

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL COMMENTS ON  
THE DRAFT HMS FISHERY MANAGEMENT PLAN

The Highly Migratory Species Advisory Subpanel met June 11-12 to review the second draft of the HMS Fishery Management Plan. There are a number of deficiencies in the draft, which we believe need to be addressed prior to release of the FMP for the public hearing process. These deficiencies include:

- lack of economic data and economic analysis of the options. Cost and earnings surveys of the albacore troll, drift gillnet and charterboat fisheries are not completed.
- economic data on the recreational fisheries is lacking, and there is no ongoing effort to collect the necessary information.
- analyses of options in chapter 8 generally are incomplete, in part due to lack of information and in part due to lack of specificity of the options.
- “federalize” needs to be defined more clearly, and there is a need to identify which existing state regulations are not consistent with federal law. Legal advice is needed.
- The Team intends to revise chapters 5 and 6 to include more complete information on bycatch and protected species.
- There are inconsistencies between the options in the matrix of the executive summary and those in chapter 8.
- community impact information has not been included yet. (There is a placeholder on p. 2-27 for a section on characteristics of support industries and communities which has not been drafted yet).
- there needs to be more information in chapter 3 on the impacts of the various options for management unit species, and particularly for the option which would exclude sharks. What are the implications of excluding sharks from the FMP (option 7), would a separate shark FMP be necessary, and what would the costs be?
- the new longline option recommended by the Ocean Wildlife Campaign (attached) needs to be included as submitted, and longline option 39 needs to be modified to be consistent with the proposal by the commercial fishery (attached).
- need to address the potential issue of HMS species held in net pens, if this activity were to start in the U.S. How would these “landings” be monitored and reported?
- need to investigate the possibility of adding a general framework section for limited access programs, which would expedite the amendment process for any specific programs which might be developed after implementation of the FMP.
- the use of PacFIN landings data in the FMP creates a misleading picture of HMS fishery landings by the various commercial gears, largely due to fishticket gear coding problems. Language needs to be added to tables and text to explain this problem. In addition, there is a problem in reporting of swordfish landings, because different conversion factors are used by different state and international agencies to convert dressed weight to round weight.
- in various places the FMP provides misleading information about the “incidental” catch of halibut and salmon by surface hook-and-line HMS fisheries. These are not incidental catches with HMS gear, but are directed salmon and halibut harvests by the same vessel using salmon or halibut gear on the same trip, or during other seasons.

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- the FMP needs to include data on catches of striped marlin in commercial fisheries.
  - the FMP does not adequately address the issue of regulation of U.S. fisheries in the absence of international obligations.
  - the description and analysis of the U.S./Canada Albacore Treaty situation needs to be updated to reflect current events.

In addition to the above concerns, some individual Subpanel members have very specific editorial suggestions, which they will supply to the Team in writing prior to the Team meeting next week.

Due to the extent of the deficiencies in the FMP, the Subpanel recommends that the Council direct the Team to complete the draft by September, and delay the public hearings until the November thru February period. The Council could reexamine the draft at the September meeting, or choose to send the revised document out for public comment. The actual timing of hearings might be different depending on the area of the coast. Another consideration is that summer public hearings are not timed well for many commercial and recreational participants. Final action could be slated for the March Council meeting.

The Subpanel further recommends active involvement of NOAA General Counsel throughout the remainder of the plan development process. This will help ensure that the requisite analyses are conducted to satisfy applicable law.

CHANGES TO OPTION 39  
(Allow a pelagic longline fishery within the EEZ with management restrictions)

First bullet, first line: Delete "...West Coast longline effort plus..."

First bullet, third line: Delete "longline" from the phrase "...only active longline and DGN fishers..."

Insert new second bullet: "Limit initial entry to 10 vessels and adjust up or down through framework procedures as determined in the annual SAFE report."

(No changes to third bullet)



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## Ocean Wildlife Campaign proposed "Option 5"

(In May 2001 draft  
would be new option # 41.5)

### Section 8.5.5.5 Longline Fisheries

#### Inside the EEZ – Conventional Longline Gear

##### Options

Option 5: An indefinite moratorium on longlining <sup>inside the EEZ</sup> with the potential for re-evaluation by the Council following completion of a cooperative research study.



##### Analysis

Option 5: Before the Council considers expanding the use of longlines in the West Coast EEZ, a cooperative research study would provide necessary data on target and incidental catch, as well as potential techniques to mitigate bycatch including protected species catch. This information would provide the basis for future management options. A cooperative research study would mandate that fishers proposing to use longlines demonstrate that the gear can meet stringent conservation/performance standards, with an emphasis on minimizing bycatch and bycatch mortality, prior to allowing the use of longlines in the EEZ under the HMS FMP. The bycatch standard would be whether longlines can fish with bycatch rates low enough to have negligible impacts on the populations of bycatch species, not whether longline bycatch rates are lower than the rates of existing fisheries.



Components of a cooperative research study would include, at a minimum:

- a) 100% observer coverage;
- b) a protocol for conducting the study, with clearly defined goals and a timetable for reporting conclusions to the Council;
- c) an experimental design which would test the relative effectiveness of various methods to reduce bycatch and bycatch mortality through changes in fishing practices (i.e., depths, areas, and times of operations) and fishing gear (e.g., bait type, gangion length and material, hook type);
- d) the number and identity of participating vessels, to be determined according to the protocol;
- e) definitions of both "target catch" and "bycatch" (e.g., juveniles of the target species, non-target species, prohibited, and protected species), upon which the selectivity of longlines are to be evaluated; and,
- f) regular reporting of bycatch rates, so that the study can be terminated if bycatch rates are unacceptably high.



The Council, in consultation with its Advisory Panels, NMFS and interested parties would review the research results and determine if the gear should be permitted. If allowed, the fishery would be required to have high levels of observer coverage, and to maintain low bycatch rates through fishing the areas/seasons/methods/gears demonstrated by the study to have acceptably low bycatch rates.