT

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Portland, ME; Gloucester, MA; Fairhaven, MA; New Bedford, MA; Woods Hole, MA; Point Judith, RI; Montauk, NY; Barnegat Light, NJ; Ocean City, MD; Norfolk, VA; Wanchese, NC; Morehead City/Beaufort, NC; Wilmington, NC; Charleston, SC; Cherry Point, NC; Brunswick, GA; Savannah, GA; St. Mary's, FL; Jacksonville, FL; Cocoa Beach, FL; Canaveral, FL; Ft. Pierce, FL; Pompano Beach, FL; Miami, FL; Key West, FL; Tampa, FL; Panama City, FL; Pascagoula, MS; Vince, LA; Leeville, LA; Dulac, LA; Galveston, TX; Port

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Permittee is authorized to import/export wildlife and/or wildlife products at the port(s) specified in Block 10.
- E. Permittee must also comply with inspection and clearance procedures as outlined in 50 CFR 14, Subpart E, 14.51 and 14.52, upon importation/exportation of wildlife and/or wildlife products.
- F. Permittee must comply with additional permit conditions as set forth in 50 CFR, Subpart C, 14.31.
- G. Permittee must contact U.S. Fish & Wildlife Service Officers at least 72 hours prior to the proposed import/export at the following location:
- H. Copies of this Permit Must Be in the Possession of Importer at Time of Importation.
- I. List Number and Kind of Species Imported Each Calendar Year. To Be Submitted to the ARD-LE, Atlanta, GA.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

PERMITTEE IS REQUIRED TO MAINTAIN RECORDS PER 50 CFR 13.46.
ACCEPTANCE OF THIS PERMIT AUTHORIZES INSPECTION PER 50 CFR 13.47.

ISSUED BY

TITLE

FOR: ARD, LAW ENFORCEMENT, REGION 4

DATE

08/14/2003

FAX TRANSMITTAL

of pages ▶ 4

To <i>John Carlson</i>	From <i>Kathy Wang</i>
Dept./Agency	Phone # <i>727-570-5312</i>
x #	Fax #

NSN 7540-01-317-7368

5089-101

GENERAL SERVICES ADMINISTRATION

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312; FAX 570-5517
<http://caldera.sero.nmfs.gov>

F/SER3:KRW:DLB

MEMORANDUM FOR: F/SEC - Nancy Thompson, Ph.D.

FROM: F/SE - Joseph E. Powers, Ph.D.

SUBJECT: Request for Data in Support of the Bottlenose Dolphin Take Reduction Team

We are currently in the process of forming the Bottlenose Dolphin Take Reduction Team (BDTRT). Our second pre-team workshop is scheduled for July 11-12, when we will present information on bottlenose dolphin mortality and fishery characterizations. In order for Dr. Lance Garrison, of your Protected Resources staff, to complete the bottlenose dolphin mortality estimates for the shark gillnet fishery, additional data are needed from your Sustainable Fisheries Division. The data needed include: fisheries data for the east coast of Florida (and Georgia where applicable and if available) including monthly gillnet effort for each county by sets, landings and trips for those vessels targeting small and/or large coastal sharks from 1994-2000. These data will be used to estimate effort in the shark gillnet fishery and to resolve differences in effort estimates between National Marine Fisheries Service's (NMFS) Highly Migratory Species Division and the Florida Fish and Wildlife Conservation Commission. We also request the immediate transfer of any existing samples of bottlenose dolphin observed incidentally taken in the shark gillnet fishery to Dr. Patty Rosel to determine whether the coastal and/or offshore stock is being impacted. We ask that any such samples collected henceforth be routinely provided to Dr. Rosel in the future. In this regard, I ask that the Southeast Fisheries Science Center (SEFSC) make the education of both observers and fishermen a priority, emphasizing that carcasses/samples from incidentally taken marine mammals are vital to NMFS' research and management.

These requests will be especially important to the BDTRT as well as NMFS in order to determine the extent of any regulatory measures which may be necessary to mandate marine mammal incidental take levels in the shark gillnet fishery. Without adequate information on which bottlenose dolphin stock is being impacted by this fishery, NMFS may be forced to take the risk-averse approach of assigning takes to the stock(s) most at risk.

On a related matter, we understand that the SEFSC Observer Program staff are uncertain regarding their authority to bring ashore or sample marine mammals incidentally taken in observed fisheries. This authority is clearly provided under 50 CFR 216.24 (see attachment) which states,

"...marine mammals killed during fishing operations which are accessible to crewmen and requested from the [Marine Mammal Authorization Program] certificate holder or master by the observer shall be brought aboard the vessel and retained for biological processing, until released by the observer for return to the ocean. Whole marine mammals designated as biological specimens by the observer shall be retained in cold storage aboard the vessel until retrieved by authorized personnel of the National Marine Fisheries Service when the vessel returns to port for unloading." NMFS also has authority under Permit No. 932-1489-01/PRT009526 to collect carcasses/parts from all species of the Orders Cetacea and Pinnipedia killed incidental to commercial fishing operations. Blair Mase, of your staff, is a Co-Principal Investigator under this permit. Thus, the SEFSC observers clearly are authorized to collect samples/carcasses from marine mammals observed incidentally taken in commercial fisheries.

Thanks to the dedication and effort already provided by your staff, our upcoming BDTRT is off to a great start. We hope to continue this success, and appreciate the SEFSC's efforts in providing continued support throughout the TRT process. If you have any questions in relation to this memo, please contact me at 727/570-5301 or Dr. Kathy Wang at 727/570-5312. Thank you for your cooperation in this matter.

Attachment

cc: F/SEC2 - Gerry Scott, Dennis Lee
F/SEC3 - Steve Swartz, Blair Mase
F/SEC21- John Carlson
F/SEC7 - Aleta Hohn
F/SF 1- Chris Rogers
F/SF 1 - Jill Stevenson
F/ST 1 - Vicki Cornish
F/PR2 - Donna Wieting, Emily Hanson

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§ 216.25

July 10, 1989 and establishing the following:

(A) The vessel will have an all-male crew;

(B) The vessel has fewer than two private (one-person) and semi-private (two-person) cabins in total (excluding the captain's cabin);

(C) A temporary divider like a curtain cannot be installed in the private or semi-private cabin (excluding the captain's cabin) to provide reasonable privacy; and

(D) There are no other areas (excluding the captain's cabin) that can be converted to a sleeping room without either significant expense or significant sacrifice to the crew's quarters.

(i) The exclusion criteria in paragraph (f)(7)(i) of this section can be met without having to provide the captain's cabin for the observer. The application for an exemption must also include an accurate diagram of the vessel's living areas, and other areas possibly suitable for sleeping. Additional documentation to support the application may also be required, as may an inspection of the vessel. The exemption, once granted, is valid for the same calendar year as the vessel certificate of inclusion, and the exemption must be renewed annually to remain valid. The vessel certificate of inclusion holder is responsible for reporting to the Director, Southwest Region any changes aboard the vessel within 15 days of the change which might affect the continued eligibility for an exemption. The Director, Southwest Region will revoke an exemption if the criteria for an exemption are no longer met.

