

## 2008 Guide to the Atlantic Large Whale Take Reduction Plan (Excerpted)

The following document is an excerpt from the 2008 Guide to the Atlantic Large Whale Take Reduction Plan (ALWTRP). For the purposes of the HMS protected species handling and release workshops, this handout includes only overview pages and information relevant to the Southeastern U.S. shark gillnet fishery. Please note that requirements are different between regions and for other (e.g. non-shark) gillnet fisheries. The complete guide and more information can be found at the ALWTRP website (<http://www.nero.noaa.gov/whaletrp/plan/index.html>) or by contacting the individuals listed on the cover page.



# Guide To THE ATLANTIC LARGE WHALE TAKE REDUCTION PLAN

An evolving plan to reduce the risk to North Atlantic large whales (right, humpback, and fin) posed by commercial trap/pot and gillnet fishing gear in the U.S. Atlantic Ocean

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**Regulations in this guide are effective as of  
April 5, 2008**

This document is intended as a guide to measures required under the ALWTRP and is not the legal document detailing the regulations.



# OVERVIEW OF THE ALWTRP

The Atlantic Large Whale Take Reduction Plan (ALWTRP) is a program to reduce the risk of serious injury to or mortality of large whales due to incidental entanglement in U.S. commercial fishing gear. The plan is required by the Marine Mammal Protection Act (MMPA) and has been developed by NOAA's National Marine Fisheries Service (NMFS).

The ALWTRP focuses on the critically endangered North Atlantic right whale, but is also intended to reduce entanglements of endangered humpback and fin whales and to benefit non-endangered minke whales. Under the protection of the Endangered Species Act (ESA), Federal agencies are required to ensure that permitted activities (such as fishing) do not jeopardize the continued existence of any endangered species. Since the ALWTRP measures are intended to reduce entanglements of right, humpback, and fin whales in fishing gear, these measures also help to avoid the likelihood that Federally permitted fishing activities will cause harm to or jeopardize the continued existence of these whales.

The ALWTRP affects specific Category I and Category II fisheries, as described in the MMPA 2008 List of Fisheries, and includes the following:

- Northeast/Mid-Atlantic American lobster trap/pot;
- Atlantic blue crab trap/pot;
- Atlantic mixed species trap/pot which includes, but is not limited to: crab (red, Jonah, and rock), hagfish, finfish (black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch), and white hake), conch/whelk, and shrimp;
- Northeast sink gillnet;
- Northeast anchored float gillnet;
- Northeast drift gillnet;
- Mid-Atlantic gillnet;
- Southeastern US Atlantic shark gillnet; and
- Southeast Atlantic gillnet.

The plan was developed with the help of the Atlantic Large Whale Take Reduction Team (ALWTRT), which consists of fishing industry representatives, environmentalists, state and federal officials, and other interested parties. Information about the process and the ALWTRT is available on the Whale TRP website (<http://www.nero.noaa.gov/whaletrp/>).

