

HIGH SEAS LIMITED ENTRY LONGLINE FISHERY

In 2003, the Council submitted the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) to National Marine Fisheries Service (NMFS) for Secretarial Review; it was approved, with the exception of one provision in the FMP that was disapproved: allowing shallow-set longline fishing east of 150° W longitude. (Shallow-set refers to the deployment of the gear so that hooks are at depths of 100 m or less, and is done to target swordfish.) The disapproval was based on the results of a Section 7 consultation and biological opinion pursuant to the Endangered Species Act (ESA), which found that the take of sea turtles, and specifically the leatherback sea turtles, would constitute a jeopardy condition. As a result, regulations were promulgated under the ESA to prohibit this activity.

Around the time of final Council action on the FMP, the Council directed the Highly Migratory Species Management Team (HMSMT) to begin developing options for a limited entry program for the shallow-set longline fishery, principally to address the ESA-related concerns that led to disapproval of the shallow-set longline management measures in the FMP. The HMSMT began work on developing information for a limited entry program, reporting back to the Council twice in 2004. However, since then, the attention of the Council and the HMSMT has been diverted to other issues. The Council last revisited this issue at their June 2005 meeting, establishing an ad hoc Highly Migratory Species Management Committee, composed of Council members, which met once with the HMSMT in October 2005. At the April 2007 Council meeting, the NMFS representative on the Council, Mr. Mark Helvey, requested the Council again take up consideration of measures that would lead to an approvable management framework for the shallow-set longline fishery.

Attachment 1 is a Council staff white paper which reviews past Council action with respect to longline fisheries, describes current management of the West Coast and Hawaii-based fisheries, discusses protected species issues, and lays out some alternatives for addressing the current situation. This information is intended to help the Council to consider whether and how to reinstate development of approvable management measures for a West Coast shallow-set longline fishery.

Attachment 2 is a Federal Register notice that the Western Pacific Fishery Management Council intends to prepare a supplemental environmental impact statement (SEIS) on federal management of the Hawaii-based shallow-set pelagic longline fishery in the western Pacific. The SEIS will consider alternatives that include elimination of the current effort cap on the fishery and changing the current system of caps on the take of leatherback and loggerhead sea turtles. The action is likely to trigger a reinitiation of consultation under Section 7 of the ESA. If the proposed modifications result in higher sea turtle take levels in the Hawaii fishery, and is not found to cause jeopardy under the ESA, this could affect the approvability of any action the Pacific Council might propose to establish a management framework for a West Coast shallow-set longline fishery. According to the notice, written scoping comments must be received by September 20, 2007.

Council Task:

1. **Decide whether to reinitiate development of management measures for the high seas shallow-set longline fishery.**
2. **Discuss general schedule for Council decision-making.**
3. **Provide direction to the HMSMT and Highly Migratory Species Advisory Subpanel (HMSAS) on a range of preliminary alternatives, including the development of a limited entry program.**

Reference Materials:

1. Agenda Item F.2.a, Attachment 1: Implementing a Management Framework for a High Seas Shallow-set Longline Fishery; A PFMC Staff White Paper.
2. Agenda Item F.2.a, Attachment 2: 72 FR 46608, Notice of Intent to Prepare a Supplemental Environmental Impact Statement.
3. Agenda Item F.2.b, HMSMT Report.
4. Agenda Item F.2.b, HMSAS Report.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Consider Need, Planning and Potential Options Necessary to Include this Fishery in the HMS FMP

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