



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

FEB 1 0 2003

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Mr. Hans D. Radtke, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220

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PFMC

Dear Hans,

I appreciate the willingness of the Pacific Fishery Management Council (Council) to defer submitting the proposed Fishery Management Plan for U.S. West Coast Highly Migratory Species Fisheries (FMP) approved on October 29, 2002. This will provide time for the Council to consider new information and decide whether to ask its advisory bodies to review this new information and make recommendations with respect to possible Council reconsideration of its decisions on management of the longline fishery on the high seas.

You will recall that one of the provisions of the FMP is to apply to West Coast-based longline fishing vessels fishing west of 150° West longitude (W. long.) the conservation and management measures (including prohibition of targeting of swordfish) applicable to Hawaii-based longline vessels; but West Coast-based longline vessels fishing east of 150° W. long. would be allowed to target swordfish. The Council accepted the position of the Highly Migratory Species Plan Development Team (Team) that there were insufficient data to demonstrate that the impacts on sea turtles in waters east of 150° W. long. were likely to be severe enough to warrant prohibiting a fishing strategy that is quite profitable. At the time, Svein Fougner expressed concern about the Council action on the basis of potentially excessive adverse impacts on sea turtles. He indicated that this action could ultimately pose significant approvability questions. He provided orally some sea turtle interaction data that had inadvertently been excluded from the September 2002, version of the FMP that the Council was using for its decisions. These data strongly suggested that there were likely to be sea turtle interaction rates comparable to those that warranted the prohibition of swordfish targeting by Hawaii-based vessels throughout the north Pacific.

Due to concern about this action, my staff have reviewed data that have only recently become available from a California observer program begun on a voluntary basis in October 2001 and made mandatory in September 2002. This includes data from eight trips in the past year all of which engaged in fishing for swordfish east of 150° W. long. They have also reviewed detailed observer data on fishing by Hawaii-based vessels east of 150° W. long. The enclosed tables summarize those data. While these data are preliminary and their statistical significance has not been assessed by Southwest Fisheries Science Center scientists, it appears that the sea turtle interaction rates in waters east of 150° W. long. are comparable to if not higher than the



interaction rates that led to the longline fishery controls applicable to Hawaii-based vessels. Our initial view is that it is likely that a section 7 consultation under the Endangered Species Act would result in a jeopardy finding for the Pacific Council FMP on the same basis as the jeopardy finding that led to the conservation and management measures currently applicable to Hawaii vessels to minimize the risk to sea turtles. If this were the result, the Council's FMP would be partially disapproved and the Council would need to revise its management program.

The National Marine Fisheries Service (NOAA Fisheries) would like to present this information for initial discussion by the Council at the March meeting. Scheduling this matter for initial discussion in March and action in June would allow time for the Southwest Fisheries Science Center to analyze the data and the Team and advisory subpanel meetings to review the data and to develop recommendations for the Council's decision on how to proceed with this issue in June. Depending on the results, the Council could then decide whether to reconsider its action at its meeting in June. By postponing the submission of the FMP, the Council will minimize the risk of disapproval or partial disapproval of the FMP. There are no critical management needs that would be unmet under this timetable.

I know that the Team, Council staff, and a contractor have worked very hard to prepare the final FMP document to reflect the proposed actions and alternatives consistent with the Council decisions last year. This is in no way meant to criticize their excellent work and that work is not wasted. Most of it was necessary to harmonize the final FMP with the actions taken at the October/November meeting. While sections dealing with management of the longline fishery east of 150° W. long. would have to be revised if the Council changes its decision, most of the other work will be unchanged. My staff would assist to the maximum extent practicable to limit any additional workload on the Council.

I recognize that it would have been preferable to have all these data at the time of the Council decisions in October 2001. I note, however, that the September 2002 draft FMP includes Table 6-4, which indicates that fishermen recorded in logbooks substantial numbers of sea turtles being taken by vessels that landed their catch in California from August 1995 through December 1999; and Table 9-7 indicated comparable interaction rates being reported in logbooks for leatherback sea turtles east and west of 135° W. long. Further, Svein Fougner reported at the Council meeting that observers on three longline trips in the months just before the Council meeting recorded eight sea turtle interactions from 49,000 hooks in swordfish sets. Those take levels and interaction rates were clearly a matter of great concern. Likewise, sea turtle takes in the drift gillnet fishery and other information sources clearly support the premise that sea turtle takes would be likely in the longline fishery east of 150° W. long. just as in waters farther west.

Additionally, it had not been clear before the Council meeting that the Team in this instance would recommend action different from the "preferred alternative" in the draft FMP, which was to prohibit West Coast-based longline vessels from targeting swordfish on all waters of the high seas. The September 2002 draft did not identify Alternative 3 (applying only selected longline controls east of 150° W long. and thus allowing swordfish targeting) as the "Plan Team Proposal". Had this been clear, I believe NOAA Fisheries could have done more to provide sea turtle and longline interaction data at the meeting, though obviously the observer data from trips

important thing is to review this latest information to determine if reconsideration of the Council action is appropriate and to make changes if warranted.

