Alliance for Responsible
Recreational Fishing

August 26, 2006

Mr. Wayne Heikkila, Chairman
Highly Migratory Species Advisory Subpanel
Pacific Fisheries Management Council
PO Box 992723
Redding, CA 96099

Mr. Craig Heberer
Highly Migratory Species Management Team
Pacific Fisheries Management Council
501 W Ocean Blvd, Ste 4200
Long Beach, CA 90802-4213

RE: RECREATIONAL TAKE OF SPAWNING FEMALE THRESHER SHARK

Dear Mr. Heikkila and Mr. Heberer:

The Alliance for Responsible Recreational Fishing is a group of conservation-minded commercial and sport fishermen and women formed to promote, as the name suggests, responsible recreational fishing in California's ocean waters. We write you today to express our concern regarding the above subject matter.

We have noticed an increasing trend in Southern California ocean recreational fishing to target large female thresher shark (*Alopius vulpinus*) when they come near to shore in the spring to pup. Obviously, these large females are carrying young of the year, representing the future of the thresher shark population off the West Coast. Both the scientific and popular literature are filled with articles about how sharks reproduce slowly, females carrying only a few pups each year, and pup survivorship also an issue. In the current dialogue on marine protected areas (marine reserves), Dr. Mark Hixon of Oregon State University has repeatedly made the case that "big old fat females" of fish are far more important that the smaller female fish, due to the strong positive relationship between fish body size and number of young produced. Thus, this growing fishery is targeting the most important part of the reproducing stock of thresher shark off California.

This fishery takes place from San Diego to Newport Beach during the months of April through June. On any given weekend, there may be anywhere from a few dozen up to several hundred recreational fishing boats in this area, targeting thresher sharks. When word circulates that the sharks are inshore, boat numbers swell into the hundreds.

Our concerns stem from several facts regarding this recreational fishery, as follows:

- Currently the legal bag limit for thresher shark is 2 per day per angler. This implies that during the peak of this spawning aggregation fishery, and conservatively assuming 2 anglers per boat, up to 1,200 or so thresher shark may be taken ***per day***, many of which will be large females carrying young of the year. Four sharks per boat is a very conservative estimate, since charter recreational fishing boats are commonly known as "six-packs," licensed to carry six

anglers per trip. While catch-and-release is practiced by a small proportion of the recreational fishery, it is also known that a certain proportion of mortalities result from catching and fighting these sharks for minutes to hours.

Further, because sharks may be released, any given boat may catch far more than two per person per day, or four per boat per day. The problem here is that, due to the gear used (see below), sharks may be tail hooked, dragged backwards and therefore drown during this process. So mortalities of large pregnant female thresher sharks may be quite a bit larger than one might think, and very little data is available to judge the merits of this recreational fishery activity.

▪ Some recreational fishing lobbying groups are currently supporting a change in the bag limit to one large pregnant female thresher shark per day. Unfortunately, this will not resolve the issues we are concerned about, due to the continued catch-and-release of as many large pregnant female thresher shark as a boat wishes to catch, with its associated mortalities from snagged sharks and/or the trauma of the fight to subdue the shark. Further, this fishery is rapidly growing recreationally, and more and more anglers will be entering the fishery, making moot a halving of the daily bag limit.

We respectfully request that, in order to achieve responsible recreational fishing goals for thresher shark, a gear change be required: the use of multi-hook baits and lures should be prohibited, and replaced with a regulation requiring single hook lures only. With this change the chance that a large pregnant female thresher shark will be snagged and dragged backward and drowned to death will be significantly reduced.

While there may be a minority of recreational thresher shark anglers that use circle hooks, minimizing the possibility of snagging and tail dragging pregnant female thresher sharks, it is well known, and passed from angler to angler, tackle shop to tackle shop, and around the docks, what type of terminal tackle gives the angler the highest probability of a hookup. Currently, this terminal tackle consists of a large (6-12") "hoochie-"type lure which may have multiple hooks in it, followed by a baitfish, like a mackerel or sardine, connected to the back of the hoochie with its own double albacore barbed hook or treble hook in the baitfish, followed by a trailing double or treble hook. This array of hooks has a high probability of snagging a thresher shark in other places besides the mouth, with the result being a snagged shark being dragged backwards through the water, known to kill sharks by "drowning" them (oxygen starvation).

