

UPDATE ON FISHERY MANAGEMENT PLAN (FMP) DEVELOPMENT

Situation: The Highly Migratory Species Plan Development Team (HMSPDT) will present a progress report on FMP development. The HMSPDT last met in July 2000 and will hold its next meeting September 26-28 in La Jolla, California. The Highly Migratory Species Advisory Subpanel (HMSAS) will also present a report.

Council Action: Provide guidance to the HMSPDT and HMSAS.

Reference Materials:

1. Exhibit H.1.b, Supplemental HMSPDT Report.
2. Exhibit H.1.b, Supplemental HMSAS Report.
3. Exhibit H.1.c, Public Comment.
4. Exhibit H.1.c, Public Comment 2.

PFMC
08/30/00

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON UPDATE ON FISHERY MANAGEMENT PLAN DEVELOPMENT

The Highly Migratory Species Advisory Subpanel (HMSAS) met from 1 P.M. until 6 P.M. on September 11, 2000 and from 8:30 A.M. to 3:30 P.M. on September 12, 2000, to consider the items set forth in the HMSAS's agenda. This report summarizes the HMSAS's discussions. A more complete record of discussions will be contained in the summary minutes which will be made available subsequent to this Council meeting. The summary minutes from the last HMSAS meeting on June 29, 2000 is available from the HMSAS.

During the HMSAS's two days of meetings, written reports on **various national and international developments** were submitted for information. These included a report on the last Highly Migratory Species Plan Development Team (HMSPDT) meeting in La Jolla, California July 17-20, 2000; two Resolutions from the June 2000 Inter American Tropical Tuna Commission (IATTC) meeting in Panama on a regional vessel register (and accompanying drafts of a NMFS prepared questionnaire and supporting statement) and on bycatch; the final meeting of the Multilateral High Level Conference (MHLC) in Hawaii from August 28-September 6, 2000 which resulted in an international Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific; Turtle Island Restoration Network v. National Marine Fisheries Service (San Francisco); Turtle Island Restoration Network, et al. 60 Day Notice of Intent to Sue under Section 7 of the Endangered Species Act dated July 6, 2000; Center for Marine Conservation et al. v. National Marine Fisheries Service (Honolulu); the Steller Sea Lion case in Alaska; consultations under the United States - Canada Pacific Albacore Treaty; and Comments on the March 9, 2000 Control Date *Federal Register* notice (no comments received).

Dr. Sue Smith, NMFS, La Jolla, California made a presentation on the proposed "**Species Monitoring Index**". After this presentation the HMSAS passed a motion to have the HMSPDT write up an explanation of the Species Monitoring Index for submission to the Scientific and Statistical Committee for their review and comment, as soon as possible.

A presentation was made by Dr. David Au, NMFS, La Jolla, California concerning recent efforts which he and Dr. Smith have made to calculate **maximum sustainable yield (MSY)**. It was not clear whether Dr. Au's calculations had been based on data derived from information on log books or on fish landing tickets (fishtickets). Dr. Au will be clarifying this. In addition, it was suggested a written explanation of Dr. Au's and Dr. Smith's work would be beneficial to the HMSAS. It was agreed these items could be discussed further at the HMSPDT meeting scheduled for September 26-28, 2000 in La Jolla.

Mr. Will Daspit of the Pacific States Marine Fisheries Commission gave a presentation on Pacific Coast Fisheries Information Network (PacFin) data collection and uses. He was assisted in this presentation by Mr. Gerry Kobylinski, PacFin data manager for California. There followed a discussion of ways to improve data collection. It was pointed out that area of catch information on fishtickets filled out by, or submitted through, fish purchasers was notoriously inaccurate to the point of being useless, at best, and misleading, at worst. The discussion identified the need for an educational program, as well as regular consultations, involving those entities collecting data and fishermen supplying the data. After further discussion it was suggested a joint sub-committee be set up with the HMSPDT to develop and design uniform and appropriate data collection systems. Mr. Pete Dupuy and Mr. Chuck Janisse of the HMSAS volunteered for the sub-committee, and it was suggested that other members of the sub-committee from the HMSPDT would be Dr. Sam Herrick, Dr. Dale Squires and Mr. Steve Crooke.

There was a discussion and a request to obtain further information from the proponents of including **long line** gear as a potential gear type under the fishery management plan (FMP). The need for a scientific evaluation of this proposal was urged, and, therefore, this matter was referred again to the PDT for further study.

The HMSAS discussed refining its position on **shark finning**. At the last HMSPDT meeting there had been the suggestion that rather than follow the current state regulations as currently enforced, fins from dead sharks could be removed at sea from carcasses, placed in a plastic bag, and then attached to the carcass. This would permit efficient cold storage of the shark carcasses and guard against fins being collected from discarded shark carcasses. An additional proposal was submitted at this meeting by a HMSAS member which read:

In considering alternatives for enforcement of the previous recommendation that the prohibition of finning of sharks without landing the carcass should be prohibited in any management and conservation alternatives developed, such alternatives should be crafted in such a way as to give fishermen flexibility to comply with this prohibition in ways that are consistent to the particular operation, as well as the flexibility to store, treat, or otherwise cure fins in order to maximize their marketability. To this end, a system that limits the number of shark fins in a fishermen's possession to four times the number of shark carcasses in his possession is recommended as the preferable alternative for enforcement of the prohibition against finning of sharks without retention of the carcass.

A motion was made to refer these proposals to the HMSPDT for analysis, with a vote of seven in favor and one (Domeier) opposed.

Bag limits for highly migratory species (HMS) recreational fishing was discussed resulting in a motion recommending the states set recreational bag limits for all HMS, and specifically that California establish a bag limit of 10 fish for all tuna species. The motion passed with a vote of seven in favor and one (Fricke) opposed. The representative from the State of Washington does not believe bag limits are necessary at this time.

The **management objectives** as set forth in Supplemental HMSPDT Report E.2(2), June 2000, Revised Appendix V were discussed and by a vote of five in favor and three against no new recommendations were made. A companion motion was made that:

The HMSAS recommend to the Pacific Fishery Management Council (Council), directly, and through the Council to the HMSPDT, that all conservation and management measures by the Council of HMS, particularly of tuna and tuna-like species, which are to be conserved and managed under the MHLC, as well as any other regional convention, or treaties, be reasonably consistent with those conventions and treaties.

The motion passed with a vote of five in favor, two (Domeier, Fletcher) opposed, and one abstain (Fricke).

There was a brief presentation by Ms. Kate Wing, Natural Resources Defense Council, of proposed **performance standards and incentives** as they relate to bycatch. A detailed discussion will be scheduled for the HMSPDT's next meeting.

The "**Statement to the Pacific Fishery Management Council by the Highly Migratory Species Plan Development Team, September 13, 2000**" was discussed. Since there were no specific requests by the HMSPDT for Council guidance, the HMSAS did not formulate specific comments. Generally, it was emphasized again that management measures needed to be uniform throughout the range of the HMS species which will be subject to the FMP. This includes close coordination between the various Pacific coast states under a federal management system, cooperation between the three management councils in the area (Pacific Council, North Pacific Council, and Western Pacific Council), and consistency with management measures set forth by the IATTC and/or the MHLC.

The HMSPDT's work schedule was reviewed and the **HMSAS set two meeting dates: Monday, October 30, 2000, in Portland, assuming the Council can schedule any HMS matters for the morning of Tuesday, October 31, 2000. A second meeting is set for February 5 and 6, 2001 in San**

Diego, California. NMFS is requested to provide budgetary support for travel and at least four nights lodging through the first week in February 2001, with additional funding as needed to permit the HMSAS to meet, review, discuss, and comment on the Draft FMP before its submission to the Council.

PFMC
09/13/00

**Statement to the Pacific Fishery Management Council
by the Highly Migratory Species Plan Development Team
September 13, 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.

2. Summary of PDT Meeting

The PDT met in La Jolla, California from July 17 through 20. The meeting started with a discussion of species within the management unit. The public expressed concern over inclusion of some sharks within the management unit based on the lack of data on maximum sustainable yield (MSY). Dr. Chris Boggs (Western Pacific Fishery Management Council (WPFMC), Chair, Pelagic Fishery Management Team) discussed longline regulations, bycatch issues, and the recent closure mandated by a U.S. District Court to protect sea turtles. The PDT next discussed regulations for high sea operations, specifically whether longline regulations should be consistent between the WPFMC and the Pacific Fishery Management Council (Council). Svein Fougner discussed recent registry requirements instituted by the Inter-American Tropical Tuna Commission (IATTC) and the fact the National Marine Fisheries Service (NMFS) may have to require licensing of all commercial and charter vessel seeking HMS to comply with the requirement.

The PDT initiated a discussion on pelagic longlining in the exclusive economic zone (EEZ) following the Council's mandate to look at the feasibility. This meeting attracted an unusually large number of concerned individuals. Members of the PDT explained the Council process, carefully describing the functions of the Council, PDT, and Advisory Subpanel to ensure that the public was aware of which body to express their concerns. Chuck Janisse introduced a longline proposal calling for establishment of a single federal regulatory structure for the west coast, limited entry to those already holding state longline or drift gillnet permits, and closure of nearshore areas (< 25 miles) except in southern California where the closure would be roughly inside the Channel Islands and south to the Mexican border. The fishery would focus on large bluefin tuna. Rich Hamilton submitted an alternative proposal calling for no longlining inside 200 miles, quotas, vessel monitoring systems, 100% observed trips, and time/area closures. Beth Mitchel, NOAA General Council, explained the Magnuson-Stevens Act does not provide authority to manage a fishery that exists only outside the EEZ. The PDT discussed the longlining issue and developed four options to evaluate, going from open access to no longlining. The PDT also developed a set of evaluation criteria and identified data sources for the evaluation.

Steve Crooke and Norm Bartoo were assigned the task of evaluating the limited data available

on commercial tuna catches to determine if area/time closures can be used to avoid commercial/sport fishing conflicts. A commercial shark fisherman recommended the FMP allow the landing of shark fins so long as they were identifiable with a shark carcass (bagged and kept with the carcass). The PDT discussed state and federal regulations for experimental gear permits. State regulations allow for experimental fishing but differ in some respects. Federal regulations allow experimental fishing only after 90 days written notice to the appropriate Council. There was a discussion on the format of mandatory logbooks for commercial and partyboats. The discussion centered on whether there should be one federal logbook or separate state logbooks with similar data elements. The PDT agreed to adopt the WPFMC logbook format for the longline fishery if one is authorized.

The PDT added three new sections to the FMP. The Migratory Bird Treaty Act will be addressed in Chapter 9 (Relationship to Other Laws). Section 1.12 (Definition of Terms) and Section 3.4 (Stock Assessment and Fishery Evaluation -- SAFE report) were also added. No changes were suggested for the management objectives adopted by the Council in June. The PDT will consider bonito as an associated species (for bycatch and data collection purposes) pending it's inclusion in the Coastal Pelagic Species FMP. Acting on a recommendation from the Advisory Subpanel, white sharks and basking sharks were designated as prohibited specie for commercial and sport fisheries coast wide.

Christina Fahy (NMFS) summarized requirements of the Marine Mammal Protection Act and Endangered Species Act. Svein Fougner (NMFS) stated that the FMP should include information on the extent of interactions of HMS fishing gear with protected species and the impact of fisheries on the status of protected species. Peter Dutton (NMFS) and Scott Eckert, (Hubbs-Sea World Research Institute) presented life history information on sea turtles. Maura Naughton (U.S. Fish and Wildlife Service) presented information on short-tailed, Laysan, and black-footed albatross. Steve Crooke described HMS sport fisheries on the west coast, including interactions with protected species and bycatch. He also described regulatory discards of white shark, basking shark and striped marlin. Cindy Thomson (NMFS) described potential sources of data on recreational fisheries. Two long term biological databases are available (Marine Recreational Fisheries Statistics Survey and Commercial Passenger Fishing Vessels logbooks in California) as well as several short term economic databases.

The PDT discussed bycatch as defined by the Magnuson-Stevens Fishery Conservation and Management Act – fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Bycatch does not include fish released alive under a recreational catch and release fishery management program. National Standard 9 of the Act requires that fishery conservation and management measures shall, to the extent practicable, minimize bycatch, and to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. FMPs must establish standardized reporting methodologies to assess the amount and type of bycatch. “Fish” includes all marine animal and plant life, other than marine mammals and birds. Part of the discussion centered on what constitutes a recreational catch and release program. Beth Mitchell clarified that this is a situation where retention is prohibited by regulation. Therefore, the current voluntary release of

striped marlin by anglers in southern California is not considered a catch and release program, and the released fish are considered bycatch. The PDT agreed that the FMP will include a list of all species caught by HMS gears, which includes landed catch and bycatch, to the extent information is available. Landings data will come from PacFIN and bycatch data will come from observer programs and other sources.

Under a discussion of protected species, the PDT added megamouth shark to the list. Few megamouth sharks have been caught in the driftnet fishery. The PDT also recommended that there be a requirement to land megamouth sharks which cannot be released alive, for scientific purposes. Sixgill and sevengill sharks were discussed as possibilities for prohibited species but rejected by the PDT. Pacific salmonids, Pacific halibut, and Dungeness crab are prohibited by regulations implementing other Pacific Council FMPs and need to be included in the regulations implementing the HMS FMP as well. These species may be taken if otherwise authorized by the regulations for these species (e.g., salmon may be landed by troll gear during authorized seasons).

The PDT reviewed preliminary drafts of two versions of framework procedures, one version is modeled after the process used by the Western Pacific Council for pelagic fisheries, and the other is similar to the process used in the groundfish and coastal pelagic species FMPs of the Pacific Council. Framework procedures provide for the adjustment of management measures without the need for amending the FMP. The PDT indicated a preference for the Pacific Council model.

There was discussion about management of the driftnet fishery and whether the current state regulations should be incorporated in the federal regulations. Should this include an option for no driftnet fishing off of Washington? The federal regulations cannot include such prohibitions without an acceptable rationale. Washington prohibited driftnetting to protect thresher sharks, sea turtles, and birds. Oregon has similar concerns but is allowing a limited number of permits to driftnet for swordfish and adopted area closures to protect thresher shark. The PDT needs to develop and analyze a driftnet fishery package that addresses concerns about sharks and protected species.

Conservation and management measures adopted by international forums need to be implemented in U.S. waters. Currently, IATTC recommendations are implemented by the U.S. under the auspices of the Pacific Tunas Act. The convention to be created for the central and western Pacific also will require domestic implementing legislation. Presumably, the Pacific area councils will have a role in this process, but this is not certain.

The PDT discussed methods of reporting bycatch include observers, logbooks, and interviews. Observer programs for HMS fisheries (in addition to the driftnet program) may be necessary. Requiring full retention would allow bycatch to be enumerated and may provide an incentive to reduce bycatch. It may be best for managers to set bycatch standards and let the industry devise solutions to meet the standards. There is a built-in incentive to avoid bycatch. Fishermen lose time and money handling bycatch. Steps have already been taken to design gear to reduce

bycatch. The FMP should include a description of methods currently being used in the fishery to minimize bycatch. Measures to minimize mortality of fish released by anglers include handling techniques, heavy line, corrodible hooks, circle hooks, de-hooking devices, and line cutters.

Andy Oliver (World Wildlife Fund) presented a concept paper entitled "Performance Standards: Creating Incentives to Reduce and Minimize Bycatch in the HMS Fisheries of the West Coast." Incentives might include catch priority, individual or sector bycatch allowances, point systems with observer incentives, or shared community bycatch quotas.

The PDT will examine various seabird mitigation techniques adopted for Western Pacific longline fisheries. Maura Naughton will keep the PDT informed about the new biological assessment for short-tailed albatross. Scott Eckert and Peter Dutton will offer suggestions for turtles. There is a need to include mechanisms to evaluate new methods for reducing interactions with protected species. It was suggested that the Cetacean Take Reduction Team process be utilized to help identify measures.

