

## UPDATE ON PLAN DEVELOPMENT

Situation: The Highly Migratory Species Plan Development Team (HMSPDT) will present a progress report on plan development (Supplemental HMSPDT Report E.2.). The HMSPDT has met three times since they last reported to the Council (in March, April, and June). The Highly Migratory Species Advisory Subpanel (HMSAS) met June 29th and will also present a report (Supplemental HMSAS Report E.2.).

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

Reference Materials:

1. Supplemental HMSPDT Report E.2.
2. Supplemental HMSAS Report E.2.
3. Public Comment E.2.

PFMC  
06/13/00

The Council approved an exemption request for an area comprising the experimental Areas 2B and 4 under Framework 35 to the Northeast Fishery Management Plan (Framework 35). The MADMF did not request that Area 3 be included in the exemption due to the low sample size and inconclusive data results from previous year's experiments. Therefore, this year's experiment proposes to increase the sampling size (fleet size expansion) and improve the confidence level of data on bycatch of regulated multispecies, overall effort, species composition and gear performance.

The MADMF has stated that the gear specifications would be identical to those approved under Framework 35, including the minimum mesh size requirement of 2.5 inches (6.35 cm), the headrope, ground gear, footrope and drop chains settings and configurations, option to use the sweepless trawl, and a prohibition on use of net strengtheners. Also, net possession restrictions would be amended to allow fishermen to leave their large-mesh groundfish net aboard the vessel (in addition to the small mesh raised footrope trawl) when enrolled in the fishery.

The area defined by the MADMF for the experiment overlaps a portion of the Gulf of Maine Rolling Closure Area V (Rolling Closure Area) from October 1—November 30, 2000. NMFS is also requesting comments on MADMF's request that participants in the experimental fishery be allowed to fish in the Rolling Closure Area. The MADMF hopes that this overlap would help define a continuous exemption area including the area proposed in Framework 35 and the area proposed in this experiment.

The MADMF personnel would sea sample approximately 10–20 percent of the total trips during the course of the experimental fishery season; September through December of 2000. In addition, participants would be required to record catch information on a tow-by-tow basis on MADMF-supplied logs and submit all logs weekly to MADMF. If bycatch problems should develop, MADMF would take the appropriate remedial actions to amend the problem, as they have in past years.

EFPs would be issued to participating federally permitted whiting vessels to exempt them from DAS, mesh size and other gear restrictions required as part of the Northeast Multispecies FMP during the specified season.

Following reports and consideration of the experimental fishery proposal, the Groundfish Committee will report on the development of Amendment 13 to

the Northeast Multispecies FMP. The Habitat Committee will report during the afternoon session. Included will be a presentation on the 2000 Habitat Annual Review Report, discussion and possible approval of recommendations concerning the establishment of one or more dedicated habitat research areas, and review and possible approval of a letter to the Minerals Management Service about proposed sand mining off the New Jersey coast.

Prior to addressing any other outstanding business, the Capacity and Herring Committees will update the Council on their most recent activities.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

The New England Council will consider public comments at a minimum of two Council meetings before making recommendations to the Regional Administrator on any framework adjustment to a fishery management plan. If she concurs with the adjustment proposed by the Council, the Regional Administrator has the discretion to publish the action either as proposed or final regulations in the **Federal Register**. Documents pertaining to framework adjustments are available for public review 7 days prior to a final vote by the Council.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

Dated: May 24, 2000.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 00–13569 Filed 5–30–00; 8:45 am]

**BILLING CODE 3510–22–F**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 000524153–0153–01; I.D. 042100C]

RIN 0648–AO11

#### Fisheries off West Coast States and in the Western Pacific; Highly Migratory Species Fishery; Control Date

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance Notice of Proposed Rulemaking; Notice of a control date for Pacific Coast Highly Migratory Species Fisheries; request for comments.

**SUMMARY:** The Pacific Fishery Management Council (Council) is developing a Fishery Management Plan (FMP) for Highly Migratory Species (HMS) off the Pacific Coast that would place HMS species such as tuna, billfish, and sharks under Federal management. This document announces a control date of March 9, 2000, after which vessels participating in the commercial (troll, long line, drift gillnet, harpoon, purse seine), and charter boat fisheries for HMS may not be qualified if the Council determines that a program to limit entry to the fisheries is appropriate. The intended effect of this announcement is to discourage speculative entry into the Pacific Coast HMS fisheries while the Council determines whether, it will limit participation in the fisheries in the future. If the Council decides to limit future participation, it will decide on criteria at that time.

**DATES:** Comments must be submitted by June 30, 2000.

**ADDRESSES:** Comments on this advance notice of proposed rulemaking may be mailed to Jim Lone, Chairman, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562–980–4040.

**SUPPLEMENTARY INFORMATION:** The Council was established under section 302(a)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act. The Council has concluded that an HMS FMP is needed and has named a plan development team. The Council sponsored scoping sessions to obtain

public comment on matters that should be considered in the FMP. Several people strongly supported the development of the FMP, but urged the Council to establish a control date so that there would not be a rush to enter the fishery during the plan development process. These persons were especially concerned that recent tight restrictions in the groundfish fishery and continued restrictions in the ocean salmon fishery might encourage entry to the HMS fisheries. The Council subsequently heard advice from its advisory subpanel in support of a control date and from the public (some of whom supported a control date) at its meeting in March 2000. After considering the comments and weighing the alternatives, the Council agreed that March 9, 2000, should be established as a control date for the commercial and charter boat sectors of the HMS fisheries. The Council requested that NMFS publish a

notification of this control date in the **Federal Register**.

The Council anticipates that the plan development process will take approximately one year. The Council has not yet determined that limited entry in one or more fishery sectors is necessary or appropriate. However, the Council is aware that there is often a rush to enter any fishery for which a new FMP is being developed, in anticipation that a limited entry program could be proposed that would use historic and recent participation as criteria for eligibility for limited entry permits.

The implementation of any management measures for the fishery affecting one or more of these fishery sectors will require approval of the FMP and implementation of associated regulations. Any action will require a regulatory proposal with public input and supporting analysis, NMFS approval, and publication of the

implementing regulation in the **Federal Register**. If catch history is used as a basis for eligibility for participation, it is likely that catch by persons entering after the control date will not be considered in determining eligibility for a limited entry permit. The Council also may decide to use participation prior to the control date as a permit eligibility criterion. Fishers are not guaranteed future participation in the HMS fishery, regardless of their date of entry or level of participation in the fishery.

This advance notice of proposed rulemaking has been determined to be not significant for purposes of Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 24, 2000.

**Andrew A. Rosenberg,**  
*Deputy Assistant Administrator for Fisheries,*  
*National Marine Fisheries Service.*

[FR Doc. 00-13570 Filed 5-30-00; 8:45 am]

**BILLING CODE 3510-22-F**



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

JUN 21 2000

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JUN 21 2000

PFMC

Mr. Jim Lone, Chair  
Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

Dear Jim,

This is to report on actions taken by the IATTC at its annual meeting held in San Jose, Costa Rica, last week, with actions listed in relation to the topics listed on the enclosed agenda beginning with item 8 (the first action item of interest to the Council). This information will be of interest to the Council and to the Highly Migratory Species Advisory Subpanel, which will meet next week.

8. Work Group on IATTC Convention: The parties approved a letter to the MHLC to indicate that there should be efforts to minimize any geographic areas of overlap between MHLC and the IATTC and that there will need to be cooperation in the management of several species, including north Pacific albacore, bigeye, bluefin, and skipjack tuna. This effectively rejected the Canadian proposal under which the IATTC would endorse the idea that the MHLC "area of competence" could extend to the West Coast for purposes of managing north Pacific albacore.

9. Work Group on Compliance:

- a. A resolution on a regional fishing vessel register will require that NMFS (among other things) provide information for a regional vessel registry. This is likely to result in NMFS having to establish a Federal permit program for the purse seine and longline fisheries in the ETP.
- b. The Southwest Region will have to send to the IATTC within 2 weeks of the effective date any notices in the Federal Register or other forms that implement IATTC recommendations.
- c. Rules of Procedure for the Compliance Committee were approved.

