Regulatory and International Activities

IATTC Resolution on VMS for US flag Tuna Vessels over 24 meters - The Inter-American Tropical Tuna Commission (IATTC) passed a Resolution at its 72nd meeting in Lima, Peru that directs member nations to place a Vessel Monitoring System (VMS) on tuna fishing vessels greater than 24 meters in length. The NMFS Southwest Region Sustainable Fisheries Division will begin drafting the regulation to implement this Resolution for U.S. commercial fishing vessels under authority of the Tuna Conventions Act. The proposed regulation will only pertain to commercial tuna fishing vessels at this time. The need to include HMS charter recreational fishing vessels under future VMS coverage will be revisited at a later date, in consultation with the Pacific Council, should that need be demonstrated.

Status of Foreign Flag Vessel Permitted to Tranship Live Bluefin Tuna within the US EEZ - The NMFS International Fisheries Division has granted an application from a foreign flag fishing vessel to receive and transship live bluefin tuna caught by US flag purse seine vessel(s) for transport to Mexico. To date, the vessel has not received any bluefin from U.S. flag vessels for transport to Mexico.

Status of HMS Logbook Database Technician Support - The NMFS Southwest Region has set aside funding for Fiscal Year 2005-2006 to hire a full time database support technician whose primary duties will be to keypunch HMS FMP logbooks. Secondary duties will include tracking and cross-checking of logbook and landing databases to generate reports on compliance with HMS FMP reporting requirements. The incumbent begins work at the Southwest Fisheries Science Center in La Jolla on December 1st.

Eastern Pacific Ocean Fisheries Issues - On November 1, 2005, NOAA Fisheries, Southwest Region will host a meeting of the General Advisory Committee (GAC) to the U.S. Section of the Inter-American Tropical Tuna Commission (IATTC) in conjunction with the U.S. Department of State (DoS) at the NOAA Fisheries Southwest Fisheries Science Center in La Jolla, California.

Issues to be discussed at the 5th meeting of the GAC are the health of the various fisheries in the eastern Pacific Ocean such as those for yellowfin, bigeye, skipjack, and albacore tunas, and measures for the conservation of tunas in preparation for the annual meeting of the IATTC, June 2006. Currently agenda topics are: review of the IATTC June 2005 meeting, how conservation measures and other IATTC resolutions will impact U.S. fishermen, clarification of terms of current memberships of GAC members and procedures to add new members, suggestions for establishing the Science Advisory Sub-Committee, review of Pacific-wide developments in HMS management and conservation since June 2005, preview of the second meeting of the Western and Central Pacific Fisheries Commission (to be held December 2005), U.S. goals for the June 2006 IATTC annual meeting and Working Group Meetings for 2006, and GAC meeting plans for next year. The GAC will begin developing proposed U.S. resolutions package for 2006 and beyond.

Albacore Resolution - Western Central Pacific Fisheries Commission (WCPFC) - NMFS is working with the Department of State and industry in preparing a draft resolution on capping fishing effort on north Pacific albacore in the convention area of the WCPFC to be submitted at the Northern Committee meeting of the WCPFC this December in Pohnpei, Federated States of Micronesia. The resolution calls for the WCPFC, through the Executive Director, to communicate the resolution to the IATTC and request that the two commissions engage in consultations with a view to reaching agreement on a consistent set of conservation and management measures for North Pacific albacore tuna, and specifically, to propose that both Commissions adopt as soon as practicable, uniform conservation and management measures and reporting measures needed to ensure that compliance is achieved.

PFMC
10/17/05

Agenda Item J.1
Situation Summary
November 2005

NMFS REPORT

Mr. Mark Helvey and Mr. Craig Heberer will discuss recent NMFS activities related to highly migratory species (HMS) management and international activities, including at least the information provided in Agenda Item J.1.a.

Dr. Gary Sakagawa will brief the Council on Science Center activities.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item J.1.a, NMFS Report.

Agenda Order:

a. Regulatory Activities	Mark Helvey/Craig Heberer
b. Science Center Activities	Gary Sakagawa
c. Reports and Comments of Advisory Bodies	
d. Public Comment	
e. Council Discussion	

PFMC
10/17/05

Draft for Public Review
Protocol for Consideration of Exempted Fishing Permits for HMS Fisheries
(Effective April 1, 2006)

DEFINITION

An exempted fishing permit (EFP) is a federal permit, issued by the National Marine Fisheries Service, which authorizes a vessel to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations for the purpose of collecting limited experimental data. EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for the
EFP is requested.

PURPOSE

The specific objectives of a proposed exempted fishery may vary. The Pacific Fishery Management Council's fishery management plan (FMP) for West Coast HMS fisheries provides for EFPs to promote increased utilization of underutilized species, realize the expansion potential of the domestic HMS fisheries, and increase the harvest efficiency of the HMS fisheries consistent with the Magnuson-Stevens Act and the management goals of the FMP. However, EFPs are commonly used to explore ways to encourage innovation and efficiency in the fisheries, measure bycatch associated with different fishing gears and/or fishing strategies (e.g., during certain times or in certain areas), and to evaluate current and proposed management measures.

PROTOCOL

A. Submission

1. The Pacific Fishery Management Council and its advisory bodies [HMS Management Team (HMSMT), HMS Advisory Subpanel (HMSAS) and Scientific and Statistical Committee (SSC)] should review EFP proposals prior to issuance; the advisory bodies may provide comment on methodology and relevance to management data needs and make recommendations to the Council accordingly. The public m ay also comment on EFP proposals.

2. Completed applications for EFPs from individuals or non-government agencies for Council consideration must be received by the Council for review, at least two weeks prior to the June Council meeting.

3. Applications for EFPs from federal or state agencies must meet the briefing book deadline for the June Council meeting.

B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
   a. There is adequate justification for an exemption to the regulations;
   b. The potential impacts of the exempted activity have been adequately identified;
   c. The exempted activity would be expected to provide information useful to management and use of HMS fishery resources.

2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
    a. Date of application
    b. Applicant's names, mailing addresses, and telephone numbers
    c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP
    d. Valid justification explaining why issuance of an EFP is warranted
    e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals
    f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities)
    g. Number of vessels covered under the EFP
    h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest estimates of overfished species and protected species
    i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for
    j. A description of the proposed data collection and analysis methodology
    k. A description of how vessels will be chosen to participate in the EFP
    l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used
    m. The signature of the applicant
    n. The HMSMT, HMSAS, SSC, and/or Council may request additional information necessary for their consideration

C. Review and Approval

1. The HMSMT will review EFP proposals in June and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the September Council meeting. Only those EFP applications that were considered in June may be considered in September; EFP applications received after the June Council meeting for the following calendar year will not be considered.

2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP proposals must include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.

3. The Council will give priority consideration to those EFP applications that:
    a. Emphasize resource conservation and management with a focus on bycatch reduction (highest priority)
    b. Encourage full retention of fishery mortalities
    c. Involve data collection on fisheries stocks and/or habitat
    d. Encourage innovative gear modifications and fishing strategies to reduce bycatch

e. Encourage the development of new market opportunities
f. Explore the use of incentives to increase utilization of underutilized species while reducing bycatch of non-target species and/or interactions with protected species

4. The HMSMT review will consider the following questions:
   a. Is the application complete?
   b. Is the EFP proposal consistent with the goals and objectives of the West Coast HMS FMP?
   c. Does the EFP account for fishery mortalities, by species?
   d. Can the harvest estimates of overfished species and/or protected species be accommodated?
   e. Does the EFP meet one or more of the Council's priorities listed above?
   f. Is the EFP proposal compatible with the federal observer program effort?
   g. What infrastructure is in place to monitor, process data, and administer the EFP?
   h. How will achievement of the EFP objectives be measured?
   i. Is the data ready to be applied? If so, should it be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?
   j. What are the benefits to the fisheries management process to continue an EFP that began the previous year?
   k. If propose integrating data into management, what is the appropriate process?
   l. What is the funding source for at-sea monitoring?
   m. Has there been coordination with appropriate state and federal enforcement, management and science staff?

5. SSC Review:
   a. All EFP applications should first be evaluated by the HMSMT for consistency with the goals and objectives of the HMS FMP.
   b. When a proposal is submitted to the HMSMT that includes a significant scientific component that would benefit from SSC review, the HMSMT can refer the application to the SSC for comment.
   c. In such instances, the SSC will evaluate the scientific merits of the application and will specifically evaluate the application 's (a) problem statement; (b) data collection methodology; (c) proposed analytical and statistical treatment of the data; and (d) the generality of the inferences that could be drawn from the study.

D. Other considerations

1. EFP candidates or participants may be denied future EFP permits under the following circumstances:
   a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding $1,000 within the last three years; or within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than $5,000; or, has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of HMS. Documented fish receiving tickets indicating mis-reporting or under-reporting of HMS will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the HMSMT at the June Council meeting of the following year.

2. A final written report on the results of the EFP and the data collected must be presented to the HMSMT and the Council at the September Council meeting. Those EFPs containing data analysis that could benefit from a scientific review may be forwarded to the SSC for comment.

3. The final report should include:
   a. A summary of the work completed
   b. An analysis of the data collected
   c. Conclusions and/or recommendations
   d. Timely presentation of results is required to determine whether future EFPs will be recommended

Draft for Public Review

INTERIM Protocol for Consideration of Exempted Fishing Permits for HMS Fisheries **(Effective November 2005–March 31, 2006)**

DEFINITION

An exempted fishing permit (EFP) is a federal permit, issued by the National Marine Fisheries Service, which authorizes a vessel to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations for the purpose of collecting limited experimental data. EFPs can be issued to federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for the EFP is requested.

PURPOSE

The specific objectives of a proposed exempted fishery may vary. The Pacific Fishery Management Council's fishery management plan (FMP) for West Coast HMS fisheries provides for EFPs to promote increased utilization of underutilized species, realize the expansion potential of the domestic HMS fisheries, and increase the harvest efficiency of the HMS fisheries consistent with the Magnuson-Stevens Act and the management goals of the FMP. However, EFPs are commonly used to explore ways to encourage innovation and efficiency in the fisheries, measure bycatch associated with different fishing gears and/or fishing strategies (e.g., during certain times or in certain areas), and to evaluate current and proposed management measures.

PROTOCOL

A. Submission

1. The Pacific Fishery Management Council and its advisory bodies [HMS Management Team (HMSMT), HMS Advisory Subpanel (HMSAS) and Scientific and Statistical Committee (SSC)] should review EFP proposals prior to issuance; the advisory bodies may provide comment on methodology and relevance to management data needs and make recommendations to the Council accordingly. The public m ay also comment on EFP proposals.

2. Completed applications for EFPs from individuals or non-government agencies for Council consideration must be received by the Council for review, at least two weeks prior to the November 2005 Council meeting.

3. Applications for EFPs from federal or state agencies must meet the briefing book deadline for the November 2005 Council meeting.

B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
   a. There is adequate justification for an exemption to the regulations;
   b. The potential impacts of the exempted activity have been adequately identified;
   c. The exempted activity would be expected to provide information useful to management and use of HMS fishery resources.

2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
   a. Date of application
   b. Applicant's names, mailing addresses, and telephone numbers
   c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP
   d. Valid justification explaining why issuance of an EFP is warranted
   e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals
   f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities)
   g. Number of vessels covered under the EFP
   h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest estimates of overfished species and protected species
   i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for
   j. A description of the proposed data collection and analysis methodology
   k. A description of how vessels will be chosen to participate in the EFP
   l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used
   m. The signature of the applicant
   n. The HMSMT, HMSAS, SSC, and/or Council may request additional information necessary for their consideration

C. Review and Approval

1. The HMSMT will review EFP proposals in **November 2005** and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the **March 2006** Council meeting. Only those EFP applications that were considered in **November 2005** may be considered in **March 2006**; EFP applications received after the **November 2005** Council meeting for the following calendar year will not be considered.

2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP proposals must include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.

3. The Council will give priority consideration to those EFP applications that:
   a. Emphasize resource conservation and management with a focus on bycatch reduction (highest priority)
   b. Encourage full retention of fishery mortalities
   c. Involve data collection on fisheries stocks and/or habitat
   d. Encourage innovative gear modifications and fishing strategies to reduce bycatch
   e. Encourage the development of new market opportunities
   f. Explore the use of incentives to increase utilization of underutilized species while reducing bycatch of non-target species and/or interactions with protected species

4. The HMSMT review will consider the following questions:
    a. Is the application complete?
    b. Is the EFP proposal consistent with the goals and objectives of the West Coast HMS FMP?
    c. Does the EFP account for fishery mortalities, by species?
    d. Can the harvest estimates of overfished species and/or protected species be accommodated?
    e. Does the EFP meet one or more of the Council's priorities listed above?
    f. Is the EFP proposal compatible with the federal observer program effort?
    g. What infrastructure is in place to monitor, process data, and administer the EFP?
    h. How will achievement of the EFP objectives be measured?
    i. Is the data ready to be applied? If so, should it be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?
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    k. If propose integrating data into management, what is the appropriate process?
    l. What is the funding source for at-sea monitoring?
    m. Has there been coordination with appropriate state and federal enforcement, management and science staff?

5. SSC Review:
    a. All EFP applications should first be evaluated by the HMSMT for consistency with the goals and objectives of the HMS FMP.
    b. When a proposal is submitted to the HMSMT that includes a significant scientific component that would benefit from SSC review, the HMSMT can refer the application to the SSC for comment.
    c. In such instances, the SSC will evaluate the scientific merits of the application and will specifically evaluate the application 's (a) problem statement; (b) data collection methodology; (c) proposed analytical and statistical treatment of the data; and (d) the generality of the inferences that could be drawn from the study.

D. Other considerations

1. EFP candidates or participants may be denied future EFP permits under the following circumstances:
    a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding $1,000 within the last three years; or within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than $5,000; or, has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of HMS. Documented fish receiving tickets indicating mis-reporting or under-reporting of HMS will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

E. Report Contents

1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the HMSMT at the **March 2007** Council meeting.

2. A final written report on the results of the EFP and the data collected must be presented to the HMSMT and the Council at the **April 2007** Council meeting. Those EFPs containing data analysis that could benefit from a scientific review may be forwarded to the SSC for comment.

3. The final report should include:
   a. A summary of the work completed
   b. An analysis of the data collected
   c. Conclusions and/or recommendations
   d. Timely presentation of results is required to determine whether future EFPs will be recommended

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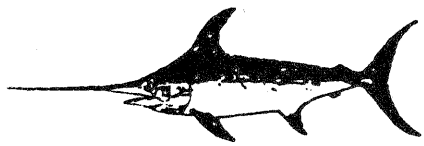

October 11, 2005

Chair,
Pacific Fishery Management Council
7700 NE Ambassador Pl., Suite 200
Portland, OR 97220-1384

Dear Chair,

In accordance with the terms for submission contained in the Council's draft Interim Protocol for Consideration of Exempted Fishery Permits for HMS Fisheries, I enclose an Exempted Fishery Permit (EFP) for Council Review.

Chapter 8.5.2 of the HMS FMP establishes a general prohibition on the use of pelagic longline gear in the EEZ, implemented under 50 CFR §660.712(a)(1), with the stated intent to avoid and/or prevent potential bycatch, protected species, and fishery competition problems. This intent would be realized should the enclosed EFP produce information affirming the economic viability of HMS drift gillnet gear substitution with pelagic longline gear, which has been observed to bring in less bycatch than the HMS drift gillnet fishery, as well as substantially reducing marine mammal and endangered sea turtle impacts.

I think you will agree that conservation of marine mammals, sea turtles, as well as finfish, is of the utmost importance, and management actions to this end should be vigorously investigated at all cost. I believe the EFP I enclose falls within this category.

Sincerely,

Pete Dupuy

Cc: William Hogarth
Rod McInnis
Fran Pavley

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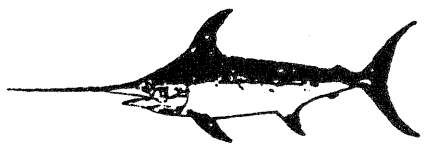

EXEMPTED FISHERY PERMIT

1. *Date of application*:

October 6, 2005

2. *Applicant's name, address, and telephone numbers*:

Pete Dupuy
18212 Rosita St.,
Tarzana, CA 91356

(818) 343-9927
FAX: (818) 881-5003
lapazkd@aol.com

3. *Statement of the purpose and goals of the exempted fishing for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP:*

The purpose of this EFP is to conduct a small scale (1 vessel) pelagic longline fishery within the West Coast EEZ to determine if longline gear is an economically viable HMS harvest substitute for drift gillnet (DGN) gear.

If pelagic longline proves to be an economically viable substitute for DGN, this information enables the Council to make informed management decisions regarding the phasing out of DGN and substituting longline thereby balancing the HMS FMP's management goals of providing a long-term, stable supply of high-quality, locally caught fish to the public, minimizing economic waste and adverse impacts on fishing communities, and providing viable and diverse commercial fishing opportunity for highly migratory species, while also managing the DGN fishery to prevent adverse impacts, and promote the recovery, of protected species.

Disposition of the species harvested under the EFP will be as follows:

- All marketable finfish species caught during the EFP may be retained and sold as prescribed through current regulations.
- Prohibited species may not be retained or sold.

4. Justification explaining why issuance of an EFP is warranted:

In 1996, the U.S. ratified a U.N. agreement [1] concerning HMS which requires nations to "minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species,...[and] to the extent practicable, the development of selective environmentally safe and cost effective fishing gear and techniques."

Closure of the DGN swordfish fishery, and substitution with pelagic longline, occurred in the Atlantic because, with the two gears fishing side by side, longline was deemed to be a more selective, environmentally safe and cost effective fishing gear. The federal rule proposing a prohibition of DGN gear by NMFS in 1998 states: "The proposed rule is intended to reduce the take of marine mammals in the Atlantic swordfish fishery. Observer and vessel logbooks indicate that, in the Atlantic swordfish fishery, driftnet gear results in a significantly higher rate of take of protected marine mammals relative to other gear (i.e. pelagic longline and harpoon)." [2] Also noted is that the Atlantic driftnet fishery has had takes of protected sea turtles, that the high take rates necessitate high levels of observer coverage, and that the fishery is difficult and costly to manage. The final rule prohibiting the use of driftnet gear in the north Atlantic swordfish fishery reiterates that: " The intent of the rule is to reduce marine mammal bycatch in the swordfish driftnet fishery while increasing the net benefits to the nation." [3] This was accomplished by converting the Atlantic swordfish DGN permits to Atlantic pelagic longline permits.

In the Southern California Bight, a study evaluating an experimental drift longline shark fishery found that: " This drift longline gear appeared to bring in less bycatch than the California drift gill net fishery. Observers recorded a total of 9 species captured on drift longline gear, whereas 71 species were documented from the drift gill net fishery (Hanan et al. 1993). Unlike fish caught in drift gill nets, most of the longline bycatch can be released alive." [4]

The California/Oregon DGN fishery continues in steep decline since the closure of a huge portion of its historic fishing grounds in 2000 to protect leatherback sea turtles. It is also only a bad day away from the potential for complete closure. A single observed mortality of a sperm, humpback, or fin whale, all of which have been previously taken in the DGN fishery, would revoke the MMPA §101(a)(5)(E)

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[1] The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
[2] 55998 Federal Register/ Vol. 63, No. 202 / Tuesday, October 20, 1998.
[3] 4055 Federal Register / Vol. 64, No. 17 / Wednesday, January 27, 1999.
[4] A Review Of The Southern California Experimental Drift Longline Fishery For Sharks, 1988-1991, John W. O'Brien and John S. Sunada, CalCOFI Rep., Vol. 35, 1994.

permit.[5] Given this level of vulnerability, the DGN fishery would be well served if an alternative fishery were available.

In fact, as indicated by HMS FMP permit DGN endorsements, California/Oregon DGN fishermen are interested in a longline option. Of the 131 HMS fishermen selecting a DGN endorsement on their HMS commercial fishing permit, 71 (54%) also selected a pelagic longline endorsement.

Comparing what is known about marine mammal, sea turtle and finfish bycatch in the DGN fishery to what is known about such takes in other longline fisheries, it can be reasonably assumed that takes and/or mortalities of marine mammals will be substantially reduced with longline gear; sea turtle mortalities, if not overall takes, will also be substantially reduced with longline gear; and finfish bycatch (especially unmarketable shark), and mortality will be substantially reduced with longline gear.
There is little question that pelagic longline gear has less of an impact on sea tutrtles, marine mammals, and finfish bycatch. The only question is whether or not pelagic longline gear is economically viable as a substitute for DGN gear.

5. *Statement of whether the proposed exempted fishing has broader significance than the applicant's individual goals:*

If successful, the proposed EFP could result in longer-term regulatory action (i.e., substitution of DGN gear with longline) which could provide increased fishing opportunity, and economic benefit to all DGN permit holders.

6. *Expected total duration of the EFP (number of years proposed to conduct exempted fishing activities):*

EFP is proposed for a one-year period with the option for continuing it on an annual basis for up to three years pending review and evaluation.

7. *Number of vessels covered under the EFP and a copy of each vessel's USCG documentation, state license, and any other registration required for participation in the fishery:*

A single vessel, F/V Ventura II, will participate in this EFP. Ventura II is a 90' LOA steel hulled vessel, U.S. Document No. 536620. Copies of all required documents and permits will be submitted upon approval of the EFP.

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[5] Under current MMPA guidelines, fishery takes above PBR for any ESA listed marine mammal would prohibit issuance, or revoke an existing §101(a)(5)(E) permit. With observed DGN takes extrapolated five times, one observed take equals 5. The PBR is 2.1 for sperm whales, 3.1 for humpback whales, and 3.2 for fin whales. Any single observed mortality of any of these endangered whales exceeds PBR.

8. *Description of species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the exempted fishing; this description should include harvest estimates of overfished species and effects on marine mammals and protected species:*

Target species include swordfish (*Xiphias gladius*), bigeye tuna (*Thunnus obesus*), yellowfin tuna *(Thunnus albacares)*, northern bluefin tuna *(Thunnus orientalis)*, and albacore tuna *(Thunnus alalunga)*. All are managed domestically under the PFMC HMS FMP. The Inter-American Tropical Tuna Commission also manages these species internationally, in the area east of 150°W longitude. Bigeye tuna is currently subject to overfishing, and the IATTC has recommended harvest limits for longline which have been imposed by NMFS through 2006. Estimated harvests of swordfish are from 15,000 to 40,000 lbs. The potential for tuna harvest also exists but projected amounts are impossible to predict. Other than bigeye tuna, none of the managed target species is being overfished.

Marketable bycatch species include mahi-mahi (*Coryphaena hippurus*), opah (*Lampris regius*), and shortfin mako shark (*Isurus oxyrinchus*). Blue shark (*Prionace glauca*) is will comprise most of the non-marketable bycatch. It is expected that a high percentage of hooked blue shark will be dehooked and released alive.

Marine mammals that are known to inhabit the area within the EEZ, and have been observed taken in the Hawaii longline fishery, include: bottlenose dolphin *(Tursiops truncates)*, Risso's dolphin, short-finned pilot whale *(Globicephala macrorhynchus)*, all hooked; and common dolphin *(Delphinus delphis)*, humpback whale *(Megaptera novaeangliae)*, and sperm whale *(Physeter macrocephalus)*, all entangled.[6]

The short-tailed albatross (*Phoebastria albatrus*) is a rare visitor in the EFP proposed area. Combined Hawaii ('97 to '01) and California ('01 to '03) longline fishery observer data for 586 sets (444,833 hooks) east of 140°W longitude records no takes of Laysan albatross (*Phoebastria immutabilis*), and 41 takes of black-footed albatross (*Phoebastria nigripes*).[7] However, specific deterrents have been identified that provide significant levels of sea bird protection. These deterrents are required pursuant to federal regulations [8] and will be complied with under this EFP.

