NATIONAL MARINE FISHERIES SERVICE REPORT

Situation: National Marine Fisheries Service will briefly report on recent international and domestic developments relevant to highly migratory species fisheries and issues of interest to the Council.

Council Task: Discussion.

Reference Materials: None.

PFMC
10/10/01

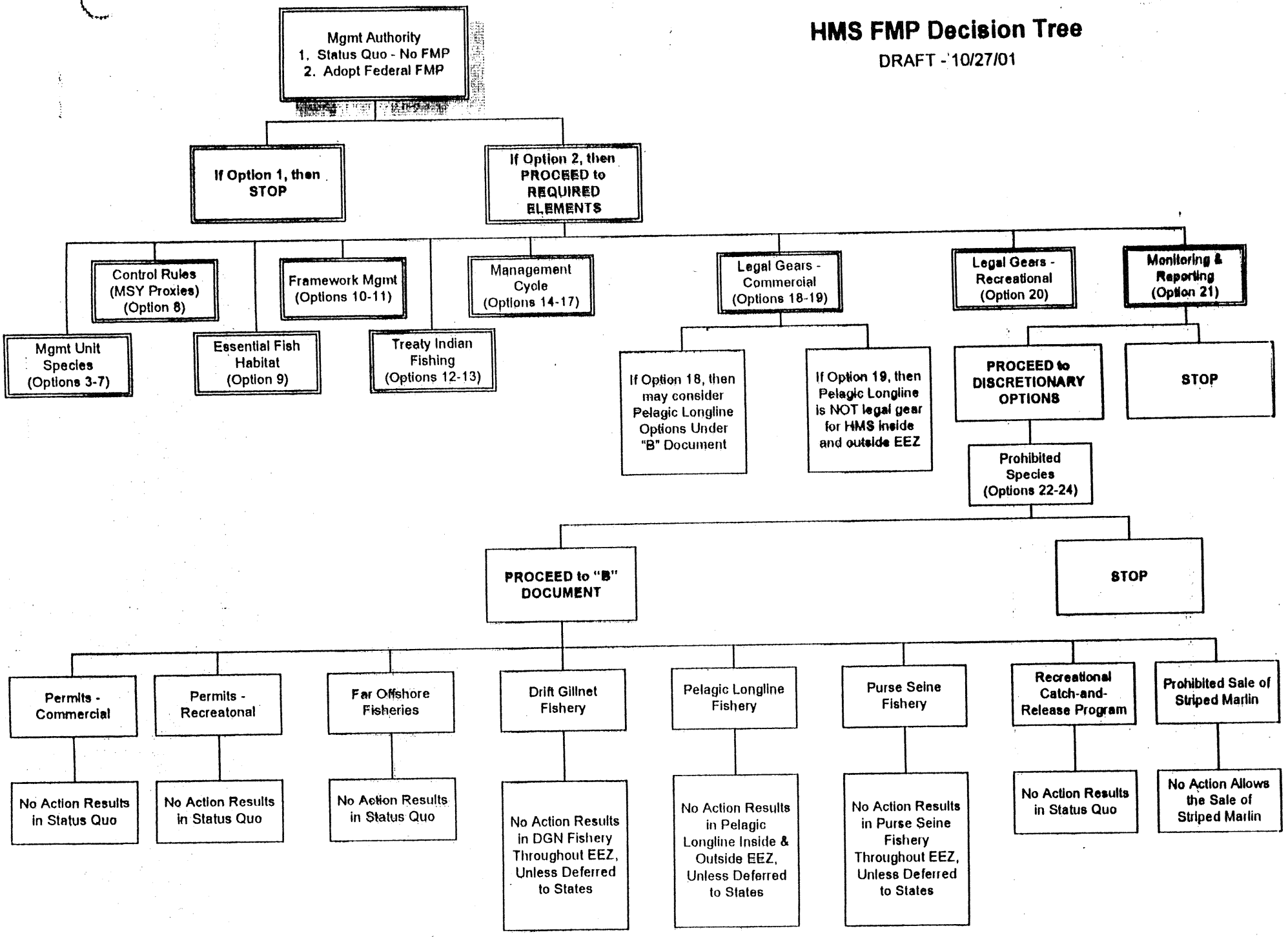
CLARIFICATION OF INITIAL REGULATORY MEASURES

- Inadvertently Added: High Seas LL Mgt
  - Option 3 - Allow Fishing Only under an EFP
- Inadvertently Lost: Drift Gillnet Fishery
  - #31 - Incorporate existing time/area closures off WA, OR, & CA to protect sharks
  - #32 - Close EEZ north of 45°N for sharks & bycatch
  - #33 - Close EEZ east of longitude 125°/126° for sharks, bycatch, & protected species

Exhibit G.2.b
Supplemental HMSPDT Overhead Presentation
November 2001

HMS FMP Decision Tree

DRAFT - 10/27/01



DRAFT
HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

HMS Plan Development Team

November 1, 2001

Council Considerations

- Should the draft HMS FMP be distributed for public review?
- Direct HMS Team to make changes, if necessary
  - Ensure all options that the Council wants included are included in the draft documents
- Consider adopting preferred options
- Set the schedule for public hearings

The FMP Provides:

- A public process for the development of conservation and management measures for HMS fisheries
- A vehicle to resolve inconsistencies in state regulations and address management issues
- A mechanism to cooperate with other councils to achieve consistent management of U.S. fisheries in the Pacific Ocean
- A foundation for improving knowledge of the species and fisheries involved
- Guidance for how recommendations of international bodies should be applied to West Coast fisheries

FMP Contents

- Description of the West Coast HMS Fisheries
- Status of Fish Stocks
- Essential Fish Habitat
- Bycatch of Fish in HMS Fisheries
- Interactions of HMS Fishing Gears With Protected Species
- Current Management
- Management Under the HMS FMP
- Relationship to Other Laws & Directives

Management Options Decision Tree

- Step One – Management Authority
  - Option 1: Status Quo – No Federal FMP
  - Option 2: Adopt Federal FMP

  - If Choose Option 1, Then End of Show
  - If Choose Option 2, Then Proceed to Required Elements

Decisions Con't

- Step Two – Required Elements
  - Management Unit Species (MUS)
    - 5 Options for MUS, Including Council and Team Preferred:

Albacore tuna
Bigeye tuna
Bluefin tuna
Skipjack tuna
Yellowfin tuna
Striped marlin
Swordfish

Blue shark
Bigeye thresher shark
Common thresher shark
Pelagic thresher shark
Shortfin mako shark
Dorado (Dolphinfish)

Decisions Con't

- Step Two – Required Elements Con't
  - Control Rules (MSY Proxies)
  - Essential Fish Habitat
  - Framework Management
    - 2 Options for Framework Mgmt, including Point of Concern Process *(Team Preferred)*
  - Treaty Indian Fishing

Decisions Con't

- Step Two – Required Elements Con't
  - Management Cycle
    - 4 Options including No Cycle; Annual; Biennial; and Multi-Year Cycles
  - Legal Gears – Commercial
    - 2 Options—one including pelagic longline gear *(Team Preferred)* and one excluding longlines
  - Legal Gears – Recreational
  - Monitoring & Reporting

Decisions Con't

- Step Three – Discretionary Elements
  - Prohibited Species
    - 3 Options *(All Team Preferred)*—include prohibited taking of basking sharks, white sharks, megamouth sharks, Pacific halibut, and salmon (unless those seasons are open)
  - If Desired, Council Can Proceed to "B" Document for Additional Regulatory Measures

"B" Document – Regulatory Options

- **Permits – Commercial**
  - **Require federal vessel permit for all commercial HMS fisheries**
  - ***(Team Preferred)* - Require federal vessel permit with endorsements for individual fisheries**
  - **No Action Would Result in Current State Laws Remaining in Effect Which Vary by State**

“B” Options Con’t

- **Permits – Recreational**
  - **Require a federal recreational angler permit (16 yrs +)**
  - ***(Team Preferred)* – Require a federal recreational vessel permit**
  - **Require a federal or state recreational vessel permit**
  - **No Action Would Result in Current State Laws Remaining in Effect Which Vary by State**

“B” Options Con’t

- Far Offshore Fisheries Declaration
  - Allow HMS fisheries which are allowed inside and outside EEZ to fish outside EEZ without filing a far offshore fishery declaration
  - No Action Would Result in Current State Laws Remaining In Effect Which Vary by State

"B" Options Con't

- **Drift Gillnet Fishery**
  - ***(Team Preferred)* – Incorporate existing time/area closures off WA, OR, and CA for shark protection**
  - **Close the portion of the EEZ north of 45 degrees N latitude for shark protection and to address bycatch concerns**
  - **Close the portion of the EEZ off OR and WA east of a longitudinal line (~125 degrees)**

"B" Options Con't

- Drift Gillnet Fishery Con't
  - *(Team Preferred)* - Incorporate specific directives for reducing takes of protected species with DGN gear into the FMP
  - No Action Would Result in the DGN Fishery Being Allowed Throughout the EEZ Unless Management is Deferred to the States

"B" Options Con't

- Pelagic Longline Fishery
  - *(Team Preferred)* - Allow high seas longline fishery outside the EEZ subject to WPFMC regulations
  - Authorize a pelagic longline fishery within the EEZ
  - Impose an indefinite moratorium on pelagic longline within the EEZ with re-evaluation after a bycatch reduction research program is completed
  - *(Team Preferred)* – Do not allow pelagic longline gear within the EEZ and initiate the EFP process

“B” Options Con’t

- Pelagic Longline Fishery Con’t
  - No Action Would Result in Pelagic Longline Fishery Being Allowed Throughout EEZ and Outside EEZ Unless Management is Deferred to the States

"B" Options Con't

- Purse Seine Fishery
  - *(Team Preferred)* – Incorporate existing time/area closures off WA to address bycatch and protected species concerns
  - Close the area within the EEZ north of 44 degrees N latitude to address bycatch and protected species concerns
  - No Action Would Result in Purse Seine Fishery Being Allowed Throughout EEZ Unless Management is Deferred to the States

“B” Options Con’t

- Recreational Fishery
  - *(Team Preferred)* – Adopt formal catch-and-release program for HMS recreational fisheries
  - No Action Would Result in Status Quo and Bycatch in the Recreational Fishery Would Not be Reduced

"B" Options Con't

- **Prohibit the Sale of Striped Marlin**
  - ***(Team Preferred)*** **– Prohibit the taking and sale of striped marlin by commercial HMS fisheries**
  - **No Action Would Result in Legalizing the Take and Sale of Striped Marlin by Commercial HMS Fisheries Which is Currently Prohibited by CA State Law**

Summary - Council Considerations

- Should the draft HMS FMP be distributed for public review?
- Direct HMS Team to make changes, if necessary
  - Ensure all options that the Council wants included are included in the draft documents
- Consider adopting preferred options
- Set the schedule for public hearings

OPTIONS FOR MANAGEMENT MEASURES TO BE INCLUDED IN THE FMP ("A" OPTIONS)

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
	MANAGEMENT AUTHORITY (Required - Pick One)			
1	Status quo or no-action alternative: Do not adopt a federal fishery management plan for west coast-based HMS fisheries.	To minimize federal regulation and costs of management and to maintain maximum state authority	Limits federal regulatory burden to that required to protect marine mammals, birds and turtles; issues of national concern, such as bycatch, essential fish habitat, shark conservation, and tunas and billfish management issues may not be addressed; inconsistencies in state regulations may not be resolved; the Western Pacific Council may choose to regulate West Coast fisheries; and collaboration with other councils to promote consistent management of all U.S. fisheries would not be achieved; essentially all of the problems and issues listed in the FMP would remain absent a mechanism to address them.	None
2	**(Team Preferred Option)** Federal FMP: Adopt a federal fishery management plan to manage west coast-based HMS fisheries.	To have a federal FMP for west coast-based HMS fisheries to: • Provide a foundation to support the State Department in cooperative international management of HMS fisheries • Promote inter-regional collaboration in management of fisheries of shared stocks which occur in the Pacific Council's managed area and other Councils' areas • Provide consistency among federal and state regulations for HMS fisheries • Ensure fisheries on shared stocks are in compliance with Magnuson-Stevens Act	Problems and issues in the FMP would be addressed or would have a coordinated mechanism to address. With adoption of a federal FMP, the Council has alternatives for designating management authority. An HMS FMP could largely supplant existing state management of HMS fisheries, but where prudent and practicable, the Council may want to defer or delegate management authority to the states.	Proceed to Options 3-7

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
	MANAGEMENT UNIT SPECIES (MUS) (Required - Pick One)			
3	Define MUS as: Albacore tuna Bigeye tuna Bluefin tuna Skipjack tuna Yellowfin tuna Striped marlin Swordfish Blue shark Bigeye thresher shark Common thresher shark Pelagic thresher shark Shortfin mako shark	To include species identified in PFMC 1999; these species meet the following criteria: • occur in the Pacific Council's management area, and • occur in west coast HMS fisheries, and • are defined as HMS in the Magnuson-Stevens Act or the Law of the Sea Annex I, and • have importance (moderate to high value) in the landings or to the fishery, and • **are managed by the Western Pacific Council**	These species would be federally managed under this FMP and subject to the provisions of the Magnuson-Stevens Act (e.g., control rules, definitions of overfishing, rebuilding plans).	Proceed to Option 8
4	**(Team Preferred Option - Tentatively approved by the Council)** Define MUS as: Albacore tuna Bigeye tuna Bluefin tuna Skipjack tuna Yellowfin tuna Striped marlin Swordfish Blue shark Bigeye thresher shark Common thresher shark Pelagic thresher shark Shortfin mako shark **Dorado (Dolphinfish)**	To include species identified in PFMC 1999 with the addition of dorado (dolphinfish) and approved by the Council; these species meet the following criteria: • occur in the Pacific Council's management area, and • occur in west coast HMS fisheries, and • are defined as HMS in the Magnuson-Stevens Act or the Law of the Sea Annex I, and • have importance (moderate to high value) in the landings or to the fishery, and • **are managed by the Western Pacific Council**	These species would be federally managed under this FMP and subject to the provisions of the Magnuson-Stevens Act (e.g., control rules, definitions of overfishing, rebuilding plans).	Proceed to Option 8
5	Define MUS as: Albacore tuna Bigeye tuna Bluefin tuna Skipjack tuna Yellowfin tuna Swordfish Blue shark Common thresher shark Shortfin mako shark Striped marlin	To include species which meet all of the following criteria: • occur in the Pacific Council's management area, and • occur in west coast HMS fisheries, and • are defined as HMS in the Magnuson-Stevens Act or the Law of the Sea Annex I, and • have importance (moderate to high value) in the landings or to the fishery, and • **sufficient data exists to calculate a bio-analytically-based MSY, including a reasonable proxy based on catches and yields that are stable over time**	These species would be federally managed under this FMP and subject to the provisions of the Magnuson-Stevens Act (e.g., control rules, definitions of overfishing, rebuilding plans).	Proceed to Option 8

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
6	Define MUS as: Albacore tuna — Blue shark Bigeye tuna — Bigeye thresher shark Bluefin tuna — Common thresher shark Skipjack tuna — Pelagic thresher shark Yellowfin tuna — Shortfin mako shark Striped marlin — Dorado (Dolphinfish) Swordfish — **Sixgill shark**	To include species which meet all of the following criteria: • occur in the Pacific Council's management area, and • occur in west coast HMS fisheries, and • are defined as HMS in the Magnuson-Stevens Act or the Law of the Sea Annex I, and • have importance (moderate to high value) in the landings or to the fishery or • **have special biological characteristics (low productivity)**	These species would be federally managed under this FMP and subject to the provisions of the Magnuson-Stevens Act (e.g., control rules, definitions of overfishing, rebuilding plans).	Proceed to Option 8
7	Define MUS as: Albacore tuna — Yellowfin tuna Bigeye tuna — Striped marlin Bluefin tuna — Swordfish Skipjack tuna — Dorado (Dolphinfish)	To include **non-shark** species which meet the following criteria: • occur in the Pacific Council's management area, and • occur in west coast HMS fisheries, and • are defined as HMS in the Magnuson-Stevens Act or the Law of the Sea Annex I, and • have importance (moderate to high value) in the landings or to the fishery, and • are managed by the Western Pacific Council	These species would be federally managed under this FMP and subject to the provisions of the Magnuson-Stevens Act (e.g., control rules, definitions of overfishing, rebuilding plans).	Proceed to Option 8
	CONTROL RULES (Required)			
8	**(Team Preferred Option)** Adopt default control rules as identified in Section 3.2.2 which define MSY (or MSY proxy) and OY values for management unit species	To consider the biological limitations of species in addition to the effects from fishing in setting control rules	Due to different and unique life histories, HMS have differing vulnerabilities to exploitation that require differing management strategies. For example, most tunas are widespread and productive while many sharks, with delayed sexual maturity and low fecundity, are not. Precautionary quotas for these more vulnerable species may be appropriate.	Proceed to Option 9
	ESSENTIAL FISH HABITAT (Required)			
9	**(Team Preferred Option)** Adopt essential fish habitat designations for management unit species as described in Section 4.2 and Appendix A.	To identify and describe essential fish habitat for the different life stages of the MUS consistent with the Magnuson-Stevens Act	Essential fish habitat (EFH) has been identified and described in Section 4.2 and in Appendix A of the FMP. This option would formalize those descriptions as the legal designations for EFH for west coast HMS.	Proceed to Options 10-11

