

CHANGES TO ROUTINE MANAGEMENT MEASURES FOR 2007-2008 SEASON

Section 8.3.2 in the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) describes the biennial management cycle (excerpted as Agenda Item E.1.a, Attachment 1). A biennial cycle is described with decision making occurring at the June, September, and November Council meetings to establish or adjust harvest specifications for a 2-year period beginning on April 1 of the following year—the start of the next fishing year.

The HMS FMP was partially approved by National Marine Fisheries Service (NMFS) on February 4, 2004, and all implementing regulations, including monitoring and reporting requirements, became effective in the first half of 2005. The Council did not consider management actions for HMS fisheries in 2004 or 2005 as part of the management cycle described in the FMP. Therefore, 2006 represents the initiation of the first management cycle under the framework, with any adjustments to management measures applicable from April 1, 2007, to March 31, 2009. According to the FMP (see Agenda Item E.1.a, Attachment 1) at the June Council meeting, the Highly Migratory Species Management Team (HMSMT) provides an update to the Council on the status of HMS fisheries along with a preliminary stock assessment and fishery evaluation (SAFE) report. The HMSMT met May 8–9, 2006, in San Diego, California, and considered possible regulatory changes that could be implemented through the biennial cycle. Their report (Agenda Item E.1.b, HMSMT Report) describes these proposed regulatory changes. At their meeting, the HMSMT also reviewed the 2005 HMS SAFE document and discussed additions and changes to the information provided in the report. An outline of the proposed 2006 HMS SAFE is attached (Agenda Item E.1.a, Attachment 2).

At this meeting, the Council will review the regulatory changes proposed by the HMSMT and determine which changes should be considered further. The Council also has the option of identifying other, additional management measures to be implemented during the 2007–2008 biennium. According to the FMP, the Council then directs the HMSMT to prepare a draft regulatory analysis for the measures identified by the Council. This analysis will support Council decision making at the September meeting—when the Council adopts proposed actions for public review—and the November meeting—when the Council takes final action.

Council Task:

Select preliminary proposals for adjustment of management measures for further analysis by the HMSMT.

Reference Materials:

1. Agenda Item E.1.a, Attachment 1: Section 8.2 excerpted from the HMS FMP.
2. Agenda Item E.1.a, Attachment 2: SAFE Outline.
3. Agenda Item E.1.b, HMSMT Report.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. HMSMT Recommendations Michele Culver/Dale Squires
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion and Guidance on Selection of Preliminary Proposals for Further Consideration

PFMC
05/18/06

Excerpt from the the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP)

8.3.5 Management Cycle

The management cycle is a pre-determined regular schedule for council management actions with respect to HMS fisheries. Cycle differences affect the time available for fishery assessments, the timeliness of available data and of management response, and the degree to which fishers can participate in the management process.

Future developments in the fisheries do not ordinarily bring need for change in the management cycle schedule, and the management cycle is thus a fixed element of the FMP. However, should there be need to change the management schedule, e.g., because of marked changes in fishery practices, the Council can do so by vote and without a plan amendment, provided the Council gives six-month notice.

The FMP establishes a *biennial* management cycle with regulatory/statistical year *April 1 to March 31*. The schedule would be as follows:

Year 1	June	Provide update to the Council on status of the HMS fisheries; preliminary SAFE report. If necessary, Council directs HMSMT to prepare draft regulatory analysis to implement harvest levels and/or management measures.
	September	Annual SAFE document presented to Council. If necessary, Council directs HMSMT to prepare a draft regulatory analysis to implement new harvest levels and/or management measures. Council adopts for public review proposed actions addressing concerns from current and previous SAFE reports.
	November	Council adopts final action and submits to NMFS for approval.
Year 2	April	Measures become effective, and stay in effect for at least two years.

Rationale: Allows at least minimally sufficient time for data analysis, provides for timely response to fishery problems, and allows most fishers adequate access to the management process, as scheduled.

The cycle is repeated biennially, with new actions considered in September and becoming effective in April every other year. The Council would schedule HMS for the June, September, and November Council meetings.

