

February 8, 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 Swordfish Fisheries

Dear Chair Anderson, Mr. Thom, and members of the Council:

Thank you for the opportunity to provide open public comment on bycatch in pelagic longline swordfish fisheries and its relevance to management of U.S. West Coast highly migratory species (HMS). Oceana analyzed ten years of bycatch data from the Hawaii-based shallow-set longline fishery. The results show an average discard rate nearing 50%; a highly irresponsible level of bycatch which should preclude this gear type from being considered for any HMS fisheries off the U.S. West Coast.

The California Current Ecosystem is globally important for its unique oceanographic conditions supporting a diverse array of wildlife, including sea turtles, sea lions, whales, dolphins, seabirds, and commercially and recreationally important fish species. New pelagic longline swordfish fisheries inside or outside the West Coast exclusive economic zone (EEZ) would dramatically increase bycatch of protected marine life, sharks and other fish species. Oceana opposes efforts to schedule scoping for an HMS fishery management plan (FMP) amendment that would authorize a pelagic shallow-set longline swordfish fishery off the U.S. West Coast, outside the EEZ, and we oppose proposals to 'test' pelagic longlines inside the West Coast EEZ.

Over the past several years there have been efforts to introduce a pelagic shallow-set longline fishery to the U.S. West Coast. In 2015, the Pacific Fishery Management Council approved an exempted fishing permit that would allow the use of shallow-set longlines inside the U.S. West Coast EEZ and the Council has continued to entertain a future agenda item to begin scoping for an HMS FMP amendment to authorize a West Coast-

based high seas shallow-set longline swordfish fishery, an item which was brought forward in 2009 and failed.

The California-based drift gillnet swordfish fishery has historically had, and currently has a significant bycatch issue. Adding another unselective gear to the West Coast swordfish fishery would only complicate and delay progress toward significantly reducing bycatch in this fishery. Instead, the Council should continue to focus on the development and authorization of deep-set buoy gear, as a responsible, low impact fishing gear for targeting swordfish off the U.S. West Coast.

In 1989, with the enactment of Section 9028 of the Fish and Game Code, the California Legislature prohibited pelagic longline fishing in the EEZ off the California coast by banning the use of hook and line fishing gear longer than 900 feet.¹ A prohibition on pelagic longline gear is also specified in the Council's HMS FMP, and when faced with the opportunity to authorize a high seas shallow-set pelagic longline fishery in 2009, the Council selected the "no-action" alternative due to bycatch concerns.²

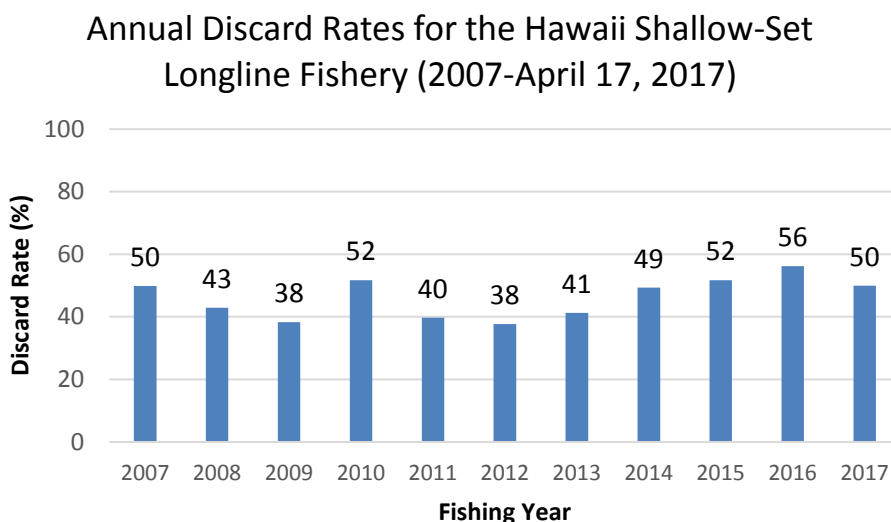


Figure 1. Annual discard rates (by number of animals) in the HI SSLL fishery, 2007-April 17, 2017

In response to a Freedom of Information Act request, Oceana recently received and analyzed observer data for the Hawaii-based shallow-set longline (SSL) fishery.³ Our analysis of NMFS observer data (the fishery has 100% observer coverage) shows that while bycatch in this fishery has improved since 2000, when mitigation measures such as circle hooks instead of J hooks were enforced, this fishery remains highly unselective (Figure 1).