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
	FRAMEWORK MANAGEMENT (Required - Pick One)			
10	Adopt framework procedures to allow the Council to adopt regulatory measures such as: • time/area restrictions • reporting requirements • permits • quotas or harvest guidelines • gear restrictions • allocations • at-sea observers • size limits/bag limits/trip limits • bycatch measures without a plan amendment	To allow the Council to adopt regulatory measures for HMS fisheries without a plan amendment NOTE: Regulations implemented pursuant to the FMP will remain in effect until changed by the framework process or by plan amendment	Adoption of framework procedures would provide for the adjustment of management measures within the scope and criteria established by the FMP and implementing regulations, without the need for amending the FMP. Framework adjustments may be implemented more quickly allowing for more timely management response. FMP amendments would still be required for major or controversial actions which are outside the scope of the original FMP.	Proceed to Options 12-13
11	**(Team Preferred Option)** Adopt framework procedures outlined in Option 10, with the addition of a "point of concern" process by which the Council must respond when a "point of concern" is raised. A "point of concern" must meet criteria before it is addressed.	To allow the Council to adopt regulatory measures for HMS fisheries without a plan amendment with the addition of a formal "point of concern" process NOTE: Regulations implemented pursuant to the FMP will remain in effect until changed by the framework process or by plan amendment	Adoption of framework procedures would provide for the adjustment of management measures within the scope and criteria established by the FMP and implementing regulations, without the need for amending the FMP (see Option 10). Adoption of the point of concern process: • may increase the responsiveness of the Council to stakeholders in a formal manner • specifies formal criteria that must be satisfied to raise a conservation issue to the Council • creates additional administrative burdens and costs if a point of concern is raised outside of the framework process • diminishes the Council's discretion in determining which issues should by analyzed by the HMSMT • is similar to the processes included in the Council's FMPs for groundfish and coastal pelagic species	Proceed to Options 12-13

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
	TREATY INDIAN FISHING (Required - Pick One)			
12	Adopt and include in the FMP a framework process similar to that used for treaty Indian fisheries under the Pacific Coast Groundfish Fishery Management Plan.	To give the Council prior notice of proposed treaty fisheries so that allocation and other issues can be addressed before fisheries commence; would also recognize the Indians' treaty rights; describe U & A grounds for the four ocean fishing tribes; provide an orderly procedure, through the Council process, for the implementation of treaty rights; and contain various measures related to the exercise of treaty rights	Inclusion of this framework process in the FMP would provide for the adjustment of management measures within the scope and criteria established by the FMP and implementing regulations without the need for amending the FMP. Any revision to the framework would require a plan amendment. Implementing regulations would refer to the framework in the FMP.	Proceed to Options 14-17
13	Authorize adoption of the framework to accommodate treaty fishing rights in the implementing regulations.	To give the Council prior notice of proposed treaty fisheries so that allocation and other issues can be addressed before fisheries commence; would also recognize the Indians' treaty rights; describe U & A grounds for the four ocean fishing tribes; provide an orderly procedure, through the Council process, for the implementation of treaty rights; and contain various measures related to the exercise of treaty rights	The framework would be described in the implementing regulations rather than in the FMP (see Options 10 and 11). The initial proposed regulations would be set out in the framework described in Chapter 8, p. 13.	Proceed to Options 14-17
	MANAGEMENT CYCLE (Required)			
14	Do not establish a management cycle	To not have an annual management cycle; regulations would be in effect until changed.	The HMSMT would prepare an annual SAFE document which is presented to the Council in March. There is no fixed schedule for addressing management issues. The Council will adopt or amend management measures whenever a problem is identified which requires management action. Measures stay in effect until changed.	Proceed to Options 18-19

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
15	Establish an annual management cycle	To establish a fixed schedule for addressing proposed HMS issues and regulation changes on an annual basis.	An annual management cycle would be established as follows: Mar SAFE document is presented to the Council. If necessary, the Council directs the HMSMT to prepare draft regulatory analysis to implement annual harvest levels and/or management measures. June Council adopts proposed actions for public review. Sept Council adopts final action and submits to NMFS for approval. Jan Measures effective. Fishing year starts.	Proceed to Options 18-19
16	Establish a biennial management cycle	To establish a fixed schedule for addressing proposed HMS issues and regulation changes on a biennial basis.	A biennial management cycle would be established as follows: Yr 1 Mar SAFE document is presented to the Council. If necessary, the Council directs HMSMT to prepare draft regulatory analysis to implement harvest levels and/or management measures. June Council adopts proposed actions for public review. Sept Council adopts final action and submits to NMFS for approval. Harvest levels and/or management measures stay in effect for at least 2 years. Yr 2 Jan Measures effective. Mar SAFE document is presented to the Council. No management actions are taken in year 2. The cycle is repeated, with actions considered and taken in odd years.	Proceed to Options 18-19

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
17	Establish a multi-year management cycle	To establish a fixed schedule for addressing proposed HMS issues and regulation changes every 3 or more years.	A management cycle would be established with actions taken every 3 or more years. Measures stay in effect for at least 3 years.	Proceed to Options 18-19
	LEGAL GEARS - Commercial (Required)			
18	**(Team Preferred Option)** Include the following commercial gears which are currently legal in one or more states for HMS for the commercial harvest of HMS within the EEZ and on the high seas: Drift gillnet Harpoon Hook and line (includes troll, rod and reel, jig, baitboat, and handline) Pelagic longline Purse seine (includes lampara)	To include a description of those gears which would be legal to harvest HMS within the EEZ and/or on the high seas under this FMP; those gears which were not listed in the FMP would not be considered legal gear for HMS.	Inclusion of one or more of the commercial gears in the definition of legal gears in the FMP would allow for the use of those gears to harvest HMS within the EEZ and on the high seas.	Proceed to Option 20
19	Include the following commercial gears which are currently legal in one or more states for HMS for the commercial harvest of HMS within the EEZ and on the high seas: Drift gillnet Harpoon Hook and line (includes troll, rod and reel, jig, baitboat, and handline) Purse seine (includes lampara)	To include a description of those gears which would be legal to harvest HMS within the EEZ and/or on the high seas under this FMP; those gears which were not listed in the FMP would not be considered legal gear for HMS. NOTE: This option specifically would not allow the use of pelagic longline gear.	Inclusion of one or more of the commercial gears in the definition of legal gears in the FMP would allow for the use of those gears to harvest HMS within the EEZ and on the high seas. NOTE: This option specifically would not allow the use of pelagic longline gear (either within or outside the EEZ); adoption of this option would eliminate the current offshore longline fishery.	Proceed to Option 20

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
	LEGAL GEARS - Recreational (Required)			
20	**(Team Preferred Option)** Include the following recreational gears which are currently legal in one or more states for HMS for the recreational harvest of HMS within the EEZ and on the high seas: Hook and line (includes troll, rod and reel, jig, baitboat, and handline) Spear	To include one or more of the recreational fishing gears that are currently legal in one or more states which are used to target HMS in the FMP.	Inclusion of one or more of the recreational gears in the definition of legal gears in the FMP would allow for the use of those gears to harvest HMS within the EEZ and on the high seas.	Proceed to Option 21
	MONITORING/REPORTING REQUIREMENTS (Required)			
21	Require federal logbooks for all of the following HMS fisheries within and outside the EEZ: Drift gillnet Harpoon Hook and line Pelagic longline Purse Seine (< 400 mt) Charter/party	To capture catch and effort and bycatch data for HMS fisheries	Current catch and effort and bycatch information is lacking for most all HMS fisheries; these data are essential for management. Current mandatory logbooks could be endorsed, but a uniform data collection system would be preferable.	Proceed to Options 22-24
	PROHIBITED SPECIES (Discretionary - Pick One or More)			
22	**(Team Preferred Option)** Prohibit taking of basking sharks and white sharks.	To prohibit the taking of basking sharks and white sharks by fisheries managed under this FMP	The taking of these species is currently prohibited by the state of California, but not by Oregon or Washington. This option would provide for consistency coastwide.	Proceed to Option 23

	Description of Options	Intent of Option	Expected Result of Action	Next Steps
23	**(Team Preferred Option)** Prohibit taking of megamouth shark.	To prohibit the taking of megamouth shark by fisheries managed under this FMP	Megamouth sharks are currently not prohibited by any of the states; however, they have been taken incidentally in the drift gillnet fishery. There is little data on megamouth sharks, but they are extremely rare and considered a vulnerable species.	Proceed to Option 24
24	**(Team Preferred Option)** Prohibit taking of Pacific halibut and salmon unless using authorized gear during authorized seasons for those species.	To prohibit the taking of Pacific halibut and salmon by fisheries managed under this FMP, unless the halibut and salmon are taken with authorized gear during authorized seasons for those species	Pacific halibut fisheries are managed by the International Pacific Halibut Commission. The Council has a catch sharing plan for halibut which specifies the allocations and seasons for the various halibut fisheries. Some salmon species are managed under the Council's salmon FMP and are subject to various regulations. This option would ensure that harvest of these species by HMS fisheries is within the regulations set by these management entities.	Proceed to "B" (if desired)

OPTIONS FOR REGULATORY MEASURES TO BE CONSIDERED IMMEDIATELY AFTER ADOPTION OF THE HMS FMP ("B" OPTIONS)

	Description of Options	Intent of Option	Expected Result of Action	Next Steps	Results of No Action
	PERMITS - Commercial (Discretionary - Pick One)				
25	Require a federal vessel permit for all commercial HMS fisheries within and outside the EEZ. One permit would cover all HMS fisheries.	To require a federal vessel permit for all commercial HMS fisheries within and outside the EEZ.	A federal vessel permit would provide a database of all west coast-based HMS fishing vessels which would be subject to the regulatory measures adopted under this FMP.	Consider Options 25-26 (if desired)	Current state laws would remain in effect which vary by state
26	**(Team Preferred Option)** Require a federal vessel permit for all commercial HMS fisheries within and outside the EEZ with endorsements for individual fisheries.	To require a federal vessel permit for all commercial HMS fisheries within and outside the EEZ with endorsements for individual fisheries.	A federal vessel permit would provide a database of all west coast-based HMS fishing vessels which would be subject to the regulatory measures adopted under this FMP. The individual fishery endorsements would specify which fisheries the vessel is engaged in.	Consider Options 25-26 (if desired), Proceed to next Option	Current state laws would remain in effect which vary by state
	PERMITS - Recreational (Discretionary - Pick One)				
27	Require a federal recreational permit for anglers (16 years or older) to fish for and retain or possess HMS in the EEZ.	To require a federal angler permit for HMS recreational fishers within the EEZ.	A federal angler permit would provide a database of all west coast HMS anglers who would be subject to the regulatory measures adopted under this FMP.	Consider Options 27-29 (if desired)	Current state laws would remain in effect which vary by state
28	**(Team Preferred Option)** Require a federal permit for all recreational vessels to fish for HMS within and outside the EEZ.	To require a federal vessel permit for HMS recreational vessels within and outside the EEZ.	A federal vessel permit would provide a database of all west coast HMS recreational vessels (both charter and private) which would be subject to the regulatory measures adopted under this FMP.	Consider Options 27-29 (if desired)	Current state laws would remain in effect which vary by state
29	Require a federal or state permit for all recreational vessels to fish for HMS within and outside the EEZ.	To require a vessel permit (which could be federal or state) for HMS recreational vessels within and outside the EEZ.	A vessel permit would provide a database of all west coast HMS recreational vessels (both charter and private) which would be subject to the regulatory measures adopted under this FMP.	Consider Options 27-29 (if desired), Proceed to next Option	Current state laws would remain in effect which vary by state

	Description of Options	Intent of Option	Expected Result of Action	Next Steps	Results of No Action
	FAR OFFSHORE FISHERIES				
30	Allow HMS fisheries which are allowed inside and outside the EEZ to fish outside the EEZ without filing a far offshore fishery declaration.	To lessen the burden on fishers who are targeting HMS using gears which are legal both inside and outside the EEZ.	All three states currently have far offshore fishery regulations which require fishers to declare when they plan to fish on the high seas. These fishers are then allowed to fish outside 200 miles, but cannot fish inside the EEZ during the same trip. Oregon and Washington currently have exceptions for albacore troll, but California does not.	Proceed to next Option	Current state laws would remain in effect which vary by state
	DRIFT GILLNET FISHERY				
31	**(Team Preferred Option)** Incorporate the existing time/area closures off WA, OR, and CA for shark protection into the FMP.	To incorporate the existing time/area closures off WA (north of 46°16'N) OR, and CA for shark protection into the FMP	The state of WA currently does not allow the use of drift gillnet gear and OR does not allow drift gillnets to target thresher shark. OR and CA also have time/area closures for thresher shark protection. The common thresher shark was overfished in the 1980s and the stock is currently rebuilding. This rebuilding has been largely aided by area and season closures imposed by the states, including the closure north of 46°16'N. Keeping the closures in place will assist with rebuilding.	Consider Options 31-33 (if desired); Proceed to next Option	DGN fishery allowed throughout EEZ unless management is deferred to states
32	Close the portion of the EEZ north of 45° N latitude for shark protection and to address bycatch and protected species concerns.	To allow the use of drift gillnet gear in the EEZ to target swordfish (which primarily occur south of 45°N) while: • protecting adult thresher sharks • minimizing bycatch, and • reducing interactions with protected species	The state of WA currently does not allow the use of drift gillnet gear and OR does not allow drift gillnets to target thresher shark. OR also has time/area closures for thresher shark protection. An experimental fishery was conducted off WA and OR in 1986-1988 and was closed because of bycatch concerns and incidental takes of sea turtles and marine mammals. The common thresher shark was overfished in the 1980s and the stock is currently rebuilding which has been largely aided by area and season closures imposed by the states, including the closures off WA and OR. Closing the drift gillnet fishery north of 45°N would afford greater thresher shark protection, minimize bycatch and reduce interactions with protected species while allowing the fishery to continue to target swordfish (which primarily occur south of 45°N) which is the intent of the current WA and OR regulations.	Consider Options 31-33 (if desired); Proceed to next Option	DGN fishery allowed throughout EEZ unless management is deferred to states

	Description of Options	Intent of Option	Expected Result of Action	Next Steps	Results of No Action
33	Close the portion of the EEZ off Oregon and Washington east of a longitudinal line (around 125° to 126°) year-round for shark protection and to address bycatch and protected species concerns	To allow the use of drift gillnet gear in the EEZ to target swordfish (which primarily occur off Oregon and Washington outside ~75 miles) while: • protecting adult thresher sharks • minimizing bycatch, and • reducing interactions with protected species	The state of WA currently does not allow the use of drift gillnet gear and OR does not allow drift gillnets to target thresher shark. OR also has time/area closures for thresher shark protection. An experimental fishery was conducted off WA and OR in 1986-1988 and was closed because of bycatch concerns and incidental takes of sea turtles and marine mammals. The common thresher shark was overfished in the 1980s and the stock is currently rebuilding which has been largely aided by area and season closures imposed by the states, including the closures off WA and OR. Closing the drift gillnet fishery east of a longitudinal line at about 125° to 126° would afford thresher shark protection, minimize bycatch and reduce interactions with protected species while allowing the fishery to continue to target swordfish which is the intent of the current WA and OR regulations. NOTE: OR is currently closed east of 1000 fm year-round and within 75 miles of the shoreline from May 1 through August 14. This would extend this closure north and year-round, and the longitudinal line would be easier to enforce.	Consider Options 31-33 (if desired); Proceed to next Option	DGN fishery allowed throughout EEZ unless management is deferred to states
	Protected Species				
34	**(Team Preferred Option)** Incorporate specific directives for reducing takes of protected species into the FMP.	To incorporate existing federal laws into the FMP which specify regulations to reduce the takes of protected species.	This option would incorporate existing federal laws into the FMP which specify regulations to reduce the takes of protected species.	Proceed to next Option	Existing federal take reduction laws would remain in effect, but would not be incorporated into FMP