Sam Herrick summarized the problems with the PacFIN database and presented recommendations for improving the system. In the short term, the PDT needs to devise a method of eliminating landings by non-HMS gears. In the long term, changes are needed in the data systems. Sam Herrick was assigned the task of devising a screening method and will document his assumptions for PDT review. The state PDT members will approach their member of the Data Committee to address system changes. It was agreed that the authors of each major section of the FMP would address research and data needs for their respective areas and this information would be compiled for inclusion under this section. Some of the obvious needs include information on bycatch, survival of released fish, shark biology and status, and the recreational fishery (especially slip boats). There was also a discussion about the need to obtain information on catches in Mexican waters.

The PDT discussed the status of drafts of each section of the FMP and updated the status document as appropriate. Beth Mitchell presented a draft of the description of treaty Indian rights.

The August PDT meeting was canceled in order to allow for a 2-day Advisory Subpanel meeting in September. The next PDT meeting will be September 26-28, 2000, for 3 full days. The meeting will be held at NMFS, Southwest Fisheries Science Center, La Jolla, California on September 26 and 27, and at Hubbs-Sea World Research Institute on September 28 (the large conference room at the NMFS is not available on September 28).

Dear Chairman Lone,

I'm a member of the Recreational Fishing Alliance (RFA) and I'm extremely concerned that the Pacific Fishery Management Council is considering a proposal to replace driftnets with drift longlines in the Pacific.

The science surrounding this gear is clear – marine mammal interaction is inevitable, as is by-catch of juvenile and unmarketable species, including endangered sea turtles, pilot whales, marlin and sea birds. To introduce this fishing practice to the waters of the West Coast would be reckless.

The U.S. Senate and the House of Representatives have both recognized longlines for the "dirty" gear they are – and are addressing the reduction of this gear through the legislative process. Drift longlines and drift gill nets have no place in sustainable and historical fisheries.

I urge you to remove driftnets from the water – but do not replace them with an unsustainable longline industry.

Sincerely,

Name _____
Address _____
City _____

Robert E. Kelly
Gooseneck Pt
Oceanport NJ 07757

Signature _____

I FISH I VOTE

As of 8/28/00, a total of 1,624 identical cards were received from different individuals. This includes the 41 received as of 8/18/00. The original cards are on file at the PFMC office.

OCEAN CITY FISHING
CENTER INC.

P.O. Box 940
Ocean City, MD 21843
(410) 213-1121

August 23, 2000

Recreational Fishing Alliance (RFA)
PO Box 98263
Washington, DC 20090
Toll-free 1-888-SAVE-FISH

RECEIVED

AUG 28 2000

PFMC

James H. Lone, Chairman
Pacific Fishery Management Council
2130 S. W. Fifth Ave., Suite 224
Portland, OR 97201

Dear Chairman Lone,

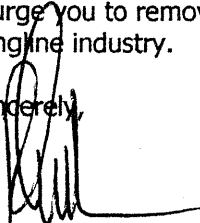
I am a member of the Recreational Fishing Alliance (RFA) and I'm extremely concerned that the Pacific Fishery Management Council is considering a proposal to replace driftnets with drift longlines in the Pacific.

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I urge you to remove driftnets from the water – but do not replace them with an unsustainable longline industry.

Sincerely,


R. Charles Nichols
Vice President
Ocean City Fishing Center
P.O. Box 940
Ocean City, Maryland 21843

Subject: Fwd: Fisheries

Date: Mon, 28 Aug 2000 10:04:34 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: daniel.waldeck@noaa.gov

Public Comment

SJK

Subject: Fisheries

Date: Mon, 28 Aug 2000 07:26:00 EDT

From: Rnwhiteley@aol.com

To: pfmc.comments@noaa.gov

Dear Chairman Lone

I am a member of the Recreational Fishing Alliance (RFA) and I am extremely concerned that the Pacific Fishery Management Council is considering a proposal to replace driftnets with drift longlines in the Pacific.

The science surrounding this gear is clear - marine mammal interaction is inevitable, as is bycatch of juvenile and unmarketable species, including endangered sea turtles, pilot whales, white marlin and sea birds. To introduce this fishing practice to the waters of the West Coast would be reckless.

The U.S. Senate and the House of Representatives have both recognized longlines for the "dirty" gear they are - and are addressing the reduction of this gear through the legislative process. Drift longlines and drift gill nets have no place in sustainable and historical fisheries.

I urge you to remove driftnets from the water - but do not replace them with an unsustainable longline industry.

Sincerely

Ron Whiteley
1 West Drive
Gales Ferry, CT 06339

RECEIVED 8/19/00

AUG 23 2000

Dear Chairman Lone: PPMC

I was appalled to learn the Pacific F.M.C. is considering banning drift nets but replacing them with long lines.

For years, thousands of us on the East coast, who are neither big game nor commercial fishermen, have been urging that long lines be banned. We believe in responsible harvesting of the ocean's bounty. Long lines are indiscriminate killers. They cannot be managed to target certain species, sizes, etc.

Please remember the oceans and their resources belong to the public - not to certain groups who feel it is their "right" to exploit them.

Banning drift nets is a fine conservation objective. Please do not make a mockery of it by permitting long lines.

Respectfully,

Robert D. Sweet
1401 Slaterville Rd
Ithaca, NY 14850

ARTHUR C. MILLS III

4173 NE Skyline Drive, Jensen Beach, FL., 34957 561-334-3650
email = stardust@ecqual.net Fax 561-334-7478

RECEIVED

August 18, 2000

AUG 21 2000

PPMC

James H. Lone, Chairman
Pacific Fishery Management Council
2130 SW 5th., Suite 224
Portland, OR 97201

Dear Chairman Lone:

I hope that you will consider very carefully your actions in regards to protectig the Pacific Fishery, which is so valuable to your state and also to this country. I believe that every federal legislator has a stake in the future of the Pacific Fishery.

Please consider that the use of drift nets, long lines either or both are very capable of crashing not only the commercial fishery but also all the other fish populations which are simply thrown away by the trawlers and factory boats. You are fortunate that you still have a fishery to protect. Look at the northeast cod fishery, closed for years and still no cod because there are simply not enough left to meet and breed. Don't let that happen to your fishery. Don't let that be your legacy to the people of California.

I don't vote in California, a fine state by the way, where I spent several years training to be in B-52s. I would hate to see it and its waters harmed. There is no species on this earth that can survive being a food species for man. Shortened seasons, smaller nets, fewer hooks on long lines, are only stop gap measures which will slowdown the rate of collapse of your (and mine) fisheries. There is only one solution. If we want to eat fish we must raise them and eat only the kinds of fish that we are able to raise in captivity. This means that the pelagic fish must be protected from us. They cannot save themselves.

I hope you will consider banning drift nets, long lines, and set a time table for the cessation of each and finally of commercial fishing. Fishing should be for sport, bag limits reduced, no one needs more than one fish per day of any kind, except put and take from streams.

I thank you for your consideration of these thought, developed over a lifetime in the fishing business and as a fisherman.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Arthur C. Mills III', with a stylized flourish at the end.

Arthur C. Mills III



AMERICAN FISHING TACKLE COMPANY

MFG. CO., INC. 17351 MURPHY AVENUE • IRVINE, CALIFORNIA 92614

(949) 660-8757 • FAX (949) 660-7067

RECEIVED

7-12-00 AUG 21 2000

October 2, 1992 Ca. Fish & Game Commission Hearing –Pelagic Longline Hearing

PFMC

The old issue of developing an experimental pelagic longline fishery off the California coast is once again being raised. It is surprising that the development of a “new” longline fishery would receive a serious hearing at this time in light of the many economic, environmental, and management problems this gear is known to have recently caused on the East Coast, Gulf Coast, and in Hawaii.

The last major effort to develop a longline fishery in California was almost 8 years ago. On behalf of UASC, our company AFTCO MFG Co Inc., organized and presented the arguments against longlines at that hearing. We became involved in this issue because allowing longlines would certainly jeopardize the jobs of our employees here at AFTCO. Most all those same arguments are not only valid today but are even stronger, because as time has passed the problems and conflicts caused by longlines have become even more evident. Much can be learned by the conclusions drawn at the Commission hearing 8 years ago.

On 10-2-92 the California Fish & Game Commission voted unanimously to reject the request presented by August Felando on behalf of the California commercial fishing industry for experimental gear permits to use longlines to harvest tuna, swordfish and shark for commercial purposes. The hearing contained an exhaustive amount of information regarding the pros and cons of longline fisheries through out the world. At the center of that information was the Walls report produced by Greg Walls, biologist for the California Department of Fish & Game.

The California Fish & Game Commission after reviewing all the information unanimously voted to prevent the establishment of a tuna, swordfish and shark longline fishery off the California coast out to 200 miles. Reasons for denial are summarized in the enclosed copy of the “Findings of Fact” sent to us here at AFTCO by then Commissioner Al Taucher approximately two weeks after the hearing. Al was strongly opposed to allowing a long line fishery to develop off California and he lead the debate within the Commission that lead to denial at the 10-2-92 hearing. He sent me a copy of the “Findings of Fact” and told me he planned to have the Fish & Game Commission adopt it as the basis for their decision at the 10-2-92 hearing. The three page document summarizes the three main concerns that the Commission had with long lines. Those were 1) Marlin –by-catch, 2) Shark-by-catch, 3) The swordfish resource.

In addition to the above document developed by Commissioner Al Taucher, also enclosed is a document entitled “Reasons For Denial Of Experimental Longline Permits.” These arguments presented at the 10-2-92 hearing are still valid today and in the last 8 years the case against longlines has only grown stronger.

Sincerely,

Bill Shedd
President

Recieved from Al Taucher (CA Fish & Game commission)
After 10-2-92 Longline hearing

Findings of Fact

A. Marlin-by-catch

The number of marlin present in Californian waters is small but of significant importance to the recreational angler. The industry which supports the recreational pursuit for marlin is of considerable importance to the California Economy. A decrease in the likelihood of a recreational angler to catch a marlin has been shown to result in an increasingly greater reduction in the number of anglers actually fishing. Despite evidence that new techniques may reduce by-catch, the evidence when taken as a whole shows that the techniques do not eliminate by-catch because, at best, the techniques if used properly can only be hoped to reduce by-catch - not eliminate it, and because the cost of labor, time and capital outlay is high an disincentive exists that curtails their use. Therefore, we conclude that the new techniques will probably not be an effective means of reducing marlin-by-catch.

The data about marlin migration routes conflict but marlin movements have been shown to be diffuse. Avoidance of migration routes infers a knowledge of the pattern of marlin movement. Because the movement has been shown to be diffuse no pattern therefore could exist. We conclude that longlines cannot avoid marlin migration routes.

The data demonstrates that methods exist which can reduce the mortality rate of marlin which are alive when brought to the boat. However, the data more clearly demonstrates that, at least, a significant portion of those marlin brought to the boat will be dead and that some portion of those released will die. We therefore, conclude that a significant portion of marlin-by-catch will die a result of being caught.

The recreational marlin fishery is well established fishery in California and has been exclusively allocated to the recreational angler since 1937. The industry which supports this activity is well developed and an integral part of the California economy. Longlines would significantly affect the recreational marlin fishery because marlin-by-catch would occur and by-catch results in the death of a significant portion of those caught. The effect of this on the small number of marlin actually in our waters would be to reduce the number of fish available to the traditional users, the recreational angler, of the fishery. A reduction of this type has been shown to negatively and significantly affect the recreational fisherman and the industry and economy he supports.

B. Shark-by-catch

A by-catch of shark cannot be avoided by longlining nor have the applicants suggested otherwise. The data suggests strongly that the reasonably expected by-catch of shark will significantly exceed the catch of targeted species and that the by-catch will exceed at least 60% .

The negative impact of the high by-catch of shark could be mitigated if the sharks could be released harmlessly, but the evidence strongly suggests otherwise. Studies vary greatly but all demonstrate a significant mortality rate of captured sharks. Mortality is measured by the shark being alive at release, but no measure has been developed to ascertain the number of sharks that actually die as a result of being caught by longlines because some percentage will die after release. However, it is safe to infer that a greater number of sharks actually die than is reported. Given that the possible percentage of reported mortality is 66%, we, therefore, conclude that the probability that live release will mitigate against a high by-catch is low.

Shark populations are not well understood but a consensus exists on the fact of their low reproductive rates. A low reproductive rate has been linked to a susceptibility to overfishing for sharks. These facts plus the possibility that the California Bight may be a nursery area for Mako sharks cause us great concern. Catches of makos have declined in recent years. The size in makos caught have decreased. The facts in this state strongly suggest that makos sharks have been overexploited in California. Indeed, longlining for all sharks have been disallowed by this Commission because the shark fishery in this state has been overexploited and the reasons given above support our concern and our decision. The use of drift gill nets and of existing recreational fisherman already utilize this resource to its fullest. We, therefore, conclude that a longline fishery would be additive and unnecessary.

The by-catch of shark would consist of a high percentage of blue shark. The low commercial value of blue shark and the above mentioned mortality rates would result in a great wastage of this fish.

C. The swordfish resource

The express intention of the California Legislature is to allow a limited entry into the swordfish fishery. The legislature further has stated that the current fishery is in a healthy condition. Despite declining landings in the recent years, evidence indicates that the fishery is, at best, at maximum sustainable yield. Current conditions indicate that the legislatures statement of 15 years ago is no longer true, but nevertheless, the question presented is whether longlining should be allowed to enter the resource when a traditional harpoon fishery and a gill net fishery already exists.

Longlining has been shown to be an efficient means of harvesting swordfish; it is the dominant form of taking swordfish throughout the world. However, longlining is not selective in the size of the fish which it takes. Nothing is known which keeps longlining from catching small and juvenile fish. The small and juvenile fish are usually released but most are already dead.

The swordfish industry on the U.S. east coast has experienced

considerable decline which has been attributed to longlining. The New England fishery for swordfish was solely a harpoon fishery from 1910 to 1962 and produced approximately 6 million pounds of fish in its last year. In 1991, 7 million pounds of fish were produced by longlining on the whole east coast and gulf. The relatively small difference between harpoon landings in 1962 for New England and the total landings in 1991 for the whole eastern seaboard speaks strongly of the effects of longlining by itself and forces us to ask why. Longlining produced landings of swordfish as high as 17 million pounds during the past 30 years but this level could not be sustained. The current catch of 7 million pounds requires that two-thirds more fish be landed than when the harpooner was the sole means of production because the size of the average fish landed is down from 69 kg to 39 kg. It is reasonable to infer that at least one cause of the lower size of the average fish landed (irrespective of those actually caught and released) is due to longlining's lack of selectivity and the indiscriminate manner in which it takes its fish.

The correlation between longlining and the poor condition of the East Coast fishery is of particular value in California. We, too, have a traditional harpoon fleet. Furthermore, it is a fleet which shares the resource with gillnetters - a fact which would increase the affects a new entrant would have on the fishery. While it is uncertain, it appears that the East Coast fishery for swordfish was in a healthy condition and at a maximum sustainable yield in pre-1960 years when only harpooners were harvesters of the resource. The decline and negative impact on the east coast fishery seems to be the direct result of overfishing by the longline fleet. Currently, our resource is, at best, at maximum sustainable yield and quite possibly be in a state of over exploitation. Longlining has shown to negatively impact a swordfish resource. The harpoon fleet in New England is for practical purposes non-existent. It appears that the harpooners may have been an excellent method of harvesting that resource. The implications for our resource are clear. We, therefore, conclude that longlining for swordfish would negatively affect a resource which is, at best, utilized to the fullest and that the traditional users of the fishery - the harpoon fleet, would be negatively affected by longlines.

REASONS FOR DENIAL OF EXPERIMENTAL LONGLINE PERMITS
By United Anglers of Southern California (UASC)

United Anglers of Southern California (UASC) requests that you vote to deny the experimental longline permits for tuna, swordfish and sharks on October 2, 1992.