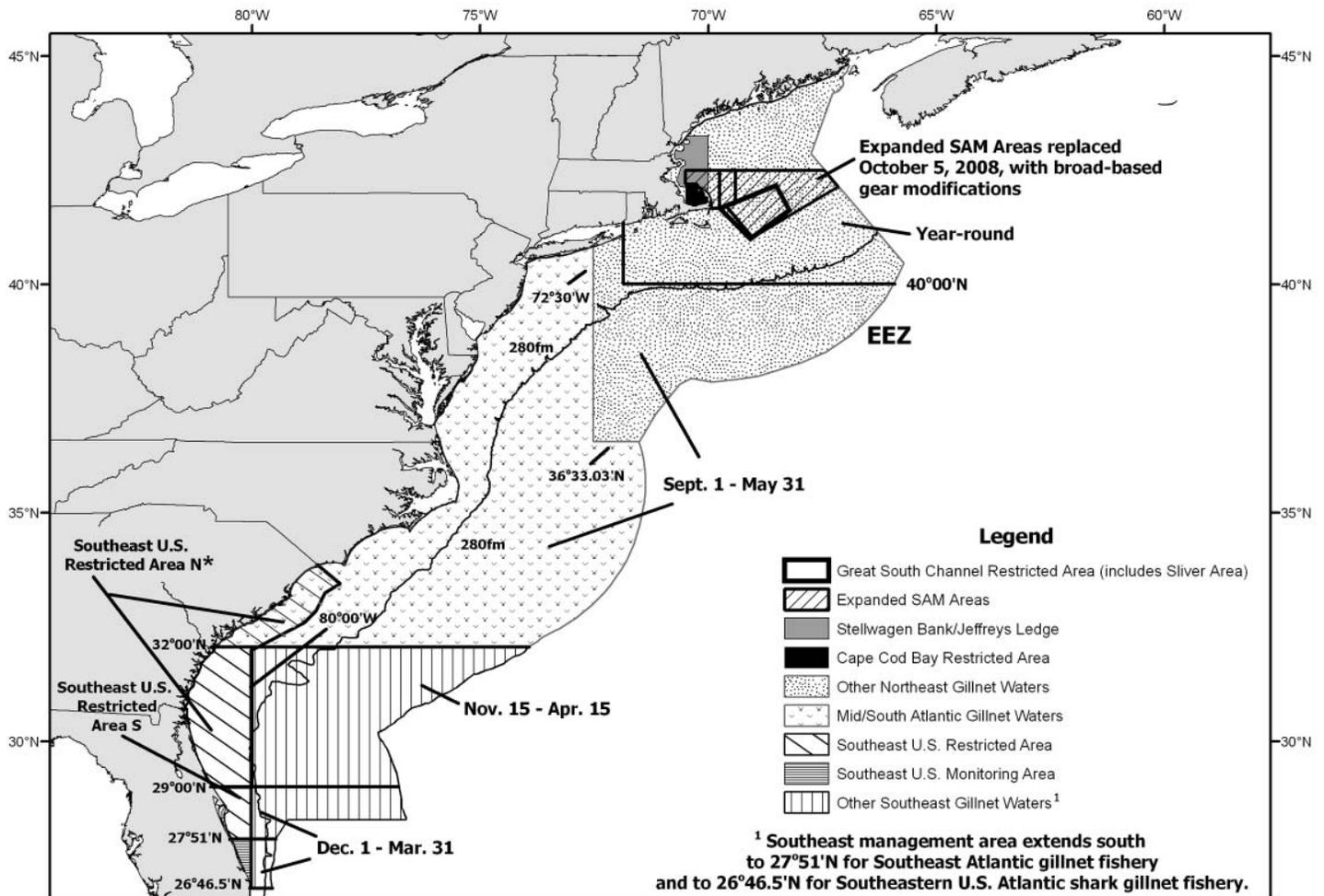
The ALWTRP is an evolving plan that changes as NMFS and the ALWTRT learn more about why whales become entangled and how fishing practices might be modified to reduce the risk of entanglement. It has several components including restrictions on where and how gear can be set; research into whale populations and whale behavior as well as fishing gear interactions and modifications; outreach to inform and collaborate with fishermen; and a disentanglement program. The first ALWTRP went into effect in 1997, published in the *Federal Register* as an Interim Final Rule. The regulations contained in that rule were updated in February 1999, and again in December of 2000. In January 2002, NMFS published three rules that (1) made further modifications to commercial fishing gear, (2) established a system for restricting fishing in areas where unexpected aggregations of right whales are observed, and (3) established restricted areas based on the annual, predictable aggregations of right whales. In June 2007, NMFS published a final rule expanding the Southeast U.S. Restricted Area and prohibiting gillnet fishing or possession during the right whale calving season, with some exceptions.

In October 2007, NMFS issued a final rule (72 FR 57104) which implements broad-based gear modifications to replace the programs described in numbers (2) and (3) above. This broad-based gear modification strategy includes expanded weak link and sinking and/or neutrally buoyant groundline requirements; additional gear marking requirements; changes in boundaries; seasonal restrictions for gear modifications; expanded exempted areas; and regulatory language changes for the purposes of clarification and consistency.

This document is a summary of ALWTRP regulations as they effect where, when and how gear can be set, as of **April 5, 2008**. Please also refer to the ALWTRP Gear Compliance Guide and its supplement to review acceptable techniques on how to accurately mark lines and surface buoys, create and configure weak links, as well as how to appropriately anchor gillnet gear. Note, this guide includes federal requirements only for state and federal waters; contact your state fishery office for any additional requirements for state waters. Should any regulations overlap with the ALWTRP regulations, the more restrictive regulations will apply.

