

## NMFS REPORT

National Marine Fisheries Service Southwest Region (NMFS SWR) has undertaken various activities related to the implementation of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS). As reported at the March 2005 Council meeting, implementing regulations, including reporting and recordkeeping requirements, but excepting vessel marking requirements, came into effect on or before April 11, 2005. Vessel marking requirements will be implemented by mid-2005. From April 19 to 29, 2005, NMFS SWR staff, with assistance from Mark Cedergreen, Michele Culver of Washington Department of Fish and Wildlife, and Jean McCrae of Oregon Department of Fish and Wildlife, organized a series of informational meetings at West Coast ports to inform fishermen about these requirements. Attachment 1 is a summary report of these meetings.

During the development of the HMS FMP, the Plan Development Team requested NMFS SWR develop an implementation plan for the HMS observer program. NMFS SWR hired a private contractor to develop the plan. Attachment 2 is their final report. Attachment 3 provides a brief report on Observer Program activities in FY2005.

One of the new requirements under the HMS FMP is for commercial HMS vessels to maintain logbooks. All fishery sectors, except for recreational charter vessels in Washington and Oregon, already maintain logbooks which NMFS SWR has determined meet this requirement. NMFS SWR requested assistance from the HMSAS and HMSMT in developing a logbook form for these fisheries. Attachment 4 is a draft version of the form developed with assistance from HMSMT members.

Installation of a vessel monitoring system (VMS) for HMS fisheries is another monitoring activity identified in the HMS FMP. Resolution C-04-06 adopted at the June 14-18, 2004, meeting of the Inter-American Tropical Tuna Commission (IATTC) states in part "Each Party with tuna-fishing vessels 24 meters or more in length operating in the eastern Pacific Ocean and harvesting species for which the Commission has established conservation and management measures shall, by January 1, 2005, or as soon as possible thereafter, establish a satellite-based vessel monitoring system (VMS); except that a Party that already has such a program in effect shall be deemed to have satisfied this requirement." Attachment 5 contains the full text of the resolution.

Attachment 6 summarizes the May 12, 2005, meeting of the General Advisory Committee (GAC) to the U.S. Section of the Inter-American Tropical Tuna Commission (IATTC) hosted by NMFS SWR in conjunction with the U.S. Department of State. Attachment 7 summarizes the April 26-27, 2005, U.S.-Canada annual albacore treaty meeting where participants discussed the conduct of the 2004 season and future management of the resource.

NMFS has been hearing from participants of the drift gillnet (DGN) fishery requesting a reevaluation of the time/area closure, extending from approximately Point Sur, California, to the mid-Oregon coast from August 15 to November 15. In addition, the Council received two letters from the Federation of Independent Seafood Harvesters (FISH) (see Agenda Item E.1.d, Public Comment) requesting the HMSMT to reevaluate this closure. The second of these letters, dated May 11, contains specific proposals for eliminating or modifying the extent of this closure. The

HMSMT discussed these proposals at their May 12-13 meeting and is prepared to provide a preliminary report to the Council on this matter (see Agenda Item E.1.c, HMSMT Report). (Agenda Item E.3.a, Attachment 1 is the meeting summary from the May 12-13 HMSMT meeting, which included discussion of this topic.)

Under Agenda Item E.1.b the NMFS Southwest Fisheries Science Center will provide an oral report on recent HMS stock assessments conducted by scientists with the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean and the IATTC.

**Council Task: Council Discussion**

**Reference Materials:**

1. Agenda Item E.1.a, Attachment 1: Report of the HMS FMP Pacific Northwest Informational Meetings.
2. Agenda Item E.1.a, Attachment 2: Recommendations for U.S. West Coast Highly Migratory Species Observer Programs with Options for Levels of Significance, Final Report.
3. Agenda Item E.1.a, Attachment 3: NMFS SWR Observer Program Report, FY2005.
4. Agenda Item E.1.a, Attachment 4: Washington - Oregon Charter Boat Logbook For HMS Fisheries (Albacore Tuna).
5. Agenda Item E.1.a, Attachment 5: Resolution C-04-06, Resolution on the Establishment of a Vessel Monitoring System (VMS).
6. Agenda Item E.1.a, Attachment 6: Report of the Fourth General Advisory Committee (GAC) to the U.S. Section of the Inter-American Tropical Tuna Commission (IATTC).
7. Agenda Item E.1.a, Attachment 7: Summary of April 26-27, 2005, U.S.-Canada Albacore Treaty Meeting.
8. Agenda Item E.1.c, HMSMT Report.
9. Agenda Item E.1.d, Public Comment.

**Agenda Order:**

- a. Regulatory Activities
- b. Science Center Activities
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion

Mark Helvey  
Gary Sakagawa

PFMC  
05/25/05

DRAFT INTER-AMERICAN TROPICAL TUNA COMMISSION  
RESOLUTION ON ALBACORE TUNA

The National Marine Fisheries Service (NMFS) and the Department of State jointly developed a resolution to be presented by the U.S. delegation to the June 20-24, 2005, Inter-American Tropical Tuna Commission Resolution (IATTC) meeting addressing concern over high levels of fishing effort directed at albacore tuna. The resolution calls upon Contracting Parties, cooperating non-Parties, fishing entities and regional economic integration organizations to take action so that the level of fishing effort by vessels targeting North Pacific albacore in waters under their jurisdiction or operating under their jurisdiction on the high seas is not increased. Attachment 1 provides the full text of the resolution.

