

FISHING FOR HMS IN STATE WATERS

Both the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act have provisions that allow NOAA Fisheries to apply federal regulations to state waters. In general, Atlantic HMS permit holders must comply with all applicable federal regulations, regardless of where fishing occurs, including in state waters. When fishing in the waters of a state with more restrictive regulations, vessels must abide by the more restrictive state regulations.¹⁴⁶ However, as reflected in this guide, the regulations are species-and situation-specific. Please call the HMS Management Division at (301) 427-8503 for more information.

SECONDARY GEARS

Secondary, or “cockpit,” gears may be used only 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.¹⁴⁷

SPEARGUN RESTRICTIONS

Speargun fishing gear is only authorized for the recreational harvest of BAYS tunas. No speared BAYS tunas may be sold. 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, and may freedive, use SCUBA, or other underwater breathing devices. BAYS tunas must be free-swimming and cannot be restricted by fishing lines or other means. “Powerheads” may not be used. No other HMS may be taken with speargun fishing gear, including bluefin tuna, swordfish, sharks, sailfish, spearfish, roundscale spearfish, or white or blue marlin.¹⁴⁸

TRANSFER AT SEA

No Atlantic tunas, blue marlin, white marlin, roundscale spearfish, sailfish, swordfish, or sharks may be transferred at sea, regardless of where the fish was harvested.¹⁴⁹

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.¹⁵⁰

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 permits:^{151,152}

1. Directed or incidental **swordfish** permit (a swordfish handgear 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 an acceptable substitute for the Atlantic tunas Longline category permit).

* Fishermen may harvest sharks with pelagic longline gear if they possess only a federal limited access shark permit;¹⁵³ however, they must discard all swordfish and tunas caught.¹⁵⁴

All three of these permits are administered under a limited access program. NOAA Fisheries is not issuing any new limited access permits. Persons wishing to enter the fishery may only obtain these three permits by transferring the permit, subject to the vessel upgrading restrictions, from a permit holder who

is leaving the fishery.¹⁵⁵ All permits must be renewed annually.¹⁵⁶ Only persons holding shark and swordfish limited access permits that did not expire in the preceding year are eligible to renew those permits.¹⁵⁷

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.¹⁵⁸ A copy of the workshop certificate must be included in the permit application package. For more information on workshops, see Section I.

TIME/AREA CLOSURES FOR USE OF PELAGIC LONGLINE GEAR

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

To determine compliance with the closed area restrictions, 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. If a vessel is in an area closed to pelagic longline gear and has pelagic longline gear onboard, it is a rebuttable presumption that fish on board that vessel were taken with pelagic longline gear in the closed area.¹⁵⁹

The species composition of the catch onboard the vessel or landed can also be used to differentiate between these gear types. 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 VIII for bottom longline closed areas and the list of demersal species).¹⁶⁰ 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.¹⁶¹ The species that qualify as pelagic indicator species are:

PELAGIC INDICATOR SPECIES¹⁶²	
DOLPHINFISH	TUNA, ALBACORE
SHARK, BLUE	TUNA, BIGEYE
SHARK, OCEANIC WHITETIP	TUNA, BLUEFIN
SHARK, PORBEAGLE	TUNA, SKIPJACK
SHARK, SHORTFIN MAKO	TUNA, YELLOWFIN
SHARK, THRESHER	WAHOO
SWORDFISH	

