

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL
COMMENTS ON UPDATE ON PLAN DEVELOPMENT

The Highly Migratory Species Advisory Subpanel (HMSAS) met from 10 a.m. until 5:30 p.m. on June 29, 2000 to consider the "Statement to the Pacific Fishery Management Council by the Highly Migratory Species Plan Development Team, June 30, 2000" and its five appendixes. In the interests of time, this report does not summarize the HMSAS's complete discussions on all the Agenda Items.

Rather, the HMSAS'S report focuses primarily on responding to requests by the Highly Migratory Species Plan Development Team (HMSPDT) for Council guidance as set forth on page 4 of the HMSPDT's report, and the format below corresponds to that order.

a. Choice of Species to Include in the Management Unit (Appendix I).

Majority View After a discussion of the five options presented by the HMSPDT, the HMSAS chose to recommend to the Council Option 3, rather than the HMSPDT's preferred Option 1. A motion was made and defeated which would have approved Option 1, with the addition of dolphin fish to the list of management unit species. The vote was 5 to 6 with the Chair breaking the tie vote. One member of the HMSAS argued forcefully for the inclusion of dolphin fish based upon their importance as a target of the recreational fishery.

Minority View Dolphin fish is part of a multi-species "suite" that is targeted by recreational fishermen. Some of these species occur in U.S. waters only for brief periods during particularly warm oceanographic conditions. Such species include some tunas, as well as striped marlin and dolphin fish. Dolphin (*Coryphaena hippurus*) were excluded by the HMSPDT under various options, because there are not enough data to calculate an maximum sustainable yield (MSY), and the species was not included in the White Paper. To exclude dolphin fish, simply because it was not included in the White Paper, or because there is an apparent lack of biological data, is irresponsible and inconsistent with the inclusion of the rest of the "suite". Additionally, with the development of fishing on fish aggregating devices (FADs) to reduce porpoise mortalities, dolphin fish have been caught in increasing numbers, perhaps providing enough data to incorporate in MSY estimates.

Majority View A motion was made to recommend Option 3, and it passed 5 to 4. The majority of the HMSAS believed that since including a species in the management unit required by law the calculation of an MSY and a definition of overfishing for that species, that no species should be included in the management unit which did not meet the criteria "*sufficient data exists to calculate a biological-based MSY.*" The majority argued that the species of big eye thresher, common thresher and pelagic thresher shark, and mako sharks should be excluded from the management unit, because a biological based MSY could not presently be calculated. Some members of the majority were concerned that a non-biologically based MSY could create an unrealistic picture of the status of the fishery.

Minority Views Our concerns are the following:

- The option recommended by the HMSAS excludes a number of species, particularly sharks, that are the target of significant commercial and recreational fisheries within the Pacific Council area.
- These excluded species of sharks are particularly vulnerable to over fishing due to their life history characteristics. These characteristics include slow growth, relatively old age at first-maturity and very low fecundity.
- Whereas many of the management unit species included in the Subpanel's recommended option are incidentally caught in US waters, the excluded species have geographic distributions that are well represented in US waters under the jurisdiction of this Council.

The concerns expressed by the HMSAS members in support of limiting the management unit relate to current gaps in information available to do biologically based MSY estimates. The minority view supports the preferred alternative of the Council's HMSPDT that enough information exists to identify sustainable harvest levels for thresher and mako sharks. It would be irresponsible for the Council to adopt a management unit that does not include all species targeted in the highly migratory species (HMS) fisheries. The HMSAS's recommendation is in direct opposition to both the HMSPDT and the Council's decision to support the recommendations from the original "White Paper." Failure to include these species in the management unit runs the risk of repeating a groundfish-like scenario.

b. Consistency of Commercial and Recreational Regulations (State) (Appendix II).

Appendix II runs several pages in length with a series of status and options or team recommendations:

Recreational Fishery:

Licenses - The HMSAS agreed with the recommendation to have Washington add albacore to the species requiring a recreational fishing license. (7)¹

Seasons - The HMSAS agreed with the recommendation not to recommend any changes. (7)

Daily Bag Limit - The HMSAS agreed with the recommendation not to recommend any changes. (7-8)

Possession Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Minimum Size Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Fishing Gear - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Prohibited Species - The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (8)

Logbook Program For Charter Boats - The HMSAS disagreed with the HMSPDT's recommendation that Oregon institute a voluntary log book program, and instead recommended the Council instruct the HMSPDT to develop a standardized federal logbook program which could be used in all three states. (8-9)

Commercial Fishery

Licenses - The HMSAS disagreed with the HMSPDT that no changes should be recommended and instead recommends that the Council direct the HMSPDT to develop one federal license, permit or other similar document which would apply to all HMS fisheries (commercial, commercial sport, recreational, native American) conducted by U.S. flag vessels inside the U.S. exclusive economic zone (EEZ) and/or outside the U.S. EEZ and/or on the high seas. (9)

Seasons - The HMSAS deferred comment on this item until after the HMSPDT has considered management options at its next meeting. (9)

Fishing Gear – A proposal was submitted by a HMSAS Commercial At-Large member, asking the HMSAS to make a recommendation to the Council to direct the HMSPDT to consider permitting pelagic long line fishing within the U.S. EEZ off the West Coast. After a lengthy discussion, the HMSAS recommends the Council direct the HMSPDT to consider longline gear as an alternative gear type. The HMSAS also recommends the HMSPDT be directed to identify alternatives that would create greater consistency in West Coast HMS license and permit regulations in response to the four concerns it had set forth. (9-10)

¹The number in parentheses indicates the page in the Development Team report where the Team discusses the matter.

Species Specific Regulations Including Prohibited Species -The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (10-11)

Wastage and shark Finning - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team that the prohibition of finning without landing the carcass of the species should be prohibited in any alternatives developed. (11)

Far Offshore Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to identify alternatives that would create greater consistency in west coast HMS license and permit regulations in this area. (11)

Experimental, Emerging, or Developmental Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to include experimental fisheries as part of one or more management alternatives. (11-12)

c. Whether the CPS FMP or HMS FMP should Include bonito (Page 2 of Team Report).

Given the timing of the current CPS amendment process the Council should give timely consideration to adding bonito to the CPS FMP.

d. Proposed Outline (Appendix III).

The Subpanel had no comment on the proposed FMP outline.

e. The Plan Development Schedule (Appendix IV).

The Subpanel agrees with the Team recommendation to delay submission of the first draft of the FMP to the Council until the economic studies of the albacore fishery and the swordfish fishery are completed so that information may be included.

f. The Management Objectives (Appendix V).

The Team indicated to the Subpanel that this Appendix was an early draft and requested comments. The Subpanel suggested some language additions which the Team indicated they would consider in the next draft.

g. Funding and Scheduling of Advisory Subpanel Meetings.

The Subpanel agrees with the Team recommendation that the Council, either through its budget or through the budget of the Southwest Region of the National Marine Fisheries Service, provide funding for more frequent and longer meetings of the Subpanel in order to meet the work load which will be increasing as the Team proceeds with its draft of the FMP. To this end the Subpanel requests that the Council provide for a meeting of the HMS Advisory Subpanel starting at 1:00 P.M. Wednesday September 13th, lasting until 6:00 P.M., and a meeting on Thursday September 14th starting at 8:00 A.M. and continuing until 6:00 P.M. with the HMS Agenda Item scheduled for Friday September 15th.

Finally, in a hard fought battle, Peter H. Flournoy and Wayne Heikkila were re-elected as Chairman and Vice-Chairman.