(g) *Penalties and rewards:* Any person or vessel subject to the jurisdiction of the United States shall be subject to the penalties provided for under the MMPA for the conduct of fishing operations in violation of these regulations. The Secretary shall recommend to the Secretary of the Treasury that an amount equal to one-half of the fine incurred but not to exceed \$2,500 be paid to any person who furnishes information which leads to a conviction for a violation of these regulations. Any officer, employee, or designated agent of the United States or of any State or local government who furnishes information or renders service in the per-

50 CFR Ch. II (10-1-99 Edition)

formance of his official duties shall not be eligible for payment under this section.

[45 FR 72187, Oct. 31, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 216.24, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 216.25 Exempted marine mammals and marine mammal products.

(a) The provisions of the MMPA and these regulations shall not apply:

(1) To any marine mammal taken before December 21, 1972¹, or

(2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 216.12(c) (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which a notice is published in the FEDERAL REGISTER with respect to the designation of the species or stock concerned as depleted or endangered.

(c) Section 216.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

[39 FR 1852, Jan. 15, 1974, as amended at 56 FR 43888, Sept. 5, 1991; 59 FR 50376, Oct. 3, 1994]

§ 216.26 Collection of certain marine mammal parts without prior authorization.

Notwithstanding any other provision of this subpart:

(a) Any bones, teeth or ivory of any dead marine mammal may be collected from a beach or from land within ¼ of a mile of the ocean. The term *ocean* includes bays and estuaries.

(b) Notwithstanding the provisions of subpart D, soft parts that are sloughed, excreted, or discharged naturally by a living marine mammal in the wild may

¹In the context of captive maintenance of marine mammals, the only marine mammals exempted under this section are those that were actually captured or otherwise in captivity before December 21, 1972.

National Marine Fisheries

be collected or imported for scientific research and provided that collection involve the taking of a mammal in the wild.

(c) Any marine mammal collected under paragraph (b) of this section must be identified, and may or otherwise possessed. In registration of a marine mammal part collected under paragraph (b) of this section, the person who collected or imported the part must also state the search or enhancement which the part was collected.

(d) No person may purchase or trade for commercial purposes a marine mammal part collected under this section.

(e) The export of a marine mammal part without prior authorization is prohibited if consistent with the provisions of § 216.37(d) under subpart D.

[39 FR 1852, Jan. 15, 1974, as amended at 56 FR 50376, Oct. 3, 1994; 61 FR 1996]

§ 216.27 Release, non-release, and disposition under special permits for rehabilitated marine mammals.

(a) *Release requirements.* A marine mammal held for rehabilitation must be released within 30 days of capture or import unless the attending veterinarian determines that release is not feasible.

(i) The marine mammal must be released in a manner that does not adversely affect marine mammals in the wild;

(ii) Release of the marine mammal into the wild will not likely be successful given the physical condition and behavior of the marine mammal.

(iii) More time is needed to determine whether the release of a marine mammal to the wild will be successful. Releasability must be determined at intervals of no less than 30 days until 24 months from the date of capture or import, at which time there is a rebuttable presumption that release into the wild is not feasible.

National Marine Fisheries Service/NOAA, Commerce

§216.24

Marine Fisheries Service, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

(f) Observers. (1) The vessel certificate holder of any certificated vessel shall, upon the proper notification by the National Marine Fisheries Service, allow an observer duly authorized by the Secretary to accompany the vessel on any or all regular fishing trips for the purpose of conducting research and observing operations, including collecting information which may be used in civil or criminal penalty proceedings, forfeiture actions, or permit or certificate sanctions.

(2) Research and observation duties shall be carried out in such a manner as to minimize interference with commercial fishing operations. The navigator shall provide true vessel locations by latitude and longitude, accurate to the nearest minute, upon request by the observer. No owner, master, operator, or crew member of a certificated vessel shall impair or in any way interfere with the research or observations being carried out.

(3) Marine mammals killed during fishing operations which are accessible to crewmen and requested from the certificate holder or master by the observer shall be brought aboard the vessel and retained for biological processing, until released by the observer for return to the ocean. Whole marine mammals designated as biological specimens by the observer shall be retained in cold storage aboard the vessel until retrieved by authorized personnel of the National Marine Fisheries Service when the vessel returns to port for unloading.

(4) The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such observers on board such vessels. A vessel certificate holder who has been notified that the vessel is required to carry an observer, via certified letter from the National Marine Fisheries Service, shall notify the office from which the letter was received at least five days in advance of the fishing voyage to facilitate observer placement. A vessel certificate holder who has failed to comply with the provisions of this section may not engage

in fishing operations for which a general permit is required.

(5) It is unlawful for any person to forcibly assault, impede, intimidate, interfere with, or to influence or attempt to influence an observer, or to harass (including sexual harassment) an observer by conduct which has the purpose or effect of unreasonably interfering with the observer's work performance, or which creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(6)(i) All observers must be provided sleeping, toilet and eating accommodations at least equal to that provided to a full crew member. A mattress or futon on the floor or a cot is not acceptable in place of a regular bunk. Meal and other galley privileges must be the same for the observer as for other crew members.

(ii) Female observers on a vessel with an all-male crew must be accommodated either in a single-person cabin or, if reasonable privacy can be ensured by installing a curtain or other temporary divider, in a two-person cabin shared with a licensed officer of the vessel. If the cabin assigned to a female observer does not have its own toilet and shower facilities that can be provided for the exclusive use of the observer, then a schedule for time-sharing common facilities must be established before the placement meeting and approved by NMFS and must be followed during the entire trip.

(iii) In the event there are one or more female crew members, the female observer may be provided a bunk in a cabin shared solely with female crew members, and provided toilet and shower facilities shared solely with these female crew members.

(7)(1) A vessel certificate of inclusion holder (or vessel owner in the case of a new application) may seek an exemption from carrying a female observer on a vessel by applying to the Director, Southwest Region when applying for the vessel certificate of inclusion until



United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southeast Fisheries Science Center
75 Virginia Beach Drive
Miami, FL 33149 USA

July 1, 2006

To:

William Habich
Armando de Ron Santiago
Ben Westrope
Sascha Cushner
Simon Gulak
Steven Campbell

By this letter you are hereby designated to act as a Co-investigator (CI) for the Southeast Fisheries Science Center under NMFS ESA scientific research permit no. 1552 to collect scientific and biological data on sea turtles in both the *Directed Shark Gillnet Fishery and Shark Bottom Longline Fishery* projects. This authorization will be subject to the following conditions:

1. A copy of this permit shall be in your possession during the proposed work.
2. Please read the permit and note the Terms and Conditions relating to activities authorized under the permit: Research Conditions, Reporting Requirements, Notification Requirements, and General Conditions.
3. All procedures will follow those outlined in the SEFSC Techniques Manual.
4. This authorization is in force until December 31, 2011, unless otherwise modified.

