

Fishery Management Plan for West Coast Fisheries for Highly Migratory Species
Amendment 6 Draft FMP Changes
September 2019

6.0 Management Measures

Sections 6.1 through 6.5 describe the general elements of the FMP that affect HMS fisheries directly. Many of these elements address fundamental requirements of the MSA and other applicable law. They can be modified through framework procedures if the Council so chooses. Section 6.6 describes fishery-specific management measures.

6.1 Legal Gear and Gear Restrictions

Various state restrictions on gear exist in Washington, Oregon, and California. A listing of current state regulations in Washington, Oregon, and California at the time of plan adoption is in Appendix B to the HMS FMP FEIS (PFMC 2003).

Authorized fisheries under the authority of each regional fishery management council and all fishing gear used in each fishery in the EEZ are listed in Federal regulations (50 CFR 600.725). The use of any gear or participation in a fishery not on the list of authorized fisheries and gear is prohibited. Additional definitions and relevant regulations may appear elsewhere in Federal regulations, controlling the use of gear whether or not on the list at 50 CFR 600.725(v). An individual fisherman may notify the Council of the intent to use a gear or participate in a fishery not already on the list and the Council then has 90 days to regulate or prohibit the use of the gear.

Legal commercial HMS gear includes:

- Harpoon: Fishing gear consisting of a pointed dart or iron attached to the end of a line several hundred feet in length, the other end of which is attached to a flotation device. Harpoon gear is attached to a pole or stick that is propelled only by hand, and not by mechanical means.
- Surface Hook and Line: One or more hooks attached to one or more lines (includes troll, rod and reel, handline, albacore jig, live bait, and bait boat; excludes pelagic longline and mousetrap gear. Mousetrap gear means a free-floating set of gear thrown from a vessel, composed of a length of line with a float on one end and one or more hooks or lures on the opposite end, which is not actively tended and does not comply with the definition of DSBG.
- Large Mesh Drift Gillnet: A panel of netting, suspended vertically in the water by floats along the top and weights along the bottom, which is not stationary nor anchored to the bottom. Large-mesh drift gillnets (used to target HMS) must have a minimum stretched mesh size of 14 inches. This definition minimizes potential problems from additional bycatch, protected species interactions, and competition with other fishery sectors. Small-mesh gillnet may not be used to target HMS. This description is consistent with the historic use of large-mesh drift gillnet to target swordfish and sharks.
- Purse Seine: A floated and weighted encircling net that is closed by means of a purse line threaded through rings attached to the bottom of the net (includes encircling net, purse seine, ring net, drum purse seine, lampara net).
- Pelagic Longline: A main line that is suspended horizontally in the water column, which is not stationary nor anchored, and from which dropper lines with hooks (gangions) are attached.
- Deep-set buoy gear (DSBG): Line fishing gear in two configurations: standard buoy gear and linked

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buoy gear. The gear consists of either a vertical line affixed to a buoy array with one or more hooks, or a horizontal line attached to the terminal ends of two vertical lines with hooks attached, respectively. Both configurations require the hooks to be set below a minimum depth and that buoys are configured to avoid entanglement. The gear is fished during specified hours and has active tending requirements.

Legal recreational gear includes:

- Rod-and-Reel (pole-and-line): A hand-held (including rod holder) fishing rod with a manually or electrically operated reel attached.
- Spear: A sharp, pointed, or barbed instrument on a shaft. Spears can be operated manually or shot from a gun or sling.
- Hook and Line: One or more hooks attached to one or more lines (excludes mousetrap and DSBG).

These definitions of gear ensure consistent and unambiguous coastwide management. However, the framework adjustment procedures (Chapter 5) may be used to modify the definitions of legal commercial or recreational fishing gears, authorize new gears, or prohibit the use of existing legal gears. Therefore, the above list is not definitive.

Gear restrictions may specify the amount, dimensions, configuration or deployment of commercial, and recreational fishing gear, for example minimum mesh size or the number of hooks. Changes in gear regulations should minimize costs to the fisheries, insofar as this is consistent with achieving the goals of the change.

6.2 Fishery Monitoring

6.2.1 Permits

Permits are a standard tool used in virtually all fishery management plans to support management by:

- Enhancing or facilitating collection of biological, economic or social data.
- Facilitating enforcement of laws and regulations.
- Identifying those who would be affected by actions to prevent or reduce excess capacity in the fishery.
- Providing information to meet international obligations.

A special kind of permit may be required for limited entry into a fishery. Implementation of a limited entry program would require an FMP amendment.

6.2.1.1 Commercial Permits

This FMP requires a Federal permit for all commercial HMS vessels that fish for HMS off of, or land HMS in, the States of California, Oregon, and Washington. This general HMS permit is endorsed with a specific endorsement for each gear type to be used. Initially, There are no qualification criteria, such as minimum amount of landings, to obtain specific gear endorsements. Any commercial fisher may obtain the required gear endorsements. The permit is issued to a vessel owner for each specific fishing vessel used in commercial HMS fishing. This action is a practical procedure for tracking commercial~~tracking and controlling by permits to, commercial~~ HMS fishing activities, and the effects of regulations on those activities.

Regulations implementing the FMP establish the permitting system and set the terms and conditions for issuing a permit. The permits and endorsements are subject to sanctions, including revocation, as provided by Section 308(g) of the MSA. Permit requirements could be changed in the future under the framework

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procedures (Chapter 5). This permit program would not eliminate existing state permit or licensing requirements, or Federal permits under the HSFCA.

