

CHANGES TO ROUTINE MANAGEMENT MEASURES

Section 8.3.2 in the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) describes a biennial management cycle 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.

Based on recommendations from the HMS Management Team (HMSMT) and HMS Advisory Subpanel (HMSAS), at the June 2006 meeting the Council approved three possible regulatory changes for further consideration and directed the HMSMT to develop a range alternatives for each. These are: (1) change of vessel marking requirements applicable to recreational charter boats, (2) change the drift gillnet time/area closure off the Oregon coast, and (3) recreational fishery bag limits for albacore and bluefin tuna. The HMSMT met August 8–9, 2006, in La Jolla, California, and developed a range of alternatives for each of these potential regulatory changes, which are contained in Agenda Item E.1.b, HMSMT Report.

At this meeting, the Council task is to review the recommended range of alternatives, provide guidance and further refinements or analysis, and approve alternatives for public review. The Council is scheduled to take final action at the November 2006 meeting by choosing a preferred alternative for each of the three proposed regulatory changes. NMFS will then initiate the rulemaking process necessary to implement any regulations by April 1, 2007.

Council Task:

Adopt a Range of Alternatives for Proposed Changes to 2007-2008 Routine Management Measures for Public Review.

Reference Materials:

1. Agenda Item E.1.b, HMSMT Report.
2. Agenda Item E.1.c, WDFW Report

Agenda Order:

- a. Agenda Item Overview
 - b. Report of the Highly Migratory Species Management Team
 - c. Agency Comments
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comment
 - f. **Council Action:** Adopt Proposed Changes to 2007-2008 Routine Management Measures for Public Review
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08/22/06

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON CHANGES TO ROUTINE MANAGEMENT MEASURES

At the June meeting, the Council identified the following management issues to be addressed for the 2007-08 biennial management cycle. At its meeting on August 8-9, the Highly Migratory Species Management Team (HMSMT) developed management measure alternatives for those issues, which are presented in this report. In all cases, Alternative 1 (No Action) would represent status quo regulations. At this meeting, the Council would consider approving these 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.

Routine Management Measure Alternatives

Vessel Marking Requirements

The current 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, and on an appropriate weather deck (horizontal or flat surface) so as to be visible from enforcement vessels and aircraft. The official numerals must be 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 June, the Council requested the HMSMT develop alternatives to exempt charter vessels from this marking requirement, and the HMSMT came up with the following alternatives:

1. No Action (status quo) – All commercial vessels, including charter vessels, would have to adhere to the current HMS vessel marking requirements.

Discussion: The current regulation as described above would remain in place. Most of the West Coast commercial passenger and charter vessels are currently out of compliance with the vessel marking requirements as written.

2. Provide a specific exemption for commercial passenger and recreational charter fishing vessels to the HMS vessel marking requirements.

Discussion: The current regulatory language originated from the West Coast Groundfish Fishery Management Plan (FMP); however, the Groundfish FMP specifically excludes commercial passenger and charter vessels. When this regulation was developed for HMS, the intent was to place this requirement on commercial HMS vessels, but to exempt charter vessels; this alternative is consistent with that approach.

3. Do not require commercial passenger and charter vessels to display official number on port and starboard sides of deckhouse or hull, but maintain requirement to display official number on appropriate weather deck so as to be visible from enforcement vessels and aircraft.

Discussion: This alternative would exempt charter vessels from displaying numbers on the port and starboard sides of the vessel, but would still require charter vessels to display their official number on a weather deck.

4. Do not require commercial passenger and charter vessels to display official number on port and starboard sides of deckhouse or hull, but all charter vessels that are certified by the U.S. Coast Guard would be required to display the official number on the appropriate weather deck.

Discussion: This alternative would exempt charter vessels from displaying numbers on the port and starboard sides of the vessel and would exempt smaller vessels carrying less than 7 passengers that are exempt from U.S. Coast Guard inspection. All charter vessels that are certified by the U.S. Coast Guard would still have to display their official number on a weather deck.

