

## HIGHTLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON SCOPING AN AMENDMENT AUTHORIZING SHALLOW-SET LONGLINE GEAR OUTSIDE THE EXCLUSIVE ECONOMIC ZONE

As the Pacific Fishery Management Council (Council) navigates the scoping process for authorizing shallow-set longline (SSLL) gear outside of the exclusive economic zone (EEZ), the Highly Migratory Species Management Team (HMSMT) provides some information, questions, and topics for Council consideration. In line with the [Agenda Item J.3, Attachment 1](#) scoping document (J.3 Attachment 1), this report highlights policy questions and other issues to consider and the purpose and need for action. High-level data summaries and suggestions for potential analyses the Council may wish to see are also provided. A summary of previous scoping considerations and additional HMSMT-recommended scoping considerations is provided in Appendix B.

### Policy Questions and Issues to Consider:

J.3 Attachment 1 outlines issues the Council considered under its previous discussions of permitting a west coast based SSLL fleet. The HMSMT believes that these issues are still relevant to the current scoping process.

In addition to the issues outlined in J.3 Attachment 1 the HMSMT has identified the following topics/issues for consideration during scoping.

- 1) SSLL participation will largely depend on the specific parameters of the permit that the Council develops. A more appropriate question at this stage may be if there is interest in such a permit among west coast fishermen and how many current west coast vessels are large enough to fish outside the EEZ.
- 2) Differences between prohibited species listed in the West Coast HMS Fishery Management Plan (FMP) and the Western Pacific Fishery Management Council (WPFMC) Pelagics Fishery Ecosystem Plan (FEP); for example, striped marlin.
- 3) Under limited entry options, determining the appropriate number of limited entry permits, limited entry permit qualification criteria, and objectives for qualification criteria.
- 4) Delineation of the action area.
- 5) Mitigation measures to reduce interactions with protected species and minimize post-release mortality of non-target species.

J.3 Attachment 1 also identifies a number of policy questions that the Council could consider when moving forward with the scoping process. Some of these are from the 2015 SSLL scoping process and remain relevant. The list of scoping document policy questions is not exhaustive and the HMSMT feels that the Council should consider these additional questions:

- 1) Would vessels be allowed to hold both a Hawaii limited entry longline permit and a west coast SSLL permit?
- 2) Could there be landing reciprocity in Hawaii for west coast permitted SSLL vessels?
- 3) Would vessels that do not possess a west coast SSLL permit be allowed to land longline-caught fish into west coast ports?

### Purpose and Need for Action:

The HMSMT reviewed the draft purpose and need for authorizing SSL gear outside the EEZ from Amendment 2, included in J.3 Attachment 1. It contains several important components, including minimizing protected species interactions, using effective mitigation measures, and supporting economic viability.

The HMSMT can propose a draft purpose and need statement for authorizing SSL outside of the EEZ that considers the fishery goals from the Council's draft Swordfish Management and Monitoring Plan ([Agenda Item J.3, Attachment 2](#)) and the management goals and objectives of the HMS FMP. The HMSMT suggests additional considerations and information to incorporate into a draft purpose and need for the Council's current scoping process. These include referring to the action as authorizing a new SSL gear-type in the swordfish fishery, rather than authorizing a new SSL fishery. This would be consistent with the Council's previously adopted purpose and need for authorizing deep-set buoy gear as an HMS FMP gear-type within the west coast swordfish fishery.

Additionally, the HMSMT recommends the scoping process consider that:

- 1) Given advances in gear mitigation technology, previous reasons for not authorizing SSL gear outside the EEZ, such as high rates of loggerhead sea turtle interactions that occurred when the fishery utilized J-hooks and squid bait, may be less relevant now.
- 2) The Hawaii SSL fleet which lands approximately 68% of California's swordfish is authorized and managed by the WPFMC.
- 3) Foreign imports currently provide the majority of west coast swordfish supply. The fisheries which produce these imports are not held to the same conservation standards as U.S. fleets. Negative population impacts on species of concern may exceed those of a U.S.-regulated fleet producing a comparable amount of swordfish.

### Analysis and Data:

Data presented in some materials provided under this agenda item have used sources that may not accurately characterize the action currently being considered for scoping, including those from the deep-set longline (DSL) fleet or from combined DSL and SSL data. In this report, the HMSMT includes example data summaries (Appendix A: Tables 1 - 5) to provide an overview of catch and bycatch specific to the Hawaii SSL fleet. These summaries have been compiled from PIRO, WPFMC, and National Bycatch reports, which include summarized observer data and landings data from logbooks.

