

reflected in this guide, the regulations are species-and situation-specific.

TRANSFER AT SEA

No Atlantic tunas, blue marlin, white marlin, roundscale spearfish, sailfish, swordfish, or sharks may be transferred at sea or in port, regardless of where the fish was harvested.¹³⁴

VII. PELAGIC LONGLINE RESTRICTIONS

Vessels fishing with pelagic longline gear must possess valid Protected Species Safe Handling, Release, and Identification Workshop certificates onboard for both the owner and operator.¹³⁵

PERMIT REQUIREMENTS FOR USE OF PELAGIC LONGLINE GEAR

To harvest swordfish and tunas with pelagic longline gear, fishermen must possess **all three*** of the following limited access permits:¹³⁶

1. Directed or incidental **swordfish** permit (a swordfish handgear or swordfish general commercial permit is not acceptable);
2. Directed or incidental **shark** permit; **and**
3. Atlantic **tunas** Longline category permit (an Atlantic tunas General category permit is not acceptable).

* Fishermen may harvest sharks with pelagic longline gear if they possess only a federal limited access shark permit or an open access Smoothhound Shark permit;¹³⁷ however, they must discard all swordfish and tunas caught.¹³⁸

Prior to renewing or obtaining a commercial swordfish or shark limited access permit, both the vessel owner and the vessel operator must attend a Protected Species Safe Handling, Release, and Identification workshop and obtain a certificate.¹³⁹ A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section XIX.

TIME/AREA CLOSURES AND GEAR RESTRICTED AREAS FOR USE OF PELAGIC LONGLINE GEAR

To reduce bycatch, NOAA Fisheries has closed or restricted access to a number of areas to fishermen with HMS permits who have pelagic longline gear onboard their vessel.

To determine compliance with the closed or restricted area regulations, the NOAA Fisheries 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.

Stowing Longline Gear

If a vessel is in an area closed to pelagic longline gear or that restricts access to vessels using pelagic longline gear, it is a rebuttable presumption that fish on board that vessel were taken with pelagic longline gear in the closed or restricted area unless the vessel is transiting the area with all the fishing gear stowed appropriately. Longline gear is stowed appropriately if:

- All gangions and hooks are removed from the mainline and are stowed on or below deck;
- Hooks are not baited; and
- All buoys and weights are disconnected from the mainline and drum (buoys may remain on deck).¹⁴⁰
- When transiting the Cape Hatteras Special Research Area, vessels must also cover, with a tarp, the drum and all other components stowed securely on deck.¹⁴¹

Indicator Species for Longline Fishing

Pelagic longline vessels fishing in areas closed to bottom longline fishing may not possess or land demersal species in a quantity that exceeds 5 percent of the total weight of all indicator species (demersal and pelagic) possessed or landed (see Section IX for bottom longline closed areas and the list of demersal species).¹⁴² Conversely, 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) possessed or landed.¹⁴³ The species that qualify as pelagic indicator species are:

PELAGIC INDICATOR SPECIES ¹⁴⁴	
DOLPHIN (FISH)	TUNA, ALBACORE
SHARK, BLUE	TUNA, BIGEYE
SHARK, OCEANIC WHITETIP	TUNA, BLUEFIN
SHARK, PORBEAGLE	TUNA, SKIPJACK
SHARK, SHORTFIN MAKO	TUNA, YELLOWFIN
SHARK, THRESHER	WAHOO
SWORDFISH	