Under this biennial cycle (or any cycle), the HMS management team would still conduct ongoing reviews of the fisheries and status of stocks and prepare an annual SAFE document for the Council. The Council would still have to prepare a stock rebuilding plan within one year of notification by the Secretary of Commerce that a stock has been declared overfished, as called for under the Magnuson-Stevens Act (*SEC. 8.2*).

2006 HMS Safe Report Outline

5/26/06

Note: Items in bold italics are pending further clarification

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Note: Items in bold italics are pending further clarification

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California CPFV fleet HMS catches by species caught in Mexico waters.

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General model of MSY and OY Control Rules, from Restrepo et al. 1998.

Appendices

- A. ***The 2005 U.S. North Pacific Albacore Troll Fishery (document prepared for the U.S.-Canada Bi-lateral Albacore Tuna Treaty Annual Consultations and Negotiations, April 24-25, 2006, Vancouver, B.C., Canada)***
- B. ***The 2005 Canadian North Pacific Albacore Troll Fishery (document prepared for the Canada-U.S. Albacore Tuna Treaty Annual Consultation, Vancouver, British Columbia, April 24-25, 2006)***

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON CHANGES TO ROUTINE MANAGEMENT MEASURES FOR THE 2007-2008 SEASON

The Highly Migratory Species Management Team (HMSMT) identified the following management issues that could be addressed for the 2007-08 fishing year. Our understanding of the process is that the Council would select which of these issues it would like the HMSMT to address. The HMSMT would then develop management measure alternatives and present those to the Council at the September meeting. The Council would then consider approving those alternatives for public review, with final action scheduled for November. If approved, the regulations implementing these changes would be effective beginning April 1, 2007 through March 31, 2009 (minimum of two years), or until changed.

Administrative – Vessel Marking Requirements

The current highly migratory species (HMS) regulations require all commercial vessels, including charter vessels, to display their official numbers on the port and starboard sides of the deckhouse or hull in numerals at least 10 inches in height for vessels 25-65 feet in length, and 18 inches in height for vessels longer than 65 feet. In addition, the regulation requires the display of the official number on a visible weather deck surface for identification by aerial surveillance, and many of the smaller commercial albacore troll and charter recreational vessels are currently out of compliance with the vessel marking requirements as written. The Council received testimony from commercial passenger fishing vessel representatives that meeting this requirement would detract from the beauty of some of the charter vessels (Note: Mr. Alverson referred to similar measures in Alaska as the “uglification” of the fleet) and the National Marine Fisheries Service (NMFS) received a letter from Mr. Bob Fletcher requesting relief for the Southern California commercial passenger fishing vessel (charter boat) CPFV fleet in meeting these requirements. The HMSMT believes that, when this regulation was developed, the intent was to place this requirement on commercial HMS vessels, but that charter vessels would be exempt. Therefore, the regulatory change to address this issue could be considered a housekeeping measure.

Drift Gillnet Fishery Regulations

Two drift gillnet fishery issues have been brought to the HMSMT’s attention: 1) changing the northern boundary of the leatherback turtle closed area off Oregon; and 2) considering whether to have consistent drift gillnet gear regulations within the Exclusive Economic Zone (EEZ) and on the high seas.

With regard to the first issue, the current leatherback turtle closed area extends from Pt. Conception north to 45° N. latitude, which is off central Oregon. At the March Council meeting, to primarily assist with enforcement of the closed area, the Oregon Department of Fish and Wildlife (ODFW) requested that the HMSMT explore alternatives that would move the line further north to the Oregon/Washington border (46°16’ N. latitude) or south to the Oregon/California border (42° N. latitude). (Note: There is already a drift gillnet closure that extends from the Oregon/Washington border north to the U.S./Canada border.)

Moving the line further north could provide additional protection for leatherback turtles and reduce bycatch, but could potentially affect one fisherman who has fished this area in the past. If the Council would like to move forward on this, the HMSMT would develop alternatives and a

draft analysis to present to the Council in September. The HMSMT would appreciate guidance from Oregon relative to the scope of the alternatives (e.g., would the closure be in place only during the current closed period, or year-round, or some other period of time?).

