HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON THE NATIONAL MARINE FISHERIES SERVICE REPORT

The Highly Migratory Species Advisory Subpanel (HMSAS) reviewed the recommendations listed at the end of G.1.a, Attachment 1. Recommendation 1) and 2) relate to workload and scheduling for the Council. The HMSAS will have comments under Agenda Item K.3, but basically support the recommendation that the Council consider HMS issues at the June meeting and authorize a HMS ad-hoc committee to further refine Council recommendations.

On biological reference points used for albacore tuna, the HMSAS suggests that at this time the international scientists have not come to a consensus, and it is premature for the Council to take a position on the appropriate reference point for albacore tuna. Also, due to the lack of scientific information and the variability of the albacore tuna biomass the reference point eventually determined should be a "target" and not a "limit reference point."

Concerning albacore tuna conservation and management, the HMSAS is very concerned that the U.S. will move ahead of the international community and create a situation that will disadvantage the U.S. fleet in international negotiations. The G.3 Agenda Item specifically discusses the issue of the basis for "current effort." The HMSAS disagrees with the NC 6 proposal of using 2002 to 2004 as the basis and suggests the Council reiterate their April 2007 decisions to forward to the Regional Fishery Management Organizations (RFMOs) effort characterization methods proposed by the HMSMT and HMSAS. The Council decision document states:

> These methods were proposed by the HMSMT and HMSAS and include the number of vessels that participated in the albacore troll/baitboat fishery and a computation of vessel fishing days for commercial fisheries catching albacore for the time period 1996-2006. Together these methods could be used to report historical effort in fisheries catching North Pacific albacore in order to determine whether fishing effort is declining, stable, or increasing. Based on the information provided the Council concludes that U.S. West Coast effort on North Pacific albacore is not increasing.

Concerning discretionary funds the HMSAS is concerned that funding for science and research on albacore tuna is no longer a priority with NOAA/NMFS. The HMSAS recommends the PFMC request that funding if re-directed at other issues be reestablished and increased. The HMSAS feels that if international and Federal management and control of the fishery becomes a reality the U.S. needs to be able to support its domestic fishery with solid research and science. Without such funding the U.S. will be at a disadvantage in the international arena and will be detrimental to the U.S. fishing industry, processors, ports, and consumers.

The HMSAS also recommends to the Council that it supports the efforts to have the United States make contributions to the voluntary fund recently established by the Western and Central Pacific Fisheries Commission at its annual meeting in December 2009 to fund specific research projects proposed by the International Scientific Committee to the Northern Committee for North

Pacific albacore research. This support could be evidenced by the Council writing to the State Department and the Assistant Administrator of NMFS, as well as Dr. Lubchenco of NOAA, expressing the importance of making a significant contribution to the voluntary fund as soon as possible in view of the pending assessment of North Pacific albacore to be completed in 2011.

The HMSAS reviewed the Bluefin conservation and management and agree with the proposal that the Council monitory the outcome of the NC7 workshop. We further agree with the proposal that the Council may make recommendations based on outcomes from the NC7 meeting. Concerning striped marlin conservation the HMSAS is astounded at the speed with which the WCPFC has moved to a draft Conservation Management Measure (CMM) at its sixth meeting in Tahiti. We are especially concerned that the CMM contains a very limited range of effort control dates for catches of striped marlin.

The HMSAS has not been provided an analysis of the potential impacts of this CMM on the HMS fisheries of the west coast. We would like to stress the importance of North Pacific Striped Marlin to the recreational HMS fisheries in southern California which appear to remain underappreciated by regulatory agencies and delegation to international organizations apparently due to lack of adequate socio-economic, catch, and catch-release mortality data.

The HMSAS would like to urge the Council to continue to support the management of North Pacific Striped Marlin. However, we would like to stress that the west coast fishery is potentially vulnerable to enormous impacts from management measures not carefully considered. The draft CMM recommends effort be restricted to catch rates of 2001, 2002, and 2003. The current SAFE report for these years contains different catch numbers for the private recreational fleet that vary between 0 and 300 fish per year (obtained from an average of a longer range of years). The southern California recreational marlin community knows the catch has never been zero but recognizes the catch does vary greatly.

Several factors combine to pose risks to west coast recreational North Pacific striped marlin fisheries. First, the southern California bight is the northern-most area for the migration of North Pacific striped marlin. Therefore, catch rates can vary greatly over multiple year periods due to oceanographic conditions that can severely limit availability but rarely completely eliminates it. Second, catch/effort data is widely believed to be under-sampled in private marinas that house the larger vessels typically used in this fishery. Third, social-economic data is lacking in this fishery providing the potential for under-appreciation of the impacts that a poorly designed CMM could exact. Fourth, regulatory agencies continue to use worst case scenario assumptions related to the live release of fish. As a result of these risk impacts could be severe to the boating, tackle, and charter fishing industries solely from the lack of up-to-date information and current research.