I certify that each of you has completed training conducted by the SEFSC Miami Sea Turtle Team.

Sincerely,

James M. Nance, Ph.D., Principal Investigator

cc:

Michael Payne
Nancy Thompson
Sheryan Epperly

SEFSC Director's Office
Received

APR 10 2005

NOAA / NMFS



sherry
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MAR 31 2006

Dr. Nancy Thompson
Southeast Fisheries Science Center
National Marine Fisheries Service
75 Virginia Beach Drive
Miami, FL 33149

Dear Dr. Thompson:

Enclosed is Permit No. 1552 issued to the Southeast Fisheries Science Center (SEFSC) that authorizes research on green (*Chelonia mydas*), loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), olive ridley (*Lepidochelys olivacea*), and unidentifiable hardshell sea turtles for up to five years (*see attached tables*). This permit allows you to conduct research on sea turtles captured incidentally during the following fisheries and activities: directed shark gillnet fishery; shark bottom longline fishery; pelagic longline fishery; commercial shrimp trawl fishery; directed reef fish fishery; oil/gas platform removal program; and other fisheries and activities the SEFSC may observe and for which the sea turtle capture is legally authorized. The incidental capture of these animals is not covered by this permit but must be authorized through the incidental take statement of the biological opinion resulting from the section 7 consultation on these other activities or a section 10(a)(1)(B) incidental take permit. Sea turtles collected throughout the Atlantic basin will be handled, identified, photographed, measured, weighed, flipper and passive integrated transponder (PIT) tagged, skin biopsied, and released. A limited number of carcasses (including tissues or parts from them) may be collected from each of the fisheries or activities for which incidental lethal take has been previously authorized.

Inasmuch as the proposed research involves activities that may pose a risk of death or injury to the animals, Research Condition B.1.c. requires that the Permit Holder notify the Chief, Permits, Conservation and Education Division by phone (301-713-2289) as soon as possible, but no later than two days after a turtle is killed or seriously injured during sampling.

The Reporting Conditions (Part C) of all National Marine Fisheries Service (NMFS) permits require both a tabular and narrative format be submitted to the Permits, Conservation and Education Division. It is essential that annual and final reports from Permit Holders are timely, current, and accurate. These reports are the only means the Service has of evaluating the potential impacts of research activities on listed species. Section C describes annual reporting requirements. Per your request my staff has established a January 1 to December 31 reporting period. Annual reports are due on March 31 each year. Since your permit start date is July 1, your first annual report will be due after only six months.

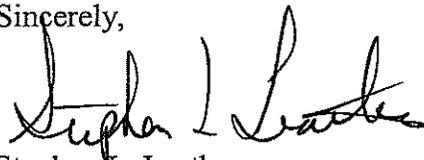


As Responsible Official of this permit, you are ultimately responsible for all activities of any individual operating under its authority. All personnel involved in the conduct of the research must perform a function directly supportive of and necessary for the research, or be one of a reasonable number of support personnel. The Permits, Conservation and Education Division must receive notice of any additional co-investigators not named in the application and a copy of the researcher's curriculum vitae. Moreover, research activities must be conducted under the direct supervision of the principal investigator or a co-investigator identified in the permit.

Please review the permit to ensure that you fully understand what is authorized and that you comply with the Permit Conditions. The original permit and a file copy of the signature page are enclosed. Please sign and date both, and return the signature page marked "**FILE COPY**" to our office. In the future, should you need a change in this authorization, please submit a modification request to Chief, Permits, Conservation and Education Division.

Please note that this permit is not valid until our office receives the signed copy. You may submit the copy by facsimile to 301-713-0376 and confirm it by mail. If you have any problems or questions, please contact Patrick Opay or Amy Hapeman at 301-713-2289.

Sincerely,



Stephen L. Leathery
Chief, Permits, Conservation and
Education Division
Office of Protected Resources

Enclosure

Expires: June 30, 2011

PERMIT TO TAKE ENDANGERED AND THREATENED SPECIES

Authorization

Southeast Fisheries Science Center (Responsible Official, Dr. Nancy Thompson), National Marine Fisheries Service (NMFS), 75 Virginia Beach Dr., Miami, Florida 33149, is hereby authorized to take the endangered and threatened species in the manner specified below for scientific research purposes, as cited in the Permit Holder's application, and subject to the provisions of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*), the regulations governing endangered and threatened species (50 CFR Parts 222-226), and the conditions hereinafter set out. This permit becomes effective July 1, 2006.

Abstract

The purpose of the research, as stated in the application, is to conduct research on green, loggerhead, Kemp's ridley, hawksbill, leatherback, olive ridley and unidentified hardshell sea turtles to provide data on the turtles that interact with the following fisheries and activities: directed shark gillnet fishery; shark bottom longline fishery; pelagic longline fishery; commercial shrimp trawl fishery; directed reef fish fishery; oil/gas platform removal program; and other authorized fisheries and activities the SEFSC may observe and for which the sea turtle capture is legally authorized. The incidental capture of animals is not covered by this permit but must be authorized through the incidental take statement of the biological opinion resulting from the section 7 consultation on the fisheries or activities, or a section 10(a)(1)(B) incidental take permit. The research will provide data useful to better understanding turtle movement and migration, habitat use, genetics, and population dynamics. The information will be used to develop, implement, and evaluate conservation recovery efforts for sea turtles in the Gulf of Mexico, Atlantic Ocean, Caribbean Sea, and their tributaries. Sea turtles will be handled, identified, photographed, measured, weighed, flipper and passive integrated transponder (PIT) tagged, skin biopsied, and released. In addition, carcasses (including tissues or parts from them) may be collected from each of the fisheries or activities for which incidental lethal take has been previously authorized. The permit is issued for a 5-year period.

A. Number and Kind(s) of Endangered and Threatened Species and Location(s)

1. The following tables outline the number of green, loggerhead, Kemp's ridley, hawksbill, leatherback, olive ridley, and unidentified hardshell sea turtles authorized to be collected and the activities authorized to be performed on each animal. The Researchers [Permit Holder, Principal Investigator (PI), and Co-

investigator(s) (CI(s)] may conduct research activities in the Gulf of Mexico, Atlantic Ocean, Caribbean Sea, and their tributaries.

