



November 4, 2019

Re: Agenda Item J.3. Scoping an amendment authorizing shallow-set longline gear outside of the Exclusive Economic Zone

Dear Chair Anderson and Council members,

Our organizations oppose further Council scoping or consideration of an amendment to authorize a shallow-set longline fishery outside the west coast EEZ. We additionally oppose the Council revisiting the prohibition on pelagic longline gear inside the EEZ, as is mentioned in the Council's scoping information document.¹

Audubon California and our over 75,000 members work to protect birds and their habitats, and connect people with nature at our centers and on field trips. Pacific Seabird Group is a society of over 600 professional seabird researchers and managers dedicated to the study and conservation of seabirds and their environment. San Diego Audubon, with over 3,000 members, has led wildlife conservation, environmental stewardship, and environmental education for over 70 years. Sea and Sage Audubon, with over 3,000 members in Orange County, has a long history of active concern and support for the protection of birds and other wildlife and their habitats.

¹ PFMC 2019. Agenda Item J.3. Scoping Information for a Potential Fishery Management Plan Amendment to Authorize Shallow-Set Longline Gear in West Coast Highly Migratory Species Fisheries Outside the U.S. EEZ. November. Pg. 11 in: https://www.pcouncil.org/wp-content/uploads/2019/10/J3_Att1_SSLL_Scoping_Info_NOV2019BB.pdf

Our members enjoy and appreciate the fresh, local and affordable seafood generated by Council-managed fisheries. We applaud and support the development of new gear types to catch swordfish, such as deep-set buoy gear and linked buoy gear, as well as other fishing practices and innovation to sustain and increase production of wild-caught seafood on the west coast. These innovations are more important than ever, considering the impacts of climate change on fisheries.

However, pelagic longlines are the wrong gear type for the Council to again consider authorizing on our west coast. Pelagic longlines in the Hawaii-based fleet capture many sea turtles, marine mammals, other predatory fish, as well as albatrosses and shearwaters. Due to the indiscriminate and destructive nature of this gear type, pelagic longlines have been prohibited off the west coast since 1989.

Of particular concern to our organizations are short-tailed and black-footed albatrosses. Globally, albatrosses are the group of seabirds most impacted from incidental bycatch in longline and trawl fisheries.² Albatrosses are attracted to fishing vessels, which provide food in the form of bait, offal and catch discarded at sea. In longline fisheries, albatrosses can be caught or entangled as they forage for baited hooks and drown as the fishing gear sinks.³ Existing best practices to protect albatrosses in the shallow- and deep-set Hawaii-based fleet are not adequately protecting albatrosses from injury and mortality, and should preclude consideration by this Council to authorize this fishery outside or inside the west coast EEZ.

Black-footed albatross is currently negatively impacted by Hawaii-based pelagic longline fisheries

There is international conservation concern for black-footed albatross (e.g., IUCN red list as Vulnerable); its recovery from historic persecution has stalled and is likely being constrained by adult mortality due to longline bycatch throughout its range.^{4,5,6} The total breeding population of black-footed albatross numbers roughly 67,000 pairs, with the vast majority breeding on the Hawaiian islands, and foraging year-round off the U.S. West Coast^{7,8}. The species is the subject of intensive conservation efforts on the part of agencies, funders and NGOs.

Black-footed albatrosses, far more abundant than short-tailed albatross, are annually captured as incidental bycatch in the Hawaii-based shallow-set longline fishery. Since 2008, the number and rate of individuals injured or killed (“captured”) in the shallow-set fishery has not decreased. The

² Croxall, J.P., Butchart, S.H.M., Lascelles, B., Stattersfield, A.J., Sullivan, B., Symes, A., Taylor, P., 2012. Seabird conservation status, threats and priority actions: a global assessment. *Bird Conserv. Int.* 22.

³ Guy, T. et al. 2013. Overlap of North Pacific albatrosses with the U.S. West Coast groundfish and shrimp fisheries. *Fisheries Research* 147 (2013) 222-234

⁴ Bakker, V., M. Finkelstein, D. Doak, L. Young, E. VanerWerf, and P. Sievert, 2015. The albatross of assessing and managing risk for wide-ranging long-lived species, In Prep.

⁵ Veran, S., Gimenez, O., Flint, E., Kendall, W.L., Doherty, P.F., Jr., Lebreton, J.-D., 2007. Quantifying the impact of longline fisheries on adult survival in the black-footed albatross. *Journal of Applied Ecology* 44, 942-952.

