

ENDANGERED SPECIES ACT CONSIDERATIONS  
RELATED TO SEA TURTLE/LONGLINE FISHERY INTERACTIONS

Situation: The Pacific Fishery Management Council's (Council) Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) has been approved with the exception of the provision that would have allowed longline fishing targeting swordfish with shallow sets beyond the U.S. exclusive economic zone (EEZ) and east of 150° W longitude (Exhibit G.2.a, Attachment 1). This provision was disapproved because the Biological Opinion issued from a consultation under section 7 of the Endangered Species Act (ESA) concluded this fishery would have taken sea turtles and resulted in sea turtle mortality that "would appreciably reduce the likelihood of survival and recovery" of ESA-listed species of sea turtles.

National Marine Fisheries Service (NMFS) has promulgated a companion rule under the authority of the ESA to prohibit shallow sets targeting swordfish east of 150° W longitude until the FMP can be amended to ensure that the fisheries would not jeopardize the continued existence of any species of sea turtle. The final rule for this prohibition was published March 11, 2004 (69FR11540), it will be effective April 12, 2004. This document is included as Exhibit G.2.a, Attachment 2.

NMFS expects the final rule to implement the HMS FMP will be published by the end of March 2004. Additional information will be provided at the April Council meeting.

The partial approval letter from NMFS provides additional information about possible ways that the Council might remedy the jeopardy issues and resolve them through the framework procedure of the FMP. For example, the partial approval letter provides information on research to test whether changes in hook size/shape and/or bait can reduce sea turtle takes or mortalities in longline fisheries. The research was quite successful, indicating that large circle hooks with mackerel bait result in lower take rates and less likelihood of mortality from takes that do occur. The results of the research were a major factor in the Western Pacific Fishery Management Council's (WPFMC) development and submission of a regulatory amendment that would substantially change the conservation and management program for the longline fishery operating out of Hawaii. The proposed WPFMC program includes a fleet effort limit, transferable vessel effort limits, a requirement to use circle hooks and mackerel bait, and other measures (Exhibit G.2.a, Attachment 3).

At their meetings April 6<sup>th</sup> and 7<sup>th</sup>, the HMS Management Team and HMS Advisory Subpanel (respectively) will discuss the NMFS partial approval of the FMP and potential remedial management measures for the HMS FMP. They will report to the Council in supplemental reports.

**Council Task:**

**1. Discussion.**

Reference Materials:

1. Exhibit G.2.a, Attachment 1: NMFS Letter.
2. Exhibit G.2.a, Attachment 2: ESA-based Final Rule.
3. Exhibit G.2.a, Attachment 3: WPFMC Proposed Rule.
4. Exhibit G.2.c, Supplemental HMSMT Report.
5. Exhibit G.2.c, Supplemental HMSAS Report.

Agenda Order:

- a. Agendum Overview
- b. NMFS Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion

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