

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON SWORDFISH MONITORING AND MANAGEMENT PLAN

The Highly Migratory Species Management Team (HMSMT) has contributed feedback on the creation of the draft Swordfish and Management Monitoring Plan (SMMP) throughout stages of its revision. The HMSMT offers additional feedback on the revised draft included in the September 2018 briefing book ([Agenda H.6, Attachment 1](#)). Specific suggested edits to the SMMP are included, in track changes, in Appendix A. General comments on the SMMP, and the rationale for suggested edits are outlined here:

- 1) Under points 1 and 2 of section 2, Purpose of the Plan, replace “reduce” with “minimize” in reference to bycatch goals, as it is unclear what the baseline from which the reduction is measured. Use of “minimize” is consistent with National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).
- 2) Strike the last two sentences from A.3, regarding observer coverage and unobservable vessels. The first, because the Council’s intent to increase monitoring coverage was clarified in a 2015 motion, and reaffirmed in June 2018 with requests for more information relating to outstanding monitoring coverage and bycatch estimation questions (i.e., observer coverage bias analysis). The second, because the Council’s June 2018 discussion under [Agenda item G.7](#) concerning the intent was unclear. The uncertainty pertains to whether in the absence of electronic monitoring tools, unobservable drift gillnet (DGN) vessels should be required to carry human observers, or otherwise not be permitted to fish. Should the Council wish to keep the last sentence, the HMSMT believes it would be beneficial for the Council to clarify their intent regarding unobservable vessels and electronic monitoring.
- 3) Strike Action C.1, since a Federal DGN permit has already been developed and implemented. Action C.1 can be removed without impact to the Council’s intent to consider Actions C.2 and C.3, if the Council so wishes. The HMSMT notes that all of Action C could be removed if the Council decides it does not wish to consider a reduction of latent DGN permits and the use of the Federal limited entry permit as a tool to encourage utilization of other swordfish gear types.
- 4) Should the Council choose to keep C.2, strike language that mentions a minimum landings requirement. The HMSMT feels that a minimum landings requirement may encourage participation by otherwise inactive vessels, thus increasing effort, not limiting it.
- 5) Action E.2 proposes authorization of pelagic longline gear inside the West Coast exclusive economic zone (EEZ).
- 6) The HMSMT notes that the state of California prohibits landings of fish caught with pelagic longline inside the West Coast EEZ. Should the Council choose to take up

pelagic shallow-set longline and deep-set buoy gear (DSBG) authorization concurrently, the HMSMT has concerns about successfully completing related tasks in addition to DSBG exempted fishing permits (EFPs) and other SMMP related workload items.

- 7) Some HMSMT members reiterated concern that inadequate data have been collected from DSBG EFPs to properly inform analyses needed to finalize the authorization of both standard buoy gear and linked buoy gear. In light of the lack of data on potential interactions with both protected species and among fishery participants, the Council should consider postponing final action on DSBG authorization until additional EFP data have been collected.
- 8) The Council could consider adding an action item (or expanding the purpose of the plan) specific to EFPs and its desire to encourage and support future EFPs for new gears to target and harvest swordfish.
- 9) Remove the Road Map section from the actual SMMP text for the purposes of Council adoption for public review. After taking into consideration public comments, the Council should develop a Road Map, or at a minimum a prioritized list of actions as an appendix to the SMMP before finalizing the plan. The appendix would allow for modification of the schedule without having to revise the SMMP itself.

PFMC
09/09/18

Appendix A

PACIFIC FISHERY MANAGEMENT COUNCIL Pacific Coast Swordfish Fishery Management and Monitoring Plan

DRAFT

1 Introduction

The Pacific Fishery Management Council (Council) manages targeting of swordfish on the West Coast under its Fishery Management Plan for West Coast Fisheries for Highly Migratory Species (HMS FMP). A variety of gears are being used to catch swordfish on the West Coast (i.e., swordfish fishery), including large-~~mesh~~ drift gillnet (DGN), harpoon, pelagic longline, and deep-set buoy gear (DSBG) (See Appendix A). Pelagic longline gear cannot be used within the U.S. Exclusive Economic Zone (EEZ) of the West Coast (three to 200 nautical miles) and shallow-set longline fishing (SSLL) to target swordfish cannot be conducted both east and west of 150 degrees W. longitude. However, there is a general interest in exploring use of pelagic longline gear on the West Coast. Bycatch of non-target finfish species and incidental take of protected species while targeting swordfish remains an ongoing concern for the Council because protected species, including whales, dolphins, pinnipeds (e.g., seals, sea lions), sea turtles, and seabirds have special status under Federal statutes. Therefore, the Council is required to monitor these fisheries, and reduce or minimize bycatch of these animals to the extent practicable.