An additional consideration is the relationship between reported SSL catch and discard summaries and the action area that the Council may consider. The fishing extent of the Hawaii SSL fleet includes areas much farther west than a west coast fleet might operate. Therefore, catch composition, protected species interactions, and effort levels for SSL fishing from the west coast may differ substantially from that of the Hawaii SSL fleet.

In moving forward with the scoping process of a west coast permit for SSL fishing outside of the EEZ, the HMSMT has discussed possible analyses which it believes would help to inform the Council's discussion and consideration of the proposed action. The following is a preliminary list of analyses the HMSMT could provide, after obtaining the necessary data sets following the Council's delineation of an action area(s).

- 1) Analyze effort, catch, and bycatch in subsets of Hawaii SSL observer data for potential action area delineations.
- 2) Document all sources of swordfish supply to the U.S. West Coast, including both foreign and domestic (west coast and Hawaii) caught.
- 3) Estimate related conservation impacts to characterize the relationship between domestic and foreign sources of swordfish supply and the potential to mitigate conservation impacts and reduce the Nation's seafood trade deficit through increased west coast production.
- 4) Review and analyze existing and potential bycatch mitigation measures that could be considered in scoping a west coast SSL permit.

Data from the current longline EFP, including effort, catch, and bycatch summaries, may help inform HMSMT analysis and contribute to Council discussion. These data are expected to be available by June 2020. The HMSMT can provide information and supporting analyses using these data for Council consideration at a subsequent meeting.

HMSMT Recommendations:

The HMSMT recommends the Council continue the scoping process for authorizing a west coast SSL gear outside the EEZ, and

- 1) Take into account the HMSMT's additions to the list of Issues to Consider and Policy Questions, identify which issues should be addressed in scoping and ask the HMSMT to compile information for their further consideration (Appendix B).
- 2) Provide guidance on HMSMT development of a draft Purpose and Need statement for Council review (Appendix B).
- 3) Provide guidance on the HMSMT's list of proposed analyses.

Appendix A: Hawaii SSLL Data Summaries

**Table 1. Number of active vessels and landings of swordfish for the Hawaii SSLL fleet, 2014-2018.**

<b>Year</b>	<b>Number of HI SSLL Vessels<sup>1</sup></b>	<b>Number of HI SSLL Trips<sup>1</sup></b>	<b>Total Number of Swordfish Landed<sup>2</sup></b>	<b>Average Weight (lbs)<sup>3</sup></b>	<b>Estimated Total Swordfish Landed (mt)</b>
2018	11	30	6,110	214	593.1
2017	20	70	13,928	200	1,263.5
2016	13	46	9,730	179	790.0
2015	22	69	14,989	184	1,251.0
2014	20	81	15,449	212	1,485.6

Data Source: 2018 Pelagic FEP SAFE Report. <sup>1</sup> Table A-95, <sup>2</sup> Table 25, <sup>3</sup> Table 27

[www.wpcouncil.org/wp-content/uploads/2019/07/Pelagic-FEP-SAFE-Report-2018-Optimized-v4.pdf](http://www.wpcouncil.org/wp-content/uploads/2019/07/Pelagic-FEP-SAFE-Report-2018-Optimized-v4.pdf)

**Table 2. Total landings and discards for all finfish species (mt) for the Hawaii SSL fleet, 2014-2015.**

Year	Landings (mt)	Total Discards (mt)	Observed Dead Discards (mt)	Total Catch (mt) (Landings + Total Discards)	Total Discards / Total Catch	Observed Dead Discards / Total Catch	Observed Discard Mortality Rate (Dead Discards / Total Discards)
2015	1,257.3	293.5	56.1	1,550.9	19.0%	4.0%	19.1%
2014	1,476.1	274.1	62.8	1,750.2	16.0%	4.0%	22.9%

Data Source: Tables 7.4.1a and 7.4.2a National Bycatch Report [www.fisheries.noaa.gov/resource/document/national-bycatch-report](http://www.fisheries.noaa.gov/resource/document/national-bycatch-report)

