

## **NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT: HIGHLY MIGRATORY SPECIES REGULATORY UPDATE**

### **Regulatory Updates**

#### **Revisions to Regulations Implementing One-trip Option to Fish in the Eastern Pacific Ocean**

NMFS will publish a final rule in mid-June that amends regulations implementing the one-trip option provision (one trip not to exceed 90 days) per IATTC [Resolution C-02-03](#) (*Resolution on the Capacity of the Tuna Fleet Operating in the Eastern Pacific Ocean (Revised)*). The one-trip option allows up to 32 U.S. purse seine vessels that regularly fish in the Western and Central Pacific Ocean under an international agreement to fish in the eastern Pacific Ocean without being added to the IATTC Regional Vessel Register. This rule makes the regulations consistent with the language and intent of the Resolution.

#### **Mobulid Rays Proposed Rule (IATTC Resolution C-15-04)**

NMFS published a proposed rule ([81 FR 23669](#); April 22, 2016) under the TCA to implement IATTC [Resolution C-15-04](#) (*Resolution on the Conservation of Mobulid Rays Caught in Association with Fisheries in the IATTC Convention Area*). Per the Resolution, this rule would prohibit any part or whole carcass of mobulid rays (i.e., the family Mobulidae, which includes manta rays (*Manta spp.*) and devil rays (*Mobula spp.*)) caught in the IATTC Convention Area from being retained onboard, transshipped, landed, stored, sold, or offered for sale. The Resolution and proposed rule also include safe release requirements for mobulid rays caught unintentionally. This action is necessary for the United States to satisfy its obligations as a member of the IATTC. The comment period closed on May 23, 2016, and NMFS is in the process of developing a final rule package. NMFS anticipates that final action and effectiveness of this rulemaking will occur during the summer of 2016.

#### **Final Rule for IATTC-WCPFC Area of Overlap (Recommendation C-12-11)**

NMFS published a final rule under the Tuna Conventions Act (TCA), as amended, to implement IATTC [Recommendation C-12-11](#) (*IATTC-WCPFC Overlap Area*) ([81 FR 24501](#); April 26, 2016). Previously, the decisions of both the IATTC and the Western and Central Pacific Fisheries Commission applied to U.S. commercial fishing vessels in the area of overlap between the two convention areas. The proposed regulations provide that the management measures of the IATTC would no longer apply in the area of overlapping jurisdiction, with the exception of regulations governing the IATTC Regional Vessel Register.

#### **Temporary Closure of the Drift Gillnet (DGN) Fishery due to El Niño Conditions**

Consistent with NMFS regulations, NMFS will publish a temporary rule that prohibits fishing with large-mesh DGN gear off the coast of southern California east of the 120 W. meridian from June 1, 2016, through August 31, 2016. This action protects Endangered Species Act listed loggerhead sea turtles, specifically the endangered North Pacific Ocean Distinct Population Segment. The prohibition is based on positive sea surface temperature anomalies in the SCB and ongoing [El Niño conditions](#) (May 12, 2016). If sea surface temperatures return to normal or below normal during the closure period, the Assistant Administrator may publish a Federal Register notice announcing that El Niño conditions are no longer present off the coast of southern California and may terminate the closure prior to August 31.

**Deep-set Buoy Gear (DSBG) Exempted Fishing Permit (EFP) Updates**

In accordance with Council Operating Procedures 20 and the NMFS terms and conditions of the DSBG EFPs issued and active in 2015-2016, preliminary reports for the Pflieger Institute of Environmental Research and Pergson EFPs were submitted to NMFS and are attached.

**Preliminary Report on the Deep-set Buoy Gear Exempted Fishing Permits (EFPs) for Highly Migratory Species issued to Timothy Perguson (PERGUSON) - 2015/2016**

Prepared by Tim and Laura Perguson

Trip Activity

2 trips have been conducted to date by the F/V Espada; one in December 2015/January 2016 for three days, and one in March 2016 for two days. An observer was onboard for both trips and one pelagic green thresher shark was caught and retained during the March trip. 10 sets of gear were deployed daily on each trip. There were no interactions with sea turtles or marine mammals during the gear sets and retrieval.

Sets of the gear were made along the 300-400 fathom contour in the southern California Bight, off of Dana Point Harbor.

Experience with Gear

It has not been difficult to deploy the gear and maintain it within line of sight to actively tend it. The catch of the one thresher shark was detected quickly and brought onboard within 20 minutes of start of hauling of the gear.