Due to the lack of take data by longline within the EEZ, impacts on sea turtles by longline gear can be somewhat projected from DGN observer data. Green

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[6] Hawaii Longline Fishery—Marine Mammal Interaction Summary, 1994-2002; Karin Forney, NMFS/SWFSC October 2002.

[7] PFMC Exhibit F.2.b, NMFS Report, June 2003; An Analysis of Sea Turtle Take Rates in the High Seas Longline Fishery in the Eastern Pacific Ocean; James V. Carretta.

[8] 50 CFR § 660.712(c)(1-17)

turtles are rarely taken in the DGN fishery. Observer data from 1990 to 2000 records one take of a green sea turtle off south central California in November, 1999, and this take appears to be related to unusual environmental conditions.[9] There are no takes or mortalities of green turtles within the EEZ expected under the EFP. Olive ridley turtles are also rarely taken in the DGN fishery. Observer data from 1990 to 2000 records one take of an olive ridley turtle off southern California in 1999, and this take also appears to be related to unusual environmental conditions.[10] There are no takes or mortalities of olive ridley turtles within the EEZ expected under the EFP. Loggerhead turtles are infrequently taken in the DGN fishery. Observer data from 1990 to 2000 records 17 takes of loggerhead turtles, with 12 (70%) released alive, 1 (6%) injured, and 4 (24%) killed. All these takes occurred in a concentrated area south of San Clemente Island.[11] The proposed EFP will not operate in the vicinity of San Clemente Island. Therefore, there are no takes or mortalities of loggerheads within the EEZ expected under the EFP. DGN observer data from 1990 to 2000 records 23 takes of leatherback turtles, 14 were killed (61%), and 9 were released alive and uninjured (39%). All observed takes except one were north of Point Conception, and all were taken between September and January.[12] Worst-case scenario estimates of DGN take rate for leatherbacks is .009 per set. With an estimated 61% mortality from DGN gear, the estimated mortality rate is .005 per DGN set.[13] For any given level of leatherback population density in a given area, it is difficult to predict what the probability of interaction would be between DGN and longline gears. An average net covers 792,000 square feet of area (5,280 ft x 150 ft.). The probability of interaction for a leatherback in the vicinity of DGN gear is probably very high. On the other hand, the probability of interaction for a leatherback in the vicinity of longline gear, where 1,000 hooks are spaced 200 feet apart is probably considerably less—especially because leatherbacks are not typically attracted to bait, but tend to be hooked externally when swimming by the gear. Nevertheless, using the worst-case scenario DGN take rate of .009 per set, and assuming the probability of interaction for a longline set is equal to a DGN set, expected leatherback takes within the EEZ under the EFP for 1,000 hook sets and 14 set trips would be .126 per trip, or .504 per season (14 set trips x 4 trips). Based on leatherback post hooking mortality estimate values of 10% when hooked externally and released with all gear removed, 0.012 mortalities per trip, or 0.050 mortalities per season would be expected within the EEZ under the EFP.

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[9] Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, p.73.

[10] Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, p.78.

[11] Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, pp.75-76.

[12] This time period corresponds with the DGN season. DGN fishing is prohibited from January thru April.

[13] Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, pp.73-75.

NMFS will provide 100% observer coverage to monitor compliance with provisions of the EFP, note fishing location, and interactions with turtles, marine mammals, and seabirds, including species identification and disposition of released animals. Other data collected will include current fishery reporting data (i.e., logbooks and fish receiving tickets) by the state and NMFS.

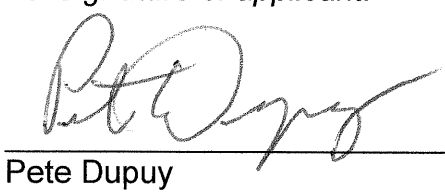
11. Description of how vessels will be chosen to participate in the EFP:

Applicant's vessel will be the only vessel participating in the EFP.

12. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.

EFP fishing will utilize traditional longline gear consisting of a main line strung horizontally across 50 to 100km of ocean, supported at appropriate intervals by 18m vertical float lines connected to surface floats. Descending from the main line is some number (2-25) of 24m branch lines each ending in a single baited hook, which may or may not include various colored light sticks. From 400 to 1,200 hooks may be deployed per set. Each trip will consist of about 14 sets, approximately 14,000 hooks per trip (1,000 hooks per set x 14 sets). This EFP proposes 4 trips (56,000 hooks) during the period November thru March.

13. Signature of applicant:



Pete Dupuy

Agenda Item J.2.b
Supplemental HMSMT Report
November 2005

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON PROPOSED PROTOCOLS FOR CONSIDERATION OF EXEMPTED FISHING PERMITS FOR HMS FISHERIES

The Highly Migratory Species Management Team (HMSMT) recommends that the Council adopt the proposed Protocols for Consideration of Exempted Fishing Permits (EFPs) for HMS Fisheries—both the interim protocol (attachment 1) and the longer-term protocol (attachment 2). As noted in the drafts for public review, the interim protocol would be in effect from November 2005 through April 2006, and would apply to EFP applications for the 2006 fishing year. The longer-term protocol would be in effect from April 2006, until changed, and would apply to EFP applications affecting fisheries beginning in the 2007 fishing year.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON PROPOSED PROTOCOL FOR REVIEWING EFPS FOR HIGHLY MIGRATORY SPECIES

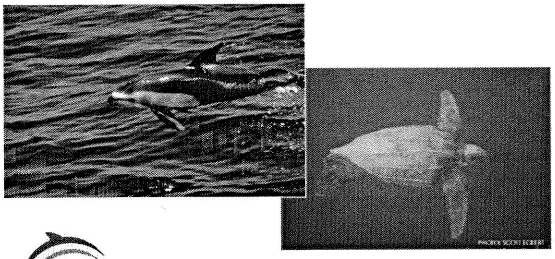
The Highly Migratory Species Advisory Subpanel (HMSAS) reviewed the proposed interim and final protocols for reviewing highly migratory species exempted fishing permits (EFPs) and recommends they be accepted as presented by in Agenda Item J.2.a, Attachments 1 and 2.

The HMSAS also recommends that the Longline EFP submitted by Pete Dupuy in Agenda Item J.2.a, Supplemental Attachment 2, be adopted for public review. The HMSAS members agreed to provide questions or comments to the applicant and other members by mid-January to provide adequate time for the applicant to develop responses for discussion at the HMSAS meeting in March 2006. The HMSAS may request a phone conference call prior to the March meeting depending on the volume and nature of comments submitted on the Longline EFP.

PFMC
11/03/05

Pacific Fishery Management Council

Drift Gillnet Management



OCEANA Ben Enticknap. November 4, 2005

Species	Estimated Mortality
Dall's porpoise	44
Pacific whitesided dolphin	61
Risso's dolphin	19
Common dolphin (shortbeaked)	861
Common dolphin (longbeaked)	54
Northern right whale dolphin	151
Shortfinned pilot whale	7
Sperm whale	7
Fin whale	5
Minke whale	12
Gray whale	11
California sea lion	553
Northern elephant seal	150
Unidentified pinniped	11
Leatherback turtle	33
Loggerhead turtle	18
Northern fulmar	13
Unidentified bird	6

Estimates of Marine Mammal, Sea Turtle, and Seabird Mortality in the California Drift Gillnet Fishery, 1996-2002

Carretta, J.V., et al. 2005. Mar Fish Rev. 66(2).

Total catch of managed and monitored fish species, May 1 – Jan ~~December~~ 31, 2003/2004, 2005

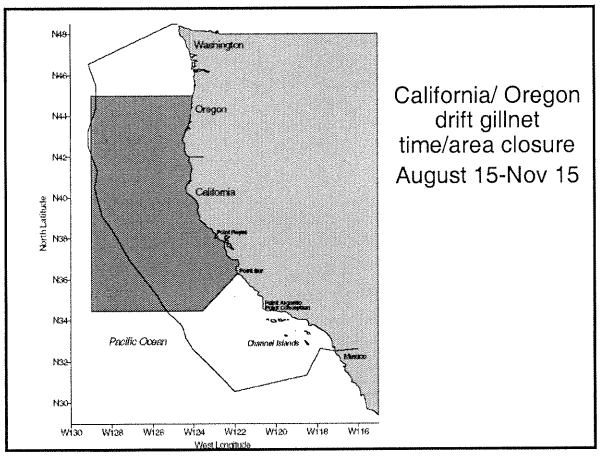
	2003		2004	
	Caught	Discarded	Caught	Discarded
Swordfish	309	8	561	48
Striped Marlin	27	27	2	2
Albacore Tuna	163	9	163	16
Skipjack Tuna	1093	623	492	302
Blue Shark	373	373	250	250
Bat Ray	1	1	4	4
Common Mola	1720	1720	2787	2787
Pacific Bonito	46	37	263	209

PFMC HMS SAFE, at 120-121.

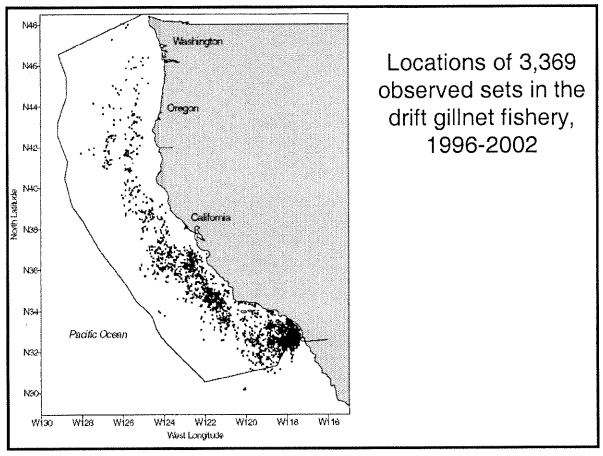
Total catch of marine mammals and seabirds, May 1 – Jan ~~December~~ 31, 2003/2004, 2005

	2003		2004	
	Caught	Dead	Caught	Dead
Short-beaked common dolphin	19	19	4	4
Grey Whale	0	0	1	1
Humpback Whale	0	0	1	0
California Sea Lion	4	4	7	6
N. right whale dolphin	1	1		
Risso's dolphin	4	4		
short-finned pilot whale	1	1		
unidentified whale	1	0		
N. elephant seal	1	1		
N. Fulmar	14	1		
Cassin's Auklet	1	1		

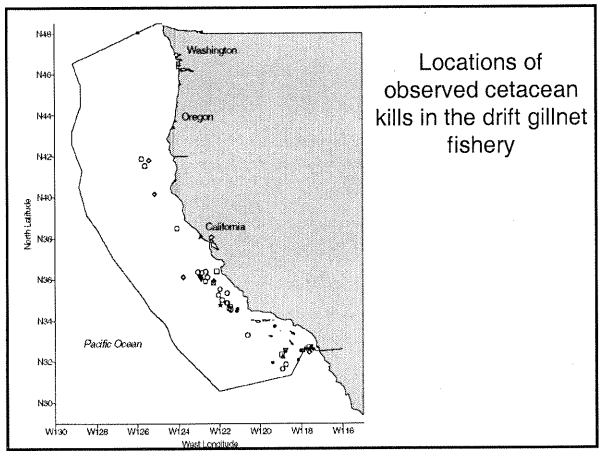
PFMC HMS SAFE, at 120-121.



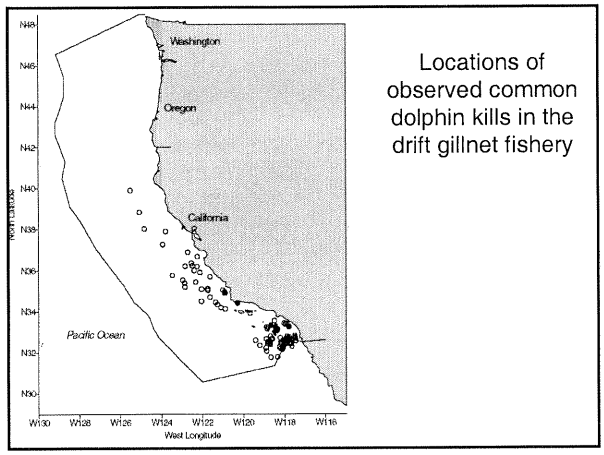
California/ Oregon drift gillnet time/area closure August 15-Nov 15



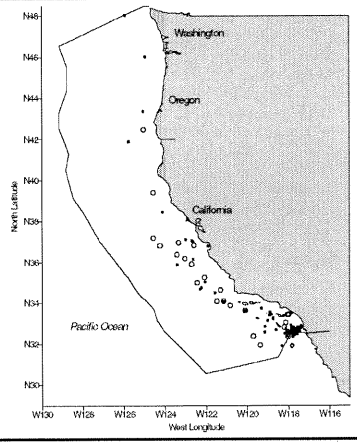
Locations of 3,369 observed sets in the drift gillnet fishery, 1996-2002



Locations of observed cetacean kills in the drift gillnet fishery



Locations of observed common dolphin kills in the drift gillnet fishery



Locations of observed kills of pinnipeds

OCEANA

Dedicated to restoring and protecting the world's oceans through policy advocacy, science, law and public education.

Agenda Item J.2
Situation Summary
November 2005

PROPOSED PROTOCOL FOR REVIEWING EXEMPTED FISHING PERMITS FOR HIGHLY MIGRATORY SPECIES

Section 8.4.12 of the August 2003 Fishery Management Plan (FMP) and Final Environmental Impact Statement for U.S. West Coast Fisheries for Highly Migratory Species (HMS) states that the Highly Migratory Species Management Team (HMSMT) will develop a protocol for submission and Council review of exempted fishing permits (EFPs), which will be adopted as a Council Operating Procedure (COP). At the September meeting the HMSMT provided two draft protocols. The first draft protocol (Attachment 1) is applicable to EFP proposals submitted after March 31, 2006, for EFPs that are proposed to begin on or **after** April 1, 2007. An interim protocol (Attachment 2) applies to EFP proposals submitted before April 1, 2006, for EFPs that would begin **before** April 1, 2007. (These dates are consistent with the April 1–March 31 fishing year in the HMS FMP.) The Council adopted these two protocols for public review.

At this meeting, the Council should take final action to adopt the protocols as COPs with any recommended changes. The interim protocol, if adopted as a COP, would be used to review an EFP proposal submitted to the Council and included under Agenda Item J.3, Drift Gillnet Management.

Council Action:

Adopt Interim and Final EFP Review Protocols.

Reference Materials:

1. Agenda Item J.2.a, Attachment 1: Protocol for Consideration of Exempted Fishing Permits for HMS Fisheries.
2. Agenda Item J.2.a, Attachment 2: **Interim** Protocol for Consideration of Exempted Fishing Permits for HMS Fisheries.
3. Agenda Item J.2.b, HMSMT Report.

Agenda Order:

a. Agenda Item Overview — Kit Dahl
b. Reports and Comments of Advisory Bodies
c. Public Comment
d. **Council Action:** Adopt Interim and Final EFP Review Protocols

PFMC
10/14/05

MEETING SUMMARY
Highly Migratory Species Management Team
Ad Hoc Highly Migratory Species Management Committee

Pacific Fishery Management Council
Large Conference Room
National Marine Fisheries Service Southwest Fisheries Science Center
8604 La Jolla Shores Drive, Room D-203
La Jolla, California 92037
October 3-4, 2005
(858) 546-7007

HMSMT Members Attending:

Steve Crooke
Michele Culver
Suzanne Kohin
Jean McCreae
Elizabeth Petras
Stephen Stohs
Dale Squires

HMSMC Members Attending (Oct. 4):

Don Hansen
Mark Helvey
Marija Vojkovich

Others Attending:

Pete Dupuy, HMSAS
Tomo Eguchi, NMFS SWFSC
Ben Enticknap, Oceana
Tina Fahy, NMFS SWR
Bob Fletcher, HMSAS
Peter Flournoy, AFRF
Svein Fougner, HLA
Craig Heberer, NMFS SWR
Bob Osborn, HMSAS
Heidi Taylor, NMFS SWR
Steve Wertz, CDFG

MONDAY, OCTOBER 3, 2005 – 8 A.M.

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM MEETING

A. Call to Order

1. Introductions
2. Approval of the Agenda

The agenda was changed to allow a discussion of the draft SAFE document provided by Kit Dahl. A discussion of Team reports for the November Council meeting (Item D) was moved from Tuesday to the end of the day on Monday.

B. Draft SAFE Report

Kit Dahl reviewed the contents of the draft SAFE report, which he had assembled from the contributions from the team members. He noted there were still some outstanding figures and tables for Section 4 and

suggested that a final deadline would be around October 14. He would consult with Council staff to determine a firm final deadline.

Dale Squires arranged copies of the draft document for team members and recommended that edits be provided to Kit Dahl, with the option to have a follow-up discussion on Tuesday morning, based on an overnight review by Team members.

C. Review and Further Refine Alternatives For the Modification of the Drift Gillnet Closure Area (Thursday, November 3, Agenda Item J.3: Council to adopt a public review draft of proposed options to modify the drift gillnet time/area closure.)

1. Clarification of proposed action

Kit Dahl reviewed a write-up of the purpose and need statement he had provided to the Team members. There were several editorial comments that will be incorporated into the statement.

Liz Petras gave a PowerPoint presentation reviewing information relative to leatherback sea turtles, the drift gillnet (DGN) fishery, and the preliminary range of alternatives developed at the August 3-5 HMSMT and HMSAS meetings.

There was considerable discussion of a slide showing the incidental takes and mortalities of leatherbacks from the incidental take statements (ITSs) for the HMS FMP and WPFMC's Pelagics FMP fisheries. This underscored the point that take across all fisheries needs to be considered comprehensively in some fashion. This should be an element in the Team's report.

The slide presentation also stimulated a lot of discussion of the alternatives, which is summarized under #3 below.

2. Review of preliminary draft EFP proposal, formulate recommendations

The Team discussed the draft EFP proposal developed by Chuck Janisse in preparation for providing specific recommendations to him for further revisions.

After getting Chuck on the line, Michele Culver led the discussion by going through the proposal section by section. At the start, however, she noted that the proposal needs to contain enough information to support any analysis of its effects and there is also a need for more specific information under several of the sections, which come from the draft Council HMS EFP review protocol but are also based on NMFS EFP guidelines.

Chuck noted he had completely redrafted a couple key sections (#3 purpose and goals, #4 justification), but it was agreed that the Team should provide comments in an interactive way and Chuck could note whether their concerns had been addressed in his revisions.

Under item #3, purpose and goals, the Team recommended removing the reference to the use of net extenders as testing new gear, since this is requirement that has already been in place for some time. Furthermore, a review of reports on leatherback sea turtle takes does not provide clear evidence that this modification (intended to mitigate marine mammal takes) reduces leatherback sea turtle mortalities. The Team recommended that an additional goal be added, testing the economic feasibility of the fishery subject to harvest limits, incidental take limits for sea turtles, and the collection of additional biological

and oceanographic information relative to interactions between the fishery and sea turtles.

Chuck said that in his revision of the section he focused on fact that the 2000 biological opinion (BiOp) had predicted 12 takes and 9 mortalities for leatherback sea turtles when in fact there had been no takes since 2001 (with a 20% observer coverage). This was a point raised in the Galloway report, which concluded that the reason why overly restrictive measures were placed on the fishery was because the requirement for 36 foot extenders was not taken into account and the projected level of effort was twice what actually occurred. Therefore, the purpose of this EFP is to demonstrate that under the management options currently being considered, the DGN fishery can operate in the time/area closure in a manner that will keep impacts to sea turtles to an acceptable level while providing economic opportunity to DGN fishermen.

Michele said that what Chuck described should be put under section #4, justification, while under section #3, purpose and goals, the EFP proposal should describe the information that would be gathered or what would be learned from the EFP that could be applied to future management of the fishery. This could be in terms of testing existing gear, new gear, the economic viability of a fishery under various management restrictions, etc. Overall, the EFP is a method of finding out if a fishery operating with 100% observer coverage and fishing under turtle caps (incidental take limits) is economically viable. The second goal relates to gathering new data. New data on fishery-turtle interactions are needed; the EFP could explore the use of observers to collect this information while on fishing vessels. The goals and objectives will be used to evaluate the EFP when and if it is prosecuted in order to determine whether this type of fishery structure can be translated into regulations.

Chuck noted that the changes he made to section #4 (justification) are basically the same as the points made in the Galloway report.

Michele then noted that the section describing the percent decline in fishing activity needed to be corrected, but Chuck Janisse said he was probably going to drop that aspect of the discussion anyway.

Under section #5, broader significance of EFP results, Michele said the discussion of the $0.02 fee should make clear that it would not be administered by CDFG, but Chuck said he was dropping that whole discussion from the proposal. Michele said this section should also discuss how the results of the EFP could lead to long-term regulatory action to change management measures for the DGN fishery.

Under section #7, number of vessels, Michele said there should be a specific numerical estimate, or at least a possible range of the number of vessels that would participate. (Participation is likely to be dictated by the availability of observers, so there is not a definite subset of vessels that will participate.) Any such estimate doesn't have to exactly match what might be in the alternatives laid out in the environmental impact analysis for this action.

Under section #8, description of target and incidental species to be harvested, Michele said there should be some estimate of the total amount. Chuck said he didn't have any way of estimating that without some help from the Team. Kit Dahl suggested that since the proposal provided to the Council will be in draft form, it could note that this information is not yet available but will be provided in the final proposal to be reviewed by the Council at the March 2006 meeting. Michele also said that this section should reference the harvest guidelines in the FMP for mako and thresher sharks. Chuck said he planned to address that based on previous comments he had received. Michele also said that the EFP should have as a condition a requirement that two swordfish must be landed for every thresher shark landed. This is consistent with Washington and Oregon laws and would address concerns raised by those states.

Michele also noted that as far as a discussion of seabird takes in the EFP, there will be a requirement to

notify the USFWS about the action to see whether they want to consult on the action relative to the MBTA or any ESA-listed species under their jurisdiction.

Craig Heberer said he didn't think that Chuck had to worry too much about the exact wording of his proposal with respect to seabirds (the draft notes past documented take of seabirds) because it will be up to USFWS to make a determination on the issue.

With respect to section #9, accounting for target and incidental catches, there was an extended discussion of how to provide real-time reporting of sea turtle takes. This could be accomplished either by marine band radio, which all the vessels have, or satellite phone, which few vessels have. The problem with using marine band radio is some shore-based receiving facility would have to be set up, since none currently exists for this purpose. Satellite phones would be an easier option, but unless NMFS could provide them to observers there is no guarantee that they would available on every vessel. Another option, which would be the least desirable, would be to require the vessel to immediately return to port to report a sea turtle take. The possibility of using processors or fish buying stations as the radio shore base was mentioned, since they by and large have the equipment.

Under section #10, data collection and analysis, Michele said the discussion should focus on the observer requirement and simply state that any analysis prior to EFP issuance would be conducted by NMFS, while and post-EFP analysis would be done by both federal and state agencies.

As far as section #11, how vessels would be chosen for participation, from the Team's perspective that mechanism is up to the applicant (Chuck Janisse and FISH). A single EFP would be issued to FISH, which would then contract with vessels as far as their participation under the EFP. Chuck said the DGN permit holders would have to submit an application, which would define the universe of potential participants. Michele Culver recommended the application process have a set deadline, but reiterated that it would be up to FISH to determine participation.

3. Finalize preliminary range of alternatives

As noted above, the discussion of the preliminary range of alternatives began earlier in the day during Liz Petras's presentation and was taken up again after the EFP discussion.