**Table 3. Total landings and discards of striped marlin (mt) in the Hawaii SSL fleet, 2014-2015.**

Year	Landings (mt)	Total Discards (mt)	Observed Dead Discards (mt)	Total Catch (mt) (Landings + Total Discards)	Total Discards / Total Catch	Observed Dead Discards / Total Catch	Observed Dead Discard Share of Removals	Stockwide Removals
2015	1,257.3	0.9	0.2	1,258.2	0.07%	0.02%	0.01%	2,569
2014	1,476.1	2.2	0.7	1,478.3	0.10%	0.05%	0.03%	2,120

Data Source: Tables 7.4.1a and 7.4.2a National Bycatch Report [www.fisheries.noaa.gov/resource/document/national-bycatch-report](http://www.fisheries.noaa.gov/resource/document/national-bycatch-report)

2019 ISC Annual Catch Table (MLS) [http://isc.fra.go.jp/pdf/ISC19/ISC19\\_Annual\\_Catch\\_Table\\_2019.htm](http://isc.fra.go.jp/pdf/ISC19/ISC19_Annual_Catch_Table_2019.htm)

**Table 4. Bycatch rates (numbers of animals per 1,000 hooks) for protected species in the Hawaii SSL fleet, 2014-2018. Shaded cells indicate non-zero values.**

Year	Birds					Reptiles					Mammals						
	Black-footed albatross	Laysan albatross	Short-tailed albatross	Other	Total	Leatherback turtle	Loggerhead turtle	Green turtle	Olive-Ridley	Other	Total	Bottlenose dolphin	Risso's dolphin	False killer whale	Humpback whale	Other	Total
2018	0.016	0.004	0.000	0.000	0.020	0.011	0.070	0.002	0.002	0.000	0.084	0.002	0.004	0.000	0.000	0.000	0.005
2017	0.049	0.006	0.000	0.001	0.055	0.004	0.015	0.002	0.004	0.000	0.025	0.000	0.002	0.000	0.000	0.004	0.006
2016	0.047	0.031	0.000	0.000	0.078	0.006	0.019	0.000	0.000	0.000	0.025	0.001	0.002	0.000	0.000	0.002	0.006
2015	0.032	0.035	0.000	0.000	0.067	0.005	0.012	0.000	0.001	0.000	0.017	0.002	0.002	0.000	0.001	0.005	0.010
2014	0.019	0.024	0.000	0.001	0.044	0.013	0.009	0.001	0.001	0.001	0.023	0.003	0.004	0.001	0.000	0.003	0.010

Data Source: Pacific Islands Longline Quarterly and Annual Reports [www.fisheries.noaa.gov/pacific-islands/fisheries-observers/pacific-islands-longline-quarterly-and-annual-reports](http://www.fisheries.noaa.gov/pacific-islands/fisheries-observers/pacific-islands-longline-quarterly-and-annual-reports)

**Table 5. Bycatch mortality rates (numbers of animals per 1,000 hooks) for protected species in the Hawaii SSL fleet, 2014-2018. Shaded cells indicate non-zero values.**

Year	Birds					Reptiles						Mammals					
	Black-footed albatross	Laysan albatross	Short-tailed albatross	Other	Total	Leatherback turtle	Loggerhead turtle	Green turtle	Olive-Ridley	Other	Total	Bottlenose dolphin	Risso's dolphin	False killer whale	Humpback whale	Other	Total
2018	0.004	0.000	0.000	0.000	0.004	0.000	0.004	0.000	0.000	0.000	0.004	0.000	0.000	0.000	0.000	0.000	0.000
2017	0.019	0.001	0.000	0.001	0.021	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2016	0.014	0.004	0.000	0.000	0.018	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2015	0.008	0.005	0.000	0.000	0.012	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.002	0.000	0.000	0.000	0.002
2014	0.009	0.001	0.000	0.000	0.011	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.001	0.000	0.000	0.000	0.001

Data Source: Pacific Islands Longline Quarterly and Annual Reports [www.fisheries.noaa.gov/pacific-islands/fisheries-observers/pacific-islands-longline-quarterly-and-annual-reports](http://www.fisheries.noaa.gov/pacific-islands/fisheries-observers/pacific-islands-longline-quarterly-and-annual-reports)