Therefore, the HMSAS recommends that council urge NMFS and delegations to the international organizations utilize a sensible approach to the management of the North Pacific Striped Marlin that directly addresses the vulnerabilities posed by the limited range of effort control dates currently in the draft CMM and urges that research be expanded on North Pacific striped marlin to support stock assessments., provide accurate up-to-date socio-economic information on the southern California recreational marlin fishery, improve estimates on survivability of striped

marlin caught and released in both recreational and commercial fisheries, and to develop gear modifications to increase survivability of released fish.

The draft Pacific striped marlin conservation measure is attached.

PFMC
04/11/10

SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

DRAFT PROPOSAL FOR A CMM FOR PACIFIC STRIPED MARLIN NORTH OF THE EQUATOR

WCPFC6-2009/24
9 December 2009

Submitted by the Striped Marlin Ad-hoc Management Working Group

Version 4

~~**Next Meeting: Morning tea; Wednesday, Dec. 9.**~~

DRAFT PROPOSAL FOR A ~~DRAFT~~ CMM FOR PACIFIC STRIPED MARLIN NORTH OF THE EQUATOR

Conservation and Management Measure for N~~n~~orth~~ern~~ Pacific Striped Marlin

Observing the best available scientific evidence on North Pacific s~~S~~triped m~~M~~arlin from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) shows that the species is experiencing fishing mortality above levels that are sustainable in the long term;

Noting that the scientific advice from the ISC is that the fishing mortality rate of striped marlin (which can be converted into effort or catch in management) should be reduced from the current level (2003 or before);

Further noting that the advice from the ISC is that until appropriate measures are taken to reduce the fishing mortality rate the fishing mortality rate should not be increased;

Recognizing the ongoing work of the Northern Committee's working group on striped marlin, which is tasked with – among other things – "examining fish ~~behavior~~behaviour and fishing technologies in order to identify potential strategies to reduce striped marlin catches without unduly affecting catches of target species, while minimizing adverse impacts on fishermen," and~~,~~

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. While the conservation advice from the ISC states that fishing mortality should be reduced from the current level to levels recorded in ~~(~~2003 or before~~)~~, in the interim the objective of this measure is to prevent any further increases in fishing mortality from the 2003 current level with an eye on long-term sustainability of the stock.

[2. The Commission Members, Cooperating Non-Members and participating Territories (herein referred to as CCMs) shall take measures necessary to limit the catch ~~amount~~ of North Pacific s~~S~~triped m~~M~~arlin caught in the area north of the Equator to the catch ~~amount caught (by weight)~~ in [2001, 2002 or] 2003. ~~With t~~The WCPFC Secretariat shall ~~to~~ provide advice to all CCMs ~~the Commission~~ on catch totals ~~caught by each CCM in~~ for [2001, 2002 and] 2003~~2003.~~ .

2 (alt.) The Commission Members, Cooperating Non-Members and participating Territories (herein referred to as CCMs) shall be encouraged to promote the use of mitigation measures to reduce catch to [2001, 2002 or] 2003 levels and reduce the mortality of the released catch. The WCPFC Secretariat shall provide advice to all CCMs on catch totals for [2001, 2002 and] 2003.

~~3. All CCMs shall provide annual catch and effort data for Pacific Striped Marlin north of the equator to the WCPFC annually as part of their Part 1 reporting requirements. The reports for both catch and fishing effort shall be made by gear type. Catches shall be reported in terms of weight. Fishing effort shall be reported in terms of the most relevant measures for a given type, including at a minimum for all gear types, the number of vessel days fished.~~

3~~4~~. CCMs shall endeavour to conduct research for identifying potentially practical methods~~effective mitigation methods that could serve~~ to reduce catch ~~rates~~ and post-release mortality ~~rates~~ for all gear types~~in longline fisheries~~. CCMs shall also endeavor to conduct fishing trials with the aim of assessing the practicality and effects – both beneficial and adverse – of such methods. This may include but not limited to measures in Appendix 1. CCMS shall report to the Secretariat on the progress of their efforts and research annually. ~~In particular, CCMs should consider research and fishing trials in the following areas:~~

