



NOAA FISHERIES SERVICE

Pacific Islands
Regional Office

Compliance
Guide

Hawaii Shallow-Set Longline Fishery Set Certificates and Turtle Interaction Limits

revised July 23, 2010

This guide provides information for longline fishermen on how to comply with revised regulations for the Hawaii-based shallow-set longline fishery. This information applies only to the final rule published in the *Federal Register* on December 10, 2009 (74 FR 65460). Regulations can change. Fishermen must familiarize themselves with the most recent changes and are responsible to comply with them. Any conflict between this guide and the regulations will be resolved in favor of the regulations, as published in the *Federal Register* (December 10, 2009; 74 FR 65460) and in the Code of Federal Regulations.

This compliance guide is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996: Title II of Public Law 104-121.

Q1. Who is affected by the regulations?

The regulations directly affect owners and operators (captains) of Hawaii-based longline vessels used in shallow-set fishing for swordfish.

Q2. What are the changes to the regulations?

The regulations are changed as follows:

- Requirements of the annual shallow-set effort limitation program are removed. There is no longer a limit on the number of shallow-sets per year;
- Set certificates are no longer required on board while shallow-set fishing (but see Q4 below);
- Definition of shallow-set certificate is removed;
- Annual limit on loggerhead sea turtle interactions is revised to 46. The annual limit for leatherbacks remains at 16. Administrative procedures related to turtle interaction limits are revised;
- Circle hook specifications are clarified. Size 18/0 or larger circle hooks must be used, and hook offset can range from zero to 10 degrees;
- Technical requirements for sea turtle line clippers are clarified; and
- Sea turtle mitigation requirements are reorganized for clarity.

Q3. When did the regulations take effect and for how long are they effective?

The regulations are effective from January 11, 2009, until they are revised or removed by NMFS.

Q4. Are shallow-set certificates needed before January 11, 2010?

Yes. Under current regulations, each shallow set made north of the Equator in 2009 and from January 1 through January 10, 2010, must have an accompanying valid shallow-set certificate.

Q5. What is the purpose of the regulations?

The revised regulations implement Amendment 18 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region, developed by the Western Pacific Fishery Management Council, and approved and implemented by the Secretary of Commerce through NOAA's National Marine Fisheries Service (NMFS). These regulations allow for increased fishing opportunities to sustainably harvest North Pacific swordfish and other fish species, while continuing to protect threatened and endangered sea turtles and other protected species.

Q6. Do other regulations change for this fishery?

No, the fishery will close for the remainder of the calendar year if either the loggerhead (46) or leatherback (16) sea turtle interaction limit is reached. All other measures that apply to the fishery remain unchanged, including but not limited to, limited access permits, vessel and gear marking requirements, vessel length restrictions, Federal catch and effort logbooks, 100-percent observer coverage, longline prohibited areas around the Hawaiian Archipelago, vessel monitoring system (VMS), annual protected species workshops, and the possession and use of sea turtle, seabird, and marine mammal handling and mitigation gear and techniques.

Q7. Where can I obtain additional copies of this guide or more information on the regulations?

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Phone: (808) 944-2200
www.fpir.noaa.gov/SFD/SFD_regs_2.html

You can read the notice for this rule in the *Federal Register*, vol. 74, page 65460 (December 10, 2009).

Search the *Federal Register* at www.gpoaccess.gov/fr/search.html.

Search the Code of Federal Regulations at ecfr.gpoaccess.gov.