

## PROGRESS REPORT ON THE FISHERY MANAGEMENT PLAN

Situation: Attachment F.1.a. is a progress report from the Highly Migratory Species Plan Development Team (HMSPDT). The HMSPDT has met twice since the November Council meeting, in December 1999 and February 2000. The Highly Migratory Species Advisory Subpanel (HMSAS) is meeting on March 8, 2000 and will have comments on the HMSPDT's report. The HMSPDT seeks guidance from the Council on a number of issues:

Management Unit – Does the Council agree with the HMSPDT's initial list of management unit species? Does the Council support the concept of management unit species and associated species, with a framework procedure to move species between lists based on criteria?

Regulations – The HMSPDT has documented and compared existing state regulations for highly migratory species (HMS) fisheries. What is the next step for the HMSPDT on this matter? For example, are federal regulations needed? Should the Council defer to existing state regulations, which differ?

Schedule – The HMSPDT's recommended plan development schedule calls for Council approval of a draft plan in November 2000, public hearings in early 2001, and final approval no earlier than April 2001. Is this schedule appropriate?

Public Involvement – There is substantial public interest in this plan development process. Efforts are being made by the Council staff, states, and the HMSPDT and HMSAS to get the word out. The HMSPDT seeks guidance on the most effective means to interface with the public.

Limited Entry – The HMSPDT has a number of questions about limited entry should the Council decide to proceed with this issue. The Council may want to address these questions under agenda item F.3. – Control Date for Limited Entry.

**Council Action: Provide guidance to the HMSPDT.**

### Reference Materials:

1. HMSPDT progress report and appendices (Attachment F.1.a.).
2. HMSAS recommendations (Supplemental Attachment F.1.b.).
3. Letter from Mr. Daniel L. Erickson, Wildlife Conservation Society, February 7, 2000 (Public Comment F.1.).

PPMC  
02/23/00

Daniel L. Erickson  
Wildlife Conservation Society  
37805 Summer Creek Rd.  
Dexter, OR 97431

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PFMC

Dr. Donald McIssac, Executive Director  
Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, OR 97201

February 7, 2000

Dear Dr. McIssac:

The Highly Migratory Species Fishery Management Plan (HMS-FMP) development team made a lot of progress at the Pacific Grove, CA meeting held on January 31 - February 2, 2000. Reports and discussions were extremely detailed and thorough. These discussions raised a couple of issues I hope will be considered by the Team and by the Council.

First, I am disappointed in the criteria established for categorization as either a 'management-unit species' or 'associated species'. The team established that one of the criteria that must be met before inclusion within the 'management unit species' category was appreciable landings (or potentially appreciable landings). I feel strongly that catch should replace landings for this criterion. If a HMS-gear type significantly impacts another resource, then that resource should be managed under the FMP, regardless of its economic value. For example, ocean sunfish are the most predominant species caught by drift gillnets, yet under the current criteria, this species cannot be considered a management-unit species. That seems irresponsible.

A second point that I hope you will consider for inclusion in the FMP is the development of performance standards that are measurable and tractable. Although I know you intend to include performance standards, I urge you to make these standards clear, and to provide enough flexibility within the plan to allow changes in fishing gear, fishing methods, and other management measures that promote efficient and selective fisheries. For example, I understand that drift gill nets are permitted within the EEZ for California swordfish fisheries, whereas use of pelagic longlines within this area is illegal. If Federal regulations follow this example, then I encourage you to develop a framework that is flexible enough to allow changes in regulated fishing gears if technological advances produce new methods that result in bycatch reduction (i.e., exceed the performance shown by drift gill nets). Currently, researchers from Norway, Japan, USA, and other nations are working on species-selective baits and species-selective fishing methods for longline fisheries. I expect longlines will become very species selective in the near future. In fact, the Wildlife Conservation Society is involved with a demersal longline project in the Gulf of Alaska that developed a bait that efficiently catches Pacific halibut and sablefish, but

selects against other species (such as dogfish shark and skate). If a species-selective bait (or longline fishing technique) becomes available for pelagic longlines that is (a) efficient for catching target species and (b) significantly reduces the bycatch of shark and other species, then I hope the plan will be flexible enough to allow/encourage fishers to switch gear types from drift gill nets to pelagic longlines (or what ever new fishing technique may be developed to reduce bycatch and bycatch mortality). The FMP must include provisions to allow rapid responses to potential technological advances and other unanticipated occurrences throughout the framework adjustment process.

Thanks for considering these thoughts.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Erickson". The signature is fluid and cursive, with a large, stylized "D" and "E".

Daniel L. Erickson  
Fisheries Scientist  
Wildlife Conservation Society

**Statement to the Pacific Fishery Management Council  
by the Highly Migratory Species Plan Development Team  
March 9, 2000**

1. Introduction

This Highly Migratory Species (HMS) Plan Development Team (PDT) progress report summarizes the work to date on the HMS FMP. The work to date is work in progress which may be revised or amended at a later date. The Statement also includes several issues for which the Team seeks Council guidance; these issues are listed in bold in the document and are summarized in the last section of the Team Statement.

2. Species Coverage

The HMS PDT endorsed the concept of two groups of species for the HMS FMP: (1) Management Unit Species and (2) Associated Species. The Management Unit Species require estimates of MSY and definitions of overfishing. The Associated Species would be candidates for management but would not be included in the management unit, would not be directly managed, and would not require MSY estimates and definitions of overfishing.

The Team endorsed use of a framework procedure whereby species may be moved from one list to the other based on criteria without the need of a Plan amendment.

**Council Guidance:** The Team seeks guidance from the Council on the advisability of such a framework procedure before developing the necessary criteria to move species from one list to another. (All issues in which the Team seeks guidance are highlighted in the main text and are summarized in the last section.)

The Team developed the following four criteria for including species in the Species Management Unit:

- (1) migratory species as defined in the Magnuson-Stevens Fishery Conservation and Management Act or Annex I of the Law of the Sea;
- (2) importance in the landings or to the fishery (e.g. moderate to high value);
- (3) possessing biological characteristics that make them sensitive to fishing mortality;
- (4) possible candidate for federal regulation.

To determine the species to include as Species Management Unit, the Team started with the principal stocks of interest in the Council scoping paper. This list includes:

north Pacific albacore  
yellowfin tuna  
bigeye tuna  
skipjack tuna  
northern bluefin tuna  
swordfish  
common thresher shark  
pelagic thresher shark  
bigeye thresher shark  
shortfin mako shark  
blue shark  
striped marlin.

The Team concluded that all of the above species **except** pelagic thresher shark met the four criteria and hence belong in the Species Management Unit. The Team concluded that pelagic thresher shark landings and potential importance to the fishery were insufficient to warrant inclusion. Moreover, this is primarily a Mexican stock which occurs in U.S. waters in warm water years. The Team tentatively included bigeye thresher shark in the Species Management Unit, but may reconsider this classification as more information becomes available.

The Team discussed whether additional species should be included in the Species Management Unit. They considered including smooth hammerhead and basking sharks, but classified them as Associated Species. Smooth hammerhead sharks are primarily a Mexican stock and basking sharks are seldom landed. The Team discussed designated basking sharks as a prohibited species because of their vulnerability. The Team concluded that some of the Associated Species may be of special concern, but postponed further discussion of subdividing this category to a future meeting.

Bonito and yellowtail were considered for the Species Management Unit but the Team placed them in the Associated Species group because they are transboundary stocks rather than highly migratory species. Nonetheless, bonito landings have shown significant decline. The Team also discussed whether bonito more properly belonged in the Coastal Pelagic Species Plan.

The Team also discussed proper categorization of *Mola mola*, bullet mackerel, and opah. Since *mola* are not landed, are almost always released after capture, and are probably not migratory, the Team concluded that this species would be better addressed in the bycatch section. Bullet mackerel and opah, which as species represent a relatively small proportion of overall landings, were placed in the Associated Species group.

The Team concluded that a complete listing of Associated Species would be deferred until the next Team meeting.

### 3. Gear Types

The Team discussed the gear type codes that comprise HMS fisheries. The many types of gear codes landing HMS, large landings of HMS by unknown gear, and number of non-HMS gears landing small amounts of HMS greatly complicate data analysis. The Team will continue to work on this issue in the next meeting.

### 4. Bycatch

The Team discussed potential sources of bycatch information for HMS fisheries and will continue to work on this issue in the next meeting.

The Team discussed bycatch in which there was predation, i.e. predation-damaged discards. The Team concluded that predated and non-predated bycatch require distinction.

### 5. State Regulations

State representatives on the Highly Migratory Species (HMS) Plan Development Team researched and compiled the rules and regulations governing the HMS fisheries of their respective states. These regulations were then thoroughly reviewed and divided into categories for comparison. The three states range in the amount and complexity of regulations with Washington having the least and California having the most; however, all three states have fishing regulations for recreational and commercial fisheries, far offshore fisheries, and developmental or experimental fisheries. The only fishery with limited access is the California/Oregon drift gill net shark and swordfish fishery.

Appendix A provides a condensed comparison table which describes the recreational, commercial, and far offshore fisheries regulations for each state.

The next step for the Team will be to compare these regulations and make recommendations to the Council on the following:

- (1) Should the Council establish a federal fishing license to fish for HMS in the EEZ?
- (2) Should the Council develop federal fishing regulations for HMS fisheries in the EEZ to ensure consistency? If so, what regulatory options should be included?
- (3) Should the Council develop federal fishing regulations for some HMS fisheries (e.g., far offshore fishery) and not others?
- (4) Should the FMP delegate authority to the states to manage all HMS fisheries with coordinated (consistent) regulations?

- (5) Should the FMP delegate authority to the states to manage all HMS fisheries with their current regulations?

**Council Guidance:** The Team seeks guidance from the Council on how it would like the Team to proceed with HMS regulations.

## 6. Schedule

Appendix B summarizes the Schedule of Council, Team, and other relevant HMS meetings.

The Team is concerned that sufficient funds are available to hold the requisite number of Team meetings. The Team is concerned that inadequate funds exist to fully support public participation in completion of the HMS PDT work and FMP. The Team is concerned that funding is inadequate to hold a sufficient number Team meetings along the coast – especially in Washington and Oregon – and to allow sufficient public outreach and comment. As a consequence, all but one Team meeting past an initial round of coast-wide Team meetings will be held at the Southwest Fisheries Science Center in La Jolla, California or by one videoconference call. In addition, the Team is concerned that adequate funds are available to fully support meetings of the Advisory Panel. Should limited entry be considered as part of the FMP, then additional funds will need to be available to adequately support this process.

