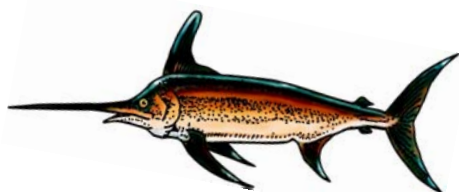


*Science, Service, Stewardship*

# **HMS Dealer and Importer/Exporter Compliance Guide**

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

Office of Sustainable Fisheries  
Highly Migratory Species  
Management Division



(As of August 16, 2010)



## Introduction to the Atlantic Highly Migratory Species (HMS) Management Division



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.

This document is meant to provide a summary of Atlantic HMS Dealer and Importer/Exporter regulations per the 2006 Consolidated HMS Fishery Management Plan (FMP). This Dealer and Importer/Exporter Guide amends all dealer and importer/exporter sections of 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 Federal regulations for Atlantic tunas, swordfish, sharks, and billfish.

Since regulations frequently change, it is ***your responsibility as a dealer*** to become familiar with the latest regulatory updates and to comply with the current official regulations. For a comprehensive list of updated Atlantic HMS regulations, please refer to the ELECTRONIC CODE OF FEDERAL REGULATIONS (<http://ecfr.gpoaccess.gov>). **If there is a discrepancy between this summary and the regulations in 50 CFR part 300 subpart M or 50 CFR part 635, the regulations will take precedence.**

Anyone who is a first receiver for **Atlantic sharks** must have a Federal Atlantic Shark Dealer permit. A first receiver, as defined in § 635.2, is any entity, person, or company that takes, for commercial purposes (other than solely for transport), immediate possession of the fish, or any part of the fish, as the fish are offloaded from a fishing vessel of the United States, as defined under § 600.10 of this chapter, whose owner or operator has been issued, or should have been issued, a valid permit under this part. Prior to renewing or obtaining a Federal Atlantic Shark Dealer permit, the dealer or their proxy must have attended an **Atlantic Shark Identification** workshop and obtained a workshop certificate as proof of completing the workshop (see Section III for workshop information). Anyone who receives **Atlantic swordfish** from U.S. vessels must have a Federal Atlantic Swordfish Dealer permit. Federal Atlantic shark and swordfish dealer permits can be obtained by calling the NMFS Southeast Region Permit Office (727) 824-5326 <http://sero.nmfs.noaa.gov/permits/permits.htm>. Anyone who receives **Atlantic tunas** (bluefin, bigeye, albacore, yellowfin, or skipjack tunas) from U.S. vessels must have a Federal Atlantic tunas dealer permit. Federal Tuna Dealer permits can be obtained by calling the NMFS Northeast Regional Office (978) 281-9370 <http://www.nero.noaa.gov/permits>. **NOTE:** The purchase or sale of **Atlantic billfish** is **prohibited**.

An **HMS International Trade Permit** (ITP) is required to lawfully import, export, or re-export Atlantic bluefin tuna, Southern bluefin tuna, Pacific bluefin tuna, frozen bigeye tuna, swordfish, and shark fins. The HMS ITP may be obtained from the NMFS Southeast Region Permit Office (727) 824-5326 <http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm>.

For updates affecting HMS Dealers and Importers/Exporters, please call the HMS Management Division at (301) 713-2347, or visit the HMS website at [www.nmfs.noaa.gov/sfa/hms](http://www.nmfs.noaa.gov/sfa/hms). To stay up-to-date on HMS regulations, sign-up for the HMS email newsletter and listserv *Atlantic HMS News* at <http://www.nmfs.noaa.gov/sfa/hms/newslst/>.

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## **I. PERMITS**

### **ATLANTIC TUNAS**

Atlantic tuna dealers must obtain a Federal Atlantic Tunas Dealer permit in order to receive, purchase, trade for, or barter for Atlantic bluefin, bigeye, albacore, yellowfin, and skipjack tunas from a vessel. Atlantic Tunas Dealer Permits are available from the NMFS Northeast Regional Office at <http://www.nero.noaa.gov/permits/forms.html> or by calling (978) 281-9370, and are valid for one year.

### **ATLANTIC SHARKS**

The Federal Atlantic Shark Dealer permit is required for any entity, person, or company that is the “first receiver” of any Atlantic shark or part of an Atlantic shark. A first receiver, as defined in 50 CFR 635.2, is any entity, person, or company that takes, for commercial purposes (other than solely for transport), immediate possession of the fish, or any part of the fish, as the fish are offloaded from a fishing vessel of the United States, as defined under 50 CFR 600.10, whose owner or operator has been issued, or should have been issued, a valid permit under this part. Atlantic shark dealer permits are available from the NMFS Southeast Regional Permits Office at (727) 824-5326, and are valid for one year. <http://sero.nmfs.noaa.gov/permits/permits.htm>

### **ATLANTIC SWORDFISH**

Atlantic swordfish dealers must obtain a Federal Atlantic Swordfish Dealer permit in order to receive, purchase, trade for, or barter for Atlantic swordfish from a vessel. Atlantic swordfish dealer permits are available from the NMFS Southeast Regional Permits Office at (727) 824-5326, and are valid for one year. <http://sero.nmfs.noaa.gov/permits/permits.htm>

### **ATLANTIC BILLFISH**

Atlantic billfish, including blue and white marlin, sailfish, and spearfish may **not** be sold, traded, or bartered anywhere in the United States.

