

**YEAR 2003 RECOMMENDATIONS REPORT
PACIFIC OFFSHORE CETACEAN TAKE REDUCTION TEAM (TRT)
JUNE 4-5, 2003**

I. ATTAINMENT OF MMPA GOALS:

The TRT believes that the Take Reduction Plan has continued to achieve progress in reducing marine mammal take. There were no observed takes of strategic stock in the 2002-2003 fishing season. Take for all but three (3) species has been below 10% of Potential Biological Removal (PBR). For all of these species, the National Marine Fisheries Service (NMFS) has made a determination that there is a negligible impact by the fishery,

Based upon this progress, the TRT concurs with NMFS staff recommendation that the drift gillnet fishery for thresher shark/swordfish be re-categorized as a Category II Fishery.

The TRT also recommends that NMFS should continue to convene the TRT on an annual basis to evaluate progress in attaining MMPA goals.

Given the ongoing goal of continuing to reduce marine mammal take, the TRT recommends the following package of measures for the next fishing season.

II. RECOMMENDATIONS REGARDING THE TAKE REDUCTION PLAN

A. Mandatory Deployment of 36' Net Buoy Extenders

The requirement to utilize a minimum 36' extender length should be continued in accordance with the final rule and technical amendment.

B. Mandatory Use of Pingers

1. The requirement to utilize pingers on both the lead line and float line should be continued.
2. The TRT continues to encourage the use of pingers that can be affixed to nets for the season and which have longer-lived batteries.
3. The TRT continues to urge fishers to check the operation of each pinger to ensure compliance with the regulations for every set. **See Recommendation 6a.**
4. NMFS should explore whether there is another frequency or range of frequencies that would be more effective in deterring marine mammal entanglement. If so, the next step would be to encourage the incorporation of this acoustic characteristic into pingers that are purchased by the fleet as replacements for their current pingers.
5. NMFS should explore whether there is another frequency or range of frequencies that would be effective in deterring turtle entanglement. If so, these should be tested for effectiveness.

C. Voluntary Program to Reduce the Number of Permits

The TRT encourages continuation of the policy of not re-issuing permits that have lapsed in California and recommends that the State of Oregon not increase the number of permits it issues.

D. Skipper Education Workshops

The TRT recommends that NMFS conduct a skipper workshop if there are new skippers in the fishery. New skippers would be required to attend this workshop. **See E. 1(d) below.**

E. Other Recommendations

1. Compliance with TRP Regulations and Enforcement

- a. The TRT acknowledges the improvement of state and federal authorities in providing at- sea inspection during the past fishing season. However, at-sea enforcement remains an important goal for the program to ensure that compliance continues.
- b. The TRT recommends amending the regulations to allow dockside enforcement of TRP regulations for boats deemed “unobservable” by NMFS so that unobservable boats are checked at least once per fishing season.
- c. NMFS should also explore other technological methods for observing “unobservable” boats and report their findings back to the TRT.
- d. NMFS enforcement officers should require attendance at a NMFS workshop for drift gillnet skippers found to be in violation of protected species regulations. **See D above.**
- e. NMFS should provide enforcement officers with an updated version of the “yellow” card describing the required configuration of pingers on the drift net gear.
- f. NMFS should explore options for providing unobtrusive monitoring of vessels e.g. hydrophones.

2. Data Gathering

- a. The TRT recommends that NMFS continue the present program of data gathering regarding marine mammal and drift gillnet interactions. Special emphasis should be placed on obtaining data regarding whether the pingers in the area adjacent to an observed take are working using the current protocol.
- b. **See 5 a (3) below regarding data gathering on sea turtles.**

3. Data Analysis

- a. NMFS should analyze the degree to which pingers have reduced Cetacean mortality factoring in oceanographic and other variables.
- b. In addition, the TRT recommends that NMFS continue its current data analysis program.