It bears mention here that the 2003 Pew Oceans Commission Report "Ecological Effects of Fishing" authored by Drs. Paul Dayton and Simon Thrush specifically calls out the ill-advised practice of fishing on spawning aggregations, thus:

> Species that aggregate to spawn are often targeted by fishers who know where and when the aggregations occur (Ames, 1998; Dayton et al., 2000). Not only are individuals removed from populations, but also entire aggregations can be eliminated. A spawning aggregation, once eliminated, may never recover.

So it is well known, with specific examples from throughout the world, that recreational fishing in spawning areas of fishes may have severe negative impacts on fish stocks. At the very least, our recommendations should be implemented to minimize the damage being done to the future of the thresher shark stocks off the West Coast, for the future of recreational and

commercial anglers and the seafood consuming public who have enjoyed fresh, local thresher shark in local markets for decades.

Thank you for considering our request that your advisory body take up at your September, 2006 meeting, the issue of a conservation-minded gear regulation change to minimize incidental harm to the future of the thresher shark stock on the West Coast represented by this burgeoning recreational thresher shark fishery in Southern California.

Sincerely,

Dr Fred Hepp

Dr. Fred Hepp, Conservation Manager

c: Dr. Don McIsaac, PFMC ED
Mr. Zeke Grader, PCFFA

SEA TURTLE RESTORATION PROJECT

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September 5, 2006

Mr. Donald K. Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Chairman Hansen:

I am writing on behalf on the Sea Turtle Restoration Project (STRP), a nonprofit organization representing over 5000 members, regarding the proposal before the Pacific Fishery Management Council (PFMC) to change the northern boundary of the leatherback turtle closure. We would like to express our support of the alternative that would prohibit the use of drift gillnet gear north of 45^0 latitude year round.

The Pacific leatherback sea turtle nesting population remains critically endangered and has plummeted from over 90,000 in 1980 to fewer than 5,000 in 2002, a decrease of 95%. Scientists warn that unless the mortality from drift gillnet and longline fishing is reduced the leatherback may go extinct in the next 5-30 years. The vulnerability of the leatherback's survival was highlighted in a recent report by the United Nations that declared the Malaysian population effectively extinct. All other Pacific leatherback populations continue to remain well below abundance levels and in an overall state of decline.

Leatherback sea turtles are known to be present along the Oregon coast, migrating across the Pacific to this important foraging area. We support any conservation measures that would increase protection for this critically endangered species and other marine life including endangered whales, seals, sea lions, sea birds and dolphins from further decline due to impacts of drift gillnet fishing, which has a long history of byctach problems.

The closure of waters north of 45^0 latitude to drift gillnet fishing provides the opportunity to put in place critical protection measures for the leatherback sea turtle and other threatened and endangered marine animals whilst having little impact on the drift gillnet fishing industry. As stated in the discussion by the Highly Migratory Species Management Team at their June meeting although up to ten Developmental Fishery permits can be issued each year for drift gillnet fishing in Oregon only one was issued in 2004 and no fishing occurred in 2005. Together with this, only a small number of drift gillnet vessels from California have fished in Oregon waters. Therefore economic impacts of this closure would appear to be minimal, whilst providing an important and extremely effective conservation measure.

In addition such a closure would be in accordance with the Endangered Species Act (ESA) which requires that federal departments use methods and procedures necessary to bring an threatened or endangered species back to a point at which it no longer requires protection under the ESA. By implementing a closure of waters north of 45^0 latitude to drift gillnet fishing the PFMC will be taking an important step in helping such a recovery of the leatherback sea turtle.

