

ENFORCEMENT CONSULTANTS REPORT ON
NMFS REPORT ON HIGHLY MIGRATORY SPECIES MANAGEMENT

As stated in his May 17, 2002 letter, Mr. Ben Fuss states the California registered purse seine vessels would sell the bluefin tuna at sea. This is prohibited by the California Fish and Game Code and Business and Professions Code.

California Department of Fish and Game enforcement staff have discussed this with Mr. Fuss recently. To resolve this, the fishing vessels would need to be contracted employees of the company and not make illegal sales at sea. The Enforcement Consultants request a condition of the permit require the purse seiners to act as employees under the umbrella of the company and not conduct prohibited sales/purchases at sea.

PFMC
06/19/02

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL STATEMENT
ON TRANSHIPMENT PERMIT APPLICATION

The Highly Migratory Species Advisory Subpanel (HMSAS) discussed the permit application requesting authorization for a Mexican vessel to accept transfers of live tuna from U.S. purse seiners in the Pacific waters of the exclusive economic zone south of 38° N latitude. The fish will be transferred to a cage which will be towed into Mexican waters, and the fish will be released into an aquaculture facility.

The HMSAS requests that conditions be placed on the permit to ensure reporting of catch in the purse seines and mortality of tuna in the towed cage. The catch should be identified separately from traditional harvests of tuna. There is a concern that this fishery could establish catch history for a future regulatory program which might be detrimental to the interests of other U.S. fishers.

There also is concern about the introduction of disease from the use of infected fish as feed, so there should be a provision to ensure that the source of feed is disease-free, or require the feed comes from the area (southern California) where the tuna were taken.

PFMC
06/19/02

REPORT ON RECENT ACTIVITIES RELATED TO HIGHLY MIGRATORY SPECIES (HMS)
NATIONAL MARINE FISHERIES SERVICE (NMFS), SOUTHWEST REGION

1. U.S.-Canada Albacore Treaty

A negotiating session held April 23-24, 2002, resulted in agreement on a three-year regime for reciprocally limiting effort by U.S. and Canadian troll albacore fishing vessels' activities in each other's waters. Canadian effort would be limited by vessels; U.S. effort would be limited by vessel months. This is intended to provide relatively equal fishing opportunity. The limits would gradually be reduced over the three-year period, though the agreement provides some flexibility to carry over "unused" effort from one year to the next. The target for implementation is the 2003 season, pending (a) legislation by Congress to authorize U.S. regulations to limit the U.S. fishery and (b) NMFS rulemaking for procedures to monitor entry and exit of vessels against the limits each year so that, if a limit is reached, the fishery would be "closed" in a timely manner.

The limits would be as follows:

Year	Canadian boats in the U.S. EEZ	U.S. effort in Canadian EEZ
2003	170 vessels	680 months
2004	140 vessels	560 months
2005	125 vessels	500 months

After the third year, the Parties can extend the agreement for one year or more, but if no agreement is reached, then a default of 75% of the third year would be implemented. A meeting is scheduled with the Canadians in Seattle, Washington on July 24-25, 2002, to discuss specific actions needed by both parties to make this system work, including reporting and monitoring mechanisms.

2. Inter-American Tropical Tuna Commission (IATTC)

The IATTC is scheduled to hold its annual meeting June 24-28, 2002, in Manzanillo, Mexico. It is expected the IATTC will adopt resolutions dealing with yellowfin tuna, bycatch, compliance, and fleet capacity, and may adopt a resolution dealing with bigeye tuna. Copies of any resolutions ultimately adopted will be provided to the Council.

3. Western Pacific HMS Management

A final rule governing seabird mitigation measures in the Hawaii-based longline fishery were published on May 14, 2002 (67 *FR* 34408). The regulations requires fishermen to use line-setting machines and thawed blue-dyed bait and strategic offal discards during setting and hauling of longline gear. This rule codifies the terms and conditions of a biological opinion issued by the U.S. Fish and Wildlife Service on November 28, 2000, to protect the endangered short-tailed albatross. The rule also implements measures recommended by the Western Pacific Council in a proposed rule published on July 5, 2000 (65 *FR* 41424).

A proposed rule establishing sea turtle take mitigation measures in the Hawaii-based longline fishery were published on April 29, 2002 (67 *FR* 20945). The regulations implement gear specifications for longline gear, prohibits targeting swordfish north of the equator, prohibits landing or possessing more than 10 swordfish per trip by longline vessels fishing north of the equator, establishes a closed area during April and May south of Hawaii between the equator and 15° N latitude, and requires all longline vessel operators to attend a protected species workshop annually. This rule would implement the reasonable and prudent measures of the March 29, 2001 biological opinion issued by NMFS under the Endangered Species Act.

An emergency rule was published on April 5, 2002 (67 *FR* 16323), affecting the Hawaii-based longline fishery that prohibits possessing or landing more than 10 swordfish per trip when fishing north of the equator and prohibits all longline fishing north of 26° N latitude. This emergency rule expires on June 8. The April 29 proposed rule mentioned above contains the 10 swordfish possession restriction, but not the longline closure north of 26° N latitude.

NATIONAL MARINE FISHERIES SERVICE REPORT ON
HIGHLY MIGRATORY SPECIES (HMS) MANAGEMENT

Situation: National Marine Fisheries Service (NMFS) 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:

1. Exhibit D.1, NMFS HMS Report

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion

Svein Fougner

PFMC
06/04/02



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

JUN 10 2002

Mr. Don McIsaac, Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Dear Mr. McIsaac:

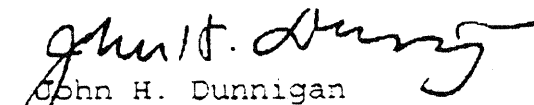
Section 204(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) provides for the issuance of transshipment permits authorizing foreign vessels to conduct fishing operations consisting solely of transporting fish or fish products at sea from a point within the U.S. Exclusive Economic Zone (EEZ) or, with the concurrence of a State, within the boundaries of that State, to a point outside the United States.

In accordance with Section 204(d)(2) of the Magnuson-Stevens Act, enclosed for your review is an application requesting authorization for a Mexican vessel to accompany a U.S. purse seiner into the Pacific waters of the EEZ south of 36 degrees, N. latitude. The Mexican vessel will tow a fish cage 40 meters in diameter for the purpose of accepting transfers of live tuna from the purse seiner. The cage containing live tuna will periodically be towed to a point within Mexican waters where the fish will be released into an aquaculture facility.

We would appreciate receiving by June 26, 2002, any comments you wish to submit with respect to this application. The general conditions and restrictions that will apply to any permit issued are found at Section 204(b)(7) of the Magnuson-Stevens Act.

Thank you for your assistance with this matter.

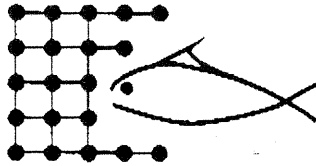
Sincerely,


John H. Dunnigan
Director, Office of
Sustainable Fisheries

Enclosure



BAJA AQUA-FARMS



SA de CV

Mr. Bob Dickinson
National Marine Fisheries Service
International Fisheries Division
1315 East West Highway, Silver Spring
Maryland 20910

17th May 2002

Dear Mr. Dickinson,

Attached is the documentation for the application for a transshipping permit for the Mexican flagged vessel should it be necessary to enter US waters to purchase live pacific blue fin tuna from the US vessels prior to being transshipped back to Baja California, Mexico to our companies aquaculture facility there.

Background:

This operation will involve towing a 40-meter diameter live fish cage to the fishing zone which could be any where in the US EEZ "pacific waters" (Out side CA waters - from the US/Mexico Border to as far north Half moon bay). *South 58° 38' N. Lat. per tel. 5/30 - 2AD*
After the tuna has been caught it is then transferred in live form from the catching vessels purse seine net into the live fish transport cage net.

After receiving the tuna this cage of fish is towed back to the aquaculture concession facility by the tow vessel at approximately 1Kn per hour.

During the "tow" these fish will be fed daily a diet of defrosted sardine, mackerel or anchovies or squid that will be kept onboard the towing vessels in its bait freezer. Additionally there will be divers stationed onboard the vessel that will be responsible for net repairs and or removal of any mortality fish that die during the journey.

It is envisaged that this operation could take place in multiple journey format in any months from July through November 2002 (subject to when the fish turns up in US waters).

The company's objective will be to purchase up to 500 M/T of fish should it be available.

Listed below are several of the US fishing vessels/companies that will be working to catch and sell live fish to the company.

F/V Barbara H

F/V King Philip

F/V Anne D

Mexico

Torres Aguacaliente
Blvd Aguacaliente 4558
11th Floor Office 1104
Tijuana, B.C. 22240
Mexico
Tel: 52-6-686 3192
Fax: 52-6-686 3191

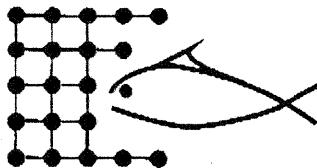
San Diego, California

2535 Kettner Blvd., Suite 3A2
San Diego, CA 92101
USA
Tel: 619-544 8355
Fax: 619-544 9178

Hilton South Australia

104 Sir Donald Bradman Drive
Hilton
South Australia 5033
Tel: 61-8-8351 8400
Fax: 61-8-8351 8724
Email: agritrade@adelaide.on.net

BAJA AQUA-FARMS



SA de CV

I would like to thank you in advance for your assistance on the above request.

Should you require any additional information pls do not hesitate to contact me.

Yours sincerely,


Benjamin Fuss
General Manager

Mexico

Torres Aguacaliente
Blvd Aguacaliente 4558
11th Floor Office 1104
Tijuana, B.C. 22240
Mexico
Tel: 52-6-686 3192
Fax: 52-6-686 3191

San Diego California

2535 Kettner Blvd., Suite 3A2
San Diego, CA 92101
USA
Tel: 619-544 8355
Fax: 619-544 9178

Hilton South Australia

104 Sir Donald Bradman Drive
Hilton
South Australia 5033
Tel: 61-8-8351 8400
Fax: 61-8-8351 8724
Email: agritrade@adelaide.on.net

OMS NO. 0648-0089

(EXPRES 03-31-05)

FISHING VESSEL IDENTIFICATION FORM (VIF)

NO: MX-02-0004

- (1) VESSEL NAME: "ORGULLOSO" (2) CALL SIGN: XCNY
- (3) HULL NO: "302" (4) VESSEL TYPE: LOGLINERR - TOW
- (5) LENGTH (METERS): 25.58 (6) GROSS TONS: 183.23
- (7) NET TONS: 54.97 (8) MAX SPEED (KNOTS): 10
- (9) OWNER NAME: BUENA PESCA SADECV "PLS SEE ATTACHED ADEMUM"
RECINTO PORTARIO # 193 LOCAL 1 EDIFICIO DEL PUERTO EL
ADDRESS: SANZAL, BAJA CALIFORNIA, MEXICO
- (10) AGENT NAME: MIDWAY SERVICES INC - MR BENJAMIN FUSS - 1-619-544-9177
ADDRESS: 2535 KETTNER BLVD #3A2 SAN DIEGO CA 92101
- (11) PROCESSING EQUIPMENT: NOT APPLICABLE
- (12) HOLD CAPACITY (IN CUBIC METERS - BALE CAPACITY ONLY):
HOLD #1: 107 M/3 HOLD #2: 36.8 M/3 HOLD #3: _____ HOLD #4: _____
(IF MORE THAN 4 HOLDS, GIVE TOTAL HOLD CAPACITY) _____
- (13) LIST LAST APPLICATION NUMBER _____ IF NONE, CHECK "X"
- (14) ARE JOINT VENTURE OPERATIONS BEING REQUESTED? YES NO "X" (IF YES, ATTACH JOINT VENTURE SUPPLEMENTAL RESPONSES)
- (15) CHECK IF VESSEL IS CERTIFIED TO BE IN COMPLIANCE WITH THE FLAG NATION'S HEALTH AND SAFETY STANDARDS "X"
- (16) FISHERY FOR WHICH PERMIT IS REQUESTED: "ETP"

