

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON EXEMPTED FISHING PERMITS

The Highly Migratory Species Management Team (HMSMT), in consultation with the Highly Migratory Species Advisory Subpanel (HMSAS), developed the following draft alternatives for the proposed pelagic longline exempted fishing permit (EFP) submitted by Pete Dupuy, dated February 13, 2006. Alternative 2 presents the terms and conditions as presented in the original EFP application submitted at the March 2006 Council meeting. Alternative 3 represents the suite of modifications to the original EFP terms and conditions that were discussed and recommended by the HMSMT and the HMSAS at their joint meeting earlier this month.

Background

The overall goal of the longline EFP proposal is to collect sufficient data to consider whether it is feasible for current drift gillnet permit holders to switch over to shallow set longline gear in the future as a more bycatch friendly alternative for harvesting swordfish. The immediate objective of the longline EFP proposal for the 2007 season is to test whether a single vessel operation, fishing shallow set longline gear within the U.S. West Coast Exclusive Economic Zone (EEZ), is economically and logistically feasible.

The EFP alternatives would require 100% observer coverage to provide data leading to estimates of, among other things, the bycatch rates and interactions with protected species such as marine mammals, sea turtles, and seabirds that might be expected from an expanded longline fishery. As with the proposed drift gillnet (DGN) EFP considered by the Council, its advisory bodies, and NMFS, the HMSMT recommends that restrictive terms and conditions be applied to the longline EFP including the imposition of protected species take caps (included in Alternative 3) based upon the best available science. The utilization of protected species caps would be analyzed through the National Environmental Policy Act process and documentation. If the EFP is approved for further consideration by the Council and NMFS, the anticipated level of interactions with Endangered Species Act (ESA) listed species will be thoroughly analyzed as part of the required Section 7 consultation process, including preparation of a biological opinion on the preferred alternative.

The Highly Migratory Species (HMS) Fishery Management Plan (FMP) implementing regulations contain a prohibition on the use of longline gear to target HMS within the U.S. EEZ at 50 CFR 660.712(a)(1), hence the need for an EFP to conduct this test fishery. All other applicable requirements of the HMS FMP would be in effect under this proposed EFP, including sea turtle and longline seabird mitigation measures at 50 CFR 660.712(b) and (c), respectively, and the requirement to attend a pre-season NMFS Protected Species Workshop detailing best practices and procedures for bycatch mitigation techniques as required at 50 CFR 660.712(e). In order to minimize the likelihood of interactions with ESA listed sea turtles, the EFP terms and conditions would include compliance with the applicable sea turtle mitigation measures required in the FMP for the Pelagic Fisheries of the Western Pacific Fisheries Management Council¹.

¹ The Pelagics FMP requires all shallow set longline vessels to carry vessel monitoring system (VMS) units. The HMSMT does not recommend the VMS requirement for this EFP given the 100% observer coverage requirement that will be in place.

Alternative 1

Status quo: Do not approve the proposed longline EFP

Alternative 2

Approve the longline EFP as submitted:

1. A single vessel participating
2. 100% observer coverage
3. No fishing within the Southern California Bight (SCB)²
4. No fishing within 30 miles of the coastline
5. No lightsticks
6. Utilizing shallow-set longline gear configuration
 - a. 50 – 100 km mainline
 - b. 18 meter floatline
 - c. 24 meter branchlines
 - d. 2-25 hooks between floats
 - e. 400 to 1,200 hooks per set
7. Maximum of 14 sets per trips
8. Maximum of 4 trips between September and December (up to 56 total sets for the entire duration of the proposed EFP).
9. Use 18/0 circle hooks with a 10 degree offset to fish for swordfish (as described at 50 CFR 660.33(f))
10. Use smaller circle hooks with no offset to fish for tunas
11. Use of mackerel or mackerel-type bait (as described at 50 CFR 660.33(g))

Alternative 3

Approve the longline EFP as submitted (i.e., apply all of the provisions listed under Alternative 2) with the following additional restrictions:

