

MEETING SUMMARY

Highly Migratory Species Management Team

Pacific Fishery Management Council

National Marine Fisheries Service Southwest Fisheries Science Center

8604 La Jolla Shores Drive, Room D-203, Large Conference Room

La Jolla, California 92037

May 12-13, 2005

HMSMT Members Present

Steve Crooke, CDFG

Michele Culver, WDFW

Sam Herrick, NMFS SWFSC

Suzanne Kohin, NMFS SWFSC

Liz Petras, NMFS SWR

Dale Squires, NMFS SWFSC

HMSMT Members Not Present

Jean McCrae, ODFW

Others Attending

Leon Bundt, Commercial harpoon fisherman

Jim Carretta, NMFS SWFSC

Donna Dealy, NMFS SWFSC

Kit Dahl, PFMC

Pete Dupuy, Ocean Pacific Seafood, HMSAS member

Tomo Eguchi, NMFS SWFSC

Tina Fahy, NMFS SWR

August Felando, HMSAS member

Svein Fougner, Hawaii Longline Association

Chuck Janisse (by phone), FISH

Craig Heberer, NMFS SWR

Mark Helvey, NMFS SWR

John LaGrange, longline fisherman, Solana Beach, CA

Darin Maurer, Commercial harpoon swordfish fishery

Bob Osborn, UASC, HMSAS member

David Pearson, Commercial harpoon fisherman

Don Petersen, NMFS SWR

Stephen Stohs, NMFS SWFSC

Steve Wertz, CDFG

THURSDAY MAY 12, 2005 – 1 PM

A. Call to Order

Steve Crooke/Dale Squires

The meeting came to order at about 1:15 PM.

B. Introductions

Steve Crooke/Dale Squires

The Highly Migratory Species Management Team (HMSMT) and other meeting participants introduced themselves.

C. Approval of Agenda

Dale Squires reviewed the agenda and made suggested changes based on the availability of personnel. This summary reflects the revised agenda order.

D. FMP Implementation

1. Report on Council/NMFS HMS activities in 2005

Kit Dahl/Craig Heberer

Kit Dahl mentioned the reception of HMS funding by the Council in early March and HMS agenda items at the March and April meetings. He reviewed the contents of the fast track letter that was developed based on HMSAS recommendations and forwarded to Rod McInnis in advance of the Groundfish Allocation Committee (GAC) meeting occurring on May 12. Michele Culver asked whether the HMSMT would be able to see the response to bigeye tuna (BET) overfishing strategy being developed by NMFS and suggested that if it is available before the June meeting briefing book deadline (May 25) it be circulated to HMSMT members. The drift gillnet (DGN) closed area issue would likely come up under the NMFS report (item E.1 on the draft June Council meeting agenda) and she suggested Dale Squires prepare a separate report for the HMSMT along with the other HMS items on the June agenda.

The HMSMT briefly discussed the BET issue and the 150 mt national quota pursuant to a resolution adopted by the IATTC and implemented by NMFS through federal regulations. There was also some discussion of how overfishing and overfished levels are determined pursuant to stock assessments not prepared through the Council process. It was also noted that U.S. longliners (Hawaii vessels) exceeded the quota in 2004 because NMFS does not have sufficiently real-time reporting to close the fishery when the limit is reached. This led to a discussion of the need for improved reporting, including the role of VMS in the Hawaii fishery. Craig Heberer noted that other nations account for a large proportion of fishing effort and the Contracting Parties of the Commission do not always fully heed the advice of its scientific staff in terms of conservation recommendations. In general there is a need for stronger international action to reduce overall fishing mortality. He asked if this was something the HMSMT would want to make a recommendation about.

The HMSMT agreed the NMFS observer report should also be a component of the NMFS HMS report at the June Council meeting.

The HMSMT discussed the recommendation of adding an IATTC scientific staff position to the HMSMT. Dale Squires said that the HMSMT should not make a recommendation on this; it is up to the Council to decide if this is appropriate. Kit Dahl said he was working with Council staff to see that this is taken up as part of the appointments discussion at the June meeting.

