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October 23, 2018

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

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

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

Dear Chair Anderson, Mr. Thom, and Council Members,

Thank you for the opportunity to provide open public comment on bycatch in pelagic longline fisheries and its relevance to management of U.S. West Coast highly migratory species (HMS) fisheries. The California Current Large Marine Ecosystem is globally important for its diverse array of ocean wildlife, as a migration route, nursery area, and foraging destination for hundreds of highly migratory species traveling thousands of miles across the Pacific Ocean. Recognizing the risks pelagic longlines pose, this gear is prohibited inside the U.S. West Coast Exclusive Economic Zone (EEZ) and vessels managed under the HMS Fishery Management Plan are prohibited from using shallow-set longline gear on the High Seas of the North Pacific Ocean.¹

Oceana strongly opposes efforts to introduce pelagic longlines off the U.S. West Coast, inside and outside the EEZ. We request that scoping for a high-seas pelagic longline fishery be removed from future agenda planning. The gear is an unselective fishing method with a wide suite of severe bycatch concerns.

Oceana analyzed ten years of bycatch data for the Hawaii shallow-set and deep-set longline fisheries, and found that both have high average discard rates (in terms of number of animals caught) with 46% for the shallow-set longline fishery and 48% for the deep-set longline fishery.² Importantly, bycatch concerns associated with this gear may be even more grave if it were deployed inside the California Current Ecosystem due to the high densities of animals

¹ 50 C.F.R. § 660.712(2). 69 Fed. Reg. 11540 (March 11, 2004); 50 C.F.R. § 223.206(d)(9). And, PFMC (2018). Highly Migratory Species Fishery Management Plan, at 51. Available:

https://www.pcouncil.org/wp-content/uploads/2018/04/HMS_FMP_thru_A5_Apr18.pdf

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

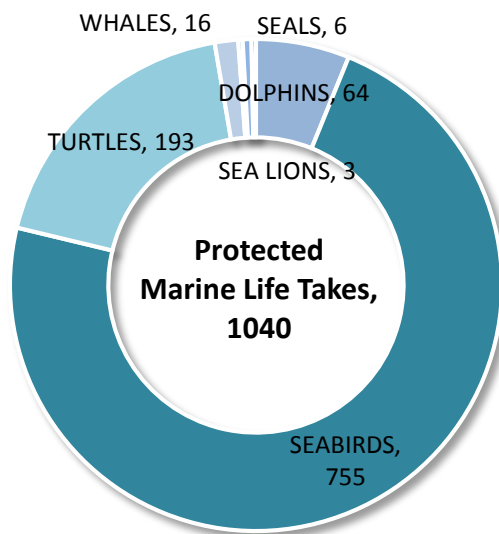
NMFS. 2017. Hawaii deep-set longline observer data. Freedom of Information Act release.

found in this part of the ocean.^{3,4} Under both California state and federal fisheries laws, fishery managers have an ongoing responsibility to minimize and avoid bycatch.^{5,6} The introduction of this gear type would be lethal to a variety of marine life, irresponsible, and fully inconsistent with this responsibility.

The Hawaii shallow-set longline fishery has a high discard rate (46%) and captures and kills endangered and protected species.

The Hawaii-based shallow-set longline (HI SSSL) fleet is required to use circle hooks and mackerel-type bait, which have been effective at reducing sea turtle interactions. However, this fishery remains problematic; since reopening in 2004, the fishery has been forced to close twice due to interactions with endangered loggerhead and leatherback sea turtles and was shut down as recently as May of 2018 following settlement of a 2012 lawsuit challenging NMFS action to increase sea turtle bycatch caps.

Figure 1. Protected Marine Life Takes in the HI SSSL Fishery, 2007-April 17, 2017



From 2007 to 2017, the fleet caught 755 seabirds, 92 marine mammals, and 193 sea turtles (Figure 1).⁷ From 2007 to 2017, on board observers noted that 46 percent of the animals

³ Becker, E., K. Forney, P. Fiedler, J. Barlow, S. Chivers, C. Edwards, A. Moore, J. Redfern. 2016. Moving towards dynamic ocean management: How well do modeled ocean products predict species distributions? *Remote Sensing* 8,149.