United Anglers is an association of recreational and commercial fishermen, the fishing tackle industry and concerned citizens. Our longline committee includes representatives of all aspects of recreational fishing including the media, fishing clubs, organizations and manufacturers. Our committee directly represents well over 200,000 people in the State and indirectly over 3,000,000 concerned California anglers. Everyone of which is vitally concerned about this issue.

The proponents of the permits argue that an accomodation is possible with traditional users of the resource, that new methods of longline use will solve the problems of by-catch, that an economic benefit will be conferred on the State of California and that no relevant information exists upon which to deny the applications. Every single one of the above assertions is WRONG. The Walls Report of the California Department of Fish and Game has arrived at the exact same conclusion. We urge you to do likewise.

The underlying theme of the points made by the permit applicants are based upon the proposition that analogous data cannot be applied to California and that in the absence of California data, the permits ought be issued. Nothing is further from the truth. The Walls Report is nothing but the application of analogous data to the issue before the Commission. The following represents incontrovertible facts from the Walls Report and the material from which the Report was written.

MARLIN BY-CATCH

The relatively small amount of marlin which reach Southern California support a vibrant recreational economy. Present expenditures in recreational pursuit of marlin and swordfish exceed \$100,000,000 in Southern California. Atlantic studies show that a fall in the number of billfish caught by recreational anglers translates into a much greater proportionate drop in expenditures by the fishermen. Given that the Atlantic study states that the greatest economic benefit to the nation results in the reservation of billfish exclusively for recreational fishing; a drop in the number of fish available would significantly and negatively affect a marlin fishery such as ours. The applicants have argued that new methods would alleviate the marlin by-catch problem and therefore leave recreational fishermen unaffected. This is false. The new methods, line shooters, depth regulators, etc. are not new, nor have they been shown to be effective. Even if the proposed methods work, they must be used. The record shows us that longliners do not comply with these methods in the absence of observation. The Department of Fish and Game cannot afford adequate coverage,

and the minimally acceptable amount of coverage proposed by the Department of Fish and Game to the longliners was rejected by the applicants as too expensive. Given the size of our marlin resource, any incidental by-catch of marlin is economically unacceptable. When combined with the fact that no alleviation of the by-catch is the probable result, it is foolish.

SHARK BY-CATCH

The by-catch of sharks is huge in every longline fishery which has been studied - averaging over 2/3's or higher almost everywhere. The Berkely Report (a comprehensive study done on longlines), clearly demonstrates that 2/3's of the shark catch dies. These facts taken in the context of the low reproductive rate of sharks, that Southern California is a nursery area for makos and of the California studies which show a by-catch of 67%-95%, clearly shows that the negative impact on California's shark fishery would be substantial. Furthermore, the relatively low value of the sharks would translate directly into high wastage. A drift gill net fishery already exists that has high incidental catches of shark. To extend this effect onto the shark fishery would be additive and a further burden on our already declining resource. Evidence of the current decline is documented in the recreational fishery by the decreasing average size of makos and declining CPUE.

SWORDFISH

The effect of longlining on swordfish resources is dramatic. The example of the East Coast is particularly demonstrative where the swordfish population is now in a crisis state. Since 1908 there existed in the northeast a viable swordfish harpoon fishery. In 1962 harpoon gear took 6.2 million pounds. The introduction of longlines in 1963 proved to be a short term bonanza for longline fishermen. It also proved to be a long term disaster for the harpoon fishermen and the swordfish resource itself. Last year the harpoon catch was virtually non-existent and the total swordfish catch by all gear types in the entire Atlantic and Gulf was approximately the same size as the 1963 harpoon catch. The average size of swordfish landed is 50% of what it was thirty years ago. The adult swordfish population is now one third the total of pre-longline times. The gill nets have already produced a decline in the swordfish resource in California mirroring the East Coast pattern of a declining swordfish resource. We cannot afford to repeat the East Coast experience. The gill net in Southern California has already pushed the swordfishing into decline. It should not be shoved further towards dangerous over exploitation.

ECONOMIC IMPACT

No overall economic benefit to the State of California would occur as the result of longlining. The small scale proposed by the applicants would not of itself relieve any of the economic misery of the wetfish fleet and its ancillary businesses. However, the probable negative consequences of longlining on billfishing alone would be enough to negatively

impact the State's economy. Longlines reduce the marlin recreational catch. The Atlantic Billfish Plan boldly states that reservation of billfish for recreational fishing produces the greatest economic benefit. NMFS recognizes the economic importance of the recreational striped marlin fishery of the West Coast. The Walls Report recognizes that longlining will not solve the woes of the California wetfish fleet. Simple, direct expenditures by recreational fishermen exceed \$7,000 per marlin killed. To reduce this type of economic value in exchange for a method of fishing which has proven itself to be economically suicidal would be an economic absurdity. The Southern California recreational marlin community alone contributes well over \$100,000,000 to our Southern California economy.

USER GROUP CONFLICT

Longlining is not an established user group in California waters. Its entry will affect recreational marlin fishermen who have been allocated sole use of the resource. Present conflict exists with harpooners for swordfish, and the drift gill netter. To allow a longline entrant would only add to the problems of conflict within this resource. This is not conjecture, the moratorium on longlining in Hawaii is the direct result of user group conflict. The potential for user group conflict is greater here because of the relatively smaller size of the resource and the allocation of marlin exclusively to recreational fishermen in California, which is not the case in Hawaii. This conflict is evidenced by the multitude of requests received by you to deny the application.

SUMMARY

Analogous data from other fisheries supports the negative impact longlining would have on California fisheries. The resource would be harmed. Traditional users of the resource would be in conflict with the new entrant, and the overall economic benefit of California fisheries to the State of California would be lessened considerably if longlining were allowed. Any one of the reasons given above is sufficient for you to deny the applications. Taken together they are compelling. We urge you to deny the application for experimental longline permits. Common sense and sound evidence demonstrate no benefit will accrue to the people of California by their issuance.

**REPORT ON
THE PROPOSED USE OF LONGLINE GEAR
TO TAKE SWORDFISH AND TUNA IN CALIFORNIA**

**Greg Walls
California Department of Fish and Game**

September 1992

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SECTION 1.0

EXECUTIVE SUMMARY

A group of commercial fishermen has requested experimental gear permits for the use of drift longlines to take tuna and swordfish. This paper is designed to provide the California Fish and Game Commission with the information necessary to evaluate this request.

The longline has proven to be an efficient gear for the harvest of swordfish and tuna throughout the world. Recent improvements in the gear, setting strategies, and the increasing demand for high quality swordfish and tuna make the use of this type of gear attractive.

However, the shark by-catch associated with the use of longline gear is likely to be as great or greater than the swordfish catch. This has proven to be the case in longline fisheries throughout the world. Many scientists feel that sharks cannot withstand high fishing pressures because sharks are slow to mature and do not have many young.

In addition, swordfish landings in California have been in decline for the past five years. Population estimates for Pacific swordfish stocks are not conclusive, but there are indications that the stocks may be fully utilized at present (Skillman 1989). Other studies suggest that the swordfish stocks are fine (Sakagawa 1989) and could withstand additional fishing.

Finally, the recreational fishery for striped marlin is lucrative and has a long history. In California, striped marlin have been reserved for exclusive sport angler utilization since 1937. The 1988 Atlantic Billfish Fishery Management Plan concluded that the greatest benefit to the nation results from reserving marlin for recreational anglers only. Longlining for swordfish and tuna is not likely to reduce striped marlin stocks given their broad distribution and limited involvement in waters off California. However, any commercial catch of striped marlin may reduce the access of sport anglers to this resource.

SECTION 2.0

INTRODUCTION

This report begins with the histories of longline use in California, Hawaii, the Gulf of Mexico, Mexico, and the U.S. east coast. Also discussed in the report are various issues regarding longline use, along with arguments in favor of (labeled "pro longline") and counter to (labeled "con longline") the proposed experimental longline fishery for swordfish and tuna.

Longline gear consists of a monofilament main line, with multiple leaders attached. Swordfish longlines are typically 25 to 50 miles long, with 25 hooks per mile. The hooks are attached to the mainline by droppers or leaders (also known as branch lines) made of monofilament and baited with squid and a light stick. The droppers are attached when the gear is set and removed when the gear is retrieved. Floats provide buoyancy and regulate fishing depth. The gear is set close to the surface and at night.

Tuna longlines are set during daylight hours and are allowed to fish deep below the thermocline (that portion of the water column where the temperature of the water changes more rapidly with depth than the portions of the water column above and below that area; the thermocline separates the upper, warmer zone from the lower, colder zone). Mackerel is the primary bait and light sticks are not used.

A radio beacon marks one end of the mainline while the other is attached to the boat via the line setter and main spool. The depth at which the hooks are fished is controlled by the length of the dropper and the distance between floats. The greater the space between floats, the more the mainline will sag, and the deeper the hooks will sink.

Longline Regional Histories

SECTION 3.1

LOGLINE HISTORY IN CALIFORNIA

- 1955: California Department of Fish and Game (CDFG) research cruise to Central America to fish longline gear for tuna. The catch was 67.2% shark and billfish. Tuna comprised 17% of the catch.
- 1956: CDFG cruise to Central America. The catch was 62% shark and billfish, and 20% was tuna.
- 1968: NMFS used longline gear in southern California and Baja California, Mexico. Gear was used at night and baited with squid.

In California, 11 sets (3,856 hooks) yielded: 2 swordfish, 0 marlin, 1,530 blue sharks, and 2 mako sharks.

In Baja California, Mexico, 44 sets (29,171 hooks) yielded: 193 swordfish, 1 marlin, 8,642 blue sharks, 16 thresher sharks, 472 hammer head sharks, 19 mako sharks, 3 white tip sharks, 3 black tip sharks, 1,557 assorted sharks, 112 dolphinfish, 2 rays, 2 yellowtail, 2 opah, 2 turtles, and 2 seals.

Blue shark was the most common species taken. Night longlining did not generally take striped marlin.

- 1975: Japanese tuna longliners fished within 200 miles of the west coast. All 49,000 hooks were set in August and December. The recorded catch, based on logs, was 470 albacore, 30 big eye tuna, and 7 swordfish. (No incidental catches were listed.) (Pacific Billfish Fishery Management Plan (FMP) 1981.)
- 1979: Experimental longlining for blue sharks. F/V JJ caught blue sharks from 1979 to 1982. Sharks were processed at sea to prevent urea in blood from turning to ammonia and spoiling the meat. Anomalous warm water in 1982 and 1983 displaced blue sharks. F/V JJ did not renew its efforts even when the blue sharks returned after 1983. The market demand for blue sharks is not well established.

1981: NMFS longlined for albacore 700-900 miles west of San Diego. Laurs et al. (1981) describe part of the by-catch (14 sets with 350 hooks per set): 240 albacore, 1 mako shark, 1 lancetfish, 1 pomfret, 4 stingrays, and 1 opah. Longlines were set at 300-450 feet, and the thermocline was found to be at 300 feet and deeper.

1987: Experimental longlining for swordfish north of Pt. Arguello (Santa Barbara County). F/V TIFFANY VANCE longlined for 19 days in two locations: 40 miles offshore just north of Pt. Arguello and 100 miles west of Monterey.

The 400 to 600 hooks per set on 20 to 38 miles of gear yielded: 2,360 blue sharks (95.4% of catch), 78 pelagic stingrays (3.2%), 32 swordfish (1.3%), and 4 big eye thresher sharks (0.1%).

1988-91: Experimental longline shark fishery.

April to November 1988: 10 boats participated.

Catch was 62% blue shark, 29% bonito shark, 8% pelagic ray, 0.1% sea lions, and the rest included sea turtles, giant seabass and hammerhead sharks.

Blue sharks were often killed for their fins.
(51% returned alive, 30% dead, 19% questionable).

April to November 1989: 9 boats participated.

Catch was 62.1% blue shark, 28.9% mako shark, 8.7% pelagic ray, 0.1% sea lions, the rest included hammer head sharks and other species.

May to September 1990: 6 boats participated.

No observer data.

May to January 1991: 9 boats participated.

No observer data.

1992: The experimental longline shark fishery was not reauthorized.

SECTION 3.2

LOGLINING IN HAWAII

Longlining has a long history in Hawaii. The first longline set was made in 1917. Unwritten rules existed between longliners and fishermen using other gear types, such as handline and troll gear. Longliners knew local customs and stayed away from everybody else and conflicts were minimal.

The longline fishery expanded rapidly from 1989-90, with 23 longliners from the U.S. east coast, 60 from the Gulf of Mexico, 18 from the U.S. west coast, and 62 local boats longlining for tuna and swordfish in Hawaii in 1991. In this regard, the newcomers did not know the local customs and proceeded to fish close to shore and in areas utilized by traditional or artisan fishermen. This led to misunderstandings so the Western Pacific Fishery Management Council stepped in and instituted a moratorium on new boat entries to keep more boats from entering the fishery until the full impacts are understood. The moratorium is to remain in effect until 1994.

Swordfish is a very lucrative fishery in Hawaii, but did not gain prominence until 1988. Previously, swordfish landings were a by-catch of the tuna fishery. Restrictions and area closures for tuna and swordfish along the East coast and Gulf of Mexico prompted boats to move from those areas and target swordfish in Hawaii. Longlining for swordfish began in 1988 in Hawaii with 50,000 pounds landed. In 1989, 650,000 pounds were landed; in 1990, 3.5 million pounds were landed; and in 1991, 8.7 million pounds were landed.

In 1991, 140 vessels were active. They made 1,666 trips and set 12.2 million hooks. A total of 66,000 swordfish was caught in addition to 39,500 bigeye tuna, 38,000 dolphinfish, 36,611 marlin (50% striped marlin, 25% blue marlin and 25% other marlin) and 71,000 sharks (only 2,289 sharks were kept) (Dollar 1992). Marlin can be sold commercially in Hawaii; thus, fishermen have an incentive to catch marlin.

Landings in 1992 are down approximately 30% because longlining is no longer permitted within 50 miles of the islands. This action was taken because monk seals, an endangered species, were found with hook injuries. In addition, the action reduces gear conflicts. The closure has forced smaller boats, which lack sophisticated navigation equipment and the ability to fish for up to a month at a time, to leave the fishery (R. Dollar, pers. comm.).

Whole, large (300-400 grams) squid is used for bait. Gear is 20-50 miles long and contains 400-1,800 hooks per set. The soak time is 8 to 16 hours. Light sticks are fixed to each leader. Cost per boat per day to set gear ranged from \$1,000 to \$1,700. Boats travel 500-1,000 miles from ports in Hawaii to the swordfish fishing grounds (Dollar 1992).

Ten boats were observed during the 1990-91 season. One orca interaction (a killer whale ate all of catch, but left heads on hooks) was observed. One humpback whale was released alive. Two turtles were released alive, one was released dead. Sixteen albatross were drowned, 6 were released alive. Most of the catch (34%) was made up of sharks (64% blues, 3% thresher, and 2% mako), 26% of the catch was swordfish and 17% was tuna.

SECTION 3.3

LOGLINING IN MEXICO

The Japanese have used longlines for tuna and billfish off and on in Mexican waters since 1956. Shark longlining began with six boats in 1987. A chronology of longlining events off Mexico follows:

- 1956: Japanese drift longline fishery begins off Mexico.
- 1976: 200-mile Exclusive Economic Zone (EEZ) declared by Mexico.
- 1977: Mexico attempted to enforce its EEZ (commercial longlining stopped).
- 1980: Permits issued for longline joint ventures.
- 1984: Permits withheld.
- 1985: Permits reissued.
- 1986: Six Korean and six Japanese longliners operated from Ensenada for swordfish.
- 1987: 14 swordfish and marlin longliners plus six shark longliners were permitted to fish, but they were told to stay offshore.

Jim Squire of NMFS has worked extensively with the Japanese longline logs and has demonstrated that commercial longlines and recreational marlin anglers fish the same stocks of marlin. When the commercial longliners are kept from fishing marlin (in a directed fishery) the recreational catch per effort increases (Squire and Au 1988).