2. Prioritization of HMS issues for Council action and proposed timelines
Steve Croke/Dale Squires

Recognizing that this had been covered to some degree under the preceding discussion, Dale Squires recommended further discussion of prioritization towards the end of the HMSMT meeting. This would allow consideration after the HMSMT had discussed some of these issues. Timelines and planning the HMSMT's next meeting was also added as an item at the end of the agenda for the current HMSMT meeting.

3. International meetings and issues
Craig Heberer

The HMSMT briefly reviewed the list of meetings provided in Agenda Item I.2 Attachment 1 on the April 2005 Council meeting agenda and noted other relevant meetings. The renegotiation of the U.S.-Canada albacore treaty coming up in 2006 was mentioned as of special concern to many U.S. albacore trollers, who would like to see the treaty to expire. Michele Culver asked if this treaty expires if no action is taken to renew it. An international meeting on longline fisheries, sponsored by the WPFMC was also mentioned as something of relevance to the PFMC because of the turtle bycatch issue.

Coming out of this discussion, another item was added to the agenda for this meeting covering the high seas longline fishery with a discussion of the Hawaii regulatory issue and turtle bycatch.

4. Oregon/Washington CPFV logbook design
Craig Heberer

Craig discussed the need to develop a logbook format for the Oregon and Washington HMS charter boat fisheries, since this is a requirement of the new HMS regulations. He discussed this with the HMSAS but got relatively little input. He also said the logbooks would need to be implemented through the states because of the regulatory difficulties involved in establishing a federal logbook.

The HMSMT reviewed sample forms currently required for California charter boats. Craig asked if there is a need for location information. According to Michele Culver, Washington and Oregon do not have a system of fishing blocks equivalent to California and it would be very difficult to develop one. In Washington they use catch areas based on lines of latitude. Distance from shore is another common way charter boats think about the location of fishing areas. Charter boats usually fish in a concentrated area based on the location of fish schools. It was also noted that most charter boats have navigational equipment to determine latitude-longitude, so this could be a viable alternative. Craig Heberer thought the catch areas or distance from shore could suffice for the first year and the specification of location could be refined in subsequent years. Michele Culver recommended adding a longitude-latitude element to the form at the outset.

The HMSMT also discussed the general set up of albacore charter boats in Washington (use of boat trolling and drop lines in schools) and how this relates to the design of logbooks. Further discussion focused on how to record the duration of a trip (departure and return date) and the port of landing. The HMSMT concluded that uniquely numbered logbook sheets were not necessary considering the added cost and complexity of doing this. Craig Heberer noted that logbook sheets need to be signed at the outset of the trip for enforcement purposes. There was also some discussion of cost sharing between the states and federal government: the states could administer the logbooks with some funding provided from NMFS.

In response to a question from Suzanne Kohin, Craig Heberer said there are no plans to develop uniform federal logbook in the future. Different state logbooks would be acceptable as long as they are approved as adequate by NMFS.

It was agreed Craig Heberer would develop a draft design in cooperation with Michele Culver and share it with HMSMT members in advance of the June meeting for their comments.

E. Design and Production of SAFE Report Sam Herrick/Dale Squires/Suzanne Kohin

Dale Squires reported on preliminary meetings at the SWFSC about the design of the SAFE document. They examined the Coastal Pelagic Species (CPS) SAFE, the WPFMC Pelagics FMP Annual Report and the data in the HMS FMP. They agreed that the Pelagics Annual Report offered an excellent example of how to design the SAFE. He then went through the Hawaii section of the report to show what elements are included. He emphasized that to begin the SAFE should be fairly basic; there will be requests to include additional information and these can be accommodated as time goes on.

Michele Culver said there needs to be a section discussing management activities. Sam Herrick mentioned the table of regulations in the groundfish SAFE, saying he found it very useful. Craig Heberer noted that SWR has already compiled a lot of information on different logbook data sets and this could be included in the management section as a table.