Again, I appreciate the Council's agreement to delay submission of the FMP. I will provide additional information for the briefing book and follow up with further analysis for Council consideration in March.

Sincerely,



Rodney R. McInnis
Acting Regional Administrator

Enclosures

cc:
F/SWC - Tillman
F/NWR1 - Robinson
GCSW - Feder
GCNW - Cooney

CALIFORNIA PELAGIC LONGLINE OBSERVER PROGRAM
STATUS REPORT
OCTOBER 2001 - JANUARY 2003

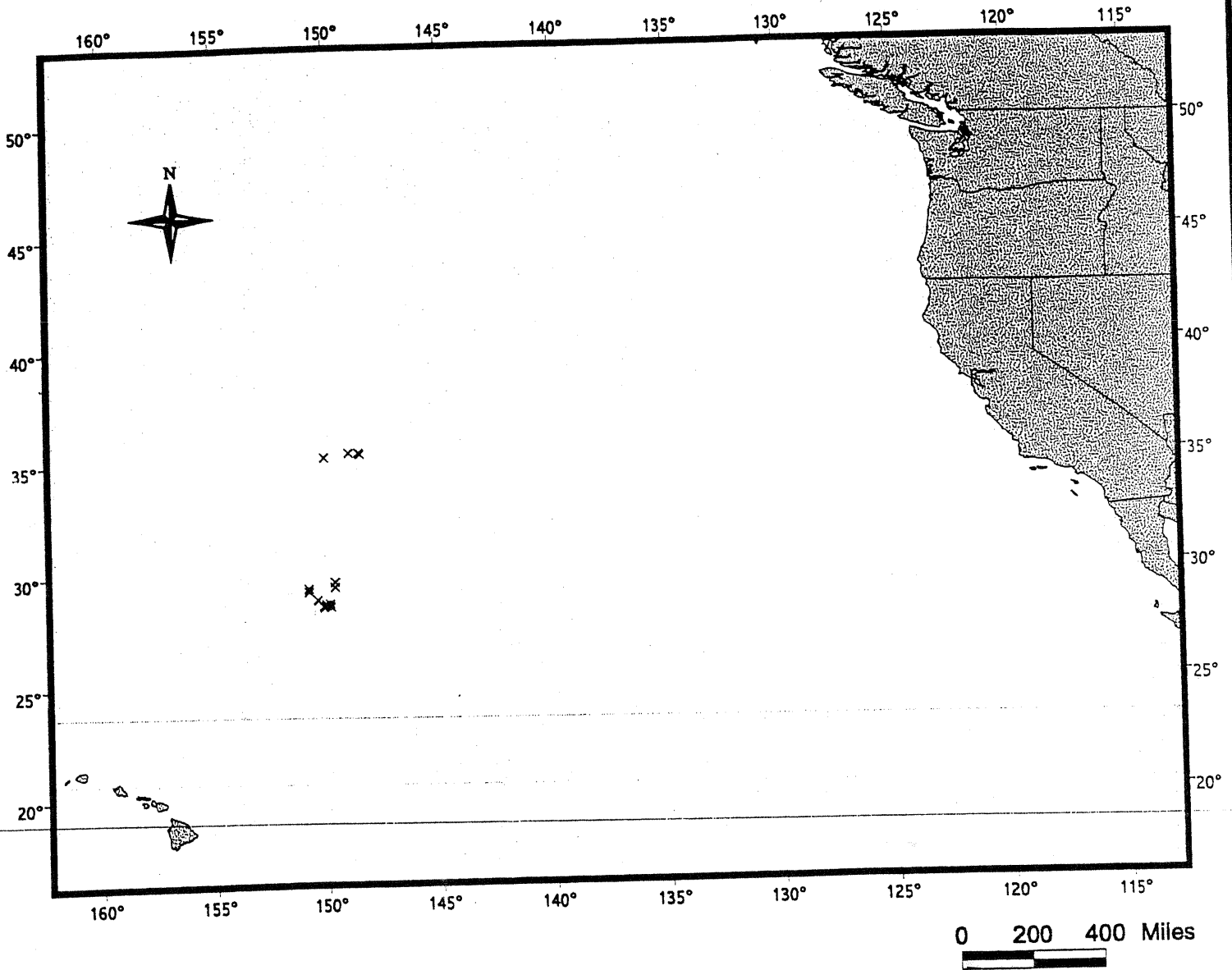
Fisheries Observer Management
Sustainable Fisheries Division
Southwest Region
National Marine Fisheries Service

In July 2001, the Southwest Region of the National Marine Fisheries Service established a voluntary observer program to monitor the U.S. west coast pelagic longline fishery. The program became mandatory in August 2002. Observers completed eight trips between October 2001 and January 2003. All trips targeted swordfish, using 4 to 5 hooks per float, squid bait, lightsticks, and no line shooter. Observers collected data on 175 sets during 317 days at sea. The following table summarizes all protected species interactions for these trips.

