



NOAA FISHERIES

Sustainable Fisheries West Coast Region

Small Entity Compliance Guide

Regulations for Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species January 9, 2017

This guide was developed to provide a plain-language summary of how small entities can comply with the federal regulations that implement the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). Because fishery regulations change frequently, 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 (CFR).¹

The CFR is cited throughout this document, and direct links are provided for reference. All U.S. West Coast highly migratory species (HMS) regulations can be found in Title 50, Part 660, Subpart K.

The regulations in the CFR take precedence if a discrepancy occurs between them and the information in this Guide.

¹ ecfr.gov/cgi-bin/text-idx?SID=b8624f8cd5dd800ab5d9e84c52124c0c&node=pt50.13.660&rgn=div5

Quick Reference Guide

| | |
|---|----|
| Introduction | 3 |
| Gear | 4 |
| Q1. What fishing gear is allowed? | 4 |
| Q2. If I fish with non-HMS gear, can I keep any HMS as incidental catch? | 4 |
| Q3. Can I keep HMS caught with a drift gillnet under 14 inches stretched mesh as permitted by state regulations? | 5 |
| Permits and Reporting | 5 |
| Q4. What are the HMS permit requirements? | 5 |
| Q5. Do I need proof of previous fishing effort & landings for an HMS permit? | 5 |
| Q6. How do I renew or apply for a new HMS vessel permit and what is the cost? | 5 |
| Q7. When will my permit expire? | 6 |
| Q8. How do I display my permit once it has been issued? | 6 |
| Q9. What are the HMS FMP reporting requirements? | 6 |
| Q10. When do I turn the logbooks in? | 6 |
| Q11. I already keep a logbook; do I need a separate one for the HMS FMP? | 6 |
| Vessel Requirements | 7 |
| Q12. What are the vessel marking requirements? | 7 |
| Q13. Am I required to install a vessel monitoring system (VMS) on my boat? | 7 |
| Q14. What are the requirements for carrying observers? | 8 |
| Time / Area | 9 |
| Q15. What is the management area under which these regulations apply? | 9 |
| Q16. What is the annual fishing season? | 9 |
| Q17. What are the specific HMS FMP regulations for area closures? | 9 |
| Other Species | 9 |
| Q18. What species are prohibited to retain? | 10 |
| Q19. What are the protected species regulations? | 11 |
| Limits | 11 |
| Q20. Are there any harvest limits? | 11 |
| Q21. What are the recreational fishing bag limits? | 12 |
| List of Contacts | 13 |
| Appendix 1: Map of California Drift Gillnet Fishery Closures | 15 |
| Appendix 2: Requirements & Restrictions for Vessels Using Longline Gear | 16 |
| Appendix 3: Requirements & Restrictions for Vessels Using Large Mesh Drift Gillnet Gear | 18 |

Introduction

The National Marine Fisheries Service (NMFS) developed the HMS FMP in 2003 and implemented it in 2004 through regulations authorized under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The regulations identify 11 HMS for management (Table 1) and define legal gear and methods of harvest (see Question 1 below). The regulations apply to all U.S. vessels that fish for HMS within the U.S. West Coast exclusive economic zone (EEZ) (i.e., 3-200 nautical miles from the coast of California, Oregon, and Washington). The regulations also apply to U.S. vessels that target HMS on the high seas (seaward of the EEZ) and land in California, Oregon, or Washington.

The FMP incorporates existing federal and state regulations for California, Oregon, and Washington, and sets forth additional requirements including:

- Harvest guidelines for common thresher and shortfin mako sharks,
- Definitions of prohibited and protected species,
- Incidental HMS catch allowances for non-HMS gear,
- Requirements for a federal HMS vessel permit,
- Requirements for vessel markings,
- Requirements for logbook reporting and submission,
- Requirements for carrying fishery observers,
- Requirements for minimizing and mitigating bycatch, and
- Summary of mandatory time/area closures.

Overlapping Regulations

In addition to the regulations implementing the HMS FMP, vessel owners and operators are also subject to other state and federal regulations that may be more restrictive. For example, gear authorized by the state of Washington is more limited than the gear authorized in the HMS FMP. Federal regulations promulgated under the Tuna Conventions Act, which implement resolutions of the Inter-American Tropical Tuna Commission (IATTC), may also apply to vessels that fish for tuna and tuna-like species. These regulations are usually codified in Title 50, Part 300, Subpart C. To ensure compliance, fishermen should consult other applicable fisheries regulations. The NMFS West Coast Region website² provides updates on proposed and final rules recently published in the *Federal Register*.