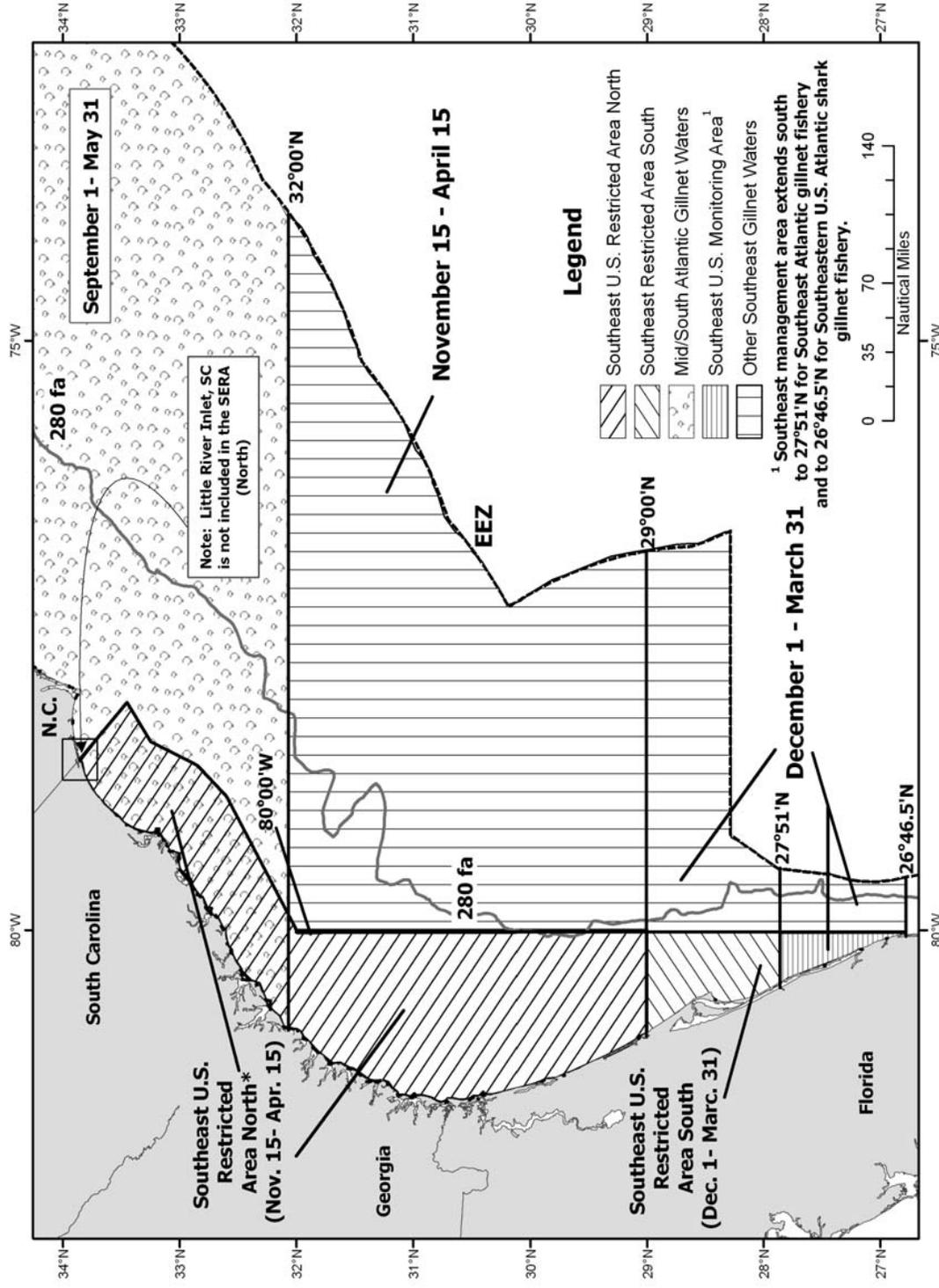
# REGULATED GILLNET AREAS

The gillnet gear requirements in the ALWTRP vary by geographic area. The Plan currently recognizes seven gillnet areas: Cape Cod Bay Restricted Area, Great South Channel Restricted Gillnet Area, Great South Channel Sliver Restricted Gillnet Area, Stellwagen Bank/Jeffreys Ledge Restricted Area, Other Northeast Gillnet Waters, Mid/South Atlantic Gillnet Waters, Southeast U.S. Restricted Area (North and South), Southeast U.S. Monitoring Area, and Other Southeast Gillnet Waters.



\* Includes area created by a recent Southeast ALWTRP action (The area north of 32°00' N lat. is included in the Southeast U.S. Restricted Area from Nov. 15 - April 15, and Mid/South Atlantic Gillnet Waters from Sept. 1 - Nov. 14 and April 16 - May 31)

# SOUTHEAST REGION: GILLNET FISHERIES



\* The area north of 32°00' N lat. is included in the Southeast U.S. Restricted Area from Nov. 15 - April 15, and Mid/South Atlantic Gillnet Waters from Sept. 1 - Nov. 14 and April 16 - May 31.

Southeast U.S. Restricted Area (North and South), Other Southeast Gillnet Waters, Southeast U.S. Monitoring Area

# SOUTHEAST U.S. RESTRICTED AREA (NORTH)

The Southeast U.S. Restricted Area includes waters north of 27°51' N. (near Sebastian Inlet, FL) to 32°00' N. (near the GA/SC border) from shore eastward to 80°00' W, and off South Carolina, within 35 nautical miles of shore. Little River Inlet, SC, is not located in the Southeast U.S. Restricted Area. The Southeast U.S. Restricted Area is subdivided into the Southeast U.S. Restricted Area N, which is north of 29°00' N., and the Southeast U.S. Restricted Area S, which is south of 29°00' N.