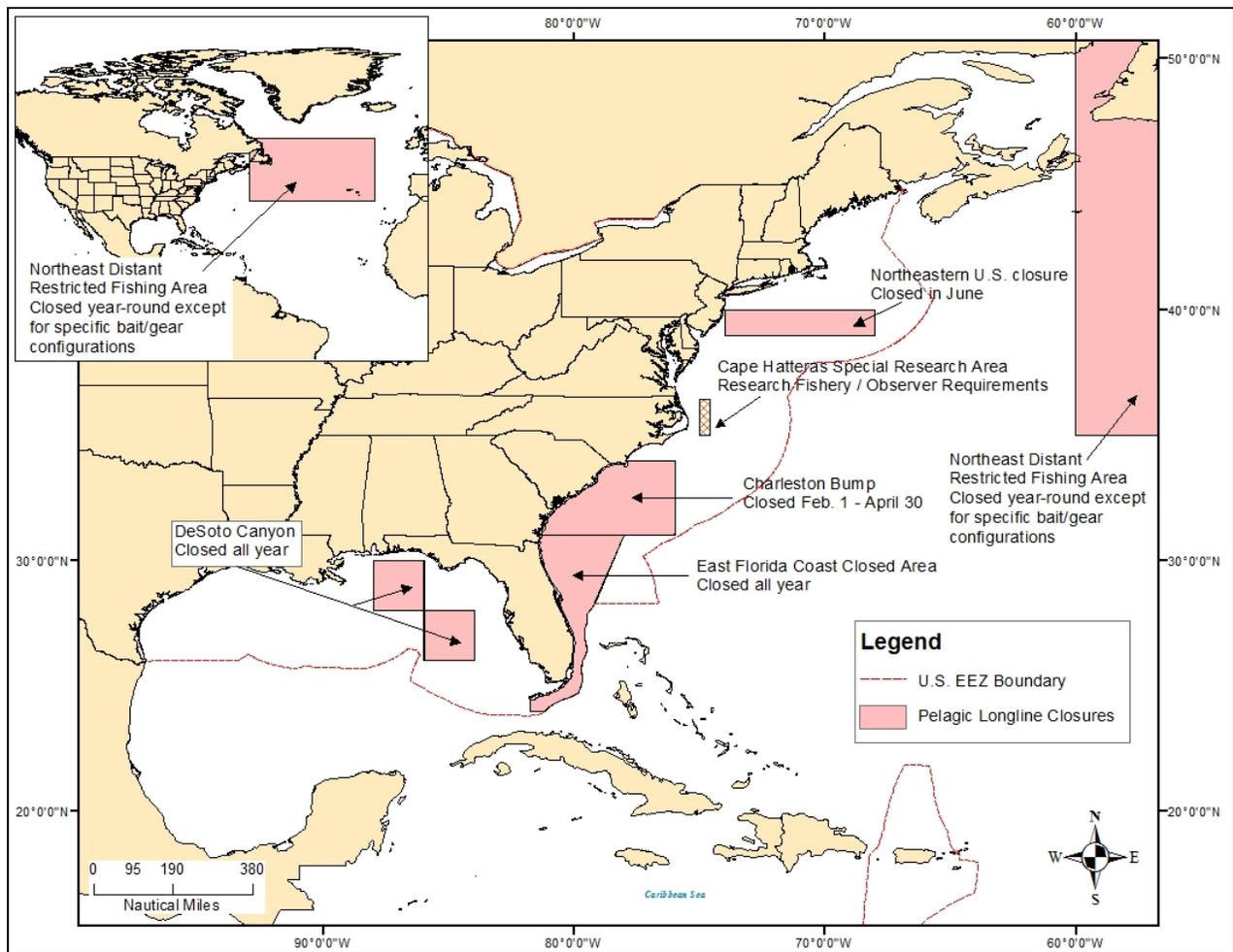


Figure 3 Time/area closures that restrict use of pelagic longline gear in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Additional closures for all gears are presented in Figure 2.

The closures shown in Figure 3 and described in the following paragraphs were implemented to reduce bycatch by longline gear. See also: [Tortugas Marine Reserves](#), [Madison-Swanson closed area](#), [Steamboat Lumps closed area](#), and [Edges 40 Fathom closed area](#) descriptions in Section I, 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.¹⁶³ 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.¹⁶⁴

The Charleston Bump Closed Area: This area is closed to vessels with pelagic longline gear onboard from February 1 through April 30 each year.¹⁶⁵ 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.¹⁶⁶

The East Florida Coast Closed Area: This area is closed to vessels with pelagic longline gear onboard

year-round.¹⁶⁷ 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.¹⁶⁸

The DeSoto Canyon Closed Area: This area is closed to pelagic longline gear year-round¹⁶⁹ 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.¹⁷⁰

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.¹⁷¹ 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.¹⁷²

CAPE HATTERAS SPECIAL RESEARCH AREA REQUIREMENTS FOR PELAGIC LONGLINE

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.¹⁷³ Vessels may transit the area without stopping and without contacting NOAA Fisheries if the gear is stowed appropriately. In this instance, "stowed appropriately" means all gangions, hooks, and buoys are disconnected from the mainline; hooks are not baited; longline on the drum is covered with a tarp; and all other gear components are either stowed below deck or secured on deck and covered with a tarp.¹⁷⁴ 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.

HOOK AND BAIT RESTRICTIONS

In addition to other restrictions listed below, outside of the NED Restricted Area, 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. Only whole finfish and/or squid bait may be used on pelagic longlines.

If green-stick gear is onboard, a vessel may possess up to 20 J-hooks. J-hooks may be used only with green-stick gear, and no more than 10 hooks may be used at one time with each green-stick gear. J-hooks used with green-stick 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.¹⁷⁵

HOOK AND BAIT RESTRICTIONS WHEN FISHING IN THE NED

In addition to other restrictions listed below, 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 green-stick gear.¹⁷⁶

HOOK AND BAIT RESTRICTIONS WHEN FISHING IN THE GULF OF MEXICO

In addition to the hook and bait restrictions listed above and the other restrictions listed below, 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 larger than 3.65 mm in diameter (“weak hooks”).¹⁷⁷ Two circle hook models that meet this requirement are Mustad Model 39988D – 16/0 and Eagle Claw Model L2048LM – 16/0.

Live bait may not be used in the Gulf of Mexico. 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.¹⁷⁸

OTHER RESTRICTIONS FOR PELAGIC LONGLINE GEAR

Vessels fishing with pelagic longline gear:

- Are restricted in the number of bluefin tuna they are allowed to possess dependent on the retention of other species. Specifically, longline vessels may keep one bluefin tuna if 2,000 lb (907 kg) of targeted catch is onboard, two bluefin tuna if 6,000 lb (2,727 kg) of targeted catch is onboard, and three bluefin tuna if 30,000 lb (13,620 kg) of targeted catch is onboard.¹⁷⁹
- Cannot possess any billfish.¹⁸⁰
- 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, a Technical Memorandum (NMFS-SEFSC-580) titled “Careful Release Protocols for Sea Turtle Release with Minimal Injury,” and a placard titled “Handling/Release Guidelines,” must be placed inside the wheelhouse.¹⁸¹ 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.¹⁸²
- Must possess and use only corrodible (i.e., non-stainless steel) circle hooks (as described above).¹⁸³
- 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.¹⁸⁴ The marine mammal mortality/injury reporting form is available 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).¹⁸⁵
- 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.¹⁸⁶
- Cannot retain, transship, land, store, or sell silky, oceanic whitetip, great hammerhead, scalloped hammerhead, or smooth hammerhead sharks.¹⁸⁷
- 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.¹⁸⁸ Additional information on the VMS requirements is provided in Section X.