⁶ Lebreton, J.-D., Veran, S., 2013. Direct evidence of the impact of longline fishery on mortality in the Black-footed Albatross *Phoebastria nigripes*. *Bird Conservation International* 23, 25-35.

⁷ Fernández, P., D. J. Anderson, P. R. Sievert, and K. P. Huyvaert. 2001. Foraging destinations of three low-latitude albatross (*Phoebastria*) species. *Journal of Zoology* **254**:391-404.

⁸ Guy et al. 2013. Ibid.

highest number of individuals captured occurred in 2016 and 2017, and the first quarter of 2019 saw a high rate of capture. From 2010-2018, an annual average of 32.8 black-footed albatross were captured in the shallow-set fishery (range 9-51).⁹

Capture of black-footed albatrosses in the deep-set fishery has increased so rapidly that the Western Pacific Fishery Management Council organized a workshop in 2018 focused on reversing this trend.¹⁰ From 2010-2018, an annual average of 214 black-footed albatross were captured in the deep-set fishery (range 66-235).

Federally endangered short-tailed albatrosses are vulnerable to capture in pelagic longline fisheries outside the EEZ

To date, short-tailed albatross have not been observed or reported captured in the Hawaii-based shallow-or deep-set longline fleet, following requirements to reduce bycatch (e.g. streamer lines, dyed bait, side-setting) put in place after the year 2000 when the species was listed as federally endangered. This is likely due to a combination of low population, the tendency of albatrosses to preferentially use the productive shelf-break zone vs oceanic habitats, and the use of bycatch reduction gear and approaches by commercial fleets. However, with the steady recovery and increased numbers of short-tailed albatross found just outside the west coast EEZ, and other regions of the eastern Pacific, the overlap of pelagic longline activity with this recovering species is likely to increase.

Federally endangered short-tailed albatrosses are recovering from near-extinction in the mid-20th century, and currently number approximately 6,000 individuals. Their population in the early 20th century numbered over 10 million individuals. Even with this tiny population, and all viable breeding sites still confined to Japan, short-tailed albatrosses today occur off the U.S. west coast, illustrated in Figure 1. The best available scientific information, based on tracking of 51¹¹ and 99 short-tailed albatross, shows immature individuals spent 11% of their time in the U.S. EEZ and that their “use of the western coast of North America was common.”¹²

Due to short-tailed albatross use of the west coast and Alaska EEZ and the adjacent high seas, they are the subject of four incidental take statements for longline fisheries in Alaska (2), Hawaii (1), and the west coast (1). Additionally, as a non-discretionary condition of the west coast groundfish incidental take statement, NMFS is required to assess and reduce harm to short-tailed albatross in catcher-processor trawl fisheries. The results of preliminary research suggest high

⁹ NMFS. 2019. Pacific Islands Region Observer Program. <https://www.fisheries.noaa.gov/pacific-islands/pacific-islands-region-observer-program#>

¹⁰ Western Pacific Fishery Management Council. 2018. Report of the Workshop to Review Seabird Bycatch Mitigation Measures for Hawaii’s Pelagic Longline Fisheries September 18-19, 2018. http://www.wpcouncil.org/wp-content/uploads/2018/11/WPRFMC_2018-Seabird-bycatch-mgmt-workshop_FinalReport.pdf

¹¹ Orben, R. O’Connor, A., Suryan, R., Ozaki, K., Sato, F., Deguchi, T. 2018. Ontogenetic changes in at-sea distributions of immature short-tailed albatrosses *Phoebastria albatrus*. *Endangered Species Research*. Vol. 35: 23–37. January.

¹² Suryan, R. and K. Kuletz. 2018. Distribution, Habitat Use, and Conservation of Albatrosses in Alaska. *Iden* 72:156-164. It is available online, but is in Japanese; for an English version contact Kathy_kuletz@fws.gov or Rob.Suryan@noaa.gov

mortality of black-footed albatross in these fisheries, raising serious concerns about harm to short-tailed albatross.¹³

We believe it is especially imprudent for the Council to consider authorizing another fishery that may cause injury and mortality to short-tailed albatross when completion of the non-discretionary terms and conditions in the 2015 Biological Opinion, such as the trawl cable research and mitigation, for the west coast groundfish fishery are still pending. Furthermore, if the Council proceeds from scoping and selects an alternative to authorize a shallow-set longline fishery outside the EEZ, NMFS must undertake formal consultation with the U.S. Fish and Wildlife Service, which may result in a jeopardy finding, or alternatively, result in a 5th incidental catch statement for U.S.- based fisheries.