A number of general points were made. First, it would be possible to develop separate ITSs for the EFP fishery and the non-EFP fishery, or develop one ITS for the entire DGN and distinguish between the hard cap and anticipated takes for the EFP and non-EFP components of the fishery. Most of the fishing under the EFP is likely to be in the northern area, north of Pt. Conception, which is the level of discrimination in terms of leatherback CPUE. This would "hold harmless" fishermen in the two fisheries from the impacts in the other area, recognizing that there are little if any leatherback takes in the southern region (south of Pt. Conception).

The idea of prohibiting EFP participants from participating in the regular fishery was raised, but it was pointed out that this would not be a popular approach because fishermen would want to incorporate fishing outside the closed area with EFP participation into their overall seasonal strategy.

There was a lot of discussion of areas that would remain closed to EFP participants (i.e., areas within the current closed area) and/or areas that would be opened to all fishery participants (i.e., regulatory modification of the closed area boundary). This discussion was stimulated by the available satellite tag data, which provided some information on leatherback sea turtle movement. The Team recognized that the appearance of these data was largely dictated by the area where the turtles were tagged (primarily in Monterey Bay) and should be used with caution. Nonetheless, it was one of the few types of data

available and could be one consideration in formulating and evaluating fishing area alternatives.

There was also some discussion of how any regulatory change in the southern boundary of the closed area would be evaluated and how an overall ITS (including an EFP for the closed area) would be determined.

In terms of setting an incidental take limit, the Team discussed whether to base it on the takes or mortalities. The two are apparently linearly correlated because there is an estimated 61% mortality rate, although it was not clear whether this included any estimate of post-release mortality or just represented an estimate of the proportion of takes in which the turtle was dead when brought to the vessel.

The team also discussed the need for imposing set limits or only using take limits. In general, the Team held the view that set limits would not be necessary if an overall take limit was imposed. Furthermore, it would be likely that other constraints, such as the availability of observers and overall interest in participation, would result in a level of sets well below that projected to result in unacceptable levels of sea turtle take. However, Liz Petras noted that from the standpoint of consultation, having a take limit is advantageous in that it is a specific action for which the take can be estimated. Setting a take limit, or at least an estimate of anticipated sets, is more difficult to consider since they are not supposed to directly authorize a certain level of take. The use of set limits as an additional conservation measure was also mentioned.

Another point made by Liz Petras was that from an analytical perspective set limits and take limits are equivalent: either set limits can be identified and the expected level of take computed or the likely level of effort (in sets) can be back-calculated for a given anticipated incidental take limit.

Initially, five features of potential alternatives were considered, based on the initial range of alternatives developed at the August meeting: fishing area restrictions, incidental take limits applicable to fishing in the area of the current time/area closure for leatherbacks, limits on the number of sets for a fishery in this northern area, modification of the timing of the time/area closure, and the applicability of effort limits to either only EFP participants or all fishery participants. These features could apply to a regulatory change, conditions place on an EFP, or a combination of these two types of actions. There was some discussion of which features would apply to a regulatory action versus an EFP.

The following fishing area alternatives were identified:

1. Status quo, or maintaining the current closed area unchanged
2. Variations on a proposal initially put forward by Steve Fosmark (DGN representative on the HMSAS) at the August meeting, which proposed a closure area roughly extending southwest from Monterey Bay within the current closed area. South of this area would be opened to all fishermen (regulatory change) and the area north of this zone (part of the current closed area) would be open to EFP participants only.
3. Consider only the regulatory component of Steve Fosmark's proposal (i.e., changing the southern boundary of the current closure to allow DGN fishing south of Pt Sur).
4. Restrict EFP participants to fishing only in the part of the current closed area north of 39° N latitude.
5. Restrict EFP participants to fishing only in the part of the current closed area north of a line stretching from Point Arena (approximately 39° N latitude) to the westernmost waypoint of the northern line identified in Steve Fosmark's proposal.
6. Completely eliminate the current closure (which would be a regulatory action).

A problem with any changes to the boundary of the current closed area as a permanent regulatory measure is the difficulty in distinguishing the impacts of one proposal in comparison to the other. This stems from the very limited spatial resolution of leatherback CPUE estimates. However, there was some

discussion of how other data, such as the limited satellite tag data, could be used in a qualitative evaluation of these proposals.

There was also considerable discussion of whether any additional area restrictions should be placed on EFP participants. Given the limited available data, it is uncertain that restricting fishing to a certain area (e.g., more northern portions of the current closed area) would actually reduce the likelihood of incidental takes of leatherbacks. The fishermen probably have a lot of empirical information, based on experience, on areas and conditions that increase the likelihood of takes, which they could bring to bear. The take limits acting as an incentive to avoid interactions, leveraging this knowledge. On the other hand, Bob Osborn suggested there might be a public relations advantage in closing the area around Monterey Bay as an additional conservation measure placed on the EFP. This would demonstrate that the EFP would not be affecting the environment in that area.

Because of the analytical similarity between the effort limits and the take limits the Team decided these should be presented as a single table, which would show various set limits and corresponding incidental take limits. In crafting a preferred alternative the Council could choose just a set limit, just an incidental take limit, or both a set limit and the corresponding take limit.

After some discussion it was agreed that the upper range of set limits and incidental take limits should be eliminated from further consideration. The rationale for eliminating these alternatives is that available evidence indicates that this level of effort would not be achieved in the currently closed area under any circumstances, at least in the short term, since historical effort never exceeded 500 sets in the northern area (north of Pt. Conception). Additionally, it is likely that the corresponding level of take would not be acceptable in any BiOp. This would result in set limits of 250, 500, and 600 and incidental take limits of 1, 2, and 3 leatherback turtles for the duration of the EFP. Because the Team did not favor set limits, their preference would be to establish an upper limit of effort of 600–750 sets[*] (to account for any unanticipated increase in interest in fishing in the current closed area) and use the take limits as the method to prevent impacts resulting in the re-initiation of consultations.

In her presentation, Liz Petras indicated that modifying the duration of the closure could be another set of alternatives, but the Team did not see this as a viable set of measures, mainly because of the limits on what can be analyzed.

Craig Heberer pointed out that some vessels have declared "unobservable" (they cannot carry an observer for safety or other reasons) and wondered if they would be excluded from the participating. Chuck Janesse pointed out that some of these vessels have carried observers in the past. Craig said that NMFS SWR is willing to work with those vessels, to a reasonable extent, to help them resolve the issues preventing them from being certified to carry observers.

4. Next steps: material for November Council meeting briefing book, preparation of EA for March 2006 Council meeting, scheduling and tasking

Michele Culver agreed to finalize the description of the alternatives based on the Team's discussion and subsequent review of her write-up. This would take the form of an HMSMT report for the November Council meeting. The purpose and need statement drafted by Kit could be included as an attachment to the report.

D. Draft Statements for Other Item on November Council Meeting Agenda

[*] During the meeting it was understood a set level of 750 would correspond to 3 leatherback takes. Subsequently it was discovered that the actual set level corresponding to 3 takes is 600.

1. *Thursday, November 3, Agenda Item J.2: Council to adopt interim and final EFP review protocols.*

It was agreed there was no need for a statement on Agenda Item J.2 (EFP protocol) because the Team had nothing to add beyond the protocols they had already developed and submitted at the September Council meeting.

2. *Thursday, November 3, Agenda Item J.4: Council discussion and guidance on planning albacore management activities.*

Michele Culver recommended the Team not have a report on Agenda Item J.4 (albacore management) because at this stage the Council needs to provide guidance to the team on where to go on this issue.

Suzy Kohin said the SAFE Report has some information on albacore, which should be brought to the attention of the Council. Kit said he would reference this in the situation summary and the Team co-chairs could provide more information relative to that.

3. *Thursday, November 3, Agenda Item H.10 (Groundfish): Council to adopt final preferred VMS expansion alternative.*

On Agenda Item H.10 (groundfish VMS), Michele Culver had previously circulated a draft statement to the Team. She reviewed the issues and the recommendations in the draft statement. The team was satisfied with the draft statement and agreed it should be submitted for the briefing book.

Craig Heberer briefly reviewed the discussion of the IATTC VMS resolution at the Ad Hoc VMS Committee meeting held in Portland on September 29. He said that the NMFS SWR Regional Administrator (Rod McInnis) had decided the resolution does not apply to CPFV vessels, but he reserved the right to revisit this issue in the future. The requirement for commercial vessels would be implemented through the Tuna Conventions Act rather than the MSA. It will go through the full rulemaking process, so there will be some opportunity for the Team to comment on the proposed rule.

There was some discussion about why this is being implemented through the Tuna Conventions Act rather than MSA.

Peter Flournoy pointed out that the IATTC is most interested in the applicability of VMS to longline vessels since they already have 100 percent observer coverage on the purse seine fleets. However, there is a National Plan of Action (NPOA) on VMS stemming from the FAO, which could result in some further VMS requirements in the future. He also expressed his view that the Pacific Council is at a disadvantage in terms of how actively they have been able with limited resources to engage internationally when compared to the resources available to the WPFMC.

TUESDAY, OCTOBER 4, 2005 – 8 A.M.

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM

E. SAFE Report

The HMSMT provided written comments on the draft to Kit Dahl.

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM
AD HOC HIGHLY MIGRATORY SPECIES MANAGEMENT COMMITTEE
JOINT MEETING

A. Call to Order

1. Introductions
2. Approval of the Agenda

B. Management Regime for High Seas Longline Fishery – Identify Proposed Action and Management Concepts

Dale Squires provided an introductory overview to facilitate discussion. He reviewed the history to date of Council action on this issue, noting the Team left off in 2004 developing an FMP amendment to implement a limited entry program, which would consider both the high seas longline fishery and the DGN fishery as a combined source of mortality for loggerheads and leatherbacks. During the hiatus in HMS activities due to funding constraints, the situation changed because the Hawaii shallow longline fishery (managed under the WPFMC's Pelagics FMP) resumed and it was determined that Pelagics permit holders could land swordfish on the West Coast, discharge and take on a new observer, and reprovision. Most of the West Coast longline fleet consisted of vessels with Pelagics permits, which fish out of Hawaii for most of the year and the West Coast during the fourth and first quarters. They had come over and based themselves in California during the period when the Hawaii shallow-set fishery was tightly restricted due to sea turtle takes. Pete Dupuy said there are a few Pelagics permit holders that make their home in California but fish out of Hawaii because of this situation. But from a practical perspective the shallow-set fishery out of the West Coast has a three-month window period in the fall and winter months.

There was some discussion of the effect of overfishing-related restrictions on bigeye tuna (BET) catches and how that would affect the shallow-set longline segment of the fishery; there is some BET catch in this segment, and also the same vessel may want to switch strategies as part of their seasonal rounds.

Dale noted that data on turtle takes indicated a higher take rate west of 140° West longitude, and an early proposal in the development of the FMP was to close the fishery west of that line.

Marija Vojkovich asked about the information from Liz Petras's report on Monday about the ITSs for leatherbacks the different fisheries. That slide was put up for discussion. There was some discussion of what constituted the action area for each BiOp and what would trigger re-initiation. For the Pelagics FMP fisheries the BiOp mainly focused on the areas around Hawaii where they more often fish (east of 150° West longitude). However, the regulations allow fishing in any area up to the outer limit of the West Coast EEZ. There were questions about the reasonable and prudent measures (RPMs) and Reasonable and Prudent Alternatives (RPAs) for the different fisheries. Attention focused on the deep-set segment of the Hawaii fishery because it has a comparatively high level of incidental take. It was noted that a new BiOp was about to be released for the Hawaii deep-set longline fishery.

Craig Heberer asked if the observer coverage level would be increased, since it is only at 20%. He was surprised that that fishery had a 20% coverage level when West Coast fisheries such as the DGN fishery are under an expectation of 100% observer coverage as part of the EFP. The current DGN fishery, with

the time/area closure is observed at 20%.

There was a discussion of the current regulatory framework for the various fisheries. The West Coast shallow-set fishery is closed east of 150° W longitude under ESA regulations and closed west of that line under MSA (HMS FMP) regulations. The effort limitation—set certificates—applied in the Hawaii shallow-set fishery was discussed and how this could affect West Coast deliveries. This had been a concern of Lillo Augello (southern processor on the HMSAS), but apparently the vessels delivering to him had been able to accumulate most of the set certificates they needed. Dale Squires noted that the WPFMC was considering eliminating the effort limit provision, although Svein Fougner said that he had heard no indication on action on this as yet..

Mark Helvey asked whether the group should just look at the issues from a PFMC perspective or see about working with the WPFMC to get a broader perspective. Marija Vojkovich expressed frustration that from a regulatory standpoint the fisheries were considered separately. Dale Squires pointed out that it is virtually one fleet, targeting the same stocks and interacting with the same turtle populations, underscoring Marija's point.

Pete Dupuy talked about how the HMS FMP ended up with a closure line at 150° W longitude (which was then disapproved under Secretarial review) rather than a 140° W longitude line, which likely may have been approved. He also emphasized the broader perspective of the many fisheries (not just U.S.) interacting with sea turtles.

Peter Flournoy argued that NMFS had an opportunity to address the problem of a piecemeal approach to considering turtle interactions in these fisheries when the HMS FMP was reviewed by the Secretary of Commerce and didn't take it. It was a NMFS caused problem, and they should solve it, not the Council. Marija Vojkovich followed up by asking about communications between NMFS SWR and Pacific Islands Region (PIRO). Mark Helvey said there had been no formal communications but a dialogue between the two RAs is possible. Marija suggested a letter from the Council be drafted to stimulate this type of action on the part of NMFS.

Don Hansen argued that in spite of any dialog, the issue would still end up being one of essentially allocating sea turtle takes among the fisheries. Furthermore, according to Dale Squires, from a procedural standpoint it is a "first come, first served" situation, which could affect the ITSs for different fisheries. In this respect the Hawaii fisheries have a precedent in terms of incidental take. Craig Heberer pointed out that Hawaii supports a very active fishery in their EEZ while the West Coast has no active fishery. Marija Vojkovich said that in spite of this, these issues affect the DGN fishery.

The group agreed that this *de facto* allocation of incidental take of ESA-listed sea turtles among the fisheries is the key issue.

Marija Vojkovich asked how the different fisheries are considered in a BiOp and Liz Petras replied that the environmental baseline section of the BiOp describes all the sources of take aside from the proposed action, along with the current status of the species considered. This would be an aspect of the BiOp for any DGN action.

The group looked at some slides of sea turtle takes and mortalities in the area between Hawaii and the West Coast. This led to a discussion of the seasonal pattern of the shallow-set fishery. There was further discussion of how a broader consideration across all the fisheries could be achieved.

Pete Dupuy pointed out that the application of the law may not be helping turtles because it limits U.S. fisheries while foreign fisheries with more serious impacts aren't affected.

Kit suggested that some sort of programmatic EIS might be the vehicle (proposed action) that would allow a BiOp considering all the fisheries.

Bob Osborn said that on the East Coast NMFS developed a secretarial FMP because the councils could not jointly manage HMS fisheries. Perhaps a secretarial FMP is needed to resolve the issues between the PFMC and the WPFMC. Requesting such a plan would at least put some pressure on the WPFMC for joint action.

Marija Vojkovich asked if there had been any evaluation of the fisheries and the ITS levels compared to the value of the different fisheries. This could be the basis for some decision on allocating take and could be presented to the Secretary of Commerce.

Don Hansen argued that a basic problem is there is no bottom line number. PRD will not provide a number for what would be an acceptable take for all U.S. fisheries.

Liz Petras pointed out that from an ESA perspective you have to have an action to analyze with some idea of the level of effort in order to project the incidental take.

Bob Fletcher said he realizes set limits are unpopular, but he argued that the only way to address this at broad level will be to establish set limits for every fishery, which would be the basis for dividing up impacts across all the fisheries.

Pete Dupuy said the problem with ESA is that it only considers the status of species in one area rather than worldwide. Liz Petras responded that impacts are considered in terms of how the species is listed (i.e., the global leatherback population) but there is also a need to consider the distribution of a species across its traditional range, whether local populations are going extinct, and how these factors affect the global population.

Peter Flournoy followed up by saying that there are differences between the US and foreign fleets and the two international organizations managing the fisheries in the Pacific. Our law doesn't mitigate the effects of the foreign fisheries. Some people believe that you could shut down all U.S. fisheries and still not affect the recovery of these populations.

Craig Heberer said that early in the development of the HMS FMP there was an "HMS summit" at NMFS HQ. He felt that something like that needs to be done again. However, the last summit generated a lot of ideas but very little action. A follow-up summit would need to result in concrete actions. Perhaps some type of programmatic action would allow PRD to do the type of analysis being requested.

The group discussed how much fishing would actually occur if a West Coast opportunity was created. It was agreed that looking at the time around 1996 would be a good way to see the distribution of fishing effort between Hawaii and the West Coast at a time when the fisheries were relatively unconstrained by protected species concerns. Pete Dupuy argued that a lot of the early participation was just opportunistic effort shifting from the Gulf of Mexico to the West Coast and then Hawaii. It is not indicative of any long-term stable fishery participation.

Bob Fletcher said setting up a limited entry program is a high priority for these broad picture considerations. Peter Flournoy disagreed, given that U.S. participation is declining relative to foreign fleets.

The group discussed options to allow a shallow-set fishery east of 140° W longitude. Svein Fougner

pointed out that the letter partially disapproving the HMS FMP encouraged the Council to consider measures for a fishery in that area; the issue that led to disapproval was allowing fishing between 140° and 150° W longitude. The Council felt there was not enough evidence for a closure west of 140°. He said any change to allow fishing would probably require an FMP amendment rather than just a regulatory action, because there is no discussion in the FMP as approved about the area where fishing is permitted. In any case, in terms of the documentation and Council process there is not much difference between a regulatory amendment and an FMP amendment. There was discussion of having an EFP for fishing in this area and what would be the purpose of an EFP and who would be the applicant. Such an EFP could be slated for 2006 and would be intended to evaluate economic viability and feasibility of gear and bait modifications to limit sea turtle interactions (similar to measures adopted in the Hawaii pelagics FMP), and seabird avoidance measures.

Pete Dupuy expressed some skepticism about providing this opportunity given the current situation where Pelagics permit holders can fish out of the West Coast. Marija Vojkovich thought there would be some interest, and it would be a way to determine the viability and feasibility of such a fishery while NMFS figured out how to evaluate all the fisheries together, which could take a long time.

Dale Squires asked whether another possibility would be to go back and consider limited entry.

Marija Vojkovich said that, based on what Pete Dupuy said, dealing with the shallow-set fishery should be a low priority for the Council. The one possibility would be an opportunity for DGN fishermen to transition to longline. But Pete doubted many of the current DGN participants would be interested in such a switch. In terms of direction to the Team, Marija said that the DGN closure alternatives should remain the higher priority, although it is difficult to determine the priority of a shallow-set action over a longer time frame.

Pete Dupuy said that it might be wise to put some conditions on any future participation in the shallow-set fishery (whether an EFP or limited entry program) because there may be some interest in participation that could take away from those who traditionally participated.

Bob Fletcher pointed out that an observer requirement will dictate the size of any EFP.

Kit Dahl asked Caig Heberer about observer availability and how it could impinge on any EFP for the DGN fishery. Craig said that was a legitimate concern given the limitation on funds for observers.

Kit Dahl asked how the issues raised today should be brought forward into the Council process. He pointed out there was no agenda item at the November Council meeting directly concerning the longline fishery. It was agreed that it should be raised as a workload issue on the administrative portion of the agenda. This would also be an opportunity to provide direction on any letter to NMFS about coordinating an overall evaluation of the fisheries, which could then be put on the fast track process.

The group developed the following recommendations (not in order of priority):

1. Ask NMFS-HQ or SWR/PIRO to initiate and lead combined WPFMC and PFMC management of pelagic fisheries. This could lead to a U.S. Pacific-wide BiOp. Refer to the previous NMFS-Council summit as a model.

2. Consider a PFMC shallow-set longline fishery east of 140° W and outside the EEZ. (The exact western boundary would need to be based on an evaluation of combined Hawaii-California observer data.) Any such fishery would follow the WPFMC guidelines on sea turtle modification gear modifications, sea bird mitigation measures, and observer coverage. This could be initiated

by either:

(a) an EFP to evaluate economic viability and feasibility of gear, bait, and sea turtle and seabird avoidance measures (target year: 2006). Questions about the level of observer coverage (100%?) and funding for observers would have to be resolved.

(b) A regulatory procedure or FMP amendment (target year: 2007)

3. Consider the possibility/need of limited entry for the longline fishery (both shallow and deep set)

4. Pursue revitalization of the DGN fishery through modifying the DGN northern closure.

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM MEETING (RECONVENE)

F. Bigeye Tuna Overfishing FMP Amendment, Range of Alternatives (Friday, November 4, Agenda Item J.5: Council to adopt a public review draft FMP amendment responding to overfishing of bigeye tuna.)

Mark Helvey distributed a draft document containing a discussion of the proposed action and four alternatives. He recalled for the group that NMFS SWR volunteered to take the lead on developing an overfishing amendment for BET. He noted that the current BET measures pursuant to the IATTC (such as the national longline quota) will continue through the end of next year and so this FMP amendment could help the Council to provide input on recommendations to IATTC for 2007 and beyond.

He pointed to Alternative 2 as a bottom-up approach; it gets into more visionary ways of reducing BET catch. Both Alternatives 2 and 3 identify a Council role.

Steve Crooke asked if any of the alternatives include recreational catches. Mark Helvey responded they don't because recreational BET catch is really small. The approach needs to be practical, focusing on the fisheries with the biggest impact, such as purse seine. Steve also asked whether local purse seiners would be affected (which occasionally target tunas in warm water years). Mark said there is not a cutoff for vessel size, meaning they would be considered. Steve pointed out that they rarely catch BET.

Dale Squires asked if BET was considered a Pacific-wide stock. Mark Helvey responded that the Report to Congress identifies two stocks in the eastern and western Pacific.

Kit Dahl asked about the timing with respect to the next IATTC meeting. It didn't seem the FMP amendment process would be finished before the meeting occurred (in June 2006). Mark Helvey suggested that if the Council identified a preferred alternative it would be the basis for council recommendation to the GAC.

Gary Sakagawa expressed concern because the alternatives didn't have provisions for a recovery (rebuilding) plan, yet there is a chance BET will be declared overfished in the near future.

Peter Flournoy asked if this amendment was being developed under the Tuna Conventions Act or the MSA. Mark Helvey said that the overfishing procedures and requirements are in the MSA, so that is the controlling legislation.

Bob Osborn asked about the status of the Western Pacific BET stock. Gary Sakagawa said overfishing is occurring across entire Pacific. The issue of whether BET is overfished is due to the fact that the IATTC at an international level has declared it overfished. In a sense, the IATTC proposals are trying to recover the stock. That's why they are calling for draconian action. He felt it important to explain that because

the Council may be facing an overfished situation. Then you would be faced with developing a recovery plan.

Suzy Kohin pointed to the information in the (draft) SAFE report, which indicates the IATTC found the eastern stock to be overfished. But the reason there is no overfished declaration in the Report to Congress is that there is some question about the Western Pacific stock. If you consider BET a Pacific-wide stock then the assessment conducted by the SPC does not indicate that the stock is overfished.

Peter Flournoy followed up on the point made by Marija Vojkovich. It would beneficial to broaden the discussion because it's very possible that the U.S. might become a member of the Western and Central Pacific Fisheries Commission (WCPFC) soon and then the Council could interface with them.

Pete Dupuy asked about a new department NMFS is setting up to deal with international issues, led by Rebecca Lent. He emphasized the importance of international action. Mark Helvey briefly described what he knew about these activities.

Kit Dahl mentioned that Charles Karnella had contact Don McIsaac to organize some constituent meetings relative to the December WCPFC meeting, which he wanted to hold at the November Council meeting.

Svein Fougner added that action in the Senate could lead to U.S. ratification of the Convention and thus membership before the December WCPFC meeting.

