

**Statement to the Pacific Fishery Management Council
by the Highly Migratory Species Plan Development Team
September 13, 2000**

1. Introduction

This progress report of the Highly Migratory Species (HMS) Plan Development Team (PDT) summarizes the work to date on the HMS fishery management plan (FMP). This is work in progress which may be revised or amended at a later date.

2. Summary of PDT Meeting

The PDT met in La Jolla, California from July 17 through 20. The meeting started with a discussion of species within the management unit. The public expressed concern over inclusion of some sharks within the management unit based on the lack of data on maximum sustainable yield (MSY). Dr. Chris Boggs (Western Pacific Fishery Management Council (WPFMC), Chair, Pelagic Fishery Management Team) discussed longline regulations, bycatch issues, and the recent closure mandated by a U.S. District Court to protect sea turtles. The PDT next discussed regulations for high sea operations, specifically whether longline regulations should be consistent between the WPFMC and the Pacific Fishery Management Council (Council). Svein Fougner discussed recent registry requirements instituted by the Inter-American Tropical Tuna Commission (IATTC) and the fact the National Marine Fisheries Service (NMFS) may have to require licensing of all commercial and charter vessel seeking HMS to comply with the requirement.

The PDT initiated a discussion on pelagic longlining in the exclusive economic zone (EEZ) following the Council's mandate to look at the feasibility. This meeting attracted an unusually large number of concerned individuals. Members of the PDT explained the Council process, carefully describing the functions of the Council, PDT, and Advisory Subpanel to ensure that the public was aware of which body to express their concerns. Chuck Janisse introduced a longline proposal calling for establishment of a single federal regulatory structure for the west coast, limited entry to those already holding state longline or drift gillnet permits, and closure of nearshore areas (< 25 miles) except in southern California where the closure would be roughly inside the Channel Islands and south to the Mexican border. The fishery would focus on large bluefin tuna. Rich Hamilton submitted an alternative proposal calling for no longlining inside 200 miles, quotas, vessel monitoring systems, 100% observed trips, and time/area closures. Beth Mitchel, NOAA General Council, explained the Magnuson-Stevens Act does not provide authority to manage a fishery that exists only outside the EEZ. The PDT discussed the longlining issue and developed four options to evaluate, going from open access to no longlining. The PDT also developed a set of evaluation criteria and identified data sources for the evaluation.

Steve Crooke and Norm Bartoo were assigned the task of evaluating the limited data available

on commercial tuna catches to determine if area/time closures can be used to avoid commercial/sport fishing conflicts. A commercial shark fisherman recommended the FMP allow the landing of shark fins so long as they were identifiable with a shark carcass (bagged and kept with the carcass). The PDT discussed state and federal regulations for experimental gear permits. State regulations allow for experimental fishing but differ in some respects. Federal regulations allow experimental fishing only after 90 days written notice to the appropriate Council. There was a discussion on the format of mandatory logbooks for commercial and partyboats. The discussion centered on whether there should be one federal logbook or separate state logbooks with similar data elements. The PDT agreed to adopt the WPFMC logbook format for the longline fishery if one is authorized.

The PDT added three new sections to the FMP. The Migratory Bird Treaty Act will be addressed in Chapter 9 (Relationship to Other Laws). Section 1.12 (Definition of Terms) and Section 3.4 (Stock Assessment and Fishery Evaluation -- SAFE report) were also added. No changes were suggested for the management objectives adopted by the Council in June. The PDT will consider bonito as an associated species (for bycatch and data collection purposes) pending its inclusion in the Coastal Pelagic Species FMP. Acting on a recommendation from the Advisory Subpanel, white sharks and basking sharks were designated as prohibited species for commercial and sport fisheries coast wide.

Christina Fahy (NMFS) summarized requirements of the Marine Mammal Protection Act and Endangered Species Act. Svein Fougner (NMFS) stated that the FMP should include information on the extent of interactions of HMS fishing gear with protected species and the impact of fisheries on the status of protected species. Peter Dutton (NMFS) and Scott Eckert, (Hubbs-Sea World Research Institute) presented life history information on sea turtles. Maura Naughton (U.S. Fish and Wildlife Service) presented information on short-tailed, Laysan, and black-footed albatross. Steve Crooke described HMS sport fisheries on the west coast, including interactions with protected species and bycatch. He also described regulatory discards of white shark, basking shark and striped marlin. Cindy Thomson (NMFS) described potential sources of data on recreational fisheries. Two long term biological databases are available (Marine Recreational Fisheries Statistics Survey and Commercial Passenger Fishing Vessels logbooks in California) as well as several short term economic databases.

