

June XX, 2008

Dear Permit Holder,

This letter summarizes new reporting requirements for Highly Migratory Species International Trade Permit (HMS ITP) holders. Please note that this summary is not a replacement for the regulations governing reporting requirements (50 CFR 300. 183-187 and 189), and the regulations hold precedence.

These requirements are established under international agreements and domestic law. The United States must implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Inter-American Tropical Tuna Commission (IATTC), both of which have adopted statistical document programs for frozen bigeye tuna. In addition, ICCAT has adopted bluefin tuna and swordfish consignment document programs. A statistical document program for southern bluefin tuna under the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) has also been implemented by the United States.

The bluefin tuna statistical document program (BSD) that has been in effect since the mid-1980's will ***be changed to a catch documentation program under these new regulations***. Tags will still be used for bluefin tuna landed in the United States, and validation is not necessary for tagged bluefin.

Several documents are attached to this letter for your use and information. These documents may be reproduced locally for use in satisfying reporting and documentation requirements. These documents may also be accessed at **http://www.nmfs.noaa.gov/sfa/hms/ITP/International_Trade_Permit.htm**. The attached documents are as follows:

ICCAT Statistical Documents for swordfish and frozen bigeye tuna;
ICCAT Re-export Certificates for swordfish, frozen bigeye tuna and bluefin tuna;
IATTC Statistical Document & Re-export Certificate for frozen bigeye tuna;
CCSBT Statistical Document & Re-export Certificate for southern bluefin tuna;
HMS International Trade Biweekly Report

Covered Species

Reporting requirements are applicable for trade of bluefin tuna, southern bluefin tuna, swordfish and frozen bigeye tuna. (Note that there are some exceptions to bluefin reporting due to the previously implemented BSD program.)

Imports

An import of any covered species that comes into the country as an “entry for consumption” must be accompanied by a correctly completed consignment document (and foreign re-export certificate if applicable) from the country of export (or re-export).

If the product is consumed in the United States, the permit holder must complete the Import Section of the consignment document (Box 8), and mail the original to NMFS within the required timeframe (see below), at the address indicated below. The shipment entry number assigned by US Customs and Border Protection (CBP, e.g entry number from CBP form 7501) must be noted at the top of the document (there is no box for it – just write it in). The permit holder must retain a copy of the consignment document on file for two years.

If the product is then re-exported from the United States, the U.S. importer must complete the Import Section of the consignment document. If the shipment remains intact (i.e., is not subdivided), it can be exported with the original consignment document as completed by the importer, without need for another document or validation. A copy of this consignment document must be provided to NMFS within the required timeframe (see below). If the shipment is subdivided, a re-export certificate must be completed by the U.S. exporter, and validated (see below). The original re-export certificate and the original consignment document must accompany the re-export. An individual re-export certificate is necessary for each sub-shipment, and a copy of the original consignment document may be used in the event more than one sub-shipment is exported. A copy of the re-export certificate and consignment document must be provided to NMFS within the specified time period.

Imports and re-exports must be recorded on biweekly reports (see below).

Exports

Each export of a covered species from the United States must be accompanied by a complete consignment document. In order to be complete, Boxes 1-6 must be correctly completed and the consignment document must be validated and numbered (see below). The consignment documents provided in this mailing may be reproduced, or blank consignment documents are available at the website mentioned above. A copy of each validated consignment document must be provided to NMFS within the specified time period (see below). Exports must be recorded on biweekly reports (see below).

Validation

Each consignment document accompanying an export, and each re-export certificate accompanying a re-export, must be validated and numbered by NMFS or an entity authorized by NMFS (*Catch documents and re-export certificates for tagged bluefin tuna do not require validation*). Validation and numbering is obtained by faxing the document to **866/252-3751**. **NOTE: Return fax number and phone number MUST be specified, and the document MUST be complete.** Validation services are available on a 24 hour/7 days-per-week basis. Your numbered and validated statistical document will be faxed back to you within approximately 2 hours of receipt. If you experience a delay, please

contact the validating official at 843/724-6425. Please note that assistance in preparing a complete consignment document or re-export certificate, or in answering technical questions is only available during business hours at the following number: 228/769-8964.

