



Compliance Guide¹ for Commercial Fishermen from New Jersey through Florida's East Coast

EFFECTIVE MAY 26, 2006

Overview

A final rule published by NMFS on April 26, 2006 in the *Federal Register* (71 FR 24776) contains regulations under two different statutory authorities:

- 1) To implement the Bottlenose Dolphin Take Reduction Plan (BDTRP) under the Marine Mammal Protection Act (MMPA), and
- 2) To amend the mid-Atlantic large mesh gillnet rule under the Endangered Species Act.

Bottlenose Dolphin Take Reduction Plan

The BDTRP is required under Section 118 of the MMPA to reduce serious injury and mortality (bycatch) of the Western North Atlantic coastal bottlenose dolphin stock from Category I and II fisheries.

Objectives of the BDTRP

1. Short-term Goal: Within six months, reduce bycatch of bottlenose dolphins caused by commercial fisheries to below the potential biological removal level.

2. Long-term Goal: Within five years, reduce bycatch caused by commercial fisheries to insignificant levels approaching a zero mortality rate, while taking into account other factors, such as the economy of the fishery.

Affected Fisheries

- ◆ Mid-Atlantic Coastal Gillnet Fishery
- ◆ Virginia Pound Net Fishery
- ◆ Mid-Atlantic Haul/Beach Seine Fishery
- ◆ Atlantic Blue Crab Trap/Pot Fishery
- ◆ North Carolina Inshore Gillnet Fishery
- ◆ North Carolina Roe Mullet Stop Net Fishery
- ◆ North Carolina Long Haul Seine Fishery
- ◆ Southeastern U.S. Atlantic Shark Gillnet Fishery
- ◆ Southeast Atlantic Gillnet Fishery

This compliance guide contains summary information regarding the BDTRP regulations affecting gillnet gear and some of the non-regulatory measures affecting fishermen.

Restricted Gear

Complete regulations are codified at 50 CFR 229.35. For details, visit: <http://sero.nmfs.noaa.gov/pr/bdtrp.htm>
Gear restricted by the BDTRP includes small, medium, and large-mesh gillnets in marine waters. The regulations and non-regulatory measures generally seek to reduce soak times, the amount of gear in the water at any given time, or to modify practices in order to limit bycatch of bottlenose dolphins.

Mid-Atlantic Large Mesh Gillnet Rule

The amendment to the mid-Atlantic large mesh gillnet rule (67 FR 71895, published on Dec. 3, 2002), which protects endangered and threatened sea turtles, contains a change to the large mesh gillnet size restriction.

Amendment

The large mesh gillnet size restriction is revised from greater than 8-inch (20.3cm) stretched mesh, to now include gillnets of 7-inch (17.8 cm) stretched mesh or greater.