SECTION 3.4

LOGLINING IN THE GULF OF MEXICO

Longlining for swordfish is an established fishery in the Gulf of Mexico. The Japanese longlined for tuna and billfish from the 1960s to 1982 in the Gulf of Mexico. Swordfish is usually fished at night and the marlin catch is relatively low, but most boats fish for tuna as well since swordfish are scarce at times. Longlining for yellowfin tuna is a daylight fishery and the marlin by-catch is substantial. In the summer, when the weather is warm, 60% of the marlin captured by longline gear die (E. Swingle, pers. comm.).

The yellowfin tuna longline fishery began in the 1980s. The marlin by-catch increased dramatically as the fishery expanded. In 1986 and 1988, 250 longliners were targeting yellowfin tuna. In 1987, 625 swordfish longline permits were issued. From 1987 to 1989, the swordfish catch increased while the yellowfin tuna catch decreased.

Longline marlin by-catch is calculated based on an estimate of 0.98 billfish per set. Assuming 250 longliners each making 100 sets per year (a conservative estimate), the annual incidental billfish (marlin and sailfish) take is estimated to be 24,500 billfish per year. (1988 Atlantic Billfish FMP)

Observer data from the 1979 Japanese longline fishery in the Gulf of Mexico for swordfish reported 12 turtles and no marine mammals in 199 sets (451,902 hooks) [1988 Atlantic Billfish (FMP)].

SECTION 3.5

LONGLINING ON THE EAST COAST

Longlining is an established fishery on the east coast. Swordfish have been harvested by longline in New England and eastern Canada since the 1960s. The Japanese longlined in the Atlantic from 1956 to 1976.

Harpoon gear took 6.2 million pounds of swordfish in 1962. When longline gear was introduced in 1963, the total catch rose to 17.6 million pounds. The catch stabilized at 9.9 to 11 million pounds until 1970. From 1974 to 1983 harpooners averaged 9% of the catch and longliners landed most of the remainder (drift gill nets landed a portion beginning in 1980). In 1986 the catch on the east coast was 8.5 million pounds, rose to 10.6 million pounds in 1989, and fell to 7.5 million pounds in 1991.

In 1975, the swordfish longline fishery spread to the Straits of Florida; by 1980, 200 boats fished swordfish on Florida's east coast. The Caribbean swordfish longline fishery began in 1983-1984.

While it is difficult to generalize given the wide distribution of swordfish and the different fishing practices, several trends are apparent in the swordfish longline fishery. If the gear is set at night and is not very long in length (less than 10 miles), billfish are not captured at all (S. Berkeley pers. comm.). Most gear is longer than this (greater than 10 miles but less 40 miles) and marlin is a by-catch species. Tuna longline fishing, which occurs during the day, tends to have higher marlin by-catch rates. The shark by-catch is large and more sharks are caught than swordfish. Mako and thresher sharks are kept while other species are discarded (Berkeley 1988).

Total billfish by-catch for the Atlantic is not known; however, using an estimate of 0.86 billfish per longline set and assuming 500 active longliners each utilizing 100 sets per year, yields an estimate of 43,000 billfish captured each year by the Atlantic longline swordfish fleet (1988 Atlantic Billfish FMP).

Observation data: (Atlantic Billfish FMP)

1974-78: One domestic swordfish longline boat reported
13 sailfish, 42 white marlin, 3 blue marlin and
3,837 swordfish landed.

1979: A total of 295 observed Japanese longline swordfish sets (663,551 hooks) yielded 17 turtles and 5 marine mammals.

During the 1978-79 season, observers saw 7.5 million hooks set by the Japanese longline fleet and 5,300 billfish were caught (40% were released alive).

1985: Japanese longliners caught 6 turtles and no marine mammals.

1986: Japanese longliners captured 5 turtles and 2 marine mammals.

A total of 21 trips were observed aboard domestic swordfish longliners from 1985-1987; 137 billfish, 1,074 swordfish, 1,396 tuna, and 472 sharks were landed in 160 sets (78,654 hooks, 3,894 miles of gear).

The 1985 Environmental Impact Report (EIR) for swordfish attributed the increasing catch rate of small swordfish during 1980-1985 to longline gear, which tends to extend the fishing season and targets fish in warm waters where younger fish live. Competition between longliners and drift gill netters for space resulted in gear entanglement and gear loss.

Issues

SECTION 4.1

ISSUE: MARLIN BY-CATCH

1) SOUTHERN CALIFORNIA IS NOT A PRODUCTIVE AREA FOR STRIPED MARLIN:

PRO LONGLINE - a) Incidental take of striped marlin by longline gear will not affect stocks since the species ranges throughout the Pacific (Squire and Au 1989).

CON LONGLINE - a) Striped marlin have been designated as being harvestable only by sport anglers since 1937.

b) Since relatively few striped marlin are in California waters, any take of striped marlin by commercial fishers will reduce the likelihood of capture by sport anglers. Squire and Au (1989) demonstrated that directed Japanese longlining for billfish in Mexico reduced the catch rate of striped marlin by sport anglers in Mexico.

c) Since 1969 recreational anglers have averaged 3,201 reported angler days and a catch of 750-800 striped marlin per year (NMFS Billfish Newsletter 1992).

d) Recreational anglers in Hawaii are concerned about sustaining sport catch rates with the recent increase in longline activity (NMFS Billfish Newsletter 1992).

2) LONGLINE GEAR CAN BE MANIPULATED SO THAT MARLIN BY-CATCH CAN BE REDUCED:

PRO LONGLINE - a) Dr. Chris Boggs has demonstrated that longline gear in Hawaii can be manipulated to target certain species. The take of striped marlin can be avoided or minimized by:

1) Fishing at night on the surface for swordfish.

- 2) Fishing deep beneath the thermocline for tuna. Deep fishing can be accomplished by line shooters, long float lines, or zig-zag sets which put long droops in the set.
 - 3) Setting and retrieving gear quickly, to minimize time gear is in shallow waters and likely to be taken by marlin.
(pers. comm.)
 - 4) Using larger baits (squid) and light sticks, since squid is less preferable to marlin than mackerel (pers. comm.)
 - 5) Putting hooks in during daylight and pulling at night to reduce trolling for marlin. Few long sets as opposed to many short sets also reduces the amount of time the gear is on the surface and available to marlin. (pers comm.)
- b) Striped marlin catch by Japanese longliners declined because marlin are less vulnerable to deep longlines than shallow gear (Nakamo and Bayliff 1991; Suzuki 1977).

- CON LONGLINE -
- a) Striped marlin may prefer warm waters, but Bedford and Holts (1989) demonstrated that striped marlin spend time in and below the thermocline (where the temperature is cooler).
 - b) Marlin will chase the gear when it is being set and when it is being retrieved. Marlin swim at an average speed of 0.75 to 1.54 knots and are capable of swimming faster (some have been clocked at above 3 knots for over an hour). They can grab the bait given the typical haul back and set speeds (generally less than 1 knot).
 - c) Striped marlin feed on squid in other parts of the world. Squid may not be a foolproof deterrent to a marlin biting a longline hook.

- d) It is difficult to set gear at a specific depth. The current is one problem, and Boggs indicates that predicted depth does not always correlate with actual depth. Boggs (1992) used time depth recorders to ascertain depth.
- e) Boggs' theories have not been tested in California.
- f) Longline fisheries on the east coast of the U.S., in the Gulf of Mexico, the Caribbean, Hawaii, and in areas exploited by Japan have all recorded marlin by-catches.
- g) Line shooters cost \$6,000.00. Also, other methods for deploying longlines at greater depths are time consuming and laborious (pers. comm.); therefore, they may not be employed.

3) LONGLINERS CAN AVOID MARLIN MIGRATION ROUTES:

PRO LONGLINE - a) From 1965-75 Japanese longline logs (Squire and Susuki 1989) demonstrated that the areas with greatest catch per unit of effort occurred off Baja California, Mexico. No spawning took place off California; southern California waters are not a major migration route and longline gear will not interfere with migration.

CON LONGLINE - a) Tagging studies (Squires and Suzuki 1989) demonstrate that striped marlin travel southeast to Baja California and westward to Hawaii; major spawning areas are in the western Pacific. They move poleward during the summer season. Since marlin movements are characterized as diffuse, longline gear may intercept marlin no matter where it is set.

4) STRIPED MARLIN CAN BE RELEASED ALIVE:

PRO LONGLINE - a) Boggs (1992) used sonic tags on marlin that had been captured by longlines and released. Marlin survived if the line was cut near the hook. Marlin can survive 5-9 hours after being hooked. Two bigeye tuna and 1 marlin were recaptured 3-10 months after being hooked by a longline indicating survival.

- CON LONGLINE - a) In the Gulf of Mexico longline fishery for yellowfin tuna, up to 60% of the marlin species captured were released dead (E. Swingle, pers. comm.).
- b) In observations on 21 domestic longline trips for swordfish and tuna in the Gulf of Mexico, 41% of marlin were released dead and 59% released alive. In 1982-86, foreign longliners released 65% of marlin dead and 35% alive.
- 5) LONGLINERS WILL MOVE OUT OF AN AREA IF LONGLINE GEAR CATCHES A STRIPED MARLIN:
- PRO LONGLINE - a) July to October (September being peak) is the recreational marlin season in California. Longliners can work around these months.
- b) Marlin anglers concentrate their efforts from Santa Cruz Island to the U.S.-Mexican border, and between San Clemente and San Nicholas Islands. Longliners can fish outside this area and not interfere with sport fishing.
- c) Longliners promise to move out of an area if a striped marlin is captured and not return for a fixed period of time.
- CON LONGLINE - a) To ensure compliance, 100% observer coverage would be required.

SECTION 4.2

ISSUE: SHARK BY-CATCH

1) LONGLINERS ARE NOT TARGETING SHARKS:

- PRO LONGLINE -
- a) Sharks do not pay enough to keep (recent price per pound of mako was 80 cents), and would take up space that could be occupied by more valuable species. Bringing sharks on board would waste time and increase the possibility that valuable tuna and swordfish would become damaged while on the line.
 - b) Gear can be set away from heavy concentrations of sharks. In areas where sharks are common, fewer hooks can be set (to decrease overall catch).
 - c) Shark by-catch is only 1 or 2% (L. Mascola, pers. comm.).

- CON LONGLINE -
- a) Medium sized blue shark fins can be sold dry for \$14.00 a pound. Such prices for fins and mako/thresher flesh, which can average over two dollars a pound, will be incentives for fishermen to retain longlined sharks.
 - b) Even though sharks are not targeted, the shark by-catch is very high in every recorded tuna and swordfish longline fishery. The following examples list ranges of 60-96% shark by-catch.
 - 1) The CDFG longline experiment in 1955 caught 67% sharks and billfish and only 17% tuna. In 1956 longlining caught 62% sharks and billfish and 20% tuna. In 1968 off California, NMFS caught two swordfish on longlines and 1,532 sharks. In Mexico that same year, NMFS caught 193 swordfish, two tuna, and 10,712 sharks.
 - 2) In 1987 F/V TIFFANY VANCE fished swordfish by experimental longline permit in California and caught 1.3% swordfish and 95.6% shark.

3) Anderson (1985) states that longlining for swordfish on the east coast resulted in shark by-catches that are 2 to 3 times the swordfish catch for the years 1962-1986.

- c) Longline fisheries off Florida, New England, Hawaii, the Gulf of Mexico, and Mexico all report more shark being caught on longline gear than the targeted swordfish or tuna species.
- d) Some fishermen report that shark by-catch can be as high as 80-90% of the total catch during longlining.
- e) Monofilament longline gear catches more sharks than steel cable longline gear (Berkeley 1998).

2) SHARKS CAN BE RELEASED ALIVE:

PRO LONGLINE - a) Blue sharks can be released alive by cutting the leader near the hook or using the hook extraction methods developed by Tim Athens for the experimental shark longline fishery.

b) In the Hawaiian longline fishery, 90% of the blue sharks are released alive (Dollar 1991). ?

c) Sharks caught in trawl gear have higher mortality rates than sharks caught on longline gear (Anderson and Teshima 1990).

CON LONGLINE - a) Anderson and Teshima (1990) report mortality of discarded blue sharks in the east coast longline fishery was 25%. Other shark species had mortalities as high as 45%. The 1991 Atlantic Shark FMP states that over 50% of mako sharks hooked on longline gear die.

b) In Florida 66% of sharks captured by swordfish longline gear died (Berkeley 1988).

3) STATUS OF SHARK RESOURCES:

PRO LONGLINE - a) Shark populations are not well understood. While sharks may have slow reproductive rates, adults and newborns have low natural mortality.

- b) Blue sharks are distributed Pacific-wide and worldwide (Bigelow 1948); longline by-catch will not affect the status of this resource.

CON LONGLINE -

- a) Sharks have slow reproductive rates, and are susceptible to overfishing; they cannot withstand high fishery pressures and even incidental take may harm their population structure and abundance levels (Stevens 1992; Holden 1977).
- b) Drift gill net and recreational fisheries already take sharks; a longline fishery would be additive.
- c) Southern California may be a nursery area for mako sharks (Bedford 1989).
- d) A high by-catch of blue sharks would result in wastage.

SECTION 4.3

ISSUE: SWORDFISH RESOURCE

1) SWORDFISH STOCKS ARE NOT WELL UNDERSTOOD:

PRO LONGLINE - a) The Legislature finds and declares as follows (Fish and Game Code Section 8585):

- 1) The swordfish resource in both California waters and Pacific-wide is in a healthy condition.
- 2) A limited entry swordfish fishery should be established to allow increased access to the swordfish resource (effective until 1995; originates with drift gill net law).

b) Longline fisheries have considerable potential for increased catches of swordfish. Worldwide demand for swordfish will increase at least 5% in the future, yet because of restrictive policies in California, U.S. fishers are unlikely to take advantage of the demand (Sakagawa 1989).

c) The estimated sustainable catch of swordfish Pacific-wide is 40 million pounds (Sakagawa 1989). Current catch is 20-50 million pounds.

d) The decline of swordfish landings in California over the past five years is due to changes in the fishery. U.S. fishers are catching fish in Mexican waters and landing those fish in Mexico. Previously, they caught fish in Mexico and landed them in California (L. Mascola, pers. comm.).

CON LONGLINE - a) The swordfish fishery in the Pacific seems to be at maximum sustainable yield (18,000 tons), but more data are needed. Swordfish may be approaching that condition (overharvested) in the Pacific (Skillman 1989).

- b) Skillman, Bartoo, Coan and others consider the swordfish in the Pacific to be one stock, based on Japanese longline data. Nishizaki and Shimizu (1991), using the same data, conclude that as many as 4 stocks may exist in the Pacific. If multiple stocks exist and the stock structure is complex, the risk of overexploitation increases dramatically.
- c) Swordfish stocks on the east coast are currently considered overexploited.
 - 1) Dollar (1991) found that the majority of swordfish taken on 5 of 10 observed longline trips were "rats" (fish weighing less than 23 kg). These fish were usually released regardless of whether they were dead or alive; most were dead.
- d) Swordfish landings have declined over the past five years in California from over 5.2 million pounds in 1985 to below 1.6 million pounds in 1991.

2) THE EFFECTS OF LONGLINE GEAR ON SWORDFISH:

PRO LONGLINE - a) Longline gear is used throughout the U.S. and the world and is the dominant gear for taking swordfish in all areas except off California. Longline gear may be more efficient than harpooning for swordfish; it has replaced other gears because it is more effective at producing a steady supply of swordfish.

CON LONGLINE - a) Longline gear is not size specific (Hooker 1976, Berkeley 1981). Little can be done to prevent juvenile fish from being hooked; larger hooks make no difference (Berkeley 1981). Harpoons target big fish, while longlines catch more smaller fish (Atlantic Billfish EIR 1985).

- b) The mean weight of swordfish in the Spanish longline fishery in the Atlantic declined from 88 kg in 1975 to 58 kg in 1985. Mean weight of swordfish in the U.S. longline fishery fell from 69 kg in 1978 to 39 kg in 1987 (Berkeley 1989).