ACTIVITY					
FISHERY	SPECIES/TRANSHP. LOCATION	GEAR	CATCH	PROCESS	OTHER
"ETP"	SUPPORT				"9"

- (17) TRANSSHIPMENT POINT (LATITUDE AND LONGITUDE) "VARIOUS" US EEZ PACIFIC WATERS
- (18) IS TRANSSHIPMENT POINT WITHIN THE INTERNAL OR TERRITORIAL WATERS OF A STATE? YES NO X IF YES, IDENTIFY STATE _____

"ADEMDUM"

B/V ORGULLOSO

9. OWNERS NAME: "BAJA AQUA-FARMS SA DE CV"
SUB CHARTER ARRANGEMENT ON THE
VESSEL

ADDRESS: TORRES AGUACALIENTE, BLVD
AGUACALIENTE 4558, 11TH FLOOR OFFICE
1104, TIJUANA BAJA CALIFORNIA MEXICO

CONTACT PERSON: BENJAMIN FUSS
GENERAL MANAGER
52-6-686-3192 PH (MEXICO)
52-6-686-3191 FAX (MEXICO)

1-619-544-9177 PH (USA)
1-619-544-9178 FAX (USA)
1-619-884-2801 CELL

Tuna Cage Construction:

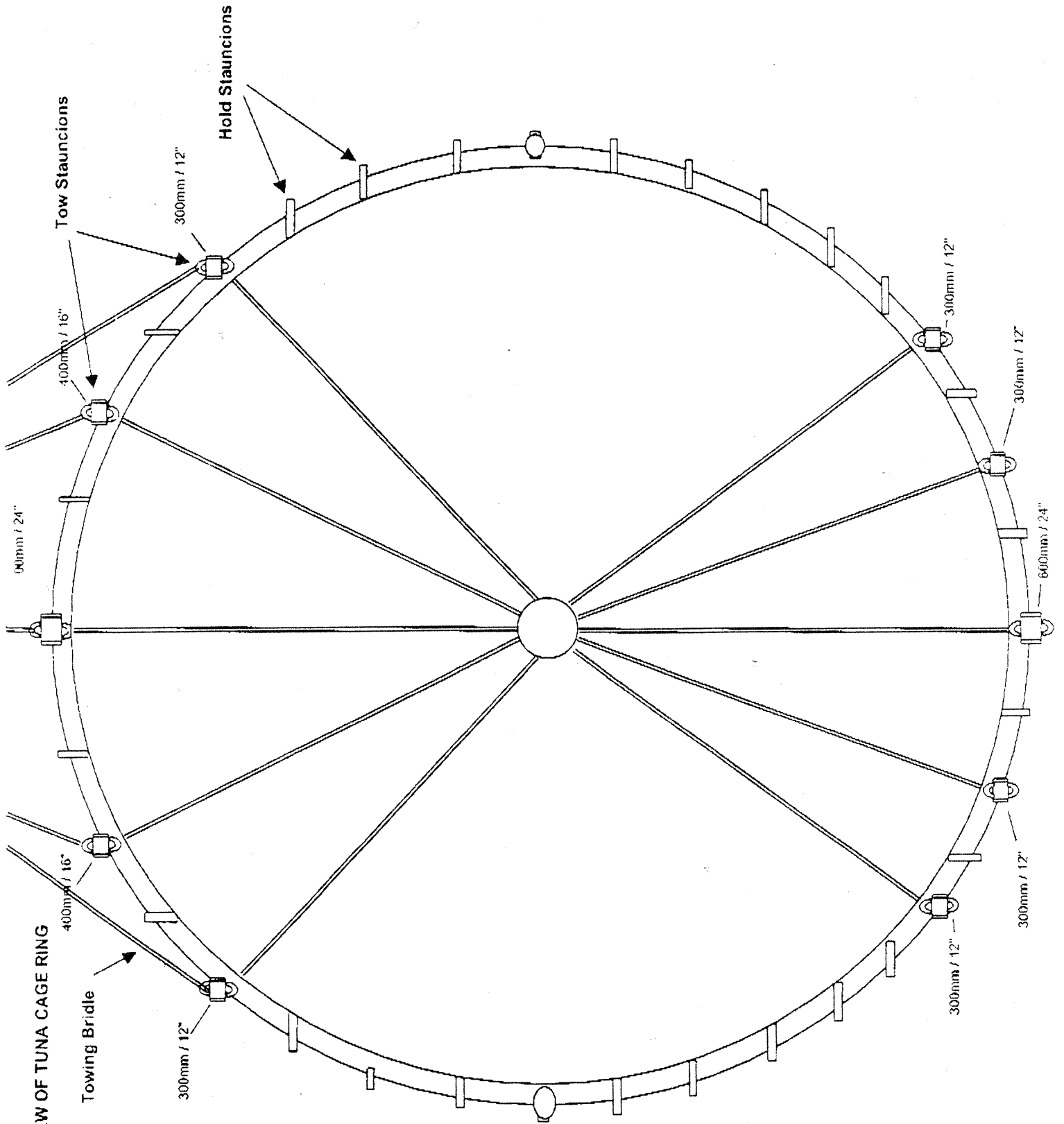
Diameter: 40 meters
Floating Collar: 450 mm diameter medium density polyethylene pipe
Net Material: Nylon x 40 meters diameter x 12 meters depth
Towing Config: 5 Point towing bride set up off 220 Meters of 64 MM 8 plat
Soft towing line
Appropriate towing lighting

Diagram Attached

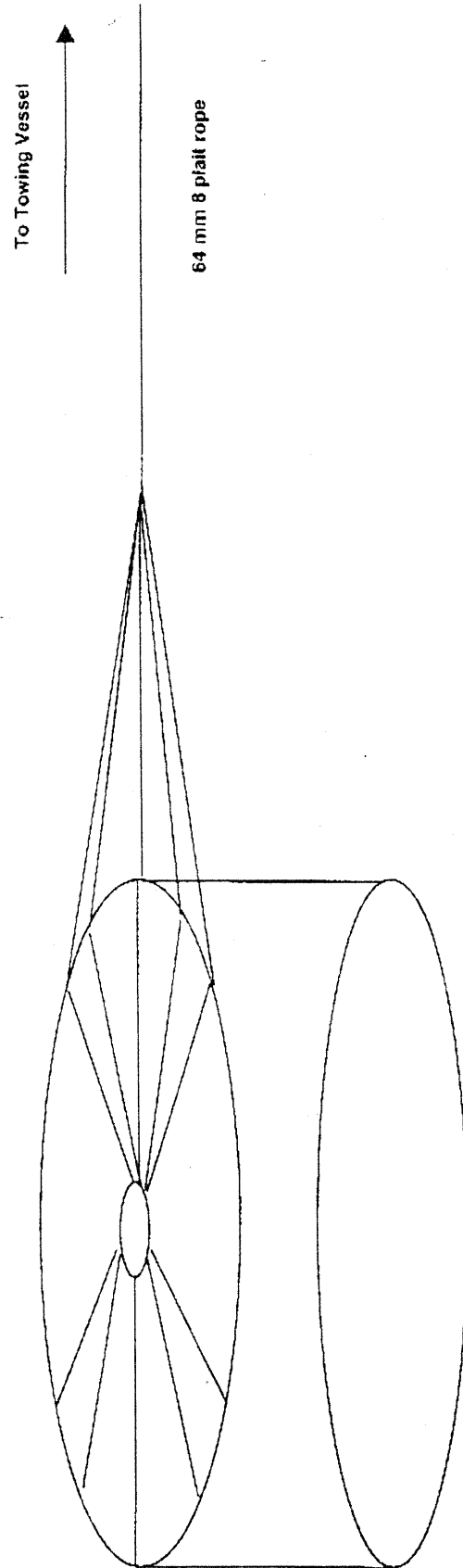
Towing Vessel Specification:

Length: 75-100'
Main Engine HP: 550-900
Fuel Capacity: 18,000 + USGL
Fresh Water: 4,000 + USGL (Unless F/W maker onboard)
Reduction: 5:1 or greater (Kort nozzle is an advantage)
Accommodations: 7 - 8 Persons
Crane / Boom: Capacity to lift 1.2 M/T @ 21'
Deck space: Enough to carry 2 x 17' Aluminum tender vessels
Freezer Capacity: 8 M/T of bait storage
Ice Machine: 1.5 - 2 M/T per day
Additional: VCR with frame by frame replay
Satellite phone

T₁ VIEW OF TUNA CAGE RING



CAGE ISOMETRIC VIEW



**STATUS OF ASSIGNMENTS
FOR COMPLETION OF HMS EIS/FMP**
as of May 31, 2002
Highly Migratory Species Plan Development Team
Pacific Fishery Management Council

ASSIGNMENT ¹	RESPONSIBLE INDIVIDUALS	STATUS
1. MSY	Au, Bartoo	MSY proxies estimated for bigeye and pelagic thresher sharks, dorado, striped marlin, swordfish and mako shark. Discussions ongoing with NMFS about the use of MSY ranges and need for plan amendment to change MSY.
2. EFH	Smith, Robinson, Helvey	Chapter 4 and Appendix A being revised and re-formatted to comply with EFH final rule. Text of chapter 4 two-thirds completed.
3. Bycatch	Crooke, Fougner, Squires	Section on standardized reporting methodology drafted subject to revision pending NMFS policy advice on MSFCMA requirements considering groundfish FMP court decision. Team investigating observer needs for bycatch assessment. Section on bycatch reduction considering fishery size and strategies being revised along with "catch-and-release" section to fit West Coast context.
4. Overfishing	Au	Language recommended by NMFS on rebuilding included in chapter 8.
5. Monitoring	Crooke, Fougner	VMS requirement for longline fishery has been added. Logbook forms being assembled for FMP appendix. Info on observer programs being developed.
6. State Regs. Consistency	Crooke, McCrae, Robinson	States currently reviewing their regs. for consistency. To be addressed at June Team meeting.
7. Protected Species	Au, Fougner	Language changes suggested by NMFS included in chapter 8.
8. Specifications	Morgan	Estimates of DAH, DAP and TALFF developed.
9. EFP	Au	Language of proposed action revised to make intent clear.
10. Incidental Catch Allowance	Crooke (McCrae, Robinson)	Team developing separate incidental catch allowances for each non-HMS gear. To be reviewed at June Team meeting.
11. Management Cycle	Robinson	Options for regulatory schedule/fishing year being developed for review at June Team meeting.
12. Management Costs	Morgan	New appendix on costs drafted.

