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February 8, 2018

Mr. Phil Anderson, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

Mr. Barry Thom, Regional Administrator  
NOAA Fisheries West Coast Region (NMFS)  
7600 Sand Point Way NE, Bldg. 1  
Seattle, WA 98115

Agenda Item B.1: Open Public Comment, Bycatch in Pelagic Longline Swordfish Fisheries

Dear Chair Anderson, Mr. Thom, and members of the Council:

Thank you for the opportunity to provide open public comment on bycatch in pelagic longline swordfish fisheries and its relevance to management of U.S. West Coast highly migratory species (HMS). Oceana analyzed ten years of bycatch data from the Hawaii-based shallow-set longline fishery. The results show an average discard rate nearing 50%; a highly irresponsible level of bycatch which should preclude this gear type from being considered for any HMS fisheries off the U.S. West Coast.

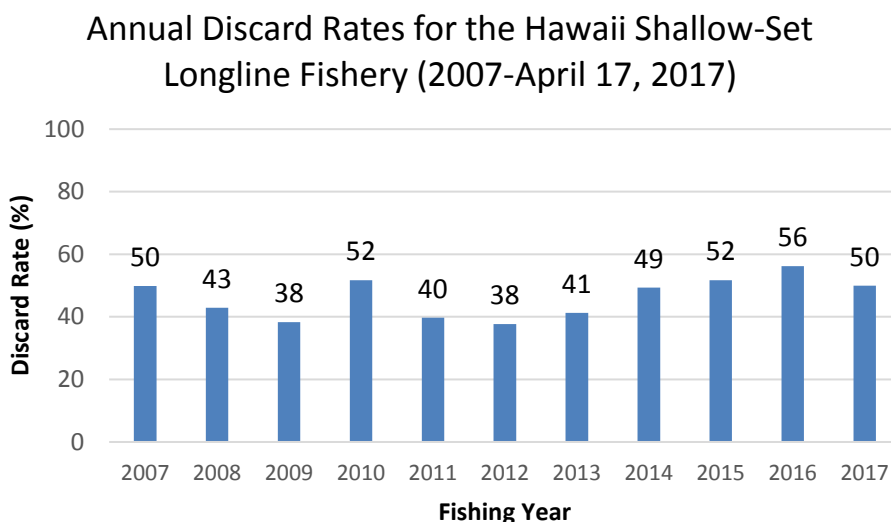
The California Current Ecosystem is globally important for its unique oceanographic conditions supporting a diverse array of wildlife, including sea turtles, sea lions, whales, dolphins, seabirds, and commercially and recreationally important fish species. New pelagic longline swordfish fisheries inside or outside the West Coast exclusive economic zone (EEZ) would dramatically increase bycatch of protected marine life, sharks and other fish species. Oceana opposes efforts to schedule scoping for an HMS fishery management plan (FMP) amendment that would authorize a pelagic shallow-set longline swordfish fishery off the U.S. West Coast, outside the EEZ, and we oppose proposals to 'test' pelagic longlines inside the West Coast EEZ.

Over the past several years there have been efforts to introduce a pelagic shallow-set longline fishery to the U.S. West Coast. In 2015, the Pacific Fishery Management Council approved an exempted fishing permit that would allow the use of shallow-set longlines inside the U.S. West Coast EEZ and the Council has continued to entertain a future agenda item to begin scoping for an HMS FMP amendment to authorize a West Coast-

based high seas shallow-set longline swordfish fishery, an item which was brought forward in 2009 and failed.

The California-based drift gillnet swordfish fishery has historically had, and currently has a significant bycatch issue. Adding another unselective gear to the West Coast swordfish fishery would only complicate and delay progress toward significantly reducing bycatch in this fishery. Instead, the Council should continue to focus on the development and authorization of deep-set buoy gear, as a responsible, low impact fishing gear for targeting swordfish off the U.S. West Coast.

In 1989, with the enactment of Section 9028 of the Fish and Game Code, the California Legislature prohibited pelagic longline fishing in the EEZ off the California coast by banning the use of hook and line fishing gear longer than 900 feet.<sup>1</sup> A prohibition on pelagic longline gear is also specified in the Council's HMS FMP, and when faced with the opportunity to authorize a high seas shallow-set pelagic longline fishery in 2009, the Council selected the "no-action" alternative due to bycatch concerns.<sup>2</sup>



**Figure 1.** Annual discard rates (by number of animals) in the HI SSLL fishery, 2007-April 17, 2017

In response to a Freedom of Information Act request, Oceana recently received and analyzed observer data for the Hawaii-based shallow-set longline (SSLL) fishery.<sup>3</sup> Our analysis of NMFS observer data (the fishery has 100% observer coverage) shows that while bycatch in this fishery has improved since 2000, when mitigation measures such as circle hooks instead of J hooks were enforced, this fishery remains highly unselective (Figure 1).

