



## Reducing and Mitigating Interactions between Seabirds and Hawai'i-Based Longline

March 5, 2024

This guide summarizes how to comply with seabird regulations published in the *Federal Register* on December 19, 2005 ([70 FR 75075](#)), as revised on March 1, 2024 ([89 FR 15062](#)). These measures are intended to reduce interactions between seabirds and Hawaii-based longline fishing vessels. This guide provides information on how to comply with the revised regulations as well as the complete set of pelagic longline seabird mitigation measures, which can be found in Title 50, Code of Federal Regulations, Part 665, [Section 665.815](#).

Regulations are subject to change. Any discrepancies between this compliance guide and the regulations will be resolved in the favor of the regulations found at [50 CFR 665.815](#). 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

#### Question 1: Who is affected by the regulations?

Answer: The regulations apply to owners and operators of vessels that are registered for use under a Hawai'i pelagic longline limited access permit.

#### Question 2: When did the regulations take effect, and for how long are they effective?

Answer: The seabird regulations took effect on January 18, 2006. They will remain in effect until NOAA Fisheries revises or removes them. Deep-set vessels which set gear from the stern are required to use tori lines instead of blue-dyed bait and strategic offal discards when fishing north of lat. 23° N, beginning April 1, 2024.

#### Question 3: What is the purpose of the regulations?

Answer: The regulations are intended to reduce interactions between seabirds and longline fishing. They implement requirements to reduce the likelihood that birds will be accidentally hooked, entangled, or killed during fishing operations. These requirements may also reduce bait lost to foraging seabirds. NOAA Fisheries, the Western Pacific Fishery Management Council, and the fishing industry collaborated on research to test these seabird-deterrent measures, and NOAA Fisheries approved and implemented them.

#### Question 4: Where do the regulations apply?

Answer: The regulations apply to all vessels that shallow-set (targeting swordfish), anywhere that they fish. Regulations apply to all vessels that deep-set (targeting tuna), when fishing north of lat. 23° N. Seabird handling requirements listed under Question 14 apply to all vessels registered for use under Hawai'i longline limited access permit.

### **Question 5: What are the regulations?**

Answer: Vessel owners and operators must either side-set following NOAA Fisheries' specifications described in Question 7 or, if not side-setting, use the suite of alternative measures described in Question 8. (See *Quick Guide table in [Appendix B](#)*.)

### **Question 6: What are the general requirements for the revised regulations, effective on April 1, 2024, and whom do they affect?** (See [Question 8](#) for required specifications.)

Answer: This revision affects **deep-set** longline vessels that **set gear from the stern** and fish **north of lat. 23° N**. These vessels are required to use a tori line (bird-scaring streamer). These vessels are no longer required to use thawed, blue-dyed bait and strategic offal (fish, fish parts, or spent bait) discharge. All other pelagic longline seabird mitigation regulations remain in effect and are listed in [50 CFR 665.815](#). **Requirements have not changed for shallow-setting vessels or deep-setting vessels that set gear from the side.**

### **Question 7: What are the side-setting requirements?**

Answer: 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
- A bird curtain must be deployed (see figures on pages 3 and 4 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)
  - 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)