10. Fleet Capacity: No agreement on a permanent limit on purse seine fleet capacity could be reached. The parties agreed to maintain current fleet capacity for a period of 45 days (until roughly July 31), within which the Permanent Working Group on Fleet Capacity is to meet to try to agree to a longer-term fleet capacity limit system to be in place until the IATTC Plan of Action for Management of Fleet Capacity can be developed and implemented. The U.S. continues to remain within the capacity limit agreed to in 1998.



11. Bycatch: A resolution on bycatch was adopted that will result in some management actions, including requirements (in a one-year pilot program) for purse seine vessels to retain on board and land all bigeye, skipjack, and yellowfin tuna caught except fish unfit for human consumption, unless there is insufficient well space available; to use special sea turtle handling and release procedures; and to promptly release unharmed, to the extent practicable, all sea turtles, sharks, billfishes, rays, mahimahi, and other non-target species. NMFS would have to establish regulations for these measures.

13. Program and Budget: The fiscal year 2001-2002 program and budget were approved, though it is recognized some elements may change if nations do not fully meet their funding targets.

14. Finance: A resolution on financing the IATTC was approved that set contributions for 2001 and set targets for contributions for 2002. The Finance Work Group (of which Svein Fougner is the Chairman) will meet to develop final recommendations for a formula approach to determining contribution levels in the future. Final adoption by the IATTC would be anticipated in 2001.

15. Fees for Observers: The Finance Work Group will also review and make recommendations concerning the possible setting of fees for observers at IATTC or IATTC-sponsored meetings. While there was general agreement that fees are appropriate, the IATTC wants more information about how fees are set in other areas and how they are administered (by meeting, by year, by type/size of organization, by person or organization).

16. Stock Management Resolutions:

- a. Yellowfin: A quota of 265,000 mt of yellowfin was set, and the directed purse seine fishery will close on the earlier of reaching the quota or December 2, 2000; incidental catches will be allowed after that. Area closures off Baja California and off Colombia, Ecuador and a portion of Peru will be set when the catch reaches 240,000 mt.
- b. Bigeye: The provisional 40,000 mt quota on bigeye tuna adopted in October 1998 has been replaced by a 90-day closure (September 15-December 14) of the fishery on floating objects; however, the floating objects fishery could close earlier if the Director of IATTC announces on August 1 or August 15 that, based on reviews of fishery data, the catch of juvenile bigeye has reached or is expected to reach the level achieved in 1999, in which case the floating objects fishery shall close in another two weeks.

17. Place and Date of Next Meeting: El Salvador, 2001 (although it may be found necessary to have a meeting in October if Work Group meetings result in significant new proposals that warrant immediate consideration by the full Commission). Note that Work Group meetings are being scheduled for Capacity (by July 31), Negotiation of the Convention (Sept. 11-16 in La Jolla), and Finance (tentative Sept. 18-20 in La Jolla).

18. Jean-Francois Pulvenis of Venezuela was elected the next IATTC Chairman, succeeding Svein Fougner.

I will try to have copies of the final resolutions and other documents adopted by the IATTC available at the Council meeting next week.

Sincerely,



Svein Fougner  
Assistant Regional Administrator  
for Sustainable Fisheries

Enclosure

# COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMMISSION

Scripps Institution of Oceanography, 8604 La Jolla Shores Drive, La Jolla CA 92037-1508, USA  
Tel: (858) 546-7100 - Fax: (858) 546-7133 - Director: Robin L. Allen, Ph.D.

## 66<sup>TH</sup> MEETING

San Jose, Costa Rica  
June 12, 14-15, 2000

### PROVISIONAL AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Review of current tuna research
4. The 1999 fishing year
5. Status of tuna and billfish stocks:
  - a) Yellowfin
  - b) Bigeye
  - c) Others
6. Review of tuna-dolphin research and extension programs
7. Consultation on United States International Dolphin Conservation Program Act Finding
8. Report of the working group on the review of the IATTC Convention
9. Report of the working group on compliance
10. Report on the working group on fleet capacity
11. Report of the working group on bycatch
12. Report of the scientific working group
13. Recommended research program and budget for FY 2001-2002
14. Report of the working group on finance
15. Participation fees for observers at IATTC meetings
16. Recommendations and resolutions for 2000
17. Place and date of next meeting
18. Election of officers
19. Other business
20. Adjournment

## **REVISED APPENDIX V**

### **MANAGEMENT OBJECTIVES FOR WEST COAST HIGHLY MIGRATORY SPECIES FISHERIES**

- Ensure or contribute to international cooperation in the long-term conservation and sustainable use of highly migratory fish stocks that are caught by West Coast-based fishers. These fishery resources contribute to the food supply, economy, and health of the nation.
- Provide viable and diverse commercial and recreational fisheries for highly migratory species based in ports in the area of the Pacific Council's jurisdiction, and give due consideration for traditional participants in the fisheries.
- Implement harvest strategies which achieve optimum yield for long-term sustainable harvest levels.
- Provide foundation to support the State Department in cooperative international management of highly migratory species fisheries.
- Promote inter-regional collaboration in management of fisheries for species which occur in the Pacific Council's managed area and other Councils' areas.
- Minimize conflicts among federal and state regulations for highly migratory species fisheries.
- Minimize bycatch and avoid discard--implement measures to adequately account for total bycatch and discard mortalities.
- Prevent overfishing and rebuild overfished stocks, to the extent practicable.
- Acquire biological information and develop a long-term research program.
- Promote effective monitoring and enforcement.
- Minimize gear conflicts.
- Maintain, restore, or enhance the current quantity and productive capacity of habitats to increase fishery productivity for the benefit of the resource and commercial and recreational fisheries for highly migratory species.
- Establish procedures to facilitate rapid implementation of future management actions, as necessary.
- Ensure that fisheries are in compliance with laws and regulations to conserve and restore

species listed the ESA, MMPA, and MBTA.

**Statement to the Pacific Fishery Management Council  
by the Highly Migratory Species Plan Development Team  
June 30, 2000**

1. Introduction

This progress report of the Highly Migratory Species (HMS) Plan Development Team (PDT) summarizes the work to date on the HMS fishery management plan (FMP). This 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 PDT statement.

2. Summary of PDT Meeting

The PDT met in Astoria, Oregon from June 5 through June 7. The meeting commenced with a presentation by Dr. Chris Boggs, Western Pacific Fishery Management Council's Pelagic Fishery Management Team Chair, on the Hawaiian longline closure due to sea turtles, a discussion of its limited entry program, observers, and logbooks, a discussion of the take of sharks in the longline fishery, and discussions of seabirds and vessel monitoring systems (VMS). Steve Crooke next summarized the recent meeting of the Take Reduction Team. Elizabeth Mitchell subsequently went through the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Susan Smith proposed essential fish habitat designations for sharks. Michele Robinson presented an analysis of inconsistencies of state regulations for HMS commercial and sport fisheries. David Colpo, Pacific States Marine Commission, Tana McHale, American Fishermen's Research Foundation, and Dale Squires summarized the status of the economic survey of the albacore and drift net fisheries and discussed sample design for the albacore troll fishery. The PDT also went through the proposed outline for the FMP to insure consistency with the MSFCMA and the National Environmental Policy Act (NEPA) and to make team assignments. The PDT also evaluated the proposed time schedule for completion of the FMP.

3. Management Unit Species

Elizabeth Mitchell explained to the PDT that species can be included in an FMP in:

- (1) the management unit (actively managed species);
- (2) for data collection;
- (3) for bycatch reduction;
- (4) as prohibited species.

Species in the management unit require estimates of maximum sustainable yield (MSY) and definitions of overfishing. When species are included in the FMP for data collection purposes, they can subsequently be added to the management unit if desired. This requires a plan amendment.

The PDT developed five options for the management unit, which reflect the range of public opinions on this issue. These options are included in Appendix I. Option 1 is the PDT's preferred option. The PDT recommends that all options be analyzed in the draft EIS/FMP.

