



**NOAA**  
**FISHERIES**

Pacific Islands  
Regional Office



## COMPLIANCE GUIDE

### Longline Fishing Requirements to Reduce Takes of False Killer Whales

November 29, 2012

This guide summarizes how to comply with regulations to reduce the take of false killer whales. These measures were recommended by the False Killer Whale Take Reduction Team, an advisory group that includes representatives of the Hawaii-based longline fisheries. This guide provides information only about the rule published in the *Federal Register* (77 FR 71260) on November 29, 2012. The complete set of False Killer Whale Take Reduction Plan regulations are codified in Title 50 of the Code of Federal Regulations (CFR), section 229.37.

Regulations are subject to change, so fishermen must be familiar with and comply with the most recent changes. Any discrepancies between this compliance guide and the regulations will be resolved in favor of the regulations published in the *Federal Register* (77 FR 71260, November 29, 2012). This compliance guide is issued in accordance with Section 212 of the Small Business Regulatory Fairness Act of 1996: Title II of Public Law 104-121.

#### **Q1. Who is affected by the regulations?**

The regulations apply to each owner and operator of a vessel registered for use under a Hawaii longline limited entry permit issued under 50 CFR 665.801(b).

#### **Q2. When do the regulations take effect, and for how long are they effective?**

The new regulations take effect on December 31, 2012, except the gear requirements (see Q4), which take effect on February 27, 2013. The regulations will remain in effect until they are revised or removed by NOAA Fisheries.

#### **Q3. What is the purpose of these regulations?**

These measures are intended to reduce the likelihood of false killer whales being incidentally hooked or entangled, and killed or seriously injured, during Hawaii-based longline fishing operations.

**Q4. What are the gear requirements for deep-set longline fishing?**

Fishermen may use only circle hooks with a maximum wire diameter of 4.5 mm, with a 10-degree or less offset. At least some part of the hook shank must be made of round wire so that the wire diameter can be measured.

On deep-set trips, any monofilament nylon line used in a branch line or leader must have a diameter of 2.0 mm or larger. Any other line material (e.g., wire) used in a branch line or leader must have a breaking strength of 400 lb or greater.

**Q5. What areas will be closed to longline fishing, and for how long?**

Main Hawaiian Islands Longline Fishing Prohibited Area. The final rule prohibits longline fishing year-round within the areas bounded by straight lines connecting the points listed below and in the corresponding map (see page 3). The boundary no longer changes seasonally.

Point	N. Lat.	W. Long.	Point	N. Lat.	W. Long.
A	18°05'	155°40'	G	23°05'	159°30'
B	18°20'	156°25'	H	22°55'	157°30'
C	20°00'	157°30'	I	21°30'	155°30'
D	20°40'	161°40'	J	19°50'	153°50'
E	21°40'	161°55'	K	19°00'	154°05'
F	23°00'	161°30'	A	18°05'	155°40'

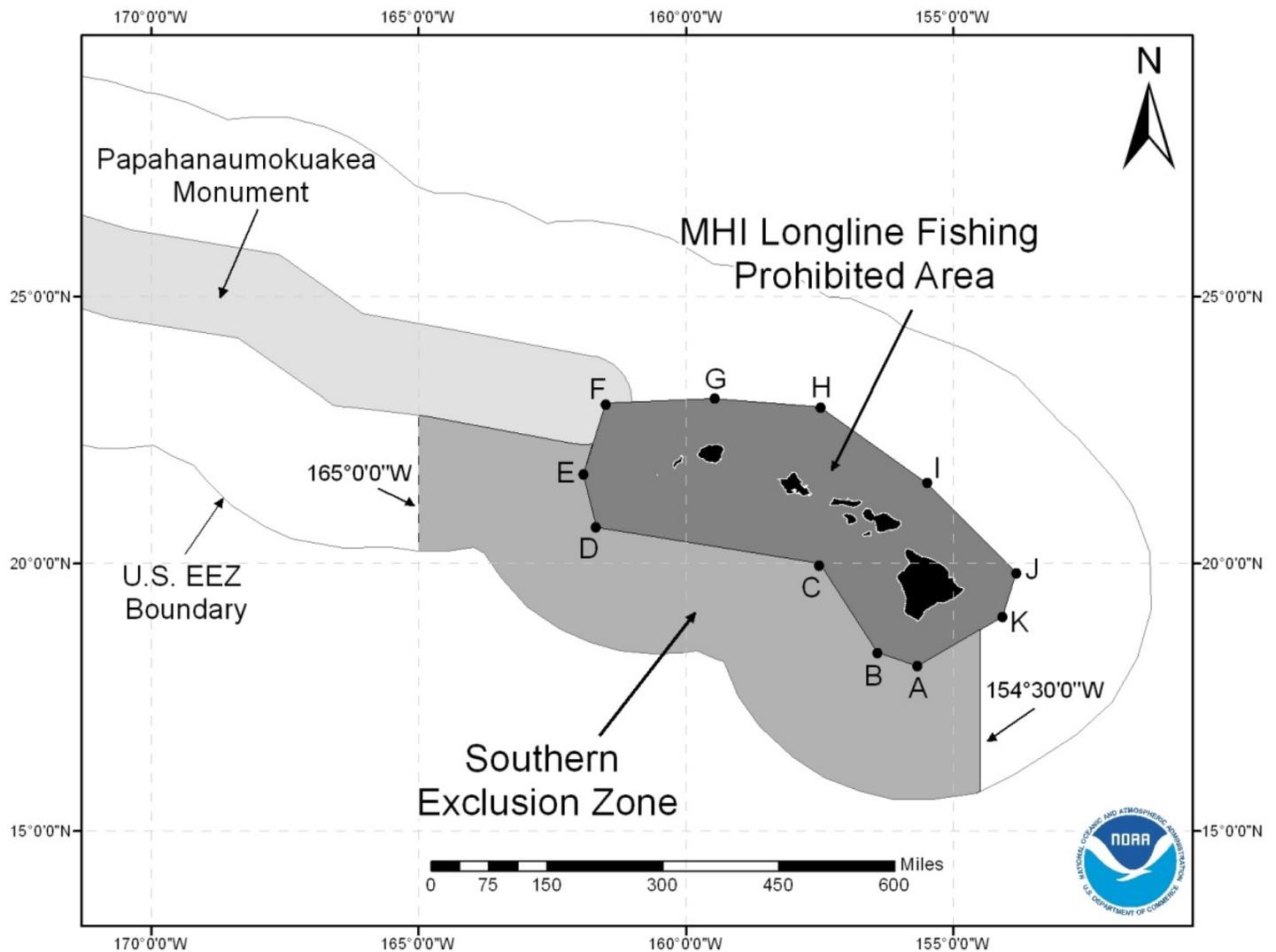
Southern Exclusion Zone The final rule creates a zone bounded by 165° 00' W. longitude on the west, 154° 30' W. longitude on the east, the Papahānaumokuākea Marine National Monument and the Main Hawaiian Islands Longline Fishing Prohibited Area on the north, and the U.S. Exclusive Economic Zone boundary on the south (see map on page 3). NOAA Fisheries will close the area to deep-setting after the deep-set fishery reaches a “trigger” based on the false killer whale’s potential biological removal level. The trigger is currently defined as two observed false killer whale interactions in the deep-set fishery. The only false killer whale interactions that count toward the trigger are observed interactions that occur within the U.S. Exclusive Economic Zone around Hawaii and which NOAA Fisheries determines are deaths or “serious injuries.”