Table 1: Maximum Total (Period of Permit) Takes of Sea Turtles under Permit No. 1552 in the Directed Shark Gillnet Fishery.				
Takes per species	Species	Age/Sex	Activity	Location
25*	Loggerhead	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50*	Leatherback	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
5**	Other sea turtle species (green, Kemp's ridley, hawksbill, olive ridley, or unknown/hybrid)	Post-hatchling, subadult & adult of both sexes	Handle, id, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
4	Any species above, combined total (if mortality authorized by fishery ITS)	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

* = The number of takes authorized is contingent upon the ITS of fishery. At the time of the issuance of this permit only 10 loggerhead and 22 leatherback takes are authorized. If the ITS of the fishery increases, and only if a no jeopardy conclusion was made on the new consultation, researchers may take additional turtles up to the amount of the new ITS but not to exceed the upper totals of this permit (i.e., 25 loggerhead, 50 leatherback). If the ITS decreases, researchers may take only the number authorized in the lower ITS.

** = These takes are not anticipated under the current fishery ITS; however, should they occur, they must be documented by the researchers to provide data for future fishery consultations.

Table 2: Maximum Total Takes (Course of Permit) of Sea Turtles under Permit No. 1552 in the Directed Shark Bottom Longline Fishery.				
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Takes per species	Species	Age/Sex	Activity	Location
340	Loggerhead	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
38	Leatherback	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
30 (combined total, all species)	Green, Kemp's ridley, Hawksbill	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
5**	Olive ridley or unknown/hybrid	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
40	Loggerhead	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
5	Leatherback	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
5 (combined total, all species combined)	Other sea turtle species (green, Kemp's ridley, hawksbill, olive ridley, or unknown/hybrid)	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

** = These takes are not anticipated under the current fishery ITS; however, should they occur, they must be documented by the researchers to provide data for future fishery consultations.

Table 3: Maximum Total (Duration of Permit) Takes of Sea Turtles under Permit No. 1552 in the Pelagic Longline Fishery. Accounts for maximum expected observer coverage.				
Takes per species	Species	Age/Sex	Activity	Location
794	Loggerhead	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
735	Leatherback	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
44 (total, combined, all species)	Green, Kemp's ridley, Hawksbill, Olive ridley, or Unknown/Hybrid	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50	Leatherback	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50	Loggerhead	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
5 (total combined, all species)	Green, Kemp's ridley, hawksbill, olive ridley, or unknown/hybrid)	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

Table 4: Maximum Annual Takes of Sea Turtles under Permit No. 1552 in the Commercial Shrimp Trawl Fishery. Takes occur year-round.

Takes per species	Species	Age/Sex	Activity	Location
50	Green	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
150	Loggerhead	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
100	Kemp's ridley	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50	Hawksbill	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50	Leatherback	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50**	Olive ridley or unknown/hybrid	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

** = These takes are not anticipated under the current fishery ITS; however, should they occur,

they must be documented by the researchers to provide data for future fishery consultations.

Table 5: Maximum Total (Permit Period) Takes of Sea Turtles under Permit No. 1552 in the Directed Reef Fish Fishery (Bottom Longline and Bandit Reel Gear).				
Takes per species	Species	Age/Sex	Activity	Location
85 ^a	Green	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
338 ^a	Loggerhead	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
5 ^a	Kemp's ridley	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
73 ^a	Hawksbill	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
33 ^a	Leatherback	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
33**	Olive ridley or Unknown/ Hybrid	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

30 ^a	Green	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
20 ^a	Hawksbill	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
1 ^a	Kemp's ridley	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
15 ^a	Leatherback	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
100 ^a	Loggerhead	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
2 ^{**}	Olive ridley or Unknown/Hybrid	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

^a = Not to exceed the fishery ITS in a 3 year period.

^{**} = These takes are not anticipated under the current fishery ITS; however, should they occur, they must be documented by the researchers to provide data for future fishery consultations.

Table 6: Maximum Annual Takes of Sea Turtles under Permit No. 1552 in the Oil/Gas Platform Removal Program. Takes occur year-round.				
Takes per species	Species	Age/Sex	Activity	Location

1	Green	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR Salvage Carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
10	Loggerhead	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR Salvage Carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
1	Kemp's ridley	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR Salvage Carcass, tissue samples/parts OR Salvage Carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
1	Hawksbill	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR Salvage Carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
1	Leatherback	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR Salvage Carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
2	Olive ridley, or Unknown/ Hybrid**	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release OR Salvage Carcass, tissue samples/parts	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

** = These takes are not anticipated under the current fishery ITS; however, should they occur, they must be documented by the researchers to provide data for future Oil/Gas Platform Removal Program consultations.

Table 7: Maximum Annual Takes of Sea Turtles under Permit No. 1552 in other Authorized NMFS Fisheries and Activities NMFS May Observe***.

Takes per species	Species	Age/Sex	Activity	Location
20	Green	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
100	Loggerhead	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50	Kemp's ridley	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
20	Hawksbill	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
50	Leatherback	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
20	Olive ridley	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
5	Unidentified Cheloniid	Post-hatchling, subadult & adult of both sexes	Handle, measure, weigh, photograph, flipper tag, PIT tag, skin biopsy, release	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries

50	Any species above, combined total (mortality authorized by fishery ITS)	Post-hatchling, subadult & adult of both sexes	Salvage carcass, tissue samples/parts from incidental lethal take accrued to fishery	Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and tributaries
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*** = The animals must have been legally taken (e.g., covered by the incidental take statement [ITS] of an ESA section 7 biological opinion or by an ESA incidental take permit [ITP] with “no jeopardy” conclusions). The number of animals used for research by the Permit Holder shall not exceed the number authorized by ITSs or ITPs).

Possible fisheries that would be observed and their gear types include the Migratory Coastal Pelagic Fisheries- Gulf of Mexico and South Atlantic (Trolling and Gill Nets); Southeastern and Gulf of Mexico Crab Fisheries (Crab Trap/Pot); South Atlantic Snapper-grouper (Trap); Lobster Trap Fishery (Pot); Butterfish, Squid Fish Trawl Fishery (Paired / Single Trawl); Recreational Charterboat or Recreational Headboat Fisheries (Hook and Line); Recreational Private Boat Fishery (Hook and Line, Cast Net, Crab Pot, Gill Net, Rake, Tong, Seine); Jellyfish Surface Trawl Fishery (Trawl); Inshore Gillnet Fishery (Gillnet); North Carolina Coastal Gillnet Fishery in State and Federal Waters (Gillnet); North Carolina Pound-net Fishery (Pound Net); Southeastern Atlantic Croaker and Weakfish Fishery (Flynet); Atlantic Menhaden Purse-Seine Fishery (Purse Seine); Gulf Menhaden Purse-Seine Fishery (Purse Seine); Brown, White, Pink and Other Marine Shrimp Fishery (Cast net); Gulf of Mexico Pink Shrimp Fishery (Beam Trawl); Brown, White, Pink, Seabob and Other Marine Shrimp Fishery (Skimmer Trawl); Brown, White, Pink, Seabob and Other Marine Shrimp Fishery (Butterfly Net); North Carolina Haul/Beach Seine for Striped Bass, Weakfish, Spot, Striped Mullet (Multifilament Seine; Monofilament Gillnet/Seine); North Carolina Long-Haul Seines for Spot, Weakfish, and Atlantic Croaker (Seine); North Carolina Stop Nets for Striped Mullet (Multi-filament Anchored Net and Multifilament Beach Seine); Black Sea Bass Pot Fishery (Pot/Traps); Winter Fluke (Flounder) Trawl Fishery (Trawl).

