June 10, 2019

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

RE: Agenda Item J.4. Drift Gillnet Fishery Performance Metrics

Dear Chair Anderson and Members of the Council,

Thank you for the opportunity to provide comments on drift gillnet fishery (DGN) performance metrics. Wild Oceans was founded by recreational fishermen more than 45 years ago, and we have dedicated much of our work to advancing best fishing practices in commercial fisheries, such as:

- low bycatch of non target species, and
- live release of incidentally-caught or undersized fish.

We continue to support taking an annual look at the bycatch in the drift gillnet fishery and thank the Council for scheduling this item. We consider this annual review of the performance metrics a report card. The Council has set a passing grade as the highest level of interaction over a 10-year timeframe, and if the fishery fails to meet this passing grade, that triggers a discussion of remedial action.

The Highly Migratory Species Management Team Should Provide A Timely Annual Assessment Of DNG Fishery Bycatch

Unfortunately, **the Highly Migratory Species Management Team (HMSMT) has not yet proved a report of bycatch for the 2018/2019 fishing season using either the regression-tree methodology or the ratio-estimator. They have also not provided a report on the retention rate performance metric.** It is unclear whether they will provide any bycatch data to the Council in June for the 2018/2019 fishing season. Whether the Council chooses to review the DGN fishery bycatch vis-a-vis the regression-tree performance metrics[1] and regression-tree bycatch estimates or the ratio-estimated performance metrics (as it adopted in 2015) and ratio-estimated bycatch estimates, should depend, in part, on whether the data can be presented in a timely fashion for the Council to review.

Looking at the summary of observer records available for 2018/19 (Attachment 1), we continue to see a disturbing trend. During the 2018/2019 fishing season, National Marine Fisheries Service (NMFS) observed 26 percent of the DGN fishery sets and reported the catch of *four megamouth sharks*, a prohibited species under the Highly Migratory Fishery Management Plan. Even without extrapolation, the fishery exceeded the annual performance metric of *two megamouth sharks*. More megamouth sharks were observed caught in the DGN fishery in 2018/2019 than in other year for which observer data is available.[2]

This is part of a broad drift gillnet fishery pattern. Each year, for the past three years, the fishery has exceeded a performance metric (the highest rate of interaction over a ten-year period) for at least one species. This reinforces that once the net is set in the water, anything larger than the mesh is caught.

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[1] In September 2018, the Council tasked the HMSMT with developing metrics using the regression tree method. The HMSMT has not yet provided proposed metrics using the regression tree methodology. Potential regression tree performance metrics have not been reviewed by the Scientific and statistical Committee.

[2] NMFS West Coast Region Observer Program Data Summary & Reports, California/Oregon Drift Gillnet Fishery Catch Summaries, *available at https://www.westcoast.fisheries.noaa.gov/fisheries/wc_observer_programs/sw_observer_program_info/data_summ_report_sw_observer_fish.html*

The Council Should Continue To Minimize DGN Fishery Bycatch

In September 2018 and again in March 2019, the Council tasked the HMSMT with developing a proposed process, including potential bycatch reduction measures, that the Council would consider if the fishery is not performing within such metrics. **However, the HMSMT has not yet provided any recommendations for specific management approaches for the Council to take should the fishery reach a performance metric.** This can be used as an opportunity to examine the cause of a spike in bycatch, whether oceanographic, behavioral or other, and to identify whether and what management action can minimize bycatch.

We should continue to try to minimize DGN fishery bycatch. Potential management measures can be consistent with an evaluation of the causes of bycatch and a decision on whether to take management action. For example, in March 2019, the HMSMT suggested that "any effort to develop bycatch reduction measures should begin with an assessment of the reasons for the increase in bycatch. For any species in question, a number of factors may affect BPUE, including but not limited to (1) changes in the timing or location of fishing effort; (2) variation in environmental factors that influence the presence or absence of the bycatch species; (3) changes in the overall abundance of the bycatch species; (4) changes in the fishing gear; (5) changes in how the gear is fished."[3] We suggest the HMSMT consider the following proposed management measures which coincide with these potential factors: time area closures, bycatch limits, gear modifications, gear deployment modification, or requiring use of EcoCast or similar technologies.

In March 2019, the HMSMT noted "that DGN bycatch mortality as a share of total human-caused mortality for any of the included species should be considered before deciding whether to undertake bycatch reduction measures. Attempting to reduce or eliminate bycatch for species where DGN bycatch has minimal population mortality impacts may be unnecessary." This suggestion is antithetical to our mission of striving for the most sustainable fisheries possible.

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[3] Supplemental Highly Migratory Species Management Team Report 1, Agenda Item J.3.a, March 2019, *available at https://www.pcouncil.org/wp-content/uploads/2019/03/J3a_Supp_HMSMT_Rpt1_MAR2019BB.pdf*

This requires considerations beyond the Council's knowledge or control and ignores the Council's mandate to minimize bycatch.