Under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA), various mitigation measures that substantially reduced bycatch of protected species were instituted; however, there has also been a coincidental decline in participation in these fisheries, resulting in a decline in landings as well. In addition, West Coast fishery participants are testing other gears (e.g. DSBG) to target swordfish with minimal bycatch. These topics motivated the Council to consider the swordfish fishery with a more holistic approach. Therefore, in 2015, the Council developed a draft Swordfish Management and Monitoring Plan (SMMP) to articulate the Council's vision and future actions for the West Coast swordfish fishery as a subplan under the Council's HMS FMP.

2 Purpose of the Plan

This SMMP serves as a guide for the Council to manage the West Coast swordfish fishery based on four fishery management goals:

1. ~~Minimize Reduce~~ protected species bycatch to the extent practicable in the swordfish fishery through mitigation, gear innovation, and individual accountability.
2. ~~Minimize Reduce~~ unmarketable and prohibited finfish catch to the extent practicable in the swordfish fishery through mitigation, gear innovation, and individual accountability.
3. Support the economic viability of the swordfish fishery so that it can meet demand for a fresh, high quality, locally-caught product and reduce reliance on imported seafood.

4. Promote and support a wide range of harvest strategies for swordfish off the West Coast.

These goals will be achieved through a variety of mitigation and management measures outlined in this SMMP (See Section 3).

The Council intends to minimize non-target finfish and protected species (including sea turtles, marine mammals, and seabirds) bycatch in the West Coast swordfish fishery as a whole to be consistent with National Standard 9 and Section 303 of the Magnuson-Stevens Act to “(a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.”

The Council will continue to minimize bycatch and bycatch mortality of finfish and protected species to the extent practicable while ensuring that the West Coast swordfish fishery remains economically viable. Economic viability encompasses support for a swordfish fishery conducted by vessels with West Coast homeports and increased availability of locally-caught swordfish in the market.

In addition, the Council intends to better integrate fishery management under the HMS FMP with enhanced protection of ESA-listed species and other protected species (e.g. non-ESA-listed seabirds and marine mammals) while promoting and supporting a wide range of harvest strategies that include new or modified gear, and area management considerations.

In 2014, the Council began to consider the best method to develop this SMMP. Initially it was intended as a roadmap for ~~transiting~~ transitioning DGN fishery participants to the use of other gear types. ~~But~~ The Plan was broadened to reflect the Council’s intent to look at all feasible gear types for targeting swordfish in light of a bycatch reduction goal, including DGN. In June 2014, the Council agreed on a list of policy objectives intended to guide management of the West Coast swordfish fishery with the dual goals of reducing bycatch while maintaining or enhancing its economic viability (See Agenda Item E2 and Council Decision Summary).

Elements of this Plan ~~have~~ appeared in Highly Migratory Species Management Team (HMSMT) Reports for the March and June 2015 Council meetings which also included alternatives and analyses for proposed actions for bycatch reduction in the DGN fishery. The Council reviewed the Plan in September 2015 and again in June and September 2018. Finalization of this Plan will not only facilitate implementation of the actions described below in Section 3, but will also provide an administrative record on the Council’s vision going forward for a sustainable swordfish fishery. ~~off of the West Coast. It’s intended that a~~ Actions in this plan may be updated or revised by the Council in the future, as needed, to meet the fishery management goals of this SMMP.

3 Actions to Be Taken Under This Plan

A. Reduce bycatch in the DGN fishery through hard caps and performance standards

1. Consider hard caps to limit takes of loggerhead and leatherback sea turtles in the DGN fishery. For example, if a hard cap is reached or exceeded during a fishing season, or during a specified period, a specific time-area closures could go into effect.
2. Continue to review bycatch estimates against performance standards for specified marine mammals, sea turtles, and finfish. The Council may periodically review the efficacy of bycatch estimation methods used to judge performance, and the species for which performance standards are set. Based on trends of bycatch compared to specified performance standards, the Council may recommend additional management measures, as appropriate.
3. Work with NMFS to increase fishery monitoring with the goal of monitoring all vessels by means of either human observers or electronic monitoring technology. ~~Initially, the Council desires a 30% coverage rate across all vessels. For vessels that are unobservable by humans, electronic monitoring (EM) should be used to meet the coverage rate goal.~~
4. In the absence of 100% monitoring, use the best available statistical methods to estimate rare event bycatch.
5. Explore the use of dynamic ocean modeling tools, such as EcoCast, as part of an individual accountability-based management strategy.