	Description of Options	Intent of Option	Expected Result of Action	Next Steps	Results of No Action
	PELAGIC LONGLINE FISHERY				
35	**(Team Preferred Option)** Allow high seas longlining outside the EEZ subject to WPFMC regulations, but initiate review and consultation processes to develop more specific regulations for the protection of turtles and seabirds for the areas fished by the West Coast-based high seas longline fleet.	To close the longline "loophole" by adopting regulations consistent with the WPFMC which would apply to Hawaii-based longliners fishing off the west coast and west coast-based longliners fishing on the high seas. One of the primary purposes of this FMP is to promote inter-regional collaboration on the management of fisheries with other fishery management councils; this action would be consistent with that goal.	This option would require west-coast based high seas longline fishers to comply with Interim Rule regulations specified for the Hawaii swordfish longline fleet (at least until December 10, 2001) pending consultation and analysis of fleet and protected species dynamics to determine the most appropriate protected species regulations for the main areas fished by the west coast-based fleet. This would correct the inconsistency that now allows Hawaii longliners to circumvent most protected species season-area closures and mitigation measures for protected species by landing their swordfish catches in west coast ports, and for west-coast-based longliners, including ex-Hawaii vessels, to fish in the Hawaii fishing areas without being subject to the Hawaii longline regulations. At the same time it recognizes that the major swordfish targeting areas of the west-coast-based fleet, while they sometimes overlap, generally differ from those of the Hawaii-based fleet. As such these vessels may be subjected to different species complexes and encounter rates, which may require a different set of mitigation measures.	Consider Options 35-38 (if desired)	High seas longline fishery would remain in effect, but would not be subject to WPFMC regulations (i.e., one of the "loopholes" would remain)
36	Authorize a pelagic longline fishery within the EEZ, with effort and area restrictions, to evaluate longline gear as an alternative to DGN gear to reduce bycatch, or bycatch mortality, and determine if a longline fishery is an economically viable substitute for DGN gear.	To allow a pelagic (conventional) longline fishery within the EEZ, subject to time/area closures	Currently, pelagic longline gear is allowed outside the EEZ. There is also a limited, developmental fishery authorized by the State of Oregon to use pelagic longline gear within the EEZ; however, to date, no effort has been made to use this gear within the EEZ. NOTE: There is a significant amount of controversy among various sectors regarding the use of this gear. It is unknown whether the proposal by the California drift gillnet fishery would reduce the amount of bycatch and/or the amount of bycatch mortality which currently occurs in the drift gillnet fishery. There is little information with which to evaluate this fishery. Exempted and/or research fisheries have been proposed as alternatives.	Consider Options 35-38 (if desired)	Pelagic longline fishery allowed throughout EEZ unless management is deferred to the states

	Description of Options	Intent of Option	Expected Result of Action	Next Steps	Results of No Action
37	Impose an indefinite moratorium on pelagic longlining within the EEZ with the potential for re-evaluation by the Council following completion of a bycatch reduction research program carried out under a qualified exempted fishing perimt (EFP).	To 1) explicitly prohibit the use of pelagic longlines within the West Coast EEZ until a bycatch reduction research program is completed and a determination made as to whether or not longline gear should be allowed as a legal gear within the EEZ; and 2) establish a bycatch reduction research program with clearly defined goals and objectives that will guide the EFP evaluation process.	This would specifically prohibit the use of pelagic longline gear within the EEZ until a research program has been conducted which tests the effectiveness of various methods to reduce bycatch and bycatch mortality of fish and protected species through changes in gear design and deployment practices.	Consider Options 35-38 (if desired)	Pelagic longline fishery allowed throughout EEZ unless management is deferred to the states
38	**(Team Preferred Option)** Do not allow the use of pelagic longline gear within the EEZ and initiate the EFP process for the use of pelagic longline gear within the EEZ subject to management measures.	To begin the process to develop an EFP for the use of pelagic longline gear to: • conduct research • conduct exploratory fishing, or • a combination of the two	There is little information with which to evaluate the use of this gear. With a research component, this EFP would provide data on a longline fishery within the EEZ. The HMS Team would work with fishers and members of the environmental community to review EFP proposals and make recommendations to the Council. NOTE: Scientific research may be conducted through NMFS without an EFP.	Consider Options 35-38 (if desired); Proceed to next Option	Pelagic longline fishery allowed throughout EEZ unless management is deferred to the states
	PURSE SEINE FISHERY				
39	**(Team Preferred Option)** Incorporate the existing time/area closures off WA to address bycatch and protected species concerns.	To allow the use of purse seines in the EEZ to target bluefin tuna (which primarily occur south of WA waters) while: • minimizing gear conflicts • minimizing bycatch, and • reducing interactions with protected species	The state of WA currently does not allow the use of purse seine gear for HMS; however, there is an experimental purse seine fishery for sardines off WA. Concerns over the use of this gear include the amount of bycatch and incidental takes of protected species which may occur. Purse seine fishers usually target tunas (primarily bluefin) which primarily occur south of WA waters.	Consider Options 39-40 (if desired)	Purse seine fishery allowed throughout EEZ unless management is deferred to the states

	Description of Options	Intent of Option	Expected Result of Action	Next Steps	Results of No Action
40	Close the area within the EEZ north of 44° N latitude to address bycatch and protected species concerns.	To allow the use of purse seines in the EEZ to target bluefin tuna (which primarily occur south of 44°N) while: • minimizing gear conflicts • minimizing bycatch, and • reducing interactions with protected species	The state of WA currently does not allow the use of purse seine gear for HMS and OR does not have an HMS purse seine fishery; however, there are experimental purse seine fisheries for sardines off WA and OR. Concerns over the use of this gear include the amount of bycatch and incidental takes of protected species which may occur. Purse seine fishers usually target tunas (primarily bluefin) which primarily occur south of 44°N.	Consider Options 39-40 (if desired); Proceed to next Option	Purse seine fishery allowed throughout EEZ unless management is deferred to the states
	RECREATIONAL FISHERY				
41	**(Team Preferred Option)** Adopt formal catch-and-release program for recreational fishery for all HMS.	To have a formal catch-and-release program for all HMS for the recreational fishery which would reduce the amount of bycatch occurring in the fishery	A formal catch-and-release option program would be established for HMS which would encourage the release of HMS, but not require it, which would reduce the amount of bycatch occurring in the fishery.	Proceed to next Option	Status quo - bycatch in the sport fishery would not be reduced
	PROHIBITED SPECIES				
42	**(Team Preferred Option)** Prohibit taking and sale of striped marlin by commercial HMS fisheries.	To prohibit landings and sales of striped marlin by commercial HMS fisheries	California currently prohibits the landings and sales of striped marlin by commercial HMS fisheries, but Oregon and Washington do not (because marlin usually do not occur that far north). This option would provide for consistency coastwide.	None	Taking and sale of striped marlin by commercial HMS fisheries would be legal

HMS FMP Decision Tree

DRAFT - 10/27/01

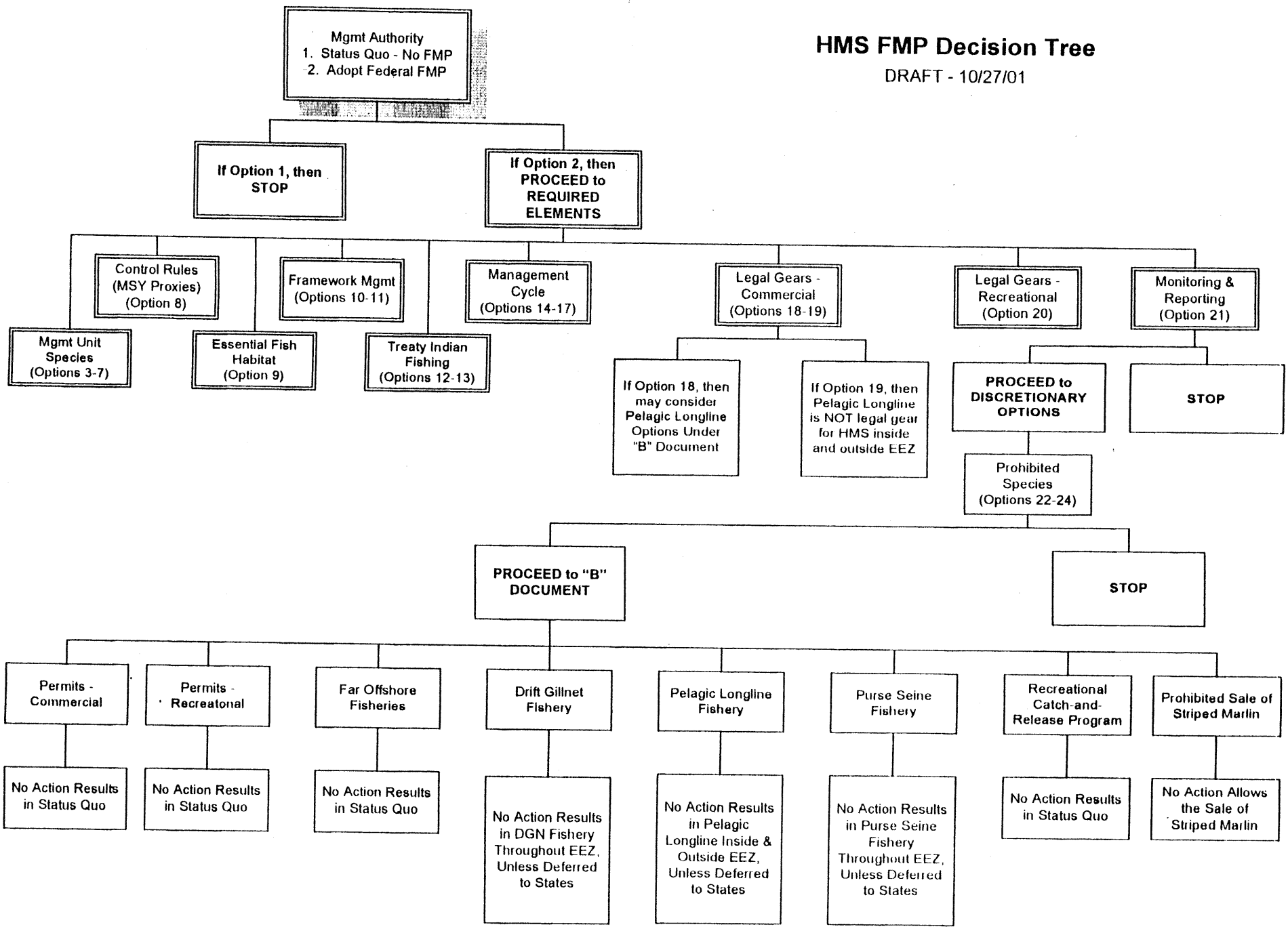


Exhibit G.2.b
Supplemental HMSPDT Report
November 2001

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL STATEMENT ON DRAFT HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

The Highly Migratory Species Advisory Subpanel (HMSAS) met October 31 to review the third draft of the highly migratory species (HMS) fishery management plan (FMP) and the first draft of the initial regulatory measures. The HMSAS has a number of recommendations for improving the draft documents, which are identified below. We believe that most of these improvements can be made prior to release of the documents for the formal public review process, without delaying the plan development schedule. Recommendations are by consensus unless otherwise noted.

Suggested improvements include:

- Addition of available historical and economic information on recreational HMS fisheries to FMP Chapter 2, including Orange County information. This information should be included prior to adoption of the final FMP. In addition, for the long term, the Council should get a commitment from NMFS to allocate funds for the collection of economic and biological data on recreational fisheries for HMS.

- Addition of a new option to part B, section 1.4.2.6, which clearly prohibits longlining in the exclusive economic zone (EEZ), and is not tied to any specific research program or exempted fishing permit (EFP).

- Addition of a new longline option which is less restrictive than the existing industry proposal (option 1, section 1.4.2.6, part B), but does not allow wide open longlining in the EEZ (vote: 6 yes, 2 no, 2 abstain).

- Modification of the recreational catch and release program to include all HMS, not just striped marlin (part B, section 1.6).

- Deletion of the fourth bullet in FMP section 8.2, p. 8-3: "If the stock is overfished and the international fishery organization takes no action, the required rebuilding would be unilateral." (vote: 6 yes, 2 no).
  Svein to work on alternate language

- Include in the analysis of the options for management authority of the drift gillnet fishery (1.4.1.2, part B) a discussion of how each of the options satisfies the fundamental reasons why the FMP is needed, as described in section 1.5 of the FMP.

- Some HMSAS members feel that the regulatory document should be part of the FMP and combined into one document, although there was no consensus on this point. Possibly NMFS or NOAA General Counsel can advise the Council on the best approach.

The HMSAS notes that the HMS Plan Development Team (HMSPDT) has identified certain preferred options in the draft documents for the benefit of the Council at this meeting, but we assume that HMSPDT preferences will be removed from the documents that go out to public review. While the HMSAS did not have time to identify preferred options at this meeting, several members expressed concern about some of the HMSPDT preferred options.

The Council should be aware that some vessels are targeting albacore with small-mesh gillnets, which is currently legal in California. The FMP as currently drafted would define legal drift gillnet gear as having a minimum stretched mesh of 14 inches. This would preclude use of small mesh gillnets to target HMS, although some amount of incidental landing would be allowed under the incidental catch provision.

Finally, the HMSAS recommends that hearings be held in Eureka, California and San Diego, California in addition to the locations recommended in the briefing document. Also, the HMSAS recommends that northern hearings be held in late January and California hearings be held in February, since the drift gillnet fishery operates in January.

PFMC
11/01/01

SCIENTIFIC AND STATISTICAL COMMITTEE STATEMENT ON DRAFT HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

Dr. Dale Squires, co-chair of the Highly Migratory Species Plan Development Team (HMSPDT), gave the Scientific and Statistical Committee (SSC) a brief overview on the development of the current draft of the Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its supporting appendices. Dr. David Au, HMSPDT member, then presented to the SSC a description of the methods used to develop the productivity estimates for sharks that are presented in Chapter 3 of the FMP. He also addressed specific comments that the HMS Subcommittee of the SSC had made on an earlier draft of the FMP. The SSC discussion of the current draft FMP focused on two issues.

- The exploitation rates presented in Chapter 3 (for example in Table 3-4) are expressed as a fraction of the total population, not as a fraction of the exploitable population as is commonly used. Dr. Au will work with Dr. Andre Punt to revise this.

- A harvest guideline for common thresher sharks is presented in Chapter 3. This guideline was developed using an innovative approach that expresses the guideline as a local maximum sustainable yield (LMSY). The methods used to develop the guideline should be described in the text of Chapter 3. The SSC recommends that a range for the harvest guideline rather than a single value be included in the draft FMP. An LMSY within that range could then be specified and reviewed periodically.

The SSC will use the comprehensive list of research and data needs contained in Section 8.5 when we revise the Council's Research and Data Needs and Economic Data Plan next year. The SSC notes that the development of abundance indices for tunas is an important item that needs to be added to that section of the draft FMP.

Finally, the SSC appreciates the efforts of the HMSPDT in preparing the current draft document. The HMSPDT has been responsive to SSC comments on previous drafts of the FMP. The current draft is substantially improved from previous versions and is ready for public comment.

PFMC
11/01/01

Exhibit G.2.d
Public Comment
November 2001

UNITED ANGLERS
of Southern California

5948 Warner Avenue
Huntington Beach, CA 92649
714 840-0227 TEL
714 840-3146 FAX

RECEIVED
2 4 2001
PFMC

September 19, 2001

James H. Lone, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Re: Permitting of HMS Fishing Vessels

Dear Mr. Lone:

The tragic course of events on our East Coast last week will have catastrophic consequences that will manifest themselves for decades. Dealing with these horrendous events will truly show the depth of commitment of the American people.

