

Management Division at (301) 713-2347 for more information.

SECONDARY GEARS

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.

SPEARGUN RESTRICTIONS

Speargun fishing gear is only authorized for the recreational harvest of BAYS tunas. To fish with a speargun, a vessel must be issued an Atlantic HMS Angling or Charter/Headboat permit. Persons fishing for Atlantic BAYS tunas using speargun gear must be physically in the water when the speargun is fired or discharged. No other HMS may be taken with speargun fishing gear, including bluefin tuna, swordfish, sharks, sailfish, or white or blue marlin.

VI. PELAGIC/BOTTOM LONGLINE AND SHARK GILLNET GEAR RESTRICTIONS

PERMIT REQUIREMENTS FOR PELAGIC LONGLINE GEAR

Generally to fish with pelagic longline gear, fishermen 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);
AND,
2. Directed or incidental shark permit; AND,
3. Atlantic tunas Longline category permit (an Atlantic tunas General category permit is not an acceptable substitute for the Atlantic tunas Longline category permit).

Fishermen with only a Federal shark permit may also use pelagic longline gear, however, they must 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 a permit holder 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, fishermen must attend a Protected Species Safe Handling, Release, and Identification workshop and obtain a certificate. A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIII.

PERMIT REQUIREMENTS FOR BOTTOM LONGLINE GEAR

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 above for pelagic longline may also use bottom longline gear. Prior to renewing or obtaining a shark limited access permit, fishermen must attend a Protected Species Safe Handling, Release, and Identification workshop and obtain a certificate. A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIII.

TIME/AREA CLOSURES FOR PELAGIC LONGLINE FISHERMEN

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.

- 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.
- 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.
- 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.
- 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.
- 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 (specified at 50 CFR § 635.21(c)(2)(v)(A)-(B)), and complying with other conditions (specified at 50 CFR § 635.21(c)(v)(C)-(G)). The corner coordinates are: 35°00' N. lat., 60°00' W. long.; 55°00' N. lat., 60°00' W. long.; 55°00' N. lat., 20°00' W. long.; 35°00' N. lat., 20°00' W. long.

Please see Section V for other time/area closures that may affect pelagic longline gear. 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, sharks, and other species; and the NED restrictions are designed to reduce interactions with leatherback and loggerhead sea turtles. NMFS continues to explore methods of reducing bycatch in all HMS fisheries and for all gear types.

TIME/AREA CLOSURES FOR BOTTOM LONGLINE FISHERMEN

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

- The Mid-Atlantic Shark Area: This 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.
- Caribbean closed areas: To minimize impacts on essential fish habitat (EFH) and to reduce fishing mortality on mutton snapper, red hind and other reef-dwelling species, fishing for HMS with bottom longline gear is prohibited year-round in six distinct areas off the U.S. Virgin Islands and Puerto Rico. These areas are described in 50 CFR § 622.33(a)(1) – (a)(3). These closures were implemented at the request of the Caribbean Fishery Management Council to complement and maintain consistency with the Caribbean Council management measures.
- South Atlantic Marine Protected Areas (MPAs):

(A) Snowy Grouper Wreck. Bounded by rhumb lines connecting, in order, the following points:

| Point | North latitude | West longitude. |
|-------|----------------|-----------------|
| A | 33° 25' | 77° 04.75' |
| B | 33° 34.75' | 76° 51.3' |
| C | 33° 25.5' | 76° 46.5' |
| D | 33° 15.75' | 77° 00.0' |
| A | 33° 25' | 77° 04.75' |

(B) South Carolina A: Bounded on the north by 32 53.5' N. lat.; on the south by 32 48.5' N. lat.; on the east by 78 04.75' W. long.; and on the west by 78 16.75' W. long.

(C) Edisto: Bounded on the north by 32 24' N. lat.; on the south by 32 18.5' N. lat.; on the east by 78 54.0' W. long.; and on the west by 79 06.0' W. long.

