EFFECTIVE June 18, 2009

Compliance Guide for the Atlantic Pelagic Longline Take Reduction Plan (PLTRP) (50 CFR 229.36)

NOAA FISHERIES SERVICE

ATTENTION: Owners and operators of vessels holding or required to hold an Atlantic Highly Migratory Species tuna, swordfish, or shark permit under 50 CFR 635.4 fishing with pelagic longline gear onboard, as described by 50 CFR 635.21(c), in the Atlantic EEZ off the U.S. East Coast.

The Final Rule for the PLTRP was published on May 19, 2009 (74 FR 23349). A summary of the regulatory and non-regulatory management measures included in the PLTRP are provided in this Guide. Regulatory requirements for the PLTRP are effective on June 18, 2009.

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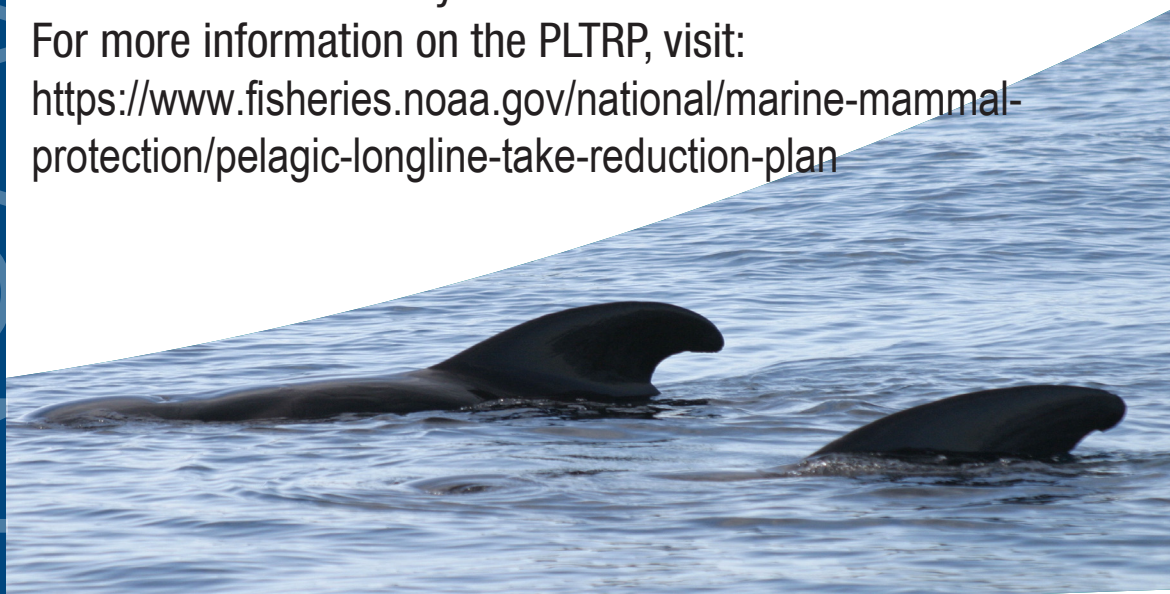
Background on the Pelagic Longline Take Reduction Plan

The PLTRP is required under Section 118 of the Marine Mammal Protection Act to reduce serious injury and mortality (bycatch) of long-finned and short-finned pilot whales and Risso's dolphins in the U.S. East Coast Atlantic pelagic longline fishery. The PLTRP includes regulatory and non-regulatory management measures, as well as research recommendations to better understand the nature of marine mammal interactions incidental to this fishery.

For more information on the PLTRP, visit:
https://www.fisheries.noaa.gov/national/marine-mammal-protection/pelagic-longline-take-reduction-plan



PLTRP Regulatory Requirements

There are three regulatory requirements under the PLTRP. Each is described in detail below with its associated geographic scope.

(1) Marine mammal handling and release placard:

All affected pelagic longline vessels in the Atlantic Exclusive Economic Zone (EEZ) off the U.S. East Coast (Figure 1) are required to post the "Marine Mammal Handling/Release Guidelines: A Quick Reference for Atlantic Pelagic Longline Gear" inside the wheelhouse and on the working deck. Additional placards are available from the National Marine Fisheries Service (NMFS) Southeast Regional Office (SERO) at (727) 824-5312.