2. The sea turtle takes authorized herein must occur by the means, in the areas, and for the purposes set forth in the permit application, and as limited by the terms and conditions specified in this permit.

B. Research Conditions

1. General:

- a. The following individuals may participate in the conduct of the research authorized herein: James Nance (PI); John Carlson (CI); Dana Bethea (CI); Philip Smith (CI); Dennis Lee (CI); Lawrence Beerkircher (CI); Elizabeth Scott-Denton (CI); Gregg Gitschlag (CI); James Randolph (CI).
- b. Individuals operating under this permit and conducting the activities authorized herein must be approved by NMFS. Alternatively, there must be a NMFS approved individual present to supervise these activities until

such time that the other individuals have been approved by NMFS.

- c. Incidental Mortality or Serious Injury of Sea Turtles: If a turtle is seriously injured or dies during sampling, the Permit Holder must cease research immediately and notify the Chief, Permits, Conservation and Education Division by phone (301-713-2289) as soon as possible, but no later than two days following the event. The Permit Holder must re-evaluate the techniques that were used and those techniques must be revised accordingly to prevent further injury or death. The Permit Holder must submit a written report describing the circumstances surrounding the event. The Permit Holder must send this report to the Chief, Permits, Conservation and Education Division, F/PR1, 1315 East-West Highway, Silver Spring, MD 20910. Pending review of these circumstances, NMFS may suspend authorization of research activities or amend this permit in order to allow research activities to continue.
- d. Exceeding Authorized Take: The authorized level of take must not be exceeded. If additional take is required the Permit Holder must submit a request to modify this permit to the Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910.

2. Specifics:

- a. Instruments and equipment that are used for invasive procedures must be cleaned and sterilized between animals.
- b. When handling, measuring, and/or tagging turtles researchers shall use the following procedures:
 - i. All equipment (tagging equipment, tape measures, etc.) that comes in contact with sea turtle body fluids, cuts, sores, etc. must be cleaned and disinfected between the processing of each turtle. Equipment that contacts turtles (without contacting fluids, cuts, sores, etc.) shall be cleaned and disinfected between the processing of each turtle when practicable; and
 - ii. Maintain a separate set of sampling equipment for handling animals displaying fibropapillomas tumors/or lesions (all equipment that comes in contact with the turtle should still be cleaned with a disinfectant between the processing of each turtle). (Note- Researchers may use a plastic bag around the PIT tag reader to keep it from coming into contact with infected turtles if the bag is disposed of between turtles.)

- c. All turtles shall be examined for existing tags, including PIT tags, before attaching or inserting new ones. If existing tags are found, the tag identification numbers shall be recorded and included in the annual report.
- d. Flipper Tagging with Metal Tags- All tags shall be cleaned (e.g., to remove oil residue) and disinfected before being used. Applicators must be cleaned (and disinfected when appropriate) between animals. The application site shall be cleaned and then scrubbed with a disinfectant (e.g. Betadine) before the tag pierces the animal's skin.
- e. General Handling and Releasing of Turtles:
 - i. The Permit Holder, Principal Investigator, Co-investigator(s), or Research Assistant(s) acting on the Permit Holder's behalf must use care when handling live animals to minimize any possible injury, and appropriate resuscitation techniques must be used on any comatose turtle prior to returning it to the water. An experienced veterinarian, veterinary technician, or rehabilitation facility must be named for emergencies. If an animal becomes highly stressed, injured, or comatose during the course of the research activities the researchers shall contact a veterinarian immediately for treatment advice if possible. Whenever practicable, and in consultation with a veterinarian if possible, injured animals should be transferred to animal care or rehabilitation facilities and allowed an appropriate period of recovery before return to the wild. All turtles must be handled according to procedures specified in 50 CFR 223.206(d)(1)(i).

If a veterinarian cannot be contacted and the animal cannot be taken to a rehabilitation center, researchers shall cease any activities that will further stress the animal, allow it to recuperate as conditions dictate, and return the animal to the sea.
 - ii. Turtles are to be protected from temperature extremes of heat and cold, provided adequate air flow, and kept moist during sampling. Turtles will be placed on pads for cushioning and this surface will be cleaned and disinfected between turtles. The area surrounding the turtle may not contain any materials that could be accidentally ingested.
 - iii. During release, turtles shall be lowered as close to the water's surface as possible to prevent potential injuries.

iv. The Permit Holder, Principal Investigator, Co-investigator(s), or Research Assistant(s) acting on the Permit Holder's behalf shall carefully observe newly released turtles and record observations on the turtle's apparent ability to swim and dive in a normal manner.

f. Biopsy sampling:

Turtles brought on-board the vessel for sampling:

- i. Sterile techniques must be used at all times. Samples shall be collected from the trailing edge of a rear flipper. The tissue surface shall be thoroughly swabbed once with both Betadine and alcohol, sampled, and then thoroughly swabbed again with just Betadine. New clean and adequate sized swabs (e.g., cotton) shall be used on each animal. The procedure area and hands shall be clean.
- ii. A new biopsy punch shall be used on each turtle. No more than two biopsies shall be collected per animal.

Turtles too large to bring on-board for sampling:

- i. Samples may be collected from anywhere on the limbs or neck using a biopsy pole. Samples may be collected from the carapace of a leatherback turtle if necessary.
- ii. Researchers shall not sample the turtle's head, the nerve bundles high on the shoulders near the carapace, or the heavily vascularized "armpit" areas.