III. RECOMMENDATIONS REGARDING MEASURES TO REDUCE MORTALITY AND ENTANGLEMENT OF SEA TURTLES

- A. The TRT recognizes that the principal causes of the decline of leatherback and loggerhead sea turtles are not from the thresher shark/swordfish drift gillnet fishery off California. We, therefore, urge NMFS to fund recommendations made in the Recovery Plans for these two species to reduce mortality and increase nesting success of sea turtles in other areas where these populations are being affected.
- B. The TRT appreciates the efforts NMFS made in regard to the Year 2002 recommendations for better defining what constitute El Niño conditions triggering loggerhead restrictions, and urges continued efforts to refine methods for evaluating El Niño occurrences.
- C. In addition, the TRT recommends that research be conducted on the movement patterns of loggerhead sea turtles off southern California and Baja during El Niño years and their habitat preferences (including water temperature and prey). This information should also be factored into future agency decisions regarding measures for reducing mortality and entanglement of loggerhead turtles especially during El Niño years.
- D. The TRT believes that it is important to consider revisiting the extent and timeframes in the northern leatherback sea turtle closure area that could occur without impacting the take of that species. In order to investigate potential changes to the closure area, the TRT recommends that data be gathered on the temporal distribution and movements of leatherback turtles in the west coast of the United States and their relationship to oceanographic conditions.
- E. The TRT directed its facilitator to send the following letter to Pacific Fishery Management Council and the Acting Southwest Regional Administrator of NMFS on behalf of the members of the TRT:

*To: Dr. Hans Radtke, Chairman
Pacific Fishery Management Council
and
Rodney R McInnis, Acting Southwest Regional Administrator
NMFS*

From: The Pacific Cetacean Take Reduction Team

*Re: June 18th Consideration of the Highly Migratory
Species Management Plan*

The Pacific Cetacean Take Reduction Team (TRT) was convened by NMFS in 1997 to address incidental takes in the drift gillnet fishery and has been meeting annually. At our annual meeting on 4-5 June 2003, the TRT learned that the California/Oregon shark/swordfish drift gillnet fishery and its measures to protect turtles, could be negatively impacted by actions related to the California pelagic longline fishery. In the

Pacific, loggerhead and leatherback sea turtles have declined dramatically in recent years. The drift gillnet fishery has undertaken and been subjected to numerous measures to reduce incidental mortality of marine mammals and turtles. Recent time/area closures have been imposed on this fishery to further reduce already low levels of takes of turtles. These have included closure of some of the primary fishing areas for this fishery. Takes of both loggerhead and leatherback turtles for the last three years (2000-2002) in this fishery have consisted of only a single observed take out of 1,143 observed sets.

The rate of turtle takes in the longline fishery in the central and eastern Pacific has been dramatically higher than in the drift gillnet fishery. The California-based longline fishery has not been subjected to the types of measures to reduce turtle take as have been imposed in the drift gillnet and Hawaii longline fishery. The forthcoming Highly Migratory Species Fishery Management Plan includes both the California drift gillnet fishery and the longline fishery. These would therefore be evaluated jointly by NMFS for the impacts they pose to threatened and endangered sea turtles.

Current regulations significantly constrain the number of allowed takes of sea turtles. Introduction of the California longline fishery would greatly disadvantage the drift gillnet fleet, since any take allowed would be shared between the fleets. Therefore, the TRT recommends that if the Council decides to authorize the California longline fishery, then the introduction should be contingent on that fleet's ability to dramatically reduce its incidental takes so that there would be no impact to the drift gillnet fishery or sea turtle conservation. Furthermore, the TRT recommends that if NMFS authorizes additional overall takes of turtles, they should be allocated to the drift gillnet fishery, which has low rates of turtle takes and is operating under extreme restrictions, prior to allowing turtle takes in another fishery with higher rates of take.

Last, the TRT recommends that NMFS and the PFMC re-consider time/area closures for leatherback turtles as soon as additional data become available to identify time and areas that could be re-opened without impact to sea turtles in a manner that is as expeditious as possible.

Thank you for consideration of our comments.