

means of a drawstring threaded through the bottom of the net.

Circle Hook – 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. Circle hooks are required for pelagic longline gear.

V. GENERAL RESTRICTIONS

GEAR MARKING

Fishermen deploying handline, buoy gear, harpoon, longline, and gillnet gear must mark their floats with their vessel identification number, vessel name, and Atlantic tunas or limited access permit number.

TIME/AREA CLOSURES

Most time/area closures relate only to fishermen using pelagic or bottom longline gear and may be found in the pelagic and bottom longline gear restriction in Section VI. 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.

- **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).
- **The Florida Middle Grounds Habitat Areas of Particular Concern (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)).
- **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)).
- **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)

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isobath (50 CFR 622.34(j)).

- Southeast Right Whale Calving Area: NMFS regulations governing large whale take reductions prohibit shark gillnet fishing each year from November 15 to April 15 in the area from 27°51'N latitude (near Sebastian Inlet, FL) to 33°27'N latitude (near Little River Inlet, SC) extending from the shore outward to 80°W longitude (50 CFR 229.32 (f)). NMFS regulations provide limited exceptions for gillnet fishing for sharks in the Southeastern U.S. restricted area south of 29°00'N latitude, (50 CFR 229.32 (f) (4) (iii)). In the vicinity of the Southeastern U.S. restricted area during the North Atlantic right whale calving season (Nov. 15 – April 15), a shark gillnet is defined as any gillnet with stretched mesh size greater than 5 inches.
- As part of the NMFS regulations governing the Southeast Right Whale Calving Area, NMFS prohibits the use of gillnets in the Southeast U.S. Restricted Area North from November 15 - April 15 each year. NMFS prohibits gillnet fishing annually in the Southeast U.S. Restricted Area South from December 1 - March 31 with limited exemptions for gillnet fishing for sharks (50 CFR 229.32 (f)(4)(iii)).
- 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.
- Other Marine Protected Areas (MPAs): 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>.

HIGH SEAS FISHING

A permit is required for all vessels fishing in the High Seas. To apply for a High Seas fishing permit, contact NMFS Office of International Affairs (F/IA), 1315 East-West Highway, Room 12659, Silver Spring, Maryland 20910, or call (301) 713-9090 or 2276. Generally, U.S. flagged vessels must comply with U.S. domestic regulations that pertain to Atlantic HMS while fishing outside the exclusive economic zone (EEZ) in the Atlantic. Some U.S. citizens, even on foreign-flagged vessels, may need an exempted fishing permit. Please call the HMS Management Division at (301) 713-2347 for more information.

FISHING IN STATE WATERS

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 the HMS

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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.