Adjustments were made to the gear based on experience. We determined that more swivels are needed on leaders to prevent tangles. We have also considered using artificial squid lures as our preferred squid bait has been difficult to source.

Gear Purchase Expenses

We purchased and installed a deck mounted hydraulic hauler in addition to line spools, hooks, and buoys. Approximately \$8k has been spent to configure a full set of gear for the F/V Espada.

Other Expenses

Observer coverage was contracted through Frank Orth and Associates at a cost of about \$529 daily. NMFS has provided reimbursement of \$400 per day to offset the observer costs.

Fuel costs have been maintained at a low level by fishing closer to shore and minimizing travel time.

Potential Markets

Although we have yet to make any significant landings, we have buyers already set-up for when we utilize the harpoon gear and had additional discussions with a few other local buyers who are also eager

to receive buoy gear caught swordfish. They seem confident the fish will command an ex-vessel price in the range of \$7-12 per pound.

#### Future Plans for 2016 and Beyond

The F/V Espada intends to make additional sets dependent upon water conditions and swordfish availability this summer 2016. The F/V Captain Hook has purchased gear and intends to make test sets starting in June and then making more fishing trips in summer 2016. The remainder of the vessels under our EFP are currently planning to make gear purchases soon and awaiting results of the Espada and Captain Hook. Any additional activity in 2016 will be included in a final report to the Council in September 2016.

We look forward to continuing to fish under the EFP under the extension through 2017 and 2018.

#### General Comments

We believe DSBG to be a viable supplement to our harpoon fishing activity. After some initial gear trials, fishermen new to the gear should be able to easily learn to deploy the gear in potentially productive swordfish areas.

We would encourage the Council to carefully consider a phased in approach for a limited number of DSBG permits as they take steps to authorize the gear type under the HMS Fishery Management Plan.

Also, to aid in our operational flexibility, we would like to request that the Council reconsider a recommendation for a lower rate of observer coverage (e.g. 50% or less of trips with an observer versus 100% of trips) for our DSBG EFP fishing trips.

## Pacific Fisheries Management Council Summary Report

### 2015 PIER deep-set buoy gear EFP trials

June, 2016

Pfleger Institute of Environmental Research, PIER

[www.PIER.org](http://www.PIER.org)

Prepared by: Chukey A. Sepulveda, PhD & Scott A. Aalbers, MS

**PIER EFP background and progress to date:** In 2015, PIER was issued an exempted fishery permit (EFP) to trial deep-set buoy gear off the Southern California coast. Funding to purchase and assemble all fishing gear, staff observers and manage EFP operations was secured through supportive non-governmental organizations (NGO's) and the NOAA region. Vessels were mandated to carry NOAA trained observers with a minimum coverage rate of 30%. Cooperative fisher training sessions were performed onboard the PIER research vessel according to terms and conditions of the EFP. Cooperative fishers were provided with vessel logbooks, EFP documentation and observer staffing protocols in September, 2015.

**Geographic location:** EFP sets in 2015 were conducted from approximately N 34°30 (Point Conception) to the Mexican border and out 100 nautical miles. EFP fishers have stated interest in deploying DSBG in the more northern portions of the EFP range in the 2016 fishing season.

**EFP Catch and observer rates:** Despite a delayed start, collective deployments for the PIER EFP trials resulted in 8,273 buoy soak hours on 108 fishing days (8-h sets) aboard four cooperative fishing vessels (F/V *Goldcoast*, F/V *3 Boys*, F/V *Chula*, and F/V *Spirit*). Mean trip duration was 3.5 days with an average of 9.5 buoys per set day. Gear design strictly adhered to the EFP definition of DSBG and consisted of up to three 18/0 baited circle hooks per buoy and a maximum of 10 buoys deployed at one time. Although up to three hooks can be deployed per piece of gear, EFP deployments to date have shown that most (>90%) consist of only one hook/piece of