Affected Fisheries

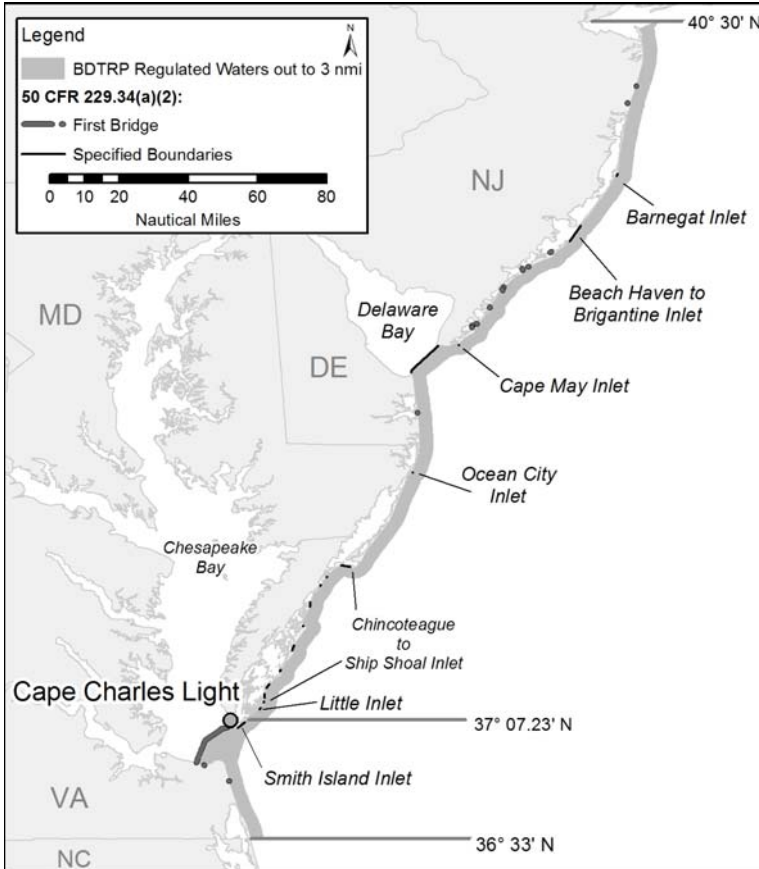
- ◆ Fishermen using large mesh gillnets in the Economic Exclusive Zone off North Carolina and Virginia.
- ◆ The specific times and areas of prohibited fishing with large mesh gillnets listed at 50 CFR 223.206 (d) (8), are unchanged.

¹This document complies with Section 12 of the Small Entity Compliance Guide of the Small Business Regulatory Enforcement Fairness Act of 1996.



Bottlenose Dolphin Take Reduction Plan

REGULATIONS FOR: NEW JERSEY, DELAWARE, MARYLAND, AND VIRGINIA STATE WATERS



REGULATED WATERS: Marine waters within 3 nautical miles (nmi) of shore; or the first bridge over any embayment, harbor, or inlet; or the following specified boundaries:

Barnegat Inlet	39°45.90' N. 74°05.90' W. TO 39°45.15' N. 74°06.20' W.
Beach Haven to Brigantine Inlet	39°30.70' N. 74°16.70' W. TO 39°26.30' N. 74°19.75' W.
Cape May Inlet	38°56.20' N. 74°51.70' W. TO 38°56.20' N. 74°51.90' W.
Delaware Bay	72 COLREGS demarcation line
Ocean City Inlet	38°19.48' N. 75°05.10' W. TO 38°19.35' N. 75°05.25' W.
Chincoteague to Ship Shoal Inlet	72 COLREGS demarcation line
Little Inlet	37°11.10' N. 75°49.30' W. TO 37°10.65' N. 75°49.60' W.
Smith Island Inlet	37°07.00' N. 75°53.75' W. TO 37°05.30' N. 75°56' W.

GILLNET RESTRICTIONS

MEDIUM MESH (> 5 in to < 7 in)

From June 1 - October 31

Fishing Area: Between 40°30' N. and 36°33' N.

Restriction: At night, fishing prohibited with medium mesh anchored gillnet gear unless fishermen remain within 0.5 nmi (0.93 km) of the closest portion of each gillnet, remove all gear from the water, and stow it on board before returning to port.

Key Word

Night: Any time one hour after sunset and one hour prior to sunrise. Time of sunset and sunrise is as determined for the date and location in the Nautical Almanac, prepared by the U.S. Naval Observatory.

LARGE MESH (≥ 7 in)

From June 1 - October 31

Fishing Area: Between 40°30' N. and 36°33' N.

Restriction: At night, fishing prohibited with large mesh anchored gillnet gear unless fishermen remain within 0.5 nmi (0.93 km) of the closest portion of each gillnet, remove all gear from the water, and stow it on board before returning to port.