Drift Gillnet Limited Entry Permit

For individuals fishing with drift gillnet gear, a Federal drift gillnet limited entry (DGN LE) permit is required. These Federal DGN LE permits are subject to the following conditions:

- DGN LE permits are issued to an individual, and a vessel must be specified on the permit.
- DGN LE permits are issued annually for the fishing year starting April 1 and ending March 31 of the following year.
- Upon publication of NMFS' final rule to establish the Federal DGN permit, all California DGN permit holders would be eligible for a Federal DGN permit. If a 2017-2018 state permit renewal application is not received by CDFW or postmarked by March 31, 2018, the permit holder will not be eligible to receive a 2018-2019 Federal DGN permit.
- Thereafter, the deadline for receipt or postmark of a Federal DGN permit renewal application would be April 30 of the fishing year (e.g., April 30, 2019 for the April 1, 2019 - March 31, 2020 fishing year).
- A DGN permit that has expired will not be renewed unless the permit owner requests reissuance by July 31 (three months after the renewal application deadline) and NMFS determines that failure to renew was proximately caused by illness, injury, or death of the permit owner. If the permit expires, it will be forfeited and NMFS will not reissue the permit to anyone.¹
- DGN LE permits can be transferred at most once every three fishing years. For the purpose of determining transfer eligibility, the fishing year starts April 1 and ends March 31 of the following year.
- DGN permits may be transferred to another individual only if the current permit holder has held the Federal DGN LE permit for a minimum of three consecutive years (counted April 1 to March 31 of the following year). At the time of the establishment of the Federal DGN LE permit system, the length of time an individual has held a California drift gillnet limited entry permit carries over (e.g., if an individual has held a California DGLE permit for 2 years, they are eligible to transfer the Federal DGN LE permit after 1 year). Exceptions to this limitation on permit transfer may be made under the following circumstances:
 - The permittee suffers from a serious illness or permanent disability that prevents the permittee from earning a livelihood from commercial fishing.
 - If the permittee's heirs or estate submit a transfer request within six months of the permittee's death.
 - Upon dissolution of marriage if the permit is held as community property.
- A permit holder may designate another individual to fish under their permit for up to 15 days per year; the substitute must hold a valid general HMS permit and comply with all other Federal permitting requirements.

Deep-Set Buoy Gear Limited Entry Permit

A Deep-Set Buoy Gear Limited Entry (DSBG LE) permit is required to fish with DSBG in Federal waters

¹ These renewal deadlines (April 30 and July 31) for the Federal DGN permit differ from the state permit renewal deadlines but are consistent with procedures for other Federal permits. Compared to the state DGN permit, the July 31 deadline imposes a shorter renewal window period and does not provide a mechanism to appeal for reinstatement in the event of a failure to renew.

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east of 120° 28' 18" W. longitude.

Permit Possession

The DSBG LE permit is held by a person, as defined at 50 CFR 660.702, who must designate a vessel on the permit. The designated vessel need not be owned by the permit holder. The permit holder may change the vessel designation on the permit by written request to NMFS not more than once per calendar year unless a *force majeure* event renders the assigned vessel incapable of operation. The vessel owner must also hold a General HMS permit for the vessel from which a DSBG permit is being fished. A person may only hold one DSBG LE permit. Multiple DSBG LE permits may designate the same vessel, but only one DSBG LE permit may be fished from any one vessel at a time. The permit holder ~~is~~ would not be required to be onboard the vessel when DSBG is in use.

Number of DSBG LE Permits Issued Annually and Maximum Number

Up to 50 permits will be issued for the first year for which the fishery is authorized and up to 25 additional permits may be issued annually in subsequent years until either a) a maximum of 300 permits are issued, b) NMFS determines, based on applicable law (principally the ESA and MMPA), that the maximum number of permits should be less than 300, or c) the Council determines that the maximum number of permits should be less than 300 based on its consideration of any relevant factors such as those enumerated in Section 303(b)(6) of the MSA. Permits which are not renewed do not count towards the annual permit allocation for the following year and may be issued to new applicants in addition to the annual 25 permits.

Permits are issued by ranking applicants according to the permit qualification criteria listed below. When an application is received, the eligible applicant will be added to the applicant pool and ranked based on the qualification criteria. Applications will only be accepted during a predetermined time period each year. Qualification for issuance of a permit will be determined prior to the permit year and/or fishing season. Applications may be submitted until the maximum number of permits have been issued.

Limited Entry Permit Qualification Criteria

DSBG LE permits are issued to eligible applicants in rank order according to the tiered eligibility criteria listed below. Should more eligible applicants qualify based on a tier category than the number of permits to be issued in a single year, eligible applicants are additionally ranked according to the total landed weight of swordfish attributable to the applicant by the relevant gear type. Even if an applicant qualifies under more than one tier criterion, that person will only be issued one permit, based on their highest tier qualification. The following tier categories are used for ranking eligible applicants:

1. DSBG EFP holders who have made at least 10 observed DSBG sets by December 31, 2018.
2. DGN LE permit holders who have made at least one DGN landing between the 2013-2014 and 2017-2018 fishing years and surrender their DGN LE permit as part of a state or federal DGN permit trade-in or buy-back program.
3. DSBG EFP holders who have made at least 10 observed DSBG sets by the effective date of the Final Rule authorizing DSBG.
4. Individuals who possessed a California Swordfish Permit in the 2018-2019 fishing year and made at least one swordfish landing using harpoon gear between the 2013-2014 and 2017-2018 fishing years.
5. DGN LE permit holders who have made at least one DGN landing between the 2013-2014 and 2017-2018 fishing years and did not surrender their DGN LE permit as part of a state or federal

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DGN permit trade-in or buy-back program.

6. DGN permit holders who have not made a swordfish landing with DGN gear since March 31, 2013 and surrender their DGN LE permit as part of a state or federal DGN LE permit trade-in or buy-back program.
7. DGN LE permit holders who have not made a swordfish landing with DGN gear since March 31, 2013 and did not surrender their DGN LE permit as part of a state or federal DGN permit trade-in or buy-back program.
8. Any individual with a documented swordfish landing between the 2013-2014 fishing year and the effective date of the Final Rule authorizing DSBG. The basis for documenting a commercial swordfish landing attributable to the applicant will be specified in Federal regulations.

If the pool of eligible applicants based on the above criteria is exhausted before the maximum number of DSBG LE permits has been issued, additional permits may be issued to any individual submitting an application and permits will be distributed in the order in which such applications are received (“first come, first served”).

Permit Renewal

The HMS LE DSBG permit is valid for one year and expires if not renewed. A permit will be renewed based on application by the permit holder and as long as the permit holder has adhered to any requirements specified in Federal regulations. Federal regulations will specify any requirements and deadlines for permit renewal applications such that the permit may be reissued for the next year. The number of expired permits will be added to the number of permits to be issued in subsequent years such that only valid, issued permits are counted toward the cumulative maximum number to be issued in a year.

Permit Transfer

HMS LE DSBG permits are not transferable. The Council may authorize permit transfers, and any related conditions, through the biennial management process (Chapter 5).

