

-SMALL BUSINESS COMPLIANCE GUIDE-

The National Marine Fisheries Service (NMFS) announces that regulations amending the Atlantic Large Whale Take Reduction Plan (ALWTRP) were published in the Federal Register on June 25, 2007. The ALWTRP's amended regulations prohibit gillnet fishing and possession annually within the Southeast U.S. Restricted Area during annual restricted periods that coincide with the right whale calving season from November 15 to April 15. In this guide, Section 1 briefly describes the ALWTRP amendments that become effective on July 25, 2007, including changes to the Southeast U.S. Restricted Area, Annual Restricted Periods, and management measures. Section 2 briefly describes existing ALWTRP requirements that remain in effect.

This document is intended as a summary guide to measures required under the ALWTRP. This document is not the legal document detailing the regulations. Interested and affected parties can find the regulations at 50 CFR 229.32 or at the Atlantic large whale plan website www.nero.noaa.gov/whaletrp/.

SECTION 1: ALWTRP AMENDED REGULATIONS

Southeast U.S. Restricted Area

The Southeast U.S. Restricted Area includes waters north of 27°51' N lat. (near Sebastian Inlet, FL) to 32°00' N lat. (near Georgia/South Carolina border) from shore eastward to 80°00' W long., and off South Carolina, within 35 nautical miles (nm) of shore (Figure 1). Little River Inlet, SC, is not located in the Southeast U.S. Restricted Area.

The Southeast U.S. Restricted Area is divided, at 29°00' N lat., into Southeast U.S. Restricted Area N (north of 29°00' N lat.) and Southeast U.S. Restricted Area S (south of 29°00' N lat.).

Annual Restricted Periods

- For Southeast U.S. Restricted Area N: November 15 through April 15.
- For Southeast U.S. Restricted Area S: December 1 through March 31.

Management Measures

- Gillnet fishing and possession is prohibited in the Southeast U.S. Restricted Area N from November 15 through April 15.
 - Vessels transiting through the Southeast U.S. Restricted Area N may possess gillnet if:
 - Nets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck, rail, or drum;
 - All buoys, high flyers, and anchors are disconnected from all gillnets; and
 - No fish are onboard.

- Gillnet fishing is prohibited in the Southeast U.S. Restricted Area S from December 1 through March 31.
 - Exemption for shark gillnet fishing. Fishing for sharks with gillnet with 5 inches or greater stretched mesh is exempt from Southeast U.S. Restricted Area S restrictions if:
 - The gillnet is deployed so that it encloses an area of water;
 - A valid commercial directed shark limited access permit has been issued to the vessel and is on board;
 - No net is set at night or when visibility is less than 500 yards;
 - The gillnet is removed from the water before night or immediately if visibility decreases below 500 yards;
 - Each set is made under the observation of a spotter plane;
 - No gillnet is set within 3 nm of a right, humpback, or fin whale; and
 - The gillnet is removed immediately from the water if a right, humpback, or fin whale moves within 3 nm of the set gear.
 - Exemption for Spanish mackerel gillnet fishing. Fishing with gillnet for Spanish mackerel is exempt from Southeast U.S. Restricted Area S restrictions from Dec. 1 through Dec. 31 and from March 1 through March 31 if:
 - Gillnet mesh size is between 3-½ inches and 4-7/8 inches stretched mesh;
 - A valid commercial vessel permit for Spanish mackerel has been issued to the vessel and is on board;
 - No person may fish with, set, place in the water, or have on board a vessel a gillnet with a float line longer than 800 yards;
 - No person may fish with, set, or place in the water more than one gillnet at any time;
 - No more than two gillnets, including any net in use, may be possessed at any one time; provided, however, that if two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least ¼”;
 - No net is soaked for more than 1 hour. The soak period begins when the first mesh is placed in the water and ends either when the first mesh is retrieved back on board the vessel or the gathering of the gillnet is begun to facilitate retrieval on board the vessel, whichever occurs first; providing that, once the first mesh is retrieved or the gathering is begun, the retrieval is continuous until the gillnet is completely removed from the water;
 - No net is set at night or when visibility is less than 500 yards;
 - The gillnet is removed from the water before night or immediately if visibility decreases below 500 yards;
 - No net is set within 3 nm of a right, humpback, or fin whale; and
 - The gillnet is removed immediately from the water if a right, humpback, or fin whale moves within 3 nm of the set gear.
- Observer Requirement in the Southeast U.S. Observer Area.
 - No person may fish for shark with gillnet with webbing of 5” or greater stretched mesh in the Southeast U.S. Observer Area south of 29°00’ N. lat. from

December 1 to March 31 unless they call the Southeast Fisheries Science Center Panama City Laboratory (phone 850-234-6541, fax 850-235-3559) at least 48 hours prior to departure.

- If Panama City Laboratory requests an observer be taken, gillnetting is not allowed unless an observer is on board the vessel during the fishing trip.

