

## HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON SWORDFISH MANAGEMENT AND MONITORING HARDCAPS

The Highly Migratory Species Advisory Subpanel (HMSAS) recommends that the Council take a position of the No Action Alternative when considering the list of preferred alternatives for swordfish management and monitoring and hard caps.

The HMSAS considers hard caps to be a very regressive management tool especially when other options are available. Hard caps are a blunt management instrument that do not consider past and ongoing efforts by entities such as the Marine Mammal Protection Act (MMPA) Pacific Offshore Cetacean Take Reduction Team (POCTRT) and the Marine Mammal Commission (MMC) to improve issues involving interaction with Marine Mammals in the Driftnet fishery.

The HMSAS would like the Council to seriously consider the letter from the MMC dated June 26, 2015 to National Marine Fisheries Service (NMFS) as support for our positions and recommends it be favorably considered in the Council's decision on this matter. Also, a member of the Council has only recently been appointed to serve on the POCTRT, and the HMSAS believes he should have at least a chance to attend a meeting with them in order to discuss other alternatives to hardcaps.

The exempted fishing permit (EFP) application presented by the Alliance of Communities for Sustainable Fisheries that is being reviewed by NMFS includes seven new gear improvements that could reduce bycatch in the drift gillnet (DGN) fishery. Since 1996, the POCTRT made recommendations that have reduced bycatch in this fishery. At recent POCTRT meetings, Southwest Fisheries Science Center scientists agreed that hard caps would be inappropriate for managing marine mammal interactions that are rare events and involve long-lived species. The MMC believes that close consultation with the POCTRT is the best approach to ensure that their expertise is reflected in the development of alternatives. According to Eileen Sobeck, Assistant Administrator for Fisheries, NMFS: "the Pacific Offshore Cetacean Take Reduction Plan has been the most successful of all take reduction plans across the country."

The HMSAS recommends the Council select the No Action Alternative as the preferred alternative because the POCTRT is a far more holistic approach than hard caps. In addition, the legal process required by the MMPA is the application of Potential Biological Removal (PBR) as part of the POCTRT process to achieve the MMPA objective to reduce bycatch of marine mammals to insignificant levels approaching a zero mortality and injury rate.

There are new tools being developed to reduce interactions with marine mammals through technology and gear modification that are showing promise and need to be explored. For example, ECOCAST<sup>1</sup> is identifying marine mammal hotspots and marine satellite is passing the information in near real time to the fishermen. The HMSAS also is concerned that data going

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<sup>1</sup> See [Agenda Item I.4.c Supplemental Public Comment 7 \(Electronic Only\) November 2014](#)

back 15 years does not reflect the new innovations and improvements that have recently been made. Instead of picking one of the hard cap measures that the team estimates will result in minor benefits to marine mammals but major negative impacts to the fishery, the Council should work with the POCTRT to develop performance and gear alternatives to reduce bycatch to the extent practicable. Working with NMFS and the POCTRT will also eliminate a duplication of effort in achieving the objective of reducing bycatch of marine mammals.

Marine mammals should continue to be managed by the MMPA through the TRT process. Seabirds should be managed under the authority of the U.S. Fish and Wildlife Service for obtaining an incidental take permit for seabirds in the DGN fishery.

As an alternative, if caps are needed, the HMSAS recommends a cap on the leatherback turtles and loggerhead turtles of six each per year, to be periodically reviewed. That would be part of the overall limit established by NMFS for U.S. fisheries in the Pacific.

PFMC  
09/12/15