¹ Cal. Fish & Game Code § 9028

² Decisions of the 198th Session of the Pacific Fishery Management Council, at 1, <http://www.pcouncil.org/wp-content/uploads/0409decisions.pdf>

³ NMFS (2017). FOIA observer data on the Hawaii shallow-set longline fishery.

The average discard rate (by number of animals) for the Hawaii SSLF fishery from 2007-April 17, 2017 is 46% (206,987 animals discarded).

Consistent with the Magnuson-Stevens Fishery Conservation and Management Act definition of bycatch⁴, discards in Figure 1 are defined as animals caught but not kept. They are instead released and listed in the observer data as either Alive, Injured, Dead, or Unknown. The percentage of discards that have been released injured or dead in the same timeframe is 31.4%.

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. Over 750 seabirds, 60 dolphins, and 190 sea turtles were incidentally caught by this fishery from January 2007 to April 2017 (Figure 2). Sharks and rays and non-target finfish were the most frequent bycatch in the fishery with 131,270 and 74,677 discards, respectively, between 2007 and April 17, 2017.

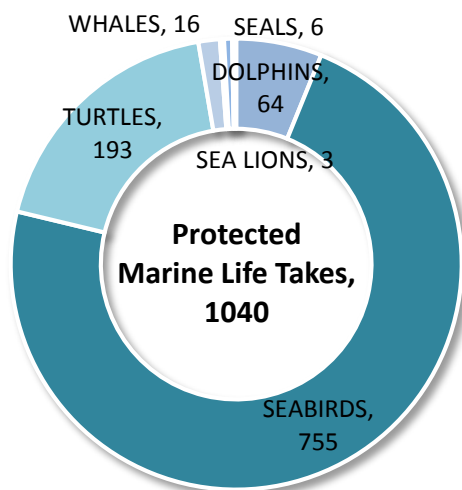


Figure 2. Observed Protected Marine Life Takes in the HI SSLF Fishery, 2007-April 17, 2017

Although interactions between the HI SSLF fishery and protected sea turtle species have decreased with gear and bait modifications implemented in 2000, it is important to look at this decrease in the broader context. For example, the Western Pacific population of Pacific leatherback sea turtles is estimated to have decreased within the same timeframe.⁵ Given the lack of recovery of sea turtles, the risk posed to their populations by **any** interaction with a fishery off our coast remains high.

⁴ 16 U.S.C. 1802 §(3)(2)

⁵ Tapilatu et al. 2013. Long-term decline of the western Pacific leatherback, *Dermochelys coriacea*: a globally important sea turtle population. *Ecosphere* 4(2):1-15.

Since 2007, the HI SSLL fishery has caught and discarded at least 88 different non-target species, including six species of Endangered Species Act (ESA) listed mammals and turtles (see appended table). The Hawaii pelagic longline fisheries are known to take high numbers of false killer whales, and in January 2010, a false killer whale Take Reduction Team was formed to reduce mortality and serious injury of this species as required under the Marine Mammal Protection Act. In general, bycatch of marine mammals and other species would be expected to be even higher inside the U.S. West Coast EEZ than in the areas observed in the HI SSLL fishery, due to the higher densities of these animals in the California Current Ecosystem.^{6,7}

Additionally, we remind the Council of the NMFS tests to target swordfish using deep-set pelagic longline gear off central and southern California conducted in 2011-2013. During those experimental gear trials, only eight swordfish were caught and 76% of all fish caught with these deep-set longlines were non-marketable species.⁸

Due to the high bycatch rates and interactions with protected species that are associated with pelagic longlines, we strongly oppose an HMS FMP amendment authorizing the use of pelagic longline gear off the U.S. West Coast as well as exempted fishing permits. We urge the Council to remove this item from the year-at-a-glance agenda and we urge NMFS to deny the proposed pelagic longline EFP.