Recently the Council has been focused on rolling back effective protection measures in place for the leatherback sea turtle. They recommended at their March 2006 meeting the issuing of an Exempted Fishing Permit that would

allow drift gillnet fishing back into the Pacific Leatherback Conservation Area and are currently considering such a permit that would allow longline fishing back along the US West Coast. At a time when the leatherback is facing such threats, it is encouraging to see the Council considering a proposal that would *increase* protections for this critically endangered species.

The Sea Turtle Restoration Project strongly encourages the PFMC to implement the alternative to prohibit the use of drift gillnet gear north of latitude 45^0 year round. We appreciate that turtle conservation issues are international in scope, and we encourage the Council to coordinate with the Western Pacific Fishery Management Council and international bodies to improve turtle protections across the Pacific. We would like to work with NOAA Fisheries and the Council in finding comprehensive solutions to overcome the serious threats to sea turtles in both U.S. and international waters. We believe implementing and increasing such protections for sea turtles along the U.S. Pacific coast is an essential element of this process.

We appreciate the opportunity to comment. If you have any questions about this important matter, please contact me at (415) 488-0370, ext. 106.

Sincerely

Karen Steele
Campaign Coordinator

Advocates for Wild, Healthy Oceans

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Formerly the Center for
Marine Conservation

The Ocean Conservancy

September 5, 2006

Mr. Donald K. Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

RE: Highly Migratory Species – Changes to Routine Management Measures – Drift Gillnet Fishery Regulations (Agenda E.1)

Dear Chairman Hansen:

As you are well aware, the current Pacific Leatherback Conservation Area time/area closure has been tremendously effective at minimizing take of endangered sea turtles since its implementation. Currently, the Council is considering the need to adjust the northern boundary to the leatherback closure. We commend the HMS Management Team for presenting the Council with a suite of management alternatives that embody a precautionary approach to management and enhance protections for this critically endangered species.

In less than three generations, leatherback sea turtle populations have suffered precipitous declines. Some populations are hovering on the brink of extinction due to high levels of incidental and intentional take throughout the Pacific region, with overall nesting population reductions in excess of 90-percent. Fisheries mortality has been especially problematic for leatherbacks. In 2000, NMFS for the first time found that operation of the drift-gillnet (DGN) fishery was likely to jeopardize the continued existence of leatherback sea turtles, stating that, "any additional impacts to the western Pacific leatherback stocks are likely to maintain or exacerbate the decline in these populations," and that such effects "would be expected to appreciably reduce the likelihood of both the survival and recovery of the Pacific Ocean population of the leatherback sea turtle." 2000 Biological Opinion at 94. In order to meet it's obligation under the Endangered Species Act to ensure that the fishery would not cause jeopardy to the species, NMFS instituted a seasonal closure to the DGN fishery in the waters off California and Oregon Coasts. 66 Fed. Reg. 44549. Since 2000, areas north of Point Conception to 45° North latitude off the central Oregon coast, and out beyond the Exclusive Economic Zone (EEZ) to 129° West longitude, have been closed to DGN fishing from August 15th through November 15th each year to protect leatherback sea turtles which seasonally inhabit these waters.

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Recent satellite telemetry and aerial survey research on leatherback turtles in this region affirm that these waters provide important foraging grounds for animals originating from rookeries in the western Pacific. Moreover, observer data shows that there have been no recorded takes of leatherback sea turtles during the past three years, indicating that the DGN closures have been largely effective. Still, leatherbacks remain critically endangered and highly vulnerable to non-selective fishing practices and other human disturbances. While the effects of extending the boundary of the leatherback closure northward to the Oregon/Washington border or prohibiting the use of drift gillnet gear north of 45° North latitude year round are unknown, greater precaution and protection is warranted given the level of scientific uncertainty and the precarious state of leatherback populations. The final management decision should be governed by the most current biological information and incorporate a level of precaution to account for any uncertainty.