ASSIGNMENT ¹	RESPONSIBLE INDIVIDUALS	STATUS
13. ESA Consultations	SWR	Info on FWS species being assembled for assessment of potential impacts. Latest sea turtle info being assembled. Plan is to complete basics of ESA consultation before Council meeting in November.
14. RFA/RIR/Fishery Impact Statement	Herrick, Squires	Qualitative economic analyses of proposed actions are in preparation. Cost/ earnings data are being compiled for albacore surface hook-and-line vessels, drift gillnet vessels and longline vessels to develop quantitative analyses of alternatives
15. Draft Regulations	Morgan	Second draft of regulations prepared by SWR for Team review.
16. NEPA Requirements	Au, Smith, Morgan, Six	Cumulative impact section being expanded; matrix comparing effects of alternatives being prepared; section describing alternatives eliminated from detailed study to be added; comments and responses section being drafted.
17. Small-mesh Drift Gillnets	Crooke, SWR, SWFSC	Data on fishery being compiled. To be reviewed at June Team meeting.
18. Treaty Indian Framework	Mitchell	Clarifying language requested by EPA to be added.
19. International Management	Fougner	SWR developing material in response to EPA question re: risk of overfishing in international context.
20. NPFMC Coordination	SWR, Council staff	Additional language added to Chapter 1.
21. Seabirds	Smith, SWR	Responses to FWS comments to be developed.
22. Net Pen Fishery	SWR	Description of bluefin net pen operations to be added to chapter 2.
23. Executive Summary	Six	Revisions pending completion of FMP.
24. Chapter 1 (Introduction)	Six, Fougner	Description of international activities updated; editorial changes made in response to comments.
25. Chapter 2 (Description of Fisheries)	Herrick	Revised according to latest round of comments; material on small-mesh DGN fishery being developed for inclusion.
26. Chapter 3 (Status of Stocks)	Au	Revisions nearly completed.
27. Chapter 4 (EFH)	Smith	About two-thirds completed.
28. Chapter 5 (Bycatch)	Crooke, Fougner	See status of Bycatch assignment no. 3
29. Chapter 6 (Protected Species)	Crooke, Fougner	Info. on FWS listed species added.
30. Chapter 7 (Current Management)	Six	No changes.
31. Chapter 8 (Alternatives)	Au	Revisions nearly completed.

ASSIGNMENT ¹	RESPONSIBLE INDIVIDUALS	STATUS
32. Chapter 9 (Effects of Alternatives)	Smith	Chapter reformatted and revised, with sidebars inserted for easier reading. Work continues on addressing comments, adding material, etc. Approximately one-half completed.
33. Chapter 10 (Other Applicable Law)	Morgan	No changes.
34. Appendices	Smith, Robinson, Morgan, Six	Appendix A on EFH being revised to modify EFH definitions; new appendix drafted on management costs; new appendix being drafted on comments and responses.
35. Index	McCrae	Index drafted; final version pending completion of FMP.
36. Longline Alternative Matrix	Smith	Matrix presenting similarities and differences among 5 longline alternatives drafted for review at June Team meeting. Attached.

1. Assignments are from March 2002 Council direction and include addressing comment letters of NMFS, FWS and EPA, as well as other tasks.

EEZ LONGLINE ALTERNATIVES: A COMPARISON

GENERAL COMPARISON OF ALL WITHIN-EEZ LONGLINE ALTERNATIVES:					
	Alt #1 (General Prohibition)	Alt #2 (OWC EFP)	Alt #3 (Industry)	Alt #4 (Alternate EFP)	Alt #5 "No Action" Alternative
<i>(No option of this type was proposed)</i>					
1. General Pelagic Longlining Would be Allowed Within the EEZ with Open Eligibility			X		
2. Area-Restricted Pelagic Longlining Would be Allowed in the EEZ as Gear-Switch Option for DGN Permittees	X	X		X	
3. Prohibits Longlining in EEZ					
4. NMFS-approved Scientific Research Longlining Still Possible	X	X	X	X	X
5. Fishing Under NMFS Exempted Fishing Permit (EFP) Still Possible	X	X	X	X	X
6. EFP Fishing Possible but with Council and NMFS-specified EFP Restrictions, Such as:	X	X	X	X	X
6a. —EFP Experiment Must First Prove "Negligible Impact" on Bycatch & Protected Spp. before Fishing; not Linked to Driftnet Replacement Fishery. Provides Maximum Protection for Bycatch, Protected, Incidental and Target Species.					
6b. —EFP Experiment Must Prove "Significantly Lower than DGN" Bycatch/Protected Spp. Levels; Linked to a Potential Replacement Gear Fishery for Existing Driftnet Permittees.				X	
7. Requires Public Comment and Review	X	X	X	X	
8. FMP Amendment Process Required Before Implementing			X		
9. Longlining Prohibited in the EEZ, Except Provisions for Oregon Swordfish and Blue Shark Developmental LL Fishery Outside 25 Miles off Oregon (No Active Permittees at the Present Time).					X
SPECIFIC COMPARISON OF ALTERNATIVES 2 AND 4:					
PRIMARY DIFFERENCES:					
10. EFP Experiment Must Prove "Negligible Impact" on Bycatch Species (including Prohibited and Protected) before Re-evaluation of Longline Fishery by Council (Maximizes Species Protection)—No Link to a Replacement Drift Gillnet Fishery		X			
11. Prohibits Longlining in EEZ until EFP Experiment Meets Criteria, Then Restricts Future Fishing to DGN Permittees Only				X	
12. EFP Results Must Prove at the least a "Significantly Lower" Bycatch/Protected Species Mortality (PSM) than by Driftnet (Statistical Level to be Established Prior to Experiment) before Re-evaluation of Gear Replacement Fishery by Council				X	
SIMILARITIES:					
13. Offers Opportunity to Develop "Clean" Fishing Technology and Example to Other Larger-scale LL Fishing Nations		X		X	
14. Establishes Bycatch Research Experiment Linked to EFP; Establishes Fishery Eligibility After Experiment is Completed		X		X	
15. EFP Research Priorities Involve Constituents, Published in Federal Register with Review Process		X		X	
16. Predetermined Fishing Standards (Trigger Limits) Set Prior to EFP Experiment		X		X	
17. Proposes 100% Observer Coverage		X		X	
18. Initial Total Fishing Effort Limited to 10 Vessels or Less		X		X	
19. FMP Amendment Process Required at end of EFP Process to Implement any Further Council Action		X		X	

HMS PLAN DEVELOPMENT TEAM DRAFT HMS MANAGEMENT CYCLE ALTERNATIVES FOR COUNCIL CONSIDERATION

The HMS Plan Development Team has developed management cycle alternatives and requests Council guidance on indicating a preferred alternative. At the March 2002 Council meeting, the Council requested that the HMS Plan Team review alternatives for a biennial management cycle and suggested Alternative # 2, in response to a request made by some albacore trollers. At its meeting last week, the HMS Plan Team reviewed the available information on when the HMS fisheries occur, and when data for the previous year's fisheries are available. With the exception of the harpoon fishery, which begins in April, all of the West Coast HMS fisheries begin in May or June; therefore, the Team thought that beginning the fishing year on April 1 would encompass all of the West Coast HMS fisheries. Alternative # 2, on the other hand, proposes a start date of October 1, which is in the middle or at the end of the HMS fisheries. With regard to fishers being available to participate in the Council process, the Team felt that most fishers would be able to attend scheduled Council meetings in September and November, as their fisheries are nearing the end of the season. Also, with a biennial schedule, fishers would likely have to attend regulatory meetings only every other year. The management cycle described in Alternative # 3 also addresses the other factors listed below.

	Cycle Period	Fishing Period	Statistical Period	SAFE Report Due	Council Proposed Action	Council Final Action
1 <i>(No Action)</i>	No cycle	Status Quo	Status Quo	March	No fixed schedule for addressing issues	
2 <i>(Council Preferred)</i>	Biennial	Oct 1 - Sept 30	Oct 1 - Sept 30	September	November	March
3 <i>(Team Preferred)</i>	Biennial	Apr 1 - Mar 31	Apr 1 - Mar 31	Update in June; SAFE September	September	November
4	Annual	Similar to alternatives 2 and 3, except actions would be considered every year; measures would stay in effect for one year				
5	Multi-year	Similar to alternatives 2 and 3, except actions would be considered every 3-4 years; measures would stay in effect for at least 3 years unless changed due to unexpected problems				

Factors Include:

- a. Fishing periods of various HMS fisheries
- b. Time needed to collect and enter data
- c. Adequate public notice time for proposed and final rules
- d. Age of data (new vs. old)
- e. Availability of fishers to participate in the process
- f. HMS Team preparation time

HMS Plan Development Team Report to Pacific Fishery Management Council

June 19, 2002

Organization

A. Key issues outstanding in FMP

Format:

1. Task/issue (e.g. MSY)
2. Summary of Issue
3. Team Response/Status
4. Council Guidance Needed (If Any)

B. Schedule

MSY

- Issue:
 - Council directed PDT to develop MSY proxies for pelagic and bigeye threshers sharks & dorado
- Response:
 - Provided MSY estimates or proxies for all MUS
 - Went from ranges to point estimates using midpoint of range
 - FMP uses formula (simple arithmetic means) rather than number to avoid amendments

MSY

- Response:
 - Set $OY = MSY$ for all MUS except sharks, bluefin, & striped marlin where
 $OY = 0.75 * MSY$
 - Sharks due to vulnerability
 - Bluefin due to uncertainty on stock status & use of catches for MSY proxy
 - Marlin to provide larger local biomass for rec fishing
 - Common threshold and make $HG = OY$

EFH

- Issue:
 - Address final EFH rule, improve analysis of fishing impacts, & address habitat areas of concern
- Response:
 - Revisions Being Made to Ch 4 & Appendix A

BYCATCH

- Issue:
 - NMFS & EPA requested more information on:
 - Fishery-by-fishery review of measures to reduce bycatch & bycatch mortality
 - Standardized reporting
 - Better justification of voluntary catch-and-release program

BYCATCH

- Response:
 - Addition of most recent bycatch data (update)
 - Fishery-by-fishery analysis of measures to reduce bycatch and bycatch mortality w. determinations of practicability
 - Enhanced discussion of standardized reporting to include logbooks & at-sea observer coverage
 - Enhanced analysis of catch-and-release program w. focus on west coast fisheries

BYCATCH

- Response:
 - FMP will establish observer programs for:
 - 1. Longline
 - 2. Surface hook-and-line
 - 3. Small purse seine

BYCATCH

- Response:
 - NMFS developing initial pilot observer plans for:
 - 1. Private recreational
 - 2. Party/charter boats
 - 3. Small purse seine
 - 4. Longline
 - (DGN & surface hook-and-line already have plans or actual coverage)

Exempted Fishing Permits

- Issues:
 - Need to clarify intent of proposed action
 - Specify EFP procedures for EEZ Longline but not for other gears?
 - Specify general or specific procedure for all fisheries along the lines of proposed longline example?
 - (Currently FMP doesn't specify what the specific procedures are.)
- Response:
 - Clarified language of proposed alternative-awaiting Council response

EFP

- Guidance:
 - What should be the specific EFP procedures and goals and objectives of this alternative?
 - Examples:
 - Bycatch reductions, effort limitations, develop new fisheries, reduce protected species interactions and takes

INCIDENTAL CATCH ALLOWANCES

- Issue:
 - FMP needs clarity as to incidental catch level permitted & rationale for that level
- Response:
 - Identified 4 fisheries that have incidental catches (trawl, pot, bottom longline, small mesh DGN) & intend set specific incidental catch allowances for each gear in numbers of fish
 - Will add rationale

MANAGEMENT CYCLE

- Issue:
 - Council directed PDT to add alternative
- Response:
 - See overhead
 - PDT preferred:
 - SAFE in each Sept.
 - proposed measures every other year in Sept.
 - final measures every other year in Nov.
 - measures effective fishing years April 1 – March 31

MANAGEMENT CYCLE

- Guidance:
 - Council preferred option

ESA CONSULTATION

- Issue:
 - ESA Consultation on all listed species (turtles, fish, marine mammals, & birds) for all HMS fisheries
- Response:
 - NMFS Southwest Region will complete prior to Nov. Council meeting