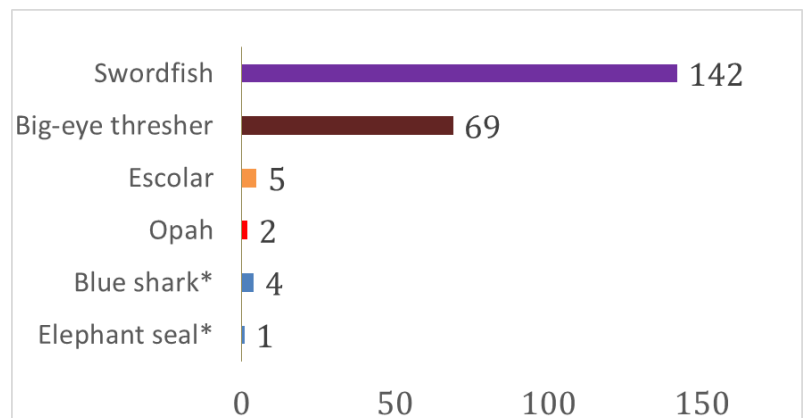


Figure 1: Collective catch for all DSBG deployments performed under 2015 PIER EFP. \* indicates catch that was released alive.

gear. No sets of DSBG were lost during EFP trials. Swordfish made up the bulk (~65%) of the catch with other marketable species totaling 97% of total landings (Fig. 1). High selectivity for marketable species was, in part, likely due to gear development and refinement resulting from previous NOAA-sponsored work.

EFP catch rates ranged from 0.6 to 1.6 swordfish per 8-h day, with a mean value of 1.3 swordfish per day (Table 1). Swordfish catch rates during the 2015 EFP trials were similar to catch rates (0.6-1.8 SF/8hr d) achieved during research and cooperative fisher trials during previous years (2012-2014). Collective swordfish catch by the four cooperative fishers is believed to have exceeded annual landings from the

CA harpoon fishery, which has further bolstered industry support.

Incidental catch rates were low (~3%) with only one interaction with any species of concern, Northern

elephant seal, *Mirounga angustirostris*. Based on the

onboard observer record, the elephant seal interaction consisted of a strike that was detected similar to standard fishing procedure. Following detection, the buoy was quickly tended and the elephant seal was observed to be alive and alert prior to release (hook was shed from the animal).

The cumulative onboard observer rate was 45.3% for the four cooperative vessels participating in the EFP, and all vessels were maintained above the 30% minimum observer coverage mandate (Table 2). Observer placement became mandatory if a vessel dropped below 35% observer coverage or if DSBG and drift-gillnet (DGN) were fished on the same trip. All vessels were required to call in and call out for each trip to report number of days fished to NOAA, CDFW, and PIER. Catch and bycatch were reported daily to PIER via a mandatory call in procedure and verified through observer and logbook records.

**EFP Outreach:** Throughout the EFP trials, PIER worked with cooperative fishers to communicate EFP progress, summarize logbook data, place observers on vessels, and provide routine reports to HMS managers. PIER presented EFP progress and results to both the PFMC and HMS Management Team & Advisory Subpanel (3/2016), in addition to the scientific community at the International Tuna Conference in Arrowhead, CA (5/2016). Two outreach venues were also offered for cooperative fishers and interested stakeholders. Cooperative fisher outreach efforts

EFP Vessel	# DSBG trips	# 8-h set days	# Swordfish caught	Swordfish per day
Chula	13	33.4	43	1.3
Gold Coast	12	38.7	53	1.4
3 Boys	9	24.2	39	1.6
Spirit	4	11.2	7	0.6
<b>2015 Total</b>	<b>38</b>	<b>107.5</b>	<b>142</b>	<b>1.3</b>

Table 1: Swordfish catch rates for 2015 PIER EFP DSBG deployments.

have increased awareness and simultaneously generated interest in the use of DSBG techniques off the California coast.

*Table 2: Onboard observer coverage rates for 2015 PIER EFP DSBG deployments.*

**2016 EFP Trials:** Up to five vessels will reinstitute EFP trials in June, 2016. As with previous EFP deployments, the research vessel will not contribute to the EFP catch and focus primarily on scientific studies. Lastly, in Year 2 all DSBG-caught landings will be tagged with a traceability tag corresponding to a log book number and website link. The traceability effort has been initiated to better understand the dynamics of the DSBG market and will offer consumers and buyers an opportunity to track catch back to a specific vessel through the PIER website.

<b>EFP Vessel</b>	<b># DSBG sets</b>	<b># Observed sets</b>	<b>% Observer coverage</b>
Chula	52	19	36.5%
Gold Coast	45	20	44.4%
3 Boys	28	13	46.4%
Spirit	14	11	78.6%
<b>2015 Total</b>	<b>139</b>	<b>63</b>	<b>45.3%</b>