### **INTERNATIONAL TRADE PERMIT**

The HMS International Trade permit (ITP) is required for importers, exporters, and re-exporters of Atlantic bluefin tuna, Southern bluefin tuna, Pacific bluefin tuna, frozen bigeye tuna, swordfish, and shark fins. International Trade Permits are available from the NMFS Southeast Regional Permits Office at (727) 824-5326, and are valid for one year. <http://sero.nmfs.noaa.gov/permits/permits.htm>

## **II. TUNAS**

### **REPORTING REQUIREMENTS**

Bi-weekly reports must be completed by all dealers that receive Atlantic bluefin, bigeye, albacore, yellowfin, and skipjack tuna. Bi-weekly report forms are distributed to dealers along with, or shortly after, their permits. Bluefin tuna biweekly reports may be obtained at the following website: [http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting\\_forms.htm](http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting_forms.htm) (scroll down to “Dealers”), or by emailing [BFTReporting@noaa.gov](mailto:BFTReporting@noaa.gov). For information on additional reporting forms for bigeye, albacore, yellowfin and skipjack (BAYS) tunas, see below.

Bi-weekly reports for any Atlantic tunas that are received by a permitted Atlantic tunas dealer between the 1<sup>st</sup> and 15<sup>th</sup> of each month must be completed and received by the appropriate NMFS office by the 25<sup>th</sup> of that month. Bi-weekly reports for tunas received between the 16<sup>th</sup> and the last day of each month must be completed and received by the appropriate NMFS office by the 10<sup>th</sup> day of the following month. **NOTE:** If no BAYS tunas were received during a reporting period, dealers must still submit a report stating none of these tuna species were received for that period (*i.e.*, “no fish” requirement). This “no fish” requirement does **not** apply to bluefin tuna dealers.

Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.

### **BAYS tuna – Southeast region**

Dealers located in the Southeast Region (North Carolina through Texas, Puerto Rico, and the U.S. Virgin Islands) must fax (305) 361-4460, electronically send ([Heather.Balchowsky@noaa.gov](mailto:Heather.Balchowsky@noaa.gov)), or mail completed reports to NMFS at the Southeast Fisheries Science Center, 75 Virginia Beach Dr. Miami, FL 33149, or in the pre-addressed envelopes included with reporting supplies.

Additional reporting forms for the dealers in the Southeast Region can be obtained at the following website: <http://www.sefsc.noaa.gov/flsformsdownload.jsp> under “Dealer Logbook Forms” and selecting “HMS\_Dealer.pdf” (bottom of the page), or by contacting the NMFS Southeast Fisheries Science Center at (305) 361-4581.

### **BAYS tuna – Northeast region**

Dealers located in the Northeast Region (Virginia through Maine) may utilize several methods to submit their information. Dealers that have another Federal permit issued by the Northeast Regional Office (NERO), and are required to report electronically, must also report all landed fish through any of the approved electronic reporting methods (to NERO or SAFIS). Atlantic tunas dealers that do not also have a NERO dealer permit must submit a bi-weekly report to their local port office.

Additional reporting forms for dealers in the Northeast Region can be obtained

by contacting their local port office or by email to: [reporting.ne@noaa.gov](mailto:reporting.ne@noaa.gov).

### **Bluefin tuna – Landings reports and tags**

In addition to biweekly reports, Atlantic tuna dealers must submit a daily landing report to NMFS for each bluefin tuna that is received from a U.S. vessel authorized to harvest Atlantic tunas. Daily landing reports can be obtained from the Northeast Regional Office (NERO) by emailing [BFTRreporting@noaa.gov](mailto:BFTRreporting@noaa.gov) or calling (978) 281-9260. Landing reports must be submitted via fax to (978) 281-9393 and must be received by NMFS no later than 24 hours after a dealer receives a bluefin tuna. Landing reports must indicate both the permit number and name of the vessel that landed the bluefin tuna and be signed by the vessel operator/owner.

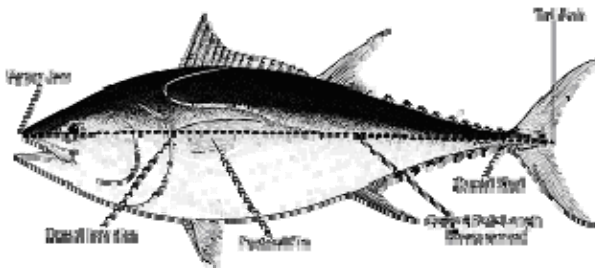
NMFS will issue numbered dealer tags to each permitted Atlantic tuna dealer. One of these tags must be affixed to each bluefin tuna immediately after offloading. Tags must be attached the bluefin tuna between the fifth dorsal finlet and the caudal keel, and must remain on the bluefin tuna until the fish is cut into portions.