## 7. Collaboration with the Western Pacific Fishery Management Council Pelagics Fisheries Team

The Team will coordinate its work, whenever possible, with the Pelagics Fisheries Team of the Western Pacific Fishery Management Council. The Team will attempt to coordinate its definition of overfishing, population assessments, regulations, and species coverage with the Western Pacific Fishery Management Council Pelagics Fisheries Team.

## 8. Progress on Compliance with the Regulatory Flexibility Act and Regulatory Impact Review

Efforts to collect cost-and-earnings data from the albacore fishery are underway. This type of information is needed for successful compliance with the Regulatory Flexibility Act and Regulatory Impact Review. Data collection is expected to be completed by the Fall of 2000 and draft analyses are expected by January, 2001. This schedule impacts the Plan development schedule.

## 9. Fish Biology and Essential Fish Habitat

The Team has started to collect information on the biology of different HMS and essential fish habitat.

## 10. Landings – A revised table of landings, correcting landings for California and Oregon, is included in Appendix C.

11. Stock Assessment Protocols – Appendix D summarizes the current HMS stock assessment protocols for the Management Unit Species.

## 12. Team Outreach to, and Interface with, Public

The Team has created a mailing list from attendance at scoping meetings, the Council staff has created a web site for HMS on the Council web site and makes announcements of Team meetings in the Council newsletter, and the states send out notices for Northwest meetings.

**Council Guidance:** The Team seeks Council guidance on the most effective means by which to interface with the Public.

## 13. Process

The Team seeks guidance and clarification on several process issues – which group in the Council system tackles which responsibilities in the FMP process and the manner by which these responsibilities are determined and assigned. In short, the Team seeks guidance on who does what.

**Council Guidance:** Specific questions of Team concern are:

- (1) Does the Council want to ask the HMS Advisory Panel to be responsible for developing recommendations on limited entry or should a separate committee be assigned?
- (2) If the Council elects to proceed with the limited entry process, when should the process of developing recommendations begin?
- (3) What is the Team's role? Is the Team responsible for assessing the impacts of the options or will these assessments be part of an analysis separate and distinct from the Team process?

The Team suggests that the group directed to develop recommendations for limited entry should initially consider the following issues:

- (1) Time periods for qualification ("window")?
- (2) Vessel or personal catch history used for qualification?
- (3) Will there initially be a moratorium or another alternative?
- (4) Which species and fisheries should be included ?



#### 14. Topics of Council Guidance Summarized

- (1) The Team seeks guidance from the Council on the advisability of such a framework procedure before developing the necessary criteria to move species from one list to another.
- (2) The Team seeks guidance from the Council on how it would like the Team to proceed with HMS regulations.
- (3) The Team seeks Council guidance on the most effective means by which to interface with the Public.
- (4) The Team seeks Council guidance on the following issues pertaining to limited entry:
  - (a) Does the Council want to ask the HMS Advisory Panel to be responsible for developing recommendations on limited entry or should a separate committee be assigned?
  - (b) If the Council elects to proceed with the limited entry process, when should the process of developing recommendations begin?
  - (c) What is the Team's role in the limited entry process? Is the Team responsible for assessing the impacts of the options or will these assessments be part of an analysis separate and distinct from the Team process?

#### Attachments:

Appendix A. Comparison of State Regulations  
Appendix B. Team Schedule  
Appendix C. Revised Landings Table  
Appendix D. HMS Stock Assessment Protocols

# APPENDIX A

## Comparison of State Regulations for West Coast Highly Migratory Species Fisheries

Category	Washington	Oregon	California
<b>Recreational Fishing</b>			
• license requirement	No recreational fishing license required	Angling license required	Recreational fishing license required; south of Pt. Arguello, need ocean fishing enhancement stamp
• daily bag limit	No daily bag limit	Daily bag limit of 25 fish in aggregate	No limit for albacore, bluefin, and skipjack tunas  Overall daily bag limit of 20 fin fish for other species with the following sub-limits: <ul style="list-style-type: none"> <li>• swordfish = 2</li> <li>• marlin = 1</li> <li>• yellowfin tuna = 10</li> <li>• bigeye tuna = 10</li> <li>• blue shark = 2</li> <li>• thresher shark = 2</li> <li>• shortfin mako shark = 2</li> </ul>
• possession limit	No possession limit	Possession limit is 2 daily bag limits	May possess up to 3 daily bag limits if multi-day trip permit (if trip length ≥ 3 days) filed
• season	Open all year	Open all year, 24 hours, except in designated closed areas	Open all year, 24 hours

Category	Washington	Oregon	California
<ul style="list-style-type: none"> <li>fishing gear</li> </ul>	<p>Legal gears:</p> <ul style="list-style-type: none"> <li>3 hooks maximum for all tunas; 2 hooks maximum for sharks</li> <li>angling with line attached to a pole held in hand while landing fish, or with hand-operated line (pole holder and electric reels are legal)</li> <li>spearfishing and bow and arrow</li> </ul>	<p>Legal gears:</p> <ul style="list-style-type: none"> <li>3 hooks maximum</li> <li>one rod or one line per angler; cannot use gurdies, winches, or reels affixed to boat</li> <li>angling, hand, bow and arrow, spear, gaff, hook, snag hook, and herring jigs are legal gear</li> </ul>	<p>Legal gears:</p> <ul style="list-style-type: none"> <li>any number of hooks and lines</li> <li>hook and line or by hand (electric reels are legal)</li> <li>spears, harpoons, bow and arrow legal for sharks (not swordfish or marlin)</li> </ul> <p>Restrictions:</p> <ul style="list-style-type: none"> <li>mousetrap gear prohibited</li> <li>North of Pt. Arguello - no weight over 4 lbs.; no power gurdy or winch allowed</li> </ul>
<b>Commercial Fishing</b>			
<ul style="list-style-type: none"> <li>license requirements</li> </ul>	<p>No license required to fish for albacore; need commercial fishing license or delivery license to land into Washington</p>	<p>Commercial fishing license or albacore tuna landing license required</p> <p>Single delivery license issued for one-time landing of food fish without commercial fishing license</p>	<p>Commercial fishing license required</p> <p>Additional permits include:</p> <ul style="list-style-type: none"> <li>permit to land California-caught fish at points outside California</li> <li>permit to commercially take shark and swordfish with drift gillnets</li> <li>broadbill swordfish permit</li> <li>gill net/trammel net permit</li> </ul>
<ul style="list-style-type: none"> <li>season</li> </ul>	<p>Open year round</p>	<p>Open year round</p>	<p>Open year round</p> <ul style="list-style-type: none"> <li>No commercial marlin fishing</li> <li>No bluefin tuna less than 7 ½ lbs.</li> <li>Driftnet fishery: May - Aug 14 offshore (outside 75 miles) and Aug 15 - Jan inshore (to within 3 miles, where designated)</li> </ul>

Category	Washington	Oregon	California
<ul style="list-style-type: none"> <li>• fishing gear</li> </ul>	<ul style="list-style-type: none"> <li>• use of gill nets in Pacific ocean waters by Washington licensed fishers is prohibited</li> <li>• sharks may be caught with otter trawl, beam trawl, set lines, bottomfish pots, commercial jig, and troll lines</li> <li>• unlawful to use bottomfish troll gear in state waters (0-3 miles)</li> </ul>	<ul style="list-style-type: none"> <li>• Legal gears: handline, pole and line, longline, seines, spear</li> <li>• set nets for groundfish is legal south of 38°N latitude (Pt. Reyes, CA)</li> <li>• unlawful to use gill nets to fish for thresher shark</li> </ul>	<ul style="list-style-type: none"> <li>• Legal gears: gill nets, drift gill nets, trammel nets</li> <li>• set lines legal in Districts 6, 7, 10, 17, 18, and 19</li> <li>• set lines cannot be used for shortfin mako, thresher, swordfish, or marlin</li> <li>• incidental catches of swordfish or marlin by gill net or trammel net must be delivered to CDF&amp;G</li> <li>• Note: There are additional rules which pertain to the drift gill net shark and swordfish fishery</li> </ul>
Far Offshore Fishery (200+ miles)	<ul style="list-style-type: none"> <li>• Must notify Dept. 48 hours in advance of participating in fishery</li> <li>• Must notify Dept. 24 hours in advance of landing fish</li> <li>• Cannot fish in or land fish caught in EEZ</li> </ul>	<ul style="list-style-type: none"> <li>• Must notify Dept. 48 hours in advance of participating in fishery</li> <li>• Must notify Dept. 24 hours in advance of landing fish</li> <li>• Cannot fish in or land fish caught in EEZ or state waters</li> </ul>	<ul style="list-style-type: none"> <li>• Must notify Dept. prior to participating in fishery (sign and complete forms)</li> <li>• Within 12 hours of arrival at a CA port, must complete return portion</li> <li>• Cannot fish in or land fish caught in EEZ</li> </ul>



## APPENDIX B

### Proposed HIGHLY MIGRATORY SPECIES PLAN DEVELOPMENT SCHEDULE

Prepared by  
Highly Migratory Species Plan Development Team  
Pacific Fishery Management Council

for Council review on March 9, 2000

DATE	ACTIVITY	LOCATION
✓ Dec. 8-9, 1999	Plan Development Team meeting	NMFS-SWFSC La Jolla
✓ Jan. 31 - Feb. 2, 2000	Team meeting	NMFS-Pacific Fisheries Environmental Group Pacific Grove, CA
✓ Feb. 14-17, 2000	Pelagic Shark Workshop	Asilomar, Pacific Grove, CA
<b>March 6-10, 2000</b>	<b>Council meeting</b> (March 9) - progress report - consider control date Advisory Subpanel meeting (March 8)	Sacramento Red Lion Hotel
March 13-15, 2000	Team meeting	Holiday Inn - SeaTac Seattle, WA (206-248-1000)
April 3-7, 2000	Council meeting - progress report? Advisor Subpanel meeting?	Portland Doubletree Hotel - Columbia R.
April 11-19, 2000	MHLC	Honolulu
April 26, 2000 8:30 am - 4:30 pm	Team video conference	La Jolla, NMFS regional offices in Long Beach, Portland, and Seattle
May 9-11, 2000	Pacific Offshore Cetacean Take Reduction Team	NMFS - Long Beach
May 15-20, 2000	IATTC Meeting	La Jolla
May 22-25, 2000	Tuna Conference	Lake Arrowhead, CA
June 5-7, 2000	Team meeting	Port of Astoria 1 Port Way Astoria, OR (541-325-4521)
June 7-17, 2000	IATTC meeting	San Jose, Costa Rica
<b>June 26-30, 2000</b>	<b>Council meeting</b> - <b>progress report</b> Advisory Subpanel meeting?	Portland Doubletree Hotel - Columbia R.
July 17-19, 2000	Team meeting	NMFS - SWFSC La Jolla

August 14-18, 2000	Team meeting	NMFS - SWFSC La Jolla
<b>Sept. 11-15, 2000</b>	<b>Council meeting</b> <b>- present first draft FMP</b> Advisory Subpanel meeting?	Sacramento Red Lion Hotel
Sept. 25-27, 2000	Team meeting	Portland
<b>Oct. 30-Nov. 3, 2000</b>	<b>Council meeting</b> <b>- adopt draft FMP for review</b> Advisory Subpanel meeting?	Portland
Nov. 13-17, 2000	Team meeting	NMFS - SWFSC La Jolla
Jan. 8-10, 2001	Team meeting	NMFS - SWFSC La Jolla
Feb. - Mar., 2001	Public hearings	Various locations (TBA)
March 5-9, 2001	Council meeting	Portland Doubletree Hotel - Columbia R.
<b>April 2-6, 2001</b>	<b>Council meeting</b> <b>- adopt final FMP</b> Advisory Subpanel meeting?	Sacramento Red Lion Hotel
April ?, 2001	Team meeting to finalize documents	TBA

Appendix C

Total west coast highly migratory species landings (mt) by species and region, 1981-98.