PROTECTED SPECIES ENCOUNTERS - OBSERVED RESULTS

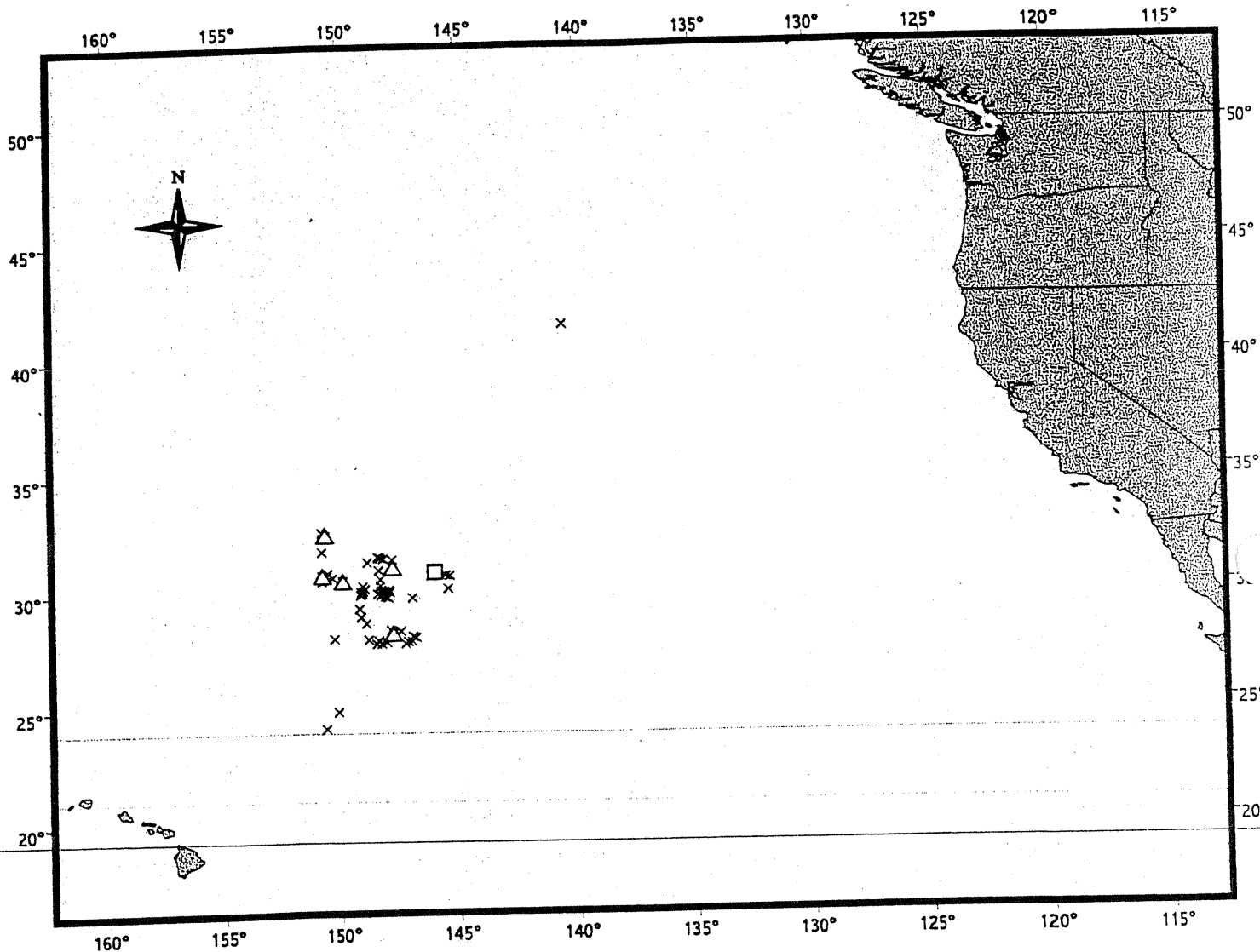
Completed Trips _____ >	8
Trips With Sea Turtles _____ >	6
Trips Without Sea Turtles _____ >	2
Sea Turtle Encounters _____ >	13
Returned Injured	
Leatherback _____ >	2
Loggerhead _____ >	10
Olive Ridley _____ >	1
Seabird Encounters _____ >	38
Returned Injured	
Black-Footed Albatross - >	2
Returned Dead	
Black-Footed Albatross - >	34
Laysan Albatross _____ >	2
Cetacean Encounters _____ >	0
Pinniped Encounters _____ >	0
Total Hooks Observed _____ >	126,899
Turtles per 1,000 Hooks _____ >	0.1
Seabirds per 1,000 Hooks _____ >	0.3

Observed Sea Turtle Catch (n=0) in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1994