Marija Vojkovich asked if the presentation to the Council of the alternatives would include any supporting data about the different fisheries catching BET, and especially the purse seine fishery, which has the biggest impact. This would put things in perspective and help the Council decide whether it is just a purse seine issue or one relevant to all HMS fisheries.

Steve Crooke pointed out that the vessels managed under the HMS FMP have a negligible contribution to BET fishing mortality.

Pete Dupuy said he thought it was the seiners out of Ecuador, targeting juvenile fish with FADs which were the big problem as far as BET is concened.

Peter Flournoy said if the Council wanted to get into the specifics of stock status, they would have to review the assessments and reports that provide the information from the international organizations.

Gary Sakagawa said the alternatives don't seem to address the jurisdictional area of the Council. He thought they should consider two categories, one for the jurisdictional area of the Council and one for internationally-managed fisheries. That would make sense to the public and also answer the question of what you are going to do with HMS FMP fisheries such as DGN, longline, etc.

Jean McCrae said that ending BET overfishing can't be done at the local scale; it has to be accomplished in the international arena. She thought the alternatives should focus on the international level rather than constraining HMS FMP fisheries. Mark replied that the alternatives have provisions for the Council to make recommendations to RFMOs. Jean said it needs to be clear that constraining the HMS FMP fisheries won't have any appreciable effect.

Bob Osborn stressed the importance of BET to West Coast fisheries, even if they are not caught in large numbers. They are a rare but highly desirable recreational species and longliners combine swordfish with BET fishing opportunity.

Gary Sakagawa cautioned about using estimates of any West Coast longline catch, estimated at about 50 mt, as a benchmark. This could set a precedent that could have a long-term effect on opportunity. The Council should instead stake out what is a realistic overall catch level, recognizing that it is still very small by international standards. Peter Flournoy emphasized the importance of Gary's point: it's defining what our BET catch is and then communicating that to NMFS and Department of State for use in the international arena.

Following up, Marija Vojkovich pointed to the importance of recreational fisheries, based on Bob Osborn's earlier point, and asked whether a larger estimate of West Coast catch should be put forward or if it would be better to seek an exemption altogether from any national quotas. There was further discussion of the applicability to recreational fisheries.

Pete Dupuy asked about the implications for albacore. It is also incidentally caught in a lot of fisheries, which would result in wide effects if rebuilding measures have to be put in place for that stock.

Gary Sakagawa said he saw the scenario getting worse because of the international situation. We may eventually have to deal with BET as an overfished stock, which will result in more stringent requirements, including a recovery plan. For that reason it may be wise to define fishing mortality for all the fisheries for entire stock. That would be a statement of the current catch and the intention to stay at that catch level. That would provide a better position relative to other areas if the stock condition gets worse. Unless we define our catch, the overfishing provisions in the MSA will otherwise put us at a severe disadvantage relative to other countries.

Marija Vojkovich asked if Gary Sakagawa's proposal was to declare a certain level for West Coast catch, which we will not exceed in order to prevent overfishing and provide recovery of the stock while pushing a rebuilding plan internationally. Gary said that is essentially correct, although the longline catch would have to be excluded from the total since that fishery is already subject to the IATTC national quotas. This would be another alternative put forward in the amendment package.

There was some further discussion of how to consider and define catches for different fisheries.

Peter Flournoy asked how this will be coordinated with WPFMC. Mark Helvey said it hasn't been yet. Once council adopts a preferred alternative it can be sent to the send out to WPFMC for review.

There was some discussion of the WPFMC position and relation both to stocks and the RFMOs. Svein pointed out that there is not yet a management program for the Western Pacific and that is why the WPFMC's BET amendment focused on a process for interacting with RFMOs rather than specific proposals that would be presented to those organizations.

ADJOURN

Federation of Independent Seafood Harvesters

PO Box 352
Bridgewater Corners, VT 05035

DRAFT EXEMPTED FISHING PERMIT APPLICATION

1. *Date of application*:

October 6, 2005

2. *Applicant's name, address, and telephone numbers*:

Federation of Independent Seafood Harvesters
P.O. Box 352
Bridgewater Corners, VT 05035
(802) 672-3412
FAX (802) 672-1163
Contact: Chuck Janisse (cjanisse@vermontel.net)

3. Statement of the purpose and goals of the exempted fishing for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP:

Highly Migratory Species (HMS), which includes swordfish, is managed by the Pacific Fishery Management Council (Council) under a federal fishery management plan (FMP). In part, the management goals of the HMS FMP are to:

A. (2.) Provide a long-term, stable supply of high-quality, locally caught fish to the public.
B. (3.) Minimize economic waste and adverse impacts on fishing communities to the extent practicable when adopting conservation and management measures.
C. (4.) Provide viable and diverse commercial fisheries and recreational fishing opportunity for highly migratory species based in ports in the area of the Pacific Council's jurisdiction, and give due consideration for traditional participants in the fisheries.

D. (17.) Manage the fisheries to prevent adverse impacts on any protected species covered by MMPA and MBTA and promote the recovery of any species listed under the ESA to the extent practicable.

The purpose of the EFP is to assist the Council in achieving the above referenced goals of the FMP for the swordfish drift gillnet (DGN) fishery by collecting data on the incidental take of ESA protected leatherback sea turtles to allow for informed management decisions in determining appropriate protective measures thereby balancing the HMS FMP's management goals of providing a long-term, stable supply of high-quality, locally caught fish to the public, minimizing economic waste and adverse impacts on fishing communities, and providing viable and diverse commercial fishing opportunity for highly migratory species, while also managing the DGN fishery to prevent adverse impacts, and promote the recovery, of protected species.
.

Specifically the goals of the EFP are to:

1. Test the economic feasibility of the drift gillnet fishery operating within the current closed area under turtle mortality limits and 100% observer coverage

2. Collect biological and oceanographic information on bycatch and sea turtle interactions

Disposition of the species harvested under the EFP will be as follows:

- All marketable finfish species caught during the EFP may be retained and sold as prescribed through current regulations for DGN gear.
- Prohibited species may not be retained or sold.

4. Justification explaining why issuance of an EFP is warranted:

Although previously managed under California statutory provisions, DGN fishery management issues since 1996 have been driven by federal requirements to protect marine mammals and ESA listed species. When the HMS FMP adopted the DGN fishery, it also included existing federal DGN regulations for gear configuration and deterrent requirements recommended by the Pacific Offshore Cetacean Take Reduction Team in 1996 and implemented through a Take Reduction Plan (TRP) [1] in 1997 to protect incidentally caught marine mammals. These regulations require DGN fishermen to use net buoy extenders with a minimum length of 36 feet to maintain the top of the net at that distance below the surface when the gear is set. The HMS FMP also adopted the DGN closure implemented in 2001; [2] to protect ESA listed leatherback sea turtles.

[1] TRP regulations can be found at 50 CFR 229.
[2] Found at 50 CFR §660.713 (c)(1),

Due to the implementation of the TRP in 1997, an ESA required Section 7 Consultation was initiated in which the Biological Opinion determined that between 1991 and 1995, the leatherback take rate for nets with extenders less than 36' in length was .005 as opposed to a take rate of .004 for nets with extenders equal to or greater than 36', and used the latter rate for estimating future leatherback takes. This resulted in an estimated level of leatherback entanglement and mortality in the DGN fishery that NMFS determined would not jeopardize their continued existence.

In 2000, due to the issuance of an MMPA permit authorizing the incidental take of ESA listed marine mammals in the DGN fishery, another ESA required Section 7 Consultation was initiated in which the Biological Opinion did not use the .004 take rate, established in 1997 for estimating future leatherback takes. Although the DGN fishery had been operating under TRP regulations requiring a minimum net depth of 36', a worst-case scenario leatherback entanglement rate of .009, observed in 1995, was used to estimate future leatherback takes. This resulted in an estimated level of leatherback entanglement and mortality in the DGN fishery that NMFS determined would jeopardize their continued existence. As a reasonable and prudent alternative to mitigate this jeopardy, the current time/area closure was proposed and implemented.

In a review of the 2000 Biological Opinion commissioned by the California Seafood Council, Dr. Benjamin Gallaway identified four questionable areas in the Biological Opinion's analysis:

1. The population status of leatherbacks in the Western Pacific is substantially underestimated.
2. The temporal/spatial risk of leatherback interaction with the DGN fishery does not correspond with the overbroad time/area restriction that was imposed. (Dr. Gallaway's assertion on this point has since been demonstrated: The 2000 Biological Opinion's estimate of leatherback incidental take and mortality for the four years since the closure was implemented was 12 and 8 respectively. In fact, no takes have been observed for this time period.)
3. Estimated levels of leatherback entanglement and mortality were based on 3,000 sets annually even though the fishery had not seen anywhere near that level in recent years. (Dr. Gallaway pointed out that the total DGN fishing effort for the 11-year period from 1990-2000 reflects a statistically significant trend of decline with the effort reduction being on the order of 289 sets per year. Based on these data, the average fishing effort for the period 2001-2003 would be 1,697 sets.)
4. A sharp decline in leatherback entanglement rate corresponding with implementation of TRP regulations was not considered. (In the 1997 Biological Opinion, NMFS stated that it expected that the TRP's buoy line extender length requirement would have substantial benefits for sea turtles. This expectation appears to be borne out by the data. The observed take rate for leatherbacks in 1998 to 2000 was 80% lower than

observed over 1995-1997, 66% lower than observed over 1992-to 1994, and 58% lower than observed over 1990-1991.)

Based on Dr. Gallaway's analysis, FISH petitioned NMFS to reevaluate the 2000 Biological Opinion. NMFS said they had no authority under the law to conduct a reevaluation of leatherback takes by the DGN fishery absent a new management action to base it on. The Council's HMS FMP was being developed at this time, and FISH assumed that the Biological Opinion required for the FMP would also include a new evaluation of leatherback impacts by the DGN fishery. However, FISH learned that the ESA required Section 7 Consultation to be conducted in 2004 due to the implementation of the HMS FMP was going to evaluate leatherback impacts by the DGN fishery with the time/area closure in place. By so doing, the 2004 Biological Opinion would not reevaluate the basis for the 2000 time/area closure.

Before the 2004 Section 7 Consultation was initiated, FISH urged the Council to specify the scope of review for the DGN fishery, [3] or alternatively, reframe the management action [4] in order to force a reevaluation of the basis for the time/area closure. The Council chose not to pursue this alternative and the time/area closure was adopted as an HMS FMP regulation.

The DGN fishery is now in serious decline because of that time/area closure. In 2000, before the time/area closure was implemented, 81 DGN vessels made 1,766 sets. The following year, 2001, after implementation of the closure, 65 vessels made 1,665 sets. In 2002, 54 vessels made 1,482 sets. In 2003, 46 vessels made 1,467. In 2004, 36 vessels made 1,084 sets.

FISH believes that sufficient new information is now available to warrant a review of the DGN time/area closure. The HMS Management Team has identified a number of management measures; the Team's preferred mechanism to implement some of these alternatives is within the context of issuing an EFP

5. Statement of whether the proposed exempted fishing has broader significance than the applicant's individual goals:

[3] In a May 4, 2003 letter to the Council, FISH requests: "Without changing the scope or intent of the management measure proposed for the CA/OR drift-gillnet fishery, for purposes of conducting the Section 7 Consultation, base the scope of review for the Biological Opinion on the implementation of the Pacific Offshore Cetacean Take Reduction Plan regulations for the CA/OR drift-gillnet fishery under current conditions, but without the leatherback and loggerhead closures."

[4] In a May 28, 2003 letter to the Council, FISH attorney Eldon Greenberg ask the Council to consider adopting as its proposed action the management measures as they existed in the fishery *prior* to the implementation of the time/area closures which would ensure that the new Biological Opinion examined the DGN fishery under the same regulatory conditions that were evaluated in the 2000 Biological Opinion.

If successful, the proposed EFP could result in longer-term regulatory action (i.e., allow fishing in the current closed area subject to the provisions in the EFP, including 100% observer coverage and turtle mortality caps), which could provide fishing opportunity to all DGN permit holders.

6. Expected total duration of the EFP (number of years proposed to conduct exempted fishing activities):

EFP is proposed for a one-year period with the option for continuing it on an annual basis for up to three years pending review and evaluation.

7. Number of vessels covered under the EFP and a copy of each vessel's USCG documentation, state license, and any other registration required for participation in the fishery:

A cap on leatherback mortality will take the place of a limit on the number of vessels. It is expected that between 10 and 25 vessels will participate in the EFP. All required information for each participating vessel will be collected and appended to the EFP's annual report.

8. Description of species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the exempted fishing; this description should include harvest estimates of overfished species and effects on marine mammals and protected species:

Regarding target species, swordfish, the principle species, is not subject to any harvest limits or controls. Other marketable species that may be caught include shortfin mako shark, common thresher shark, opah, louvar, albacore tuna, bigeye tuna, and bluefin tuna. None of these species, except shortfin mako shark and common thresher shark, are subject to harvest limits or controls. Bigeye tuna overfishing is occurring, and is addressed through regulations restricting the catch by purse seine and longline, but since bigeye tuna are rarely caught (a total of 20 observed from 1990 to 2002) there is negligible impact on bigeye tuna by the DGN fishery.

(HMSMT will work on PacFIN extractions to estimate harvest of target species.)

No specific harvest limits are necessary for the EFP; however, there are harvest guidelines for common thresher shark and shortfin mako shark specified in the HMS FMP. All common thresher shark and shortfin mako shark caught in the EFP would count against those harvest guidelines. Additionally, thresher shark caught in the EFP will be subject to a landing limit of one thresher shark permitted for every two swordfish.

Regarding bycatch, the most common bycatch species is blue shark and common mola. Other likely bycatch species may include Pacific mackerel, bullet mackerel, and skipjack. They will be released alive when possible. None of these species are subject to bycatch limits or controls. See Chapter 5.3.1 (page 3) of the HMS FMP for a complete list of bycatch species observed caught by DGN gear.

Regarding marine mammal impacts, a number of marine mammals have been observed entangled in DGN gear. Marine mammal mortality and serious injury have significantly decreased since the TRP was implemented in 1997 requiring the use of "pingers", and deploying nets at a minimum of 36' below the surface. Under the MMPA, the impact a fishery has on any specific stock is gauged by an upper limit known as the Potential Biological Removal (PBR) level for that stock. The immediate goal of the MMPA is to reduce fishery impacts to below PRB, with a secondary goal to reduce impacts to 10% of PBR or below. Currently, most species impacted by the DGN fishery remain below 10% of PBR, all but one species, the pilot whale, are below 50% of PBR, and the pilot whale is below PBR. NMFS has also determined that estimated mortality and serious injury to ESA listed marine mammals are negligible and do not pose jeopardy to these species. See HMS FMP Chapter 6.2.1.1 (pages 13 – 16) for a complete list of marine mammals that have been observed taken in the DGN fishery.

Regarding seabird impacts, observer data from 1990 to 2000 show interactions with 16 northern fulmar, and 4 unidentified sea birds. Seabird impacts are rare and not expected to occur under the EFP.

Regarding sea turtle impacts, although loggerhead, leatherback and green sea turtles have been observed taken in the DGN fishery, only the leatherback has ever been observed taken in the area where the EFP will occur. This EFP will be subject to an annual cap on the number of leatherback mortalities. The exact number will be the incidental take limit established by the Biological Opinion for this action. Should this cap be reached, all fishing under the EFP will cease for the remainder of the year.

9. Description of mechanism, such at at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for:

Mechanisms to ensure that a harvest limit or leatherback mortality limit is not exceeded include 100% observer coverage as well as real-time reporting options for mandatory daily observer check-in each morning by either equipping observers with portable satellite phones, or arranging for a shore-based marine band high frequency radio station. If the costs, or logistics, of these real-time reporting systems is too high, vessels may be required to cease fishing and return to port when there is a leatherback mortality. Observers would keep a

running tally of all shortfin mako shark, common thresher shark, or leatherback sea turtle mortalities in the EFP to ensure limits are not exceeded.

10. Description of proposed data collection and analysis methodology:

NMFS will provide 100% observer coverage to monitor compliance with provisions of the EFP, note fishing location, and interactions with turtles, marine mammals, and seabirds, including species identification and disposition of released animals. Other data collected will include current fishery reporting data (i.e., logbooks and fish receiving tickets) by the state and NMFS.

11. Description of how vessels will be chosen to participate in the EFP:

The EFP will be open to any FISH member vessel operating under a valid California or Oregon DGN permit that is not otherwise ineligible. Pending approval of the EFP, FISH will submit a list of participating vessels including all required documentation.

12. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.

The time and place covered by the EFP will correspond with the current leatherback time/area closure as may or may not be modified by Council action. The length of a trip is limited to 10 sets or 14 days, whichever comes first. Each trip, and all sets must occur under EFP terms and conditions and within the time/area closure. All DGN gear, and fishing operations will conform to all applicable regulations.

13. Signature of applicant:

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON PRELIMINARY ALTERNATIVES FOR THE DRIFT GILLNET FISHERY

The Highly Migratory Species Management Team (HMSMT) developed alternatives for the drift gillnet fishery that provide for additional fishing opportunity within the current closed area (Attachment 1). The HMSMT notes that most of the alternatives would require approval of an exempted fishing permit (EFP) to allow access to the currently closed area. Absent an EFP, regulatory action could be taken to allow access to the closed area, but participation could not be limited without an amendment to the fishery management plan. The details of the estimated turtle takes and mortalities, and the corresponding estimated number of sets for the alternatives are listed in Attachment 2. Attachment 3 is a statement of the purpose and need for the proposed action.

The HMSMT recommends that the Council approve for public review the preliminary range of alternatives developed by the Team, and that final selection of a preferred alternative be scheduled for the March 2006 Council meeting.

The HMSMT also recommends that the Council approve for public review the preliminary EFP application for the drift gillnet fishery as submitted by FISH, which could be the implementing mechanism for the Council's preferred alternative. The HMSMT worked extensively with Chuck Janisse, the EFP applicant, to ensure the EFP application: 1) met the requirements of the draft proposed Interim Protocol for Consideration of EFPs for Highly Migratory Species Fisheries; 2) included adequate specificity for an analysis of the estimated impacts of the proposed action; and 3) addressed the issues of primary concern, such as the potential for interactions with protected species (in this case, leatherback sea turtles).

The HMSMT reviewed the preliminary application and believes that the provisions of the EFP, including 100% observer coverage, fishing under a maximum limit on leatherback turtle mortalities (and/or limits on the number of sets), and near real-time data reporting help ensure that turtle encounters will be accounted for and that limits or caps will not be exceeded.

Final approval of the EFP, according to the interim protocol, would be scheduled for March 2006, in conjunction with the selection of a preferred alternative.

PFMC
10/13/05

Attachment 1

Drift Gillnet Alternatives

		EFP	Reg. Amend.
Fishing Area			
1	Status quo - keep current closure in place		
2	**Open all or portion of current closed area to EFP fishery**		
	a. Close within Pt. Arena–Pt Sur area to EFP fishery	X	
	b. Allow EFP fishery throughout closed area	X	
	c. Allow EFP fishery north of Pt. Arena	X	
3	**Modify or remove current closed area with or without EFP fishery in resulting closed area**		
	a. Close Pt. Arena–Pt Sur for EFP, change southern boundary of closed area	X	X
	b. EFP fishery throughout closed area, change southern boundary of closed area	X	X
	c. No EFP, change southern boundary of closed area (due west from Pt. Sur)		X
	d. Remove current closed area; allow fishing without EFP		X
Turtle Conservation Measures			
4	Set mortality limit for leatherback turtles (bycatch cap) in EFP		
	a. Mortality limit = 1	X	
	b. Mortality limit = 2	X	
	c. Mortality limit = 3	X	
5	Set limit on number of sets in EFP		
	a. Set limit = 300	X	
	b. Set limit = 500	X	
	c. Set limit = 750	X	
6	Set mortality limit for leatherbacks and set limit in EFP (choose set limit and corresponding estimated mortalities will become mortality limit)	X	
Long-Term Management			
7	Direct HMSMT to develop plan amendment for long-term DGN effort limitation program (could be concurrent with EFP in the interim)		

Note: Management measures under an EFP would include 100% observer coverage, real-time reporting, and collection of biological and oceanographic information at sea. The current closed area would remain in place, but exempted fishing could occur through the EFP. Once a turtle mortality limit or set limit was reached, the EFP would be terminated and the fishery would revert back to status quo. Exceeding the turtle mortality limit would result in reconsultation of the fishery and new Biological Opinion.

