Compliance Guide

Sea Turtle Limits in the Hawaii Shallow-Set Longline Fishery

September 17, 2020

This guide summarizes how to comply with regulations published in the Federal Register on September 17, 2020 (85 FR 57998). The regulations implement Amendment 10 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific, developed by the Western Pacific Fishery Management Council. The regulations are intended to reduce interactions between shallow-set longline fishing and leatherback and North Pacific loggerhead sea turtles. For the complete set of applicable Federal fishing regulations, please refer to Title 50 of the Code of Federal Regulations, Parts 600 and 665.

Regulations are subject to change, and any differences between this compliance guide and the regulations will be resolved in favor of the regulations published in the Federal Register. 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.

Frequently Asked Questions

Q1. What is the purpose of these regulations?

The Council and NMFS developed these regulations to reduce leatherback and loggerhead sea turtle interactions in the Hawaii shallow-set pelagic longline fishery. The regulations help us meet the requirements of an Endangered Species Act biological opinion for the fishery. Compliance with the regulations should enable vessel owners and operators to land swordfish throughout the year.

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

The regulations took effect on September 17, 2020, and will remain in effect until NMFS revises or removes them.

Q3. Who is affected by the regulations?

The regulations apply to the owner and operator of each vessel registered for use under a Hawaii pelagic longline limited access permit, while on a declared shallow-set fishing trip. This includes a trip that starts from and/or ends in west coast ports.

Q4. What general types of requirements does this final rule contain?

The annual fleet-wide interaction limit (hard cap) is 16 leatherback sea turtles. There is no annual fleet hard cap for loggerhead sea turtles. There is also an interaction limit of 2 leatherback and 5 loggerhead sea turtles for each fishing trip. There would be restrictions for reaching these limits.
Q5. What happens if the fleet reaches the limit?

If the fleet reaches the annual hard cap of 16 leatherback turtles, all shallow-set vessels must immediately stop fishing, retrieve their fishing gear, and return to port. The shallow-set fishery will be closed for the remainder of the calendar year.

Q6. What happens if an individual vessel reaches a limit?

If an individual vessel reaches a trip limit of either 2 leatherback or 5 loggerhead sea turtles, that vessel must immediately stop fishing, retrieve their fishing gear, and return to port. That vessel may not engage in shallow-set longline fishing during the 5 days immediately following the vessel’s return to port.

Q7. What happens if an individual vessel reaches a limit twice?

If a vessel reaches a trip limit for the same sea turtle species twice in a calendar year, it will be prohibited from shallow-set fishing for the remainder of that calendar year.

In the subsequent calendar year, that vessel will be limited to an annual interaction limit for that species (either 2 leatherback or 5 loggerhead sea turtles). If that subsequent annual interaction limit is also reached, that vessel will be prohibited from shallow-set fishing for the remainder of that subsequent calendar year.

For trips that straddle two calendar years (for example, a trip begins in December and ends in January), each interaction will be attributed to the year in which the interaction occurred.

Q8. If a vessel reaches a trip limit for the same sea turtle species twice in a calendar, can it switch to deep-set gear to participate in that fishery?

Yes, as long as the vessel complies with all deep-set requirements and restrictions.

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, and can include administrative, civil, or criminal penalties.

Q10. Where can I obtain additional copies of this guide or more information about these regulations?

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