At their April 21, 2005, meeting the Highly Migratory Species Advisory Subpanel (HMSAS) discussed this resolution and formulated several recommendations to be included in a fast-track letter from the Council to Mr. Rod McInnis describing Council concerns related to this matter. Pages 8-9 in Attachment 2 summarizes HMSAS discussion on the resolution. The fast-track letter was forwarded to Mr. McInnis on May 10 in order that it could be considered at the fourth meeting of the General Advisory Committee to the U.S. Section of the IATTC (see Attachment 3), held on May 12 in Long Beach, California.

As reflected by the potential effects of this resolution, the Council has increasing interest in decisions taken at the level of regional fishery management organizations (RFMOs) such as the IATTC. In this regard, and in response from a request by the Council at their April 2005 meeting, a letter was sent to Mr. Stetson Tinkham, the Department of State representative on the Council, asking for increased participation in Council activities. Attachment 4 reproduces the letter.

**Council Task: Council Discussion.**

**Reference Materials:**

1. Agenda Item E.2.a, Attachment 1: Draft Inter-American Tropical Tuna Commission Resolution on Albacore Tuna.
2. Agenda Item E.2.a, Attachment 2: Meeting Summary of the April 21, 2005, HMS Advisory Subpanel Meeting.
3. Agenda Item E.2.a, Attachment 3: Letter from Donald Hansen to Rodney McInnis discussing HMS matters of interest to the Council.
4. Agenda Item E.2.a, Attachment 4: Letter from Donald Hansen to Stetson Tinkham requesting increased Department of State participation at Council meeting with respect to HMS matters.

Agenda Order:

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

Kit Dahl

PFMC

05/25/05

STATUS OF FISHERIES AND PRELIMINARY STOCK ASSESSMENT AND FISHERY  
EVALUATION (SAFE) REPORT

According to the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) the schedule for producing an annual SAFE report is to submit a draft version to the Council at the June meeting, receive guidance, and then produce a final version to be available at the September Council meeting (see Attachment 1.) Because of the hiatus in HMS funding in 2004, the Highly Migratory Species Management Team (HMSMT) was unable to begin work on the SAFE until their meeting on May 12-13, 2005. (See pages 4-6 in Attachment 2.) For this reason, the HMSMT was unable to assemble a draft report in time for the June Council meeting. Instead they developed an outline of the report for Council review at this meeting (see Attachment 3). Based on Council recommendations, the team will prepare a completed SAFE to be available at the September Council meeting.

**Council Task: Council Discussion and Guidance.**

Reference Materials:

1. Agenda Item E.3.a Attachment 1: Excerpt of Section 3.4 of the HMS FMP, Stock Assessment and Fishery Evaluation Report.
2. Agenda Item E.3.a, Attachment 2: Summary of the May 12-13, 2005, Highly Migratory Species Management Team Meeting.
3. Agenda Item E.3, Attachment 3: SAFE Outline.

Agenda Order:

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

Kit Dahl

PFMC  
05/27/05

## RESPONSE TO OVERFISHING OF BIGEYE TUNA

At the March 2005 meeting the Council was briefed on the declaration by National Marine Fisheries Service (NMFS) that bigeye tuna, a species within the management unit of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS), was experiencing overfishing. According to the notification, the Council must take action to address overfishing by June 14, 2005. NMFS informed the Council they were developing a proposed response strategy, which they would present to the Council for their consideration. Agenda Item E.4.a, Attachment 1 is a letter from NMFS Southwest Regional Administrator, Rod McInnis, to Council Chair, Don Hansen, with the *Strategy to end overfishing of bigeye tuna in the Pacific Ocean* attached. As noted in the cover letter, this strategy paper has also been sent to the Western Pacific Fishery Management Council (WPFMC) for their consideration.

Section 3 of the NMFS response strategy describes the Council role. It proposes the incorporation of “foundation” elements, similar to the Atlantic HMS FMP, into the West Coast HMS FMP, which would then form one of the principal bases for the formulation of the U.S. position with respect to regional fishery management organizations (RFMOs) on rebuilding overfished stocks. The document also states that the two Councils would have an important role in developing proposals for consideration by RFMOs. Councils would participate in the U.S. delegation to RFMO meetings and be members of the advisory bodies to the U.S. sections of the RFMOs.

Attachment 2 reproduces the current language in the HMS FMP relating to how the Council would respond if a stock, such as bigeye tuna, for which West Coast fisheries represent a small fraction of total fishing mortality over the full range of the species, were declared overfished. According to this section of the FMP, the Council response would be to provide analysis and documentation to NMFS and the Department of State supporting a recommendation to the appropriate RFMO, or other appropriate international body, to end overfishing and, as necessary, rebuild the stock.

The WPFMC independently prepared a background paper outlining their response strategy to bigeye tuna overfishing for consideration under final action at their May 30–June 30, 2005, meeting. Attachment 3 excerpts the management measure and process options the WPFMC considered at the meeting. It includes specific recommendations for the management of Pacific bigeye tuna at both the domestic and international level. In Section 4.2 it details a process for communication of advice from the WPFMC to RFMOs and related procedures internal to their Council process. It also highlights Council participation on U.S. delegations to RFMOs, additionally stressing participation in all pre- and post-meetings and negotiations. If the WPFMC determines action is needed, or receives notice from NMFS or a RFMO, the information and issues would be reviewed by their advisory bodies, and WPFMC would formulate recommendations to communicate to NMFS and the Department of State. Any appropriate action relative to domestic fisheries managed under their FMP could be implemented through typical Council-NMFS processes. In this respect the WPFMC background paper contains more specific procedures than does the NMFS strategy paper.