One minor consequence of the tragedy resulted in our inability to attend last week's Council meeting in Portland. The purpose of this letter is to cover issues that we felt were important to address in the public review draft of the HMS plan.

On August 26 and 27, the HMSAS met in Los Alamitos to review updates to the latest version of the HMS plan. While a report was made to the council, two areas not in that report were covered at the HMSAS meeting.

First, United Anglers believes good fishery management depends upon good fishery data. The HMS FMP will manage all fishing vessels either fishing in the US West Coast EEZ or landing fish on the US West Coast. Currently, state management only manages vessels landing fish in their respective states. During the course of developing the FMP, it was reported that certain HMS fishing vessels from time to time transfer catches to other vessels or net pens for landing at locations other than US West Coast ports. The Magnuson-Stevens Fishery Conservation and Management Act defines a fishing vessel as: "The term 'fishing vessel' means any vessel, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—(A) fishing; or (B) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing."

In addition, it was reported during meetings developing the FMP that certain US vessels from time to time operated under permits issued by the Mexican government, fishing within the Mexican EEZ, and/or landing fish into Mexican ports. We believe that in order to ensure that pertinent data on all fishing activities in the US West Coast EEZ is collected it will be necessary to require a complete analysis on the necessity of permits for all vessels engaged in HMS fisheries.

Second, from the draft report Jim Morgan presented the initial regulation options and their impacts. The document includes only drift gillnet and longline options at this time. Subpanel members offered suggestions to the Team for improving the draft, however there was a question about the relationship of this document to the FMP. Is this a separate document or part of the FMP?

Sincerely,

Tom Raftican, President
UASC

Cc: Dr. William T. Hogarth
Dr. Rebecca Lent

RECEIVED

SEP 1 8 2001

PFMC

Chairman Jim Lone
Pacific Fishery Management Council
2130 SW Fifth Avenue
Portland, OR 97201

Dear Mr. Lone,

I am a recreational fisherman who is concerned about the future of our West Coast marine fishery. I am in full support of a responsible PFMC management plan for the highly migratory species in our region, and hope that you and your council will do the right thing by disallowing the use of indiscriminate commercial fishing gear as part of that plan.

I believe that the resource belongs to all of us, and no individual citizen or organization has the right to waste it. Please do not allow the tragic events that ruined the swordfish fishery and wasted the white and blue marlin populations of our Atlantic coast to repeat themselves here in the West.

I urge you to not only disallow the introduction of new longline gear on the West Coast, but to work to remove drift gillnets as well.

Respectfully,

(Please Print)

Name: John J. Wallace
Address: 26900 De Berry Dr.
City: Calabasas Hills, Ca.
State: Calif. Zip: 91301

Signature: John J. Wallace

Subject: Fwd: longline proposal
Date: Fri, 07 Sep 2001 10:11:51 -0700
From: "PFMC Comments" <pfmc.comments@noaa.gov>
To: daniel.waldeck@noaa.gov

Subject: longline proposal
Date: Thu, 6 Sep 2001 21:48:53 -0700
From: "Greg & Lynnda" <bentley@quix.net>
To: <Fred.Keeley@assembly.ca.gov>, <doolittle@mail.house.gov>, <M.Thompson@mail.house.gov>, <samfarr@mail.house.gov>, <graydavis@governor.ca.gov>, <thesec@doc.gov>, <senator@feinstein.senate.gov>, <senator@boxer.senate.gov>, <rhight@dfg.ca.gov>, <William.Hogarth@noaa.gov>, <marty.golden@noaa.gov>, <jimlone@msn.com>, <pfmc.comments@noaa.gov>

I strongly urge you to do everything in your power to prevent the indiscriminate carnage and environmental massacre of our sea animals that would result if additional longlining were to be allowed within the 200 mile California Exclusive Economic Zone.

Greg Bentley

Subject: Fwd: Please Do Not Let Longlining Revive Itself!
Date: Fri, 07 Sep 2001 10:16:16 -0700
From: "PFMC Comments" <pfmc.comments@noaa.gov>
To: daniel.waldeck@noaa.gov

Subject: Please Do Not Let Longlining Revive Itself!
Date: Thu, 06 Sep 2001 14:01:25 -0700
From: "John S. Chang" <jsc218@pacbell.net>
Organization: Pacific Bell Internet Services
To: Fred.Keeley@assembly.ca.gov, doolittle@mail.house.gov, M.Thompson@mail.house.gov, samfarr@mail.house.gov, graydavis@governor.ca.gov, thesec@doc.gov, senator@feinstein.senate.gov, senator@boxer.senate.gov, rhight@dfg.ca.gov, graydavis@governor.ca.gov, William.Hogarth@noaa.gov, marty.golden@noaa.gov, jimlone@msn.com, pfmc.comments@noaa.gov

I am appalled that the Pacific Fishery Management Council is considering two proposals for additional longline
permits in the 200-mile California Exclusive Economic Zone..

In 1992 California Fish and Game Commission voted unanimously to bar this type of commercial fishing because of
the inevitable by-catch and death of millions of sea mammals, turtles, birds, non-targeted fish and sharks.

This type of commercial fishing kills everything in its path.

Miles and miles of lines with baited hooks unmercifully catch and kill millions of turtles, sea birds, seals, sharks, marlin and other non-targeted fish, which are unceremoniously dumped back into the ocean as by-catch.

All Longlining is environmentally and ethically irresponsible because of its inherent indiscriminate and non-specific
nature of killing fish by commercial fishermen.

We have banned off shore oil drilling in protected areas.We prohibit dumping of illegal chemical wastes in the ocean or the rivers and drainages that flow to the seas. We prohibit killing pelicans, seals, otters, dolphins, whales, elephant seals and turtles, so how can we possibly consider granting additional permits to kill these same animals we're trying to protect?

How can we explain to our children that this form of mass destruction is OK.

The current proposal to increase the number of longlining permits and indiscriminate mass killing of non-targeted
"by-catch" is outrageous.

The introduction of additional long line fishing gear in California's 200-mile Exclusive Economic Zone must be
stopped.

Please say absolutely "NO!" to the Pacific Fishery Management Council for additional longlines in the 200-mile California Exclusive Economic Zone.

Thank you for your attention.

Subject: Fwd: Please stop all longlining!!!
Date: Thu, 06 Sep 2001 09:30:54 -0700
From: "PFMC Comments" <pfmc.comments@noaa.gov>
To: daniel.waldeck@noaa.gov

Subject: Please stop all longlining!!!
Date: Wed, 05 Sep 2001 09:12:55 -0700
From: Chris Rexinger <chris@rex-i.com>
To: <Fred.Keeley@assembly.ca.gov>, <doolittle@mail.house.gov>, <M.Thompson@mail.house.gov>, <samfarr@mail.house.gov>, <graydavis@governor.ca.gov>, <thesec@doc.gov>, <senator@feinstein.senate.gov>, <senator@boxer.senate.gov>, <rhight@dfg.ca.gov>, <graydavis@governor.ca.gov>, <William.Hogarth@noaa.gov>, <marty.golden@noaa.gov>, <jimlone@msn.com>, <pfmc.comments@noaa.gov>

The current proposal to increase the number of longlining permits and indiscriminate mass killing of non-targeted ³by-catch² is outrageous. I am appalled that the Pacific Fishery Management Council is considering two proposals for additional longline permits. I strongly urge you to do everything in your power to prevent the indiscriminate carnage and environmental massacre of our sea animals that would result if additional longlining were to be allowed within the 200 mile California Exclusive Economic Zone.

Longliners target ³highly migratory species² which impacts the oceans globally, not locally. All Longlining is environmentally and ethically irresponsible because of its inherent indiscriminate and non-specific nature of killing fish by commercial fishermen.

In 1992 California Fish and Game Commission voted unanimously to bar this type of commercial fishing because of the inevitable by-catch and death of millions of sea mammals, turtles, birds, non-targeted fish and sharks.

How can we explain to our children that this form of mass destruction is OK.

Sincerely,

Chris Rexinger
Concerned Voter

Subject: Fwd: No to Longlines
Date: Wed, 19 Sep 2001 08:48:46 -0700
From: "PFMC Comments" <pfmc.comments@noaa.gov>
To: daniel.waldeck@noaa.gov

Subject: No to Longlines
Date: Sat, 08 Sep 2001 20:01:49 -0700
From: Barbara Weller <barbaraweller1@earthlink.net>
To: <Fred.Keeley@assembly.ca.gov>, <doolittle@mail.house.gov>, <M.Thompson@mail.house.gov>, <samfarr@mail.house.gov>, <graydavis@governor.ca.gov>, <thesec@doc.gov>, <senator@feinstein.senate.gov>, <senator@boxer.senate.gov>, <rhight@dfg.ca.gov>, <graydavis@governor.ca.gov>, <William.Hogarth@noaa.gov>, <marty.golden@noaa.gov>, <jimlone@msn.com>, <pfmc.comments@noaa.gov>

September 8, 2001

Dear Members of the Assembly:

Longliners drift miles and miles of baited lines and hooks, which act as walls of death for any passing fish or sea bird and it has destroyed fisheries around the world. Many of these species killed and discarded at sea are protected and otherwise illegal to catch and kill.

In 1992 California Fish and Game Commission voted unanimously to bar this type of commercial fishing because of the inevitable by-catch and death of millions of sea mammals, turtles, birds,

non-targeted fish and sharks. All longlining is environmentally and ethically irresponsible because of its inherent indiscriminate and non-specific nature of killing fish by commercial fishermen.

I strongly urge you to do everything in your power to prevent the indiscriminate carnage and environmental massacre of our sea animals that would result if additional longlining were to be allowed within the 200 mile California Exclusive Economic Zone.

I am appalled that the Pacific Fishery Management Council is considering two proposals for additional longline permits. Please say "NO!" to the Pacific Fishery Management Council for additional longlines in the 200-mile California Exclusive Economic Zone.

Longline fleets have frequently moved from area to area decimating fish populations in their wake until their daily catches don't cover the cost of their daily operations.

Miles and miles of lines with baited hooks unmercifully catch and kill millions of turtles, sea birds, seals, sharks, marlin and other non-targeted fish, which are unceremoniously dumped back into the ocean as by-catch. The current proposal to increase the number of longlining permits and indiscriminate mass killing of non-targeted "by-catch" is outrageous.

We have banned off shore oil drilling in protected areas. We have prohibited dumping of illegal chemical wastes in the ocean or the rivers and drainages that flow to the seas. We have prohibited killing pelicans, seals, otters, dolphins, whales, elephant seals and turtles, so how can we possibly consider granting additional permits to kill these same animals we're trying to protect?

Please vote NO to longlines.

Respectfully submitted,

Barbara M. Weller

3114 Royal Oaks Drive
Duarte, CA 91010

Subject: Fwd: Longlines
Date: Wed, 19 Sep 2001 08:58:54 -0700
From: "PFMC Comments" <pfmc.comments@noaa.gov>
To: daniel.waldeck@noaa.gov

Subject: Longlines
Date: Mon, 10 Sep 2001 13:36:01 -0700
From: "Rex Newport" <cdtoons@inland.net>
To: <Fred.Keeley@assembly.ca.gov>, <doolittle@mail.house.gov>, <M.Thompson@mail.house.gov>, <samfarr@mail.house.gov>, <graydavis@governor.ca.gov>, <thesec@doc.gov>, <senator@feinstein.senate.gov>, <senator@boxer.senate.gov>, <rhight@dfg.ca.gov>, <William.Hogarth@noaa.gov>, <marty.golden@noaa.gov>, <jimlone@msn.com>, <pfmc.comments@noaa.gov>

Longliners drift miles and miles of baited lines and hooks, which act as walls of death for any passing fish or sea bird.

Mexico and Hawaii have banned this type of fishing

What the longline fishermen call "by-catch" and discard at sea, the rest of society calls beautiful creatures of the sea.

Longliners target "highly migratory species" which impacts the oceans globally, not locally.

Many of these species killed and discarded at sea are protected and otherwise illegal to catch and kill.

The technique of longlining can not be conducted to avoid the catching and killing of these non-targeted species.

In 1992 California Fish and Game Commission voted unanimously to bar this type of commercial fishing because of the inevitable by-catch and death of millions of sea mammals, turtles, birds, non-targeted fish and sharks.

Please stop all longlining!!!

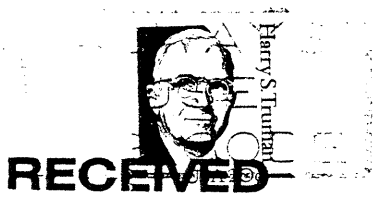
Subject: Fwd: Please say absolutely "NO!" to the Pacific Fishery Management Council for additional longlines in the 200-mile California Exclusive Economic Zone.
Date: Wed, 19 Sep 2001 14:29:43 -0700
From: "PFMC Comments" <pfmc.comments@noaa.gov>
To: daniel.waldeck@noaa.gov

Subject: Please say absolutely "NO!" to the Pacific Fishery Management Council for additional longlines in the 200-mile California Exclusive Economic Zone.
Date: Mon, 10 Sep 2001 22:09:54 -0700
From: Cal State Fullerton <kwanser@fullerton.edu>
To: "'fred.keeley@assembly.ca.gov'" <fred.keeley@assembly.ca.gov>
"'doolittle@mail.house.gov'" <doolittle@mail.house.gov>
"'m.thompson@mail.house.gov'" <m.thompson@mail.house.gov>
"'samfarr@mail.house.gov'" <samfarr@mail.house.gov>
"'graydavis@governor.ca.gov'" <graydavis@governor.ca.gov>
"'thesec@doc.gov'" <thesec@doc.gov>
"'senator@feinstein.senate.gov'" <senator@feinstein.senate.gov>
"'senator@boxer.senate.gov'" <senator@boxer.senate.gov>
"'rhight@dfg.ca.gov'" <rhight@dfg.ca.gov>
"'graydavis@governor.ca.gov'" <graydavis@governor.ca.gov>
"'william.hogarth@noaa.gov'" <william.hogarth@noaa.gov>
"'marty.golden@noaa.gov'" <marty.golden@noaa.gov>
"'jimlone@msn.com'" <jimlone@msn.com>
"'pfmc.comments@noaa.gov'" <pfmc.comments@noaa.gov>

Dear representative of the people of California and the United States of America,

I am appalled that the Pacific Fishery Management Council is considering two proposals for additional longline permits.
Please say absolutely "NO!" to the Pacific Fishery Management Council for additional longlines in the 200-mile California Exclusive Economic Zone.
Longline fleets have frequently moved from area to area decimating fish populations in their wake until their daily catches don't cover the cost of their daily operations. They then steam away to rape and pillage some other part of the ocean. Miles and miles of lines with baited hooks unmercifully catch and kill millions of turtles, sea birds, seals, sharks, marlin and other non-targeted fish, which are unceremoniously dumped back into the ocean as by-catch.
How can we explain to our children that this form of mass destruction is OK.
The current proposal to increase the number of longlining permits and indiscriminate mass killing of non-targeted "by-catch" is outrageous.
We have banned off shore oil drilling in protected areas.We prohibit dumping of illegal chemical wastes in the ocean or the rivers and drainages that flow to the seas. We prohibit killing pelicans, seals, otters, dolphins, whales, elephant seals and turtles, so how can we possibly consider granting additional permits to kill these same animals we're trying to protect?
To grant such additional permits is environmentally irresponsible and economically short-sighted.
Dr. Keith H. Wanser
Professor of Physics
California State University Fullerton
Fullerton, CA 92834

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



RECEIVED

SEP 17 2001

PFMC

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

PAC1130 972013034 1601 13 09/12/01
NOTIFY SENDER OF NEW ADDRESS
:PACIFIC FISHERY MGMT COUNCIL
7700 NE AMBASSADOR PL STE 200
PORTLAND OR 97220-1384

7201+4334

Dear Chairman Lone,

I'm a member of the salt-water recreational fishing community and I'm extremely concerned that the Pacific Fishery Management Council is considering a proposal to allow 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,

(Please Print)

Name WM ZENGER
Address 584 SHIRLEY LN
City SANTA MARIA State CA Zip 93455

Signature Wm Zenger

I FISH I VOTE

University of California at Berkeley Chapter
Society for Conservation Biology

October 30, 2001

The University of California at Berkeley Chapter of the Society for Conservation Biology looks forward to the finalization of a highly migratory species fishery management plan (HMSFMP) for public review and would like to draw your attention to several issues that we hope will be addressed adequately in that draft. In particular, we have concerns about the following fisheries:

- **California high seas pelagic longline fishery**
- **California/Oregon swordfish drift gillnet fishery**
- **California tuna gillnet fishery**

All of these fisheries have recorded interactions with protected species, as well as significant economic and regulatory discard mortalities of finfish.