## **November 15 - April 15 (see following map for seasonal boundaries):**

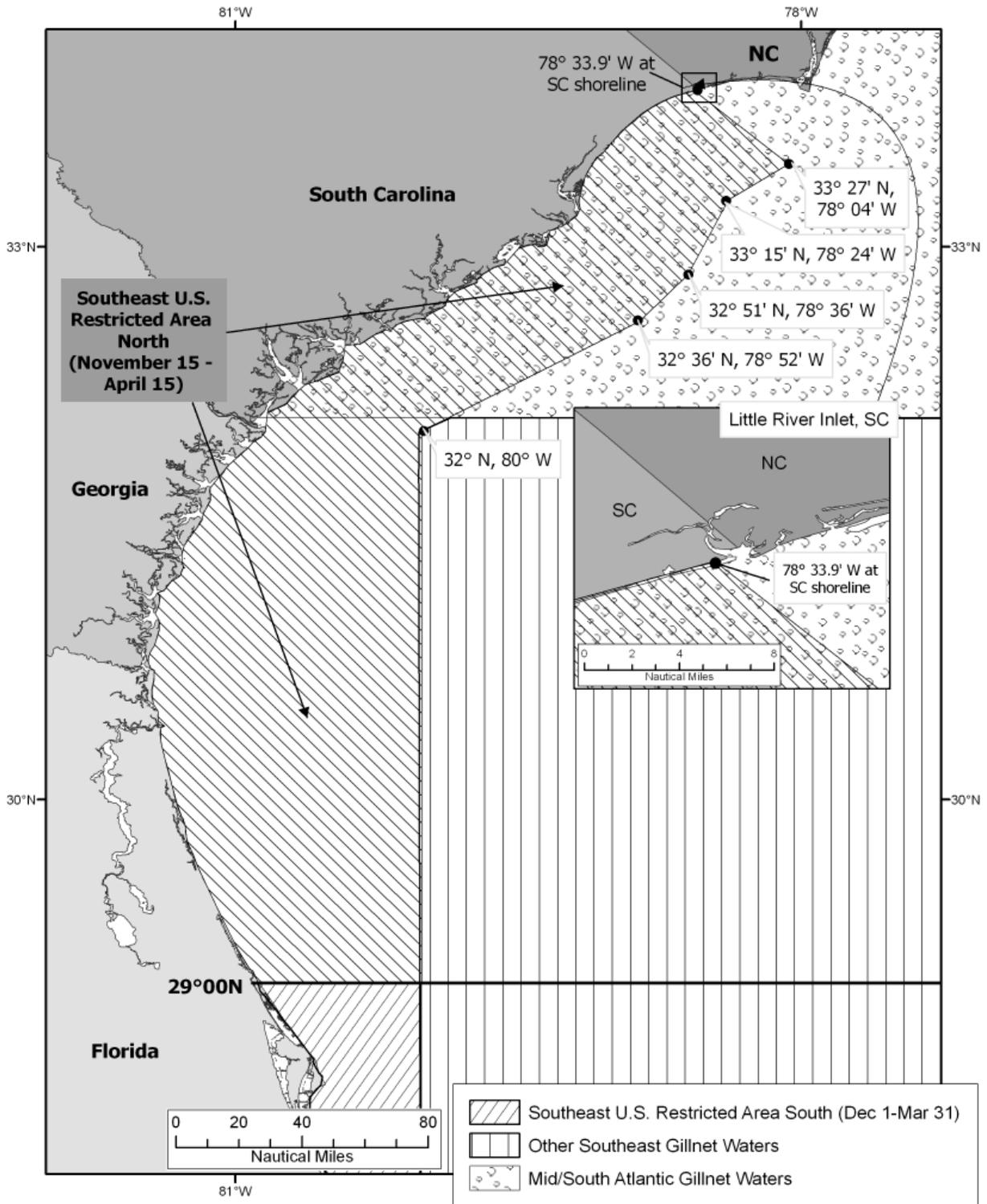
### ***For All Gillnet Gear:***

- Fishing with or possessing gillnets during the restricted period is **prohibited**.
- Exemption for vessels in transit with gillnets aboard\* if:
  - » All nets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck, rail, or drum; and
  - » All buoys, high flyers, and anchors are disconnected from all gillnets.

\*No fish may be possessed aboard such a vessel in transit.

**NOTE:** The area off South Carolina is also included in the “Mid/South Atlantic Gillnet Waters” management area from September 1-November 14 and from April 16-May 31. **Please refer to the “Mid/South Atlantic Gillnet Waters” section for these requirements (page 49).**

# SOUTHEAST REGION: SOUTHEAST U.S. RESTRICTED AREA NORTH



# SOUTHEAST U.S. RESTRICTED AREA (SOUTH)

The Southeast U.S. Restricted Area includes waters north of 27°51' N. (near Sebastian Inlet, FL) to 32°00' N. (near the GA/SC border) from shore eastward to 80°00' W, and off South Carolina, within 35 nautical miles of shore. Little River Inlet, SC, is not located in the Southeast U.S. Restricted Area. The Southeast U.S. Restricted Area is subdivided into the Southeast U.S. Restricted Area N, which is north of 29°00' N., and the Southeast U.S. Restricted Area S, which is south of 29°00' N.

## **December 1- March 31 (see following map for seasonal boundaries):**

### ***For All Gillnet Gear:***

- Fishing with or possessing gillnets during the restricted period is **prohibited**.
  - » ***Exemption for Southeast Atlantic gillnet fishery***

Fishing with gillnet for Spanish mackerel is exempt from the restrictions from December 1 - December 31, and from March 1 - March 31 if:

    - Gillnet mesh is between 3.5" and 4 7/8" stretched mesh;
    - A valid commercial vessel permit for Spanish mackerel has been issued to the vessel in accordance with 50 CFR 622.4(a)(2)(iv) and is on board;
    - No person may fish with, set, place in the water, or have on board a gillnet with a float line longer than 800 yards;
    - No person may fish with, set, or place in the water more than one gillnet at any time;
    - No more than two gillnets, including any net in use, may be possessed at any one time; provided, however, that if two gillnets, including any net in use, are possessed at any onetime, they must have stretched mesh sizes that differ by at least 1/4";
    - No person may soak a gillnet for more than 1 hour. The soak period begins when the first mesh is placed in the water and ends either when the first mesh is retrieved back on board the vessel or the gathering of the gillnet is begun to facilitate retrieval on board the vessel, whichever occurs first; providing that, once the first mesh is retrieved or the gathering is begun, the retrieval is continuous until the gillnet is completely removed from the water;
    - No net is set at **night** or when visibility is less than 500 yards;
    - The gillnet is removed from the water before night or immediately if visibility decreases below 500 yards;
    - No gillnet is set within 3 nautical miles of a right, humpback, or fin whale; and
    - The gillnet is removed immediately from the water if a right, humpback, or fin whale moves within 3nm of the set gear.
    - The gear complies with universal anchored gillnet gear requirements and the Mid/South Atlantic Gillnet Waters requirements as specified on page 49 of this guide.
  - » ***Exemption for Southeastern U.S. Atlantic shark gillnet fishery***