### **Bluefin tuna – import, export, and re-export**

See Section VI – Importing, Exporting, and Re-Exporting HMS

### **RESTRICTIONS**

Dealers may only receive Atlantic bluefin tuna  $\geq 73$ " curved fork length (CFL, see below) from permitted U.S. vessels fishing in the Atlantic, Gulf of Mexico, or Caribbean Sea. Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.



Curved Fork Length (CFL)

### **III. SHARKS**

#### **REPORTING REQUIREMENTS**

Bi-weekly reports must be completed by all federally permitted dealers that receive Atlantic sharks. Reporting forms are distributed to Atlantic shark dealers following the receipt of their permits. For information on additional reporting forms, see below.

Bi-weekly reports for any Atlantic sharks that are received by a permitted Atlantic shark dealer between the 1<sup>st</sup> and 15<sup>th</sup> of each month must be completed and received by the appropriate NMFS office by the 25<sup>th</sup> of that month. Bi-weekly reports for sharks received between the 16<sup>th</sup> and the last day of each month must be completed and received by the appropriate NMFS office by the 10<sup>th</sup> day of the following month. **Please note that a checkbox has been added to the dealer reports which require dealers to indicate whether sharks were landed with their fins naturally attached through landing and offloading.** Shark dealer reports **must** be species-specific and report carcass weights and fin weights separately on the dealer reporting form. In cases where different dealers handle the fins and the shark meat, either the report required in §635.5 or the weighout slip required in §635.5 (a)(2) must indicate which part of the sharks being landed (e.g., fins or meat) was handled by the dealer submitting the report. **NOTE:** If no sharks were received during a reporting period, dealers must still submit a report stating no shark species were received for that period (*i.e.*, “no fish” requirement).

Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.

Atlantic states (Maine through Florida) require all state dealers to obtain a Federal Shark Dealer permit per the Atlantic States Marine Fisheries Commission (ASMFC) Shark Plan. For more information on the ASMFC Shark Plan, visit [www.asmfc.org](http://www.asmfc.org) or call (202) 289-6400.

#### **Southeast region**

Dealers located in the Southeast Region (North Carolina through Texas, Puerto Rico, and the U.S. Virgin Islands) must fax (305) 361-4460, electronically send ([Heather.Balchowsky@noaa.gov](mailto:Heather.Balchowsky@noaa.gov)), or mail completed reports to NMFS at the Southeast Fisheries Science Center, 75 Virginia Beach Dr. Miami, FL 33149, or in the pre-addressed envelopes included with reporting supplies.

Additional reporting forms for the dealers in the Southeast Region can be obtained at the following website: <http://www.sefsc.noaa.gov/flsformsdownload.jsp> under “Dealer Logbook Forms” and selecting “HMS\_Dealer.pdf” (bottom of the page) or by contacting the NMFS Southeast Fisheries Science Center at (305) 361-4581.

#### **Northeast region**

Dealers located in the Northeast Region (Virginia through Maine) may utilize several methods to submit their information. Dealers that have another Federal

permit issued by the Northeast Regional Office (NERO), and are required to report electronically, must also report all landed fish through any of the approved electronic reporting methods (to NERO or SAFIS). Atlantic shark dealers that do not also have a NERO dealer permit must submit a bi-weekly report to their local port office.

Additional reporting forms for dealers in the Northeast Region can be obtained by contacting their local port office or by email to: [reporting.ne@noaa.gov](mailto:reporting.ne@noaa.gov).

## **RESTRICTIONS**

Federal shark dealers cannot receive the following prohibited shark species from any federally-permitted vessel.

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

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

A dealer may not purchase shark fins from an owner or operator of a fishing vessel issued a Federal Atlantic commercial shark permit who lands shark in an Atlantic coastal port, unless such fins are naturally attached to the corresponding carcass through landing and their combined wet weight is less than five percent of the dressed weight of the corresponding carcass(es).

### **Sandbar sharks**

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

Vessels that possess only a state permit and **do not** have a Federal directed or incidental shark permit and were fishing in accordance with state regulations



may also be authorized to possess sandbar sharks, depending on the state.

### **Non-sandbar LCS**

Federally permitted dealers can only buy 33 non-sandbar LCS sharks per vessel per trip from fishermen with a federal directed shark limited access permit and 3 non-sandbar LCS per vessel per trip from a fishermen with federal incidental shark limited access permit **if** their facility is located in a region that is open. Federally permitted dealers who also possess the appropriate state dealer permits can buy non-sandbar LCS sharks from fishermen who do not have a Federal shark limited access permit **if** the fishermen fish exclusively in state waters and are following state regulations.

**NOTE:** Atlantic states (Maine through Florida) mirror federal shark regulations per the Atlantic States Marine Fisheries Commission (ASMFC) Shark Plan. Visit [www.asmfc.org](http://www.asmfc.org) or call (202) 289-6400 for more information.