<sup>1</sup> Cal. Fish & Game Code § 9028

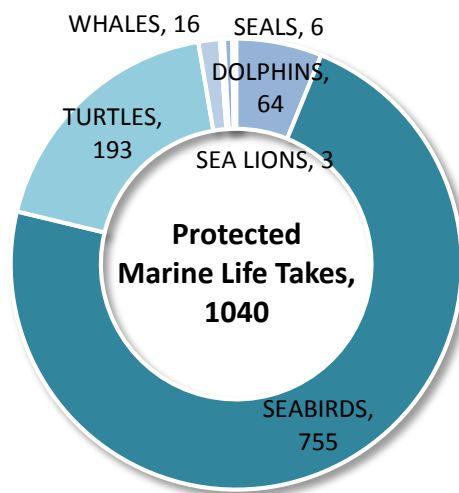
<sup>2</sup> Decisions of the 198th Session of the Pacific Fishery Management Council, at 1, <http://www.pcouncil.org/wp-content/uploads/0409decisions.pdf>

<sup>3</sup> NMFS (2017). FOIA observer data on the Hawaii shallow-set longline fishery.

**The average discard rate (by number of animals) for the Hawaii SSL fishery from 2007-April 17, 2017 is 46% (206,987 animals discarded).**

Consistent with the Magnuson-Stevens Fishery Conservation and Management Act definition of bycatch<sup>4</sup>, discards in Figure 1 are defined as animals caught but not kept. They are instead released and listed in the observer data as either Alive, Injured, Dead, or Unknown. The percentage of discards that have been released injured or dead in the same timeframe is 31.4%.

According to observer data, protected species including migratory sea birds, sea turtles, and marine mammals, are likely to perish or be injured when caught on pelagic longlines. Over 750 seabirds, 60 dolphins, and 190 sea turtles were incidentally caught by this fishery from January 2007 to April 2017 (Figure 2). Sharks and rays and non-target finfish were the most frequent bycatch in the fishery with 131,270 and 74,677 discards, respectively, between 2007 and April 17, 2017.



**Figure 2.** Observed Protected Marine Life Takes in the HI SSL Fishery, 2007-April 17, 2017

Although interactions between the HI SSL fishery and protected sea turtle species have decreased with gear and bait modifications implemented in 2000, it is important to look at this decrease in the broader context. For example, the Western Pacific population of Pacific leatherback sea turtles is estimated to have decreased within the same timeframe.<sup>5</sup> Given the lack of recovery of sea turtles, the risk posed to their populations by **any** interaction with a fishery off our coast remains high.

<sup>4</sup> 16 U.S.C. 1802 §(3)(2)

<sup>5</sup> Tapilatu et al. 2013. Long-term decline of the western Pacific leatherback, *Dermochelys coriacea*: a globally important sea turtle population. *Ecosphere* 4(2):1-15.

Since 2007, the HI SSL fishery has caught and discarded at least 88 different non-target species, including six species of Endangered Species Act (ESA) listed mammals and turtles (see appended table). The Hawaii pelagic longline fisheries are known to take high numbers of false killer whales, and in January 2010, a false killer whale Take Reduction Team was formed to reduce mortality and serious injury of this species as required under the Marine Mammal Protection Act. In general, bycatch of marine mammals and other species would be expected to be even higher inside the U.S. West Coast EEZ than in the areas observed in the HI SSL fishery, due to the higher densities of these animals in the California Current Ecosystem.<sup>6, 7</sup>

Additionally, we remind the Council of the NMFS tests to target swordfish using deep-set pelagic longline gear off central and southern California conducted in 2011-2013. During those experimental gear trials, only eight swordfish were caught and 76% of all fish caught with these deep-set longlines were non-marketable species.<sup>8</sup>

Due to the high bycatch rates and interactions with protected species that are associated with pelagic longlines, we strongly oppose an HMS FMP amendment authorizing the use of pelagic longline gear off the U.S. West Coast as well as exempted fishing permits. We urge the Council to remove this item from the year-at-a-glance agenda and we urge NMFS to deny the proposed pelagic longline EFP.