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

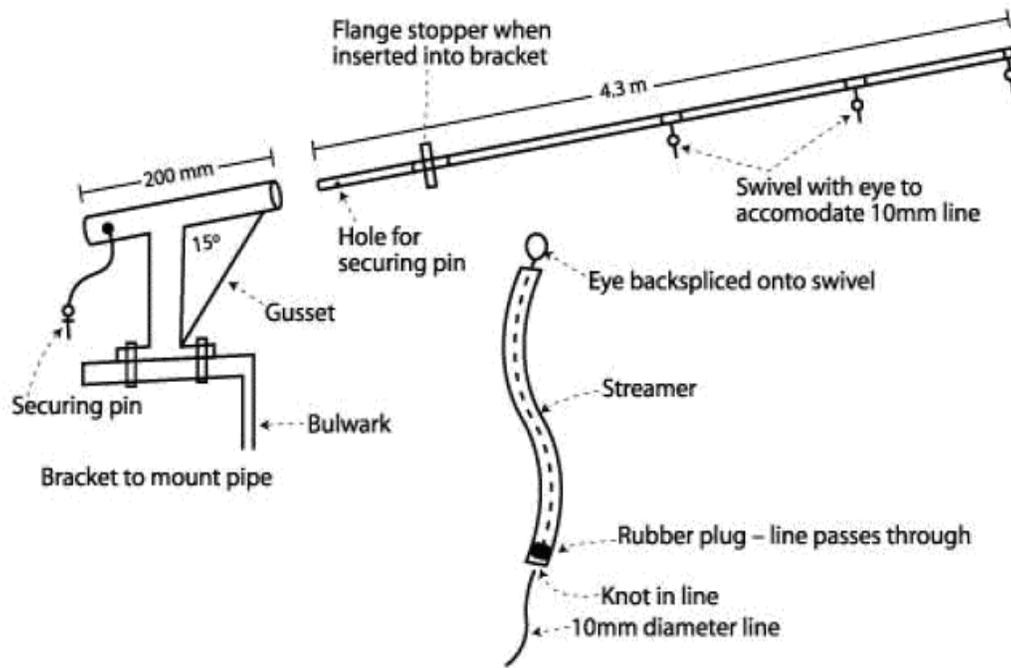


Figure 1. Example of a bird curtain design.

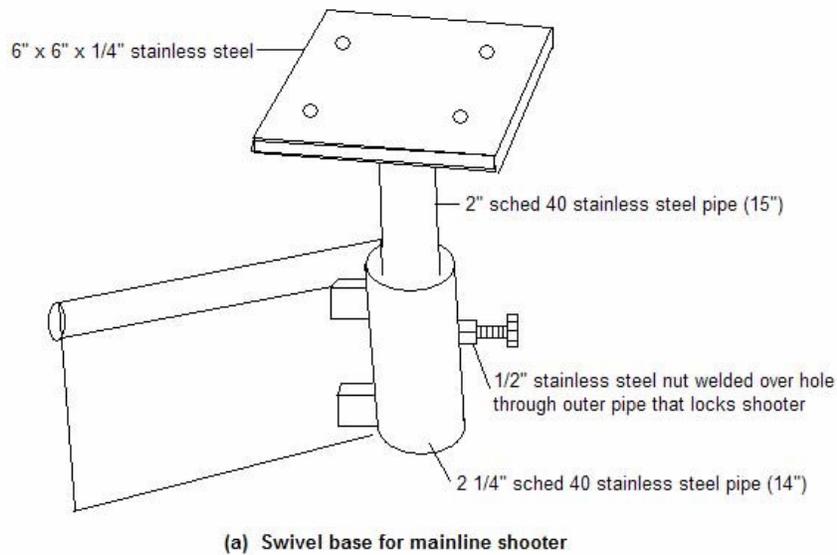


Figure 2. Example of a swivel base mount for a mainline shooter.

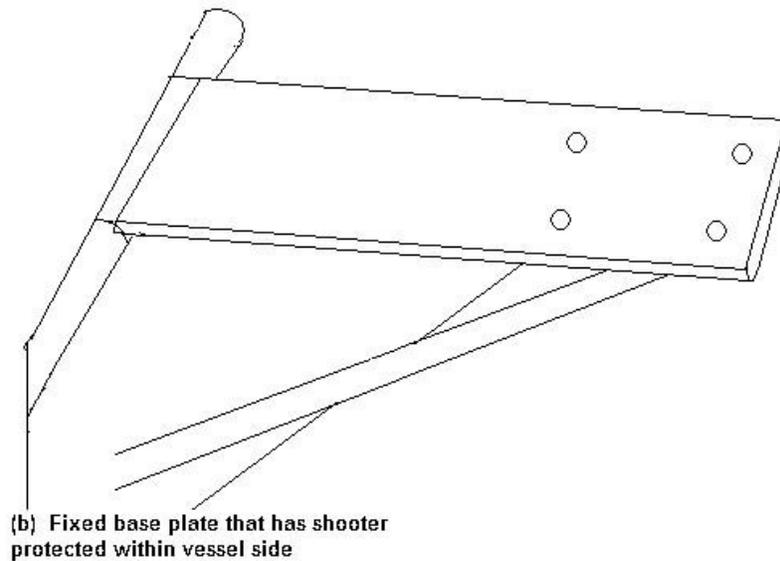


Figure 3. Example of a fixed base mount for a mainline shooter.