In sum, we urge the Council to not proceed any further with scoping or preparing an amendment to allow a shallow-set longline fishery outside the U.S. EEZ, and to not consider revisiting the prohibition on pelagic longline gear inside the EEZ. We very much appreciate the proactive actions on the part of the Council, NMFS and work groups to protect seabirds over the last several years, including regulations requiring the use of seabird bycatch mitigation measures in the west coast fleet, protection of the food base through the unmanaged forage species initiative, and 100% observer coverage in many fleets. We respectfully ask that the Council follow a similarly prudent approach here.

Sincerely,



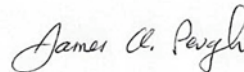
Anna Weinstein
Director, Marine Conservation
Audubon California



Hannah Nevins
Seabird Program Director
American Bird Conservancy



Peter Hodum
Chair, Conservation Committee
Pacific Seabird Group



James A. Peugh
Conservation Chair
San Diego Audubon



Susan Sheakley
Conservation Chair
Sea and Sage Audubon

¹³ Jannot, J. E., T. Good, V. Tuttle, A. M. Eich, and S. Fitzgerald, editors. 2018. U.S. West Coast and Alaska Trawl Fisheries Seabird Cable Strike Mitigation Workshop, November 2017: Summary Report. U.S. Department of Commerce, NOAA Technical Memorandum NMFSNWFSC-142. <https://doi.org/10.7289/V5/TM-NWFSC-142>

Year	Number individuals	Rate per 1000 hooks
2008		0.029
2009		0.063
2010	38	0.044
2011	19	0.042
2012	37	0.069
2013	28	0.076
2014	29	0.044
2015	41	0.067
2016	44	0.101
2017	51	0.055
2018	9	0.02
2019 (Q1)	19	0.091

Table 1. Black-footed albatross capture in the Hawaii-based shallow-set longline fishery, 2008-2018. Source: Pacific Islands Region Observer Program. <https://www.fisheries.noaa.gov/pacific-islands/pacific-islands-region-observer-program#>

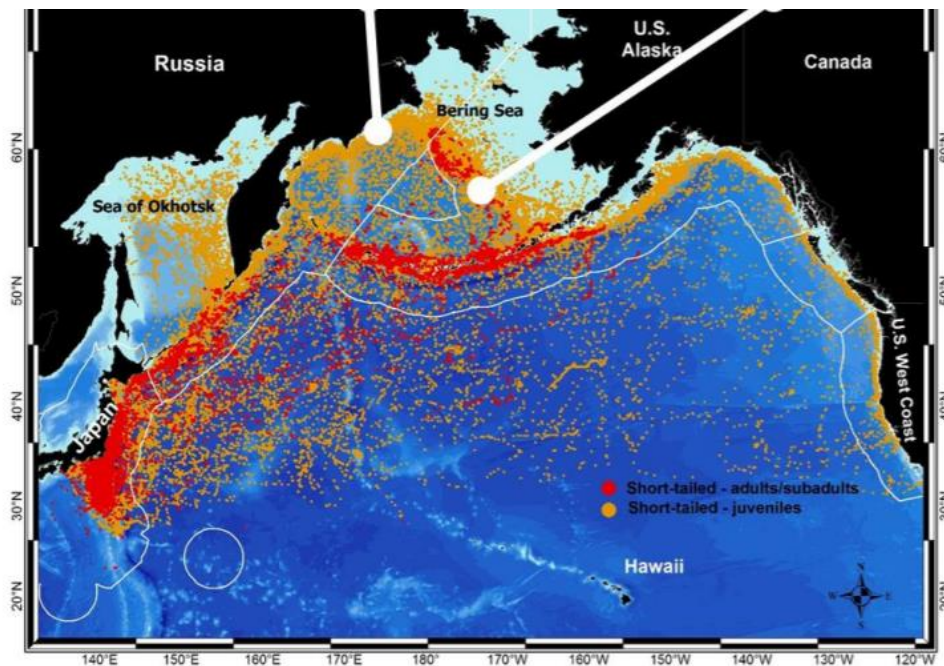


Figure 1. Argos satellite and GPS tracking locations from 99 individual short-tailed albatrosses tracked from 2002-2003, and 2006-2014. From: Robert M. Suryan and Kathy J. Kuletz. 2018. Distribution, Habitat Use, and Conservation of Albatrosses in Alaska. Iden 72:156-164. Available online, but is in Japanese; for an English version contact Kathy_kuletz@fws.gov or Rob.Suryan@noaa.gov