

*Exhibit E.2.e
Supplemental Public
Comment
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**A CASE AGAINST LONGLINING INSIDE THE EEZ
OFF CALIFORNIA**

Prepared for the
Pacific Fishery Management Council

By

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Pacific Fishery Management Council
2130 SW Fifth Ave.
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Dear Council Members:

I have been following the declines in fisheries in Mexico and Southern CA for the last 23 years as a sportsman and founder of Sea Watch, Inc. More recently our interests have expanded to drift gillnet issues and the proliferation of longliners along the Baja Pacific Coast. We have spent many of those years interviewing Mexican and American fishermen, concerning destructive fishing practices in the Sea of Cortez and it's surrounding Pacific Waters and then televising the interviews. I've enclosed a brief bio and you can see some of our work on our website www.seawatch.org.

It was of special interest to Sea Watch when you decided, while developing your HMSFMP to look at allowing longliners inside the EEZ off the coasts of California, especially in light of the rapidly declining stocks of billfish along Mexico's Baja and in Southern California. There are some major areas that need to be specifically addressed and questions answered before allowing any more indiscriminate fishing gear types or other sources of fish mortality in the water.

- One of your primary concerns as stated in your scooping document is to protect the billfish fishery through the new HMSFMP. To that end, you need to know the following.
- Eastern Pacific billfish stock assessment data is virtually non-existent. Your voluntary postcard method of determining CPUE on the last great biomass of Striped Marlin in the Pacific does not in any way reflect the health of the stock. CPUE shows no decrease, while Striped Marlin in the core aggregation area around Cabo San Lucas, along the Pacific Coast of Mexico's Baja and in Southern CA. have been in major decline since the early 1980s with anecdotal data showing declines of 40-50% in the last 15 years.¹ The average weight of a Striped marlin caught 15 year ago versus today has dropped from 160 lb. to 120 lb a 25% drop.² Can the Council quantify what this drop in numbers and average caught weight says about the health of the Striped Marlin stock? If not, the precautionary approach mandates that no new gear types or other sources of fish mortality be allowed until Marlin populations can be understood, stabilized and sustained.

¹ Anecdotal data gathered for television special reports on Televisa over the last 7 years by Sea Watch. Preliminary results can be found at http://www.seawatch.org/int_sum.htm and as an attachment to this document. We are now conducting further surveys with the help of Dave Holts, NMFS. Those surveys have started coming in and results will be available soon.

² Data taken from weigh in pictures taken over the last 20 years by famous Cabo photographer Mario Banaga Sr.

- In 1999 and 2000 Mexico's longline fleet started and was growing rapidly under the direction of PESCA's Camacho Gaos. There were over 50 vessels fishing marlin and swordfish along the Baja coast with what turned out to be illegal permits. Mexico has taken the lead in the last several months through Congress, by temporarily stopping all permits. The fishermen are fighting back, saying in the Ensenada newspapers that, "California is amassing an inshore longline fleet and that Mexican fishermen are going to lose out again to the American fishing fleets". If there are any permits issued inside the California EEZ, the Mexican fishermen will have all the ammunition they need to go back to the Mexican Congress and get the rulings reversed. You will then have opened the floodgates for inshore (inside the EEZ) longlining in both countries. Conservation of many of these HMS stocks will require joint U.S./Mexican action – the Council should take the broadest possible view of the implications of current decisions as they affect present and future international actions.
- Prior to 1980 there were only harpooners and sports fishermen targeting swordfish and marlin in Southern California waters.
- Around 1977 drift gillnets were introduced in Southern California waters and by the early 1980s with about 300 permits issued, the gillnetters had their banners years, killing approx 46,000 swordfish in 1984-85. From then on it has been straight downhill. As a direct result of those gillnets, today there are virtually no Blue Sharks, very few Threshers or Makos and not enough Swordfish in the California bight (Channel islands to Mexican border) to support a harpoon fishery or a drift gillnet fishery. Only about 70 drift gillnet permits are still active and many of those only partially so and primarily fishing Northern California waters. As longliner Pete Dupuy said to me himself, "You could probably buy all the CA. gillnet permits out there for \$200,000. Why don't the sports fishermen just do it!" If there were still plenty of fish in the California bight would that statement be made?
- It's relatively hard to fathom the fishing power of a small 50-foot longline boat, fishing with 800 to 2000 baits spread out over 25-40 miles of ocean. To get an idea of the killing power, think of one small 50 foot longline boat being equivalent to 200 to 500 sportsfishing yachts drift fishing those same waters 18 hours a day and killing virtually everything they catch. A longliner fishing tuna, sets up to 2000 baits from the surface to fishing depth about 3 hours at dawn and pulls the baits and catch back to the surface for 7 hours starting at dusk. A swordfish boat, setting 800 to 1000 hooks does just the opposite, setting 3 hours at dusk and pulling 7 hours at dawn. Both are prime times to catch marlin, as these baits move up and down through the water column 10 hours a day.
- Hawaii started bringing in longliners in the mid 1980s and has now 160 permits issued, about 115 now being used. In 1999 they caught about 23,000 swordfish down from a 1993 high of about 85,000 swordfish. Over 60% of the boats are now fishing tuna and that number is rising. The reasons for this shift, according to a longliner from Hawaii, with whom I have recently discussed the issue are:
 1. Swordfish boats have to travel further to find swordfish.
 2. North of 30 degrees, where the swords were, there were too many interactions with albacore.
 3. General politics of the turtle lawsuit.