(2) Mainline length restriction for the Mid-Atlantic Bight (MAB):

Pelagic longline sets must not exceed 20 nautical miles (nm) (37.04 km) in mainline length in the EEZ portion of the MAB (Figure 1), including the Cape Hatteras Special Research Area (see Figure 2).

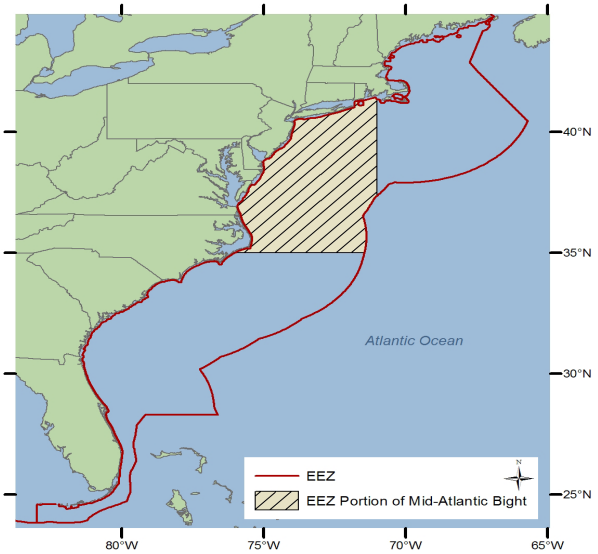


Figure 1:
Atlantic Portion of EEZ: State/Federal water boundary seaward to 200 nautical miles.

Mid-Atlantic Bight: The area bounded by straight lines connecting the mid-Atlantic states' internal waters and extending to 71°W long between 35°N lat and 43°N lat.

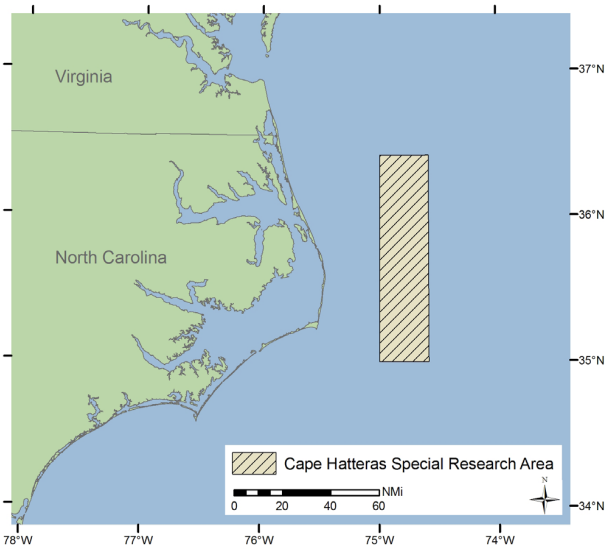


Figure 2:
Cape Hatteras Special Research Area (CHSRA)

(3) Special observer and research participation requirements in the Cape Hatteras Special Research Area (CHSRA):

The PLTRP includes special observer and research participation requirements for affected fishermen operating in the CHSRA, an area defined to capture "hot spots" of bycatch and concentration of fishing effort. The CHSRA includes all waters inside and including the rectangular boundary described by the following lines: 35°N lat, 75° W long, 36° 25' N lat, and 74° 35' W long (Figure 2).

Special Observer Requirements:

If you deploy or fish with pelagic longline gear in the CHSRA, or intend to do so, you must call NMFS Southeast Fisheries Science Center (SEFSC), 1-888-254-2558, at least 48 hours, but no more than 96 hours, prior to embarking on your fishing trip.

- This requirement is in addition to any existing observer coverage requirements under the Pelagic Observer Program.
- If assigned an observer, you must take the observer and comply with 50 CFR 229.7 and 50 CFR 600.746 observer regulations.
- No waivers for observers under 50 CFR 229.7(c)(3) or 50 CFR 600.746(f) will be granted.
- If you do not take the observer, you may not deploy or fish with pelagic longline gear in the CHSRA for that fishing trip.
- If you are informed by the NMFS SEFSC that no observer will be assigned and no special research requirements will apply, you may depart immediately.
- A vessel required to carry an observer, but which is inadequate or unsafe for the observer or his/her operations, is prohibited from deploying or fishing with pelagic longline gear in the CHSRA.