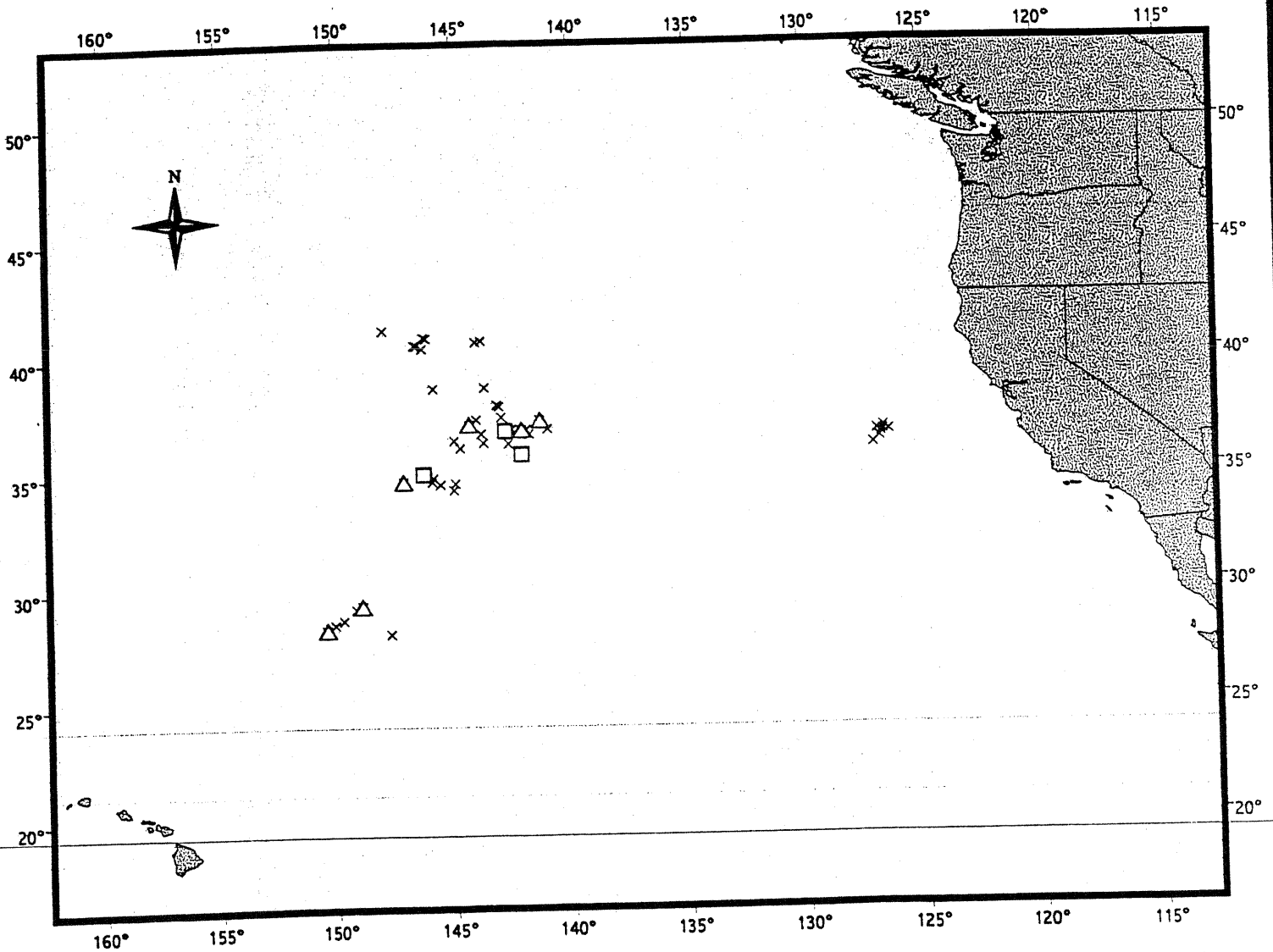
x Observed Sets (n=15, # hooks = 12,766)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1995



- △ Loggerhead Sea Turtle (n=6)
- Leatherback Sea Turtle (n=1)
- × Observed Sets (n=62, # hooks = 53,859)