#### Question 8: Are there different requirements for vessels that do not side-set?

Answer: Yes, there are different requirements for vessels that deep-set north of lat. 23° N and for vessels that shallow-set anywhere:

#### Requirements for vessels that deep-set north of lat. 23° N:

- Employ a line shooter
- Attach at least 45 g (1.6 oz) of weight to each branch line within 1 m (3.3 ft) of each hook
- Employ a tori line system, **prior to the first hook being set**, that meets the following specifications
  - **Length and material.** The tori line must have an aerial section with a minimum length of 50 m (164 ft) and be made of ultra-high molecular weight polyethylene, or other NOAA Fisheries-approved material that is light-weight, water resistant, low stretch, and floats in water. The tori line must have a drag section made of a 6 millimeters or larger braided material that is water resistant and floats in water. Monofilament nylon is prohibited for use in the aerial or drag sections of the tori line. The tori line must have a minimum total length of 100 m (328 ft).
  - **Streamer configuration.** The aerial section of the tori line must have light-weight material (hereafter referred to as (streamers) that are attached to the aerial section at intervals less than 1 m (3.3 ft) apart. Each streamer must have a length of at least 30 cm (11.8 in) from its attachment point to the tori line so that it hangs and moves freely/flutter in the wind. Where a single streamer is either threaded through or tied to the tori line, each side of the streamer must measure at least 30 cm (11.8 in) in length. Streamers are not required for the last 20 m (65.6 ft) of the aerial section to minimize entanglements with buoys and fishing gear.
  - **Number.** Two tori lines meeting the length, material, and streamer configuration specifications must be present on the vessel at the start of every trip.
  - **Attachment point and material.** The aerial section of the tori line must be attached to the vessel or a fixed structure made of rigid material on the vessel. A weak link must be placed between the tori line and the point of attachment so that the tori line will break away from the point of attachment if

gear entanglement creates tension on the tori line. The attachment point must have a minimum height of 5 m (16.4 ft) above the water when the attachment point is located within 2 m (6.6 ft) of the vessel stern. When the attachment point is more than 2 m (6.6 ft) from the stern, the attachment point height must be increased by 0.5 m (1.6 ft) for every 5 m (16.4 ft) distance from the stern.

