**Compliance Guide**

**Reducing and Mitigating Interactions between Seabirds and Hawaii-Based Longline Fishing**

(revised July 2014)

This guide summarizes how to comply with seabird regulations published in the *Federal Register* on December 19, 2005 (70 FR 75075). These measures are intended to reduce interactions between seabirds and Hawaii-based longline fishing vessels. This guide provides information only about the rule published on December 19, 2005. For the complete set of pelagic longline seabird mitigation measures, refer to Title 50, Code of Federal Regulations, Part 665, Section 665.815.

Regulations are subject to change, and any discrepancies between this compliance guide and the regulations will be resolved in the favor of the regulations published in the *Federal Register* (70 FR 75075, December 19, 2005). 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 apply to owners and operators of vessels that are registered for use under a Hawaii pelagic longline limited access permit.

**Q2. When did the regulations take effect, and for how long are they effective?**
The seabird regulations took effect on January 18, 2006, and 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?**
The regulations are intended to reduce interactions between seabirds and longline fishing. The regulations implement fishing gear and operational requirements to reduce the likelihood of birds being accidentally hooked, entangled, and killed during fishing operations. NMFS, the Western Pacific Fishery Management Council, and the fishing industry collaborated on research to test these seabird deterrent measures, and NMFS approved and implemented them.
Q4. What are the general requirements?
- A requirement to either side-set, or use a combination of other seabird mitigation measures; and
- Modification to the requirement for strategic offal discards.

Q5. Where do the regulations apply?
The regulations apply to those vessels that shallow-set (targeting swordfish) anywhere, and to those vessels that deep-set (targeting tuna) north of 23° N. latitude.

Q6. What are the regulations?
Vessel owners and operators must either side-set following NMFS specifications described in Q7 or, if not side-setting, use the suite of alternative measures described in Q8.

Q7. What are the side-setting requirements?
Side-setting deploys longline gear from the side of the vessel rather than from the stern. Permit holders that choose to side-set must conform to the following requirements:
- The mainline must be deployed as far forward on the vessel as practicable, but at least 1 m (3.3 ft) forward of the stern of the vessel;
- The mainline and branch lines must be set from the port or starboard side of the vessel;
- If a mainline shooter is used, it must be mounted as far forward on the vessel as practicable, but at least 1 m (3.3 ft) forward of the stern;
- Branch lines must have weights with a minimum weight of 45 g (1.6 oz);
- Weights must be placed on all branch lines within 1 m (3.3 ft) of each hook;
- When seabirds are present, the longline gear must be deployed so that baited hooks remain submerged and do not rise to the sea surface; and
- A bird curtain must be deployed (see figures for examples of construction design). Each bird curtain must consist of the following components:
  - A pole that is at least 3 m (9.8 ft) long that is fixed to the side of the vessel aft of the line shooter;
  - At least three main streamers attached at regular intervals to the upper 2 m (6.6 ft) of the pole, each with a minimum diameter of 20 mm (0.8 in); and
  - Branch streamers attached to each main streamer at the end opposite the pole, each long enough to drag on the sea surface in the absence of wind, and each with a minimum diameter of 10 mm (0.4 in).

You will find a summary table of these requirements at the end of this guide.

Examples of design elements for the bird curtain. Modified from Gilman et al. (2003) and Brothers and Gilman (2005).
(a) Swivel base for mainline shooter

(b) Fixed base plate that has shooter protected within vessel side
Q8. What are requirements for vessels that do not side-set?
The alternative to side-setting is to use the following measures specified by NMFS:

- **Strategic Offal Discards.** Discharge fish and fish parts (offal) or spent bait while setting and hauling longline gear on the opposite side of the vessel from where the longline gear is being set and hauled, when seabirds are present; and
- **Thawed and Blue Dyed Bait.**
  - Use completely thawed bait that has been dyed blue to an intensity level specified by a color quality control card issued by NMFS; and
  - Maintain a minimum of two cans (each sold as 0.45 kg or 1 lb size) containing blue dye on board the vessel.

Additional requirements apply to the following situations:

- **For vessels that deep-set north of 23° N. latitude:**
  - Use basket-style mainline gear, OR
  - If using monofilament nylon mainline gear:
    - Employ a line shooter; AND
    - Attach at least 45 g (1.6 oz) of weight to each branch line within 1 m (3.3 ft) of each hook.

- **For vessels that shallow-set anywhere:**
  - Night set. Begin deployment of longline gear at least 1 hr after local sunset and complete the deployment no later than 1 hr before local sunrise, using the minimum vessel lights necessary to conform to navigation rules and best safety practices.

You will find a summary table of these requirements at the end of this guide.

Q9. What modification was made to the requirement for strategic offal discards?
The requirements were modified to specify that offal must be strategically discarded only when seabirds are present.

Q10. 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; they can include administrative, civil, or criminal penalties.

Q11. Where can I obtain additional copies of this guide or receive more information about these regulations?

Sustainable Fisheries
NMFS Pacific Islands Regional Office
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818
Tel: (808) 725-5000
Fax: (808) 725-5215
Website: [www.fpir.noaa.gov](http://www.fpir.noaa.gov)
Hawaii Longline Seabird Regulations

Important note: If a seabird is accidentally caught, you must follow safe seabird handling guidelines everywhere you fish.

<table>
<thead>
<tr>
<th>How do you set your gear</th>
<th>Stern-Setting</th>
<th>Side-Setting</th>
<th>Shallow-Set</th>
<th>Deep-Set</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How do you set your gear?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Do you shallow-set or deep-set, and where are you?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3. What you need to do</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1. How do you set your gear?

<table>
<thead>
<tr>
<th></th>
<th>Stern-Setting</th>
<th>Side-Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deploy mainline from port or starboard side at least 1 m forward of stern corner.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>If line shooter is used, mount it at least 1 m forward from stern corner.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Use a specified bird curtain aft of the setting station during the set.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Keep two 1-pound containers of blue-dye on boat.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Use a line shooter to set the mainline.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Attach 45 g or heavier weights within 1 m of hook of each hook.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Deploy gear so that hooks do not resurface.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Use completely thawed and blue-dyed bait.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Keep fish parts and spent bait with all hooks removed for strategic discard.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cut all swordfish heads in half, and use heads and livers for strategic discard.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Keep night set - begin set 1 hour after local sunset and finish 1 hour before next sunrise.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Keep lighting to a minimum.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Science, Service, Stewardship

(Code of Federal Regulations Title 50, Part 665, Section 665.815)
Blue-dyed bait should look similar to the color above.