

## HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT REGARDING HIGH SEAS LONGLINE LIMITED ENTRY AND OTHER ISSUES

The Highly Migratory Species Management Team (HMSMT) met October 1-2, 2003 to discuss initial considerations for a limited entry program for the high seas longline fishery. The HMSMT provides the following comments about considerations for and development of limited entry.

### 1. Limited Entry Considerations

The Pacific Fishery Management Council (Council) had charged the HMSMT to evaluate limited entry for the West Coast pelagic longline fishery. Dr. Sam Herrick provided an initial evaluation to the HMSMT on a range of potential qualifying window periods and minimum landing requirements. It was suggested that qualifying periods ending on the Council established control date, March 9, 2000, be included.

The initial information included records of vessels with landings of highly migratory species (HMS) in the PacFIN database. This includes the years 1981-2002. The HMSMT discussed the need to resolve PacFIN data issues, notably given the apparently very high number of vessels with HMS landing during the 1981-2002 period (i.e., 402 vessels). It was noted that some of these could be mis-recorded landings from the California-based setnet fishery.

The HMSMT discussed additional information that would be needed, including allowable take of sea turtles (from the section 7 consultation), target catch, vessel size, gear used, length of gear, and number of hooks.

In addition to landings history, permits held by a vessel could be a measure used to determine eligibility. It was noted that most vessels landing HMS into West Coast ports hold (or held) Western Pacific Fishery Management Council (WPFMC) pelagic fishery permits. Before the Biological Opinion for the WPFMC-managed fishery, WPFMC permitted vessels could land swordfish into West Coast ports (generally, California). After the Biological Opinion prohibited WPFMC permitted vessels from targeting swordfish, many of these vessels surrendered/transferred their permits. These vessels continued to target swordfish, which were then landed into West Coast ports (generally, California).

If the main qualifying criteria were past West Coast HMS landings and possession of a WPFMC-permit, California-based drift gillnet fishermen (without longline landings history) and WPFMC-permitted vessels without landings history would not qualify.

The HMSMT notes that the limited entry program will be predicated on turtle interactions, rather than on swordfish or tuna resource concerns or economic considerations. The range of options must be predicated on sea turtle conservation.

The HMSMT also notes:

- A time line is needed for initial analysis and development of preliminary alternatives.
- The first measure of eligibility could be based on West Coast landings history.
- Measures of fishing capacity should include total number of hooks, not just vessel hold capacity or gross tonnage.
- The relevant capacity concern may be turtles rather than swordfish or tunas.
- Limited entry might first limit the number of vessels and then distribute the number of hooks.
- There is a need for a reciprocal landings agreement with WPFMC. Currently, Hawaii-based vessels can land on the West Coast, but West Coast vessels land into WPFMC management area ports.

The HMSMT briefly discussed management alternatives that could provide for drift gillnet fishers to switch to pelagic longline on the high seas. This could be a way for the two fisheries to operate without a net increase in turtle impacts. However, switching would be limited to those drift gillnet vessels large enough to work on the high seas.

## 2. Common Biological Opinion between Council and WPFMC

The HMSMT reiterates the recommendation made at the June 2003 Council meeting that a joint Biological Opinion is necessary between the West Coast and Western Pacific (Hawaii). The HMSMT also recommends joint program design and cooperative management of these shared HMS and turtle stocks and vessels between the Council and WPFMC. The current approach of separate Biological Opinion treats fisheries in isolation, which is inappropriate given the characteristics of the fishery – many of the same vessels in both fisheries, same gear used, same markets, same stocks of fish, same stocks of sea turtles. All Council and WPFMC fisheries that impact sea turtles should be considered.

A Biological Opinion for a specific fishery considers the full range of impacts (including other fisheries) on the sea turtle population. However, reasonable and prudent alternatives are set for the specific fishery. It might be better to develop comprehensive reasonable and prudent alternatives for the suite of fisheries. The lack of comprehensive alternatives results in an implicit allocation of allowable turtle takes among the various fisheries. Balancing allowable turtle takes among various fisheries appears hindered by the fishery-specific Biological Opinion process. There also exists a potential for double counting of effort and turtle takes with the Council and WPFMC Biological Opinions if there is not a common Biological Opinion.

This appears to be a prime opportunity for a joint/comprehensive Biological Opinion. The recent decision in the Hawaii Longline Association lawsuit vacated the previous WPFMC Biological Opinion. A Biological Opinion is needed for the HMS fishery management plan (FMP). These two factors provide an incentive to conduct a Biological Opinion that covers the full range of HMS fisheries that impact the same stock of turtles.