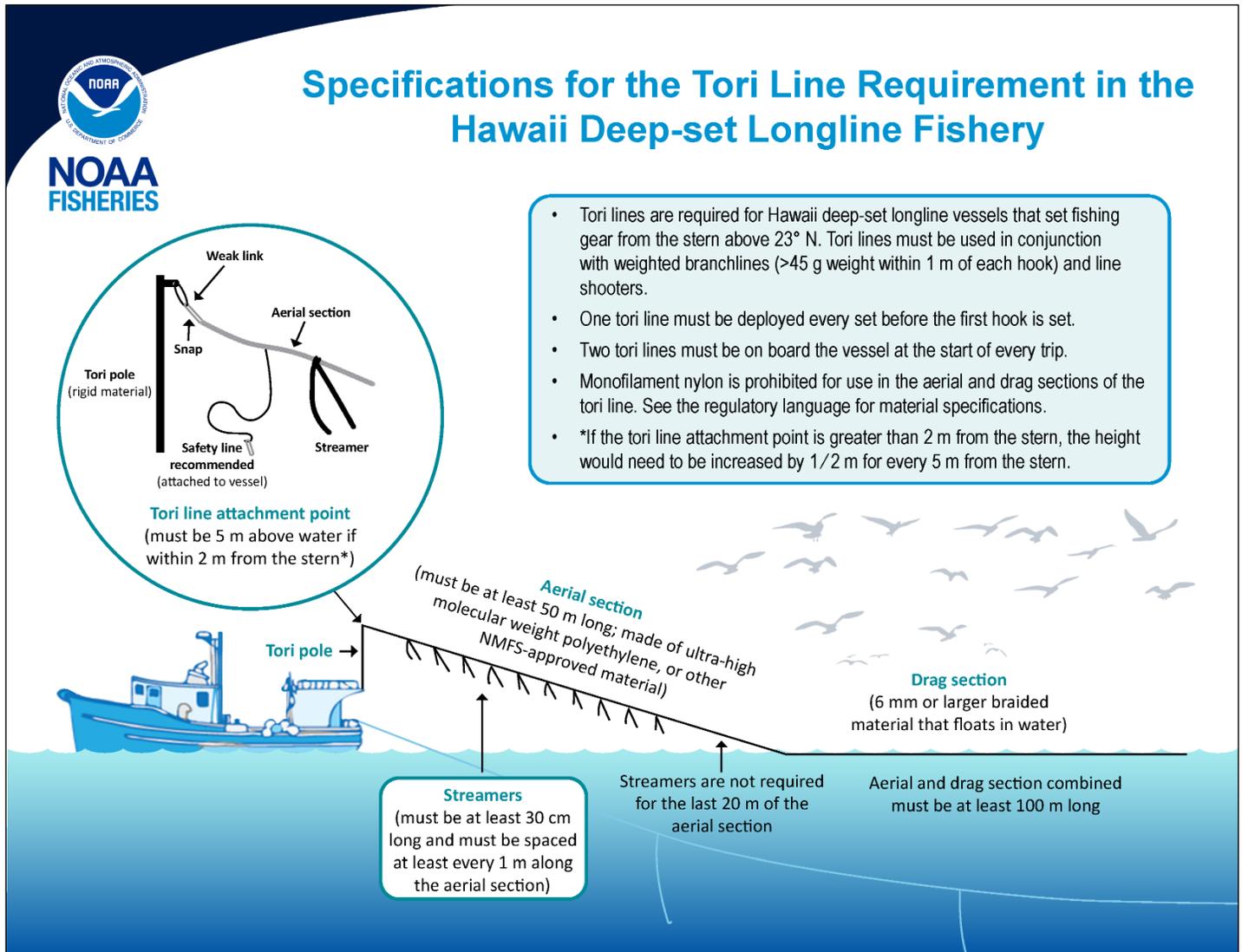


Figure 4. Specifications for the tori line requirement in the Hawai'i deep-set longline fishery.

### Requirements for vessels that shallow-set anywhere:

The alternative to side-setting is to use the following measures specified by NOAA Fisheries:

- Strategic Offal Discards (only when seabirds are present)
  - 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
  - Remove the bill and liver of any swordfish that is caught, sever its head from the trunk and cut it in half vertically and periodically discharge the butchered heads and livers
- Blue-Dyed Bait
  - Use completely thawed bait that has been dyed blue to an intensity level specified by a [NOAA Fisheries color quality control card](#)

- Maintain at least two cans (each sold as 0.45 kg or 1 lb size) of blue dye on board the vessel
- Night set
  - Begin deployment of longline gear at least 1 hour after local sunset and complete the deployment no later than 1 hour before local sunrise; and
  - Use the minimum vessel lights necessary to conform to navigation rules and best safety practices.

**Question 9: Can I use monofilament in the construction of the aerial or drag sections of the tori line?**

Answer: No, monofilament nylon is prohibited for use in the aerial or drag sections of the tori line. The aerial section must be made of ultra-high molecular weight polyethylene, or other NOAA Fisheries-approved material that is light-weight, water resistant, low stretch, and floats in water. The tori line must have a drag section made of a 6 mm or larger braided material that is water resistant and floats in water.

**Question 10: What happens if my tori pole or attachment point for the tori line breaks in the middle of a trip?**

Answer: If the structure used to attach the tori line breaks during a trip, the operator may use an alternative attachment point at the highest possible point on the vessel to continue fishing north of lat. 23° N. This attachment point height exemption is **only valid during the trip in which the structure broke**. The structure must be repaired or replaced before the next trip.

**Question 11: Can I choose between using blue-dyed, thawed bait with strategic offal discard and the new tori line requirement when deep-setting from the stern of a vessel fishing north of lat. 23° N?**

Answer: No, after regulations took effect on April 1, 2024, you are required to use a tori line that meets specifications.

**Question 12: When should I use strategic offal discards?**

Answer: In the Hawai'i longline fishery, only shallow set vessels that set gear from the stern are required to use strategic offal discards. These vessels must strategically discharge offal only when seabirds are present.

**Question 13: What are non-regulatory best practices for using my tori line?**

Answer: The tori line design specifications in the regulations are based on research conducted in the Hawaii deep-set longline fishery, with expert input and feedback from fishermen. The tori line was designed to be safe for the crew to deploy and retrieve, minimize entanglement with longline gear, and to be effective in deterring seabird interactions during the setting operations. For safe operations and to prevent tangles, follow the required design specifications, and the best practices listed below.