From November 1 - December 31

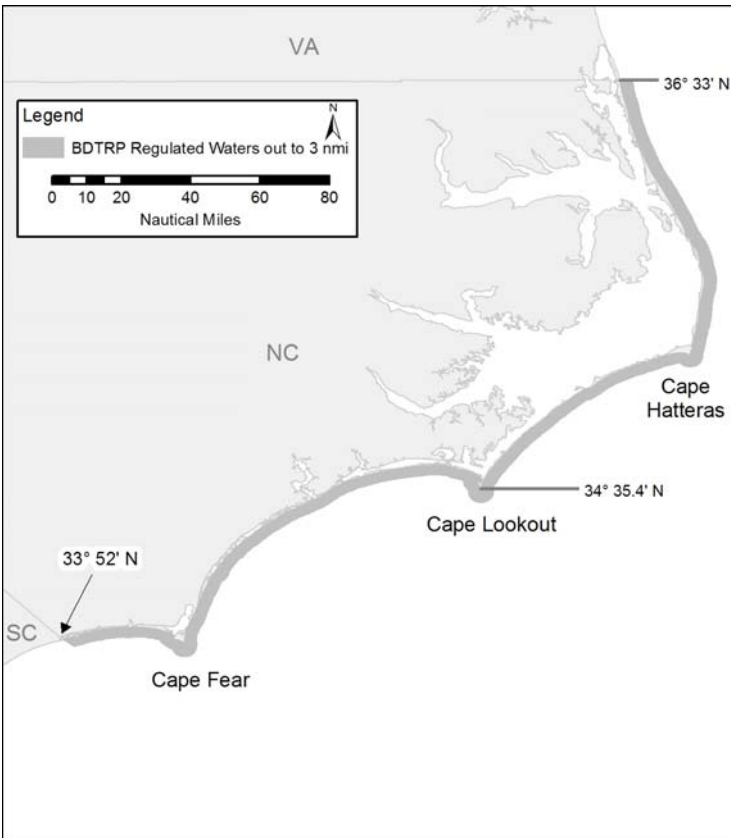
Fishing Area: Between 37° 07.23' N. and 36° 33' N.

Restriction: At night, fishing prohibited and gillnet gear must be removed from the water and stowed on board.



Bottlenose Dolphin Take Reduction Plan

REGULATIONS FOR: NORTH CAROLINA STATE WATERS



REGULATED WATERS: Marine waters within 3 nautical miles (nmi) of shore or the 72 COLREGS line.

GILLNET RESTRICTIONS

SMALL MESH (≤ 5 in) *From May 1 - October 31*

Fishing Area: Between 36°33'N. and 34°35.4' N. (Northern half of state)

Restriction: Fishing prohibited unless net length is less than or equal to 1,000 ft (304.8 m).

MEDIUM MESH (> 5 in to < 7 in) *From November 1 - April 30*

Fishing Area: Between 36°33' N. and 33°52' N. (entire state)

Restriction: Fishing prohibited at night; provision expires May 26, 2009.