SMALL MESH DRIFT GILL NET

- Issue:
 - Characterize the fishery
- Response:
 - Difficult to define & obtain data
 - Looked at logbook & PacFIN data from 1996-2001
 - Identified 3 small mesh vessels which normally fish white sea bass, yellowtail, or barracuda as taking significant numbers of albacore, bluefin, or yellowfin tunas

SMALL-MESH DRIFT GILL NET

- Response:
 - Identified 8 shark-swordfish DGN vessels as having *potentially* caught albacore, yellowfin, or bluefin tunas in small-mesh DGN
 - *Possibly* 22 vessels use small-mesh based on PacFIN-fish ticket data
 - Little to no information on bycatch & protected species interactions
 - If small-mesh DGN fishery is legalized, observer program necessary
 - Analysis on-going

SMALL MESH DRIFT GILL NET

- Guidance:
 - What is Council's preferred alternative?
 - *Does size matter?*
 - Alternative 1: 14 inch minimum mesh size
 - Alternative 2: No minimum mesh size

EEZ LONGLINE OPTIONS

CLARIFICATION

- Issue:
 - How do EEZ longline options differ, esp. the two that specify EFP procedures?
 - Refer to Table Matrix in Briefing Materials
 - Major differences in OWC and Team Preferred
- Proposals 2 and 4 are:
- Difference in required level of bycatch reduction
 - Difference in link to driftnet-to-longline gear replacement goal

SEABIRDS

- Issue:
 - Respond to Fish and Wildlife Service comments
- Response:
 - PDT responding
 - changes/additions being made throughout document
 - New ESA Listed Species Appendix added

CHAPTERS 8 & 9

- Issue:
- Chapter 8 (Alternatives) & Chapter 9 (Effects of Alternatives)
 - Making Ch 8 consistent with Ch 9.
 - Incorporating changes, new analyses including from other chapters (authors), new tables, etc.
 - Reviewing comments

PERMITS

- Issue/Guidance:
 - Need Clarification: Does the Preferred Alternative to require permits for commercial vessels include commercial charter/party vessels?

SCHEDULE

- **August 1**
- Rough drafts to Larry
- **August 15**
- Distribute to PDT, AP, NMFS
- **September 3**
- Comments to authors
- **September 4-5**
- PDT Meeting
- **September 16**
- Final draft to Larry
- **September 23**
- Larry to Council
- **October ?**
- Send to AP, SSC
- **October 22-23**
- PDT & AP meet
- **October 28-Nov 1**
- Council Meeting

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

The Highly Migratory Species Advisory Subpanel (HMSAS) met with the co-chairs of the Highly Migratory Species Plan Development Team (HMSPDT) and reviewed the HMSPDT's progress report on development of revisions to the HMS fishery management plan (FMP). The HMSAS offers the following comments on some of the issues in the HMSPDT report.

Management Cycle

The HMSAS recognizes that, in order to take advantage of the most recent data available, the HMSPDT's preferred cycle is best. However, this schedule is not the best for receiving input from affected fishers, since many will be fishing during the September meeting. The HMSAS requests the Council strive to maximize public input in the process.

Permits

The HMSPDT is requesting Council clarification of its preferred alternative to require federal permits for all commercial HMS fisheries. Does this requirement also apply to commercial passenger fishing vessels (CPFVs)? The HMSAS supports a federal permit for CPFVs that would include federal recognition of a state permit, if a state permit is currently required.

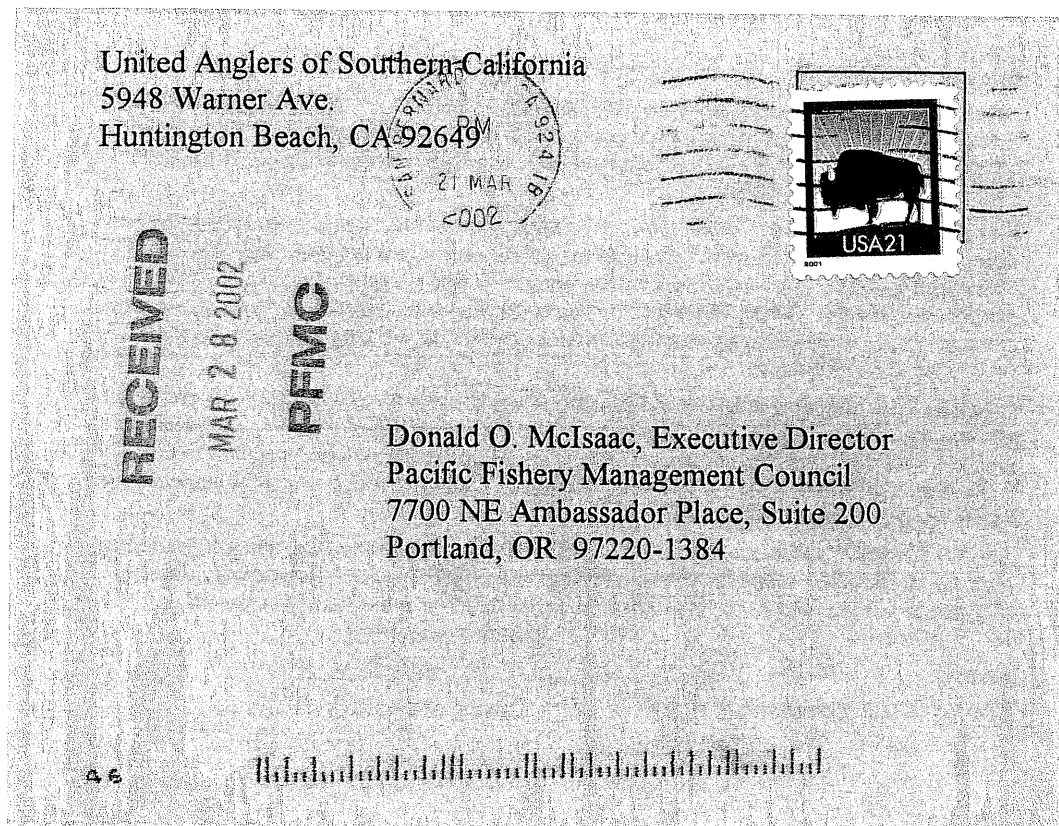
The HMSAS recommends the permitting system be set up to avoid problems encountered in past programs, especially since there may be one or more limited entry programs implemented in the future. For example, should the permits be awarded to the individual or the vessel? Given the experience of the states and NMFS in establishing permit programs in other fisheries, it should be possible to develop the most effective system initially in the FMP to avoid problems down the line.

Maximum Sustainable Yield (MSY)

The HMSAS is aware the HMSPDT has developed new MSY estimates or proxies for several HMS stocks, and these will be expressed as point estimates instead of ranges. For some stocks, proxies are used which are averages of recent catches, lacking a better estimate of MSY. This creates a potential problem for stocks like dorado. Availability of dorado varies greatly with oceanic conditions. Will high catches as a result of warm water trigger the overfishing definition? The HMSAS hopes the FMP will include some recognition of this problem and some flexibility to deal with it. We will be reviewing the next version of chapter 3 with this in mind.

Small-Mesh Gillnet Fishery

If the Council determines that small-mesh gillnet gear is legal gear for HMS, then this fishery will need to meet the mandates of the Magnuson-Stevens Act with regard to bycatch. There will need to be a detailed observer plan developed for this fishery at the same time plans are being developed for the other fisheries.



Dear Director McIsaac and Council Members:

I am a California recreational fisherman and I strongly support the Pacific Fishery Management Council's (PFMC) preferred option to prohibit pelagic longlines in the 200-mile West Coast Exclusive Economic Zone (EEZ) included in the pending Highly Migratory Species (HMS) fishery management plan (FMP).

West Coast HMS are fully utilized by existing gear types. Recreational success with HMS has already declined over the decades because of increased competition for these fish. California marine anglers spend over \$2.5 billion dollars per year in pursuing saltwater fish. Further increases in competition would without a doubt harm the State of California, reduce total business revenues, reduce total taxes collected, reduce funds for marine conservation, and reduce the value of being a Californian.

It is obvious - introducing longlines in EEZ waters would be extremely irresponsible to the environment and would be a huge step backwards for fisheries management. I applaud you, your staff, and the PFMC for recommending and adopting a preferred option to prohibit longlining in the West Coast EEZ. Please ensure that longlines are permanently excluded from the EEZ in the final HMS FMP.

I beseech you that the plan recognize all existing State conservation and management programs regarding HMS and that the plan clearly requests to the NMFS that the council and public be fully involved in any future considerations for any potential experimental fishery or change to State regulations.

(Please Print Clearly)

Sincerely, Name: Gerald F. Crawford Jr
Address: 13680 Persimmon Road
City: Moreno Valley St: CA Zip: 92553
Signature: Gerald F. Crawford Jr

As of May 31, 2002, 6 copies were received

Subject: Fwd: Prohibit longlines in the Pacific

Date: Tue, 02 Apr 2002 14:18:55 -0800

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: Prohibit longlines in the Pacific

Date: Tue, 2 Apr 2002 09:21:45 -0800

From: "Howard Steffens" <howsteffens@juno.com>

To: "Dr. McIsaac" <pfmc.comments@noaa.gov>

April 2, 2002

Don McIsaac
Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

Dear Dr. McIsaac,

I support efforts to improve protection for migrating fish off the Pacific coast, and I specifically urge you to adopt the proposed management measures in the highly migratory species fisheries management plan at your March meeting. These measures are the minimum needed to help keep these fish populations healthy and ensure the survival of seabirds, marine mammals, and turtles.

In particular, I support prohibiting longlines in the "exclusive economic zone" within 200 miles of shore and enacting strict guidelines, including 100 percent observer coverage, for any experimental longlining programs. The council should also adopt the conservative harvest guidelines and control rules for sharks, and advocate for similar measures with other fishery management councils and in international forums.

Please take these important steps *now,* while these fish and other marine life still have a chance to remain healthy.

Sincerely,

Howard Steffens
11023 Tujunga Cyn. Blvd
Tujunga, CA 91042

PFMC Comments <pfmc.comments@noaa.gov>
--

Subject: Fwd: Prohibit longlines in the Pacific

Date: Wed, 03 Apr 2002 08:13:54 -0800

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: Prohibit longlines in the Pacific

Date: Tue, 2 Apr 2002 15:59:53 -0800

From: "Wanda Nichols" <wwgenx@earthlink.net>

To: "Dr. McIsaac" <pfmc.comments@noaa.gov>

April 2, 2002

Don McIsaac
Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

Dear Dr. McIsaac,

If you were to take away all your material possessions (which are frivolous & selfish in the first place) & strip yourself of your illusionary power, what would you & your family be left with? In reality it is the only thing we truly have & yet it is not ours. EARTH! All we have to rely on is this planet that we live on. Think about the air you breathe & the toxins your children inhale, the water you drink & the chemicals your children digest. What about all the spiritual beings that are experiencing the physical world, but are being killed off by pollutants. What about them? What about you? What about your children?

I support efforts to improve protection for migrating fish off the Pacific coast, and I specifically urge you to adopt the proposed management measures in the highly migratory species fisheries management plan at your March meeting. These measures are the minimum needed to help keep these fish populations healthy and ensure the survival of seabirds, marine mammals, and turtles.

In particular, I support prohibiting longlines in the "exclusive economic zone" within 200 miles of shore and enacting strict guidelines, including 100 percent observer coverage, for any experimental longlining programs. The council should also adopt the conservative harvest guidelines and control rules for sharks, and advocate for similar measures with other fishery management councils and in international forums.