- Additional design recommendations:
  - Attach a safety line to the tori line, and clip the safety line onto the vessel where crew can easily reach during setting operations
  - The required weak link may be constructed with a 100-150 lbs test monofilament line that is looped onto the attachment point. The tori line may then be attached to the weak link with a snap. The weak link should allow the tori line to break away from the attachment point if gear entanglement creates tension on the tori line
- To deploy the tori line:
  - Deploy the entire tori line before setting gear
  - Make sure there are no tangles in the line before deploying
  - Wear gloves
  - Set the line while powering the vessel forward at half to full setting speed
  - Secure a safety line snap to the vessel near the crew

- Deploy the line starting with the thick drag section and **DO NOT ATTACH A BUOY**
- Pay out the entire drag section, and make sure the snap is secured to the weak link on the attachment point or tori pole, and the thin aerial section will become suspended in the air
- To retrieve the tori line:
  - Wear gloves
  - Slow down the vessel (Do not pull on the safety line until the vessel slows)
  - Use the safety line to reach the tori line backbone and pull the tori line in
  - **FLAKE** the line into the container starting with the thin streamer section (**DO NOT COIL**)
  - Store the line in its own container with a lid to protect it from tangles and the elements
- If a tangle does occur:
  - If the tori line breaks free from the weak link, attach the safety line snap to the longline mainline. This will allow you to retrieve the tori line when the gear is retrieved during the haul. Deploy the backup tori line for the remainder of the set if it is safe to do so

**Question 14: What are the seabird handling requirements?**

Answer: Step-by-step instructions for handling, hook removal, and release of seabirds caught live on longline gear are available in [Appendix D](#) and [Appendix E](#). You may also watch a NOAA Fisheries video on Safe Seabird Handling in the Hawaii Pelagic Longline Fisheries: <https://www.youtube.com/watch?v=ydcG1y7oNhg&t=11m4s>

**Question 15: What are the penalties for the operator or owner of a vessel who does not follow these regulations?**

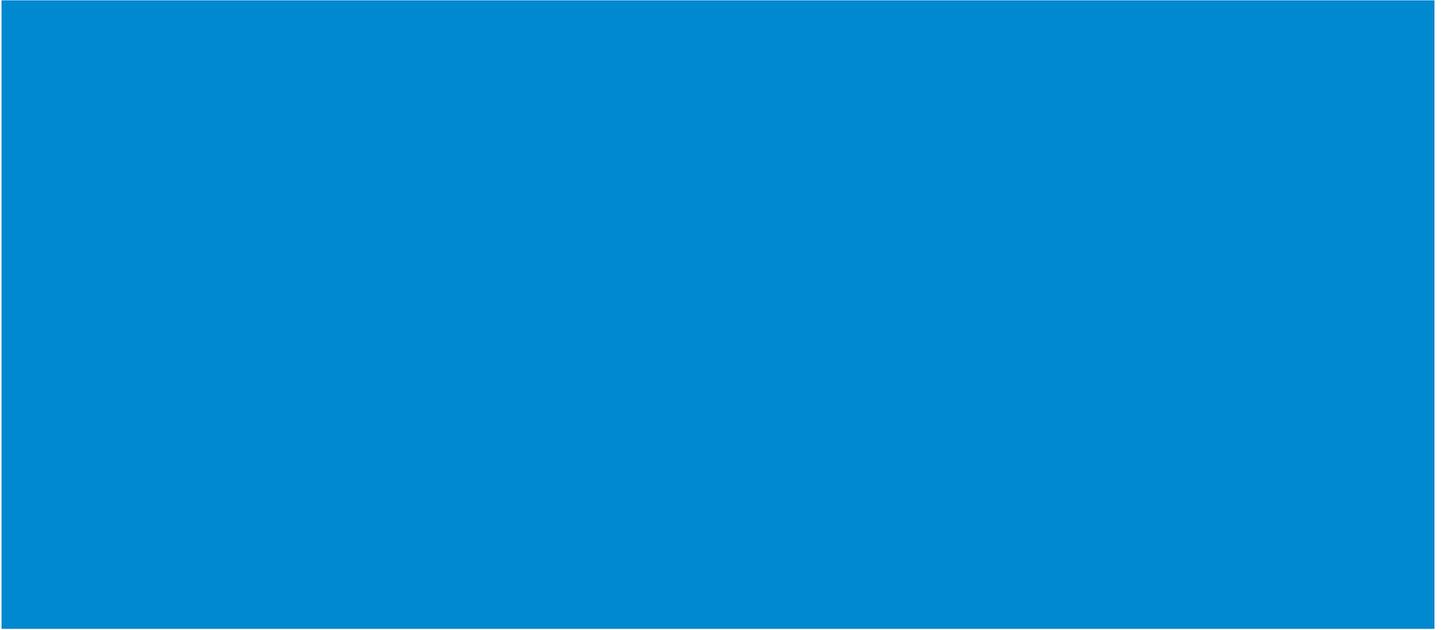
Answer: Penalties are determined on a case-by-case basis; they can include administrative, civil, or criminal penalties.