6.2.1.2 Recreational Permits

This FMP requires a Federal permit for all commercial passenger recreational fishing vessels (CPFV) that fish for HMS, but an existing State permit or license for recreational vessels can meet this requirement. The Council requests states to incorporate in their existing CPFV permit systems an allowance for an HMS endorsement on the permits so that statistics can be gathered on that segment of the HMS fishery. This action is a practical procedure for tracking and controlling, by permits, recreational HMS fishing activities and the effects of regulations on those activities.

6.2.2 Reporting Requirements

The MSA requires that FMPs specify the pertinent data that shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors (Section 303(a)(5)).

Catch, effort, and catch disposition data are critical for monitoring the fisheries, assessing the status of the stocks and fisheries, and evaluating the effectiveness of management. Historically, data necessary for management of HMS were not regularly or fully collected by State, Federal, or international organizations.

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HMS reporting requirements for basic catch-effort and bycatch are inconsistent among the states and may be insufficient for stock and fishery monitoring. Various overlapping reporting requirements may apply to vessels fishing for HMS from the West Coast. Permitting under the HSFCA, states, the IATTC, and the WCPFC all trigger reporting requirements that may vary across different fisheries. A uniform Federal requirement for vessels catching HMS in the West Coast EEZ facilitates consistent reporting.

All commercial and recreational party or charter/CPFV fishing vessels fishing for HMS must maintain and submit logbooks to NMFS. The original logbook form for each day of the fishing trip must be submitted to either NMFS or the appropriate state management agency. State or existing Federal logbooks can meet this requirement as long as essential data elements are present, and data are available to NMFS subject to a data exchange agreement.² In any case, existing state reporting requirements, including those for landing receipts, would remain in effect. These reporting requirements may be adjusted under the framework process (Chapter 5). These requirements facilitate obtaining commercial (including CPFV) catch and effort data and allow for NMFS to develop a standardized database on West Coast fisheries.

6.2.3 Fishery Observer Authority

Observer programs are important for obtaining accurate information on total catch, catch disposition and protected species interactions, and also for detailed biological data and samples that managers cannot expect fishers to collect. Catch disposition information importantly includes data on bycatch, for which observers are indispensable in most cases (Section 6.3). Observation also can be very useful to better understand how different gears are actually deployed and how practical and effective regulations actually are. Observer placement authority for NMFS facilitates obtaining more accurate and complete information about fisheries. However, observers may not be suitable for all vessels; smaller vessels may not have accommodations for observers and vessels that take extended trips are much more costly to observe. Therefore, it is incumbent on NMFS to develop an observer sampling plan that, in addition to the scientific objectives, also recognizes the different types of vessels and vessel capabilities in the various fisheries.

An observer program must include a sample design and cost analysis (including impacts on the vessels being sampled) for Council review and comment prior to implementing the program. The sampling design will include the sampling rate, which is a function of the required sample size for determining take rates or amounts with a given precision. When a take amount is the result of infrequent events, as in certain protected species interactions, very large sampling of a fleet is needed for its precise estimation, and cost will be the determining factor for sample size.

NMFS may require that vessels carry observers when directed to do so by the NMFS Regional Administrator. NMFS is to complete initial observer sampling plans within six months of FMP implementation. NMFS will also develop initial observer sampling programs for the private recreational fisheries at a later date. This FMP focuses initially on the fisheries inadequately or not monitored under Federal authority (MMPA, ESA) in meeting the FMP goal of documenting and reviewing bycatch mortality and protected species interactions in HMS fisheries. Observer programs are initially mandated for the longline, surface hook-and-line, small purse seine, and CPFV fisheries.

Prior to implementation of this FMP, the large- and small-mesh drift gillnet fisheries already had MMPA-mandated observer programs, and the pelagic longline fishery came under an ESA mandate for observers. These programs will be periodically reviewed by the HMSMT for adequacy in meeting the goals of this FMP (important if the sampling rates in the protected species programs are reduced).

² Samples of logbook forms at the time the FMP was implemented can be found in the HMS FMP FEIS (PFMC 2003), Appendix D.

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6.3 Bycatch Monitoring and Minimization

The MSA requires that bycatch in fisheries be assessed, and that the bycatch and bycatch mortality be reduced to the extent practicable. Specifically, National Standard 9 states that an FMP shall establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures to the extent practicable and in the following priority: 1) minimize bycatch; and 2) minimize the mortality of bycatch which cannot be avoided.

Bycatch has been identified as a concern in HMS drift gillnet and longline fisheries and large-vessel purse seine fisheries (see Appendix C). Anecdotal accounts indicate bycatch in the small-vessel HMS purse seine and albacore troll fishery is relatively low, but these fisheries have not had formal observer programs. The harpoon fishery is thought to have little, if any, bycatch due to the selective nature of the gear.

6.3.1 *Standardized Bycatch Reporting Methodology*

The Council examined existing bycatch reporting methodologies, and found that current logbook requirements for the various fisheries (states, NMFS and IATTC), together with periodic recreational fishing surveys and port sampling, have provided an important source of information on catch and bycatch for all HMS fisheries (Appendix C, section 5). Nonetheless, certain additional measures were considered to provide improved standardization of logbook reporting and better ground-truthing of the logbook data through pilot observer programs for some of the presently unobserved fisheries. Observer programs are authorized consistent with observer sampling plans prepared by NMFS (Section 6.2.3). All commercial and recreational party or charter/CPFV fishing vessels must maintain and submit to NMFS logbook records containing catch and effort statistics, including bycatch. These measures, together with existing reporting requirements, should provide for a comprehensive standardized bycatch reporting system.

6.3.2 *Minimizing Bycatch and Bycatch Mortality*

Additional actions that will have the effect of reducing bycatch and bycatch mortality are discussed in Appendix C and under the various fishery-specific actions in Sections 6.6.1 (drift gillnet fishery), and 6.6.2 (pelagic longline fishery).

The FMP provides for a fishery-by-fishery review of measures to reduce bycatch and bycatch mortality (see Appendix C); establishes a framework for implementing bycatch reduction, adopts measures to minimize bycatch in pelagic longline and drift gillnet fisheries (Section 6.6), and adopts a formal voluntary “catch-and-release” program for HMS recreational fisheries. This meets the goals of the MSA and of this FMP and the requirements for estimating bycatch and for establishing measures to reduce bycatch and bycatch mortality in HMS fisheries.