Species	S. California	N. California	Oregon	Washington	Coastwide
Yellowfin Tuna	367,149.49	50.45	1.17		367,201.11
Skipjack Tuna	238,695.92	12.22	0.40	0.12	238,708.66
Bluefin Tuna	28,315.02	169.25	3.51		28,487.78
Albacore	39,238.51	26,559.69	34,637.60	35,542.46	135,978.26
Bigeye Tuna	2,650.60	21.75			2,672.35
Other Tuna	2,771.39	27.63	0.07		2,799.09
Swordfish	22,048.42	7,379.48	59.64	2.49	29,490.03
Mako Shark	3,456.47	292.47	0.89		3,749.83
Thresher Shark	11,375.12	1,294.92	601.26	174.76	13,446.06
Blue Shark	176.97	3.95	3.90	1.14	185.96
Other Shark	7,831.97	984.46	63.03	66.48	8,945.94
Grand Total	723,709.88	36,796.27	35,371.47	35,787.45	831,665.07

Total west coast highly migratory species exvessel revenues (1998 \$) by species and region, 1981-98.

Species	S. California	N. California	Oregon	Washington	Coastwide
Yellowfin Tuna	\$615,244,403	\$145,661	\$1,649		\$615,391,713
Skipjack Tuna	\$331,405,922	\$13,580	\$603	\$98	\$331,420,203
Bluefin Tuna	\$44,642,943	\$782,846	\$20,383		\$45,446,172
Albacore	\$85,262,154	\$59,649,881	\$70,326,886	\$67,829,777	\$283,068,698
Bigeye Tuna	\$6,806,505	\$106,780			\$6,913,285
Other Tuna	\$5,149,477	\$102,073	\$92		\$5,251,642
Swordfish	\$143,269,201	\$42,518,646	\$457,231	\$19,383	\$186,264,461
Mako Shark	\$7,167,415	\$562,572	\$2,674		\$7,732,661
Thresher Shark	\$21,788,869	\$2,371,990	\$1,253,043	\$690,514	\$26,104,416
Blue Shark	\$187,785	\$6,498	\$6,797	\$1,754	\$202,834
Other Shark	\$8,901,286	\$1,591,277	\$114,291	\$139,970	\$10,746,824
Grand Total	\$1,269,825,960	\$107,851,804	\$72,183,649	\$68,681,496	\$1,518,542,909



Appendix C

Average annual west coast highly migratory species landings (mt) by species and region, 1981-98.

Species	S. California	N. California	Oregon	Washington	Coastwide
Yellowfin Tuna	20,397.19	2.80	0.07	-	20,400.06
Skipjack Tuna	13,260.88	0.68	0.02	0.01	13,261.59
Bluefin Tuna	1,573.06	9.40	0.20	-	1,582.65
Albacore	2,179.92	1,475.54	1,924.31	1,974.58	7,554.35
Bigeye Tuna	147.26	1.21	-	-	148.46
Other Tuna	153.97	1.54	0.00	-	155.51
Swordfish	1,224.91	409.97	3.31	0.14	1,638.34
Mako Shark	192.03	16.25	0.05	-	208.32
Thresher Shark	631.95	71.94	33.40	9.71	747.00
Blue Shark	9.83	0.22	0.22	0.06	10.33
Other Shark	435.11	54.69	3.50	3.69	497.00
Grand Total	40,206.10	2,044.24	1,965.08	1,988.19	46,203.62

Average annual west coast highly migratory species exvessel revenues (1998 \$) by species and region, 1981-98.

Species	S. California	N. California	Oregon	Washington	Coastwide
Yellowfin Tuna	\$34,180,245	\$8,092	\$92	\$0	\$34,188,429
Skipjack Tuna	\$18,411,440	\$754	\$34	\$5	\$18,412,234
Bluefin Tuna	\$2,480,164	\$43,491	\$1,132	\$0	\$2,524,787
Albacore	\$4,736,786	\$3,313,882	\$3,907,049	\$3,768,321	\$15,726,039
Bigeye Tuna	\$378,139	\$5,932	\$0	\$0	\$384,071
Other Tuna	\$286,082	\$5,671	\$5	\$0	\$291,758
Swordfish	\$7,959,400	\$2,362,147	\$25,402	\$1,077	\$10,348,026
Mako Shark	\$398,190	\$31,254	\$149	\$0	\$429,592
Thresher Shark	\$1,210,493	\$131,777	\$69,614	\$38,362	\$1,450,245
Blue Shark	\$10,433	\$361	\$378	\$97	\$11,269
Other Shark	\$494,516	\$88,404	\$6,350	\$7,776	\$597,046
Grand Total	\$70,545,887	\$5,991,767	\$4,010,203	\$3,815,639	\$84,363,495

## FORMAL HMS STOCK ASSESSMENT PROTOCOLS

SPECIES/STOCK: Albacore

ASSUMED STOCK: North & South Pacific

STOCK ASSESSED? North - yes: South - yes

ASSESSMENT FREQUENCY: North - one to two year intervals; South - intermittent

ASSESSMENT MODEL(S): North - MSY, Biomass and F ratios for surplus production, others; South - variable.

RISK/UNCERTAINTY MODEL(S): North - yes variable; South - yes variable

### MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE

PARAMETER(S)? : North: MSY - partial; Overfishing - no ; South : MSY - no, Overfishing - no.

ASSESSING ORGANIZATION/FORUM: North Pacific Albacore Workshop. Informal international forum of Laboratories from 4 countries. Shared data. Individual/collaborative efforts reviewed/discussed at workshop. South - working group of Standing Committee on Tuna and Billfish (SCTB)

SCIENTIFIC REVIEW: North & South - Internal review at authors laboratories, group review at presentation.

REPORTING: North Workshop - Published report, presentation to Interim Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC) at BI-annual meetings. SCTB - annual report, working papers at meetings.

CURRENT CONSERVATION MANAGEMENT: International :None. No international forum currently exists. Domestic: None. Western Pacific Fishery Management Council lists species in Pelagics FMP. Pacific Fishery Management Council considering species in Highly Migratory Species FMP.

SPECIES/STOCK: Yellowfin Tuna

ASSUMED STOCK: Eastern Tropical Pacific (ETP) east of 150 West Long. and Central-Western Pacific (CWP) west of 150 West Long.; Pacific-wide

STOCK ASSESSED? ETP - Yes ; CWP - Yes

ASSESSMENT FREQUENCY: ETP - annually; CWP & Pacific- wide - intermittent

ASSESSMENT MODEL(S): ETP - MSY, Yield-per-Recruit, cohort, others. CWP - MSY, tagging, CPUE ; complex model in development.

RISK/UNCERTAINTY MODEL(S): ETP - variable; CWP - variable

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? : ETP: MSY - partial; Overfishing - no. CWP : MSY - partial, Overfishing - no.

ASSESSING ORGANIZATION/FORUM: ETP - Inter-American Tropical Tuna Commission (IATTC). Analyses presented to Members annually. CWP - Standing Committee on Tuna and Billfish (SCTB). Annual meeting open to all scientists.

SCIENTIFIC REVIEW: ETP - Internal IATTC review. CWP - (SCTB) Internal review at authors laboratories, group review at presentation.

REPORTING: IATTC - Annual published report, available to public; documents presented at Members meeting. SCTB - annual report, working papers at meetings.

CURRENT CONSERVATION MANAGEMENT: International : ETP - annual catch quota corresponding to MSY, implemented by member countries. CWP - none.

Domestic: None. Western Pacific Fishery Management Council lists species in Pelagics FMP. Pacific Fishery Management Council considering species in Highly Migratory Species FMP.

SPECIES/STOCK: Skipjack Tuna

ASSUMED STOCK: Eastern Tropical Pacific (ETP) east of 150 West Long. and Central-Western Pacific (CWP) west of 150 West Long.; Pacific-wide

STOCK ASSESSED? ETP - Yes; CWP - Yes

ASSESSMENT FREQUENCY: ETP - annually; CWP & Pacific- wide - intermittent.

ASSESSMENT MODEL(S): ETP - Yield-per-Recruit, CPUE, others. CWP - tagging, CPUE.

RISK/UNCERTAINTY MODEL(S): Unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? : ETP: MSY - no; Overfishing - no. CWP : MSY - no, Overfishing - no.

ASSESSING ORGANIZATION/FORUM: ETP - Inter-American Tropical Tuna Commission (IATTC). Analyses presented to Members annually. Pacific-wide and CWP - Standing Committee on Tuna and Billfish (SCTB). Annual meeting open to all scientists.

SCIENTIFIC REVIEW: ETP - Internal IATTC review. CWP - (SCTB) Internal review at authors laboratories, group review at presentation.

REPORTING: IATTC - Annual published report, available to public; documents presented at Members meeting. SCTB - annual report, working papers at meetings.

CURRENT CONSERVATION MANAGEMENT: International : ETP - None. CWP - none; Pacific-wide - none.  
Domestic: None. Western Pacific Fishery Management Council lists species in Pelagics FMP. Pacific Fishery Management Council considering species in Highly Migratory Species FMP.

