

C-3: Seabird Interactions: Final Action

Alternative 3: Revise seabird avoidance measure requirements as follows:

- A.) Eliminate seabird avoidance gear requirements for all hook-and-line vessels fishing in Prince William Sound (NMFS Area 649), the state waters of Cook Inlet, and Southeast Alaska (NMFS Area 659) with the following exceptions in the inside waters areas of SE Alaska where hook-and-line vessels would be subject to the same seabird avoidance gear requirements and standards as when fishing in the EEZ:
- 1.) Area in lower Chatham Strait south of a straight line between Point Harris (latitude 56.17.25 N) and Port Armstrong.
 - 2.) Area in Dixon Entrance defined as ADF&G groundfish statistical areas 325431 and 325401.
 - 3.) Area in Cross Sound west of a straight line from Point Wimbledon extending south through the Inian Islands to Point Lavinia (136.21.17 E).
- B.) Require standards of hook-and-line vessels fishing in the EEZ as follows:
- 1.) Vessels >26 and <=55 LOA with masts, poles, or rigging using snap-on hook-and-line gear are required to deploy one streamer line while setting gear. Specifically, the streamer line must be at least 45 m long and must be maintained with a minimum aerial extent of 20 m.
 - 2.) Vessel >26 and <=55 LOA with masts, poles, or rigging not using snap-on hook-and-line gear (conventional gear) are required to deploy one streamer line while setting gear. Specifically, the streamer line must be at minimum of 90 m long and must be maintained with a minimum aerial extent of 40 m.
 - 3.) Vessels >26 and <=55 LOA without masts, poles, or rigging and not capable of adding poles or davits to accommodate a streamer line (including bowpickers) must tow a buoy in such a way to deter birds from the sinking groundline, without fouling on the gear, while setting hook-and-line gear.
 - 4.) All vessels using hook-and-line gear in the EEZ formerly required to “*use one other device*” are no longer required to use a second seabird avoidance measure (adding weight, deploying a second streamer line or buoy or strategic offal discharge).
 - 5.) Eliminate the Seabird Avoidance Plan (SAP) requirement for all vessels.

- 6.) Weather Safety Standard: Use of seabird avoidance devices would be discretionary for vessels >26' to <=55' LOA when winds exceed 30 knots.

Statement of Council Intent on Performance Standards in Seabird Avoidance Regulations for Vessels <=55' LOA Using Hook-and-Line Gear

The intent of the performance standards is to ensure correct use of the seabird avoidance devices. The Council recognizes that it is likely that variation from the objective performance standards will occur in the normal course of fishing operations. The Council also recognizes that many of the objective performance standards may be measured subjectively by enforcement personnel and observers.

The Council recommends that enforcement personnel and observers work cooperatively with vessel operators to ensure compliance with the performance standards by using education and warnings (to the extent practicable) prior to issuing a citation or an affidavit attesting to non-compliance of performance standards. The Council recommends that enforcement and observers take the following into consideration in evaluation of compliance with performance standards:

- Given the context and setting, it is likely that minor variations from the objective performance standards may not warrant an enforcement action.
- More blatant, intentional, and egregious violations could justify an enforcement action.

These considerations for vessels are to apply to the weather standard rule, the performance standards for airborne streamer distance, and distance off the groundline.

Coordination with the State of Alaska: The Council would request that the State of Alaska Board of Fisheries consider modifying the current state regulations on seabird avoidance requirements to be consistent with the revisions adopted by the Council in this action.