At this meeting, the Council should consider the type of action appropriate in order to address the formal notification from NMFS identifying the June 14, 2005 deadline. As a first step, it would be necessary to consider whether the current discussion in Section 8.2 of the HMS FMP is sufficient to authorize the types of activities outlined in the NMFS strategy or whether, like the WPFMC, the Council should begin developing more detailed procedures, which could be incorporated into the HMS FMP by amendment. Second, the Council may wish to develop specific recommendations for ending overfishing on bigeye tuna.

Whatever action the Council proposes, it must act expeditiously to address the overfishing, as June 14, 2005 represents the end of the time period for Council action, identified in the Magnuson-Stevens Act at §304(e)(3), because overfishing on bigeye tuna was included in the report transmitted to Congress on June 15, 2004.

**Council Action: Determine Necessary Response, Including Consideration of a Fishery Management Plan (FMP) Amendment or Regulations.**

Reference Materials:

1. Agenda Item E.4.a, Attachment 1: Letter from Rod McInnis to Don Hansen and *Strategy to end overfishing of bigeye tuna in the Pacific Ocean* document.
2. Agenda Item E.4.a, Attachment 2: HMS FMP Section 8.2, Unilateral Management.
3. Agenda Item E.4.a, Attachment 3: Excerpt From Background Paper for Amendment 14 to the Pelagic Fishery Management Plan to Address Overfishing of Bigeye in the Pacific Ocean, Prepared by the WPFMC.

Agenda Order:

- a. Agenda Item Overview
  - b. Reports and Comments of Advisory Bodies
  - c. Public Comment
  - d. **Council Action:** Determine Necessary Response, Including Consideration of a Fishery Management Plan (FMP) Amendment or Regulations
- Kit Dahl

PFCM  
05/27/05

### EXEMPTED FISHING PERMITS (EFP)

The Council has received an EFP application from Mr. Pete Dupuy (see Attachment 1). The stated purposes of the proposed EFP are (1) to demonstrate on a small scale, using one vessel, that shallow-set longlining east of 140° W longitude can be prosecuted without jeopardizing protected resources and (2) using longline gear within a prescribed area of the West Coast Exclusive Economic Zone is an economically viable substitute for drift gillnet gear with lower bycatch, bycatch mortality, and protected species interactions. Subsequent to his initial submission, Mr. Dupuy submitted changes to the EFP proposal (see Attachment 2) based on discussion at the May 12-13, 2005, Highly Migratory Species Management Team (HMSMT) meeting. (See pages 8-10 in Agenda Item E.3.a, Attachment 1 for a summary of the HMSMT's discussion of this EFP.) The Highly Migratory Species Advisory Subpanel (HMSAS) also discussed an earlier version of the EFP proposal at their April 21, 2005, meeting (see Agenda Item E.2.a, Attachment 2, the meeting summary).

Section 6.12\* of the Summary of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) discusses EFPs, summarizing federal requirements and additional requirements specific the FMP (see Attachment 3). The FMP states that the HMSMT will develop a protocol for submission and Council review of EFPs, which will be adopted as a Council Operating Procedure (COP). The HMSMT will provide a draft protocol as part of their report on this agenda item. However, the team does not recommend that the timeline in the draft protocol apply to the current EFP proposal since it would unnecessarily hinder consideration by the Council and possible prosecution of the EFP by the applicant, if approved by National Marine Fisheries Service (NMFS). According to the EFP application, fishing would occur from September to April; for the EFP to begin this year the Council would need to finalize their recommendation to NMFS at this meeting.

The Council also may wish to provide guidance on the draft protocol. In terms of adopting this as a COP, this would need to occur as part of a future administrative agenda item dedicated to modification of the COPs.

#### **Council Task:**

#### **Review and Make Recommendations on EFPs.**

#### **Reference Materials:**

1. Agenda Item E.5.a, Attachment 1: Exempted Fishing Permit Application From Pete Dupuy, Including Cover Letter.
2. Agenda Item E.5.a, Attachment 2: Letter from Mr. Pete Dupuy with changes to the EFP Application.
3. Agenda Item E.5.a, Attachment 3: Excerpt from the Summary of HMS FMP Section 6.12, Exempted Fishing.
4. Agenda Item E.5.c, Public Comment: Email From Mr. Rick Whipple.

---

\* Section 8.4.12 in the August 2003 combined FMP-Final Environmental Impact Statement.



Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Review and Make Recommendations on EFPs

Kit Dahl

PFMC

05/25/05

## MANAGEMENT REGIME FOR HIGH SEAS LONGLINE FISHERY

Currently there are few vessels actively targeting highly migratory species (HMS) from West Coast ports. Historically, a large proportion of West Coast longline effort represented boats targeting swordfish using a shallow-set strategy (where the floating longline gear is set so that its deepest point is 100 meters or less below the sea surface) that seasonally shifted deliveries from Hawaii to the West Coast, based on the distance of these ports from the fishing grounds. This pattern changed in 2000 when a court order imposed a large closed area and other measures on the Hawaii-based fleet because of sea turtle interactions. In response, many of the Hawaii-based boats deregistered from their Pelagics limit entry permits and relocated to the West Coast. In 2004 a new management regime was implemented for the Hawaii fleet, eliminating the closed area, while regulations pursuant to the implementation of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for prohibited shallow-set longlining by vessels registered to an HMS FMP permit. In response, vessels eligible to reregister on their Pelagics limited entry permit returned to Hawaii.

