

VI. GENERAL RESTRICTIONS

TIME/AREA CLOSURES

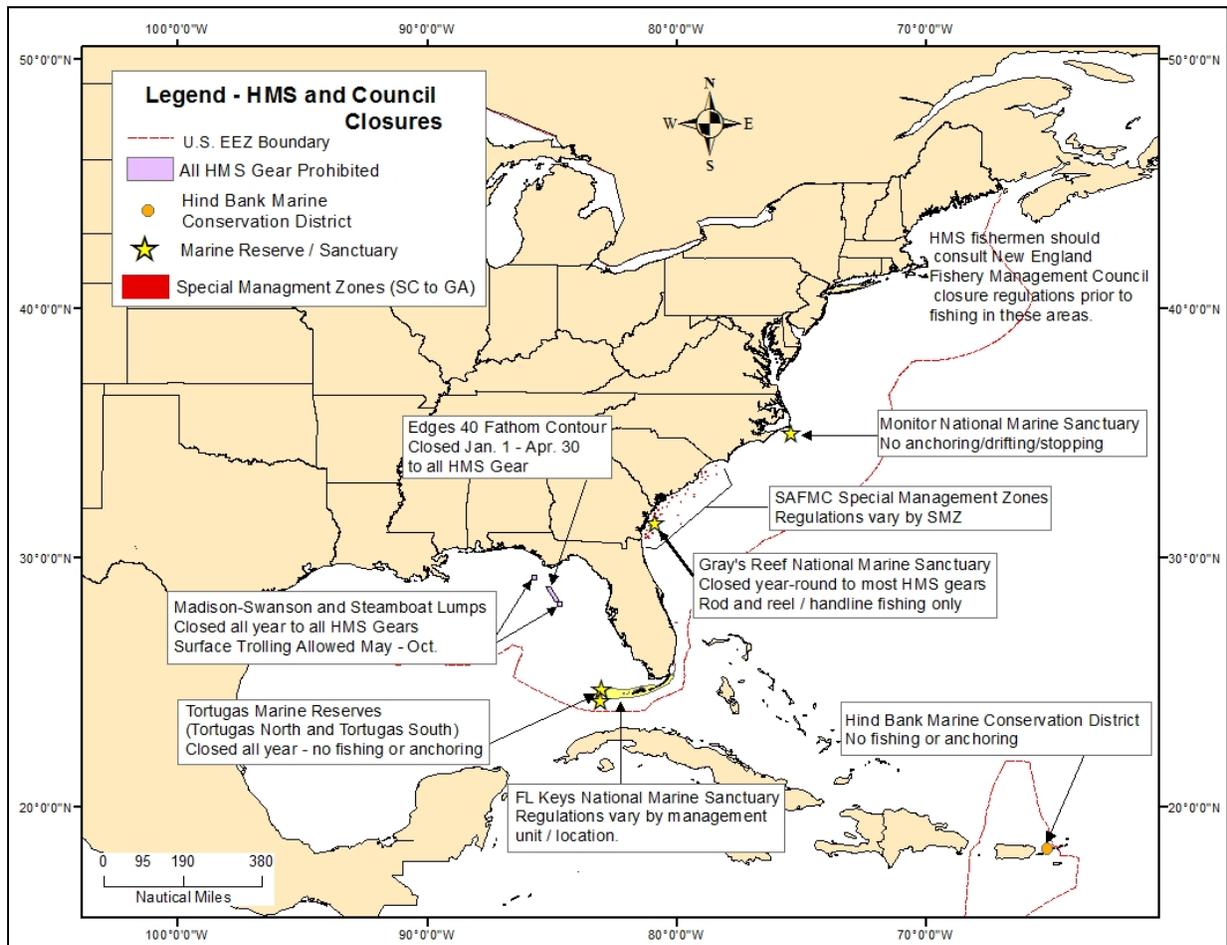


Figure 2 Marine sanctuaries, special management zones, and time/area closures that restrict use of all HMS gear in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Additional time/area closures for certain HMS gears are shown in Figure 3 (pelagic longline), Figure 4 (bottom longline), and Figure 5 (gillnet).

The Tortugas Marine Reserves: Fishing for any species and bottom anchoring by fishing vessels is prohibited in the EEZ portions of Tortugas North and Tortugas South. 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.¹³⁵

Madison-Swanson and Steamboat Lumps closed areas: These areas are closed to all HMS fishing gears year-round, except for surface trolling from May through October.¹³⁶ 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.¹³⁷ 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.¹³⁸

Edges 40 Fathom Contour closed area: This area is closed to all HMS fishing gears from January through April.¹³⁹ Its coordinates are: 28° 51' N. Lat., 85° 16' W. Long.; 28° 51' N. Lat., 85° 04' W. Long.; 28° 14' N. Lat., 84° 42' W. Long.; 28° 14' N. Lat., 84° 54' W. Long.¹⁴⁰

Other marine protected areas: Throughout the United States, there are a number of marine protected areas in which fishing activities may be restricted. More information on marine protected areas can be found at <http://www.mpa.gov>.

RELEASING HMS

An Atlantic HMS this is caught and not retained must be released in a manner that will ensure maximum probability of survival without removing the fish from the water.¹⁴¹ If a billfish is caught, the fish must be released by cutting the line near the hook or by using a dehooking device; in either case, without removing the fish from the water.¹⁴²

VESSEL IDENTIFICATION

Each vessel must display the vessel number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft. The vessel number is the vessel's official number issued by either the U.S. Coast Guard or the appropriate state agency. The number must be in block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background, and must be at least 18 inches (45.7 cm) in height for vessels over 65 feet (19.8 m) in length; at least 10 inches (25.4 cm) in height for all vessels over 25 feet (7.6 m) in length; and at least 3 inches (7.6 cm) in height for vessels 25 feet (7.6 m) in length or less. The vessel's number must be kept clearly legible and in good repair and no part of the vessel, its rigging, its fishing gear, or any other material on board may obstruct the view of the vessel's number from an enforcement vessel or aircraft.¹⁴³

GEAR MARKING

Fishermen deploying handline, buoy gear, harpoon, longline, and gillnet gear must mark each float and/or high-flyer with (1) the vessel name and (2) either the vessel registration number or the Atlantic tunas or HMS Charter/Headboat permit number. The name and number must be at least 1 inch in height in block letters or arabic numerals in a color that contrasts with the background color of the float and/or high flyer.¹⁴⁴

HIGH SEAS FISHING

In addition to the appropriate HMS permit, a High Seas Fishing permit is required for all U.S. vessels commercially fishing on the high seas.¹⁴⁵ If you have questions about the High Seas Fishing Compliance Act, please contact the Office of International Affairs at (301) 427-8350. More information on the High Seas Permit, including an application and information on where to send the application, can be found at: <http://www.nmfs.noaa.gov/ia/services/highseas.htm>. NOTE: 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) 427-8503 for more information about these issues.

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