NMFS validation of a consignment document or re-export certificate does not constitute an exemption from requirements of the Magnuson-Stevens Fishery Conservation and Management Act, Atlantic Tunas Convention Act, Tunas Convention Act, CBP regulations, or other applicable law. In addition, validation does not exempt an ITP holder, or any other person, from applicable requirements under 50 C.F.R. Parts 300 and 635, including prohibitions on the submission of false information.

Biweekly Reports

All imports, exports, and re-exports must be recorded on the HMS Trade biweekly report and provided to NMFS to be received within 10 days of the close of a biweekly reporting period. The biweekly report contained in this mailing may be reproduced, or blank forms are available at the website mentioned above. Copies of biweekly reports must be retained by permit holders for two years. (**NOTE:** Atlantic Bluefin tuna landings and trade should be recorded on a separate form, the *Bi-weekly Atlantic Bluefin Tuna Landings and Trade Report*, available on the above website or by calling 978/281-9140).

Reporting Timeframe

Imports - Within 24 hours of entry into the United States, original consignment documents must be submitted to NMFS, or a copy must be mailed/faxed to NMFS. If a copy is submitted or faxed, the original must be submitted with the biweekly report.

Exports – A copy of the consignment document (and re-export certificate, if applicable) must be faxed or mailed to NMFS and postmarked within 24 hours of the time the product was exported.

Biweekly reports - Biweekly reporting periods extend from the 1st of each month to the 15th of each month, and from the 16th of each month to the last day of each month. Biweekly reports must be submitted within ten days of the close of each reporting period.

Reporting Addresses

Swordfish, Southern Bluefin tuna, and frozen

Bigeye tuna:

NOAA/NMFS/NSIL
P.O. Box 1207
Pascagoula, MS 39568-1207
Attn: Kim Dawson Guynn
FAX: 228/762-7144
Phone: 228/762-7402

Bluefin Tuna (Atlantic & Pacific)

NERO/NMFS/NOAA
One Blackburn Dr.
Gloucester, MA 01930-2298
Attn: Kathy Goldsmith
FAX: 978/281-9340
Phone: 978/281-9140

Parties Responsible for Reporting

The permit holder is the party responsible for reporting. A permit must be held by all importers (defined as the consignee as identified on CBP entry documentation, or the importer of record if a consignee is not listed), and exporters (U.S. principal party in interest) of covered species.

Additional Information

- To obtain the HMS ITP, download an application from the website or call 727/824-5326.
- Regulatory Questions: 978/281-9260
- Report Preparation: 228/762-7402
- Website:
http://www.nmfs.noaa.gov/sfa/hms/ITP/International_Trade_Permit.htm

It is unlawful to falsify or fail to record, report, or maintain information required to be recorded, reported, or maintained, as specified in 50 C.F.R. § 300.183 (ITP reporting and recordkeeping requirements) or § 300.185 (Requirements for statistical documents and re-export certificates). See 50 C.F.R. § 300.189 for other prohibitions.

Sincerely yours,

Margo Schulze-Haugen
Chief
Highly Migratory Species Management Division

Attachments

Paperwork Reduction Act Statement for Consignment Documents and Re-Export Certificates

The following information is provided to you as required by the Paperwork Reduction Act of 1955 (PL 104-13):

Under the provisions of the Paperwork Reduction Act and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested on statistical documents and re-export certificates is mandatory for the purpose of managing the bluefin tuna, swordfish, and bigeye tuna fisheries. The data is used to monitor trade of these species. Reporting burden for the collection of information is estimated to average 5 minutes per completed form, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Pursuant to Section 402(b) of the Magnuson-Stevens Act, and consistent with NOAA Administrative Order 216-100 (Confidentiality of Fisheries Statistics), the Agency does not release confidential information submitted in compliance with provisions of the Act, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, the Agency ensures that information on the pecuniary business activity of a dealer is not identified. **Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Highly Migratory Species Division, 1 Blackburn Drive, Gloucester, MA 01930-2298.**

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