

# Pelagics Advisory Panel Meeting

21 April 1997  
92 Council Meeting  
Garden Lanai Room  
Ala Moana Hotel  
Honolulu, Hawaii

## 1. Introductions

The meeting was opened by the Pelagics AP Chairman, Mr William Aila. The agenda was accepted by the meeting

## 2. FMP Summary

Paul Dalzell reviewed the summary of the Pelagics Fisheries Management Plan. Some clarification of the dates of some of the amendments was requested.

## 3. Resource allocation issue

### ***a. Cross Seamount handline and longline conflict***

Paul Dalzell and Consultant, Mr David Itano reviewed the Council's action to date regarding the interaction problems between handline fishermen and longline fishermen on the Cross Seamount. The outcomes of several meetings held with both groups of fishermen was that no immediate Council action should be taken and that both groups do their best to accommodate each other on the Cross Seamount. The group of longline fishermen involved in the interaction problem gave undertakings that they would try to improve radio communications with small handline boats operating on the Cross Seamount and set their longline gear at depths which should minimize interactions with handline gear and vessels.

There was little comment from the meeting except to clarify the depth of the Cross Seamount.

### ***b. Small scale longline fishermen difficulties with MHI exclusion zone***

Paul Dalzell brought to the meetings attention the problems experienced by small scale longliners which had a long history of fishing in Hawaii, with the 50-75nmi exclusion zone around the MHI. A letter received from the Longline Fishermen's Association of Hawaii noted that several vessels had declared bankruptcy and that others were facing the prospects of bankruptcy by being forced to fish so far from shore.

The 50-75 nmi exclusion zone had also severely affected a number of small handline vessels with longline permits that had historically operated from the Big Island prior to the expansion of the Hawaii longline fishery in the late 1980s and early 1990s. The establishment of the 50-75 nmi longline exclusion zone meant that these vessels had greater difficulty fishing profitably using longlines. **The meeting recommended that the Council review the possibilities of allowing some selective process to allow these vessels to operate within the present exclusion zone.**

## 4. Interactions and incidental catch

### ***a. Interactions albatross and turtles***

### ***b. Deployment of bird mitigation devices***

Dr Beth Flint of the USFWS addressed the issue of the interactions of albatross with Hawaii-based longline vessels and the deployment of bird mitigation devices. She presented figures for the 1996 fishing season which suggested that catches of albatross were greatly reduced than in 1994-1995, while nesting populations of Laysan and Black-footed albatross in the NWHI appear to be stable or even increasing.

Dr Flint reviewed a number of bird mortality mitigation measure which the longline fishery was being encouraged to adopt. She also asked fishermen to return tags from dead birds caught on longlines and to note and report the numbers of tagged birds caught and released alive. One suggestion arising from the discussion was to investigate the possibility of asking fishermen to fit tags to unmarked birds if they are caught and retrieved alive from longlines

Dr Mike Laurs, Director of the NMFS Honolulu Laboratory presented a review of the estimated interactions of turtles with the Hawaii-based longline fishery. Dr Laurs reviewed the process that was required to estimate the number of encounters between longline gear and turtles and the number of turtle deaths attributed to longline gear, either through direct observations on dead turtles or from post-release mortality of turtles hooked from swallowing a baited hook. Dr Laurs noted that encounters between turtles and longline gears were generally rare events.

Dr Laurs noted that preliminary results from the NMFS observer program data suggest that encounter rates and kill rates for Olive Ridley and Loggerhead turtles had increased in 1996, triggering a biological consultation under Section 7b of the Endangered Species Act. This will consider the effect of the encounter and kill levels and review the accepted limits for both. Questions arising from this discussion touched on the current status of turtle populations. Loggerhead and Olive Ridley populations were thought to be increasing in size as a result of protecting nesting populations, while Leatherback and Hawksbill turtles were acknowledged to be in poor shape. Questions were also asked about the papilloma viral infection in Green turtles in the Hawaiian Islands. Dr Laurs noted that this was thought to be due to a herpes-like virus and that about 60 % of Green turtles in Hawaii were thought to be infected with the virus.

