

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON SCOPING AN
AMENDMENT AUTHORIZING SHALLOW-SET LONGLINE GEAR OUTSIDE OF THE
EXCLUSIVE ECONOMIC ZONE

Swordfish Needs and Issues to be Addressed, and Rationale

The Highly Migratory Species Advisory Subpanel (HMSAS) received a presentation and background materials from Mr. Brett Wiedoff. We appreciate his efforts to summarize the history of shallow set longline (SSLL) including Council and National Marine Fisheries Service (NMFS) activities as well as a summary of West Coast landings from pelagic longline gear. The dual policy objective set forth by the Council in 2014 is to minimize bycatch while maintaining or enhancing the economic viability of HMS fisheries. To this end, we believe that considering an amendment to the HMS Fishery Management Plan (FMP) to allow SSLL fishing outside the U.S. West Coast Exclusive Economic Zone (EEZ) is a worthy endeavor.

In 2003, SSLL was part of the HMS FMP adopted by the Council, but that provision of the FMP was disapproved by NMFS in 2004. In 2009, the Council considered an Amendment to the FMP to allow SSLL, but ultimately voted on no action. The most recent attempt (2015) was cancelled due to workload issues. We appreciate the Council's commitment to addressing this topic. We acknowledge the complexity and contentious nature of the longline issue, and maintain that a West Coast longline fleet managed by this Council has the potential to improve sustainability standards for longline fisheries while providing high quality domestic product and reducing reliance on imported seafood. To support the Council's action in scoping a SSLL fishery outside the EEZ, we provide the following comments.

1. An FMP amendment should create a West Coast SSLL fishery with a small ecological footprint that serves as model for other swordfish fisheries globally. Fishermen would have less distance between port and the grounds, saving fuel and time. They could apply the most innovative techniques to address bycatch concerns (Swimmer et al., [Agenda Item H.1.a, Supplemental NMFS Presentation 1, November 2017](#)).
2. An FMP amendment provides the opportunity for West Coast-based fishermen to harvest an economically valuable and underutilized stock with Hawaii-type longline gear while operating under Council jurisdiction. The Council and NMFS West Coast Region would have authority in how SSLL fisheries in the Pacific are managed.
3. An FMP amendment would help address the availability of domestic seafood consumed on the West Coast, one of the largest markets for swordfish. We currently import 80 percent of our swordfish from countries with far less rigorous management ([Helvey, et al. 2017](#)), such as Mexico and Ecuador. The market for local seafood is growing. As more people are concerned about health and reducing our environmental footprint, many will look to seafood as the best option. The market for domestically harvested seafood will continue to grow if adequate supply is available.

4. An FMP amendment would address issues previously raised by NMFS and the Council (see below). NMFS rejected the Council's proposal in 2004 based on lack of effort controls and old gear types (e.g., J-hook and squid bait), which could have caused harm to endangered sea turtles. We now have better mitigation techniques (e.g., circle hooks, non-squid bait), and are optimistic that other mitigation measures can be developed. In 2009, the Council looked at several issues, including the drift gillnet (DGN) permits and fishery. At that time, "*The proposed action would not sufficiently limit fishing effort when considering both an authorized SSSL fishery and the current large-mesh drift gillnet (DGN) fishery given the number of latent permits in the latter.*" The current situation in the DGN fishery has changed significantly.
5. An FMP amendment can create a clean fishery with respect to these species of concern:
 - **Sea turtles:** Circle hooks and non-squid dyed blue bait has been shown to be highly effective in reducing interactions (take) of sea turtles. Dynamic ocean management tools such as Turtle Watch, EcoCast, and the Leatherback Aerial Survey and Tagging Data Summary developed for use in the California Dungeness Crab Risk Assessment Mitigation Program (RAMP) may prove helpful in further reducing interactions.
 - **Seabirds:** The use of side setting, tori lines (bird scaring devices), and the prohibition of lazy lines have shown to be effective in reducing seabird interactions.
 - **Marlin:** Are a species of concern and we should look at the proposed fishing areas to estimate impact on the population. Marlin habitat in terms of water temperature should be considered.
 - **Blue sharks:** Sharks will not be killed for their fins nor should they be wasted if caught as bycatch. Dead sharks should be utilized. Current Federal regulations mandate that fins remain attached until offloaded. In its November 15, 2019 letter to the Council ([Agenda Item J.3.a, Supplemental WPFMC Report 1](#)), the Western Pacific Fisheries Management Council stated that vessel mortality is less than 5 percent mortality among blue shark, and the post-release mortality has been shown to be approximately 15 percent.

Fishermen are always looking for ways to reduce unwanted catch, and have demonstrated their ability to be problem solving innovators. Fishermen themselves have often been the source of most effective techniques developed such as circle hooks and non-squid bait.

In conclusion, the HMSAS does not see an alternative to address the Council's policy objectives of minimizing bycatch while maintaining or enhancing the economic viability of HMS fisheries **without considering a longline option**. We acknowledge that this is a controversial topic. As such, we ask the Council to take the necessary time in this scoping process to consider new information, perspectives and creative options for a clean and sustainable shallow set longline fishery outside the West Coast EEZ.

Table 1. Issues previously raised by NMFS and the Council in considering authorizing SSLL pre-2004 and in 2009 compared to current scoping topics.

Then (pre-2004/2009)	Now - Scoping topics 2019
<ul style="list-style-type: none"> • No gear or bait restrictions/ • Blue-dyed mackerel and circle hooks 	Hawaiian mitigation techniques in place plus new proposed mitigation techniques such as side setting, tori lines, no lazy lines, monofilament leaders, etc. could be result of the scoping process.
<ul style="list-style-type: none"> • No limit on fishing effort by HI LL vessels outside EEZ • Proposed 10 permits 	We support LE permits going forward.
<ul style="list-style-type: none"> • Jeopardy determination on loggerhead takes in 2004 • Proposal included sea turtle mitigation measures such as area closures, gear restrictions and take caps (2009) 	A new SSLL amendment would initiate a new biological opinion on the impact to sea turtle populations. We note that the new Biological Opinion for Hawaii SSLL shows that the loggerhead population is estimated at 2.4% annual growth.
Less than 100% monitoring/observer coverage	We support 100% monitoring going forward and use of electronic monitoring (EM)
No hard caps	We support scientifically based hard caps (similar to Hawaii) going forward.
No additional mitigation measures	Turtle watch, EcoCast, and other potential methods (e.g. those used in the Dungeness crab fishery, see below). Assess potential bycatch issues in proposed area east of 150° W. longitude but outside the EEZ.
<ul style="list-style-type: none"> • A large active DGN fleet • 59 Active and 24 Latent DGN Permits 	The DGN fleet has been substantially reduced (16 DGN Active Permits, 2018 – 2019) and with the California buyback legislation will continue to be reduced.

Reference

Mark Helvey, Caroline Pomeroy, Naresh C. Pradhan, and Dale Squires, Stephen Stohs. 2017. Can the United States have its fish and eat it too? *Marine Policy*, 75:62-67. <https://doi.org/10.1016/j.marpol.2016.10.013>.

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