SPECIES/STOCK: Bigeye Tuna

ASSUMED STOCK: Eastern Pacific east of 150 West Long.; Pacific-wide

STOCK ASSESSED? ETP - Yes: Pacific-wide - Yes.

ASSESSMENT FREQUENCY: ETP - annually; Pacific- wide - intermittent.

ASSESSMENT MODEL(S): ETP: Age-structured cohort, Yield-per-Recruit;  
Pacific-wide: age-structured cohort, Yield-per-Recruit, others under development.

RISK/UNCERTAINTY MODEL(S): As needed

#### MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE

PARAMETER(S)? : ETP: MSY - no; Overfishing - no. Pacific-wide: MSY - no,  
Overfishing - no.

ASSESSING ORGANIZATION/FORUM: ETP - Inter-American Tropical  
Tuna Commission (IATTC). Analyses presented to Members annually. Pacific-  
wide - Standing Committee on Tuna and Billfish (SCTB) and Bigeye Working  
Group of ISC. Annual meeting open to all scientists. .

SCIENTIFIC REVIEW: ETP - Internal IATTC review. CWP and Pacific-wide -  
(SCTB & ISC) Internal review at authors laboratories, group review at  
presentation

REPORTING: IATTC - Annual published report, available to public;  
documents presented at Members meeting. SCTB - annual report, working  
papers at meetings. ISC - Working papers at Bi-annual meeting.

CURRENT CONSERVATION MANAGEMENT: International : ETP - quota by  
IATTC with restrictions on area and method of fishing for Y/R management,  
implemented by member countries. Stock-wide - none, no forum exists.  
Domestic: None. Western Pacific Fishery Management Council lists species in  
Pelagics FMP. Pacific Fishery Management Council considering species in  
Highly Migratory Species FMP.

SPECIES/STOCK: Pacific Swordfish

ASSUMED STOCK: North Pacific-wide (uncertain)

STOCK ASSESSED: Yes, not current

ASSESSMENT FREQUENCY: Intermittent (last published - 1989 stock-wide); currently underway (ISC).

ASSESSMENT MODEL(S): CPUE, surplus production

RISK/UNCERTAINTY MODEL(S): Unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE

PARAMETER(S)? : ETP: MSY - no; Overfishing - no. Pacific-wide: MSY - no, Overfishing - no.

ASSESSING ORGANIZATION/FORUM: Pacific-wide: Swordfish Working Group of ISC. ETP: IATTC

SCIENTIFIC REVIEW: ETP - Internal IATTC review. Pacific-wide - (ISC) Internal review at authors laboratories, group review at presentation

REPORTING: ISC: Working papers at Bi-annual meeting. IATTC: Annual published report, available to public; documents presented at Members meeting.

CURRENT CONSERVATION MANAGEMENT: International : Stock-wide - none, no forum exists. ETP: none.

Domestic: None. Western Pacific Fishery Management Council lists species in Pelagics FMP. Pacific Fishery Management Council considering species in Highly Migratory Species FMP.

SPECIES/STOCK: Northern Bluefin Tuna

ASSUMED STOCK: Pacific-wide

STOCK ASSESSED? Yes, intermittently

ASSESSMENT FREQUENCY: Intermittent (1999 most recent)

ASSESSMENT MODEL(S): Models in development

RISK/UNCERTAINTY MODEL(S): Unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? : Pacific-wide: MSY - no, Overfishing - no.

ASSESSING ORGANIZATION/FORUM: IATTC. Bluefin Working Group of ISC.

SCIENTIFIC REVIEW: Pacific-wide - IATTC - Internal review; ISC -  
Internal review at authors laboratories, group review at presentation

REPORTING: IATTC: Annual published report, available to public;  
documents presented at Members meeting. ISC: Working papers at Bi-annual  
meeting.

CURRENT CONSERVATION MANAGEMENT: International : none, no forum  
exists.

Domestic: None. Western Pacific Fishery Management Council lists species in  
Pelagics FMP. Pacific Fishery Management Council considering species in  
Highly Migratory Species FMP.

SPECIES/STOCK: Pacific Striped Marlin

ASSUMED STOCK: Pacific-wide (uncertain)

STOCK ASSESSED? Yes, not current

ASSESSMENT FREQUENCY: Intermittent

ASSESSMENT MODEL(S): MSY, CPUE, others

RISK/UNCERTAINTY MODEL(S): unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? : Pacific-wide: MSY - no, Overfishing - no.

ASSESSING ORGANIZATION/FORUM: Pacific-wide: Marlin Working  
Group of ISC. ETP: IATTC

SCIENTIFIC REVIEW: Pacific-wide - IATTC - Internal review; ISC - Internal  
review at authors laboratories, group review at presentation

REPORTING: ISC: Working papers at Bi-annual meeting.

CURRENT CONSERVATION MANAGEMENT: International : Stock-wide -  
none, no forum exists.

Domestic: None. Western Pacific Fishery Management Council lists species in  
Pelagics FMP. Pacific Fishery Management Council considering species in  
Highly Migratory Species FMP.



PRELIMINARY WORK IN PROGRESS - DRAFT, 2/15/2000 - SUBJECT TO REVISION

SPECIES/STOCK: Common Thresher Shark

ASSUMED STOCK: Eastern Pacific

STOCK ASSESSED? No

ASSESSMENT FREQUENCY: None

ASSESSMENT MODEL(S): Demographic; models in development

RISK/UNCERTAINTY MODEL(S): Unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? Unknown

ASSESSING ORGANIZATION/FORUM: None

SCIENTIFIC REVIEW: unknown

REPORTING: None

CURRENT CONSERVATION MANAGEMENT: International : none, no forum exists.

Domestic: None. Pacific Fishery Management Council considering species in Highly Migratory Species FMP.

PRELIMINARY WORK IN PROGRESS - DRAFT, 2/15/2000 - SUBJECT TO REVISION

SPECIES/STOCK: Pelagic Thresher Shark

ASSUMED STOCK: Eastern Pacific

STOCK ASSESSED? No

ASSESSMENT FREQUENCY: None

ASSESSMENT MODEL(S): Demographic; models in development

RISK/UNCERTAINTY MODEL(S): Unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? Unknown

ASSESSING ORGANIZATION/FORUM: None

SCIENTIFIC REVIEW: unknown

REPORTING: None

CURRENT CONSERVATION MANAGEMENT: International : none, no forum exists.

Domestic: None. Pacific Fishery Management Council considering species in Highly Migratory Species FMP.

PRELIMINARY WORK IN PROGRESS - DRAFT, 2/15/2000 - SUBJECT TO REVISION

SPECIES/STOCK: Shortfin Mako Shark

ASSUMED STOCK: Eastern Pacific

STOCK ASSESSED? No

ASSESSMENT FREQUENCY: None

ASSESSMENT MODEL(S): Demographic; survey; models in development

RISK/UNCERTAINTY MODEL(S): unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? Unknown

ASSESSING ORGANIZATION/FORUM: None

SCIENTIFIC REVIEW: unknown

REPORTING: None

CURRENT CONSERVATION MANAGEMENT: International : none, no forum exists.

Domestic: None. Pacific Fishery Management Council considering species in Highly Migratory Species FMP.

PRELIMINARY WORK IN PROGRESS - DRAFT, 2/15/2000 - SUBJECT TO REVISION

SPECIES/STOCK: Blue Shark

ASSUMED STOCK: Pacific-wide; north Pacific

STOCK ASSESSED? No

ASSESSMENT FREQUENCY: In process

ASSESSMENT MODEL(S): Models in development

RISK/UNCERTAINTY MODEL(S): unknown

MODEL OUTPUTS SUITABLE TO ESTIMATE CONTROL RULE  
PARAMETER(S)? Unknown

ASSESSING ORGANIZATION/FORUM: Cooperative NMFS-Japan  
Working Group

SCIENTIFIC REVIEW: Center of Independent Experts (U of Miami, planned)

REPORTING: Through WPFMC.

CURRENT CONSERVATION MANAGEMENT: International : none, no forum  
exists.

Domestic: None. Western Pacific Fishery Management Council lists species in  
Pelagics FMP. Pacific Fishery Management Council considering species in  
Highly Migratory Species FMP.



## HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL RECOMMENDATIONS AND STATEMENT OF PROGRESS REPORT ON FISHERY MANAGEMENT PLAN

### Species Coverage

The Council should direct the Highly Migratory Species Plan Development Team (HMSPDT) to focus less on efforts to identify management unit species at this time and focus more on assembling essential information about the species until more specific guidance regarding selection of a management unit is available.

### Gear Types

In order to help simplify the gear types covered by the fishery management plan (FMP), the Highly Migratory Advisory Subpanel (HMSAS) recommends categorizing gears into the following five groups:

- Surface hook-and-line (includes troll and bait boats).
- Pelagic drift net.
- Pelagic longline.
- Pelagic purse seine.
- Harpoon.

### Regulations

The HMSAS recommends the FMP include authority to license all commercial and recreational fishers and processors in the event licenses may be desirable in the future. If licenses are required, there should be one license for highly migratory species (HMS) regardless of where the fish are caught.

There is a need for consistent federal fishing regulations off the West Coast and for uniform data collection requirements to the extent practicable. The states should work together via the Pacific Coast Fisheries Data Committee to try to achieve consistency in data collection and reporting.

### Public Outreach

The Council, the states, and the HMSAS members are working to get information to the public concerning this process. These efforts include Council meeting notices, newsletter, and website. The HMSAS encourages the Council to use the website to the maximum extent possible to advertise agendas, meeting schedules, and draft FMP documents as they are developed.

### Coordinated Science

The HMSAS recommends the Council ask NMFS to work through the Southwest Fisheries Science Center to coordinate development of uniform maximum sustainable yields (MSYs), overfishing definitions, control rules, and other essential information to be used in both the Western Pacific Pelagic FMP and the Pacific Council HMS FMP.

### International Issues

The HMSAS was informed the U.S. Fish and Wildlife Service is recommending basking sharks be added to the list of species covered by the Convention on International Trade in Endangered Species (CITES). The HMSAS recommends the Council be kept informed and consulted on such actions.