Suzanne Kohin reviewed the international module in the Pelagics Annual Report as an example of how the stock assessment/status section of the SAFE could be laid out. Michele Culver recommended including updates of Table 3-4 and 3-5 from the HMS FMP as part of the stock status section.

The HMSMT worked up a general outline with the following five sections:

1. Description of fisheries: prepared by the state reps on the HMSMT.
2. Management measures (including the regulatory table): prepared by Liz Petras and Craig Heberer.
3. Catch data in tables and figures: prepared by Dale Squires and the other members of the economics group.
4. Status of stocks: prepared by Suzanne Kohin.

5. Research and data needs: for the first year at least this would simply reproduce the information from Section 8.6 in the FMP. (Sam Herrick had emphasized that in future years people will consult the SAFE rather than the FMP, so it is worth having this type of information in it.)

Sam Herrick said the CPS SAFE has an emerging issues section. Dale Squires said this could be a future addition to the HMS SAFE.

The HMSMT set a schedule for compiling the SAFE. An outline will be produced for the June Council meeting briefing book. For the final version all materials will be sent to Kit Dahl by August 12 for compilation and production in time for the September Council meeting.

The HMSMT adjourned for the day at about 4:20 PM.

FRIDAY, MAY 12, 2005 – 8 AM

The meeting was called to order at about 8:15 AM.

The HMSMT looked at an outline for the SAFE that Dale had developed overnight and made further recommendations. Steve Crooke agreed to compile the information provided by the state reps on fisheries before sending it on to the Council office. The breakdown of sections on commercial and recreational fisheries was further discussed.

It was agreed there should be discussion of both domestic and international management issues.

The HMSMT then reviewed the types of tables and figures that would be included. Generally this would breakdown by species, fishing effort, gear, and area.

The HMSMT agreed that information on monitoring needs should be added to the research and data needs section (5 above).

There were some questions about whether there was any purse seine effort in Oregon. John LaGrange noted there was one set on an albacore school by a CPS purse seine, but this proved unpopular with other fishermen.

Suzanne Kohin then reviewed the stock assessment section, using the Pelagics Annual Report as an example. This led to a discussion of whether there should some commentary on the reliability of the conclusions reached in stock assessments prepared by various international bodies. It was noted that the SSC does not review these assessments and there was some question as to what the HMSMT's role should be in this regard. It was agreed that some commentary on the reliability of assessments should be included, noting that this would not be a conclusion as to the status of the stock in terms of an overfishing determination. Michele Culver noted that there are a series of tables in the FMP (Tables 3-4 and 3-5) summarizing and evaluating various assessments of MUS and this could be used as a basis for such commentary in the SAFE. Craig Heberer said the Data Quality Act could be used as a rationale for commenting on the reliability of stock assessment conclusions and whether they were adequately peer reviewed. Suzanne Kohin said it would take some digging to find out what type of peer review was used for a given assessment.

Mark Helvey said some commentary would be important in relation to discussions with the WPFMC, so there is a written record of the PFMC/HMSMT position as to stock assessments (since they would usually rely on the same stock assessments).

Svein Fougner commented that there is some background information available on how the conclusions were reached in the BET determination letter and this could help the HMSMT in developing an evaluation method.

SWFSC staff, such as Gary Sakagawa and Ray Conser, who were involved in some assessments, could also be consulted to find out more about the reliability of particular assessments.

Mark Helvey then presented a brief overview of the GAC meeting that occurred the previous day in Long Beach.

Bob Osborne reiterated a comment from the HMSAS that stock assessments should provide information consistent with the status determination criteria in the HMS FMP. Having a HMSMT member from the IATTC science staff could help in this regard.

Michele asked Mark Helvey if he planned to have the BET response strategy in the June Council meeting briefing book. He said they were trying to finalize it for inclusion and would try to get it out to the HMSMT. Although it focuses on BET, it would end up being a template for any future species that were declared overfished.