- c) Shark predation occurs on longline gear. In the eastern Pacific, 14.5% of all tuna and billfish captured by the Japanese longline fishery were shark damaged (based on scientific longline cruises in 1967-68; Taniuchi 1990).
- d) Longline gear has a relatively low catch per unit of effort (Hooker 1976).

SECTION 4.4

ISSUE: BY-CATCH OF OTHER SPECIES

- PRO LONGLINE - a) The experimental longline fishery for shark in California captured few species aside from shark (CDFG observer data indicates that 91-92% of the catch was shark for the 1988 and 1989 longline shark fishery respectively). The five sea lions and two turtles that were observed were released alive. An experimental longline fishery for swordfish and tuna may have a similar low by-catch of marine mammals and birds.
- b) Birds are taken far less frequently by longline gear than by other types of fishing gear.
- CON LONGLINE - a) Longline gear impacts marine mammals.
- 1) Five California sea lions and two turtles were captured by the shark longline fishery in two years of limited observer coverage (10% of trips were observed).
 - 2) Northern Hawaiian Islands are closed to longline gear because monk seals, which are considered endangered, were hooked by longline gear.
- b) Logs from the 1991 Hawaiian longline fishery recorded: 60 turtles were released alive, injured or dead; seven whales/porpoise were released alive, injured or dead; 121 birds were released alive, injured or dead. These data are from 199 sets with 65 vessels reporting interactions.

SECTION 4.5

ISSUE: ECONOMIC IMPACT OF THE EXPERIMENTAL LONGLINE FISHERY

1) A LONGLINE FISHERY WILL MEET DEMAND FOR A QUALITY PRODUCT AND IS ECONOMICALLY BENEFICIAL TO THE STATE:

- PRO LONGLINE - a) The demand for fresh tuna has climbed dramatically since 1984. Longline gear and blast freezing (-70°C) can meet this demand.
- 1) Longline gear catches fish of better quality; fish are less bruised than with seine or other net gear. Longlined fish tend to be bigger than purse seined fish (Suzuki 1988, Lokkeborg and Bjordal 1992). Longlining is more fuel efficient than trawl gear (Nygaard 1988).
 - 2) From 1987 to 1991, longline products in Hawaii quadrupled in value. Fish taken by seiners for canning are typically sold at lower prices per pound than longlined fish, which are frozen and sold as "fresh fish" in Japan.
- b) Longlining allows for higher quality, lower quantity product, which is better for the resource.
- d) There is less chance of ghost fishing if gear is lost than with lost gill nets or traps.
- CON LONGLINE - a) While economic benefits are likely to accrue to the commercial fishing industry, there is likely to be no net benefit to the state.
- 1) Longline use (directed fishery) in Mexico reduced marlin recreational catch in Mexico (Squire and Au 1988).
 - 2) Marlin sport angler interest is directly related to the quality of the experience. Fewer fish reduces the quality and the likelihood of fishing. Each marlin angler spends \$334 per day, excluding vessel costs (Herrick 1984). This value and number of anglers may be underestimated since this report is outdated (B. Shedd, pers. comm.).

- 3) Billfish are commercially worth \$1.00 per pound on the Atlantic seaboard. Recreationally-caught marlin are worth \$22.00 per pound (Atlantic Billfish FMP 1988). The value of a dead striped marlin to sport anglers in southern California could exceed \$7,000 if you consider that most striped marlin are released alive (B. Shedd, pers. comm.).
- 4) A decrease in the swordfish stock will discourage recreational anglers from spending money to participate in the recreational fishery (B. Shedd, pers. comm.).
- b) The recreational fishery for striped marlin off the U.S. west coast is "very important" (Status of Living Marine Resources, NMFS 1991).
- c) The CDFG does not have the economic resources to monitor the experimental fishery effectively.
- d) From economic and social considerations, it is concluded that the greatest overall benefit to the nation will result from reserving billfishes for the recreational fishery (Atlantic Billfish FMP 1988).

2) THE LONGLINE FISHERY WILL PROVIDE OPPORTUNITIES FOR THE
ECONOMICALLY DEPRESSED LOCAL FISHING INDUSTRY:

- PRO LONGLINE - a) The traditional San Pedro wetfish fleet is in financial trouble. Only two canneries are operable; United Food Processors (UFP) recently filed bankruptcy papers. Many fishers are experiencing financial hardship, and feel the longline fishery would:
- 1) Keep the UFP cannery afloat by attracting capital and converting the cannery into a freezer/distribution center for tuna/swordfish (L. Mascola, pers comm).
 - 2) Such action would create many jobs (drivers, packers, handlers, etc.).

- b) An experimental gear permit to use longline gear north of Pt. Arguello was issued in 1987 to Dr. Mascola (F/V Southern Queen), but he was unable to obtain financing. Now he has financing, but he cannot get the permit. Such action is not conducive to a business' need to plan for the future.
- c) The Pacific-wide catch of swordfish is dominated by the Japanese. California fishermen are currently taking only 3% to 10% of the catch.
- d) The world market for swordfish is strong so prices should remain high. If market grows at 5% over 3 years, it will require approximately 1,000 mt additional swordfish per year to what was landed in 1986 (Sakagawa 1989). Pacific ocean stocks are in sufficiently good condition (Bartoo and Coan 1989) to contribute to such an increase.

CON LONGLINE - a) A longline fishery is unlikely to solve the financial problems of a large number of fishermen since access to the fishery would be limited. The current poor financial condition of the wetfish fleet and the displaced gill net fleet can not be addressed by this fishery.

SECTION 4.6

ISSUE: CONFLICT WITH OTHER COMMERCIAL FISHERIES

1) CONFLICTS WITH OTHER GEAR WILL BE MINIMAL AND CAN BE RESOLVED:

- PRO LONGLINE -
- a) Those fishermen applying for the permit are well established, knowledgeable fishermen aware of the written and unwritten codes of the various fisheries. No conflict with other fisheries is likely to occur.
 - 1) The Mascola family has been in the business since 1870. F/V GALLANT is a seiner of long stature as is F/V MAURITANIA, F/V ST. GEORGE II, F/V GOLDEN SABLE, and the F/V SOUTHERN QUEEN.
 - b) Fish and Game Code Section 8606 states: "The Commission shall encourage the development of new types of commercial gear".
 - c) Preliminary data in Hawaii finds no correlation between longline fishery and declining catch of other gears, although more study is needed and results are preliminary (Boggs 1991).
 - d) Japan and Taiwan have harpoon, drift net, and longline fleets that seem to exploit the resource simultaneously without overt detriment to each other.
 - e) Purse seine effect on longline fishery for yellowfin tuna is greater than the effect of the longline fishery on the purse seiners. (Nakano and Bayliff 1992). Purse seiners take smaller fish than longline gear.

- CON LONGLINE -
- a) Longliners have come into direct conflict with artisan fishermen in Hawaii. This has led to a moratorium on the entry of new vessels until 1994.
 - b) The swordfish fishery in California has had conflicts between harpoon and drift gill net fishermen in the past. Longliners could add to this conflict because they will be one more user of a resource (swordfish) that has

experienced declining landings in recent years

- c) Fish and Game Code Section 8606 also states that the Commission shall "minimize user group and resource allocation conflicts" and ensure the "proper utilization and protection of marine resources". Recreational marlin anglers have been allocated the striped marlin resource. Longlines will likely result in user group conflicts with recreational marlin fishers.

SECTION 4.7

ISSUE: POTENTIAL OUTCOMES IF THE PERMIT IS NOT GRANTED

- PRO LONGLINE - a) If the permit is not granted, boats not licensed in California could fish outside of State waters and fish for what they like in any manner they please. Without an FMP, CDFG or any other organization is powerless to manage these resources. Marlin could be caught in federal waters (3-200 miles) off California and landed in Mexico, Oregon, or Washington. Granting permits to these five boats will cause fewer problems than denying them and watching helplessly as non-California licensed fishers harvest outside state waters. Examples include:
- 1) Poaching occurs in the Caribbean swordfish fishery and small nations have difficulty enforcing restrictions (Caribbean Fisheries Inst. 1986).
 - 2) Hawaii and Gulf states could not regulate shark and billfish fisheries without a regional plan.
- b) Without a regional plan it will be difficult to manage these far ranging species. Boats can do what they like outside state territorial waters (to some extent) (M. Justine, NMFS-NER, pers. comm.).
- c) It is unfair to regulate California fishers when non-California fishers are unregulated.
- d) California swordfish catch is small (3% to 10% of Pacific-wide take). The state will lose an opportunity to participate in federal or international management of this resource if the fishery is minor or nonexistent.

- CON LONGLINE - a) An FMP for the management of billfish and pelagic sharks was drafted by the Pacific Fishery Management Council in 1981. It was not implemented because the harvest of these species was minimal compared to the overall harvest of many nations and a plan as such would not address the needs of resource management unless all nations cooperated. It was also realized that most of the billfish and shark harvest on the U.S. Pacific coast occurred in California and should thus be left up to California management. The decision not to fully implement an FMP in 1981 is relatively valid today in terms of swordfish, other billfish, and sharks.
- b) No boats have expressed interest in coming from Oregon or Washington or Mexico to fish for tuna or swordfish.
- c) Such boats would have to travel long distances without refueling or landing their catch in California (or using California based spotter planes) to avoid CDFG jurisdiction.
- d) An experimental longline fishery will not prevent any vessel registered outside California from longlining outside State waters. Only a Fishery Management Plan can control fishing along the U.S. west coast and even then only out to 200 miles offshore.

SECTION 4.8

ISSUE: THE USE OF OBSERVERS

- PRO LONGLINE -
- a) With CDFG observers in place, it should be relatively easy to monitor the fishery. Fishermen are willing to pay for the program. If the fishermen cannot avoid acceptable levels of marlin and/or shark take, the experimental permits can be revoked.
 - b) Other fisheries are managed with observers with positive results (Squire and Boggs both stress this point).
 - c) If you do not know the answer or if you do not have the data, experimenting is an approved method of discovering answers.
 - d) Safeguards can be written into the permit rules.
- CON LONGLINE -
- a) The CDFG is relatively poor in economic resources, and does not have the funds to monitor the fishery thoroughly.
 - b) While fishermen are opting to pay for observer costs, problems exist:
 - 1) Fishermen promised to pay for the experimental shark longline program in 1988. They paid all observer expenses for the first year and then split the cost with CDFG for the second year. No observer coverage was provided for the third or fourth years of the experimental shark longline fishery because the fishermen felt the program was too expensive and the data were not changing drastically from year to year.
 - 2) Salary and employment benefits were \$1,991.37 per month per observer in 1988 or \$35,844.61 per two observers for 9 months. Observer coverage was only 10% of the trips.
 - 3) Supervisory expenses have not been covered in the past. Observers need to be trained and data needs to be analyzed.

- c) The estimated cost of an observer program for this experimental fishery (at 100% coverage) is \$47,790 per boat per year.
- d) Dollar and Yomoshita (1991) found that in a sample of 96 longline boats in January 1991, 50% of log data in an observer program was accurate, and the rest was of poor or questionable quality.
- e) Dollar and Yomoshita (1991) found that the boat logs from 78 (8%) of 991 trips reported marine mammal interactions, while 6 out of 10 observers (60%) reported marine mammal interactions.

SECTION 5.0

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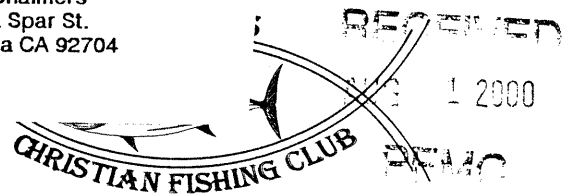
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Rick Chalmers
722 S. Spar St.
Santa Ana CA 92704



Mr. Lone Please do all you can
to SAVE our fishing waters.
Letting in Long Liners to our
Southern California waters will
in a very short time be clear of
all fish. I Believe that the oceans
are for all of us to enjoy.
Please make the Best choice to
protect our fishery. I will pray
for wisdom for you.

Thank you
Rick Chalmers

An Outreach Ministry Of Newport Mesa Christian Center
Club Hotline (714) 548-6925

From: Brown And Associates
To: rhight@ca.gov; scrooke@dfg.ca.gov
Cc: ExecAction@USA.net; dart@sacemup.org; gdavis@ca.gov
Date: 7/29/00 2:19:17 PM
Subject: Longline Fishing

DEAR MSSRS: STEVE CROOKE

ROBERT HIGHT
BOBBY FLETCHER

CC: GOVERNOR GRAY DAVIS
MICHAEL GROSSMAN
JIM LONE, via mail ✓

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AUG 3 2000

SEAL

PLEASE STOP LONGLINE FISHING!!! LONGLINE AND DRIFT NET FISHING RAPE OUR OCEANS. IT IS UNLAWFUL TO SPILL OIL, CHEMICALS AND GARBAGE IN THE OCEAN. IT SHOULD ALSO BE UNLAWFUL TO INDISCRIMINANTLY KILL OUR BEAUTIFUL SEA FISH AND MAMMALS WITH WALLS OF DEATH. I KNOW. AS A CAREER OIL INDUSTRY EXECUTIVE AND LIFE LONG SPORT FISHERMAN I HAVE BEEN ESPECIALLY SENSITIVE TO THE GROSS DAMAGE THAT CAN RESULT FROM OIL SPILLS OR POORLY MANAGED COMMERCIAL FISHING.

I URGE YOU TO DO EVERYTHING IN YOUR POWER TO STOP THIS CRAZY ATTEMPT BY COMMERCIAL FISHERMAN TO WIPE OUT OUR WEST COAST FISHERIES, AS THEY HAVE DONE ON THE ATLANTIC COAST. WE WANT OUR KIDS AND GRAND KIDS TO ENJOY THE SAME BEAUTY, AWE AND THRILL OF RIDING ALONG WITH A POD OF PLAYFUL DOLPHIN OR CATCHING AND RELEASING THEIR FIRST MARLIN OR TUNA.

PLEASE SAY NO TO LONGLINE FISHING WITHIN THE FEDERAL 200-MILE EXCLUSIVE ECONOMIC ZONE.

SINCERELY;

LARRY M. BROWN



--- Brown And Associates
--- lmbrownxx@earthlink.net
--- EarthLink: It's your Internet.

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DEMO

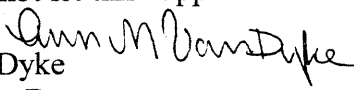
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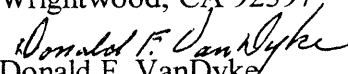
Chair Jim Lone
Pacific Fishery Management Council
2130 SW Fifth Ave.
Portland, OR 97201

Dear Mr. Jim Lone,

Please do not allow longline fishing off the coast of California. We and thousands of others are sportfisherman and spend alot of time and money every year enjoying deepseafishing. Our waters will become depleted like Hawaii, Gulf and East Coast, Australia and New Zealand. My husband and I have been to all these places and sportfishing has suffered drastically from longline fishing.

Please do not let this happen in California.


Ann M. VanDyke
5387 Locarno Dr.
Wrightwood, CA 92397


Donald F. VanDyke
5387 Locarno Dr.
Wrightwood, CA 92397

Subject: Fwd: Migratory species

Date: Mon, 14 Aug 2000 10:54:06 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: daniel.waldeck@noaa.gov

Subject: Migratory species

Date: Fri, 11 Aug 2000 14:38:03 EDT

From: Rsbinvest@aol.com

To: arhight@dfg.ca.gov, pfmc.comments@noaa.gov, GEFINLEY@aol.com, PORoos@aol.com, aaffi@home.com, cman@ix.netcom.com

For the propagation of the species.

Do not allow commercial taking within 200 miles of coast.

Sportsmen spend 15.00 for each lb of fish. Com'l take only brings in \$1.00

Look at what happened to the east coast when the long-liners & netters almost wiped out the resource.