Table 1: HMS management unit species

| <u>Common Name</u> | <u>Species</u> |
|---------------------------------|----------------------------|
| striped marlin | <i>Kajikia audax</i> |
| swordfish | <i>Xiphias gladius</i> |
| common thresher shark* | <i>Alopias vulpinus</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>Thunnus albacares</i> |
| bigeye tuna | <i>Thunnus obesus</i> |
| skipjack tuna | <i>Katsuwonus pelamis</i> |
| Pacific bluefin tuna | <i>Thunnus orientalis</i> |
| dorado (mahi mahi, dolphinfish) | <i>Coryphaena hippurus</i> |

*collectively referred to as HMS sharks in this document

² www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/highly_migratory_species_rules_req.html

Gear

Q1. What fishing gear is allowed? ([§660.702](#))

The following gears are authorized for the commercial and recreational harvest of HMS in and beyond the EEZ off the U.S. West Coast by vessels landing in U.S. West Coast ports.

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, not mechanically.

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 gear³). Surface hook and line is always attached to the vessel.

Drift gillnet: a panel of netting, a *minimum* of 14 inch (35.56 cm) stretched mesh or greater, suspended vertically in the water by floats along the top and weights along the bottom, which is neither stationary nor anchored to the bottom.

Purse seine: an encircling net with floats and weights that is closed by 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 horizontally suspended in the water column, which is neither stationary nor anchored, and from which dropper lines with hooks (gangions) are attached. (Specific longline regulations are detailed in [Appendix 2](#)).

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 operated manually or shot from a gun or sling.

Hook & line: one or more hooks attached to one or more lines (not mousetrap gear).

Q2. If I fish with non-HMS gear, can I keep any HMS as incidental catch? ([§660.711](#))

Yes. Incidental commercial landings of HMS are authorized within the limits detailed below for non-HMS gear (e.g., bottom longline, trawl, pot gear). Incidental catch refers to HMS that are unavoidably caught while fishing for other species or fishing with gear that is unauthorized for HMS harvest. Any HMS caught in exceedance of the limits listed below must be released.

³ 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.

- Drift gillnets with mesh fewer than 14 inches are permitted to land 10 HMS fish, **except** swordfish, which are not permitted to be landed as incidental catch.
- Bottom longline (set line) fishery landings are restricted to 3 HMS sharks or 20 percent of total landings by weight of HMS sharks, whichever is greater.
- Trawl and pot gear may land either a maximum of 1 percent of total weight per landing for all HMS sharks combined or 2 HMS sharks, whichever is greater.

Q3. Can I keep HMS caught with a drift gillnet under 14 inches stretched mesh, as permitted by state regulations? ([§660.711](#))

A drift gillnet vessel with a stretched mesh size fewer than 14 inches may not target HMS. However, an incidental landing of 10 non-swordfish HMS per trip will be allowed.

Permits and Reporting

Q4. What are the HMS permit requirements? ([§660.707](#))

U.S. commercial vessels that fish for HMS within the U.S. West Coast EEZ, or target HMS on the high seas and land their fish in California, Oregon, or Washington, must have an HMS permit that endorses the use of all gear types used by the vessel. A recreational charter vessel must have an HMS permit if that vessel is used to fish for HMS in the U.S. West Coast EEZ.

As a note: Any U.S. vessels that fish on the high seas must also have a permit issued under the High Seas Fishing Compliance Act; see [§300.333](#) for information on High Seas permits.

Q5. Do I need proof of previous fishing effort & landings for an HMS permit? ([§660.707](#))

No. At this time there are no qualifying criteria, such as a minimum landing amount, to obtain a permit or to endorse specific gear. The HMS permit is in addition to state permit or licensing requirements or federal permits required under the High Seas Fishing Compliance Act. Persons with permits and gear endorsements are subject to sanctions, including revocation, as provided by [Section 308\(g\) of the MSA](#).

Q6. How do I renew or apply for a new HMS vessel permit and what is the cost? ([§660.707](#))

The application for new and renewal HMS permits is now available online at <http://fisheriespermits.noaa.gov>.⁴ It can be completed and submitted online or downloaded⁵ and mailed to the address below. A \$30 processing fee is required, which can be paid online using an electronic check, credit card, or debit card. Permit applications submitted by mail should be accompanied by a check or money order made out to “Department of Commerce – NOAA”. Cash is not accepted. Mailed applications and payments should be sent to:

National Marine Fisheries Service
Permits Office
501 W. Ocean Blvd., Suite 4200
Long Beach, CA, 90802

⁴ Online application instructions at:

westcoast.fisheries.noaa.gov/publications/fishery_management/hms_program/pacifichms_online_permit_instructions.pdf

⁵ www.westcoast.fisheries.noaa.gov/publications/fishery_management/hms_program/hms_appfill_exp2016.pdf

Q7. When will my permit expire? ([§660.707](#))

Permits are valid for 2 years from the date of issuance and expire on the last day of the permit owner's birth month. NMFS will send renewal notices to permit holders approximately 90 days prior to the permit expiration date.

Q8. How do I display my permit once it has been issued? ([§660.707](#))

The HMS permit must be onboard the vessel at all times and must be available for inspection upon the request of an authorized officer.