Please take these important steps *now,* while these fish and other marine life still have a chance to remain healthy.

Sincerely,

Wanda Nichols

509 19th St. #A
Sacramento, CA 95814
USA

PFMC Comments <pfmc.comments@noaa.gov>

Subject: Fwd: Prohibit longlines in the Pacific

Date: Tue, 16 Apr 2002 08:15:43 -0700

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: Prohibit longlines in the Pacific

Date: Mon, 15 Apr 2002 21:24:16 -0700

From: "bob hartline" <clownbob77@attbi.com>

To: "Dr. McIsaac" <pfmc.comments@noaa.gov>

April 15, 2002

Don McIsaac
Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

Dear Dr. McIsaac,

I support efforts to improve protection for migrating fish off the Pacific coast, and I specific~~~y urge you to adopt the proposed management measures in the highly migratory species fisheries management plan at your March meeting. These measures are the minimum needed to help keep these fish populations healthy and ensure the survival of seabirds, marine mammals, and turtles.

In particular, I support prohibiting longlines in the "exclusive economic zone" within 200 miles of shore and enacting strict guidelines, including 100 percent observer coverage, for any experimental longlining programs. The council should also adopt the conservative harvest guidelines and control rules for sharks, and advocate for similar measures with other fishery management councils and in international forums.

Please take these important steps *now,* while these fish and other marine life still have a chance to remain healthy.

Sincerely,

bob hartline
124 covington drive
Pittsburg, CA 94565
USA

PFMC Comments < pfmc.comments@noaa.gov >
--

Subject: Fwd: Prohibit longlines in the Pacific

Date: Mon, 22 Apr 2002 08:13:53 -0700

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: Prohibit longlines in the Pacific

Date: Sun, 21 Apr 2002 06:01:01 -0700

From: "Elizabeth Tomasik" <herkymers@prodigy.net>

To: "Dr. McIsaac" <pfmc.comments@noaa.gov>

April 21, 2002

Don McIsaac
Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

Dear Dr. McIsaac,

I support efforts to improve protection for migrating fish off the Pacific coast, and I specifically urge you to adopt the proposed management measures in the highly migratory species fisheries management plan at your March meeting. These measures are the minimum needed to help keep these fish populations healthy and ensure the survival of seabirds, marine mammals, and turtles.

In particular, I support prohibiting longlines in the "exclusive economic zone" within 200 miles of shore and enacting strict guidelines, including 100 percent observer coverage, for any experimental longlining programs. The council should also adopt the conservative harvest guidelines and control rules for sharks, and advocate for similar measures with other fishery management councils and in international forums.

Please take these important steps *now,* while these fish and other marine life still have a chance to remain healthy.

Sincerely,

Elizabeth Tomasik
218 Old Stage Rd.
East Berne, NY 12059
USA

PFMC Comments <pfmc.comments@noaa.gov>
--

Subject: Fwd: Prohibit longlines in the Pacific

Date: Mon, 29 Apr 2002 08:52:45 -0700

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: Prohibit longlines in the Pacific

Date: Thu, 25 Apr 2002 02:53:22 -0700

From: "Michael Mayo" <mjmayo72@hotmail.com>

To: pfmc.comments@noaa.gov

Don McIsaac
Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

Dear Dr. Don McIsaac,

I support efforts to improve protection for migrating fish off the Pacific coast, and I specifically urge you to adopt the proposed management measures in the highly migratory species fisheries management plan at your March meeting. These measures are the minimum needed to help keep these fish populations healthy and ensure the survival of seabirds, marine mammals, and turtles.

In particular, Dr. McIsaac, I support prohibiting longlines in the "exclusive economic zone" within 200 miles of shore and enacting strict guidelines, including 100 percent observer coverage, for any experimental longlining programs. The council should also adopt the conservative harvest guidelines and control rules for sharks, and advocate for similar measures with other fishery management councils and in international forums.

Please take these important steps *now,* while these fish and other marine life still have a chance to remain healthy.

Sincerely,

Mr. Michael J. Mayo
159 Dolores Street #2
San Francisco, CA 94104

Send and receive Hotmail on your mobile device: <http://mobile.msn.com>

Subject: Fwd: Prohibit longlines in the Pacific

Date: Wed, 08 May 2002 08:21:17 -0700

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: Prohibit longlines in the Pacific

Date: Wed, 8 May 2002 04:29:48 -0700

From: "Josh Morel" <pearethepear@hotmail.com>

To: "Dr. McIsaac" <pfmc.comments@noaa.gov>

May 8, 2002

Don McIsaac
Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

Dear Dr. McIsaac,

I support efforts to improve protection for migrating fish off the Pacific coast, and I specifically urge you to adopt the proposed management measures in the highly migratory species fisheries management plan at your March meeting. These measures are the minimum needed to help keep these fish populations healthy and ensure the survival of seabirds, marine mammals, and turtles.

In particular, I support prohibiting longlines in the "exclusive economic zone" within 200 miles of shore and enacting strict guidelines, including 100 percent observer coverage, for any experimental longlining programs. The council should also adopt the conservative harvest guidelines and control rules for sharks, and advocate for similar measures with other fishery management councils and in international forums.

Please take these important steps *now,* while these fish and other marine life still have a chance to remain healthy.

Sincerely,

Josh Morel
37 Bridge St.
Thornbury, ON N0H 2
Canada

PFMC Comments <pfmc.comments@noaa.gov>
--

RECEIVED

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

APR 18 2002

PFMC

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,

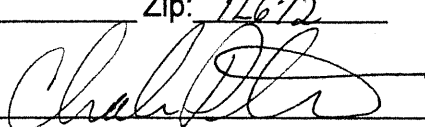
(Please Print)

Name: CHARLES PORTER

Address: 3020 DEL PRESIDENTE #16

City: SAN CLEMENTE

State: CALIF. Zip: 92672

Signature: 

RECEIVED

MAR 21 2002

March 15, 2002

PFMC

Donald O. McIsaac, Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

RE: Support of PFMC Longlining Prohibition

I am a California Recreational Fisherman, and I participate in offshore, inshore, and freshwater fishing. I am a staunch supporter of your Council's (PFMC) preferred option to prohibit pelagic longlines in the 200-mile West Coast EEZ. This preferred option is included in the pending Highly Migratory Species (HMS) Fishery Management Plan.

The West Coast Highly Migratory Species are fully utilized with the catch effort from existing gear types. Recreational success with albacore and bluefin tuna, both HMS, has declined over the past few decades and this is a direct result of the increased competition and catch effort for these fishes. I am aware of the personal economic commitment that I have made to pursue fishing, and on a statewide level California anglers spend over \$2.5 billion dollars per year in pursuing saltwater fish. Increased competition from pelagic longlines will undoubtedly harm the state, reduce total business revenues, reduce taxes collected, reduce marine conservation funds, and erode the quality of life for Californians.

Introduction of Longlines in EEZ Waters would be a step backwards in the management of our fisheries and would be detrimental to the environment. I would like to praise your staff and the PFMC for making the recommendation and adopting a preferred option for prohibition of Longline Gear in the West Coast EEZ. Please carry this forward to insure that longlines are permanently excluded from the EEZ in the final FMP.

Further, the plan should recognize existing State Conservation and Management programs regarding HMS and that the plan requests to the NMFS that the council and public have meaningful involvement in future considerations for any experimental fishery or change to State Regulations.

Thank you for your time and consideration.

Sincerely,



Mark H. Bower
17025 Bassett Street
Van Nuys, CA 91406

Subject: Fwd: Prohibit longlines in the Pacific

Date: Fri, 22 Mar 2002 10:28:08 -0800

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: Prohibit longlines in the Pacific

Date: Sun, 17 Mar 2002 15:48:31 -0600

From: "Jeff Berke" <JBerke@cjsindustries.com>

To: <pfmc.comments@noaa.gov>

Don McIsaac

Executive Director

Pacific Fishery Management Council

2130 SW Fifth Avenue, Suite 224

Portland, OR 97201

Fax: 503-326-6831

Email: pfmc.comments@noaa.gov

Subject: Prohibit longlines in the Pacific

Dear Dr. McIsaac,

As a diver and an individual concerned with our dwindling natural resources, I support efforts to improve protection for migrating fish off the Pacific coast, and I specifically urge you to adopt the proposed management measures in the highly migratory species fisheries management plan at your March meeting. These measures are the minimum needed to help keep these fish populations healthy and ensure the survival of seabirds, marine mammals, and turtles. I have observed 1st hand the devastation caused by improper

harvesting.

In particular, I support prohibiting longlines in the "exclusive economic zone" within 200 miles of shore and enacting strict guidelines, including 100 percent observer coverage, for any experimental longlining programs. The council should also adopt the conservative harvest guidelines and control rules for sharks, and advocate for similar measures with other fishery management councils and in international forums.

Please take these important steps as soon as possible while there are still healthy populations of these fish and other marine life. Your help in maintaining reasonable limits of the use of our natural resources would be appreciated.

Respectfully,

Jeff Berke CPA

General Manager

CJS Industries, Inc.

3801 NW 14th St.

Topeka, Kansas 66618

PFMC Comments <pfmc.comments@noaa.gov>

Subject: Fwd: (no subject)

Date: Thu, 02 May 2002 08:26:45 -0700

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

To: daniel.waldeck@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-326-6352
Fax: 503-326-6831
On the web at: <http://www.pcouncil.org>

Subject: (no subject)

Date: Wed, 1 May 2002 21:18:44 EDT

From: <BradyMSD@aol.com>

To: pfmc.comments@noaa.gov

Please place more restrictions on long line practices on fishing especially in the pacific. since 1988 there has been a more than 95% decline in leatherback sea turtle nesting. yikes..... the species will be extinct in this part of it's range, in a short period of time. Currently about 5000 nesting females. This is a federally endangered species. Are you aware of this, and what is the US policy.

PFMC Comments <pfmc.comments@noaa.gov>

Congressman Duncan Hunter
2265 RHB
Washington, DC 20515

RECEIVED
MAY 2 2002

May 1, 2002

Attention: Mr. Tom Porter

PFMC

Dear Congressman Duncan Hunter,

I am extremely disappointed to read your press release announcing an anti-longline bill. It is unreasonable that Congress favor one group over another. Eliminating competition by eliminating one group by favoring another on grounds of political importance. There is an obligation in fisheries management to propose management measures that achieve objectives that promote national interests not special interests. These are no mystery, they are clearly identified in the Magnuson Act under findings purpose and policy.

Recreational interests have long characterized the HMS Longline fishery in terms that come close to making the longline fishermen evil and almost demonic. What is the record of the HMS longline fishery within the Eastern Pacific Ocean (EPO)? Do convincing scientific proofs sustain most if not all of the claims made by recreational interests about the destructive features of the Longline HMS fishery within the EPO? I suggest information from the IATTC be sought. It is unfortunate to think a Harpoon fishery can sustain acceptable economic interests.

Within the EEZ off Southern California, Recreational Hook & Line fishermen perceive that the commercial Drift Gill Net and Longline Gear are harmful to their interests in catching HMS, particularly billfish. It is their perception and claim that the Longline HMS fishery is both wasteful (excessive bycatch) and environmentally destructive (interaction with protected species). Both recreational and commercial fishermen promote their interests when lobbying to reduce or eliminate competition on the fishing grounds from other fishermen. There are options for longlines in the fishery management plan and longlines are used in other fisheries for North Pacific halibut and sablefish within the EEZ.