**Council Guidance:** The PDT seeks guidance from the Council on its choice of species to include in the management unit. (All issues in which the PDT seeks guidance are highlighted in the main text and are summarized in the last section.)

#### 4. Consistency of Regulations

Appendix II summarizes the states' current HMS regulations and identifies inconsistencies and concerns. PDT recommendations for how to address each of the concerns are provided.

**Council Guidance:** The PDT seeks guidance from the Advisory Subpanel and Council on regulatory options which should be analyzed.

#### 5. Bonito

The PDT discussed the placement of bonito in either the HMS or Coastal Pelagic Species (CPS) FMP. Bonito is not currently covered by any of the five options for the management unit in the HMS FMP and is not currently included in the CPS FMP. Bonito is not defined as a highly migratory species; however, bonito is a species with management and constituent concerns.

**Council Guidance:** The PDT seeks guidance from the Council on whether the CPS FMP or proposed HMS FMP should include bonito.

#### 6. HMS FMP Outline

Appendix III presents the proposed outline for the HMS FMP.

**Council Guidance:** The PDT seeks guidance from the Council on the proposed outline.

#### 7. Schedule

Appendix IV is the schedule of Council, PDT and other relevant HMS meetings.

The PDT discussed the proposed schedule for completion of the FMP. The schedule calls for a first draft to be presented to the Council in September 2000, approval of the draft at the November 2000 meeting, public hearings in the winter, and final action at the April 2001 meeting. The PDT observed that a first draft copy of the HMS FMP could be provided at the September meeting but that the economic section, which relies on on-going surveys, would be incomplete and inadequate for preparation of the Regulatory Impact Review (RIR) and Regulatory Flexibility Act (RFA) analyses. Funding for the drift net fishery economic survey

will only be received in June and the albacore survey is still waiting for Office of Management and Budget Paperwork Reduction Act clearance. The PDT expects results to be available in December 2000. In addition, the PDT is concerned that the schedule will not allow adequate time for the Council family to propose and analyze options for conservation and management, bycatch minimization, and other measures.

The PDT believes that a more realistic schedule would include approval of the draft FMP at the March or April 2001 meeting, hearings in early summer, and final adoption at the September 2001 meeting.

**Council Guidance:** The PDT seeks guidance from the Council on the proposed schedule.

## 8. Management Objectives

Appendix V lists the proposed management objectives for west coast HMS fisheries.

**Council Guidance:** The PDT seeks guidance from the Council on the proposed management objectives.

## 9. Collaboration with the Western Pacific Fishery Management Council Team

The PDT is actively coordinating its work with the Pelagics Plan Team of the Western Pacific Fishery Management Council. Dale Squires and David Au attended the May meeting of the Pelagics Plan Team, and Chris Boggs, chair of that Team, attended our June meeting. The two Teams are coordinating their definitions of overfishing, population assessments and species coverage to the extent possible.

## 10. HMS Advisory Panel Funding and Schedule

The PDT observes that the Advisory Subpanel is unable to schedule meetings of sufficient duration and frequency to provide the desired feedback and advice to the Council and PDT. The PDT is concerned that insufficient funding is available for the advisors to meet these obligations. The items to be discussed at the July meeting of the PDT include several issues (bycatch reduction, prohibited species, and species in the FMP) for which the PDT is seeking Advisory Subpanel input and advice.

**Council Guidance:** The PDT seeks guidance from the Council on the HMS Advisory Subpanel's funding and scheduling.

## 11. Topics of Council Guidance Summarized

The PDT seeks guidance from the Council on the following topics:

- a. Choice of species to include in the management unit;
- b. Consistency of commercial and sport regulations;
- c. Whether the CPS FMP or HMS FMP should include bonito;
- d. The proposed outline;
- e. The plan development schedule;
- f. The management objectives; and
- g. Funding and scheduling of Advisory Subpanel meetings.

Attachments:

- Appendix I. Alternatives for the Management Unit
- Appendix II. Status of State Regulations and Regulatory Options
- Appendix III. Proposed Outline for the HMS FMP
- Appendix IV. Team Meeting and HMS FMP Schedule
- Appendix V. Management Objectives for West Coast Highly Migratory Species Fisheries

APPENDIX I

OPTIONS FOR MANAGEMENT UNIT SPECIES FOR THE HMS FMP

Option	Definition/Criteria	Species	
Option 1 - <b><u>Preferred Alternative</u></b>	Include species identified in the “white paper” and approved by the Council; these species meet the following criteria: <ul style="list-style-type: none"> <li>• occur in the Pacific Council’s management area, and</li> <li>• occur in West Coast Highly Migratory Species fisheries, and</li> <li>• are defined as Highly Migratory Species in the Magnuson-Stevens Fishery Conservation and Management Act or the Law of the Sea Annex I, and</li> <li>• have importance (moderate to high value) in the landings or to the fishery, and</li> <li>• are managed by the Western Pacific Fishery Management Council</li> </ul>	Albacore tuna Bigeye tuna Bluefin tuna Skipjack tuna Yellowfin tuna Striped marlin Swordfish	Blue shark Bigeye thresher shark Common thresher shark Pelagic thresher shark Mako shark
Option 2	Include species which meet all of the following criteria: <ul style="list-style-type: none"> <li>• occur in the Pacific Council’s management area, and</li> <li>• occur in West Coast Highly Migratory Species fisheries, and</li> <li>• are defined as Highly Migratory Species in the Magnuson-Stevens Fishery Conservation and Management Act or the Law of the Sea Annex I, and</li> <li>• have importance (moderate to high value) in the landings or to the fishery, and</li> <li>• sufficient data exists to calculate a biological-based MSY, and</li> <li>• occur in fisheries which the Pacific Council would like to actively manage</li> </ul>	Albacore tuna Bigeye tuna Bluefin tuna Yellowfin tuna Striped marlin Swordfish  (Maximum list)	Blue shark
Option 3	Include species which meet all of the following criteria: <ul style="list-style-type: none"> <li>• occur in the Pacific Council’s management area, and</li> <li>• occur in West Coast Highly Migratory Species fisheries, and</li> <li>• are defined as Highly Migratory Species in the Magnuson-Stevens Fishery Conservation and Management Act or the Law of the Sea Annex I, and</li> <li>• have importance (moderate to high value) in the landings or to the fishery, and</li> <li>• sufficient data exists to calculate a biological-based MSY</li> </ul>	Albacore tuna Bigeye tuna Bluefin tuna Yellowfin tuna Striped marlin Swordfish	Blue shark
Option 4	Include species which meet all of the following criteria: <ul style="list-style-type: none"> <li>• occur in the Pacific Council’s management area, and</li> <li>• occur in West Coast Highly Migratory Species fisheries, and</li> <li>• are defined as Highly Migratory Species in the Magnuson-Stevens Fishery Conservation and Management Act or the Law of the Sea Annex I, and</li> <li>• have importance (moderate to high value) in the landings or to the fishery, and</li> <li>• possess special biological characteristics (e.g., low productivity), <u>or</u></li> <li>• sufficient data exists to calculate a biological-based MSY</li> </ul>	Albacore tuna Bigeye tuna Bluefin tuna Yellowfin tuna Striped marlin Swordfish	Blue shark Bigeye thresher shark Common thresher shark Pelagic thresher shark Mako shark Sharks in family Hexanchidae
Option 5	Include species which meet all of the following criteria: <ul style="list-style-type: none"> <li>• occur in the Pacific Council’s management area, and</li> <li>• occur in West Coast Highly Migratory Species fisheries, and</li> </ul>	Albacore tuna Bigeye tuna Bluefin tuna	Blue shark Bigeye thresher shark Common thresher shark

Option	Definition/Criteria	Species	
	<ul style="list-style-type: none"> <li>• are defined as Highly Migratory Species in the Magnuson-Stevens Fishery Conservation and Management Act or the Law of the Sea Annex I, and</li> <li>• have importance (moderate to high value) in the landings or to the fishery</li> </ul>	Skipjack tuna Yellowfin tuna Striped marlin Swordfish	Pelagic thresher shark Mako shark Sharks in family Hexanchidae Dolphinfinh

## APPENDIX II

### STATUS OF STATE REGULATIONS AND REGULATORY OPTIONS

#### ***RECREATIONAL FISHERY***

##### **Licenses**

Currently, a recreational fishing license is not required to fish for albacore tuna off Washington; however, a recreational fishing license is required in Oregon and California. In addition, California requires an “ocean fishing enhancement stamp” south of Point Arguello. Changes in licenses require state legislative action.