GILLNET RESTRICTIONS

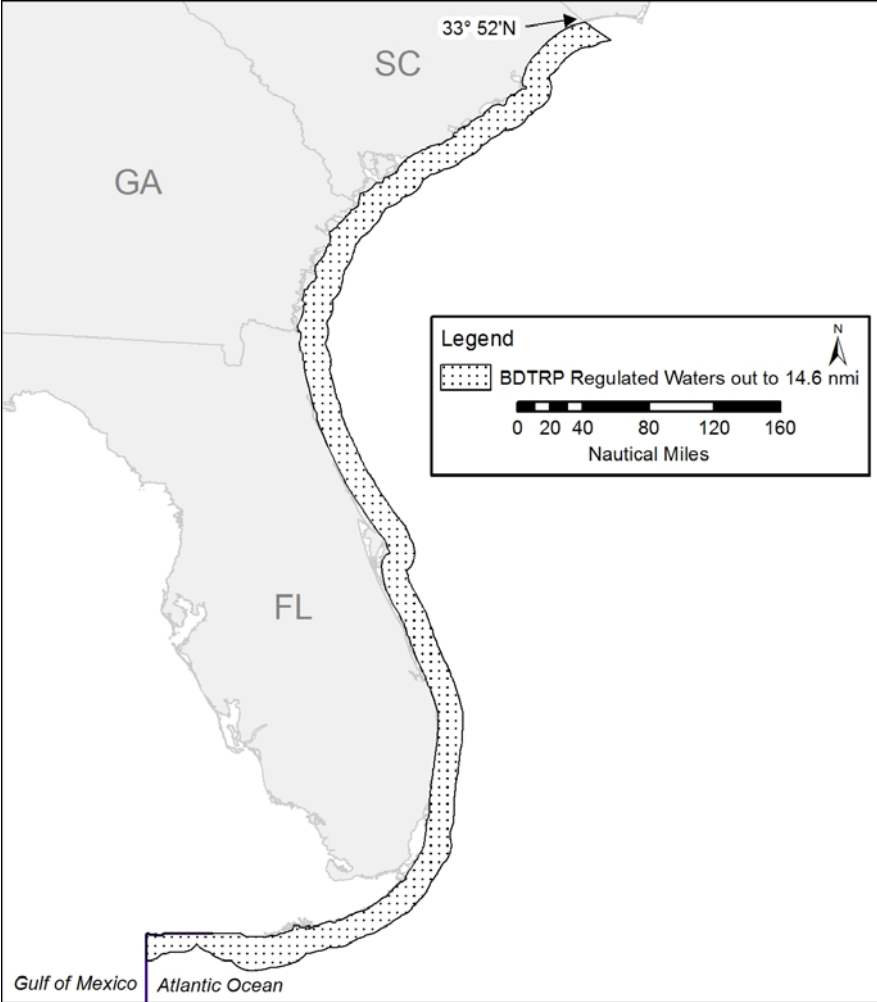
<u>LARGE MESH (≥ 7 in)</u>		
<i>From April 15 - December 15</i>	<i>From December 16 - April 14</i>	<i>From December 16 - April 14</i>
Fishing Area: Between 36°33' N. and 33°52' N. (entire state)	Fishing Area: Between 36°33' N. and 34°35.4' N. (Northern half of state)	Fishing Area: Between 34°35.4' N. and 33°52' N. (Southern half of state)
Restriction: Fishing prohibited.	Restriction: Fishing prohibited at night without tie-downs.	Restriction: At night, fishing prohibited and gear must be removed from water and stowed on board.

Key Word
Night: Any time one hour after sunset and one hour prior to sunrise. Time of sunset and sunrise is as determined for the date and location in the Nautical Almanac, prepared by the U.S. Naval Observatory.



Bottlenose Dolphin Take Reduction Plan

REGULATIONS FOR: SOUTH CAROLINA, GEORGIA, AND FLORIDA WATERS



REGULATED WATERS: Marine waters within 14.6 nautical miles (nmi) of shore or the 72 COLREGS line.

GILLNET RESTRICTIONS

ALL GILLNET GEAR

Year-Round

Fishing Area:
Between 33°52'N. and the fishery management council demarcation line between the Atlantic Ocean and the Gulf of Mexico (as described in 50 CFR 600.105).

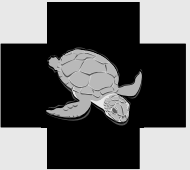
Restriction:
Fishermen must remain within 0.25 nmi (0.46 km) of the closest portion of their gear at all times, remove all gear from the water, and stow it on board before returning to port.

To report an injured or entangled bottlenose dolphin, please call:



New Jersey:	1-609-266-0538	North Carolina:	1-252-728-8762
Delaware:	1-302-228-5029	South Carolina:	1-800-922-5431
Maryland:	1-410-373-0083 (live) 1-800-628-9944 (dead)	Georgia:	1-800-241-4113
Virginia:	1-757-437-6159	Florida:	1-888-404-3922

To report an injured or entangled sea turtle, please call:



1-305-361-4595
OR
Virginia: 1-757-437-6022
North Carolina: 1-252-728-1528



Bottlenose Dolphin Take Reduction Plan

Non-Regulatory Measures

Non-regulatory measures are an important component of any take reduction plan, as they provide a framework for reaching short- and long-term goals required under the MMPA. Below is a summary of non-regulatory measures contained in the BDTRP to help reduce dolphin bycatch, what NMFS is doing, and how **YOU** can help ensure these conservation measures are effective. **With YOUR help and cooperation, dolphin bycatch can be reduced, potentially resulting in less stringent and/or fewer regulations in the future.**



What is NMFS Doing?