Svein Fougner noted that the GAC discussed BET implications pertinent to both the EPO and WCPO; it will be important for both councils and NMFS regions and science centers to sustain a dialogue on this. It demonstrated the complexity of these management issues. The possibility of joint WPFMC-PFMC meeting was mentioned in this regard.

F. Review of Observer Coverage Plan

Don Peterson/Craig Heberer

The HMSMT had had the opportunity to review the document and Dale Squires asked for comments on the recommendations in document along with what is currently being done and what the HMSMT wishes to recommend should be done. Concerns about funding should not be an issue at this point in terms of recommendations.

Craig Heberer said the HMSMT should advise the Council that at this point the plan is a good start but it needs an infusion of actual observer data to give it teeth. The HMSMT should look at the proposed coverage levels and consider the value of the resulting data.

Michele Culver noted the plan has various options and recommendations and wanted to know how this squared with what NMFS is currently doing. Craig Heberer noted that the plan came out as an assignment to NMFS from the Plan Development HMSMT (PDT) and NMFS wanted to work in partnership with the Council so as not to force the industry into anything without having a discussion about it before the Council.

Don Petersen said the HMSMT could look at the preferred options in the plan; that is what NMFS implemented. The exception is the observer coverage levels; usually that decision is made by data consumers such as the Science Center or PRD.

Mark Helvey said NMFS is waiting to hear from the Council that they have adopted this plan.

Michele Culver asked if a HMSMT report on this was necessary. Craig Heberer said it would be useful to get comments from both the HMSMT and the HMSAS. A crucial issue is deciding when observation of a particular fishery would stop if enough data was gathered to show there were no bycatch or protected species issues to be concerned about.

Don Peterson said it would help to know if the HMSMT disagreed with any of the recommendations in the coverage plan.

Pete Dupuy reiterated a comment he had made at the HMSAS meeting relating to his frustration with the observer program. Fishermen are being required to accommodate observers without considering the logistical difficulties involved. NMFS needs to exercise more human judgment when determining when to put an observer on a vessel.

Dale Squires said Don Petersen would summarize the recommendations in the coverage plan and relate this to what NMFS is currently doing. The HMSMT will recommend that NMFS implement the recommendations in the plan and then take up the issue of the appropriate level of coverage.

Michele Culver suggested that the HMSMT go through the options listed on pages 9-12 to clarify what NMFS is implementing.

The HMSMT then discussed observer coverage levels. Michele Culver said coverage levels will vary by fishery and coverage levels should be reviewed annually by the HMSMT to evaluate whether to shift coverage levels among fisheries. This could also lead to ending observer coverage for some fisheries, as noted above. In other words, observers are on board to collect data, not monitor fisheries; once sufficient data has been gathered, there would not be a need to continue coverage.

Liz Petras noted the 20% observer coverage level indicated for the longline fishery was inconsistent with the current 100% level for the Hawaii shallow-set segment of the fishery. Michele Culver said a distinction should be made between observer coverage levels appropriate to requirements established by the Magnuson-Stevens Act and what may be required under the ESA and MMPA. Thus, once requisite data is gathered observer coverage could end for the purposes of the Magnuson-Stevens Act, but it might have to continue because of ESA or MMPA issues. The HMSMT should evaluate observer coverage from a MSA perspective.

Don Petersen emphasized that saying ESA and MMPA issues are of highest priority helps in obtaining funding for observers. Dale Squires also noted the need for observers in some situations where ESA or MMPA issues are at the forefront, otherwise there is a high risk of getting sued. It was agreed that these issues should be highlighted to the Council under Agenda Item E.1 (NMFS Report) at the June Council meeting.

Svein Fougner noted the terminology used by NMFS: pilot, developing, and mature programs. The purpose of a pilot program is to determine if coverage is necessary; a developing program is an expansion of coverage. A mature program is one in which the optimal sampling is

implemented and the program is re-evaluated periodically. It was agreed this type of terminology should be used in the future.