### **Shark Fins - import, export, and re-export**

See Section VI Importing, Exporting, and Re-Exporting HMS

### **WORKSHOPS**

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

**Shark dealer proxies** are persons employed at a location that first receives sharks under a shark dealer permit. This proxy must be the primary participant in identification, weighing, and/or first receiver of fish as they are offloaded from the vessel. The proxy must also be involved in completing dealer reports. If a dealer opts to send a proxy to the workshop, the dealer must designate at least one proxy from each place of business listed on the dealer permit which first receives Atlantic sharks.

Persons holding an expired Atlantic shark dealer permit, and persons who intend to apply for a new Atlantic shark dealer permit, will be issued a “participant” certificate in their name upon successful completion of the Atlantic shark identification workshop. A participant certificate may be used only to apply for an Atlantic shark dealer permit. An Atlantic shark dealer may not first receive, purchase, trade, or barter for Atlantic shark without a valid “dealer” or “proxy” Atlantic shark identification workshop certificate issued to the dealer or proxy. After an Atlantic shark dealer permit is issued to a person using an Atlantic shark identification workshop participant certificate, such person may obtain an Atlantic shark identification workshop dealer

certificate for each location which first receives Atlantic sharks by contacting NMFS at (727) 824-5399.

Atlantic Shark Identification workshops are scheduled quarterly and occur throughout the Atlantic and Gulf coast. More information on workshop locations and dates can be found on the workshops page of the HMS Management Division's webpage at <http://www.nmfs.noaa.gov/sfa/hms/>. To pre-register for the shark identification workshops, please call Eric Sander at (386) 852-8588 and fax a completed pre-registration form to Eric Sander at (386) 756-1756, attached in an email to [esander@peoplepc.com](mailto:esander@peoplepc.com), or bring the completed form with you to the workshop.

## **IV. SWORDFISH**

### **REPORTING REQUIREMENTS**

Bi-weekly reports must be completed by all federally permitted dealers that receive Atlantic swordfish from a vessel. Reporting forms are distributed to dealers following the receipt of their permits. For information on additional reporting forms, see below.

Bi-weekly reports for any Atlantic swordfish that are received by a permitted Atlantic swordfish dealer between the 1<sup>st</sup> and 15<sup>th</sup> of each month must be completed and received by the appropriate NMFS office by the 25<sup>th</sup> of that month. Bi-weekly reports for swordfish received between the 16<sup>th</sup> and the last day of each month must be completed and received by the appropriate NMFS office by the 10<sup>th</sup> day of the following month. **NOTE:** If no swordfish were received during a reporting period, dealers must still submit a report stating no swordfish species were received for that period (*i.e.*, “no fish” requirement).

Dealers must keep copies of all reports for a period of two years from the date that the report was required to be received by NMFS.

#### **Southeast region**

Dealers located in the Southeast Region (North Carolina through Texas, Puerto Rico, and the U.S. Virgin Islands) must fax (305) 361-4460, electronically send ([Heather.Balchowsky@noaa.gov](mailto:Heather.Balchowsky@noaa.gov)), or mail completed reports to NMFS at the Southeast Fisheries Science Center, 75 Virginia Beach Dr. Miami, FL 33149, or in the pre-addressed envelopes included with reporting supplies.

Additional reporting forms for the dealers in the Southeast Region can be obtained at the following website: <http://www.sefsc.noaa.gov/flsformsdownload.jsp> under “Dealer Logbook Forms” and selecting “HMS\_Dealer.pdf” (bottom of the page) or by contacting the NMFS Southeast Fisheries Science Center at (305) 361-4581.

#### **Northeast region**

Dealers located in the Northeast Region (Virginia through Maine) may utilize several methods to submit their information. Dealers that have another Federal permit issued by the Northeast Regional Office (NERO), and are required to report electronically, must also report all landed fish through any of the approved electronic reporting methods (to NERO or SAFIS). Atlantic swordfish dealers that do not also have a NERO dealer permit must submit a bi-weekly report to their local port office.

Additional reporting forms for dealers in the Northeast Region can be obtained by contacting their local port office or by email to: [reporting.ne@noaa.gov](mailto:reporting.ne@noaa.gov).