Fishing with gillnet for sharks is exempt from the restrictions from December 1- March 31 if:

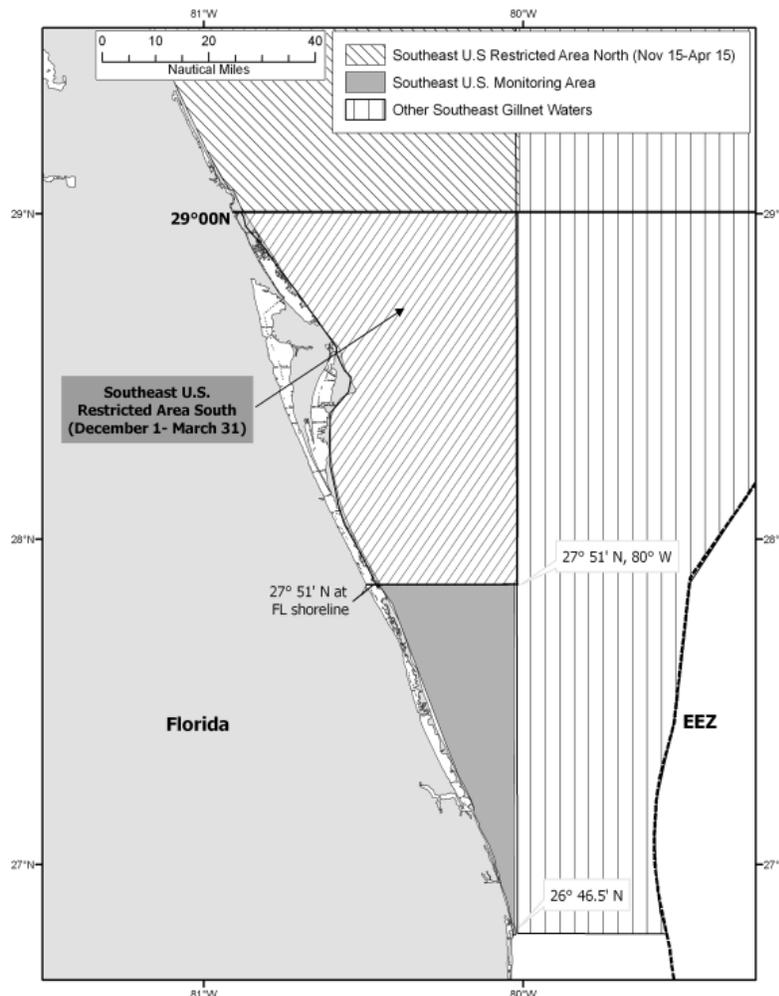
    - Gillnet mesh is 5" or greater stretched mesh;
    - The gillnet is deployed so that it encloses an area of water;
    - A valid commercial directed shark limited access permit has been issued to the vessel, in accordance with 50 CFR 635.4(e), and is on board;
    - No net is set at **night** or when visibility is less than 500 yards;
    - The gillnet is removed from the water before night or immediately if visibility decreases below 500 yards;
    - Each set is made under the observation of a spotter plane;
    - No gillnet is set within 3 nautical miles of a right, humpback, or fin whale; and
    - The gillnet is removed immediately from the water if a right, humpback, or fin whale moves within 3nm of the set gear.
    - No person may fish with shark gillnet gear unless the operator of the vessel calls the Southeast Fisheries Science Center Panama City Laboratory in Panama City, FL (phone: 850/234-6451, fax: 850/235-3559), not less than 48 hours prior to departing on any fishing trip in order to arrange for observer coverage.
      - If the Panama City Laboratory requests that an observer be taken on board a vessel, no person may fish with such gillnet aboard the vessel unless an observer is on board that vessel during the trip.

**Night** is defined as anytime between one-half hour before sunset and one-half hour after sunrise.

### Gear Marking Requirements for All Fisheries

- Gillnet surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motor-boat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
  - » When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
- Buoy lines for **non-shark gillnet gear** to be marked with one 4-inch (10.2 cm), **YELLOW**, mark midway along the buoy line.
- **Shark gillnet gear** with webbing of 5" or greater stretched mesh must be marked with two, 4-inch color codes, one designating gear type (**GREEN**) and the other where the gear is set (**BLUE**).
  - » Each color of the two-color codes must be permanently marked on or along the line and must be clearly visible when the gear is hauled or removed from the water.
  - » The two color marks must be placed within 6" of each other.
  - » If the color of the rope is the same as or similar to a color code, a white mark may be substituted for that color code.
  - » All buoy lines greater than 4 feet long must be marked within 2 feet of the top of the buoy line (closest to the surface) and midway along the length of the buoy line.
  - » Each gillnet net panel must be marked along both the floatline and the leadline at least once every 100 yards, unless otherwise required.