Drift Gillnet Fishery Regulations

The current leatherback turtle closure for the drift gillnet fishery was implemented beginning in 2000; it extends from Pt. Conception north to 45° N. latitude, which is off central Oregon, and applies from August 15 through November 15 and was developed to avoid a jeopardy finding on the then California/Oregon state drift gillnet (DGN) fishery. The Oregon Department of Fish and Wildlife (ODFW) is authorized to issue up to ten Developmental Fishery permits per year to harvest and land swordfish and thresher shark caught with drift gillnet gear off Oregon. Since 2004, only one permit has been issued and no fishing occurred in 2005. However, under current regulations, vessels from California may fish off Oregon (without an ODFW Developmental Fishery permit) and return to California; a few vessels have done this in recent years—four of them fishing south of 45° N. latitude, and one fishing north. In June, the Council requested that the HMSMT explore alternatives to change the northern boundary of the leatherback turtle closed area, and the HMSMT developed the following alternatives:

1. No Action (status quo) – The extent of the current leatherback turtle closure would remain in place and, within the area between 45° N. latitude and the Oregon/Washington border, the drift gillnet fishery would remain open year-round.

Discussion: The current regulations described above would remain in place. ODFW has expressed concern about potential bycatch of protected species, especially leatherback sea turtles, in the area. As noted above, only one Oregon-permitted vessel has fished in this area in recent years, but the opportunity for increased effort is there. The one Oregon vessel that has fished this area is “unobservable”; therefore, there is no way to monitor its bycatch. In addition, one California-permitted vessel has fished in the area.

2. Extend the leatherback turtle closure boundary from 45° N. latitude to the Oregon/Washington border during the August 15-November 15 period.

Discussion: Washington and Oregon had an experimental drift gillnet fishery in 1986-88 that targeted thresher shark; this fishery was closed off Washington waters because of bycatch concerns of marine mammals and sea turtles. At the time that the

drift gillnet leatherback turtle Biological Opinion (BiOp) was written, the National Marine Fisheries Service (NMFS) used bycatch and protected species data from the federal observer program to develop the leatherback closure, but not from the states' experimental fishery. The effect of extending the closure northward is unknown—on one hand, the closure extension may be beneficial from a bycatch-reduction viewpoint, but, on the other hand, there are only two vessels that have fished here in recent years, so the amount of bycatch is expected to be minor, although without observer coverage there is no way to determine this. If the closure is extended, and the DGN exempted fishing permit (EFP) is approved by NMFS, then any vessels fishing this area would be required to have 100% observer coverage. If the area is extended and the EFP is not approved by NMFS, concerns about bycatch would be abated since fishing would be prohibited August 15 through November 15.

3. Prohibit the use of drift gillnet gear north of 45° N. latitude year-round

Discussion: While the bycatch data from the Washington/Oregon drift gillnet experimental fishery was not used in the NMFS BiOp, it was analyzed by the HMSMT and presented to the Council in the HMS FMP. At the time the HMS FMP was considered (2003), the Council also considered this alternative (Chap. 8, Section 8.5.1, Alternative 7, p. 30), but chose to adopt the status quo regulations. Since the leatherback turtle closure was implemented, there have not been any leatherback turtles observed or reported taken in the drift gillnet fishery in this northern area; therefore, there is no new fishery data or information to consider for this alternative that was not available in 2003.

State Recreational Limits for Tuna

In June, the Council requested the HMSMT develop alternatives for state recreational limits for tuna for California and Washington. Washington does not have a recreational limit for albacore (the primary HMS target species) and California's HMS bag limits are listed in Table 1. The intent is to use the Council's public process and, if state recreational bag limits were adopted for federal waters (3-200 nm), then the states would consider moving forward with amendments to current regulations that apply to state jurisdictional waters (0-3 nm), to ensure consistency between federal and state regulations.

General Discussion: There is some question as to whether state recreational limits for albacore are needed, given the overall annual catches in the recreational fisheries, as compared to the coastwide and pan-Pacific albacore landings. In recent years (2000-2005), California's recreational albacore harvest averaged about 59,000 fish (about 1,000 mt), which is 7% of the U.S. total albacore harvest, and Washington's recreational albacore harvest is about 12,000 fish (about 122 mt), which is 0.8% of the U.S. total albacore harvest. From a pan-Pacific perspective, these recreational landings represent about 1% (California is 0.9% and Washington is 0.05%) of the total albacore harvest. On the other hand, implementing a recreational albacore trip limit could be viewed as a step in support of the Inter-American Tropical Tuna Commission's albacore resolution and the U.S. commitment to not increase its current effort level on albacore.

Table 1. Current California daily and possession limits for highly migratory management unit species. Albacore and bluefin tuna shown in bold font are under consideration for bag limits.

