

NATIONAL MARINE FISHERIES SERVICE REPORT ON
HIGHLY MIGRATORY SPECIES 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:

1. Discussion.

Reference Materials:

1. Exhibit G.1.a, NMFS Report.

Agenda Order:

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

Svein Fougner

PFMC
02/24/03

NMFS REPORT ON HIGHLY MIGRATORY SPECIES (HMS) MANAGEMENT

International HMS Fisheries

The National Marine Fisheries Service (NMFS) – Southwest Region hosted a meeting January 16-17, 2003, of U.S. government and albacore fishery representatives and counterparts from Canada to discuss progress in preparing to carry out the amended U.S. - Canada Albacore Treaty beginning June 1, 2003. Most of the steps to formally amend the Treaty have been taken. Canada has completed its internal government clearance actions, and the President has forwarded the Treaty amendment to the U.S. Senate for ratification. The Department of State has exchanged diplomatic notes with Canada to the extent practicable for implementation. However, the legislation needed to authorize regulations to implement some aspects of the amended Treaty has not been enacted. This is most critical for the reporting requirements needed to monitor fleet activity and enforce the fishing limits of the amended Treaty. National Oceanographic and Atmospheric Administration (NOAA) and the Department of State are working with legislative offices to complete this critical element. Meanwhile, the Southwest Region has almost completed the proposed regulations and associated documentation in anticipation that legislation will be enacted in a timely manner. Among the requirements would be vessel marking and identification, hail-in and hail-out reports, and logbook reports. Proposed regulations would have to be published by early April to have any chance of final regulations being in effect June 1, 2003.

On January 28-29, 2003, the United States and Japan Consultative Committee on Fisheries met for the first time in several years. While not exclusively directed at HMS fisheries, there were several HMS-related items on the agenda. The United States expressed its gratitude for Japan's constructive engagement at the "PrepCon" talks that are seeking to move toward implementation of the western Pacific HMS fisheries conservation agreement and indicated it will continue to work with Japan to seek arrangements that will result in Japan's full participation in the new western Pacific agreement. In response to presentations by Japan, the United States agreed that Illegal, Undocumented and Unreported (IUU) fishing is a major problem that needs to be addressed internationally. The United States also urged Japan to participate fully in international efforts to address sea turtle conservation concerns relative to longline fishing. Both sides agreed that resumption of the Consultative Committee was very useful and that it is important to communicate and coordinate on a large number of issues, even those in which there is not full agreement.

Domestic HMS Fisheries

California/Oregon Drift Gillnet

On December 24, 2002, NMFS published an interim final rule implementing the time and area closure identified in the October 2000 biological opinion on the authorization to take listed marine mammals incidental to commercial fishing operations. The time and area closure (Pacific Loggerhead Conservation Area) prohibits fishing with drift gillnets by the California/Oregon thresher shark/swordfish drift gillnet fishery in U.S. waters off southern California, south of Point Conception (34°27' N latitude) and west to the 120°W longitude, from August 15 through August 31, and January 1 through January 31, when the Assistant Administrator for Fisheries publishes a notice that El Niño conditions are present.

On February 12, 2003, NMFS published a Federal Register notice to extend the public comment period through March 24, 2003, on the interim final rule published on December 24, 2002, to implement the Pacific Loggerhead Conservation Area. The comment period, which originally ended on February 7, 2003, was extended in response to a request from the public to provide more time to review the loggerhead turtle entanglement data and the sea surface temperature data.



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

FEB 10 2003

F/SWR2:SF

Mr. Hans D. Radtke, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220

RECEIVED

FEB 14 2003

PPMC

Dear Hans,

I appreciate the willingness of the Pacific Fishery Management Council (Council) to defer submitting the proposed Fishery Management Plan for U.S. West Coast Highly Migratory Species Fisheries (FMP) approved on October 29, 2002. This will provide time for the Council to consider new information and decide whether to ask its advisory bodies to review this new information and make recommendations with respect to possible Council reconsideration of its decisions on management of the longline fishery on the high seas.

You will recall that one of the provisions of the FMP is to apply to West Coast-based longline fishing vessels fishing west of 150° West longitude (W. long.) the conservation and management measures (including prohibition of targeting of swordfish) applicable to Hawaii-based longline vessels; but West Coast-based longline vessels fishing east of 150° W. long. would be allowed to target swordfish. The Council accepted the position of the Highly Migratory Species Plan Development Team (Team) that there were insufficient data to demonstrate that the impacts on sea turtles in waters east of 150° W. long. were likely to be severe enough to warrant prohibiting a fishing strategy that is quite profitable. At the time, Svein Fougner expressed concern about the Council action on the basis of potentially excessive adverse impacts on sea turtles. He indicated that this action could ultimately pose significant approvability questions. He provided orally some sea turtle interaction data that had inadvertently been excluded from the September 2002, version of the FMP that the Council was using for its decisions. These data strongly suggested that there were likely to be sea turtle interaction rates comparable to those that warranted the prohibition of swordfish targeting by Hawaii-based vessels throughout the north Pacific.

Due to concern about this action, my staff have reviewed data that have only recently become available from a California observer program begun on a voluntary basis in October 2001 and made mandatory in September 2002. This includes data from eight trips in the past year all of which engaged in fishing for swordfish east of 150° W. long. They have also reviewed detailed observer data on fishing by Hawaii-based vessels east of 150° W. long. The enclosed tables summarize those data. While these data are preliminary and their statistical significance has not been assessed by Southwest Fisheries Science Center scientists, it appears that the sea turtle interaction rates in waters east of 150° W. long. are comparable to if not higher than the



interaction rates that led to the longline fishery controls applicable to Hawaii-based vessels. Our initial view is that it is likely that a section 7 consultation under the Endangered Species Act would result in a jeopardy finding for the Pacific Council FMP on the same basis as the jeopardy finding that led to the conservation and management measures currently applicable to Hawaii vessels to minimize the risk to sea turtles. If this were the result, the Council's FMP would be partially disapproved and the Council would need to revise its management program.

The National Marine Fisheries Service (NOAA Fisheries) would like to present this information for initial discussion by the Council at the March meeting. Scheduling this matter for initial discussion in March and action in June would allow time for the Southwest Fisheries Science Center to analyze the data and the Team and advisory subpanel meetings to review the data and to develop recommendations for the Council's decision on how to proceed with this issue in June. Depending on the results, the Council could then decide whether to reconsider its action at its meeting in June. By postponing the submission of the FMP, the Council will minimize the risk of disapproval or partial disapproval of the FMP. There are no critical management needs that would be unmet under this timetable.

I know that the Team, Council staff, and a contractor have worked very hard to prepare the final FMP document to reflect the proposed actions and alternatives consistent with the Council decisions last year. This is in no way meant to criticize their excellent work and that work is not wasted. Most of it was necessary to harmonize the final FMP with the actions taken at the October/November meeting. While sections dealing with management of the longline fishery east of 150° W. long. would have to be revised if the Council changes its decision, most of the other work will be unchanged. My staff would assist to the maximum extent practicable to limit any additional workload on the Council.

I recognize that it would have been preferable to have all these data at the time of the Council decisions in October 2001. I note, however, that the September 2002 draft FMP includes Table 6-4, which indicates that fishermen recorded in logbooks substantial numbers of sea turtles being taken by vessels that landed their catch in California from August 1995 through December 1999; and Table 9-7 indicated comparable interaction rates being reported in logbooks for leatherback sea turtles east and west of 135° W. long. Further, Svein Fougner reported at the Council meeting that observers on three longline trips in the months just before the Council meeting recorded eight sea turtle interactions from 49,000 hooks in swordfish sets. Those take levels and interaction rates were clearly a matter of great concern. Likewise, sea turtle takes in the drift gillnet fishery and other information sources clearly support the premise that sea turtle takes would be likely in the longline fishery east of 150° W. long. just as in waters farther west.

Additionally, it had not been clear before the Council meeting that the Team in this instance would recommend action different from the "preferred alternative" in the draft FMP, which was to prohibit West Coast-based longline vessels from targeting swordfish on all waters of the high seas. The September 2002 draft did not identify Alternative 3 (applying only selected longline controls east of 150° W long. and thus allowing swordfish targeting) as the "Plan Team Proposal". Had this been clear, I believe NOAA Fisheries could have done more to provide sea turtle and longline interaction data at the meeting, though obviously the observer data from trips

important thing is to review this latest information to determine if reconsideration of the Council action is appropriate and to make changes if warranted.

Again, I appreciate the Council's agreement to delay submission of the FMP. I will provide additional information for the briefing book and follow up with further analysis for Council consideration in March.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod", is positioned above the typed name.

Rodney R. McInnis
Acting Regional Administrator

Enclosures

cc:

F/SWC - Tillman

F/NWR1 - Robinson

GCSW - Feder

GCNW - Cooney

CALIFORNIA PELAGIC LONGLINE OBSERVER PROGRAM

STATUS REPORT

OCTOBER 2001 - JANUARY 2003

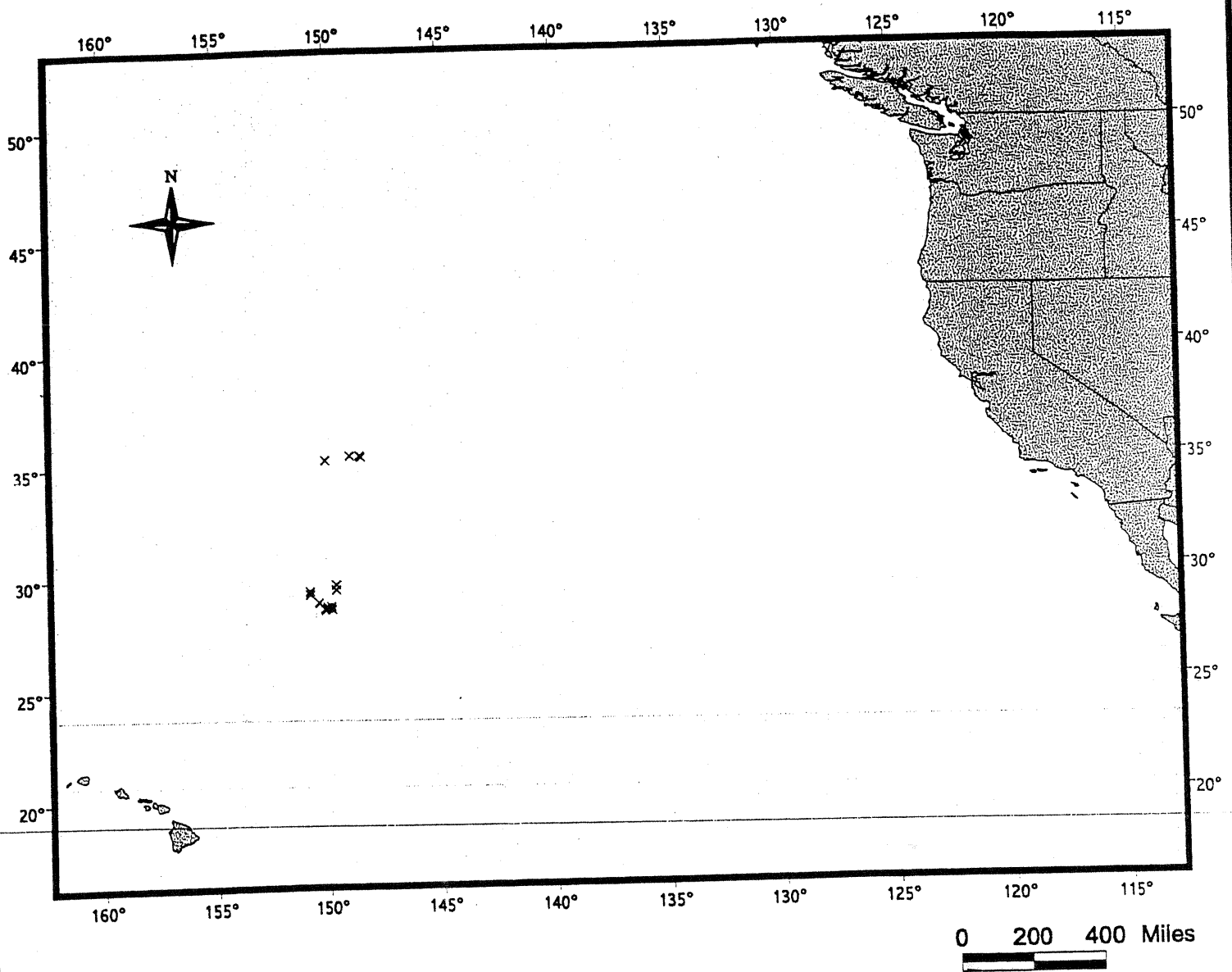
Fisheries Observer Management
Sustainable Fisheries Division
Southwest Region
National Marine Fisheries Service