#### ***c. Incidental catch of blue shark and finning***

Dr Laurs then briefly reviewed the incidental take of sharks in the Hawaii-based longline fishery which mainly targets swordfish and tunas. About 100,000 sharks are caught in this fishery, nearly all of which (95 %) is formed by a single species, the blue shark. About 60 % of sharks are released, and most of these are alive at the time of release. Nearly all retained sharks are finned and the carcasses discarded. The incidental shark catch is thought to be worth about \$ 1,000,000. Dr Laurs noted that finning activity has increased markedly over the past five years as the demand for blue shark fins had risen in response to declines in other shark fisheries.

Discussion on this topic focussed on the perceived wastage of shark from discarding of the carcasses of finned sharks. Other possible items that might be recovered from the sharks, and hence reduce wastage, included skins for leather and cartilage for medical purposes. Recovery of carcasses for food was, according to Dr Laurs, not economic, due to the high urea content of the shark flesh.

#### ***d. Assessment of dolphin interactions with pelagic fishing vessels***

Paul Dalzell asked the meeting participants if they were aware of any interaction problems between small pelagic handline and trolling vessels and dolphins, as had

been reported between bottomfish handliners and dolphins. Remarks from the meeting suggested that dolphins were a nuisance to commercial pelagic handline and troll vessels and to sports fishing vessels. It was also noted that dolphins would on occasion strip the bait from the entire length of a longline and this was not an uncommon occurrence.

Under the revised Marine Mammal Protection Act, the pursuit of dolphins and/or whales pursuing fish would be an illegal act, which may have serious consequences for small boat fisheries in the Western Pacific Region. **This led the meeting to recommend that a definite ruling be sought from the National Marine Fisheries Service on the exact interpretation of the section of the Marine Mammal Protection Act concerned with dolphin and/or whale pursuit and how this would effect all pelagic fisheries in the Council's area of responsibility.**

### **5 Total Allowable Level of Foreign Fishing (TALFF) for pelagic fisheries**

Paul Dalzell and Don Schug reviewed the estimation of TALFF for pelagic fisheries in the Council's insular areas (Guam, CNMI and American Samoa). This is one of the necessary steps in the development and implementation of a Pacific Insular Area Fishery Agreement (PIAFA) under the revised Magnuson Act. Dalzell reviewed the various options from the simplest, where TALFF is defined in non-numeric terms to the most complex where TALFF is defined in economic terms and the interaction between domestic and foreign fishing is estimated.

The discussion under this topic focussed on the relative economic contributions of currently foreign flagged vessels based in the insular areas of the Western Pacific Region and US vessels that might want to fish occasionally within these insular EEZs. **The meeting recommended that the Council conduct a review of the current areas closed to longline fishing around American Samoa and the effects of establishing closed areas extending out to 50 nmi, similar to the areas around Hawaii and Guam, to protect the local pelagic and bottomfish fisheries in the event of a PIAFA agreement for American Samoa**

**The meeting also recommended that the Council conduct a study of the feasibility of implementing a VMS program for all US and non-US registered fishing vessels operating from American Samoa, and using similar funding to that which has maintained the Hawaii-based longliner VMS program.**

### **6. Status of Small Boat Working Group Recommendations**

***a. Need for data collection from all pelagic sectors***

***b. Assess biological and market aspects of catching small tuna***

***c. Review placement and replacement of FAD buoys***

***d. Review area closures to boating and fishing around Kahoolawe***

William Aila reviewed the various recommendations of the Small Boat Working Group which were drafted in 1994. Eleven recommendations were contained in the Small Boat Working Group report, five of which were regarded as priority areas. These included licensing of dealers and reporting of transactions or fish sales, data reporting by fishermen, licensing of recreational fishermen and revision of the catch report form (C3), to make it more amenable or user-friendly to fishermen.

Finally Mr Mark Hodges of the Kahoolawe Island Reserve Commission (KIRC) reviewed the present access by local small boat fishermen to waters around Kahoolawe. Trolling activities are currently limited to two weekends per month.