There was some discussion about the feasibility of placing observers on private recreational vessels. This could occur if cooperative vessels owners are found. For the high seas longline fishery the HMSMT recommended adopting the coverage levels currently in place for the Hawaii fleet: 100% for the shallow-set segment and 20% for the deep-set segment. Pete Dupuy noted that currently coverage of the deep-set segment on the West Coast is effectively 100%. Liz Petras noted that the ESA section 7 consultation and biological opinion, prepared as part of a move to allow a shallow-set fishery, may specify necessary observer coverage levels. Don Petersen noted that the current BiOp for the HMS FMP requires 100% coverage. Dale Squires recommended a continuation of the 100% observer coverage level for all longline fishery segments with the option of reviewing coverage levels in the future.

Bob Osborne asked about observer coverage in the charter boat sector, saying other methods could be more cost effective. Craig Heberer said coverage would focus on specific situations such as El Niño conditions or pelican interactions. Steve Crooke noted that CRFS samplers might be a more cost effective pool of observers.

It was agreed the coverage levels outlined in the plan should be viewed as goals contingent on funding, not a requirement. Dale Squires said the exception would be the 100% coverage level for the longline sector. Similarly, Liz Petras said any reopening of the DGN closed area may require higher observer coverage levels than currently in place (20%); this would be evaluated as part of the ESA section 7 consultation and specified in the biological opinion. Svein Fougner noted that the HMSMT would have to be involved in a reevaluation of coverage levels in this situation, in addition to the BiOp.

August Felando asked about the coverage level for the coastal purse seine fleet, noting some complaints about having to carry observers. This led to a discussion of observers authorized under the CPS plan versus having observers when these vessels target tuna.

The discussion returned to a review of the alternatives identified in the plan and which ones NMFS had implemented. The HMSMT discussed ways to evaluate observer data and assess “observer bias.” In terms of funding, Michele Culver recommended adding language about coordinating with state programs, for example to cover recreational fisheries. The way in which observer coverage levels are calculated, related to the definition of a trip, was also discussed.

G. Review of Exempted Fishing Permit Applications

1. Recommended Council Operating Procedure on HMS EFPs

Michele Culver

Michele Culver reviewed a proposed modification of COP 19, the EFP review process under the groundfish FMP, she had prepared for adoption under the HMS FMP. The protocol would establish a deadline and schedule for applications; however, this would not apply to the EFP currently under review since the protocol has not been adopted yet. In the future this timeline would feature Council review at the April and June meetings, which would mesh with start dates occurring in the fall. Liz Petras asked about the timeline in relation to any requirement to do a Section 7 consultation. Michele Culver said the consultation should occur after the Council has

made its recommendation to NMFS on an EFP. At that point it is NMFS' obligation to meet any procedural requirements.

2. Review of current application and recommendations to Council

Chuck Janisse

Chuck Janisse and Pete Dupuy described the EFP proposal. (Chuck Janisse participated by phone.) Pete Dupuy emphasized the purpose of this EFP was to see if a commercially viable fishery could be prosecuted under the conditions set out in the proposal. Although an assessment of protected species mitigation measures (sea turtles and sea birds) would be a component, the purpose was not to determine interaction rates. An important part of the proposal is to see if there is a viable fishery inside the EEZ, since there is very little data because of the California state prohibition in place prior to the HMS FMP. On this point Steve Crooke noted that the California state law prohibiting longlining inside the EEZ was still on the books and wondered whether federal law preempted this or not. This question should be resolved before any final decision on the EFP is made. Pete Dupuy also emphasized that there was no guarantee that this EFP would lead to a commercially viable fishery. In response to questions he said there are markets lined up for any product. Don Petersen added observers are available for the proposed trips.

Chuck Janisse said the protected species impacts will be determined through the ESA process; at this point the question before the Council is whether or not they want to forward this EFP to be evaluated under a Section 7 consultation.

Michele Culver proposed an analogy to the overfished species "scorecard" used in groundfish management and the establishment of "bycatch caps" for protected species. There was discussion of the disposition of any marlin caught. Chuck Janisse said the fishery would not occur in marlin habitat, but if any were caught they would be disposed of as required in the FMP. Pete Dupuy noted they are usually released alive at sea. Suzanne Kohin asked whether thresher sharks would be caught and whether they could be marketed.

