

Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

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February 2, 2000

Mr. David Kerstetter
NOAA-NMFS SF4
1315 East-West Highway
Silver Spring, MD 20910

Re: Proposed National Plan of Action for Incidental Catch of Seabirds

Dear Mr. Kerstetter:

These comments are submitted on behalf of the Pacific Seabird Group (PSG) regarding the draft National Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries (National Plan), and respond to the public notice in 64 Fed. Reg. 73,017-18 (December 29, 2000). PSG submitted comments on September 29 in response to the public notice at 64 Fed. Reg. 48,987-88 (September 9, 1999), regarding the outline for the National Plan. We incorporate those comments by reference.

PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG draws its members from the entire Pacific Basin, including Australia, New Zealand, South Africa, Russia, Japan, China, Canada, and Mexico. Among PSG's members are biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird populations and refuges, and individuals with interests in marine conservation. PSG has long been interested in the effects of commercial fisheries on seabirds, and has taken a leadership role in this nation and internationally to insure that fisheries minimize the by-catch of seabirds.

We are disappointed that the National Plan does not exemplify U.S. leadership in eliminating or greatly reducing seabird mortality. With regard to known problems in Alaska and Hawaii, the draft National Plan merely continues the status quo. We can find no concrete goals, performance requirements, re-assessment standards, definable research and development requirements,

education requirements, or funding requests for these initiatives. Our National Plan is not a model for nations with larger problems and fewer financial resources and may not even meet the minimum responsibilities under the International Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries. The U.S. delegation to the FAO consultations in Rome took strong, decisive positions during the negotiations, but our own draft National Plan has greatly watered these down.

The draft National Plan leaves assessments, mitigation measures, research, and education -- essentially the entire plan -- to the complete discretion of fishery management councils and NMFS regions. This system has been generally a failure for over 20 years. Increased observer coverage is ignored, research and education proposals are sketchy at best, no provisions for funding are mentioned, nor is any recognition made of the need for increased funding.

We endorse the detailed comments filed by the American Bird Conservancy on these issues, and urge that NMFS modify the final National Plan to incorporate the following concepts:

- 1. Adopt a goal of greatly reducing seabird mortality in this nation's longline fisheries.** Fishery management councils should be required to indicate how they have accomplished this goal, including defining specific benchmarks and a timeline for their achievement. If NMFS believes that the Magnuson Fisheries Conservation and Management Act needs to be amended to implement this policy, it should expressly state that it supports such legislation.
- 2. Prescribe appropriate mitigation measures for longline fisheries already determined to be a problem for seabirds.** Appendix II of the draft National Plan states (page 8) "the NMFS Alaska Region has determined that seabird bycatch is a problem in the hook-and-line groundfish and Pacific halibut fisheries off Alaska." Page 24 states the "Hawaii-based pelagic longline fisheries exhibit a seabird bycatch problem...." Despite these determinations, the fishery councils for these fisheries are allowed years to address these problems. While we appreciate the on-going Saltonstall-Kennedy grant to develop and test seabird mitigation in the Gulf of Alaska and Bering Sea longline fisheries for sablefish, halibut, Pacific cod, the draft National Plan should set a schedule for amending regulations based on those findings. Delays for the Hawaii fishery are not justified. This nation's delegation to the FAO negotiations stated that national plans should "specify plans for implementing mitigation measures no later than February 2001." Why has NMFS weakened this position? See the American Bird Conservancy comments.
- 3. Specify Implementation Dates for Assessments and Mitigation Measures.** Mitigation measures in Alaska and Hawaii should be prescribed and implemented by February 2001. Assessments in the other longline fisheries should be completed by February 2001 and mitigation measures should be prescribed and implemented by February 2002. Once measures are in place, there must be adequate follow-up to ensure that seabird by-catch is truly being minimized.
- 4. Include Provisions for Adequate Observer Coverage.** The absence of good data from observers has been a chronic problem in addressing seabird by-catch. We believe that it is imperative that the U.S. conduct such assessments and collect reliable data through the use of trained observers who will focus on seabird bycatch issues. We recognize that NMFS is not in a

position to appropriate new funds for this work, but it is irresponsible for the Service not to identify this problem and make a strong case in the National Plan for such funding. Moreover, some PSG members have developed a protocol for observers in the Alaska fisheries, which should be considered for implementation in all U.S. observer programs.

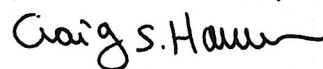
5. Sponsor Research to Develop Improved Avoidance Measures. We recognize that this may require increased appropriations for NMFS, but the National Plan should identify this need to insure that Congress understand the need to find the most effective deterrent devices, improve technologies and practices in avoiding seabird mortality, and evaluate the effectiveness of seabird avoidance measures. Such research should be coordinated with other fishing nations and regional fishery groups. We emphasize that the need to learn more about these issues should not be used as an excuse to refuse to take reasonable management actions now based upon current knowledge. The ongoing Saltonstall-Kennedy funded study in the Gulf of Alaska is an important example of what can and should be accomplished.

6. Include Education, Training and Publicity. Without adequately informing the public and the fishing community about the problem and the need for solutions, the goal of minimizing seabird bycatch may not be fulfilled because as a practical matter it will be impossible to monitor every fishing effort for compliance with NMFS rules.

7. Include Provisions for an Annual Report. The draft National Plan requires NMFS regions and the fishery councils to prepare an annual report on seabird mortality and mitigation measures. We urge that they should also be required to make assessments. Without such a requirement, we suspect that many fishery councils will report that no information is available, resulting in a meaningless report. The annual report should include data on the extent of longline fisheries, assessments of the numbers and species of seabirds killed, mortality rate per 1,000 hooks set, what mitigation measures are in use and their effectiveness, extent of observer coverage, extent of monitoring, research conducted, outreach and education programs, plans for improvement in avoidance measures and the National Plan and funding needs.

The FAO International Plan of Action is a first step to gaining the cooperation of each longlining nation to end the unnecessary slaughter of seabirds. This nation has a unique opportunity to lead by example on this issue but our draft National Plan fails to provide the leadership necessary to prevent continuing declines in seabird numbers. We urge that the revisions above be adopted to convert the present draft National Plan from a status quo document to one that sets as a goal the elimination of seabird bycatch and spells out how this will be achieved.

Sincerely,



Craig S. Harrison
Vice Chair for Conservation