If the trigger is met, NOAA Fisheries will publish a notice that it is closing the Southern Exclusion Zone in the *Federal Register* and will notify fishermen directly. The area will be closed to deep-setting for the rest of the calendar year, and will be reopened at the beginning of the next calendar year.

In the next calendar year, one of two things can happen:

- If the trigger is not reached, the Southern Exclusion Zone will remain open all year.
- If the trigger is reached, NOAA Fisheries will close the Southern Exclusion Zone to deep-setting until certain bycatch reduction criteria have been met. This may mean the area is closed for longer than the calendar year.

NOAA Fisheries may revise the Southern Exclusion Zone trigger, as appropriate, if new false killer whale abundance estimates or potential biological removal calculations become available. NOAA Fisheries would publish the new trigger value in the *Federal Register* and would notify fishermen directly.



**Q6. What is the captain required to do if a marine mammal is hooked or entangled?**

Longline vessel operators (captains) must supervise, and be in visual and/or verbal contact with, the crew during any handling or release of marine mammals.

Captains and crew are encouraged to maintain their fishing gear such that the hook is the weakest part of the branch line, so that a hooked marine mammal may be able to straighten the hook and release itself with little or no gear attached. If the marine mammal is unable to straighten the hook, strong branch lines may give the captain and crew the opportunity to de-hook or disentangle the animal, thereby releasing it with as little remaining gear as possible.

**Q7. What placards must be posted on longline vessels?**

A NOAA Fisheries-approved placard describing marine mammal handling and/or release procedures, and a NOAA Fisheries-approved placard instructing vessel crew to notify the captain in the event of a marine mammal interaction, must be posted on the longline vessel in a location that is regularly accessible and visible to the crew.

**Q8. What are the requirements related to the NOAA Fisheries protected species workshop?**

This final rule does not change the requirements for attending the protected species workshop. NOAA Fisheries will provide additional information on marine mammals, including false killer whales, and interaction mitigation techniques at the workshop.

Each calendar year, both the owner and operator of any vessel registered for use under any western Pacific longline permit must attend and receive a certification of completion of a protected species workshop. This annual requirement is intended to make sure that fishermen have the most current information about protected resources. A valid protected species workshop certificate issued to the operator, or a legible copy, must be on board the vessel while fishing and made available for inspection by authorized officials.

**Q9. What are the penalties for the operator or owner of a vessel who does not follow these regulations?**

Penalties are determined on a case-by-case basis under the authority of the Marine Mammal Protection Act and the Magnuson–Stevens Fishery Conservation and Management Act, and they can include administrative, civil, or criminal penalties.

**Q10. Where can I obtain additional copies of this guide or receive more information on these regulations?**

Pacific Islands Regional Office  
NOAA Fisheries  
1601 Kapiolani Blvd., Suite 1110  
Honolulu, HI 96814  
Phone: (808) 944-2200

Honolulu Service Center  
NOAA Fisheries  
Pier 38, Honolulu Harbor  
1139 N. Nimitz Hwy. 220  
Honolulu, HI 96817  
Phone: (808) 944-2300

Online:

[www.fpir.noaa.gov/SFD/SFD\\_regs\\_2.html](http://www.fpir.noaa.gov/SFD/SFD_regs_2.html)

[www.fpir.noaa.gov/PRD/prd\\_FKW\\_take\\_reduction\\_team.html](http://www.fpir.noaa.gov/PRD/prd_FKW_take_reduction_team.html)

You can also read this rule in the Federal Register, volume 77, number 230, pages 71260-71286, November 29, 2012.

Search the Federal Register at [www.federalregister.gov](http://www.federalregister.gov)

Search the Code of Federal Regulations at [www.ecfr.gov](http://www.ecfr.gov)