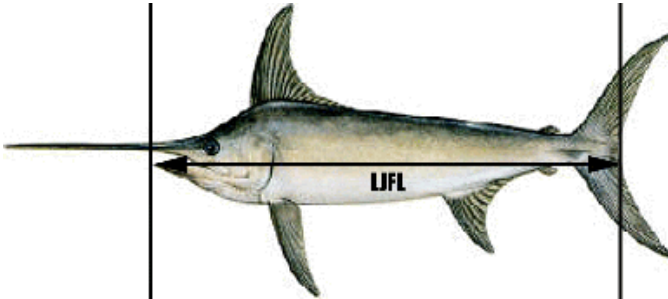
### **RESTRICTIONS**

From U.S. vessels, Atlantic swordfish dealers may only receive swordfish that are of the legal size limit for commercial swordfish. There are two permissible

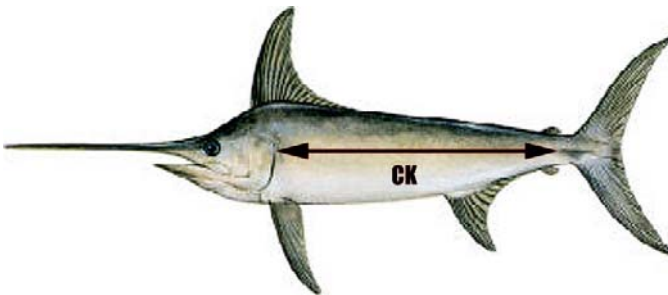
ways to measure swordfish for a minimum size requirement. Which of the measurements used to determine if a swordfish is of legal size depends on whether or not the head is naturally attached to the carcass.

If the head is naturally attached, the fish must be at least 47" (119 cm) lower jaw fork length (LJFL): Straight line measurement from the tip of the lower jaw to the fork of the tail.

If the head is removed prior to or at the time of landing, the fish must be at least 29" (73 cm) cleithrum to caudal keel (CK): Curved length measurement from cleithrum to caudal keel.



Lower Jaw Fork Length (LJFL)



Cleithrum to Caudal Keel (CK)

A dealer who holds an ITP (see section VI) may only import into the United States and Atlantic swordfish or parts of Atlantic swordfish that weigh at least 33 lb dw.

## **V. BILLFISH**

No Atlantic billfish may be purchased or sold.

Any Pacific billfish that does not remain in the state of landing, or any Pacific billfish that is imported, must be documented with a certificate of eligibility (COE) indicating that the fish is **not an Atlantic billfish**. The COE remains with the fish through commerce. Billfish COEs are available at the HMS Management Division's website at: [http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting\\_forms.htm](http://www.nmfs.noaa.gov/sfa/hms/Linkpages/reporting_forms.htm). A dealer permit is **not** required in order to buy Pacific billfish.

## **VI. IMPORTING, EXPORTING, AND RE-EXPORTING** **HMS**

### **INTERNATIONAL TRADE PERMIT**

Importers, exporters and re-exporters of Atlantic bluefin tuna, Southern bluefin tuna, Pacific bluefin tuna, frozen bigeye tuna, swordfish, and shark fins must obtain an HMS International Trade Permit (ITP). NMFS will mail renewal notification and a prefilled application approximately 60 days prior to when the permit is scheduled to expire.

ITP applications are available on the ITP homepage at: <http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm>. Applications can also be obtained from the NMFS Permits Team, Southeast Regional Office, 263 13th Avenue, South, St. Petersburg, FL 33701, or by calling (727) 824-5326.

An **importer** is the principal party responsible for the import of product into a country (see 50 CFR 300 subpart M). For imports into the United States, "importer" means the consignee as identified on entry documentation or any authorized, equivalent electronic medium required for release of shipments from the customs authority of the United States or the separate customs territory of a U.S. insular possession. If a consignee is not declared, then the importer of record is considered to be the consignee.

An **exporter** is defined as the principal party in interest, meaning the party that receives the primary benefit, monetary or otherwise, of the export transaction. For exports from the United States, the exporter is the U.S. Principal Party in interest, as identified in Part 30 of title 15 of the CFR. An exporter is subject to all of the requirements outlined in subpart M of Part 300 of title 50, even if exports are exempt from statistical reporting requirements under Part 30 of title 15 of the CFR.

A **re-export** is defined as the export of goods that were previously entered for consumption into the customs territory of a country.

### **ATLANTIC BLUEFIN TUNA**

HMS trade regulations for bluefin tuna apply to bluefin from both the Atlantic and Pacific oceans. The International Commission for the Conservation of

Atlantic Tunas (ICCAT) implemented a catch documentation program for bluefin tuna in 2008. The primary purposes of this program are to better account for landings of Atlantic bluefin tuna, particularly in the Mediterranean Sea, and to track bluefin tuna trade. The ICCAT bluefin tuna statistical document program that was previously in place has been completely replaced with the new ICCAT bluefin tuna catch document (BCD) program.

### **Importing Atlantic bluefin tuna**

Each consignment of Atlantic bluefin tuna imported into the United States must be accompanied by an approved, original, uniquely numbered, complete, and validated BCD issued by the country of the vessel that harvested the bluefin tuna (one vessel per BCD). **Please note that it is the importer's responsibility to ensure that each BCD for an imported consignment is complete and accurate.** Importers are **prohibited** from accepting an import that is not accompanied by an approved, original, complete, and validated BCD. The sections of the BCD that are completed for an imported bluefin tuna will depend upon whether the bluefin tuna was caught wild immediately prior to landing, or transferred through a farming operation. Full instructions for completing a BCD are available on the HMS ITP homepage listed above.