Turtle Mortality Limits and Set Limits in DGN EFP north of Pt. Conception

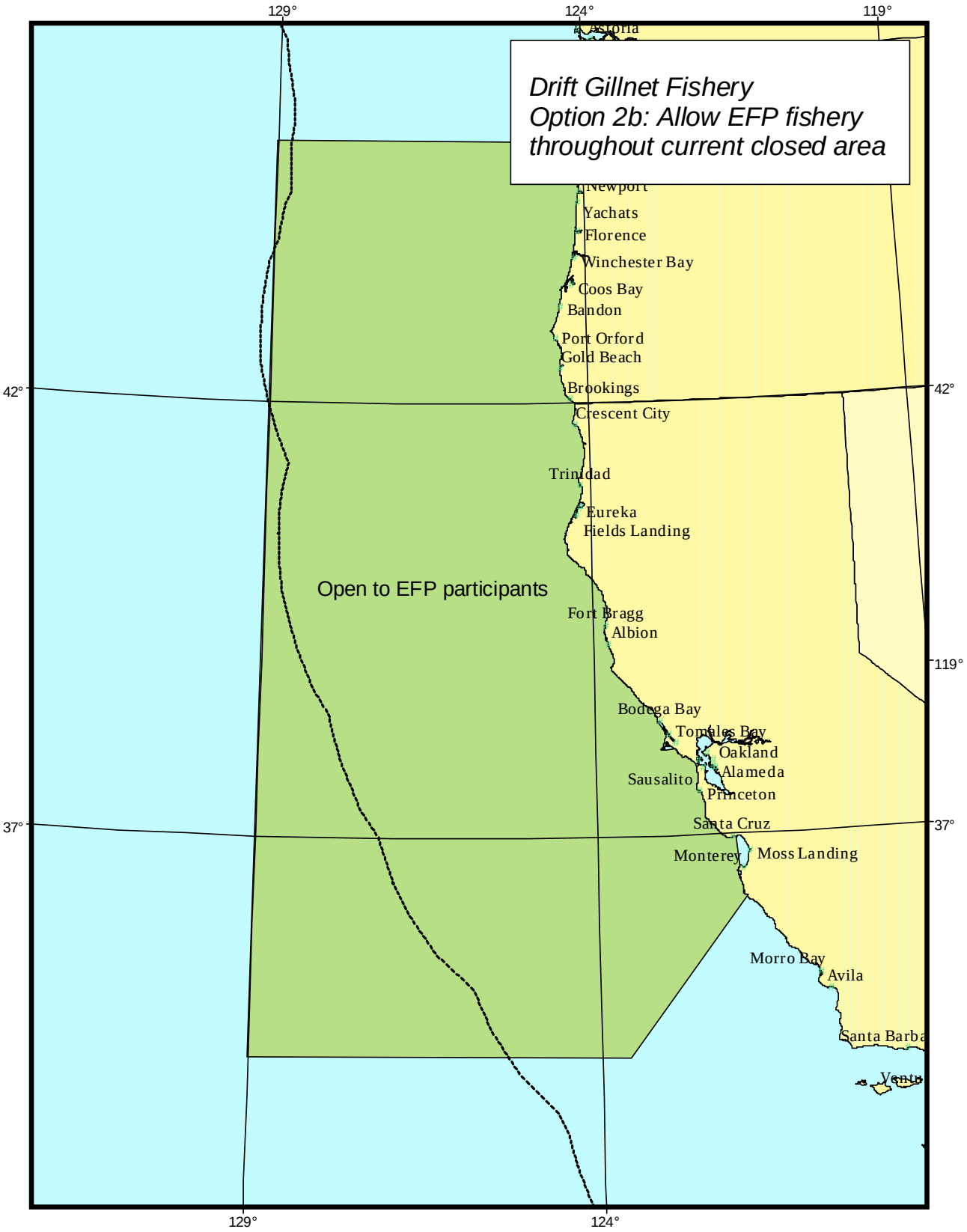
Number of Sets	Takes of leatherbacks			Mortalities of leatherbacks*		
	Mean	Range**		Mean	Range	
300	2	1	3	**1**	1	2
500	4	2	5	**2**	1	3
600	5	3	6	**3**	2	4
750	6	3	8	**4**	2	5

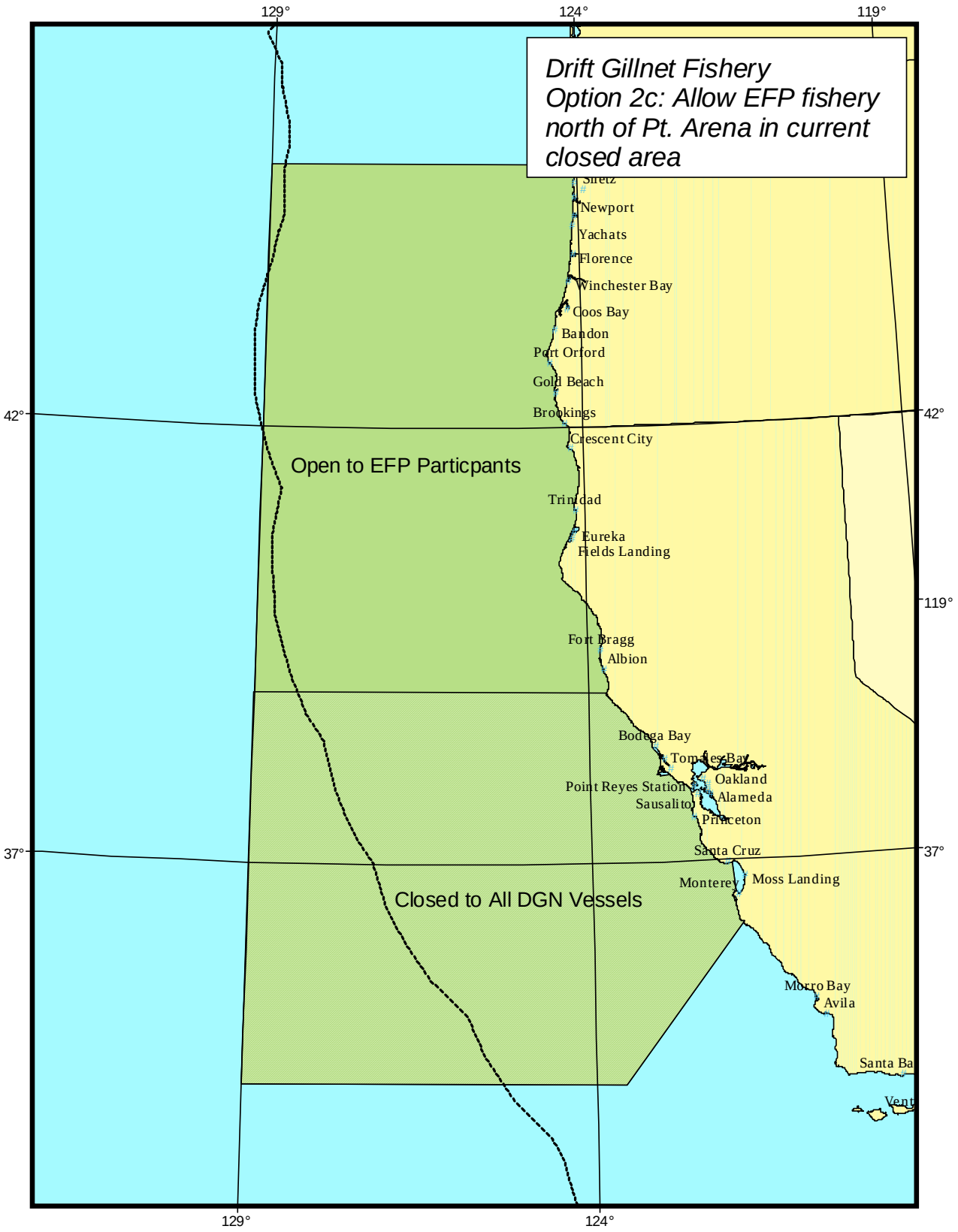
* This assumes a 61% mortality rate of leatherbacks

** 95% confidence interval (4.5 to 10.8 leatherbacks per 1,000 sets)


Drift Gillnet Fishery
Option 1: Status quo
Closed to DGN vessels
August 15 - November 15
129°
124°
119°
42°
37°
Astoria
Neha
Tilla
Netar
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Barba
Ventu


Drift Gillnet Fishery
Option 2a: Close within Pt. Arena-Pt Sur area to EFP fishery
129°
124°
119°
42°
37°
Willapa Bay
Pacific City
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Point Reyes Station
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Barbara
Ventura
Open to EFP Participants
Closed to All DGN Vessels
Open to EFP Participants


Drift Gillnet Fishery
Option 2b: Allow EFP fishery throughout current closed area
Open to EFP participants
129°
124°
119°
42°
37°
Astoria
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Barba
Ventu


Drift Gillnet Fishery
Option 2c: Allow EFP fishery north of Pt. Arena in current closed area
129°
124°
119°
42°
37°
Open to EFP Particpants
Closed to All DGN Vessels
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Point Reyes Station
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
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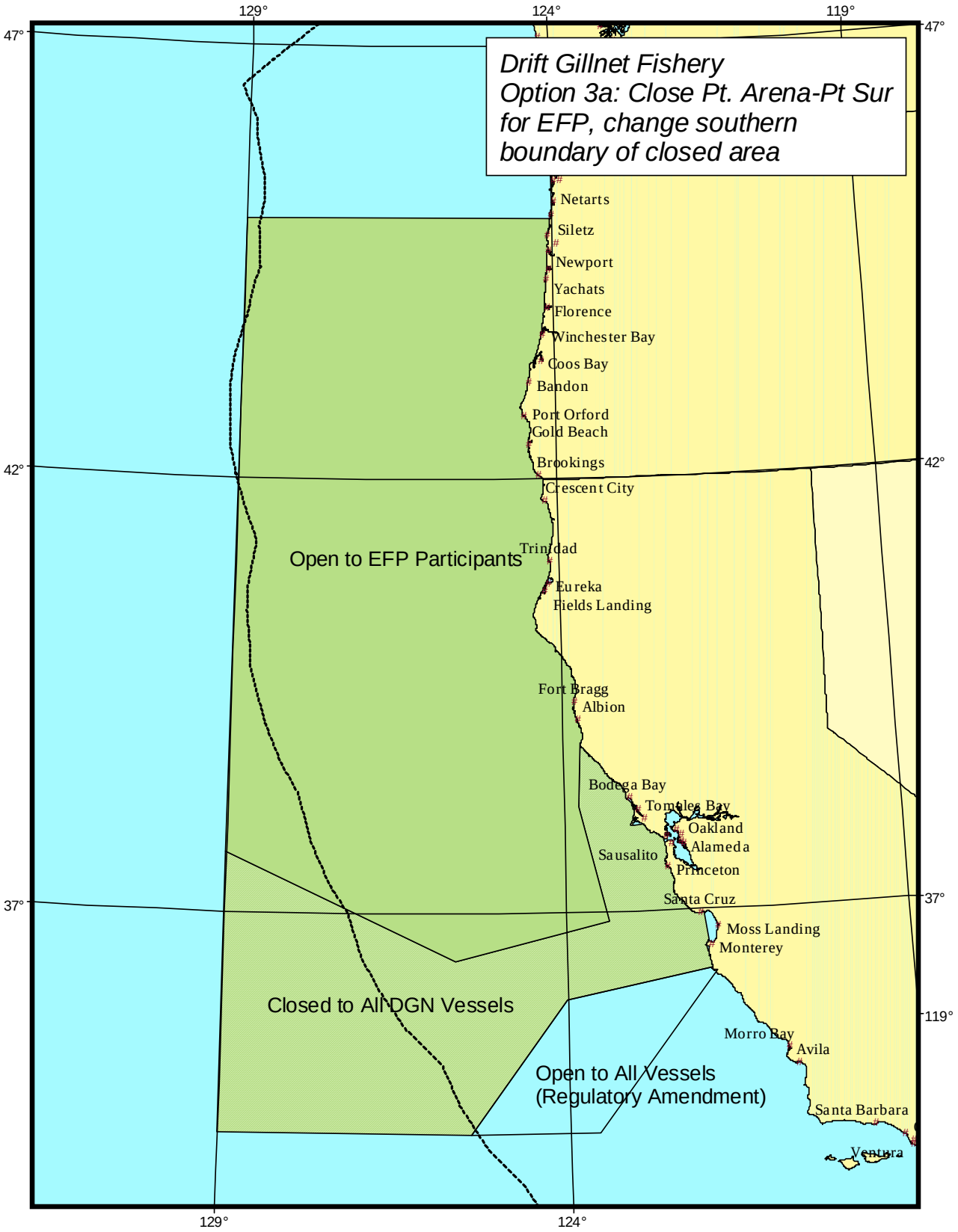
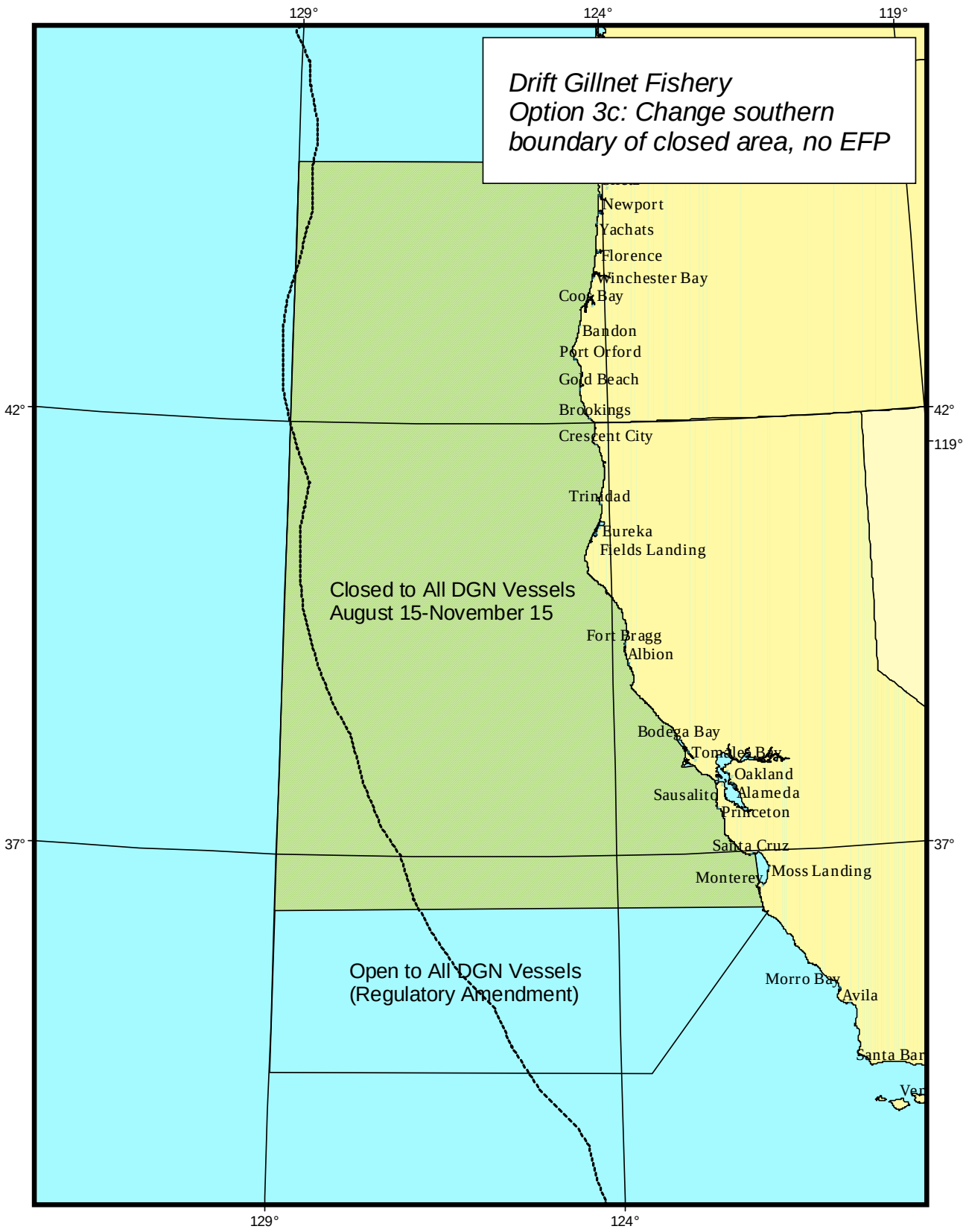

Drift Gillnet Fishery
Option 3a: Close Pt. Arena-Pt Sur for EFP, change southern boundary of closed area
129°
124°
119°
47°
42°
37°
Netarts
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Moss Landing
Monterey
Morro Bay
Avila
Santa Barbara
Ventura
Open to EFP Participants
Closed to All DGN Vessels
Open to All Vessels
(Regulatory Amendment)


Drift Gillnet Fishery
Option 3b: EFP fishery throughout closed area, change southern boundary of closed area
129°
124°
119°
47°
42°
37°
Tillamook
Netarts
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Barbar
Ventura
Open to EFP Participants
Open to All Vessels
(Regulatory Amendment)


Drift Gillnet Fishery
Option 3c: Change southern boundary of closed area, no EFP
129°
124°
119°
42°
37°
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Moss Landing
Monterey
Morro Bay
Avila
Closed to All DGN Vessels
August 15-November 15
Open to All DGN Vessels
(Regulatory Amendment)

Attachment 2

Takes in DGN fishery north of Pt. Conception based upon new CPUE

Number of sets	Takes (Range**)			Mortalities* (Range)		
	Mean	Low	High	Mean	Low	High
300	2	1	3	**1**	1	2
600	5	3	6	**3**	2	4
750	6	3	8	**4**	2	5
1200	9	5	13	**6**	3	8
2000	15	9	22	**9**	5	13
500	4	2	5	2	1	3
750	6	3	8	4	2	5
1500	12	7	16	7	4	10

* assuming a 61% mortality rate (from observer records)
** 95% Confidence Interval
Estimated CPUEs of leatherbacks
Low = 4.5 takes per 1,000 sets
High = 10.8 takes per 1,000 sets
Mean = 7.7 takes per 1,000 sets

Attachment 3

DRIFT GILLNET FISHERY

The Proposed Action

The proposed action is to implement revised management measures for the California drift gillnet fishery. These management measures will be implemented by authorization of an exempted fishing permit (EFP) allowing participating vessels to fish in this closed area, subject to conditions established by NMFS; modifying regulations at 50 CFR 660.713(c)(1) establishing a protected resource area closure annually from August 15 to November 15 in waters in and around Monterey Bay, California, northward to the mid-Oregon coast; or a combination of both types of action.

The overall purpose of the proposed action is to restore fishing opportunity in the California drift gillnet fishery without jeopardizing the continued existence of species listed under the Endangered Species Act. The primary species of concern motivating the establishment of the closed area described at 50 CFR 660.713(c)(1) is the leatherback sea turtle (*Dermochelys coriacea*). Other species listed under the ESA and/or the Marine Mammal Protection Act (MMPA) have been taken in the drift gillnet fishery and must be considered in any authorization of fishing.

According to regulations, the purpose of an EFP is, " for limited testing, public display, data collection, exploratory, health and safety, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited" (50 CFR 600.745(b)). This EFP would authorize the harvest of management unit species in an area where fishing for those species by means of drift gillnet gear is currently prohibited, for the purpose of limited testing of measures and procedures intended to limit the incidental take of species listed under the ESA to a level that would not jeopardize their continued existence and determining if the resulting fishery is economically viable. Once sufficient information is gathered by means of the EFP to determine how the fishery may be prosecuted in the closed area described at 50 CFR 660.713(c)(1), regulatory action would effect a permanent change applicable to fishery participants as a whole, based on the measures applied as part of the EFP.

A regulatory action would immediately implement a permanent change in the configuration and/or timing of the closed area referenced above (subject to conditions imposed pursuant to any consultations as specified in section 7 of the ESA future or any future re-initiation of such consultations), allowing access to currently closed areas by all permitted drift gillnet vessels.

Why the Proposed Action is Needed

Although managed under California statutory provisions, since 1996 management of the drift gillnet (DGN) fishery has been driven by federal requirements to protect marine mammals and endangered species. In 2004 the National Marine Fisheries Service (NMFS) approved the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS

HMS MT review of CA/OR drift gillnet alternatives

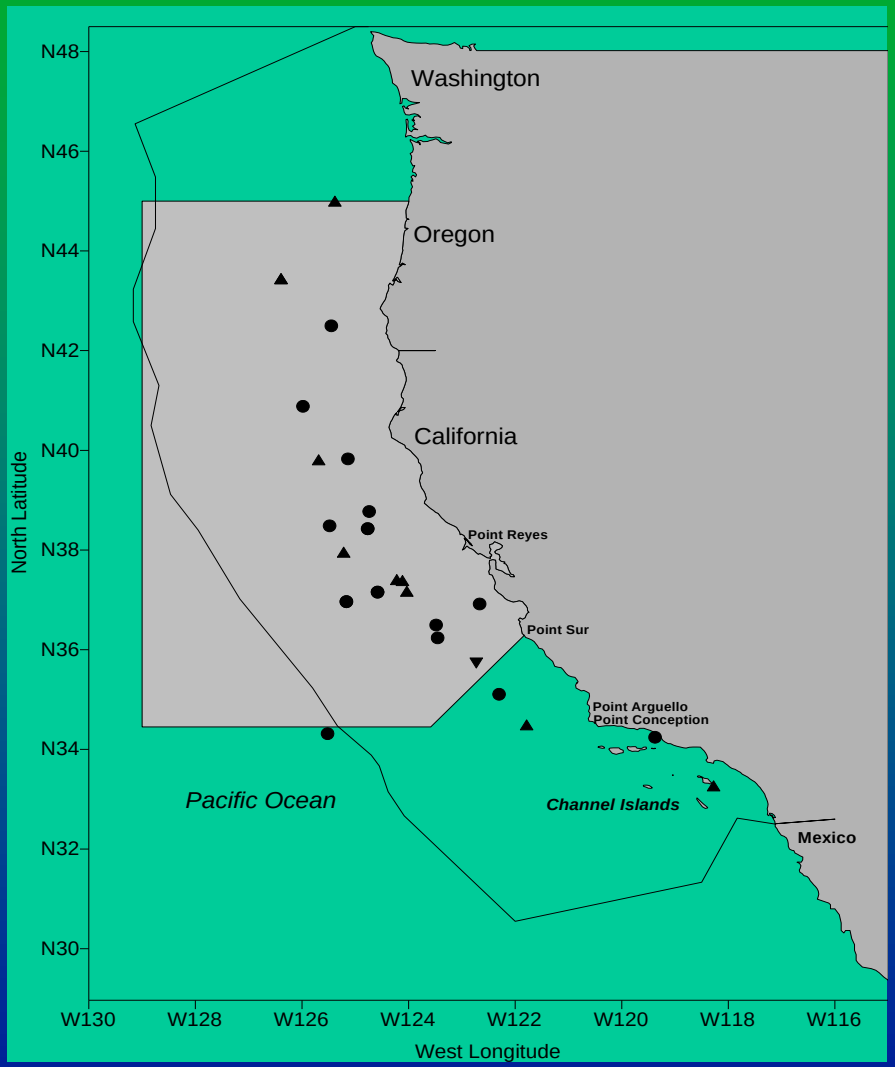
Presentation by HMS MT to the Pacific Fisheries Management Council

November 3, 2005

San Diego, CA

Current DGN closure

[August 15th to November 15th]



Estimated incidental take with closure in place

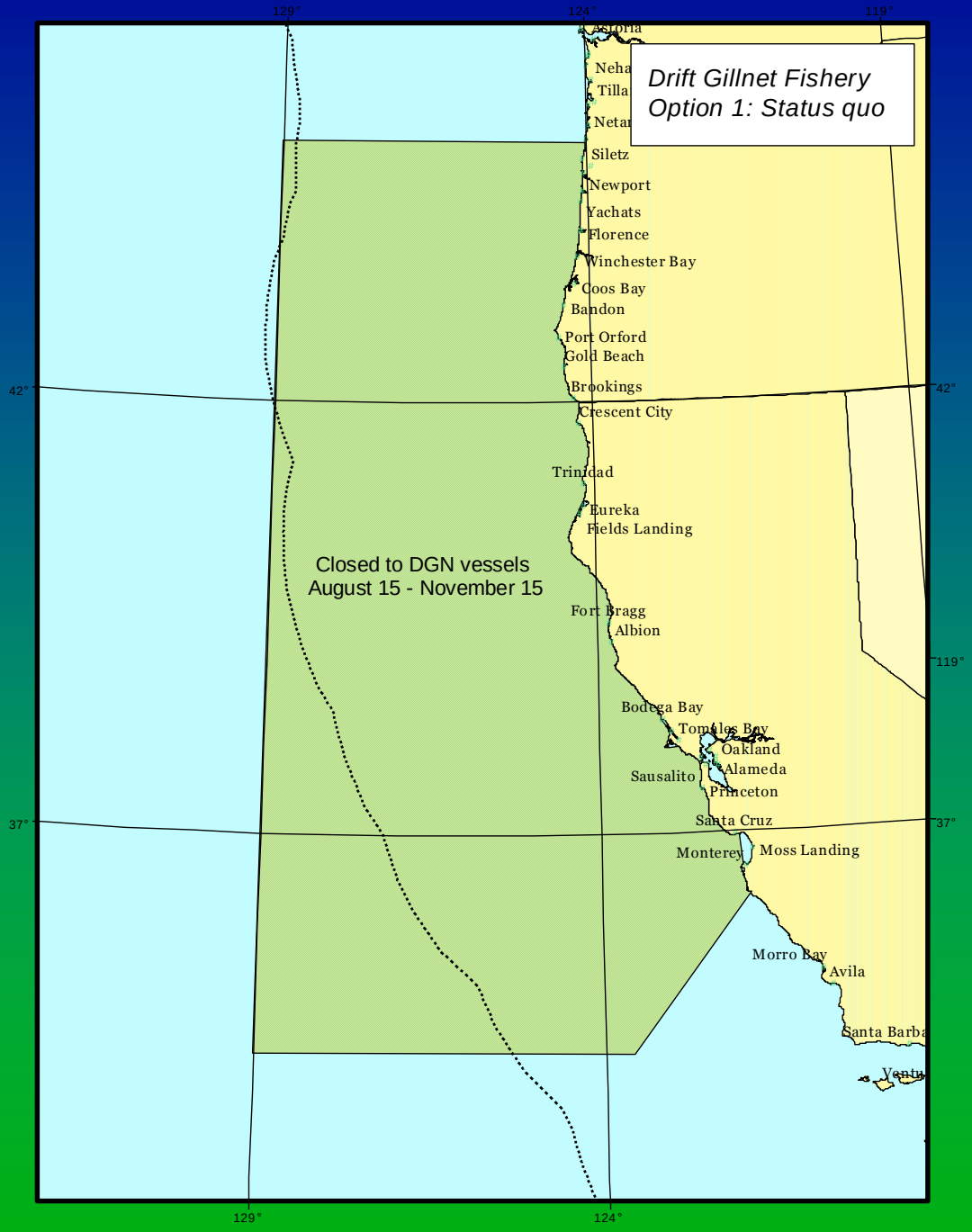
Species	Entanglements	Mortalities	Conditions
Fin whale	4 in 3 years	2 in 3 years	
Humpback whale	4 in 3 years	0	
Sperm whale	4 in 3 years	2 in 3 years	
Green turtle	4	1	SSTs like Nov 1999
Leatherback turtles	3	2	
Loggerhead turtles	5	2	Only in El Nino years
Olive ridley turtles	4	1	SSTs like Nov 1999

What new information is available?