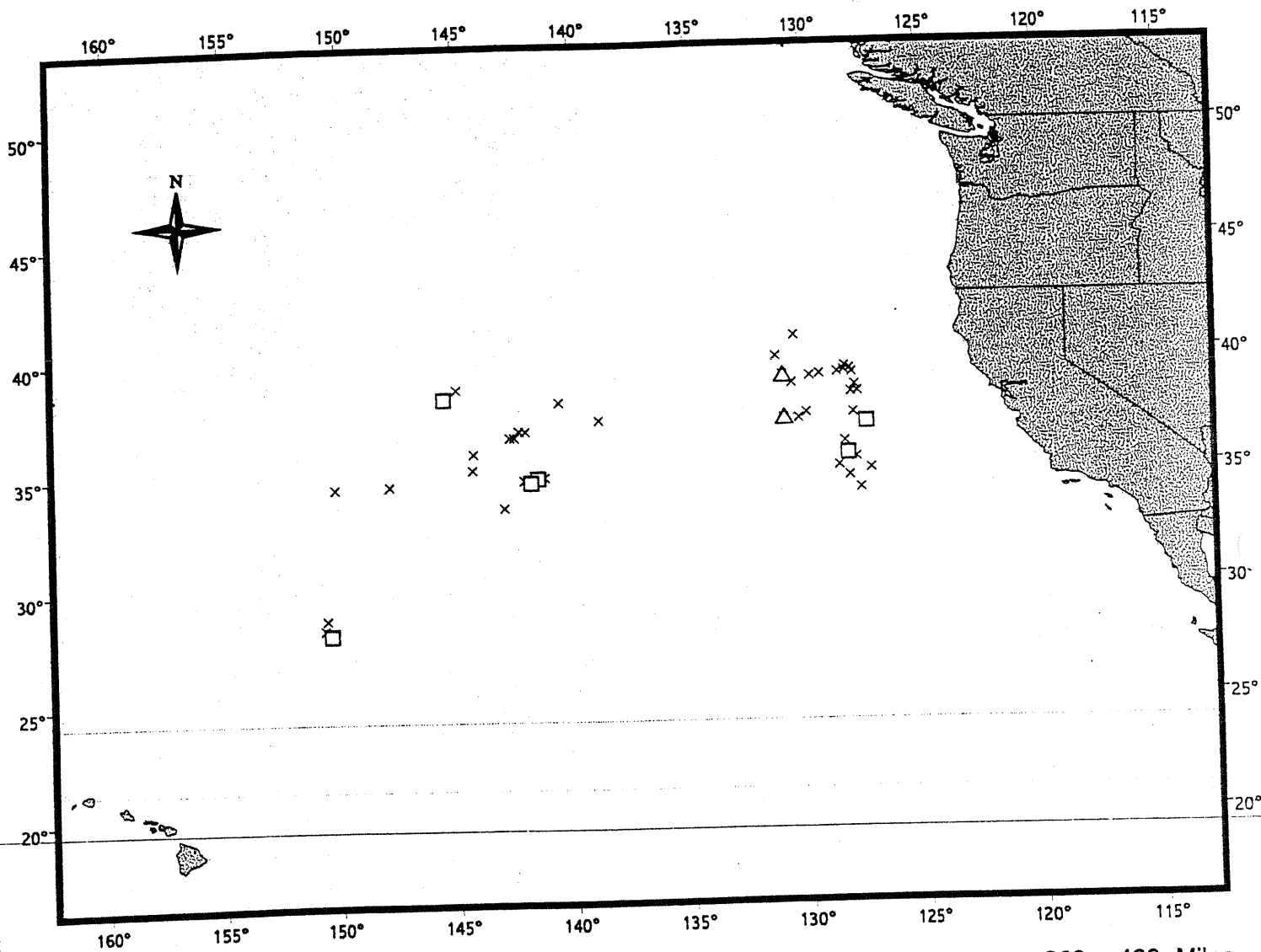
Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1996