We would like to take this opportunity to state the importance of including North Pacific HMS fisheries in a multi-national management arrangement as soon as possible. To this end, the HMSAS would like the Council to urge the Department of State to:

- Aggressively pursue the inclusion of these fisheries in the international management process and make sure they are covered in any resulting Western and Central Pacific convention.
- Ensure an appropriate North Pacific Committee is established, as advocated by the U.S. at Multilateral High Level Conference (MHLC) 5, comprised of stakeholder nations.
- Specifically expand the management area now not covered to include the area north of 40° N latitude and east of 150° W longitude.

The Council should strongly recommend the use of a boundary at 50° N latitude for purposes of negotiating MHLC and Inter-American Tropical Tuna Commission (IATTC) arrangements, as appropriate, since this geographical line would effectively allow the primary HMS species to be managed throughout their ranges.

#### Next Meeting

The HMSAS would like to meet next on June 29, 2000 in conjunction with the Council meeting in Portland. This assumes the Council would address HMS on Friday, June 30, 2000.

#### Chair and Vice Chair

The HMSAS intends to make a recommendation to the Council Chair on the HMSAS Chair and Vice Chair at its next meeting.

PFMC  
03/09/00

## CONTROL DATE FOR LIMITED ENTRY

Situation: At the November 1999 meeting, the Council received testimony from the industry in support of limited entry for Highly Migratory Species (HMS) fisheries. In response, the Council decided to consider adopting a control date at the March 2000 meeting.

One of the first steps in developing a new limited entry program usually is evaluation of the need for a control date. Control dates generally are established to reduce the incentive for fishers to enter or increase their harvest in a fishery on speculation of receiving future access rights. Speculative participation in a fishery exacerbates management problems and may decrease the effectiveness of future limited entry management (if such a system is eventually implemented and depending on the nature of the rights granted).

Control dates are not regulations. If the Council recommends a control date, the National Marine Fisheries Service (NMFS) would publish an advanced notice of proposed rulemaking. The notice does not commit the Council or NMFS to any limited entry program in the future. However, new entrants to the fishery after the control date might not be granted access under future limited entry programs.

If the Council decides to adopt a control date, the Highly Migratory Species Plan Development Team (HMSPDT) and/or Highly Migratory Species Advisory Subpanel (HMSAS) will need some direction on the issue of limited entry:

1. Does the Council want to ask the HMSAS to be responsible for developing recommendations on limited entry, or should a separate committee be assigned?
2. If the Council elects to proceed with the limited entry process, when should the process of developing recommendations begin? Does the limited entry process occur as part of the plan development process, parallel to plan development, or after the plan is adopted?
3. What is the HMSPDT's role? Is the HMSPDT responsible for assessing the impacts of the options or will these assessments be part of an analysis separate and distinct from the HMSPDT process?

It is suggested the group directed to develop recommendations for limited entry initially consider the following issues:

1. Time periods for qualification (i.e., the "qualifying window").
2. Vessel or personal catch history used for qualification.
3. Will there initially be a moratorium or another alternative?
4. Which species and fisheries should be included?
5. Should qualifying criteria other than catch history be considered?

**Council Action: Consider adopting a control date for a possible limited entry program. Provide direction to the HMSPDT and/or HMSAS on the next steps, as appropriate.**

### Reference Materials:

1. HMSPDT Statement of Limited Entry Control Date (Attachment F.3.a.).
2. HMSAS Report (Supplemental Attachment F.3.b.).

PFMC  
02/23/00



# *Federation of Independent Seafood Harvesters*

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Jim Lone, Chair  
Pacific Fishery Management Council  
2130 SW Fifth Ave., Suite 224  
Portland, OR 97201

February 22, 2000

**RECEIVED**

FEB 23 2000

Dear Jim,

**PFMC**

In its selection of HMS FMP development team members, the Council has assembled a competent team of scientists with a well-balanced range of expertise. The HMS PDT has structured a commendable and transparent process that gives interested parties ample opportunity to provide input.

At this time in the HMS FMP development process, FISH is concerned that this FMP may expand beyond the scope of what is biologically, and fiscally reasonable at this time, and delay the formulation of this much needed FMP. FISH reasons that the Council's intent is to focus on regional fishing activities and not undertake species management at this time. Accordingly, FISH respectfully asks the Council to provide additional guidance to the HMS Plan Development Team in order to further focus the PDT's efforts in a direction consistent with the recognized need for this FMP, and the Council's approval of developing, within stated fiscal limitations, a separate framework plan with joint mechanisms for cooperation with other Councils. FISH suggests the following guidance to aid the PDT in further interpreting the Council's initial guidance:

- **Focus of development of a framework FMP at this time.**
- **Focus on preparation of documents (EFH, RIR, RFA, ESA, NEPA).**
- **Define a management unit to reflect the Pacific coast's regional management needs at this time.**
- **Investigate collaborative mechanisms for determining future management measures for shared HMS stocks.**

Background, and additional information that provides the basis for these suggestions follows. Additional details are found under headings that correspond with the four suggestions stated above:

## **HMS FMP DEVELOPMENT BACKGROUND:**

Based on excerpts from information presented to the PFMC that follows, summarized below are reasons for PFMC involvement in a FMP for HMS management in the Pacific:

- **To employ the unique capabilities of the PFMC for reaching the diverse fishing interests of the Pacific coast and involving them in the development of fisheries management policy, and represent these interests in establishing domestic fishery management objectives for this region.**
- **To play an active role in international HMS fishery management development, and aid the west-coast fishing interests in clearly stating priorities and communicating those priorities to the Department of State for inclusion in international fishery negotiations.**
- **For determining how best to determine and allocate allowable catches and implement management measures within this region that may be agreed to in international management bodies.**

Also based on this information, summarized below are factors to be harmonized as part Pacific HMS management:

- **Manage HMS stocks, as much as possible, as a unit throughout their ranges, and coordinate conservation efforts internationally.**
- **Facilitate comprehensive HMS management covering the jurisdictions of the three Pacific councils that allows each council to manage its fisheries to the extent practicable.**

The following background information begins in December 1993. In response to the WPFMC's request to be designated as the Council responsible for HMS management in the Pacific, the PFMC determined that it was not convinced of the need to alter current HMS management, and was concerned that if management decisions were made by the WPFMC, the fishing interests of the west-coast would not have effective input to those decisions.<sup>1</sup>

At the September, 1997 meeting of the PFMC, Brian Hallman, Deputy Director of the Office of Marine Conservation of the Department of State addressed the Council regarding the status of international efforts to manage Pacific HMS. Council records state: "He reported that a Council FMP for HMS may not be appropriate at this time, as conservation efforts must be coordinated internationally."<sup>2</sup> Mr. Hallman went on to state: "A management plan is necessary for implementation of international conservation recommendations, and in terms of managing fishermen, as distinct from managing species."<sup>3</sup>

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<sup>1</sup> PFMC, September, 1997, Attachment C.1., Chronology of events relating to data collection and management of domestic fisheries for highly migratory species in the Pacific

<sup>2</sup> PFMC Minutes C.1., September 1997

<sup>3</sup> PFMC audio record C.1., September, 1997.

Additionally, a paper prepared by the NMFS Southwest Region, and presented to the Council at this meeting noted: "The momentum is building for multi-national management of the [Pacific] HMS fisheries.... NMFS and the DOS want the Regional Fishery Management Councils to play an active role in planning the US participation in future internationally managed [Pacific] HMS fisheries. Minimally, the Councils will have a significant role in establishing the domestic fishery management objectives and eventually in determining how best to determine and allocate allowable catches and implement management measures that may be agreed to in international management bodies. The PFMC has unique capabilities for reaching the diverse fishing industry of the Pacific coast and involving them in the development of fisheries management policy, just as the WPFMC has demonstrated capabilities for involving western Pacific interests in both domestic and international fishery affairs. The fishing industry and the US government stand to gain from all Councils applying their capabilities in the rapidly evolving arena of PHMS fishery management."

This paper poses the question: "If the PFMC wants to participate in formulating the US priorities and policies that will aid the Department of State (DOS) in future negotiations, the PFMC must decide now what role it will play and how it wants those policies and priorities to be developed.... The PFMC can develop a FMP for the PHMS fishing within its EEZ independently from the WPFMC Pelagics FMP. This course will aid the US fishing industry in clearly stating its priorities and communicating those priorities to the DOS for inclusion in negotiations."<sup>4</sup>

A year later, the HMS management situation was summarized: "On July 16, 1998, representatives of the Pacific, North Pacific, and Western Pacific fishery management councils met with National Marine Fisheries Service (NMFS) Southwest Regional Administrator, Dr. Bill Hogarth, to discuss coordinated management of highly migratory species (HMS) in the U.S. exclusive economic zone (EEZ) of the Pacific ocean. The Western Pacific Council Chairman, Mr. Jim Cook, announced that his council is no longer seeking designation as the council in charge of management of HMS. NMFS supports development of a comprehensive plan covering the jurisdictions of the three councils that allows each council to manage its fisheries to the extent practicable. Under the joint plan development process established in the Magnuson-Stevens Fishery Conservation and Management Act, action to approve a plan or amendment requires a majority vote of all councils involved. This creates a potential for gridlock. The collaborative approach suggested by NMFS is somewhat of a hybrid. Each council would develop regulations for its own fisheries pursuant to separate frameworks in one plan. Actions that would affect individuals in both regions would require joint action. If councils disagree, a dispute resolution mechanism would be used. The Western Pacific Council's fishery management plan for pelagic fisheries would be amended to serve as the comprehensive plan."<sup>5</sup>

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<sup>4</sup> PFMC, Attachment C.3. OPTIONS PAPER: Need for Pacific Fishery Management Council Participation in Management of Highly Migratory Species in the U.S. EEZ of the Pacific Ocean., September 1997.

<sup>5</sup> PFMC, EXHIBIT C., and Cover letter and Elements of Collaborative Approach referenced in EXHIBIT C., September 1998.