The framework procedure may be used to implement additional bycatch reporting and reduction measures. Potential measures/methods include but are not limited to:

- logbooks
- observers
- time/area closures
- gear restrictions or modifications, or use of alternative gear
- educational programs
- performance standards
- real-time data collection programs (e.g., VMS, electronic logbooks)

The voluntary “catch-and-release” program promotes reduction of bycatch mortality and waste by encouraging the live release of unwanted fish. Its rationale and origination for recreational fisheries is

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explained in Appendix C, Section C.7. The establishment of the catch-and-release program removes live releases in the recreational fisheries from the “bycatch” category as defined in the MSA in Section 3(2) and also promotes the handling and release of fish in a manner that minimizes the risk of incidental mortality, encourages the live release of small fish, and discourages waste.

Shared EC Species, identified in Section 3.3, could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

6.3.3 *Protected Species*

Various Federal laws provide protection for special resources, including those for protected species under ESA, MMPA, and MBTA. Interactions of HMS fishing gears with protected species are described in Appendix D. This FMP authorizes the adoption of measures to minimize interactions of HMS gears with protected species and to implement recommendations contained in Biological Opinions (ESA), Take Reduction Plans (MMPA), Seabird Management Plans, or other relevant documents pertaining to HMS fisheries. The FMP also authorizes programs to collect information on interactions in any or all HMS fisheries.

Fishery-specific measures affecting protected species are included in the initial management measures for drift gillnet and longline fisheries (Sections 6.6.1, 6.6.2). Protected species interactions with the other gear types are not major issues (Appendix D), and no alternatives were considered for those gears.

The FMP adopts a framework authorization for protected species conservation measures and implements initial conservation and management measures for drift gillnet and pelagic longline fisheries as described in section 6.6, Appendix D, and the HMS FMP FEIS (PFMC 2003, sections 9.2.5.1-2). The FMP requires general provision for its proposed protected species measures and also for future measures to reduce the takes of protected species and to minimize the risk of adverse impacts from those takes. The framework provisions of the FMP would be used to address new protected species concerns as they are identified.

Both through the SAFE Report and through special reports from interested parties (which could include the U.S. Fish and Wildlife Service or environmental organizations), the Council

- will be advised of new protected species concerns;
- would direct the HMSMT or others to investigate and recommend action;
- will determine if action is needed and, if it is viewed as a matter of substantial concern, will direct the completion of necessary documents to analyze the issues and evaluate alternatives; and
- will submit recommendations for corrective action to NMFS for consideration.

If an action is recommended by the Council and approved by NMFS, the action will be implemented by NMFS.

In fisheries where protected species takes are already being addressed, as by the Pacific Offshore Cetacean Take Reduction Team (POCTRT) for the drift gillnet fishery, any recommendations and supporting analyses by the POCTRT, will be provided by NMFS to the Council for consideration. The Council will make recommendations as it deems appropriate to NMFS, which will make final decisions on whether to proceed with rulemaking under the MMPA or MSA, as appropriate.

6.3.4 *Prohibited Species*

As indicated in Section 3.4, certain species are proposed to be designated as “prohibited species” under the FMP, meaning that they cannot be retained, or can be retained only under specified conditions, by persons

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fishing for management unit species. Three species of shark, as well as Pacific halibut and Pacific salmon, are recommended for this designation. The designation of prohibited species could be changed using framework procedures.

This FMP prohibits retention of great white, basking, and megamouth sharks (except for sale or donation of incidentally-caught specimens to recognized scientific and educational organizations). This FMP also prohibits retention of Pacific halibut and salmon (except when caught with authorized gears during authorized seasons). Neither the populations of these rare or low productivity sharks nor the strict management of halibut and salmon should be compromised by HMS fisheries. The prohibited species status of halibut and salmon is also consistent with U.S. policy and other FMPs.

The great white shark's low productivity, its accessibility in certain localized areas, and its appeal to trophy hunters make it especially vulnerable to depletion. The species has been protected in the State of California since 1995; it may not be taken except for scientific and educational purposes under State permit. The sale (or donation) of incidentally-caught specimens, live or dead, to recognized scientific and educational organizations for research or display purposes would be allowed.

Megamouth sharks are extremely rare, though they are taken in the drift gillnet fishery on rare occasions. Protection is recommended because of extreme rarity and uniqueness. Sale (donation) of incidentally caught specimens to recognized scientific and educational organizations for research or display purposes would be allowed.

Basking sharks occur in greatest numbers in the Eastern Pacific in autumn and winter months. The fins are valuable in East Asian markets. This species is recommended for protection because it is thought to be among the least productive of shark species and thus highly vulnerable to depletion. The north Pacific stock is listed as endangered by the World Conservation Union (IUCN Red List of Threatened Species). The sale (donation) of incidentally-caught specimens, live or dead, to recognized scientific and educational organizations for research or display purposes is allowed.

Pacific halibut and Pacific salmon, while not HMS, are important as incidental catch in some HMS fisheries and so are recommended to be prohibited to ensure they are not targeted by HMS fishers, unless with authorized gear during authorized seasons. The fisheries that target halibut and salmon are already overcapitalized. Further, some runs of salmon are listed as threatened or endangered.

6.4 Controlling Catch

6.4.1 Quotas or Harvest Guidelines

A *quota* is a specified numerical harvest objective for a stock, the attainment (or expected attainment) of which causes the complete closure of the fishery or fisheries for that species. A *harvest guideline* is a numerical harvest level that is a general objective and is not a quota. A harvest guideline and an annual catch target (ACT) are functionally equivalent. Attainment of a harvest guideline or ACT does not require a management response, but it does prompt review of the fishery. This will include an HMSMT meeting to evaluate the status of the stock and to make recommendations.

Factors involved in choosing between a quota or harvest guideline/ACT include:

- the status of the stock and the need to prevent overfishing or rebuild overfished stocks;
- effects on bycatch;
- impacts on fisheries;
- achievement of the FMP goals and objectives;
- ability to monitor catches during the season; and

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- U.S. obligations under an international agreement.

Harvest guidelines/ACTs can help prevent overfishing or localized depletion of vulnerable species, or can be used in implementing management decisions by international HMS management bodies. Allocation of guideline amounts among fisheries may be necessary (see Section 6.4.2).

This FMP establishes harvest guidelines for selected shark species and authorizes establishment or modification of quotas or harvest guidelines under the framework provisions. These harvest guidelines are based on a “local MSY” concept. Initial harvest guidelines for common thresher and shortfin mako sharks, are set equal to an OY estimate specified as 0.75MSY. The MSY used is the local MSY (LMSY), as the stock-wide maximum sustainable harvests are not known.