In response to Michele Culver's concept of using caps, Chuck Janisse said this would be acceptable but any such caps would have to be pursuant to a BiOp, not the estimates put forth in the proposal. Michele Culver went on to say that the use of caps could be expanded to other non-target species aside from protected species. She said this approach could stem potential criticism about a BiOp identifying incidental take but not having measures to limit it. Pete Dupuy said under the EFP he would use the circle hooks and mackerel bait currently recommended by NMFS to reduce sea turtle takes. Tina Fahy said it is important to provide more detail in the application about the fishing gear that would be used. She also asked if there would be a comparison of circle hooks versus J-hooks as an experimental component of the EFP.

Pete Dupuy discussed how he had to make prosecuting this fishery financially viable and how this might require a change in strategy, for example switching to targeting BET. The EFP might therefore involve a combination of swordfish (shallow) and tuna (deep) sets.

Jim Carretta said any fishery to determine sea turtle interactions would have to be on a larger scale to make it statistically meaningful. This led to a discussion of the purpose of this EFP, leading back to the characterization outlined above. Chuck Janisse pointed out that EFP stands for exempted rather than experimental fishing permit; the intention is not to conduct an experiment but to determine the viability of this fishery. This is just a preliminary exploratory

trial. Jim Carretta said he understood but still had concerns that people would draw conclusions from the results from just one vessel. Liz Petras suggested that the statement of purpose be modified to clarify the purpose of the EFP, to acknowledge that the fishery, as currently proposed, would not achieve the objective of demonstrating that the fishery could operate without jeopardizing protected resources. Michele Culver noted Washington State has sponsored EFPs involving just one vessel and said she supported starting off slow, collecting some data, since this would be an improvement on no data. Craig Heberer said there are EFPs on the East Coast also involving a single vessel.

Michele Culver recalled the status of this proposal in relation to the development of the FMP. When the FMP included the EEZ closure the HMSMT identified this type of proposal as a way of gathering information in the future to reexamine this issue.

Craig Heberer emphasized that NMFS will not go forward without a Council recommendation, but if it does go forward a Section 7 consultation along with any public review will occur. This led to some discussion of how public review would occur and whether the proposal would be subject to NEPA and who would prepare an EA if required. Svein Fougner said it would be up to SWR to do any required NEPA.

Steve Crooke argued the HMSMT has two questions two answer: is the application complete and do we support it? Michele Culver replied she thought the HMSMT could answer yes on both questions. There was then further discussion of whether the proposal needed to be more specific in terms of the gear and techniques to be used. Kit Dahl suggested specifying that the regulations applicable to Hawaii vessels would be used for this EFP as a way to delineate gear and methods.

There was then continued discussion of the experimental aspect of the proposal. Liz Petras recommended removing the discussion in the first paragraph of the proposal about demonstrating reduced protected species impacts. Tina Fahy again brought up the idea of experimenting with different types of hook and bait. This could be evaluated from a fisheries perspective rather than drawing any conclusions about the bycatch mitigation effects. It would then be up to PRD to look at the protected resources issues. Suzanne Kohin said using a hard cap on protected resources and other species of concern would be the best way to address this.

Chuck Janisse said he thought the application is complete as far as what the Council and federal law requires and the only question is whether the HMSMT will advise Council to move forward on this.

Steve Crooke said he thought the HMSMT did not have any problem saying it meets the protocol and the Council should consider it for an evaluation. There was general consensus for recommending the EFP to the Council, although Pete Dupuy and Chuck Janisse should consider some modest modification of the proposal, such as more specificity on gear and techniques, in line with what the HMSMT discussed.