In July 2001, the Southwest Region of the National Marine Fisheries Service established a voluntary observer program to monitor the U.S. west coast pelagic longline fishery. The program became mandatory in August 2002. Observers completed eight trips between October 2001 and January 2003. All trips targeted swordfish, using 4 to 5 hooks per float, squid bait, lightsticks, and no line shooter. Observers collected data on 175 sets during 317 days at sea. The following table summarizes all protected species interactions for these trips.

PROTECTED SPECIES ENCOUNTERS - OBSERVED RESULTS

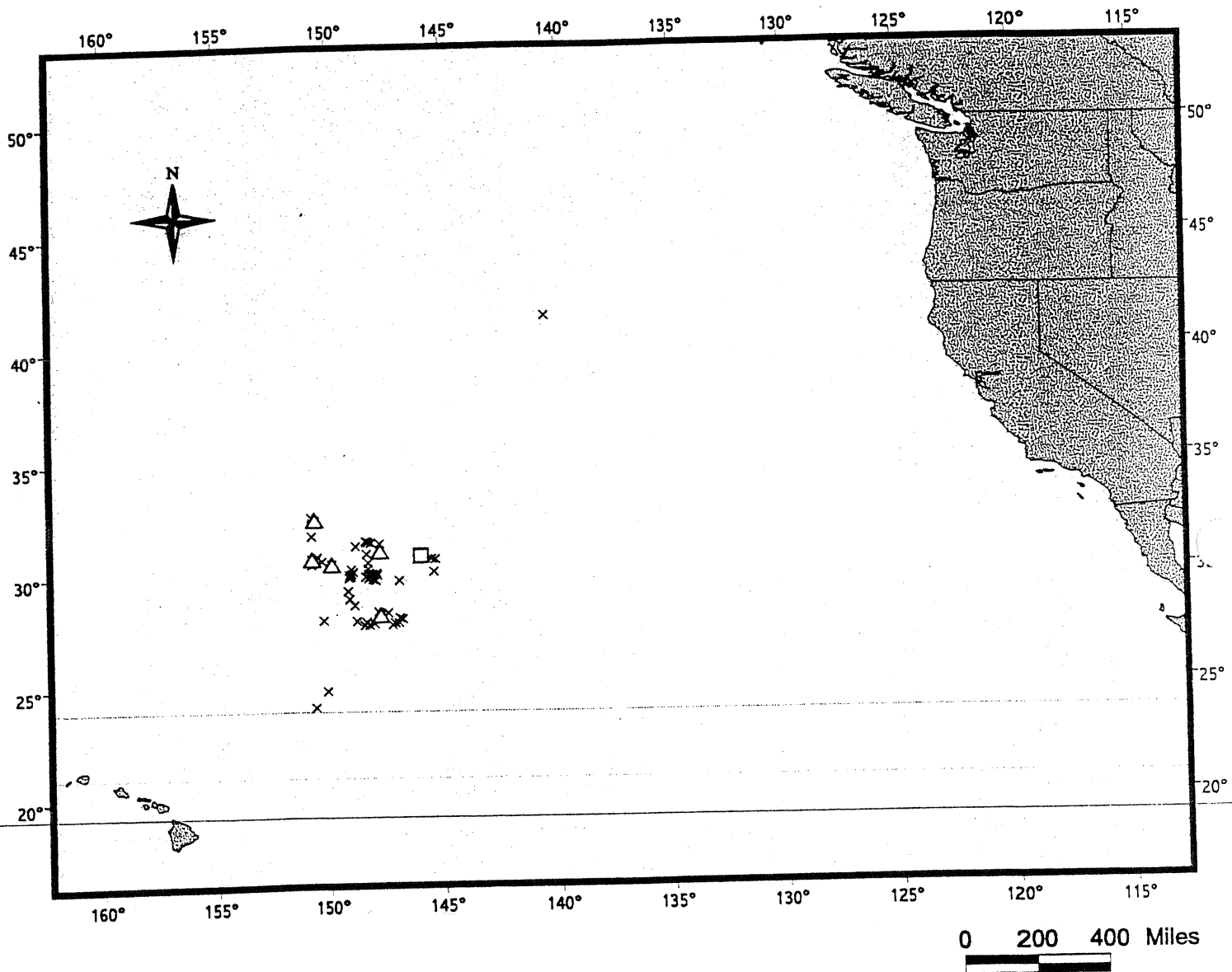
Completed Trips _____ >	8
Trips With Sea Turtles _____ >	6
Trips Without Sea Turtles _____ >	2
 Sea Turtle Encounters _____ >	 13
Returned Injured	
Leatherback _____ >	2
Loggerhead _____ >	10
Olive Ridley _____ >	1
 Seabird Encounters _____ >	 38
Returned Injured	
Black-Footed Albatross - >	2
Returned Dead	
Black-Footed Albatross - >	34
Laysan Albatross _____ >	2
 Cetacean Encounters _____ >	 0
 Pinniped Encounters _____ >	 0
 Total Hooks Observed _____ >	 126,899
Turtles per 1,000 Hooks _____ >	0.1
Seabirds per 1,000 Hooks _____ >	0.3

Observed Sea Turtle Catch (n=0) in the Hawaii Longline Fishery
Swordfish Style Sets East of 150 W. Longitude
Calendar Year 1994



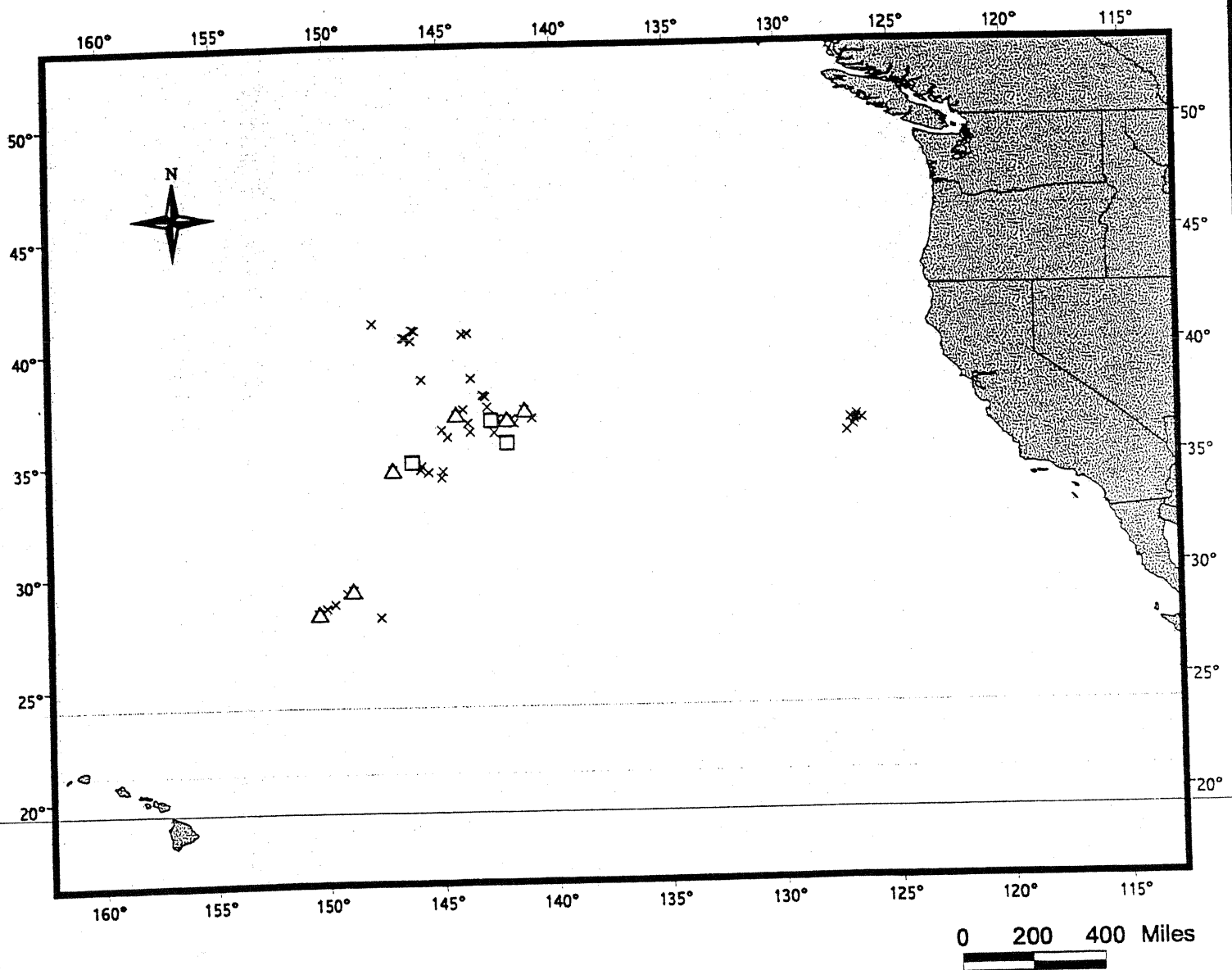
x Observed Sets (n=15, # hooks = 12,766)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1995



