AGENDA C-3(a)
JUNE 1997

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: June 6, 1997

SUBJECT: Halibut Management Issues-Seabird Avoidance

ESTIMATED TIME
3 HOURS
(for all C-3 items)

ACTION REQUIRED

Final review of seabird avoidance EA/RIR.

BACKGROUND

Final Review of Seabird Avoidance EA/RIR

In April 1997, the Council approved release of the public review draft of the EA/RIR to reduce the incidental seabird mortality in the Pacific halibut fishery with hook-and-line gear in U.S. Convention waters off Alaska. Gear modifications, seabird avoidance devices, or changes in fishing methods designed to reduce the incidental mortality of seabirds would be required in regulation and would be similar to those approved for the groundfish fisheries that became effective May 29, 1997.

Recent takes of the endangered short-tailed albatross (*Diomedea albatrus)* (two in 1995 and one in 1996) in groundfish hook-and-line fisheries in the BSAI and the GOA highlight a seabird bycatch problem. A short-tailed albatross was taken in the GOA halibut fishery in October, 1987. Effective mitigation measures would reduce the incidental mortality of seabirds during longline fishing by minimizing the seabirds' attraction to fishing vessels and by preventing the seabirds from attempting to seize baited hooks, particularly during the period when the lines are set. The public review draft was mailed to you on May 14, 1997. The alternatives and options are:

Alternative 1: Status quo, no action. Any gear modifications, seabird avoidance devices, or changes in fishing methods intended to reduce the incidental mortality of seabirds would continue to be voluntary.

Alternative 2: Gear modifications, seabird avoidance devices, or changes in fishing methods designed to reduce the incidental mortality of seabirds would be required in regulation. The measures would apply to vessels fishing for Pacific halibut with hook-and-line gear in U.S. Convention waters off Alaska.

1. All applicable hook-and-line fishing operations would be conducted in the following manner:

   a. Use hooks that when baited, sink as soon as they are put in the water. This could be accomplished by the use of weighted groundlines and/or thawed bait.

   b. Any discharge of offal from a vessel must occur in a manner that distracts seabirds, to the extent practicable, from baited hooks while gear is being set or hauled. The discharge site onboard a vessel must either be aft of the hauling station or on the opposite side of the vessel from the hauling station.

   c. Make every reasonable effort to ensure that birds brought aboard alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the bird.

2. All applicable hook-and-line fishing operations would be required to employ one or more of the following seabird avoidance measures:

   a. Set gear between hours of nautical twilight (as specified in regulation) using only the minimum vessel's lights necessary for safety;

   b. Tow a streamer line or lines during deployment of gear to prevent birds from taking hooks;

   c. Tow a buoy, board, stick or other device during deployment of gear at a distance appropriate to prevent birds from taking hooks. Multiple devices may be employed; or

   d. Deploy hooks underwater through a lining tube at a depth sufficient to prevent birds from settling on hooks during deployment of gear.

The required measures to reduce the incidental mortality of seabirds would not be applicable to vessels using hook-and-line gear on:

Option 1: vessels less than 26 ft length overall (LOA) in the Pacific halibut fishery.
Option 2: vessels less than 26 ft LOA in the Pacific halibut fishery and the GOA and BSAI groundfish fisheries. Rulemaking to allow for a small vessel exemption in the groundfish fisheries would be initiated separately.
Option 3: no exemption for small vessels.

In 1996, 2,124 vessels landed halibut from U.S. Convention waters off Alaska. Under Alternative 2, the economic impact on small entities would depend upon the option exercised (small vessel exemption) and the particular measures chosen. A vessel operator would have a choice of several measures. Smaller vessels < 100 ft may find the cost of a lining tube to be prohibitive (approximately $35,000 per vessel). Vessels ≥ 60 ft numbered 189. The other seabird bycatch avoidance devices (bird streamer lines, buoys) ranged from $50-$250 per vessel. In 1996, 328 vessels < 26 ft LOA made halibut landings. Forty-seven vessels < 26 ft LOA were issued 1996 Federal fisheries permits.

AGENCA C-3(a)
JUNE 1997
SUPPLEMENTAL

Petersburg Vessel Owners Association

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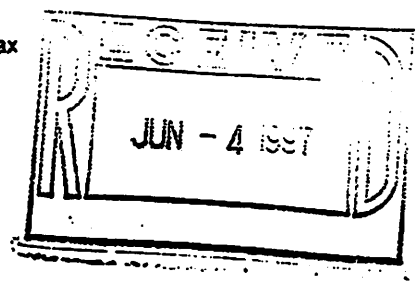
June 4, 1997



Rick Lauber
Chairman
North Pacific Fisheries Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Chairman and Council members:

On behalf of the Petersburg Vessel Owners Association, I would like to provide comments on the proposed regulations to reduce seabird bycatch in the halibut fishery of Alaska.