H. Consider Changes to Drift Gillnet Closed Area

Chuck Janisse

Chuck Janisse reviewed a letter from the Federation of Independent Seafood Harvesters (FISH) containing a proposal for eliminating the time/area closure established to mitigate impacts from the DGN fishery on leatherback sea turtles. The letter contains three alternatives to the elimination of the closed area, which could be implemented as reasonable and prudent alternatives (RPAs) in response to a jeopardy finding in any BiOp. Michele Culver pointed out that the closure was put in place by NMFS for protected species reasons. She wondered whether the HMSMT could recommend to the Council, which they would recommend to NMFS, to move forward with a reevaluation of the closure.

There was then discussion about how to evaluate likely impacts given the size of the current fishery. Dale Squires pointed out that many factors are likely to make any *a priori* analysis based on historical conditions unacceptable. For this reason it would be better to allow the fishery to proceed with full observer coverage in order to collect new data.

Jim Carretta presented an analysis based on two effort levels (2,000 and 1,500 sets) and three area options (current closure, open south of Point Sur, and open the whole area). He pointed out that the leatherback CPUE was higher in the area north of 40° N latitude. The HMSMT discussed observer coverage levels and issues arising from the need to extrapolate takes if coverage is less than 100%. Jim Carretta said that a 20% coverage level was the lowest acceptable level, if coverage is statistically unbiased. There would likely be significant benefits from an increase in observer coverage in terms of getting an accurate measure of takes; if this determines whether the fishery is open it could be cost effective. In response to a question from Dale Squires about the cost-benefit of increasing observer coverage, Don Petersen said the DGN fishery is relatively expensive to observe. The HMSMT then discussed factors which might cause a vessel to have a higher sea turtle interaction rate. Dale Squires said past research had not been able to quantify the human capital factors leading to lower interaction rates.

Dale Squires said higher observer rates might be justified if the DGN fishery is analogous to the Hawaii fishery in that it operates under de facto bycatch caps. In addition, conditions in the fishery and the closed area may have changed sufficiently to warrant higher levels. Don Petersen mentioned the possibility of using electronic monitoring, something SWR was starting to look into. Michele Culver recommended forwarding the FISH proposal, recognizing there would be an evaluation under Section 7.

The HMSMT then discussed likely effort and what levels to evaluate. The basic issue was whether opening the closed area would lead to an increase in fishing effort in comparison to the recent past. Jim Carretta said PRD should not be responsible for estimating the level of fishing effort that would occur, but estimating the protected species impacts that would result. There was some discussion of establishing a cap on sea turtle takes and/or fishing effort. It was agreed that an evaluation should also include a 1,000 sets effort level, which is close to the number of sets last year, along with the area stratifications proposed in the FISH letter. Evaluating 2,000 sets, the level in the previous BiOp, was also suggested as an upper bound. Following up on Jim Carretta's point, Svein Fougner said PRD would need a specific proposal to evaluate, which would include effort estimates by area. Liz Petras concurred that there has to be a proposed action to do a Section 7 on.

The HMSMT agreed to look at the analysis further at the next meeting (June Council meeting), specifically results of a 1,000-set effort level and opening the closed area south of 40° N latitude only. Jim Carretta said he would write a computer program so the HMSMT could enter the different management parameters (effort level, closed area) and get a leatherback mortality estimate. *[Note: subsequent to the meeting Jim Carretta advised that it would be preferable for the HMSMT to provide him and Tomo Eguchi with specific closure scenarios for which they could project mortality estimates. This would allow them to evaluate closure scenarios on an individual basis to determine if there is sufficient data to make the necessary mortality projections.]*

For clarification Liz Petras asked what type of proposal was being made and Chuck Janisse said it was a request for a regulatory change, which would be a framework action under the HMS FMP. At the June meeting the HMSMT would present some preliminary information before the Council under the NMFS report and request identifying it for Council action at a future meeting. The HMSAS should also discuss it at the June Council meeting.