## Appendix B: List of Potential Scoping Considerations

### **Previous Documents:**

#### [Agenda Item J.3, Attachment 1](#) Scoping Document Section 3.1: Issues to Consider

- 1) What is the stock status of target and non-target species and recovery efforts/timelines
- 2) Expected level of participation and effort from west coast-based and Hawaii-based fishermen
- 3) Development of a limited entry permit and the associated processes for HMS permits (e.g., endorsements, multiple gears on board, latent permits)
- 4) Expected bycatch of all species (esp. sea turtles, marine mammals, seabirds, sharks)
- 5) International fishing effort and market transfer effects
- 6) Market demand for swordfish and other information (e.g., local and domestic needs, exports, marketing strategies of target species and bycatch)
- 7) Expectations of NMFS ESA consultation process for Council fisheries and the consideration of other ESA consultations

#### [Agenda Item J.3, Attachment 1](#) Scoping Document Section 3.2: Policy Questions

- 1) Should the Council authorize a West Coast SSLL permit outside the EEZ?
- 2) What measures should be considered when developing the proposed action?
- 3) What should be the objective of any proposed limited entry program?
- 4) What is the relation between the proposed action and the Council's interest in allowing the use of pelagic longline gear inside the West Coast EEZ?

#### Draft Swordfish Management and Monitoring Plan ([Agenda Item J.3, Attachment 2](#)) Section 2: Purpose of the Plan

- 1) Minimize protected species bycatch to the extent practicable in the swordfish fishery through mitigation, gear innovation, and individual accountability.
- 2) Minimize 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.

#### Draft Swordfish Management and Monitoring Plan ([Agenda Item J.3, Attachment 2](#)) Section 3E: Develop Longline Fisheries

- 1) Revisit the 2009 proposed action to authorize a SSLL fishery outside the West Coast EEZ in light of current conditions including West Coast landings by Hawaii permitted SSLL 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 SSLL 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.

HMS FMP Section 2.2 Management Goals and Objectives:

- 1) Promote and actively contribute to international efforts for the long-term conservation and sustainable use of highly migratory species fisheries that are utilized by West Coast-based fishers, while recognizing these fishery resources contribute to the food supply, economy, and health of the nation.
- 2) Provide a long-term, stable supply of high-quality, locally caught fish to the public.
- 3) Minimize economic waste and adverse impacts on fishing communities to the extent practicable when adopting conservation and management measures.
- 4) Provide viable and diverse commercial fisheries and recreational fishing opportunity for highly migratory species based in ports in the area of the Pacific Council's jurisdiction, and give due consideration for traditional participants in the fisheries.
- 5) Implement harvest strategies which achieve optimum yield for long-term sustainable harvest levels.
- 6) Provide foundation to support the State Department in cooperative international management of highly migratory species fisheries.
- 7) Promote inter-regional collaboration in management of fisheries for species which occur in the Pacific Council's managed area and other Councils' areas.
- 8) Minimize inconsistencies among Federal and state regulations for highly migratory species fisheries.
- 9) Minimize bycatch and avoid discard and implement measures to adequately account for total bycatch and discard mortalities.
- 10) Prevent overfishing and rebuild overfished stocks, working with international organizations as necessary.
- 11) Acquire biological information and develop a long-term research program.
- 12) Promote effective monitoring and enforcement.
- 13) Minimize gear conflicts.
- 14) Maintain, restore, or enhance the current quantity and productive capacity of habitats to increase fishery productivity for the benefit of the resource and commercial and recreational fisheries for highly migratory species.
- 15) Establish procedures to facilitate rapid implementation of future management actions, as necessary.
- 16) Promote outreach and education efforts to inform the general public about how West Coast HMS fisheries are managed and the importance of these fisheries to fishers, local fishing communities, and consumers.
- 17) Manage the fisheries to prevent adverse effects on any protected species covered by MMPA and MBTA and promote the recovery of any species listed under the ESA to the extent practicable.
- 18) Allocate harvest fairly and equitably among commercial, recreational, and charter fisheries for HMS, if allocation becomes necessary.



## **HMSMT Supplemental Report**

### Additional Issues to Consider:

- 1) SSSL participation will largely depend on the specific parameters of the permit that the Council develops. A more appropriate question at this stage may be if there is interest in such a permit among west coast fishermen and how many current west coast vessels are large enough to fish outside the EEZ.
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### HMSMT Additional Purpose and Need Scoping Process Considerations:

- 1) Given advances in gear mitigation technology, previous reasons for not authorizing SSSL gear outside the EEZ, such as high rates of loggerhead sea turtle interactions that occurred when the fishery utilized J-hooks and squid bait, may be less relevant now.
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