

Summary of the Exempted Fishing Permit Fishing Activity and Terms and Conditions Placed on the Activity

Description of the Fishing Activity

The exempted fishing permit (EFP) would allow one vessel to explore¹ the commercial viability of fishing with new and innovative longline gear in the EEZ off of Oregon and California during the 2007 fishing season. The purpose of the EFP is to initially assess whether shallow-set longline (SSLL) gear using the latest gear modifications is a cost-effective alternative to potentially reducing bycatch in the California and Oregon swordfish fishery. Currently, no such information exists on how this gear, specifically designed to reduce bycatch, will operate under: 1) different environmental conditions relative to bycatch and, 2) economic conditions relative to current swordfish practices in the proposed action area. Under the terms and conditions of the EFP, the vessel would target swordfish with SSLL gear utilizing circle hooks and mackerel or mackerel-type bait. This combination has proven successful in existing domestic (Atlantic and Hawaii) and foreign (Italy, Brazil, and Uruguay) SSLL fisheries in reducing the post-hooking mortality of sea turtles compared to traditional longline gear, while maintaining a commercially viable catch-per-unit-of-effort for the target species (Watson and Kerstetter 2006; Boggs and Swimmer 2007). Given the success of these fisheries, the applicant wishes to conduct exploratory fishing off the West Coast to determine if he can cost-effectively target swordfish with the new gear while at the same time minimizing interactions with non-target catch, including protected and sensitive species.

To target swordfish, longline gear is set at a shallower depth (<100 m) than for tunas. For this reason it is termed “shallow-set” as opposed to “deep set” when targeting tunas, where the gear is set in the deeper thermocline zone (~300-400 m). Fishing with longline gear is currently prohibited in the West Coast EEZ under the HMS FMP and Federal regulation at 50 CFR 660.712(a). Furthermore, the FMP prohibits targeting swordfish with longline gear (shallow setting) west of 150° W. longitude (see 50 CFR 660.712(b)). Regulations under the Endangered Species Act (ESA) (50 CFR 223.206(d)(9)) prohibit targeting swordfish with longline gear on the high seas east of 150° W. longitude in order to prevent jeopardy to the continued existence of endangered sea turtles.

The geographic context for the proposed action includes the EEZ off the coasts of Oregon and California; although the applicant has stated that a majority of the proposed fishing activity under the EFP would most likely take place within the EEZ waters adjacent to California

The applicant has stated that he may decide to transit outside the EEZ to use the deep-set gear configuration to target tunas during a trip where test fishing under the EFP using the shallow-set gear configuration occurs. Although conducted during the same trip, any such activity would not be part of the EFP (because deep-setting outside the EEZ is currently permitted). However, as a result, gear used to deep-set may be stored aboard the vessel during a trip where shallow set fishing as part of the EFP occurs. The gear would remain stowed until the vessel exits the EEZ and is in waters where deep-setting is permitted. Both fishing under the EFP and any non-EFP fishing outside the EEZ would be subject to 100 percent observer coverage.

¹ The proposed action is not designed to conduct a formal experimental test to compare bycatch rates of protected species among gear types. To achieve that goal would require, among other things, a larger sample size of sets/vessels spread out over an appropriate spatial/temporal scale, along with control groups fishing with other swordfish gear including drift gillnet and pelagic longline gear of earlier vintage (e.g., J-hooks with squid bait).

Terms and Conditions

1. 100 percent observer coverage, paid for by NMFS
2. All observers shall carry satellite phones provided by NMFS and immediately inform NMFS of any marine mammal, sea turtle, or seabird capture or interaction
3. A single vessel participating
4. Maximum of 14 sets per trip
5. Maximum of four trips between September 1 and December 31, 2008 (up to 56 total sets for the entire duration of the proposed EFP)
6. Fishing is only authorized within the West Coast EEZ and no SSSL gear shall cross this boundary
7. No fishing within the Southern California Bight as defined by the applicant
8. No fishing north of 45° N. latitude
9. No fishing within 50 nmi of the coastline
10. Utilizing shallow-set longline gear configuration:
 - a. 50-100 km mainline
 - b. 18 m floatline
 - c. 24 m branchlines
 - d. 2-8 hooks between floats
 - e. 400-1,200 hooks per set
 - f. Set fishing gear so hooks are at a depth of 40-45 m below the surface
10. Use 18/0 circle hooks with a 10 degree offset to fish for swordfish (as described at 50 CPR 665.33(f))
11. Use mackerel or mackerel-type bait (as described at 50 CPR 665.33(g))
12. Allow the use of light sticks
13. Require use of temperature-depth recorders (TDRs) to estimate fishing depth (The number of TDR units deployed per set and per trip would be determined by NMFS in consultation with the applicant.)
14. Gear may not be set until one hour after local sunset and must be fully deployed before local sunrise
15. , Prohibit the use of a line shooter for setting the gear
16. Require use of a NMFS-approved dehooking device to maximize finfish (e.g., blue shark) bycatch survivability
17. The following catch/take caps apply for the duration of the EFP. Fishing under the EFP ceases immediately (after gear retrieval) if any one of these limits is reached before the overall effort limit described above is reached.
 - a. A catch cap of 12 striped marlin
 - b. A take cap of one short-finned pilot whale (this species is not ESA-listed)
 - c. A take cap of five leatherback turtles, or one leatherback mortality
 - d. A take cap of one short-tailed albatross