*Team Recommendation:* The Team recommends that Washington consider adding albacore tuna to its existing recreational fishing license with a catch record for data purposes.

##### **Seasons**

Fishing is open year-round coastwide with minor exceptions in specific areas off Oregon (i.e., Pyramid Rock, Three Arch Rocks, Whale Cove) and off California. California has several marine reserves and preserves, some of which prohibit fishing; as such, these areas may be closed to bluefin tuna and thresher shark harvest. Changes to season structure require action by each state’s respective Fish and Wildlife Commission.

*Team Recommendation:* The Team has not identified any management concerns and is not recommending any changes.

##### **Daily Bag Limit**

Washington does not have a daily bag limit for HMS species; Oregon has a daily bag limit of 25 fish in aggregate. California has a 20 finfish bag limit with no more than 10 fish of any one species. In addition, the following sublimits apply in California within the 20 fish aggregate limit:

- marlin - 1
- swordfish - 2
- blue shark - 2
- shortfin mako shark - 2
- sixgill shark - 1
- sevengill shark - 1
- thresher shark - 2

There are no limits on albacore, bluefin and skipjack tuna in California. Changes to daily bag limits require action by each state’s respective Fish and Wildlife Commission.

Team Recommendation: The Team has not identified any management concerns and does not believe that there is a biological basis for a daily bag limit for albacore tuna. The Team is not recommending any changes.

### **Possession Limit**

There is no possession limit in Washington (since there is no daily bag limit). The possession limit in Oregon is 2 daily bag limits and the possession limit in California is up to 3 daily bag limits, depending on the duration of the trip and filing of a multi-day declaration. Changes to possession limits require action by each state's respective Fish and Wildlife Commission.

Team Recommendation: The Team has not identified any management concerns and is not recommending any changes.

### **Minimum Size Limit**

There are no minimum size limits for HMS fisheries coastwide. Changes to minimum size limits requires the action of each state's respective Fish and Wildlife Commission.

Team Recommendation: The Team has not identified any management concerns and is not recommending any changes.

### **Fishing Gear**

HMS recreational fishing gear is comparable coastwide—with troll and hook-and-line gears used in each state. "Mousetrap gear" is specifically prohibited in California. Changes to legal fishing gears requires the action of each state's respective Fish and Wildlife Commission.

Team Recommendation: The Team has not identified any management concerns and is not recommending any changes.

### **Prohibited Species**

The taking of white sharks and basking sharks is prohibited in California. Prohibiting species requires action by each state's respective Fish and Wildlife Commission.

Team Recommendation: The white shark is primarily taken incidental to other fisheries and occasionally by recreational anglers. It is not abundant or productive enough to sustain any directed fishery, but is considered potentially vulnerable because of its value in trade or as a trophy fish. Biological information indicates that white sharks occur in the Eastern Pacific North to Grays Harbor, Washington. The Team recommends that Oregon and Washington prohibit the take of white sharks.

### **Logbook Program for Charter Boats**

California has a mandatory logbook requirement for charter boats and Washington has initiated a voluntary logbook program this year.

Team Recommendation: The Team recommends that Oregon consider a voluntary logbook program.

## **COMMERCIAL FISHERY**

### **Licenses**

Currently, in Washington a salmon troll fishing license or a non-salmon delivery permit is required to deliver HMS into Washington. A Washington fishing license is not required to fish for albacore tuna.

In Oregon, a commercial fishing license is required to fish for or land HMS into Oregon (Oregon also has an albacore tuna landing license which may be used in lieu of a commercial fishing license when landing only albacore tuna).

In California, a commercial fishing license is required to fish for or land HMS into California. In addition, the following permits are also required in California:

- Permit to land California-caught fish at points outside California
- Permit for sharks or swordfish using drift gillnets (limited entry license) and a gillnet/trammel net permit
- Permit to fish for broadbill swordfish (harpoon)

Changes in licenses require state legislative action.

Team Recommendation: The Team has not identified any management concerns and is not recommending any changes.

### **Seasons**

HMS fishing seasons are open year-round in all three states with a few exceptions in California: California does not allow commercial fishing for marlin; and the drift gillnet season is from May-Aug 14 offshore (outside 75 miles) and Aug 15-Jan inshore (to within 3 miles, where designated). Changes to season structure requires the action of each state's respective Fish and Wildlife Commission.

Team Recommendation: The Team has not identified any management concerns and is not recommending any changes.

### **Fishing Gear**

All three states allow the use of troll gear, or hook-and-line gear. Washington and California prohibit the use of drift longlines.

In Washington, the use of gillnets in Pacific Ocean waters is prohibited; sharks may be caught with otter trawl, beam trawl, set lines, bottomfish pots, commercial jig, and troll lines. It is unlawful to use bottomfish trawl gear in state waters (0-3 miles).

In Oregon, legal gears are handline, pole and line, longline, seines, and spears. Set nets for groundfish is legal south of 38°N latitude (Pt. Reyes, CA). It is unlawful to use gillnets for thresher shark.

In California, legal gears are gill nets, drift gill nets, and trammel nets; set lines are legal in Districts 6, 7, 10, 17, 18, and 19; set lines cannot be used for shortfin mako, thresher, swordfish, or marlin.

*Team Recommendation:* The Team has identified the following management concerns:

- A California drift gillnet-permitted fisher can fish off of Washington (outside 3 miles only and only if not licensed by Washington), Oregon (outside 3 miles only), and California, but can land only in California.
- Drift longlines (pelagic longlines) can be used off of Washington (outside 3 miles only and only if not licensed by Washington), Oregon, and California (outside 3 miles only and only if not licensed by California), but can only land in Oregon.
- An Oregon- or California-licensed longline fisher can fish in the area located North of Hawaii which is closed to Hawaiian longline fishers and deliver into Oregon or California.
- A Hawaiian longline fisher (not licensed by WA, OR, or CA) can fish off the West Coast (outside 3 miles) and deliver into Washington or Oregon.

Most of these concerns can be best addressed through state and/or federal action and coordination with the Western Pacific Fishery Management Council.

### **Species-Specific Regulations Including Prohibited Species**

Oregon prohibits the use of gillnets to take thresher shark; however, incidental catches of thresher shark taken in the swordfish gillnet fishery are permitted.

California prohibits the taking of white shark and basking shark in its commercial fisheries; bluefin tuna weighing less than 7 ½ pounds cannot be canned; and incidental catches of swordfish or marlin by gillnet or trammel net must be delivered to CDF&G.

*Team Recommendation:* The white shark is primarily taken incidental to other fisheries and occasionally by recreational anglers. It is not abundant or productive enough to sustain any directed fishery, but is considered potentially vulnerable because of its value in trade or as a trophy fish. Biological information indicates that white sharks occur in the Eastern Pacific

North to Grays Harbor, Washington. The Team recommends that Oregon and Washington prohibit the take of white sharks.

### **Wastage and Shark Finning**

It is unlawful to waste or destroy food fish in all three states. California specifically prohibits the landing or possession of “any shark fin or shark tail or portion thereof that has been removed from the carcass.”

Washington indirectly prohibits shark finning by WAC 220-20-010 which states that it is “unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean....”

Oregon indirectly prohibits shark finning by OAR 635-006-0210 which states that fishing receiving tickets need to include the pounds of each species received; pounds are to be determined by taking the actual round weights of the fish unless a conversion from dressed weight has been established in the OARs.

*Team Recommendation:* The Team has not identified any management concerns and is not recommending any changes.