Q9. What are the HMS FMP reporting requirements? ([§660.708](#))

Catch, effort, and catch composition data are critical for monitoring HMS fisheries, assessing stock status, and evaluating management effectiveness. All commercial and recreational vessels are required to maintain federal logbooks. Information specified on the logbook forms must be recorded within 24 hours after the completion of each fishing day. Each form must be signed and dated by the fishing vessel operator. Logbooks for federally managed species can be obtained from the Permits Office by contacting (562) 980-4238.⁶

Q10. When do I turn the logbooks in? ([§660.708](#))

The original logbook form for each day of the fishing trip must be submitted to NMFS within 30 days of each landing or transshipment of HMS.

Q11. I already keep a logbook; do I need a separate one for the HMS FMP? ([§660.708](#))

Examples of logbooks that meet the HMS logbook reporting requirement may be found on the NMFS West Coast Region (WCR) website.⁷ Federal and state logbooks currently required under the following authorities satisfy the HMS logbook reporting requirements, and duplicate logbooks **will not** be required for vessels that:

- Fish under the authority of the High Seas Fishing Compliance Act of 1995 ([§300 Subpart R](#)).
- Fish tuna under the authority of the Tuna Conventions Act of 1950 ([§300 Subpart C](#)).
- Fish under the authority of the regulations for the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region ([§665 Subpart F](#)).
- Use any logbook required by the fishery management agency of the States of California, Oregon, or Washington. These logbooks, tailored to specific gear, are acceptable.
- Troll for albacore and use a federal logbook as mandated under the HMS FMP.

Any holder of an HMS permit that does not fall within any of the above authorities must provide a written request to the NMFS WCR office (see [List of Contacts](#)) for the appropriate logbook. The applicant must provide his or her name and address, the name of the vessel, and the type of fishing gear used.

⁶ See [List of Contacts](#) on page 14 for mailing address to submit completed logbooks.

⁷ www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/highly_migratory_species_logbooks.html

Vessel Requirements

Q12. What are the vessel marking requirements? ([§660.704](#), [§300.336](#))

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 visible from enforcement vessels and aircraft. Markings must be legible and of a color that contrasts with the background. The official number must be affixed to each vessel in block Arabic numerals. Size requirements for numbers are as follows:

- For vessels greater than 25 feet (7.62 m) but equal to or less than 65 feet (19.81 m) in length, numbers must be at least 10 inches (25.40 cm) in height.
- For vessels greater than 65 feet (19.81 m) in length, numbers must be at least 18 inches (45.72 cm) in height.

For vessels fishing on the High Seas or under endorsement from the Western and Central Pacific Fisheries Commission (WCPFC), the International Radio Call Sign (IRCS) must be displayed. If the vessel has not been assigned an IRCS, it must be marked, in order of priority, with the federal, state, or other documentation number appearing on its high seas fishing permit. Vessels that have been assigned WCPFC Area Endorsement must display the documentation number preceded by the characters “USA” and a hyphen. Size requirements for letters and numbers are as follows:

- For vessels 25 meters (82.02 feet) or greater in length, letters and numbers must be at least 1.0 meter (39.37 inches) in height.
- For vessels at least 20 meters (65.62 feet) but equal to or less than 25 meters (82.02 feet) in length, letters and numbers must be at least 0.8 meters (31.50 inches) in height.
- For vessels at least 15 meters (49.21 feet) but equal to or less than 20 meters (65.62 feet) in length, letters and numbers must be at least 0.6 meters (23.62 inches) in height.
- For vessels at least 12 meters (39.37 feet) but equal to or less than 15 meters (49.21 feet) in length, letters and numbers must be at least 0.4 meters (15.75 inches) in height.
- For vessels at least 5 meters (16.04 feet) but equal to or less than 12 meters (39.37 feet) in length, letters and numbers must be at least 0.3 meters (11.81 inches) in height.
- For vessels less than 5 meters (16.04 feet) in length, letters and numbers must be at least 0.1 meters (3.94 inches) in height.

These requirements do **not** apply to recreational charter vessels.

Q13. Am I required to install a vessel monitoring system (VMS)? ([§660.712](#); [§300.219](#), [§300.26](#), [§300.337](#))

VMS requirements apply to vessels owners and operators of the following vessels:

- Any U.S. commercial fishing vessel 24 meters (78.74 feet) or greater in overall length engaged in fishing for tuna or tuna-like species in the IATTC Convention Area;⁸

⁸ See separate compliance guide for details: www.regulations.gov/document?D=NOAA-NMFS-2013-0117-0010.

- Any vessel issued a high seas fishing permit, or any vessel for which a high seas permit is required;⁹
- Any vessel with longline gear operating under an HMS permit in the longline fishery (see [Appendix 2](#));
- Any vessel with both a limited-entry California state drift gillnet permit and an HMS permit, and that fishes in state or federal waters off the U.S. West Coast (see [Appendix 3](#)); and
- Any vessel with WCPFC area endorsement.¹⁰

The NOAA Office of Law Enforcement maintains an updated list of all type-approved VMS devices. It may be accessed at www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html.

