

DRAFT #2
(Revisions to first draft in **bold**)

Meeting Summary
Highly Migratory Species Plan Development Team and Advisory Subpanel
Pacific Fishery Management Council
La Jolla, CA
January 8-11, 2001

The HMS Team and Subpanel met jointly January 8-10, and the Team continued meeting on January 11. The primary purpose of the joint meeting was to review the first draft of the management options and analyses for each HMS fishery.

Team members present:

David Au, NMFS, La Jolla, CA
Norm Bartoo, NMFS, La Jolla, CA
Steve Crooke, CDFG, Long Beach, CA
Sam Herrick, NMFS, La Jolla, CA
Jean McCrae, ODFW, Newport, OR
Michele Robinson, WDFW, Montesano, WA
Susan Smith, NMFS, La Jolla, CA
Dale Squires, NMFS, La Jolla, CA

Advisory Subpanel members present:

Jock Albright, recreational at-large, Costa Mesa, CA
Tom Raftican for Michael L. Domeier, private recreational, Oceanside, CA
Pete Dupuy, commercial at-large, Tarzana, CA
Robert Fletcher, charter boat, San Diego, CA
Douglas Fricke, commercial at-large, Hoquiam, WA
Wayne Heikkila, commercial troll, Eureka, CA
Chuck Janisse, commercial gillnet, Ventura, CA
Marciel, Klenk, public at-large, Napa, CA
Steve Lassley, commercial at-large, Spring Valley, CA
Anthony Vuoso, southern processor, San Pedro, CA
Kate Wing, conservation, San Francisco, CA

Others attending one or more days:

Don Hansen, Council member, Dana Point, CA
Larry Six, consultant, Portland, OR
LCDR Dave Hoover, USCG, Seattle, WA
August Felando, San Diego, CA
Donna Dealy, NMFS, La Jolla, CA
Tim Hobbs, National Coalition for Marine Conservation
David Wilmot, Ocean Wildlife Campaign, Islip, NY
John La Grange, American Fisherman's Research Foundation
Russell Nelson, The Billfish Foundation
Bob Osborn, United Anglers of Southern California
Mike Hurt, Recreational Fishing Alliance
Richard Neal, NMFS, La Jolla, CA
Mike McGettigan, Sea Watch, Inc.
Jim Morgan, NMFS, Long Beach, CA
Svein Fougner, NMFS, Long Beach, CA
Peter Flournoy, AFRF, San Diego, CA
Rebecca Lent, NMFS, Long Beach, CA
Marty Golden, NMFS, Long Beach, CA
Dick Stone, RFA, Southport, NC
Jim Cook, Hawaii Longline Association
Reuven Ronald Walder, Turtle Island Restoration Network, Forest Knolls, CA
Paul Dalzell, WPFMC, Honolulu, HI
John Hunter, NMFS, La Jolla, CA
Rich Hamilton, Marlin Club of San Diego, TBF, RFA, UASC, IGFA
Steve Fosmark, F/V Seealder
Wayne Moody, Western Fishboat Owners' Association
Kevin Kelly, WPFMC, Honolulu, HI
Steve Joner, Makah Tribe

Joint Team/Subpanel Meeting, January 8-10

Elections of Officers

The HMS Advisory Subpanel elected Robert Fletcher and Wayne Heikkila as chair and vice-chair, respectively, for the year 2001.

The Plan Development Team re-elected Dale Squires and Steve Crooke as co-chairs for the year 2001.

Background

Dale Squires summarized the scoping document and the reasons for developing a fishery management plan.

Michele Robinson presented a first draft list of problems and issues for FMP chapter 6. Michele requested input on chapter 6 by January 31. Rebecca Lent suggested that this chapter include public comments from the scoping sessions. Susan Smith recommended that research and data needs be included in this chapter, and Wayne Heikkila recommended adding the US/Canada albacore issue.

David Au summarized policy recommendations for managing HMS fisheries, which is section 1.7 in the FMP partial draft dated 12/15/2000. This section describes a precautionary management approach. Advisors offered a number of comments. Bob Fletcher noted that the U.S. cannot unilaterally control growth of fisheries. Chuck Janisse felt the draft went too far in discouraging utilization of waste. Wayne Heikkila suggested that waste be defined in the FMP. Kate Wing liked the precautionary approach, but recommended that the tools not be limited to the four listed. Chuck Janisse noted that Article 6 of the MHLC agreement defines the application of the precautionary approach.

Draft Paper on Management Options and Analysis

The Team and Subpanel reviewed the first draft of chapter 8.0, Analysis of Impacts of HMS Regulatory Options. The document is generally structured on a fishery-by-fishery basis. Discussion began with the longline fishery.