Mr. Peter Flournoy raised the second issue at the HMSMT's May meeting. The high seas drift gillnet gear requirements, which are described in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), specify a maximum length of 8,202 feet, whereas the federal and California state HMS regulations specify a maximum length of 6,000 feet for drift gillnets fished within the EEZ. Three vessels were recently charged with violating the California state HMS regulations as they had 8,000+ feet of drift gillnet gear onboard (as those vessels fish both inside and outside the EEZ). For purposes of consistency, Mr. Flournoy is requesting that the federal and state regulations be changed to reflect the MSA requirements.

The HMSMT briefly discussed this issue and notes that the differences in gear requirements have been in effect for about 20 years; therefore, we are unsure as to why this has recently become an issue. The HMSMT is also concerned that changing the gear requirements may affect the usefulness of the drift gillnet observer data that has been collected to date, as those trips would have occurred when the more restrictive gear was in effect. With this regulatory change, NMFS Protected Resources would have to consider the effects of possibly increasing the amount of net in the water by 33%, depending upon how many vessels may switch gears. Changing the net size would affect the catch-per-unit of effort that is currently being used to estimate takes of listed species in the drift gillnet fishery. If a number of fishermen decide to change gear it could trigger a re-initiation of consultation since the proposed action would have changed, so the impacts on listed species may be greater than what was analyzed in existing biological opinions.

Unlike the other regulatory proposals, this issue would likely take a considerable amount of time to address, as there are a few options that could be explored in addition to Mr. Flournoy's proposal. The HMSMT is also unsure of whether changes to the California state regulations would require legislature action.

State Recreational Bag Limits

The HMSMT reviewed the current state regulations for bag limits for albacore tuna. Oregon has a bag limit of 25 albacore currently in effect and Jean McCrae, ODFW, presented a bag limit analysis to the HMSMT in May. The results of the analysis indicate that, while the limit is 25, most Oregon anglers, on average, retain less than 10 albacore each. Therefore, reducing the bag limit in Oregon would appear to have little effect, and Ms. McCrae indicated that ODFW currently has no plans to make any changes in their bag limit. Neither Washington nor California currently has an albacore bag limit, but both states are exploring this for the 2007 season. The amounts briefly discussed were in the range of 10-15 albacore per angler. It is anticipated that these states would go through their respective fish and wildlife commission processes and, if bag limits were adopted, the federal regulations would be changed to conform to the states' regulations.

Recreational Harvest of Thresher Shark in Southern California

The issue of perceived increases in catch and effort for common thresher shark taken in the Southern California private recreational fishery was brought to the HMSMT's attention. The California Department of Fish and Game representative stated that the new California Recreational Fishing Survey (CRFS) is not able to fully access the level of catch and effort in

this fishery as many of the vessels that fish thresher shark are berthed in private marinas where samplers traditionally have had lack of access for sampling. The HMSMT discussed the need to collect the needed information on this fishery in order to analyze the data and craft appropriate conservation measures, if needed, for Council consideration. The HMSMT notes that the drift gillnet fishery was moved out to 75 miles during the thresher shark breeding and pupping season to provide protection during this critical period. The private recreational fishery, however, has no such regulation providing similar protection. Given the lack of data, the HMSMT is unable to discern whether or not similar protection is warranted at this time, but it was generally agreed that additional HMSMT deliberation on this matter is needed.

HMSMT Recommendation:

1. Provide guidance on which of the following management issues the HMSMT should address for the 2007-08 HMS fishing year. The HMSMT would then develop alternatives and analysis, and present a draft Environmental Assessment to the Council for consideration in September.
 - a. Vessel Marking Requirements
 - b. Drift Gillnet Turtle Closure Northern Boundary
 - c. Drift Gillnet Gear Requirements
 - d. Recreational Bag Limits for Washington and California
 - e. Recreational Thresher Shark Harvest in Southern California

PFMC
05/25/06