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## **Guide for Complying with Regulations for the U.S. West Coast Highly Migratory Species Fishery Management Plan**

This Guide is published in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act and is intended to provide a plain-language summary of how small businesses can comply with the regulations published in the final rule to implement the U.S. West Coast Highly Migratory Species Fisheries Management Plan (HMS FMP).

Copies of the HMS FMP final rule regulations and this Compliance Guide are posted on the NMFS SWR website at: <http://swr.nmfs.noaa.gov>

Since fishery rules frequently change, fishermen must familiarize themselves with the latest regulations and are responsible for complying with the current official regulations set forth in the Code of Federal Regulations at 50 CFR part 660 <sup>1</sup>.

**If there is a discrepancy between the regulations in 50 CFR part 660 and the responses given in this Guide, the regulations take precedence**

### **Summary of the HMS FMP Final Rule Management Measures and Regulations**

The HMS FMP final rule implements rules and regulations necessary for federal management of U.S. fishing vessels targeting HMS within the U.S. West Coast (California, Oregon, and Washington) exclusive economic zone (EEZ) and adjacent waters.

The HMS FMP final rule identifies 13 highly migratory species as management unit species (listed below in Table 1) and defines the legal gear types and management measures used to harvest them. The HMS FMP final rule incorporates many of the

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<sup>1</sup> The Code of Federal Regulations at 50 CFR part 660 is available on-line at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/50cfr660\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/50cfr660_03.html)

existing HMS federal and state regulations in place for California, Oregon, and Washington and sets forth additional requirements, including:

- Establishment of harvest guidelines for common thresher and shortfin mako sharks
- Definition of prohibited and protected species
- Establishment of incidental HMS catch allowances for non-HMS gear types
- Requirements for a new federal HMS vessel permit
- Requirements for vessel markings
- Requirements for logbook reporting and submissions
- Requirements for carrying fishery observers
- Summary of mandatory time/area closures

Table 1. Management Unit Species.

| Common Name   | Species                    |
|---|----------------------------|
| striped marlin  | <i>Tetrapturus audax</i>   |
| swordfish   | <i>Xiphias gladius</i>     |
| common thresher shark   | <i>Alopias vulpinus</i>    |
| pelagic thresher shark  | <i>A. pelagicus</i>        |
| bigeye thresher shark   | <i>A. superciliosus</i>    |
| shortfin mako (bonito shark)                                    | <i>Isurus oxyrinchus</i>   |
| blue shark  | <i>Prionace glauca</i>     |
| north Pacific albacore  | <i>Thunnus alalunga</i>    |
| yellowfin tuna  | <i>T. albacares</i>        |
| bigeye tuna   | <i>T. obesus</i>           |
| skipjack tuna   | <i>Katsuwonus pelamis</i>  |
| northern bluefin tuna   | <i>T. thynnus</i>          |
| dorado (also commonly referred to as mahi mahi and dolphinfish) | <i>Coryphaena hippurus</i> |

**Q. Are there any quotas or harvest guidelines?**

(see 50 CFR § 660.711)

At this time, there are no quotas for HMS species. The HMS FMP final rule establishes annual harvest guidelines of **three hundred forty (340) metric tons for common thresher sharks and one hundred fifty (150) metric tons for shortfin mako sharks**. Because total catches and basic population dynamic parameters for these shark species are poorly known, they are being managed using precautionary harvest guidelines.

A harvest guideline is a numerical harvest level that is a general objective and is not a quota. A quota is a specified numerical harvest objective, the attainment of which triggers the closure of the fishery or fisheries for that species.

**If the harvest guidelines have been reached, NMFS will initiate review of the species according to provisions in the HMS FMP and in consideration of Pacific Fishery Management Council recommendations**

**Q. What species are prohibited to retain?**

(see § 660.705)

Table 2 lists the species prohibited to retain under the HMS FMP final rule. In general, prohibited species must be released immediately if caught, unless other provisions for their disposition are established in accordance with existing state and federal guidelines. For example, the great white shark has been protected in the State of California since 1995 and it may not be taken except for scientific and educational purposes under a State permit. The sale (or donation) of incidentally caught specimens, live or dead, to recognized scientific and educational organizations for research or display purposes is allowed. This allowance is valid for scientific and educational uses of basking and megamouth sharks as well under conditions of the applicable state permit.

In addition, U.S. citizens fishing in waters covered under this HMS FMP final rule are bound by the rules and regulations set forth in the Shark Finning Prohibition Act of 2002<sup>2</sup>. The Act prohibits, among other things, any person subject to U.S. jurisdiction from (1) engaging in shark finning, (2) possessing shark fins aboard a U.S. fishing vessel without the corresponding carcass, or (3) landing shark fins without a corresponding carcass.

The HMS FMP final rule prohibits the sale of striped marlin by all vessels as a means to provide for and maximize recreational fishing opportunities. Striped marlin is considered to have far greater value as a recreational rather than a commercial target species, and is only available seasonally. Prohibiting sale removes the incentive for commercial fishermen to take striped marlin.