- ◆ Informing fishermen about laws and regulations, as well as best fishing practices, via compliance guides, dockside visits/forums, voluntary workshops, mail-outs, fishery liaisons, and the BDTRP Web site.
- ◆ Continuing research on the abundance, genetics, and behavior of coastal bottlenose dolphins.
- ◆ Funding gear research projects to investigate new ways of using gear to reduce dolphin bycatch.
- ◆ Collaborating with states to establish programs for removing lost or abandoned (derelict) blue crab pots and associated lines from the water.
- ◆ Increasing observer coverage in areas where coverage is lacking, such as the coastal waters of North Carolina and Virginia. This will include gathering important fishery information and implementing an alternative observer platform for vessels that cannot be observed by traditional means.
- ◆ Coordinating with other researchers and states to develop effective fishery monitoring strategies and increase sample sizes for all fisheries and gear types.
- ◆ Improving stranding response and data accuracy by encouraging fishermen to report strandings and entanglements, maintaining open lines of communication between stranding network members, improving training, and increasing geographic coverage of stranding response.

How Can You Help?

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| <ul style="list-style-type: none"> ◆ Comply with all laws and regulations. ◆ Attend voluntary workshops. ◆ Follow suggested best fishing practices. ◆ Participate in gear research projects. ◆ Carry observers when requested. ◆ Participate in derelict crab pot removal volunteer workdays. | <ul style="list-style-type: none"> ◆ Report entangled and stranded marine mammals. ◆ Report all fishery-related marine mammal injuries and mortalities, even when an observer is present. <p><i>To download the marine mammal injury and mortality report form, visit: www.nmfs.noaa.gov/pr/interactions/mmap/</i></p> <ul style="list-style-type: none"> ◆ Spread the word! Encourage other fishermen to help reduce dolphin bycatch. |
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For more information about non-regulatory measures of the BDTRP, visit: <http://sero.nmfs.noaa.gov/pr/bdtrp.htm>



Bottlenose Dolphin Take Reduction Plan



Non-Regulatory Measures for the Atlantic Blue Crab Trap/Pot Fishery



Overview:

Bottlenose dolphins have been seen “pot-tipping” in an attempt to feed on bait used with crab gear. As a result, bottlenose dolphins may become entangled in the float line. In other cases, dolphins may simply bump into the gear, panic, and become entangled, which may happen when gear is dense in areas with considerable tidal flux and float lines are slack.

The Bottlenose Dolphin Take Reduction Team developed a set of recommended gear deployment and modification options to potentially reduce the impacts of pot-tipping on both dolphins and fishing operations. These gear modifications are currently in use in some areas and are also being investigated further to better understand their ability to reduce interactions, loss of bait, and damage to gear.

Gear Modification Recommendations for Blue Crab Trap/Pot Fishermen

- ◆ Use a sinking or negatively buoyant line, such as nylon or polyester, to minimize excess line floating at the surface.
- ◆ Deploy line in an untangled, straight line to help reduce the risk of it coming off the bottom.
- ◆ Limit line to minimum length necessary, especially in shallow or slack water.
- ◆ Use an inverted or modified bait well to discourage bottlenose dolphins from attempting to feed on bait.