The following links may be helpful to importers in determining the validity of a BCD:

ICCAT IUU Vessel List <http://www.iccat.int/IUU.htm>

ICCAT Record Number <http://www.iccat.int/vesselsrecord.asp>

ICCAT Validation Authorities <http://www.iccat.int/SDP%20summary.htm>

The importer must sign the BCD at the bottom of the document and complete the Importer/Buyer's section of the document. The customs entry number and ITP (permit) number must be written in the upper right-hand corner of the document. A copy of the completed, signed document must be provided to NMFS within 24 hours of import. In addition, all necessary information must be included on a bi-weekly form which must be received by NMFS within 10 days after the end of the reporting period. Bi-weekly reports are available on the ITP homepage.

### **Exporting Atlantic bluefin tuna**

Each U.S. commercially-caught Atlantic bluefin tuna is required to be tagged by an Atlantic Tunas Dealer permit holder with a NMFS-issued tag and a BCD must accompany product for export or re-export. NMFS tagging regulations and associated permitting and reporting requirements simplify exporting requirements because BCDs for tagged fish do not need to be validated.

BCDs should be created and filed using the electronic reporting system available at <https://www.st.nmfs.noaa.gov/noaabcd/external/>. Exporters must use their ITP number and associated information to create a NOAA BCD account. After an account has been created, exporters can log into the system to generate BCDs for exporting.

The exporter should fill out a separate BCD for each vessel's catch. If the export consignment contains bluefin tuna captured by more than one vessel, then a separate BCD must be completed for the catch from each vessel. All information should be entered following the SYSTEM instructions. The exporter may need to contact the Atlantic Tunas Dealer permit holder who first received the bluefin to obtain vessel information such as the vessel's Atlantic Tunas Vessel Permit Number (ATVP No.) and the ICCAT Record Number (for vessels over 24 meters in length).

Paper export BCDs may also be used and can be downloaded from the HMS ITP website. If a paper document is used, the document number should be assigned using the following numbering convention: US Year–ITP Number (include numerals only)–sequential number. For example, an exporter with the ITP number “SE 10543” who is exporting the first bluefin for the year 2010 would use the following document number:US2010-10543-1.

The original document should accompany the shipment, and a copy of the document must be provided to NMFS within 24 hours of export. Relevant information from this document must be included on the “Bi-weekly Atlantic Bluefin Tuna Dealer Landings and Trade Report” available on the ITP homepage, which must be received by NMFS within 10 days of the end of the applicable reporting period. If the exporter also tagged the fish under his Atlantic Tunas Dealer permit, then only one bi-weekly report need be submitted. If the exporter does not hold a domestic Atlantic Tunas Dealer permit, as long as he provides the information required on the bi-weekly report to the Atlantic Tunas Dealer permit holder who tagged the fish, and maintains a copy of the complete bi-weekly report submitted by the Atlantic Tunas Dealer permit holder, then the exporter may forgo submitting a bi-weekly report to NMFS. Beginning in June 2009, the export BCD form was modified slightly to include a data field called “State of Destination” for the exported product.

#### **Re-exporting Atlantic bluefin tuna**

Imported bluefin tuna that is to be re-exported from the United States must be accompanied by a bluefin tuna re-export certificate and the original BCD when it leaves the United States. The re-exporter must complete the re-export certificate according to the instructions on the back of the form, have it government validated, and attach it to the original BCD. For government validation, see “Validation Services” below. Re-export certificates are available on the HMS ITP homepage.

Re-exports of untagged fish must also be reported to the ICCAT Secretariat and to the competent government authority of the importing nation within five days of export by email, fax, or mail. See the HMS ITP website for country-specific addresses. However, the re-export certificate must still accompany the shipment. Beginning in June 2009, the re-export certificate was modified to include a data field called “State of Destination” for the re-exported product.

## **PACIFIC BLUEFIN TUNA**

Trade of Pacific bluefin tuna requires documentation similar to that required for trade of Atlantic bluefin tuna. Importers, exporters, and re-exporters must obtain an ITP, and each import and export consignment must be accompanied by a BCD. However, catch-related information is not required on the BCDs for Pacific bluefin tuna. The information required for Pacific bluefin tuna imports and exports on each BCD includes the area of harvest, product information, and trade information, including government validation (see “Validation Services” below). BCDs for U.S. exports of Pacific bluefin tuna are available on the HMS ITP website.

Like Atlantic bluefin tuna, each re-export of Pacific bluefin tuna from the United States must be accompanied by a re-export certificate and the original BCD, and must be validated prior to re-export.

Copies of import and export BCDs, and re-export certificates, must be provided to NMFS within 24 hours of international trade. Original BCDs for imports and bi-weekly reports must be received by NMFS within 10 days after the reporting period ends. The “HMS Trade Bi-Weekly Dealer Report” should be used for bi-weekly reports to NMFS. **NOTE:** Pacific bluefin tuna BCDs and re-export certificates are not required to be submitted to the ICCAT Secretariat or the importing nation.