Sincerely,



Erin Kincaid
Marine Scientist



Ben Enticknap
Pacific Campaign Mgr. and Sr. Scientist

Attached: Oceana 2018. Collateral Capture: Bycatch in the Hawaii Shallow-Set Longline Fishery

⁶ 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.

⁷ 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.

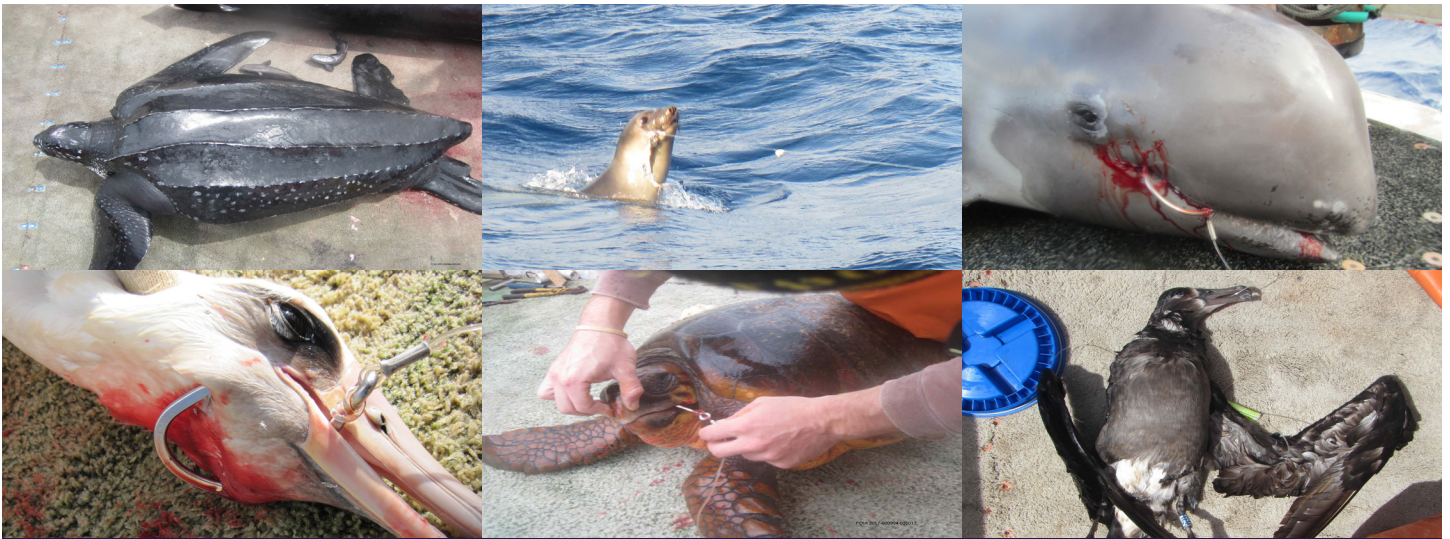
⁸ NMFS SWFSC Report. March 2014. Available: http://www.pcouncil.org/wp-content/uploads/K5b_NMFS_SWFSC_ALTERNATIVE_GEAR_MAR2014BB.pdf

Appendix

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

Catch Species (common name)