PLEASE do not let com'l lobbyists influence your vote.

I'm asking my friends to E-Mail also. Thank you

R.S.Brandt, 21112 San Miguel, Mission Viejo, Ca. 92692

JOHN SEGORIA
13845 PAUMA VISTA DRIVE
VALLEY CENTER CA 92082

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

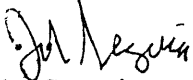
Dear Mr. Lone:

I am appalled that you guys are even considering the idea of opening up more areas of the California coast to commercial longliners. It is bad enough that longliners have already raped and decimated the swordfish fisheries all over the East Coast and have virtually collapsed the shark fishery off of Hawaii and now you guys want in on my state's waters?

I cannot believe you guys can be so blind and insensitive to the damage that has already been done by commercial longliners and gillnetters. What proof do you want or need before you determine that longlining is not a good fishery practice? Find another way to commercially fish and I will gladly support your industry. If not, then find another occupation. If I want fishsticks, I will catch my own fish from own boat.

In conclusion, I belong to a growing number of saltwater sportfisherman who are becoming more politically active with each passing day. The days of you guys passing policies favorable to the commercial fishing industry and yet are destructible the ocean environment are over. We pump more money into the economy in pursuit of California game fish then you guys ever will and we vote.

Sincerely,



John Segoria
"Tail Chaser"



**BEACON
CONCRETE INC.**

A Ready Mixed Concrete Company

August 10, 2000

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AUG 14 2000

PFMC

Dr. Donald O. McIsaac,
Executive Director, PFMC
2130 SW Fifth Ave. #224
Portland, OR 97201

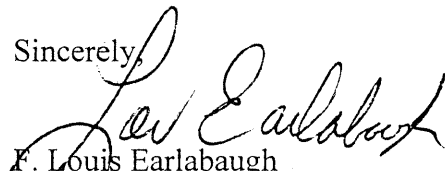
Dear Dr. McIsaac;

I am extremely concerned that there is consideration for permitting pelagic longlining within 200 miles of the West Coast.

Pelagic longlining on the East Coast has permitted over fishing of many stocks of fish. If oceanic longlining is permitted on the West Coast, the same results are predictable.

I encourage you to support the position that prohibits pelagic longlines within the 200 mile limit.

Sincerely,



F. Louis Earlabough
President

I Real Estate
NVESTMENT
DEVELOPMENT
MANAGEMENT

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AUG 14 2000

PFMC

Aug. 10, 2000

Dear Sir,

This past week we have been reading about the Long Line Proposal.

As a sport fishing family we can't make our words STRONG enough to let you know, how terrible this would be.

Our fishing grounds would once more be a desert.

Our fishing club has spent thousands of dollars raising White Seabass the pasted years so we can enjoy them again. With a limit we can enjoy this for years to come. (OUR MONEY)

Please rethink this proposal VERY CAREFULLY before going into something that would be so harmful.

Thank You;

The Carnahan Family



Los Angeles Rod & Reel Club

To: Members, Highly Migratory Species Plan Development Team
Convening in LaJolla July 17-20th.
From: Members Los Angeles Rod & Reel Club - A fifty year old tradition
in the Southern California area. Eric Rogger, Environmental Chair
Subject: Proposal to open the EEZ off the west coast to pelagic drift longlines

Dear Members:

The recreational fishing community vehemently opposes the introduction of this gear into west coast areas. This isn't a *not in my backyard* reaction and we are prepared to give you facts to dissuade you from this course.

We call attention to the continuing series of negotiations which NMFS has been involved in with ICCAT on the east and gulf coasts. These have centered on the diminished takes of various species as a result of overfishing. Why is there a bill before congress at this very time to reduce the pressure on large pelagic species? **HR 4612 by Congressman James Saxton.**

Are you not aware that similar legislation intends to close certain areas of the Gulf of Mexico and the Atlantic? **S 1911 by Sen. Breaux of Louisiana.**

Three other congressional bills - **HR 3390, HR3516 and HR3331** - deal with the a similar agenda, pelagic overfishing and in one case legislation for the complete removal of the proposed gear from all US waters. Additionally, a judge in Hawaii has closed thousands of square miles of Pacific Ocean to longlines, the most indiscriminate and cost efficient way to catch fish as well as mammals.

The recreational community must also be heard as well for economic reasons. A study by the U.S Congressional Research Service reported that in 1997 recreational and commercial fisheries contributed roughly \$2.5billion each to the national economy. Note that anglers landed an estimated 234 million pounds compared to 9.8 billion pounds for the commercial industry.

Finally, we are all aware that commercial fishing is vastly over capitalized. Why else are we engaged in substantial buyouts to reduce overfishing? The most obvious example of this is the situation off New England. The Clinton administration asks for \$38million in additional funds for New England fishermen covering retraining costs and buyback programs. (2001 budget) This is in addition to \$25million it cost the taxpayers for an earlier buyout. The administration also proposed a \$14million relief package for west coast fishermen. Fishermen in the Gulf of Maine have been paid for time lost because of depleted stocks. Other buyout programs have flourished in Canada's British Columbia province. Proposals have been floated for the Mid Atlantic tuna fisheries.

Please don't allow our oceans to be decimated as they have been elsewhere! Let's learn from the east coast experience. You must find solutions which give weight to all points of view.

COPIES TO: Dr. David Au, Dr. Norm Bartoo, Mr. Steve Crooke, Dr. Samuel F. Herrick, Ms. Michele Robinson, Ms. Susan Smith, Dr. Dale Squires

Eric Rogger/L.A. ROD & REEL CLUB c/o 2625 Westridge Road, LA CA 90049 (310) 476-5936

Scott & Donna P. Pritchard

21171 Meander Lane
Trabuco Canyon, California 92679
Phone: (949) 888-0174/Fax: (949) 888-1270

7/31/2000

RECEIVED

AUG 3 2000

Mr. Lone,

PEMAC

I have been reading about the government considering the possibility of allowing longliners to fish our local waters. I can not find any positive evidence regarding longlining. It seems to indiscriminately destroy all fish life in its path. I am a voting, tax paying, and sport fishing southern California resident and would like to voice my strongest objection to this proposal.

As humans we must be responsible stewards of our planet and agree to share it with all other species here and not abuse them. Please do the right and just thing and do not allow longliners here, ever!

Scott Pritchard

OUTER BANKS

253 Highland Drive
Channel Islands Beach
California 93035
Tim Athens, Owner

Commercial Fisheries
(805) 984-5338
Fax: (805) 985-JAWS
email: NeptuneOBS@aol.com

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

RECEIVED

15 August 2000

AUG 17 2000

RE: FMP for Highly Migratory Species

PFMC

Dear Council Member,

I am a former permittee in the California Shark Driftline Fishery and fished pelagic sharks with a very specialized type of drift longline gear from 1985 until 1991 when the fishery was terminated by the CA. Fish and Game Commission. Unfortunately its demise was not based on anything scientific or biological. In 1988, the first year an Experimental Gear Permit was required, CDFG and the Commission supported the fishery. After four years of exemplary fishing behind us that included no by-catch of marlin, mammals or turtles. No conflicts with recreational fisherman. Tagging and releasing several hundred sharks. Development of a high dollar market. Extensive data collection gathering by on-board observers and shoreside samplers. Well funded tackle manufactures and recreational fishing groups repeated attacks on the fishery influenced the Commission and CA. Fish and Game to bend and crumble. In a nutshell, they killed a model fishery that addressed every management and regulatory concern possible because they couldn't take the heat from the recreational fishing community.

Here it is, 10 years later and the Pacific Fishery Management Council is trying to develop a FMP for Highly Migratory Species. Within this Plan the possible use of longline fishing for HMS is being looked at. Look in any of the sportfishing publications or even local newspapers and and it's the same type of panic, hysteria and untruths that the shark fishery went through.

Its time to be proactive and rational. We have the potential to develop a longline fishery within our EEZ in a responsible manner right from the start. I support the Janisse/Dupuy proposal but I also think the Council needs to take a closer look at the Shark Driftline Fishery. Here we already have a proven, viable fishery with all of the homework done. Time and area closures were enacted to eliminate conflicts with recreational anglers. Participation cap was limited to 10 permittees. Gear restrictions and a precautionary catch quota were implemented to prevent overfishing. Most importantly though was that the selective nature of our particular style of longline gear (stainless steel mainline, ss leaders and large ss hooks) negated ANY catch of mammals, turtles or billfish.

Pelagic rays and blue sharks, even though unmarketable, was a significant percentage of our catch. These species were released with a URD. This 'unhook and release device' was developed to effortlessly release blue sharks unharmed. I can provide the Council with a video demonstrating its effectiveness.

:

OUTER BANKS

253 Highland Drive
Channel Islands Beach
California 93035
Tim Athens, Owner

Commercial Fisheries
(805) 984-5338
Fax: (805) 985-JAWS
email: NeptuneOBS@aol.com

The big issue is going to be the perceived susceptibility of sharks to over fishing. We've all heard the catch phrases time and time again..... Boom and bust fishery, never been a sustainable shark fishery, slow maturation, low fecundity, blah, blah, blah! It's almost like a broken record. The shark fishery we had was an almost artisanal like program that received high value for the resource and operated with precautionary principals in mind. Please, look at this fishery for what it was and how it operated. Not what the recreational community and conservation groups put out in their press. I feel that the Council should seriously consider this fishery as an option and be included on its own merits within the framework of the FMP. If not, then I would ask that as pioneers in developing the first successful longline fishery in our EEZ, we be eligible for participation for any longline fishery considered.

Sincerely,



Tim Athens Experimental Gear Permit # X-1633

CC: Bob Fletcher
Dave Holtz
Chuck Janisse
Dale Squires

COMMERCIAL FISHERIES

Superior Quality by Hook and Line

RECEIVED

AUG 17 2000

PFMC

Aug 17, 2000

Dear Dr. Mc Isaac,

Please consider my opinion that longlining should not be allowed within 200 miles of ~~the~~ the California coast. I am a recreational fisherman and think that commercial longline fishing closer than that would seriously impact sport fishing opportunities. The effects would be felt by all sport fishermen which contribute many millions of dollars to the local economy in boat trips, boat purchases, licenses, lodging, and tackle sales, probably much more than any commercial fisheries contribute.

Sincerely,
Byron D. Shortland
JAN 81608

.....
Chuck Janisse

MARINE FISHERIES CONSERVATION & MANAGEMENT

RECEIVED

JUL 17 2000

PFMC

July 14, 2000

Don McIsaac,
Pacific Fishery Management Council
2130 SW Fifth Ave., Suite 224
Portland, OR 97201

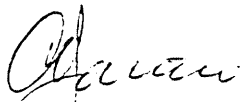
Dear Don,

Enclosed is a document entitled: Proposal To Regulate The West Coast Pelagic Longline Fishery Under The PFMC's HMS FMP.

This document has been prepared by Pete Dupuy and myself at the request of a large number of commercial swordfish/tuna fishermen who, thru the HSM ASP commercial-at-large representative, Pete Dupuy, previously petitioned the HMS ASP to recommend that the PFMC direct the HMS PDT to investigate such a fishery.

Some copies of this document will be distributed to the HMS PDT members, HMS ASP members, and the interested public, at the July 17-20 meeting of the HMS PDT. However, in order to ensure that all HMS PDT, and HSM ASP members receive a copy of this document, please distribute to them all. Also, feel free to distribute this document as widely as is the PFMC's practice, and post it on the PFMC website if appropriate.

Best Regards,


Chuck Janisse

1960 TIARA DR.
OJAI, CA 93023

(805) 640-9165
cjanisse@pacbell.net
(805) 640-0781 FAX
.....

**PROPOSAL TO REGULATE THE WEST COAST
PELAGIC LONGLINE FISHERY UNDER THE
PFMC'S HMS FMP**

Prepared by Pete Dupuy and Chuck Janisse,
July 14, 2000

SUMMARY:

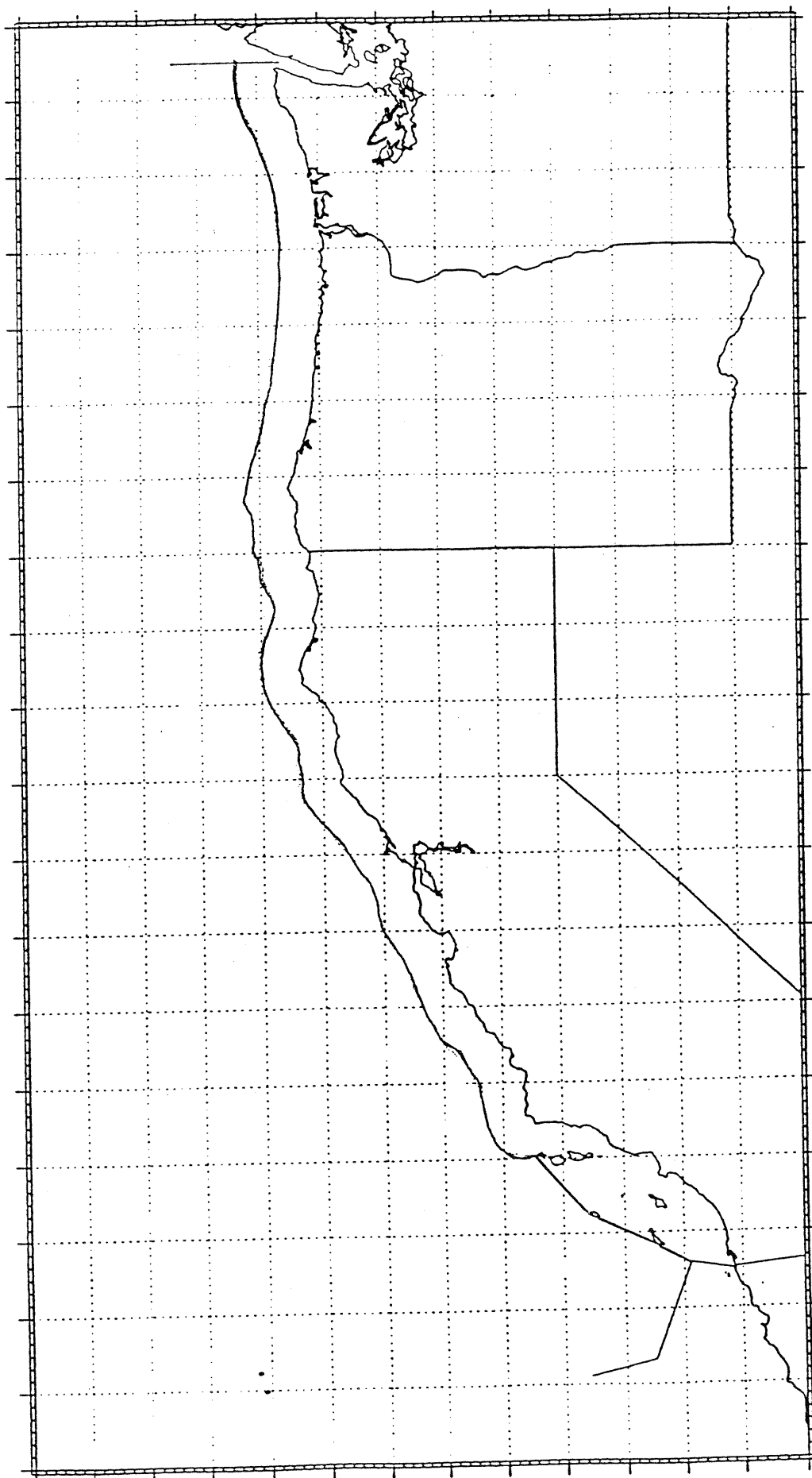
This proposal is intended to assist the HMS PDT in its discussion of options regarding the institution of a structure to regulate the West Coast longline fishery, and is prepared in a manner that is thought to be consistent with federal requirements and that will accomplish the objectives listed below. The main features of this proposal are:

- To establish a single federal regulatory structure for the entire West Coast longline fishery.
- To more stringently regulate the West Coast longline fishery by restricting access to HMS fishermen who possess a valid California or Oregon driftnet permit, and by limiting West Coast longline landings to those vessels with a West Coast longline permit.
- To prohibit deployment of longline gear within 25 miles of the coastline from the northern boundary of the U.S. EEZ southward to the intersection with a line extending from Point Conception to Bennette Point on San Miguel Island, and then landward of this line as it continues directly to the west end of San Nicholas Island, continuing from the east end of San Nicolas Island directly to China Point on San Clemente Island, and continuing from China Point directly to the point at which 117° 49' 30" west longitude intersects with the southern boundary of the U.S. EEZ (Figure 1) This area is hereinafter referred to as the "proposed prohibited area."