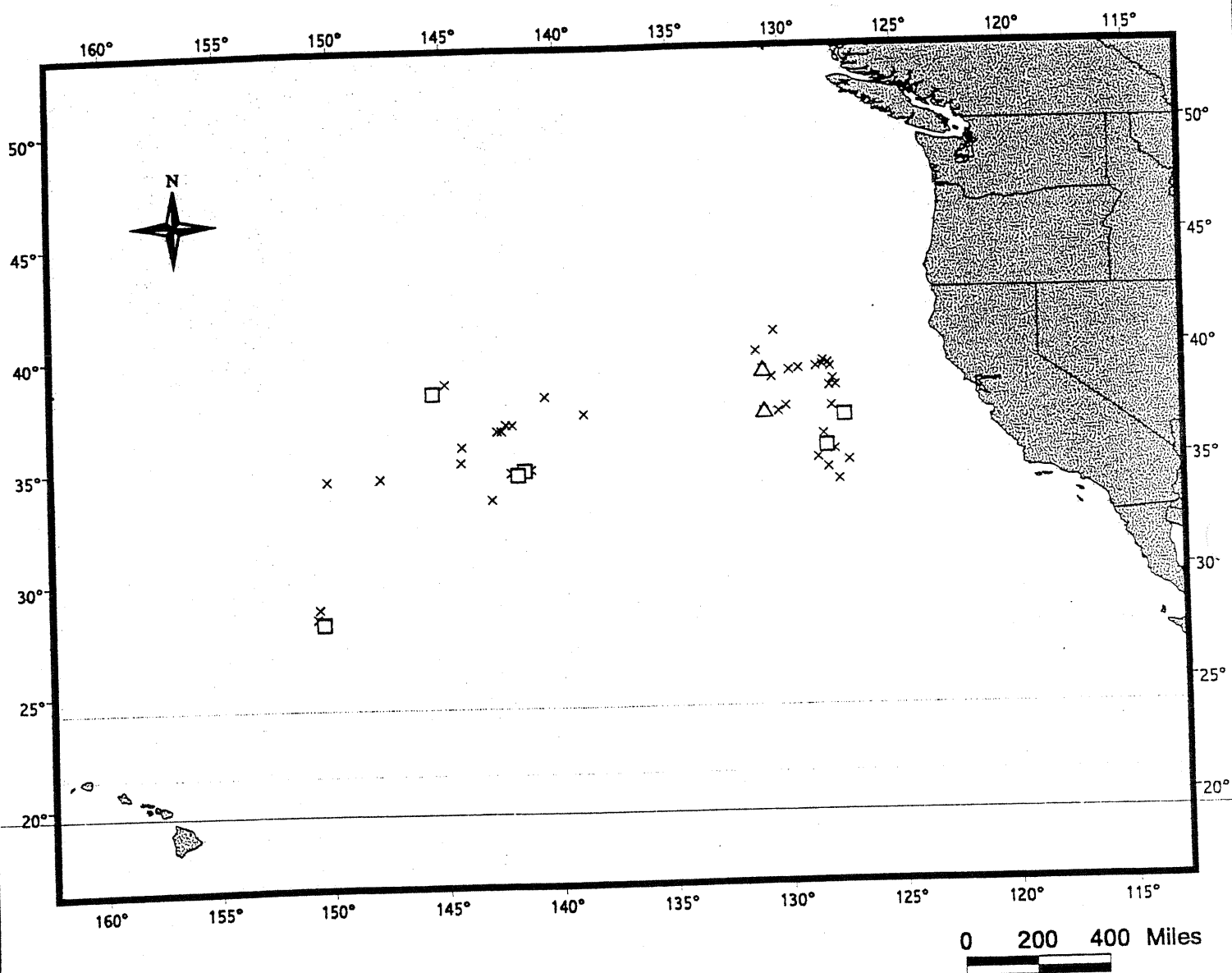
- △ Loggerhead Sea Turtle (n=6)
- Leatherback Sea Turtle (n=1)
- × Observed Sets (n=62, # hooks = 53,859)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1996



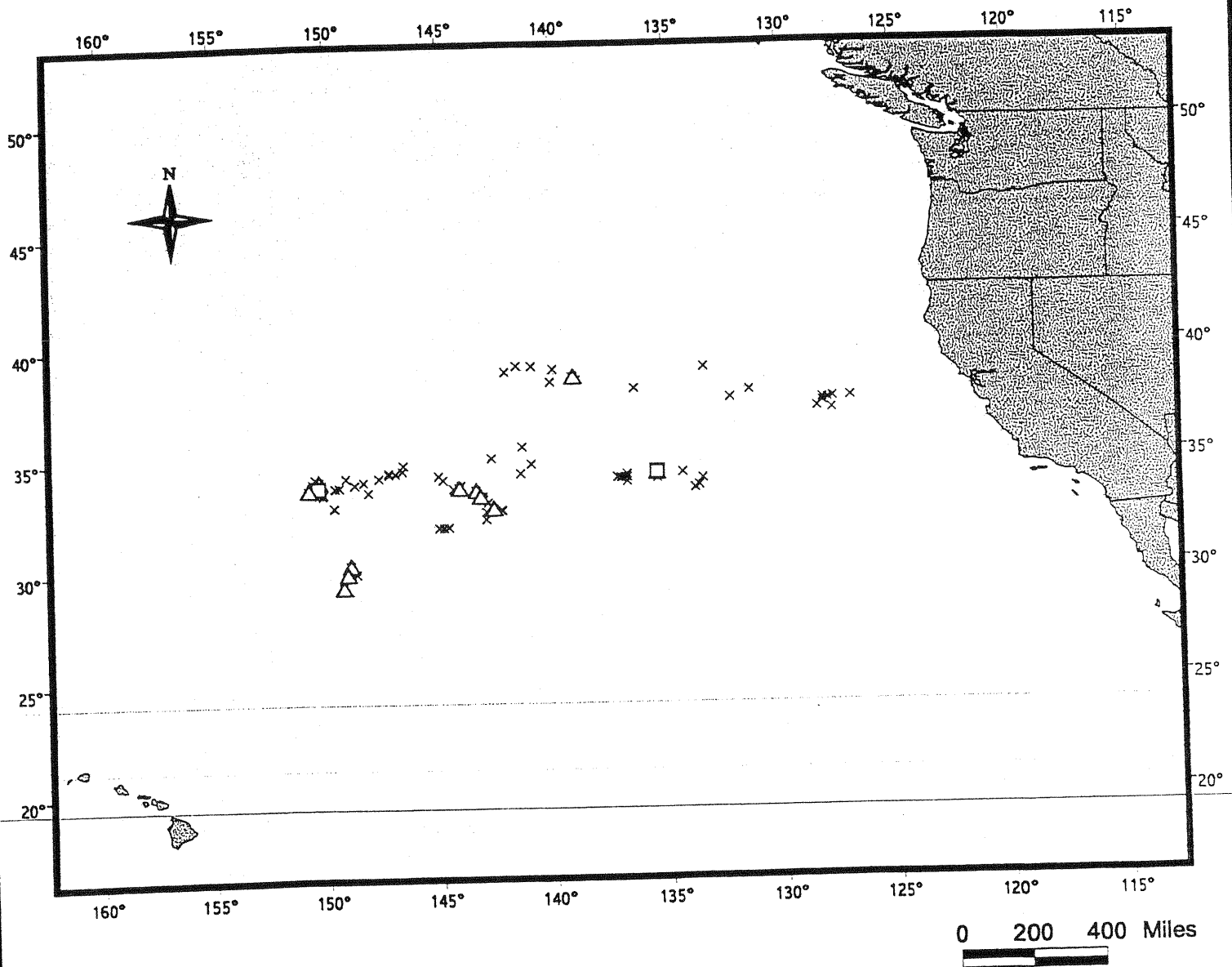
- △ Loggerhead Sea Turtle (n=7)
- Leatherback Sea Turtle (n=3)
- × Observed Sets (n=53, # hooks = 43,259)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1997

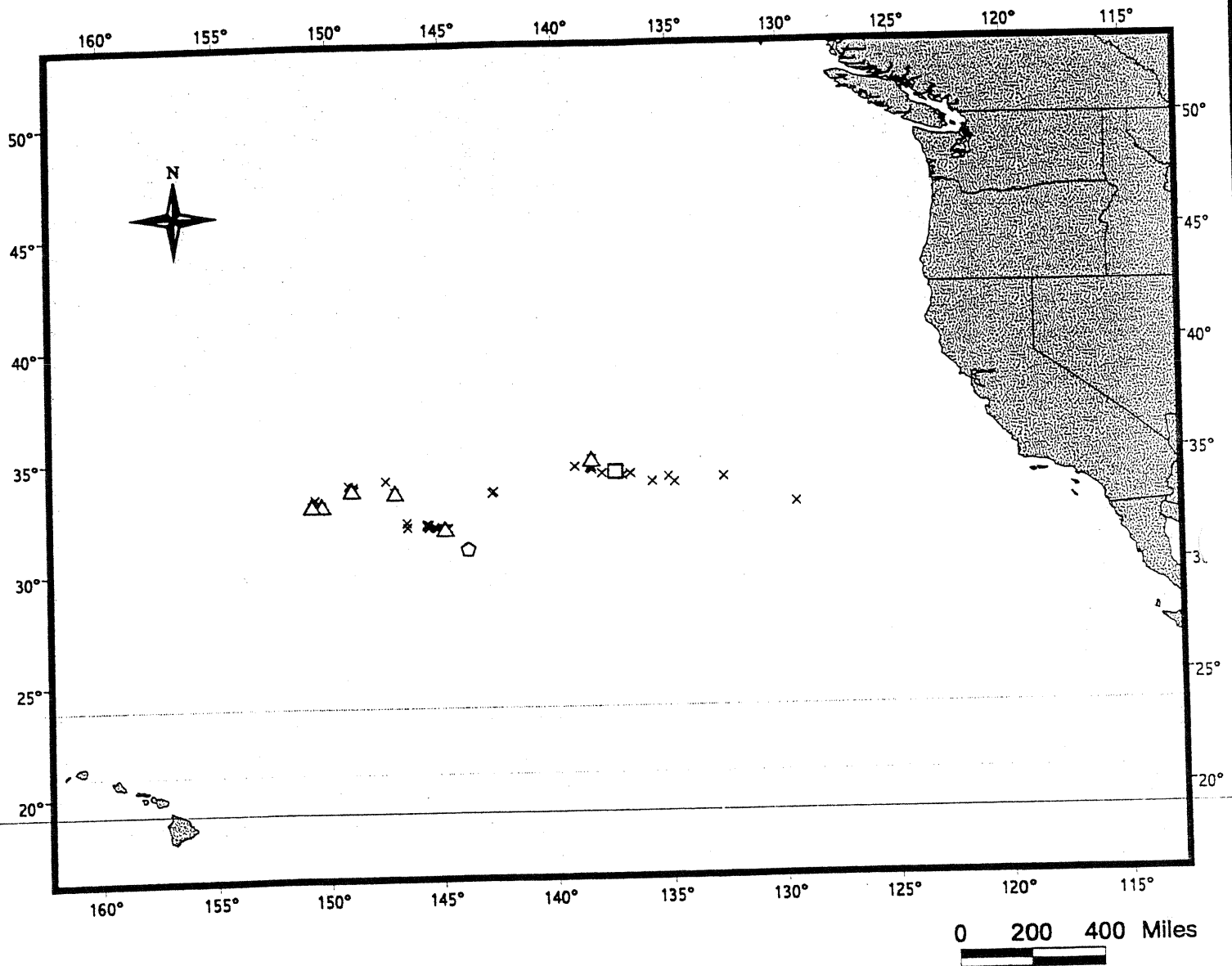


- △ Loggerhead Sea Turtle (n=2)
- Leatherback Sea Turtle (n=6)
- x Observed Sets (n=47, # hooks = 37,711)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1998