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<sup>2</sup> Copies of the Act can be downloaded at: <http://www.nmfs.noaa.gov/sfa/hms/hmsdocuments.html>. Copies of the Small Entity Compliance Guide Outlining the Regulations to Implement Shark Finning Prohibition Act can be viewed at: <http://swr.nmfs.noaa.gov/pir/cg2.htm>

**Table 2. Prohibited Species covered under the HMS FMP final rule.**

| Common Name       | Species                        |
|-------------------|--------------------------------|
| Great White Shark | <i>Carcharodon carcharias</i>  |
| Basking Shark     | <i>Cetorhinus maximus</i>      |
| Megamouth Shark   | <i>Megachasma pelagio</i>      |
| Pacific Halibut   | <i>Hippoglossus stenolepis</i> |
| Pink salmon       | <i>Onchorhynchus gorbuscha</i> |
| Chinook salmon    | <i>O. tshawytscha</i>          |
| Chum salmon       | <i>O. keta</i>                 |
| Sockeye salmon    | <i>O. nerka</i>                |
| Coho salmon       | <i>O. kisutch</i>              |

**Q. What fishing gear is allowed?**

(see § 660.702)

The following gears are authorized for the commercial and recreational harvest of HMS in the EEZ by all HMS permitted vessels, and beyond the EEZ by vessels landing in West Coast ports. Gear that is not defined as legal gear is prohibited under the HMS FMP final rule. Specific management measures regulating the use of legal gear types will be developed if necessary, using the framework procedures of the HMS FMP.

**HMS Commercial Gear**

*Harpoon:* fishing gear consisting of a pointed dart or iron attached to the end of a line several hundred feet in length, the other end of which is attached to a flotation device. Harpoon gear is attached to a pole or stick that is propelled only by hand, and not by mechanical means.

*Surface Hook and Line:* one or more hooks attached to one or more lines (includes troll, rod and reel, handline, albacore jig, live bait, and bait boat; excludes pelagic longline and mousetrap gear<sup>3</sup>). Surface hook and line is always attached to the vessel.

*Drift Gillnet:* a panel of netting, suspended vertically in the water by floats along the top and weights along the bottom, which is neither stationary nor anchored to the bottom.

<sup>3</sup> Mousetrap gear means a free floating set of gear thrown from a vessel, composed of a length of line with a float on one end and one or more hooks or lures on the opposite end.

The HMS FMP final rule defines drift gillnet gear as 14 inch (35.56 cm.) stretched mesh or greater.

*Purse Seine*: a floated and weighted encircling net that is closed by means of a purse line threaded through rings attached to the bottom of the net (includes encircling net, purse seine, ring net, drum purse seine, lampara net).

*Pelagic Longline*: a main line that is suspended horizontally in the water column, which is neither stationary nor anchored, and from which dropper lines with hooks (gangions) are attached.

**The HMS FMP final rule prohibits all pelagic longline fishing inside the West Coast U.S. EEZ as well as shallow-set longline fishing in the adjacent high seas areas**

### **HMS Recreational Gear**

*Rod and Reel (pole and line)*: a hand-held (including rod holder) fishing rod with a manually or electrically operated reel attached.

*Spear*: a sharp, pointed, or barbed instrument on a shaft. Spears can be operated manually or shot from a gun or sling.

*Hook and Line*: one or more hooks attached to one or more lines (excludes mousetrap gear).

### **Q. If I fish with non-HMS gear, can I keep any HMS as incidental catch?**

(see § 660.711)

Yes, the HMS FMP final rule authorizes incidental commercial landings of HMS, within limits, for non-HMS gear such as bottom longline, trawl, pot gear, small mesh drift gillnet, set/trammel gillnets, and others. Incidental catch refers to harvest of HMS which are unavoidably caught while fishing for other species or fishing with gear that is not legal for the harvest of HMS.

- 1) Small mesh gillnetters and set net gillnetters will not be permitted to land swordfish (as currently permitted under California law), but would be permitted to land other HMS, with the restriction of ten (10) fish per landing of each non-swordfish HMS.
- 2) Bottom longline (set line) fishery landings are restricted to three (3) HMS sharks, or 20% of total landings by weight of HMS sharks, whichever is greater.
- 3) For trawl, pot gear, and other non-HMS gear, a maximum of 1% of total weight per landing for all HMS shark species combined is allowed (i.e., blue shark, shortfin mako shark, and bigeye, pelagic, and common thresher sharks) or two (2) HMS sharks, whichever is greater.

**Q. Can I keep any HMS catch if fishing with a drift gillnet under 14 inches stretched mesh as permitted by state regulations?**

A drift gillnet vessel with a stretched mesh size less than 14 inches will not be able to target HMS, although an incidental landing of 10 HMS per trip, other than swordfish, will be allowed to minimize bycatch while fishing for state managed species.

**Q. Can I continue to use small mesh drift gillnets to opportunistically catch albacore while fishing in the surface hook and line fishery?**

No, albacore surface hook and line vessels may not deploy small mesh drift gillnets to target albacore as was customarily practiced by selected vessels prior to passage of the HMS FMP final rule.

**Q. What is the annual fishing season?**

(see § 660.709)

The fishing year for all HMS fisheries will begin at 0801 GMT (0001 local time) on April 1 of each year and terminate at 0800 GMT on March 31 (2400 local time) of each year.

