

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON EXEMPTED
FISHING PERMIT (EFP) FOR LONGLINE FISHING IN THE WEST COAST EXCLUSIVE
ECONOMIC ZONE

The Highly Migratory Species Management Team (HMSMT) recommends the adoption of Alternative 3 as the preferred alternative for conducting fishing operations under the proposed shallow set longline EFP. The HMSMT would like to emphasize that one of the primary objectives of the EFP would be to test the economic viability of using shallow set longline gear within the proposed action area and that a single vessel represents that most risk adverse option in regards to potential protected species interactions.

Alternative 3 incorporates all of the terms and conditions imposed in alternative 2 including, among other things:

- No fishing within 30 miles of the coastline
- No fishing within the Southern California Bight
- Compliance with existing highly migratory species fishery management plan protected species conservation measures
- Mandatory 100% observer coverage
- A cap on total fishing effort
- Fishing conducted between September and December
- Use of 18/0 circle hooks with 10° offset
- Use of mackerel bait and light sticks.

Alternative 3 incorporates additional conservation and bycatch mitigation measures including, among other things:

- Imposition of caps on interactions with striped marlin and protected species bycatch (marine mammals, sea turtles, and seabirds)
- Use of NMFS-approved de-hooking device to maximize shark bycatch survivability
- Setting gear at night

In regards to the imposition of caps, the draft environmental assessment (EA) (Agenda Item J.3.a, Attachment 1) includes an exposure analysis to determine which sea turtle and marine mammal species are most likely to be exposed and affected by the proposed EFP. The analysis was done utilizing observer data from the Hawaii-based longline fishery, the drift gillnet (DGN) fishery, other shallow-set longline fisheries, and known information about the distribution and abundance of species in the proposed action area.

Based upon the analysis, leatherback sea turtles are the species of turtle most likely to be affected by this proposed action. The HMSMT recommends that takes of leatherback sea turtles be capped at the level established in the section 7 consultation that will occur if this alternative is chosen. This approach is consistent with methods used to re-open the Hawaii based shallow-set longline fishery in 2004 with leatherback and loggerhead take caps. This approach would also provide a means to develop additional measures or recommendations during the section 7 consultation that may further reduce the likelihood of turtle takes.

Six species of marine mammals are considered most likely to be affected by the proposed action; they are California sea lion, northern elephant seal, short-beaked common dolphin, Risso's dolphin, northern right whale dolphin, and harbor seal. Please note, there is an error in Table 4-3 in the draft EA, which provides the potential biological removals (PBRs) and average annual mortality for these six species; the PBR for California sea lions should be 8,333 not 8.333. It is recommended that marine mammal caps be applied only to species that may be in the proposed action area and that have low PBR levels. The recommended species caps are 1 short-finned pilot whale, 1 sperm whale, and 1 humpback whale (with PBRs of 1.2, 1.8, and 2.3, respectively). This recommendation is made in consideration of the low PBR for these species and not based upon likelihood of encounters. It is considered very unlikely, as described within the exposure analysis of the EA, that any of these species are likely to be affected by the proposed action. If the Council decides to recommend additional caps for other marine mammals that may be encountered, the HMSMT recommends that the best available science be incorporated into setting the caps with reference to current PBR estimates.

Given the anticipated low encounter rates for seabirds as a result of night-time setting and other gear and operational mitigation measures, the HMSMT does not recommend the imposition of caps for any seabirds at this time. However, a section 7 consultation may be required with the USFWS to analyze the potential effects of this action on ESA listed sea birds. It is suggested that any incidental take statement issued as a result of consultation be incorporated into the terms and conditions of the EFP as seabird caps.

For striped marlin, a cap range of 7-12 fish is recommended. The upper bound of this range (12) was derived by taking five percent of the average annual catch of 248 striped marlin for the period 1997-2006. These catch estimates were summarized from private logbooks submitted by members of the three major Billfish Clubs active in the southern California area and from California commercial passenger fishing vessel (CPFV) logbook data. Given the lack of reliable private boat catch estimates for billfish from the existing state recreational sampling program, the Billfish Club-CPFV dataset provides the best available approximation of catch for striped marlin. The lower bound of this range (7) is an estimate submitted by members of the HMSAS in consultation with the applicant based upon anticipated areas to be fished and potential encounter rates.

A study of post-release survivability in longline-caught white marlin from the Atlantic, a species similar in biological characteristics to the striped marlin, estimated a range of post-release mortality of 10-37 percent depending upon whether non-reporting satellite tags were considered mortalities (37 percent) or removed from the analysis (10 percent).

A study of post-release survivability of recreationally caught striped marlin off the coast of Baja California, estimated a range of post-release mortality of 16-37 percent depending on inclusion of non-reporting tags in the analysis. The management team recommends utilizing a more conservative 40 percent post-release mortality rate to estimate anticipated striped marlin mortality under this EFP which would equate to a maximum of 5 striped marlin mortalities if the cap were reached.

The HMSMT does not recommend a striped marlin cap based on mortality given the subjectivity of qualitatively assessing post-capture release condition by at-sea observers. Pending the

availability of funding, the HMSMT recommends the tagging of a select number of striped marlin with pop-up satellite tags to quantitatively assess post-capture survivability. The HMSMT further recommends the development and use of a post-release condition factor scorecard for striped marlin so that at-sea observer records can be collected for future assessment and management use.

In regards to the anticipated capture of blue sharks, the HMSMT noted the increased blue shark survivability when using a NMFS approved de-hooking device for longline captured animals in the Hawaii shallow-set longline fishery. A post-release survival study for blue sharks captured on pelagic longline research gear in Hawaii estimated a 95-100 percent survival rate for those sharks landed and released in healthy condition. In addition, the applicant has an economic incentive to avoid blue sharks whenever possible due to the reduced fishing efficiency that would result from the damage and/or loss of baited hooks.

PFMC
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