

VI. GENERAL RESTRICTIONS

TIME/AREA CLOSURES

Certain marine sanctuaries, special management zones, and time/area closures in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea restrict the use of all HMS gear (see Figure 2) Additional time/area closures and gear restricted areas exist for specified HMS gears and are addressed in sections related to those gears, below (see Figure 3 (pelagic longline gear), Figure 4 (bottom longline gear), and Figure 5 (gillnet gear)).

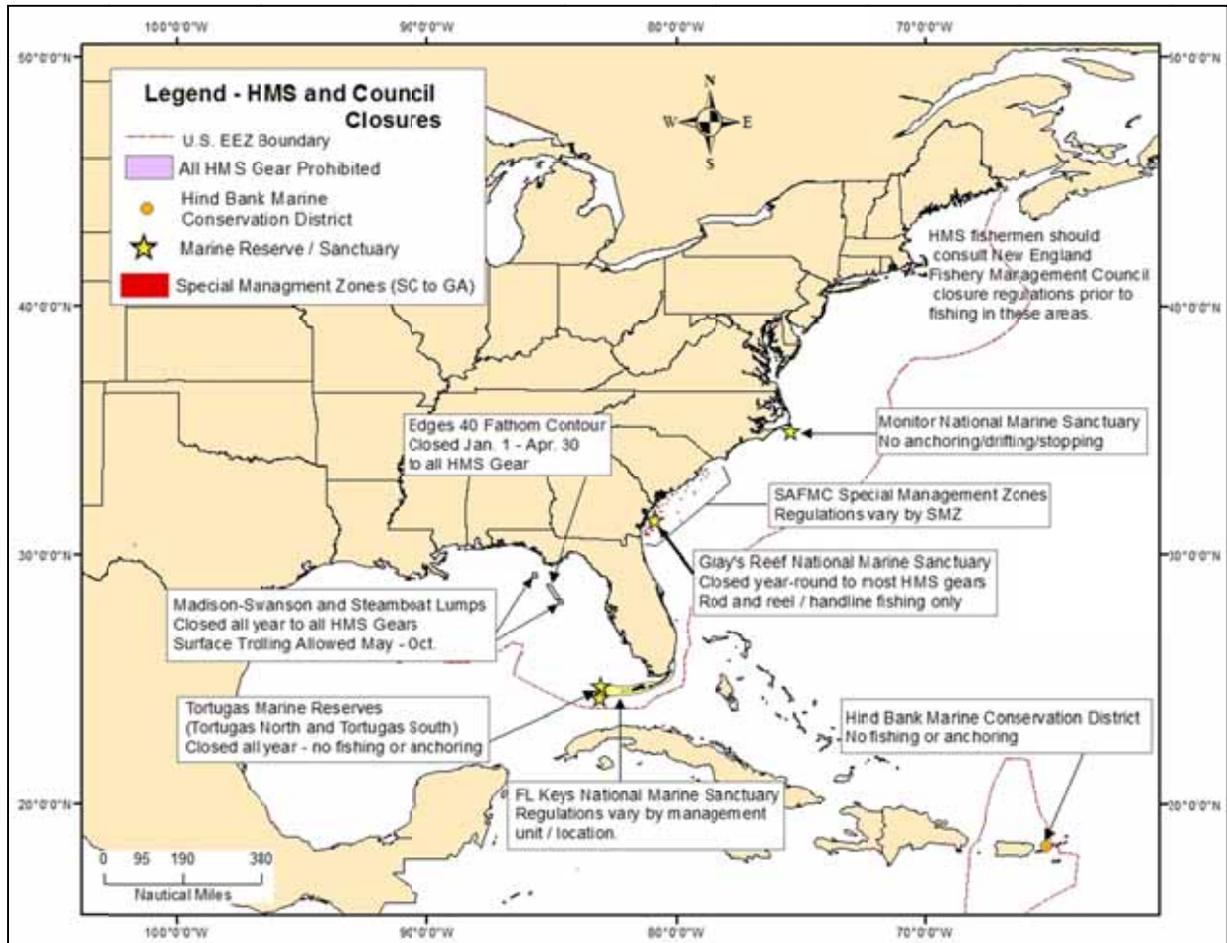


Figure 2 Marine sanctuaries, special management zones, and time/area closures that restrict use of all HMS gear in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

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.¹²³

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.¹²⁴ 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.¹²⁵ 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.¹²⁶

Edges 40 Fathom Contour closed area: This area is closed to all HMS fishing gears from January through April.¹²⁷ 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.¹²⁸

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

RELEASING HMS

An Atlantic HMS that 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.¹²⁹ 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.¹³⁰

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.¹³¹

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.¹³² 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/permits/highseas.html>. 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.

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.¹³³ However, as

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