No limit	1-fish	2-fish	10-fish
Albacore tuna Bluefin tuna Skipjack tuna	Striped marlin	Swordfish Blue shark Thresher sharks Mako shark	Bigeye tuna Yellowfin tuna Dorado

California Recreational Daily-Bag-Limit Alternatives

Albacore

1. No Action (status quo) – There would be no bag limit for albacore.
2. A statewide bag limit of 25 albacore per angler per day may be taken or possessed.

Discussion: This measure would provide consistency with Oregon’s daily limit. However, a preliminary bag limit analysis indicates that, since 1997, only one angler has returned with more than 25 albacore in possession, with 37 fish; therefore, a bag limit of 25 albacore would likely accommodate current fishing practices (Attachment 1, Table 2 and Figure 1).

3. An albacore bag limit of 25 fish per angler per day may be taken or possessed north of Pt. Arena (39° N. latitude) (Attachment 1, Figure 2); an albacore bag limit of 10 fish per angler per day may be taken or possessed in waters between Pt. Arena and the U.S./Mexico border.

Discussion: This alternative would have differential bag limits north and south of Pt. Arena. The limit amounts, by area, are consistent with the public comments received by the California Department of Fish and Game. Pt. Arena also represents a good geographical break-point for regulatory differences—anglers would have to transit quite a distance to fish in one area and land in another. However, the intent would be to regulate the areas separately, rather than on a “port of landing” basis; therefore, anglers fishing south of Pt. Arena could not have more than 10 albacore in possession, even if they landed north of Pt. Arena. A preliminary bag analysis indicates most anglers catch less than 10 albacore per day (Attachment 1, Table 2 and Figure 2); however, reducing the catch from a no bag limit to a 10 fish limit may affect about 2% of the anglers.

4. An albacore bag limit of 25 fish per angler per day may be taken or possessed north of Pt. Arena (39° N. latitude); an albacore bag limit of 10 fish per angler per day may be taken or possessed in waters between Pt. Arena and Pt. Conception (34°27’ N. latitude); and an albacore bag limit of 5 fish per angler per day may be taken or possessed in waters between Pt. Conception and the U.S./Mexico border (Attachment 1, Figure 2). A preliminary bag analysis indicates reducing the catch from a no bag limit to a 5 fish bag limit may affect about 10% of the anglers.

Discussion: This alternative is similar to Alternative 3, but reduces the bag limit further south of Pt. Conception to five albacore, which is consistent with the Mexican albacore bag limit. The HMSMT did not analyze the effect of the different bag limits by area in terms of catch reduction.

The HMSMT notes that for Alternatives 3 and 4, a management line at Pt. Arena would need to be specified in the HMS federal regulations.

In conjunction with any of these bag limit alternatives for albacore, the Council could also select one of the following alternatives for bluefin tuna:

Bluefin

1. No Action (status quo) – There would be no bag limit for bluefin tuna.
2. A statewide bag limit of 10 bluefin per angler per day; the possession limit would be equal to one daily-bag-limit.

Discussion: A preliminary bag limit analysis indicates that California anglers are currently retaining five or less bluefin tuna per day (Attachment 1, Table 3 and Figure 3); therefore, this alternative is expected to accommodate current fishing practices.

Washington Recreational Limit Alternatives

The majority (90% +) of the albacore landed into Washington are caught on charter trips. Some charter vessels take “day trips,” because of the size of their vessel and the preference of their customers, while other vessels take longer trips (from 1 ½ days to 2 ½ days). On multiple-day trips, with a daily-bag-limit, anglers would have to stop fishing when the daily limit was reached (and may not have the opportunity to catch fish the following day), or may not catch a daily limit the first day, but would be limited to a daily limit on the second day. If an albacore limit is adopted, having it apply on a per trip basis (rather than a daily basis) would be easier to manage, comply with, and enforce.

1. No Action (status quo) – There would be no limit for albacore tuna.
2. An albacore limit of 25 fish per angler on a per trip basis; the possession limit would be equal to one trip limit. It would be unlawful for anglers to fish for, retain, possess, or land albacore tuna in excess of the specified trip limit.

Discussion: While Alternative 2 will affect some Washington anglers who have retained albacore in excess of the proposed limits, the average amount of albacore kept per angler is about half of the proposed limit amounts. This raises the concern that, in some cases, limits could represent “targets.” While some anglers may be satisfied with 15 albacore under the current “unlimited” fishery, implementing a limit of 25 fish may actually increase catch. A preliminary trip limit analysis indicates that this would affect 2.7% of Washington albacore anglers, all of which occurred on charter trips.