If it can be easily determined (through markings, tag number, etc.) that a sea turtle has been recaptured by the fisheries and has been already sampled under the activities authorized by this permit, no further biopsy samples shall be collected from the animal.

g. **Transfer of Biological Samples:** The transfer of any biological samples from the Permit Holder to researchers other than those specifically identified in the application requires written approval from NMFS. The terms and conditions concerning any samples collected under this authorization remain in effect as long as the Permit Holder maintains authority and responsibility of the material taken.

h. **Transport and Holding:**

- i. Turtles are to be transported via a climate-controlled environment, protected from temperature extremes, and kept moist. Turtles shall be placed on pads for cushioning. The area surrounding the turtle may not contain any materials that could be accidentally ingested.
- ii. Turtles transported to a facility and held (e.g., for rehabilitation) must be maintained and cared for under the "Care and Maintenance Guidelines for Sea Turtles Held in Captivity" issued by the U.S. Fish and Wildlife Service or if in the State of Florida, following Florida Fish and Wildlife Conservation Commission Sea Turtle Conservation Guidelines, Section 4, Holding Turtles in Captivity.
- i. Leatherback turtles shall not be turned on their backs. Field and laboratory observations indicate that leatherbacks have more friable skin and softer bones than hardshell turtles which tend to be hardier and less susceptible to trauma. Extra care shall be exercised when handling, sampling and releasing leatherbacks. Precautions shall be taken to ensure that animals are supported from underneath during release.
- j. Compromised or Injured Sea turtles: The Permit Holder may conduct the activities authorized by this permit on compromised or injured sea turtles, but only if the activities will not further compromise the animal. Care shall be taken to minimize handling time and reduce further stress to the animal. Compromised or injured sea turtles shall not be handled or sampled by other permit holders working under separate research permits if their activities would further compromise the animal.
- k. Expiration Date: Researchers may conduct activities authorized by this permit through June 30, 2011.

C. Reporting Requirements

- 1. Annual Reports: Each year the permit is valid, the Permit Holder must submit an annual report by March 31 for reporting period January 1 to December 31 describing the specific activities that have been conducted. However, because the start date is July 1, the first report will be for only a 6 month period ending in Dec. 31, 2006. The annual report must be both tabular and narrative in nature, and follow the format, in the blank table attached to this permit.

Reports must include:

- a. a detailed description of activities conducted under this permit, including the species and total number of ESA-listed animals taken, the manner of take, and the dates/locations of take;
 - b. any preliminary analyses of the data;
 - c. measures taken to minimize disturbance to ESA-listed species and the effectiveness of these measures, a description of any problems and/or unforeseen effects which may have arisen during the research activities, and a brief narrative of the circumstances surrounding ESA-listed species injuries or mortalities, when appropriate; and
 - d. steps that have been and will be taken to coordinate the research with that of other researchers, and a description of the activities planned for the forthcoming year.
2. This permit may be revoked if annual reports are not received in a timely manner.
 3. Final Report: The Permit Holder must submit a final report within one hundred eighty (180) days of the expiration of this permit summarizing the results of the research and the success of the research relative to its goals.
 4. Reports must be submitted to the Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, SSMC 3, 1315 East-West Highway, Silver Spring, MD 20910, (tel: 301-713-2289, fax: 301-713-0376).

D. Notification Requirements

1. For NMFS to coordinate activities authorized herein with other research that may be occurring in the same area, the Permit Holder must notify the following offices at least two weeks prior to initiation of the research. This notification must include specific dates, locations, and participants (*i.e.*, all CIs and Research Assistants) involved in the study:

Assistant Regional Administrator for Protected Resources, Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701 (tel: 727-824-5312, fax 727-824-5309).

E. General Conditions

1. The Permit Holder is ultimately responsible for all activities of any individual who is operating under the authority of the permit. The Principal Investigator (PI) shares this responsibility.

2. CIs are individuals identified by the Holder or PI, and approved by NMFS, who are qualified to conduct research activities authorized by the permit without the on-site supervision of the Holder or PI.
 - a. Restrictions: Only the Holder, PI, or CI(s) may conduct the research activities authorized by this permit. The qualifications and experience of the CI(s) must be commensurate with his/her assigned responsibilities. Only the Holder or PI may request modifications to add or remove CIs.
 - b. Co-investigators: The Principal Investigator may designate co-investigators, provided that a copy of the letter designating the individual to conduct the activities authorized herein, and a copy of the individual's curriculum vitae is provided to the Permits, Conservation and Education Division by facsimile on the day of designation and confirmed by mail.
 - c. All CIs must be trained by the SEFSC [Miami] Sea Turtle Program before participating in research authorized by this permit.
3. Should NMFS determine that a procedure provided for under this permit is no longer acceptable, the Permit Holder must immediately cease such activity until NMFS determines an acceptable substitute procedure.
4. The Permit Holder, Principal Investigator, Co-investigators or Research Assistants acting on the Permit Holder's behalf must possess a copy of this permit when conducting the activities for which take of ESA-listed species is authorized herein.
5. The Permit Holder may not transfer or assign this permit to any other person, as person is defined in Section 3(12) of the ESA. This permit ceases to be in force or effective if transferred or assigned to any other person without prior authorization from NMFS.
6. The Permit Holder must obtain any other Federal, state, and local permits/authorizations necessary for the conduct of the activities provided for in this permit. In addition, before taking ESA-listed species in the territorial waters of a foreign country, the Permit Holder must secure consent from, and comply with the appropriate laws of that country.
7. Any personnel working under the permit that require Federal or state licenses to practice their profession must be duly licensed under the appropriate law.

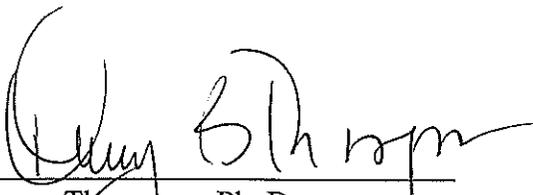
8. The Permit Holder must coordinate with other researchers to ensure that no unnecessary duplication and/or adverse cumulative effects occur as a result of the Permit Holder's activities.
9. The Permit Holder must allow any NMFS employee(s) or any other person(s) designated by NMFS to accompany field personnel during the activities provided for in this permit. The Permit Holder must allow such person(s) to inspect the Permit Holder's records and facilities if such records and facilities pertain to ESA-listed species covered by this permit or NMFS' responsibilities under the ESA.
10. The NMFS Office of Protected Resources may amend the provisions of this permit after reasonable notice to the Permit Holder.
11. Any falsification of annual reports or records pertaining to this permit is a violation of this permit.
12. The Permit Holder, in signing this permit, has accepted and will comply with the provisions of this permit, applicable regulations (50 CFR 222), and the ESA.

F. Penalties and Permit Sanctions

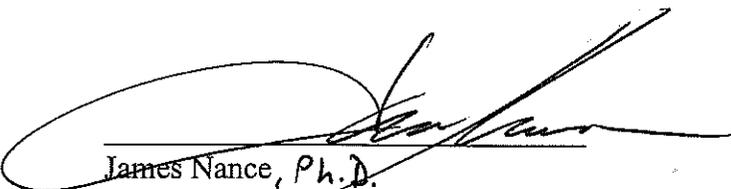
1. Any person who violates any provision of this permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the ESA and 15 CFR part 904 [Civil Procedures].
2. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.