California high seas pelagic longline fishery

The California high seas pelagic longline fishery is now fishing for swordfish in much of the same waters, using nearly identical gear, where the Hawaii based longline swordfish fishery operated.

As you are probably aware, the Hawaii based swordfish longline fishery was closed earlier this year by court order due to interactions with the Endangered Species Act (ESA) listed sea turtle species. The new biological opinion issued for this fishery was a "jeopardy" opinion regarding both leatherback and loggerhead turtles.

There is no reason to doubt that the California high seas longline fishery is not responsible for nearly identical interactions as that of the HI swordfish longline fishery. We also have no idea of the survival rate of discarded finfish in this fishery. It has no observer program.

California/Oregon drift gillnet fishery

The California/Oregon drift gillnet fishery for swordfish currently operates within the west coast 200 mile exclusive economic zone (EEZ). Following legal actions filed last year by environmental organizations, a new biological opinion was issued that again is a "jeopardy" opinion for leatherback and loggerhead turtles.

The National Marine Fisheries Service (NMFS) has responded by establishing a time and area closure for the critically endangered leatherback sea turtle off northern California and Oregon. However, in light of the "jeopardy" opinion, and the cumulative impacts of other fisheries

University of California at Berkeley Chapter
Society for Conservation Biology

In conclusion, we recommend the final draft HMSFMP options incorporate following:

1. The new HMSFMP seriously evaluate the cumulative impacts of all its fisheries on protected species and reduce those impacts significantly;
2. All fisheries implement an observer coverage plan in order to effectively assess impacts on protected species, as well as other non-targeted finfish species;
3. Various gillnet fisheries be regulated and permitted in a coherent manner that does not allow fishers to avoid certain protective regulations by changing its so-called "intended target species";
4. No new EEZ longline fishery be allowed.

Advocacy of the Berkeley Chapter of the Society for Conservation Biology does not necessarily reflect the views of the National Society for Conservation Biology.

Thank you for your consideration.

The UC Berkeley Chapter of the Society for Conservation Biology

Highly Migratory Species Fishery Management Plan Preferred Options

Page 3-5: Management Unit Species - Option 2

5 tunas, 5 sharks, swordfish, striped marlin, dorado

Page 3-7: Prohibited Species - Both Option 1 and 2

white, basking, and megamouth sharks; Pacific halibut and salmon

Page 8-7: Framework Process (for Rulemaking Actions) - Option 2

Option 1 plus "Points of Concern" process

Page 8-8: Management Cycle - Option 3

biennial management cycle

Page 8-11: Pelagic Longline - Option 1

Includes pelagic longline as legal gear

Page 8-21: Treaty Indian Fishing - Option 1

include framework process similar to Treaty Indian Fishery under the groundfish plan

Page 3-14: Management Control Rule - Default Control Rule

MSY and MSY Proxies; OY for Vulnerable Species - sharks

Page 4-11: Essential Fish Habitat - Management Unit Species

Page 8-10: Legal Commercial Gears; harpoon, surface hook and line, drift gillnet and purse seine

Page 8-12: Legal Recreational Gear; rod and reel (pole and line), spear, hook and line

Page 8-15: Reporting and Monitoring Requirements; Mandatory logbooks for selected fisheries;

surface hook and line, drift gillnet, pelagic longline, small vessel tuna purse seine, harpoon and charter/party

Highly Migratory Species Fishery Management Plan (Part B, Initial Regulatory Options) Preferred Options

Part B Page 1: Commercial Permits - Option 2

commercial permit with gear endorsement

Part B Page 2: Recreational Permits - No Action (new option)

Part B Page 3: Far Offshore Commercial Fisheries Declarations - Option 3

exempt all trollers from offshore declaration

Part B Page 5: Drift Gillnet Fishery, Management Authority - Option 3

federalize selected state regulations and laws under FMP

Part B Page 24: Longline Fishery, Management Process - Option 3

include longlines as actively managed gear and propose initial regulations

Part B Page 28: Longline Fishery, Management on High Seas - Option 2

include all management measures included in Western Pacific Pelagics FMP

Part B Page 47: Longline Fishery, Management in EEZ - No Longlining in EEZ (new option)

Part B Page 51: Coastal Purse Seine Closure - Both Options 1 & 2

closures off Oregon and Washington

Part B Page 54: Sale of Striped Marlin - Option 1

prohibit commercial landing or sale of striped marlin

Part B Page 17: Drift Gillnet Fishery Restrictions - Protected Species

implement modified take reduction restrictions

Part B Page 52: Recreational Catch and Release Program

DRAFT HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

Situation: The Highly Migratory Species Plan Development Team (HMSPDT) will present a revised draft of the fishery management plan (FMP) for highly migratory species (HMS). Per Council instructions, the HMSPDT prepared two documents: the FMP and an Initial Regulatory Document. The HMS Advisory Subpanel (HMSAS) and other advisory committees will provide their comments on the draft FMP. The current schedule calls for the Council to adopt a draft for public review at this meeting and adopt a final draft at the March 2002 Council meeting.

The FMP was extensively revised following Council guidance at the June 2001 Council meeting. The HMSPDT will highlight these changes and additions for the Council. Moreover, the HMSPDT will provide information to help the Council determine if the document is ready for public review.

The Council continues to receive HMS-related public comment letters (Exhibit G.2.d). Most of the comments are in opposition to the use of pelagic longline gear inside the West Coast exclusive economic zone. As of October 12, 2001, the Council received approximately 8 new letters in opposition to the use of pelagic longline gear. Previously (September 2000-September 2001), the Council received approximately 5,750 letters in opposition to the use of pelagic longline gear.

Council Action:

1. Consider Adoption of FMP for public review.

Reference Materials:

1. Exhibit G.2.d, Public Comment.
2. Exhibit G.2.b, Supplemental HMSPDT Report.
3. Exhibit G.2.c, Supplemental SSC Report.
4. Exhibit G.2.c, Supplemental HMSAS Report.

PFMC
10/11/01

Supplemental **Agenda item G.2.d.**

Received at the meeting
11-1-01

TO: Dr. Donald McIsaac and the PFMC

FR: STRP, UASC, RFA, UAC, CBD, AFTCO, MCSD, BAC, ASA, CSBA, CSPA

Contact: Ron Gaul, STRP, PO Box 400, Forest Knolls CA, 94933, 415-488-0370

RE: Gillnet and Longline Options for the HMSFMP Final Draft for public revieiw

November 1, 2001

Dr Donald McIsaac, Executive Director
7700 NE Ambassador Place, Suite 200
Portland, Oregon, 97220

Dear Mr McIsaac:

We, the undersigned conservation and sportfishing organizations, look forward to the finalization of a highly migratory species fishery management plan (HMSFMP) for public review and would like to draw your attention to several issues that we hope will be addressed adequately in that draft. In particular, we have concerns about the following fisheries:

- California high seas pelagic longline fishery;
- California/Oregon swordfish drift gillnet fishery; and
- California tuna gillnet fishery.

All of these fisheries have recorded interactions with protected species, as well as significant economic and regulatory discard mortalities of finfish.

• California high seas pelagic longline fishery

The California high seas pelagic longline fishery is now fishing for swordfish in much of the same waters, using nearly identical gear, where the Hawaii based longline swordfish fishery operated. As you are probably aware, the Hawaii based swordfish longline fishery was closed earlier this year by court order due to interactions with the Endangered Species Act (ESA) listed sea turtle species. The new Biological Opinion issued for this fishery was a "jeopardy" opinion regarding both leatherback and loggerhead turtles.

There is no reason to doubt that the California high seas longline fishery is not responsible for nearly identical interactions as that of the HI swordfish longline fishery. Due to the lack of an observer program, no information on the survival rate of discarded finfish in this fishery is available.

California/Oregon drift gillnet fishery

The California/Oregon drift gillnet fishery for swordfish currently operates within the west coast 200 mile exclusive economic zone (EEZ). Following legal actions filed last year by environmental organizations, a new biological opinion was issued that again is a "jeopardy" opinion for leatherback and loggerhead turtles.

The National Marine Fisheries Service (NMFS) has responded by establishing a time and area closure for the critically endangered leatherback sea turtle off northern California and Oregon. However, in light of the jeopardy opinion, and the cumulative impacts of other fisheries already discussed, and the fact that a time and area closure is based on very little data (only 2 satellite tagged leatherback turtles), we believe the actions taken to date to regulate this fishery are inadequate. The area closed is too small. By NMFS' own estimate, this closure would still allow a mortality rate of leatherback sea turtles that is likely to continue to jeopardize their survival and recovery. Finfish discards are also of concern because 15-20% of the albacore caught in this fishery are discarded dead. Blue sharks are not a targeted species, and are not retained in this fishery. Yet they suffer the largest mortality rate, 55% of those caught were discarded dead last year.

We are concerned that the present 20% observer coverage this fishery now enjoys, which we believe is too low to adequately monitor the activities of these vessels, may be further reduced in order to provide observers for other fisheries. We are opposed to this and believe a significant observer program must be developed for all the fisheries discussed here.

California tuna gillnet fishery

The California tuna gillnet fishery is a recent phenomenon that uses 6-7" mesh drift gillnets in offshore waters, apparently targeting the same areas that the California/Oregon drift gillnet swordfish fishery (which uses at least 14" mesh) does. Despite major similarities with the federally managed swordfish fishery, this tuna fishery, which is targeting albacore and bluefin, and landing mostly albacore, is presently managed exclusively by the state, and presently has no observer program. Nets of this size mesh are known to cause mortalities of protected species, based on a DFG study, 1983-89, of the white seabass gillnet fishery. This same DFG study also recorded a 52% discard mortality rate for finfish in gillnets of this size. This fishery, as well as the California state-managed set gillnet fishery for halibut and white sea bass, have no current observer program.

Proposed EEZ longline fishery

The proposals in the draft HMSFMP, to establish a pelagic longline fishery in the EEZ, are completely unacceptable in light of the havoc longline fisheries are already known to be causing to ESA protected species throughout the Pacific. Such a fishery is likely to interact with the same populations of sea turtles already jeopardized by current levels of commercial fisheries. If such a fishery is permitted, it would require a re-evaluation of the biological opinions for all the fisheries discussed here due to the additional cumulative impacts it would bring to ESA listed species.

In conclusion, we recommend the final draft HMSFMP options incorporate following:

1. the new HMSFMP seriously evaluate the cumulative impacts of all its fisheries on protected species and reduce those impacts significantly;
2. all fisheries implement a 100% observer coverage plan in order to effectively assess impacts on protected species, as well as other non-targeted finfish species;
3. various gillnet fisheries be regulated and permitted in a coherent manner that does not allow fishers to avoid certain protective regulations by changing its so-called "intended target species";
4. no new EEZ longline fishery be allowed.

Thank you for your consideration.

Todd Steiner, Director, Sea Turtle Restoration Project (STRP)
Bob Strickland, President, United Anglers of California (UAC)
Bill Shedd, President, American Fishing Tackle Company, Inc. (AFTCO)
Tom Raftican, President, United Anglers of Southern California (UASC)
Randy Fry, President, Nearshore Chapter, UASC
Jim Donofrio, Executive Director, Recreational Fishing Alliance (RFA)
Red Bartley, Chairman, Northern California RFA; President, California Striped Bass Association (CSBA)
Marlin Club of San Diego (MCSD)
Doug Olander, Editor-in-Chief, Sport Fishing Magazine
John Beuttler, California Sportfishing Protection Alliance (CSPA)
Brendan Cummings, Center for Biological Diversity (CBD)
Mike Nussman, President, American Sportfishing Association (ASA)
Bob Hoose, President, Balboa Anglers Club (BAC)

DRAFT

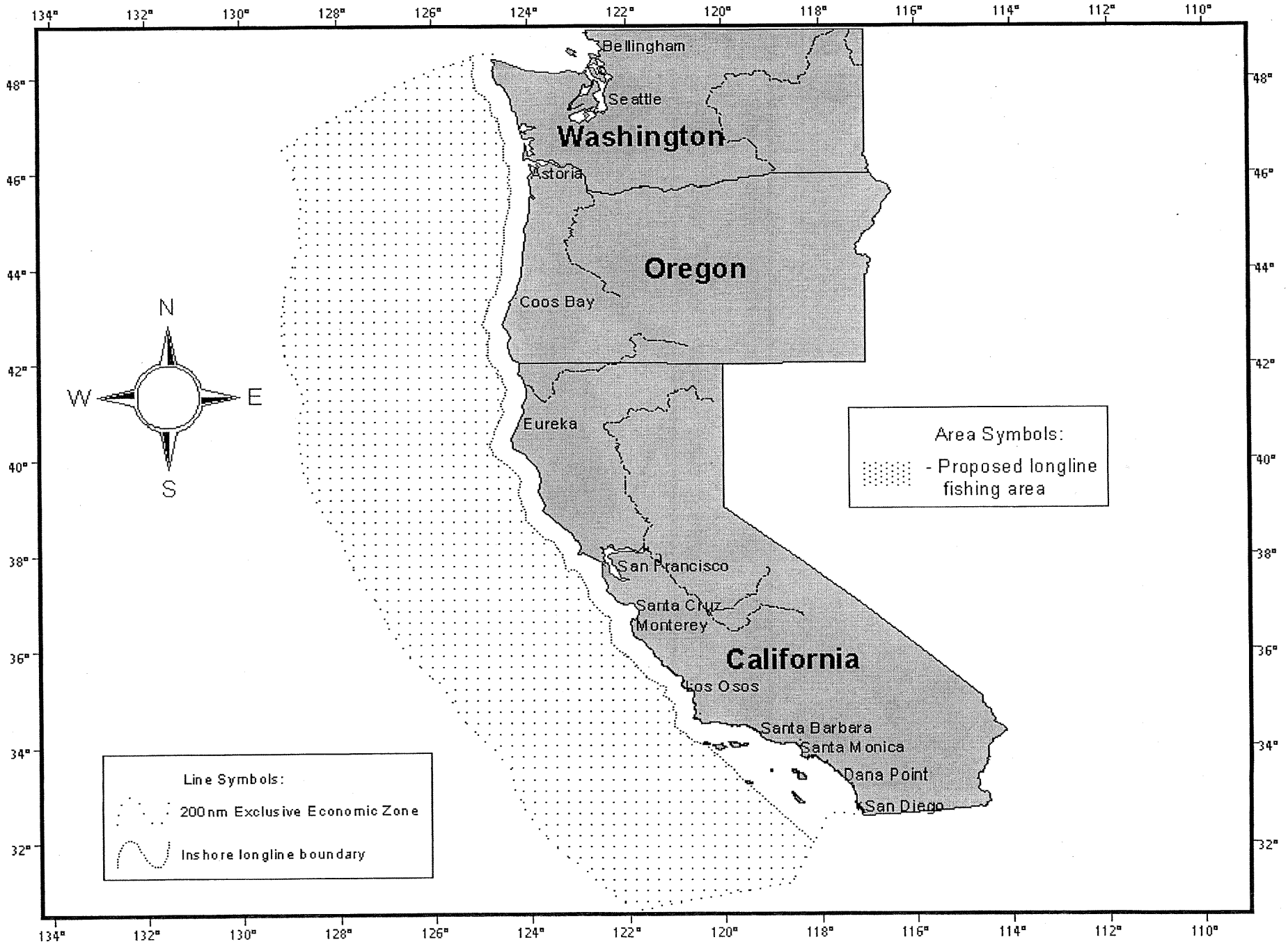
U.S. WEST COAST HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

Supplemental Replacement Figures and Tables for Part B - Initial Regulatory Measures