The PDT discussed bycatch as defined by the Magnuson-Stevens Fishery Conservation and Management Act – fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Bycatch does not include fish released alive under a recreational catch and release fishery management program. National Standard 9 of the Act requires that fishery conservation and management measures shall, to the extent practicable, minimize bycatch, and to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. FMPs must establish standardized reporting methodologies to assess the amount and type of bycatch. “Fish” includes all marine animal and plant life, other than marine mammals and birds. Part of the discussion centered on what constitutes a recreational catch and release program. Beth Mitchell clarified that this is a situation where retention is prohibited by regulation. Therefore, the current voluntary release of

striped marlin by anglers in southern California is not considered a catch and release program, and the released fish are considered bycatch. The PDT agreed that the FMP will include a list of all species caught by HMS gears, which includes landed catch and bycatch, to the extent information is available. Landings data will come from PacFIN and bycatch data will come from observer programs and other sources.

Under a discussion of protected species, the PDT added megamouth shark to the list. Few megamouth sharks have been caught in the driftnet fishery. The PDT also recommended that there be a requirement to land megamouth sharks which cannot be released alive, for scientific purposes. Sixgill and sevengill sharks were discussed as possibilities for prohibited species but rejected by the PDT. 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).

The PDT reviewed preliminary drafts of two versions of framework procedures, one version is modeled after the process used by the Western Pacific Council for pelagic fisheries, and the other is similar to the process used in the groundfish and coastal pelagic species FMPs of the Pacific Council. Framework procedures provide for the adjustment of management measures without the need for amending the FMP. The PDT indicated a preference for the Pacific Council model.

There was discussion about management of the driftnet fishery and whether the current state regulations should be incorporated in the federal regulations. Should this include an option for no driftnet fishing off of Washington? The federal regulations cannot include such prohibitions without an acceptable rationale. Washington prohibited driftnetting to protect thresher sharks, sea turtles, and birds. Oregon has similar concerns but is allowing a limited number of permits to driftnet for swordfish and adopted area closures to protect thresher shark. The PDT needs to develop and analyze a driftnet fishery package that addresses concerns about sharks and protected species.

Conservation and management measures adopted by international forums need to be implemented in U.S. waters. Currently, IATTC recommendations are implemented by the U.S. under the auspices of the Pacific Tunas Act. The convention to be created for the central and western Pacific also will require domestic implementing legislation. Presumably, the Pacific area councils will have a role in this process, but this is not certain.

The PDT discussed methods of reporting bycatch include observers, logbooks, and interviews. Observer programs for HMS fisheries (in addition to the driftnet program) may be necessary. Requiring full retention would allow bycatch to be enumerated and may provide an incentive to reduce bycatch. It may be best for managers to set bycatch standards and let the industry devise solutions to meet the standards. There is a built-in incentive to avoid bycatch. Fishermen lose time and money handling bycatch. Steps have already been taken to design gear to reduce

bycatch. The FMP should include a description of methods currently being used in the fishery to minimize bycatch. Measures to minimize mortality of fish released by anglers include handling techniques, heavy line, corrodible hooks, circle hooks, de-hooking devices, and line cutters.

Andy Oliver (World Wildlife Fund) presented a concept paper entitled "Performance Standards: Creating Incentives to Reduce and Minimize Bycatch in the HMS Fisheries of the West Coast." Incentives might include catch priority, individual or sector bycatch allowances, point systems with observer incentives, or shared community bycatch quotas.

The PDT will examine various seabird mitigation techniques adopted for Western Pacific longline fisheries. Maura Naughton will keep the PDT informed about the new biological assessment for short-tailed albatross. Scott Eckert and Peter Dutton will offer suggestions for turtles. There is a need to include mechanisms to evaluate new methods for reducing interactions with protected species. It was suggested that the Cetacean Take Reduction Team process be utilized to help identify measures.

Sam Herrick summarized the problems with the PacFIN database and presented recommendations for improving the system. In the short term, the PDT needs to devise a method of eliminating landings by non-HMS gears. In the long term, changes are needed in the data systems. Sam Herrick was assigned the task of devising a screening method and will document his assumptions for PDT review. The state PDT members will approach their member of the Data Committee to address system changes. It was agreed that the authors of each major section of the FMP would address research and data needs for their respective areas and this information would be compiled for inclusion under this section. Some of the obvious needs include information on bycatch, survival of released fish, shark biology and status, and the recreational fishery (especially slip boats). There was also a discussion about the need to obtain information on catches in Mexican waters.

The PDT discussed the status of drafts of each section of the FMP and updated the status document as appropriate. Beth Mitchell presented a draft of the description of treaty Indian rights.

The August PDT meeting was canceled in order to allow for a 2-day Advisory Subpanel meeting in September. The next PDT meeting will be September 26-28, 2000, for 3 full days. The meeting will be held at NMFS, Southwest Fisheries Science Center, La Jolla, California on September 26 and 27, and at Hubbs-Sea World Research Institute on September 28 (the large conference room at the NMFS is not available on September 28).