- Better understanding of two Pacific leatherbacks populations
- Additional information on Western Pacific nesting beaches
- More refined estimates of anticipated takes by areas

Alternatives

	Changes to Fishing Area	EFP	Amend
1	Status quo – keep current closure in place		
2	a-c Open portions of the currently closed area	X	
3	a-d Modify or remove current closure	X	X
	Turtle Conservation Measures		
4	Implement a mortality limit for leatherback sea turtle bycatch (“turtle cap”)	X	
5	Impose a set limit for the EFP	X	
6	Impose both a turtle cap and set limit	X	
	Long-term Management		
7	Plan amendment for long-term DGN effort limitation program		X


Drift Gillnet Fishery
Option 1: Status quo
Closed to DGN vessels
August 15 - November 15
129°
124°
119°
42°
37°
Astoria
Neha
Tilla
Netar
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Barba
Ventu


Drift Gillnet Fishery
Option 2a: Close within Pt. Arena-Pt Sur area to EFP fishery
129°
124°
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Willapa Bay
Pacific City
Siletz
Newport
Yachats
Florence
Winchester Bay
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Point Reyes Station
Oakland
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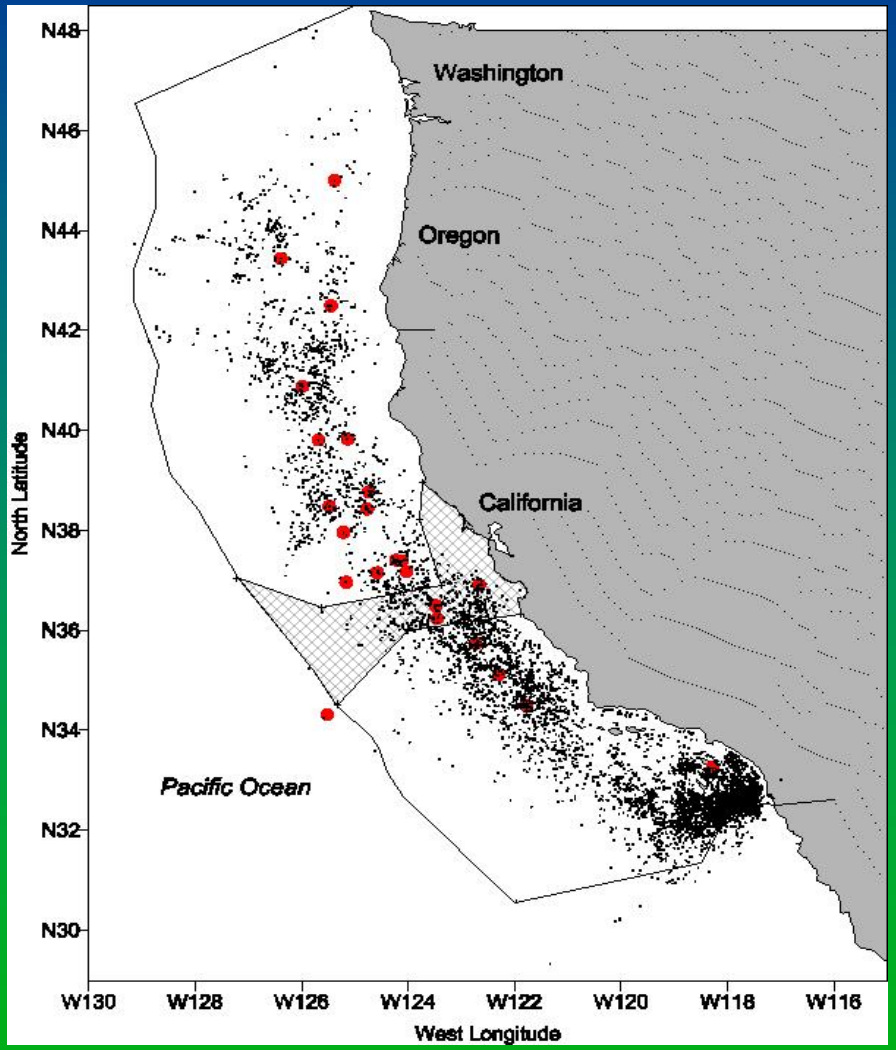
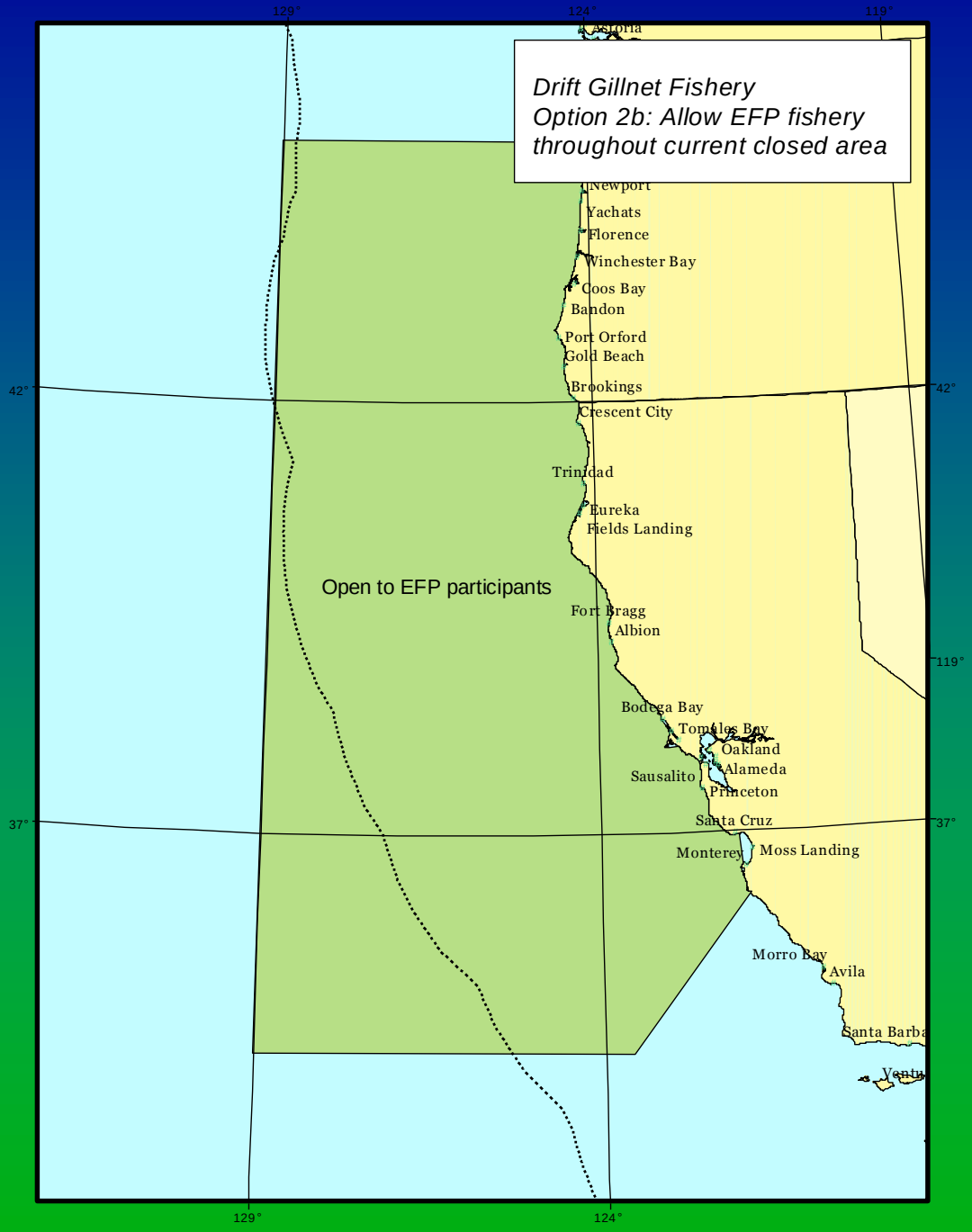
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Barba
Ventura
Open to EFP Participants
Closed to All DGN Vessels
Open to EFP Participants

Historic observed leatherback takes and effort, 1990 - 2002




Drift Gillnet Fishery
Option 2b: Allow EFP fishery throughout current closed area
Open to EFP participants
129°
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Florence
Winchester Bay
Coos Bay
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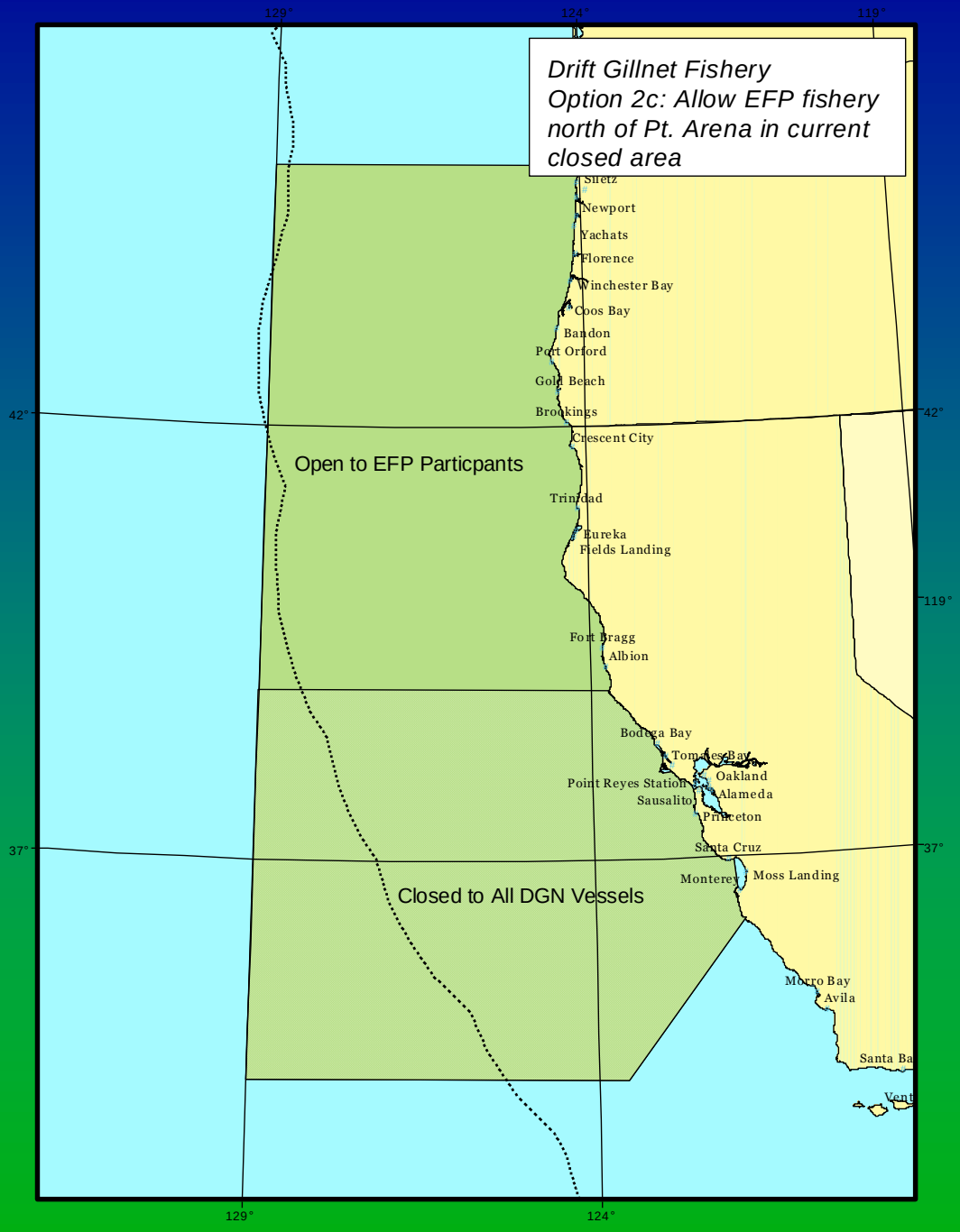
Morro Bay
Avila


Drift Gillnet Fishery
Option 2c: Allow EFP fishery north of Pt. Arena in current closed area
Open to EFP Particpants
Closed to All DGN Vessels
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Winchester Bay
Coos Bay
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Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Point Reyes Station
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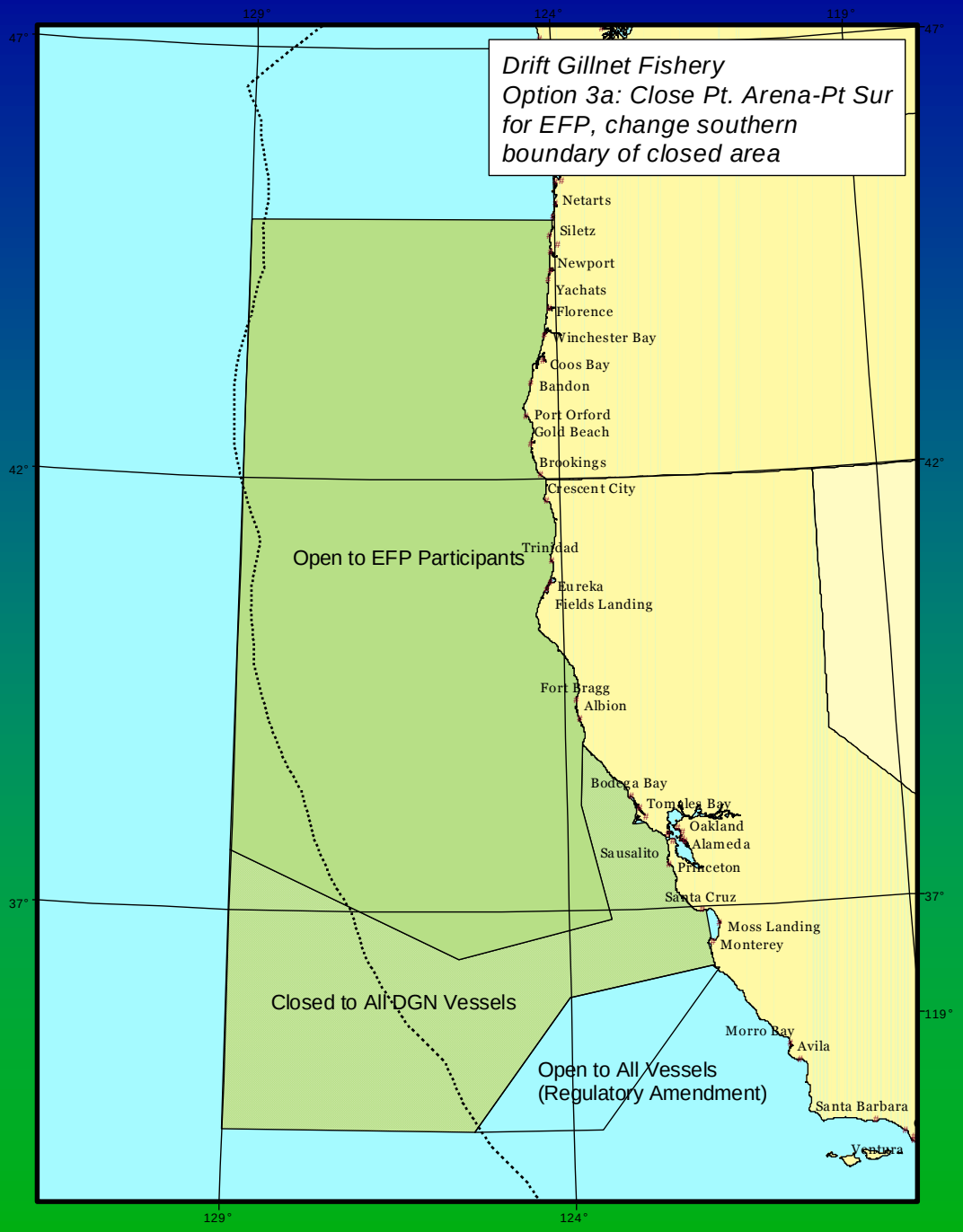
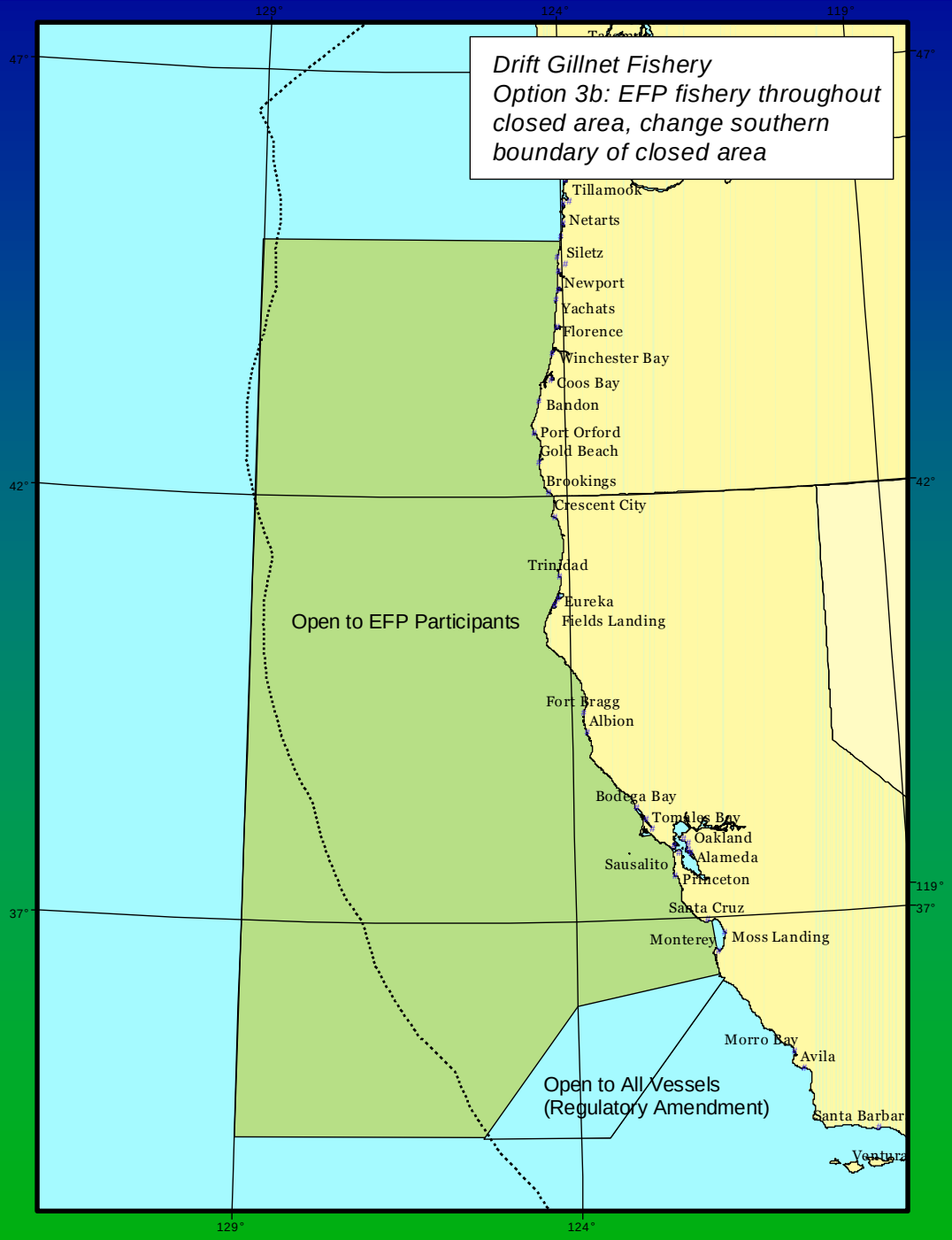
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Ba
Vent


Drift Gillnet Fishery
Option 3a: Close Pt. Arena-Pt Sur for EFP, change southern boundary of closed area
Netarts
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Moss Landing
Monterey
Morro Bay
Avila
Santa Barbara
Ventura
Open to EFP Participants
Closed to All DGN Vessels
Open to All Vessels
(Regulatory Amendment)
129°
124°
119°
47°
42°
37°