Additional questions may be addressed to the VMS Program (see [List of Contacts](#)).

Q14. What are the requirements for carrying observers? ([§660.719](#); [§600.746](#), [§300.338](#))

With few exceptions, U.S. fishing vessels operating in HMS fisheries (including catcher/processors, at-sea processors, and vessels that embark from Washington, Oregon, or California and land catch in another area) may be required to carry a NMFS-trained observer when directed to do so by NMFS. **If NMFS determines an observer must be on board, the vessel may not engage in the fishery without taking the observer.**

Specifically, vessel owners or operators in the longline fishery are *required* to notify NMFS 24 hours prior to departing on a fishing trip.¹¹ Vessel owners and operators in the drift gillnet fishery are *required* to notify NMFS 48 hours prior to departing on a fishing trip.¹²

Requirements for any HMS vessel with observers on board are as follows:

- The vessel must comply with U.S. Coast Guard safety requirements and 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 by NMFS;
- The permit holder must provide living quarters for the observer comparable to those of crew members, as well as the same meals, snacks, and other considerations normally provided to vessel personnel;
- The permit holder, vessel operator, and crew must cooperate with the observer and allow access to the VMS, communication, and navigation equipment as necessary for observer duties;
- The observer must be notified before commercial fishing operations begin and end; and
- The observer, upon their request, must be provided with accurate vessel locations by latitude and longitude or loran coordinates.

⁹ See separate compliance guide for details: www.regulations.gov/#!documentDetail:D=NOAA-NMFS-2015-0052-0025

¹⁰ See separate compliance guide for details: www.fpir.noaa.gov/Library/IFD/AV63-compliance-guide-IRC.pdf.

¹¹ See [Appendix 2](#) for observer requirements and contacts for longline vessels.

¹² See [Appendix 3](#) for observer requirements and contacts for drift gillnet vessels.

Time / Area

Q15. What is the management area under which these regulations apply? (§660.703)

The HMS fishery management area is as follows:

a) Southern boundary: United States-Mexico International Boundary:

| | |
|-------------------|---------------------|
| 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: United States-Canada Provisional International Boundary:

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

c) Adjacent waters on the high seas.

Q16. What is the annual fishing season? (§660.709)

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

Q17. What are the specific HMS FMP regulations for area closures? (§660.713)

A suite of time-area closures for drift gillnet fishing have been adopted to protect marine mammals in the U.S. West Coast EEZ. Mainland area closures off the coasts of California, Oregon, and Washington for the drift gillnet fishery are listed under §660.713(d, e).

Time-area closures in place to specifically protect sea turtles from potential interactions with drift gillnet gear listed under §660.713(c) are as follows:

- A Pacific leatherback conservation area from August 15 through November 15; and
- A Pacific loggerhead conservation area from June through August, in years when an El Niño has been forecasted, or is occurring, off the coast of southern California (see [Appendix 1](#)).

Additional area restrictions for longline gear are included in [Appendix 2](#).

Other Species

Q18. What species are prohibited to retain? (§660.5, §660.6, §660.705, §660.711, §600.1203, §300.27)

Retention of the species listed in Table 2 is prohibited for vessels operating under an HMS permit, unless there are other exceptions in place in accordance with existing federal and state guidelines.

The list below describes the applicable federal exemptions:

- Great white sharks, basking sharks, and megamouth sharks caught incidentally may be sold or donated to a recognized scientific or educational organization.
- Salmon may only be retained if caught using authorized gear during authorized seasons in accordance with [§660 Subpart H](#) and all other applicable laws.
- Pacific halibut may only be retained if caught using authorized gear during authorized seasons in accordance with [§300.60 Subpart E](#) and all other applicable laws.

In the absence of these exemptions, prohibited species must be released immediately with a minimum of injury if caught.

Effective May 4, 2016, directed commercial fishing on shared Ecosystem Component (EC) species is prohibited in the U.S. EEZ. Fishing trips conducted entirely in state waters are exempt from this prohibition. EC species are listed in Table 3.

Billfish: The Billfish Conservation Act of 2012 ([H.R. 2706 \(112th\)](#)) prohibits the sale and possession for purposes of sale of all billfish species other than swordfish. It also specifies that *recreational* fishermen may possess, but not sell, billfish and are subject to limits imposed by existing state and federal regulations.

