

HIGH SEAS SHALLOW-SET LONGLINE (SSLL) AMENDMENT

In 2003, the Council submitted the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) to National Marine Fisheries Service (NMFS) for Secretarial Review; it was approved, with the exception of one provision in the FMP that was disapproved: allowing shallow-set longline (SSLL) fishing east of 150° W longitude. Shallow-set refers to the deployment of the gear so that hooks are at depths of 100 m or less, and is done to target swordfish. The disapproval was based on the results of a Section 7 consultation and biological opinion pursuant to the Endangered Species Act (ESA), which found that the take of sea turtles, and specifically the loggerhead sea turtles, would constitute a jeopardy condition. As a result, regulations were promulgated under the ESA to prohibit this activity.

In his letter partially approving the HMS FMP and in a follow-up letter NMFS Southwest Regional Administrator Rod McInnis encouraged the Council to develop management measures that would allow NMFS to approve a high seas SSLL fishery. In 2004 the Council responded by directing the HMS Management Team (HMSMT) to develop a limited entry program for the SSLL fishery. When other HMS-related priorities came to the fore, work on the FMP amendment stopped. In 2007 the HMSMT again started to work on developing a limited entry program at the request of the Council. At their September 2007 meeting the Council adopted a motion (Agenda Item F.2, WDFW Motion, September 2007) directing the HMSMT to develop three alternatives:

1. Status quo – SSLL fishing seaward of 200 nm and east of 150° W longitude allowed by Hawaii-permitted vessels only; landings can occur on the west coast by Hawaii-permitted vessels.
2. Implement a west coast limited entry program for SSLL fishery seaward of 200 nm.
3. Implement a west coast limited entry program for SSLL fishery seaward of 200 nm; require a drift gillnet permit to participate.

The HMSMT and HMS Advisory Subpanel (HMSAS) met November 6–7, 2007, and discussed possible components of these alternatives. The HMSMT met again January 15–16, 2008, to develop more specific proposals for a range of alternatives. The results of their work are contained in the attached HMSMT Report.

The September 2007 motion also laid out a timeline for Council action with the Council considering a draft range of alternatives for public review and preliminary guidance on qualifying criteria for analysis at this March 2008 meeting. The HMSMT and HMSAS, with guidance from the ad hoc HMS Management Committee, would work on further developing the alternatives during 2008 in anticipation of final Council action at their November 2008 meeting.

Mr. Chuck Janisse submitted a comment letter to the Council in October 2007 with a recommendation for federalizing the current California drift gillnet limited entry permit program. He discusses how this could facilitate gear switching from drift gillnet to SSLL gear. Because there were no HMS agenda items at the November 2007 Council meeting the letter was included under open public comment, but the Council did not have a chance to consider its contents in the context of this action to develop a limited entry program. Therefore the letter has been included under public comment for this agenda item (Agenda Item C.5, Attachment 1). The Council

could consider federalizing the California drift gillnet program as an alternative or complement to the current alternatives for a limited entry program. However, the process to federalize the permits would likely add considerable complexity to limited entry program development, and add to the committees' workload. Therefore, it should probably be considered as a substitute approach to the current set of alternatives developed by the HMSMT.

At this meeting the Council should review the HMSMT report, provide guidance on further refinement of the alternatives and, if appropriate, adopt a range of alternative for public review. Because implementing a limited entry program can be controversial, the Council may wish to provide direction on a schedule for public hearings or other methods for public scoping in 2008.

Council Action:

- 1. Provide guidance on further refinement of a range of alternatives for high seas SSSL limited entry.**
- 2. Adopt a range of alternatives for public review, if appropriate at this time.**
- 3. Provide guidance on public scoping of the alternatives and related future committee meetings.**

Reference Materials:

1. Agenda Item C.3.b, HMSMT Report

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. **Council Action:** Consider Alternatives for Development of a high seas SSSL fishery

Note: Public comment on this topic and the SSSL exempted fishing permit (agenda item C.4) will be heard under agenda item C.5. After the combined public comment period the Council will return to this agenda item for Council action.

PFMC
02/22/08