



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MINUTES OF THE 125TH COUNCIL MEETING of the
WESTERN PACIFIC REGIONAL
FISHERY MANAGEMENT COUNCIL

January 26, 2005

Held by Teleconference
WPRFMC Office
Honolulu, HI 96813

Western Pacific Regional Fishery Management Council
1164 Bishop St., Suite 1400
Honolulu, HI 96813

APPROVED BY COUNCIL: _____

A handwritten signature in black ink, appearing to read 'Way A. ...', is written over the signature line.

CHAIR
Western Pacific Regional Fishery Management Council



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125th Council Meeting Minutes

(held by teleconference)

1:00 pm (Hawaii time)

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1. Introductions

Chairman Roy Morioka opened the meeting at 1.15pm Hawaii time. He called the role of Council members. Present in the meeting room or by phone teleconference were Manny Duenas, Stephen Haleck, Adrienne Loerzel, Frank McCoy, Benigno Sablan, Richard Seman, Ray Tulafono, Frank Farm, Bill Robinson, Ed Ebisui, Sean Martin and Francis Oishi.

2. Approval of Agenda

The Council members approved the agenda.

3. Pelagic Fisheries

3.A Sea Turtle Handling Guidelines

CNMI Council member Ben Sablan raised a concern about the issue of whether the Commonwealth of the Northern Mariana Islands has a 3 nautical mile territorial sea or not? Chairman Morioka suggested that this question should be referred to NOAA General Counsel.

Marcia Hamilton referred to the regulatory amendment to implement turtle conservation measures, in addition to the circle hook and mackerel bait measures which reopened the swordfish fishery in first quarter of 2004. At its 123rd meeting, the Council took final action to recommend adoption of the preferred management Measure Alternative 3C in the regulatory amendment which would:

Require operators of non-longline vessels managed under the Pelagics FMP and using hooks to target pelagic species, to follow the sea turtle handling requirements (as specified in 50 CFR 223.206(d)(1)(i) and (ii)) including removing trailing gear, when fishing in the EEZ and when fishing on the high seas for stocks managed by the Council.

(A) Sea turtles that are actively moving or determined to be dead as described in paragraph (d)(1)(i)(C) of this section must be released over the stern of the boat. In addition, they must be released only when fishing or scientific collection gear is not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

(3) Sea turtles that revive and become active must be released over the stern of the boat only when fishing or scientific collection gear is not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

However Term and Condition 4C of NMFS= February 23, 2004 Biological Opinion requires that:

In the event of an interaction with a sea turtle, an operator of a vessel not using longlines but

using hooks (i.e. handline, troll, and pole-and-line vessels) to target PMUS in EEZ waters must handle the turtle in a manner to minimize injury and promote post-hooking survival as outlined in CFR 660.32 (c) and (d).

(d) Release. Live turtles must be returned to the sea after handling in accordance with the requirements of paragraphs (b) and (c) of this section:

- (1) By putting the vessel engine in neutral gear so that the propeller is disengaged and the vessel is stopped, and releasing the turtle away from deployed gear; and
- (2) Observing that the turtle is safely away from the vessel before engaging the propeller and continuing operations.

Hamilton then read a draft recommendation as follows:

Recommendation 1: The Council recommends modifying the previous preferred alternative 3C regarding sea turtle handling to read as follows:

In the event of an interaction with a sea turtle, an operator of a vessel not using longlines but using hooks (i.e. handline, troll, and pole-and-line vessels) to target PMUS, must handle the turtle in a manner to minimize injury and promote post-hooking survival as outlined in CFR 660.32 (c) and (d), and remove trailing gear, when fishing in the EEZ and when fishing on the high seas for stocks managed by the Council. In addition, dead sea turtles may not be consumed, sold, landed, offloaded, transhipped or kept below deck, but must be returned to the ocean after identification unless NOAA Fisheries requests the turtle be kept for further study.

Hamilton continued and explained the second issue. At its 123rd meeting, the Council took final action to recommend adoption of the preferred management Measure Alternative 4B, which requires vessels registered to general longline permits to shallow-set north of the equator only if the circle hooks, mackerel-type bait and dehookers currently required by vessels registered to Hawaii longline permits are used. Concerns have been raised about the requirement for all longliners, including small scale alias in American Samoa, to carry long-handled dehookers when fishing north of the equator.

This creates a logical inconsistency within the regulations for alias, since alias are exempted from using long-handled line clippers as in a low freeboard vessel they would be unnecessary where short handled clippers would be sufficient. Further, there was a concern that the use of long-handled line clippers would be unwieldy under such circumstances and could actually lead to further injuries to hooked turtles.

The same logic applies to long-handled dehookers, when short-handled dehookers would be more appropriate. There is, however, a question of whether small alia catamarans would ever fish north of the equator, which is about 1,000 nautical miles north of American Samoa.

However, the Council may want to include a provision in the regulatory amendment, that

provides an exemption for low freeboard vessels north of the equator to carry long-handled dehookers, provided that there is concurrence from NMFS PR.

Hamilton read the draft recommendation.

Recommendation 2: The Council recommends that the previous preferred alternative 4B regarding alternative 4B regarding sea turtle mitigation reads as follows:

Require vessels registered to general longline permits to shallow-set north of the equator only if the circle hooks mackerel-type and dehookers currently required by vessels registered to Hawaii longline permits are used. Longline vessels with less than 3' freeboard such as alias would not have to carry long-handled dehookers, provided that there is concurrence from NMFS PR.

Prior to voting on these two changes to the regulatory amendment there was discussion by Council members and comments from the public.

Ben Sablan noted that disposing of dead turtles rather than bringing them back to shore and using them for food and shell was contrary to the cultural practices of the people of American Samoa, NMI and Guam. Kitty Simonds noted that the Council was working on this issue, which concerned the Endangered Species Act and not the Magnuson-Stevens Act. Similarly, NOAA General Counsel, Judson Feder responded that the Endangered Species Act generally prohibits taking of all species that are listed under the Endangered Species Act with some very limited exceptions. Whether Congress intended for that to stop traditions or not is something that needs to be discussed with Congress.

Francis Oishi sought clarification regarding the requirement that sea turtles be brought onboard for resuscitation and removal of fishing gear. However, if the animal was too large for this to be practicable, it could be released at the side of the boat for safety purposes.

Sierra Weaver from the Ocean Conservancy commented that her organization supported the Council's efforts. Weaver thanked the Council for taking these measures and closing what has been considered to be a general longline permit loophole in the turtle protection measures that were approved for Hawaii. The Ocean Conservancy had no comments on the special exemptions for the small longline boats. Weaver continued that she had a question on the second issue. In the case of vessels with general longline permits fishing north of the equator, would these vessel use 18/0 circle hooks as in the Hawaii fishery. Hamilton responded that this was indeed the case and that vessels could only shallow-set north of the Equator only if the circle hooks mackerel type bait and dehookers currently required by vessels registered to Hawaii longline permits are used. Weaver stated that the reasons for seeking clarification was because there has been a discrepancy in the size of circle hooks in other fisheries in the Atlantic. She just wanted to ensure that only 18/0 circle hook were used in the general longline fishery just as in the Hawaii fishery.

Roy Morioka called for the vote on Recommendation1, which was approved unanimously

by the Council members.

Roy Morioka called for the vote on Recommendation 2, which was approved unanimously by the Council members.

The meeting was adjourned at 2.30 pm