Although the currently-active longline fleet targeting swordfish is operating solely out of Hawaii, there is continuing interest on the part of these vessel operators to make deliveries to West Coast ports and even make trips originating and returning to West Coast ports. The regulations governing fishing under the HMS FMP (50 CFR part 660, Subpart K) require these vessels to obtain an HMS FMP permit to land HMS species into West Coast ports. Holding dual permits, they could land fish at West Coast ports based on the regulations in Subpart K and target swordfish based on the regulations in part 660, Subpart C (governing fishing under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region). Fishing restrictions applicable to the Hawaii fleet intended to avoid the likelihood of jeopardy to sea turtles, especially leatherbacks and loggerheads, when targeting swordfish are described at 50 CFR 660.33. These regulations require the use of circle hooks and mackerel-type bait, limit overall shallow-set fishing effort to 2,120 sets, and require the fishery to close if an annual limit of 16 leatherback interactions or 17 loggerhead interactions is reached. The effort limit is achieved through the annual, equal distribution of “set certificates” to Pelagics permit holders requesting them. The set limit (2,120) is roughly equivalent to one half the historic number of shallow sets per year. These limited number of certificates are tradable, so a vessel can accumulate enough certificates for a viable fishing opportunity.

The Council last took up these issues at their September 2004 meeting. At the time the Council was considering a limited entry program for high seas longline, which would be developed in concert with measures to restructure the drift gillnet (DGN) fishery. DGN fishers have expressed an interest in switching to and from their gear and longline, depending on economic and regulatory conditions.

In considering a management regime that would allow a West Coast high seas longline fishery—which, in order to be viable, must have a shallow-set component—the Council faces four issues.

First, considering the current regulatory structure applying to the Hawaii fleet, described above—which apparently allows Pelagics permit holders to operate out of West Coast ports targeting swordfish—the Council may wish to consider whether to proceed with measures to establish a separate fishing opportunity under the HMS FMP. A letter from the Federation of

Independent Seafood Harvesters (Agenda Item E.6.c, Public Comment) recommends working with the Western Pacific Fishery Management Council (WPFMC) to facilitate fishing by West Coast vessels under the current arrangement rather than establishing a separate opportunity. If the Council follows this course of action, the take and fishing effort limits established for the Hawaii fishery would come into play. Since the West Coast fishery begins in the fall, there is a risk that the take limits could be reached, causing the fishery to close, before the West Coast fishery could begin. Therefore, at a minimum the Council should consider working with the WPFMC to devise measures, such as subdividing the incidental take limit into seasonal components, to lessen the risk of a fishery closure before the West Coast season begins.

Second, if the Council decides to proceed with a separate West Coast opportunity, the take of Endangered Species Act listed sea turtles in multiple fisheries (Hawaii longline, West Coast longline, DGN, etc.) comes into play. Establishing a regulatory regime similar to Hawaii's for a separate West Coast longline fishery could be a viable regulatory approach, but would require identifying the incidental take limit for this fishery. The current HMS FMP Biological Opinion allocates all sea turtle take to the DGN fishery. Presumably, new management measures, and an associated Biological Opinion, would need to consider how take might be shared or partitioned between these two fisheries. Given the interrelationships between the Hawaii and West Coast longline fisheries, an even broader view of take, and how it may be "shared," would encompass the Hawaii fishery. Considering all three fisheries together in one incidental take statement and associated regulatory structure would allow the benefits of reductions in take to accrue to all three fisheries in terms of fishing opportunity.

Third, the Council should consider the relationship between a limited entry program and any incidental take authorized for permit holders. Given that the current Biological Opinion for the HMS FMP authorizes incidental take only for DGN fisheries, a limited entry program encompassing both DGN and longline gear could involve a regulatory structure where incidental take is attributable to both gear types, subject to the type of regulatory limit established for the Hawaii fishery. Limited entry would also facilitate a regulatory structure using set certificates, similar to the Hawaii fishery.

Fourth, the Council should consider and provide advice to the HMSMT and HMSAS on the range of actions to be considered and the schedule for taking such action. The HMSMT proposes a schedule for developing the decision documents (see Agenda Item E.6.c, HMSMT Report). This may require the HMSMT, and possibly the HMSAS, holding meetings separate from Council meetings. The Council may wish to consider tasking and timing, recognizing current budget constraints.