I. High Seas Longline

Before signing off Chuck Janisse commented that he thinks the high seas longline management should be left to the WPFMC; setting up a separate West Coast limited entry permit will cause a mess. It would be better to simply allow Hawaii vessels to make trips out of the West Coast under the Pelagics FMP regulations. This led to a discussion as to whether Hawaii permitted vessels can legally operate out of the West Coast at the present time. Don Petersen said it was his understanding that GC had concluded that Hawaii permitted vessels could legally make trips out of West Coast ports. This opinion was in response to a request from Lillo Augello, who is planning to have five Hawaii permitted vessels fish for his operation. Observers would be flown over from Hawaii to make any trips out of the West Coast.

The discussion turned to the Hawaii regulatory regime involving set certificates. John LaGrange pointed out that the Pelagics FMP operates on a calendar year and set certificates would likely be used up before they could be available for a West Coast fishery, which typically begins in the fall. He also said that the equal distribution of certificates among permit holders requires some consolidation, since the number of sets authorized in the initial allocation is not enough to prosecute a fishery. There has been a lot of confusion and dockside rumors leading to distortion in the price of certificates.

Craig Heberer then provided a brief overview of Hawaii regulatory regime and a report on the current status of the fishery. He wondered if there would be a rollover effect whereby any mortality below the levels established in the incidental take statement could allow increased mortality in the following year. Liz Petras explained that the ITS in the pelagic longline FMP BiOp was an annual calendar year estimate of takes and mortalities. In some BiOps the ITS is written such that the takes are identified over a number of years; for example the ITS for CA/OR DGN specifies four humpback whales may be taken in three years, with two mortalities in those three years. If the fishery has not exceeded the ITS for takes, then fishing can continue. Svein Fougner pointed out that all turtle interactions so far have been non-lethal, so even if the take limit is reached the mortality limits will not.

Dale said the HMSMT should pick up where it left off last year when the Council asked them to evaluate both the longline and DGN sectors together. He recommended having a response

drafted for likely questions from the Council about whether to move forward on this. As reflected in the discussion so far, there are two options: looking at limited entry again or allowing Hawaii to regulate the longline sector with some approval by or coordination with the HMS FMP.

The HMSMT then discussed how mortality in different U.S. Pacific fisheries was handled in the Hawaii BiOp and the resulting implications for developing a West Coast shallow-set longline opportunity. Michele Culver suggested a regular evaluation of takes by U.S. Pacific fisheries, which could be included in the SAFE. This would be linked to an incidental take statement for all these HMS fisheries combined. It would also allow an evaluation of the accuracy of take estimates in current BiOps. August Felando pointed out that most of the turtle mortality comes from other countries' fisheries and the exploitation of turtles at nesting beaches. This left open the question of whether the restrictions on U.S. fisheries are having much effect. The HMSMT briefly discussed what actions could be taken to pressure other nations to reduce sea turtle mortalities.

Michele Culver said the HMSMT should ask for Council guidance to continue exploring these issues. There was then continued discussion of the sea turtle take issue and agreement that this is the key to managing any West Coast longline fishery. Steve Crooke said there needs to be cooperation between the PFMC and WPFMC to resolve this issue.

J. Review of HMS Stock Status (Bigeye/Albacore)

Suzanne Kohin

Suzanne Kohin provided a brief overview of HMS stocks. The HMSMT delayed discussing the BET issue until the response strategy put forward by NMFS is available for review. There was a short discussion of interest in limited entry for the albacore troll fishery. It was noted that interest is waning and the U.S.-Canada treaty has become a bigger issue. Craig Heberer also noted that overfishing of albacore is emerging as an issue for Atlantic stocks.

K. Timelines/Next Meeting/Wrap-up

Dale Squires/Steve Crooke

The wrap-up focused on what reports and materials would be developed for inclusion in the briefing book. The observer coverage plan, CPFV logbooks, and the DGN issue would come under the NMFS report (E.1). Reports on the first two items will be included in the briefing book with further discussion of the DGN issue at the June meeting. An outline of the SAFE report will be included in the briefing book for E.3. The HMSMT will take up the BET issue (E.4) at the June meeting.

On another issue, the HMSMT discussed who should serve as the liaison to the PacFIN data committee for the HMSMT.

The meeting adjourned at 3:15 pm.