OBJECTIVES:

1. Replace inconsistent state longline regulations with a uniform federal rule to regulate the West Coast longline fishery.
2. Control West Coast longline effort by allowing some transfer of existing driftnet effort to the West Coast longline fishery so as not to generate any net increase in the existing West Coast driftnet/longline fleet capacity, and restrict longline landings in West Coast ports to those vessels that possess a West Coast longline permit.
3. Mitigate interaction with recreational HMS fisheries.
4. Answer questions about the nature and extent of a bluefin tuna resource inside of the West Coast EEZ, as well as determine the nature and extent of any incidental impacts of a longline fishery in this region.
5. Provide an additional fishery option with which to address conservation and management concerns such as increasing species selectivity, or mitigation of the incidental take of protected resources.

Figure 1. Area between the coastline and the illustrated offshore line describes the proposed prohibited area within which longline fishing would be prohibited.



6. Provide existing West Coast based longline fishermen with reasonable access to the full range of West Coast HMS resources in order to promote the continued viability of this fishery.

DISCUSSION OF OBJECTIVES:

1. Replace inconsistent state longline regulations with a uniform rule that regulates the West Coast longline fishery:

The intent of this objective to alleviate the confusing and in some cases inequitable application of inconsistent state longline regulations can be accomplished by the formulation and implementation of a single federal regulatory structure.

Current federal law requires that conservation and management measures contained in an FMP shall not discriminate between residents of different states [MSFCMA §301(a)(4)]. As outlined below, under existing state and federal regulations, the portion of the U.S. longline fishery that is conducted in the eastern North Pacific now operates under a complex system of inconsistent regulations.¹

A vessel fishing under a Hawaiian longline permit may fish in portions of Hawaii's EEZ, as well as the on the high-seas (subject to court ordered restrictions) and may land their catch in Hawaii, or in California (subject to licensing, and declaration requirements), or in Washington (subject to a Washington delivery permit), or in Oregon. Also, when a Hawaiian longline vessel lands in a West Coast port, it is released from regulatory requirements that would otherwise apply to that vessel until it once again lands in Hawaii.

A California licensed vessel fishing without a Hawaiian longline permit may fish on the high-seas (not subject to court ordered restrictions) and may land their catch in California (subject to declaration requirements), or in Washington (subject to a Washington delivery permit), or in Oregon, but may not land in Hawaii.

An Oregon licensed longline vessel may fish on the high-seas (not subject to court ordered restrictions) and land their catch in California (subject to licensing and declaration requirements), or in Washington (subject to a Washington delivery permit), or in Oregon, but may not land in Hawaii. Or, an Oregon longline vessel may fish within the EEZ (outside of 3 miles) off of California (as long as the vessel is not California licensed), or Washington (as long as the vessel is not Washington licensed), and land in Oregon or Washington (subject to a Washington delivery license) but cannot fish within 25 miles of the Oregon coastline.

A Washington licensed vessel may fish on the high-seas (not subject to court ordered restrictions) and land their catch in California (subject to licensing and

¹ Every attempt was made to accurately represent the various states' requirements, as well as the interplay these requirements create with vessels of different states. This however, was not an easy task, and absolute accuracy is not claimed.

declaration requirements), or Oregon or Washington (subject to declaration requirements) but not Hawaii. Or, a Washington licensed vessel may fish within the EEZ (outside of 3 miles) off of California (as long as the vessel is not California licensed) or Oregon (as long as the vessel is not Oregon licensed), but cannot land their catch in California, Oregon, or Washington.

Although, in a strict sense, it could be argued that these inconsistent state regulations don't discriminate against citizens of different states because no state only issues licenses or permits to citizens of its own state. However, the obvious flaw in this system is that regulations that apply to citizens of one state can be circumvented by the citizens of another. To rectify this inequitable circumstance, and alleviate this confusing miasma of regulations, institution of a single federal West Coast longline permit is proposed. Such a permit would form the basis for the controlled development of the West Coast longline fishery, and provide a consistent regulatory structure that would apply to citizens of all states in a uniform manner.

2. Control West Coast longline effort by allowing some transfer of existing driftnet effort to the West Coast longline fishery so as not to generate any net increase in the existing West Coast driftnet/longline fleet capacity, and restrict longline landings in West Coast ports to those vessels that possess a West Coast longline permit:

The intent of this objective to control West Coast longline effort can be accomplished by a combination of limiting participation in the West Coast longline fishery to driftnet permit holders, and by restricting West Coast longline landings to West Coast longline permit holders.

Limiting participation in the longline fishery to driftnet permit holders takes advantage of an existing limited entry program to control entry into the longline fishery rather than suffer the regulatory burden of instituting a separate limited entry longline fishery. In this way, existing HMS fishery effort does not increase while still allowing some effort to shift from one fishery to another. Such an outcome is consistent with federal requirements that conservation and management measures consider efficiency in the utilization of fishery resources [MSFCMA §301(a)(5)].

By limiting participation in the longline fishery to driftnet permit holders, a driftnet vessel would have the option of fishing either driftnet or longline. From a practical standpoint, a vessel would not be able to successfully fish both driftnet and longline. However, prohibiting both gears on a vessel at the same time is an easy way to ensure that this will not occur.

Restricting longline landings in West Coast ports to those vessels with West Coast longline permits is a method to control effort outside of the West Coast EEZ. Without access to a West Coast port, for example, a Hawaiian longline vessel's fishing range would likely be limited to about 140° west longitude. This would reduce effort from U.S. longline vessels east of this meridian. It would also help the Western Pacific Council maintain regulatory authority over the Hawaiian longline fleet by eliminating their

current option of escaping some of the WPC's regulatory requirements by landing in West Coast ports.

To get an idea of the amount of longline effort likely to shift from driftnet effort, there are approximately four West Coast based vessels currently utilizing longline and targeting HMS. All of these vessels are also driftnet permit holders. There were 139 swordfish driftnet permits renewed for the 1999 license year [CA F&G, 2000]. Of this number, 70 driftnet vessels participated in the 1999-2000 swordfish season [NMFS/SWR/PR, 2000]. Of these 70 vessels, besides the vessels currently utilizing longline, about 10 driftnet permit holders have expressed interest in exploring a longline fishery. Although this total number could increase, it is doubtful that even a majority of these 70 vessels that are currently active in the driftnet fishery would rig-up with longline gear if given an option. As the difference between the number of active driftnet vessels and the number of renewed permits shows, participation in a West Coast longline fishery is accessible to those that do not hold a driftnet permit by simply acquiring one of these transferable permits.

Fleet capacity can be further controlled by a system similar to that used in the groundfish limited entry fishery. Such a system would restrict driftnet permit holders to the size of the vessel assigned to the permit, allow for modest increases under an existing permit, or allow for greater size increases by stacking permits.

Such a limitation scheme is consistent with federal requirements that conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches [MSFCMA §301(a)(6)] by creating a flexible method for quickly shifting distribution of HMS effort in response to conservation needs without amending the FMP or its regulations.

3. Mitigate interaction with recreational HMS fisheries:

The intent of this objective to minimize interaction with marlin, and other recreational HMS fisheries can be accomplished by prohibiting longline fishing inside of the proposed prohibited area. Such a limitation is consistent with existing Oregon longline regulations. Additionally, because some driftnet fishermen will transfer to longline, driftnet effort inside of the proposed prohibited area will also be reduced.

The major portion of the marlin recreational rod-and-reel fleet is berthed in the greater Los Angeles area and San Diego. Catches are made in waters between the northern Channel Islands and the Coronado Islands. In some years the catch is uniformly distributed over the area. In other years the catch may be centered either off San Diego in the south, or near Catalina Island in the north [Bedford, Hagerman, 1983]. Between 1963 and 1969, during this period of relatively high marlin catches (Figure 2), records indicate that the majority of marlin fishing effort occurred inside of the proposed prohibited area (Figure 3). Given this historic pattern of distribution for the recreational marlin fishery, prohibiting longline gear inside of the proposed prohibited area accomplishes the intended objective

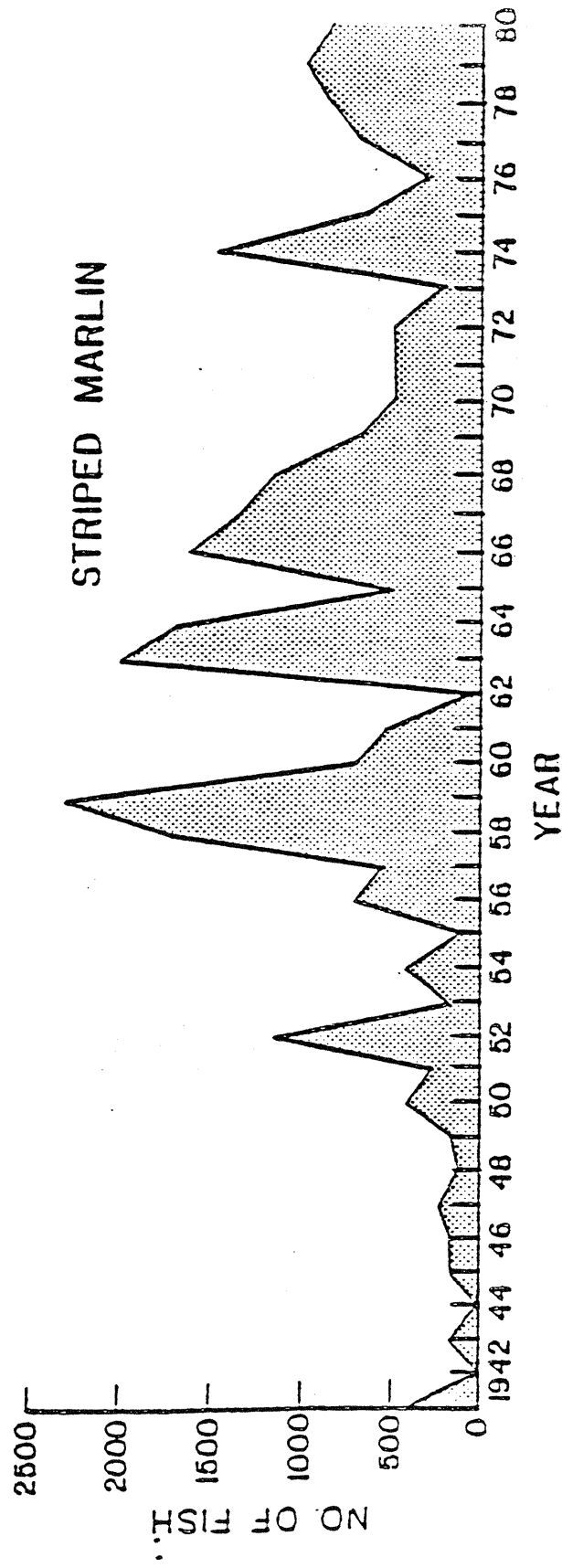
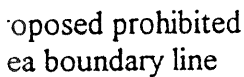


Figure 2. Recreational striped marlin catch as reported by major billfish clubs. Note that the period 1963 to 1969 was a period of relatively high catches [PFMC, 1981].



Such a prohibition is consistent with the federal requirement that conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches [MSFCMA §301(a)(6)] by creating a buffer to protect traditional recreational marlin grounds to allow for uncertainties in the impacts that the West Coast longline fishery might have on marlin stocks.

4. Answer questions about the nature and extent of a bluefin tuna resource inside of the West Coast EEZ, as well as determine the nature and extent of any incidental impacts of a longline fishery in this region:

The intent of this objective to fill the data gaps that exist regarding the extent of a potential bluefin catch as part of the overall longline fishery catch, and determine the nature and extent of any incidental impacts can only be accomplished by conducting this fishery inside of the West Coast EEZ and monitoring the results.

There is very little information documenting the nature and extent of a bluefin resource, or of longline catches inside of the West Coast EEZ. Tag and recapture data for bluefin tuna in the eastern Pacific indicates a seasonal north-south movement with the fish being furthest south during May-June, and furthest north during July-October [IATTC, 1999]. Historic commercial bluefin catch in this region has been of lower value small fish taken in the purse seine, and driftnet fisheries. However, nearly 1,000 large bluefin, some fish weighing more than 1,000 lbs., were taken with purse seine gear off southern California during the period from October 31, 1988 to January 3, 1989 [Leet, Dewees, and Haugen, 1992].

Regarding catches other than bluefin tuna, in the area between San Clemente and Santa Barbara Islands, five night longline sets made between September 23 -28 of 270 hooks each using mackerel and squid for bait yielded a total of two swordfish, two mako sharks, and 500 blue sharks [Kato, 1968].

The only other documented longline catches inside the West Coast EEZ are from an experimental longline fishery targeting mako and blue sharks that was conducted in the Southern California Bight from 1988 to 1991. Gear was restricted to a single 6.4 kilometer main line with hooks spaced at approximately 16 meter intervals. Gear was deployed during the day with soak times averaging 5 hours. Observer data for 1988 and 1989 record a total take of 3,220 blue sharks, 1,493 mako sharks, 459 pelagic sting rays, 3 Pacific sunfish, 5 California sea lions, 2 hammerhead sharks, 1 finetooth triggerfish, 1 giant sea bass, and 2 Pacific mackerel. This fishery operated inside of a line from Point Vicente to the west end of Catalina Island and a line from the east end of Catalina Island to Point Loma.

In both of these instances, recorded longline catches have occurred inside of the proposed prohibited area. No data was found that documented the nature or extent of

longline catches in the area inside of the West Coast EEZ that is outside of the proposed prohibited area.

The operation of the West Coast longline fishery inside of the West Coast EEZ is consistent with federal requirements that conservation and management measures shall be based upon the best scientific information available [MSFCMA §301(a)(2)] because only by the operation of this fishery in this region will scientific information become available on which to base appropriate conservation and management measures.

5. Provide an additional option with which to address conservation and management concerns such as increasing species selectivity, or mitigation of the incidental take of protected resources:

The intent of this objective to provide for alternative harvest techniques to address conservation and management concerns can be accomplished by development of selective baits, or other fishery practices to increase target species selectivity and minimize fish bycatch, as well as to reduce the overall level of marine mammal interactions by replacing some driftnet effort with longline effort.

In a recent letter to the PFMC, the Wildlife Conservation Society urged enough flexibility within the HMS FMP for changes in fishing gear, fishing methods, and other management measures that promote efficient and selective fisheries, and notes that several countries are working on species selective baits and species-selective fishing methods for longline fisheries.

During the formulation of the Pacific Offshore Cetacean Take Reduction Plan in 1996, pursuant to Marine Mammal Protection Act requirements that the driftnet fishery develop strategies to reduce the incidental take of marine mammals, the Take Reduction Team considered conversion of the entire driftnet fleet to longline. This strategy was rejected due to a combination of factors that included: (1) the probability that such a strategy would preclude a significant number of driftnet fishermen who either could not afford such a conversion, or whose vessels would be unsuitable for such a conversion; (2) questions about the take of seabirds, and sea turtles in the longline fishery; and (3) the fact that NMFS had no authority under the MMPA to require California or Oregon to implement such a strategy [NMFS/PCTRP, 1996]. However, during the most recent meeting of the Take Reduction Team, they supported a recommendation to explore more selective gear types for use by the driftnet fleet that can demonstrate reduction of bycatch [NMFS/PCTRT Rpt., 2000].

