

MANAGEMENT REGIME FOR HIGH SEAS LONGLINE FISHERY

Currently there are few vessels actively targeting highly migratory species (HMS) from West Coast ports. Historically, a large proportion of West Coast longline effort represented boats targeting swordfish using a shallow-set strategy (where the floating longline gear is set so that its deepest point is 100 meters or less below the sea surface) that seasonally shifted deliveries from Hawaii to the West Coast, based on the distance of these ports from the fishing grounds. This pattern changed in 2000 when a court order imposed a large closed area and other measures on the Hawaii-based fleet because of sea turtle interactions. In response, many of the Hawaii-based boats deregistered from their Pelagics limit entry permits and relocated to the West Coast. In 2004 a new management regime was implemented for the Hawaii fleet, eliminating the closed area, while regulations pursuant to the implementation of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for prohibited shallow-set longlining by vessels registered to an HMS FMP permit. In response, vessels eligible to reregister on their Pelagics limited entry permit returned to Hawaii.

Although the currently-active longline fleet targeting swordfish is operating solely out of Hawaii, there is continuing interest on the part of these vessel operators to make deliveries to West Coast ports and even make trips originating and returning to West Coast ports. The regulations governing fishing under the HMS FMP (50 CFR part 660, Subpart K) require these vessels to obtain an HMS FMP permit to land HMS species into West Coast ports. Holding dual permits, they could land fish at West Coast ports based on the regulations in Subpart K and target swordfish based on the regulations in part 660, Subpart C (governing fishing under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region). Fishing restrictions applicable to the Hawaii fleet intended to avoid the likelihood of jeopardy to sea turtles, especially leatherbacks and loggerheads, when targeting swordfish are described at 50 CFR 660.33. These regulations require the use of circle hooks and mackerel-type bait, limit overall shallow-set fishing effort to 2,120 sets, and require the fishery to close if an annual limit of 16 leatherback interactions or 17 loggerhead interactions is reached. The effort limit is achieved through the annual, equal distribution of “set certificates” to Pelagics permit holders requesting them. The set limit (2,120) is roughly equivalent to one half the historic number of shallow sets per year. These limited number of certificates are tradable, so a vessel can accumulate enough certificates for a viable fishing opportunity.

The Council last took up these issues at their September 2004 meeting. At the time the Council was considering a limited entry program for high seas longline, which would be developed in concert with measures to restructure the drift gillnet (DGN) fishery. DGN fishers have expressed an interest in switching to and from their gear and longline, depending on economic and regulatory conditions.

In considering a management regime that would allow a West Coast high seas longline fishery—which, in order to be viable, must have a shallow-set component—the Council faces four issues.

First, considering the current regulatory structure applying to the Hawaii fleet, described above—which apparently allows Pelagics permit holders to operate out of West Coast ports targeting swordfish—the Council may wish to consider whether to proceed with measures to establish a separate fishing opportunity under the HMS FMP. A letter from the Federation of

Independent Seafood Harvesters (Agenda Item E.6.c, Public Comment) recommends working with the Western Pacific Fishery Management Council (WPFMC) to facilitate fishing by West Coast vessels under the current arrangement rather than establishing a separate opportunity. If the Council follows this course of action, the take and fishing effort limits established for the Hawaii fishery would come into play. Since the West Coast fishery begins in the fall, there is a risk that the take limits could be reached, causing the fishery to close, before the West Coast fishery could begin. Therefore, at a minimum the Council should consider working with the WPFMC to devise measures, such as subdividing the incidental take limit into seasonal components, to lessen the risk of a fishery closure before the West Coast season begins.

Second, if the Council decides to proceed with a separate West Coast opportunity, the take of Endangered Species Act listed sea turtles in multiple fisheries (Hawaii longline, West Coast longline, DGN, etc.) comes into play. Establishing a regulatory regime similar to Hawaii's for a separate West Coast longline fishery could be a viable regulatory approach, but would require identifying the incidental take limit for this fishery. The current HMS FMP Biological Opinion allocates all sea turtle take to the DGN fishery. Presumably, new management measures, and an associated Biological Opinion, would need to consider how take might be shared or partitioned between these two fisheries. Given the interrelationships between the Hawaii and West Coast longline fisheries, an even broader view of take, and how it may be "shared," would encompass the Hawaii fishery. Considering all three fisheries together in one incidental take statement and associated regulatory structure would allow the benefits of reductions in take to accrue to all three fisheries in terms of fishing opportunity.

Third, the Council should consider the relationship between a limited entry program and any incidental take authorized for permit holders. Given that the current Biological Opinion for the HMS FMP authorizes incidental take only for DGN fisheries, a limited entry program encompassing both DGN and longline gear could involve a regulatory structure where incidental take is attributable to both gear types, subject to the type of regulatory limit established for the Hawaii fishery. Limited entry would also facilitate a regulatory structure using set certificates, similar to the Hawaii fishery.

Fourth, the Council should consider and provide advice to the HMSMT and HMSAS on the range of actions to be considered and the schedule for taking such action. The HMSMT proposes a schedule for developing the decision documents (see Agenda Item E.6.c, HMSMT Report). This may require the HMSMT, and possibly the HMSAS, holding meetings separate from Council meetings. The Council may wish to consider tasking and timing, recognizing current budget constraints.

Council Action: Identify and Plan Appropriate FMP Amendment or Regulatory Actions to Resolve Management Issues.

Reference Materials:

1. Agenda Item E.6.b, HMSMT Report.
2. Agenda Item E.6.c, Public Comment

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Identify and Plan Appropriate FMP Amendment or Regulatory Actions to Resolve Management Issues

PFMC
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