NMFS appears resistant to the comprehensive Biological Opinion approach. Clarification as to whether this is true, and if yes, would be helpful.

### 3. Data Sources

The HMSMT noted that, while discussing operational aspects of a limited entry fishery and the Biological Opinions is interesting and useful, it is premature to formulate specific options. The first task is to identify, compile, refine, and analyze the available data. The available data, in large part, will dictate the types of management options that could be analyzed. To that end, the HMSMT discussed what data are available.

- PacFIN (1981-present). Based on fish tickets. Needs to be refined/filtered to focus on high seas pelagic longline participants with Pacific Coast landings. For example, there is no gear code for California-based pelagic longline landings. This necessitates the use of proxies, such as gear/area/species landed. It was also suggested to use some measure of species composition percentage as an estimate of what species or species groups were targeted.
- NMFS observer data (Fall 2002 - May 2003). Provides species composition, number of hooks, number of sets, bycatch, area fished, and length of set (miles of gear). There is information from 13 observed trips from one season. This includes some cost and earnings data.
- California and High Seas Fishing Compliance Act (HSFCA) high seas longline logbooks (1995 - present). These could provide information on recent versus historic effort.
- WPFMC-based longline logbooks.
- Recent (informal) socioeconomic survey information.

### 4. Qualifying Criteria Measures

The following could be used to determine eligibility:

- Participation over time – landings, number of trips, years, number of hooks, etc.
- Fishery dependence.
- Catch composition (possibly including protected species takes) over time.
- Vessel size/capacity.

## 5. Data Necessary for Analysis

The time series of vessels and landings into West Coast ports from high seas longline fishing up to control date (and to present) would be used. Time series should also include information before and after WPFMC swordfish-style set prohibition. Data needed to perform the analysis include:

- Landings per trip – broken out by swordfish, tuna (other than albacore), albacore, and other HMS (dorado, sharks).
- Vessel size/length.
- U.S. Coast Guard documented – yes/no.
- Number of hooks per trip.
- Length of gear per trip.
- Number of trips by year.
- Amount (mt) landed per trip.
- WPFMC permit – yes/no.
- Revenue information.
- Measures of relative dependence – by vessel. For example, revenues derived from HMS as part of total Pacific Coast landings; and Pacific Coast HMS landings as part of total HMS landings (WPFMC and Council).
- Time line of management events that could have influenced participation.

## 6. Other Items Discussed

Specific to the March 9, 2000 control date, fishing patterns before and after the control date should be reviewed to determine effect on participation. It is possible, given other events and actions affecting Pacific-based HMS fisheries, the control date had relatively little effect.

In developing the limited entry program, the HMSMT will need to have access to data used for the Biological Opinion and its underlying assumptions and analytical methods. There is a need to know how the Biological Opinion defines "current" fleet. There should be consistent data used in Biological Opinion and HMSMT limited entry program analysis.

The need to account for the combined impacts on sea turtles from the various fisheries was discussed extensively. For example, it is conceivable that, under the current Biological Opinion process, the section 7 consultation and jeopardy determination for Council-based longline fishery could result in reasonable and prudent alternatives that do not provide for any additional allowable takes of sea turtles (relative to what is provided for the current fisheries). This would effectively eliminate the Council-based swordfish fishery. Thus, it was suggested there is a strong need for a comprehensive Biological Opinion that covers all areas and all fisheries, and provides take allowances for all fisheries, if possible.

Conversely, at the HMSMT meeting, some members of the public opined that the California-based drift gill net (DGN) fishery and the WPFMC pelagic longline fisheries could be characterized as traditional fisheries. And, thus, should be given priority in take allowances.

## 7. Summary

The primary need for a limited entry program is driven by protected resources, not economic nor fishery resource concerns.

There is compelling need for the Biological Opinion to be completed prior to development of a limited entry program. First, because the opinion may result in prohibition of swordfish style-sets, which would close the fishery and negate need for limited entry. Second, because the principle driver for limited entry program is to prevent increased sea turtle takes; need results of Biological Opinion to know what allowable levels of takes would be.

Given the nature of the WPFMC and Council fisheries there is a compelling need for a coordinated Biological Opinion, coordinated management, and a coordinated limited entry program. For example, most of the vessels landing HMS into West Coast ports hold (or held) WPFMC pelagic fishery permits. It is unclear under whose jurisdiction these vessels truly fall.

Given that several HMS fisheries (e.g., WPFMC longline, Council longline, Council drift gill net) interact with turtles, there are allocation implications that should be addressed.

Reciprocal fishing arrangements are needed – WPFMC vessels can land into West Coast ports, Council boats can not land into Hawaii.

PfMC  
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