The initial harvest guidelines are $OY=0.75 \times LMSY$, as follows:

common thresher	340 mt (round weight)
shortfin mako	150 mt (round weight).

The rationale for these harvest guidelines is that, as vulnerable species in this FMP and with total catches and extent of stocks poorly known, management of these sharks under precautionary harvest guidelines is appropriate. The thresher shark harvest guideline is lower than the recommended harvest limit set in the tri-state fishery management plan for thresher shark in place prior to FMP implementation.

These harvest guidelines pertain only to the portion of the stocks that are vulnerable to capture by West Coast vessels as they now fish. They are particularly conservative because local MSY necessarily underestimates stock-wide MSY. The guidelines are catch benchmarks that warn of possible approach to the local sustainable maximum.

The HMSMT will review the catches from the previous statistical year (April 1-March 31) and compare those catches with the established harvest guidelines; evaluate the status of the stocks; and develop recommendations for management measures, as appropriate. These management measures will be presented to the Council as part of the SAFE document at its September and/or November meetings to be reviewed and approved for public review. Final action on management measures would be scheduled for the Council’s March meeting in the biennial cycle.

6.4.2 Allocation

This FMP authorizes allocation of HMS quotas or harvest guidelines among U.S. West Coast-based HMS fisheries if necessary using the full rulemaking framework process. In addition to other requirements of the FMP, the Council will consider the following factors when adopting allocations of HMS among domestic fisheries:

- present participation in, and dependence on, the fishery, including alternative fisheries;
- historical fishing practices in, and historical dependence on, the fishery;
- economics of the fishery;
- agreements or negotiated settlements involving the affected participants;
- potential biological impacts on any species affected by the allocation;
- consistency with the MSA National Standards; and
- consistency with the goals and objectives of the FMP.

The FMP does not establish initial quota allocations to different fisheries or fishery sectors, except that the commercial sale of striped marlin is prohibited, a de facto allocation to the recreational sector. No compelling argument was raised for repealing the long-standing (since 1937) no-sale status of striped marlin

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in California and for establishing it as a commercial species on the West Coast. Future allocations could be made using framework procedures. There is no pressing need to establish allocations as long as constraining ACLs are not implemented consistent with the international exception.

6.4.3 *Incidental Catch Allowance*

Incidental catch refers to harvest of HMS that are unavoidably caught while fishing for other species or fishing with gear that is not legal for the harvest of HMS. This FMP authorizes the harvest and landing of incidental catches by gears not listed as legal HMS gears in the FMP, up to a maximum number or percentage of the total weight, per landing. The incidental limit may be adjusted, or separate limits may be established, for different non-HMS fisheries, in accordance with framework procedures described in this chapter. The objectives of allowing incidental catches are to:

- Minimize discards in fisheries using gear that is not legal for harvesting HMS, while increasing fishing income by allowing retention and sale of limited amounts of HMS.
- Discourage targeting on HMS by non-HMS fisheries; also reduces any associated take of marine mammals, sea turtles, and seabirds.

This FMP allows incidental commercial landings of HMS, within limits, for non-HMS gears (e.g., bottom longline, trawl, pot gear, small mesh drift gillnet, set/trammel gillnets). These landing limits are:

- Small-mesh and set-net gillnetters may not land swordfish (consistent with California law), but are permitted to land other HMS, with the restriction of 10 fish per landing of each non-swordfish highly migratory species.
- Bottom longline landings are restricted to three HMS sharks in total or 20% of total landings by weight of HMS sharks, whichever is greater by weight.
- Trawl, pot gear, and other non-HMS gears are restricted to a maximum of 1% of total weight per landing for all HMS shark species combined (i.e., blue shark, shortfin mako shark, and common thresher shark) or two HMS sharks, whichever is greater.

These limits discourage targeting of HMS with non-HMS gears by limiting the allowed landings; reduces wastage of HMS by still allowing traditional levels of incidental catch by those gears.

These allowances are based on the frequency of HMS in landings by non-HMS gears, and are intended to be practical with respect to the levels of HMS expected to be taken by non-HMS gears while not targeting HMS. A description of analysis used to determine these limits may be found in the HMS FMP FEIS (PFMC 2003, section 9.2.4.2).

6.4.4 *Prohibition on the Sale of Striped Marlin*

This FMP prohibits the sale of striped marlin by vessels under Council jurisdiction. Greater regional and national net benefits are obtained from continuing coastwide under Federal authority the long-standing California policy of reserving this species for sport use only. Striped marlin is considered to have far greater value as a recreational rather than commercial target species, and is only available seasonally. Prohibiting its sale removes the incentive for its taking by commercial fishers.

6.5 Other Measures

6.5.1 *Treaty Indian Fishing*

This FMP authorizes adoption of measures and procedures to accommodate treaty fishing rights in the initial implementing regulations for the FMP. The FMP also authorizes revisions to the initial regulations through regulatory amendments, without the need to amend the FMP. The initial implementing regulations would contain the measures and procedures specified below. This action is a practical procedure for

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accommodating treaty fishing rights, without need of plan amendments for revisions.

Initial Measures and Procedures

Under the FMP, the initial measures and procedures for accommodating treaty fishing rights are as follows:

- (a) Pacific Coast treaty Indian tribes have treaty rights to harvest HMS in their usual and accustomed (u&a) fishing areas in U.S. waters.
- (b) Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.
- (c) The NMFS recognizes the areas set forth below as marine u&a fishing grounds of the four Washington coastal tribes. The Makah u&a grounds were adjudicated in U.S. v. Washington, 626 F.Supp. 1405, 1466 (W.D. Wash. 1985), affirmed 730 F.2d 1314 (9th Cir. 1984). The u&a grounds of the Quileute, Hoh, and Quinault tribes have been recognized administratively by NMFS. See, e.g., 64 Fed. Reg. 24087-24088 (May 5, 1999) (u&a grounds for groundfish); 50 C.F.R. 300.64(i) (u&a grounds for halibut). The u&a grounds recognized by NMFS may be revised as ordered by a Federal court.
- (d) Procedures. The rights referred to in paragraph (a) will be implemented by the Secretary of Commerce, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation of fish that will be managed by the tribes, or through regulations that will apply specifically to the tribal fisheries. An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the NMFS West Coast Regional Administrator, at least 120 days prior to the time the allocation is desired to be effective, and will be subject to public review through the Council process. The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.
- (e) Identification. A valid treaty Indian identification card issued pursuant to 25 CFR Part 249, Subpart A, is prima facie evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.
- (f) Fishing (on a tribal allocation or under a Federal regulation applicable to tribal fisheries) by a member of a Pacific Coast treaty Indian tribe within that tribe's u&a fishing area is not subject to provisions of the HMS regulations applicable to non-treaty fisheries.
- (g) Any member of a Pacific Coast treaty Indian tribe must comply with any applicable Federal and tribal laws and regulations, when participating in a tribal HMS fishery implemented under paragraph (d) above.
- (h) Fishing by a member of a Pacific Coast treaty Indian tribe outside that tribe's u&a fishing area, or for a species of HMS not covered by a treaty allocation or applicable Federal regulation, is subject to the HMS regulations applicable to non-treaty fisheries.