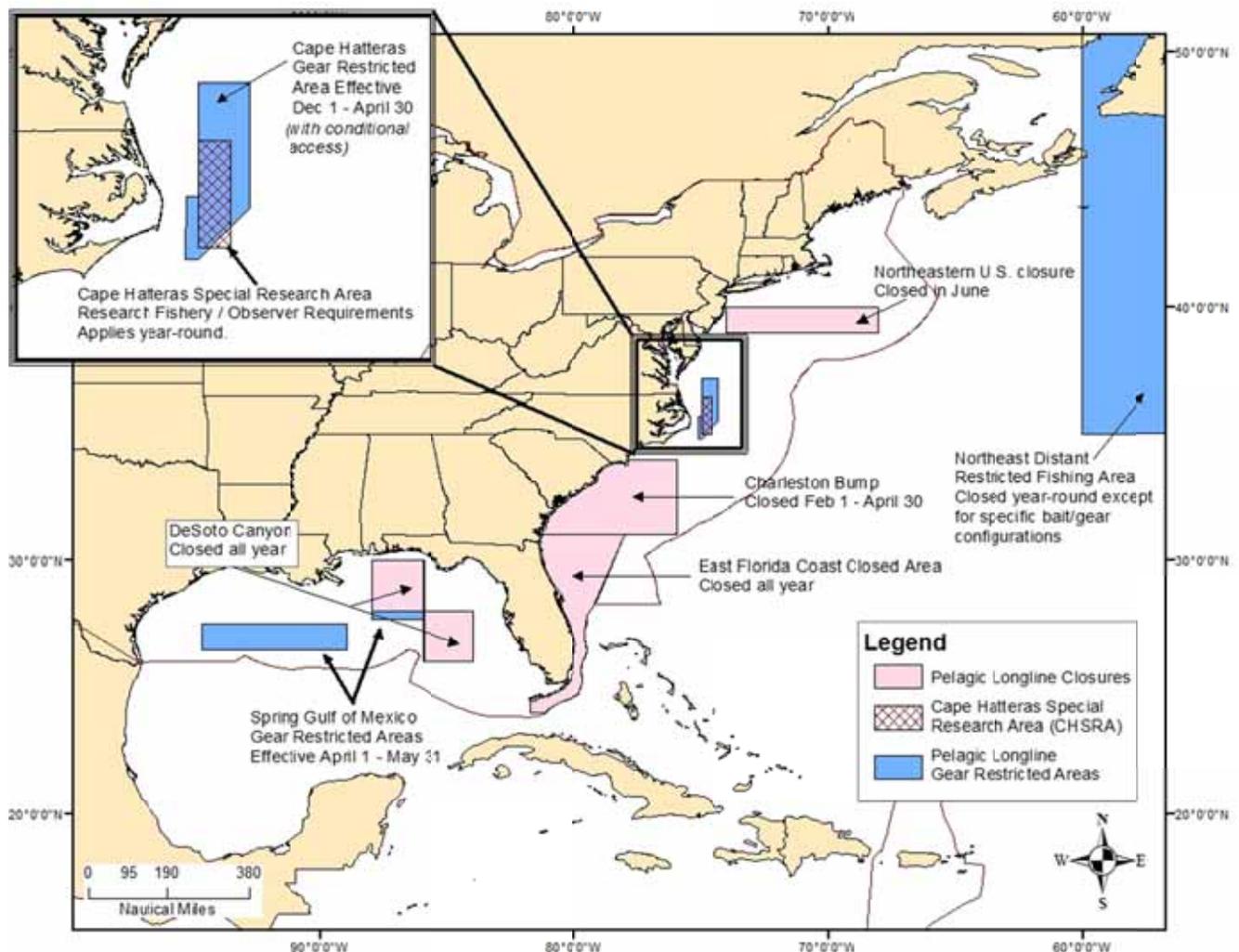


Figure 3 Time/area closures and gear restricted areas in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea that limit use of pelagic longline gear. Additional closures applicable to all gears, including pelagic longline gear, are presented in Figure 2.

The pelagic longline closures and gear restricted areas shown in Figure 3 and described in the following paragraphs were implemented to reduce bycatch by longline gear, including interactions with bluefin tuna. See also: Tortugas Marine Reserves, Madison-Swanson closed area, Steamboat Lumps closed area, and Edges 40 Fathom closed area descriptions in Section VI and Figure 2, which pertain to all HMS gears, including pelagic longline.

The Northeastern United States Closed Area: This area is closed to vessels with pelagic longline gear onboard during the month of June each year.¹⁴⁵ This area is bounded by straight lines connecting the following coordinates, in the order given: 40°00' N. lat., 74°00' W. long.; 40°00' N. lat., 68°00' W. long.; 39°00' N. lat., 68°00' W. long.; 39°00' N. lat., 74°00' W. long.¹⁴⁶

The Cape Hatteras Gear Restricted Area, with Conditional Access: Access is limited to this area for vessels fishing with pelagic longline gear during the 5-month period from December through April¹⁴⁷ to reduce interactions with bluefin tuna. NMFS has established criteria to allow certain vessels access to the area if they have demonstrated an ability to avoid bluefin and comply with reporting and monitoring requirements. Atlantic Tunas Longline permit holders with eligible vessels may be granted conditional access to the Cape Hatteras Gear Restricted Area based on: (1) The ratio of bluefin interactions to designated species landings; (2) Compliance with the Pelagic Observer Program requirements; and (3) Compliance with HMS logbook reporting requirements.¹⁴⁸ **Permit holders will be notified annually of the status of access for each of their vessels.**¹⁴⁹