**Q. What is the management area under which these regulations apply?**

(see § 660.703)

This HMS FMP final rule applies to all U.S. vessels that fish for HMS within the EEZ (3-200 nautical miles) off California, Oregon or Washington and to U.S. vessels that pursue HMS on the high seas (seaward of the EEZ) and land their fish in California, Oregon or Washington. The HMS FMP final rule does not apply to U.S. vessels that fish for HMS on high seas and land into a non-U.S. port. Additional restrictions apply for Western Pacific longline permitted vessels landing into West Coast ports.

The fishery management area for the regulation of fishing for HMS has the following designations and boundaries:

a) Southern boundary--the United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35'22" N. lat. 117°27'49" W. long.

32°37'37" N. lat. 117°49'31" W. long.

31°07'58" N. lat. 118°36'18" W. long.

30°32'31" N. lat. 121°51'58" W. long.

b) Northern boundary--the United States-Canada Provisional International Boundary, which is a line connecting the following coordinates:

48°29'37.19" N. lat. 124°43'33.19" W. long.  
48°30'11" N. lat. 124°47'13" W. long.  
48°30'22" N. lat. 124°50'21" W. long.  
48°30'14" N. lat. 124°54'52" W. long.  
48°29'57" N. lat. 124°59'14" W. long.  
48°29'44" N. lat. 125°00'06" W. long.  
48°28'09" N. lat. 125°05'47" W. long.  
48°27'10" N. lat. 125°08'25" W. long.  
48°26'47" N. lat. 125°09'12" W. long.  
48°20'16" N. lat. 125°22'48" W. long.  
48°18'22" N. lat. 125°29'58" W. long.  
48°11'05" N. lat. 125°53'48" W. long.  
47°49'15" N. lat. 126°40'57" W. long.  
47°36'47" N. lat. 127°11'58" W. long.  
47°22'00" N. lat. 127°41'23" W. long.  
46°42'05" N. lat. 128°51'56" W. long.  
46°31'47" N. lat. 129°07'39" W. long.

c) Adjacent waters on the high seas in which persons subject to this subpart fish.

**Q. What are the new HMS permit requirements?**

(see § 660.707)

A commercial fishing vessel of the United States must be registered for use under an HMS permit that authorizes the use of specific gear, and a recreational charter vessel must be registered for use under a HMS permit if that vessel is used to fish for HMS in the U.S. EEZ off the States of California, Oregon, and Washington; or to land or transship HMS shoreward of the outer boundary of the U.S. EEZ off the States of California, Oregon, and Washington. The HMS FMP final rule requires issuance of an HMS permit to a vessel owner for each specific commercial or recreational charter fishing vessel with an endorsement for a specific HMS gear type.

**Q. Do I need to show proof of previous fishing effort and landings to qualify for an HMS permit?**

No, at this time there are no qualification criteria, such as minimum amount of landings, to obtain specific HMS gear endorsements. This new HMS permit will not eliminate existing state permit or licensing requirements, nor would federal permits under the High Seas Fishing Compliance Act be eliminated. The permits and endorsements are subject to sanctions, including revocation, as provided by Section 308(g) of the Magnuson-Stevens Act.

**Q. Will there be a cost for the new permit?**

At this time, there will be no cost for the permit. The NMFS, however, is reviewing national policy pertaining to the issuance and administration of fishing permits, and should any future modifications be considered, they will be instituted through the federal rule making process. This process includes publication of a proposed rule in the *Federal Register* and opportunity for public comment and input.

**Q. How do I get a permit and what is the deadline for doing so?**

A list of vessels that would likely fall under the jurisdiction of the HMS FMP final rule has been compiled by the Southwest Region, NMFS. The list includes names of owners who have previously applied for a permit under the authority of the High Seas Fishing Compliance Act, the Tuna Conventions Act, and the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region. The new HMS permit applications were mailed out to vessel owners on these lists. Completed applications are to be sent to the National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA, 90802 (Attention: HMS Permit).

Persons who have not been sent an application form within 60 days of the effective date of the final rule and who want a permit are obligated to apply for an HMS permit by contacting the Southwest Region, NMFS at (562) 980-4030. The application can also be downloaded from the Southwest Region home page:

<http://swr.nmfs.noaa.gov/permits.htm>

**Q. How do I display my permit once it has been issued?**

The HMS permit must be onboard the vessel at all times and must be available for inspection upon the request of an authorized officer, unless the permit was issued while the vessel was at sea. If issued while the vessel was at sea, the permit must be onboard and available for inspection during any subsequent trip.

**Q. When will my permit expire and how do I renew it?**

Permits are valid for two years from date of issuance. Permit holders will receive a renewal notice approximately ninety days prior to the permit expiration date. The permit holder will review the information provided by the notice, make any necessary changes, and return it to the permit office before the permit expiration date.



**Q. What are the vessel marking requirements?**

(see § 660.704)

Each HMS permitted commercial fishing vessel must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft. The official number must be affixed to each vessel in block Arabic numerals at least 10 inches (25.40 cm) in height for vessels more than 25 ft (7.62 m) but equal to or less than 65 ft (19.81 m) in length; and 18 inches (45.72 cm) in height for vessels longer than 65 ft (19.81 m) in length. Markings must be legible and of a color that contrasts with the background.