6.5.2 Procedures for Reviewing State Regulations

Any state may propose that the Council review a particular state regulation for the purpose of determining its consistency with the FMP and the need for complementary Federal regulations. Although this procedure is directed at the review of new regulations, existing regulations affecting the harvest of HMS managed by the FMP may also be reviewed under this process. The state making the proposal will include a summary of the regulation in question and concise arguments in support of consistency.

Upon receipt of a state's proposal, the Council may make an initial determination whether or not to proceed with the review. If the Council determines that the proposal has insufficient merit or little likelihood of being found consistent, it may terminate the process immediately and inform the petitioning state in writing

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of the reasons for its rejection.

If the Council determines sufficient merit exists to proceed with a determination, it will review the state's documentation or prepare an analysis considering, if relevant, the following factors:

- How the proposal furthers, or is not otherwise consistent with, the objectives of the FMP, the MSA, and other applicable law
- Likely effect on or interaction with any other regulations in force for the fisheries in the area concerned
- Expected impacts on the species or species group taken in the fishery sector being affected by the regulation
- Economic impacts of the regulation, including changes in catch, effort, revenue, fishing costs, participation, and income to different sectors being regulated as well as to sectors that might be indirectly affected.
- Any impacts in terms of achievement of harvest guidelines or harvest quotas, maintaining year-round fisheries, maintaining stability in fisheries, prices to consumers, improved product quality, discards, joint venture operations, gear conflicts, enforcement, data collection, or other factors.

The Council will inform the public of the proposal and supporting analysis and invite public comments before and at the next scheduled Council meeting. At its next scheduled meeting, the Council will consider public testimony, public comment, advisory reports, and any further state comments or reports, and determine whether or not the state regulation is consistent with the FMP, and whether or not to recommend implementation of complementary Federal regulations or to endorse state regulations as consistent with the FMP without additional Federal regulations.

If the Council recommends the implementation of complementary Federal regulations, it will forward its recommendation with the proposed rule and rationale to the NMFS Regional Administrator for review and approval. The NMFS Regional Administrator will publish the proposed regulation in the *Federal Register* for public comment, after which, if approved, he/she will publish final regulations as soon as practicable. If the Regional Administrator disapproves the proposed regulations, he/she will inform the Council in writing of the reasons for disapproval.

6.5.3 Exempted Fishing Permits

Existing Federal Procedures. Exempted fishing is defined to be fishing practices that are new to a fishery and not otherwise allowed under an FMP. The NMFS Regional Administrator, using Federal exempted fishing permit (EFP) procedures, may authorize the targeted or incidental harvest of HMS for experimental or exploratory fishing that would otherwise be prohibited. Applicants must submit their application package at least 60 days before the desired effective date of the EFP, provide a statement of purpose and goals of the EFP activity, the species (target and incidental) expected to be harvested, arrangements for disposition of all regulated species and any anticipated impacts on marine mammals or endangered species, and provide the times and places fishing will take place and the type, size, and amount of gear to be used. There are no specific requirements. The NMFS Regional Administrator may restrict the number of experimental permits by total catch, time, area, bycatch, incidental catch, or protected species takes. The NMFS Regional Administrator may require any level of industry-funded observer coverage for these experimental permits.

Exempted fisheries are expected to be of limited size and duration and must be authorized by an EFP issued for the participating vessel in accordance with the criteria and procedures specified in 50 CFR 600.745. The duration of EFPs will ordinarily not exceed one year. Permits will not be renewed automatically. An application must be submitted to the Regional Administrator for each year. A fee sufficient to cover administrative expenses may be charged for EFPs. An applicant for an EFP need not be the owner or

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operator of the vessel(s) for which the EFP is requested as long as the proposed activity is compatible with limited entry and other management measures in the FMP.

The Regional Administrator or Director may attach terms and conditions to the EFP consistent with the purpose of the exempted fishing, including, but not limited to:

- (a) The maximum amount of each regulated species that can be harvested and landed during the term of the EFP, including trip limitations, where appropriate.
- (b) The number, size(s), name(s), and identification number(s) of the vessel(s) authorized to conduct fishing activities under the EFP.
- (c) The time(s) and place(s) where exempted fishing may be conducted.
- (d) The type, size, and amount of gear that may be used by each vessel operated under the EFP.
- (e) The condition that observers, a vessel monitoring system, or other electronic equipment be carried on board vessels operated under an EFP, and any necessary conditions, such as pre-deployment notification requirements.
- (f) Reasonable data reporting requirements.
- (g) Other conditions as may be necessary to assure compliance with the purposes of the EFP, consistent with the objectives of the FMP and other applicable law.
- (h) Provisions for public release of data obtained under the EFP that are consistent with NOAA confidentiality of statistics procedures set out in Federal regulations, Chapter 50, Part 600, subpart E. An applicant may be required to waive the right to confidentiality of information gathered while conducting exempted fishing as a condition of an EFP.

Additional FMP Requirements for an Exempted Fishing Permit. This FMP places additional requirements for authorizing an EFP for targeting HMS species, including EC species shared between all four Council FMPs. An EFP proposal will be required to follow a specific Council protocol and be reviewed by the Council prior to application to NMFS. EFP proposals targeting management unit species or HMS EC species will be subject to the protocol for EFPs for HMS Fisheries (Council Operating Procedure #20). EFP proposals targeting EC species shared between all four FMPs, including the HMS FMP, will be subject to the protocol for Shared EC Species (Council Operating Procedure #24). The protocols are intended to ensure the Council has adequate information on all aspects of the proposed fishery and has adequate time to consider, review, and formulate recommendations. These protocols will be available from the Council. They will require additional detailed information and analysis beyond those specifically required for a NMFS EFP. The protocols will specify timing for submissions and timing for Council review.

