

**DRAFT SUMMARY MINUTES**  
**Highly Migratory Species Advisory Subpanel**

Pacific Fishery Management Council  
Red Lion Hotel Sacramento  
Comstock 3 Room  
1401 Arden Way  
Sacramento, CA 95815  
(916) 922-8041  
March 13, 2002

**Highly Migratory Species Advisory Subpanel (HMSAS) Members Present:**

Mr. Jock Albright, recreational at large, Costa Mesa, CA  
Mr. Pete Dupuy, commercial at large, Tarzana, CA  
Mr. August Felando, purse seine, San Diego, CA  
Mr. Robert Fletcher, chair, charter boat, San Diego, CA  
Mr. Douglas Fricke, commercial at large, Hoquiam, WA  
Dr. Doyle Hanan, public at large, San Diego, CA  
Mr. Wayne Heikkila, vice chair, commercial troll, Eureka, CA  
Mr. Chuck Janisse, gillnet, Ventura, CA  
Ms. Heather Munro, northern processor, Waldport, OR  
Mr. Robert Osborn, private recreational, Lakewood, CA  
Ms. Kate Wing, conservation, San Francisco, CA

**Highly Migratory Species Plan Development Team (HMSPDT) Members Present:**

Dr. David Au, NMFS, La Jolla, CA  
Dr. Norm Bartoo, NMFS, La Jolla, CA  
Mr. Steve Crooke, CDFG, Los Alamitos, CA  
Dr. Sam Herrick, NMFS, La Jolla, CA  
Ms. Jean McCrae, ODFW, Newport, OR  
Ms. Michele Robinson, WDFW, Montesano, WA  
Ms. Susan Smith, NMFS, La Jolla, CA

**Others Attending:**

Mr. Larry Six, consultant-plan coordinator, Portland, OR  
Mr. Dan Waldeck, Council staff, Portland, OR  
Dr. Kevin Hill, CDFG, SSC, La Jolla, CA  
Dr. Russell Nelson, The Billfish Foundation, Fort Lauderdale, FL  
Mr. Dick Stone, Recreational Fishing Alliance  
Mr. Jim Morgan, NMFS, Long Beach, CA  
Mr. Patrick Higgins, Canadian Consulate General, Seattle, WA  
Mr. Rod McInnis, NMFS, Long Beach, CA  
Mr. Steve Fosmark, fisherman, Monterey, CA  
Mr. Peter Flournoy, Am. Fish. Research Foundation, San Diego, CA  
Mr. Thomas Roff, Morro Bay Comm. Fish. Org., Morro Bay, CA  
Mr. Jim Fisher, fisherman, Hammond, OR  
Mr. Fred Hepp, fisherman, Santa Barbara, CA  
Mr. Tim Hobbs, National Coalition for Marine Conservation  
Mr. Jorge Gross, CDFG  
Ms. Marija Vojkovich, CDFG, Santa Barbara, CA

## Call to Order, Agenda, Minutes

Chair, Robert Fletcher, called the meeting to order at 8 a.m. on March 13, 2002. The agenda was approved as proposed. The Subpanel approved the draft summary of the October 31, 2001 meeting with the following changes:

- 1) Under section entitled "Advisors Comments on FMP," page 2, third paragraph, add a new sentence at the end of the paragraph: "Mr. Dupuy reluctantly approved the motion, and later responded that he rescinds his support of this alternative."
- 2) In the same section, page 2, last paragraph, delete the sentence: "Mr. Dupuy responded that he rescinds his support of the new alternative proposed by the sport fishery."

## Reports of Recent Activities

Mr. Svein Fougner, NMFS, briefed the Subpanel on recent international activities relating to highly migratory species, including activities of the Inter-American Tropical Tuna Commission, the second preparatory conference for the Central and Western Pacific Fisheries Convention, and U.S./Canada Albacore Treaty discussions. Mr. Peter Flournoy added comments on the preparatory conference.

Regarding domestic activities, Mr. Fougner reported that the final rules to implement the Shark Finning Prohibition Act have been published.

Messrs. Wayne Heikkila and Chuck Janisse reported on progress in collecting cost and earnings data from the troll and gillnet fleets, respectively.

## NMFS Comments on Draft EIS/FMP

Mr. Fougner summarized the March 8, 2002 letter from NMFS to the Council commenting on the Draft EIS/FMP. Consistent with the Regulatory Streamlining Program, NMFS would like the Council to have all of the required information in front of it before making a final decision, including the draft regulations and the Regulatory Impact Review. The letter suggested the Council delay final approval until the June 2002 Council meeting. Some specific comments were offered addressing the requirements of the Magnuson-Stevens Act.

Subpanel members asked Mr. Fougner a number of questions about the NMFS comments.