Longline Fisheries: There are options for conventional longline gear inside the EEZ, cable longline gear inside the EEZ, and conventional longline gear outside the EEZ. After much discussion, it was agreed that the options for conventional longline gear within the EEZ should be restructured as follows:

1. Status quo
2. No longlining in EEZ
3. Longlining subject to restrictions
 - a. Limited entry
 - b. Time/area closures
 - c. Gear restrictions, size, deployment, hook type, etc.
 - d. Dupuy-Janisse proposal
 - e. Others - VMS, observers, etc.
4. **Research program to evaluate longlines**
 - a. **Research program with formal experimental design (Kate Wing proposal)**
 - b. **Commercial experimental fishing (EFP)**
 - c. **Combination of a and b**

There was considerable discussion about Kate Wing's proposal that longline gear be evaluated using a research program with a formal experimental design, as opposed to a traditional exempted fishing permit (EFP) fishery, before authorizing a fishery. There was no consensus on this proposal. It was agreed that both options should be included.

Chuck Janisse stated that some of the statements and conclusions in the analysis are not supported. There needs to be much more detail included in the analysis. The Team agreed.

It was agreed that a third option should be added for longlining outside the EEZ, which would be to adopt selected portions of the Hawaii longline regulations, including, but not limited to, VMS, logbooks, and observers.

Private Boat Recreational Fishery: Tom Raftican (representing Michael Domeier) recommended that the Team include a history of this fishery and describe the distinct recreational fishing communities for tuna, marlin and shark. He also suggested that if recreational limits are going to be considered (e.g., bag limits), then limits for the commercial fisheries also need to be considered. Chuck Janisse supported the addition of data collection requirements for sport fisheries. Bob Fletcher spoke against the option of a federal recreational fishery permit; if a permit is required for data purposes, a vessel permit would be preferable to an individual license. The Team agreed to modify the option to require a vessel permit.

The option for catch and release of striped marlin will be a formal program to encourage release but will not require release. Steve Croke distributed additional language for the analysis on this catch-and-release program.

Charter Boats: Bob Fletcher noted that harvest of HMS accounts for the majority of the revenue for the charter boat fleet in southern California. Tom Raftican suggested addition of the history of the charter fishery to this section. The Team agreed to add an option for a federal bag limit, which may or may not be consistent coastwide. The Team will add information on the Washington and Oregon charter fisheries. Bob Fletcher questioned the necessity of a federal charter boat license. He urged that angling surveys be conducted to collect data. Marciel Klenk suggested a federal HMS stamp be required. There was agreement to combine the options applying to anglers in the private boat and charter boat fisheries, but the analysis will differentiate between private and charter fisheries.

The Advisory Subpanel met during lunch recess on January 9 to discuss some process and procedural issues of concern. Doug Fricke was disappointed that the agenda did not include an opportunity to review the partial draft FMP dated 12/15/2000 which was distributed prior to the meeting. He also asked the Team to eliminate opinions from the analysis, stick to the facts, and don't be afraid to admit

that they don't know effects. Chuck Janisse stated that the draft analysis was very sketchy and skeletal at this point and he hoped that we would see a more "fleshed out" version next time. He further noted that the Team made some inappropriate conclusive statements in the analysis. This probably is a reflection of time constraints. Wayne Heikkila said that the troll fishery analysis contained assumptions throughout which are not supported.

Marciel Klenk stated that the discussion on net economic benefit did not capture consumer concerns about the availability of domestic vs. foreign product. Wayne Heikkila raised concerns about the delay in conducting the cost and earnings surveys and the possible need to delay the plan development process. Tom Raftican was concerned about the "holes" in the recreational data and history of the fishery. Tom also noted that Michael Domeier was concerned about the short notice of meetings and lack of time to review the draft FMP. Kate Wing was concerned about requesting an additional formal delay in the process. Wayne Heikkila moved that the Subpanel recommend that the Council delay presentation of the first draft of the FMP until the June meeting. Opinions for and against delay were presented. There didn't appear to be any objection to the presentation of an incomplete draft FMP at the March meeting, as long as there was no formal adoption of the FMP. The Subpanel should point out the gaps and problems with the draft and request sufficient time to develop a complete package. Wayne Heikkila withdrew the motion.

Doug Fricke moved to suggest that the Team analyze and comment only with verifiable information and refrain from using information that cannot be substantiated. The Team should use substantiated information or state that information is not available. The vote was 7 in favor and 4 against.

Several members of the Subpanel suggested that the Team send e-mail attachments in WordPerfect and 'rich text file' formats, so that all members can read the attachments.