When accessing the Cape Hatteras Gear Restricted Area, qualified permit holders should have on board the letter from NMFS stating that their vessel is qualified to access the Gear Restricted Area. Coordinates for this area are as follows clockwise from the southernmost shoreward point, starting at 34°50' N. lat., 75°10' W. long.; 35°40' N. lat., 75°10' W. long.; 35°40' N. lat., 75°00' W. long.; 37°10' N. lat., 75°00' W. long.; 37°10' N. lat., 74°20' W. long.; 35°30' N. lat., 74°20' W. long.; 34°50' N. lat., 75°00' W. long.; 34°50' N. lat., 75°10' W. long.¹⁵⁰

The Cape Hatteras Special Research Area: To protect pilot whales and Risso's dolphins, pelagic longline vessel operators fishing in the Cape Hatteras Special Research Area must contact NOAA Fisheries at least 48 hours prior to a trip, and carry observers if requested.¹⁵¹ Vessels may transit the area without stopping and without contacting NOAA Fisheries if the gear is stowed appropriately. The area is bounded by straight lines connecting the following coordinates, in the order given: 36°25' N. lat., 75°0' W. long.; 36°25' N. lat., 74°35' W. long.; 35°0' N. lat., 74°35' W. long.; 35°0' N. lat., 75°0' W. long.

The Charleston Bump Closed Area: This area is closed to vessels with pelagic longline gear onboard from February 1 through April 30 each year.¹⁵² The area is defined as: 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.¹⁵³

The East Florida Coast Closed Area: This area is closed to vessels with pelagic longline gear onboard year-round.¹⁵⁴ The area is defined as: 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.¹⁵⁵

The DeSoto Canyon Closed Area: This area is closed to pelagic longline gear year-round¹⁵⁶ and consists of two squares offshore of the west coast of Florida. The area is bounded by straight lines connecting the following coordinates, in the order given: 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.¹⁵⁷

Spring Gulf of Mexico (GOM) Gear Restricted Areas: Vessels fishing with pelagic longline gear or with pelagic longline gear onboard are prohibited from fishing in these two areas during the months of April and May each year¹⁵⁸ to reduce interactions with bluefin tuna during the spawning season. Coordinates are as follows for both areas, the first area from the southernmost seaward point clockwise are: 26°30' N. lat., 94°40' W. long.; 27°30' N. lat., 94°40' W. long.; 27°30' N. lat., 89° W. long.; 26°30' N. lat., 89° W. long.; 26°30' N. lat., 94°40' W. long. The second area from the southernmost seaward point clockwise are: 27°40' N. lat., 88° W. long.; 28° N. lat., 88° W. long.; 28° N. lat., 86° W. long.; 27°40' N. lat., 86° W. long.; 27°40' N. lat., 88° W. long. Other authorized gear types (e.g., buoy gear, green-stick gear, or rod and reel) are allowed in these areas, provided the vessel abides by any rules/regulations that apply to those gear types and pelagic longline gear is not onboard the vessel.¹⁵⁹

The Northeast Distant Gear Restricted Area (NED): In addition to other gear and bait restrictions described below, vessels in this area with pelagic longline gear onboard must use 18/0 or larger circle hooks with an offset not to exceed 10 degrees and can only use whole Atlantic mackerel and/or squid bait.¹⁶⁰ The area is bounded by straight lines connecting the following coordinates, in the order given: 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.¹⁶¹

INDIVIDUAL BLUEFIN TUNA QUOTA (IBQ) PROGRAM¹⁶²

The IBQ program requires vessels fishing with pelagic longline gear or purse seine gear to **account for incidental bluefin tuna landings and dead discards** on an individual vessel basis, using quota derived from Individual Bluefin Quota (IBQ) shares or purse seine vessel quota being traded through the IBQ system.