**Q. What are the HMS FMP reporting requirements?**

(see § 660.708)

Catch, effort, and catch disposition data are critical for monitoring HMS fisheries, assessing the status of the stocks, and evaluating the effectiveness of management. All commercial fishing and recreational charter vessels are required to maintain logbooks. All information specified on the logbook forms must be recorded on the forms within 24 hours after the completion of each fishing day.

**Q. When do I turn the logbooks in?**

The original logbook form for each day of the fishing trip must be submitted to NMFS or the appropriate state management agency within 30 days of each landing or transshipment of HMS. Each form must be signed and dated by the fishing vessel operator.

**Q. I already keep a logbook, will I have to fill out a separate logbook under this HMS FMP final rule?**

Federal and State logbooks currently required under the following authorities satisfy the HMS FMP final rule reporting requirements and duplicate logbooks will not be required:

- Vessels fishing on the high seas under authority of the High Seas Fishing Compliance Act of 1995 (§ 300.17),
- Vessels fishing tuna under authority of the Tuna Conventions Act of 1950 (§ 300.21),
- Vessels fishing under authority of the regulations implementing the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (§ 660.14).
- Any logbook required by the fishery management agency of the States of California, Oregon, or Washington. For example, the State of California requires a logbook for harpoon vessels, drift gillnet vessels, and recreational charter

- vessels and the State of Oregon requires a logbook for drift gillnet vessels. These logbooks, tailored to specific gear, are acceptable under the HMS FMP final rule.
- A Federal logbook for troll vessels fishing albacore, which was voluntary, is now mandatory under the HMS FMP final rule<sup>4</sup>.

Any holder of an HMS permit that does not submit logbooks under any of the above authorities must, by written request, apply to NMFS SWR office for the appropriate logbook<sup>5</sup>. The applicant must provide his or her name and address, the name of the vessel, and the type of fishing gear used.

**Q. What are the HMS FMP regulations for protected species?**

(see §§ 660.712, .713, .720 and 229.31 and 226.206)

Longline and drift gillnet vessels encounter endangered and threatened sea turtles and marine mammals during fishing operations. Longline vessels also encounter significant numbers of sea birds, including the endangered short tailed albatross. Appendix 1 of this Guide summarizes safe handling and release requirements for seabirds captured during longline fishing operations.

Various federal laws provide protection for marine species inhabiting the waters bound by the HMS FMP, including the Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act. The HMS FMP final rule adopts measures to minimize interactions of HMS gears with protected species and to ensure that the fisheries are operating consistent with federal law. These measures include time and area closures, gear requirements, and safe handling and release techniques for protected seabirds and sea turtles<sup>6</sup>.

Please refer to 50 CRF 660.712, .713, .720 and 50 CFR 229.31 for the complete list and text of the regulations. Appendix 2 of this Guide summarizes safe handling and release requirements for sea turtles caught during longline fishing operations.

The HMS FMP final rule prohibits the use of longlines targeting HMS within the HMS FMP management area and prohibits U.S. fishermen from making shallow longline sets targeting swordfish west of 150° W. longitude and north of the equator in the Pacific Ocean. The rule also details proper handling and release requirements for incidentally captured sea turtles and seabirds, requires VMS on vessels if requested to carry one by NMFS Office of Law Enforcement, and requires vessel owners and operators to attend a NMFS protected species workshop. Complete details are found at 50 CFR 660.712 and are posted on the SWR website.

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<sup>4</sup> Completed albacore logbooks can be mailed to: Albacore Logbook Program, NMFS/SWFSC, 8604 La Jolla Shores Dr., La Jolla, CA 92037-1508.

<sup>5</sup> Examples of logbooks acceptable to meeting the reporting requirement may be found at: <http://swr.nmfs.noaa.gov/logbooks.htm>

<sup>6</sup> Guides for safe handling and release are posted on the SWR website (<http://swr.nmfs.noaa.gov>). Printed versions are available free of charge by contacting Lyle Enriquez at (562) 980-4025.

The HMS FMP also adopts the final rule entitled: Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations published in the Federal Register on March 11, 2004 (69 FR 11540). The regulations for this final rule are found at 50 CFR 223.206(d)(9) and prohibit the use of longlines targeting swordfish east of 150° W. longitude without a western Pacific longline permit<sup>7</sup>

The HMS FMP final rule also adopts measures to protect marine mammals and sea turtles that may interact with the drift gillnet fishery. A suite of time and area drift gillnet closures to protect marine mammals in the U.S. EEZ are adopted into the HMS FMP (see 50 CFR 660.713). Additional protections for marine mammals include the use of pingers and extenders as specified in the Pacific Offshore Cetacean Take Reduction Plan, found at 50 CFR 229.31.

Protections for sea turtles include a Pacific leatherback conservation area in which drift gillnet use is prohibited from August 15 through November 15. Drift gillnets are prohibited in the Pacific loggerhead conservation zone during El Nino events, June through August. See 50 CFR 660.713 (c) for specific areas and terms of the closures.

Be aware that additional mainland area closures off the coasts of California, Oregon, and Washington for the drift gillnet fishery are listed under 50 CFR 660.713 (d).