0 200 400 Miles

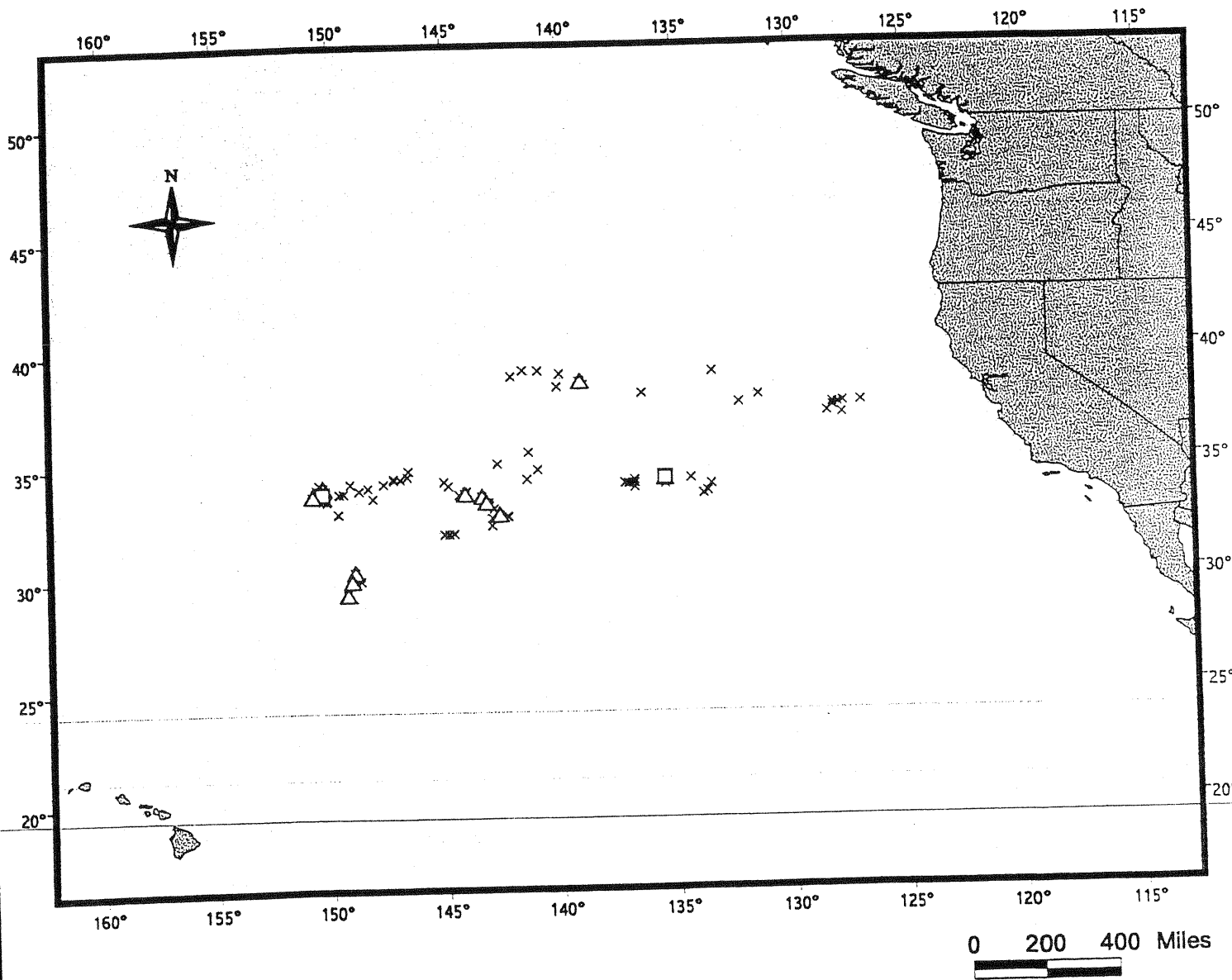
- △ Loggerhead Sea Turtle (n=7)
- Leatherback Sea Turtle (n=3)
- × Observed Sets (n=53, # hooks = 43,259)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1997



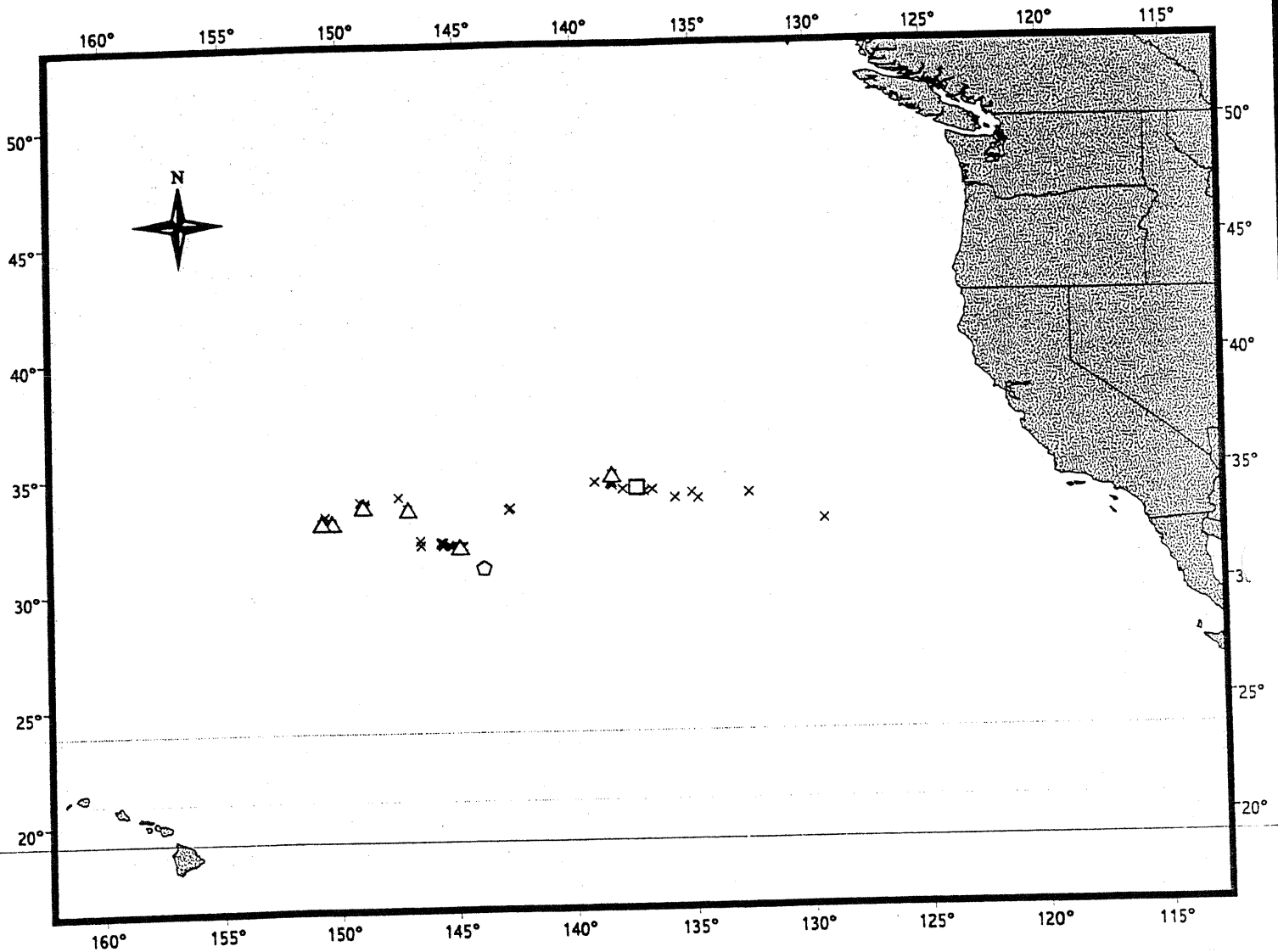
- △ Loggerhead Sea Turtle (n=2)
- Leatherback Sea Turtle (n=6)
- × Observed Sets (n=47, # hooks = 37,711)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1998