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

Answer:

Sustainable Fisheries Division  
NMFS Pacific Islands Regional Office  
1845 Wasp Blvd., Bldg. 176  
Honolulu, HI 96818  
Phone: (808) 725-5000  
Web page: <https://www.fisheries.noaa.gov/pacific-islands/resources-fishing/regulation-summaries-and-compliance-guides-pacific-islands>

## Appendix A: Blue-dyed Bait Color



**Blue-dyed bait should look similar to the color above.**

# Appendix B: Quick Guide – Hawai'i Seabird Regulations

Science, Service, Stewardship



**NOAA  
FISHERIES  
SERVICE**

Pacific Islands  
Regional Office  
Sustainable Fisheries  
(808) 725-5000

## Hawaii Longline Seabird Regulations

(Code of Federal Regulations Title 50, Part 665, Section 665.815)

	<u>STERN-SETTING</u>		<u>SIDE-SETTING</u>	
	Shallow-Set Anywhere	Deep-Set North of 23° N	Shallow-Set Anywhere	Deep-Set North of 23° N
<b>1. How do you set your gear →</b>			Yes	Yes
<b>2. Do you shallow-set or deep-set, and where are you →</b>			Yes	Yes
<b>3. What you need to do ↓</b>			Yes	Yes
Deploy mainline from port or starboard side at least 1 m forward of stern corner			Yes	Yes
If line shooter is used, mount it at least 1 m forward from stern corner			Yes	Yes
Use a specified bird curtain aft of the setting station during the set			Yes	Yes
Deploy gear so that hooks do not resurface		Yes	Yes	Yes
Attach 45 g or heavier weights within 1 m of hook of each hook		Yes	Yes	Yes
Use a line shooter to set the mainline		Yes		
Deploy a tori line system that meets required specifications before the first hook is set		Yes		
Keep two tori lines on boat		Yes		
Keep two 1-pound containers of blue-dye on boat	Yes			
Use completely thawed and blue-dyed bait	Yes			
Keep fish parts and spent bait with all hooks removed for strategic offal discard	Yes			
Cut all swordfish heads in half, and use heads and livers for strategic offal discard	Yes			
Night Set - begin set 1 hour after local sunset and finish 1 hour before next sunrise and keep lighting to a minimum	Yes			