While attending an MHLC negotiation held in Honolulu, Bob Fletcher, Chairman of the PFMC HMS Policy Committee, gave the following account of an informal meeting concerning collaborative PFMC and WPFMC HMS management: "Speaking about coordination, I met on Thurs., Feb. 18<sup>th</sup> with Jim Cook and Kitty Simonds of the WPFMC. Joining me were Peter Flournoy, Chair of the HMS Advisory Committee, and fishing industry representatives Wayne Heikkila, Tana McHale, and Chuck Janisse. NMFS was represented by Dr. Charles Karnella. We discussed the need to move forward with discussions aimed at developing a shared management approach for all U.S. fishermen fishing HMS in the Pacific. In response to the idea of separate HMS FMPs, Dr. Karnella indicated that this approach would probably be opposed by NMFS HQ, due to the fact that these stocks need to be managed, as much as possible, as a unit throughout their ranges. While nothing specific came from the discussions, I did offer to review the proposal put forward by WPFMC several years ago. My thought is that portions of that proposal might be agreeable to the PFMC, and that we could then modify those areas where disagreement exists and offer a counter-proposal to keep talks moving. Perhaps we could integrate those agreed-upon positions into a joint HMS FMP. The meeting ended on that note."<sup>6</sup>

In the initial motion for the PFMC to go forward with a separate HMS FMP, Mr. Alverson identified the benefits of such an FMP as: 1) Strategic positioning of the PFMC, industries, and environmental interests with regards to the international activity taking place, and with the WPFMC; and 2) Being able to take action in the future should management needs be identified.<sup>7</sup>

### **COUNCIL DIRECTION FOR DEVELOPMENT OF A FRAMEWORK FMP:**

Based on excerpts from the Council discussions that follow, summarized below are points of concern that were identified, and the direction to be taken in going forward with the development of a framework HMS FMP:

- **Fiscal limitations prompt the Council to undertake development of framework procedures, rather than a full-blown FMP, in order to address the need for an FMP within existing funding and staff constraints.**
- **Due to the lack of cooperation for a joint-planning process by the WPFMC, the PFMC will develop a framework FMP for managing its own fishermen, that may include regulations, and develop a framework process for collaborating with the other Councils for the purpose of managing species in coordination with international recommendations, and other actions that require collaborative measures.**

The PFMC was urged by recreational, commercial, and environmental interests to go forward with development of an FMP for HMS at its meeting of June, 1999. Most constituents, including the HMS Subpanel, felt that a joint-plan would be preferable,

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<sup>6</sup> PFMC, Minutes G.1., March 1999.

<sup>7</sup> PFMC, Audio Record, C.3., June 1999

but that the Council should not delay in the absence of cooperation, but should move forward on a separate FMP.

A substitute motion at this meeting by Mr. Boydston, and later approved by the Council, reads: "Move that the Council develop a joint plan for HMS in cooperation with the other Pacific area councils. A separate plan for the west coast would be developed if the joint plan cannot be developed... The Council should write letters to the other councils and other pertinent entities regarding our intent to develop a plan. The plan should be completed by October 2000." <sup>8</sup>

Council members questioned how to move ahead with a joint plan absent cooperation from the other councils. As stated in the record: "Mr. Fougner clarified that we are to go ahead with the process, and on a parallel track, work with the other councils to reach agreement to develop a joint plan. Mr. Fletcher agreed.... A separate plan with joint mechanisms is necessary if cooperation is not reached with the other Councils. Mr. Anderson asked where is the funding going to come from? ... We know that the Council is stretched for money and staff. Mr. Six said there is no money available for this activity this year. Funding would come from NMFS and/or states to pay for meetings and other activities involved with this process. Mr. Fougner mentioned the Southwest Region did get a small increase in funding and is prepared to cover the travel expenses for the plan development team this fiscal year. Mr. Bohn agrees with the motion but is concerned about funding and commitments and is uncomfortable with the deadline." <sup>9</sup>

Additionally, Mr. Alverson said that the Council needed to let the PDT know if the intent is to develop a regulatory structure, or just a bare bones kind of framework plan. Mr. Alverson referred to the alternative management strategies indicated in the "White Paper": 1) propose immediate regulations, 2) propose only framework procedures for future action, and 3) propose both immediate actions and framework procedures. Mr. Fougner suggested that at this point the Council should be identifying goals and objectives and then setting up framework procedures for future implementation, and a trigger of some sort for a collaborative procedure. At this time, just focusing on west-coast interests. Mr. Six mentioned that under the collaborative procedure proposed by NMFS Southwest Region, the PFMC would have its own chapter and framework anyway. The Council can start with this process regarding west-coast fisheries. <sup>10</sup>

In September 1999, Mr. Six reported to the Council that Jim Cook, Chair of the WPFMC, has informed him that he is reluctant to work in a joint-planning process at this time. <sup>11</sup>

In November 1999, Council records show that Mr. Fougner provided the Council with a list of 19 items as initial guidance for the HMS PDT. Mr. Anderson asks if the recommendation is for the development of a framework plan. Mr. Fougner answers that initial guidance item 5 includes this feature, but leaves it open as to whether or not it will

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<sup>8</sup> PFMC, Voting Log, Motion 5, June 1999.

<sup>9</sup> PFMC, Minutes, C.3., June 1999.

<sup>10</sup> PFMC, Audio Record, C.3., June 1999.

<sup>11</sup> PFMC, Audio Record, I.2., September 1999.

incorporate state measures, or adopt other measures. Mr. Fougner states that it's a given that the Council wants framework procedures that will enable them to take action in the future should action be required.<sup>12</sup> Item 5 states: "Develop framework procedures that would allow the Council and NMFS to implement changes (including changes in the specification of the management unit) in a timely manner [sic] should action be needed."<sup>13</sup>

## **PREPARATION OF DOCUMENTS:**

Based on the description of the amount of work involved in the preparation of documents required as part of an FMP process that follows, summarized below are reasons to focus on document preparation at this time:

- **The limited fiscal and staff resources should be applied first toward fulfillment of required tasks.**
- **The process of preparing required documents will help the Council to better identify and address any immediate regulatory needs that may need to be considered outside of a mere framework FMP.**
- **The preparation of the EIS provides a context apart from defined management for including a comprehensive examination of all species of concern, including identification of their range and distribution as well as the patterns of fishing effort and harvest, and applicable conservation questions and concerns.**

The FMP process is described in five phases: Phase I—Planning; Phase II—Preparation of Draft Documents; Phase III—Public review and Council adoption; Phase IV—Final review and approval; and Phase V—Continuing and contingency fishery management. Each phase may require different aspects or stages of document preparation.<sup>14</sup>

Essential Fish Habitat identification and description including how each of the regulatory requirements for the EFH provisions has been addressed must be drafted.<sup>15</sup> Both the Regulatory Impact Review and the Regulatory Flexibility Analysis require a description of the need for action, the management objectives and a description of the expected economic impacts. The Regulatory Impact Review focuses on the net economic benefit of the entire fishery to the nation, although considering economic impacts, while the Regulatory Flexibility Analysis focuses on the economic impact on individual fishermen and the effect of regulatory measures on their revenues and/or costs.<sup>16</sup> The Endangered Species Act requires an analysis of possible effects on endangered and threatened species or critical habitat.<sup>17</sup> The National Environmental Policy Act requires an extensive

<sup>12</sup> PFMC, Audio Record, F.I.C., November 1999.

<sup>13</sup> PFMC, NMFS SUPP F.1., Initial Guidance to Plan Development Team, November 1999.

<sup>14</sup> NMFS Operational Guidelines-Fishery Management Plan Process, A-4, May 1, 1997

<sup>15</sup> Final Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, Volume II, Chapter 5.1, April 1999

<sup>16</sup> Final Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, Volume III, Chapter 7.1.5, April 1999

<sup>17</sup> NMFS Operational Guidelines-Fishery Management Plan Process, A-16, May 1, 1997

Environmental Impact Statement be drafted that includes: 1) Essential information about the species, their life history and ecology, existing and proposed fishing practices and levels, and the human and environmental impacts of proposed alternatives; 2) Fully list managed elements of the fishery including total allowable catch, gear restrictions, spatial restrictions, temporal restrictions, by-catch restrictions including the take of threatened and endangered species, and list the no-action, action alternatives; 3) Fully address direct, indirect, and cumulative impacts of the fishery, including elements of the fishery located outside of the west-coast region, and even those outside of the US's EEZ; 4) Include reasonable alternatives not within the jurisdiction of the lead agency; 5) Examine the fishery as an ecosystem; 6) Plainly state how each alternative benefits fishermen from different industrial and economic backgrounds; and 7) Describe human and environmental impacts in the context of environmental justice and list actions that lessen impacts to minorities and those economically underprivileged.<sup>18</sup>

#### **DEFINE MANAGEMENT UNITS CORRESPONDING TO REGIONAL FRAMEWORK NEEDS:**

Based on cited federal criteria for selection of the management unit for an FMP that follows, summarized below are suggestions for defining the management unit for this FMP:

- **Define the management unit geographically—the HMS fisheries in the Pacific coast region in order to avoid having to reconcile management of HMS stocks throughout their range in a regional plan.**
- **Craft a regulatory and/or framework structure that will provide uniform fishery monitoring and data collection within this region, allow for evaluation and the possible implementation of limited access to regional HMS fisheries, and address any existing state regulations that may not provide a uniform body of management measures.**

The Council's decision to go forward with the development of an HMS FMP is consistent with the Elements of Collaborative Approach developed by NMFS in the sense that under this proposal for joint planning, each council would develop regulations for its own fisheries pursuant to separate frameworks.

Some of the regional issues identified in Council discussions are: A discussion of limited entry as a potential management measure,<sup>19</sup> and, to what extent are state regulations inconsistent, and to what extent should state regulations be carried forward into federal regulations.<sup>20</sup>

Selection of the management unit in accordance with National Standard 3 of the Magnuson-Stevens Fishery Conservation and Management Act states that the purpose of

<sup>18</sup> Letter from EPA to Larry Six, acknowledging notice of intent to prepare an EIS for proposed HMS FMP, November 5, 1999.

<sup>19</sup> PPMC, Audio Record, I.3.c., September 1999.

<sup>20</sup> PPMC, Audio Record, F.1.c., November 1999.

this standard is to induce a comprehensive approach to fishery management. However, a less than comprehensive management unit may be justified if complementary management exists for a separate geographic region.<sup>21</sup> The term “management unit” means a fishery or that portion of a fishery identified in an FMP as relevant to the FMP’s management objectives. The choice of a management unit depends on the focus of the FMP’s objectives, and may be organized around different perspectives such as biological—based on stocks throughout their range, geographic—based on an area, economic—could be based on a fishery supplying specific product forms, technical—could be based on a fishery utilizing a specific gear type or similar fishing practices, social—could be based on fishermen as the unifying element, such as when the fishermen pursue different species in a regular pattern throughout the year, or ecological—could be based on species that are associated in the ecosystem or are dependent on a particular habitat. A management unit may contain, in addition to regulated species, stocks of fish for which there is not enough information available to specify MSY and OY or to establish management measures, so that data on these species may be collected under the FMP.<sup>22</sup>

#### **DEVELOP COLLABORATIVE MECHANISMS FOR DETERMINING SHARED MANAGEMENT NEEDS:**

Based on an illustration of the Council’s recognized need for collaborative mechanisms to manage HMS stocks throughout their range, and a partial solution that follows, summarized below are suggestions for achieving collaborative needs:

- **Continue to invite establishment of cooperative procedures involving the other Councils.**
- **Support the NMFS Southwest Region in an effort to promote collaborative HMS monitoring and data collection for domestic HMS fisheries in the Pacific by working through the SWFSC and/or appropriate rulemaking.**

The Council approved the development of a joint plan for HMS in cooperation with the other Pacific area councils. The Council also recognized that a joint plan could not realistically be developed without cooperation from the other Councils, especially the WPFMC, and that in this case, development of a separate FMP would proceed with a view toward incorporating mechanisms for collaborative measures when necessary, and to the extent feasible.