SOURCES OF BLUEFIN TUNA QUOTA FOR INDIVIDUAL VESSELS

Gear	Region	Accounting areas*
Pelagic longline IBQ allocation (PLL)	Gulf of Mexico (GOM) allocation	Atlantic or Gulf of Mexico
	Atlantic (ATL) allocation	Atlantic only
Purse seine fishery participant quota (Purse Seine Gear (PSG))	Atlantic (ATL)	Atlantic only

*The area(s) in which quota may be used to account for bluefin tuna landings or dead discards. **Atlantic allocation (PLL ATL or PSG ATL) may not be used to account for bluefin landings or discards in the Gulf of Mexico.**¹⁶³

Mandatory Retention of Legal-Sized Bluefin Tuna

Pelagic longline vessels must retain all legal-sized commercial bluefin tuna (73 inches CFL or longer) that are dead at haul-back.¹⁶⁴

PLL IBQ PROGRAM REQUIREMENTS IN 2015

As of January 1, 2015, all bluefin tuna catch (dead discards and landings, by weight) by vessels fishing with pelagic longline gear will be accounted for through the electronic IBQ system (as explained further below) and deducted from the vessel's IBQ account balance.

If the amount of bluefin tuna catch for a particular trip exceeds the amount of quota available to the vessel, the permitted vessel has "quota debt" equal to the difference between the catch and the vessel's available quota balance. For example, if a vessel has an account balance of 0.40 mt (882 lb), and catches 0.50 mt (1,102 lb) of bluefin tuna on a trip, that vessel would have a quota debt of 0.10 mt (220 lb).

If a vessel has quota debt, it may continue to fish and complete the trip, and will be responsible for resolving all quota debt.

During 2015 only, a vessel may depart on subsequent fishing trips with pelagic longline gear even when it has quota debt; however, quota debt will accrue throughout the 2015 fishing year, and a vessel will be responsible for accounting for its entire balance at the end of the year.

If, at the end of 2015, a permitted vessel does not have an adequate quota balance to settle its quota debt, the vessel's allocation for the next year will be reduced in the amount equal to the quota debt in the subsequent year or years until the quota debt is fully accounted for. If a vessel was ineligible for quota share and does not get an annual allocation, it will have to lease quota to account for its quota debt. In 2016, a vessel will not be allowed to fish with pelagic longline gear onboard if it has outstanding quota debt and it must have the minimum required departure quota as well.

Therefore, if a vessel accrues quota debt on a trip during 2015, NMFS *strongly recommends* that the vessel resolve that debt by acquiring additional quota through leasing prior to departing on a subsequent fishing trip with pelagic longline gear, or as soon as possible before year's end.

MINIMUM IBQ ALLOCATIONS REQUIRED TO DEPART ON A TRIP AS OF 2016¹⁶⁵

To depart on a fishing trip, a vessel with an Atlantic Tunas Longline category permit that fishes with or has pelagic longline gear onboard must have the minimum quota allocation to depart on a trip in either the Gulf of Mexico (0.25 mt) or Atlantic (0.125 mt), depending on fishing location.

FISHING IN THE NORTHEAST DISTANT AREA (NED) IN THE IBQ PROGRAM

Vessels fishing with pelagic longline gear may fish in the NED. NMFS will account for all dead discards and landings within the 25 mt NED specifically allocated to the United States for that area by ICCAT. Individual vessels do not have to use individual quota to account for such fish *provided the 25 mt NED quota has not been caught. Vessels do, however, have to have the minimum quota allocation amount required to depart on a trip in the Atlantic using pelagic longline gear (0.125 mt of ATL PLL quota) to fish in the NED.*¹⁶⁶

When the NED quota has been caught category-wide, vessels may continue to fish with pelagic longline gear in the NED but must in addition to having the 0.125 mt minimum quota allocation amount required to depart on a fishing trip, account for all catch (dead discards and retained bluefin) using IBQ allocation, consistent with the IBQ accounting rules.

PLL FISHING UNDER THE IBQ PROGRAM

Before Departing on a Trip:

- Make sure you have an active IBQ account in the online IBQ system;
- Check your IBQ allocation balance using the online IBQ system. Note: During 2015, there is flexibility to fish with “quota debt,” but in 2016, you will need to resolve any debt AND have the minimum amount of IBQ allocation before departing the dock to fish);
- Hail in using VMS and make sure your VMS software is up to date;
- Check your Electronic Monitoring System to make sure it has hard drives installed, has power, and is functioning properly (*required as of June 1, 2015*).