- There are now about 25-35 of the Hawaiian boats fishing off California outside the EEZ,³ although they have been seen on temperature breaks, 135 mile offshore by harpoon spotter pilots. They are taking about 200 - 250 swordfish per day⁴ from the open ocean areas that are thought by many to be the areas that replenish the California bight (<http://www.swordfishmanagement.com/id3.htm>). The number of boats fishing off California may soon increase, according to a Hawaiian longliner, when the new two-month closures in Hawaii start in March. This would put further pressure on the waters off California and Northern Mexico.
- In a recent conversations with a longliner that has been working Hawaiian waters for over 30 years, I was told that 15 years ago he would average about 2-3 Blue Marlin and 10-15 Striped Marlin on a typical 10 day tuna trip. Now he catches one Blue every 2-3 trips and for the last two years almost no Striped Marlin.
- Mexico tried an experimental Bluefin tuna longline fishery with two Japanese boats from September 1997 – May 1998. An effort of 471,952 hooks caught....⁵
 - 11,743 Striped Marlin (77.5%)
 - 758 Sailfish and swordfish (5%) How many swordfish?
 - 2,652 Other fish (17.5%) 12.5% shark

This test was experimental for Bluefin tuna and they were fishing Northern Mexican waters, which is basically the same geographical area and target species that the US longliners want. About 95% of the test was by-catch directly affecting the already declining billfish and shark populations. At the very least this dispels the premise of those who say, "That you can't tell that longlining is bad here just because of its effect on the billfish populations in Chile and the Atlantic. The Pacific is different and catch components are different and you very probably won't hurt non-targeted billfish populations. We need to try longlining to see." Well, it's recently been tried and the results were disastrous.

- The number of registered commercial sports fishing boats, fishing Marlin in the core aggregation area around Cabo and the East Cape has increased from less than 75 in 1985 to over 800 in 2000.⁶ Estimates are that there are 300 to 500 sports boats and yachts fishing each day in the core aggregation areas around Cabo and the East Cape, up about 1000% from mid 1980s. Unless otherwise demonstrated the precautionary approach mandates that the Council assume that present recreational effort alone on this stock is a significant source of mortality. No new gear or sources of fishing mortality should be allowed.

³ Bob Enderson, Hawaii

⁴ 9 boats took 241,000 lbs of swordfish on 10-15 day trips in August of 2000

⁵ January 1999 National Report of Mexico by National Institute of Pesca

⁶ Port Captain, Cabo San Lucas

- With the advent of GPS and Ocean Imaging, CPUE data that does not take into account increases in fishing efficiency, does not reflect the health of a fishery until stocks are already in trouble. For example, NMFS, CPUE data has not shown a drop off on the Blue Shark in Southern CA, nor on billfish in Mexico and Southern CA, even when anecdotal data shows 80-90% decreases in Blue Sharks and 40-50% decreases in Striped Marlin. Longliners, gill netters and others are now able to read ocean temperature breaks to .001 of a degree, watch breaks form, predict their path to structure and be there waiting a day or two before the fish arrive. The Cabo sports fleet working together using only GPS and VHF radio communication have managed to keep their CPUE at 1.0 to 1.3 marlin/fishing day for many years, even though the marlin populations in that area are only about 50% of what they were 15 years ago.

Summary:

- As a result of increased pressure from the sports fleets and proliferation of small longline and drift gillnet pangas (528 permits issued in La Paz, Mexico alone) marlin and swordfish stocks along the Baja and Southern California coast will probably continue to decline even if longliners are kept outside the EEZ. Add to that the pressure from the Hawaiian fleet, which with declining swordfish stocks in their waters, will continue to increase fishing pressure off the California and Northern Mexican coastline.
- Major work needs to be done to accurately assess the status of stocks of pelagic fish. There are many 1000s of hours going into a HMSFMP (Highly Migratory Species Fish Management Plan) that will dictate fishing for many years to come and no time going into accurately assessing fish stocks. You cannot start out with bad to nonexistent baseline stock data and somehow come up with a good fish management plan.
- If American longline boats are allowed inside the EEZ. You can be assured that the Mexican Congress will allow their longline fishermen inside also. The NMFS and the Council needs to be working with Mexico's Dept. of PESCA (not just listening to them as in the past) to really protect the last and largest concentration of Striped Marlin in the Pacific. If Mexico and the US can keep their emerging longline fleets and existing drift gillnetters outside the EEZ the Stripped Marlin may have a chance. If not, at the present rate of decline they will be severely depleted within 10 years.