## **SOUTHERN BLUEFIN TUNA, FROZEN BIGEYE TUNA, SWORDFISH, SHARK FINS**

HMS trade regulations for swordfish, Southern bluefin tuna, and frozen bigeye tuna apply to United States trade of product that originated from any ocean area. ICCAT adopted statistical document (SD) trade-tracking programs for swordfish and frozen bigeye tuna in 2001. The United States has implemented the ICCAT SD programs along with a SD program adopted by the Commission for the Conservation of Southern Bluefin Tuna to monitor trade, and better understand the impact of the international market on these species. Since the reporting and recordkeeping requirements are similar for these species, they are addressed together below. Additionally, for the import, export, and re-export of shark fins an ITP is required, but ITP reporting requirements are not required for shark fin trade.

### **Importing Southern bluefin tuna, frozen bigeye tuna, and swordfish**

Each consignment imported to the United States must be accompanied by an approved, original, species-specific, completed SD, issued and validated by the country of the vessel of harvest. Instructions for completing SDs for each species are available on the HMS ITP homepage. **It is the importer’s responsibility to ensure that each SD for an imported consignment is complete and accurate.** Importers are **prohibited** from accepting an import that is not accompanied by an approved, original, species-specific, completed, and validated SD.

The following links may be helpful to importers in determining the validity of a SD:



ICCAT IUU Vessel List <http://www.iccat.int/IUU.htm>

ICCAT Record Number <http://www.iccat.int/vesselsrecord.asp>

ICCAT Validation Authorities <http://www.iccat.int/SDP%20summary.htm>

The importer must sign the SD at the bottom of the document and complete the Importer/Buyer's section of the document. A copy of the completed, signed document must be provided to NMFS within 24 hours of import. All necessary information relative to the import must be included on a bi-weekly form submitted to NMFS (see "Addresses" section below) which must be received within 10 days of the end of the reporting period.

### **Exporting Southern bluefin tuna, frozen bigeye tuna, and swordfish**

Statistical documents (SDs) for use in exporting these species are available on the HMS ITP homepage. All information should be entered following the instructions on the back of the form. Please note that for swordfish or bigeye originating from the Pacific or Indian oceans, the description of fish and exporter certification are not required. All exports must be government validated (see "Validation Services" below).

The original document should accompany the shipment, and a copy of the document should be provided to NMFS within 24 hours of export. Relevant information from this document should be included on the "HMS Trade Bi-Weekly Dealer Report" and received by NMFS within 10 days of the end of the applicable reporting period.

### **Re-exporting Southern bluefin tuna, frozen bigeye tuna, and swordfish**

The SD that accompanied the import is the only documentation required to re-export an imported consignment from the United States that has not been subdivided or consolidated with another consignment. The re-exporter should ensure that the intermediate importer certification is completed as required and send the original statistical document with the re-exported consignment. A copy of the SD must be received by NMFS within 24 hours of re-export.

If an import has been subdivided or consolidated with another consignment, then a re-export certificate must be prepared. Re-export certificates are available on the HMS ITP website. The re-exporter must complete the re-export certificate following the instructions on the reverse side of the document, contact NMFS to have it validated, and attach it to the original SD to accompany the consignment. All necessary information relative to the re-export must be included on a bi-weekly form submitted to NMFS at the address indicated below, and received within 10 days of the end of the reporting period.

### **GOVERNMENT VALIDATION OF FORMS RELATED TO THE ITP**

Government validation is available 24 hours a day, seven days per week on a fax-in basis. To obtain validation, fax documents to (866) 252-3751. The document must be complete, and fax and phone numbers must be included. Documents will be faxed back within approximately two hours. If there is a

delay, please contact the NMFS validating official at (843) 724-6425. Please note that assistance in preparing a complete document is only available during business hours at the following phone numbers: (228) 769-8964 (swordfish, Southern bluefin tuna, frozen bigeye tuna) or (978) 281-9140 (bluefin tuna).

NMFS regulations also provide for validation by non-government entities, once the entities have been authorized as validating officials by NMFS. To apply for status as a validating official, please submit a request in writing to: HMS Management Division, NMFS, 55 Great Republic Drive, Gloucester, MA, 01930. The request must specify the following information:

- 1) Names, addresses, and telephone/fax numbers of individuals who would perform validation;
- 2) Procedures to be used to notify NMFS of validations; and
- 3) An example of the stamp or seal to be applied.
- 4) NMFS will then make a determination and notify the applicant if they are granted an authorization as a validating official.