It is unfortunate that a Congressman representing San Diego has introduced a bill that supports a group endeavoring to destroy commercial fishing from which San Diego found its roots. This same group campaigned to close the drift net fishery. Drift net fishermen worked closely with science and research, developing take-reductions, used skipper workshops, logbook data, and participated in long-range observer programs. Through National Marine Fisheries Service (NMFS), fishermen sought to continue research and science whereby science based decisions can render further knowledge of target and non-target species. But, lawsuits that absorbed funds from NMFS and campaigns by user groups took precedence under the Endangered Species Act, leading to a Biological Opinion. These funds were needed for research programs to establish sustainable fisheries. The silliness becomes more absurd as the closure forced drift net boats into southern waters toward recreation groups who opposed it.

The real irony is that most true recreation want to protect fish. Commercial fishermen are worry about the resource, recognize when a resource is in trouble, and can call attention to it. However, if we follow your recommendation it will "never" be opened again. Radical conditions can only bring a problem to the surface. We need an agreed objective to provide sustenance to all users.

However in exchange for that protection we should be able to fish it when it is in abundance. This must be incorporated into every plan. Radical positions have little credibility. This will lead to bad conclusions. There is inadequate support from historic data and an obligation to the commercial fishing industry not to prohibit a gear under pressure from special interest groups.

There must be built into a plan the opportunity to open up fisheries. This way we can find common ground through working people by finding a level of protection and growth by building into the plan a method to open-up the fishery. Mr. Donofrio is from New Jersey and has no experience here. Pacific stocks are in good

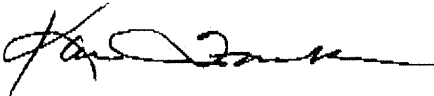
3059 SHERMAN ROAD
PEBBLE BEACH, CA 93953
T: 831.373.5238 - F: 831.373.0123

May 2, 2002

condition where longlining occurs. Fisheries do not need politics dominating fish management.

There were 522 swordfish caught by recreational anglers based in the California ports of Newport Beach and San Diego during a 90 year period (1905-1996). The lobby for these fish shows little effort in US waters. Left out of this matrix is the community who eat fish, the culture that developed the communities where business and tourism revolves and those who do not want foreign imports and others will have socio-economic impacts. Our last cannery closed in October. The public consumers of fish and retailers are unconsidered and most reliant on local professional fishing for their public resource of fish - as the largest of all groups who pay the most for fish.

Sincerely,

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

Kathy Fosmark
Co-Owner
FV SeeAdler

cc: Dr. Donald McIsaac, Executive Director PFMC

3314 Woodview Dr.
Lafayette, CA 94549
May 16, 2002

Dr. Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 9722-1385

RECEIVED

MAY 28 2002

PFMC

Dear, Dr. Donald McIsaac:

I am writing to you as a concerned environmentalist, student and human being. It is a common saying that "there are plenty of fish in the sea," and I am starting to doubt that saying to be so true. The Fishing Industries are disturbing the natural harmonious rhythm of the planet by over fishing the waters that cover two thirds of her. The US alone accounts for one-fifth of the oceans annual catch, and according to a 1999 study by the Commerce Department, 98 out of 127 species taken in the US marine water alone are overfished (Miller).

The issue of concern is all species of fish that inhabit the oceans, but I am very concerned with the Tuna Industry. Usually dolphins come to attention when environmentalists speak of the Tuna Industry, but I am concerned with the tuna. Yellowfin, albacore, skipjack, big eye, blackfin are all being overfished, but the largest and Critically Endangered Bluefin brings the most concern. This glorious fish could be one of the great hunters when reaching full maturity, but that takes them up to 40 years. The bluefin tuna can grow to 10 feet in length, weighing up to 1,500 lbs. But a fish that grows to such proportions doesn't reach full maturity to breed until 8-11 years of age. The bluefin is marked as the top quality fish for its size on all markets. Selling for \$100/lb ('91 one single bluefin sold for \$68,503) these large fish, reaching 1,500 lbs average for \$10-20,000 on the Japanese fish market. Can you believe that two pieces of sashimi (bluefin) cost 75 bucks in Japanese restaurants!

This increase in price extremely raises the demand, so all high quality tuna is fished (especially bluefin). What I don't understand is that a Critically Endangered species such as the Bluefin can still be hunted when the black rhino is also critically endangered. Fish don't get the same recognition as land animals, when in fact they are all animals. One possible solution to help save the Bluefin, but not necessarily slow overfishing, would be to enforce the same laws that poachers have on the black rhino (since the black rhino is also a critically endangered species). The increase in demand on Tuna leads fishing to continue at higher rates so many fishing techniques are still being used. Purse-seine netting may not be used with 'dolphin-safe' companies and boats, but because the laws are said to have voluntary compliance and it is difficult to monitor all boats, this technique is still being used. Long line fishing is the more well know applied technique, but this still doesn't protect other animals of the sea. Sharks, whales, dolphins, seals,

billfish, turtles, albatross, and many species of fish are still caught and/or entangled in these fishing lines that extend up to 60 miles and are baited with thousands of hooks. Many of the tuna that are caught still don't make it to the market because sharks still eat or damage a percentage of the catch.

Recreational Sport fishing is only for a select few, and the 200 million people that support their families depend on fishing. Overfishing does pose a very difficult problem because we can't stop the industry completely (because of the food supply and jobs supported by commercial fishing), but the world as a working system depends on the homeostasis and biodiversity of all living things which is being overfished and overused everyday. Pollution is also a considerable fate of fishing, with oil leaking into the ocean as well as broken nets, hooks, lines, and floats. The destruction that many fishing techniques have is targeted in the most fertile coastline regions. 99% of fishing occurs within the coastal regions because of the high nutrients and gathering of fish. Dredging and bottom fishing disrupts the settling of debris as well as changing and destroying the fishes natural habitat.

The ocean is a beautiful place that in essence controls all life on earth. From absorbing most of the CO2 placed in the air primarily by humans, to controlling the water cycle and winds. Killing our ocean can be compared to destroying the Sun, and when the light goes out, we will have no where to go. Overfishing may not be directly effecting the planet in this effect, but it is definitely moving against a greener planet. Opening an awareness for all human beings must be the first step, and then moving for newer laws that perhaps have a stricter punishment for those who are guilty, as well as them being enforced. Also pushing to have 'observers' on all longline fishing vessels as the dolphin-safe purse seine netting vessels do (this would help with the fishing laws being used and more honest fishing reports turned in). Then finding a way to comply these stricter fishing laws globally, by lowering the annual quotas of fish being harvested. Progress has been moving forward, and at a good speed, considering the increased mortality rate of dolphins in US waters. Over the past 4 decades the tuna fisheries have killed more than 7 million dolphins. In 1990, consumer pressure brought about the "dolphin safe" tuna program, which has significantly decreased dolphin deaths by 97% since its introduction.

Thank you for listening to a concerned fellow person who is looking to improve the quality of our planet. As the theory of Gia can be used (removing some religious tensions), the world is a continuous system, and every system works because of the others in a large extensive system. I hope that we continue to support biodiversity and the strength of all species to have a future on this planet as well.

Sincerely,
John Harry Buscher

"A greening of the human mind must precede the greening of the earth. A green mind is one that cares, saves, and shares. These are the qualities essential for conserving biological diversity now and forever".

M.S. Swaminathan

Appendix

Yellowfin Tuna (*Thunnus albacores*)

Fishing season for tuna may increase more before every full moon, but the season is still year round. Either in temperate or tropical regions the tuna run globally except the Mediterranean Sea (too warm). There are three major methods for catching all types of tuna, purse-seine netting, longline fishing, hand line/deep sea spear fishing, and accidental catching in drift nets (gill nets). Seine netting catches Sixty percent of yellowfin tuna (Ahi). This technique was used from the 1950's and still used today. A purse-seine net circle the fish in the net dropped by the boats and are then pulled shut on the bottom to contain the fish. This 60% of yellowfin are frozen and then taken to fish canneries where they are canned to have a shelf life for up to 3 years. Purse-seine net caught fish are canned rather than filleted into steaks and sashimi because many of the tuna are damaged in the retrieval process. Other species of tuna including the big eye, albacore, and skipjack are also frozen and canned when caught in seine nets. (1) Techniques for pure-seine nets were often used by having a spotter plane find a pod of dolphins and then speedboats would chase them down until tired. Then they would be corralled by the nets and caught along with the tuna living beneath them. It is believed that 7 million dolphins were killed from the 1950's to 1990 when purse-seine netting was looked down on, and tuna companies such as Chicken of the Sea, Bumblebee, and Starkist turned to only buy and sell "dolphin safe tuna." This proved beneficial to the dolphins as their execution rate dropped from down 97% since 1990. (2) Yet this species of tuna, as well as its cousins are not benefiting like the dolphins. The numbers have dropped in annual catch, when compared to the amount of fish produced by the number of fishing vessels. Longline fishing has been a major source for catching tuna since seine nets have declined, yet there is still a huge market out for this fast and muscular fish. This technique involves setting long lines, up to 60 miles long, with up to 36,000 hooks spaced evenly between them. The line can be adjusted to a certain depth, depending on where the tuna are thought to be running, and these hooks have squid and mackerel as bait. This is usually done at night and dropped to a depth of around 1,000 feet (the larger fish swim deeper). (3) The fish that are caught are sometimes still alive and have a better

quality of them since they are alone on the spaced hooks (if not eaten by sharks). This allows for the higher price in the fish market. The redder the flesh (dark red), the better the quality so the price is higher. The fresher the fish keeps this dark color as well as the size and fat content. The Japanese market buys up over half of the total tuna caught in the ocean because of the taste they prefer in Ahi. To keep this color, the tuna are frozen at a tremendous temperature of -60° and sometimes treated with CO to keep this desired color. The Japanese buyers buy at a premium price and consume more than 200,000 tons/year (US consumes 55,000/year). (1) Longline fishing has been around for many years, but a sudden increase in demand for the tuna in the 1980's increased the number of fishing vessels in the ocean. In Hawaii the exporting markets for both domestic and foreign increased, so 37 vessels in 87' increased to 141 longline-fishing vessels in the state of Hawaii. (4) Ahi prices also jumped tremendously just within the last year. In Hawaii, the New Year is celebrated to a large extent with the Asian and Hawaiian cultures. The fish of choice and almost of tradition is Ahi, cut in a sashimi or poke fashion where the fish is served raw and slightly flavored. Two days before the New Year, heading into 2001, the Ahi price was \$9.99 \rightarrow \$13.95 per pound. The following year, two days before the year 2002, the Ahi price was \$17.00 \rightarrow \$26.00 per pound. (5) This increase in price shows that there is still a growing demand for this fish so it will continue to be a prized and hunted commercially fished. Longline fishing is not exactly environmentally hazard free. This form of fishing catches many animals that are not intended by the fishermen when the lines are cast, but yet many marine animals look and hunt for the same food. Animals such as sharks, billfish, albatross, seals, dolphins, whales, turtles, and many other predatory fish in the ocean become victims for this longline strategy of fishing. Many of these fish that are caught are not good for selling in the market, so are discarded as bycatch. For every three fish that are caught, at least one is thrown back dead. 23 million tons of fish are thrown back in the ocean each year when reported, so it is estimated to be a higher number than that. This is an endangerment for these fish to lose their life in a non-natural way, disturbing the biodiversity and marine ecosystem. The mammals that are caught or entangled need oxygen to survive, but are trapped on the deep line, so they suffocate and die. The sharks that were caught used to be finned (cut off their fins) because they are sold as a delicacy in Japan, and then the rest of

the body was thrown overboard (this is now banned and illegal in US). The albatross are birds who also feed on squid and small fish, so when the lines are let out or brought in, the birds dive down to catch the would be prey, but turn into prey themselves by downing on the hook and line. 44,000 albatross are killed and reported on longline fishing boats, so it is estimated that this number doubles each year in the commercial fishing industry. This endangers all the animals to their fitness and survival as most of the bycatch lives are ended early. (6) As far as sport and recreational fishing is concerned, most tournaments and fishermen fish for the joy and excitement, but they still go home and have a good meal on their catch that night. Marlin is a fish that is hunted as big game in most billfish tournaments across the world. Some places don't sell this fish in the market, but in many places such as Hawaii, the flesh and taste is still indulging to those who purchase the cheaper fish (because a little tougher and fishier taste, but still good). Hand line fishing doesn't have the large scale effect as other forms of fishing, but on the fishermen viewpoint, you cant make a living off of hand line catches (although some do). One of the largest predatory fish in the ocean, behind sharks, is the Bluefin tuna.