(D) Charleston Deep Artificial Reef: Bounded by rhumb lines connecting, in order, the following points:

| Point | North latitude | West longitude. |
|-------|----------------|-----------------|
| A | 32° 04' | 79° 12' |
| B | 32° 08.5' | 79° 07.5' |
| C | 32° 06' | 79° 05' |
| D | 32° 01.5' | 79° 09.3' |
| A | 32° 04' | 79° 12' |

(E) Georgia: Bounded by rhumb lines connecting, in order, the following points:

| Point | North latitude | West longitude. |
|-------|----------------|-----------------|
| A | 31 ° 43' | 79 ° 31' |
| B | 31 ° 43' | 79 ° 21' |
| C | 31 ° 34' | 79 ° 29' |
| D | 31 ° 34' | 79 ° 39' |
| A | 31 ° 43' | 79 ° 31' |

(F) North Florida: Bounded on the north by 30 29' N. lat.; on the south by 30 19' N. lat.; on the east by 80 02' W. long.; and on the west by 80 14' W. long.

(G) St. Lucie Hump: Bounded on the north by 27 08' N. lat.; on the south by 27 04' N. lat.; on the east by 79 58' W. long.; and on the west by 80 00' W. long.

(H) East Hump: Bounded by rhumb lines connecting, in order, the following points:

| Point | North latitude | West longitude. |
|-------|----------------|-----------------|
| A | 24 ° 36.5' | 80 ° 45.5' |
| B | 24 ° 32' | 80 ° 36' |
| C | 24 ° 27.5' | 80 ° 38.5' |
| D | 24 ° 32.5' | 80 ° 48' |
| A | 24 ° 36.5' | 80 ° 45.5' |

Please see Section V for other time/area closures that may affect bottom longline gear. 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. The other closures were implemented to complement closures implemented by the relevant Fishery Management Councils.