## HMS PDT Report

Mr. Steve Crooke, PDT co-chair, reported on efforts underway to assemble information on the small-mesh drift gillnet fishery for albacore and bluefin tunas. CDFG is analyzing logbook data and corresponding fish tickets. The NMFS Southwest Center also has provided to CDFG the data from a gillnet experiment. Dr. Sam Herrick distributed a handout summarizing PacFIN data on drift gillnet vessels that had landings of albacore and bluefin. There are difficulties in using PacFIN data to examine the small-mesh fishery, largely due to gear coding problems. Pairing the logbook data with fish tickets, if this is possible, may be the best way to evaluate this fishery. However, protected species interactions and bycatch are key data needs and will likely require an observer program. The Subpanel deferred comment on this fishery until the results of ongoing analyses are presented.

The HMS PDT convened to discuss the NMFS comments and reported to the HMSAS that it would not likely be able to address adequately all of the proposed changes to the draft EIS/FMP in time for the June meeting. In particular, it will take a considerable amount of time and effort to address the comments on MSY, essential fish habitat, bycatch, monitoring and incidental catch allowance, and to provide for an open public process.

Several Subpanel members expressed support for doing a complete job of revising the FMP, no matter how long it takes. Some others supported final Council action in June.

Mr. Janisse recommended that the PDT prepare a supplemental document, rather than a new complete draft of the FMP, for the next version to be presented for Council action. There was Subpanel support for this notion.

#### Public Comments

Dr. Russell Nelson suggested the Council ask NMFS which of the comments are "deal killers" and which would be nice to do.

Mr. Jim Fisher spoke against the northern closure of the drift gillnet fishery.

Ms. Kathy Fosmark spoke against the recent closures to the drift gillnet fishery to protect turtles.

#### Advisory Subpanel Comments on Draft EIS/FMP

Mr. Janisse and Mr. Pete Dupuy recommended the whole suite of drift gillnet fishery management measures needs to be included in the federal regulations, including the California limited entry program. The Draft FMP includes only some of the existing state measures. If all of the regulations are not included, then none of the measures should be included. There was not consensus on this proposal, except there was agreement that this issue needs further review by the Council, since there may be some duplication of regulations at the state level.

Mr. Janisse stated there is no justification presented in the document for the drift gillnet closure north of 45° N latitude, nor is there a justification in chapter 8 for closing the EEZ to longline fishing. It was noted that chapter 8 does not include rationale for any of the alternatives. This information is in chapter 9. (C. Janisse comment, 3/18/02)

Mr. Janisse noted that, while the FMP states that no initial allocations are proposed, the prohibition on sale of striped marlin in effect allocates this species to the sport fishery.

Mr. Janisse questioned the practicality of the proposed gear endorsements on the HMS permit. This could be construed as a limited entry program if some evidence of minimal landings is required. If no such evidence is required, then anyone can check any or all gear boxes on the permit, rendering the endorsement essentially useless. Mr. Wayne Heikkila stated that his organization supports the endorsement program and suggested that a way be found to make this work without creating a limited entry program. The Subpanel agreed to raise this issue as a potential problem.

Ms. Kate Wing opposed the provision allowing sale of prohibited shark species, but suggested donations be encouraged. The Team responded that it wanted to allow the sale of specimens to recognized research institutions. There was no consensus on this point.

Ms. Wing suggested that a description of the net pen operation for bluefin tuna be added to chapter 2.

Mr. Douglas Fricke recommended that permits be assigned to individuals, not vessels. He also recommended that the FMP address permit requirements for Canadian troll vessels fishing in U.S. waters.

Mr. Fricke expressed concern about the process at the last meeting when a new longline alternative was developed at the meeting and became the preferred alternative. He recommended that Subpanel meetings be held two weeks in advance of Council meetings when actions are taken.

Mr. Jock Albright and Mr. Robert Osborn suggested that the language on page 8-25 regarding the sale of striped marlin be revised to make it clear that sale of all striped marlin caught in waters under the jurisdiction of the Council is prohibited.

Mr. August Felando stated that there was insufficient justification and analysis provided for the purse seine closure north of 44° N latitude. He recommended an alternative of closing the area east of a longitude to be determined north of 44° N latitude. The Subpanel agreed.

Mr. Heikkila presented some of the recommendations of Western Fishboat Owners' Association:

- 1) Framework alternative 2, without the point-of-concern mechanism.
- 2) Management cycle alternative 2 (annual cycle).
- 3) Observer authority: language needs to be revised to recognize problems with an observer program on the hook-and-line fishery.

Mr. Heikkila and Mr. Fricke expressed concern about the proposed March - September management cycle. The September Council meeting, when final action would be taken on new measures, occurs during the middle of the albacore season.

Mr. Dupuy made a motion to recommend that the Council change its preferred alternative on longlining inside the EEZ to alternative 3, which is the industry proposal. The vote was 5 yes, 4 no, 1 abstention.