## SOUTHEAST REGION: SOUTHEAST U.S. RESTRICTED AREA SOUTH



# OTHER SOUTHEAST GILLNET WATERS

Other Southeast Gillnet Waters consists of the area from 32°00' N. (near Savannah, GA) south to 27°51' N. lat for the Southeast Atlantic gillnet fishery, and from 32°00' N. (near Savannah, GA) south to 26°46.50' N. lat for the Southeastern U.S. Atlantic shark gillnet fishery, and extending from 80°00' W. long. east to the eastern edge of the EEZ, for both the Southeast Atlantic gillnet fishery and the Southeastern U.S. Atlantic shark gillnet fisheries.

**November 15- April 15 (North of 29°00' N. lat.) and December 1- March 31 (South of 29°00' N. lat)**  
**(see following map for seasonal boundaries):**

### ***For All Gillnet Fisheries (non-shark and shark gillnet fisheries)***

- Gillnet surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motorboat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
  - » When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.
- Buoy lines for **non-shark gillnet gear** to be marked with one 4-inch (10.2 cm), **YELLOW**, mark midway along the buoy line.
- **Shark gillnet gear** with webbing of 5" or greater stretched mesh must be marked with two, 4-inch color codes, one designating gear type (**GREEN**) and the other where the gear is set (**BLUE**).
  - » Each color of the two-color codes must be permanently marked on or along the line and must be clearly visible when the gear is hauled or removed from the water.
  - » The two color marks must be placed within 6" of each other.
  - » If the color of the rope is the same as or similar to a color code, a white mark may be substituted for that color code.
  - » All buoy lines greater than 4 feet long must be marked within 2 feet of the top of the buoy line (closest to the surface) and midway along the length of the buoy line.
  - » Each gillnet net panel must be marked along both the floatline and the leadline at least once every 100 yards, unless otherwise required.

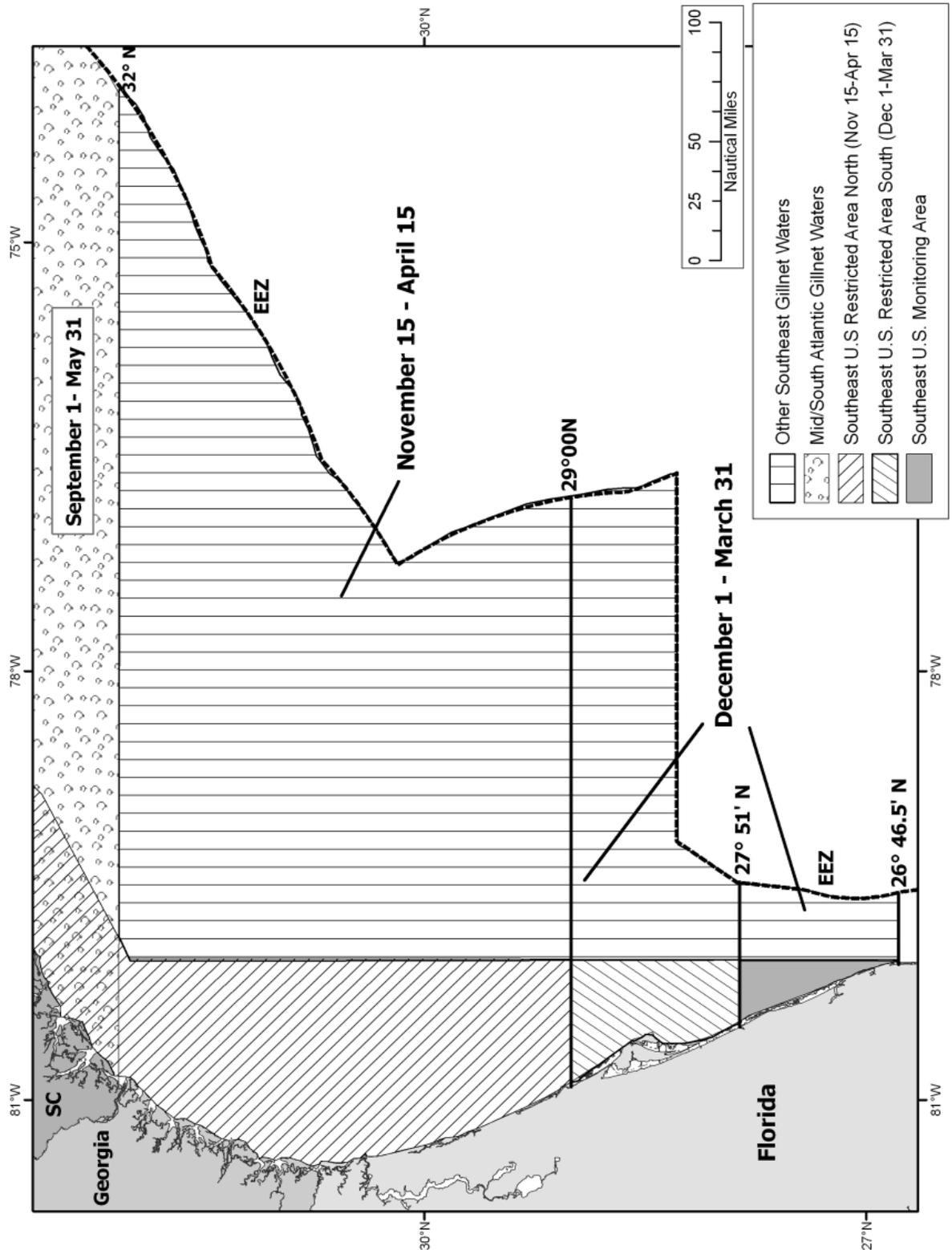
### ***For the Southeast Atlantic gillnet fishery (non-shark gillnetting)***