James H. Lecky
Director
Office of Protected Resources
National Marine Fisheries Service

Date MAR 31 2006


Nancy Thompson, Ph. D.
Responsible Official

Date 4/10/2006


James Nance, Ph. D.
Principal Investigator

Date 4/14/2006

Reported Take

Please use this or a similar table to specify types and numerical results of annual take for listed species during individual research or enhancement activities. Please use a separate table for each discrete project or location. Be sure to group take profiles so that when added up it equals the total number of take that occurred. For example, if you captured 50 green turtles and you attached transmitters to 5 of them, enter 45 green turtles for captured, handled, and released, and 5 for captured, handled, attached transmitter, and released.

Applicant: _____

Location/Project: _____

<u>Number of individuals</u>	<u>Species and/or Population/DPS and/or ESU</u>	<u>Life Stage¹</u>	<u>Sex²</u>	<u>Origin³</u>	<u>Take Activity Category⁴</u>	<u>Location⁵</u>	<u>Date(s)⁶</u>	<u>Details</u>

1. Such as: hatchling, juvenile, immature, adult, etc. (also note if live or dead)
2. If known
3. If applicable, note if the species to be taken are naturally-produced (wild) or artificially-propagated (hatchery).
4. Such as observe/harass; collect for transport (including rescue/salvage); capture, handle, and release; capture, handle, tag, mark, tissue sample, and/or other invasive procedure, and release; intentional lethal take (direct mortality); unintentional lethal take (indirect mortality); removal (e.g., for broodstock collection); Other take (specify).

5. If more specific than project as a whole.
6. If more specific than project as a whole.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

**National Marine Fisheries Service
Highly Migratory Species Management Division**

Permit Number: HMS-EFP-06-03

Effective Dates: Date of Issuance through December 31, 2006

Authorized Activity/ Purpose of Exempted Activity: for NMFS or any NMFS-approved observer to bring aboard and possess, for scientific research purposes (e.g., vertebral centra or spines, otoliths, gonads and stomachs, etc.), any Atlantic swordfish, Atlantic shark, or Atlantic billfish, provided the fish was either a dead recaptured, tagged fish, or was dead prior to being brought aboard. NMFS or NMFS-approved observers must carry a copy of the EFP for valid collection of scientific specimens.

Authorized Sampler(s): John Carlson, Dana Bethea, Lorraine Hale, Philip Smith, Armando Sanitago, Bill Habich, Sasha Cushner, Ben Westrope, Simon Gulak, and any NMFS or NMFS-approved observer aboard a bottom longline or gillnet vessel.

Authorized Vessel(s): Any bottom longline, pelagic longline or gillnet vessel with a NMFS or NMFS-approved observer onboard.

Authorized Area(s)/Timing of Exempted Activity: In Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

Authorized Gear(s)/Amount of Gear: Most fish will be caught on bottom longline and gillnet gear; some fish may be caught on pelagic longline. The bottom longline gear will vary regionally, but will normally consist of 9.3 – 27.8 kilometers (km) of longline with 500 to 1500 hooks. Both nylon and monofilament gillnets are used that are between 275 to 1,800 meters (m) in length and 3.2 to 4.1 m in depth with stretched mesh from 12.7 to 29.9 centimeters (cm). The typical gear used by pelagic longline vessels is 800-1000 lb test monofilament mainlines set at lengths of 20-30 nautical miles. There are typically 400-900 circles hooks (sizes 18/0 or 16/0) deployed per set which are fished at depths of 18-84 meters for soak times of 10-20 hours, depending on the species of fish targeted.

Authorized Species/Numbers of Fish: no more than 100 north Atlantic swordfish; 20 billfish; and 200 sharks

Regulatory Exemptions (CFR Citation, Summary Text): 50 CFR Part 635.20 (d)(1), which sets the minimum size limit for blue marlin; 50 CFR Part 635.20 (d)(2), which sets the minimum size limit for white marlin; 50 CFR Part 635.20 (d)(3), which sets the minimum size limit for sailfish; 50 CFR Part 635.20 (f)(1), which sets the minimum size limit for Atlantic Northern swordfish; 50 CFR Part 635.20 (f)(2), which requires documentation for undersized swordfish; 50 CFR Part 635.21 (e)(2)(i), which prohibits bottom longline, gillnet, and pelagic longline vessels from possessing blue and white marlin; 50 CFR Part 635.21 (e)(2)(ii), which prohibits bottom longline, gillnet, and pelagic longline vessels from possessing sailfish; 50 CFR Part 635.21 (e)(4)(ii), which prohibits gillnet vessels from possessing swordfish; 50 CFR Part 635.21 (e)(4)(iv), which prohibits vessels without a limited access north Atlantic swordfish permit from possessing swordfish; 50 CFR Part 635.24 (a), which limits the commercial retention of catch for shark LAP holders; 50 CFR Part 635.24 (b), which limits the commercial retention of incidental catch for ILAP or LAP for North Atlantic swordfish; 635.27 (b)(1), which limits the commercial quotas, fishing seasons, and prohibited species of Atlantic sharks; 50 CFR Part 635.30 (b) which prohibits the removal of the head and/or tail of blue and white marlin before offloading; 50 CFR Part 635.30 (c)(2), which prohibits the filleting of sharks at sea; 50 CFR Part 635.30 (d) which prohibits the removal of the head and/or tail of swordfish before offloading; and any prohibitions in 635.71 relating to the above exemptions. There are NO exemptions for BLL vessels from Mid-Atlantic shark closure. There are NO exemptions for PLL vessels from any time/area closures for PLL gear.



Quota Requirements/Notes: Any mortalities associated with this authorized activity will be counted against the appropriate quota. Under this EFP, up to a total of 200 sharks may be retained. This represents approximately 0.15% of the annual 60 metric ton whole weight (mt ww) EFP/display quota, which if combined with the percentages from other EFPs issued for calendar year 2006, cumulatively equals less than 1% of the annual 60 mt ww quota to date. All other species will be counted against the appropriate quotas.

Terms and Conditions:

Please note that this permit in no way confers any right to collect/harvest species in waters under state jurisdiction. The appropriate state fish and wildlife agency must be contacted regarding any collection in state waters, as separate state permits may be required for collection/harvest in state waters.

- **Limitations on Collection/Harvest**

Collections/Harvests are authorized only where authorized samplers (listed above) are present on the authorized vessels (listed above). No third-party collectors are authorized under this permit. A copy of this permit must be available for inspection aboard the authorized vessel while conducting the authorized activity.

No fish, or any parts thereof, may be purchased, bartered, sold, or used for other than scientific purposes.

State-owned, research, NMFS or Coast Guard vessels operating under the auspices of this EFP are not required to have current HMS fishing permits. However, authorized samplers must be aboard these types of vessels; they are bound by the terms and conditions of this EFP; and they must be fishing according to the research objectives of this EFP. Any fish landed on these vessels are not allowed to be bartered or sold at any time, but may be either disposed of by the authorized samplers through the Second Harvest Food Donation Program or used for scientific research.