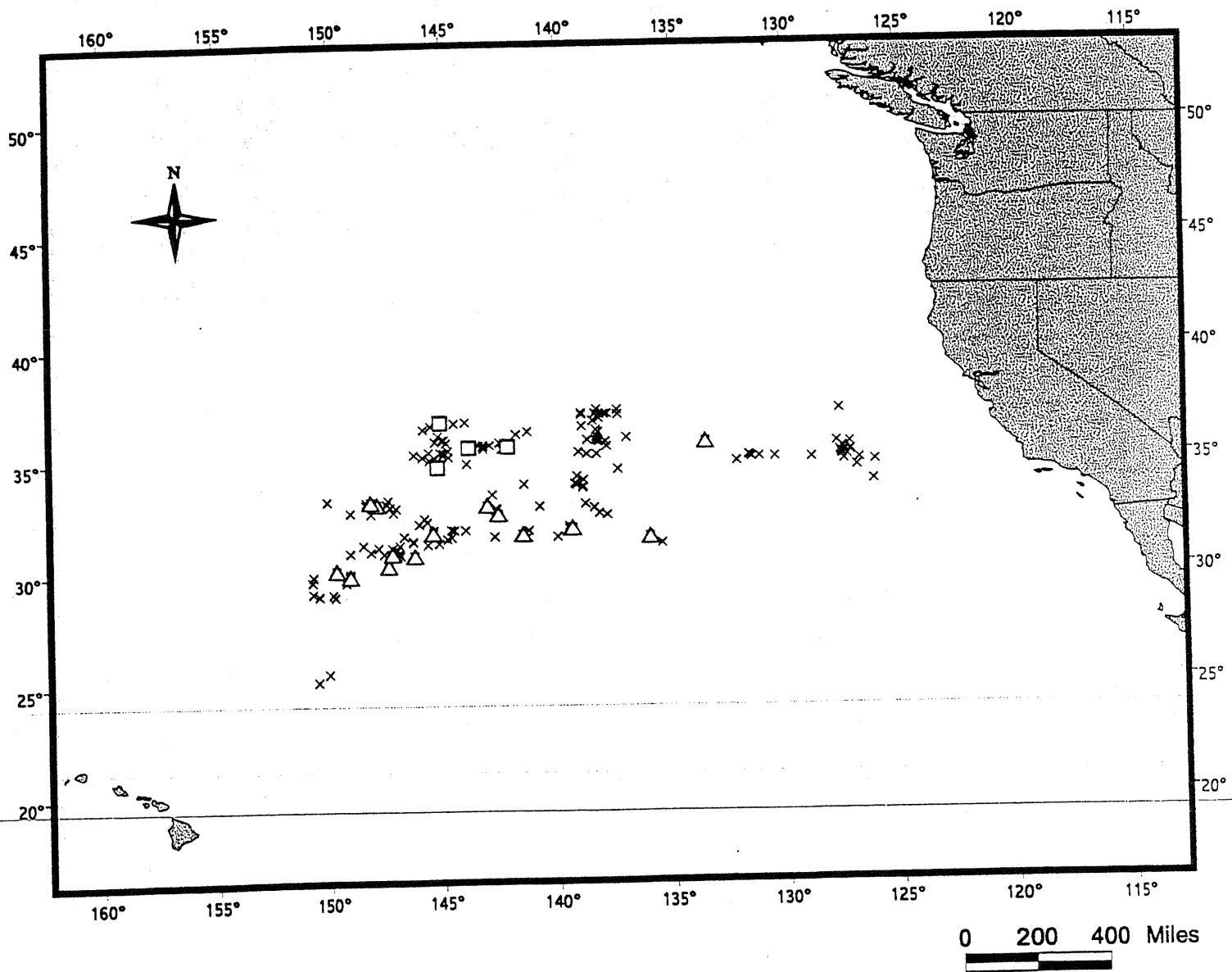


Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 1999



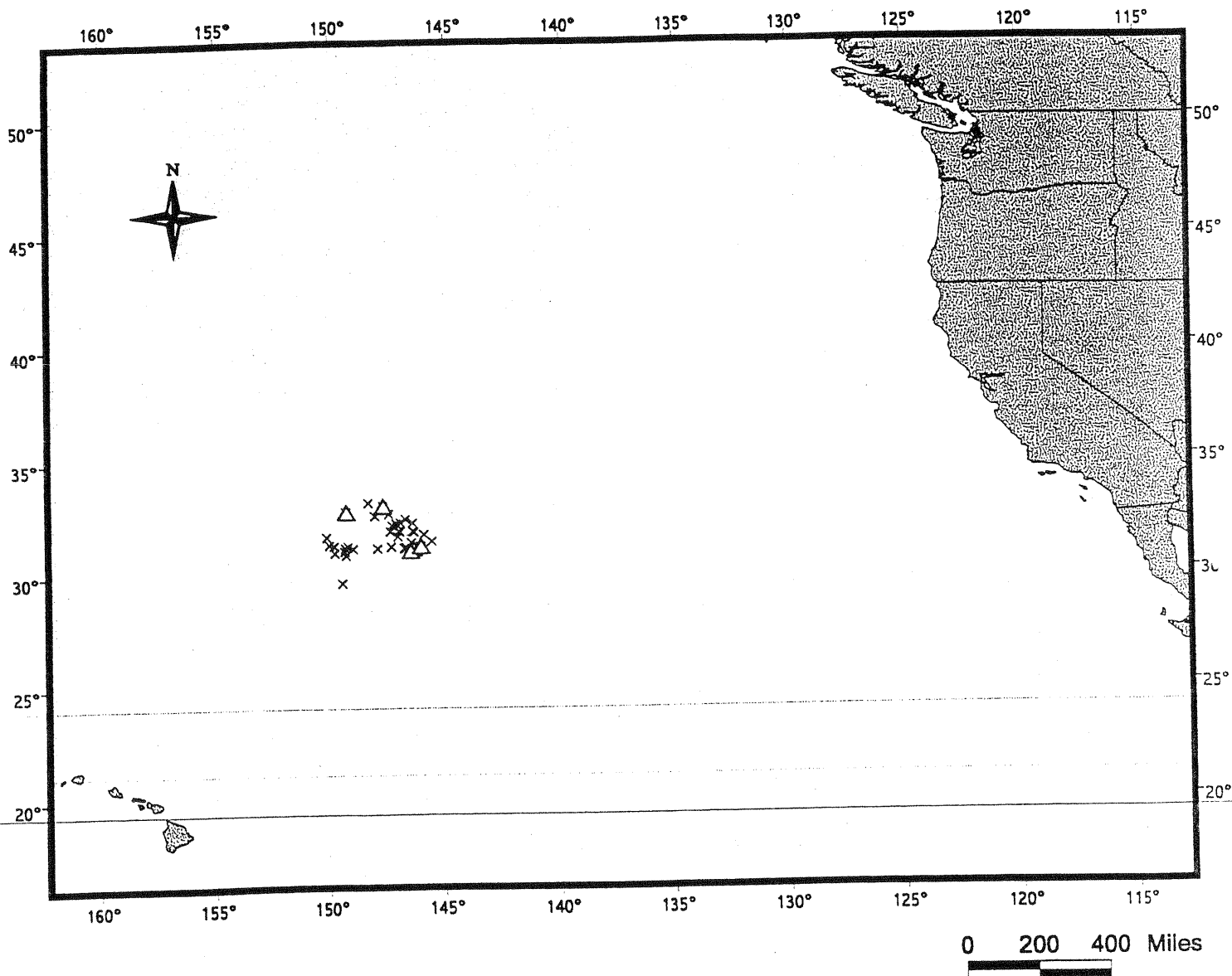
- △ Loggerhead Sea Turtle (n=7)
- Leatherback Sea Turtle (n=1)
- ◇ Olive Ridley Sea Turtle (n=1)
- x Observed Sets (n=44, # hooks = 38,366)

Observed Sea Turtle Catch in the Hawaii Longline Fishery Swordfish Style Sets East of 150 W. Longitude Calendar Year 2000



- △ Loggerhead Sea Turtle (n=15)
- Leatherback Sea Turtle (n=4)
- x Observed Sets (n=173, # hooks = 125,177)

Observed Sea Turtle Catch in the Hawaii Longline Fishery
Swordfish Style Sets East of 150 W. Longitude
Calendar Year 2001



- △ Loggerhead Sea Turtle (n=5)
× Observed Sets (n=39, # hooks = 28,430)

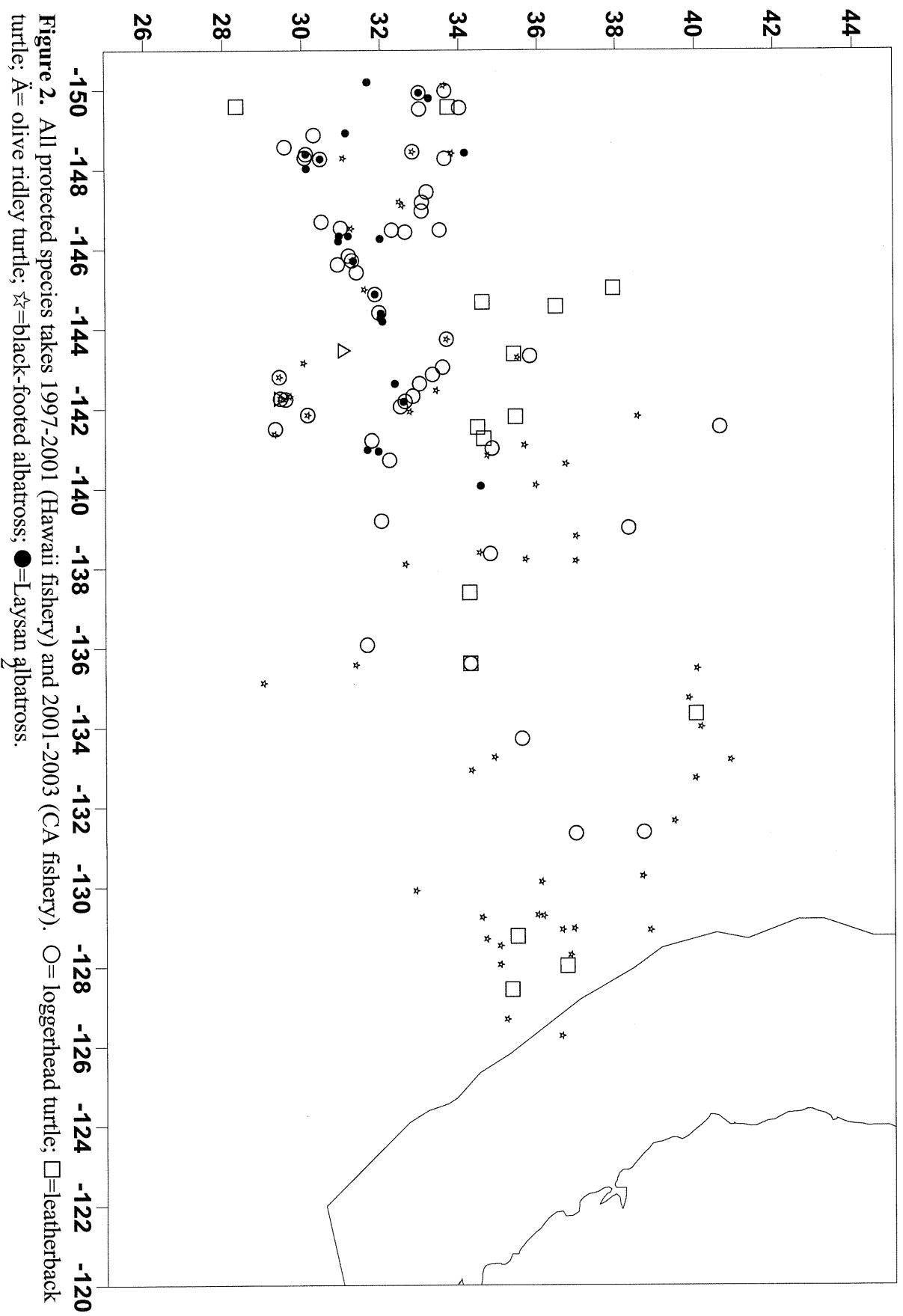


Figure 2. All protected species takes 1997-2001 (Hawaii fishery) and 2001-2003 (CA fishery). ○= loggerhead turtle; □=leatherback turtle; ☆=olive ridley turtle; ☆=black-footed albatross; ●=Laysan albatross.