Sincerely,



Erin Kincaid  
Marine Scientist



Ben Enticknap  
Pacific Campaign Mgr. and Sr. Scientist

**Attached:** Oceana 2018. Collateral Capture: Bycatch in the Hawaii Shallow-Set Longline Fishery

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<sup>6</sup> Becker, E., K. Forney, P. Fiedler, J. Barlow, S. Chivers, C. Edwards, A. Moore, J. Redfern. 2016. Moving towards dynamic ocean management: How well do modeled ocean products predict species distributions? Remote Sensing 8,149.

<sup>7</sup> Forney, K., E. Becker, D. Foley, J. Barlow, E. Olson. 2015. Habitat-based models of cetacean density and distribution in the Central North Pacific. Endang Species Res 27:1-20.

<sup>8</sup> NMFS SWFSC Report. March 2014. Available: [http://www.pcouncil.org/wp-content/uploads/K5b\\_NMFS\\_SWFSC\\_ALTERNATIVE\\_GEAR\\_MAR2014BB.pdf](http://www.pcouncil.org/wp-content/uploads/K5b_NMFS_SWFSC_ALTERNATIVE_GEAR_MAR2014BB.pdf)

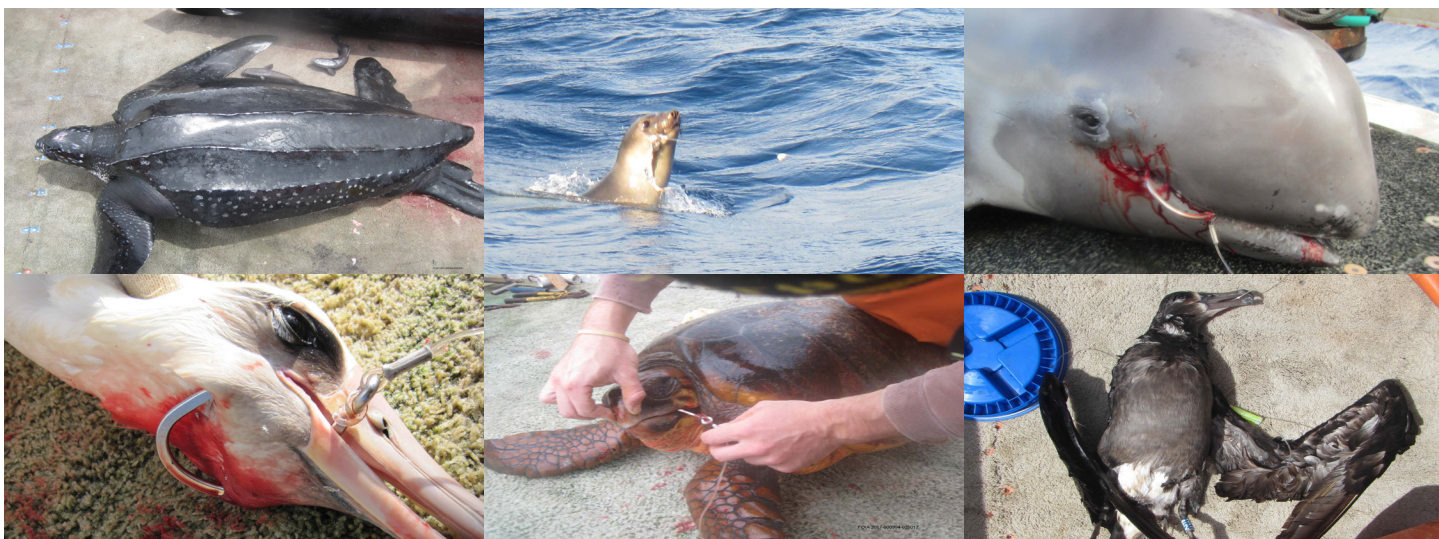
## Appendix

List of all species or categories caught in the Hawaii Shallow-Set Longline fishery from 2007-April 2017. Species listed as endangered or threatened under the ESA are indicated (\*).