This FMP authorizes mandatory data reporting and mandatory on-board observers for vessels with exempted fishing permits (PFMC 2003, see section 9.2.4.6). Installation of vessel monitoring units (VMS) aboard vessels with exempted fishing permits may be also required.

The FMP requires that applicants submit for Council review and approval an initial EFP plan prior to formal application to NMFS, following the protocol in the Council Operating Procedure specific to HMS fishery EFPs. The protocol as adopted or modified will include, but not be limited to, the following elements:

- schedule and procedure for submitting EFP applications
- format for applications
- qualification criteria for applicants
- Council internal review procedures
- relevant laws and regulations that must be followed

To serve its constituents, the Council needs this formal process through which it can review and make recommendations on the EFP applications to NMFS.

The Council will review, comment, and make recommendations on the EFP application or plan and may

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require changes or request additional information. The final EFP application or plan and Council recommendations will then be provided by the applicant to NMFS for action. NMFS review and any subsequent issuance of an EFP will then proceed according to regulations specified at 50 CFR 600.745.

6.5.4 *Temporary Adjustments due to Weather*

The Council will consider and may provide, after consultation with the U.S. Coast Guard (USCG) and fishery participants, temporary adjustments for access to the fishery by vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safety of the vessels, except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery. No adjustments due to weather are proposed at this time, as the Council has no information from fishery participants or others to indicate that particular accommodations are needed to provide reasonable opportunity to harvest HMS. There are no quotas or allocations that could not be harvested due to poor weather.

6.5.5 *Safety of Life at Sea*

National Standard 10 (NS 10) requires that conservation and management measures shall, to the extent practicable, promote the safety of human life at sea. The substantive requirements of NS 10 are fulfilled by Council, NMFS, USCG, and fishing industry consultation on the nature and extent of any adverse effects that proposed management measures may have on safety of human life at sea. The purpose of consultation is to identify and mitigate, to the extent practicable, any adverse effects. 50 CFR 600.355, which implements NS 10, provides lists of safety considerations and mitigation measures that could be considered. To fulfill NS 10, the Council will utilize existing Council and Council subgroup meeting procedures, and the framework provisions of the FMP. Except for automatic actions such as quota closures, the framework provisions require public comment and Council action before management actions are implemented. Safety and weather issues can be considered during the Council process. The USCG has a Council representative who regularly comments on proposed management measures. In addition, the USCG participates on the Council's Enforcement Consultants Committee, which is another forum for considering safety and weather issues. The HMSMT and HMSAS also hold public meetings where safety and weather concerns can be raised and addressed. Mitigation measures may be incorporated into pre-season and in-season actions under the framework procedures.

A NMFS regulation at 50 CFR 600.745 applies to any fishing vessel required to carry an observer as part of a mandatory observer program or carrying an observer as part of a voluntary observer program under the MSA, MMPA (16 U.S.C. 1361 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), or any other U.S. law. Observers may not depart on a fishing trip aboard a vessel that does not comply with USCG safety requirements or that does not display a current commercial fishing vessel safety examination decal. All vessels required to carry an observer must meet USCG safety requirements and display a current safety decal (issued within the previous two years). Vessels not meeting these requirements are deemed unsafe for purposes of carrying an observer and must correct deficiencies before departing port. The vessel owner or operator must also allow an observer to visually inspect any safety or accommodation requirement if requested. Observers are required to complete a pre-trip safety check of the emergency equipment and are encouraged to review emergency instructions with the operator before the vessel departs port.

6.5.6 *Domestic Annual Harvest, Total Allowable Level of Foreign Fishing, and Domestic Annual Processing*

The MSA at 16 U.S.C. §1853(a)(4) requires that each FMP assess and specify 1) the capacity and extent to which U.S. fishing vessels, on an annual basis, will harvest the OY from the fishery (DAH); 2) the portion of the OY which, on an annual basis, will not be harvested by U.S. fishing vessels and can be made available

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for foreign fishing (TALFF); and 3) the capacity and extent to which U.S. fish processors, on an annual basis, will process that portion of the OY that will be harvested by U.S. fishing vessels (DAP). Regulations implementing the MSA at 50 CFR 600.516 further define the total allowable level of foreign fishing, as— with respect to any fishery subject to exclusive U.S. fishery management authority (i.e., the portion of the fishery that occurs within the U.S. EEZ)—that portion of the OY of such fishery that will not be caught by U.S. vessels.

All species in the management unit of this FMP are highly migratory and range far beyond the EEZ. As presently defined, the OY for each species is based on MSY for the entire stock, both within and beyond the U.S. EEZ. However, the U.S. domestic fleet harvests only a small portion of the OY, and only a small portion of the U.S. harvest is taken in the EEZ. The rest of the U.S. harvest is taken beyond the EEZ.

Presently, no highly migratory species in excess of U.S. harvest capacity are available for foreign fishing (TALFF) in the EEZ. The DAH of HMS from 1995 through 1999 has averaged 24,349 mt (HMS FMP FEIS Chapter 2, Table 2-1). During this period, an average of 1,074 vessels landed HMS on the West Coast (HMS FMP FEIS Chapter 2, Table 2-64). The amount of fishing gear actually deployed on an annual basis to take management unit species depends on availability of the resource. In all instances, the harvesting capacity of the U.S. fleet along the West Coast exceeds the amount of the resource available in the EEZ.

Similarly, no HMS are available for foreign processing. Chapter 2 of the HMS FMP FEIS documents the characteristics of 20 HMS communities, including the number of processors/buyers in each area. U.S. processors process fish caught within and outside the EEZ by U.S. vessels, and import additional HMS to meet market demand. Therefore, the capacity and extent of domestic annual processing (DAP) exceeds the amount of HMS harvested by U.S. vessels in the EEZ.

A review of the capacity and extent of domestic annual harvest and processing may be conducted periodically if warranted.

6.6 Fishery-Specific Conservation and Management Measures

This section describes fishery-specific management measures for the drift gillnet, longline, ~~and~~ purse seine, ~~and deep-set buoy gear~~ fisheries. Other HMS fisheries do not have Federal regulations except for general requirements and prohibitions, such as permits and logbooks.