During the Trip:

- Report bluefin tuna catch and fishing effort through VMS;
- Ensure that all fish caught are handled in a manner that enables the video system to record such fish; make sure the electronic monitoring system remains powered on for the duration of each fishing trip; and clean cameras.

End of the Trip:

- Hail out of the trip using VMS;
- Provide bluefin landings and/or dead discard information to the dealer;
- Validate the dealer transaction report by entering the unique Personal Identification Number (PIN) for the vessel account;
- Check your balance of IBQ allocation to determine if you are in “quota debt,” and obtain more IBQ allocation if necessary;
- Within 48 hours of completing a fishing trip, mail the removable electronic monitoring system hard drive(s) containing all data to NMFS or the NMFS-approved contractor;
- Submit your written logbooks, as required prior to the IBQ program.

HOOK AND BAIT RESTRICTIONS

Pelagic longline vessels that are permitted to fish for tunas and swordfish are limited, at all times, to:

- Possessing and/or using only corrodible (i.e., non-stainless steel) 18/0 or larger circle hooks with an offset not to exceed 10 degrees, or 16/0 or larger non-offset circle hooks.
- Using only whole finfish and/or squid bait.

If green-stick gear is onboard, a vessel may:

- Possess up to 20 J-hooks 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.¹⁶⁷
- J-hooks may be used only with green-stick gear, and no more than 10 hooks may be used at one time with green-stick gear.

HOOK AND BAIT RESTRICTIONS WHEN FISHING IN THE NED

In addition to other restrictions, 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.

HOOK AND BAIT RESTRICTIONS WHEN FISHING IN THE GULF OF MEXICO

In addition to other restrictions, vessels in the Gulf of Mexico with pelagic longline gear onboard:

- May only possess, use, or deploy circle hooks that are constructed of round wire stock which is no larger than 3.65 mm in diameter (“weak hooks”).¹⁶⁸ Two circle hook models that meet this requirement are Mustad Model 39988D – 16/0 and Eagle Claw Model L2048LM – 16/0.

- May not use live bait. In addition, no person aboard a vessel with pelagic longline gear onboard may maintain live baitfish in any tank or well onboard the vessel, possess live baitfish, or set up an aeration device onboard the vessel.¹⁶⁹

OTHER RESTRICTIONS FOR PELAGIC LONGLINE GEAR

Vessels fishing with pelagic longline gear:

- **Must** retain all legal-sized (73 inches CFL or larger) bluefin tuna that are dead at haul-back.¹⁷⁰
- May not possess any billfish.¹⁷¹
- Must possess and use sea turtle handling and release gear in compliance with NOAA Fisheries' careful release protocols. The required handling and release gears are fully described in the document titled "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, the Technical Memorandum (NMFS-SEFSC-580) titled "Careful Release Protocols for Sea Turtle Release with Minimal Injury," and placard titled "Handling/Release Guidelines," must be placed inside the wheelhouse.¹⁷² These materials are available on the HMS Management Division website, or you can call (301) 427-8503 to request a waterproof copy.
- 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.¹⁷³
- Must possess and use only corrodible (i.e., non-stainless steel) circle hooks (as described above).¹⁷⁴
- Must immediately release any marine mammal or sea turtle that is hooked or entangled, retrieve the pelagic longline gear, and move at least 1 nmi from the location of the incident before resuming fishing. Reports of marine mammal entanglements must be submitted to NOAA Fisheries consistent with the marine mammal regulations.¹⁷⁵ The marine mammal mortality/injury reporting form is online at http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap_reporting_form.pdf or by calling (301) 713-2322.
- Cannot deploy a pelagic longline that exceeds 20 nmi in length in the mid-Atlantic Bight (MAB).¹⁷⁶
- Must display the plastic placard "Marine Mammal Handling/Release Guidelines: A Quick Reference Guide for Atlantic Pelagic Longline Gear" in both the wheelhouse and on the working deck.¹⁷⁷
- Cannot retain, transship, land, store, or sell silky, oceanic whitetip, great hammerhead, scalloped hammerhead, or smooth hammerhead sharks.¹⁷⁸
- Must install and use a NOAA Fisheries-approved enhanced mobile transmitting unit (E-MTU) vessel monitoring system (VMS) as instructed including whenever the vessel is away from port.¹⁷⁹ Additional information on the VMS requirements is provided in Section 0.