B. Develop deep-set buoy gear

1. Evaluate the results of fishing under EFPs, including deep-set linked buoy gear, recommended by the Council and issued by NMFS.
2. Complete HMS FMP amendment and regulatory processes to authorize a DSBG fishery.
3. ~~As part of fishery authorization, C~~onsider a Federal limited entry program for DSBG ~~including qualification criteria,~~ taking into account current participation in the West Coast swordfish fishery.

C. Limit fishing effort in the DGN fishery

1. ~~Explore ways to leverage Federal DGN fishery limited entry permits to reduce bycatch, noting that implementation of the Federal permit may result in some natural attrition of permit holders. For example, as of June 2018, only two-thirds of state limited entry permit holders had applied for the Federal limited entry permit.~~
2. Determine the appropriate number of Federal limited entry permits based on the fishery management goals within this SMMP. Explore mechanisms to retire excess permits, including compensating holders for retiring permits. ~~For example, a minimum landings requirement during some recent time-period could be required to retain a permit.~~
3. Explore use of the Federal limited entry permit to encourage DGN fishery participants to utilize other gear types. For example, the Federal limited entry permit regulations could be amended to include permit endorsements for other gear types such as pelagic longline and/or DSBG (if managed through limited entry) or to encourage swapping a DGN permit for a limited entry permit for another fishery/gear type.

D. Allow DGN vessels to access the PLCA

1. The Pacific Leatherback Conservation Area (PLCA) was implemented in 2001 to mitigate takes of endangered Pacific leatherback sea turtles. It covers an area of the EEZ from Monterey Bay in California to the central Oregon coast and is closed to DGN fishing each year from August 15 to November 15. Based on exempted fishing permit (EFP) performance within the PLCA, consider allowing access to the PLCA with individual vessel and/or fishery accountability for bycatch using limits such as hard caps on leatherback sea turtles.
2. Explore the use of dynamic ocean modeling tools, such as EcoCast, as part of an individual accountability based management regime that would allow DGN vessels to fish in specified areas within the boundaries of the current PLCA.

E. Develop longline fisheries

1. Revisit the 2009 proposed action to authorize a SSSL fishery outside the West Coast EEZ in light of current conditions including West Coast landings by Hawaii-permitted SSSL vessels.
2. Revisit the current FMP prohibition on the use of pelagic longline gear inside the West Coast EEZ.
3. Consider qualification criteria for a Federal limited entry SSSL permit in the context of Federal permitting for other swordfish gear types.
4. Explore the feasibility of, through exempted fishing permits, new pelagic longline gear designs or management strategies.

~~4 Road Map for Implementing Actions under this Plan~~

~~Actions related to this Plan that are included in Council's "Year-at-a-Glance" planning document (Agenda Item C.11, Supplemental Attachment 3, June 2018) are listed below. The Council may decide to supplement this section of the Plan by identifying additional actions over a longer time frame.~~

~~September 2018~~

- ~~1. Review updates to this Swordfish Monitoring and Management Plan~~
- ~~2. Consider proposed changes to the DGN performance metrics methodology~~

~~November 2018~~

- ~~1. Scoping of FMP amendment authorizing a SSSL fishery outside the EEZ~~
- ~~2. Review new proposed performance metrics based on new methodology (tentative)~~

~~March 2019~~

- ~~1. Adopt a range of alternatives for FMP amendment authorizing a SSSL fishery outside the~~

EEZ

2. Final action on authorizing a DSBG fishery

June 2019

1. Adopt a preliminary preferred alternative for FMP amendment authorizing a SSLL fishery outside the EEZ
2. DGN performance metrics annual report
3. Ongoing EFP update
4. Initial EFP proposal review and recommendation

September 2019

1. Adopt a final preferred alternative for FMP amendment authorizing a SSLL fishery outside the EEZ
2. EFP proposal final recommendation