For a description on how to construct and use an inverted bait well, visit: <http://sero.nmfs.noaa.gov/pr/pdf/Baitwell.pdf>



Example of an inverted, or modified, bait well. The bait well opening is turned to the inside of the trap. The wire lid is held in place by a cantilevered bungee that holds the lid open when re-baiting, and keeps the lid closed when actively fishing.
Photo credit: Georgia Department of Natural Resources (DNR)

Recent Studies

NMFS funded a pilot study to examine the role of the float line in dolphin entanglements in the crab trap/pot fishery in South Carolina (Mcfee et al. in prep.). Although further research is needed, the study preliminarily concluded the following:

- ◆ Line >60 ft wavers and bends in shallow water (<10 ft) when weak currents are present.
- ◆ Lead-core rope works best in deep water (>20 ft) when strong currents are present.
- ◆ Rope should be laid out in an untangled, straight line to reduce the risk of the line lifting off the bottom.

NMFS funded Georgia DNR to work cooperatively with a local crab fisherman to investigate the effectiveness of inverted bait wells compared to bottom-and recessed-opening bait wells (Haymans, 2005). Although additional research is needed, the study found the following:

- ◆ Of the 108 traps that exhibited signs of bottlenose dolphin interactions, 61 occurred with bottom opening bait wells, 47 occurred with recessed-opening bait wells, and 0 interactions occurred with inverted bait wells.
- ◆ Modifying the standard crab trap to use an inverted or inside opening bait well may reduce bottlenose dolphin interactions with blue crab traps.

For full reports, visit: <http://sero.nmfs.noaa.gov/pr/bdtrp.htm>



Bottlenose Dolphin Take Reduction Plan

BDTRP Informative Workshops for Commercial Fishermen

All workshop times are from 7-9 p.m. on their respective nights.

May 8, 2006: Holiday Inn
151 Route 72 East
Manahawkin, NJ 08060

May 9, 2006: Clarion Resort
Fontainebleau Hotel
10100 Coastal Highway
Ocean City, MD 21842

May 15, 2006: Virginia Aquarium & Marine
Science Center, Main Entrance
717 General Booth Boulevard
Virginia Beach, VA 23451

May 16, 2006: The Chincoteague Center
6155 Community Drive
Chincoteague, VA 23336

May 17, 2006: Roanoke Island Festival Park
Small Auditorium
One Festival Park
Manteo, NC 27954

May 18, 2006: Carteret Community College
Joslyn Hall Auditorium
3505 Arendell St.
Morehead City, NC 28557

May 19, 2006: NC Division of Marine Fisheries
Southern District Office
127 Cardinal Drive
Wilmington, NC 28405

May 22, 2006: Beaufort County Clemson
Extension Service Office
102 Beaufort Industrial Village
Suite 101
Beaufort, SC 29901

May 23, 2006: Holton's Restaurant
13711 Oglethorpe Hwy
Midway, GA 31320

May 24, 2006: Marine Science Educational Center
1347 Palmer Street
Mayport, FL 32233

May 25, 2006: Fort Pierce Branch Library
101 Melody Lane
Fort Pierce, FL 34950

For more information contact:

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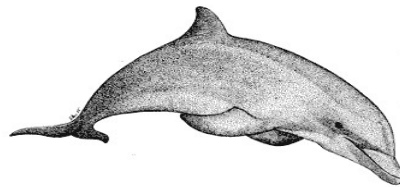
NMFS Fisheries Liaison
Parks Lewis
P.O. Box 360
Marshallberg, NC 28553
(252) 342-7889
ser_fisheries_liasion@yahoo.com

or visit: <http://sero.nmfs.noaa.gov/pr/bdtrp.htm>

Bottlenose Dolphin Take Reduction Plan

This notice applies to fishermen participating in gillnet, pound net, seine, and blue crab trap/pot fisheries from New Jersey through the east coast of Florida.

Interested and affected parties can find additional information at the Bottlenose Dolphin Take Reduction Plan Web site:
<http://sero.nmfs.noaa.gov/pr/bdtrp.htm>



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Bottlenose Dolphin Take Reduction Plan and
Amendment to the Mid-Atlantic Large Mesh Gillnet Rule