Drift Gillnet Fishery: Because of the fact that the U.S. share of Pacific HMS harvest is so small, Chuck Janisse questioned the conclusion that option 3 would increase non-consumptive benefits (existence value) due to a reduction in swordfish and possibly shark landings, as well as turtle mortality. The Team agreed to add language noting that any such benefits may be short term in duration and may be consumed elsewhere due to the highly migratory nature of the stocks. David Hoover suggested that any enforcement costs might be mitigated by instituting a requirement for VMS. Chuck Janisse summarized the FISH document entitled "Review and Discussion of Regulatory Alternatives relating to the DGN Fishery for Shark and Swordfish." **Chuck believes that the DGN fishery options need to be defined as regulatory packages (a management unit) containing a specific suite of management measures that is linked to one of the 3 basic management authority options. For example, one option could be the suite of DGN permit measures under federal authority as recommended by FISH.** There was substantial discussion of how to present the various DGN options. The group decided on the following options:

1. A federal limited entry fishery in the Pacific coast EEZ with time/area closures off Washington and other area/season/gear restrictions as per current state practices, the federal Take Reduction Plan and pending closures to protect turtles mandated by the biological opinion.
2. A federal limited entry fishery coastwide in the Pacific coast EEZ with area/season/gear restrictions as per current state practices, the federal TRP restrictions and the pending closures imposed by the biological opinion.
3. A federal limited entry fishery in the Pacific coast EEZ with time/area closures off Washington, subject to federal regulations.
4. A federal limited entry fishery coastwide in the Pacific coast EEZ subject to federal regulations.

It was agreed that there are 3 basic management authority options which apply to all fisheries, and which are described in the FISH paper: 1) delegate or defer to state management, 2) adopt federal authority, or 3) a mixture of 1 and 2. These options will be described near the beginning of the section on management alternatives.

Hook-and-Line Fishery: Doug Fricke recommended that the analysis be revised to reflect that a portion of the catch is sold directly to the public, and while the amount is relatively small, this is an important part of the income of some fishers. Wayne Heikkila noted the fishery extends as far as 160E, and this issue of access to bait for the live-bait fishery needs to be addressed. August Felando suggested that the pole-and-line fishery should be added to this section. Doug Fricke took exception to the assumption that the fishery will increase under open access. This is not happening under the status quo. The analysis should be revised to state that we don't know what will happen to effort under continued open access. The problem of increase in Canadian effort in U.S. waters needs to be addressed, also. Bob Fletcher thinks that we should expect increases in effort in this fishery under open access, given the drastic reductions in other fisheries. Doug Fricke suggested that the Team clearly distinguish between predictions and statements of fact. He said that regarding the effects on ESA listed species, the analysis should state that there are no documented impacts.

There was discussion of the extent of authority of this FMP, particularly regarding vessels fishing on the high seas. This needs to be clarified in the FMP. Larry Six will work with Beth Mitchell to draft some language for review.

Tom Raftican noted that gear switching can be a problem, particularly when longlines are involved. Michele Robinson said the intent is to provide an option that would allow switching from one hook-and-line gear to another hook-and-line gear. The switching option will be revised.

Coastal Purse Seine Fishery: August Felando recommended the analysis be expanded to add historical data on coastal seiners to encompass all of the fisheries they pursue. Kate Wing said that there needs

to be reporting of live fish transshipments by U.S. vessels. She also suggested adding an option for limited entry in the bluefin tuna purse seine fishery. There was no consensus on this recommendation. Chuck Janisse suggested that the two seine fisheries be changed from “coastal” and “distant water” to “mixed species” and “HMS.”

Distant Water Purse Seine Fishery: It was agreed that the coastal and distant water seine fisheries from now on should be labeled “small” ($\leq 400t$) and “large” ($>400t$), respectively. August Felando suggested using IATTC weekly catch report data for the most recent information on this fishery.

There were questions and discussion about the involvement of the Council and this FMP in implementing the Pacific Tuna Conventions Act and the legislation that will implement the MHLA agreement in the U.S. This applies to all HMS fisheries, not just seine fisheries. It was noted that the Pacific Council could be involved in resolving any domestic allocation issues which arise from implementing regulations adopted by international bodies. The option of supporting U.S. obligations under laws and treaties does not belong in the purse seine section, nor is this an option; it’s a requirement. This needs to be discussed in a separate section.

Evaluation Factors: The Team agreed to add 2 new evaluation factors to the original list of 11 factors: 12) meeting objectives of the FMP and 13) consistency with international obligations.