3. An albacore limit of 20 fish per angler on a per trip basis; the possession limit would be equal to one trip limit. It would be unlawful for anglers to fish for, retain, possess, or land albacore tuna in excess of the specified trip limit.

Discussion: Based on the 2005 charter albacore logbook data, the average amount of albacore retained on a charter trip is 12 fish per angler; however, some individual anglers have retained up to 35-50 fish per trip. A preliminary trip limit analysis indicates that this would affect 6% of Washington albacore anglers, all of which occurred on charter trips.

The Washington Department of Fish and Wildlife (WDFW) also considered trip limits of 10 or 15 albacore per angler. Preliminary analyses indicate that a trip limit of 15 fish would affect about 13% of Washington's albacore anglers and a limit of 10 fish would affect over 28% of tuna anglers. As the intent of a trip limit at this point is to accommodate current levels, rather than to implement a catch reduction measure, WDFW believes that limits of 15 or 10 fish would be too restrictive and are unnecessary at this time.

Management Measure Process and Documents

At the HMSMT's meeting in August, there was some discussion about the various National Environmental Policy Act (NEPA) documents, and subsequent analysis, that would be required to be completed for the different proposed management measure actions. It is the HMSMT's understanding that a 'categorical exclusion' could be approved for the proposed changes to the vessel marking requirements, as this could be viewed as a housekeeping-type measure. However, an Environmental Assessment (EA) would be required for the other proposed measures and the HMSMT proposes that two separate EA documents be completed, as the analysis and process to change the drift gillnet measures may be more complicated and time-consuming than the analyses for the recreational tuna limits. The drift gillnet alternatives will likely have implications for protected species, which could place additional workload demands on limited staff resources, whereas the recreational alternatives will primarily be analyzed by state HMSMT members.

Other Management Issues

Recreational Harvest of Thresher Shark in Southern California

In May, the issue of common thresher shark being taken in the Southern California private recreational fishery during the breeding and pupping season was brought to the HMSMT's attention; in June, the HMSMT forwarded this issue to the Council and indicated that we would provide an update in September. It is the HMSMT's understanding that the United Anglers of Southern California have proposed a reduced daily-bag-limit (from two fish to one fish) for thresher shark to the California Fish and Game Commission to address this issue. However, 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, whereas this restriction does not apply to the recreational fishery. Therefore, a bag limit reduction may not adequately address the situation (especially if anglers are currently only retaining one thresher shark).

As mentioned previously, the new California Recreational Fishing Survey (CRFS) is not able to fully access the level of catch and effort in the private recreational fishery as many of the vessels that fish thresher shark are berthed in private marinas, which samplers traditionally have not been able to access for sampling. The HMSMT discussed the need to collect information on this fishery in order to analyze the data and craft appropriate conservation measures, if needed, for Council consideration. It is our understanding that the California Department of Fish and Game (CDFG) is exploring methods to obtain additional data, such as a private boat logbook, and CDFG staff has tried to be out on the water to intercept private boaters before they reach private marinas. However, it may be some time before sufficient data is collected to form the basis for action.

There are a couple of Sea Grant proposals that are in the final round of review. One proposal is to provide angling clubs with carbon copy landing forms for documenting the catch and biological data on thresher and mako sharks. A copy of the form would be sent to an independent researcher for analysis and a web-based system would be used for angler reporting, which could potentially be used to enhance the CRFS program. The other proposal is collaborative research with Mexican biologists to identify fisheries targeting sharks and evaluate data about catches of sharks off northern Baja. The HMSMT plans to follow this issue and will update the Council accordingly.

HMSMT Recommendation:

1. Consider approving a suite of alternatives for public review that address the following management issues. The HMSMT would then develop draft analyses of the alternatives and present draft Environmental Assessment(s), as needed, to the Council for final adoption in November.
 - a. Vessel Marking Requirements
 - b. Drift Gillnet Turtle Closure Northern Boundary
 - c. Recreational Limits for California and Washington

**HMSMT Report
Attachment 1
California Recreational Bag Limits Analysis**

Table 2. Frequency of albacore in bag sizes from 1 to 25 fish for California’s recreational fishery from 1997 to 2003.