A color map showing Pacific Sea Turtle Conservation Area closed to drift gillnet fishing is included in Appendix 3 of this Guide and is posted on NMFS Southwest Region website: <http://swr.nmfs.noaa.gov/closures.htm>.

**Q. Am I required to install a Vessel Monitoring System on my boat?**

(see § 660.712(d))

Longline vessels that opt to fish for tuna in the adjacent high seas area must have vessel monitoring system units (VMS) on their vessels, provided by and installed by NMFS. Only a VMS unit owned and installed by NMFS complies with this requirement. The vessel must carry the VMS unit after the date scheduled for installation. No fees will be assessed or other communication charges related to the stated VMS requirements. Refer to the final regulations for specific details on the installation, maintenance, and reporting requirements for VMS units.

**Q. What are the requirements for carrying Fishery Observers?**

(see § 660.719 and 600.746)

All U.S. fishing vessels operating in HMS fisheries (including catcher/processors, at-sea processors, and vessels that embark from a port in Washington, Oregon, or California and land catch in another area), may be required to carry a NMFS certified observer on board to collect scientific data when directed to do so by the NMFS Regional Administrator.

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<sup>7</sup> A copy of the federal regulations implementing this rule can be viewed at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/50cfr223\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/50cfr223_03.html)

NMFS shall advise the permit holder or the designated agent of any observer requirement at least 24 hours (not including weekends and Federal holidays) before any trip.

**When NMFS notifies the permit holder or designated agent of the obligation to carry an observer, the vessel may not engage in the fishery without taking the observer**

Observer programs will be implemented in accordance with the procedures at 50 CFR 660.719 and 600.746. Observers may not depart on a fishing trip aboard a vessel that does not comply with USCG safety requirements or that does not display a current commercial fishing vessel safety examination decal. The vessel owner or operator must also allow an observer to visually inspect any safety or accommodation requirement if requested. The permit holder must provide living quarters comparable to crew members and are provided the same meals, snacks, and other considerations as are normally provided to other vessel personnel. NMFS will reimburse provision expenses per instructions provided.

The permit holder, vessel operator, and crew must cooperate with the observer and allow access to VMS, communication, and navigation equipment necessary to conduct observer duties. The observer must be notified in a timely fashion when commercial fishing operations are to begin and end and be provided with accurate vessel locations by latitude and longitude or loran coordinates upon request.

**Q. If I already carry NMFS observers under the MMPA or the ESA, do I have to take observers under the HMS FMP final rule as well?**

No, you will not be required to carry an additional NMFS Observer. The HMS FMP final rule data collection elements will be combined with data collection elements currently being recorded by observers under MMPA and ESA mandates. NMFS will work with industry to make every effort to minimize observer interruptions to normal fishing operations.

**Q. Will the HMS FMP impose limited entry for any or all of the HMS gear types?**  
(see § 660.717)

Not at this time. A Federal limited entry program is not being proposed at this time because the Pacific Council does not have sufficient information to determine the need for such a program. However, the Pacific Council has assigned its HMS Management Team to begin evaluating a limited entry program for longline vessels fishing from West Coast ports. A limited entry program would require substantial analysis and an amendment to the HMS FMP.

**Q. What are the penalties for the operator or owner of a vessel that doesn't follow these regulations?**

Penalties are determined on a case-by-case basis; they can include significant civil penalties and permit sanctions. NOAA intends to develop a civil administrative penalty schedule for the HMS FMP Final Rule, which will be available to the public at: <http://www.gc.noaa.gov/enforce-office3.html>

## Appendix 1

### **Seabird protection measures for longline vessels fishing under the authority of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species.**

#### **(50 CFR 660.712(c))**

- (1) Seabird mitigation techniques. Owners and operators of vessels registered for use of longline gear must ensure that the following actions are taken when fishing north of 23° N. lat.:
  - (i) Employ a line setting machine or line shooter to set the main longline when making deep sets west of 150° W. long. using monofilament main longline;
  - (ii) Attach a weight of at least 45 g to each branch line within 1 m of the hook when making deep sets using monofilament main longline;
  - (iii) When using basket-style longline gear, ensure that the main longline is deployed slack to maximize its sink rate;
- (2) Use completely thawed bait that has been dyed blue to an intensity level specified by a color quality control card issued by NMFS;
- (3) Maintain a minimum of two cans (each sold as 0.45 kg or 1 lb size) containing blue dye on board the vessel;
- (4) Discharge fish, fish parts (offal), or spent bait while setting or hauling longline gear, on the opposite side of the vessel from where the longline gear is being set or hauled;
- (5) Retain sufficient quantities of fish, fish parts, or spent bait, between the setting of longline gear for the purpose of strategically discharging it in accordance with paragraph (a)(6)<sup>1</sup> of this section;
- (6) Remove all hooks from fish, fish parts, or spent bait prior to its discharge in accordance with paragraph (4) of this section; and
- (7) Remove the bill and liver of any swordfish that is caught, sever its head from the trunk and cut it in half vertically, and periodically discharge the butchered heads and livers in accordance with paragraph (a)(6)<sup>1</sup> of this section.
- (8) If a short-tailed albatross is hooked or entangled by a vessel registered for use of longline gear, owners and operators must ensure that the following actions are taken:
  - (i) Stop the vessel to reduce the tension on the line and bring the bird on board the vessel using a dip net;
  - (ii) Cover the bird with a towel to protect its feathers from oils or damage while being handled;
  - (iii) Remove any entangled lines from the bird;