- Compliance with the **Universal Requirements**:
  - » No buoy line floating at the surface.
  - » No wet storage of gear (all gear must be hauled out of the water at least once every 30 days).
  - » Fishermen are encouraged, but not required, to maintain knot-free buoy lines.
- All buoys, flotation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength no greater than 1,100 lb;
- All anchored gillnet panels to have weak links with the breaking strength of no greater than 1,100 lb in the center of the floatline of each net panel up to and including 50 fathoms (100yds; 300ft), or at least every 25 fathoms (50yds; 150ft) for longer panels;
- Gillnets that do not return to port with the vessel must be configured with 5 or more weak links per net panel, depending on panel length, with a breaking strength no greater than 1,100 lb, and be anchored with the holding power of at least a 22-lb Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights). The weak link placement must meet one of two configuration options (page 52). The same configuration will be required for all gillnet net panels in a string;
- All groundlines must be made of sinking and/or neutrally buoyant line effective October 5, 2008.

### ***For the Southeastern U.S. Atlantic shark gillnet fishery***

- No net can be set within 3nm of a right, humpback or fin whale; and
- If a right, humpback, or fin whale moves within 3nm of the set gear, the gear is removed immediately from the water.

# SOUTHEAST REGION: OTHER SOUTHEAST GILLNET WATERS



# SOUTHEAST U.S. MONITORING AREA

The Southeast U.S. Monitoring Area is a management area for the Southeastern U.S. Atlantic shark gillnet fishery **only**, and includes the area along the coast from 27°51' N. (near Sebastian Inlet, FL) south to 26°46.5' N. (near West Palm Beach, FL), and extending from the shoreline or exemption line eastward to 80°00' W.

## **December 1 - March 31**

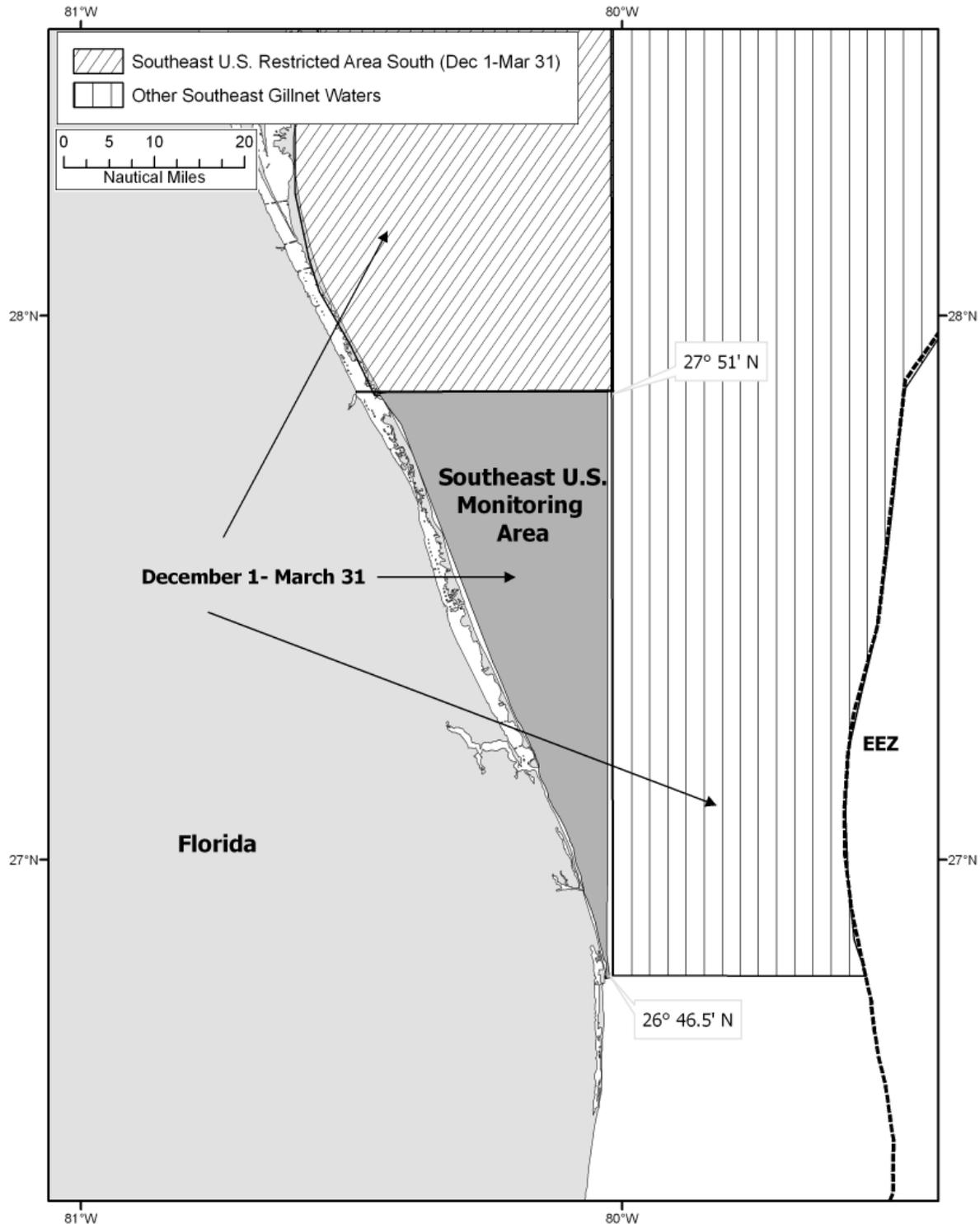
### Compliance with **Gear Marking Requirements:**

