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FISHERIES**

Proposed Rule and Request for Comments

Revisions to Atlantic Highly Migratory Species (HMS) Fishing Gear Regulations

August - October 2026

Acronyms

BAYS Tunas — Bigeye, Albacore, Yellowfin, and Skipjack tunas

LAP — Limited Access Permit

CCSB Permit — Commercial Caribbean Small Boat Permit

NMFS — National Marine Fisheries Service

HMS — (Atlantic) Highly Migratory Species

Background

- Over time, NMFS has implemented several fishing gear management measures to achieve fishery management and conservation goals
 - Prevent or stop overfishing
 - Minimize bycatch
 - Increase post-release survivability
 - Reduce lost and derelict gear
- HMS fisheries have evolved over time
 - Species distributions
 - Fishing gear and techniques
 - Fishing interests
- We are now proposing updates to these fishing gear measures



Proposed Rule Overview

Purpose

- Increase flexibility and remove inefficiencies in HMS fisheries while still achieving fishery conservation and management goals
- Increase fishing opportunities and the ability to achieve optimum yield on a continuing basis
- Help fishermen to adjust fishing techniques, be more efficient, and reduce catch of non-target species

Proposed action (preferred alternatives) by gear type:

- Buoy: allow power assistance for deployment and retrieval, authorize under additional permits, and authorize the targeting of additional species
- Speargun: authorize this gear under additional permits and authorize the targeting of additional species
- Bait collection: allow possession and use of small nets and other gear commonly used for bait collection on HMS fishing vessels

Buoy Gear - Status Quo

Permits

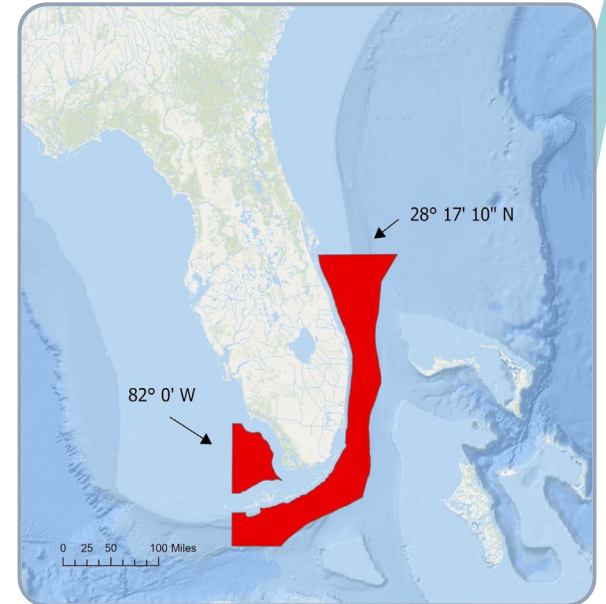
- Swordfish Handgear LAP
- Swordfish Directed LAP, with Atlantic Tunas Longline and Shark Directed/Incidental LAP
- CCSB permit (swordfish and BAYS tunas)

Configuration and use

- Must be deployed and retrieved by hand
- 1 or more floatation devices supporting a single mainline
- Up to 2 hooks or gangions
- Up to 35 buoys per vessel
- Must have monitoring equipment (e.g., radar reflectors, lights)
- Can be used anywhere; primarily used off Florida's East Coast within the Florida Swordfish Management Area
- Increasingly deep-set during the day, achieving high swordfish selectivity



Typical U.S. buoy gear



Map of Florida Swordfish Management Area

Buoy Gear Preferred Alternatives

Preferred Alternative A2

Authorize the use of power assistance for buoy gear (e.g., hydraulic, electric)

- Authorize power assistance for deployment and retrieval of buoy gear mainline
- Hydraulic or electric systems, similar to electric reels used with rod and reel or hydraulic power used with bandit rigs
- Increase fishing efficiency and catch
- Reduce trip times, costs, and chances for injury

Preferred Alternative A4

Authorize buoy gear use under the Swordfish General Commercial permit; establish a 5-buoy limit

- Authorize under open access permit
- Limit the number of buoys to 5 to reduce the amount of additional gear in the water
 - Allow for data collection before considering a higher number of buoys per vessel in the future
- Expand fishing opportunities under a new permit
- Increase the number of hooks that may be deployed at once; and increase catch



Buoy Gear Preferred Alternatives *(cont'd)*

Preferred Alternative A6

Authorize the retention of BAYS tunas caught on buoy gear for certain permit types

- BAYS caught with buoy gear currently only under CCSB permit (U.S. Caribbean only)
- Additional permit combinations:
 - Swordfish Directed LAP with an Atlantic Tunas Longline category permit
 - Swordfish Handgear LAP with an Atlantic Tunas General category permit
- 35-buoy limit, consistent with current buoy gear regulations
- No retention of BAYS tunas caught on buoy gear in Florida Swordfish management area
- Expand fishing opportunities, and possibly increase revenue from landing and sale of BAYS



Buoy Gear Preferred Alternatives *(cont'd)*

Preferred Alternative A7

Authorize the retention of allowable shark species caught with buoy gear for certain permit types