Mr. Dupuy made a motion to request that the Council delete the drift gillnet closure north of 45° N latitude, and replace it with a closure east of 125° W longitude off Oregon and Washington. The vote was 9 yes, 1 no.

Mr. Fletcher recommended the Pacific States Marine Fisheries Commission look at the economic information for the charter fleet throughout the entire coast. The current data in the FMP is limited to southern California. The Subpanel agreed.

Ms. Wing recommended that the HMSAS urge NMFS to commit additional resources necessary to revise the FMP. The Subpanel agreed.

The Subpanel recommended that the FMP process continue as a completely open public process.

#### Report to Council

The HMSAS reviewed and approved a report to the Council to be presented on March 14, 2002 (Exhibit G.2.d, Supplemental HMSAS Report, March 2002).

PFMC  
06/05/02

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL STATEMENT ON  
DRAFT HMS FISHERY MANAGEMENT PLAN

The Highly Migratory Species Advisory Subpanel (HMSAS) met March 13 to discuss the December 2001 draft Environmental Impact Statement (EIS)/Fishery Management Plan (FMP) and has the following comments.

Small-Mesh Gillnet Fishery

One unresolved issue is the treatment of the small-mesh drift gillnet fishery for albacore and bluefin. The Highly Migratory Species Plan Development Team (HMSPDT) is in the process of analyzing information on this fishery. The HMSAS reserves comment on this issue until the new information is presented.

Drift Gillnet Fishery Measures

Drift gillnet fishery representatives believe the federal regulations should include all of the existing state drift gillnet measures, including the California limited entry program. While there was no consensus on this point, HMSAS members agreed this issue needs further review by the Council and NMFS, since there may be some duplication of regulations at the state level.

The HMSAS voted (9 yes, 1 no) to recommend deletion of the proposed closure of the drift gillnet fishery north of 45° N Latitude, and inclusion of a closure east of 125° W Longitude off Oregon and Washington.

Longline Fishery Measures

The HMSAS voted (5 yes, 4 no, 1 abstain) to recommend longline alternative 3: authorize a limited entry pelagic longline fishery for tunas and swordfish with effort and area restrictions to evaluate longlines as an alternative to drift gillnets to reduce bycatch (industry proposal).

Purse Seine Fishery Measures

There is consensus there is insufficient justification in the FMP for prohibiting purse seine fishing north of 44° N Latitude. The HMSAS recommends the Council develop an alternative which closes the area east of a certain longitude north of 44°.

Sale of Striped Marlin

Some members felt that, while the FMP states that no initial allocations are proposed, the preferred alternative of prohibiting the sale of striped marlin in effect allocates this species to the sport fishery.

Some members representing the sport fishery suggest the language on page 8-25 needs to be revised to make it clear that sale of all striped marlin caught in waters under the jurisdiction of the Council is prohibited.

Permits

The HMSAS is concerned with the requirement for gear endorsements on HMS permits. If some evidence of minimal participation in a fishery is required to get an endorsement, this could be considered a limited entry program. It may be desirable to find a way of achieving the objective of the endorsement without creating a limited entry program. The HMSAS recommends the Council explore with NMFS the possible impacts of an endorsement.

Hook-and-line fishery representatives proposed that the FMP address permit requirements for Canadian troll vessels fishing in U.S. waters.

### Sale of Prohibited Species

Several members expressed support for a complete prohibition on the sale of prohibited shark species. The FMP allows the sale to recognized scientific institutions. There was no consensus on this point.

### Bluefin Net Pens

A description of the net pen operation for bluefin tuna needs to be included in chapter 2.

### Charter Survey

There was consensus to recommend the Pacific States Marine Fisheries Commission look at the economic information for the Commercial Passenger Fishing Vessel fleet throughout the entire coast. The current data in the FMP is limited to southern California.

### Management Cycle

Some members expressed concern about making decisions at the September Council meeting, during the middle of the albacore season.

### Process After March Meeting

The agency comments on the FMP suggest that substantial revisions to the EIS/FMP are necessary before final Council action can be taken. The HMSAS does not have a consensus recommendation on the time required to complete these revisions, but does want the job done completely and correctly so the final FMP will be approvable. The HMSAS recommends NMFS commit additional resources as necessary to ensure the revisions can be completed.

We also recommend the process continue to be very transparent with opportunities for HMSAS and public comment. The HMSAS would like to meet in advance of the Council meeting when final action is taken, not during the Council meeting week, to give us more time to develop recommendations to the Council.

With regard to the next draft, the HMSAS recommends the Council and HMSPDT consider preparation of a supplement, instead of a new complete version of the FMP. The supplement would contain only the revisions prepared in response to Council direction at this meeting. This document should reduce costs and facilitate understanding of the changes.

PFMC  
03/14/02