- Gillnet surface buoys to be marked to identify the vessel or fishery with one of the following: the owner's motorboat registration number and/or U.S. vessel documentation number; the federal commercial fishing permit number; or whatever positive identification marking is required by the vessel's home-port state.
  - » When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy
- Shark gillnet gear with webbing of 5" or greater stretched mesh in the Southeast U.S. Monitoring Area must be marked with two, 4-inch color codes, one designating gear type (**GREEN**) and the other where the gear is set (**BLUE**).
  - » Each color of the two-color codes must be permanently marked on or along the line and must be clearly visible when the gear is hauled or removed from the water.
  - » The two color marks must be placed within 6" of each other.
  - » If the color of the rope is the same as or similar to a color code, a white mark may be substituted for that color code.
  - » All buoy lines greater than 4 feet long must be marked within 2 feet of the top of the buoy line (closest to the surface) and midway along the length of the buoy line.
  - » Each gillnet net panel must be marked along both the floatline and the leadline at least once every 100 yards, unless otherwise required.

### Compliance with the **Vessel Monitoring System (VMS) Requirement:**

- » No person may fish with or possess gillnet gear for shark with webbing of 5" or greater stretched mesh in the Southeast U.S. Monitoring Area unless the operator of the vessel is in compliance with the vessel monitoring system requirements found in 50 CFR 635.69.
- » NMFS may select any shark gillnet vessel regulated under the ALWTRP to carry an observer. When selected, the vessels are required to take observers on a mandatory basis in compliance with the requirements for at-sea observer coverage found in 50 CFR 229.7. Any vessel that fails to carry an observer once selected is prohibited from fishing pursuant to 50 CFR part 635.

# SOUTHEAST REGION: SOUTHEAST U.S. MONITORING AREA



## GEAR MARKING: GILLNET FISHERIES

### SURFACE BUOY MARKING:

Trap/pot surface buoys will need to be marked to identify the vessel or fishery with one of the following:

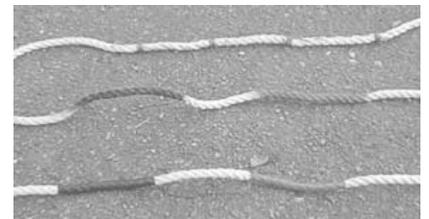
- » The owner's motorboat registration number and/or U.S. vessel documentation number;
- » The federal commercial fishing permit number; or
- » Whatever positive identification marking is required by the vessel's home-port state.



When marking is not already required by state or federal regulations, the letters and numbers to mark gear must be at least 1 inch (2.5cm) in height, block letters or Arabic numbers, in a color that contrasts with the color of the buoy.

### BUOY LINE MARKING:

The gear marking scheme will require one 4-inch (10.2 cm) colored mark midway along the buoy line. Each color code must be permanently affixed on or along the line and each color code must be clearly visible when the gear is hauled or removed from the water.



### **Gear marking colors (gillnet, excluding shark gillnet):**

- GREEN: Cape Cod Bay Restricted Area; Stellwagen Bank/ Jeffreys Ledge Restricted Area; Great South Channel Restricted Gillnet Area; Great South Channel Sliver Restricted Area; and Other Northeast Gillnet Waters.
- BLUE: Mid/South Atlantic Gillnet Waters.
- YELLOW: Southeast U.S. Restricted Area South and Other Southeast Gillnet Waters.

If the color of the rope is the same as or similar to a color code, a white mark may be substituted for that color code.

### **Gear marking colors (shark gillnet only):**

Shark gillnet gear with webbing of 5" or greater stretched mesh in the Southeast U.S. Restricted Area S, Southeast U.S. Monitoring Area, and Other Southeast Gillnet Waters must be marked with two, 4-inch color codes, one designating gear type (GREEN) and the other where the gear is set (BLUE).

Each color of the two-color codes must be permanently marked on or along the line and must be clearly visible when the gear is hauled or removed from the water. The two color marks must be placed within 6" of each other. If the color of the rope is the same as or similar to a color code, a white mark may be substituted for that color code.

All buoy lines greater than 4 feet long must be marked within 2 feet of the top of the buoy line (closest to the surface) and midway along the length of the buoy line.

Each gillnet net panel must be marked along both the floatline and the leadline at least once every 100 yards, unless otherwise required.