WEST vs EAST: 145W

Hawaii ('97-01) and California ('01-03) observed longline sets. n = 586 sets

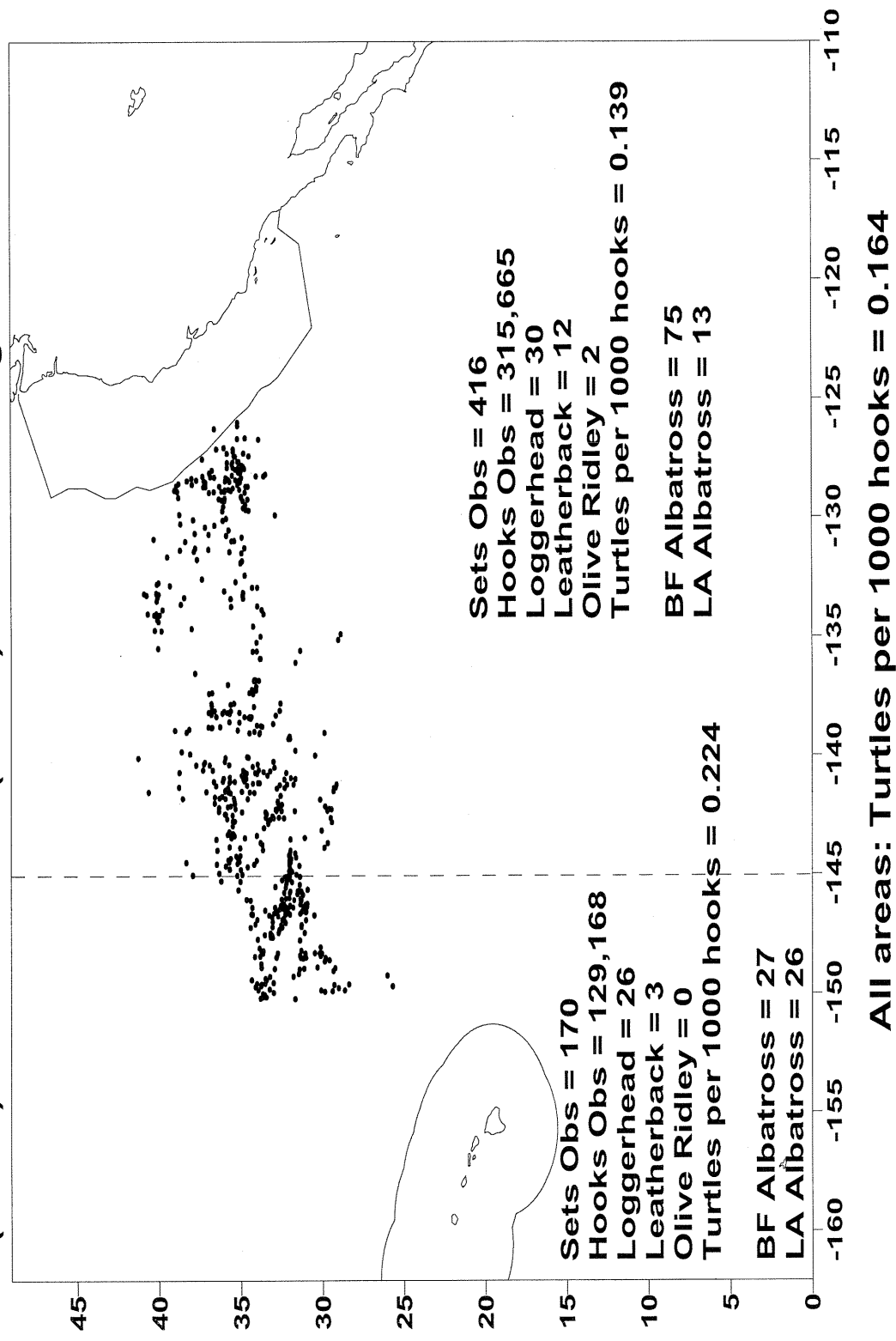


Figure 3.

WEST vs EAST: 140W

Hawaii ('97-01) and California ('01-03) observed longline sets. n = 586 sets

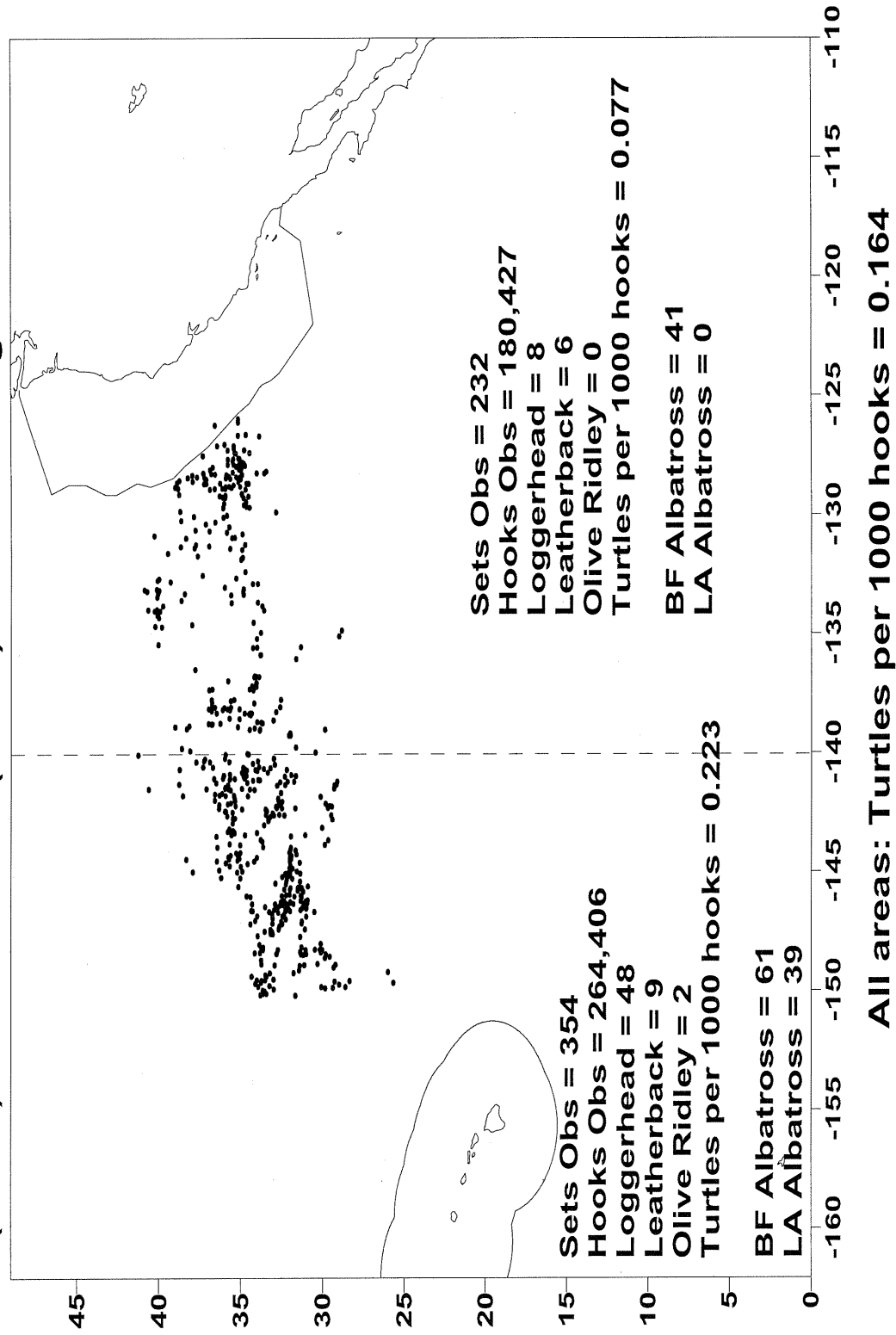
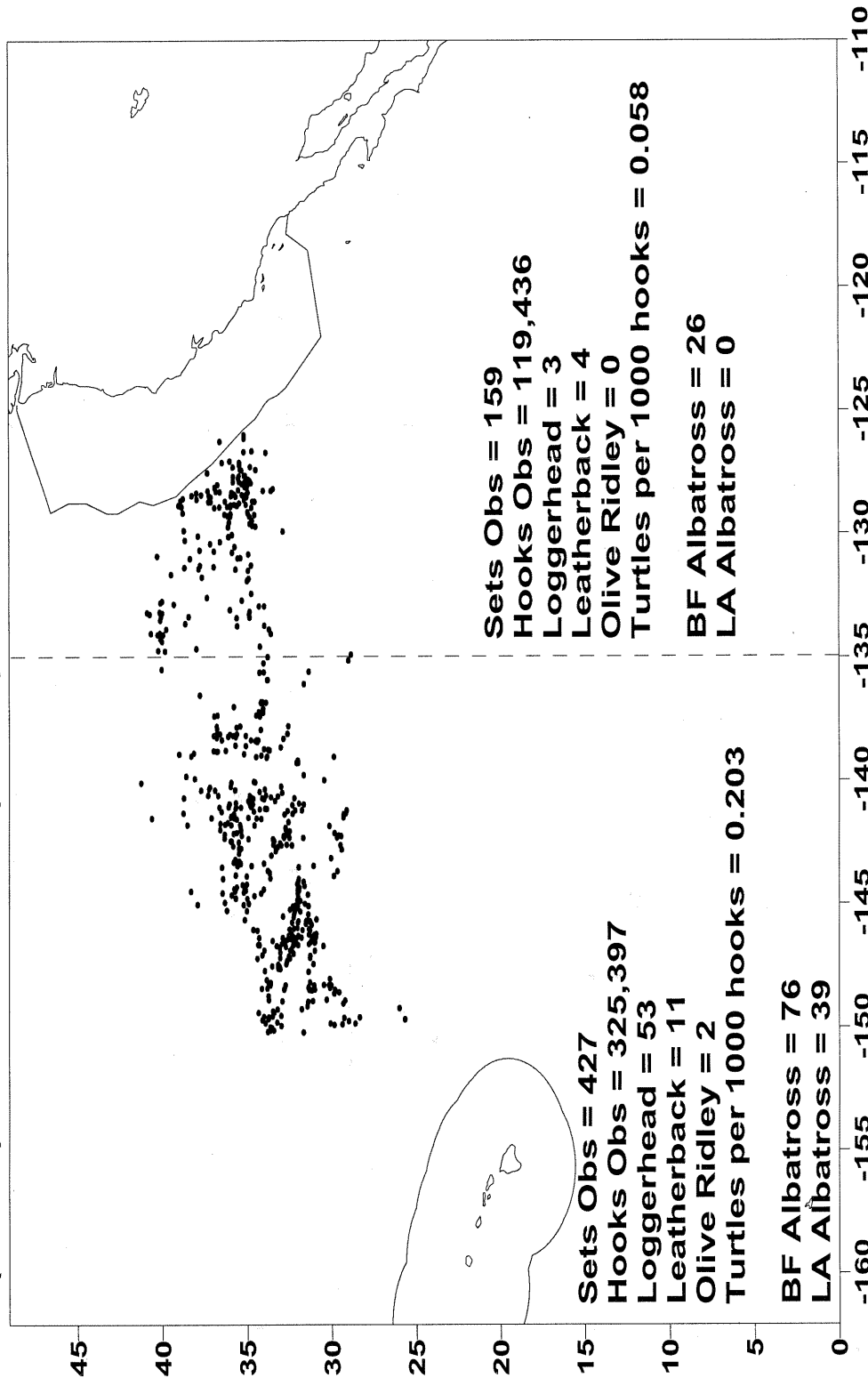