Table 2: Prohibited species

| Common Name | Species |
|-----------------------|--------------------------------|
| Any species of salmon | <i>Onchorhynchus keta</i> |
| | <i>O. gorbuscha</i> |
| | <i>O. tshawytscha</i> |
| | <i>O. nerka</i> |
| | <i>O. kisutch</i> |
| 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> |

Table 3: Ecosystem Component Species

| Common Name | Species |
|--------------------|---|
| round herring | <i>Etrumeus teres</i> |
| thread herring | <i>Opisthonema libertate</i> |
| | <i>Opisthonema medirastre</i> |
| Pacific sand lance | <i>Ammodytes hexapterus</i> |
| Pacific saury | <i>Cololabis saira</i> |
| silversides | family <i>Atherinopsidae</i> |
| smelts | family <i>Osmeridae</i> |
| pelagic squids | <ul style="list-style-type: none"> • families <i>Cranchiidae</i>, <i>Gonatidae</i>, <i>Histioteuthidae</i>, <i>Octopoteuthidae</i>, <i>Onychoteuthidae</i>, and <i>Thysanoteuthidae</i>. • family <i>Ommastrephidae</i> except Humboldt squid (<i>Dosidicus gigas</i>). |
| | assorted mesopelagic fishes |

Sharks: U.S. regulations that implement the Shark Conservation Act of 2010 ([H.R. 5461 \(106th\)](#)) prohibit, among other things, the removal of a shark fin at sea and custody, control, or possession of a fin aboard a fishing vessel unless the fin is naturally attached (see [§600.1203](#)).

In addition, U.S. regulations that implement decisions of the IATTC also provide restrictions on the retention of several species of shark and mobulid rays (see [§300.27](#)).

Q19. What are the protected species regulations? ([§660.712](#), [.713](#), [.720](#); [§229.31](#); [§223.206](#))

Longline and drift gillnet vessels encounter sea turtles and marine mammals during 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 adopts measures to minimize interactions between HMS fishing gear and protected species and ensure that the fisheries are operating consistent with federal laws. These measures include:

- Time and area closures;
- Gear modifications such as pingers and extenders, as required in the Pacific Offshore Cetacean Take Reduction Plan;¹³
- Techniques for the safe handling and release of protected seabirds and sea turtles;¹⁴
- Operation of VMS units, if required by NMFS; and
- A NMFS protected species workshop for longline vessels and a skipper education workshop for drift gillnet vessels.

Limits

Q20. Are there any harvest limits? ([§300.25](#))

The United States has put regulations in place to implement international catch limits for the IATTC:

- For calendar year 2016, the U.S. commercial catch limit of Pacific bluefin tuna is 425 metric tons (mt). There is a trip limit of 25 mt until the total U.S. commercial catch has reached 375 mt, at which point the trip limit will be 2 mt.¹⁵
- For calendar 2016, the catch of bigeye tuna by longline vessels over 24 meters in length in the eastern Pacific Ocean is limited to 500 mt/year. That limit was projected to be reached and a notice of closure was published in the Federal Register to close the fishery through December 31, 2016.¹⁶

¹³ <http://www.nmfs.noaa.gov/pr/interactions/trt/poctrp.html>

¹⁴ For free hard copies of the guides for safe handling and release, contact Lyle Enriquez at (562) 980-4025

¹⁵ <https://www.gpo.gov/fdsys/pkg/FR-2016-01-15/pdf/2016-00738.pdf>

¹⁶ <https://www.gpo.gov/fdsys/pkg/FR-2016-07-18/pdf/2016-16893.pdf>

A harvest guideline is a numerical harvest level that is a general objective. If the harvest guideline is reached, a review of the species will be initiated according to provisions in the HMS FMP and in consideration of Pacific Fishery Management Council recommendations. The HMS FMP final rule establishes harvest guidelines of:

- 340 mt for common thresher sharks, and
- 150 mt for shortfin mako sharks.

Because total catches and basic parameters for population dynamics of these shark species are poorly known, they are managed with precautionary harvest guidelines.

Q21. What are the recreational fishing bag limits? ([§660.721](#))

Commercial passenger fishing vessel operators are responsible for ensuring that the bag limits of this section are not exceeded for each 24-hour period at sea, regardless of the number of trips per day. There may be additional state provisions for other HMS species. The recreational fishing bag limits are below.

- A recreational fisherman may take or retain no more than 25 albacore if fishing north of a line extending west of Point Conception (34°27' N. lat.) to the California-Oregon border (42°00' N. lat.).
- A recreational fisherman may take or retain no more than 10 albacore if fishing south of a line extending west of Point Conception (34°27' N. lat.) to the U.S.-Mexico border.
- A recreational fisherman may only take, retain, or possess up to two Pacific bluefin tuna during any day of a fishing trip in U.S. waters off of California, with a total possession limit of six fish on a multi-day fishing trip.
 - If the State of California requires a declaration for a multi-day fishing trip for albacore or bluefin tuna harvested and landed in California, aggregating daily trip limits for multi-day trips are acceptable up to a possession limit.
 - Off the California coast, each fisherman aboard a vessel may continue to fish until the combined daily limits of HMS for all anglers has been attained (additional state restrictions on boat limits may apply).
 - Any tuna filleted at sea in U.S. waters between Point Conception and the U.S. border with Mexico must be in a bag marked with the species' common name, and be cut into the following six pieces with all skin attached: the four loins; the collar removed as one piece with both pectoral fins attached and intact; and the belly cut to include the vent, with both pelvic fins attached and intact.