- (iv) Determine if the bird is alive or dead.
  - (A) If dead, freeze the bird immediately with an identification tag attached directly to the specimen listing the species, location and date of mortality, and band number if the bird has a leg band. Attach a duplicate identification tag to the bag or container holding the bird. Any leg bands present must remain on the bird. Contact NMFS, the Coast Guard, or the U.S. Fish and Wildlife Service at the numbers listed on the Short-tailed Albatross Handling Placard distributed at the NMFS protected species workshop, inform them that you have a dead short-tailed albatross on board, and submit the bird to NMFS within 72 hours following completion of the fishing trip.
  - (B) If alive, handle the bird in accordance with paragraphs (9) through (14) of this section.
- (9) Place the bird in a safe enclosed place;
- (10) Immediately contact NMFS, the Coast Guard, or the U.S. Fish and Wildlife Service at the numbers listed on the Short-tailed Albatross Handling Placard distributed at the NMFS protected species workshop and request veterinary guidance;
- (11) Follow the veterinary guidance regarding the handling and release of the bird.
- (12) Complete the short-tailed albatross recovery data form issued by NMFS.
- (13) If the bird is externally hooked and no veterinary guidance is received within 24 and 48 hours, handle the bird in accordance with paragraphs (17)(iv) and (v) of this section, and release the bird only if it meets the following criteria:
  - (i) Able to hold its head erect and respond to noise and motion stimuli;
  - (ii) Able to breathe without noise;
  - (iii) Capable of flapping and retracting both wings to normal folded position on its back;
  - (iv) Able to stand on both feet with toes pointed forward; and
  - (v) Feathers are dry.
- (14) If released under paragraph (13) of this section or under the guidance of a veterinarian, all released birds must be placed on the sea surface.
- (15) If the hook has been ingested or is inaccessible, keep the bird in a safe, enclosed place and submit it to NMFS immediately upon the vessel's return to port. Do not give the bird food or water.
- (16) Complete the short-tailed albatross recovery data form issued by NMFS.
- (17) If a seabird other than a short-tailed albatross is hooked or entangled by a vessel registered for use of longline gear, owners and operators must ensure that the following actions are taken:
  - (i) Stop the vessel to reduce the tension on the line and bring the seabird on board the vessel using a dip net;
  - (ii) Cover the seabird with a towel to protect its feathers from oils or damage while being handled;
  - (iii) Remove any entangled lines from the seabird;
  - (iv) Remove any external hooks by cutting the line as close as possible to the hook, pushing the hook barb out point first, cutting off the hook barb using bolt cutters, and then removing the hook shank;

- (v) Cut the fishing line as close as possible to ingested or inaccessible hooks;
  - (vi) Leave the bird in a safe enclosed space to recover until its feathers are dry;
- and
- (vii) After recovered, release seabirds by placing them on the sea surface.



## Appendix 2

### Sea turtle protection measures for longline vessels fishing under the authority of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species.

(50 CFR §223.206(d)(1) and 50 §CFR 660.712)

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| <p><b>Required Release Gear</b><br/>(50 CFR §660.712(b)(1)-(3))</p> | <p>(1) Line clippers (cutting blade must be curved, recessed, contained in a holder, or otherwise afforded some protection to minimize direct contact of the cutting surface with sea turtles or users of the cutting blade; the blade must be capable of cutting 2.0-2.1 mm monofilament line and nylon or polypropylene multistrand material; the line clipper must have an extended reach handle or pole of at least 6 feet; the cutting blade must be securely fastened to the extended reach handle or pole to ensure effective deployment or use)</p> <p>(2) Dip net (net hoop must have at least 31 inches inside diameter and bag depth of at least 38 inches; the bag mesh openings may be no more than 3 inches x 3 inches; the dip net must have an extended reach handle of at least 6 feet of wood or other rigid material able to support a minimum of 100 lbs without breaking or significant bending or distortion)</p> <p>(3) Wire or bolt cutters capable of cutting through the vessel's hooks</p> |
| <p><b>Handling requirements</b><br/>(50 CFR §660.712(b)(4))</p>     | <p>Hooked or entangled sea turtles brought aboard for dehooking and/or disentanglement must be handled in a manner to minimize injury and promote survival.</p> <p>If a sea turtle is too large or hooked in such a manner as to preclude safe boarding without causing further damage/injury to the turtle, line clippers must be used to clip the line and remove as much line as possible prior to releasing the turtle.</p> <p>If a sea turtle is observed to be hooked or entangled during hauling operations, the vessel operator must immediately cease hauling operations until the turtle has been removed from the longline gear or brought on board the vessel.</p> <p>Hooks must be removed from sea turtles as quickly and carefully as possible. If a hook cannot be removed from a turtle, the line must be cut as close to the hook as possible.</p>  |