### ***FAR OFFSHORE FISHERY***

All three states have regulations for far offshore fisheries which are similar. Washington’s far offshore regulations pertain to bottomfish only, which includes sharks. Oregon’s far offshore regulations also pertain to bottomfish and have a specific exception for albacore and swordfish. California’s far offshore regulations pertain to all fish.

*Team Recommendation:* The Team has not identified any management concerns and is not recommending any changes.

### ***EXPERIMENTAL, EMERGING, OR DEVELOPMENTAL FISHERY***

Currently, all three states have regulations pertaining to experimental, emerging, or developmental fisheries.

In Washington, an experimental fishery cannot be conducted on a species managed under a federal FMP; however, trial commercial fisheries can be conducted on federally managed species, but the number of participants cannot be limited.

In Oregon, a developmental fishery can be conducted on a species managed under a federal FMP and the number of participants can be limited.

In California, an emerging fishery cannot be conducted for a fishery with a federal FMP in which the catch is limited within a designated time period.

Changes to experimental fishery regulations require action by each state's respective Fish and Wildlife Commission.

*Team Recommendation:* The Team has not identified any management concerns and is not recommending any changes.

## APPENDIX III

### OUTLINE

#### Highly Migratory Species Fishery Management Plan and Environmental Impact Statement

Pacific Fishery Management Council

#### COVER SHEET

#### EXECUTIVE SUMMARY

- Need for and Scope of the FMP
- Proposed Actions
- Rationale for the Proposed Actions

#### TABLE OF CONTENTS

#### INDEX OF REQUIRED CONTENTS

#### LIST OF TABLES AND FIGURES

#### 1.0 INTRODUCTION

- 1.1 What's in the FMP
- 1.2 Complexity of HMS Management
- 1.3 History of the FMP
- 1.4 Purpose and Need for the FMP
- 1.5 Management Context
  - 1.5.1 MHLIC
  - 1.5.2 IATTC and Implementing Legislation
  - 1.5.3 UN Implementing Agreement
  - 1.5.4 U.S.-Canada Albacore Treaty
  - 1.5.5 Western Pacific FMP
  - 1.5.6 Other Fishery Management Plans (Atlantic)
  - 1.5.7 Relationship to Existing HMS Fishery Management
  - 1.5.8 Description of Treaty Rights
  - 1.5.9 Other (SCTB, ISC)
- 1.6 Scoping
- 1.7 Problems and Issues
- 1.8 Management Objectives
- 1.9 List of Preparers
- 1.10 Public Review Process and Schedule
- 1.11 Agencies and Organizations Consulted

## 2.0 DESCRIPTION OF THE FISHERIES (ECONOMIC AND SOCIAL ENVIRONMENT)

2.1 Description of the Domestic Fisheries and Fishing Gear (commercial, recreational and charter)

2.2 Characteristics of the Domestic Fisheries

2.3 Characteristics of Support Industries and Communities

2.4 Limited Entry Considerations for Control Date Sectors

2.5 International Fisheries

2.6 Issues

## 3.0 STATUS OF FISH STOCKS (BIOLOGICAL ENVIRONMENT)

3.1 Species Addressed by the FMP

3.1.1 Management Unit Species (Actively Managed)

3.1.2 Species Included for Data Collection Purposes

3.1.3 Species Which are Bycatch in HMS Fisheries

3.1.4 Prohibited Species

3.1.5 Protected Species Interacting with HMS Fisheries

3.2 Overfishing Criteria

3.3 Status of Management Unit Stocks

## 4.0 ESSENTIAL FISH HABITAT (PHYSICAL ENVIRONMENT)

4.1 Identification of EFH

4.2 Description of EFH

4.3 Threats to EFH and Recommended Conservation Measures

## 5.0 CURRENT MANAGEMENT

5.1 State Regulations

5.2 Federal Regulations

5.3 International Management

5.4 Tribal Management

5.5 Research and Data Collection Programs

5.6 Issues

## 6.0 PROBLEMS AND ISSUES

## 7.0 DESCRIPTION OF ALTERNATIVE ACTIONS

7.1 Framework Procedures

7.2 Conservation and Management Measures (e.g., permits, reporting requirements, input/output controls)

7.3 EFH Protection Recommendations

7.4 Standardized Reporting of Bycatch and Measures to Minimize Bycatch

7.5 Measures to Minimize Mortality of Fish Released Alive During Recreational Fishing

7.6 Protected Species Conservation

7.7 Research and Data Needed for Management

- 7.8 MSFCMA Specifications (DAH, DAP, JVP, TALFF)
- 7.9 Limited Entry
- 7.10 Provisions for Temporary Weather Adjustments

## 8.0 IMPACTS OF ALTERNATIVE ACTIONS (Including requirements of EIS, FIS, RFA, RIR)

- 8.1 Introduction
- 8.2 Biological and Ecological Impacts
- 8.3 Economic and Social Impacts
- 8.4 Degree to Which Objectives Are Met
- 8.5 Consistency with MSFCMA and National Standards
- 8.6 Fishery Management Costs
- 8.7 Equitable Allocation of Harvest Reductions

## 9.0 RELATIONSHIP TO OTHER LAWS AND DIRECTIVES

- 9.1 NEPA
- 9.2 E.O. 12866 (Regulatory Impact Reviews)
- 9.3 Regulatory Flexibility Act
- 9.4 Paperwork Reduction Act
- 9.5 Marine Mammal Protection Act
- 9.6 Endangered Species Act
- 9.7 Coastal Zone Management Act
- 9.8 E.O. 12962 (Recreational Fisheries)
- 9.9 E.O. 12612 (Federalism)
- 9.10 International Obligations

## 10.0 PROPOSED REGULATIONS

## REFERENCES

## APPENDICES

- A. Life History Accounts and Essential Fish Habitat Descriptions
- B. Plan Development Team Meeting Summaries
- C. Cetacean Take Reduction

## APPENDIX IV

### HIGHLY MIGRATORY SPECIES PLAN DEVELOPMENT SCHEDULE

Adopted by  
Pacific Fishery Management Council  
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	Portland Doubletree Hotel - Columbia R.
✓ April 12-19, 2000	MHLC	Honolulu
✓ April 26, 2000	Team video conference	NMFS offices in La Jolla, Long Beach, Portland, Seattle
✓ May 9-11, 2000	Pacific Offshore Cetacean Take Reduction Team	NMFS - Long Beach
✓ May 15-19, 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 (June 30)</b> - <b>Team progress report</b> Advisory Subpanel meeting (June	Portland Doubletree Hotel - Columbia R.

	29)	
July 17-20, 2000	Team meeting	NMFS - SWFSC La Jolla
August 14-18, 2000	Team meeting	NMFS - SWFSC La Jolla
August 21 - ??	MHLC - final round	Fiji
<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

HMSPDT/LDS  
06/12/2000

## APPENDIX V

### MANAGEMENT OBJECTIVES FOR WEST COAST HIGHLY MIGRATORY SPECIES FISHERIES

- Ensure or contribute to the long-term conservation and sustainable use of highly migratory fish stocks through relevant provisions of international law.
- Provide viable and diverse commercial and recreational fisheries for highly migratory species within the Exclusive Economic Zone under the Pacific Council's jurisdiction.
- Implement harvest strategies which achieve optimum yield for long-term sustainable harvest levels.
- Participate in cooperative international, inter-Regional Fishery Management Council, and interstate management of highly migratory species fisheries.
- Minimize conflicts among federal and state regulations for highly migratory species fisheries.
- Minimize bycatch and avoid discard—implement measures to adequately account for total bycatch and discard mortalities.
- Prevent overfishing and rebuild overfished stocks.
- Acquire biological information and develop a long-term research program.
- Promote effective monitoring and enforcement.
- Minimize gear conflicts.
- Maintain, restore, or enhance the current quantity and productive capacity of habitats to increase fishery productivity for the benefit of the resource and commercial and recreational fisheries for highly migratory species.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL  
COMMENTS ON UPDATE ON PLAN DEVELOPMENT

The Highly Migratory Species Advisory Subpanel (HMSAS) met from 10 a.m. until 5:30 p.m. on June 29, 2000 to consider the "Statement to the Pacific Fishery Management Council by the Highly Migratory Species Plan Development Team, June 30, 2000" and its five appendixes. In the interests of time, this report does not summarize the HMSAS's complete discussions on all the Agenda Items.