List of Contacts

NMFS West Coast Regional Office

Sustainable Fisheries Division

501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4221

Phone: (562) 980-4030

Fax: (562) 980-4047

Website: www.westcoast.fisheries.noaa.gov

Heidi Taylor, HMS Branch Chief

Phone: (562) 980-4039

Email: Heidi.Taylor@noaa.gov

Shannon Penna, HMS Permits Coordinator, logbook distribution

Phone: (562) 980-4238

Email: Shannon.Penna@noaa.gov

NOAA Southwest Fisheries Science Center

Logbook submission

8901 La Jolla Shores Drive, La Jolla, CA 92037-1508

Phone: (858) 546-7000

Fax: (858) 546-7003

Website: swfsc.noaa.gov

NMFS Pacific Islands Regional Office

Sustainable Fisheries Division

1845 Wasp Blvd., Building 176, Honolulu, HI 96818

Phone: (808) 725-5000

Fax: (808) 725-5215

Website: www.fpir.noaa.gov

Bob Harman, Supervisory Fish & Wildlife Administrator

Phone: (808) 725-5170

Email: Bob.Harman@noaa.gov

NOAA Office of Law Enforcement

501 W. Ocean Blvd., Suite 4400-A, Long Beach, CA 90802-4221

Phone: (562) 980-4050

Fax: (562) 980-4058

Website: www.nmfs.noaa.gov/ole

24-hour toll-free hotline: (800) 853-1964

Vessel Monitoring System (VMS) Program

Declarations and general questions

Phone: (888) 219-9228

Website: www.nmfs.noaa.gov/ole/about/our_programs/vessel_monitoring.html

NMFS WCR Field Offices

| | | | |
|-------------------|----------------|----------------|----------------|
| Arcata, CA | (707) 826-9247 | Astoria, OR | (503) 325-5934 |
| Monterey, CA | (831) 647-4203 | Coos Bay, OR | (541) 267-0767 |
| Pacific Grove, CA | (831) 647-4220 | Newport, OR | (541) 867-0504 |
| San Diego, CA | (619) 557-5494 | Roseburg, OR | (541) 957-3388 |
| San Francisco, CA | (415) 561-6628 | Bellingham, WA | (360) 676-9268 |
| Santa Rosa, CA | (707) 575-6070 | Vancouver, WA | (360) 418-4246 |

Pacific Fishery Management Council

Kit Dahl, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384

Phone: (503) 820-2280
 Toll Free: (866) 806-7204
 Fax: (503) 820-2299
 Website: www.pcouncil.org

California Department of Fish and Wildlife

Elizabeth Hellmers, 8901 La Jolla Shores Drive, La Jolla, CA 92037-1508

Phone: (858) 334-2813
 Website: www.wildlife.ca.gov
 Cal-Tip poaching hotline: (888) 334-2258

Oregon Department of Fish and Wildlife

Cyreis Schmitt, 2040 SE Marine Science Drive, Newport, OR 97365

Phone: (541) 867-4741
 Fax: (541) 867-0311
 Website: www.dfw.state.or.us
 Report wildlife violations: (800) 452-7888

Washington Department of Fish and Wildlife

Larry Phillips, 600 Capital Way N, Olympia, WA 98501-1091

Phone: (360) 902-2721
 Website: www.wdfw.wa.gov
 Report wildlife violations: (800) 477-6224