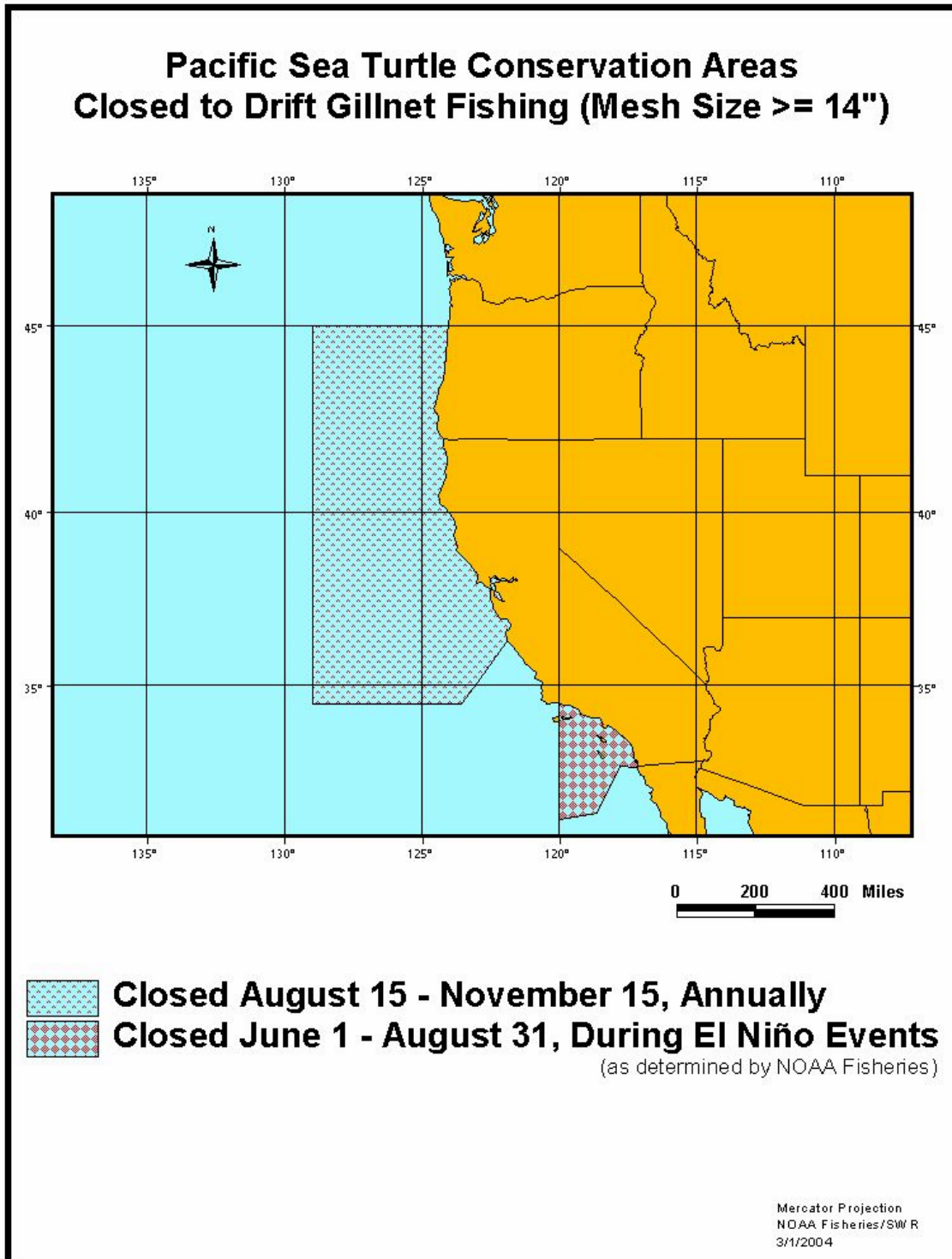
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| <p><b>Resuscitation requirements</b><br/>(50 CFR §660.712(b)(5) and 50 CFR §223.206(d)(1))</p> | <p>If sea turtles are brought aboard that appear dead or comatose, resuscitation regulations apply.</p> <p>If the sea turtle brought aboard appears dead or comatose, the sea turtle must be placed on its belly (on the bottom shell or plastron) so that the turtle is right side up and its hindquarters elevated at least 6 inches for a period of no less than 4 hours and no more than 24 hours. The amount of elevation depends on the size of the turtle; greater elevations are needed for larger turtles.</p> <p>A reflex test, performed by gently touching the eye and pinching the tail of the sea turtle, must be administered by a vessel operator, at least every 3 hours, to determine if the sea turtle is responsive.</p> <p>Sea turtles being resuscitated must be shaded and kept damp or moist but under no circumstances may be placed in a container holding water. A water-soaked towel placed over the eyes, carapace, and flippers is the most effective method in keeping a turtle moist.</p> <p>Those that revive and become active must be returned to the sea. Sea turtles that fail to revive within the 24 hour period must also be returned to the sea, given release guidelines.</p> |
| <p><b>Release guidelines</b><br/>(50 CFR §660.712(b)(6))</p>                                   | <p>During release, the vessel engine must be in neutral gear, the propeller disengaged and the vessel stopped. Release the turtle away from any deployed gear. Observe that the turtle is safely away from the vessel before re-engaging the propeller and continuing operations.</p>   |
| <p><b>Protected species workshop</b><br/>(50 CFR §660.712(e))</p>                              | <p>Each year, both the owner and operator registered for use of longline gear must attend and be certified for completion of a workshop conducted by NMFS on mitigation, handling, and release techniques for turtles (and other protected species).</p>  |
| <p><b>Prohibited Fishing Gear/Activity</b><br/>(50 CFR §660.712(a))</p>                        | <p>Any longline vessel <u>not</u> operating under the authority of the Western Pacific Pelagics FMP is prohibited from:</p> <ol style="list-style-type: none"> <li>(1) making shallow sets with longline gear to target swordfish north of the equator (0° N latitude);</li> <li>(2) possessing a lightstick on board; and</li> <li>(3) landing or possessing more than 10 swordfish per trip.</li> </ol> <p>When conventional monofilament longline is deployed, no</p>  |

