



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

**MINUTES OF THE 128<sup>th</sup> MEETING of the  
WESTERN PACIFIC REGIONAL  
FISHERY MANAGEMENT COUNCIL**

**Held by Teleconference  
12:00 noon (HST) November 1, 2005  
Council Office  
1164 Bishop Street, Suite 1400  
Honolulu HI 96813**

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APPROVED BY COUNCIL

A handwritten signature in black ink, appearing to read "Frank McCoy", is written over a horizontal line.

CHAIR: Frank McCoy  
Western Pacific Regional Fishery Management Council

## **1. Introductions**

Council Chair Frank McCoy opened the meeting from his teleconference site in American Samoa, and asked the participants to identify themselves. With Chairman McCoy were American Samoa Council members Stephen Halleck and Ray Tulafono. In Honolulu were Sean Martin, Ed Ebisui and Peter Young, with Fred Duerr conferenced in from the mainland USA. Participating from Saipan were Ben Sablan and Richard Seman, while Manny Duenas and Miki Leon Guerrero (alternate) participated from Guam.

## **2. Approval of Agenda**

## **3. Pelagic Fisheries**

### **A. Comments on proposed rule for longline seabird mitigation**

#### **i. Tori lines**

Paul Dalzell summarized the issues surrounding the inclusion of tori lines in the proposed rule for modifying the Council's current mitigation measures for seabird interactions with the Hawaii longline fishery.

On April 6, 2005, the Council transmitted to NMFS an amendment to its Fishery Management Plan for Pelagic Fisheries in the Western Pacific, which recommended new measures for mitigating interactions between pelagic longline vessels and seabirds. This amendment would require all Hawaii-based longline fishing vessels to either side-set (set longline gear from the side of the vessel rather than from the stern), or use a combination of other seabird mitigation measures to prevent seabirds (e.g., Laysan and black-footed albatrosses), from being accidentally hooked or entangled during fishing operations in certain areas. These measures would also reduce the potential for fishery interactions with endangered short-tailed albatrosses that are known to be in the area in which the fishery operates. On July 13, 2005 NMFS published a proposed rule (70 FR 40302) with a request for public comments. Comments received indicated that modification of some aspects of the proposed measures should be considered based on recent observer and experimental observations.

Under the proposed rule, seabird mitigation measures would be required for Hawaii-based vessels using shallow-set longline gear at all times, and for Hawaii-based vessels using deep-set longline gear when fishing north of 23 deg N latitude. Operators of shallow-setting longline vessels electing not to side-set would continue to be required to use thawed, blue dyed bait, to start and complete the setting process during the nighttime (specifically to begin deployment of the gear no earlier than one hour after local sunset and to finish deployment no later than local sunrise), and to strategically discard fish offal (i.e. on the opposite side from where the longline is being set). Under the proposed rule they would also be required to employ a bird scaring or tori line in addition to the above measures.

Recent analyses of information collected by Federal observers (required on all Hawaii-based

shallow-setting longline vessels) in the first half of 2005 found that seabird interaction rates during this time period were less than 10% of the historical average. This appears to be due to the night setting requirement established in 2004 and is consistent with earlier research results. In light of this information and the low interaction rates on deep setting vessels, comments were received questioning the need to deploy tori lines on shallow-setting vessels.

After Dalzell had summarized the issue, he noted that the Council may wish to consider action to modify the proposed rule to remove the tori line requirement.

## **ii. 60 gram weights**

Paul Dalzell summarized the issues surrounding the inclusion of 60g weights for side setting in the proposed rule for modifying the Council's current mitigation measures for seabird interactions with the Hawaii longline fishery.

Under the proposed rule, 60 g (2.1 oz) weights would be required within one meter of each hook when side-setting. Comments received during the development of the amendment and on the proposed rule indicated that there were serious safety concerns about the required use of these relatively large weights, although such weights are currently used on some vessels. Commenters stated that fishery participants can be and have been seriously injured or killed when struck by longline weights ricocheting from snapped lines. Although the original trials which led to the development of the amendment employed 60 g weights, subsequent research found that the sink rates of 40g and 60g weights differ by only a tenth of a second, suggesting that the 45 g weights which are most commonly employed in the Hawaii-based longline fishery would not affect the efficacy of side-setting in minimizing seabird interactions.

After Dalzell summarized the issue, he noted that the Council may now want to consider action to require weights 45g or greater when side-setting, instead of the 60 g weights included in the proposed rule.