SECTION 2: ALWTRP EXISTING MEASURES THAT REMAIN IN EFFECT

Southeast U.S. Observer Area

The Observer Area includes the Southeast U.S. Restricted Area and an additional area along the coast south to 26°46.5' N lat. and extending from the shore eastward to 80°00' W long (see Figure1).

Gear Marking Requirements

- Gillnets fished in the Southeast U.S. Observer Area from November 15 to March 31 must be marked with green and blue markings.
- Marks must be permanent and clearly visible when the gear is hauled from the water.
- Marks must be at least 4" long and the two color marks must be placed within 6" of each other. A white mark may be substituted for either color if that color is the same color as the line.
- Marks may be dyed, painted, or marked with thin colored whipping line, thin colored plastic, or heat-shrink tubing, or other material; or a thin line may be woven into or through the line.
- All buoy lines must be marked within 2 ft of the top of the buoy line and midway along the length of the buoy line.
- Each net panel must be marked along both the float line and the lead line at least once every 100 yards.

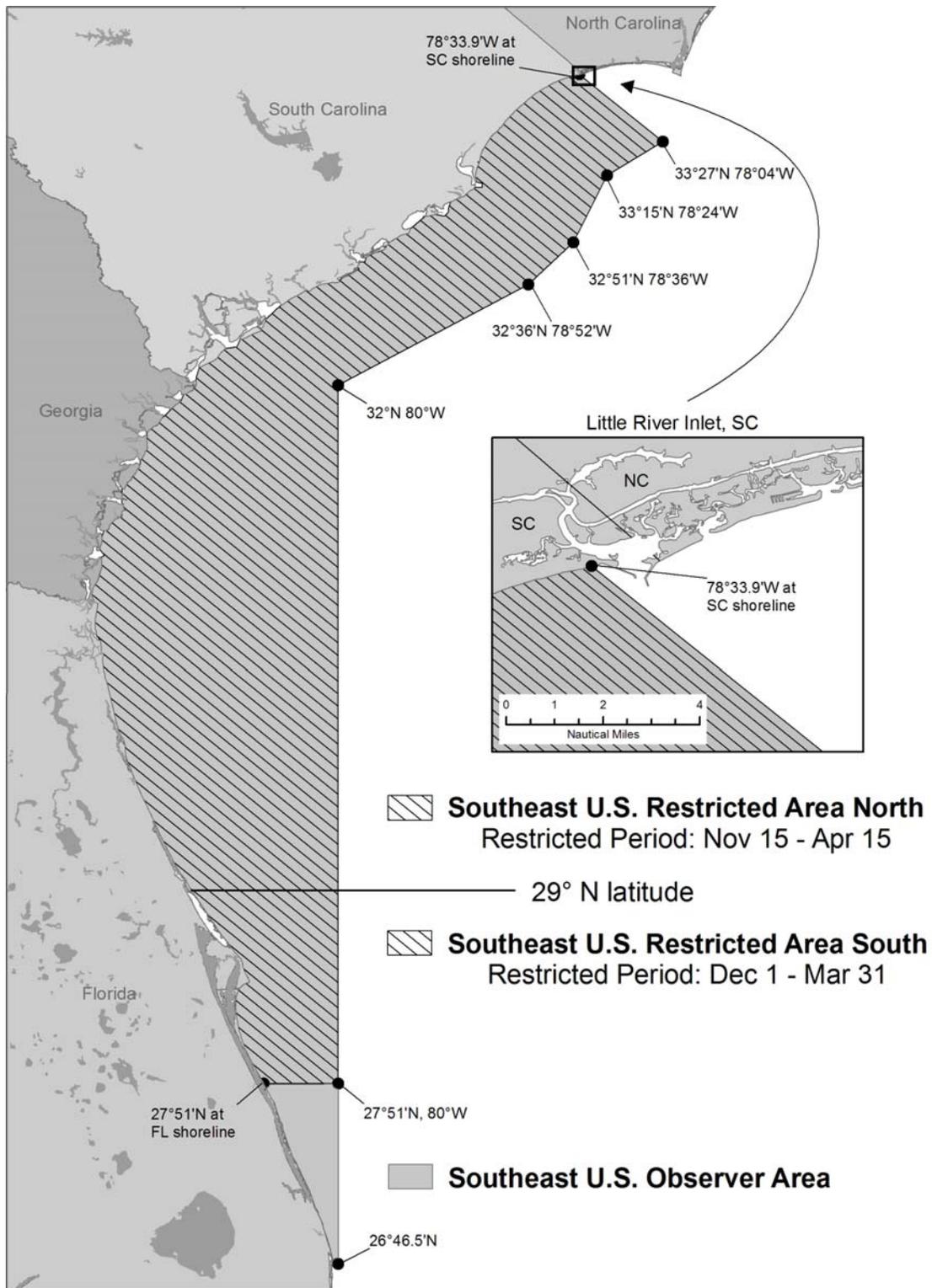


Figure 1. Southeast U.S. Restricted Area and Southeast U.S. Observer Area.