

NOAA FISHERIES Pacific Islands Regional Office



Compliance Guide Longline Fishing Requirements to Reduce Take of False Killer Whales

(revised July 2014)

This guide summarizes 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 Hawaii 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, section **229.37** (50 CFR 229).

Regulations are subject to change, and 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 (**50 CFR 665.801[b]**).

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

The regulations were effective on December 31, 2012, except the gear requirements, which took effect on February 27, 2013. The regulations will remain in effect until they are revised or removed by the National Marine Fisheries Service (NMFS).

Q3. What is the purpose of the 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 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.

For more information or to obtain additional copies of this guide please contact:

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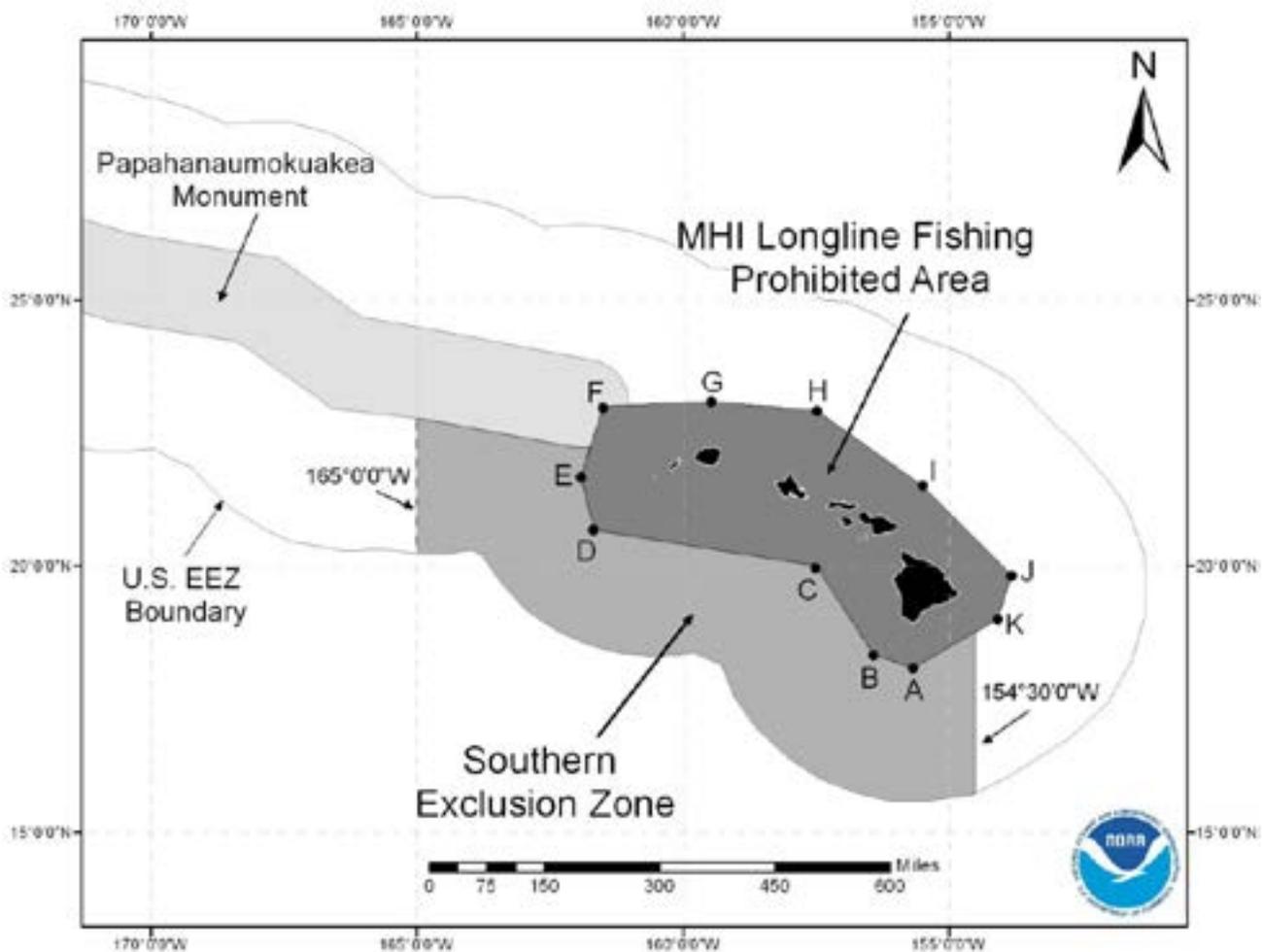
Website: www.fpir.noaa.gov

Q5. What areas are closed to longline fishing?

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.

Point	N. Lat.	W. Lon.
A	18°05'	155°40'
B	18°20'	156°25'
C	20°00'	157°30'
D	20°40'	161°40'
E	21°40'	161°55'
F	23°00'	161°30'

Point	N. Lat.	W. Lon.
G	23°05'	159°30'
H	22°55'	157°30'
I	21°30'	155°30'
J	19°50'	153°50'
K	19°00'	154°05'
A	18°05'	155°40'



Southern Exclusion Zone. NMFS 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 NMFS determines are deaths or “serious injuries.” The Southern Exclusive Zone is 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.

If the trigger is met, NMFS 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, NMFS 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.

NMFS may revise the Southern Exclusion Zone trigger, as appropriate, if new false killer whale abundance estimates or potential biological removal calculations become available. NMFS 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 NMFS-approved placard describing marine mammal handling and/or release procedures, and a NMFS-approved placard instructing vessel crew to notify the captain in the event of a marine mammal interaction. Each placard must be posted in a location that is regularly accessible and visible to the crew.

Q8. What are the requirements for the NMFS Protected Species 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.

This final rule does not change the requirements for attending the Protected Species Workshop. At the workshop NMFS will provide additional information on marine mammals, including false killer whales, and interaction mitigation techniques.

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?

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