Drift Gillnet Fishery
Option 3b: EFP fishery throughout closed area, change southern boundary of closed area
Tillamook
Netarts
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
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Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Open to All Vessels
(Regulatory Amendment)
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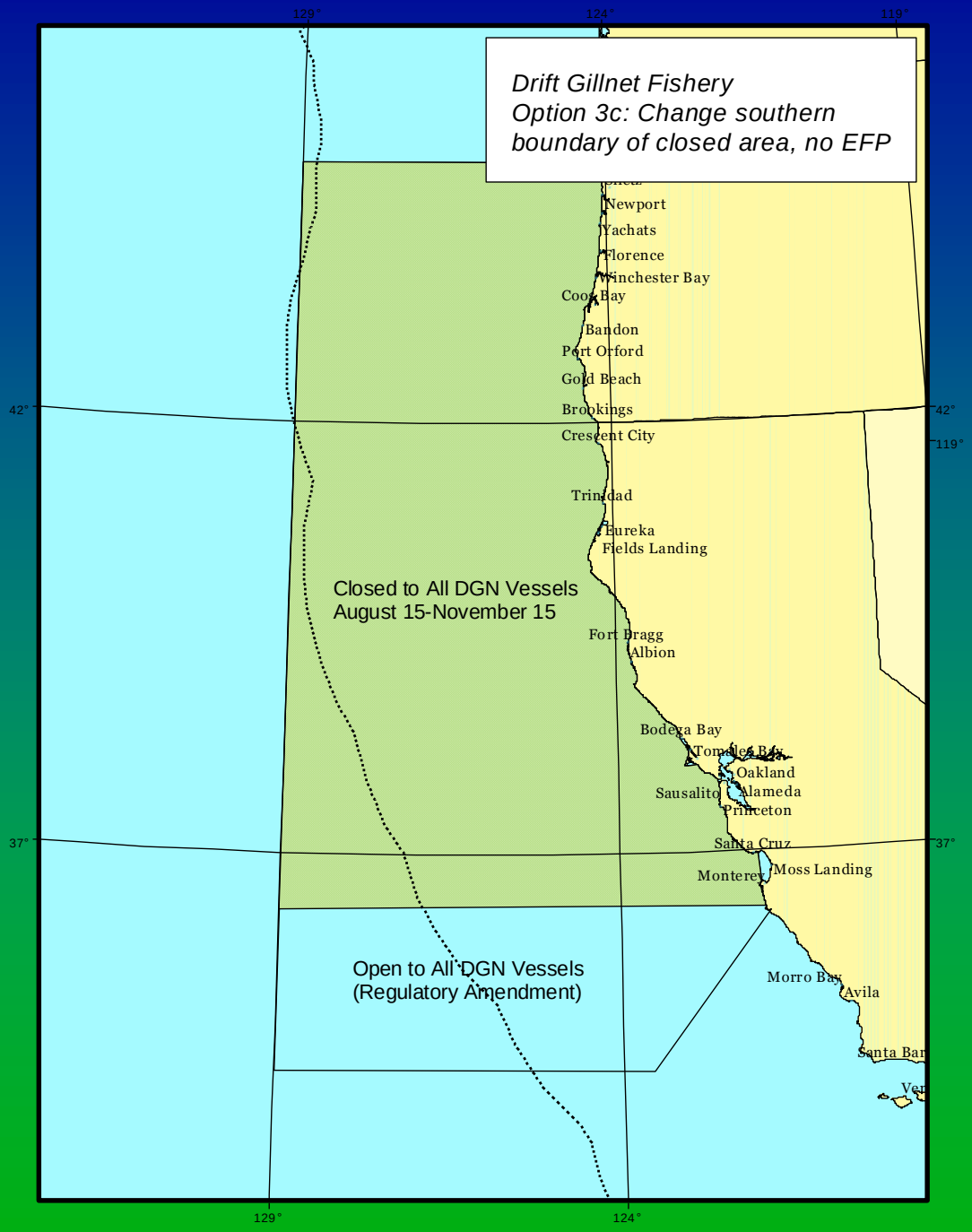
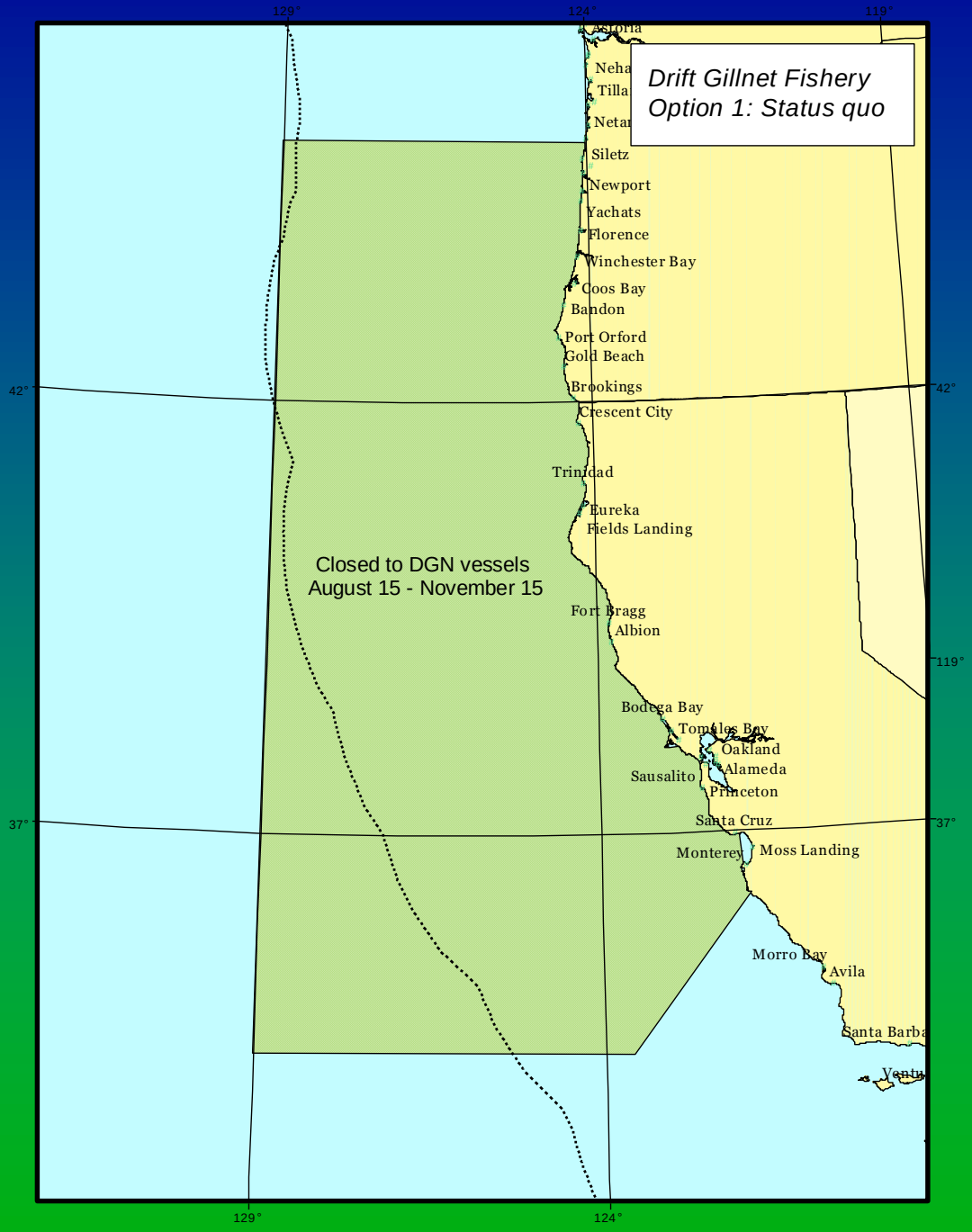
42°
37°


Drift Gillnet Fishery
Option 3c: Change southern boundary of closed area, no EFP
129°
124°
119°
42°
37°
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Moss Landing
Monterey
Morro Bay
Avila
Closed to All DGN Vessels
August 15-November 15
Open to All DGN Vessels
(Regulatory Amendment)


Drift Gillnet Fishery
Option 1: Status quo
Closed to DGN vessels
August 15 - November 15
129°
124°
119°
42°
37°
Astoria
Neha
Tilla
Netar
Siletz
Newport
Yachats
Florence
Winchester Bay
Coos Bay
Bandon
Port Orford
Gold Beach
Brookings
Crescent City
Trinidad
Eureka
Fields Landing
Fort Bragg
Albion
Bodega Bay
Tomales Bay
Oakland
Alameda
Sausalito
Princeton
Santa Cruz
Monterey
Moss Landing
Morro Bay
Avila
Santa Barba
Ventu

Anticipated rates of leatherback takes

Number of sets	Takes (range**)			Mortalities* (range)		
	Mean	Low	High	Mean	Low	High
300	2	1	3	**1**	1	2
500	4	2	5	**2**	1	3
600	5	3	6	**3**	2	4

*Based upon 61% observed mortality rate

**Range is the 95% CI around the mean rate

Agenda Item J.3.c
Supplemental HMSAS Report
November 2005

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON DRIFT GILLNET MANAGEMENT

The proposed alternatives for drift gillnet management were presented to the Highly Migratory Species Advisory Subpanel (HMSAS) by Ms. Elizabeth Petras. As a result of their discussions, the HMSAS recommends the full list of alternatives contained in Agenda Item J.3.b, HMSMT Report, as well as the Drift Gillnet exempted fishing permit (EFP) presented in Agenda Item J.3.a, Attachment 2, be adopted for public review.

PFMC
11/03/05

Sept 22, 2005

Dr. Donald Mclsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Pl. Suite 200
Portland OR 97220-1384

Dear Dr. Mclsaac,

Hi. My name is Adam Ramirez. I work for the County of Education as a teacher in Carpinteria CA. I have a BA in Env. Studies & a MA in Spanish. I want you to know that I oppose any & all commercial fishing practices involving the use of gill nets. They are indiscriminate and senseless killers. I am a recreational fisherman and would like to see inshore and offshore populations restored to pre-commerial levels. Please do not be swayed by cooporate interests. As a collective entity, recreational fisherman is a much larger group than the commercial interests and their opinions should be considered

Thank yw. Adam Ramirez

LAWRENCE A. DIAMANT
20832 Big Rock Drive
Malibu, California 90265

September 22, 2005

VIA FAX NO. (503) 820-2299

Dr. Donald McIsaac
Executive Director
Pacific Fisheries Management Counsel
7700 Northeast Ambassador Place
Suite 200
Portland, Oregon 97220-1384

Dear Dr. McIsaac:

I am informed that the Pacific Fisheries Management Council has granted exemptions to a small number of gillnet fishers authorizing gillnet fishing along a portion of the coast of California previously closed to such procedures. I find it absurd that regulation after regulation has been passed in recent times to protect our fisheries and endangered animals yet the Council will now authorize one of the methods most destructive to our fisheries, turtles, sharks, billfish and marine mammals.

Consideration of gillnet fishing of any kind in areas where conservation is the goal is in my mind an intentional slap in the face to all of those who have fought so hard for conservation as well as to those of us who have sat on the sidelines with what we considered insufficient information to determine our course. Allowance of even minimal gillnet fishing leads me to conclude that we now in fact have sufficient evidence of "politics as usual".

Allow me the privilege of at least sometimes believing in the good faith and reasoned decisions of the representatives of my government. Where conservation and preservation are the goals, there is absolutely no excuse for allowing the use of these "curtains of death".

Very truly yours,

Lawrence A. Diamant

LAD/als

cc: lmbrownxx@earthlink.net

LAD/00156698.WPD/LTR/02225.000

DRIFT GILLNET MANAGEMENT

Since 2001 an annual August 15–November 15 time/area closure has been applied to the drift gillnet (DGN) fishery currently managed under the Council's fishery management plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS). This seasonal closure extends from the waters off of Monterey, California to the mid-Oregon coast and westward beyond the Exclusive Economic Zone (EEZ) to 129° West longitude. National Marine Fisheries Service (NMFS) established the closure because of the incidental take of species listed under the Endangered Species Act (ESA) and in particular the endangered leatherback sea turtle (*Dermochelys coriacea*). Representatives from the DGN fishery argue that this seasonal closure has made the fishery less economically viable, leading to a steady decline in participation. They also suggest that the fishery, as it would be prosecuted under the proposed action, would have a substantially reduced level of effort compared to what was analyzed in the 2000 and 2004 biological opinions (BOs) completed by NMFS for the DGN fishery. Furthermore, there is new information on the incidental take rate (or catch per unit of effort) of leatherback sea turtles in the DGN fishery and new information on leatherback distribution that may affect fishing and minimize impacts to endangered leatherback sea turtles. These concerns were brought to the attention of the Council directly and through their advisory bodies. As a result, in June 2005 the Council directed the Highly Migratory Species Management Team (HMSMT), with input from the Highly Migratory Species Advisory Subpanel (HMSAS), to develop a range of alternatives to the current regulatory regime for the DGN fishery that would respond to these concerns.

The HMSMT and HMSAS held joint meetings August 3–5 to begin work on a preliminary range of alternatives. During those meetings they began to focus on using an exempted fishing permit (EFP) as a way to allow a very limited fishery within the closed area. The HMSMT met again October 3–4 to further develop the range of alternatives. (Agenda Item J.3.a, Attachment 1, summarizes that meeting.) In the interim between the two meetings they worked with Mr. Chuck Janisse of the Federation of Independent Seafood Harvesters (FISH) on the preparation of a draft EFP application (Agenda Item J.3.a, Attachment 2) for consideration by the Council. If the Council adopts HMS EFP protocols as discussed under Agenda Item J.2, the interim protocol may apply (Agenda Item J.2, Attachment 2). With regard to a two meeting protocol, this Council meeting would be the first of two meetings during which the Council will consider the EFP and decide whether to recommend to NMFS that it be approved; the March 2006 Council meeting would be the second.

The EFP would test the efficacy of various management measures and the economic viability of a DGN fishery within the current time/area closure. Use of an EFP would also allow gathering additional information about the effects of changes to the fishery (a smaller closed area for example), and interactions with sea turtles, before considering new regulations to permanently change current DGN management measures. At the same time it would be subject to management measures to ensure that the incidental take of leatherback sea turtles would be limited to levels not likely to jeopardize the continued existence of the species as determined by a new BO triggered by this action. (The BO is prepared by NMFS pursuant to the ESA and evaluates whether a proposed action will jeopardize the continued existence of an ESA-listed species. It is the functional mechanism in ESA section nine that allows the incidental take of a listed species.)

The measures that would be imposed on the EFP are either a cap on the incidental take and/or mortalities of leatherback sea turtles, a limit on effort (number of sets), or a combination of these two limits. In order to ensure accurate accounting, the EFP would be subject to 100% observer coverage with a mechanism for real-time reporting of any takes. If the cap on takes is reached, the EFP would immediately cease. Likewise, if a set limit were established the EFP would cease if that limit were reached before the incidental take cap or the end of the time/area closure (November 15) were reached. Notably, the amount of available observer time, which is currently uncertain, may impose a constraint on the level of effort expended under the EFP.

These EFP management measures are a component of the alternatives (Agenda Item J.3.b, HMSMT Report). In addition, there are alternatives that modify the area where fishing may occur, either under an EFP or for all DGN permit holders. Three of these alternatives would require a regulatory amendment to modify the closed area boundary (alternatives 3a–3c) or eliminate it (alternative 3d). As a regulatory change these modifications would be applicable to all DGN permit holders.

The Council task at this meeting is, first, to review the range of alternatives presented by the HMSMT, make any modifications, and authorize public review of the ranges of alternatives with modifications, if any. Second, the Council should take preliminary action on the EFP application.

NMFS, Council staff, and the HMSMT, will then begin work on the environmental assessment, to make a draft assessment available to support Council decision-making at the March 2006 meeting. Once the Council chooses a preferred alternative NMFS Southwest Region Sustainable Fisheries Division will initiate formal consultation with the Protected Resources Division and a BO will be completed for the action. The process is designed to have any final action by the Council for an EFP and/or any regulatory changes implementable on or before August 15, 2006.

Council Action:

1. **Adopt Public Review Draft of Proposed Options to Modify the Drift Gillnet Time/Area Closure.**
2. **Take Preliminary Action on EFP Application.**

Reference Materials:

1. Agenda Item J.3.a, Attachment 1: Highly Migratory Species Management Team and Ad Hoc Highly Migratory Species Management Committee Meeting Summary
2. Agenda Item J.3.a, Attachment 2: Draft Exempted Fishing Permit Application
3. Agenda Item J.3.b, HMSMT Report
4. Agenda Item J.3.d, Public Comment

Agenda Order:

a. Agenda Item Overview — Kit Dahl
b. Highly Migratory Species Management Team Report — Dale Squires
c. Reports and Comments of Advisory Bodies
d. Public Comment
e. **Council Action**: Adopt Public Review of Proposed Options to Modify the Drift Gillnet Time/Area Closure

MANAGEMENT OF NORTH PACIFIC ALBACORE

North Pacific albacore tuna (*Thunnus alalunga*) is a highly migratory fish found in the temperate and tropical portions of the Pacific Ocean. Spawning occurs in tropical and subtropical waters and early life stages are spent in nursery areas of the western North Pacific Ocean. At about age three to four years, some individuals journey from off the coast of Japan and migrate across the Pacific Ocean where they arrive off the North American west coast starting in the spring. Migrants generally arrive off California and Baja California, Mexico in the spring, but later over the extended west coast, from Canada to Mexico in summer and fall. Some individuals return to the western North Pacific for winter, whereas others over-winter in the central North Pacific and return to the west coast in the spring. Sexually mature individuals appear to leave the eastern side for spawning in the western North Pacific. The species has a long history of exploitation in the North Pacific Ocean.

I. Origin of the IATTC North Pacific Albacore Resolution

The best scientific evidence on North Pacific albacore tuna comes from the International Scientific Committee for Tuna and Tuna-like Species (ISC) in the North Pacific Ocean. The most recent information indicates that North Pacific albacore is either fully exploited, or may be experiencing fishing mortality above levels that are sustainable in the long term. Staff of the Inter-American Tropical Tuna Commission (IATTC) also recognized that the stock assessment for North Pacific albacore tuna suggested a need for conservation and management measures to avoid further increases in fishing mortality

Based on the stock appearing at low levels of its unexploited size coupled with a biomass level expected to decline, the IATTC took action to manage North Pacific albacore at its 73rd meeting in Lanzarote, Spain in June, 2005. The IATTC adopted a resolution calling for a limit on the total level of fishing effort for North Pacific albacore tuna in the eastern Pacific Ocean that does not increase beyond current levels. The resolution also urges member nations to take necessary steps to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore tuna is not increased. The resolution also requested that the IATTC work with the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC)

II. Concerns for a sustainable stock

At the 5th meeting of the ISC held in Tokyo, Japan in March, 2005, the ISC reviewed stock status information for North Pacific albacore. It concluded that exploitation of this stock is at high levels and fishing mortality should not be increased. For the stock, it noted that recent recruitment has been strong, resulting in high current stock biomass. However, as recruitment declines to levels more typical of the extended historical time series of recruitment coupled with current fishing mortality rate (F) that is high, relative

to commonly used reference points, it is unlikely that the spawning stock biomass (SSB) will rebuild to levels required for maximum sustainable yield (MSY). Furthermore, results of simulation analyses, designed to determine F's for safely maintaining future SSB's above minimum levels recorded so far, indicate that F's slightly higher than the range of current F's would result in SSB's above the lowest observed in the late 1970s. Because the lowest SSBs of the late 1970s may be the least reliable, a more robust SSB threshold would be the lower 10^{th} and 25^{th} percentile of observed SSB's. In this case, current F should maintain SSB at or above the lower 10^{th} percentile SSB threshold, but a modest reduction in current F would be required to maintain SSB at or above the lower 25th percentile SSB threshold.

The IATTC staff also reviewed the results used by the ISC and considered that the higher level for current fishing mortality rate (0.68) to be more realistic based on the methods used to calculate the estimates. They added that the high F estimate may be too low given the retrospective bias shown by the model. They estimated that a current fishing mortality of 0.68 implies an equilibrium spawning stock biomass at 17 percent of unfished levels. Projections assuming fishing mortality of 0.68 under low and high scenarios of future recruitment, suggest that the biomass may decline if current levels of fishing mortality persist. In summary, both analyses indicate the need to reduce current F.

III. Concerns for a sustainable fishery

North Pacific albacore have a long history of exploitation in the North Pacific Ocean. Total catches of albacore for all nations peaked to a record high of 125,400 metric tons (mt) per year IN 1976, and then declined to a low of 37,600 mt in 1991. Catch began to recover in the 1990s and peaked again in 1999 at 121,500 mt, averaging 92,600 mt between 2003-2004.

Most of the North Pacific catch of albacore, between 35 and 65 percent from 1983 through 2003, occurred in the northwestern sector of the North Pacific Ocean (Food and Agriculture Organization (FAO) fishing area 61). The northwest Pacific catch increased from 36,000 mt in 1983 to 89,000 mt in 1990. The catch then declined abruptly to about 33,000 mt in 1993. The catch recovered to 87,000 mt in 1999, then declined to a low of 47,000 mt in 2000. Since then, the annual catch has remained fairly stable between 47,000 mt and 51,000 mt.

Approximately 13 percent of the 2003 North Pacific albacore catch was made in the northeast Pacific (FAO fishing area 67). Catch of albacore in this sector reached 23,000 mt in 1974 and then declined to 2,000 mt in 1982. The catch in 2003 recovered to 18,000.

Historically, pole-and-line and troll were the major gears employed in the North Pacific Ocean, but these fisheries have decreased in recent years owing largely to economic factors. Since 1987, longline fishing has produced most of the albacore landings each year. Additional longline capacity is available from other HMS fisheries that can easily

shift to targeting north Pacific albacore. It is this capacity, along with the current high fishing mortality rates, that threatens the future sustainability of the fishery. Other gears used since the mid-1990s included purse seine, gill net, unspecified and recreational fishing gears which account for roughly 6 percent of the total catch of albacore.

IV. Multilateral Cooperation

In preparing its North Pacific albacore resolution, the IATTC also recognized that proper management of the species throughout its migratory range requires not unilateral actions but rather, efforts taken multilaterally with other regional fishing management organizations. Consequently, IATCC acknowledged the importance of working with WCPFC in implementing its resolution. Specifically, it calls upon the members of the WCPFC to consider and take, at the earliest opportunity, actions deemed necessary to ensure the effective conservation and management of North Pacific albacore tuna throughout its migratory range. Included within this element of the resolution are implementing measures that ensure fishing effort on the stock in the WCPFC area does not increase and, as necessary, employ measures that the WCPFC considers for reducing fishing effort to levels commensurate with the long-term sustainability of the resource.

V. Case Studies - Albacore Management

In 1997, the International Commission for the Conservation of Atlantic Tunas' (ICCAT) Standing Committee on Research and Statistics determined that northern Atlantic albacore tuna was at or near a level of full exploitation. In 1998, faced with an overfishing and overfished situation, ICCAT adopted a recommendation to limit fishing capacity to the number of vessels in the directed northern Atlantic albacore tuna fishery during the years of 1993 to 1995 and for countries to submit a list of vessels fishing for northern Atlantic albacore. In 2003, ICCAT recommended a total allowable catch (TAC) of 34,500 mt ww for 2004, 2005, and 2006, of which the United States was allocated 607 mt ww per year.

In its 1999 report to the U. S. Congress on the status of U.S. fisheries, NOAA's National Marine Fisheries Service (NMFS) identified the northern Atlantic albacore tuna stock as overfished. Three alternatives for developing a rebuilding plan were prepared. They included a no action alternative in which NMFS would continue to monitor U.S. northern Atlantic albacore tuna fisheries to stay in compliance with the ICCAT-recommended annual U.S. TAC of 607 mt ww. A second alternative included a U.S. action plan in which a reduction in fishing mortality of northern Atlantic albacore tuna in U.S. fisheries would be established. This unilateral action proposed to set a proportional reduction below the current TAC in an effort to begin rebuilding the northern Atlantic albacore stock. A variety of measures designed to reduce mortality were to be examined, including but not limited to: seasonal closures, closed areas, quota restrictions, size limits, and retention limits. Those measures found to be appropriate would be implemented as a domestic regulation through separate rulemaking. The third and preferred alternative was to establish the foundation with ICCAT for developing an international rebuilding program. Under this alternative, the United States would continue to work through

ICCAT to establish a stock size and rebuilding plan time frame consistent with the Magnuson-Stevens Act. Such an international rebuilding program was expected to ensure rebuilding to a level capable of producing MSY with a target stock level, a timetable, and reference points. Once a plan was established, the United States would comply with ICCAT recommendation(s) with domestic regulatory action taken as necessary but did not require any immediate domestic regulatory action.

VI. References

Inter-American Tropical Tuna Commission. 2005. Tuna and Billfishes in the Eastern Pacific Ocean in 2004 (draft). Document SAR-6-09, Working Group on Stock Assessments, 6th meeting, La Jolla California.

Sonu, Sunee C. 2005. Albacore fisheries, trade, and market of Japan. NOAA National Marine Fisheries Service, Southwest Region, NOAA-TM-NMFS-SWR-042.

Stocker, M. (ed.) 2005. Report of the nineteenth north Pacific albacore workshop. Nineteenth North Pacific Albacore Workshop, Nanaimo, B. C. Canada, November 25-December 2, 2004. Fisheries and Oceans Canada, Pacific Biological Station, Nanaimo, B. C. 127 pp.