Bag Size¹	Bag Frequency (percent)	Cumulative Frequency (percent)
1	37	37
2	20	57
3	14	71
4	10	81
5	9	90
6	3	92
7	2	95
8	2	96
9	1	97
10	1	99
11	1	99
12	< 1	99
13	< 1	99
14	< 1	99
15	< 1	99
16	< 1	99
17	< 1	99
18	< 1	99
19	< 1	99
20	< 1	99
21	< 1	99
22	< 1	99
23	< 1	99
24	< 1	99
25	< 1	100

Data Source for Table 2 and Figure 1: RecFIN, bag frequency data, extracted August 3, 2006.

Summary for albacore caught in California by recreational anglers, in all marine areas, and all boat based fishing modes from January 1997 through December 2003. The types A+B1 catch data weighted by trip and catch estimates:

Found 3502 interviews targeting on selected species.

Found 480 type B1 catch (reported dead by angler) records with selected species.

Found 4191 type A (observed by sampler) catch records with selected species.

Additional information:

¹- one bag of 37 fish was reported but not shown in table 2.

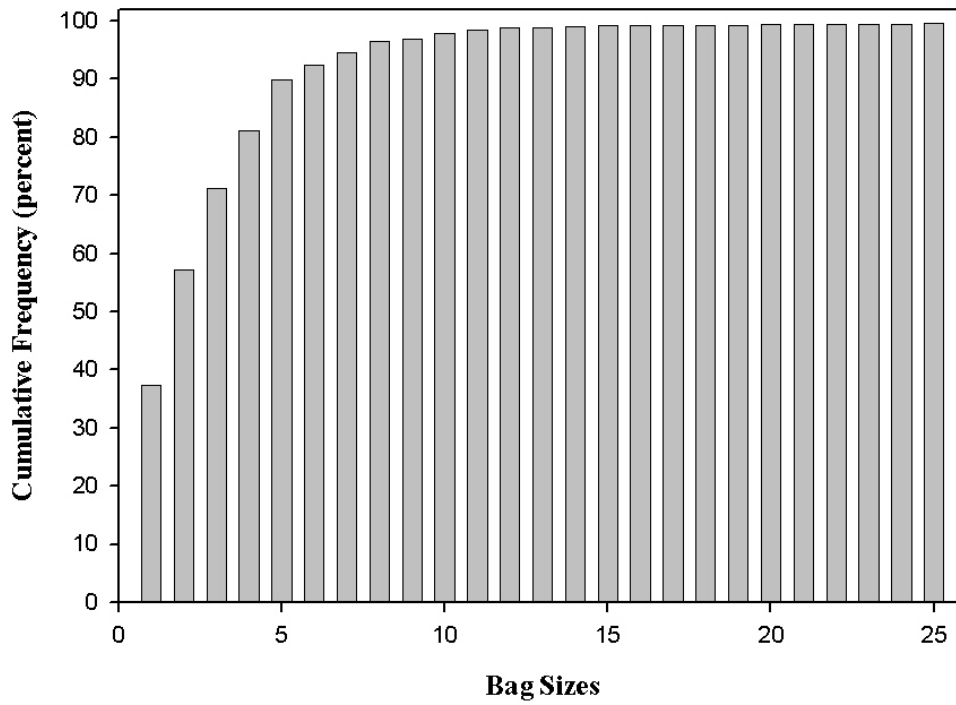


Figure 1. Cumulative percent frequency of albacore in bag sizes from 1 to 25 fish for California’s recreational fishery from 1997 to 2003.



Figure 2. Proposed management lines for California bag limit alternatives 3 and 4.

Table 3. Frequency of bluefin tuna in bag sizes from 1 to 25 fish for California’s recreational fishery from 1998 to 2002.

Bag Size¹	Frequency (percent)	Cumulative Frequency (percent)
1	70	70
2	22	92
3	5	97
4	2	99
5	<1	100
6	0	100
7	0	100
8	0	100
9	0	100
10	0	100

Data Source for Table 3 and Figure 2: RecFIN, bag frequency data, extracted August 3, 2006

Summary for bluefin tuna caught in California by recreational anglers, in all marine areas, and all boat based fishing modes from January 1998 through December 2002. The type A+B1 catch data weighted by trip and catch estimates:

Found 87 interviews targeting on selected species.

Found 17 type B1 (reported dead by angler) catch records with selected species.

Found 258 type A (observed by sampler) catch records with selected species.