## **4. Public Hearing**

There were no public comments

## **5. Council discussion and action**

### ***i. Tori lines (roll call vote)***

Frank McCoy asked the Council staff to draft a motion for tori lines as follows:

- 1. The requirement to use tori lines be deleted for both deep and shallow setting (tuna and swordfish vessels), whether setting at day or at night.**

There was discussion about the inclusion of tori lines as an incentive to switch to side setting and whether there would be still be a cumulative effect of using tori lines along with other measures such as blue dyed bait, strategic offal discards and night setting. In response to a question about the effectiveness of tori lines as a mitigation method, Chris Boggs briefly summarized the results of

the NMFS Honolulu lab and Council studies which both observed about 70% effectiveness with this method.

Bill Robinson commented on the rationale behind the SSC's recommendation, which was to act as an incentive for longline operators to switch to side setting. However, the issue as put forth by the Council to not carry through with the original recommendation on tori lines in its entirety and to reconsider the 60-gram weight requirement, those reflect comments that were received on the proposed rule during the comment period. Robinson believed these were legitimate comments and depending upon the Council's recommendation might be dealt with in the final rule. Robinson also asked if there was any information on deep-set fishing in the daytime north of 23 in the bird bycatch; was this a problem or an issue in that sector?

Paul Dalzell responded that there was little information from 1994 to 1999 with which to make comparisons with the fishery in 2005. Council staff had been informed by the Science Center that there does not appear to be enough information to make a statistically valid comparison of the type mentioned by Robinson.

There was also concern expressed by Council members Ed Ebusui and Peter Young about the wording of the motion, which removed the tori line requirement for both day and night sets, as opposed to the SSC recommendation where tori lines were not required only for night sets.

Bill Robinson provided some additional comments. He noted that the issue of using tori lines in the Hawaii longline fishery dated back to before his time in the Region. But, he noted that tori lines were not determined to be necessary at that time. The current suite of bait and offal and night setting in shallow-set fisheries apparently were considered to be appropriate and what was necessary. So tori lines were not adopted originally and are not part of the current suite of management measures. They were added into this regulatory amendment in early 2005, and the recommendation was motivated primarily by an SSC recommendation to act as an incentive or disincentive, if you like, so fishermen would be encouraged to switch to side-setting in both the deep-set and shallow-set fishery. He noted that the current measures have turned out to be very effective at reducing seabird bycatch, and that good progress was being made in converting the fleet to to side-setting. The key question was, 'is there still a compelling reason to require tori lines, other than the reason that was recently proposed by the Council, and that is as an incentive to switch to side-setting. Robinson stated that he had yet to hear a really compelling reason to add tori lines on to the suite of current measures in order to improve or increase their efficacy in the absence of side-setting" He was comfortable with the recommendation as stated, but also added that he understood and respected the opinions of Council members Ebusui and Young who wanted to take a more cautious approach.

Stetson Tinkham of the State Department commended the Council for its leadership role in providing an example to other countries of successful seabird mitigation techniques.

McCoy then called for a vote. The vote was 9 in favor, with 3 against. Those voting against were Hawaii Council members Fred Duerr, Ed Ebusui and Peter Young.

***ii. 60 gram weights (roll call vote)***

There was discussion about the 60 g weight requirement and the potential for a lower weight requirement. Hawaii Council member Sean Martin stated that about 40 vessels had converted to side setting, and 20-30 vessels were planning to convert. The requirement to use 60 g weights might be a disincentive for more vessels to convert to side setting due to the potential for injurious or fatal ricochets if the line snapped, and the additional cost of fitting 60g swivels. Moreover, there is already a very low interaction rate on swordfish vessels setting at night from the stern with little to no weights, so it made no sense to require 60 g weights when night setting.

McCoy then asked Council staff to draft a motion for the use of weights. On the advice of NOAA General Counsel, Judson Feder, this took the form of two parts as follows:

**2. The requirement to use 60g weights when side-setting be modified to require the use of weights no less than 45g when side-setting for both deep and shallow-setting (tuna and swordfish vessels); and**

**3. The requirement to use 60g weights when side-setting be further modified to allow vessels to side-set with no weight requirement for sets made at night (i.e., for sets that begin at least one hour after local sunset and finish at least one hour before local sunrise).**

The vote on both these recommendations was unanimous.

## **6. Other Business**

There was no other business.