Figure 4

WEST vs EAST: 135W

Hawaii ('97-01) and California ('01-03) observed longline sets. n = 586 sets



All areas: Turtles per 1000 hooks = 0.164

Figure 5

WEST vs EAST: 130W

Hawaii ('97-01) and California ('01-03) observed longline sets. n = 586 sets

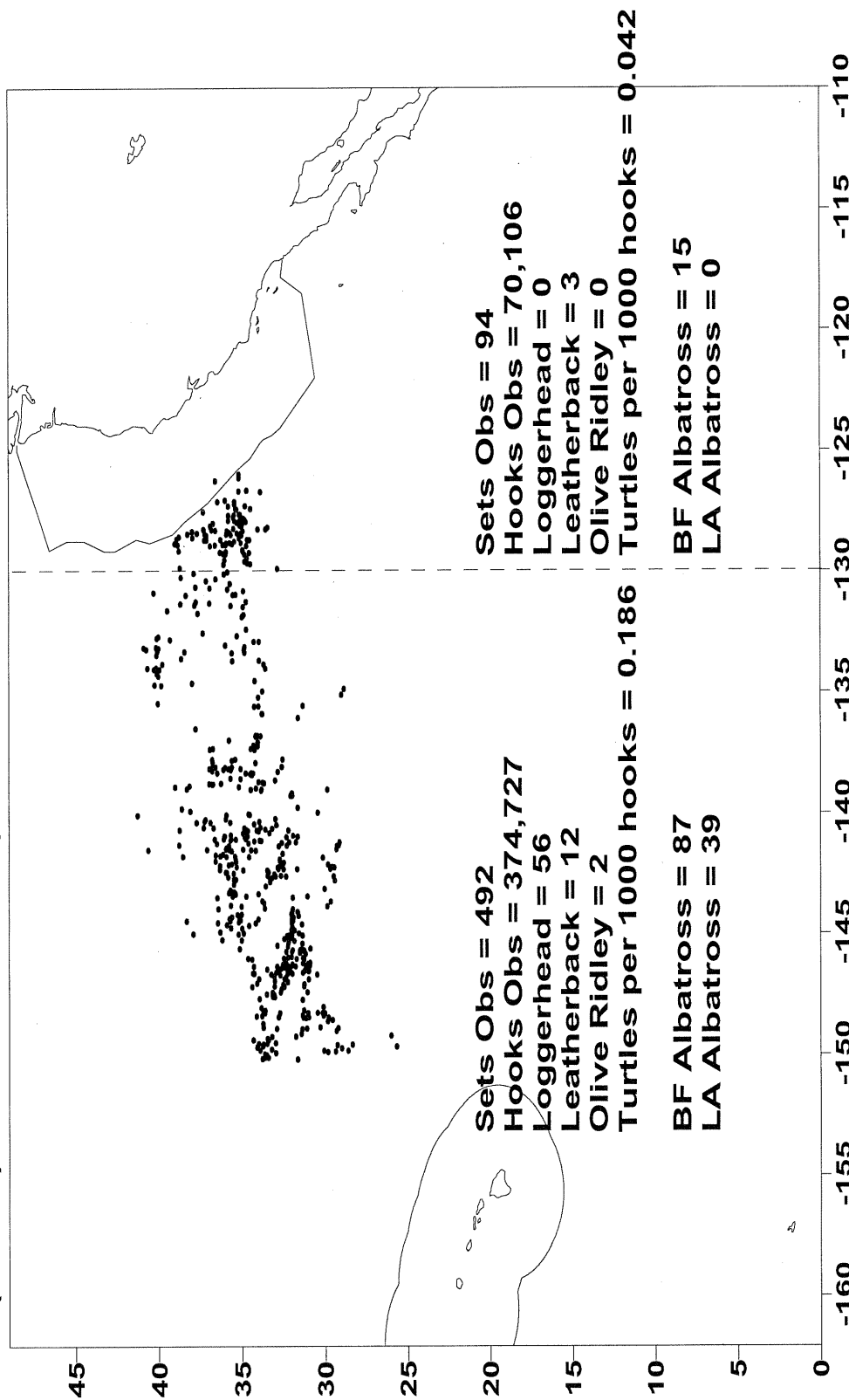


Figure 6

NORTH vs SOUTH: 34N

Hawaii ('97-01) and California ('01-03) observed longline sets. n = 586 sets

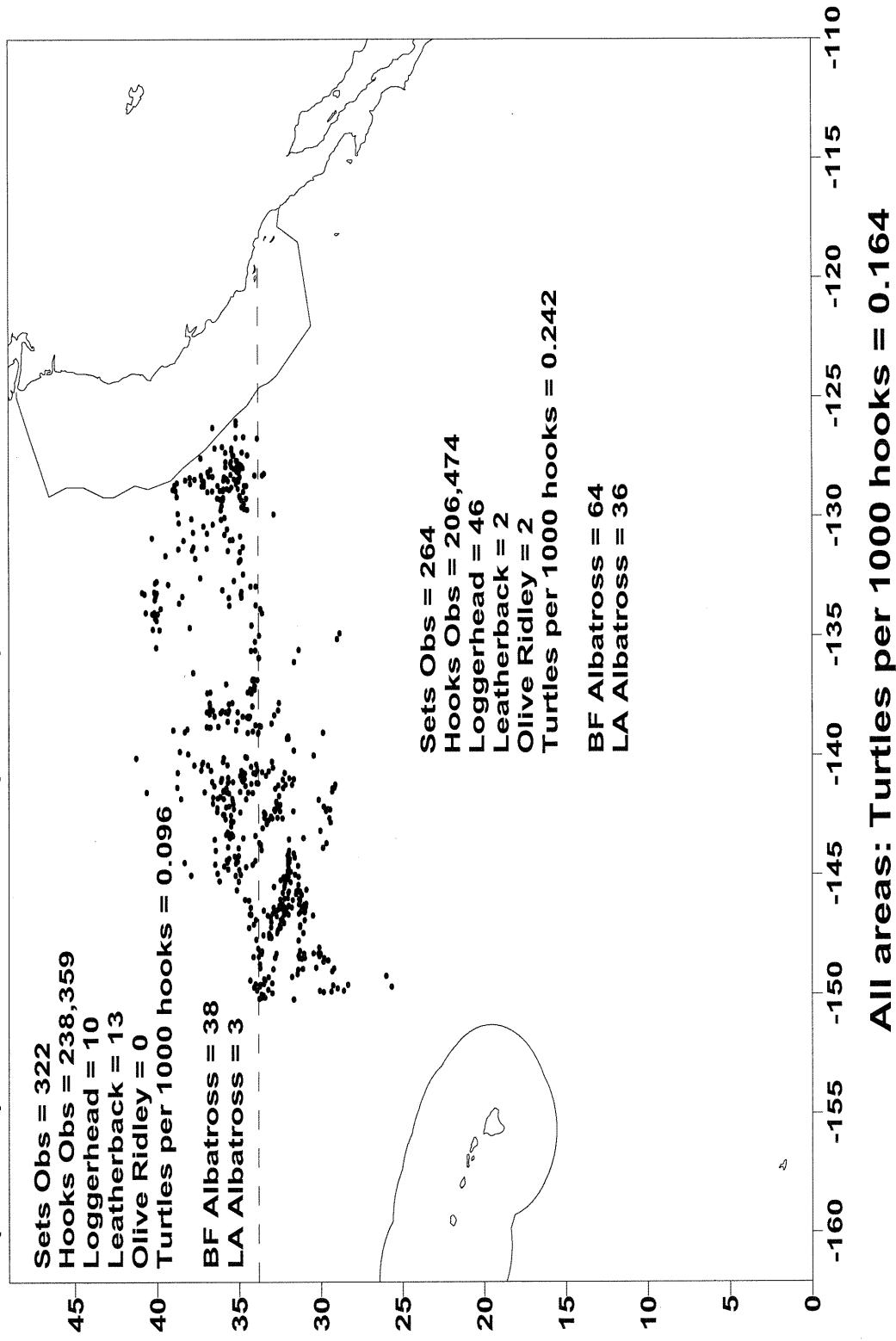


Figure 7

Table 1. CA (West Coast) longline fishery. October 2001 through February 2003: 198 Sets Observed.

	# Entangled	# Hooks Observed	# Sets Observed	Entanglement # per 1000 hooks	Entanglement # per set	Bootstrap CV (# per set)	Poisson CV (# per set)
Loggerhead	13	142,916	198	0.090963	0.066	0.315	0.277
Leatherback	2			0.013994	0.010	0.705	0.707
Olive Ridley	1			0.006997	0.005	1.003	1.000
Black-footed Albatross	40			0.279885	0.202	0.189	0.158
Laysan Albatross	2			0.013994	0.010	0.957	0.707

	Obs. Coverage = 8.0% then Hooks Fished = Sets Fished=	Oct 18 2001 - Feb 4 2003 1,786,450 2,475	Approx. 95% CI (Bootstrap Methods)	Approx. 95% CI (Poisson Assumption)
Loggerhead Entanglement Loggerhead Mortality	163 60		(23 - 97)	(27 - 93)
Leatherback Entanglement Leatherback Mortality	25 9		(0 - 21)	(0 - 21)
Olive Ridley Entanglement Olive Ridley Mortality	13 5		(0 - 15)	(0 - 15)
BF Albatross Entanglement BF Albatross Mortality	500 450		(272 - 628)	(283 - 617)
Laysan Albatross Entanglement Laysan Albatross Mortality	25 17		(0 - 49)	(0 - 41)

Assumed Mortality Rate= 0.37
 Fraction BFA Dead= 0.9
 Fraction LAA Dead= 0.69

Hawaii (1997-2001) and CA (2001-2003) sets, all quarters.