Small vessel exemption
The Council is considering an option to exempt vessels under 26 feet in length, but vessel length is not the factor determining whether a longline boat catches seabirds. Rather, the vessel's location, the rate at which gear is deployed, how quickly the gear sinks effects bird bycatch more than vessel length. We believe the Council should exempt vessels who operate in inside waters and use snap-on gear. This exemption would be enforceable as it is easy to determine where a boat is located and the type of gear being used. Snap-on longline gear may be defined as a stationary buoyed or anchored line with lures or baited hooks which are attached and removed by hand while gear is being deployed and retrieved.

Most of the species of concern are pelagic, and are only present in the open ocean. For example, the Short-tailed albatross are absent in the inside waters of Southeast Alaska, though Northern Fulmars and Storm Petrels are present. The likelihood of a vessel operating in state waters in Southeast Alaska even encountering an endangered albatross are minimal. Moreover, vessels using snap-on gear are less likely to have a seabird bycatch problem because of the weight of the snaps and the slow speed in which they set their gear. (Using snap-on requires the gangions to be attached manually to the groundline as it is being set, therefore the vessel must set gear slower than when using conventional gear.) The very nature of snap-on gear complies with the most important element of these regulation, the gear sinks as soon as it is put in the water; it does not float on the surface.

We believe exempting a particular gear and area addresses the factors associated with seabird bycatch more accurately than an exemption based solely on vessel length. While the regulation may be more difficult to craft, certainly it is not beyond the abilities of NMFS to develop such an exemption. Also, since area and gear can be

clearly defined in regulation, the exemption will be clear and enforceable.

CCAMLR
The proposed regulations, suggested by industry, were adapted from regulations developed by the Committee for Conservation of Antarctic Marine Living Resources (CCAMLR) to reduce seabird bycatch in the southern latitudes. Since there is a substantial difference between longline fisheries in the southern latitudes and those occurring in Alaska, these regulations were altered accordingly.

Thawed bait v. frozen bait
The proposed regulations require fishermen use hooks that when baited, sink as soon as they are put in the water. CCAMLR regulations provide that only thawed bait be used, but longline fisheries in that part of the world set gear by "casting" bait off the vessel at the end of a 15 ft. long gangion. The gangion length allows baited hooks to remain on the surface until the mainline descends 15 feet and sinks the hooks. In this case, using thawed bait helps baited hooks sink even before being pulled down by the mainline. In contrast, the majority of Alaskan longliners use shorter gangions, approximately 1 ft. long. Therefore, as long as fishermen adequately weight their groundline or use snap-on gear, these hooks are going to sink. While we cannot quantify the buoyancy of frozen bait, we believe it would have a negligible effect on the sinking rate of weighted longline gear.

Using buoy bags, boards etc.
Comments have been made that some of the seabird avoidance measures listed in this section will not be effective in keeping birds away from baited hooks. While these regulations may be new, using bird avoidance devices is not. The options listed in this section represent techniques employed by the fleet for many years because they are effective in keeping seabirds away from gear. We encourage NMFS to maintain the options proposed by industry.

Night-setting
In regard to night-setting, the CCAMLR regulations do require boats to set at night. Many longliners in Alaska already do set gear at night when it is practical and the proposed regulations specify the hours when it would be acceptable to use this option. But, according to these regulations, there would be no nighttime in June and July, so it makes sense to allow other options so fishermen can continue to work during these months.

Safety issues
As our membership discussed these regulations, we noted possible safety concerns with using these devices during severe weather conditions. Some of the concerns raised included getting a streamer or tow line entangled in the vessel's propeller, having streamers or tow lines entangle a deckhand as they attempt to deploy or retrieve the bird avoidance device, and having longline gear not deploy correctly because of tangling with the devices. In severe weather conditions, these entanglements could lead to a serious injury or even loss of the vessel. While we are

not going to request any specific exemptions as a result of these concerns, we do want NMFS to note that using these devices is not without risk to those participating in the fishery.

Thank you for the opportunity to comment.

Sincerely,

Liz Cabrera

Liz Cabrera
Director