The Council Should Continue To Evaluate The Annual DGN Fishery Bycatch

In September 2018, the Council tasked the HMSMT with comparing a single estimate within a year with a multi-year trend to measure performance in the DGN fishery. **The HMSMT has not yet provided this comparison for Council public comment or review.** Likewise, the SSC has not yet had the opportunity to evaluate the efficacy of a yearly vs multi-year performance indicators. While pooling of years can help smooth inter-annual variability in rare event observations, the purpose here is different. Single year estimates will help to identify an oceanographic or fishery change that caused a flux and allow the Council to take necessary steps to modify the fishery. Long-term trends can be added as an additional metric.

The Council Should Consider Adding Regulatory Discards To The Annual DGN Fishery Bycatch Report

Wild Oceans goal is to monitor and reduce DGN fishery bycatch and bycatch mortality and the negative impact on the open ocean ecosystem in order to preserve fishing opportunities for the future. Given this, we ask the Council to task the HMSMT with reporting annually on regulatory discards, specifically Pacific blueing tuna (PBT). The current regulations provide a 2mt DGN fishery trip limit for PBT. The observer data shows a marked increased in PBT, but does not report any discarded tuna. The information on annual catch and discard is available from NMFS. Understanding whether and how much PBT is caught and discarded in the DGN fishery will help the Council and the public to better evaluate the impact of the DGN fishery trip limit on the recovering PBT population and to make recommendations for future trip limit modifications and future domestic management of PBT catch limits.

In summary, the HMSMT has not provided the Council with much of the information requested and required to evaluate the DGN fishery bycatch performance. The lack of timely information hinders the Council's ability to manage the DGN fishery, efficiently conduct Council business, and meet the Council standard of "emphasizing public participation and involvement in fisheries management." For these reasons, we ask you to consider reassigning the HMSMT with the following tasks for September 2018 and for each June thereafter, to ensure the Council receives a timely assessment of the DGN fishery bycatch:

- Provide annual DGN fishery bycatch and performance metrics for the most recently completed fishing season for 22 species of non-ESA-listed marine mammals and finish as outlined in the Council's September 2015 motion using the *ratio-estimator*.

- Provide annual DGN fishery bycatch and performance metrics for the most recently completed fishing season for 22 species of non-ESA-listed marine mammals and finish as outlined in the Council's September 2015 motion using the *regression-tree analysis*. If the regression-tree analysis is not available for the most recently completed fishing season, provide information for the prior fishing season.

- Provide DGN fishery catch and bycatch of Pacific bluefin tuna.

Sincerely,

Theresa Labriola
Pacific Program Director

NMFS West Coast Region Observer Program
Observed Catch - 2018/2019 Drift Gillnet Fishing Season
May 1, 2018 through January 31, 2019

This table summarizes the total catch and final disposition, by species, of all fish, marine mammals, sea turtles, and seabirds observed caught in the California drift gillnet fishery during the 2018/2019 fishing season. Data were collected at sea by contract observers, and represent a total of 124 sets. Estimated total fishing effort for the season is 473 sets.

	Total	Number	Number Returned			Number	Catch per
Species	Caught	Kept	Alive	Dead	Unknown	Damaged	100 Sets
Swordfish	536	536	0	0	0	22	432.26
Common Thresher Shark	64	62	0	2	0	0	51.61
Striped Marlin	2	0	0	2	0	0	1.61
Shortfin Mako Shark	95	85	1	9	0	0	76.61
Blue Shark	30	0	2	23	5	0	24.19
Bigeye Thresher Shark	9	4	0	5	0	0	7.26
Megamouth Shark	4	0	4	0	0	0	3.23
Smooth Hammerhead Shark	4	0	0	4	0	0	3.23
Salmon Shark	2	0	0	2	0	0	1.61
Unidentified Shark	1	0	1	0	0	0	0.81
Pelagic Stingray	24	0	22	0	2	0	19.35
Bat Ray	16	0	15	1	0	0	12.90
Mobula	4	0	3	1	0	0	3.23
Unidentified Ray	1	0	0	1	0	1	0.81
Skipjack Tuna	239	211	0	28	0	14	192.74
Bluefin Tuna	203	203	0	0	0	12	163.71
Yellowfin Tuna	11	11	0	0	0	1	8.87
Pacific Mackerel	56	4	3	48	1	0	45.16
Pacific Bonito	21	7	1	13	0	0	16.94
Bullett Mackerel	20	19	0	1	0	1	16.13
Common Mola	284	1	277	4	2	0	229.03
Opah	127	127	0	0	0	6	102.42
Slender Mola	97	0	97	0	0	0	78.23
Pacific Pomfret	1	1	0	0	0	0	0.81
Yellowtail	1	1	0	0	0	0	0.81
Louvar	1	1	0	0	0	1	0.81
Pacific Hake	1	0	0	1	0	0	0.81
Unidentified Fish	6	0	0	6	0	6	4.84
Other Identified Fish	2	1	1	0	0	0	1.61
Unidentified Crustacean	1	0	1	0	0	0	0.81
Short Beak Common Dolphin	5	0	0	5	0	0	4.03
Unidetified Dolphin	1	0	0	1	0	0	0.81
California Sea Lion	2	0	0	2	0	0	1.61