ALL SETS	W of 130	E of 130	West	East	per 1000 hooks
Sets obs	492	94			
Hooks obs	374727	70106			
Loggerheads	56	0	.14944	.00000	
Leatherbacks	12	3	.03202	.04279	
Olive Ridley	2	0	.00534	.00000	
BF Albatross	87	15	.23217	.21396	
LA Albatross	39	0	.10408	.00000	

Turtles per 1000 hooks

W of 130 .186803
 E of 130 .042792
 East+West .164107

ALL SETS	W of 135	E of 135	West	East	per 1000 hooks
Sets obs	427	159			
Hooks obs	325397	119436			
Loggerheads	53	3	.16288	.02512	
Leatherbacks	11	4	.03380	.03349	
Olive Ridley	2	0	.00615	.00000	
BF Albatross	76	26	.23356	.21769	
LA Albatross	39	0	.11985	.00000	

Turtles per 1000 hooks

W of 135 .202829
 E of 135 .058609
 East+West .164107

	per 1000 hooks
	West East
.18154	.04434
.03404	.03325
.00756	.00000
.23071	.22724
.14750	.00000

ALL SETS	W of 140	E of 140
Sets obs	354	232
Hooks obs	264406	180427
Loggerheads	48	8
Leatherbacks	9	6
Olive Ridley	2	0
BF Albatross	61	41
LA Albatross	39	0

Turtles per 1000 hooks

W of 140	.223142
E of 140	.077594
East+West	.164107

	per 1000 hooks
	West East
.20129	.09504
.02323	.03801
.00000	.00634
.20903	.23759
.20129	.04118

ALL SETS	W of 145	E of 145
Sets obs	170	416
Hooks obs	129168	315665
Loggerheads	26	30
Leatherbacks	3	12
Olive Ridley	0	2
BF Albatross	27	75
LA Albatross	26	13

Turtles per 1000 hooks

W of 145	.224514
E of 145	.139388
East+West	.164107

Ext bit 612.
March 2003

National Marine Fisheries Service
Southwest Region

Hawaii (1997-2001) and California (2001-2003) observed longline sets. n = 586 sets

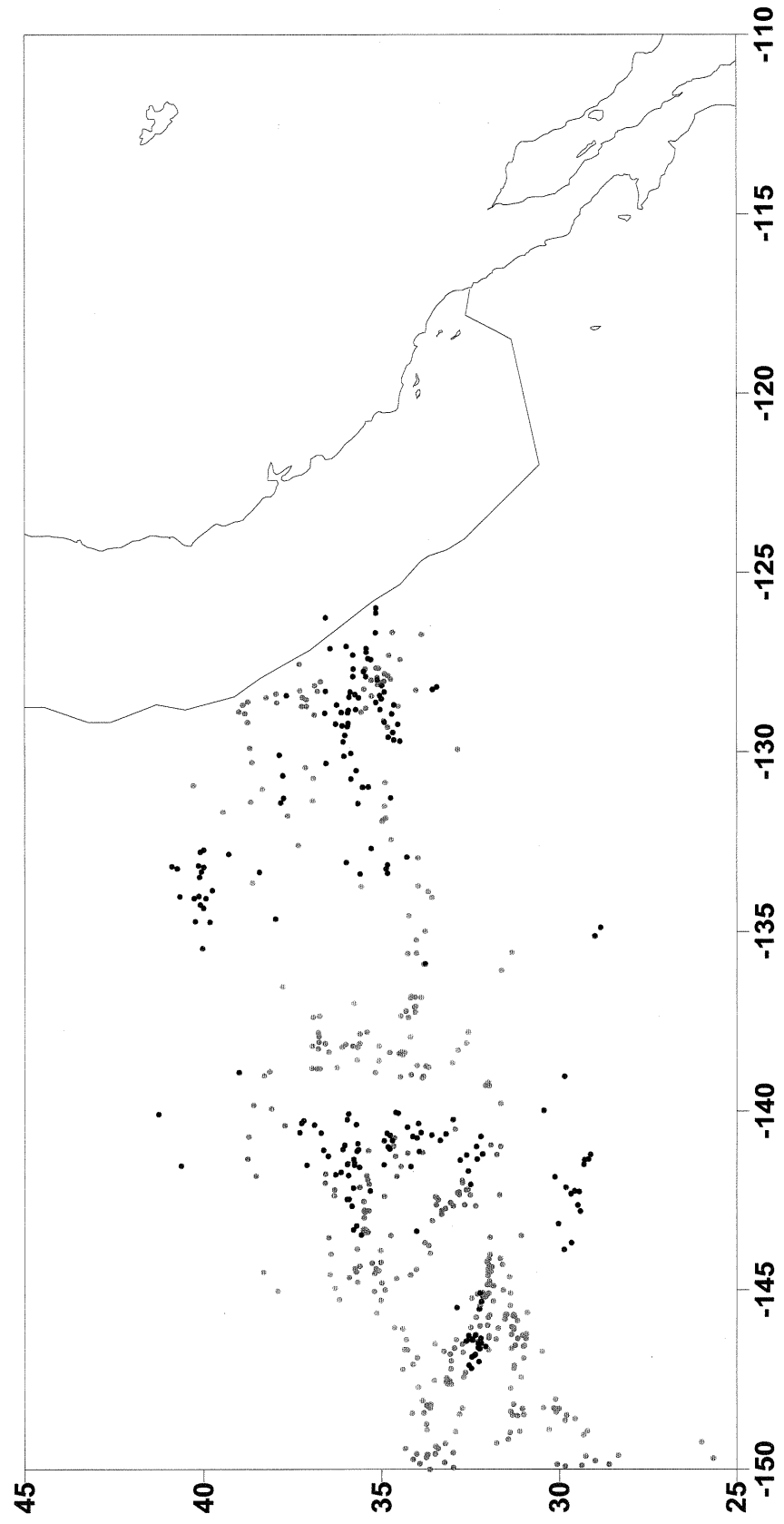


Figure 1.

STATUS OF THE PACIFIC COUNCIL HIGHLY MIGRATORY SPECIES
FISHERY MANAGEMENT PLAN

Situation: At the November 2002 meeting, the Council adopted a fishery management plan (FMP) to manage West Coast-based highly migratory species (HMS) fisheries. The Council directed the HMS Plan Development Team (HMSPDT) and staff to finalize the FMP and transmit it to National Marine Fisheries Service (NMFS) for their review.

However, NMFS has expressed concern about one of the Council's proposed actions (i.e., a preferred alternative). The proposed action adopted by the Council for longline fishing outside of the U.S. Exclusive Economic Zone (EEZ) requires that several (but not all) of the restrictions currently applied to Hawaii-based longline vessels fishing on the high seas also be applied to West Coast-based longline vessels fishing on the high seas. The proposed action would provide opportunity for West Coast-based longline fishing vessels to target swordfish when operating east of 150° W longitude. When operating west of 150° W longitude, West Coast-based vessels would not be allowed to target swordfish. One basis for this decision was lack of information on bycatch and protected species impacts from longline vessels fishing east of 150° W longitude. At the time of the Council's decision, the NMFS representative on the Council noted this proposed action (which differed from the original preferred alternative) could be of concern and potentially affect approvability of the HMS FMP.

Recent information from longline fishing operations east of 150° W longitude has been reviewed by NMFS. Based on this initial review, NMFS is concerned that longline vessels targeting swordfish could have interactions with sea turtles at rates similar to rates in waters west of 150° W longitude. These latter rates were the basis for total turtle take and mortality estimates that resulted in a jeopardy determination and the prohibition of swordfish targeting by Hawaii-based longline vessels. A similar conclusion for West Coast-based fishing under the FMP could result in partial disapproval of the FMP. Therefore, NMFS is requesting the Council delay submission of the HMS FMP to provide time for NMFS to conduct a rigorous scientific review of the new data and present the results to the Scientific and Statistical Committee (SSC), HMSPDT, and HMS Advisory Subpanel (HMSAS) for their discussion and recommendations to the Council. NMFS will present preliminary results of the data review at the March meeting.

If the Council delays submission of the FMP and directs the SSC, HMSPDT, and HMSAS to review the new information, the Council could schedule reconsideration of the preferred alternative for high seas longline fishing, e.g., at the June 2003 meeting. Prior to such action, the SSC, HMSPDT, and HMSAS would have the opportunity to review the new information and develop recommendations for the Council.

In summary, at this meeting NMFS will provide the Council with preliminary analysis of new information about potential impacts on sea turtles from high seas longline fishing east of 150° W longitude and request the Council delay submission of the HMS FMP to allow time for NMFS-Southwest Fisheries Science Center to perform systematic analysis of the new information. If the Council decides to delay submission, the SSC, HMSPDT, and HMSAS could be directed to review the new information. The Council could then schedule further discussion of the final data analysis and SSC, HMSPDT, and HMSAS recommendations, and possibly reconsideration of the high seas longline preferred alternative, at the June 2003 meeting.

Conversely, the Council could opt to not delay submission of the HMS FMP and request staff to transmit the completed document in its current form to NMFS.

Council Action:

- 1. Consider delaying FMP transmittal to NMFS. If decision is to delay, consider next steps.**

Reference Materials:

1. Exhibit G.2.b, NMFS Report.
2. Exhibit G.2.d, Public Comment.

Agenda Order:

- a. Agendum Overview
- b. NMFS Report on New Turtle Impact Data
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Consider Delaying FMP Transmittal to NMFS

Dan Waldeck
Svein Fougner

PFMC
02/21/03

Subject: Fwd: Close the loophole favoring California longliners
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Tue, 21 Jan 2003 08:20:33 -0800

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384
Phone: 503-820-2280
Fax: 503-820-2299
On the web at: <http://www.pcouncil.org>

Subject: Close the loophole favoring California longliners
From: <jimtinalittle@hotmail.com>
Date: Fri, 17 Jan 2003 11:05:47 -0800

Dear Mr. McIsaac and Mr. Hight,

Pacific leatherback sea turtle populations are crashing, from 80,000 in 1980 to fewer than 5,000 today. Recent scientific studies and legal findings indicate that U.S. and foreign longline fishers jeopardize the survival of these turtles.

Of particular concern are longline vessels operating from the U.S. west coast. Longline fishers based in Hawaii since 2000 have been subject to gear and/or area restrictions to protect leatherback sea turtles. Longline fishers that land their catch in California fish in many of the same areas, but illogically have not been faced with any of these regulations. This has caused some Hawaii-based vessels to relocate and de-register in Hawaii, swelling the number of California-based vessels to 30-40.

The Pacific Fisheries Management Council at its October 28-November 1 meetings passed a plan for highly migratory species that leaves this loophole open, thus unfairly favoring California-based fishers and leaving the turtles open to fishing practices that they cannot withstand. This loophole should be closed at the earliest opportunity, and no later than the March 10-14 Pacific Fishery Management Council meetings in Sacramento.

Please do all that you can to ensure that West Coast-based longline fishers are subject to the same regulations as those in Hawaii, and please reply and let me know what actions you will take.

James Little
292 Avenida de la Vereda
Ojai, CA 93023
jimtinalittle@hotmail.com

As of February 21, 2003, 15 copies of this email were received.