Pacific Fishery Management Council

October 2001

Figure 1. Proposed Longline Fishing Area



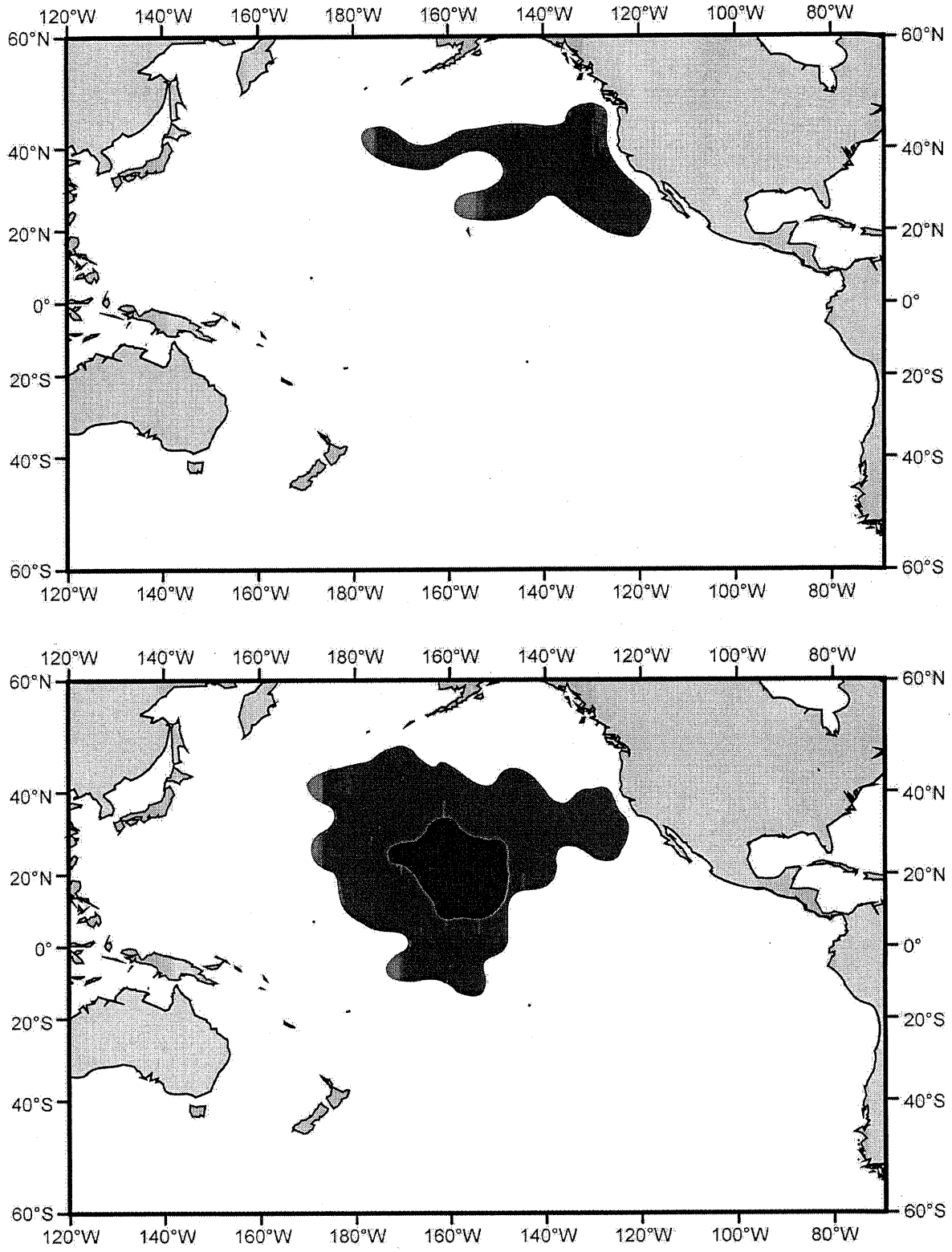


Figure 2. Distribution of California-based high seas longline effort (above) and Hawaii-based high seas longline effort (below), 1994-2000. (A. Coan, SWFSC/NMFS, La Jolla).

Table 1. Fish catches, discards and catch per thousand hooks (CPE) reported for all high seas **logbook** data where a trip fished east of 135°W longitude, 1994-2000. Position is based on begin set position. Catch and discards are in number of fish. Data represent 33 Hawaii trips and 276 California Trips. Data are not treated for bias.

Area	Species	Catch	CPE	Discards	Total
East of 135°		2,520,255	Hooks:		
	Blue Marlin	0	0.005	12	12
	Striped Marlin	12	0.024	49	61
	Black Marlin	2	0.008	17	19
	Sailfish	0	0.002	5	5
	Spearfish	44	0.023	14	58
	Swordfish	32,867	13.780	1,862	34,729
	Blue Shark	406	10.614	26,344	26,750
	Mako Shark	421	0.393	569	990
	Thresher Shark	50	0.116	243	293
	Other Shark	12	0.341	848	860
	Mahimahi	5,693	2.824	1,423	7,116
	Moonfish	240	0.123	69	309
	Wahoo	42	0.021	12	54
	Other Pelagic	31	0.112	252	283
	Albacore	4,809	3.713	4,548	9,357
	Bigeye Tuna	10,163	4.229	495	10,658
	Yellowfin Tuna	490	0.242	120	610
	Other Tuna	18	0.010	6	24
	N. Bluefin Tuna	2,131	0.861	40	2,171
	Oilfish	321	0.270	360	681
	Pomfret	32	0.016	8	40
	Skipjack Tuna	7	0.012	24	31
Protected species:					
	Sea Lion/Seal		0.0004	1	1
	Green Turtle		0.0040	10	10
	Leatherback Turtle		0.0123	31	31
	Olive Ridley's Turtle		0.0067	17	17
	Loggerhead Turtle		0.0052	13	13
	Other Turtle		0.0008	2	2
	Albatross		0.0222	56	56

Area	Species	Catch	CPE	Discards	Total
West of 135°		830,170	Hooks		
	Blue Marlin	56	0.078	9	65
	Striped Marlin	121	0.181	29	150
	Black Marlin	3	0.007	3	6
	Sailfish	1	0.007	5	6
	Spearfish	107	0.143	12	119
	Swordfish	7,908	10.027	416	8,324
	Blue Shark	169	7.709	6,231	6,400
	Mako Shark	65	0.210	109	174
	Thresher Shark	2	0.037	29	31
	Other Shark	1	0.231	191	192
	Mahimahi	1,814	2.780	494	2,308
	Moonfish	72	0.099	10	82
	Wahoo	114	0.143	5	119
	Other Pelagic	17	0.136	96	113
	Albacore	1,659	3.910	1,587	3,246
	Bigeye Tuna	1,849	2.339	93	1,942
	Yellowfin Tuna	254	0.432	105	359
	N. Bluefin Tuna	53	0.064	0	53
	Oilfish	31	0.219	151	182
	Pomfret	38	0.049	3	41
	Skipjack Tuna	45	0.069	12	57
Protected species:					
	Sea Lion/Seal		0.0012	1	1
	Green Turtle		0.0012	1	1
	Leatherback Turtle		0.0108	9	9
	Olive Ridley Turtle		0.0084	7	7
	Loggerhead Turtle		0.0181	15	15
	Other Turtle		0.0060	5	5
	Albatross		0.0458	38	38

Table 2. Summary of **observer** data (fish catches) for high-seas longline vessels that fished 1994 through 2000 both east and west of 135W longitude. CPUE is catch per 1,000 hooks, CPS is catch per set where catch is in number of fish. Data represent 6 trips, 100 sets and 86,045 hooks (West=42,198; East=43,847). Data are not treated for bias.

Species	WEST OF 135W				EAST OF 135W				ALL AREAS			
	Catch	Discards	CPUE	CPS	Catch	Discards	CPUE	CPS	Catch	Discards	CPUE	CPS
Albacore	337	208	7.986	6.878	513	422	11.700	10.059	850	630	9.879	8.500
Bigeye Thresher Shark	0	0	0.000	0.000	5	2	0.114	0.098	5	2	0.058	0.050
Bigeye Tuna	35	1	0.829	0.714	129	15	2.942	2.529	164	16	1.906	1.640
Blue Shark	702	702	16.636	14.327	861	861	19.636	16.882	1563	1563	18.165	15.630
Bluefin Tuna	8	1	0.190	0.163	15	1	0.342	0.294	23	2	0.267	0.230
Cartilaginous Fishes	3	3	0.071	0.061	1	1	0.023	0.020	4	4	0.046	0.040
Cookie Cutter Shark	1	1	0.024	0.020	1	1	0.023	0.020	2	2	0.023	0.020
Crestfish	0	0	0.000	0.000	1	1	0.023	0.020	1	1	0.012	0.010
Escolar	15	12	0.355	0.306	20	14	0.456	0.392	35	26	0.407	0.350
Fish, Unidentified	4	4	0.095	0.082	9	9	0.205	0.176	13	13	0.151	0.130
Indo-Pacific Blue Marline	0	0	0.000	0.000	1	1	0.023	0.020	1	1	0.012	0.010
Longfin Mako	1	0	0.024	0.020	0	0	0.000	0.000	1	0	0.012	0.010
Louvar	0	0	0.000	0.000	1	0	0.023	0.020	1	0	0.012	0.010
Mahimahi	22	3	0.521	0.449	17	1	0.388	0.333	39	4	0.453	0.390
Northern Lancetfish	11	11	0.261	0.224	28	28	0.639	0.549	39	39	0.453	0.390
Ocean Sunfish (Common Mola)	15	15	0.355	0.306	8	7	0.182	0.157	23	22	0.267	0.230
Oilfish	3	2	0.071	0.061	9	9	0.205	0.176	12	11	0.139	0.120
Opah (Moonfish)	1	0	0.024	0.020	7	4	0.160	0.137	8	4	0.093	0.080
Pacific Pomfret	2	0	0.047	0.041	2	0	0.046	0.039	4	0	0.046	0.040
Pelagics Stingray	26	26	0.616	0.531	11	11	0.251	0.216	37	37	0.430	0.370
Rainbow Runner	1	0	0.024	0.020	0	0	0.000	0.000	1	0	0.012	0.010
Remora	10	10	0.237	0.204	10	10	0.228	0.196	20	20	0.232	0.200
Shortbill Spearfish	1	0	0.024	0.020	1	1	0.023	0.020	2	1	0.023	0.020
Shortfin Mako (Mackerel Shark)	14	11	0.332	0.286	17	16	0.388	0.333	31	27	0.360	0.310
Sickle (Bigscale) Pomfret	2	1	0.047	0.041	0	0	0.000	0.000	2	1	0.023	0.020
Skipjack Tuna	2	1	0.047	0.041	1	0	0.023	0.020	3	1	0.035	0.030
Snake Mackerel	6	6	0.142	0.122	2	2	0.046	0.039	8	8	0.093	0.080
Striped Marlin	2	0	0.047	0.041	2	2	0.046	0.039	4	2	0.046	0.040
Swordfish, Broadbill	524	44	12.418	10.694	770	46	17.561	15.098	1294	90	15.039	12.940
Tuna and Mackerels	0	0	0.000	0.000	3	3	0.068	0.059	3	3	0.035	0.030
Wahoo	1	0	0.024	0.020	0	0	0.000	0.000	1	0	0.012	0.010
Yellowfin Tuna	3	1	0.071	0.061	5	3	0.114	0.098	8	4	0.093	0.080

Table 3. Summary of selected **observer** data (protected species) for high-seas longline vessels that fished 1994 through 2000 both east and west of 135W longitude. Data not treated for bias.

Trips	Sets	Hooks	Catch				CPUE (number/1000 hooks)			
			Albatross	Leatherback	Loggerhead	Striped Marlin	Albatross	Leatherback	Loggerhead	Striped Marlin
Entire area:										
6	100	86,045	15	6	5	4	0.174	0.070	0.058	0.046
East of 135W:										
6	51	43,847	11	2	2	2	0.251	0.046	0.046	0.046
West of 135W:										
5	49	42,198	4	4	3	2	0.095	0.095	0.095	0.047

Table 4. Comparative Species Ranking. Taken in the High Seas Longline Fishery and the CA/OR Drift Gill Net Fishery in the EEZ (1997-1999), based on Longline Observer, Longline Logbook, and Drift Net Observer Data*, Including Catches of Vessels That Fished East of 135 W Longitude. Protected Species Ranked Separately. (Data are preliminary, unedited, not treated for bias and require more detailed analysis before extrapolation.)

High Seas LL Observed Catch Rates (East 135W) N= 43,847 hooks, 1994-2000	**High Seas LL Logbook Reported Catch Rates (East 135W) CA/HI -based vessels** N=2,520,255 Hooks, 1994-2000	**High Seas LL Logbook Reported Catch Rates ALL AREAS- California-Based vessels** N= 7,071,745 hooks-Aug 1995-Dec 1999	**DGN Observed Catch/Interactions (~20% observer Coverage1997,1998, 1999)**
Fishes:	**Fishes:**	**Fishes:**	**Fishes**
CPUE > 0.30/1000 hooks	*CPUE > 0.30/1000 hooks*	*CPUE > 0.30/1000 hooks*	*Numbers >1000:*
1 Blue Shark	1 Broadbill Swordfish	1 Broadbill swordfish	1 Mola mola
2 Broadbill Swordfish	2 Blue Shark	2 Blue shark	2 Blue shark
3 Albacore	3 Bigeye tuna	3 Albacore tuna	3 Albacore
4 Bigeye tuna	4 Albacore	4 Bigeye tuna	4 Swordfish
5 Northern Lancetfish	5 Dorado (mahimahi)	5 Dorado (mahimahi)	5 Skipjack tuna
6 Escolar	6 Northern Bluefin Tuna		6 Bullet mackerel
7 Shortfin mako shark	7 Shortfin mako shark		7 Bluefin tuna
7 Dorado (Mahimahi)	8 Other Shark	*CPUE<= 0.30 and >.05/1000 hooks*	8 Mako shark
8 Bluefin tuna		6 Bluefin tuna	9 Opah
		7 Mako shark	10 Common thresher shark
CPUE <= 0.30 and > .05/1000 hooks	*CPUE<= 0.30 and >.05/1000 hooks*	8 Yellowfin tuna	
9 Pelagic stingray	9 Oilfish	9 Other fishes, undet.	*Numbers<200:*
10 Remora	10 Yellowfin tuna		11 Louvar
11 Oilfish	11 Moonfish		12 Yellowfin tuna
11 Fish, Unid.			13 Bigeye thresher
12 Mola Mola	*CPUE < .05/1000 hooks*	*CPUE < .05/1000 hooks*	
13 Opah (Moonfish)	12 Thresher shark, undet.	10 Thresher shark, undet.	*Numbers <100:*
14 Bigeye thresher shark	13 Other pelagic fishes	11 Opah	14 Striped marlin
14 yellowfin tuna	14 Striped marlin	12 Oilfish	15 Pelagic thresher shark
15 Tunas and mackerels, undet.	15 Wahoo	13 Other shark, undet.	16 Blue marlin
	15 Spearfish	14 Wahoo	17 Bigeye tuna
CPUE < .05/1000 hooks:	16 Pacific pomfret	15 Striped marlin	18 Dorado (Mahimahi)
16 Pacific pomfret	17 Skipjack tuna	16 Sailfish	
16 snake mackerel	18 Black Marlin	17 Blue marlin	**Protected species (includes releases):****
16 Striped marlin	18 Other tuna	18 Spearfish	*5.0 to 25 per yr*
17 Cartilaginous fishes, undet.			1 Common dolphin (short-beaked and long)
17 Cookie cutter shark	**Protected species (includes releases):**	**Protected species (includes releases):**	2 California Sea Lion
17 Crestfish	1 Albatross (CPUE = 0.022)	1 Albatross, unspecified (CPUE=0.141)	3 Elephant seal
17 Blue marlin	2 Leatherback turtle (CPUE= 0.012)	2 Leatherback turtle (CPUE=0.005)	*1.0 to 3.0 per year*
17 Louvar	3 Olive Ridley turtle (CPUE= 0.007)	3 Loggerhead turtle (CPUE=0.003)	4 Northern Right Whale Dolphin
17 Shortbill Spearfish	4 Loggerhead turtle (CPUE= 0.005)	4 Olive ridley turtle (CPUE=0.003)	5 Leatherback Sea Turtle
17 Skipjack tuna	5 Green turtle (CPUE= 0.004)	5 Green turtle (CPUE=0.002)	6 Dall's Porpoise
	6 Other turtle (CPUE< 0.001)	6 Turtle, other (CPUE=0.001)	6 Loggerhead Sea Turtle
Protected species (includes releases):	6 Seal (CPUE<0.001)	7 Bird, other (CPUE=0.001)	*0.3 to 1.0 per year:*
1 Black-footed albatross CPUE=.25		8 Monk seal (CPUE=<0.001)	7 Risso's Dolphin
2 Leatherback Turtle CPUE=.05		8 Sea lion (CPUE= <0.001)	7 Pacific White-sided dolphin
2 Loggerhead Turtle CPUE=.05			8 Grey Whale
			Less that 0.3 per yr:
			9 Short-finned Pilot Whale
			9 Fin Whale
			9 Minke Whale
			9 Humpback whale
			9 Sperm Whale
			9 Olive Ridley Turtle

* Data Obtained from NMFS longline observer, longline logbook, and drift gill net observer data; M. Vojkovich, Calif. Dep. Fish and Game (7/11/00); and from Cameron, G. and K.M. Forney. (1999; 2000) cetacean mortality papers presented to the International Whaling Comm.