**Council Action: Identify and Plan Appropriate FMP Amendment or Regulatory Actions to Resolve Management Issues.**

**Reference Materials:**

1. Agenda Item E.6.b, HMSMT Report.
2. Agenda Item E.6.c, Public Comment

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Identify and Plan Appropriate FMP Amendment or Regulatory Actions to Resolve Management Issues

Kit Dahl

PFMC

05/26/05

## HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM (HMSMT) REPORT ON MANAGEMENT REGIME FOR HIGH SEAS LONGLINE FISHERY

The Highly Migratory Species Management Team (HMSMT) had a brief discussion about the high seas longline fishery at our May 12-13, meeting. To provide some background, in June 2003, the Council had provided guidance to the HMSMT to begin the plan amendment process to develop a limited entry program for the high seas pelagic longline fishery. The HMSMT last met in June 2004 and had developed some alternatives for Council consideration (primarily short-term management measure alternatives to provide shallow set longline fishing opportunity on the high seas); the proposed schedule at that time was:

Before Sept	Develop and analyze alternatives
Sept 2004	HMSAS meeting to review and comment on alternatives
Nov 2004	Council consider approving alternatives (for high seas shallow set longline) for public review
Mar 2005	Final Council action (for high seas shallow set longline) and setting of control date for high seas longline fishery limited entry
Oct 2005	Effective date of final rule (for high seas shallow set longline)
Nov 2005	HMSMT begin development of long-term plan amendment for limited entry program (Target: April 2007)

As you know, this effort, as well as other HMS management initiatives, was placed on hold due to lack of funding. The HMSMT recommends that this effort continue under a slightly more aggressive schedule:

Nov 2005	Council consider approving alternatives for public review (for high seas shallow set longline) and set control date (for limited entry program)
Mar 2006	Final Council action (for high seas shallow set longline)
Sept 2006	Effective date of final rule (for high seas shallow set longline)
Oct 2006	HMSMT begin development of long-term plan amendment for limited entry program (Target: Apr 2008)

The HMSMT would develop the alternatives for the pelagic longline fishery in conjunction with consideration of estimated protected species interactions on a cumulative basis for all HMS fisheries. This would include the drift gillnet fishery, any exempted fisheries, and the pelagic longline fishery. Regulatory coordination with Hawaii regarding the shallow set longline fishery would also occur.

### **HMSMT Recommendations:**

1. Direct HMSMT to continue effort to develop management measures for the high seas longline fishery.
2. Approve proposed timeline and schedule.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON  
MANAGEMENT REGIME FOR HIGH SEAS LONGLINE FISHERY

The Highly Migratory Species Advisory Subpanel (HMSAS) recommends:

- The Council should pursue an avenue of reopening the West Coast longline fishery outside of 200 nm and east of 140° longitude, with new regulations to address protected species.
- Because the biological opinion was based on the longline fishery east of 140° west because of new gear and bait techniques to avoid turtles, the HMSAS requests the Council ask that a new turtle Biological Opinion be conducted, and a directed swordfish high seas longline fishery between 140° west and the West Coast Exclusive Economic Zone (EEZ) be opened based on the results of the new Biological Opinion. Also, the Council should let vessels with gear and a history of landing swordfish in past fisheries be allowed to participate. The proposed fishery should be based on a range of 1,500, 2,250, and 3,000 sets.
- The Council should pursue emergency action to reopen the West Coast fishery to provide economic relief

A minority of the HMSAS opposes expansion of the longline fishery on the grounds that:

- The exempted fishing permit (EFP) does not address reductions of finfish bycatch, which is the Council's highest priority for EFPs in the fishery management plan.
- Bigeye are overfished, the U.S. is under a 150 mt cap, and the Inter-American Tropical Tuna Commission (IATTC) science staff recommends a significant (40%) reduction in eastern Pacific Ocean (EPO) fishing mortality
- Yellowfin tuna are on the verge of an overfished condition, with an IATTC assessment working group recommending purse seine closures of up to six months per year
- The latest assessment results for albacore strongly indicate overfishing, and the U.S. delegation will recommend a cap on all EPO albacore effort.

Therefore, there is no need to promote new and likely unsustainable fisheries.

PFMC  
06/14/05

June 2005

**Subject:** [Fwd: Close the loophole favoring California longliners]  
**From:** "PFMC Comments"  
**Date:** Mon, 02 May 2005 15:34:34 -0700  
**To:** Kit.Dahl@noaa.gov

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

**Subject:** Close the loophole favoring California longliners

**Date:** Sun, 01 May 2005 14:12:06 -0800

**From:** [sunny28sky@aol.com](mailto:sunny28sky@aol.com)

**To:** [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov), [dcassidy@dfg.ca.gov](mailto:dcassidy@dfg.ca.gov)

**CC:** [kitty.simonds@noaa.gov](mailto:kitty.simonds@noaa.gov), [read@seaturtles.org](mailto:read@seaturtles.org)

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. Erin Gannon  
The Ohio State College of Veterinary Medicine  
2565 Riverside Drive 4M  
Columbus, OH 43221 [sunny28sky@aol.com](mailto:sunny28sky@aol.com)

Pacific Fishery Management Council

# ***Federation of Independent Seafood Harvesters***

PO Box 352  
Bridgewater Corners, VT 05035

**FISH** RECEIVED  
APR 11 2005

**DIRECTORS:**

Tony West  
(310) 832-8143  
FAX (310) 514-2193

Pete Dupuy  
(818) 343-9927  
FAX (818) 881-5003

Donald Krebs  
(858) 279-2777

**MANAGER:**

Chuck Janisse  
(802) 672-3412  
FAX (802) 672-1163

PFMC

---

April 2, 2005

Don Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220-1384

Dear Don,

The Federation of Independent Seafood Harvesters (FISH) takes this opportunity to once again provide its views regarding HMS topics the Pacific Fishery Management Council (PFMC) is scheduled to consider.

In a letter to the PFMC dated March 8, 2005 (attached), we pointed out that the so-called West Coast-based longline fishery is a Western Pacific Fishery Management Council (WPFMC) managed fishery, and voiced our view that the PFMC's regulation of this fishery should be confined to working with the WPFMC to ensure that WPFMC management measures continue to apply to their permitted vessels when their fishing is based from West Coast ports.