While the leatherback closure was designed to minimize interactions between the DGN fishery and sea turtles, it also plays an important role in protecting marine mammals, sharks, seabirds, and other target and non-target fish species. Adjusting the boundaries to increase the size of the leatherback closure or restrict indiscriminate drift-gillnet fishing altogether will provide incidental benefits to other protected, endangered and otherwise at-risk species. We also recognize that ease of enforcement plays a large role in determining the effectiveness of conservation measures, therefore we encourage the Council and NMFS to select an alternative that is precautionary, reflects the best available science and facilitates monitoring and enforcement efforts.

We appreciate your time and consideration of our comments and are willing to work with the Council and NMFS to promote more effective sea turtle conservation along the Pacific coast. If you have any questions, please do not hesitate to contact us.

Sincerely,

Wallace J. Nichols, PhD
Senior Research Scientist

Meghan Jeans
Pacific Fish Conservation Manager

Jim Martin
West Coast Regional Director
The Recreational Fishing Alliance
P.O. Box 2420
Fort Bragg, CA 95437

Monday, September 11, 2006
PFMC SEPTEMBER 2006
Item: E.1.b - Public Comment

To: Don Hansen, Chair
Pacific Fisheries Management Council
Re: Albacore Bag limits in the recreational fishery

Dear Chairman Hansen,

The RFA recognizes the need for The US West Coast recreational anglers to consider a bag limit on albacore. As a member of ITTC the US is bound to comply with measures adopted by the commission. It appears that albacore is heading in an overfished status by large-scale foreign fleets and US fishermen will have to make sacrifices based on this situation. It is the RFA's opinion that it would be prudent for our sector to set up reasonable bag limits prior to NOAA Fisheries forcing more unreasonable limits before obligations and compliance to the International Treaty demand we do.

While largely symbolic in nature, recreational bag limits serve to conserve resources and limit waste. Many of our members are asking why this is necessary without taking similar measures on foreign fleets. They have a point, since the recreational take of albacore is de minimus.

The RFA has had recent experience with a similar situation on the east coast with yellowfin tuna. Sport fishing advocates resisted bag limits, only to find themselves stuck with a three fish bag limit and no legal recourse. The NMFS used MRFFS data to estimate historical catches and reduced from there. The average bag was three fish. Similarly, actual catches of albacore are very low on the West Coast.

To avoid a similar outcome the Council must take timely action on this decision. The RFA recognizes regional differences in the fishery. We support the Department's proposed bag limit of 25 fish across the board on the west coast. North of Point Arena, the weather makes our trips few and far between. Canning albacore in mason jars remains a regional tradition on the north coast. We also want to maintain consistency with Oregon's regulations. We support a coast wide bag limit of 25, from Mexico to Canada.

We defer to the Sportfishing Association of California, the Golden Gate Fishermen's Association and the charter industry on the issue of having a 5-fish bag limit on CPFVs, but few of our members are interested in that low a bag for the private boater fleet.

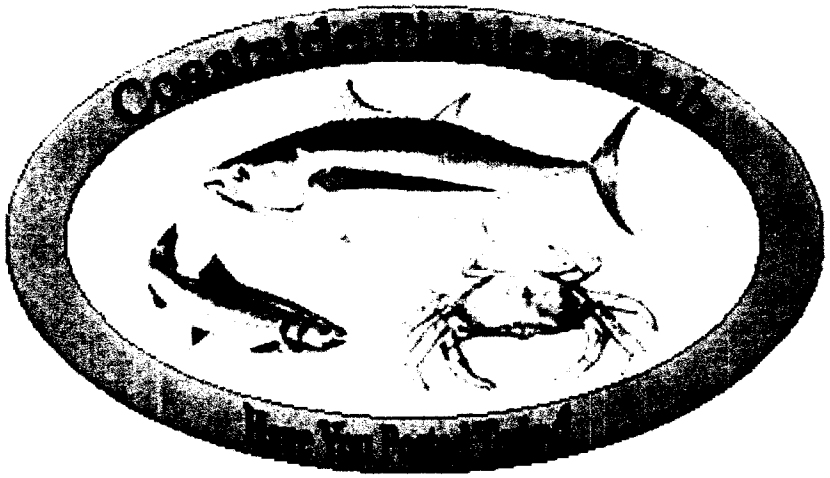
Most of our members who are private boaters limit their take because of fuel costs, a desire to properly process the albacore we catch, and on heartfelt conservation principles. The RFA is concerned that if the bag limit is set too low, future restrictions could destroy the recreational fishery for albacore.