1. Prohibit the use of small circle hooks, allow only 18/0 circle hooks with a 10 degree offset to fish for swordfish (as described at 50 CFR 660.33(f))
2. Require 4-6 hooks between floats
3. Require use of time and depth recorders (TDR) to estimate fishing depth³
4. Gear may not be set until one hour after sunset and must be pulled by sunrise
5. Prohibit the use of a line shooter for setting the gear
6. Require use of a dehooking device to maximize finfish (e.g., blue shark) bycatch survivability
7. Establish protected species take caps for marine mammals, sea turtles, seabirds, and prohibited species, such as striped marlin, that may be exposed to and adversely affected by this action
8. Allow the use of lightsticks

² For the purposes of this EFP, the southern California Bight is tentatively defined as an area from Point Conception south to the Mexican border and those waters inshore of the Santa Rosa Ridge. Precise coordinates defining the SCB would be included in the final Terms and Conditions document that would implement the EFP.

³ The number of TDR units deployed per set and per trip will be determined by NMFS in consultation with the applicant.

Discussion Regarding Alternative 3

The HMSMT and Highly Migratory Species Advisory Subpanel proposed Alternative 3 recognizing that the goal of the fishery is to target swordfish in the EEZ with longline gear as an alternative to drift gillnet gear. The smaller circle hooks and deeper sets (up to 25 hooks between floats) proposed under Alternative 2 would allow targeting of both swordfish and tuna, whereas restricting the fishery to use 18/0 circle hooks and 4-6 hooks between floats is consistent with swordfish targeting and the Hawaii-based shallow set longline fishery on the high seas. Furthermore the large circle hooks and use of a dehooking device are expected to reduce bycatch mortality. After consultation with the EFP applicant and a coordinator from the Western Pacific Fishery Management Council (WPFMC) for the Hawaii-based fishery, the HMSMT and HMSAS realized that fishing for swordfish without lightsticks would not be profitable and should not have been proposed in the original EFP application, thus Alternative 3 would allow the use of lightsticks.

Regional Resource Conservation Issues

The HMSMT would like to point out that incidental catches of bigeye, yellowfin, and albacore tuna may occur as part of the EFP. The Inter-American Tropical Tuna Commission (IATTC) has adopted conservation resolutions to address potential overfishing on these stocks. NMFS is in the process of addressing bigeye and yellowfin overfishing and has also indicated concurrence with IATTC and WCPFC resolutions that increased U.S. effort on north Pacific albacore would not occur.

Management Issues

As stated, the overall objective of the EFP is to collect information to consider whether to provide a fishing opportunity for current drift gillnet holders to switch over to longline gear in the future. This is the second time that Mr. Dupuy has submitted an EFP application for pelagic longline gear to target HMS. To date, the Council's policy discussions have centered on the current policy of the California Department of Fish and Game, which is to not allow pelagic longline fishing within the U.S. EEZ. This policy was incorporated into the HMS FMP final rule at 660.712(a)(1).

However, the HMSMT believes that the Council should discuss: 1) what swordfish-targeted fisheries the Council would like to see be provided in the future (i.e., drift gillnet, harpoon, and/or pelagic longline); and 2) whether the Council is willing to allow the amount of pelagic longline fishing that would be needed to assess whether it is a viable alternative gear to drift gillnet (i.e., several participants in an experimental fishery, rather than the one applicant).

Until the Council has these discussions and makes a policy decision about whether to allow pelagic longline fishing inside the U.S. EEZ, the HMSMT believes that this issue will likely continue to arise through the Council's annual consideration of EFP applications. The HMSMT does not believe that this opportunity should be considered in a piecemeal fashion, but rather, through a more deliberative process.

HMSMT Recommendation:

Discuss whether the Council would like to allow targeted HMS fisheries with pelagic longline gear in the EEZ in the future; and

- a. If so, decide whether to approve the longline EFP alternatives for public review;
- b. If not, then the Council may wish to consider indicating its intent in its Operating Procedure for EFP applications for HMS (to avoid spending additional Council, HMSMT, and Highly Migratory Species Advisory Subpanel resources on this issue through the annual EFP process).

PFMC
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