Special Research Requirements:

Observers may conduct additional scientific investigations in the CHSRA to support PLTRP implementation.

- If you intend to fish, you must call in for an observer; calling for an observer indicates agreement to take the observer and acknowledgment that you are willing and able to participate in research as requested, without any compensation, for the duration of the assignment.
- You must comply with additional investigations, modifications to fishing behavior, and/or gear as directed by the observer.
- Instead of carrying an observer, you may be required to carry and deploy gear provided by NMFS or an observer, or to modify your fishing practices.
- If you do not participate in assigned research, you may not deploy or fish with pelagic longline gear in the CHSRA for that fishing trip.

CHSRA Transit Exception:

If pelagic longline gear is appropriately stowed, a vessel may transit through the CHSRA without meeting the special observer and research requirements. “Transit” means non-stop progression through the area. “Appropriately stowed” means all gangions, hooks, and buoys are disconnected from the mainline; hooks are not baited; longline left on the drum is covered with a tarp; and all other gear components are either stowed below deck or secured on deck and covered with a tarp.

Summary of the PLTRP regulatory requirements by geographic area:

Requirement	US Atlantic EEZ	EEZ Portion of MAB	CHSRA
Marine mammal handling and release placard	✓	✓	✓
Mainline length restriction: maximum 20 nm		✓	✓
Special observer & research participation requirements			✓

Additional Information:

This guide is intended to provide practical information; however, any inadvertent difference between this guide and the regulations will be resolved by following the regulatory language found at 50 CFR 229.36. All Atlantic HMS Pelagic Longline permit holders are encouraged to obtain a copy of the complete regulations. Copies of the Draft PLTRP, PLTRP Final Rule, and Environmental Assessment, Regulatory Impact Review and Regulatory Flexibility Analysis are available on the PLTRT Information and NMFS SERO Websites (below) or by phoning NMFS SERO at 727-824-5312.

Important Contacts:

Additional Placards:
NMFS SERO, 727-824-5312

Observer Call-In for the CHSRA:
NMFS Southeast Fisheries Science Center (SEFSC), 1-888-254-2558, at least 48 hours, but no more than 96 hours, prior to embarking on your fishing trip to the CHSRA.

Code of Federal Regulations (CFR):
https://gov.ecfr.io/

NMFS SERO Website:
https://www.fisheries.noaa.gov/region/southeast

PLTRT Information:
https://www.fisheries.noaa.gov/national/marine-mammal-protection/pelagic-longline-take-reduction-plan

Serious Injury & Mortality Reporting:
https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program

All commercial fishing vessels must monitor and report serious injuries and mortalities to marine mammals that occur during fishing.

Non-Regulatory Measures

There are four non-regulatory measures in the PLTRP. Of these measures, NMFS is responsible for implementing three, within the constraints of available funding, including:

(1) Increase Observer Coverage:

NMFS will increase observer coverage to 12-15% throughout all Atlantic pelagic longline (PLL) fisheries that interact with pilot whales or Risso's dolphins, with priority given to the CHSRA and MAB.

(2) Update Careful Handling and Release Guidelines:

NMFS will periodically update these guidelines by working with the PLL fishery to develop new technologies, equipment, and methods for safer and more effective handling and release of entangled or hooked marine mammals.

(3) Conduct Additional Research and Data Collection:

Because there is a significant lack of information concerning how pilot whales and Risso's dolphins interact with the PLL fishery, the PLTRP contains many research recommendations, which can be found in Section IX of the Draft PLTRP. NMFS, the fishing industry, and academic researchers will collaborate to conduct research studies. Priority will be given to (1) research on species with serious injury and mortality levels closest to or exceeding potential biological removal levels; (2) research to evaluate the effects of implemented management measures; and (3) research on species-specific abundance, mortality, and post-hooking survivorship.

The fourth non-regulatory measure relies on the fishing industry.

(4) Captain's Communications:

Vessel operators throughout the PLL fishery are strongly encouraged to maintain daily communications with other local vessel captains regarding protected species interactions, with the goal of identifying and exchanging information relevant to avoiding protected species bycatch. For this to be effective, the exchange of information must be timely, involve cooperation, and be likely to result in an action being taken to either avoid or reduce bycatch (e.g., Captains can share information about locations of protected species to avoid, as well as share best practices for safe handling and release).

This small entity compliance guide complies with section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996.