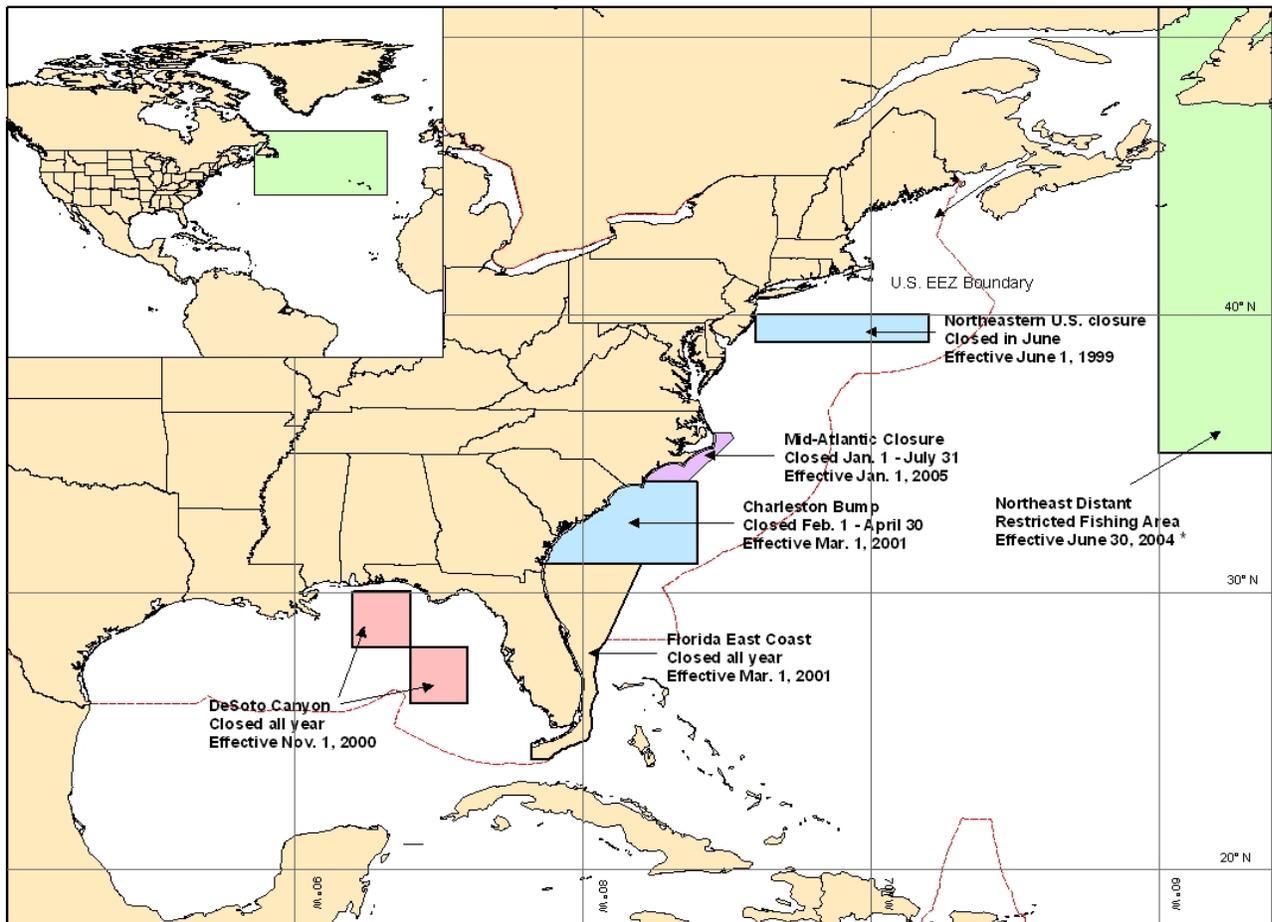


Figure 1. Map of closed and restricted fishing areas for PLL and BLL. Please see Section V for other time/area closures that may affect PLL and this section for restrictions affecting PLL and BLL.

VMS REQUIREMENTS AND ENFORCEMENT OF TIME/AREA CLOSURES

VMS requirements

All vessels with pelagic longline gear on board must 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 must have VMS installed and operating, and all vessels issued a directed shark limited access permit with gillnet gear on board during the right whale calving season from November 15 to March 31, regardless of location, must have VMS installed and operating. To obtain a current list of NMFS-approved VMS mobile transmitting units and communications service providers, or for more information regarding VMS, write to NMFS, Office of Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910, or call (301) 427-2300.

Time/area closure enforcement

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, bottom longline, and gillnet 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, bottom longline, and gillnet vessels are allowed to shut off their VMS units once they return to port at

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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, bottom longline, and gillnet 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 IV) to determine if a vessel is fishing with pelagic or bottom longline gear. 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:

| PELAGIC INDICATOR SPECIES | DEMERSAL INDICATOR SPECIES | |
|--|---|--|
| DOLPHINFISH SHARK, BLUE SHARK, OCEANIC WHITETIP SHARK, PORBEAGLE SHARK, SHORTFIN MAKU SHARK, THRESHER SWORDFISH TUNA, ALBACORE TUNA, BLUEFIN TUNA, BIGEYE TUNA, SKIPJACK TUNA, YELLOWFIN WAHOO | GROUPER, BLACK GROUPER, GAG GROUPER, MARBLED GROUPER, MISTY GROUPER, RED GROUPER, SNOWY GROUPER, WARSAW GROUPER, YELLOWEDGE GROUPER, YELLOWFIN HIND, RED HIND, ROCK HIND, SPECKLED SHARK, ATL. SHARPNOSE SHARK, BLACKNOSE SHARK, BLACKTIP SHARK, BONNETHEAD SHARK, BULL SHARK, FINETOOTH SHARK, LEMON | SHARK, NURSE SHARK, SANDBAR SHARK, SPINNER SHARK, TIGER SNAPPER, BLACKFIN SNAPPER, CUBERA SNAPPER, DOG SNAPPER, MANGROVE SNAPPER, LANE SNAPPER, MUTTON SNAPPER, QUEEN SNAPPER, RED SNAPPER, SCHOOLMASTER SNAPPER, SILK SNAPPER, VERMILION SNAPPER, YELLOWTAIL TILEFISH TILEFISH, BLUELINE |

PELAGIC LONGLINE RESTRICTIONS WHEN FISHING IN THE NED

When fishing in the NED restricted area, pelagic longline vessels are limited 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, except that artificial bait may be possessed and used only with greenstick gear. If greenstick gear is onboard, a vessel may possess up to 20 J-hooks. J-hooks may be used only

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with greenstick gear, and no more than 10 hooks may be used at one time with each greenstick gear. J-hooks used with greenstick gear may be no smaller than 1.5 inch (38.1 mm) when measured in a straight line over the longest distance from the eye to any other part of the hook. 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 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 placard entitled "Handling/Release Guidelines," must be onboard. These materials are available on the HMS Management Division website, or you can call (301) 713-2347 to request a waterproof copy.