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



Collateral Capture

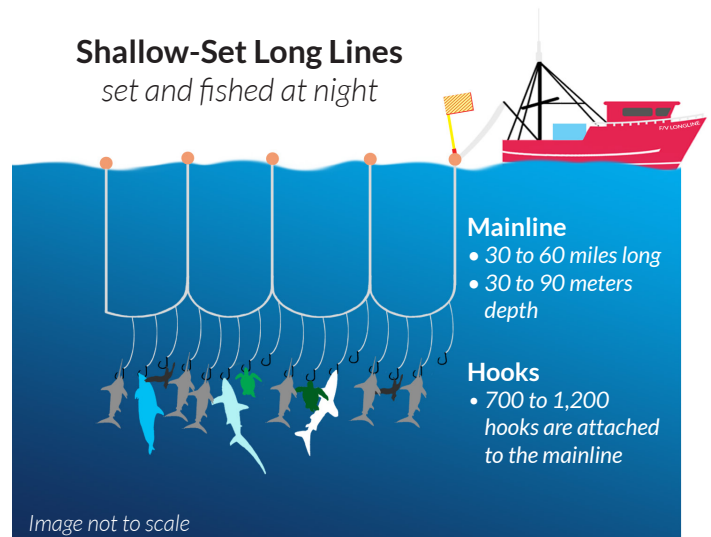
Bycatch in the Hawaii Shallow-Set Longline Fishery

The Hawaii Shallow-Set Longline (HI SSSL) fishery uses pelagic (midwater) gear to target swordfish. Unfortunately, of all the animals ensnared by these suspended, baited hooks, nearly half are injured, dying, or dead non-target species and are consequently tossed overboard.

Shallow-set longline gear consists of a continuous mainline supported by floats that typically stretches 30 to 60 miles in length. Anywhere from 700 to 1,200 hooks are attached. The lines are set at dusk between 30 and 90 meters depth and left to soak until dawn.

Shallow-Set Long Lines

set and fished at night



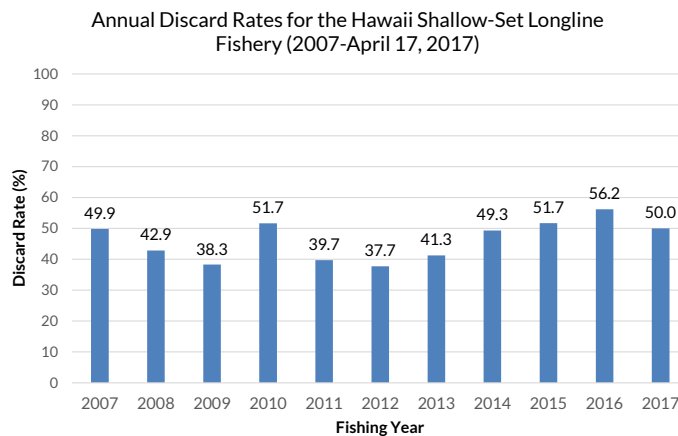
As the lines are pulled out of the water they reveal a multitude of other animals carelessly captured including seabirds, sea turtles, dolphins, and many non-target fish. This gear also entraps and harms marine mammals including humpback whales, bottlenose dolphins, short-finned pilot whales, false killer whales, and Risso's dolphins. Because of these documented entanglements, the HI SSSL fishery is classified as a Category II fishery under the Marine Mammal Protection Act – a federal designation given to fisheries that are known to cause incidental death or serious injury to marine mammals.

The Hawaii Shallow-Set Longline fishery entangled many threatened and endangered species from 2007 to 2017. These include Pacific leatherbacks, Pacific loggerheads, and green sea turtles, humpback and fin whales, Guadalupe fur seals, and oceanic whitetip sharks. A scientific study estimates that even one Pacific leatherback mortality from waters off the U.S. West Coast over the course of five years is sufficient to hinder recovery of this critically endangered animal.¹ Putting further pressure on these endangered species by introducing pelagic longlines off the U.S. West Coast would be reckless.

Cover Photo: Documented bycatch ensnared by shallow-set longlines off Hawaii includes leatherback sea turtles, northern elephant seals, Risso's dolphins, Laysan albatrosses, loggerhead sea turtles, and black-footed albatrosses.

From 2007 through April 17, 2017:

- 206,987 animals were discarded
- 46% of the total catch was discarded
- 64,926 of the discarded animals were released dead or injured, resulting in a death/injury rate of discards of 31.4%
- Over 750 seabirds, 60 dolphins, and 190 sea turtles were caught by this fishery
- 131,270 sharks and rays were discarded
- In 2015, a humpback whale and a fin whale were entangled in this gear and consequently injured



A discard refers to any animal caught that is not kept. This includes animals released alive, dead, or injured. Discard rates (percentage of the total number of animals caught that are thrown overboard) are determined using data provided by fishery observers.² The HI SLL fishery has 100% observer coverage. Data from all sets in the fishery for 2007 through April 17, 2017 were used to determine discard rates.