The simplest way to expedite this action under MSA would be for the PFMC to adopt a 25 fish bag limit in federal waters under its jurisdiction. If the states wish to adopt more stringent measures in various regions, they can do so.

Respectfully,

Jim Martin

Jim Martin
The Recreational Fishing Alliance



Coastside Position:

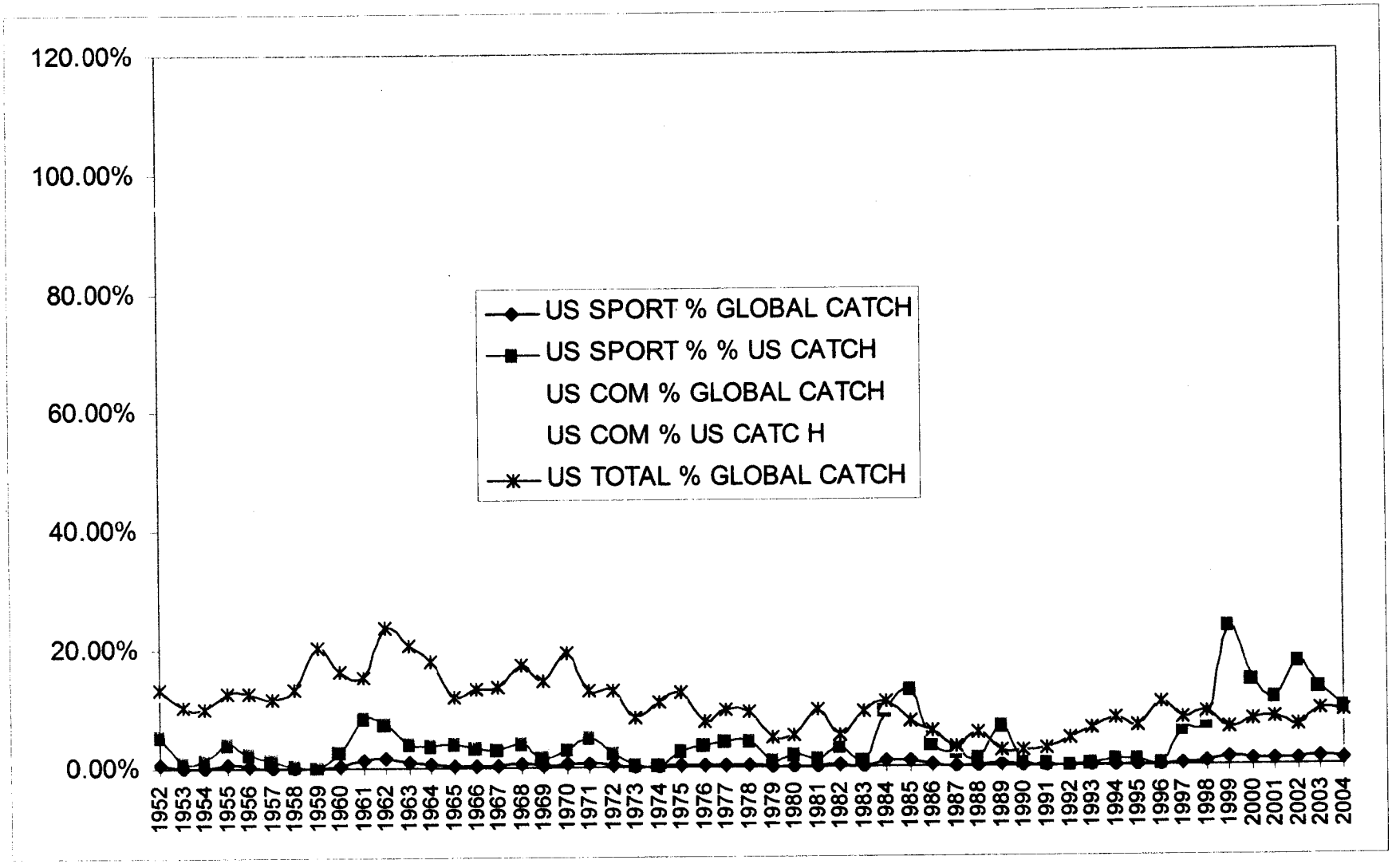
Recreational Tuna Limits In California

Dan Wolford, Science Director
Coastside Fishing Club

Sept. 2006

Agenda Item E.1.e
Supplemental Public Comment 2

U.S. Albacore in Perspective



Data from 1952 to present. (PFMC, 2006, http://www.pcouncil.org/bb/2006/0606/age3b_supp_hmsmt.pdf)

U.S. Recreational Albacore Take is Insignificant

- U.S recreational Albacore landings account for, on average, 0.45% of all landings
- U.S. recreational Albacore landings account for, on average, 4.46% of all U.S. Albacore landed
- California accounts for 43.4% of recreational landed Albacore, with southern California accouting for 28.9% and Northern California accounting for 14.5%.
- Oregon accounts for 30.3% of Albacore landed in the U.S.
- Washington accounts for 26.3% of Albacore landed in the U.S.

Data from 1952 to present. (PFMC, 2006, http://www.pcouncil.org/bb/2006/0606/age3b_supp_hmsmt.pdf)

CA Recreational Tuna

- Represents an insignificant portion of the total international take of tuna
- Is a major element of CA recreational fishing
- Is not the same in Northern/Central and Southern CA

Northern/Central CA
Weather limits fishing opportunity
Travel distance limits fishing opportunity
Typically ONLY Albacore
Year to year variability in availability

Southern CA
Weather encourages consistent fishing opportunities
Travel distance encourages fishing opportunity
Typically SEVERAL tuna species available
Consistently available year to year

North/Central – Southern CA Example Opportunities

- In Half Moon Bay
  - Only three opportunities for private boaters to target Albacore in 2005
    - Weather and distance