Shark Conservation: Pete Dupuy suggested that this section address whether or not an alternative fishery would reduce the catch of sharks. Chuck Janisse recommended that option 6 include a requirement for de-hooking devices. Finning options need to be added that include the language adopted by the Subpanel (4 fins per carcass/ 5% of wt.) and an option requiring fish to be landed whole. Pete Dupuy stated that requiring fish to be landed whole will create a lot of waste. Doug Fricke suggested adding language to describe the differences in stock composition along the west coast and the reasons for this. Marciel Klenk argued for inclusion of quality aspects relative to finning regulations. August Felando asked how can the analysis be done when you don’t know the sport catch of sharks? Data are lacking in this analysis. The Team agreed to add citations or reference other sections. Option 4 precludes the development of target commercial fisheries for sharks, but there may need to be a special provision for a blue shark fishery, since this stock is abundant. Option 6 would require release of juvenile and large adult sharks, but for safety reasons it may not be possible to release live sharks caught in drift gillnets, so there may be no benefit to this regulation.

Protected and Prohibited Species: Subpanel and Team members agreed that the FMP needs to include documentation on interactions with protected species.

While white sharks are prohibited species in California, apparently they may be landed and sold under certain circumstances. The FMP should close this “loophole.”

Bycatch

Steve Crooke distributed a new section on options to minimize bycatch in HMS fisheries. The group agreed that the current knowledge of bycatch in each fishery needs to be documented in the FMP. Performance standards recommended in option 1 need to be defined. For the drift gillnet fishery, options to minimize bycatch should include time as well as area closures, effort reduction, and establishment of markets for underutilized bycatch species. For the troll fishery, area closures to minimize bycatch may not be practical. For the longline fishery, reporting options should include logbooks and observers inside and outside the EEZ. Options for minimizing bycatch should include reducing soak time, establishing markets and gear changes. In the charter boat fishery, reporting options should include a mandatory logbook coastwide.

Plan Development Team Meeting, January 11

Kate Wing summarized and explained the policy statement distributed by the Ocean Wildlife Campaign date January 8, 2001.

The Team developed the following permit options:

1. One unified permit for fishing; state delivery permits
2. Federal endorsement of state licenses
3. Free record-keeping permit (like IPHC)
4. HMS permit in addition

The Team discussed various options for a point-of-concern framework (to enable quick management action in response to a resource crisis) which were compiled and distributed by Michele Robinson. The options include the CPS FMP language, a modification of the CPS FMP language by David Au, and an option drafted by Kate Wing. The discussion raised a number of questions. Who raises a point of concern and how is it raised? How much detail and criteria are needed? Kate Wing felt that the process should require a response by the Council to a point of concern (not necessarily a management action). The process should not burden the Team. Michele Robinson stated concerns about deadlines which the Team would have trouble meeting. Kate will re-draft the language for review at the February Team meeting.

The Team adopted a revised FMP outline, which includes new chapters to document interactions with protected species as well as bycatch in HMS fisheries, and combines chapters 6, 7 and 8 in one chapter addressing management under the FMP. Larry Six will revise the outline and send it to Team members and Advisors.

New drafting assignments were made. Michele Robinson will draft new section 8.5.1, Management Authority Options and Arguments for Federal Management. Permit options will be included here. Steve Crooke will draft new chapters 5.0, Bycatch of Fish in HMS Fisheries, and 6.0, Interactions of

HMS Fishing Gears with Protected Species. Michele Robinson will revise new chapter 7.0 (formerly 5.0), Current Management, and will include a description of current monitoring and data collection programs. Jean McCrae will draft a description of legal gear under the FMP (in section 8.5.5) and will draft section 8.7, Research and Data Needed for Management. Larry Six will draft revisions to the FMP to explain the jurisdiction of the FMP inside and outside of the EEZ of the west coast.

The Team meets February 5-9, 2001, in the large conference room at the Southwest Fisheries Science Center in La Jolla. Dale Squires is drafting the agenda. A tentative schedule was approved by the Team as follows:

Mon., Feb. 5: Distribute and review new documents from 8:00 a.m. to 9:30 a.m. Review chapters 5 (bycatch) and 6 (protected species) for the remainder of the day.

Tues., Feb. 6: Review revised chapter 8 (management).

Wed., Feb. 7: Review revised chapter 8.

Thurs., Feb. 8: Review other new sections from 8:00 a.m. to noon. After lunch adjourn to draft revisions to FMP.

Fri., Feb. 9: Continue drafting revisions from 8:00 a.m. until noon. After lunch reconvene to review revisions.

Susan Smith presented a list of all species caught by HMS gears. Team members suggested some minor modifications to the list. Susan will draft language for inclusion in chapter 3.

The Team identified current monitoring programs and research needs for each HMS fishery which will be documented in the FMP by Michele Robinson and Jean McCrae.