## ITP REPORTING REQUIREMENTS

<b>Reporting to NMFS</b>	
<b>Atlantic &amp; Pacific Bluefin</b> BCDs, Re-export Certificates, Bi-weekly Reports	NMFS Northeast Regional Office Highly Migratory Species 55 Great Republic Drive Gloucester, MA 01930-2298 FAX: (978) 281-9340 Phone: (978) 281-9140 Email: <a href="mailto:BFTReporting@noaa.gov">BFTReporting@noaa.gov</a>
<b>Southern Bluefin Tuna, Frozen Bigeye Tuna, and Swordfish</b> SDs, Re-export Certificates, Bi-weekly Reports	NMFS National Seafood Inspection Laboratory P.O. Drawer 1207 Pascagoula, MS 39568-1207 Phone: (228) 762-7402
<b>Reporting to ICCAT Secretariat</b>	
BCD (copy) for untagged re-exports	ICCAT Secretariat Corazón de María, 8 28002 Madrid, SPAIN <a href="mailto:info@iccat.int">info@iccat.int</a>
<b>Reporting to Importing Nations</b>	
	See HMS ITP website: <a href="http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm">http://www.nmfs.noaa.gov/sfa/hms/ITP/index.htm</a>

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

## VII. CONTACT LIST

### NATIONAL MARINE FISHERIES SERVICE HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION

Margo Schulze-Haugen, Chief  
<http://www.nmfs.noaa.gov/sfa/hms>  
(301) 713-2347

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 LAPs	HMS Headquarters Office	Phone: (301) 713-2347; Fax: (301) 713-1917  Address: 1315 East-West Highway, NMFS/SF1 Silver Spring, MD 20910

<p>Atlantic tunas  Atlantic tunas dealer reporting  Bluefin tuna Catch Document  Program  Charter/Headboat operations  International Trade Permit</p>	<p>HMS  Gloucester  Office</p>	<p>Phone: (978) 281-9260;  Fax: (978) 281-9340    Address:  55 Great Republic Drive NMFS/  SF1  Gloucester, MA 01930-2298</p>
<p>Billfish  Swordfish  Tournament registration  Billfish Certificate of Eligibility  Pelagic Longline</p>	<p>HMS  St. Petersburg  Office</p>	<p>Phone: (727) 824-5399  Fax: (727) 824-5398    Address:  263 13<sup>th</sup> Ave. South  St. Petersburg, FL 33701</p>

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

## FISHING AND DEALER PERMITS

<p style="text-align: center;"><i>- Atlantic Shark and Swordfish Vessel and Dealer permits</i></p>	<p style="text-align: center;">NMFS Southeast Regional Permit Office  Webpage: <a href="http://sero.nmfs.noaa.gov/">http://sero.nmfs.noaa.gov/</a></p>	<p style="text-align: center;">Phone: (727) 824-5326  Address: 263 13<sup>th</sup> Ave. South St. Petersburg, FL 33701</p>
<p style="text-align: center;"><i>- Atlantic tunas, Atlantic HMS Charter/Headboat and HMS Angling Vessel Permits</i></p>	<p style="text-align: center;">Automated Permitting System  Webpage: <a href="http://www.hmspermits.gov/">http://www.hmspermits.gov/</a></p>	<p style="text-align: center;">Phone: (888) 872-8862 Please dial “0” to speak with a person.</p>

<p><i>- Atlantic tunas Dealer Permits</i></p>	<p>NMFS Northeast Region Permit Office</p> <p>Webpage: <a href="http://www.nero.noaa.gov/permits/">http://www.nero.noaa.gov/permits/</a></p>	<p>Phone: (978) 281-9370; Fax: (978) 281-9366</p> <p>Address: 55 Great Republic Drive Gloucester, MA 01930</p>
<p><b>Vessel Monitoring Systems (VMS)</b></p>		
<p>Kelly Spalding</p>	<p>National VMS Program Manager</p>	<p>(301) 427-2300</p>
<p>Patrick O'Shaughnessy</p>	<p>Southeast VMS Program Manager</p>	<p>(727) 824-5358</p>

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

## NMFS LAW ENFORCEMENT OFFICES

Aguadilla, PR	(787) 890-0715	Morehead City, NC	(252) 726-0314
Bellport, NY	(631) 776-1734	New Bedford, MA	(508) 992-7711
Boston, MA	(617) 884-5754	Newport News, VA	(757) 595-2692
Charleston, SC	(843) 852-3343	Niceville, FL	(850) 729-8628
Ellsworth, ME	(207) 664-0508	Ocean City, MD	(410) 629-1258
Galveston, TX	(409) 770-0812	Portland, ME	(207) 780-3241
Gloucester, MA	(978) 281-9213	Portsmouth, NH	(603) 436-3186 x224
Guaynabo, PR	(787) 749-4405	Slidell, LA	(985) 643-6232
Harlingen, TX	(956) 423-3450	St. Petersburg, FL	(727) 824-5344
Marathon, FL	(305) 743-3110	Titusville, FL	(321) 269-0004
Marmora, NJ	(609) 390-8303	Wall, NJ	(732) 280-6490
Miami, FL	(954) 746-4160	Woods Hole, MA	(508) 495-2147

### 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 one of the following local Coast Guard offices:

Maine to New York (617)223-8440

Maryland Department of Natural Resources: (410) 213-1531

National Marine Fisheries Service, F/SF1  
Highly Migratory Species Management Division  
1315 East-West Highway  
Silver Spring, MD 20910