Rather, the HMSAS'S report focuses primarily on responding to requests by the Highly Migratory Species Plan Development Team (HMSPDT) for Council guidance as set forth on page 4 of the HMSPDT's report, and the format below corresponds to that order.

**a. Choice of Species to Include in the Management Unit (Appendix I).**

**Majority View** After a discussion of the five options presented by the HMSPDT, the HMSAS chose to recommend to the Council Option 3, rather than the HMSPDT's preferred Option 1. A motion was made and defeated which would have approved Option 1, with the addition of dolphin fish to the list of management unit species. The vote was 5 to 6 with the Chair breaking the tie vote. One member of the HMSAS argued forcefully for the inclusion of dolphin fish based upon their importance as a target of the recreational fishery.

**Minority View** Dolphin fish is part of a multi-species "suite" that is targeted by recreational fishermen. Some of these species occur in U.S. waters only for brief periods during particularly warm oceanographic conditions. Such species include some tunas, as well as striped marlin and dolphin fish. Dolphin (*Coryphaena hippurus*) were excluded by the HMSPDT under various options, because there are not enough data to calculate an maximum sustainable yield (MSY), and the species was not included in the White Paper. To exclude dolphin fish, simply because it was not included in the White Paper, or because there is an apparent lack of biological data, is irresponsible and inconsistent with the inclusion of the rest of the "suite". Additionally, with the development of fishing on fish aggregating devices (FADs) to reduce porpoise mortalities, dolphin fish have been caught in increasing numbers, perhaps providing enough data to incorporate in MSY estimates.

**Majority View** A motion was made to recommend Option 3, and it passed 5 to 4. The majority of the HMSAS believed that since including a species in the management unit required by law the calculation of an MSY and a definition of overfishing for that species, that no species should be included in the management unit which did not meet the criteria "*sufficient data exists to calculate a biological-based MSY.*" The majority argued that the species of big eye thresher, common thresher and pelagic thresher shark, and mako sharks should be excluded from the management unit, because a biological based MSY could not presently be calculated. Some members of the majority were concerned that a non-biologically based MSY could create an unrealistic picture of the status of the fishery.

**Minority Views** Our concerns are the following:

- The option recommended by the HMSAS excludes a number of species, particularly sharks, that are the target of significant commercial and recreational fisheries within the Pacific Council area.
- These excluded species of sharks are particularly vulnerable to over fishing due to their life history characteristics. These characteristics include slow growth, relatively old age at first-maturity and very low fecundity.
- Whereas many of the management unit species included in the Subpanel's recommended option are incidentally caught in US waters, the excluded species have geographic distributions that are well represented in US waters under the jurisdiction of this Council.

The concerns expressed by the HMSAS members in support of limiting the management unit relate to current gaps in information available to do biologically based MSY estimates. The minority view supports the preferred alternative of the Council's HMSPDT that enough information exists to identify sustainable harvest levels for thresher and mako sharks. It would be irresponsible for the Council to adopt a management unit that does not include all species targeted in the highly migratory species (HMS) fisheries. The HMSAS's recommendation is in direct opposition to both the HMSPDT and the Council's decision to support the recommendations from the original "White Paper." Failure to include these species in the management unit runs the risk of repeating a groundfish-like scenario.

**b. Consistency of Commercial and Recreational Regulations (State) (Appendix II).**

Appendix II runs several pages in length with a series of status and options or team recommendations:

Recreational Fishery:

Licenses - The HMSAS agreed with the recommendation to have Washington add albacore to the species requiring a recreational fishing license. (7)<sup>1</sup>

Seasons - The HMSAS agreed with the recommendation not to recommend any changes. (7)

Daily Bag Limit - The HMSAS agreed with the recommendation not to recommend any changes. (7-8)

Possession Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Minimum Size Limit - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Fishing Gear - The HMSAS agreed with the recommendation not to recommend any changes. (8)

Prohibited Species - The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (8)

Logbook Program For Charter Boats - The HMSAS disagreed with the HMSPDT's recommendation that Oregon institute a voluntary log book program, and instead recommended the Council instruct the HMSPDT to develop a standardized federal logbook program which could be used in all three states. (8-9)

Commercial Fishery

Licenses - The HMSAS disagreed with the HMSPDT that no changes should be recommended and instead recommends that the Council direct the HMSPDT to develop one federal license, permit or other similar document which would apply to all HMS fisheries (commercial, commercial sport, recreational, native American) conducted by U.S. flag vessels inside the U.S. exclusive economic zone (EEZ) and/or outside the U.S. EEZ and/or on the high seas. (9)

Seasons - The HMSAS deferred comment on this item until after the HMSPDT has considered management options at its next meeting. (9)

Fishing Gear – A proposal was submitted by a HMSAS Commercial At-Large member, asking the HMSAS to make a recommendation to the Council to direct the HMSPDT to consider permitting pelagic long line fishing within the U.S. EEZ off the West Coast. After a lengthy discussion, the HMSAS recommends the Council direct the HMSPDT to consider longline gear as an alternative gear type. The HMSAS also recommends the HMSPDT be directed to identify alternatives that would create greater consistency in West Coast HMS license and permit regulations in response to the four concerns it had set forth. (9-10)

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<sup>1</sup>The number in parentheses indicates the page in the Development Team report where the Team discusses the matter.

Species Specific Regulations Including Prohibited Species -The HMSAS agreed with the recommendation that Oregon and Washington prohibit the take of white sharks, but went further and recommended that Oregon and Washington also prohibit the taking of basking sharks. (10-11)

Wastage and shark Finning - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team that the prohibition of finning without landing the carcass of the species should be prohibited in any alternatives developed. (11)

Far Offshore Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to identify alternatives that would create greater consistency in west coast HMS license and permit regulations in this area. (11)

Experimental, Emerging, or Developmental Fishery - The Subpanel disagreed with the Team that no changes should be recommended and instead recommends that the Council instruct the Team to include experimental fisheries as part of one or more management alternatives. (11-12)

**c. Whether the CPS FMP or HMS FMP should Include bonito (Page 2 of Team Report).**

Given the timing of the current CPS amendment process the Council should give timely consideration to adding bonito to the CPS FMP.

**d. Proposed Outline (Appendix III).**

The Subpanel had no comment on the proposed FMP outline.

**e. The Plan Development Schedule (Appendix IV).**

The Subpanel agrees with the Team recommendation to delay submission of the first draft of the FMP to the Council until the economic studies of the albacore fishery and the swordfish fishery are completed so that information may be included.

**f. The Management Objectives (Appendix V).**

The Team indicated to the Subpanel that this Appendix was an early draft and requested comments. The Subpanel suggested some language additions which the Team indicated they would consider in the next draft.

**g. Funding and Scheduling of Advisory Subpanel Meetings.**

The Subpanel agrees with the Team recommendation that the Council, either through its budget or through the budget of the Southwest Region of the National Marine Fisheries Service, provide funding for more frequent and longer meetings of the Subpanel in order to meet the work load which will be increasing as the Team proceeds with its draft of the FMP. To this end the Subpanel requests that the Council provide for a meeting of the HMS Advisory Subpanel starting at 1:00 P.M. Wednesday September 13<sup>th</sup>, lasting until 6:00 P.M., and a meeting on Thursday September 14<sup>th</sup> starting at 8:00 A.M. and continuing until 6:00 P.M. with the HMS Agenda Item scheduled for Friday September 15<sup>th</sup>.

Finally, in a hard fought battle, Peter H. Flournoy and Wayne Heikkila were re-elected as Chairman and Vice-Chairman.



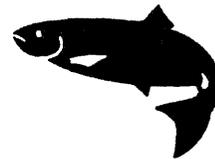
# HUMBOLDT FISHERMEN'S MARKETING ASSOCIATION, INC.