- **Reporting Requirements**

For all species caught, an Interim Report form must be filled out with the information specified and mailed within 5 days of the collection to the HMS Management Division. An Annual Report is required within 30 days of the expiration date of this permit. For months when no animals are collected, either in or outside the Exclusive Economic Zone (EEZ), an Interim Report form indicating "no catch" must be submitted within 5 days of the end of that month to the Highly Migratory Species Management Division. Copies of both the Interim and Annual Report Forms are enclosed for your use in meeting these reporting requirements (electronic forms may be requested). *Please do not submit your own form to meet these reporting requirements.* Reports must be submitted to the Highly Migratory Species Management Division, National Marine Fisheries Service, F/SF1, 1315 East-West Highway, Silver Spring, Maryland 20910. This information will be incorporated into future stock assessments.

- **Sea Turtle Safe Handling/Release/Resuscitation Requirements**

A placard that outlines the Sea Turtle Safe Handling and Release Guidelines is enclosed and must be posted in the wheelhouse of the authorized vessel. If additional placards are required, please call (301) 713-2347 to request them. Resuscitation requirements for sea turtles must also be followed when conducting the authorized activity and these requirements are outlined in 50 CFR 223.206. All authorized samplers and vessels (listed above) are encouraged to comply with Sea Turtle Safe Handling and Release Guidelines as published in the Federal Register (69 FR 40734) on July 6, 2004.

Informational Contact(s):

Applicant's Name: John Carlson

Phone: 850-234-6541 ext 221

NMFS Staff/Phone: Jackie Wilson/Heather Stirratt

Phone: 301-713-2347


John H. Dummigan, Director
Office of Sustainable Fisheries

12/20/05
Date

FROM :

FAX NO. : 7278245309

Jun. 15 2005 11:32AM P1



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE

MEMORANDUM FOR: John Carlson, Ph.D.

JUN 15 2005

FROM: Shelley Norton

SUBJECT: Clarification of Incidental take coverage for the tagging and handling of smalltooth sawfish in the Atlantic shark fisheries (commercial shark bottom longline and drift gillnet fisheries and recreational shark fisheries) under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and the Proposed Rule or Draft Amendment 1 to the IIMS FMP, July 2003.

NOAA's National Marine Fisheries Service (NMFS) 2003 biological opinion for Draft Amendment 1 to the Highly Migratory Species Federal Management Plan stated that "NOAA Fisheries F/SF1 shall ensure that monitoring of Atlantic shark fisheries will: (1) estimate the total effort levels in this fishery in order to provide accurate estimates of sea turtle and smalltooth sawfish bycatch; (2) detect adverse effects resulting from these fisheries; (3) assess the actual level of incidental take in comparison with the anticipated incidental take specified in this opinion; (4) detect when the level of anticipated incidental take is exceeded; (5) collect improved data from each protected species encountered; and (6) determine the effectiveness of reasonable and prudent measures (RPM) and their implementing terms and conditions" as one of the reasonable and prudent measures necessary and appropriate to minimize impacts to sea turtles and smalltooth sawfish.

As stated in the terms and conditions section (Term and condition #3) relating to RPM 2 in the biological opinion, NMFS observers "must record information on the condition of sea turtles, smalltooth sawfish, and marine mammals when released, as well as describe in detail the interaction with the gear (e.g., for longline interactions: whether hooked or entangled; where, and to what extent; whether hooks and lines are removed; and how much gear remains on the animal). Photographs must be taken to confirm species identity and release condition. Collection of these data are critical to accurately monitor incidental take levels and assess mortality levels of sea turtles and smalltooth sawfish in this fishery. NOAA Fisheries must ensure that when protected species are taken, dealing with each animal (e.g., resuscitating, tagging/scanning for tags, collecting a full suite of samples and releasing, etc.) must be the observer's sole priority." Tagging, measuring, reporting the location of the interaction, and the post-release condition of the animals taken are all consider activities covered under the terms and conditions of the biological opinion.

If smalltooth sawfish are taken by the fishery the animals should be removed from the gear using draft handling guidelines established by the smalltooth sawfish recovery team. The guidelines include for sawfish caught in the bottom longline fishery; if hooked, the



FROM :

FAX NO. : 7278245309

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sawfish will kept in the water as much as possible, especially the gills, the line will be untangled if it is wrapped around the saw or any other part of the body, the line will be cut as close to the hook as possible. If tangled in a net, the sawfish will be kept in the water as much as possible, especially the gills, the net will be cut to allow for the release of the sawfish. Observers will note hook location, severity of injury (if any), and provide a general assessment of the condition of the sawfish upon release.

Pop-up satellite archival tags (PSAT) will be attached to sawfish by an assembly composed of 16 cm of 400-pound test monofilament fishing line attached to a large hydroscopic, surgical-grade nylon intramuscular tag anchor according to the method of Graves et al. (2002). Anchors will be implanted with 10-cm stainless steel applicators attached to 0.3-m, 1-m, or 2-m tagging poles (the length of the tagging pole varied depending on the distance from a boat's gun-whales to the water) and will be inserted approximately 8 cm deep into an area just posterior to the origin of the dorsal fin. This procedure is widely used for other large marine teleosts (Block et al. 1998) and does not appear to impose any major impediment to the animal.

Prior to the issuing of pop-up satellite archival tags, a training workshop will be held at the Panama City Laboratory with scientists, observers, and members of the NMFS sawfish recovery team to discuss logistics and data processing. Both the shark gillnet fishery and shark bottom longline observer program are currently administered by the Panama City Laboratory. NMFS contract observers from both fisheries will be trained in PSAT technology, and the processing and handling of sawfish during the workshop. Observers in both fisheries will be issued PSAT tags and tags will be carried with normal observer kits on all fishing trips.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

EXEMPTED FISHING PERMIT HMS-EFP-06-03 AMENDMENT 1

Pursuant to 50 CFR 635.32 and consistent with 50 CFR 600.745, the Director, Office of Sustainable Fisheries, National Marine Fisheries Service authorizes the amendment of HMS-EFP-06-03. The Exempted Fishing Permit (EFP), HMS-EFP-06-03, was issued to Dr. John Carlson of the Southeast Bottom Longline and Gillnet Observer Program to allow any National Marine Fisheries Service (NMFS) or NMFS-approved observer to bring aboard and possess, for scientific research purposes (e.g., vertebral centra or spines, otoliths, gonads and stomachs, etc.), any Atlantic swordfish, billfish, or shark, provided the fish was either a dead recaptured tagged fish, or was dead prior to being brought aboard. HMS-EFP-06-03 is hereby amended to extend the expiration date from December 31, 2006, until February 28, 2007.

This action does not change any other of the requirements, intent or substance of the original Authorization, which remain in effect.

Alan Risenhoover, Director
Office of Sustainable Fisheries

Date