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

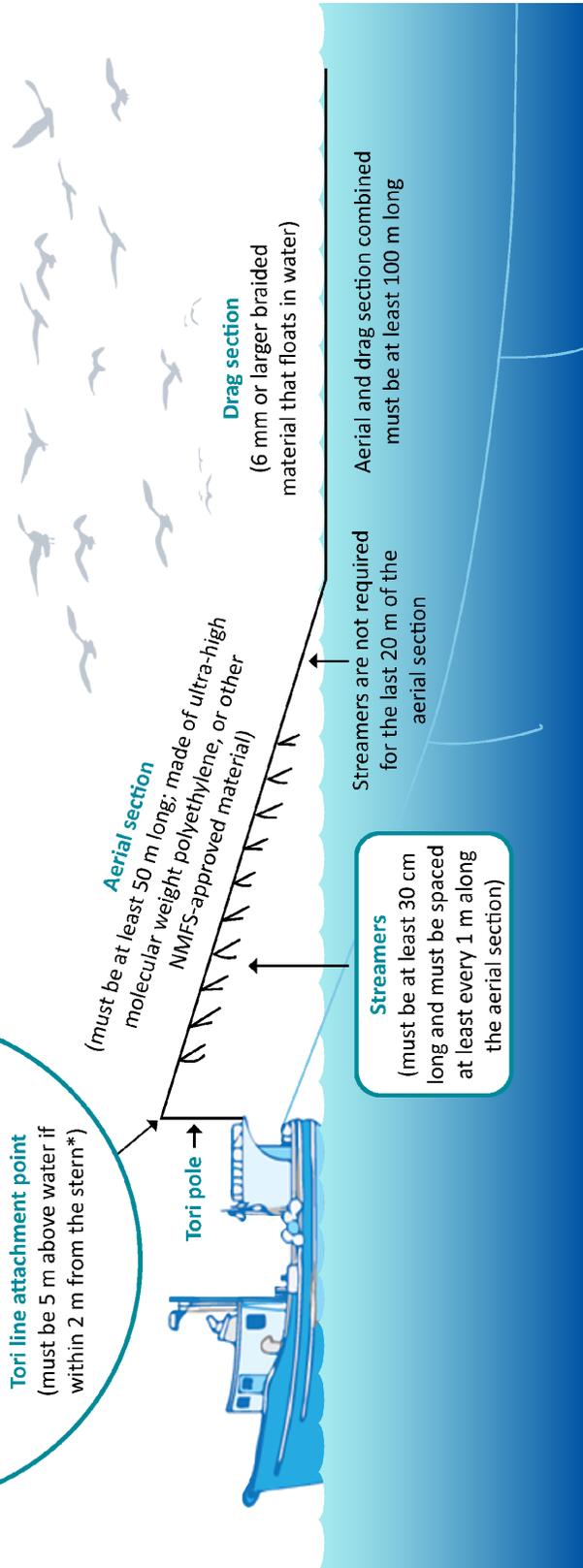
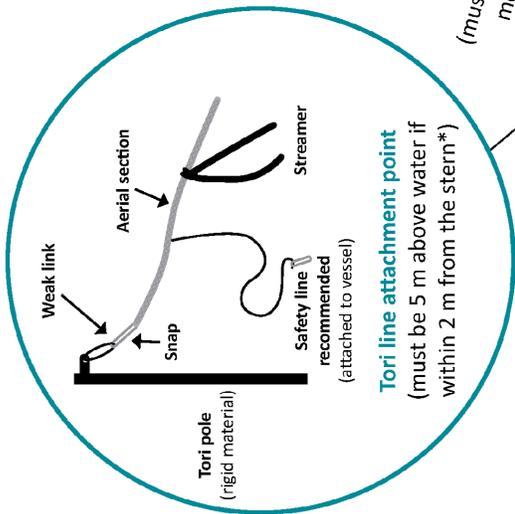
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# Appendix C: Specifications for the Tori Line Requirement in the Hawaii Deep-set Longline Fishery

## Specifications for the Tori Line Requirement in the Hawaii Deep-set Longline Fishery

- Tori lines are required for Hawaii deep-set longline vessels that set fishing gear from the stern above 23° N. Tori lines must be used in conjunction with weighted branchlines (>45 g weight within 1 m of each hook) and line shooters.
- One tori line must be deployed every set before the first hook is set.
- Two tori lines must be on board the vessel at the start of every trip.
- Monofilament nylon is prohibited for use in the aerial and drag sections of the tori line. See the regulatory language for material specifications.
- \*If the tori line attachment point is greater than 2 m from the stern, the height would need to be increased by 1/2 m for every 5 m from the stern.



# Appendix D: Seabird Handling Guidelines Hawaii Pelagic Longline Fisheries

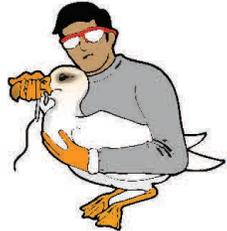


## Seabird Handling Guidelines Hawaii Pelagic Longline Fisheries

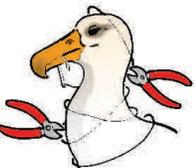
**YOU WILL NEED** →  towel     bolt/wire cutter or pliers     dip net     gloves     safety glasses     safe enclosure for bird

1.


  - Stop vessel to reduce tension on line.
  - Wear gloves, safety glasses, and arm covers for protection.
  - Use dip net to bring bird onto vessel.
2.

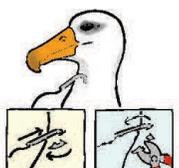

  - Hold bird by bill without covering nostrils.
  - Fold wings into bird's body.
3.


  - Cover bird with towel to protect and calm it.
  - Straddle bird if necessary.
4.



