

**SMALL ENTITY COMPLIANCE GUIDE
REGULATORY AMENDMENT TO THE ATLANTIC TUNAS, SWORDFISH,
AND SHARKS FISHERY MANAGEMENT PLAN**

August 9, 2000

Reduction of Bycatch, Bycatch Mortality, and Incidental Catch in the
Atlantic Pelagic Longline Fishery

If you fish for swordfish, tunas, and sharks using a pelagic longline, please read the following information carefully. The regulatory amendment summarized here will affect any vessels issued Federal limited access permits for the Atlantic highly migratory species (HMS) that use *pelagic longline gear*. Please contact Karyl Brewster-Geisz (301) 713-2347 (karyl.brewster-geisz@noaa.gov) of the Highly Migratory Species Management Division for more information or for copies of the Final Supplemental Environmental Impact Statement or final rule. Copies can also be downloaded from www.nmfs.noaa.gov/sfa/hmspg.html.

Q1: *I am a recreational fisherman. Will these regulations affect me?*

A: No. These regulations only affect commercial fishermen who use pelagic longline gear in the Atlantic ocean and have a Federal permit for Atlantic HMS.

Q2: *I use pelagic longline gear. Will these regulations affect me?*

A: Yes, if you have a Federal permit for Atlantic HMS. These regulations will prohibit you from fishing with pelagic longline gear in certain areas and times and from using live bait in the Gulf of Mexico. The Gulf of Mexico is the area of the ocean west of 83° longitude as defined in 50 CFR section 600.105 (c).

Q3: *What is longline gear?*

A: A longline is fishing gear that is set horizontally, either anchored, floating, or attached to a vessel, and that consists of a mainline with three or more leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

Q4: *What is pelagic longline gear?*

A: Pelagic longline gear is defined as a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom. Your vessel has pelagic longline on board when:

1. A power-operated longline hauler,
2. A mainline,
3. High-flyers,
4. Floats capable of supporting the mainline, and
5. Leaders (gangions) with hooks

are on board. Removal from the vessel of any one of these five elements constitutes removal of pelagic longline gear.

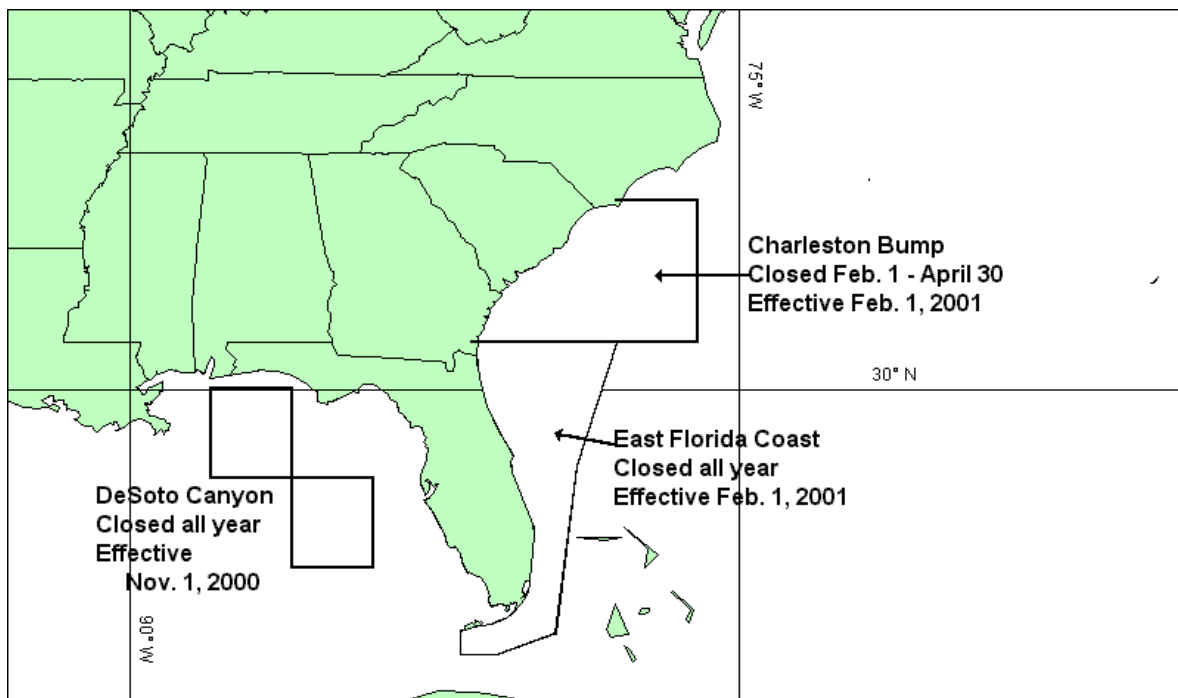
Q5: *What are the areas where I can't fish using pelagic longline gear?*

A: These areas are outlined on the map below.