Management measures may be modified in the future, or new regulations may be implemented, using framework adjustment procedures in the FMP. These measures would stay in effect until revised or removed by specific action.

Management of recreational fishing is mainly deferred to the states in this FMP, reflecting the mainly localized nature of sportfishing issues and values that are best addressed at that level. Although this FMP does have a proposed catch-and-release measure for the recreational fishery that could affect fishing practices, that program is voluntary.

6.6.1 Drift Gillnet Fishery Management Measures

The drift large-mesh (14" minimum mesh size) gillnet fishery for swordfish and shark is managed under numerous complex and detailed Federal and state regulations to protect the populations fished as well as the protected species incidentally taken. These regulations for large-mesh drift gillnets include:

- In addition to State permits, a Federal HMS permit is required.
- Gear restrictions identified in the Pacific Offshore Cetacean Take Reduction Plan are required.
- A drift gillnet can be no longer than 6,000 ft.

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- The gear is prohibited in waters off of Washington. This reflects an existing state of Washington prohibition on the use of drift gillnet gear.
- Protected resource area closures include the Pacific Leatherback Conservation Area and the Pacific Loggerhead Conservation Area. The Pacific Loggerhead Conservation Area is effective June, July, and August during a forecasted or occurring El Niño event.
- Mainland area closures include a complete closure of the fishery off of California February 1-April 30, within 75 nm May 1-August 14, and within 25 nm December 15-January 31 the following year; and east of a line approximating 1,000 fm off of Oregon.
- There are other discrete area closures along the California coast and around the Channel Islands.

Regulations implemented through this FMP reflect Federal conservation and management measures in place under the MMPA and ESA and all state regulations for swordfish/shark drift gillnet fishing. However, at the time of the original adoption of the FMP, the Council concluded it was premature to federalize the states' limited entry programs, with its increase in Federal costs and administrative burdens. Existing time/area closures in Federal and state regulations were deemed appropriate for adopting intact. Closures off Washington and Oregon are intended to protect common thresher shark, sea turtles, and marine mammals. Oregon does not allow drift gillnets to target thresher shark, although drift gillnet vessels have fished off both states and landed their catch in California.

6.6.2 Pelagic Longline Fishery Management Measures

The pelagic longline measures differ according to their application inside or outside the EEZ:

- The use of pelagic longline gear is prohibited in the EEZ. This avoids/prevents potential bycatch, protected species, and fishery competition problems by continuing the de facto longline prohibition throughout the EEZ. Proposals for research or an EFP for the use of longline gear under this prohibition will be evaluated when the proposals are submitted, according to EFP guidelines.
- Outside the EEZ, the use of pelagic longline gear to make shallow sets to target swordfish is prohibited.³ A shallow set is defined as one where the deepest point of the main longline between any two floats, i.e., the deepest point in each sag of the main line, is at a depth less than or equal to 100 m (328.1 ft or 54.6 fm) below the sea surface.

Regulations consistent with those applicable to vessels fishing under a western Pacific longline limited entry permit in 2003 were implemented for pelagic longline vessels permitted under this FMP.⁴ These include:

- Area restrictions (in addition to the prohibition on shallow sets): From April 1 through May 31, a vessel may not use longline gear in waters bounded by 0° latitude and 15° N. latitude, and 145° W. longitude and 180° W. longitude, receive fish caught in that area, or land fish caught in that area.
- Gear restrictions applicable when fishing west of 150° W. longitude and north of the equator: Float lines must be longer than 20 m (65.6 ft or 10.9 fm); the use of light sticks is prohibited; when using conventional longline gear at least 15 branch lines between floats must be attached between any two floats; the deepest point of the main longline between any two floats must be deeper than 100

³ Originally the FMP would have allowed the use of longline gear to target swordfish with shallow sets east of 150° W. longitude and north of the equator. However, as a consequence of the ESA section 7 consultation for the FMP, the use of shallow sets to target swordfish was prohibited in all waters beyond the EEZ (in addition to the general prohibition on the use of pelagic longline gear inside the West Coast EEZ). This prohibition does not apply to vessels fishing under a western Pacific longline limited entry permit.

⁴ At the time the FMP was drafted the use of shallow-set longline to target swordfish was prohibited for vessels fishing under a Western Pacific longline limited entry permit. Selected measures, including this prohibition, would have applied to the pelagic longline fishery authorized under this FMP for vessels fishing west of 150° W. longitude and north of the equator. However, the prohibition on using shallow sets to target swordfish by vessels fishing under a Western Pacific longline limited entry permit was lifted in 2004 with measures to mitigate take and mortality of ESA-listed sea turtles.

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m at its deepest point. When using basket-style longline gear at least 10 branch lines must be must be attached between any two floats.

- Limits on the retention and landing of incidentally caught swordfish apply.
- Sea turtle mitigation measures including equipment, handling and resuscitation methods, and training are required.
- Seabird mitigation measures including equipment, handling and resuscitation methods, and training are required.
- Other measures for the proper release and handling of turtles and seabirds may apply.⁵
- VMS: Eligible units are specified and must be deployed at the direction of NMFS.

6.6.3 Purse Seine Fishery Management Measures

These measures pertain to the small purse seine vessels (< 364 mt carrying capacity) fishing HMS.

This FMP opens the entire EEZ to purse seine fishing for HMS. With few data to suggest any potential harmful bycatch or gear conflicts, this action provides additional opportunity for purse seiners to fish for Pacific bluefin tuna in those years when they travel in fishable schools off Oregon and Washington, and could raise a potential for purse seining for albacore in the northwest portion of the EEZ.

Purse seine fishers targeting HMS from any state can fish anywhere in the EEZ, although there has been little interest in such fishing off Oregon and Washington.

6.6.4 Deep-Set Buoy Gear Management Measures

In addition to the general requirements described elsewhere in this FMP, the following measures will be specified in Federal regulations for DSBG fishing. As described in Section 6.1, DSBG includes two gear configurations, standard (SBG) and linked (LBG).

- Maximum amount of gear deployed
- Gear tending requirements:
- Time of gear deployment/retrieval
- Simultaneous use of DSBG and other gear types on a single trip.

The Council may amend these measures through the biennial management process (Chapter 5).

⁵ Full description of all applicable measures are in 50 CFR Part 660, see 66 FR 63630 (turtles) and 67 FR 34408 (seabirds).