(707) 443-0537

216 H Street  
Eureka, California 95501

FAX (707) 443-1724



April 12, 2000

Mr. Jim Lone, Chairman  
Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, OR 97201

Dear Chairman Lone,

Our organization, Humboldt Fishermen's Marketing Association (HFMA) recently received notice that the Pacific Fishery Management Council's Highly Migratory Species Plan Development Team is holding a video conference on the west coast. This notice along with other sporadic information which our membership has accessed has prompted this letter. Please be advised that our port has a long history in the Albacore Tuna fishery. Many, if not most, of our 100 vessel membership are traditional participants in the California coastal tuna fishery.

Although we recognize that the team is just gathering information at this time, we are deeply concerned that our fishermen may not be included in this planning effort. In addition, there are rumors circulating that the PFMC and the National Marine Fisheries Service are considering control dates for past Albacore landings that *do not* reflect historical participation or regional economic importance. Even though this management plan is in its infancy, there are several points that need to be emphasized.

Any fishery management plan proposal should include input from traditional albacore fishermen....the people who fish for tuna from smaller boats when the fish venture into the near shore 10-100 mile zone.

Because of the special economic importance to individual fishermen and rural coastal communities, meetings and/or hearings should be held in areas where affected parties can attend. With a fishery as significant as Albacore, locations such as Portland, Long Beach and Seattle are not adequate. Expanded outreach and public participation is most certainly appropriate and warranted.

Page 2...PFMC...Jim Lone, Ch.

Please keep these comments in mind as you explore this management plan.

We appreciate your time and look forward to our participation.

Sincerely,



Paul Pellegrini,  
President  
Humboldt Fishermen's Marketing Association

cc: Congressman Mike Thompson  
Senator Barbara Boxer  
Senator Dianne Feinstein  
CA Senator Wes Chesbro  
Assemblywoman Virginia Strom Martin  
Robert Hight, CA Dept. of Fish & Game

PP/jl pfmc4-00

RECEIVED

MAY 15 2000

**FILE**  
EMM.COM

PFGC

42 Maple Av.  
Hillsdale, NJ 07642  
7 May, 2000

The Pacific Fishery Management Council  
2130 S.W. 5th Av.  
Suite 224  
Portland, OR 97201

To whom it may concern:

I am writing to express my opinion regarding the barbaric practices involved in the killing and maiming of sharks, whether for sport, shark fin soup or other food, etc.. I am against the killing or harming of any animal for any reason and I would like to ask you to do whatever it takes to help these particular creatures at this time. Also, I would like to send copies of this letter to any other similar organization to yours (for instance, is there an Atlantic Ocean counterpart?) and to any politician in this country or in other countries who are in a position to help, I would appreciate it if you could provide any names or addresses in this regard. Thanks very much!

Sincerely,

Pamela Fletcher Sturt

Pamela Fletcher Sturt  
42 Maple Av.  
Hillsdale, NJ 07642

# PACIFIC FISHERY MANAGEMENT COUNCIL

2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

CHAIRMAN  
Jim Lone

EXECUTIVE DIRECTOR  
Donald O. McIsaac

Telephone: (503) 326-6352  
Fax: (503) 326-6831  
www.pcouncil.org

May 17, 2000

Ms. Pamela Fletcher Sturt  
42 Maple Avenue  
Hillsdale, NJ 07642

Dear Ms. Fletcher Sturt:

Thank you for your letter dated May 7, 2000 regarding sharks. I will make sure the members of the Pacific Fishery Management Council receive a copy. Public input is a very important part of the Regional Council decision-making process. This process, which was established by the Magnuson-Stevens Fishery Conservation and Management Act, provides a unique opportunity for individuals like you to have a voice in the management of our nation's fishery resources.

In your letter you requested information about other fishery-related organizations. I suggest the best place to start would be with the National Marine Fisheries Service (also known as NMFS, which is part of the National Oceanographic and Atmospheric Administration or NOAA). NMFS is the federal agency charged with conservation and management of the living marine resources of the United States. If you have access to the Internet via the "world wide web," I suggest you visit the NMFS website at:

[<http://www.nmfs.gov/>]

The NMFS website contains a wealth of general information and a good bit of material specifically about sharks. This website also contains links to each of the eight Regional Fishery Management Councils:

[<http://www.nmfs.gov/councils/>]

If you do not have access to the Internet, you can contact NMFS at this address:

Ms. Penelope Dalton, Assistant Administrator for Fisheries  
NOAA Fisheries Headquarters  
1315 East-West Highway SSMC3  
Silver Spring, MD 20910

For Congressional information about sharks and other fishes, I suggest you visit both of these websites.

The U.S. Senate Commerce Committee, Subcommittee for Oceans and Fisheries:

[<http://www.senate.gov/~commerce/issues/ocfish.htm>]

Ms. Pamela Fletcher Sturt  
May 17, 2000  
Page 2

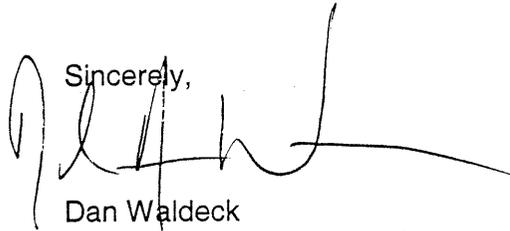
The U.S. House of Representatives Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife & Oceans:

[\[http://www.house.gov/resources/fisheries/\]](http://www.house.gov/resources/fisheries/)

If you do not have access to the Internet, I suggest you contact your local Congressional representatives, they are usually listed in the telephone book.

Thank you again for your letter. I hope the information I have provided will be helpful for learning more about our nation's living marine resources and how you can be a part of the management process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Waldeck', with a long horizontal flourish extending to the right.

Dan Waldeck  
Fishery Management Analyst

DAW:rdh

**International Underwater Spearfishing Association  
Post Office Box 1533  
Beverly Hills, Ca. 90213**

June 3, 2000

Mr. Donald O. McIsaac, Executive Director  
Pacific Fishery Management Council  
2130 SW Fifth Ave. #224  
Portland, OR 97201

RECEIVED

JUN 05 2000

PFMC

Regards: Spearfishing, Method of Take

Dear Mr. McIsaac:

Since the inception of spearfishing in California in the 1930's, freedive spearfishers have targeted not only the local reef species, but pelagic species such as white sea bass, yellowtail, barracuda, bonito, etc. For many years "bluewater" spearfishing consisted of freedivers (breathhold spearfishers) pursuing these coastal migratory species.

Within the past twenty years, with equipment improvement and modification, divers have learned to build and rig spearguns allowing them to stalk, spear and land species never before considered possible. Bluewater diving has now extended truly into bluewater in the pursuit of the tunas. To date, in California, bluefin tuna, yellowfin tuna and albacore have all been taken by the method of spearfishing. This is not a common occurrence nor a an easy task, but one which has evolved over the years and is now one of the more eagerly pursued facets by spearfishers.

Now that the Pacific Fishery Management Council is in the process of rewriting its Fishery Management Plan, I want to point out to the Council and make it aware that freedive spearfishers are a part of the fishing community which pursues these highly migratory species (HMS). So when regulations to implement the Pacific Fishery Management Plan are finalized, it is important to this community that freedive spearfishing by the method of muscle powered spearguns is included as a means of take for these highly migratory species. Southern California and southern California's freedive

spearfishers have been on the cutting edge of this activity and it is important that they not be excluded by accidental omission

Sincerely,

A handwritten signature in black ink that reads "Locky Brown". The signature is written in a cursive, flowing style.