Bluefin tuna (*Thunnus maccoyii*)

This phenomenon of the deep can live up to 40 years of age, grow up to ten feet in length, and weigh up to 1,500 pounds. They live primarily in the Southern oceans off the shores of Australia, New Zealand and also migrate up into the northern Atlantic Ocean. They can swim over 60 miles per hour by pressing their fins into grooves along their bodies, like all tuna, and are made of nearly all muscle. These fish are on the Critically Endangered Species list, along with the black rhino, but are still the fish that all fishermen would like to catch. These fish do not mature to breeding age until they are around 11-12 years old and their numbers are dwindling (young fish included) to drastic numbers. In the last 40 years, they have been estimated as being over-fished down to only 3% of their original number. The bluefin in the 70's was used for cheap canned fish and cat food before the prices jumped through the roof. From selling at nearly 5 cents a pound in the 70's to selling for \$100 per pound in 1990. This fish is primarily sold in Japanese markets at this incredible price. No longer finding a home in a can, the bluefin is primarily caught by means of a longline. If they are found in purse-seine nets, they are brought back to shore, still in the net, and grown in fish ranches until their size increases (but many die in this

process). (7) The industry boomed for the bluefin, but a rapid decrease of this animal make is hard to catch. When these large fish are caught and brought into the docks, Japanese fish market buyers are ready and pay great deals for the fresh fish. There is a next-day airfreights that fly these large trophy sized fish to Tokyo where this seafood is a great feast. On the average single fish sell for \$20,000. Served in sashimi fashion (raw) two thinly sliced strips are served over rice for \$75 per serving in Japanese restaurants, so the fish is very well respected. In 1991, one extremely large bluefin tuna sold for \$68,503 (about \$100/lb) to a Japanese buyer. (8) With these high prices on the heads of bluefin tuna, they are the fish that all fishermen look to land. In the 1980's a quotas were set for bluefin tuna fishermen since the numbers had fallen since 1950. Japan, New Zealand, and Australia were given a certain amount/weight in tons that could be harvested annually. But because of the high value on the fish market, many vessels from Indonesia, Korea, and Taiwan were taking a large amount as well, making the global catch higher then the quotas had set. The global amount for Australia, New Zealand, and Japan was 11,750 tons, and this jumped up to 17,00 tons annually with the vessels from Korea, Taiwan, and Indonesia who were not part of the committee formed to help sustain the bluefin population. (9) Over fishing has increased considerable considering the population numbers are declining, yet we still catch just as many fish. Technology has been the answer to this fishing question, as now we have devices to tell us were the fish are instead of going where your dad caught his fish and the hidden spots only fishermen knew about. Now radar, sonar, satellite-assisted fish finding equipment, stronger ships that can spend months at sea, planes used to spot schools with aerial pictures, and nets that could engulf an entire football field. (10) These techniques increase a higher yield at a faster rate, which is the exact cause of over fishing.

Drift netting techniques had nets up to 34 miles long that was called the wall of death because this would capture and kill almost everything that came into its path. The UN General Assembly declared a moratorium on the use of drift nets to only be 1.6 miles long. Overfishing was reduced and biodiversity increased, but these moratoriums are only complied voluntarily, so nets longer may still be used because it is hard to monitor them. Fish are a potential for a renewable resource as long as they are not harvested to fast to be replenished. They must retain a sustainable yield, otherwise overfishing will

occur. Perhaps before actual extinction, there will be a commercial extinction, because the cost to look and find the fish will out weight what the fishermen bring back in. Hopefully this point will not be reached because that will mean the fish are at incredible low numbers, but perhaps they could start replenishing themselves if we stop searching for them. "According to the UN Food Agriculture Organization *11 of the worlds most important oceanic fishing areas have either reached or exceeded their sustainable productivity limits.*" (11) Trying to slow down overfishing also has its side effects. There are 200 million people that are dependent on the fishing industry. Already just in the Salmon industries of British Columbia, 50,000 people were put out of work. (8) According to the National Fish and Wildlife Foundation, 14 major commercial fish species in the US water make up for 1/5 of the worlds annual catch and half of the US food stocks (98 out of 127 species taken in US waters are overfished). (11)

Much of the conservation looked into when looking at the Tuna Industry is that of dolphins. There is another concern that should be viewed as well, the conservation of the Tuna to keep a population that is not overfished. Still the effects of 'Dolphin Safe' tuna must be up held by the American industries and buyers, and should be passed on to the fisheries of other countries. The dolphin mortality rate by these new methods have reached 97% in the past ten years, and I hope will continue to get better. But fish such as the Bluefin tuna are down 97% with only 3% of its population in the 1950's accounted for. Keeping the natural numbers of the ocean and the biodiversity is extremely important, so lets not destroy the ocean, because all we do is have the ocean provide for us.

WORKS CITED

1. www.pacseafood.com/products/yellowfin_Tuna.html
2. Committee on Reducing Porpoise Mortality from Tuna Fishing. Dolphins and the Tuna Industry. Washington D.C. National Academy Press, 1992.
3. www.envirowatch.org/obsrvNews.htm
4. www.hmfs.hawaii.edu/fmpi/fmep/hilong/history.htm
5. www.starbulletin.com/2001/12/30/news/story2.html
6. Leatherwood, Stephen, and Reeves, Randall R. The Sierra Club Handbook of Whales and Dolphins. San Francisco, Sierra Club Books, 1983.
7. www.greenpeace.org.au/oceans/bluefin_tuna/bluefin_4.html#what
8. www.duke.edu/~afc/Bluefin/hom.htm
9. www.marine.csiro.au/LeafletsFolder/pdfsheets/31tuna.pdf
10. www.fonz.org/zooger/zg1997/zgstorm.htm
11. G. Tyler Miller. Jr. Living in the Environment. Thomson Learning, Inc. 2002.
12. www.greenpeacefoundation.com/history/histsub.cfm?hiid=5



*Conserving Ocean Fish and Their Environment
For Over 25 Years*

RECEIVED

March 22, 2002

Dr. Bill Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

MAR 28 2002

PFMC

Dear Bill:

I just returned from a disappointing meeting of the Pacific Fishery Management Council. The Council was scheduled to take final action on the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. Instead, finalization of the plan was derailed by the failure of NMFS to provide adequate legal guidance as this plan was being developed. Detailed comments submitted by your agency—mere days before the Council was to finalize the plan—ultimately forced the Council to postpone final action for 8 more months, until next November. The Council and the Plan Development Team felt several months would be required to incorporate all the changes necessary for the plan to comply with the Magnuson-Stevens Act and other applicable law as suggested by NMFS.

Throughout the last year and a half, NCMC and other members of the conservation community have expressed concern that 1) certain portions of the draft plan may be inconsistent with the Magnuson Act, and 2) more guidance from NMFS and NOAA General Counsel should be provided to ensure the plan was being written consistent with applicable law. Our concerns were ignored, but we were content to allow the Council to finalize the plan nonetheless, believing that if serious problems indeed existed, NMFS would surely have spoken up. Then, days before the Council was to finalize the plan—which has now been under development for over two years—the agency informs the Council that certain portions of the plan are inconsistent with the law.

Why did NMFS wait until the last minute to review this plan in depth? Why wasn't the agency making these suggestions over the last two and a half years as the plan was being developed? Why did NMFS allow the Council to take this plan out for public comment before ensuring it complied with the law? Isn't the purpose of having NMFS representatives serve on the Council, and attend Plan Development Team meetings, to provide legal and other necessary guidance?

Incidentally, this delay will also allow a fleet of longline vessels to evade Pacific sea turtle conservation measures and to fish on the high seas with impunity. By landing fish in California instead of Hawaii, these vessels are not subject to the suite of sea turtle conservation measures imposed in the Pacific as a result of the March 2001 Biological Opinion. We urge NMFS to implement emergency rulemaking to rectify this situation.

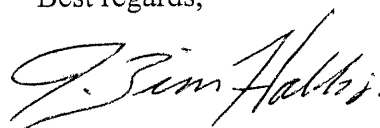
Similar situations, where the failure of NMFS to provide adequate guidance results in excessive delays of management measures, have occurred in other parts of the country as well, notably in the jurisdiction of the South Atlantic Council with regard to Sargassum and dolphin.

We know you are aware of these problems, and we strongly support your recent statements in regard to improving coordination with the Councils and streamlining the NMFS decision-making process. But this latest situation underscores the urgency with which this problem must be resolved.

These delays are avoidable. In fact, NMFS might even reduce the heavy burden of litigation it is under if adequate legal guidance is provided as these plans are being drafted, not to mention expediting our ability to manage fisheries and to respond in a timely fashion to pressing issues. I urge you to work to correct this glaring flaw in our management system, as these delays are wholly unacceptable. Specifically, I sincerely hope NMFS will commit sufficient resources to assist the Pacific HMS FMP Plan Development Team to complete all the required alterations and additions in a timely fashion to prevent any further delays.

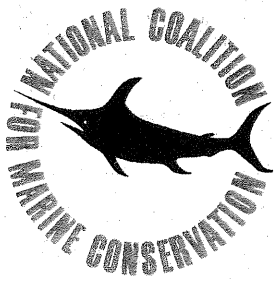
Thank you for your attention to this matter.

Best regards,

A handwritten signature in dark ink, appearing to read "J. Tim Hobbs", written in a cursive style.

Tim Hobbs
Fisheries Project Director

cc: Scott Gudes, NOAA
Jack Dunnigan, NMFS Office of Sustainable Fisheries
Rebecca Lent, NMFS Deputy Assistant Administrator
Rod McInnis, NMFS Southwest region
Svein Fougner, NMFS Southwest region
Hans Radtke, Chair, Pacific Fishery Management Council
Don McIsaac, Executive Director, Pacific Fishery Management Council



*Conserving Ocean Fish and Their Environment
For Over 25 Years*

March 22, 2002

Dr. Hans Radtke, Chairman
Pacific Fishery Management Council
2200 NE Ambassador Place, Suite 200
Portland, OR 97220

Dear Dr. Radtke:

The National Coalition for Marine Conservation is gravely concerned about the direction the Council appears to be moving with regard to a pelagic longline fishery within the west coast EEZ. Last week, during the Highly Migratory Species meeting, which I attended, the Council nearly adopted a preferred alternative for the draft HMS FMP that would have allowed an exploratory longline fishery. While this measure failed by one vote, the Council did vote to change it's preferred alternative.