### Catch Species (common name)

|                              |                             |                                |
|------------------------------|-----------------------------|--------------------------------|
| Albacore Tuna                | Longfin Escolar             | Silky Shark                    |
| Beaked Whale, Ginkgo-toothed | Longfin Mako Shark          | Skipjack Tuna                  |
| Bigeye Thresher Shark        | Longnose Lancetfish         | Slender Mola                   |
| Bigeye Tuna                  | Louver                      | Smooth Hammerhead Shark        |
| Bignose Shark                | Lustrous Pomfret            | Snake Mackerel                 |
| Black Gemfish                | Manta/Mobula                | Striped Dolphin                |
| Black Marlin                 | Mesopodont Beaked Whale     | Striped Marlin                 |
| Black-footed Albatross       | Mobula (Devil Ray)          | Swordfish                      |
| Blainville's Beaked Whale    | Mobula Manta                | Tapertail Ribbonfish           |
| Blue Marlin                  | Northern Elephant Seal      | Tiger Shark                    |
| Blue Shark                   | Oceanic White-Tip Shark*    | Unid. Hammerhead Shark         |
| Bluefin Tuna                 | Oilfish                     | Unid. Mako Shark               |
| Bottlenose Dolphin           | Olive Ridley Turtle         | Unid. Snake Mackerel           |
| Cigarfish                    | Opah                        | Unid. Thresher Shark           |
| Common Mola                  | Other Identified Bird       | Unidentified Beaked Whale      |
| Common Thresher Shark        | Other Identified Bony Fish  | Unidentified Billfish          |
| Cookie Cutter Shark          | Other Identified Shark      | Unidentified Bony Fish         |
| Crestfish                    | Pelagic Puffer              | Unidentified Common Dolphin    |
| Crocodile Shark              | Pelagic Stingray            | Unidentified Dolphin           |
| Dagger Pomfret               | Pelagic Thresher Shark      | Unidentified Dolphin or Whale  |
| Deepwater Dogfishes          | Pomfret, Brama spp.         | Unidentified Gull              |
| Dogfish, Velvet              | Pompano Dolphinfish         | Unidentified Hardshell Turtle  |
| Dolphinfish                  | Rainbow Runner              | Unidentified Kogia Whale       |
| Escolar                      | Remora/Suckerfish           | Unidentified Pinniped          |
| False Killer Whale           | Risso's Dolphin             | Unidentified Pomfret           |
| Fanfish                      | Roudi's Escolar             | Unidentified Ray               |
| Fin Whale*                   | Rough Pomfret               | Unidentified Sea Lion          |
| Flying Fish                  | Rough-Toothed Dolphin       | Unidentified Shark             |
| Galapagos Shark              | Sailfish                    | Unidentified Shearwater        |
| Giant Manta Ray              | Salmon Shark                | Unidentified Snake Mackerel    |
| Gray Reef Shark              | Sandbar Shark               | Unidentified Tuna              |
| Great Barracuda              | Scalloped Hammerhead Shark  | Unidentified Whale             |
| Green/Black Turtle*          | Scalloped Ribbonfish        | Unspecified Kahala (Amberjack) |
| Guadalupe Fur Seal*          | Sharptail Mola              | Wahoo                          |
| Hammerjaw                    | Short-beaked Common Dolphin | White Shark                    |
| Humpback Whale*              | Shortbill Spearfish         | Yellowfin Tuna                 |
| Laysan Albatross             | Shortfin Mako Shark         | Yellowtail                     |
| Leatherback Turtle*          | Shortnose Lancetfish        |                                |
| Loggerhead Turtle*           | Sickle Pomfret              |                                |



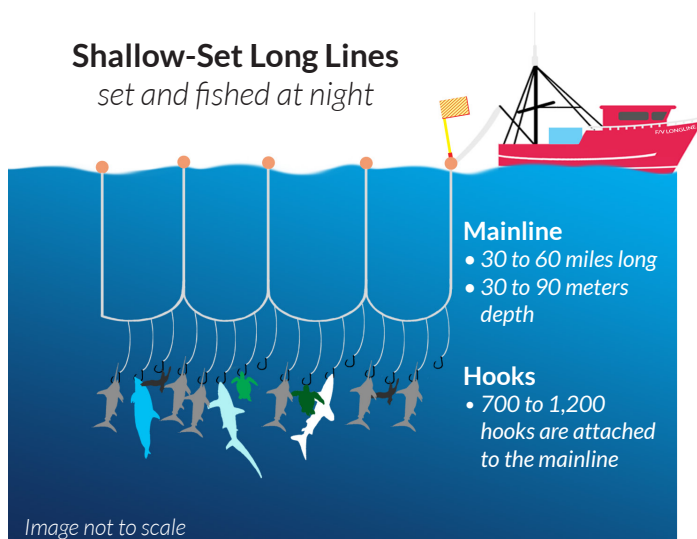


## Collateral Capture Bycatch in the Hawaii Shallow-Set Longline Fishery

The Hawaii Shallow-Set Longline (HI SSLL) fishery uses pelagic (midwater) gear to target swordfish. Unfortunately, of all the animals ensnared by these suspended, baited hooks, nearly half are injured, dying, or dead non-target species and are consequently tossed overboard.