Besides the fact that the West Coast-based longline fishery is already managed by the WPFMC, the Magnuson-Stevens Act (M-SA) limits fishery management jurisdiction to within the U.S. EEZ.<sup>1</sup> This fact was explained to the HMS Plan Development Team, and noted in the Meeting Summary of the July 17-20 2000 work session. At that meeting, NOAA attorney Elizabeth Mitchell explained that the M-SA does not provide authority to manage a fishery that exists only outside the EEZ. Since the PFMC HMS FMP expressly prohibits longline fishing within the West Coast EEZ, any

---

<sup>1</sup> This is particularly troubling when attempting to manage HMS under the M-SA because management unit species are geographically limited by the M-SA to those species existing within the EEZ.

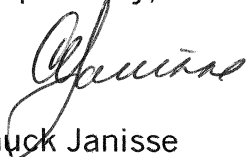


efforts by the PFMC to regulate this fishery on the high seas would be ill conceived.

This is not to say that the PFMC has no authority to regulate this fishery, it merely points out the PFMC's limitations in this regard. For example, if the PFMC established a limited entry longline permit for this high seas fishery, it would have no authority under the M-SA to enforce any limitation of longline fishing on the high seas. The PFMC would have authority, however, to restrict the possession of management unit, or prohibited species aboard non-permitted longline vessels within the EEZ, or prohibit landing of management unit species in West Coast ports. Given this limitation, FISH is of the view that it makes no sense for the PFMC to establish a limited entry longline permit that would in effect be little more than a landing permit for 20 or so vessels regulated by the WPFMC. Why limit the number of WPFMC longline vessels that can land in West Coast ports when, without limitation, that number is unlikely to change anyway? Any PFMC HMS FMP benefits derived by regulating West Coast longline landings may be entirely realized through the PFMC HMS permit alone. However, should the PFMC decide to lift the prohibition against longline fishing within the West Coast EEZ, it may be entirely appropriate at that time to consider the implementation of limited entry for such a longline fishery.

In our letter to the PFMC dated March 23 2005 (attached) we expressed our view that bigeye tuna quota for the Eastern Pacific Ocean U.S. longline fishery should be adjusted upward to account for reduced longline production in 2001 because of U.S. longline fishery prohibitions to protect sea turtles. We urge the PFMC to request the National Marine Fisheries Service, the U.S. State Department, and the U.S. Commissioners to the Inter-American Tropical Tuna Commission (IATTC) to take this issue before the IATTC at their upcoming June 2005 meeting.

Respectfully,



Chuck Janisse

cc: Rod McInnis, NMFS  
Kitty Simonds, WPFMC  
Bill Gibbons-Fly, State Dept.  
Dale Squires, HMSMT  
Bob Fletcher, HMSAP

# ***Federation of Independent Seafood Harvesters***

PO Box 352  
Bridgewater Corners, VT 05035

## **DIRECTORS:**

Tony West  
(310) 832-8143  
FAX (310) 514-2193

Pete Dupuy  
(818) 343-9927  
FAX (818) 881-5003

Donald Krebs  
(858) 279-2777

## **MANAGER:**

Chuck Janisse  
(802) 672-3412  
FAX (802) 672-1163

---

March 8, 2005

Don Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220-1384

Dear Don,

The Federation of Independent Seafood Harvesters (FISH) is a non-profit association of West Coast pelagic fishermen utilizing drift gillnet and/or longline gears. FISH is a long-time participant in international and domestic pelagic fishery management forums, and advocates for sound, science-based fishery management policy and practice.

The request for Council guidance concerning bigeye tuna overfishing in the HMS FMP high-seas longline fishery leads us to suggest delaying the issuance of HMS FMP longline permits pending reconsideration of including this fishery under the HMS FMP. A new fishery now in the process of being developed, more relevant to the West Coast and consistent with what the HMS Management Team previously recommended, is different from the West Coast-based longline fishery described in the HMS FMP.

The high-seas fishery is accurately described as about 20 Hawaii-based and permitted longline fishermen that typically target swordfish in a large area of the Pacific. This fishery was developed and conducted in the west Pacific and came to be associated with the West Coast as a matter of temporary convenience, including when it became illegal for these vessels to fish under their WPFMC longline permits. The new fishery is being developed by a single West Coast-based fisherman targeting a combination of swordfish and tuna in the area east of 140° west longitude.

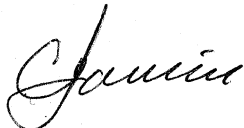
The Council's previous discussions relating to the issuance of high-seas longline permits, does not differentiate between these two fisheries because the HMS FMP description was written four years ago during the period when it was illegal for WPFMC permitted longline vessels to fish out of Hawaii, and the new fishery is still in the development process. However, if longline permits are issued to the 20 or so WPFMC

permitted vessels currently considered to be West Coast-based vessels, there are probable outcomes the Council may not have previously considered.

One such outcome is that issuing an HMS FMP longline permit to a Hawaii-based and permitted longline fisherman gives that fisherman two permits for a single fishery. This additional permit is unneeded, and will likely be sold, or applied to a second vessel, leading to the entry of additional vessels into this fishery—an undesirable result at this time. Another outcome, should U.S. bigeye tuna quota be apportioned between the two Councils, is that a fisherman holding two permits will be awarded extra quota share—an inequitable situation, and also an undesirable result.