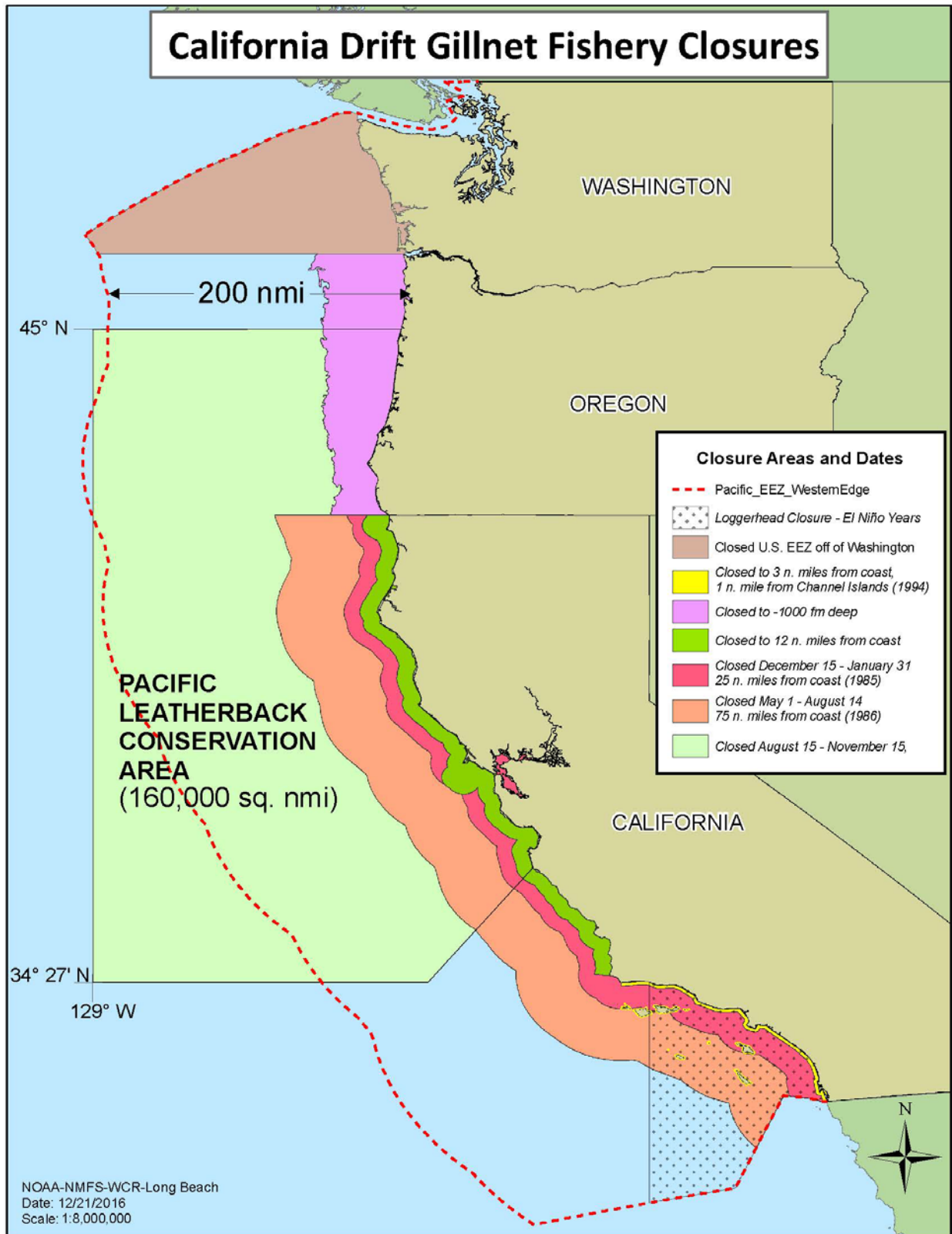
WCPFC

Tom Graham (808) 725-5032
 Kaselehlle Street, PO Box 2356, Kolonia, Pohnpei State, 96941, Federated States of Micronesia
 Phone: +691 320-1992
 Fax: +691 320-1108
 Website: www.wcpfc.int

IATTC

Heidi Taylor (NMFS contact) (562) 980-4039
 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4221
 Phone: (562) 980-4030
 Fax: (562) 980-4047
 Website: iattc.org/HomeENG.htm

Appendix 1: Map of California Drift Gillnet Fishery Closures



Appendix 2: Requirements & Restrictions for Vessels Using Longline Gear

Observer Requirements ([§ 660.719](#))

The permit holder must notify the Regional Administrator or designated observer service provider¹⁷ at least 24 hours prior to embarking on a fishing trip. NMFS or the observer service provider will advise the permit holder or the designated agent whether the vessel is assigned an observer for the fishing trip. **The vessel may not engage in the fishery without taking an observer if it has been assigned one.**

Additional observer requirements applicable to all HMS vessels carrying an observer, including longline vessels, are listed under Question 14.

Vessel Monitoring System Requirements ([§ 660.712](#))

The permit holder will be notified) of the installation requirements for a VMS on the permit holder's vessel by NOAA Office of Law Enforcement's Special Agent in Charge (SAC. The vessel must carry the VMS unit whenever the vessel is at sea and cannot remove or relocate the VMS unit without prior approval from the SAC.

A longline permit holder will not be assessed any fee or other charges to obtain and use a VMS unit, including the communication charges related directly to requirements under this section. However, charges related to any additional equipment attached to the VMS unit are the responsibility of the owner or operator and not NMFS.

Additional questions may be addressed to the VMS Program. See [List of Contacts](#) for contact information.

Time and Area Restrictions ([§ 660.712](#))

Owners and operators of vessels registered for use of longline gear may not:

- Use either shallow-set or deep-set longline gear to target HMS within the U.S. EEZ.
- Use shallow-set longline gear to target swordfish in the adjacent high seas.
- Use longline gear, receive HMS harvested by longline from another vessel, or land/transship HMS harvested by longline gear from April 1 through May 31 in waters bounded on the south by 0° lat., on the north by 15° N. lat., on the east by 145° W. long., and on the west by 180° long.
- Target swordfish west of 150° W long. and north of the equator without a Western Pacific longline permit.

Gear Restrictions ([§ 660.712](#))

Owners and operators of vessels registered to use longline gear may not:

¹⁷ Frank Orth and Associates (800) 522-7622 or (562) 427-1822.