~~□Modifying the configuration of longline gear to keep hooks out of the shallow zone, such as removing the shallowest hooks or lengthening floatlines or branchlines;~~
~~□Using alternative hook types and sizes;~~
~~□Identifying and avoiding specific geographical areas and/or periods or specific oceanographic conditions that tend to result in particularly high catch rates;~~
~~□Examining observer data and other data to estimate rates of survival of longline-caught striped marlin upon being boated;~~
~~□Using tagging and other data, as well as information on other billfish species, to estimate post-release survival rates of striped marlin after capture by longline; and~~
~~Employing post-capture handling and release methods to reduce the mortality rate of discarded fish.~~

4~~5~~. CCMs shall encourage fishermen to work with scientists and managers in an effort to develop measures in order to achieve the objectives of paragraphs 2 and 3. ~~cooperate to the extent possible with each other and with other appropriate partners in the conduct of such research and fishing trials.~~

5~~6~~. The Scientific Committee shall, in coordination with the Secretariat of the Pacific ~~Comm~~Committee~~ission, and~~ the ISC, and, other scientific bodies conducting scientific reviews of this stock~~, including the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), monitor~~ report on the measures tested by CCMs and the status of North Pacific s~~S~~triped m~~M~~arlin ~~and report~~ to the Commission at ~~on the status of the stock at~~ each annual meeting. The Commission shall consider future actions with respect to North Pacific striped marlin based on the recovery of the stock relative to future biological reference points selected by ~~, and make such recommendations to~~ the Commission~~ as may be necessary to achieve effective conservation~~.

~~7. The Commission shall consider future actions with respect to northern Pacific Striped Marlin based on recommendations of the Scientific Committee and Technical and Compliance Committee.~~

~~8. CCMs shall work to maintain, and as necessary reduce, the level of fishing mortality on northern Pacific Striped Marlin within the Convention Area commensurate with the long-term sustainability of the stock.~~

6~~9~~. The WCPFC Executive Director shall communicate this CMM to the IATTC and where appropriate the two Commissions shall engage in consultations with a view to reaching agreement on a consistent set of conservation and management measures for North~~northern~~ Pacific s~~S~~triped m~~M~~arlin, with consistent reporting and compliance measures where conformity can be achieved.

7~~10~~. The provisions of paragraph 2 shall not prejudice the legitimate rights and obligations under international law of those small island developing State Members and participating territories in the Convention Area whose current fishing activity for ~~northern~~ North Pacific s~~S~~triped m~~M~~arlin is limited, but

that have a real interest in, and history of, fishing for the species, that may wish to develop their own fisheries for Northern Pacific Striped Marlin in the future.

[8~~11~~. For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms by developing island States and participating Territories, as an integral part of their domestic fleet, shall be considered to be vessels of the host State or Territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known illegal, unreported and unregulated (IUU) vessels.]

9.~~12~~ Unless otherwise stated, nothing in this measure shall prejudice the legitimate rights and obligations of those small island developing State Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.

10. As an interim measure, until the Commission adopts a scheme relating to compliance with CMMs which includes responses when a flag State exceeds any limits assigned to it, if the catch of vessels flying the flag of a CCM exceeds the total catch specified for them under paragraph 2 above, that CCM will be subject to a reduction in their catch limit in the next year equal to the exceeded amount. The reduction will apply in the year immediately after it has been determined that the catch limit has been exceeded.

~~13. For the purpose of evaluating implementation of paragraph 2:~~

~~a. CCMs shall report to the Executive Director a list of their specific fisheries or fleets that have recorded catch of northern Pacific Striped Marlin and a description of the particular measures, as well as monitoring mechanisms, they have established to ensure that fishing effort in each of the fisheries or fleets does not increase above the 2003 level; and~~

~~b. the WCPFC Secretariat shall compile all the reports submitted under paragraph 3 and present the compilation to the seventh regular session of the Northern Committee and the seventh regular session of the Scientific Committee.~~

Appendix 1: Research and Fishing Trials

1. Modifying the configuration of fishing methods to avoid interactions with striped marlin (e.g., using alternative hook types and sizes). Form
2. Identifying and avoiding specific geographical areas and/or periods or specific oceanographic conditions that tend to result in particularly high catch rates.
3. Examining observer data and other data to estimate rates of survival of released striped marlin upon being boated. Form
4. Using tagging and other data, as well as information on other billfish species, to estimate post-release survival rates of striped marlin after capture.
5. Conducting reseach for identifying effective methods of tag and release of juvenile north Pacific striped marlin caught live in their fisheries.

~~1.~~6. Employing post-capture handling and release methods to reduce the mortality rate of discarded fish.