Interview Summary Pages
and
Samples of new Interviews

Where Have All The Billfish Gone?



Dedicated to a Healthy Sea of Cortez

Selected By The Rolex Awards For Enterprise as
One of the Top 100 ecological projects worldwide

Ricardo Agundez -



Ricardo Agundez

Q: What is your fishing background? What makes you a knowledgeable source of information?

A: I started 10 years ago with Pisces Fleet. During that time I was a deck hand for one year, before stepping up to being a captain, which I've been doing for 9 years. I have had good and bad experiences, which I feel will help those that will follow behind me.

Q: Where do you do most of your fishing?

A: The southern tip of B.C.S. or the southern tip of the Baja.

Q: How long have you been fishing in the waters you are talking about?

A: Approximately 10 to 11 years. I fish 240 to 250 days a year.

Q: Do you own your boat or fish on someone else's?

A: I work on a boat called "Adriana I," which belongs to Pisces Fleet.

Q: What percentage change have you seen in the numbers of the following pelagic fish (striped marlin, blue marlin, sailfish, blue sharks, mako sharks, thresher sharks, dorado, yellowtail) in the areas you fished in the last 15 years?

A: For striped marlin, a drop of 30%; blue marlin a drop of 40%; sailfish a 70% drop; sharks of all types a 90% drop.

Q: Has the average size of the striped marlin caught dropped in the last 15 years?

A: About 15 years ago weights were varied, a good sized fish would have been 160 to 180 pounds. Today a good-sized fish is between 100 and 140 pounds.

Q: What about the average size of the sailfish caught?

A: In the past 80 to 100 pounds, now the few that remain are from 40 to 70 pounds.

Q: Give as many examples as you can of how fishing used to be 15-20 years ago versus what it is today? Try to quantify these examples as much as possible. We are most interested in the pelagics mentioned above.

A: Before fishing was very successful and plentiful. Before there were no limits as to how many marlin could be killed and some captains killed 2 to 3 marlin per day. Before there was no commercial exploitation. Today, we should not only preserve certain species, but we should do something about the sportsfishing boats that catch fish indiscriminately and then sell their catch. Many of these boats doing this belong to well-known and important companies. It is not right that some of us try to preserve marlin and other species, while others don't help us in the slightest, killing one or as many fish as they can, a day. It is really important that fishermen and boat owners help each other to preserve our natural resources and our jobs for the future. We should not make the same mistakes, that have been made in other fishing ports.

Q: Do you have to travel further today to get fish than you did 15 years ago?

A: Before we only had to go out 2 or 3 miles. Today, we sometimes have to go as far as 35 miles out and sometimes we don't have any luck.

Q: How many marlin have you caught in your fishing career, or in a year with an old hook in it?

A: About 10 a year.

A Biography Of The Founder of SeaWatch



Dedicated to a Healthy Sea of Cortez

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A Brief Biography of the Founder of SeaWatch

■ Mike McGettigan has always had an interest in the Sea. He worked summers commercial fishing for salmon in the Columbia River while going to college. After graduating from Portland State University in 1965, Mike worked as a production Engineer for Tektronix and Omark Industries. He went into business for himself in 1967. In 1973 he bought his first boat in Mexico, spending that year cruising through the Sea of Cortez. In 1977 he came back to the Sea of Cortez on the Ambar I, the first of three boats he has had in the Sea. Since then, he has spent 25 years fishing and diving the waters between Costa Rica and San Diego on a full time basis. He has traveled over 350,000 miles in these waters and has made over 130 trips to the Revillagigedo Islands, which are located 250 miles south of Cabo San Lucas. He is an ardent free diver and spearfisherman and co-produced the classic video, "Blue Water Hunter". The famous documentary on the Sea of Cortez by Howard Hall " Shadows in a Desert Sea" and Stan Waterman's biography, "The Man Who Loves Sharks" were also made on his boat.



After watching first hand the rapid destruction of many fisheries in the Sea of Cortez during the late 1970s and 1980, McGettigan founded Sea Watch, an organization dedicated to exposing the destructive and often illegal fishing practices in Mexico's Sea of Cortez. Their initial work lead to many articles, TV reports and eventually led to a major expose by the Sacramento Bee. Sea Watch work at the Revillagigedo Islands led to protection for the Giant Pacific Manta and Whale Shark and helped focus the attention of Mexico on this beautiful Eastern Pacific Archipelago. Mexico has since made these Islands a protected biosphere and his work was recognized in the Rolex Awards for Enterprise in 1996. His organization initiated the first artificial Reef program in the Sea of Cortez and has kept up constant surveillance at the Islands reporting and publicizing illegal fishing. Last year they were the first to report large numbers of longliners working off Mexico's Pacific coast. Mr. McGettigan has a great working knowledge of what is happening in these Eastern Pacific waters and is most concerned about the dramatic decreases in both reef and pelagic fisheries that has taken place in the last 25 years.