⁴ Forney, K., E. Becker, D. Foley, J. Barlow, E. Olson. 2015. Habitat-based models of cetacean density and distribution in the Central North Pacific. *Endang Species Res* 27:1-20.

⁵ Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1853(a)(11).

⁶ CA Fish & Game Code 7085(c)(1&2).

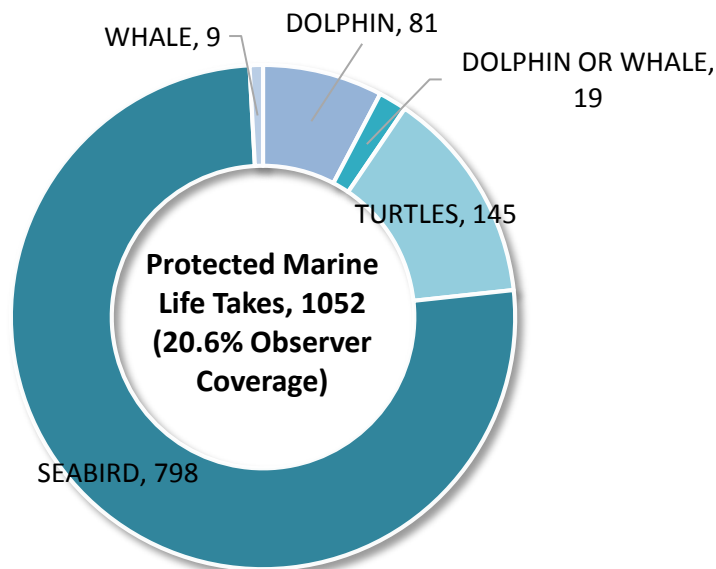
⁷ NOAA. 2014. Pacific Islands Regional Office Observer Program. Hawaii Longline Shallow-set Quarterly and Annual Status Reports. http://www.fpir.noaa.gov/OBS/obs_hi_ll_ds_rprts.html

caught by this fishery were discarded, often dead or dying (31 percent of discards).⁸ According to observer data, protected species including migratory sea birds, sea turtles, and marine mammals are likely to perish or be injured when caught on pelagic longlines.

The Hawaii deep-set longline fishery has a high discard rate (48%) and captures and kills large amounts of sharks and protected species.

The Hawaii-based deep-set longline (HI DSLL) fishery, the only NMFS Category I commercial fishery in the Pacific Ocean due to the frequent death and injury to marine mammals,⁹ primarily targets tunas and requires a take reduction team to manage issues with false killer whale interactions and discards. Unlike the HI SSLL fishery, the deep-set longline fishery has limited observer coverage, with an average of 20.6 percent of sets being observed.

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



From 2007 to 2017, 798 seabirds, 109 marine mammals, and 145 sea turtles were observed caught in the HI DSLL fishery (Figure 2).¹⁰ From 2007 to 2017, 48 percent of the animals caught by this fishery were discarded, often dead or dying (62 percent of discards).¹¹ Studies of

⁸ NMFS. 2017. Hawaii Shallow-set Longline Data (2007-2017). Unpublished data.

⁹ The fishery is listed as a Category I due to the high incidence of serious injury or mortality for the following species: Bottlenose dolphin, HI; Pelagic False killer whale, HI; Pelagic1 False killer whale, NWHI; Humpback whale, Central North Pacific; Kogia spp. (Pygmy or dwarf sperm whale), HI; Pygmy killer whale, HI; Risso's dolphin, HI; Rough-toothed dolphin, HI; Short-finned pilot whale, HI; Sperm whale, HI; Striped dolphin, HI. National Marine Fisheries Service, Proposed List of Fisheries 2019, at 31.

¹⁰ NMFS. 2017. Hawaii deep-set longline observer data. Freedom of Information Act release.