NOAA National Marine Fisheries Service. 2005. Draft Consolidated Atlantic Highly Migratory Species Fishery Management Plan, Vol. 1. Highly Migratory Species Management Division, Office of Sustainable Fisheries, National Marine Fisheries Service 1315 East-West Highway, Silver Spring, Maryland 20910

COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

Second Session
Pohnpei, Federated States of Micronesia
12-16 December 2005

WCPFC-2005/WPXX
XXXX 2005

Draft Resolution on North Pacific Albacore

Prepared by the United States

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Commission), having certain responsibilities and functions pursuant to the Convention of the same name (WCPF Convention) with respect to the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean;

Observing that the best scientific evidence on the status of North Pacific albacore, as reported by the 19th North Pacific Albacore Workshop, held in 2004, and the 5th Meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, in March 2005, indicates that the current fishing mortality rate appears to be high relative to commonly used reference points, which is a cause for concern regarding the future status of the stock;

Recognizing that North Pacific albacore migrate between the WCPF Convention Area and the Antigua Convention Area in the eastern Pacific Ocean and that some WCPF Commission members' fisheries for North Pacific albacore straddle these two areas;

Further recognizing that the IATTC resolved at its 73rd meeting, in June 2005, that the total level of fishing effort for North Pacific albacore in the eastern Pacific Ocean not be increased beyond then-current levels;

Aware that the IATTC resolved that all of its members and cooperating parties should call upon the members of the WCPF Commission to consider, at their earliest opportunity, taking such action as may be necessary to ensure the effective conservation and management of North Pacific albacore in the WCPF Convention Area, including, as necessary, measures to reduce fishing effort to levels commensurate with the long-term sustainability of the resource;

Recalling that the IATTC has requested the WCPF Commission to take measures for North Pacific albacore similar to those that the IATTC has taken;

Acknowledging the importance of cooperating and consulting with the IATTC in order to achieve a consistent set of conservation and management measures for fish stocks that occur in the convention areas of both organizations and for areas of overlap between the two conventions, as provided for in Article 22(4) of the WCPF Convention and Article XXIV of the Antigua Convention;

[*Taking into consideration* the recommendations of the Northern Committee with respect to North Pacific albacore, which …;]

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The WCPF Commission therefore resolves that:

1. The total level of fishing effort for North Pacific albacore in the WCPF Convention Area not be increased beyond current levels.

2. The WCPF Commission members shall take necessary measures to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore in the WCPF Convention Area is not increased beyond current levels.

3. All WCPF Commission members shall report to the WCPFC Commission on a semi-annual basis: (1) all catches of albacore north of the equator and (2) all fishing effort north of the equator in fisheries directed at albacore. The reports for both catch and fishing effort shall be made by gear type and within and outside the WCPF Convention Area. Catches shall be reported in terms of weight. Fishing effort shall be reported in terms of the most relevant measures for a given gear type, including at a minimum for all gear types, the number of vessel-days fished. The reports for the first half of each calendar year shall be submitted no later than the following December 31 and reports for the second half of the year shall be submitted no later than the following June 30.

4. The Executive Director shall, through the Northern Committee and in coordination with the Scientific Committee and other scientific bodies conducting scientific reviews of this stock, monitor the status of North Pacific albacore and fisheries that harvest the stock, and at the third session of the WCPF Commission, in 2006, report on the status of and fisheries for the stock and as necessary, present any further recommendations of the Northern Committee for the conservation and management of the stock.

5. The Executive Director shall communicate this resolution to the IATTC and request that the two commissions engage in consultations with a view to reaching agreement on a consistent set of conservation and management measures for North Pacific albacore, and specifically, to propose that both commissions adopt as soon as practicable uniform conservation and management measures and any reporting or other measures needed to ensure compliance with agreed measures.

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HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON ALBACORE MANAGEMENT PLANNING

The Highly Migratory Species (HMSAS) recommends the Highly Migratory Species Management Team (HMSMT) consider a range of bag limits for the recreationally caught tunas to include a limit of ten fish of any one species per person per day. The range of the bag limits should reflect current effort as well as concerns about utilization and waste.

The HMSAS believes it is premature to precede with any effort controls on the West Coast commercial albacore fleet at this time. Until a resolution is passed by the Western Central Pacific Fishery Commission (WCPFC) similar to the Inter-American Tropical Tuna Commission (IATTC) Resolution on albacore that addresses effort in the Western Pacific, until reasonable scientific reference points are agreed on for biomass removal, or until overfishing or overfished condition exists in the North Pacific albacore fishery, no unilateral effort controls are necessary for the U.S. fleet, which is not presently expanding.

Regarding enforcement of illegal, unreported, and undocumented (IUU) fishing (eliminating long high seas netting and illegal marketing), the HMSAS recommends the Council encourage the Coast Guard and National Marine Fisheries Service Enforcement to step up surveillance and international coordination to eliminate the illegal take of fish important to US fishermen. Commercial advisors are getting a sense from their constituents that illegal high seas driftnetting is increasing.

Concerning the interaction with the WCPFC, the HMSAS requests that the Council make the following recommendations to the U.S. Delegation:

1. Promote the adoption by the WCPFC of a resolution following that adopted by the IATTC to not increase the total fishing effort for the Western North Pacific albacore beyond current levels.
2. Emphasize the need to reduce fishing levels commensurate with the long term sustainability of the resource.
3. Keep the Council informed on the actions of the WCPFC so that the Council can consider the need for further action relative to the West Coast albacore fleet.

PFMC
11/03/05

Letter to Transmit in writing the request to the U.S. Delegation

WFOA COMMENTS

~~WFOA~~ - To ~~F~~ To PFMC 11-4-05 J.4.d

- BEFORE ANY CONTROLS LIMITING EFFORT ON U.S. albacore fishermen CAN AND SHOULD BE DONE, the following SHOULD happen -

1. THE WCPFC NEEDS to adopt a SIMILAR RESOLUTION (draft) to the IATTC resolution STATING FISHING EFFORT will NOT BE increased BEYOND CURRENT LEVELS

2. Better DEFINITION OF "what current levels" MEAN - IE: 2005 NP Season ~~=~~ ≈ 50% EFFORT = 50% LONGINGS (weather, fuel COSTS, ocean conditions)

3. Uniform Reference POINTS need to be accepted BY all NATIONS INVOLVED U.S., CANADA, Japan, Korea, Taiwan, etc.

4. Before ANY caps are placed on U.S. fishermen the U.S./CAN treaty needs to be renegotiated or terminated -

5. ANY EFFORT CONTROLS SUCH AS LE-QUATAS ETC NEED TO APPLY ACROSS THE BOARD OF GEAR TYPES & USERS - rec's TOO

6. IUU fishing needs to be documented and stopped - Concerned that high seas illegal gillnet may again be sequestering the biomass

ALBACORE MANAGEMENT PLANNING

At the September 2005 meeting the Council was briefed on the Inter-American Tropical Tuna Commission (IATTC) resolution concerning northern albacore tuna. It calls on parties to "ensure the level of fishing effort by their vessels fishing North Pacific albacore tuna is not increased." This resolution is in response to concerns about current levels of fishing mortality on this stock. The first Stock Assessment and Fishery Evaluation (SAFE) Report for the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) indicates that overfishing is occurring on this stock (see Section 5.3.1 and Table 5-1). (The HMS SAFE Report will be made available at the November Council meeting.) National Marine Fisheries Service (NMFS) has not yet formally declared overfishing is occurring pursuant to §304(e)(1) of the Magnuson-Stevens Fishery Conservation and Management Act. NMFS will report on recent developments with respect to the stock in order to facilitate Council discussion (Agenda Item J.4.b, Attachment 1).

This agenda item is an opportunity for the Council to discuss possible management options in light of the IATTC resolution and the possibility that NMFS will declare overfishing is occurring. One action that has been mentioned in previous discussions on this topic is the development and implementation of a limited entry program for the West Coast albacore fishery under the Council's HMS FMP. The Council may wish to solicit input from and/or provide direction to its advisory bodies on this type of action, and solicit comments from affected fisheries and the public as well.

Council Action:

Council Discussion and Guidance on Planning Albacore Management Activities.

Reference Materials:

Agenda Item J.4.b, Attachment 1: Management of North Pacific Albacore

Agenda Order:

a. Agenda Item Overview — Kit Dahl
b. NMFS Report
c. Reports and Comments of Advisory Bodies
d. Public Comment
e. Council Discussion and Guidance on Planning Albacore Management Activities

PFMC
10/13/05

DRAFT

Agenda Item J.5.b
Attachment 1
November 2005

DRAFT AMENDMENT 1 TO THE U.S. WEST COAST FISHERIES FOR HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN TO STOP OVERFISHING IN THE EASTERN PACIFIC OCEAN

COVER SHEET

EXECUTIVE SUMMARY

TABLE OF CONTENTS

1.0 INTRODUCTION

1.1 PURPOSE OF AND NEED FOR ACTION

The Pacific Fishery Management Council (PFMC) proposes to develop and implement an amendment to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (WC HMS FMP) to end overfishing of Pacific bigeye tuna (*Thunnus obesus*). The most recent bigeye tuna stock analyses were completed in 2003 and 2004. The 2003 single-stock and 2004 two-region assessment results found that bigeye tuna overfishing is occurring Pacific-wide. Both the PFMC and the Western Pacific Fishery Management Council (WPFMC) were notified concerning the status of overfishing in a letter sent on December 15, 2004, by the regional administrators of NOAA Fisheries' Southwest and Pacific Islands Regional Offices. In order to end overfishing of bigeye tuna in the Pacific Ocean, fishing mortality will need to decrease and both the PFMC and the WPFMC are responsible for developing respective plans for implementation by NMFS to assist in ending overfishing Pacific wide.

The overfishing determination was also reported to Congress in the Annual Status of Fisheries for 2003. The report was transmitted on June 15, 2004 and, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) (16 U.S.C. 1854(e)(3)) and the implementing regulations for National Standard 1 (50 CFR 600.310(e)(3)), the PFMC has one year from the notification date to develop remedial action for NMFS to implement to end overfishing of Pacific bigeye tuna.

Fishery stock status is determined using two criteria, one of which identifies those stocks that are overfished and the second for those stocks experiencing overfishing. Overfishing definitions are based on a minimum biomass threshold and a maximum fishing threshold. When the stock biomass falls below the biomass threshold [the minimum stock size threshold (MSST)], the stock is said to be in an overfished condition. A stock is subject to overfishing if the fishing mortality rate exceeds the maximum fishing mortality threshold (MFMT) for one year (50 CFR 600.310(d)(ii). The MSST and MFMT for stocks are specified in fishery management plans, and in the case of Pacific bigeye tuna are found in the WC HMS FMP.

Fishing activities contributing to the mortality of Pacific bigeye tuna are primarily longlining and purse seine, with the major fishing nations including Japan, China, Philippines, Australia, Indonesia, and Korea. The total catch level (fishing mortality) reported annually is approximately 200,000 metric ton (mt). The United States lands approximately 10,000 mt of Pacific bigeye tuna per year, or about five percent of the total Pacific-wide landings.

Longline fishing targets the larger more valuable fish, which are used in Japan's sashimi market, while smaller fish are used mainly for canning. Longliners from Japan, Korea, and more recently Taiwan continue to primarily target large Pacific bigeye in deeper distant waters. Longliners from Pacific Island countries tend to target the smaller fish, also sashimi grade found closer to the surface and near shore. Longliners take medium to large (3 to 6 feet) fish while the surface fishery catches smaller fish (1 to 3 feet).

The total catch of small Pacific bigeye tuna by the purse seine fishery is uncertain as the bigeye often school with yellowfin tuna (*Thunnus albacares*) and are not separated at

landing points or recorded separately in fishing logs. It is known, however, that over the past 10 years, there has been an increase in levels of Pacific bigeye tuna taken incidentally when purse seiners target skipjack tuna (*Katsuwonus pelamis*) and juvenile yellowfin tuna found around fish aggregating devices.

Management of nomadic stocks, such as Pacific bigeye tuna, is challenging due to the highly migratory nature of the fish, as the search for food takes them across multiple political and geographical boundaries. Management and conservation options must therefore be agreed upon and are a shared responsibility of both domestic and international fisheries management entities. The requirement to reduce fishing mortality will dictate that the United States find an appropriate balance between protecting the resource and achieving a sustainable utilization of the resource within its straddling jurisdictions, then introduce the strategy to reduce fishing mortality on Pacific bigeye tuna to relevant international fisheries management organizations with the hope that such measures are agreed upon, adopted, and implemented.

As indicated in the MSA, and required by the implementing regulations for National Standard 1 (50 CFR 600.310(e)(3), the PFMC was requested by the Secretary to develop remedial action to end Pacific bigeye overfishing within one year of being notified that overfishing was occurring. Although unilateral action by the PFMC will not end overfishing of Pacific bigeye, the actions described in this document are consistent with the MSA which states at 304(e)(3):

> Within one year of identification under paragraph (1) or notification under paragraphs (2) or (7), the appropriate Council (or the Secretary, for fisheries under section 302(a)(3)) shall prepare a fishery management plan, plan amendment, or proposed regulations for the fishery to which the identification or notice applies: (A) To end overfishing in the fishery and to rebuild affected stocks of fish; or (B) To prevent overfishing from occurring in the fishery whenever such fishery is identified as approaching an overfished condition.

This amendment is also consistent with NMFS' Atlantic Highly Migratory Species FMP which includes a "foundation plan" as its response to overfishing of highly migratory species, including bluefin tuna and swordfish. As in the Atlantic, a multilateral management action is essential to ensure that overfishing on bigeye tuna in the Pacific Ocean ends.

From years 2003 – 2006, the Inter-American Tropical Tuna Commission (IATTC) has implemented management measures for purse seine and longline fisheries in response to concerns about the condition of bigeye tuna in the Eastern Pacific Ocean (EPO). The longline fleets of member nations of the IATTC were allocated a bigeye tuna quota equivalent to the 2001 level of catch. Based on this level of fishing, the US fleet-wide bigeye tuna quota was set at 150 mt.

Given that further management actions for U.S. Pacific fisheries are likely to be considered by the IATTC and the newly emergent Commission for the Conservation and

Management of Highly Migratory Fish Stocks in the Western and Central Pacific (more commonly referred to as the Western & Central Pacific Fisheries Commission or WCPFC), the PFMC and the WPFMC determined that it was necessary to also amend the Pelagics FMP to include a protocol regarding both Councils' role in the development and implementation of measures stemming from Regional Fishery Management Organizations (RFMOs) such as the IATTC and WCPFC. The Councils also recognized the need to implement measures for domestic fisheries in the Western Pacific in response to the overfishing of bigeye tuna. These international and domestic fishery management measures for Pacific bigeye tuna are the major focus of this amendment.

1.2 Background

1.2.1 The Magnuson-Stevens Act

Federal fishery management is conducted under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) (16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The MSFCMA established autonomous rights and exclusive fishery management authority over most fishery resources within the U.S. exclusive economic zone (EEZ), an area that extends from 3 to 200 nautical miles.

The MSFCMA also created the National Marine Fisheries Service (NMFS) an agency within the Department of Commerce's National Oceanic and Atmospheric Administration. The NMFS oversees eight regional fisheries management councils, of which are charged with the conservation and management of fish stocks found in their jurisdiction.

Section 305(a) of the MSFCMA requires the Secretary of Commerce to publish a list of authorized fisheries under the authority of each Council and all fishing gear used in such fisheries in the EEZ.

The MSFCMA was most recently amended in 1996, by the Sustainable Fisheries Act (SFA), (Public Law 104-297) at which time it was renamed the Magnuson-Stevens Fishery Conservation Act (MSA). New provisions of the MSA include emphasis on the precautionary approach to manage U.S. fish stocks; putting an end to overfishing; rebuilding overfished stocks; minimizing bycatch and bycatch mortality to the extent practicable; and to identify and protect essential fish habitat.

1.2.2 The National Standards for Fishery Conservation and Management

1.2.3 Essential Fish Habitat
1.2.4 Coastal Zone Management
1.2.5 Endangered Species Act
1.2.6 Marine Mammal Protection Act

1.2.7 National Environmental Policy Act

This environmental assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA). In context of NEPA, the EA analyzes a variety of alternatives to avoid or minimize adverse impacts to the human environment.

1.2.8 Paperwork Reduction Act
1.2.9 Regulatory Flexibility Act
1.2.10 Executive Order 12866 (E.O. 12866)

1.2.11 Data Quality Act
1.3 History of Management
1.4 International Management
1.4.1 IATTC and its Relationship to the Magnuson-Stevens Act

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1 Chapter 2 Contents

This chapter describes the proposed action and alternatives to the proposed action. An attempt was made to establish a range of "reasonable" alternatives. A reasonable alternative is one that would be expected to achieve the objectives for the proposed action, as described in Chapter 1, and summarized as follows:

- Meet the requirement under the MSA to end overfishing of Pacific bigeye tuna; and
- Establish management protocol for the Councils' participation in the development and implementation of U.S. proposals for international management.

This chapter also includes discussions of the differences in the environmental effects of each of the alternatives.

2.2 *Proposed Action*

NMFS, after consulting with the Council, will recommend conservation and management measures through the appropriate channels to the RFMOs such as time/area closures and prescribe minimize size limits for Pacific-wide fishing effort, set targets for recovery, place limits on fishing mortality rates, establish measurable stock improvement milestones, and encourage and support development of an international management program to end Pacific bigeye tuna overfishing.

2.3 *Alternative 1 (Status quo alternative*)

NMFS and the PFMC would not develop and implement controls necessary to end overfishing by Pacific-wide fishermen, nor submit comments or actively participate in the development of input and recommendations on the conservation and management of Pacific bigeye to the U.S. delegation to relevant RFMOs.

2.4 *Alternative 2*

Alternative 2 would provide a means by which the PFMC would work with NMFS to develop conservation and management recommendations for Pacific bigeye tuna, of which NMFS would then recommend to the appropriate RFMOs. Management options would include a combination of measures that if adopted may include: (1) closure of the purse seine fishery in the EPO for two months; (2) reduce longline catches in the EPO to 2000 levels; reduce the purse seine fishing effort on Pacific bigeye by 50% in 2007 with one or more of the following management options:

a) Close the purse seine fishery for six months in the area between 8^{o}N and 10^{o}S west of 95^{o}W (this closure would not be intended to occur simultaneously with the two month EPO closure); or

b) Close the purse seine fishery on floating objects for six months in the area west of 95^{o}W (this closure is not intended to occur simultaneously with the two month EPO closure); or

c) Limit the total annual catch of bigeye by each purse seine vessel that is required to carry an observer to 500 metric tons, estimated either by the observer or, at the request of the Captain, by scientific sampling of the vessel's catch conducted by IATTC staff at the time of unloading. If this latter option is chosen, the vessel would be responsible for the costs of the sampling.

(3) prohibit landings, transshipments and commercial transactions in tuna or tuna products that have been positively identified as originating from fishing activities that disregard conservation and management options specified for Pacific bigeye tuna.

Alternative 2 would provide specific protocol for the development of input and recommendations on the conservation and management of Pacific bigeye to the U.S. delegation to RFMOs. The NMFS and the Council would respond in a formal manner to any resolution adopted by the RFMOs by implementing appropriate fishery management requirements in the Pacific.

2.5 *Alternative 3*

Alternative 3 would include all management options contained in alternative 2, plus would exempt fleets that catch 1% or less of the total Pacific bigeye tuna landings in the EPO and provide an annual international fishing quota of X amount based on fishing history divided among all nations fishing on the stock. Additionally, alternative 3 requires minimum size limitations geared toward reducing fishing mortality on juvenile Pacific bigeye.

2.6 *Alternative 4*
Close all fisheries under the Council's jurisdiction that target Pacific bigeye tuna in the EPO.

3.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT
3.1 Physical Environment
3.2 Biological Environment
3.2.1 Pelagic Management Unit Species

3.2.2 Pacific Bigeye Tuna (*Thunnus obesus*)

Bigeye ranges worldwide in warmer seas and from central Washington to Peru and the Galapagos Islands. It is a pelagic species, and has been found as deep as 250 m. Specimens as large as 244 cm have been observed, but bigeye are usually smaller than 183 cm (Eschmeyer and Herald, 1983). Prior to 1994, the average catch of bigeye in the ETP by surface gear was approximately 4,000 mt. In 1994, the annual catch increased to 29,000 mt, in 1995, to 37,000 mt, and in 1996, to 52,000 mt. Between 1995 and 2001, bigeye catches averaged 47,088 mt annually (IATTC, 2002b). The estimated catch in 2002 was 35,201 mt (IATTC, 2003). These increasing catches resulted from the discovery that bigeye associated with floating objects, but well below the surface, and could be detected with sonar and caught with purse seines. Many of these floating objects are FADs placed in the water by fishermen. The biomass of bigeye has declined since 2000 (Maunder and Harley, 2001).

3.2.3 Life History and Habitat
3.2.4 Movement
3.2.5 Stock Structure
3.2.6 Marine Mammals
3.2.7 Sea Turtles
3.2.8 Sea Birds
3.2.9 Other Tunas
3.3 Fisheries
3.3.1 EPO Tuna Fisheries and Bigeye Landings
3.3.2 Economic Environment
3.3.3 U.S. Purse Seine Fleet
3.3.4 International Purse Seine Fleets
3.3.5 U.S. Longline Fleet
3.3.6 International Longline Fleet

4.0 ENVIRONMENTAL AND SOCIO-ECONOMIC IMPACTS OF THE ALTERNATIVES
4.1 Impacts of the Proposed Action

4.2 Impacts of Alternative 1: No Action Alternative (Status Quo)
By implementing the status quo alternative (i.e. failure to implement measures that end overfishing) it is possible that a continued decline in Pacific bigeye

stocks would result. If this scenario did result from implementation of this alternative (no action), the stock could become overfished.

4.2 Impacts of Alternative 2:

4.3 Impacts of Alternative 3:
Alternative 3, if implemented would provide a solid basis for collaboration between the Council, NMFS, and the DOS, to ensure effective representation of the Council's constituents.

4.4 Impacts of Alternative 4:

5.0 LIST OF AGENCIES AND PREPARERS

LIST OF TABLES

LIST OF FIGURES

REFERENCES

Agenda Item J.5 c
Supplemental HMSAS Report
November 2005

HIGHLY MIGRATROY SPECIES ADVISORY SUBPANEL REPORT ON BIGEYE TUNA OVERFISHING RESPONSE

The Highly Migratory Species Advisory Subpanel (HMSAS) discussed the bigeye tuna alternatives (Agenda Item J.5.a, Attachment 1), and the HMSAS feels the range of alternatives is adequate for public review. Furthermore, in light of the diminutive impacts of this Council's fisheries, the HMSAS suggests Alternative 3 as the preferred option.

PFMC
11/03/05

Agenda Item J.5
Situation Summary
November 2005

BIGEYE TUNA OVERFISHING RESPONSE

National Marine Fisheries Service (NMFS) notified the Council that it must take action to address overfishing of bigeye tuna by June 14, 2005. A similar notification was given to the Western Pacific Fishery Management Council (WPFMC). At the June 2005 meeting, the Council moved to begin work on an amendment to the fishery management plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) as the proper response to address this issue. NMFS Southwest Region agreed to take lead responsibility on developing the amendment package for Council consideration.

The HMS Stock Assessment and Fishery Evaluation (SAFE) Report, available at this Council meeting, includes new information indicating that the Eastern Pacific Ocean bigeye tuna stock is apparently overfished (i.e., the stock biomass is below the minimum stock size threshold). The December 15, 2004, letter notifying the Council that overfishing is occurring states that "the stock structure of bigeye tuna in the Pacific Ocean is unresolved." It based the determination on two stock assessments, one treating bigeye as a single Pacific-wide stock and the other, conducted by the Inter-American Tropical Tuna Commission, for the Eastern Pacific only. A reevaluation of this question could lead to a reconsideration of stock status in the Eastern Pacific. If declared overfished, the Council would be required to prepare a rebuilding plan.

At this meeting NMFS will provide a preliminary range of alternatives for the Council to consider to address overfishing of bigeye tuna. These alternatives form the basis for the development of an FMP amendment.

Council Task:

Review the range of alternatives presented by NMFS, identify modifications to the range of alternatives or propose new alternatives, and adopt the resulting range of alternatives for public review.

Reference Materials:

1. Agenda Item J.5.b, Attachment 1: Draft Amendment 1 to the U.S. West Coast Fisheries For Highly Migratory Species Fishery Management Plan to Stop Overfishing in the Eastern Pacific Ocean.

Agenda Order:

a. Agenda Item Overview — Kit Dahl
b. NMFS Report — Mark Helvey
c. Reports and Comments of Advisory Bodies
d. Public Comment
e. **Council Action**: Adopt Public Review Draft FMP Amendment Alternatives Responding to Overfishing of Bigeye Tuna

PFMC
10/14/05