It is recognized that such collaborative measures are necessary for determining management measures for HMS stocks. When DOS Deputy Director Brian Hallman spoke to the Council in 1997, he advised that an FMP for HMS might not be appropriate at this time, as conservation efforts must be coordinated internationally. In light of this reality, it would be appropriate for the Council to focus on identifying HMS stocks of concern, and including corresponding biological, and fishery information within the FMP

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<sup>21</sup> 50 CFR §600.320(e)(2)

<sup>22</sup> 50 CFR §600.320(b) and (d)(1)(i),(ii),(iii),(iv), (v), and (vi).

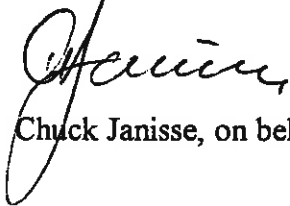


or supporting documents, but not identify those stocks as the focus of the plan at this time.

Perhaps NMFS Southwest Region can assist by assuming a collaborative role. For instance, the Southwest Fisheries Science Center, responsible for both the La Jolla, and the Honolulu labs, is under Southwest regional authority. HMS monitoring and data collection, as well as stock assessment and research are handled by the Science Center. The Southwest region is in a position to promote collaborative HMS information domestically through the Science Center. Also, perhaps the High Seas Fishery Compliance Act could be used to foster collaboration through rulemaking by requiring uniform monitoring and data collection from U.S. fishermen fishing for HMS outside of the EEZ.

In closing, I hope this information and suggestions are helpful and will promote swift implementation of the appropriate HMS FMP for this region at this time.

Respectfully,

A handwritten signature in cursive script, appearing to read "Chuck Janisse", written in dark ink.

Chuck Janisse, on behalf of the Federation of Independent Seafood Harvesters.

**MARTIN L. MORRIS, M.D.**

6318 Dwane Ave.  
San Diego, CA 92120

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FEB 28 2000

PFMC

Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

Feb. 25, 2000

To Whom It May Concern:

Unfortunately, previous plans will prevent me from attending the March 6-10 conference in Sacramento. Therefore, I wish to pass on my humble comments at this time (prior to Noon, March 1, that is).

My main interest lies in the Highly Migratory Species Management Plan that is currently being worked on and is to be presented – in preliminary form? – at the forthcoming conference. Since even rough drafts of the Plan do not seem to be available to the Public whatever I speak of must come from rumor, hearsay, gossip, etc. Thus: it is rumored (?) that the plan calls for the issuing of permits for an “experimental” longline fishery for Blue Fin Tuna – or ??? – in the U.S. E.E.Z.. Reference is also made to ACTION upon the advisory subpanel’s recommendation of a date for “Limited Entry.” If the subpanel is to be submitting a date for “Limited Entry” then plans surely must be well along on just what this “Limited Entry” entails.

If it is true that the Plan calls for the introduction of a longline fishery into the U.S. E.E.Z. (for whatever species) then I must register my protest of such an action most loudly and forcefully. The effect of these indiscriminate forms of oceanic slaughter has already been proven as witnessed by the debacle on our East Coast and the constant reminders of the illegal fishing south of the border (see today’s LA Times). One does not need further “experimentation” to prove that these lines are effective in killing fish – of any species.

Again, I regret not being able to attend your meeting and I hope that many others who can not be there will also register their concern over the information that has been circulated about the meeting. Fish stocks are already depleted. Why is it necessary to find out that there are more efficient ways of accomplishing this further – and faster? One might have thought that your primary concern would be to preserve the fish – not figure out ways to harvest them. The most sickening words in a fisherman’s vocabulary are “Maximum Sustainable Yield.” The commercial interests are only interested in “Fastest and Most Profitable Yield.” Please – NO LONGLINES!

Sincerely yours,

  
Martin L. Morris, M.D.



February 25, 2000

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FEB 29 2000

PFMC

The Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

Sevenstrand

To whom it may concern:

Tackle

I am a recreational angler. I understand that a commercial "experimental" bluefin longline permit has been brought up for discussion. There are many reasons why I am strongly opposed of such permits:

Corporation

899 West Cowles St.

1) Longlining is a indiscriminate fishing method with bycatch of mammals, turtles, baby swordfish, sharks, and other valuable resources that can destroy our oceans.

Long Beach,

2) We need sharks to keep the ecosystem healthy. They are slow to reproduce, and increased longlining will put increased pressure on already troubled stocks.

California 90813

3) Gamefish all follow the same bait schools and water temperature edges in their annual migrations. The same areas longliners target for bluefin tuna are also areas where marlin, shark, mammals, turtles and other species congregate that will die from drowning on a long line hook. Setting at night, different depths, or other methods to limit the bycatch is not possible with longlines or gill nets. They are indiscriminate killing tools.

Phone (562) 437-1010

Fax (562) 495-4707

4) Inside 200 miles is also a nursery for both thresher and mako shark populations. Large females come into the continental shelf to breed. This gives the new born sharks a better chance of survival, plenty of food and less predation by larger sharks. Longlining inside 200 miles therefore would be a very destructive to the nursery and the health of the shark population.

www.7strand.com

Please understand I am VERY concerned about these "experimental" longline permits and hope you will take these concerns into consideration before expanding the longlining permits.

Sincerely,

Bob Hoose



AFFILIATED WITH  
INTERNATIONAL GAME FISH ASSOCIATION

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FEB 23 2000

PFMC

2445 SHELTER ISLAND DRIVE  
SAN DIEGO, CALIFORNIA 92106  
BUSINESS PHONE - (619) 222-8677  
FISHING REPORT - (619) 222-2502

Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

Feb. 25, 2000

To Whom It May Concern:

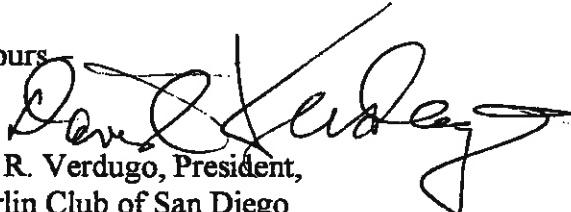
The Marlin Club of San Diego is an active Sportfishing club with over 350 members. We are very active in Southern California waters for all forms of sport fish, including Marlin, Swordfish, Tuna, etc. Thus, we are very concerned over reports that your Highly Migratory Species Management Advisory Panel is planning to recommend the authorization of permits to allow commercial longline fishing activities within our U.S. Exclusive Economic Zone (E.E.Z.), the 200 mile off-shore limit.

The disaster that has befallen our East Coast fisheries due to the use, and over-use, of these longlines that are indiscriminate in their slaughter of all passing species is well established. Why is that, over and over, the old saying: "Those who forget the past are destined to repeat it" must be repeated – and promptly ignored.

Our club would like to go on record as being opposed to any form of longline fishing in our 200 mile waters, whether it be "experimental" or not. No one needs further "experiments" to prove just how effective – and destructive – these lines can be. Therefore, we implore you not to adopt any plan that recommends or promotes the use of these lines. We note, however, that your Advisory Subpanel is planning to present "for Action" an actual date for "Limited Entry" – of what we do not know. We can only suspect that a decision has already been made to permit the issuing of such permits. If so, we, again, implore you to reverse such a decision.

Thank you for your time –

Respectfully yours

  
David R. Verdugo, President,  
Marlin Club of San Diego

February 25, 2000

The Pacific Fishery Management Council  
2130 SW Fifth Ave., Ste. 224  
Portland, Oregon 97201

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PFMC

RE: PLEASE NO LONGLINE FISHERY INSIDE 200 MILE EEZ!!

Dear Council:

I am horrified and upset that there is even a consideration of introducing a longline fishery inside our EEZ. I am an avid sport fisherman, member of the Huntington Harbor Rod and Reel Club, sport fishing writer, radio and seminar speaker on offshore sport fishing. I personally invest thousands of dollars into the California economy annually as a result of my pursuit for pelagic game fish off the Southern California Coast. I have fished the offshore waters of Southern California for thirty years and have seen the size and numbers of species such as swordfish and sharks vanishing at an alarming rate since the introduction of drift gill nets in our local waters and long lining pressure along the EEZ. I am not a scientist, but I have spent enough hours on the water (thousands in fact) to make a valid observation that our fishery isn't getting better, it is getting worse and at an accelerating pace. This is due to the indiscriminate commercial fishing methods of longlining and drift gill netting.

I have two children that are aged 4 and 2 years old. I want my children to have the opportunity to enjoy the thrill of catching and releasing a marlin, shark, swordfish, tuna in my local waters. I understand and appreciate that commercial fishermen want to make money and the general public wants to have a source of seafood, but is it right that a small group (commercial fishing interests) has the right to destroy a resource that belongs to all of us and our future generations? The sheer economics alone of money derived from the pursuit and catch of a single striped marlin off our coast by a sportfisherman vs. one killed and discarded as "by catch" by a longliner is reason enough to know that longlining is not in the best interest of the State of California's economy.

There is more than enough data to prove that long lining rapidly reduces pelagic fish populations. Take for example what has happened in the Atlantic to billfish and shark populations or in other areas of the world. To allow this type of destructive indiscriminate gear inside 200 miles off our coast is a disaster in the making. How and who will monitor and protect non-targeted species such as marlin, sharks, birds, turtles and other marine life from this type of indiscriminate gear? The California DFG doesn't have the patrol boats. Who will fund and provide observers to be placed on the commercial boats to keep them honest and maintain accurate catch and by catch records? What will prevent these commercial boats from taking their catch directly to offshore Asian factory ships to off load their catches and not provide landing data? Won't they be tempted and will they fin blue and mako sharks in our "shark nursery" to get the high dollars offered by the Asian market? There are frankly too many uncertainties and elements that cannot be controlled if long lining is allowed inside the EEZ. It is a poor and bad idea all around!