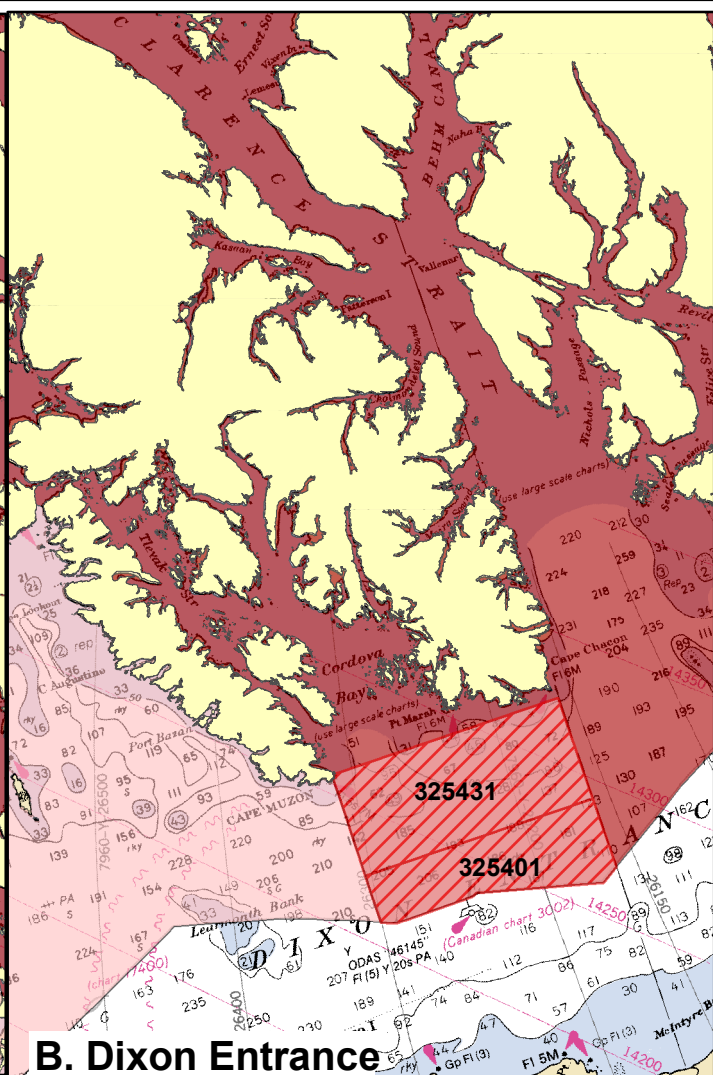
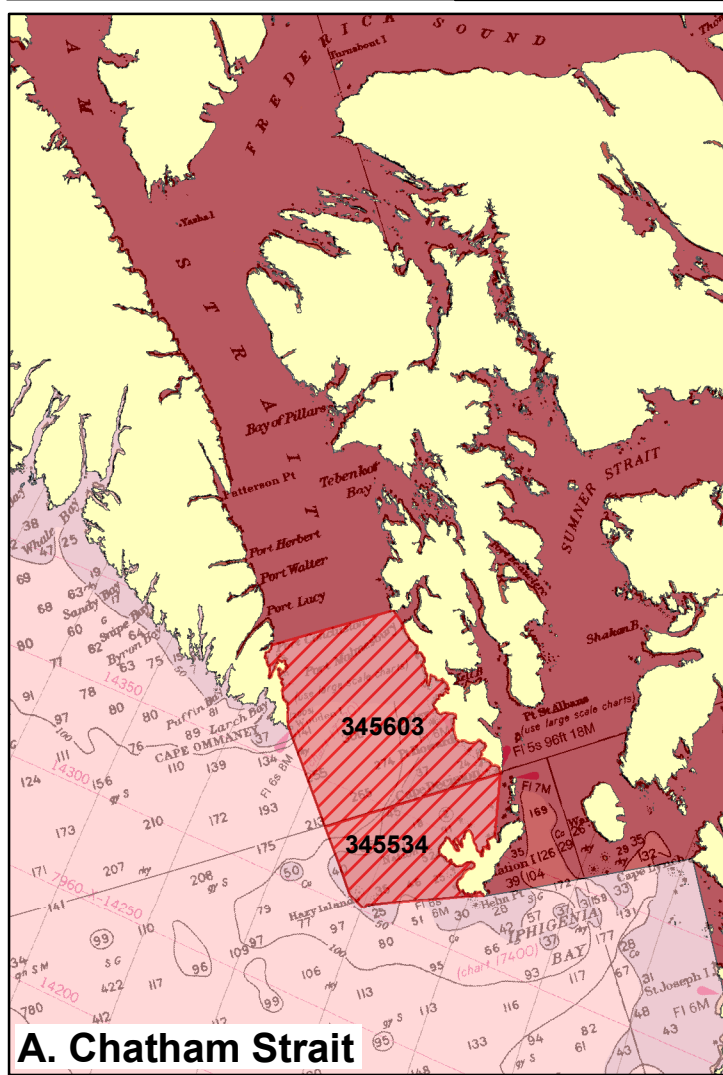
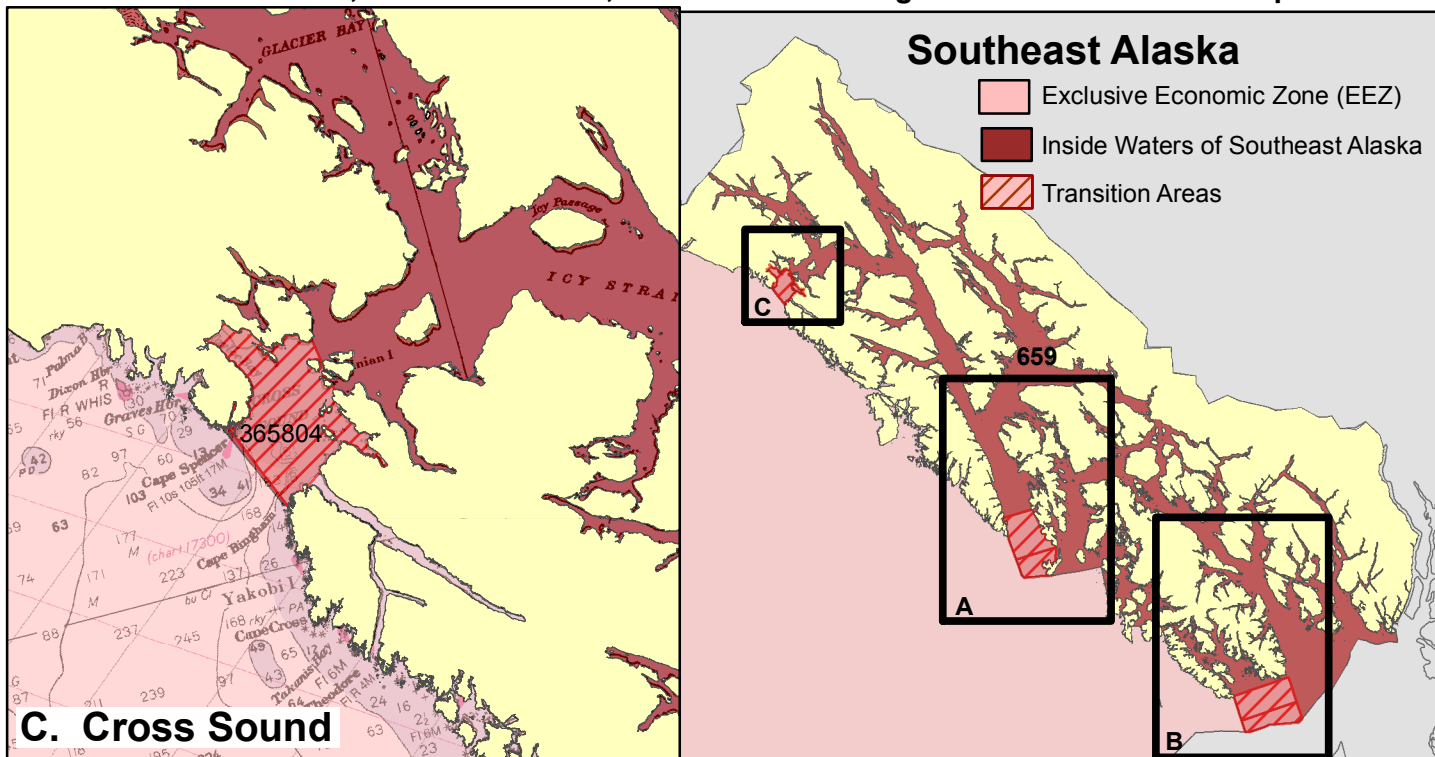
Area 4E: Move the AP motion language

AP motion:

Additionally, the AP recommends the Council identify the removal of seabird avoidance measures in 4E and potential subareas within as a trailing amendment to be reviewed upon staff's spatial analysis (i.e. krieging of satellite telemetry data and incorporation of other pertinent data) for its consideration for use of mitigation measures within 4E to both protect endangered seabirds and reduce restrictions imposed on fishermen where they may not be applicable.

Figure 2. NPFMC Motion (February 2007)

In these transition areas, as in EEZ waters, seabird avoidance gear and standards are required.



In Chatham Strait, the transition area is defined as all waters inside ADF&G groundfish statistical areas 345603 and 345534 south of straight line between Point Harris (latitude 56.17.25 N) and Port Armstrong.

In Cross Sound, the transition area is defined as all waters inside ADF&G groundfish statistical areas 365804 west of a straight line from Point Wimbledon extending south through the Inian Islands to Point Lavinia (136.21.17 E).