¹¹ *Id.*

bycatch in the HI DSLL fishery have found that the bycatch of lancetfish has now surpassed the target species, bigeye tuna, as the species with the highest annual catch rate and the authors suggest this fishery may be altering the trophic structure of the North Pacific ecosystem.¹²

NMFS ceased deep-set pelagic longline trials off California after the gear proved ineffective for targeting swordfish. These trials caught over 40 blue sharks for every swordfish and had an overall discard rate of 76%.¹³

Introducing pelagic longlines off the U.S. West Coast would exacerbate bycatch issues in HMS fisheries and we strongly oppose efforts to do so.

Since 2007, Hawaii-based pelagic longline fisheries have caught and discarded at least 99 different non-target species, including nine species of threatened or endangered marine mammals, sea turtles and sharks (see appended tables). Introducing any additional SLL fishing effort on the high seas of the North Pacific or introducing this gear inside the U.S. EEZ will only exacerbate impacts on endangered species and increase the bycatch of a diverse array of sharks and other fishes. Any new pelagic longline fisheries would likely cause the injury and death of a significant number of endangered Pacific leatherback sea turtles, endangered loggerhead sea turtles, short-tail albatross, sperm whales, humpback whales and other protected marine life. This would be wholly inconsistent with NMFS's paramount duty to conserve threatened and endangered species as well as protected marine mammals and seabirds. It is inconsistent with sound management of fisheries resources.

Pacific leatherback sea turtle interactions are a particular risk as the population has declined by more than 80 percent since the 1980s.¹⁴ Long-term data on Indonesian nesting beaches and California waters have shown annual declines by 5.9% and 3.7% respectively over the last two decades.¹⁵ A recent population analysis established a reference point of no more than one Pacific Leatherback sea turtle could be killed over a six year period in the US West Coast EEZ to prevent delay in recovery.¹⁶ This critically endangered population is a NOAA Species in the Spotlight that simply cannot sustain any additional mortality on the U.S. West Coast.

In 2009 the Council rejected a proposal to authorize a West Coast-based shallow set longline fishery on the High Seas. Since then the reasons for rejecting this fishery have only magnified.

¹² Polovina JJ, Woodworth-Jefcoats PA (2013) Fishery-Induced Changes in the Subtropical Pacific Pelagic Ecosystem Size Structure: Observations and Theory. PLoS ONE 8(4): e62341. <https://doi.org/10.1371/journal.pone.0062341>

¹³ NMFS, *Deep-Set Longline Study*, Agenda Item K.5.b. Supplemental SWFSC PowerPoint 1, March 2014, http://www.pcouncil.org/wp-content/uploads/K5b_SUP_SWFSC_PPT1_MAR2014BB.pdf.

¹⁴ Tapilatu, R. F., P. H. Dutton, M. Tiwari, T. Wibbels, H. V. Ferdinandus, W. G. Iwanggin, and B. H. Nugroho. 2013. Long-term decline of the western Pacific leatherback, *Dermochelys coriacea*, a globally important sea turtle population. *Ecosphere* 4(2):Article 25. 15 pages.

¹⁵ Benson, S.R., K.A. Forney, E.L. LaCasella, J.T. Harvey, J.V. Carretta. 2018. A LONG-TERM DECLINE IN THE ABUNDANCE OF LEATHERBACK TURTLES, *DERMOCHELYS CORIACEA*, AT A FORAGING GROUND OFF CALIFORNIA, USA. 38th Annual Symposium on Sea Turtle Biology and Conservation Presentation Abstracts.

¹⁶ K.A. Curtis, J. Moore, and S. Benson (2015 Estimating Limit Reference Points for Western Pacific Leatherback Turtles (*Dermochelys coriacea*) in the U.S. West Coast EEZ. PLoS One DOI:10.1371/journal.pone.0136452

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What is more, it is simply a waste of valuable time and resources to further pursue an ill-founded idea, particularly when there are other avenues to promoting sustainable swordfish fishing that have broad stakeholder support, namely the authorization of deep-set buoy gear to target swordfish off the U.S. West Coast.