As of November 1, 2000, you will not be able to fish at any time using pelagic longline gear in the DeSoto Canyon area. This area, composed of two squares offshore of the west coast of Florida, is defined as the area within the following coordinates: 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.

As of February 1, 2001, you will not be able to fish at any time using pelagic longline gear in the East Florida Coast area. This area, located along the east coast of Florida through Georgia, is defined as the seaward area within the following coordinates: starting at 31°00' N. lat. near Jekyll Island, Georgia, and proceeding due east to 31°00' N. lat., 78°00' W. long.; 28°17' N. lat., 79°00' W. long.; then proceeding along the boundary of the Economic Exclusive Zone (EEZ) to 24°00' N. lat., 79°30' W. long.; then connecting by straight lines the following coordinates in the order stated: 24°00' N. lat., 79°30' W. long.; 24°00' N. lat., 81°00' W. long.; 24°00' N. lat., 81°47' W. long.; then proceeding due north to intersect the coast at 81°47' W. long. near Key West, Florida.

Also, as of February 1, 2001, you will not be able to fish using pelagic longline gear from February through April each year in the Charleston Bump area. This area, located off of North Carolina, is defined as 34°00' N. lat. near Wilmington Beach, North Carolina, and proceeding due east to connect by straight lines the following coordinates: 34°00' N. lat., 76°00' W. long.; 31°00' N. lat., 76°00' W. long.; then proceeding due west to intersect the coast at 31°00' N. lat. near Jekyll Island, Georgia.



Q6: *Are all three areas closed year-round?*

A: No. The Charleston Bump area is closed only February 1 through April 30 of each year. The other two areas, DeSoto Canyon and East Florida Coast, are closed year-round.

Q7: *Are there any gear or fishing method restrictions in this rule?*

A: Yes. As of September 1, 2000, in the Gulf of Mexico, pelagic longline fishermen are not allowed to use live bait. Setting up a live well or maintaining live baitfish on board is prohibited. You may not have a tank or well attached to an aeration or water circulation device or have live baitfish if a pelagic longline is on board.

Q8: *I am a recreational fisherman. Can I use live bait?*

A: Yes. These regulations do not affect recreational fishermen.

Q9: *I am a commercial fisherman but I don't use pelagic longline. Will these regulations affect me?*

A: As long as you do not have a pelagic longline on board your vessel, you will be able to fish in the closed areas. See question number 4 above for an explanation of the five elements of pelagic longline gear.

Q10: *I use pelagic longline gear but do not have a limited access permit to fish for highly migratory species. Will these regulations affect me?*

A: These closed areas and gear restrictions apply only to commercial fishermen who hold Federal permits for Atlantic HMS. While unpermitted vessels may fish for other species with pelagic longline gear in these areas, no tunas, swordfish, billfish, or sharks may be retained on board those vessels. However, NMFS is working with the Regional Councils to ensure consistency between regulations for all pelagic longline fisheries.

Q11: *Will I need to buy a vessel monitoring system (VMS)?*

A: If you are a commercial fisherman with Federal permits for Atlantic HMS and you have pelagic longline gear on board, you will need to have a VMS operational by October 1, 2000.

Q12: *Can I transit the closed areas or will I need to go around them?*

A: If you have pelagic longline gear on board and possess a Federal Atlantic HMS permit, you will be allowed to transit the area if your vessel has a working VMS unit, but you will not be allowed to fish with any gear type. If you have pelagic longline gear on board, it is assumed that any fish on board were caught with pelagic longline in the closed area and you will have to demonstrate that the fish were harvested outside the closed area. If you do not have pelagic longline on board, you may fish in the area.

Q13: *Is there a vessel buyback program associated with this rule?*

A: No. This rule does not have a buyback program associated with it. Legislation pending before Congress may address vessel buybacks.

Q14: *I have the Federal swordfish, shark, and tuna limited access permits. If I decide to leave the pelagic longline fishery, can I sell my permits?*

A: Yes. You can sell your limited access permits individually, as a group, with the vessel, or without the vessel. If you have directed permits, upgrading restrictions for horsepower, length overall, and net and gross tonnage apply. For more information on transferring or renewing limited access permits, please contact the NOAA Fisheries Southeast region permit office in St. Petersburg, FL, at (727) 570-5326.

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