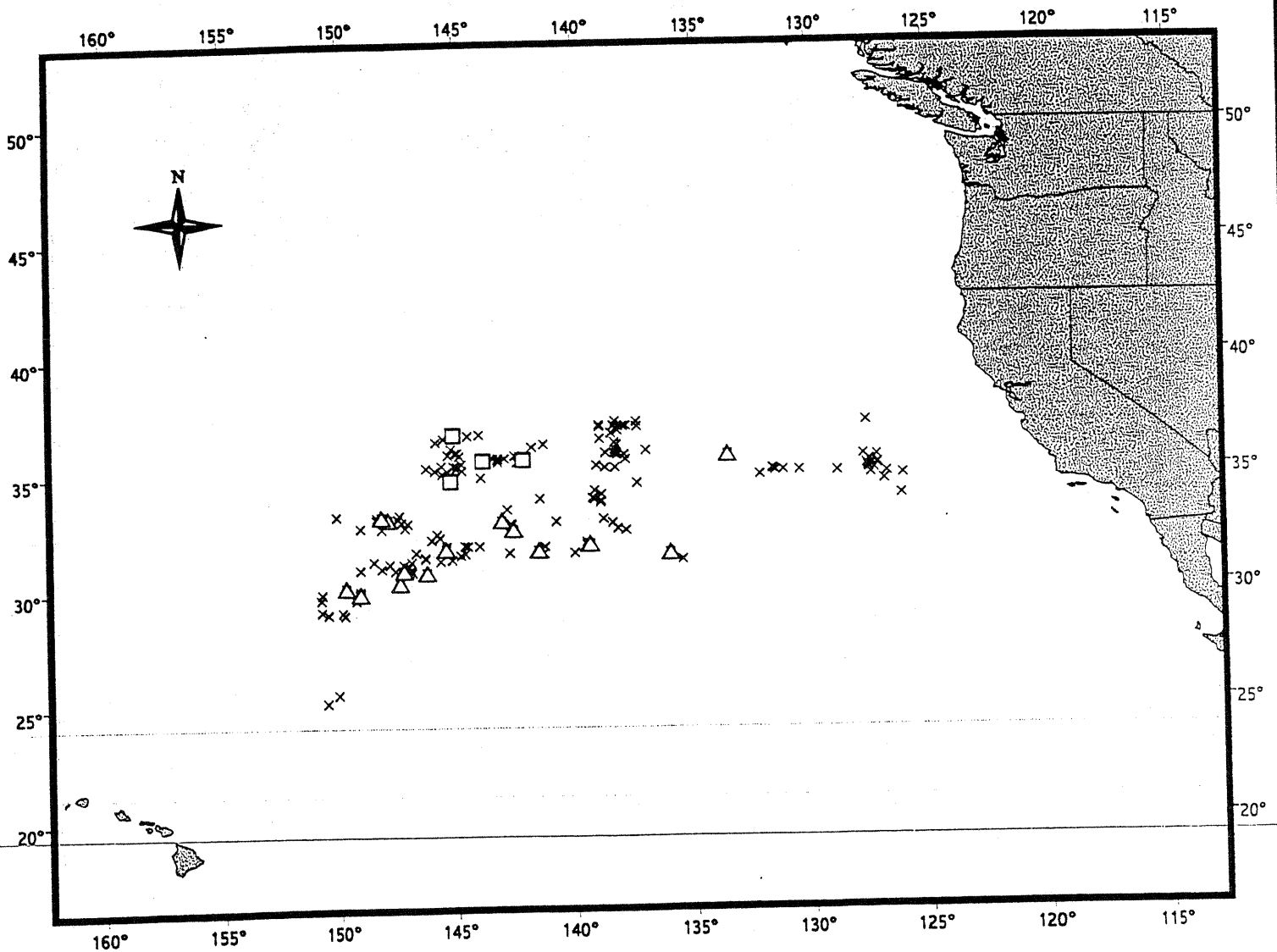
- △ Loggerhead Sea Turtle (n=14)
- Leatherback Sea Turtle (n=2)
- × Observed Sets (n=78, # hooks = 66,698)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1999