- Possess a lightstick or floatline (a line used to suspend the main longline beneath a float) and deploy any floatline that is shorter than or equal to 20 meters (65.6 ft or 10.9 fm) west of 150° W long. and north of the equator.
- Possess more than 10 swordfish from a fishing trip when using any J-type fishing hooks or more than 25 swordfish from a fishing trip when using only circle hook-type fishing hooks if a NMFS-trained observer is on board. If a NMFS-trained observer is on board for the duration of the fishing trip, there is no limit on swordfish retention.
- Have fewer than 15 branch lines set between any 2 floats for a conventional longline or 10 branch lines between any 2 floats for a basket-style longline. The deepest point of the main longline between any 2 floats must be greater than 100 meters (328.1 ft, 54.6 fm) below the sea surface.

Protected species requirements ([§ 660.712](#))

- Owners and operators must attend a protected species workshop each year. A valid protected species workshop certificate or copy issued by NMFS must be on board the vessel and on file to maintain or renew vessel registration.
- Owners and operators must carry line clippers, dip nets, and wire or bolt cutters to disengage any hooked or entangled animals.

Sea turtles ([§ 660.712](#))

- All sea turtles brought aboard for dehooking/disentanglement must be handled in a manner that minimizes injury and promotes post-hooking survival.
- Place the turtle on its belly and elevate the hindquarters.
- Perform a reflex test at least every 3 hours to determine if the sea turtle is responsive.
- Keep the turtle shaded and moist by placing a water-soaked towel over the eyes, carapace, and flippers.
- Live turtles must be returned to the sea away from deployed gear and with the vessel engine in neutral gear.

Seabirds ([§ 660.712](#))

- When fishing north of 23° N lat., use a line setting machine or line shooter to set the main line when making sets with deep-set longline west of 150° W long.
- Use completely thawed bait that is dyed blue (minimum of 2 cans on board vessel) to an intensity level specified by a color quality control card issued by NMFS.
- Discharge fish, fish parts (offal), or spent bait, with hooks removed on the opposite side of the vessel from the gear when setting or hauling gear.
- If a seabird is hooked or entangled, stop the vessel to reduce line tension and bring the seabird on board using a dip net.
- Cover the seabird with a towel to protect its feathers from oils or damage.
- Remove any entangled lines and hooks from the seabird.
- Cut the fishing line as close as possible to ingested or inaccessible hooks.
- Leave the bird in a safe enclosed space to recover until its feathers are dry then release seabirds by placing them on the sea surface.
- See regulations for additional measures when short-tailed albatross are encountered.

Appendix 3: Requirements & Restrictions for Vessels Using Large Mesh Drift Gillnet Gear

Vessel Monitoring System Requirements ([§660.713](#))

VMS units are required on all vessels registered for use with both a limited-entry California state drift gillnet permit and an HMS permit, and that fish in state or federal waters off the U.S. West Coast.

Observer Requirements ([§ 660.719](#))

Drift gillnet vessel owners and operators must notify NMFS or the designated observer service provider¹⁸ at least 48 hours prior to embarking on a fishing trip. NMFS or the observer service provider will advise the permit holder or the designated agent whether the vessel is assigned an observer for the fishing trip. **The vessel may not engage in the fishery without taking an observer if it has been assigned one.**

Additional Notification Requirements ([§660.713](#))

Drift gillnet vessel owners and operators must provide the NMFS West Coast Division Office of Law Enforcement (OLE) with a declaration report¹⁹ before the vessel leaves port to fish with drift gillnet gear in state or Federal waters. The declaration report should include the gear type and vessel name and/or identification number. Full reporting requirements can be found at [§660.713\(f\)](#). See [List of Contacts](#) for VMS Program contact information.

Time and Area Restrictions ([§660.713](#))

A suite of time-area closures for drift gillnet fishing have been adopted to protect marine mammals and sea turtles in the U.S. EEZ. Mainland area closures off the coasts of California, Oregon, and Washington for the drift gillnet fishery are listed under [§660.713\(d\)](#).

Time-area closures in place to protect sea turtles from potential interactions with drift gillnet gear include:

- a Pacific leatherback conservation area from August 15 through November 15; and
- a Pacific loggerhead conservation area from June 1 through August 31, in years when an El Niño has been forecasted (see [Appendix 1](#)). This area includes all U.S. waters east of the 120° W meridian.

Coordinates for the time-area closures can be found at [§660.713\(c\)](#).

¹⁸ Frank Orth and Associates (800) 522-7622 or (562) 427-1822.

¹⁹ OLE may be reached for declarations Monday through Friday at 1-888-585-5518, from 8 a.m. to 4:30 p.m., Pacific Time.

Gear Restrictions ([§660.711](#))

Drift gillnet vessels may not use nets with stretched mesh size smaller than 14 inches to target HMS. Incidental take of 10 non-swordfish HMS per trip is allowed using this gear.

A vessel may carry drift gillnet with a maximum length of 6,000 feet (1828 m). Up to 1,500 feet (457 m) of drift gillnet in separate panels of 600 feet (182.88 m) may be stored on the vessel.