I beg the council to please make the best economic and resource conscience decision...DON'T ALLOW LONGLINING INSIDE THE EEZ, NOW OR EVER!

Sincerely,



David Brackmann

My Mailing address -

David Brackmann  
16316 Niantic Circle  
Huntington Beach, CA 92649

Phone - (626) 854-3700

Fax - (626) 854-3709

## Sea Shepherd Conservation Society

INTERNATIONAL HEADQUARTERS  
P.O. Box 2616  
Friday Harbor, WA 98250  
Tel: (360) 370-5500  
Fax: (360) 370-5501



9 March 2000

Sea Shepherd Conservation Society's Comments on Pacific Fishery Management Council meeting to address management of fisheries for salmon, coastal pelagic species, Pacific halibut, highly migratory species, and groundfish:  
**- highly migratory species management**

My name is Frank Trinkle. I am the director of development for the Sea Shepherd Conservation Society. As the representative of an international marine wildlife conservation organization, I am here to represent what the Independent World Commission on the Oceans is fond of calling "non-utilitarian trans-national values." That is to say, I'm speaking on behalf of civil society, future generations, and the global environment as they will be affected by your decisions on this regional fishery.

To that end, I would like to remind the Council, in all its deliberations, of three necessities of fisheries management: The precautionary principle, the ecosystem management approach, and enforcement.

The precautionary principle, as originally embodied in the Rio Declaration, requires that a lack of scientific data providing absolute proof of a conservation problem and its cause shall not be used to justify avoidance or delay in the implementation of effective conservation measures to guard against the loss of biological diversity.

Sea Shepherd wonders how seriously the Council is taking the precautionary principle in light of many of the provisions, or lack thereof, in the 2000 fisheries management plans. We object in the strongest possible terms to the opening of any new experimental fisheries off the coast of California, such as the salmon fishery south of Pillar Point. Such openings are being pressed upon the public just two years after the National Marine Fisheries Service required all commercial fishing operations off the Pacific Coast to reduce their catch by up to 65%. And that measure, we remind the Council, was a political compromise, over the urging of NMFS biologists to impose cuts of 80% or greater if we were serious about attempting a recovery of the West Coast's failing fisheries.

The ecosystem management approach requires you to consider the other species affected by the fishery on the species for which you are setting quotas. It also requires the consideration of fisheries impacts on the species you are managing when that species is also fished beyond the boundaries of your jurisdiction. In Mexico, by conservative estimate, 40 new longline permits have been issued or are under consideration.<sup>1</sup> Hence, both the legal and illegal take of shark, marlin, swordfish and billfish is on the rise, and this Council cannot afford to ignore that fact in its deliberations on the management of these highly migratory species.

<sup>1</sup>Asociacion de Lanchas de Pesca Deportiva de Mazatlan, A.C.

The ocean's top predator is in free-fall. We know that pelagic shark populations are in severe decline; how severe is simply unknown. We know that populations of large coastal sharks have declined by as much as 80% since 1970. And even with recent U.S. quota cuts and prohibitions on the landing of 21 species, the pressure from commercial fishing interests remains many times what these populations can sustain, and there is no evidence of recovery among large coastal sharks.

All of them might as well have bull's-eyes painted on their fins. At least a third of all sharks caught are trapped in fishing gear cast for other species, but with shark fins now going for up to \$250 per pound in Asian markets, the boats are very happy to see the sharks winched on board along with their targeted catch. The ongoing failure of the Council to institute the same protections for the Pacific shark fisheries as are in place in the Atlantic fishery is an international scandal. With an estimated 100 million sharks taken for their fins since the explosion of the practice, sharks need to be given consistent, real protection, and the practice of shark finning needs to be banned outright.

If enforcement efforts continue to be as lackluster as they have been in recent years, the Council will soon be unable to rely on the accuracy of any obtainable fishery data in setting quotas, as your data will not include the increasing, unknown illegal catch and by-catch of commercial vessels fishing with impunity inside the EEZ. Most of the people in this room are aware that the vessel monitoring system for pelagic longliners is a farce and a failure. It must be made mandatory, and it must include all vessels in the commercial fleet.

The California drift gillnet fishery for thresher shark and swordfish has been exceeding its allowable lethal take of endangered loggerhead turtles and sperm whales since 1998. The species caught and killed in this fishery are being taken in violation of the Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act. We should follow the example set by Washington State last December and immediately discontinue gillnet fishing for thresher shark.

Federal fishery managers have a clear duty. They have not done it. For 20 years, they have failed to halt the slaughter of sharks, sailfish, swordfish, turtles, dolphins and marine mammals killed by longlines and drift gillnets off this coast, on the pretense that the world's most indiscriminate form of fishing can be controlled by quotas. But the victims of that tragic mistake, the species that may be in the most immediate danger of extinction from the management policies that have allowed this devastation, are human. The harpoon fishermen who have been fishing for swordfish for generations are in danger of being completely wiped out by the commercial boats, which indiscriminately take juvenile swordfish, decimating the breeding stock of the next generation. The harpooners whose families have been fishing these waters for forty or fifty years or more, who take only the mature fish, whose by-catch rate is zero, who take only what they need to maintain their livelihood and sustain their families, will not survive another ten years of gillnets, longlines, and inept fishery management. They are being choked to death by the most destructive form of fishing ever devised.

The Sea Shepherd Conservation Society wants indiscriminate gillnets and longlines phased out in all U.S. waters, and that is a law that must be rigorously enforced if decimated shark and billfish populations are to have any hope of recovery.



## **WESTERN FISHBOAT OWNERS ASSOCIATION®**

P.O. Box 138  
Eureka, CA 95502

e-mail: [wfoa@humboldt1.com](mailto:wfoa@humboldt1.com)  
website: <http://www.wfoa-tuna.org>

Ph. (707) 443-1098  
Fax (707) 443-1074



February 18, 2000

RECEIVED  
FEB 18 2000

Dr. Donald McIsaac, Executive Director  
Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

PFMC

Via Fax: (503) 326-6831

Dear Dr. McIsaac:

The Western Fishboat Owners Association (WFOA), a California-based non-profit organization, was founded in 1967 and currently represents over 500 albacore tuna jig boat owners from California, Oregon, and Washington, and also Hawaii, Canada, and New Zealand. Our members include vessel owners operating within the US EEZ and also on the high seas in both the North and South Pacific. The vast majority of WFOA members are based out of the Pacific west coast.

In March the Pacific Fishery Management Council (PFMC) will be addressing the possibility of declaring a control date for the Pacific Highly Migratory Species (HMS) fisheries and other HMS permit related issues. I would therefore like to direct your attention to the following WFOA positions:

- **Management Jurisdiction:** due to the highly migratory nature of Pacific albacore tuna and other Pacific HMS species under consideration, WFOA strongly recommends that these fisheries be managed by through a PFMC-administered Federal Fishery Management Plan, with cooperation from the Pacific Northwest States and other Pacific Councils. Note that the Pacific HMS fisheries are shared by fishermen from many different countries as well as US fishermen from multiple Council districts.
- **Pacific HMS Control Date:** WFOA urges the Council to formally declare a control date for the Pacific HMS fisheries during their March meeting. Doing so will open up a number of options for future Council action that are not currently available.
- **Pacific HMS Permit Moratorium:** It is our position that a moratorium for new entries into the Pacific HMS fisheries — or at least the Pacific albacore fishery — should be implemented as soon as possible. WFOA recognizes that although the albacore fishery is healthy and currently operating below MSY, it is still one of the few remaining open-access fisheries on the west coast, and may therefore be in danger of becoming a "dumping ground" for displaced vessels from less healthy fisheries. While the Pacific albacore fisheries are currently healthy, our markets are limited. WFOA believes a general moratorium would provide the Pacific HMS fisheries with basic protection while objectives and options for a comprehensive, long term limited entry permit system are explored.

WFOA representatives will attend the March 9th Council meeting to provide additional comments on permit moratorium issues. WFOA also recognizes that issues may arise in the upcoming MHLC-6 meeting in April that may require amending our positions at some point in the future. Thank you for your consideration of these concerns and recommendations that we make now.

Sincerely,

A handwritten signature in cursive script, reading "Wayne Heikkila".

Wayne Heikkila  
General Manager

cc: WFOA Board of Directors  
PFMC FMP Development Team  
PFMC HMS Subpanel  
Tana McHale, HMS consultant / researcher

**HIGHLY MIGRATORY SPECIES PLAN DEVELOPMENT TEAM  
STATEMENT OF LIMITED ENTRY CONTROL DATE**

The Highly Migratory Species Plan Development Team (HMSPDT) recommends the Council establish a control date for limited entry in highly migratory species fisheries as a precautionary measure.

The HMSPDT seeks guidance from the Council on the following aspects of limited entry analysis, should the Council adopt a control date:

1. Which sectors or gear types should be considered.
2. Which species should be considered.
3. Ramifications of limited entry affecting any future U.S. international agreements.
4. Whether to consider and analyze limited entry as part of the fishery management plan (FMP) development process, or whether limited entry will be considered and analyzed separately from the plan development process, and whether limited entry will be considered concurrently with or following the FMP.

The HMSPDT notes limited entry will substantially increase the workload of the HMSPDT.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL  
STATEMENT CONCERNING CONTROL DATE FOR LIMITED ENTRY

The Highly Migratory Species Advisory Subpanel (HMSAS) met on March 8, 2000 to consider, inter alia, the control date for limited entry for highly migratory species (HMS) fisheries. The HMSAS recommends the Council establish a control date of March 9, 2000 for limited entry in HMS fisheries as a precautionary measure.

The HMSAS has not yet met to specifically discuss the advantages and/or disadvantages of the Council's adoption of a limited entry program; and, therefore, has no HMSAS recommendation in that regard. However, the HMSAS does recommend the collection and tracking of economic and other data trends by the Highly Migratory Species Plan Development Team (HMSPDT) continue for possible future reference in setting the parameters of a possible limited entry program.

As the HMSAS recommended under Agenda Item F.1., the Council should direct the HMSPDT to concentrate on the collection of the necessary data for the formulation and the drafting of the various documents required by the "Operational Guidelines Fishery Management Plan Process," NMFS, Silver Spring, MD, 20910, revised May 1, 1997 for the creation of an FMP. The HMSAS believes spending limited human and monetary resources on the various criteria that might become part of an HMS limited entry program would be premature at this point.

PPMC  
03/09/00