In addition to delaying issuance of HMS FMP high-seas longline permits we also suggest leaving management of the West Coast-based contingent of the Hawaii-based longline fishery to the Western Pacific Fishery Management Council. Working with the WPFMC to insure that that Council retains management authority over its permitted vessels operating out of West Coast ports eliminates the prior situation where Hawaii-based vessels avoided WPFMC management authority by originating their trips from West Coast ports, and thereby ensures consistent and complete management of this fishery. This preserves the status quo for the Hawaii-based longline fishery without creating a management vacuum, or other regulatory consistency problems as previously existed, and allows the Council to evaluate and consider adopting a longline fishery more relative to its management area and consistent with what the Council's HMS Management Team previously recommended.

Respectfully,

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

Chuck Janisse, Manager

Pete Dupuy, Director

# *Federation of Independent Seafood Harvesters*

PO Box 352  
Bridgewater Corners, VT 05035

## **DIRECTORS:**

Tony West  
(310) 832-8143  
FAX (310) 514-2193

Pete Dupuy  
(818) 343-9927  
FAX (818) 881-5003

Donald Krebs  
(858) 279-2777

## **MANAGER:**

Chuck Janisse  
(802) 672-3412  
FAX (802) 672-1163

---

March 23, 2005

Don Hansen, Chairman  
Pacific Regional Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220-1384

Dear Don,

The Federation of Independent Seafood Harvesters (FISH) is a non-profit association of West Coast HMS fishermen utilizing harpoon, drift gillnet, and/or longline gears. FISH is a long-time participant in domestic and international HMS fishery management forums, and advocates for sound, science-based fishery management policy and practice.

Regarding international HMS management, in response to studies showing that stocks of bigeye tuna in the eastern Pacific Ocean (EPO) were below a level that would produce average maximum sustainable yield, the Inter-American Tropical Tuna Commission (IATTC) passed resolution C-04-09 at their June 2004 meeting calling for member countries with large-scale tuna longline vessels<sup>1</sup> in the EPO not to exceed 2001 catch levels of bigeye tuna for 2004, 2005, and 2006. Accordingly, under authority of the Pacific Tuna Convention Act, NMFS enacted a rule to close the U.S. longline fishery in the EPO in 2004 when bigeye catches reach the 2001 level of 150 metric tons.<sup>2</sup> It is noteworthy that U.S. longline fishing was largely prohibited in 2001 to reduce sea turtle takes while the longline fleet of Japan continued fishing (and taking sea turtles) and got a 34,076mt bigeye quota; Korea got 12,576mt; Taiwan got 7,953mt; and China got 2,369mt.

---

<sup>1</sup> The May 2004 meeting of the IATTC Working Group on Stock Assessments notes that longline vessels longer than 24 meters (78.74 ft.) in length, with freezing capability have been recently referred to as large-scale tuna longline vessels. It is also noted that the topic of "optimal" longline capacity has not been formally approached.

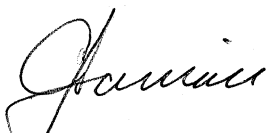
<sup>2</sup> This rule failed to exempt longline vessels less than 78.74 ft. in length, as specified in the IATTC's resolution.

FISH believes that there are more effective and equitable methods to conserve bigeye tuna than quotas based on vessel size limits. Bigeye mortality is proportional to fishing effort which is not effectively addressed by vessel size limits. FISH also believes that bigeye catch reduction is more effectively and equitably addressed by working from a TAC target rather than any one-year's catch total. Finally, FISH believes that quotas for U.S. longline fishermen should be adjusted upward to reflect required reduction in longline effort to reduce sea turtle takes.<sup>3</sup>

The IATTC meets again in June 2005. We urge the Council to provide the NMFS, the U.S. State Department, and U.S. IATTC Commissioners with its views regarding these matters.

Regarding domestic HMS management, the NMFS notified the Council that overfishing on bigeye tuna is occurring, and that the Magnuson-Stevens Fishery Management Act (M-SFMA) requires a Council responsible for preparing fishery management plans for federal waters to take appropriate action to address this overfishing. FISH, representing harpoon, and drift net fishermen operating within federal waters, is not aware of any bigeye catch in either of these fisheries. Therefore, although FISH encourages the Council to participate in international efforts to address the status of bigeye stocks in the EPO, the Council's responsibility to address bigeye overfishing under the M-SFA is satisfied.<sup>4</sup>

Respectfully,



Chuck Janisse

cc: Rod McInnis, NMFS  
William Gibbons-Fly, U.S. State Dept.  
Kitty Simonds, WPRFMC

---

<sup>3</sup> In recognition of the possible adverse effects of tuna fishing on the populations of sea turtles in the EPO, the IATTC passed resolution C-04-07 in June 2004 calling for a three-year program to mitigate the impact of tuna fishing on sea turtles.

<sup>4</sup> See March, 2005 press release from Western Pacific Regional Fishery Management Council regarding overfishing of bigeye tuna.



# Western Fish Company, Inc.

740 South Seaside Avenue,  
Terminal Island, CA 90731

Tel. No. (310) 519-0254 Fax No. (310) 519-3707

June 3, 2005

(REVISED COPY)

RECEIVED

Attention: DONALD K. HANSEN  
Chairman

JUN - 3 2005

Re : PUBLIC COMMENT

PFMC

I am writing this letter on behalf of the West Coast Long liners. It is evident the use of circle hooks mackerel bait has had a very positive effect on the turtle takes in the Hawaii and East Coast long line fisheries.