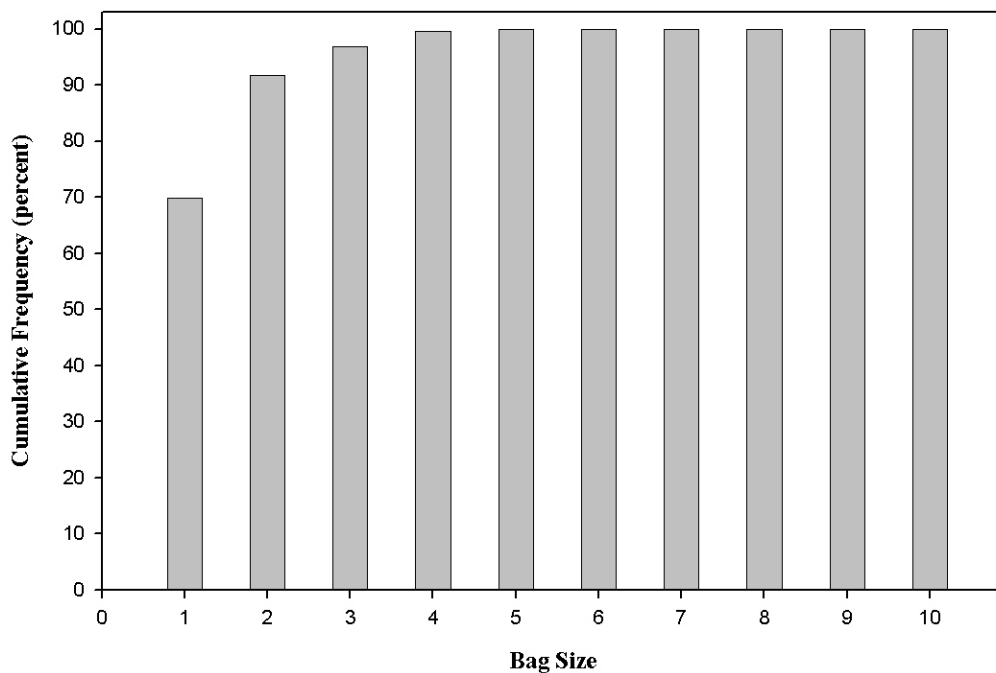


Figure 3. Cumulative frequency of occurrence for bluefin tuna in bag sizes from 1 to 10 fish for California’s recreational fishery.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON CHANGES TO ROUTINE MANAGEMENT MEASURES

The Washington Department of Fish and Wildlife (WDFW) has been exploring management alternatives for its recreational albacore fishery that would meet the intent of the Inter-American Tropical Tuna Commission's (IATTC) resolution to not increase current effort in the albacore tuna fishery. WDFW has met with charter boat industry members to discuss different alternatives to limit further expansion of the recreational albacore tuna fishery. There was a considerable amount of discussion as to whether a bag limit or trip limit was needed for Washington's recreational fishery and, if so, what the appropriate amount would be. Washington's recreational albacore harvest ranges from 6,000 to 12,000 fish annually; the amount of albacore effort primarily depends on the availability of albacore (i.e., how close the schools are to shore and how long they stay in the area) as well as fishing opportunities for other species. The vast majority (over 90%) of Washington's recreational albacore catch occurs on charter boats. Washington's annual recreational harvest amount represents about 0.3-0.8% of the U.S. total albacore harvest, and about 0.05% of the pan-Pacific harvest—essentially a “drop in the bucket” relative to the overall amount of albacore being harvested on the West Coast and Pacific-wide.

WDFW's preliminary bag limit analysis indicates that a trip limit of 25 albacore per angler could affect about 2.7% of Washington's albacore anglers. A bag limit or trip limit for a recreational fishery that harvests a significant amount of albacore may be a valid approach toward implementing the intent of the Resolution; however, as noted above, Washington's recreational albacore harvest represents a small portion of the total catch. Therefore, given the low amount of harvest in our fishery and the fact that the most liberal alternative could result in a catch reduction, WDFW does not support an albacore bag or trip limit for Washington's recreational fishery as a means of capping our current effort at this time.

Instead, WDFW will be working with the Westport and Ilwaco Charterboat Associations to pursue legislation, which would place a moratorium on the issuance of new non-salmon charter licenses. Currently, WDFW has a limit on the number of salmon charter licenses issued annually, and a non-salmon charter license is all that is required to fish for albacore. WDFW believes that placing a moratorium on non-salmon charter licenses would satisfy the intent of the IATTC Albacore Resolution relative to Washington's recreational fishery. WDFW will keep the Council informed as we progress through the next state legislative session.