In light of a comparison between longline and driftnet bycatch that was documented in the California experimental shark longline fishery, this recommendation is consistent with the federal requirement that conservation and management measures shall minimize bycatch and to the extent bycatch cannot be avoided, minimize the mortality of bycatch [MSFCMA §301(a)(9)] because in that experimental fishery, longline gear appeared to bring in less bycatch than the driftnet fishery. Observers recorded a total of 9 species captured with longline, whereas 71 species were documented from the driftnet

fishery. The report goes on to note that unlike the driftnet catch, most of the longline bycatch can be released alive [O'Brien & Sunada, 1994].

Regarding the incidental take of seabirds in the longline fishery, no gear modifications are required in the Atlantic longline fishery because the incidental take of seabirds is minimal [NMFS/HMS/SEIS, 2000]. The incidental take of seabirds in the Hawaiian longline fishery has been addressed by requiring the employment of 2 or more of 6 approved seabird take mitigation techniques, attendance at protected resource bycatch mitigation workshops, and release of all hooked seabirds in a manner that maximizes their survival [FR 41424].

Regarding the incidental take of sea turtles, although the question about the degree of sea turtle interaction inside of the West Coast EEZ as compared to estimated interactions on the high-seas remains unanswered due to lack of catch data within this region, both the Atlantic and Hawaiian longline fisheries, as well as the California driftnet fishery, are presently undergoing scrutiny that will determine allowable levels of incidental takes, and mortalities, as well as determine conservation and management measures deemed to be prudent and necessary in order to mitigate impacts on sea turtle stocks. However, the lack of data regarding sea turtle life history complicates this process. The recent approval by the Senate Appropriations Committee (S. 2536) of \$2,000,000 for the study of longline interactions with sea turtles in the North Pacific promises to speed the development of methods to mitigate sea turtle interactions with longline gear.

6. Provide existing West Coast based longline fishermen with reasonable access to the full range of West Coast HMS resources in order to promote the continued viability of this fishery:

The intent of this objective to provide West Coast HMS fishermen with a reasonable opportunity to compete in international and domestic fisheries and markets can be accomplished by allowing uniform access to fishing grounds within the West Coast EEZ.

Longline caught swordfish and tunas are the most sought after because the fish are handled singly, landed alive, and bled and chilled quickly. This results in a product of the best quality, and represents the highest use of the HMS resource. Additionally, large bluefin tuna, the most sought after tuna for international and domestic sushi markets, may only be available to West Coast fishermen inside of the West Coast EEZ [Leet, Dewees, and Haugen, 1992]. West Coast longline fishermen will be denied access of this important resource, and consumers denied access to the highest use of this resource unless this region is accessible.

The operation of the West Coast longline fishery inside of the West Coast EEZ is consistent with federal requirements that conservation and management measures shall take into account the importance of fishery resources to fishing communities in order to provide sustained participation and minimize adverse economic impacts [MSFCMA

§301(a)(8)] by promoting the highest use for this HMS resource. Such access also promotes federal law requiring equitable arrangements that provide U.S. fishing vessels with access to HMS species subject to international HMS fishery agreements. [MSFCMA §202(e)(1)(C)].

REFERENCES:

- Bedford, Dennis W.; Hagerman, Fredrick B.; The Billfish Resource of the California Current; CalCOFI Rep., Vol. 24, 1983.
- CA F&G: California Department of Fish & Game report to the Pacific Offshore Cetacean Take Reduction Team, May, 2000.
- FR 41424: Federal Register, Volume 65, No. 129, Page 41424; Proposed Rule; Measures to Reduce the Incidental Catch of Seabirds in the Hawaiian Pelagic Longline Fishery, July 5, 2000.
- IATTC: Inter-American Tropical Tuna Convention; Assessment of Bluefin Tuna in the Pacific Ocean; a working document for the Second Meeting of the Interim Scientific Committee for Tuna and Tuna-Like Species in the North Pacific, January 15-23, 1999.
- Kato, Susumu; Statement of Project Accomplishment; Bureau of Commercial Fisheries, 1968
- Leet, William S.; Dewees, Christopher M.; Haugen, Charles W.; California's Living Marine Resources and Their Utilization; California Sea Grant, 1992
- MSFCMA: Magnuson-Stevens Fishery Conservation and Management Act
- NMFS/HMS/SEIS: National Marine Fisheries Service, Highly Migratory Species Division, Supplemental Environmental Impact Statement; Regulatory Amendment 1 to the Atlantic Tunas, Swordfish, and Sharks Fishery Management Plan; Reduction of Bycatch, Bycatch Mortality, and Incidental Catch in the Atlantic Pelagic Longline Fishery, June, 2000.
- NMFS/PCTRP: National Marine Fisheries Service, Pacific Cetacean Take Reduction Plan, 1996.
- NMFS/PCTRT Rpt.: National Marine Fisheries Service, Pacific Cetacean Take Reduction Team Report, May, 2000.
- NMFS/SWR/PR: National Marine Fisheries Service, Southwest Region, Department of Protected Resources Report to Pacific Cetacean Take Reduction Team, 2000
- O'Brien, John W.; Sunada, John S.; A Review of the Southern California Experimental Drift Longline Fishery for Sharks, 1988-1991, CalCOFI Rep., Vol. 35, 1994.
- PFMC: Pacific Fishery Management Council, Draft Fishery Management Plan for Pacific Coast Billfish and Oceanic Shark Fisheries, 1981.

Dear Chairman Lone,

I'm a member of the Recreational Fishing Alliance (RFA) and I'm extremely concerned that the Pacific Fishery Management Council is considering a proposal to replace driftnets with drift longlines in the Pacific.

The science surrounding this gear is clear – marine mammal interaction is inevitable, as is by-catch of juvenile and unmarketable species, including endangered sea turtles, pilot whales, marlin and sea birds. To introduce this fishing practice to the waters of the West Coast would be reckless.

The U.S. Senate and the House of Representatives have both recognized longlines for the "dirty" gear they are – and are addressing the reduction of this gear through the legislative process. Drift longlines and drift gill nets have no place in sustainable and historical fisheries.

I urge you to remove driftnets from the water – but do not replace them with an unsustainable longline industry.

(Please Print)

Sincerely,

Name Samuel F. Trump
Address 104 Peckham Dr.
City Ashland State MA Zip 01805

Signature

Samuel F. Trump

I FISH I VOTE

A total of 41 identical cards were received from different individuals as of 8/18/00.

Originals are on file in the PFMC office.

Subject: Fwd: Against long-line proposal

Date: Tue, 05 Sep 2000 12:18:16 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: daniel.waldeck@noaa.gov

See attached message...PFMC.Comments

SJK

Subject: Against long-line proposal

Date: Mon, 4 Sep 2000 02:55:15 -0700 (PDT)

From: Travis Lopez <travislopez@yahoo.com>

To: senator@feinstein.senate.gov, rhight@dfg.ca.gov, Penny.Dalton@noaa.gov,
pfmc.comments@noaa.gov

I wanted to express my concern over the proposal to allow long-liners within the 200 mile limit in California Waters.

It is my position that allowing ANY longlining activity within OUR waters will destroy OUR natural resource.

Longlining activities in US waters, in particular, Hawaii, the North Atlantic and the Gulf of Mexico, have resulted in overexploitation of the target species and caused the need for restricting these activities to "save" the resource. The decrease in number, size and regulations restricting the activities of these fisheries. One type of fishing gear is harmful enough, allowing long-lines and gillnets is going too far.

I am a San Diego Native, and college student. I have recently taken up a collection for funding a campaign against the long-liner proposal. I will not idly sit by and allow the destruction of a precious resource. I am counting on your wisdom and competence to proceed within the interest of protecting a natural resource.

Sincerely,

Ms. Travis O. Lopez

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Yahoo! Mail - Free email you can access from anywhere!

<http://mail.yahoo.com/>



RECEIVED

SEP 07 2000

PPMC

September 6, 2000

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

Dear Chairman Lone:

In light of the recent discussions surrounding the gear types to be covered by the HMS FMP, we wanted to clarify some of our positions regarding the issue. We have been working to help the team in developing performance standards that would apply to all gears in the HMS fishery, both those currently in use in this region and any new gears that may be introduced or invented in the future. We believe that by taking this proactive approach to reducing and avoiding bycatch, the Council can have sustainable populations of highly migratory species for years to come.


A key element for the long-term conservation and management of HMS fisheries is the ability to estimate how much fishing mortality a population can withstand, a process that can be improved by the consideration of information on a stock's biological characteristics. At our request, the scientists on the Plan Team are developing a status index for species caught by the HMS fisheries, including particularly vulnerable species such as sharks. It is our hope that development of such an index will help the Council take proactive management measures and set sustainable catch levels.

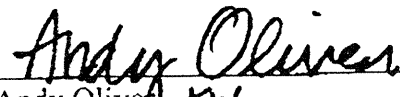
We have also proposed the development and incorporation of performance standards in the FMP to reduce and minimize bycatch in all the HMS fisheries. Performance standards would set objective targets and limits for bycatch across gears. In combination with these performance standards, we propose that the team examine the use of incentives to reward fisheries or individuals that achieve or exceed the targets set forth by the performance standards. Fishermen who demonstrate low bycatch levels or avoid fishing in high bycatch areas could receive higher landing limits. Again, using the information from the vulnerability indices, bycatch quotas could be established on a fishery wide, or vessel by vessel basis. These quotas could decrease over time, as the fishery improves its ability to avoid and minimize unwanted catch. Individual vessel bycatch allowances could be transferable within the fishery to allow fishermen to cover excess catch—once the total allowable bycatch level for a species within the fishery is met, we would propose that the fishery close.


We believe effective monitoring of the fisheries, as well as implementation of performance standards, can best be accomplished through an appropriate observer program. The FMP needs to include statistically significant observer coverage for HMS vessels, recognizing that in some fisheries the coverage should be comprehensive. We also encourage the Council to consider some of the more recent technological innovations in monitoring, such as VMS and on-board cameras. The Team has also considered some small, yet significant, changes which we strongly support, such as requiring VMS on HMS boats and shifting to electronic logbooks. Improved data quality would be a significant contribution to a fishery where many basic questions are still unanswered about the biology and movements of these fish.

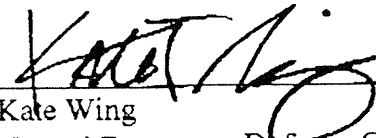
We encourage the Council to direct the Plan Team to examine the use of performance standards and catch incentives, and their effects if combined with more prescriptive measures such as a prohibition on night sets, limited set duration and amounts of gear, or area closures. We urge the Council to use caution now, while these stocks are still healthy, rather than risk jeopardizing their status and necessitating drastic actions later. These highly migratory fish are extremely valuable, and as other fishing grounds around the world are closed more and more fishermen will be looking to the productive areas of the Pacific U.S. Taking the long view in managing these stocks is wise from both an economic and a conservation perspective.

Thank you for your consideration,


Liz Lauck *KW*
Wildlife Conservation Society


Andy Oliver *KW*
World Wildlife Fund


Rod Fujita *KW*
Environmental Defense


Kate Wing
Natural Resources Defense Council

RECEIVED

SEP 01 2000

PFMC

Dear Sir:

I am a life long sport fisherman. I am deeply concerned about any proposal to allow longline fishing in our waters on any basis whatsoever.

I can not see any benefits to anyone, except longliners, from such a proposal.

However, it is very easy to picture a negative impact on sport fishing from longlining.

I urge you to support and protect sport fishing and the interests of millions of sport fishermen and future generations of fishermen by keeping all longlining out of all of our waters.

The quality and possibly the very continued existence of sport fishing is in your hands.

Sincerely,

Charles J. Ruth
6538 Basalto St.
Carlsbad, Ca. 92009

As of 9/6/00, we have received 5 copies of this letter from different individuals.

Dear Chairman Lone.

I'm a member of the Recreational Fishing Alliance (RFA) and I'm extremely concerned that the Pacific Fishery Management Council is considering a proposal to replace driftnets with drift longlines in the Pacific.


The science surrounding this gear is clear – marine mammal interaction is inevitable, as is by-catch of juvenile and unmarketable species, including endangered sea turtles, pilot whales, marlin and sea birds. To introduce this fishing practice to the waters of the West Coast would be reckless.

The U.S. Senate and the House of Representatives have both recognized longlines for the "dirty" gear they are – and are addressing the reduction of this gear through the legislative process. Drift longlines and drift gill nets have no place in sustainable and historical fisheries.

I urge you to remove driftnets from the water – but do not replace them with an unsustainable longline industry.

Sincerely,

Signature

 **Dr. George M. Paddison**
3920 Regent Rd.
Durham, NC 27707-5312
City _____ State _____ Zip _____

I FISH I VOTE

Between 8/28/00 and 9/6/00, we received this card from an additional 1,267 individuals. Original cards are on file at the PFMC office.



5046 Edinger Avenue
Huntington Beach, CA 92649
714 840 0227 TEL
714 840 3146 FAX

September 8, 2000

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

RE: Highly Migratory Species Plan Progress Report. Agenda Item H1

Dear Council Members:

United Anglers of Southern California ("UASC") is the largest organization representing recreational anglers for marine conservation on the Pacific Coast. A large number of our members participate in the various highly migratory species fisheries. We represent anglers from many communities that fish for various mixtures of billfish, tuna, tuna-like species pelagic sharks, and other pelagic species.

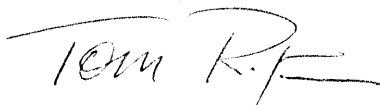
UASC believes:

1. The HMS fishery management plan (FMP) should use an ecological system-wide approach. The FMP should include all inter-related pelagic species, including prey species, that occur in the Pacific Coast EEZ in order to provide managers with an effective scope of authority to properly manage the resource. Likewise, the FMP should include all gear types that fish pelagic or pelagic-related populations of species occurring in the Pacific Coast EEZ and realistic comparable socio-economic models created to ensure the use of resource is maximized for the States over the long term.
2. Until such time the FMP uses a complete economic and ecosystem approach the plan should not allow for increases in effort. Utilization of a precautionary approach in the establishment or expansion of fisheries will help avoid the pitfalls recently experienced by this council in the management of groundfish.
3. Creation of the longline fishery submitted in the Janisse/Dupuy proposal would represent an increase in effort.
4. The FMP should include measures to mitigate conflicts between commercial and recreational gear fishing for tuna, tuna-like species, and pelagic sharks. The FMP should contain provisions to continue gear-conflict mitigation currently implemented by the States for billfish.

5. Many of the pelagic fisheries within the Pacific Coast EEZ are fully utilized. The FMP should contain provisions designed to increase and/or protect local availability of pelagic species for recreational use. Recreational gear is the least effective gear in the water; however, it represents both an exceptionally high economic utilization of the resource, and is of great social importance to the State of California.
6. The State of California has taken a position on pelagic longlines. The California Fish and Game Code prohibit use of pelagic longlines inside the US 200-mile EEZ by all fishers under the authority of California. UASC has noted no change in the position of the State regarding this issue, a fact confirmed recently by correspondence from the office of the Director of the California Department of Fish and Game responding to concerns expressed to that office by some of our members.
7. No interest in a longline fishery within the Pacific Coast 200-mile EEZ, either as a new fishery or as a replacement for drift gillnets, has been expressed by any group of U.S. fishers, longline or drift gillnet, not currently operating under the authority of the State of California. The focus of the FMP should be in providing additional resources and enforcement capabilities to the States.

UASC is completely dedicated to recognized principles and goals of marine conservation. UASC strongly supports sound scientific management of our fisheries in order to maximize their economic and social values to the State; while, at the same time, providing protections for the ecosystem and its biodiversity to ensure the long term viability of the marine resource.

Sincerely,



Tom Raftican
President, UASC

Cc: Don McIsaac
Rebecca Lent
Svein Fougner
Dale Squires
Steve Crooke
Larry Six
Penny Dalton