**See also NOAA (2000) for expanded take rates 1990-2000.

Table 5. **Observer** catch data from Southern California experimental cable drift longline fishery for mako and blue shark, 1988 and 1989*. Includes releases. CPUE=catch or take/1000 hooks. Data based on O'Brien and Sunada (1994), and pers. commun., J. O'Brien, CDFG, 7/30/01.

	Number 1988	Number 1989	Total	CPUE
Fishes:				
Blue shark	1,900	1,320	3,220	82.14
Shortfin mako shark	883	610	1,493	38.08
Pelagic sting ray	265	194	459	11.71
Mola mola	1	2	3	0.07
Hammerhead shark	2	0	2	0.05
Pacific mackerel	2	0	2	0.05
Finescale triggerfish	1	0	1	0.03
Giant seabass	1	0	1	0.03
Common thresher shark	1	0	1	0.03
Protected species:				
California sea lion	3	2	5	0.13
Green sea turtle	2	0	2	0.05

* Observer coverage approx 19%; no program in 1990-91. Total No. observed hooks set in 1988-89 = 39200

Table 6. NMFS/SWFSC Longline Shark Survey Catch Tally Summaries: Southern California Bight 1994-2000 *

Year	N. Hooks	SFMako	CThreshShrk	BlShark	PelRay	SoupShrk	SpDogfish	DskyShrk	Unid.Shrk	BatRay	Yllowtail	Pmack	BSndBass	Mola	WSeaBass	Opah	Dorado	Unkn
1994	3,637	146	1	119	117							7						
1995	5,633	162	1	263	28													
1996	6,212	206	0	695	73									1				
1997	5,529	108	0	195	45				1					1			3	1
1998	1,872	40	27	12	8			1					1					
1999	606	40	28	17	8		1		1									
2000	7,596	51	34	1,003	26	2				1	1	2	13	1	2	1		1
Totals	31,085	753	91	2,304	305	2	1	1	2	1	1	9	14	3	2	1	3	2
CPUE		24.20	2.33	74.12	9.81	0.06	0.03	0.03	0.06	0.03	0.03	0.29	0.45	0.10	0.06	0.03	0.10	0.06

* Sampling protocol and target species not uniform over time (see text). Source: D. Prescott, NMFS, Southwest Fisheries Science Center, La Jolla, CA 7/16/2001

CPUE = Catch per 1,000 hooks

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OUTLINE OF PRESENTATION TO THE
WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

October 24, 2001 WPFMC Council Meeting
Agendum 6.A : Pelagic Fisheries, Pacific Council HMS Fishery Management Plan

Jim Lone, Chairman

- Opening Remarks
- Purpose of this Presentation
- Chronology of Events 1994 - 2001

Dr. Donald McIsaac, Executive Director

- Need for a Pacific Council HMS FMP
- Overview of Draft FMP Content
- Schedule of Upcoming Considerations

Discussion

CHRONOLOGY OF EVENTS RELATING TO DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR HIGHLY MIGRATORY SPECIES IN THE PACIFIC

1994

- December - The Western Pacific Fishery Management Council (WPFMC) requests the U.S. Secretary of Commerce to designate them as the single Council responsible for management of pelagic fisheries in the Pacific. WPFMC alternatives are:

  1. Status Quo
  2. Coordinated Data Collection
  3. Joint Fishery Management Plan
  4. U.S. Secretary of Commerce Management
  5. Single Council Designation

- The WPFMC favored a single Council designation.

- The Pacific Fishery Management Council (PFMC) opposed that approach, because it was not in the best interests of West Coast fisheries.

  ★ See September 1997 Briefing from PFMC.

1996

- July - After input from affected Councils and industry groups, the National Marine Fisheries Service (NMFS) concluded that single Council designation was not necessary at this time.

  ★ See July 31, 1996 letter from NMFS.

- The WPFMC continued to maintain that a comprehensive fishery management plan (FMP) with single Council designation was necessary.

1997

- June - Management of HMS in the Pacific was raised again at the Council Chairs' meeting in Puerto Rico.

- As a result of the discussion, Mr. Rollie Schmitten asked Dr. Bill Hogarth (NMFS Southwest Region) to work with three Pacific area Councils to develop a recommendation on how to proceed.

- September - At the PFMC meeting, NMFS Southwest Region presented a paper outlining options for PFMC involvement in highly migratory species (HMS) management. Those options included:

  1. Status Quo
  2. WPFMC's Proposal
  3. U.S. Secretary of Commerce Management
  4. A Joint FMP
  5. A West Coast FMP

  ★ See August 1997 Option Paper from NMFS.

- PFMC established a HMS policy committee to address HMS concerns and coordinate with the other Councils.

- November - PFMC appointed a representative to attend meetings of the Inter-American Tropical Tuna Commission (IATTC) and Multilateral High-Level Conference (MHLC) and recommended establishment of an inter-Council coordinating committee.

1998

- June - PFMC appointed members to an advisory subpanel (HMSAS).

- September - Representatives of the three Pacific area Councils met to discuss collaboration on HMS management in Washington, D.C. NMFS Southwest Region presented a straw man approach for coordinated management. The objectives of the approach were:

  1. To Achieve Effective Coordination and Management
  2. To Ensure Comprehensive Data Collection
  3. To Ensure the Ability to Take Timely Action
  4. To Ensure Public Process

- The WPFMC did not support the approach proposed by NMFS, because they believed the joint actions required would increase work load, increase costs, delay implementation of regulations, and weaken the authority of the WPFMC.

1999

June - PFMC voted to begin development of a HMS FMP and wrote the WPFMC and the North Pacific Fishery Management Council (NPFMC) inviting their participation.

★ See June 23, 1999 letter from PFMC.

- The WPFMC was not inclined to participate at that time.

- The NPFMC expressed support for participation.

PFMC ACTIONS SINCE THE DECISION TO DEVELOPMENT A HMS FMP

1999

- June - Began development of FMP
- September - Appointed a HMS Plan Development Team (HMSPDT)
- October - A scoping session was held in fishery-dependent communities along the West Coast

2000

- March - A control date was set for limited entry

2001

- March - The Council reviewed the first draft of the HMS FMP
- June - The Council reviewed the second draft of the FMP
- November - The Council will adopt the final draft of the FMP for public review

2002

- January/February - Public hearings will be held
- March - The Council will adopt the final FMP

Talking Points

Overview of Pacific Council
Draft Fishery Management Plan for Highly Migratory Species
October 24, 2001

Need for a Pacific Council HMS FMP

1. West Coast specific reasons
    a. Inconsistencies in the regulations for HMS between West Coast States
    b. US - Canada Albacore Treaty
    c. Limited Entry
2. International reasons
3. Inter-Council reasons

Overview of Draft FMP Content

1. Framework approach
    a. Fixed element concept
    b. Flexible element concept
2. Framework content examples
    a. Definition of allowable gear for commercial fishing
    b. Coordination process
3. Immediate regulation examples
    a. Options to require permits for commercial and recreational vessels
    b. Longline regulations for fishing on the high seas, outside the EEZ (if longlines are selected as allowed commercial fishing gear)

Schedule

Council to consider releasing draft FMP for public review

- Thursday, November 1, 2001 — San Francisco, California

Proposed Public Hearings

- Monday, January 28, 2002 — Long Beach, CA
- Tuesday, January 29, 2002 — Monterey, CA
- Wednesday, January 30, 2002 — Newport, OR
- Thursday, January 31, 2002 — Astoria, OR
- Friday, February 1, 2002 — Westport, WA

Council to consider adopting final FMP

- March Council Meeting — Sacramento, CA

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FISH

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MANAGER:

August 22, 2001

Ms. Kitty Simonds
Western Pacific Fishery Management Council
(808) 522-8226

Dear Kitty,

With the clarity brought about by hindsight, FISH has come to realize that it was a mistake, in 1994, for us to have opposed the Western Pacific Fishery Management Council's petition for sole authority to manage HMS in the Pacific region. FISH has always understood that responsible management of HMS can only be accomplished through international cooperation, and has supported the establishment of domestic authority in preparation for such management. Our belief that the WPFMC and the Pacific Fishery Management Council could jointly accomplish this end was in error. To date, our experience with the PFMC's ongoing development of an HMS FMP is that they show little interest in HMS, domestically or internationally, and that the only reason they continue to host the development of this FMP is because the NMFS Southwest Region has funded it in order to establish the federal authority under which they can more easily implement regulations relating to HMS fisheries that interact with certain protected species.

Consistent with our intent to see HMS taken seriously, and managed responsibly, FISH supports a restructuring of the Southwest Region that would establish a Western Pacific Region, and relocate the Pacific Islands Area Office. Clearly, such a Region is best situated, culturally, historically, and geographically, to facilitate international representation of U.S. interests regarding Pacific HMS, as well as formulate and administer domestic HMS management for the Pacific region. If we can be of any help in this regard, please don't hesitate to let me know.

Respectfully,

Chuck Janisse, on behalf of FISH

WESTERN FISHBOAT OWNERS ASSOCIATION©

6.B.(1)

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August 22, 2001

Kitty Simonds, Executive Director
Western Pacific Fisheries Management Council
Honolulu, HI
Via Facsimile: 808.522.8226

Re: NMFS Restructuring

Dear Kitty:

It is a core reality that any future Pacific HMS regulations – whether state, federal, or international – will affect WFOA's US members, who are based out of Washington, Oregon, California, and Hawaii, at [illegible] level. There is significant concern over what forms this potential management may take, how effective it will be in the international context and – most importantly, which federal entities will be administering any new regulations that will apply to the US albacore fleet.

As you already know, WFOA has therefore been working in the highly migratory species (HMS) fisheries management arena in a variety of different arenas for quite some time now. Among other things, WFOA has invested a considerable amount of time in the Multilateral High Level Conference to secure a practical, cost-effective Western and Central Pacific Convention to help protect the future of the albacore and other HMS fisheries in the Pacific, as well as other bilateral and multilateral management planning processes (i.e., relating to the Inter-American Tropical Tuna Commission and US/Canadian albacore treaty). We have also been very active participants in the Pacific Fisheries Management Council's HMS Fishery Management Plan (FMP) development efforts over the past 24 months, and we have strongly advocated the concept of entering into a joint FMP process with the Western Pacific Fisheries Management Council (WPFMC) throughout this process.

The reason why I am writing to you today is to express concern over recent (and somewhat vague) news of a potential restructuring of the National Marine Fisheries Service (NMFS) Southwest region, and to once again reiterate WFOA's strong desire for WPFMC to take a leadership role in any federally administered Pacific HMS management efforts. WPFMC has critically important experience in addressing HMS fisheries issues, and advanced knowledge of often unique circumstances faced by high seas fleets. While we do not know exactly what will happen with the NMFS Southwest region or what the possible impacts to ongoing Pacific HMS management efforts may be, WFOA firmly believes that WPFMC's active involvement Pacific HMS FMP development and implementation can enhance current efforts while also having a stabilizing effect during what appears to be uncertain times.

WFOA will naturally continue to work with whatever system is put before us, yet in light of recent news it would seem very timely for WPFMC to become proactive on the HMS management front. There are very intelligent and dedicated people in the NMFS Southwest region, and it would be a major loss if current events resulted in reassignments to other programs; meanwhile, there are those of the same caliber in Hawaii, and perhaps an opportunity to further enhance all US efforts to ensure proper stewardship of the Pacific HMS fisheries and resources. Please feel free to call with any other questions you may have, and as always WFOA will work with WPFMC on these issues and attend any council meetings or other forums where issues affecting the albacore fishery may arise.

Sincerely,

Wayne Heikkila

Wayne Heikkila
Executive Director

cc: Wayne Moody, president
WFOA Board of Directors
Tana McHale, Fisheries Consultant
Peter Flournoy, WFOA counsel
John LaGrange, AFRF president
Vidar Westpestad, AFRF consultant

DRAFT FISHERY MANAGEMENT PLAN PUBLIC HEARING SCHEDULE AND SITES

Situation: If the Council adopts a public review draft fishery management plan (FMP) and regulatory document for West Coast highly migratory species fisheries, public hearings will need to be scheduled and hearing officers appointed. It would be appropriate to hold five hearings in January 2002 - February 2002. Final Council action to adopt a FMP is scheduled for March 2002.

Possible meeting locations and dates consistent with known Council-related commitments and obligations:

Long Beach, CA	Monday, January 28, 2002
Monterey, CA	Tuesday, January 29, 2002
Newport, OR	Wednesday, January 30, 2002
Astoria, OR	Thursday, January 31, 2002
Westport, WA	Friday, February 1, 2002

Council Action: Adopt dates and locations of public hearings, and appoint hearing officers.

Reference Materials: None.

PFMC
10/10/01

Draft

Designating Habitat Areas of Particular Concern (HAPC) for West Coast Groundfish: Beginning the Process

A proposal to the Habitat Steering Group
of the
Pacific Fishery Management Council
(April 3, 2000)

Ian Butler
National Marine Fisheries Service,
Northwest Fisheries Science Center.
2725 Montlake Blvd. E. Seattle. WA 98112

Cyreis Schmitt
National Marine Fisheries Service
Northwest Fisheries Science Center
2030 So. Marine Science Dr., Newport. OR 97365

Oct. 22 2001 03:41PM P2 FAX NO. : FROM : PMCC

Habitat Areas of Particular Concern for Pacific Groundfish – Beginning the process.

DRAFT

FROM : PMCC FAX NO. : Oct. 22 2001 03:41PM P3

1. Background: Habitat Areas of Particular Concern

In 1996, the Magnuson-Stevens Fishery Management and Conservation Act was amended by the Sustainable Fisheries Act to include a number of requirements for the identification and protection of marine and anadromous "essential fish habitat"(EFH). In this Act, EFH is defined as: "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity". As a requirement of the Act, regional fishery management councils, with the assistance of the National Marine Fisheries Service (NMFS), were required to amend their fishery management plans to identify and describe EFH for the species covered by the fishery management plans.

While implementing the requirements for identifying EFH, it became clear that when all of the EFH for all the managed species were grouped, EFH essentially became all national waters (including freshwater) with any marine connection extending out to the Exclusive Economic Zone (EEZ). In an effort to better focus the attention of fishery management councils and NMFS on priority habitats, it was suggested through the Interim Final Rule, that there was a need for a description of "habitat areas of particular concern" (HAPC). According to the Interim Final Rule, HAPC should be: "EFH that is judged to be particularly important to the long-term productivity of populations of one or more (federally) managed species, or to be particularly vulnerable to degradation". The Interim Final Rule suggests using at least one of the following criteria for choosing HAPCs:

i. The importance of the ecological function provided by the habitat.
ii. The extent to which the habitat is sensitive to human-induced environmental degradation.
iii. Whether, and to what extent, development activities are, or will be, stressing the habitat type.
iv. The rarity of the habitat type.

