



SEA TURTLE COMPLIANCE GUIDE¹

Guide for Complying with Regulations to Reduce and Mitigate Interactions between Sea Turtles and Pelagic Fisheries of the Western Pacific Region

December 15, 2005

This guide provides a summary of how to comply with sea turtle regulations that were published in the *Federal Register* on November 15, 2005 (70 FR 69282). These measures are intended to reduce and mitigate interactions between sea turtles and fisheries in the western Pacific region.

This guide provides information only about the final rule published on November 15, 2005. There are additional requirements for sea turtle avoidance and mitigation. For the complete set of applicable Federal fishing regulations, please refer to Title 50 of the Code of Federal Regulations, Parts 600 and 660 (50 CFR parts 600 and 660).

Regulations are subject to change, so fishermen must familiarize themselves with the most recent changes and are responsible to comply with them. Any discrepancies between this compliance guide and the regulations will be resolved in favor of the regulations published in the *Federal Register* (70 FR 69282, November 15, 2005).

Q1. Who is affected by the new regulations?

A1. The regulations apply to fishing vessels that operate in federal waters (in the U.S. EEZ, 3-200 nautical miles offshore) around Hawaii, American Samoa, Guam, the Northern Mariana Islands and other U.S. remote island areas in the Pacific², or that are used to land fish into the Region. These measures apply to owners and operators of vessels that are registered for use with all western Pacific longline permits (western Pacific longliners), as well as owners and operators of domestic non-longline vessels, both commercial and recreational, that use hooks to target pelagic management unit species (PMUS), e.g., tunas, marlins, mahimahi, and related open-ocean species. A complete list of PMUS is found at 50 CFR 660.12. Non-longline fishing vessels include troll, handline and pole-and-line vessels.

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

A2. The sea turtle regulations took effect on December 15, 2005, and will remain in effect until they are revised or removed by the National Marine Fisheries Service (NMFS).

¹ 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.

² Howland, Baker, Jarvis, Wake, and Palmyra Islands, Johnston Atoll and Kingman Reef.

Q3. *What is the purpose of these new regulations?*

A3. The new regulations are intended to reduce interactions between sea turtles and fishing activities, and to increase the survival of any turtle that is accidentally caught. The new regulations focus on the handling, resuscitation, and release of sea turtles. The Western Pacific Fishery Management Council (WPFMC) recommended these sea turtle measures, and NMFS approved and implemented them.

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

A4.

1. Equipment specified by NMFS for use on board longline fishing vessels;
2. Sea turtle handling guidelines for all fishermen who target pelagic species;
3. Protected species workshop attendance for longline vessel owners and operators; and
4. Requirements for shallow-set longline fishing.

Q5. *What equipment must owners and operators of western Pacific longliners carry?*

A5. With some exceptions, vessel owners or operators of western Pacific longliners must carry and use NMFS-specified dip nets, line clippers, and bolt cutters. The NMFS specifications governing line clippers and dip nets can be found in 50 CFR section 660.32 paragraphs (a)(5) and (a)(6) respectively.

Q6. *Who is exempted from carrying this equipment?*

A6. Owners and operators of longline vessels with freeboards 3 ft or less in length are not required to carry the dip nets. Freeboard is the distance between the vessel's deck and the sea surface. Fishermen on handline, troll, pole-and-line, and other non-longline vessels that use hooks to target PMUS are not required to carry specified mitigation gear.

Q7. *Who is required to follow sea turtle handling, resuscitation, and release procedures for accidentally hooked or entangled sea turtles?*

A7. All fishermen who use hooks to target PMUS are required to follow these procedures. This includes all commercial and recreational longliners, trollers, handliners, and pole-and-line fishermen.

Q8. *What are the requirements for sea turtle handling?*

A8. If a sea turtle is hooked or entangled in fishing gear, owners and operators of longliners must use the required mitigation gear, and other fishermen must follow the guidelines. Any hooked or entangled sea turtle must be handled in a manner that minimizes injury and promotes survival.

Sea turtles that cannot be brought aboard the vessel: In instances where a turtle is too large to be brought aboard, or the turtle cannot be brought aboard without causing further injury to it, the vessel owner or operator must disentangle and remove the gear, or cut the line as close as possible to the hook or entanglement to remove the maximum amount of the gear from the turtle.

Sea turtles that can be brought aboard the vessel: In instances where a sea turtle is not too large to be brought aboard, or the sea turtle can be brought aboard without causing further injury to the turtle, the vessel owner or operator must do the following:

- Immediately bring the sea turtle aboard;
- Disentangle and remove the gear, or cut the line as close as possible to the hook or entanglement, to remove the maximum amount of the gear from the turtle.
- Resuscitate and release the sea turtle under the current regulations; and

Q9. *What are the requirements for resuscitating a sea turtle?*

A9. If a sea turtle appears dead or comatose, the following actions must be taken:

- Place the turtle on its belly so that its hindquarters are elevated at least 6 in from the ground for a period of no less than 4 hr and no more than 24 hr;
- Administer a reflex test at least once every 3 hr. This test is performed by gently touching the eye and/or pinching the tail of the turtle in order to determine if it is responsive;
- Keep the turtle shaded, and keep it moist with a damp towel; and
- Return a revived turtle to the sea. Turtles that fail to revive within 24 hr must also be returned to the sea in the same manner as if they were alive.

Q10. *What are the requirements for releasing a sea turtle?*

A10. After handling a sea turtle in accordance with the requirements, the turtle must be returned to the ocean after identification, unless NMFS requests the retention of a dead turtle for research. In releasing a turtle to the ocean the vessel owner or operator must:

- Place the vessel engine in neutral gear so that the propeller is disengaged and the vessel is stopped. Release the turtle away from deployed gear.
- Observe that the turtle is safely away from the vessel before engaging the propeller and continuing operations.

Q11. *What other requirements are there pertaining to sea turtles?*

A11. No sea turtle, including a dead turtle, may be consumed or sold, regardless of its condition. A turtle that is caught during fishing operations may be landed, offloaded, transshipped or kept below deck, *only* if NMFS requests the retention of a dead turtle.

Q12. *Who is required to attend the protected species workshops conducted by NMFS and how often?*

A12. Each calendar year, both the operator and owner of any vessel registered for use under any western Pacific longline permit must attend a protected species workshop conducted by NMFS, and obtain a certificate of completion of the workshop from NMFS. This annual requirement is intended to make sure that fishermen obtain current information about protected resources. A valid protected species workshop certificate issued by NMFS to the operator of the vessel must be on board the vessel at all times.

Q13. *What are the gear requirements when shallow-setting?*

A13. When shallow-setting north of the Equator, longliners must use size 18/0 or larger circle hooks with a 10 degree offset, mackerel-type bait, and specified turtle dehooking devices.

Q14. *Who is affected by these restrictions on shallow setting?*

A14. All operators of U.S. longline vessels fishing around, or landing fish to Western Pacific Region.

Q15. *What are the penalties for the operator or owner of a vessel who does not follow these regulations?*

A15. Penalties are determined on a case-by-case basis; they can include significant administrative, civil, or criminal penalties.

Q16. *Where can I obtain additional copies of this guide or receive more information on these regulations?*

A16.

Pacific Islands Regional Office
NOAA National Marine Fisheries Service
1601 Kapiolani Blvd. 1110
Honolulu, Hawaii 96814

<http://swr.nmfs.noaa.gov/pir/guides.htm>

You can also read the *Federal Register* notice for this rule (*Federal Register* vol.70, no.219, pp. 69282-69285, November 15, 2005)

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