

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON CHANGES TO BIENNIAL MANAGEMENT MEASURES FOR 2011-2012

The Highly Migratory Species Management Team (HMSMT) considered three potential changes to management measures for the 2011-2012 biennial cycle:

- 1) Establish a recreational bag limit for albacore tuna for Washington anglers
- 2) Increase swordfish retention limits for deep-set longline fisheries on the high seas
- 3) Change the regulations for the shallow-set longline fishery for swordfish on the high seas to make them consistent with Hawaii regulations.

The HMSMT met with the Highly Migratory Species Advisory Subpanel (HMSAS) to discuss these proposals and with Mr. Pete Dupuy to discuss the longline fishery proposals.

Establish a recreational bag limit for albacore tuna for Washington anglers

At the June 2010 meeting, Washington Department of Fish and Wildlife (WDFW) proposed Council consideration of a recreational bag limit for albacore as part of its biennial management cycle for highly migratory species. Currently, the Washington recreational fishery has no albacore bag limit but the number of charter operators that may take anglers on trips targeting albacore tuna is limited. The Oregon recreational fishery has a daily bag limit of 25 albacore, as a component of a 25-fish limit for offshore pelagic species. The California recreational fishery has a daily bag limit of 25 albacore north of Point Conception and a bag limit of 10 albacore south of Point Conception.

WDFW recommends a range of alternatives including the status quo and bag limits of 10, 15, 20 and 25 albacore per fishing trip for public review (Agenda Item K.2.b, WDFW Report, September 2010). In its rationale for their proposal, WDFW identified a demonstrated commitment to international conservation measures to not increase fishing effort above current levels, support for a shared responsibility for all fisheries harvesting the same stock to contribute to the conservation of the stock, and a level of personal use that is consistent with the purposes of conservation and catch sharing. In addition to these considerations, angler effort by the Washington charter fishery for albacore has moderately increased, but effort by the private recreational fishery has increased substantially, about six-fold since 2004.

The HMSMT considered these alternatives to be appropriate for public review. The HMSMT concurs with WDFW that the level of Washington recreational effort is negligible relative to the total international level of effort for albacore tuna in the North Pacific Ocean, and that significant reductions in catch are not necessary. While the proposed bag limit alternatives do not directly limit effort, they support the intent of the international conservation measures to not increase fisheries for albacore. The range of alternatives adequately covers the spectrum of reasonable levels of harvest for personal use and encompasses limits that would not significantly reduce catch from recent levels. For consistency with other states, the range of alternatives includes a 25-albacore limit, which is similar to bag limits off Oregon and northern California.

Increase swordfish retention limits in the deep-set longline fishery on the high seas

The HMSMT believes that changing the swordfish retention limit for the deep-set tuna fishery from 10 fish to 25 fish can be accomplished as part of the biennial management measures process. To do this, the Council would have to adopt alternatives at this meeting and then choose a preferred alternative at the November meeting. The purpose of this proposed action is to make this aspect of west coast regulations for the longline fishery consistent with Hawaii's regulations. The HMSMT proposes the following two alternatives:

Alternative 1 (No Action): The regulations are not changed and the current 10 fish retention limit stays in place.

Alternative 2: The Council recommends a change to the HMS regulations at 50 CFR 660.712 to make them consistent with the regulatory changes proposed by the Western Pacific Fishery Management Council (WPFMC) as described in Agenda Item K.2.a, Attachment 1 except for the requirement to use circle hooks. The circle hook requirement relates to protected species issue specific to the area where the Hawaii fishery operates and is not relevant to the west coast fishery.

If the Council chooses to move forward with this proposed regulatory change the HMSMT would provide an analysis of these alternatives for Council final action at the November meeting.

Change the regulations for the shallow-set longline fishery for swordfish on the high seas to make them consistent with Hawaii regulations

The HMSMT heard testimony from Mr. Pete Dupuy regarding his request for the Council to begin the process for modifying an existing HMS high-seas pelagic longline fishery regulation to ensure consistency of the PFMC's high-seas longline regulations with those of the WPFMC.

The HMSMT notes an open-access west coast shallow-set longline (SSLL) fishery targeting swordfish occurred on the high seas before the HMS Fishery Management Plan (FMP) was implemented in 2004. This fishery operated in much the same area as the Hawaii fishery currently operates. The February 4, 2004 letter from the National Marine Fisheries Service (NMFS) Regional Administrator to the Council Chair partially approved the HMS FMP and also disapproved the shallow-set longline fishery due to a jeopardy finding for loggerhead sea turtles from an Endangered Species Act (ESA) Section 7 consultation. In the letter, the Regional Administrator discussed the recent development of modified gear that significantly reduces sea turtle interactions and consequent sea turtle injury or mortality. He also suggested that this new information provided a basis for developing alternatives that could allow longline fishing for swordfish without jeopardizing ESA-listed species.

By contrast, the WPFMC reopened the shallow-set longline (SSLL) fishery in 2004 under amendments to the Pelagics FMP that require the use of modified gear to reduce sea turtle interactions. In light of demonstrated success in reducing sea turtle interactions, the Hawaii fishery has subsequently expanded through removing the overall set limit and increasing the turtle take limits. The HMSMT notes that fishermen in possession of a Hawaii limited access longline permit can legally fish outside the 200-nautical mile west coast EEZ boundary and land swordfish to west coast ports. International fisheries for swordfish also operate on the high seas. Also, there are no Regional Fishery Management Organization conservation measures limiting

the number of foreign vessels targeting swordfish outside the west coast Exclusive Economic Zone in the Eastern Pacific Ocean. The HMSMT notes a regulatory consistency issue if no HMS FMP SSSL effort targeting swordfish is permitted outside the 200-mile limit when Hawaii vessels are allowed to fish there and land their catch on the U.S. west coast.

The HMSMT received guidance from National Oceanic and Atmospheric Administration General Counsel on whether it would be possible to address Mr. Dupuy's proposal through the standard biennial process. Based on General Counsel guidance, if the Council wishes to address the SSSL component of Mr. Dupuy's proposal through the biennial process, they could take action at this meeting to place a SSSL regulatory amendment on a later meeting agenda. However as discussed in the Situation Summary, a regulatory amendment would result in an open access fishery; a limited entry fishery would require an FMP amendment.

In summary, the HMSMT recommends the Council:

- Adopt for public review a range of alternatives of status quo, 10, 15, 20 and 25 albacore trip limits for the Washington recreational fishery.
- Adopt for public review the alternatives of status quo and consistency with Hawaii deep-set longline fishery retention limits for swordfish.
- Identify their preferred decision-making process, if the Council desires to consider allowing a shallow-set longline fishery for swordfish.

PFMC
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