2. How other regional management councils are designating HAPC:

The Magnuson-Stevens Act and the Interim Final Rule offer little guidance to the process of HAPC designation. As a result, each regional fishery management council has been left to determine its own method of HAPC designation. For those councils where progress has been made with regard to HAPC designation, the process has tended to involve ad hoc identifications made by a "habitat" or "technical advisory" committee of the fishery management council, which were then recommended to the voting council. To date, for most councils the simplest choices for HAPC designation were those areas which were "pretty" or already protected in some manner (e.g. Gulf of Mexico Council - sanctuaries, marine protected areas). Nation-wide, a general lack of information on fish/habitat associations is making the process of designating HAPC (as distinct from EFH) difficult.

Some of the regional councils have created relatively structured methods for designating HAPC. The North Pacific Fishery Management Council has produced a

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series of draft amendments addressing designation of HAPC. The four Interim Final Rule criteria were applied to habitats and they were described on a "low", "medium" and "high" scale, where any habitats exhibiting "high" ratings were more likely to be listed as HAPC than habitats with "low" ratings. To aid with this process, a call for proposals from the public was made for identifying HAPC. So far, this council has listed as groundfish HAPC all substrates which are covered with living plants or animals. This council is also proposing a number of more specific sites.

The New England Fishery Management Council has created a number of flowcharts and decision matrices to facilitate the identification of HAPC (~~see Appendix I~~). This council has also drafted plans for the calling of proposals from the public to identify potential HAPC. They are using the NPFMC experience in designing their proposal process. Finally, this council has also drafted a number of decision matrices for the choosing of HAPC management strategies. So far, they have only one groundfish HAPC – cobble areas on the Georges Bank.

The South Atlantic Fishery Management Council has perhaps made the greatest efforts of any council towards habitat issues, including HAPC. Through the use of workshops and committees devoted to specific habitats, this council has produced an extensive "Habitat Management Plan" in which the various habitat types along the southeastern coast have been described in detail. This Habitat Management Plan also contains a description of HAPC for each managed species/species group.

3. The Proposed Pacific Fishery Management Council Method:

As a part of EFH legislation, and to better focus attention on key habitat areas, the Pacific Fishery Management Council needs to implement the process of HAPC designation for its groundfish fishery (for list of groundfishes, see Appendix 1).

There are quite a number of ways to approach designating HAPC and any method whether quantitative or qualitative will be somewhat subjective. The following proposed method for the West Coast is a modified version of the process that was used by the North Pacific Fishery Management Council. The steps are:

1. NMFS to obtain list of potential habitats for HAPC designation from council, fishermen, and public.
2. Forward this information to the HAPC Advisory Group for discussion and application of criteria. This group will make judgment call as to "Low", "Medium" or "High" significance of criteria.
3. NMFS forwards recommendations to the PFMC Habitat Steering Group.
4. Public comment, other council bodies.
5. Comments to PFMC Habitat Steering Group.
6. Submit proposed HAPC designations to Pacific Fishery Management Council for adoption.

FROM : PMCC FAX NO. : Oct. 22 2001 03:42PM P4

The ideas for HAPC designation can come from any number of sources, including public comment at PFMC meetings. But, for a habitat to be seriously considered for HAPC designation, there must be a reasonable amount of information available pertaining to the designation criteria. The importance or significance of the criteria will be judged "Low", "Medium" or "High". Where a habitat exhibits "Low" ratings, there are fewer concerns regarding the significance of the criteria to this habitat and it is less likely to be designated as HAPC. "High" ratings indicate that there are more concerns for this habitat and that this habitat should be considered further for HAPC designation.

4. The HAPC Advisory Group:

The HAPC Advisory Group will be composed of around 14 scientists from a wide range of locations and disciplines, with connections to an even wider number of scientists for consultation, depending on specific needs. It is expected that the HAPC Advisory Group will be composed of representatives from the following organizations:

NMFS – WA, OR, AK, CA and SE region
State governments – WDF&W, ODF&W and CDF&G
Academia – CA and OR
National Marine Sanctuaries – CA or WA
Geologist – from university or USGS

5. Time Frame:

The PFMC is behind the other councils in terms of progress on HAPC issues for groundfish and needs to implement the process this year. In order to be implemented this year, the process for the adoption of HAPC into council process needs to proceed according to the scheduled meeting times for the council and the relevant committees. The proposed time line for this year is briefly outlined below:

March 2000 – Notify PFMC Habitat Steering Group of intention to proceed with HAPC process this year.
April 2000 – Briefly summarizing to Habitat Steering Group the proposed method of implementation.
June 2000 – Notify other council committees, public comments.
September 2000 – Final version of proposed HAPC process submitted to council.
November 2000 – Final reports of HAPC process.

FROM : PMCC FAX NO. : Oct. 22 2001 03:45PM P2

The process of HAPC designation will need to be an annual process, again following the council schedule. This would be:

December to February – Collect HAPC ideas, collate information related to criteria, provide this information to HAPC Advisory Group for application of criteria.
March/April – Submit summaries of HAPC decisions to Habitat Steering Group for comment.
June – Begin public comment.
September – Final proposed HAPC to PFMC.
November – Final reports of HAPC designation.

6. The HAPC Designation Criteria:

Described in more detail below are the four criteria as specified in the Interim Final Rule, plus some potential additional criteria that may be considered important.

i. The importance of the ecological function provided by the habitat (or location):
The ecological importance of a habitat could be defined as the values or services provided by a habitat to a species at a particular life stage, based on ecological function. Some ecological functions for which a habitat may be of vital importance to the survival of certain species include:

- Primary food source to any or all life stages from larvae to adult
- Primary shelter to any or all life stages from egg to adult
- Migration pathway for all life stages from juvenile to adult
- Primary maturation area for all life stages
- Primary settlement area (sink) for larvae and juveniles
- Primary breeding/spawning area for adults
- Keystone habitat for species and other habitats
- Primary egg/larval dispersal area from which other areas obtain individuals

While considering the ecological function of a habitat, it may be necessary to consider the historic ecological function as well. Some species populations and ranges have been considerably reduced over time and it may be necessary to identify such habitat in the event of a return of the species to historic population levels. It may also be necessary to consider oceanographic features as an important aspect of "habitat" since oceanographic features are often responsible for conditions found at any habitat as well as being responsible for the transport of life stages. In addition, it may be necessary, given a lack of information about a species life history, to infer the ecological importance of a habitat based on the mere presence of a species life stage in that habitat. In a similar manner, it may be necessary to infer the importance of a habitat based on the presence of features (e.g. food, shelter) typically associated with the life history of a species, but where that species has not yet been seen.

FROM : PMCC FAX NO. : Oct. 22 2001 03:42PM P5

ii. Sensitivity of habitat (or location) to human induced degradation:

The degree to which a habitat is sensitive to human induced degradation is variable and depends on how resilient the habitat is to unusual situations. Some of the different factors to consider are:

- Innate tolerance of the habitat to environmental fluctuation
- Physical/chemical buffering capacity of habitat
- Flushing characteristics of habitat
- Proximity of habitat to its ecological limits of existence
- Ability to persist in an altered state
- Structural fragility of habitat
- Required time for recovery between alterations/impacts

iii. Exposure of habitat (or location) to human activities:

The exposure of a habitat refers to the probability that a habitat or location will be exposed to activities, events or conditions that may affect the habitat. Some factors that should be considered are:

- Frequency and intensity of stresses/impacts
- Altered temperature, turbidity, chemical/physical features as a result of human activities such as dredging, fishing, effluent, runoff, oil spill, and development.

iv. Rarity of the habitat type (or rarity of the component features of a location):

Rarity refers to the quantities that remain of a habitat. This can be looked at in a number of ways such as:

- Rarity of this habitat relative to other habitats
- Rarity of this habitat in a regional context
- Features that make this habitat or location unique, including any combination of location, physical features, chemistry and ecology
- How pristine the habitat is relative to the habitat in other areas
- Rate of loss of that habitat

v. Other criteria or factors for consideration:

There may be criteria other than those mentioned in the Interim Final Rule which could help identify or describe HAPC. Some examples are:

- Unusual or high diversity of groundfish or other species within habitat or location
- Temporal / seasonal / annual variability of conditions, e.g. water temperature or salinity

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7. Application of HAPC Designation criteria:

Listed below are some examples of habitats/areas that will be submitted to the HAPC Advisory Group. A judgment of the significance of the criteria has been applied. This application of "Low", "Medium" and "High" is purely a measure of "feel" at the moment, reflecting an interpretation of available information. Where it was uncertain as how to best measure something, "Unknown" was written with the hope of getting more information.

Habitat	Ecological Function	Sensitivity	Exposure	Rarity
Kelp Forest	High	High	Medium	Medium
Estuarine Eelgrass	High	High	High	*Unknown*
Deep water banks	Medium	High	Medium	*Unknown*
Mid shelf silty/sandy	Low	Low	Low	*Unknown*

High = very significant, very rare; Low = not so significant or rare

To start with the process of actually designating HAPC this year, Kelp Forests will be put forward as a strong candidate for designation. (See next section).

DRAFT

Oct. 22 2001 03:43PM P6 FAX NO. : PMCC

8. Kelp Forest: A Prime Candidate for HAPC designation

Description:

"Kelp forest" is a habitat defined by its biological community. Though it is typically composed of a wide diversity of macroalgae species, the term "kelp forest" is reserved for those areas with large floating-canopy forming species. Kelp forests are found all along the west coast of the USA, but with few exceptions are restricted to rocky substrates from 5-20m depth. Typically, the forests tend to be dominated structurally by the canopy forming macroalgae *Macrocystis* spp. (Giant Kelp) south of Santa Cruz, CA and *Nereocystis luetkeana* (Bull Kelp) to the north.

Utilization by groundfish:

At least 26 species of groundfish can be commonly found in kelp forest (see Table 1). Three of these groundfish species are currently listed as overfished (Bocaccio, Lingcod, Canary Rockfish). The juveniles of nineteen of these species are known to commonly reside in kelp forests (Table 1) and at least six of these species show a preference for settlement in kelp forest (Table 1). Finally, two managed species of coastal pelagic (Northern Anchovy and Jack Mackerel) as well as juvenile salmon have also been found to commonly reside in kelp forest.

Ecological function:

Kelp forests are communities that typically show a high abundance and diversity of life. The presence of large macroalgae, particularly the larger canopy forming species such as *Macrocystis* and *Nereocystis*, provide complex three-dimensional structure that is attractive to many species of fish. Also, there is strong evidence that drifting, detached or broken kelp fronds stimulate food webs through decomposition.

Sensitivity to human induced degradation:

The distribution and health of kelp are affected by community dynamics, currents, light, temperature, nutrient availability, dispersal of spores, turbidity, exposure to swell, runoff and pollution. In many cases, the distribution of kelp forests is limited to narrow ranges of these parameters. The distribution and abundance of kelp can change with small changes in these parameters, whether natural or man-made.

Exposure of habitat to human activities:

There are many potential man-induced stresses to kelp forests that can be identified along the pacific coast. Since kelp forests are sensitive to temperature and nutrients, they may be adversely affected by effluent pipelines from factories, power plants and sewage treatment plants. They may also be adversely affected by increased turbidity resulting from the runoff from land development or clearance. Kelp forests are occasionally affected by oil spills. Finally, community dynamics could be affected through such things as sea urchin fisheries and kelp harvesting.

Rarity:

Although kelp forests can be found all along the coast, their distribution tends to be patchy and variable from year to year.

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Table 1. List of species commonly found in kelp forests, the juveniles found in kelp forests and for which species kelp forest is a preferred area for settlement.

Species in Kelp	Juveniles in Kelp	Settlement Preference
Black Rockfish	X	X
Black&Yellow Rockfish	X	
Blue Rockfish	X	
Bocaccio	X	X
Brown Rockfish		
Cabezon	X	
Canary Rockfish		
Chilipepper	X	
China Rockfish		
Copper Rockfish	X	X
Gopher Rockfish	X	X
Grass Rockfish	X	
Kelp Greenling	X	X
Kelp Rockfish	X	X
Leopard Shark		
Lingcod		
Olive Rockfish	X	
Pacific Whiting		
Quillback Rockfish	X	
Ratfish		
Speckled Rockfish	X	
Spiny Dogfish		
Stripetail Rockfish	X	
Treefish		
Vermillion Rockfish	X	
Widow Rockfish	X	

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Appendix 1 – Federally Managed Groundfish Species

Butter sole - *Isopsetta isolepis*
Curlfin sole - *Pleuronichthys decurrens*
Dover sole - *Microstomus pacificus*
English sole - *Parophrys vetulus*
Flathead sole - *Hippoglossoides elassodon*
Pacific sanddab - *Citharichthys sordidus*
Petrale sole - *Eopsetta jordani*
Rex sole - *Glyptocephalus zachirus*
Rock sole - *Lepidopsetta bilineata*
Sand sole - *Psettichthys melanostictus*
Starry flounder - *Platichthys stellatus*
Arrowtooth flounder - *Atheresthes stomias*
Ratfish - *Hydrolagus colliei*
Pacific rattail - *Coryphaenoides acrolepis*
Leopard shark - *Triakis semifasciata*
Soupfin shark - *Galeorhinus zyopterus*
Spiny dogfish - *Squalus acanthias*
Big skate - *Raja binoculata*
Longnose skate - *Raja rhina*
Pacific ocean perch - *Sebastes alutus*
Shortbelly rockfish - *Sebastes jordani*
Widow rockfish - *Sebastes entomelas*
Aurora rockfish - *Sebastes aurora*
Bank rockfish - *Sebastes rufus*
Black rockfish - *Sebastes melanops*
Black-and-yellow rockfish - *Sebastes chrysomelas*
Blackgill rockfish - *Sebastes melanostomus*
Blue rockfish - *Sebastes mystinus*
Bocaccio - *Sebastes paucispinis*
Bronzespotted rockfish - *Sebastes gilli*
Brown rockfish - *Sebastes auriculatus*
Calico rockfish - *Sebastes dallii*
California rockfish - *Scorpena guttata*
Canary rockfish - *Sebastes pinniger*
Chilipepper - *Sebastes goodei*
China rockfish - *Sebastes nebulosus*
Copper rockfish - *Sebastes caurinus*
Cowcod rockfish - *Sebastes levis*
Darkblotched rockfish - *Sebastes crameri*
Dusky rockfish - *Sebastes ciliatus*
Flag rockfish - *Sebastes rubrivinctus*
Gopher rockfish - *Sebastes carnatus*
Grass rockfish - *Sebastes rastrelliger*
Greenblotched rockfish - *Sebastes rosenblatti*
Greenspotted rockfish - *Sebastes chlorostictus*
Greenstriped rockfish - *Sebastes elongatus*
Harlequin rockfish - *Sebastes variegatus*
Honeycomb rockfish - *Sebastes umbrosus*
Kelp rockfish - *Sebastes atrovirens*
Mexican rockfish - *Sebastes macdonaldi*
Olive rockfish - *Sebastes serranoides*
Pink rockfish - *Sebastes eos*
Quillback rockfish - *Sebastes maliger*
Redbanded rockfish - *Sebastes babcocki*
Redstripe rockfish - *Sebastes proriger*
Rosethorn rockfish - *Sebastes helvomaculatus*
Rosy rockfish - *Sebastes rosaceus*
Rougheye rockfish - *Sebastes aleutianus*
Sharpchin rockfish - *Sebastes zacentrus*
Shortraker rockfish - *Sebastes borealis*
Silvergrey rockfish - *Sebastes brevispinis*
Speckled rockfish - *Sebastes ovalis*
Splitnose rockfish - *Sebastes diploproa*
Squarespot rockfish - *Sebastes hopkinsi*
Starry rockfish - *Sebastes constellatus*
Stripetail rockfish - *Sebastes saxicola*
Tiger rockfish - *Sebastes nigrocinctus*
Treefish - *Sebastes serriceps*
Vermilion rockfish - *Sebastes miniatus*
Yelloweye rockfish - *Sebastes ruberrimus*
Yellowmouth rockfish - *Sebastes reedi*
Yellowtail rockfish - *Sebastes flavidus*
Longspine Thornyhead - *Sebastolobus altivelis*
Shortspine Thornyhead - *Sebastolobus alascanus*
Cabezon - *Scorpaenichthys marmoratus*
Kelp greenling - *Hexagrammos decagrammus*
Lingcod - *Ophiodon elongatus*
Pacific cod - *Gadus macrocephalus*
Pacific whiting - *Merluccius productus*
Sablefish - *Anoplopoma fimbria*

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