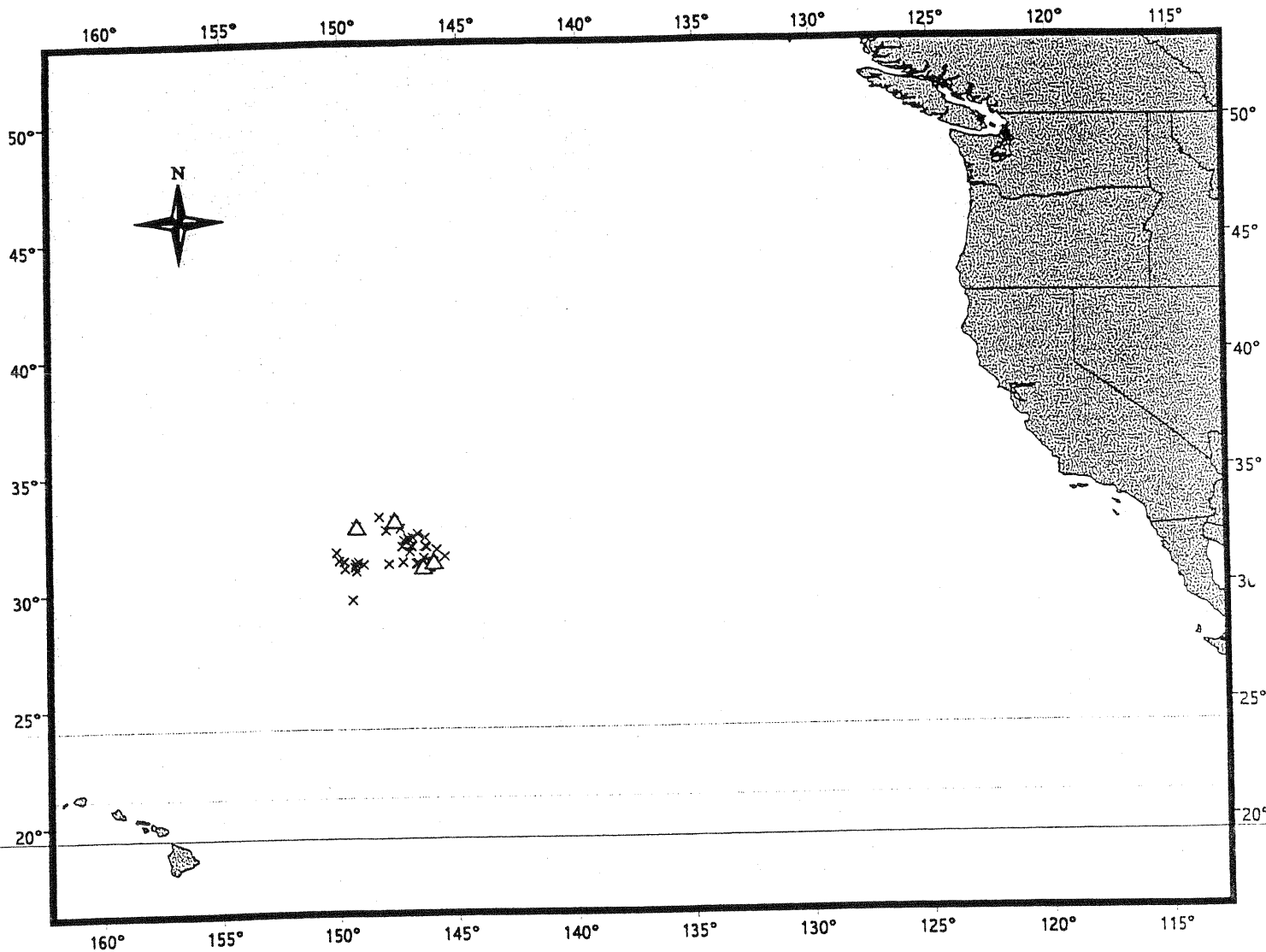
- △ Loggerhead Sea Turtle (n=7)
- Leatherback Sea Turtle (n=1)
- ◊ Olive Ridley Sea Turtle (n=1)
- × Observed Sets (n=44, # hooks = 38,366)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 2000



- △ Loggerhead Sea Turtle (n=15)
- Leatherback Sea Turtle (n=4)
- × Observed Sets (n=173, # hooks = 125,177)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 2001



- △ Loggerhead Sea Turtle (n=5)
- x Observed Sets (n=39, # hooks = 28,430)