Keep Shallow-Set Longlines Off the U.S. West Coast

In 1989, longlines were prohibited off the state of California and the Pacific Fishery Management Council (Council) included this prohibition in the West Coast Highly Migratory Species Fishery Management Plan. The Council in 2009 voted to not authorize a West Coast-based pelagic shallow-set longline fishery on the high seas due to significant bycatch concerns.

The drift gillnet swordfish fishery also has very high bycatch, jettisoning approximately 61 percent of everything it catches, on average. Adding another dirty gear to a fishery with disturbingly high discard rates will only complicate and delay progress toward reducing bycatch in the West Coast swordfish fishery. Selective, alternative gear, such as deep-set buoy gear, must be promoted and utilized to build a responsible and sustainable swordfish fishery off the U.S. West Coast.

¹K.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

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

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.

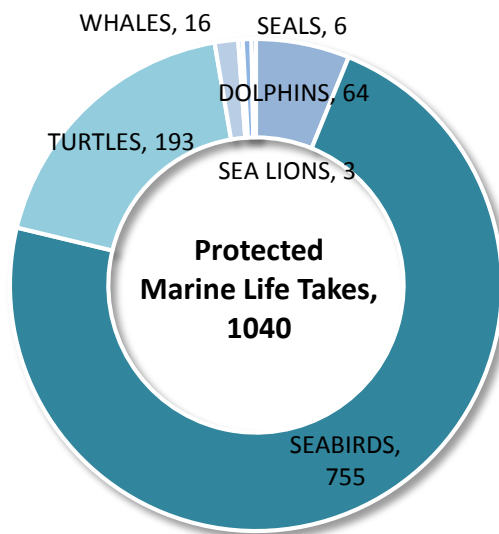
NMFS. 2017. Hawaii deep-set longline observer data. Freedom of Information Act release.

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).

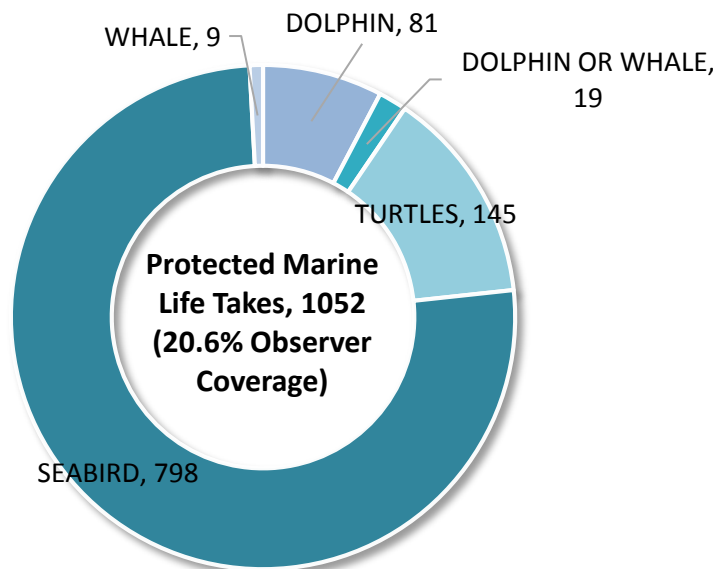
⁷ NOAA. 2014. Pacific Islands Regional Office Observer Program. Hawaii Longline Shallow-set Quarterly and Annual Status Reports. http://www.fpir.noaa.gov/OBS/obs_hi_ll_ds_rprts.html

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 one shark (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 Dolphin	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	

April 1, 2019

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

Agenda Item D.7: Future Council Meeting Agenda and Workload Planning, High Seas Pelagic Longlines

Dear Chair Anderson and Council Members:

Oceana requests that scoping for a high-seas pelagic longline fishery be removed from the June 2019 and all future Pacific Fishery Management Council agendas. Oceana strongly opposes efforts to introduce pelagic longlines off the U.S. West Coast, inside and outside the Exclusive Economic Zone (EEZ). At past Council meetings, we presented the PFMC with public comments and reports documenting that this gear is an unselective fishing method with a wide suite of severe bycatch concerns.¹ This gear is broadly opposed by our members and supporters as evidenced by petitions submitted to the Council signed by tens of thousands of individuals² and it has long been opposed by many other organizations and individuals who have expressed similar concerns to the Council over the years.

Due to the risks pelagic longlines pose, this gear is prohibited inside the U.S. West Coast EEZ; and vessels managed under the Highly Migratory Species (HMS) Fishery Management Plan are prohibited from using shallow-set longline gear on the High Seas of the North Pacific Ocean.³ In 2009 the Council maintained the pelagic longline prohibitions when it took final action to reject authorization of a West Coast-based shallow set longline fishery on the high seas by adopting the “no-action” alternative to a range of alternatives that would have authorized a new pelagic longline fishery.⁴ Since then the reasons for rejecting this fishery have only magnified.

Illustrating this point is the current closure of the Hawaii-based shallow-set longline fishery due to the fishery taking 17 loggerhead sea turtles.⁵ This is the second year in a row the fishery

¹ E.g. [Agenda Item B.1.b, Supplemental Public Comment 6](#): Letter from Oceana re: Bycatch in Pelagic Longline Fisheries

² E.g. [Agenda Item B.1.b Supplemental Public Comment 3](#): Letter and Petition from Oceana – Opposition to Pelagic Longlines off the U.S. West Coast

³ 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

⁴ <https://www.pcouncil.org/wp-content/uploads/0409decisions.pdf>

⁵ 84 Fed. Reg. 11,654 (March 28, 2019). “*This final rule closes the Hawaii shallow-set pelagic longline fishery north of the Equator for all vessels registered under the Hawaii longline limited access program. The shallow-set fishery has reached the annual limit of 17 physical interactions with North Pacific loggerhead sea turtles, so NMFS must close the fishery for the remainder of the calendar year, or until further notice.*”

Mr. Phil Anderson

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has closed to comply with a federal court order limiting the interactions the fishery has with endangered sea turtles.⁶ Loggerhead sea turtles takes, however, are not the only concern. From 2007 to 2017, the Hawaii-based fleet caught 193 sea turtles including endangered loggerheads and leatherbacks, 755 seabirds, 92 marine mammals and it discarded tens of thousands of sharks, rays and other fish.⁷ Overall 46 percent of the animals caught by this fishery were discarded during this time span, often dead or dying (31 percent of discards).⁸

At the March 2019 HMS management team meeting, we learned that California-based vessels can obtain a Hawaii permit and fish shallow-set longline gear on the high seas. It was represented at that meeting that the need for a U.S. West Coast-based permit is based on those Hawaii permits being “too expensive”. Permit cost is not a legitimate reason for this region to authorize a new fishery, issue additional permits and increase fishing effort.

Due to the inherent bycatch concerns associated with this gear and because the Hawaii-based fishery is now closed due to excessive turtle takes, the Council should cease further consideration of authorizing a high seas shallow-set longline fishery. At the very least, the National Marine Fisheries Service Protected Resource Division must first assure that additional fishing effort would comply with the Endangered Species Act and Western Pacific fishery managers must agree to reduce Hawaii-based fishing effort or take caps to accommodate for a new U.S. West Coast-based fishery.

Simply put, it is a waste of valuable time and resources to further pursue an ill-founded idea, particularly when there are avenues to promote sustainable swordfish fishing that have broad stakeholder support. Rather than investing further management resources on expanded pelagic longline fishing, we urge the PFMC to focus its efforts 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
& Senior Scientist



Ben Enticknap
Pacific Campaign Mgr. & Senior Scientist

⁶ 83 Fed. Reg. 21,939 (May 11, 2018).

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

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