For this reason, I think our state fisheries should be allowed to proceed immediately, using the same technologies applied in Hawaii and East Coast, with 100% observer coverage.

The fleet is under tremendous financial pressure, now that we can finally say that there is some sort of fishing technique which is effective in reducing turtle takes. Let's use common sense and let our west coast fishermen earn a living. They have suffered enough during this whole process.

I recommend an emergency opening initiating in August 2005. This would allow the fishermen an opportunity to get back on track with their lines and their finances. There is no need for set vouchers because we are only dealing with 20 boats.

LILLO AUGELLO  
President  
Western Fish Co.

Arthur de Wit  
520-103 Stoneham Ct.  
Long Beach, Ca 90805

RECEIVED

JUN - 7 2005

Pacific Fisheries Management Council

PFMC

Dear Council Member:

It is my sincere hope that the establishment of a limited entry program for the West Coast high seas longline fishery does not include permittance of these vessels to fish within the 200 mile EEZ.

I was a commercial harpoon fisherman between 1982 and 1990. I witnessed firsthand the demise of the Southern California harpoon industry while the Drift Gillnet fishery flourished. Of course, the Drift Gillnetters fished themselves right out of the Southern California Bight (the area between Pt. Conception and the Mexican border) and were forced to venture further north and offshore to remain productive. Meanwhile the harpoon swordfish fishery within the Bight became virtually non-existent throughout the 1990's. Not only did the harpoon industry suffer, the recreational opportunities for marlin, shark, albacore and other pelagic species declined to almost non-existent status during those years. Only recently we have seen a glimmer of a comeback. In the past 3 years, the handful of harpoon fisherman that are left have seen a small improvement in their fishery. The past 5-6 years have seen an annual arrival of albacore in our waters that were completely missing for nearly 10 years prior. We have seen a significant increase in the numbers of juvenile mako sharks. This area is considered a nursery for this species. Just the past two years we have seen a small return of thresher sharks, which have been conspicuously absent in significant numbers from this area for at least 15 years.

I believe the exclusion of High Seas Longlines within the EEZ and the restriction of the High Seas Drift Gillnet fishery in recent years to eliminate sea turtle bycatch is directly correlated to the health of the harpoon swordfish fishery and subsequently the entire ecosystem within the Southern California Bight. I am aware the use of gillnets are still seasonally permitted within the Bight. However, the lack of volume of fish has not made it economically viable for the larger vessels to fish this area. There is still some negative impact from the few vessels that do fish this area but it is nowhere near the pressure the area felt back in the early 80's to mid 90's. Undoubtedly, this would change rapidly should the area see an unusual influx of swordfish. Obviously, more vessels would move into the area and the Southern California Bight would sustain significant damage. **Even with the current state of regulations the Southern California Bight remains at significant risk.**

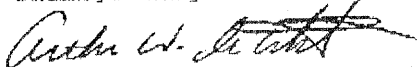
The harpoon industry is an excellent bellwether regarding the health of the swordfish fishery. You will see a pattern repeated three times before in the North Atlantic, Chilean and Eastern Pacific fisheries. As more longlines and drift gillnets (gillnets primarily in our local area) were introduced into these areas, catch rates by the harpoon industry were the first to fall. Eventually both the North Atlantic and the Chilean fisheries crashed. I feel the only thing that kept the Eastern Pacific fishery from falling further than it did were the exclusion of longlines and the restrictions on drift gillnets noted above. Conversely, the harpoon industry is also the last to recover. The recent increase in success by our local harpoon fisherman is a very encouraging sign of the fisheries health. However, you must keep in mind the size of the fleet is a mere fraction of what it was throughout the harpoon fisheries' history.

Both longlines and drift gillnets are highly effective methods of take. This is not to be confused with efficient. They both, as I am sure you are aware, have extremely high rates of bycatch making them very inefficient. Through research I have personally conducted, bycatch rates are 60% to as high as 400% relative to the target species. These are not numbers made up from thin air. There is more than enough documentation to substantiate these numbers so I will not bog this letter down with references. I realize longlines are considered slightly more selective than drift gillnets by varying hook size, type, depth, location and bait used. Yet it is undeniable that no matter all these precautions taken by the operator the bycatch rate remains unreasonably high. There is no question a 100-vessel harpoon fleet would have virtually no by catch whereas the same cannot be said for even one longline vessel.

The reason I have continually referred to the Southern California Bight is due to the fact that this is one of the most unique areas in the world and deserves special protection. The physical topography of the coastline gives us significantly better weather on average than similar latitudes. The deflection of the Humboldt Current traveling southward along our coast and subsequently "wrapping" around and flowing northward along the southern California coast brings us significantly warmer water than would occur in similar latitudes without this topography. As a result we see an influx of pelagic species annually that would not otherwise occur.

The crash of the North Atlantic and the Chilean swordfish fisheries are well documented and without a doubt the result of the extensive use of Longlines and Gillnets. I believe even a limited entry of longline vessels within the EEZ would have a significant negative impact on the health of the ecosystem in the Southern California Bight. **I urge the PPMC in their management of Highly Migratory Species to not permit a longline fishery within the 200-mile EEZ.**

Thank you for your consideration.

  
Arthur de Wit