Locky Brown  
Director

CC: Peter Flournoy  
Michael Domeier  
Donald Hansen  
Steve Crooke  
Jim Lone  
Robert Fletcher  
Marija Vojkovich

June 2000

6267956321

ID: 6267956321

JUN-13-00 11:16 FROM: SHELDON &amp; MAK

**NORMAN C. ANDERSON****6624 Baird Avenue  
Reseda, CA 91335  
(818) 708-3819****RECEIVED**

JUN 13 2000

**PFMC**

June 13, 2000

**VIA FACSIMILE AND MAIL****(503) 326-6831**

Jim Lone

Pacific Fishery Management Council  
2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201Re: HMS PDT Progress Report Agenda Item for the  
June 26-30 PFMC Meeting

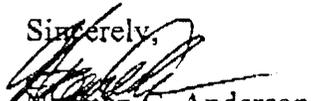
Dear Mr. Lone:

It has come to my attention that there is consideration being given to allow additional longlining and perhaps gillnetting in our local waters. I believe this would be a major mistake and if allowed to occur, will severely deplete the pelagic stocks and perhaps have further effects which are now unknown. We have experienced a return of albacore to our local waters which has not been seen for many years. I believe that the fish have had a chance to rebound because we have not over exploited the resource in recent years. In addition, the addition of further longlining and gillnetting will result in the bycatch of other non target species. There is enough of this going on already.

I am a recreational fishermen and wish to bring to your attention that the economic impact of recreational fishing can not be ignored when evaluating this important issue. If we allow our fish stocks to be depleted, it will not be good for anyone, commercial fishermen, recreational fishermen, our ocean echo system, not to mention our general economy. The revenue that the local albacore fishery brings through recreational fishing is, I understand, much greater than the revenue brought in through commercial fishing. Why put all of our eggs in one basket now, only to suffer in the future. We need to look at the whole picture here and evaluate based on the evidence that is out there. This is no time for experimentation as I believe history has shown that when we over fish, we all suffer.

Thank you for your time and attention on this very important issue.

Sincerely,

  
Norman C. Anderson





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JUN 14 2000

PFMC

Dr. Dale Squires  
NMFS SWFSC  
PO Box 271  
La Jolla, CA 92038-0271

Mr. Steve Crooke  
CDFG  
330 Golden Shore Dr., Ste. 50  
Long Beach, CA 90802-4247

2 June 2000

Dear Dale and Steve,

WWF believes it is vital for all species *caught* in the fisheries targeting highly migratory species (HMS) to be covered under the Pacific Fishery Management Council's (PFMC) HMS Fishery Management Plan (FMP or Plan). As the Plan is also intended to serve as a mechanism to implement any relevant management measures adopted by the Inter-American Tropical Tuna Commission (IATTC) and the new Convention for HMS fisheries in the central and western Pacific Ocean, it is important the Plan include any other species covered under those Conventions.

Building on the landings data already compiled, we would suggest the Plan Team develop a comprehensive table presenting the following information:

- All species *caught* in the HMS fisheries.
  - Under this category it may be useful to differentiate the species caught in the US PFMC area and those caught in other areas where the US fleet operates.
- Percentage of the total catch for each species.
- Percentage of the total landings for each species.
- A vulnerability index for each species based on catch rates, intrinsic rebound potential and/or other appropriate criteria.

**World Wildlife Fund**

1250 Twenty-Fourth St., NW Washington, DC 20037-1132 USA

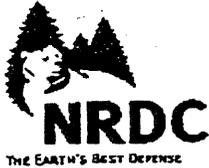
Tel: (202)293-4800 Fax: (202)293-9211

[www.worldwildlife.org](http://www.worldwildlife.org)

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June 14, 2000

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Chairman Jim Lone  
Pacific Fisheries Management Council  
2130 SW 5<sup>th</sup> Avenue, Suite 224  
Portland, OR 97201

PFMC

Dear Chairman Lone:

We are writing as members of the conservation community who have been participating throughout the development of the Highly Migratory Species FMP. To date, the process has been extremely transparent, both at the Plan Team meetings and at the Advisory Subpanel meetings. We appreciate this openness and hope that it will continue as the team begins to finalize the substance of the plan.

The Team members have been making steady progress towards releasing a final FMP in April of 2001. However, we believe that the Council could greatly assist the Team by offering guidance on the following issues:

- Performance standards for all gear types. Establishing high standards for bycatch reduction for all gear types would provide an incentive to improve selectivity in the HMS fisheries. These standards would also promote long-term sustainability of the stocks as the fishery and participants change over time. The Council should recommend that the Plan Team consider developing performance standards as a part of the FMP.
- Addressing all species caught in the HMS fisheries. The team is currently recommending that a group of species they call "the A list" become the management unit species. We support this defined management unit if the plan ensures that all other species caught by HMS gears are managed under the following categories: bycatch, prohibited species, or species for additional data collection. The Plan Team should also include information on the vulnerability of each species to fishing pressure.
- The list and analysis of different management options. The possible management options of the FMP have yet to be discussed at the Team level. Due to the myriad regulations on the state level for these fisheries, the team needs guidance as to how to ensure consistency among states and both inside and outside state waters.

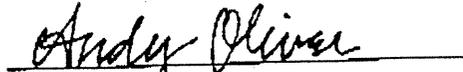
- Delaying development of the plan. The Team has considered waiting until the economics analysis of the fishery is complete before releasing a draft plan. Since the Team has not yet discussed management options it is impossible to determine if there will be any significant economic impacts. There is plenty of time in the current schedule to incorporate any economic analysis that will be necessary for the Council to make its final decisions.

These are topics that the Plan Team will need to cover in the next few months, and advice from the Council would clarify the direction of the FMP. We believe this FMP has the opportunity to provide a sound foundation for the conservation of Pacific large pelagic fish populations, and we hope the Council will support the Team in its efforts.

Thank you for your consideration,



Dan Erickson  
Wildlife Conservation Society



Andy Oliver  
World Wildlife Fund



Rod Fujita  
Environmental Defense



Kate Wing  
Natural Resources Defense Council



# Federation of Independent Seafood Harvesters

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1567 Spinnaker Dr., Suite 203  
Ventura, CA 93001

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

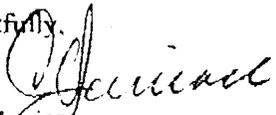
June 13, 2000

Dear Jim,

At this point in the development of the Pacific Fishery Management Council's (PFMC) fishery management plan (FMP) for highly migratory species (HMS), Federation of Independent Seafood Harvesters (FISH) requests that, in place of state regulation of HMS fisheries, the PFMC direct this FMP for HMS to regulate entirely the HMS fisheries that operate within the PFMC's jurisdiction. Reasons in support of this request are:

1. Choice of HMS species for designation as "management unit species" depends on choice of fisheries to be regulated under this FMP. For example, if the California driftnet fishery for thresher shark and swordfish is not directly regulated by this FMP, selection of thresher shark or swordfish as a "management unit species" complicates the implementation of appropriate management measures regarding these species under authority of this FMP (see below).
2. A state's HMS fishery regulations require legislative or regulatory enactment in order to respond to management measures recommended by international fishery management bodies, for consistency with Western Pacific Council regulations, or for protected resource management measures such as might be recommended by the Pacific Offshore Cetacean Take Reduction Team. In this regard, management by state processes complicates timely implementation of management needs and runs the risk of inconsistent regulatory enactments.
3. The complexity of existing regulatory inconsistencies between the various states would be difficult to reconcile without incorporation into a single federal FMP. Confusion among regional HMS fishermen as to what regulations apply to whom in what circumstances would almost certainly create widespread confusion unless the regulatory structure under this FMP is consistent. A single HMS FMP regulatory authority creates such consistency.

Respectfully,

  
Chuck Janisse

On behalf of the Directors for the membership of the Federation of Independent Seafood Harvesters,





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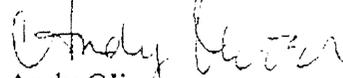
It would also be useful to understand, based on tag return information, which species caught in the HMS fisheries operating under PFMC jurisdiction are:

- Caught solely in the PFMC area.
- Shared with WESPAC and/or the NPFMC.
- Shared with Mexico and/or Canada.

This information would assist the process of identifying species priorities and lend clarity to the Council's ultimate task of identifying appropriate management and collaboration actions for the species/fisheries in question.

Thank you for your consideration.

Sincerely yours,



Andy Oliver  
Senior Program Officer  
Marine Conservation Program