We have heard fairness concerns that Hawaiian-permitted vessels can land pelagic longline caught swordfish in California, but California permitted vessels cannot. We propose the Council write a letter to NMFS and the Western Pacific Fishery Management Council and request management action to prevent Hawaiian permitted vessels from landing swordfish in US West Coast ports. Such a proposal could include moving the eastern boundary of allowable Hawaiian pelagic longlines westward. Rather than investing further management resources on expanded pelagic longline fishing, we urge the Pacific Fishery Management Council to focus efforts instead on reducing bycatch in the U.S. West Coast swordfish fishery by authorizing and promoting deep-set buoy gear and phasing out drift gillnets. Thank you for the opportunity to provide comments on this important issue.

Sincerely,



Geoffrey Shester, Ph.D.
California Campaign Director
and Senior Scientist



Erin Kincaid
Marine Scientist

Appendices

A. List of all 114 species or species categories caught in the Hawaii Shallow-Set Longline fishery from 2007-April 2017. Species listed as endangered or threatened under the Endangered Species Act are indicated (*).

Catch Species (common name)

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

B. List of all 119 species or species categories caught in the Hawaii Deep-Set Longline fishery from 2007-April 2017. Species listed as endangered or threatened under the Endangered Species Act are indicated (*).

Catch Species (common name)

Albacore Tuna	Louvar	Skipjack Tuna
Bigeye Sand Tiger Shark	Lustrous Pomfret	Slender Mola
Bigeye Thresher Shark	Mackerel (incl. Chub, Spotted Chub)	Smooth Hammerhead Shark
Bigeye Tuna	Manta/Mobula	Snake Mackerel
Bignose Shark	Mobula (Devil Ray)	Sperm Whale*
Bigtooth Pomfret	Oceanic White-Tip Shark*	Spotter Dolphin
Black Gemfish	Oilfish	Striped Dolphin
Black Marlin	Olive Ridley Turtle*	Striped Marlin
Black-footed Albatross	Opah	Swallows
Blacktip Shark	Other Identified Bird	Swordfish
Blue Marlin	Other Identified Bony Fish	Tapertail Ribbonfish
Blue Shark	Other Identified Ray	Tiger Shark
Bluefin Tuna	Other Identified Shark	Unid. Dolphin or Whale
Bottlenose Dolphin	Pacific Pomfret	Unid. Hammerhead Shark
Brama spp. Pomfret	Pelagic Puffer	Unid. Mako Shark
Cigarfishes	Pelagic Stingray	Unid. Thresher Shark
Common Mola	Pelagic Thresher Shark	Unidentified Albatross
Common Thresher Shark	Pompano Dolphinfish	Unidentified Beaked Whale
Cookie Cutter Shark	Pygmy Killer Whale	Unidentified Billfish
Cottonmouth Jack	Rainbow Runner	Unidentified Bird
Crestfish	Razorback Scabbardfish	Unidentified Bony Fish
Crocodile Shark	Red-footed Booby	Unidentified Dolphin
Dagger Pomfret	Remora/Suckerfish	Unidentified Hardshell Turtle
Dolphinfish	Risso's Dolphin	Unidentified Kogia Whale
Escolar	Roudi's Escolar	Unidentified Pomfret
False Killer Whale	Rough Pomfret	Unidentified Puffer
Fanfishes	Rough Triggerfish	Unidentified Ray
Galapagos Shark	Rough-toothed Dolphin	Unidentified Scabbardfish
Giant Manta Ray	Sailfish	Unidentified Shark
Great Barracuda	Salmon Shark	Unidentified Shearwater
Green/Black Turtle*	Sandbar Shark	Unidentified Snake Mackerel
Grey Reef Shark	Scalloped Hammerhead Shark	Unidentified Tuna
Hammerjaw	Scalloped Ribbonfish	Unidentified Whale
Humpback Whale*	Sharptail Mola	Unspecified (Amberjacks) Kahala
Laysan Albatross	Shortbill Spearfish	Velvet Dogfish
Leatherback Turtle*	Shortfin Mako Shark	Wahoo
Loggerhead Turtle*	Short-finned Pilot Whale	White Shark
Longfin Escolar	Shortnose Lancetfish	Yellowfin Tuna
Longfin Mako Shark	Sickle Pomfret	Yellowtail
Longnose Lancetfish	Silky Shark	