The Council switched its preferred alternative from an outright ban on longline gear to another option that the Council evidently intends as an entrée for a future longline fishery. We and others in the Ocean Wildlife Campaign helped draft the very language of the option that is now the preferred alternative. Stemming from our concerns about the bycatch problems of longlines, this option was developed to make those proposing to use longlines prove that the gear could be fished selectively before a fishery would be allowed. Unfortunately, this is not the premise under which the Council adopted this option. The majority of people who voted for this new preferred alternative also voted to allow a 10-vessel exploratory longline fishery. The Council now seems much more in favor of a longline fishery within the EEZ than the unanimous November vote to make the preferred alternative an outright ban indicated.

It appears the Council adopted this new option not out of a genuine concern about the future problems a longline fishery would create, but for a desire to facilitate the introduction of a longline fishery within the EEZ. My organization staunchly opposes the introduction of longline gear into the west coast EEZ, as the problems created by this gear are well documented and would only have a negative impact on many marine species, from striped marlin to juvenile sharks, turtles, sea birds and others. The Council seems to be backsliding on this issue. We are highly concerned that if the trend of Council action continues, the preferred alternative may be weakened in the future to accommodate a longline fishery.

My organization has been working on highly migratory species issues for nearly 30 years. Throughout this time, we have witnessed the devastating effect of longlines and seen no effective means of minimizing longline bycatch other than to get the gear out of the water. I am baffled that the Council would ignore decades of hard-learned lessons about the bycatch of longlines, not to mention literally thousands of letters from the public opposing longlines, then seek to weaken its preferred alternative to potentially permit them.

Many people, myself included, have lauded the open, transparent process used thus far in the development of this plan. The public has been provided extensive opportunities to comment. However, we're not sure what the value is of public participation if the Council blatantly ignores it. It is my understanding that of the thousands of comments the Council has received on this plan, all but a small handful expressly opposed a longline fishery. After presumably taking into account the overwhelming public support for a ban on longline gear, nearly half of the Council members voted for an exploratory longline fishery, with virtually no justification given.

The Council is wavering—from proposing an outright ban toward allowing an exploratory fishery—and the public deserves a clearer indication of the Council's intent with respect to this important decision.

If the Council permits the introduction of this gear within the EEZ, it will spend the next twenty years trying to get it out. Do not be fooled by misguided arguments from the drift gillnet industry that falsely claim longlines are a solution to gillnet bycatch problems. Introducing longlines will only increase bycatch problems.

Taking an extremely modest management action now—prohibiting a gear where no one is currently using it—will avoid problems down the road. I urge the Council to remain committed to a ban on longline gear and not weaken the preferred alternative.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Hobbs", written in a cursive style.

Tim Hobbs
Fisheries Project Director

cc: Governor Gray Davis
Robert Hight, CA Dept of Fish and Game
Don McIsaac, PFMC Executive Director
PFMC members

RECEIVED

APR 29 2002

PFMC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

APR 25 2002

Mr. Tim Hobbs
Fisheries Project Director
National Coalition for Marine
Conservation
3 North King Street
Leesburg, Virginia 20176

Dear Mr. Hobbs:

Thank you for your letter expressing disappointment over the length of time it is taking to complete the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP).

Contrary to the observations, National Marine Fisheries Service (NMFS) has been continually involved with plan development, and has provided input and advice to the Plan Development Team (PDT) from the beginning. The Chair of the PDT and four of its members are NMFS employees. In addition, NMFS representatives from the Southwest Region and their attorneys have attended meetings and provided written and oral advice to both the PDT and the Pacific Fishery Management Council (Council).

The HMS FMP is simply a massive, complex undertaking that is of interest to numerous user groups, and to the environmental community. As such, plan development has necessarily been a slow process. Please note a significant feature of plan development has been public participation, which has been extensive. Each PDT meeting has been well-attended, and each interest group has been afforded time to express its views on all key issues. As you know, gear types in the HMS fishery include albacore troll, drift gillnets, harpoon, pelagic longlines, coastal purse seine, large purse seine, and vast recreational fisheries, both private and charter. Representatives from each of these groups have been intensely involved in plan development. In addition to gear-specific issues, complex biological and management questions faced by the PDT include international jurisdictional issues, bycatch and protected species, sharks, the intersection of state and federal regulations, and incomplete data. It has simply not been possible to work through these issues, and ensure compliance with other applicable laws such as the National Environmental Policy Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, and various protected species statutes, in less time. In addition, recent court cases have reduced our ability to rely on so-called "framework" FMPs, and have added to the list of measures that must be explicitly addressed in the FMP.

cc: F/CU, F/GC, F/SF, F/SF3(2), F/SWR-McInnis, Fougner, F/SWC-Tillman,
GCSW-Feder, PFMC-McIsaac, NWR-Robinson, GCNW-Cooney



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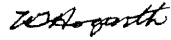
THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



With respect to your concern about impacts of the California-based longline fishery on sea turtles, we expect to address this issue when the HMS FMP is implemented. Given the time it would take NMFS to carry out a rulemaking (including preparation of necessary environmental analyses), little if any time would be gained by starting to promulgate separate emergency regulations now.

Thank you for your support of NMFS' Regulatory Streamlining Program. We are working hard to improve coordination with regional fishery management councils, and to streamline the decision-making process.

Sincerely,



William T. Hogarth, Ph.D.
Assistant Administrator
for Fisheries

Subject: [Fwd: Highly Migratory Species]

Date: Fri, 07 Jun 2002 11:47:33 -0700

From: Donald McIsaac <donald.mcisaac@noaa.gov>

Organization: Pacific Fishery Management Council

To: "Waldeck, Daniel" <Daniel.Waldeck@noaa.gov>,

"Seger, James" <James.Seger@noaa.gov>,

"Waters, Edward" <Edward.Waters@noaa.gov>

CC: "Coon, John" <John.Coon@noaa.gov>

fyi

----- Original Message -----

Subject: Highly Migratory Species

Date: Thu, 6 Jun 2002 19:27:27 -0700

From: "Tom Raftican" <refish@earthlink.net>

To: <donald.mcisaac@noaa.gov>

June 6, 2002

Dr. Don McIsaac, Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220

Dear Dr. McIsaac:

United Anglers of Southern California (UASC) is the state's largest association of recreational anglers. We represent some 50,000 affiliated sportfishermen throughout California dedicated to ensuring quality fishing today and for the future. We are deeply concerned about the Pacific Fishery Management Council's (PFMC) inability to adequately assess the economic impacts of their actions on our members and on all California recreational anglers. It is unconscionable. According to the National Oceanographic and Atmospheric Administration California marine recreational anglers spend \$2,500,000,000 annually yet the PFMC has been remiss in addressing these dollars in either their groundfish or pelagics planning work. Groundfish and pelagics combined clearly represents the vast majority of recreational angler expenditures. In spite of this economic engine which dwarfs west coast commercial fishing revenues, the Council has yet to allocate hardly a single dollar to assess the impact of the recreational angler on the economy or the overall public interest. It is clear that we the public do not fit in your scheme to derive a net national benefit.

Specifically, the rockfish disaster will close out a huge amount of recreational angler participation in the coming years and cost our members' uncounted losses and all the recreational support industries untold financial hardship. This disaster could have been avoided with a minimal degree of forethought and planning. UASC has worked hard to help you avoid repeating this kind of negligence by providing data to the Highly

Migratory

Species (HMS) Plan Development Team (PDT). This data clearly demonstrates that recreational HMS opportunities have already been dramatically diminishing over the past century. The PDT ignored this information and failed to even look at the available underlying data much less exert any effort to understand the current socio-economics surrounding California recreational HMS fishing. This became even more evident when no data whatsoever for Orange County, California was included in the last plan draft while the PDT included every other county with a commercial port. Because Orange County does not have a commercial port it was excluded despite being one of the west coast's largest recreational fishing communities with expenditures for HMS fishing that almost certainly exceed the entire revenue stream of the west coast commercial HMS fishing fleet. Also, despite UASC giving the PDT extensive reference information to document the history of recreational HMS fishing no additional data from these sources was noted in the plan copy submitted for adoption in March of this year. Additionally, the remaining current values of the HMS recreational fishery both to the anglers and their support industries continue to be unquantified even while the PDT contemplates expanding budgets to commit additional expenditures to obtain more data on commercial fishing interests.

Clearly this is an unacceptable situation. It has undoubtedly been primarily brought about by a terrible lack of representation of recreational anglers on the PFMC and secondly, by a near complete disregard of recreational interests in fishery management plans brought forward by the PFMC. This disregard must end. It specifically must end prior to creation of any new fisheries by the PFMC, experimental, exploratory, or otherwise; in particular with regard to fisheries currently prohibited by the State of California based upon the State's analysis of the situation.

IT IS QUITE CLEAR TO US THAT IGNORANCE OF THESE ISSUES IS NO LONGER AN EXCUSE. THE DEPTH OF COSTS OF THIS IGNORANCE TO DATE IS STILL YET TO BE ADDED UP. RESOLUTION OF THE GROUND FISH DISASTER WILL HAVE CATASTROPHIC CONSEQUENCES TO THE CALIFORNIA PUBLIC. AS STEWARDS OF THE RESOURCE YOUR ACTIONS NEED TO BE BASED UPON A SOUND UNDERSTANDING OF THE NEEDS OF THE CALIFORNIA CITIZENRY. BLYTHELY CONTINUING DOWN THE CURRENT PATH OF CREATING AND ENCOURAGING NEW FISHERIES WITHOUT ADEQUATE BIOLOGICAL OR SOCIO-ECONOMIC INFORMATION SIMPLY IS NOT ACCEPTABLE.

WE DEMAND THAT THE ECONOMIC INTERESTS OF RECREATIONAL ANGLERS BE QUANTIFIED AND ADDRESSED BEFORE THE PFMC CONSIDERS ANY INCREASE IN EFFORT FOR HMS SPECIES.

We look forward to a response to this letter within 30 days.

Sincerely,

Tom Raftican
President, United Anglers of Southern California

cc, Honorable Donald Evans, Secretary of Commerce, USA, devans@doc.gov
Dr. William T. Hogarth, Director, National Marine Fisheries Service
Honorable Gray Davis, Governor, California
Robert Hight, Director, California Department of Fish and Game
Bill Price, Chief, Division of Recreational Fisheries, NMFS
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HIGHLY MIGRATORY SPECIES DRAFT FISHERY MANAGEMENT PLAN DEVELOPMENT

Situation: The Highly Migratory Species Plan Development Team (HMSPDT) will present a progress report detailing revisions to the draft fishery management plan (FMP) for West Coast highly migratory species (HMS) fisheries.

At the March 2002 meeting, the Council opted to delay final action on the HMS FMP until the November 2002 Council meeting. The delay is intended to provide time for the HMSPDT to complete additional information and analyses requested by National Marine Fisheries Service, U.S. Fish and Wildlife Service, Environmental Protection Agency, and Western Pacific Fishery Management Council.

Based on their review of the information developed by the HMSPDT, the HMS Advisory Subpanel will also provide a report to the Council.

Since the March 2002 meeting, the Council has received approximately 180 public comment letters, emails, and faxes. Most (approximately 165) of this correspondence focused on concern about pelagic longline gear. One comment was received in support of commercial HMS interests. Several of the remaining comments asked for conservation-minded management. Public comments are included in the briefing book at Exhibit D.2.d.

Council Task: Discussion and Guidance.

Reference Materials:

1. Exhibit D.2.b, HMSPDT Status Summary
2. Exhibit D.2.d, Public Comment

Agenda Order:

- a. Agendum Overview
- b. Report of the HMS Plan Development Team
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion and Guidance

Dan Waldeck

PFMC
06/04/02