  - This year
    - Private boaters have had 9-10 opportunities for Albacore
    - One HMB CPFV made 2 trips for 4 Albacore
    - Another HMB CPFV made 1 trip for 4 Albacore
- From SF
  - In 2005 one CPFV made 1 trip for zero Albacore
  - In 2006 that CPFV made 1 trip for 4 Albacore
    - traveled 80 miles (one way) to get there
- By Contrast, this year in July ALONE, one San Diego CPFV made 22 trips, scoring
  - 186 Dorado
  - 1593 Yellowtail
  - 105 Yellowfin tuna
  - 103 Bluefin tuna
  - 106 Albacore
  - 100 Bonito

Coastside Members will Support Reasonable Albacore Limits

- Membership poll returned nearly 1000 valid responses
- 23% were opposed to any recreational limits on recreational Albacore
- 77% willing to accept some kind of recreational limits on Albacore
  - Of these, the majority favor different limits between North/Central CA and Southern CA (54 to 45 %)

Why Recreational Limits at All?

- Recreational take is insignificant
  - Imposing a limit is the first step down a slippery slope to unnecessarily restricting this recreational fishery
    - Because tuna is valued in both fresh and canned forms, the occasional large daily take is fully utilized
      - We need to take advantage of the limited opportunities
  - Imposing a limit is an important symbolic step
    - We recognize that implementing a recreational Albacore trip limit could be viewed as a step in support of the Inter-American Tropical Tuna Commission's Albacore resolution and the U.S. commitment to not increase its current effort level on Albacore.

CA Recreational Albacore Limits

- Coastside can accept and support the imposition of recreational Albacore limits
  - Either a limit of 25 per day throughout CA or
    - 10 Albacore per day south of Pt. Conception
    - 25 Albacore per day north of Pt. Conception

- Because of the differences in the Albacore fishing opportunities between Northern/Central and Southern CA, it is important to maintain the limit at 25 per day in the North/Central region.