**The meeting recommended that a small boat working group be established for American Samoa to look at the concerns of fishermen similar to those reviewed in Hawaii. The meeting also recommended that a small boat working group be established for the same purposes in CNMI, with a request that the Council assists in convening training workshops on the three main islands to help Northern Mariana fishermen improve their pelagic fishing skills.**

## **7. Review of the Pelagic Annual Report Recommendations**

Dr Chris Boggs of the NMFS Honolulu Laboratory reviewed the 1995 Pelagic Annual Report recommendations. There were eight recommendations that included implementing a fish dealer permitting system; a survey of Hawaii small-scale fisheries, improvements to the collection of fisheries data; cooperation with the other Pacific Councils to ensure full coverage of catch data from all US domestic swordfish longliners and driftnetters; investigations in catch trends for wahoo and mahimahi in the Western Pacific; the motivational factors relating to pelagic fishing effort in the Pacific insular areas; the influence of leakage from foreign fishing fleets on local markets; and assembling data on total effort and catch (including bycatch and discards) from US and other purse seine fisheries in the US EEZ and on the high seas.

## **8. Other issues**

### ***a. Developments on Palmyra Atoll***

Paul Dalzell briefly reported on the current status of Palmyra Atoll and Kingman Reef. The owners of this island wish to sell this property but a buyer has yet to be identified. The most likely use of Palmyra would be for some form of eco-tourism venture similar to Midway, but the present owners are still interested in selling the island for development into a fish transshipment facility.

### ***b. Offloading of Canadian Albacore in Honolulu***

Don Schug reported on the possibility of Honolulu being open to Canadian Albacore vessels to tranship albacore, under the provisions of a 1981 treaty between the US and Canada. Schug noted that the fish landed in Honolulu would be under bond and would therefore not technically be landed in the USA before being sent on to Canada.

Discussion on this topic focused on concerns from local fishermen about Canadian albacore boats fishing within the US EEZ and using VMS to remedy this. A comment from the meeting also suggested that Midway Island had in the past been proposed as a buying station for albacore vessels, but little else was known about this in relation to the Canadian albacore boats. Schug stated that negotiations for access to Honolulu was still being conducted between the Governments of the US and Canada

### ***c. California seizure of Hawaii longline vessel catch***

Paul Dalzell reported on the seizure of a Hawaii-based longline vessel in California, which was suspected of fishing within the US EEZ bordering California. The vessels catch was impounded by California's Department of Fish and Game, but was later released when it was shown from VMS data that the vessel had fished only on the high seas.

Dalzell noted that the vessel was still in violation of a lesser misdemeanor, namely failure to file a Fish & Game Far Offshore Fishery Declaration form and stated that vessels wishing to land catches in California must file one of these forms prior to landing fish in the state. This regulation had been in effect since January 1996 but was not seriously enforced until late in the year. Dalzell informed the meeting that the Council had these forms available for Hawaii-based longliners. The Council staff had also contacted state fisheries authorities in Oregon and Washington to check local regulations in those states and preempt any similar problems for Hawaii-based longliners.

***d. Small pelagics scoping***

Paul Dalzell briefly presented Council initiatives with respect to small pelagic fisheries for opelu and akule. Such fisheries have both economic and cultural significance in Hawaii and the Pacific insular areas. The Council will look at the status of small pelagic fisheries in the Western Pacific Region to determine if management is required and how the Council might assist in this. Council activities were initially focussing on Hawaii and a project to assemble catch and effort data for akule and opelu from HDAR which will be analyzed by an associate scientist at the University of Hawaii, under the supervision of PFRP Director John Sibert.

Discussion on the small pelagics scoping focussed on the effects of ocean recreation activities on akule and opelu fisheries and the influence of purse seining akule schools which led to two recommendations. **The meeting recommended that the Council conduct a study of the local regulations pertaining to para-sailing and jet-skis within the State of Hawaii and how these activities might have a disruptive influence on akule and opelu fisheries. This may also be extended to American Samoa, CNMI and Guam at a later date if deemed necessary.**

**The meeting also recommended that a study be conducted on the influence of purse seining for akule and how the removal of entire schools effects the gene pool for this species in Hawaii waters.**

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