Conserving Ocean Fish and Their Environment
☆ Celebrating 30 Years in 2003 ☆

March 4, 2003

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

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MAR 4 2003

Dear Dr. McIsaac:

PFMC

The National Coalition for Marine Conservation (NCMC) has been closely following the development of the Council's Highly Migratory Species (HMS) Fishery Management Plan. We are highly supportive of the Council's efforts to implement a plan to manage these species off the west coast.

It has come to our attention that NOAA Fisheries has identified a potential problem with the plan as finalized by the Council at its meeting last October, specifically regarding the measures pertaining to pelagic longline fishing outside the west coast Exclusive Economic Zone (EEZ). The NCMC strongly believes this matter can and should be resolved at the next Council meeting, thereby preventing any delay in submitting this plan to the Secretary of Commerce for approval.

NOAA Fisheries has indicated that, based on initial analysis of observer reports, there may be a high rate of interaction between pelagic longline gear and endangered sea turtles east of 150°W. The Council originally proposed making the management measures applicable to pelagic longline vessels fishing in this area consistent with measures imposed on vessels fishing out of Hawaii, yet the Council changed these requirements when finalizing the plan, against advice from the agency. Now that NOAA Fisheries has indicated it may not be able to approve that portion of the plan, the Council must decide whether to submit the plan as-is, with the potential of having a portion of it rejected by the Secretary, or whether to modify the plan to make it consistent with guidance from NOAA Fisheries.

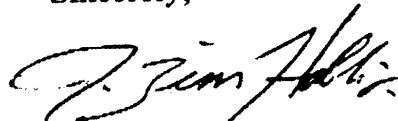
The NCMC's foremost recommendation is not to delay submission of the plan for Secretarial approval. If the choice is between submitting the plan as-is or beginning a lengthy, months-long process to deliberate how to modify the plan, we strongly urge the Council to choose the former. That being said, we see no reason why the Council must delay submission of the plan to modify it. The Council's original language, applying the

same restrictions placed on Hawaiian-based vessels to those fishing from the west coast, would presumably satisfy the concerns of NOAA Fisheries. The Council can confirm this with NOAA Fisheries before or during the Council meeting. Throughout the HMS FMP development process, NCMC and many other groups urged the Council to make these regulations consistent. This is not a new option and, in fact, the public and the advisory subpanel have already had a chance to view and comment on this very language.

The Council can easily satisfy both its desire to submit the plan for Secretarial approval in a timely manner and NOAA Fisheries' concerns with pelagic longline management measures outside the EEZ. At the upcoming meeting, we therefore urge the Council to adopt the original language pertaining to pelagic longline fishing outside the EEZ and direct the Plan Development Team to make the necessary changes and submit the entire plan for Secretarial review without delay.

Thank you for considering our recommendations.

Sincerely,



Tim Hobbs
Fisheries Project Director

cc: Svein Fougner, NOAA Fisheries



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

JAN 17 2003

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JAN 27 2003

PFMC

Dr. Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, Oregon 97220-1384

Dear *Don* Dr. McIsaac:

Thank you for your letter regarding proposed changes in our cooperative Pacific marine recreational fisheries survey program. I have reviewed your proposal, and I agree that we need to develop methods that are better suited for the Council's current in-season monitoring of annual recreational groundfish catches. Therefore, I generally support your proposal.

I agree with the proposed formation of a policy level Steering Committee to oversee the recreational fisheries data collection program, including the allocation of available state and federal funds to carry out the program. I agree that this Committee should consist of National Marine Fisheries Service (NOAA Fisheries), Pacific States Marine Fisheries Commission (PSMFC), Pacific Fishery Management Council, and state representatives, and I believe that the Committee should operate by consensus. I will appoint a NOAA Fisheries representative who has local knowledge of fisheries along the Pacific coast, as well as scientific knowledge and experience pertinent to survey design and data needs for scientific analyses. This person will have administrative responsibilities for the cooperative agreement between NOAA Fisheries and the revised recreational fisheries data collection program to facilitate translation of Steering Committee decisions into cooperative agreement funding arrangements. Also, I feel that the Steering Committee should make use of existing technical advisory groups, such as the RecFIN Committee and its Statistics Subcommittee. While I fully support the need to redesign the program to meet changing needs, such as those arising from the Pacific groundfish problem, I am sure you agree that care must be taken to assure that the redesigned program is scientifically sound.

In order to protect the integrity of the 23-year time series of recreational fisheries data, I believe it will be necessary to calibrate new methods for effort estimation with the current effort survey methodology. This will require an overlap period during which both methods are used. NOAA Fisheries will accept responsibility for conducting the effort survey using the current methodology. The temporary funding of \$270-\$300K required for this purpose will not be taken from the redesigned recreational fisheries data collection program (i.e., all of the funds that would have been allocated to support the program were it not to change, will be allocated to the Cooperative Agreement to support the redesigned program).

The redesigned program should meet both the short-term and long-term management needs of the state and federal partners, both regionally and nationally. The various state and federal

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



components will need to be designed and coordinated so that data can be combined to obtain complete annual, coast-wide estimates of effort and catch by species. The new program will also need to provide data and statistics to all state and federal users in a timely manner. I believe the new program should maintain a website from which state and federal users can download data with various degrees of temporal and geographic detail. I assume that the Steering Committee will consider these needs as it redesigns the program.

With regard to funding, the traditional Pacific coast share of the RecFIN line item is \$1.02M. In addition, NOAA Fisheries typically allocates \$270K for the Pacific portion of the MRFSS telephone survey, and, in FY 2002, the new party/charter boat survey cost an additional \$125K. In recognition of inflationary pressures, we planned to allocate about another \$300K (i.e., the FIS line item share for PSMFC) to the program in 2003, for a total annual cost for Pacific recreational fisheries data collection of about \$1.7M. This is the amount that you should anticipate (realizing that the Agency current fiscal year budget is still pending before Congress) being available from NOAA Fisheries to support our share of the cooperative program. I will consider providing additional funding in the future should the Agency budget situation allow it.

We look forward to working cooperatively with you to design and implement a revised data collection program by July of 2003. We appreciate the significant contributions that each of our state partners are making to help in this effort, and we look forward to significantly improving the quality of information available for effective management of our Pacific marine recreational fisheries.

Sincerely,

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

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



State of California - The Resources Agency

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
1416 Ninth Street
Sacramento, CA 95814
(916) 653-7667

GRAY DAVIS, Governor



February 14, 2003

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

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PFMC

Dear Dr. McIsaac: *Don*

I am writing to inform you of the names and addresses of my designees for meetings of the Pacific Fishery Management Council, effective immediately:

Ms. Patricia Wolf, Regional Manager, Marine Region, Department of Fish and Game, 4665 Lampson Drive, Suite C, Los Alamitos, California 90720; telephone (562) 342-7108.

Ms. Marija Vojkovich, Offshore Ecosystem Coordinator, Marine Region, Department of Fish and Game, 1933 Cliff Drive, Suite 9, Santa Barbara, California, 93109; telephone (805) 568-1246.

Mr. Eric Larson, Bays and Estuaries Ecosystem Coordinator, Marine Region, Department of Fish and Game, 350 Harbor Boulevard, Belmont, California, 94002; telephone (650) 631-6788.

Dr. Donald O. McIsaac
Page 2
February 14, 2003

These individuals are full-time Department employees that work in the area of marine fishery policy. Please contact Ms. Patricia Wolf for additional information.

Sincerely,

A handwritten signature in black ink, reading "Robert C. Hight". The signature is stylized with a large, looped "R" and a cursive "Hight".

ROBERT C. HIGHT
Director

cc: P. Wolf, Regional Manager Marine Region
Department of Fish and Game
Los Alamitos, California

M. Vojkovich, Offshore Ecosystem Coordinator
Department of Fish and Game
Santa Barbara, California

E. Larson, Bays & Estuaries Ecosystem Coordinator
Department of Fish and Game
Belmont, California

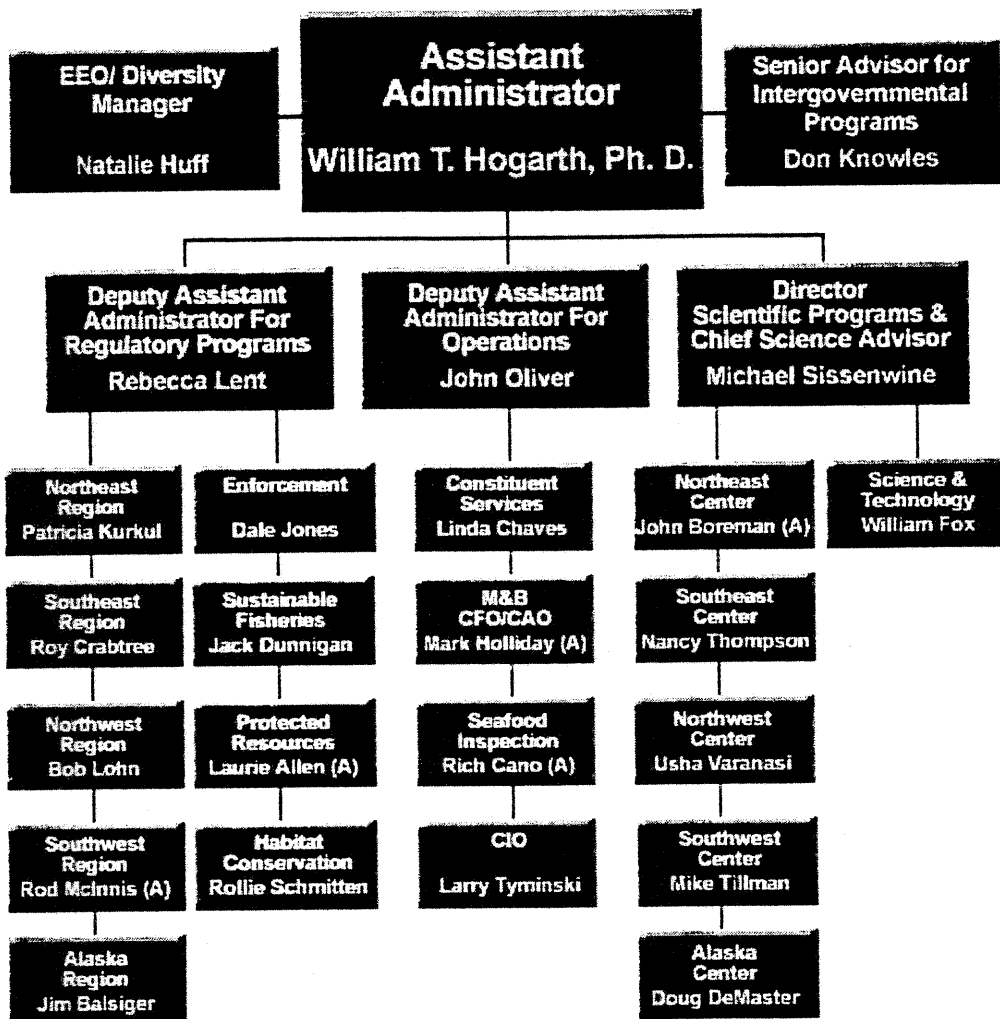
**NOAA Fisheries**

National Marine Fisheries Service



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NOAA Fisheries, 1315 East West Highway, SSMC3, Silver Spring, MD 20910