

STAFF REVIEW OF MATERIALS ON THE ISSUE OF RETENTION OF HALIBUT AND SALMON WHEN CATCHING ALBACORE

A staff review of the 442 documents provided in Council briefing materials related to Highly Migratory Species (HMS) Fishery Management Plan (FMP) development between March 1999 and November 2004 shows that the intention that salmon and halibut may be retained in fisheries catching albacore if authorized by regulations for these species was identified early in plan development.

A September 13, 2000, Supplemental HMSPDT Report states “Pacific salmonids, Pacific halibut, and Dungeness crab are prohibited by regulations implementing other Pacific Council FMPs and need to be included in the regulations implementing the HMS FMP as well. These species may be taken if otherwise authorized by the regulations for these species (e.g., salmon may be landed by troll gear during authorized seasons).”

This is repeated in a June 13, 2001, Supplemental HMSPDT Report on HMS FMP options. “Prohibit taking of Pacific halibut and salmon unless using authorized gear during authorized seasons for those species” is identified as the Team Preferred Option.

In a November 2001 HMSPDT Report Attachment 1, “Options for management measures to be included in the FMP, prohibited species,” repeats the above as the HMSPDT Preferred Option and notes that “This option would ensure that harvest of these species by HMS fisheries is within regulations set by [PFMC and IPHC].”

As described in Agenda Item C.9.b, Supplemental HMSAS Report, this provision was included in the HMS FMP FEIS published in August 2003.

The February 4, 2004 letter from Rodney McInnis announcing that NMFS had partially approved the HMS FMP states that “I am pleased to inform you that, with the exception of one provision, I have approved the Pacific Fishery Management Council’s proposed Fishery Management Plan for U.S. West Coast Highly Migratory Species (FMP).” The disapproved provision was the authorization of a shallow-set longline fishery. No mention is made of the prohibited species issue.

Both the December 10, 2003, Proposed Rule and the April 7, 2004, Final Rule contain regulation language at 50 CFR 660.705(e) “When fishing for HMS, fail to return a prohibited species to the sea immediately with a minimum of injury.” The regulations do not reflect the intent of the FMP that retention of Pacific halibut and salmon is allowed when catching albacore if caught with authorized gears during authorized seasons.

There were no documents or recollections from individuals questioned at the November, 2014 Council meeting, who were involved in the aforementioned process that resulted in the regulations implementing the HMS FMP, that indicate a Council conclusion to disallow the retention of salmon, halibut, or any other species when the season is open to the taking of those species on the same day that fishing for HMS species can occur.