

## FISHERY MANAGEMENT PLAN AMENDMENT 2: HIGH SEAS SHALLOW SET LONGLINE MANAGEMENT

In March 2008 the Council adopted a range of alternatives for a management framework for a shallow-set longline (SSLL) fishery in the high seas beyond the 200-mile exclusive economic zone off the U.S. west coast. Upon implementation of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species HMS FMP) in 2004 this fishery was prohibited because of the findings in the biological opinion associated with the HMS FMP, which found that such a fishery would jeopardize the continued existence of loggerhead sea turtles.

The SSLL fishery authorized under the Western Pacific Fishery Management Council's (WPFMC's) Pelagics FMP, and based out of Hawaii, was closed from 2001 to the first part of 2004 due to the same concern about the take of loggerhead sea turtles. However, in April 2004 the fishery reopened under a new set of rules, which included requirements to use circle hooks and mackerel-type bait, a limit on overall fishing effort, and take caps for loggerhead and leatherback sea turtles. The gear requirements have been demonstrated to reduce both the incidental take and the estimated mortality of sea turtles while the take caps cause the fishery to close if a certain number of sea turtles are hooked. At their June 2008 meeting the WPFMC adopted a recommendation to lift the effort limit on the Hawaii SSLL fishery and increase the take caps from 16 leatherbacks and 17 loggerheads to 19 leatherbacks and 46 loggerheads. The rationale for this recommendation is that the gear in use has a demonstrably lower mortality rate than previously estimated. The WPFMC and National Marine Fisheries Service (NMFS) released a draft supplemental environmental impact statement (DSEIS) on August 12, 2008, with the intention to implement new measures early in 2009. (Attachment 1 is the Executive Summary. An electronic version of the full document is included on the Briefing Book CD-ROM.)

Attachment 2 is a letter from NMFS Acting Assistant Administrator James Balsiger regarding joint evaluation of the WPFMC's proposed action and the Pacific Council's current consideration for action, given that both fisheries occur in the same general area and both affect the same stocks of sea turtles and other protected species of concern.

In March the Council expressed their desire to take final action to choose a preferred alternative for the west coast SSLL fishery at the September 2008 meeting, so that the two actions would be on a similar timeline. NMFS Southwest Region (SWR) planned to let a contract with a consultant prepare a preliminary DEIS to support Council decision-making in September. However, lack of response from contractors has necessitated a delay in Council final action until a later meeting. NMFS SWR has provided funding to prepare the EIS in-house with input and assistance from the Highly Migratory Species Management Team (HMSMT). A preliminary EIS analysis sufficient for Council decision-making is planned for release in early 2009. Attachment 3 is a Notice of Intent to Prepare an EIS published in the Federal Register on August 7, 2008.

The HMSMT met July 31-August 1, 2008, and discussed the range of alternatives proposed by the Council and the types of analyses that could help the Council in their decision-making. Since the alternatives were adopted in March based on an oral motion, it was thought useful for the

Council to review a written description of the alternatives. The HMSMT has also developed several recommendations for refinement or clarification of the alternatives. This information is contained in the HMSMT Report along with some preliminary analyses.

**Council Task:**

**Refine the alternatives proposed for managing the high seas SSSL fishery and provide additional guidance to the HMSMT, as necessary.**

**Reference Materials:**

1. Agenda Item H.3.a, Attachment 1: Amendment 18 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region, Executive Summary (*Full document included on Briefing Book CD-ROM*).
2. Agenda Item H.3.a, Attachment 2: July 17, 2008, letter from James Balsiger to Donald McIsaac.
3. Agenda Item H.3.a, Attachment 3: Notice of Intent to Prepare an EIS, Federal Register (73 FR 45965).
4. Agenda Item H.3.c, HMSMT Report.

**Agenda Order:**

- a. Agenda Item Overview
- b. Agency Comments
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Refine Amendment Alternatives

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