**Remove any entangled lines.**

*NOTE: If the bird is an albatross with a bright pink bill, it may be a short-tailed albatross (STAL). See reverse side for the rest of the STAL handling requirements as per (50 CFR 665.815[b]).*
5.



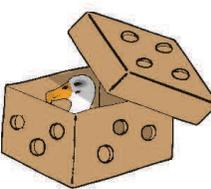
If you can handle hook but cannot see barb:

  - Push hook through skin to expose barb.
  - Use pliers to flatten barb or bolt cutters to cut off barb.
  - Back hook out.
6.



If you cannot handle hook (it's deeply ingested):

  - Cut as much line off as possible and leave hook in bird.
7.


  - Leave bird to recover in safe enclosed space.
  - Do not provide food or water to bird.
8.



Bird can be released to sea surface when:

  - Feathers are dry. (approximately 1/2 to 4 hours)
  - Bird is alert and head is erect.
  - Breathes without noise.
  - Wings can flap and retract onto back.
  - Stands on both feet with toes forward.
9.



If bird has not recovered after 4 hours, either

Release bird to sea surface or call nearby bird rescue center for guidance (vessels 1-2 days from port):

  - Honolulu (808-884-5000)
  - Los Angeles (310-514-2573)
  - San Francisco (707-207-0380)

**Please report all banded birds: 1-800-327-BAND (2263) or [www.pwrc.usgs.gov/bbl](http://www.pwrc.usgs.gov/bbl)**

Questions? Call NMFS Pacific Islands Regional Office, Sustainable Fisheries Division at (808) 725-5000

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# Appendix E: Short-tailed Albatross (STAL) Handling, Hook Removal, and Release



## Short-tailed Albatross (STAL) Handling, Hook Removal, and Release



Juvenile



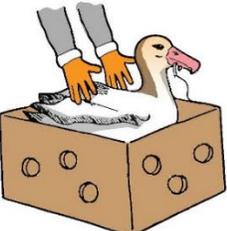
Sub-adult



Adult

**[Follow Steps 1-4 on Reverse Side]**

**5.**



- Place bird in safe enclosed place if bird is alive\*
- Do not provide food or water to bird.

**6.**

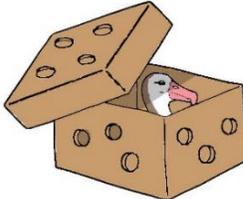


Immediately contact NMFS, U.S. Coast Guard (USCG), or U.S. Fish and Wildlife Service (USFWS) to request veterinary guidance.

NMFS: 808-725-5000  
 USFWS: 808-792-9400  
 USCG: 808-535-3333

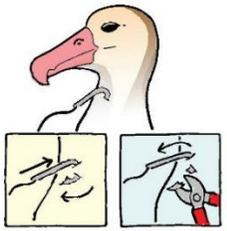
Email: JRCCHonolulu@uscg.mil  
 VHF-FM Channel 16  
 (in the main Hawaiian islands)

**7.**



- Keep bird in safe enclosed place and follow veterinary guidance for handling and release of bird.

**8.**



If bird is externally hooked and no veterinary guidance is received within 24-48 hours:

- Push hook through skin to expose barb.
- Use bolt cutters to cut off barb.
- Back hook out.

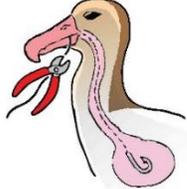
**9.**



Bird can be released to sea surface only when:

- Feathers are dry. (approximately 1/2 to 4 hours)
- Bird is alert and head is erect.
- Breathes without noise.
- Wings can flap and retract onto back.
- Stands on both feet with toes forward.
- Complete STAL recovery data form issued by NMFS.

**10.**



If you cannot handle hook (hook deeply ingested) and/or bird does not recover as described in box 9:

- Do not give bird food or water
- Cut the line as close as possible to ingested hook.
- Complete STAL recovery data form issued by NMFS.
- Submit bird to NMFS immediately upon vessel's return to port.

\*If bird is dead, fill out the top section of the STAL recovery data form. Freeze bird with identification tag attached that indicates species, location, and date of mortality, and band number if bird had leg band. Any leg bands present must remain on bird. Attach duplicate identification tag to bag or container holding bird. Contact NMFS, USFWS, or USCG at numbers listed above in Step 6. Inform them you have a dead STAL on board and submit bird to NMFS within 72 hours following completion of fishing trip.

12/2017

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