



Audubon CALIFORNIA

June 14, 2016

Ms. Dorothy Lowman, Chair
Pacific Fisheries Management Council
1100 NE Ambassador Place, #101
Portland, OR 97220

Mr. William Stelle, Regional Administrator
NOAA Fisheries, West Coast Region
7600 Sand Point Way NE
Seattle, Washington 98115

Agenda Item F.6: Future Council Meeting Agenda and Workload Planning

Dear Chair Lowman and Council Members, and Mr. Stelle:

We write with continued concern over references to establishing a shallow set longline fishery outside the [U.S.] EEZ” in the Council’s Preliminary Year At A Glance Summary provided in the June 2016 Briefing Book. The Year At A Glance contains agenda items related to authorizing shallow set long line (SLL) outside the U.S. EEZ, tentatively scheduled for March and June of 2017.¹

As we noted in our letters to the Council dated September 2, 2015, and February 29, 2016, we oppose the Council authorizing a shallow-set pelagic longline fishery (SLL) for swordfish outside the west coast EEZ unless and until mitigation measures are put in place that would virtually eliminate incidental bycatch of albatrosses and other seabirds.

We are concerned about the Highly Migratory Species Advisory Subpanel’s (HMSAS) note (Agenda Item I.3) in its March 2016 Report to the Council² that “The Council retain consideration of the shallow-set longline fishery outside the Exclusive Economic Zone and deal with the issue as soon as possible.” This recommendation is made by the HMSAS for the area east of 150 degrees west which is important foraging area for black-footed albatross (*Phoebastria nigripes*), Laysan albatross (*Phoebastria immutabilis*), and short-tailed albatross (*Phoebastria albatrus*). Laysan albatross have a stable population, and short-tailed albatross are responding well to multinational recovery activities under the U.S. Endangered Species Act with

¹ http://www.pcouncil.org/wp-content/uploads/2016/06/F6_Att1_YAG_JUN2016BB.pdf

² http://www.pcouncil.org/wp-content/uploads/2016/03/I3a_Sup_HMSAS_Rpt_MAR2016BB.pdf

reflected in a slow yet steady recovery. The recovery of black footed albatross, however, has stalled and is likely being constrained by adult mortality due to longline bycatch throughout its range.^{3,4,5,6} We are concerned that additional mortality resulting from additional effort within the range of black-footed albatross will further constrain its recovery. Specifically, independent analyses find the existing estimated bycatch of black-footed albatross exceeds thresholds for Potential Biological Removal (PBR).

Our September, 2015 letter provides a detailed review of these analyses, as well as information on substantial and growing black-footed albatross bycatch in the Hawaii-based shallow set longline fishery.^{7,8} Due to this trend in the Hawaii longline fleet, we do not agree that seabird mitigation measures same as or equivalent to Hawaii regulations (60 CFR 665.35) would be appropriate in any new authorized west coast based fleet.

Seabird protection in the United States EEZ

NMFS, the U.S. Fish and Wildlife Service, and the U.S. Department of State have invested heavily in seabird protection, including reducing bycatch. In 2001 the U.S. developed the *National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries*, fulfilling a national responsibility to reduce incidental seabird catch in longline fisheries as called for in the *International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries*. In 2014 NOAA reported in the *Implementation of the U.S. National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries*⁹ that the United States “has improved research, outreach and education on, and domestic management of incidental seabird catch, resulting in a significant decrease in seabird incidental catch in its domestic fisheries.”

We agree with these conclusions and applaud the Council, NMFS, Washington Sea Grant, and commercial fisheries partners for their effective collaboration in reducing or eliminating seabird bycatch in west coast fisheries. In 2014-2015 the Council adopted and NMFS put in place regulations for Seabird Avoidance Measures (primarily streamer lines) in the West Coast groundfish fishery. Reflecting this accomplishment, also in 2015 NOAA’s Seabird Program and partners on the west coast won the Presidential Migratory Bird Federal Stewardship Award for its decades of work in developing and putting in place technologies for reducing seabird bycatch.¹⁰

³ Guy, T. et al. 2013. Overlap of North Pacific albatrosses with the U.S. West Coast groundfish and shrimp fisheries. *Fisheries Research* 147 (2013) 222-234.

⁴ Bakker, V., M. Finkelstein, D. Doak, L. Young, E. VanerWerf, and P. Sievert, 2015. The albatross of assessing and managing risk for wide-ranging long-lived species, In Prep.

⁵ Veran, S., Gimenez, O., Flint, E., Kendall, W.L., Doherty, P.F., Jr., Lebreton, J.-D., 2007. Quantifying the impact of longline fisheries on adult survival in the black-footed albatross. *Journal of Applied Ecology* 44, 942-952.

⁶ Lebreton, J.-D., Veran, S., 2013. Direct evidence of the impact of longline fishery on mortality in the Black-footed Albatross *Phoebastria nigripes*. *Bird Conservation International* 23, 25-35.

⁷ Fernandez, P., D. Anderson^{1*}, P. Sievert and K. Huyvaert. 2001. Foraging destinations of three low-latitude albatross (*Phoebastria*) species. *J. Zool., Lond.* (2001) 254, 391-404

⁸ Finkelstein, M., Keitt, B.S., Croll, D.A., Tershy, B., Jarman, W.M., Rodriguez-Pastor, S., Anderson, D.J., Sievert, P.R., Smith, D.R., 2006. Albatross species demonstrate regional differences in North Pacific marine contamination. *Ecological Applications* 16, 678-686.

⁹ http://www.st.nmfs.noaa.gov/Assets/nationalseabirdprogram/longline_fisheries.pdf

¹⁰ <http://www.washington.edu/news/2015/05/15/washington-sea-grants-ed-melvin-wins-presidential-award-for-seabird-saving-streamer-lines/>

However, as noted by the *Agreement to Conserve Albatrosses and Petrels* (ACAP), the foremost international agreement that brings countries together to ensure the future of imperiled albatrosses and petrels, “the most significant threat facing albatrosses and petrels is mortality arising from interactions with fishing gear, especially in longline and trawl fishing operations.” The three north Pacific albatrosses –black-footed, Laysan, and short-tailed- have recently been added to the list of ACAP-listed species.¹¹ Although not yet a member, NMFS notes that “the U.S. actively participates in ACAP... and the U.S. will continue to support ACAP’s efforts and will continue activities related to ACAP so we may work with other key nations more effectively on measures for reducing seabird bycatch worldwide.”¹² These statements clearly convey a strong intent on the part of NMFS to continue to be a global leader in the reduction of seabird bycatch, through development and promulgation of best practices in our waters.

We are concerned that the Council’s intent in 2017 to discuss and/or scope a shallow set longline fishery outside the EEZ without ensuring the virtual elimination of seabird bycatch, particularly for black-footed albatross, will undermine this intent. As noted previously, existing seabird bycatch reduction measures in the Hawaii based shallow set long line fishery are not adequately protecting black-footed albatross.

We very much appreciate the proactive actions on the part of the Council to protect seabirds over the last several years, including new regulations requiring seabird bycatch mitigation measures in the west coast fleet, protection of the food base through the unmanaged forage species initiative, and 100% observer coverage in many fleets. We respectfully ask that the Council follow a similarly prudent approach here. Thank you for the opportunity to comment.

Sincerely,



Anna Weinstein
Marine Program Director

¹¹ http://acap.aq/images/stories/PDF_Docs/En/ACAP_10Year_44pp_e.pdf

¹² <http://www.nmfs.noaa.gov/ia/species/seabirds/seabirds.html>