- Permits:
 - Shark Directed LAP
 - Shark Incidental LAP
 - Smoothhound Shark permit
 - HMS CCSB permit (U.S. Caribbean only)
- Retention limits and shark species would follow existing regulations for these permits
- Expand fishing opportunities, and possibly increase revenue from landing and sale of sharks



Atlantic blacktip shark. Credit: Shutterstock

Buoy Gear Non-Preferred Alternatives

Alternative A1

No Action

Maintain the current buoy gear regulations

- Would not provide additional buoy gear fishing opportunities or gear retrieval flexibility

Alternative A3

Authorize buoy gear use under the Swordfish General Commercial permit; maintain the 35-buoy limit

- Could result in a large increase in free-floating gear, increasing chances of gear conflict and lost gear

Alternative A5

Authorize buoy gear use under the Swordfish Incidental LAP; maintain the 35-buoy limit

- Limits the potential expansion of the use of buoy gear to LAPs only



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Speargun Gear - Status Quo

Permits and Fisheries

- Authorized in the 2006 FMP only for BAYS tunas (and not other HMS) due to stock status concerns for bluefin tuna, swordfish, and large coastal sharks.
- Authorized in recreational fisheries under HMS Angling and Charter/Headboat permits
- Not authorized in commercial HMS fisheries

Configuration and use

- Muscle-powered gear that stores potential energy provided by the operator's muscles (e.g., compressing air/springs, stretching rubber bands).
- Operator must be physically in the water (freediving, SCUBA, other underwater breathing devices)



Speargun Preferred Alternative

Preferred Alternative B2

Authorize the commercial retention and sale of BAYS tunas caught with speargun fishing gear for some tuna permit holders, consistent with permit retention and size limits

- Permits:
 - Atlantic Tunas General category permit
 - HMS Charter/Headboat permit (with a commercial endorsement and on non-for-hire trips only)
 - HMS CCSB permit (valid in the U.S. Caribbean only)
- Existing regulations regarding the sale of landed fish would be maintained (e.g., requirements for sale to federally-permitted dealers and reporting)
- Increase fishing opportunities
- While not a commonly used gear, allowing commercial harvest of BAYS tunas may present opportunity for increased revenue



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Speargun Non-Preferred Alternatives

Alternative B1

No Action

Maintain current speargun fishing gear regulations

- Would not provide additional fishing opportunities for a highly selective gear

Alternative B3

Authorize the retention of Atlantic bluefin tuna caught with speargun fishing gear for recreational tuna permit holders, consistent with permit retention and size limits

- NMFS does not prefer this alternative at this time due to concerns about new entrants and gears in this fully utilized fishery

Bait Collection Gear

Authorized Gear

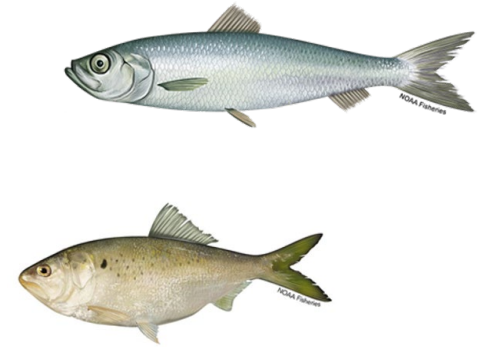
- Primary Gear: Specific gear types and configurations authorized based on permit type and target species
- Secondary Gear: Used to help subdue or bring on board HMS after first using primary gears for capture

Regulatory Needs

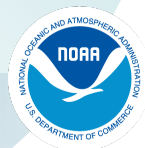
- Bait collection gear that is too small and/or weak to capture HMS is commonly used on board HMS vessels
- Bait collection gear is not explicitly allowed in HMS regulations
- Revise regulations to reflect common practice



[Photo courtesy of Lesley Hawn](#)



<https://www.fisheries.noaa.gov/feature-story/noaa-official-be-honored-seafood-nutrition-partnership>



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Bait Collection Gear Alternatives

Preferred Alternative C2

Allow possession and use of small nets and other gear commonly used for bait collection on board HMS fishing vessels

- Clarify that the use of bait collection gear on board HMS vessels is allowed, provided it is too small and/or weak to capture HMS
- Reduce uncertainty related to compliance with current regulations
- Mitigate issues related to inadvertent violations of gear regulations
- Increase flexibility for additional HMS permit holders to target bait species and save on bait costs

Non - Preferred Alternative C1

No Action

Maintain current regulations that do not allow possession and use of small nets and other gear

- Does not address the practical needs of bait collection on board HMS vessels (i.e., does not provide the same benefits as the preferred alternative)



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Timelines and Request for Public Comments

1. Proposed Rule

Published

August 14, 2026

2. Comments

Submit By

October 13, 2026

Submit comments
online at
regulations.gov

Search Docket:
NOAA-NMFS-2024-0050

3. Meetings

Webinars

August 31, 2026

October 1, 2026

**Advisory Panel
Meeting**

September 9, 2026

4. Final Rule

Expected

Mid-2027

Regulatory Action Webpage (for webinar and commenting information):

<https://www.fisheries.noaa.gov/action/proposed-rule-revise-fishing-gear-regulations-atlantic-highly-migratory-species-fisheries>



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Questions?

Please reach out to any of our team members or use the main phone line for inquiries.

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