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|  | <p>fewer than 15 branch lines may be set between any 2 floats. Vessels using basket-style<sup>8</sup> longline gear must set a minimum of 10 branchlines between any 2 floats.</p> <p>Longline gear must be deployed such that the deepest point of the main longline between any two points is at a depth greater than 100 meters.</p> |
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<sup>8</sup>*Basket-style longline gear* means a type of longline gear that is divided into units called baskets, each consisting of a segment of main line to which 10 or more branch lines with hooks are spliced. The mainline and all branch lines are made of multiple braided strands of cotton, nylon, or other synthetic fibers impregnated with tar or other heavy coatings that cause the lines to sink rapidly in seawater.

**Appendix 3**  
**(50 CFR 660.713(c))<sup>9</sup>**



<sup>9</sup> 50 CFR 660.713 (d) delineates additional mainland area closures off the Pacific coast for the drift gillnet fishery.

## Appendix 4

### List of contacts

NMFS Southwest Regional Office,  
Sustainable Fisheries Division (SFD),  
501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4221  
Ph.: (562) 980-4040  
Fax: (562) 980-4047  
website: <http://swr.nmfs.noaa.gov>

Craig Heberer, SFD Fisheries Biologist, FMP lead  
Ph.: (760) 431-9440, ext. 303  
email: [Craig.Heberer@noaa.gov](mailto:Craig.Heberer@noaa.gov)

NMFS Northwest Regional Office,  
7600 Sand Point Way NE, Seattle, WA 98115-0070  
Ph: (206) 526-6150  
Fax: (206) 526-  
website: <http://www.nwr.noaa.gov/>

Groundfish Conservation Closed Areas:  
<http://www.nwr.noaa.gov/1sustfsh/groundfish/gConservAreas/>

**NOAA Fisheries Office of Law Enforcement 24-hour toll-free hotline:  
(800) 853-1964**

NOAA Southwest Region Office of Law Enforcement  
501 W. Ocean Blvd., Suite 4400-A, Long Beach, CA 90802-4221  
Ph.: (562) 980-4050  
Fax: (562) 980-4058  
website: <http://swr.nmfs.noaa.gov/enf/index.html>

Office of Law Enforcement Field Office contacts:

|                   |                |
|-------------------|----------------|
| Arcata, CA        | (707) 826-9247 |
| Pacific Grove, CA | (831) 647-4220 |
| Monterey, CA      | (831) 647-4203 |
| Santa Rosa, CA    | (707) 575-6070 |
| San Francisco, CA | (415) 561-6628 |
| San Diego, CA     | (619) 557-5494 |
| Astoria, OR       | (503) 325-5934 |
| Newport, OR       | (541) 867-0504 |
| Roseburg, OR      | (541) 957-3388 |
| Coos Bay, OR      | (541) 267-0767 |
| Bellingham, WA    | (360) 676-9268 |

Vancouver, WA (360) 418-4246

Pacific Fishery Management Council,  
Mr. Kit Dahl, 7700 NE Ambassador Place, Suite 200 Portland, Oregon, 97220-1384  
Ph.: (503) 820-2280  
Fax: (503) 820-2299  
Toll Free: (866) 806-7204  
website: <http://www.pcouncil.org/>

California Department of Fish and Game  
Ms. LeeAnne Laughlin, 4665 Lampson Ave, Ste C, Los Alamitos, CA 90720  
Ph: (562) 342-7139  
Fax: (562) 342-7195  
website: [www.dfg.ca.gov](http://www.dfg.ca.gov)  
Cal-Tip Poaching hotline (1-888-334-2258)

Oregon Department of Fish and Wildlife, Marine Resources Program  
Ms. Cyreis Schmitt, 2040 SE Marine Science Dr., Newport, OR 97365  
Ph: (541) 867-4741  
Fax: (541) 867-0311  
website: <http://www.dfw.state.or.us/>  
Wildlife Violations (1-800-452-7888)

Washington Department of Fish and Wildlife  
Region 6 Office, 48A Devonshire Rd., Montesano, WA 98563-9618

Ph: (360) 249-1211  
Fax: (360) 664-0689  
Website: [www.wdfw.wa.gov](http://www.wdfw.wa.gov)  
Emergency Hotline (1-800-477-6224)