Shallow-set longline gear consists of a continuous mainline supported by floats that typically stretches 30 to 60 miles in length. Anywhere from 700 to 1,200 hooks are attached. The lines are set at dusk between 30 and 90 meters depth and left to soak until dawn.

**Shallow-Set Long Lines**  
*set and fished at night*



As the lines are pulled out of the water they reveal a multitude of other animals carelessly captured including seabirds, sea turtles, dolphins, and many non-target fish. This gear also entraps and harms marine mammals including humpback whales, bottlenose dolphins, short-finned pilot whales, false killer whales, and Risso's dolphins. Because of these documented entanglements, the HI SSLL fishery is classified as a Category II fishery under the Marine Mammal Protection Act – a federal designation given to fisheries that are known to cause incidental death or serious injury to marine mammals.

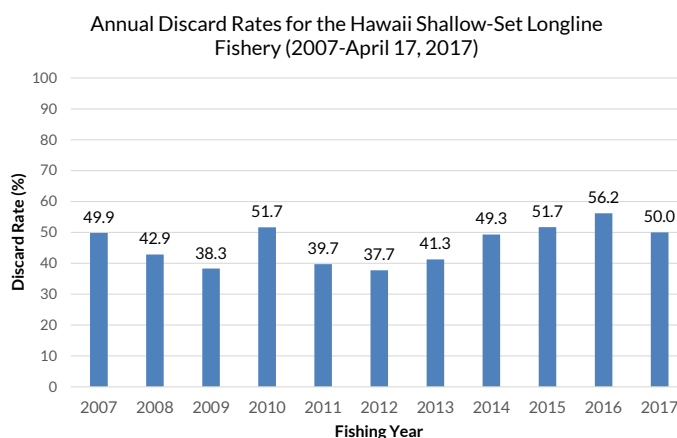
The Hawaii Shallow-Set Longline fishery entangled many threatened and endangered species from 2007 to 2017. These include Pacific leatherbacks, Pacific loggerheads, and green sea turtles, humpback and fin whales, Guadalupe fur seals, and oceanic whitetip sharks. A scientific study estimates that even one Pacific leatherback mortality from waters off the U.S. West Coast over the course of five years is sufficient to hinder recovery of this critically endangered animal.<sup>1</sup> Putting further pressure on these endangered species by introducing pelagic longlines off the U.S. West Coast would be reckless.

Cover Photo: Documented bycatch ensnared by shallow-set longlines off Hawaii includes leatherback sea turtles, northern elephant seals, Risso's dolphins, Laysan albatrosses, loggerhead sea turtles, and black-footed albatrosses.

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## From 2007 through April 17, 2017:

- 206,987 animals were discarded
- 46% of the total catch was discarded
- 64,926 of the discarded animals were released dead or injured, resulting in a death/injury rate of discards of 31.4%
- Over 750 seabirds, 60 dolphins, and 190 sea turtles were caught by this fishery
- 131,270 sharks and rays were discarded
- In 2015, a humpback whale and a fin whale were entangled in this gear and consequently injured



A discard refers to any animal caught that is not kept. This includes animals released alive, dead, or injured. Discard rates (percentage of the total number of animals caught that are thrown overboard) are determined using data provided by fishery observers.<sup>2</sup> The HI SSL fishery has 100% observer coverage. Data from all sets in the fishery for 2007 through April 17, 2017 were used to determine discard rates.

## Keep Shallow-Set Longlines Off the U.S. West Coast

In 1989, longlines were prohibited off the state of California and the Pacific Fishery Management Council (Council) included this prohibition in the West Coast Highly Migratory Species Fishery Management Plan. The Council in 2009 voted to not authorize a West Coast-based pelagic shallow-set longline fishery on the high seas due to significant bycatch concerns.

The drift gillnet swordfish fishery also has very high bycatch, jettisoning approximately 61 percent of everything it catches, on average. Adding another dirty gear to a fishery with disturbingly high discard rates will only complicate and delay progress toward reducing bycatch in the West Coast swordfish fishery. Selective, alternative gear, such as deep-set buoy gear, must be promoted and utilized to build a responsible and sustainable swordfish fishery off the U.S. West Coast.

<sup>1</sup>K.A. Curtis, J. Moore, and S. Benson. 2015. Estimating Limit Reference Points for Western Pacific Leatherback Turtles (*Dermochelys coriacea*) in the U.S. West Coast EEZ. PLoS One DOI:10.1371/journal.pone.0136452

<sup>2</sup>NMFS. 2017. Hawaii shallow-set longline observer data. Freedom of Information Act release.