PELAGIC LONGLINE RESTRICTIONS WHEN FISHING OUTSIDE THE NED

Outside of the NED restricted area, pelagic longline vessels are limited, at all times, to possessing and/or using only 18/0 or larger circle hooks with an offset not to exceed 10 degrees, or 16/0 or larger non-offset circle hooks. Only whole finfish and/or squid bait may be used on pelagic longlines. Live bait may **not** be used in the Gulf of Mexico. If greenstick gear is onboard, a vessel may possess up to 20 J-hooks. J-hooks may be used only with greenstick gear, and no more than 10 hooks may be used at one time with each greenstick gear. J-hooks used with greenstick gear may be no smaller than 1.5 inches (38.1 mm) when measured in a straight line over the longest distance from the eye to any other part of the hook. If greenstick gear is onboard, artificial bait may be possessed, but used only with greenstick gear. In addition, pelagic longline vessels fishing outside the NED must 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 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 placard entitled "Handling/Release Guidelines," must be onboard. These materials are available on the HMS Management Division website, or you can call (301) 713-2347 to request a waterproof copy.

PROTECTED RESOURCE SPECIES INTERACTIONS

If a marine mammal, smalltooth sawfish, or sea turtle is hooked or entangled in fishing gear, the animal must be released following approved handling and release guidelines. Once the animal has been released, the gear must be retrieved and the vessel must 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.

Marine mammals

For large whales caught alive and on the line, immediately contact the Center for Coastal Studies Disentanglement Hotline at: (800) 900-3622. For small marine mammals, gently bring the mammal alongside the vessel and work the tangle off the mammal as quickly as possible. When a small marine mammal is hooked, if possible, cut off the barb of the hook with long handled bolt cutters, and then cut the line as close to the hook as possible.

Smalltooth sawfish

All smalltooth sawfish must be released in a manner that will ensure maximum probability of survival, but without removing the fish from the water or any research tags from the fish. While attempting to dehook a smalltooth sawfish, the fish should be kept in the water while maintaining water flow over the gills and examined for research tags. The animal should not be dehooked if the hook is in the rostrum; if the animal cannot be dehooked, cut the line as close to the hook as possible.

Sea turtles

Sea turtles must be released using specified gear and safe handling/release guidelines. Owners and operators of all longline and gillnet vessels must attend a Protected Species Safe Handling, Release, and Identification workshop and obtain a certificate. A copy of the workshop certificate must be included in the permit application package. Please see Section XIII for more information on workshops.

Both pelagic and bottom 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 a sea turtle interaction. Additionally, safe handling and release gear must be onboard each pelagic and bottom longline 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." For information regarding these specifications, please contact the HMS Management Division at (301) 713- 2347 or visit the HMS web page: http://www.nmfs.noaa.gov/sfa/hms/protected_species.

If a sea turtle is dead when gear on the fishing vessel is retrieved, 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.

OTHER RESTRICTIONS FOR PELAGIC AND BOTTOM LONGLINE GEAR

- 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. (Pelagic longline only)
- If pelagic longline gear is on board, all HMS pelagic longline vessels must possess and use only corrodible, non-stainless steel 18/0 or 16/0 circle hooks depending on location.
- 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.
- HMS fishermen using pelagic longline gear in the Gulf of Mexico are restricted in the number of bluefin tuna they are allowed to possess, and are not allowed to possess any

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billfish. Please see other sections in this guide for regulations pertaining to all gears that may also apply to pelagic longlines.

- 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.
- Vessels fishing with longline and gillnet gear must possess valid Protected Species Safe Handling, Release, and Identification workshop certificates onboard for both the owner and operator.

VII. COMMERCIAL FISHING PERMITS

The type of permit(s) required to commercially harvest and sell HMS depends upon three things: 1) the type of fishing being conducted, the species being targeted, and 3) the gear being used. See the table below and the appropriate section(s) in this guide to determine which permit(s) are required.

| Species | Gears | Permits Needed |
|--------------|--|--|
| Swordfish | Handgear* or longline * Buoy gear may only be possessed or utilized by swordfish directed or swordfish handgear limited access permit holders | 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 targeting of tunas other than Bluefin. NOTE: An Atlantic tunas General category permit may not be substituted for the tuna Longline category permit). |
| | Handgear only (handline, buoy gear, harpoon, rod and reel, or bandit gear) | Swordfish Handgear Limited Access Permit (allows targeting of swordfish with handgear) |
| Shark | 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 |
| | Greenstick | 1. Atlantic tunas General category OR 2. HMS Charter/Headboat OR 3. Atlantic tunas Longline category |
| | Purse Seine | Atlantic tunas Purse Seine Permit |
| | Harpoon | 1. Atlantic tunas Harpoon category OR 2. Atlantic tunas General category |
| | Pound Net / Fish Weir | Trap – Incidental only |

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