

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON AUTHORIZATION OF DEEP-SET BUOY GEAR AND FEDERAL PERMITTING

The Highly Migratory Species Advisory Subpanel (HMSAS) believes that the deep-set buoy gear may be a viable means of supplementing commercial harvest for communities along the entire west coast and that the authorization of this gear should be done in a way that helps ensure opportunities for all communities with dependence on commercial fishing and has access to swordfish that reasonably could be landed in their ports.

The HMSAS appreciates the efforts the HMSMT put into a preliminary range of alternatives for authorizing deep-set buoy gear. The HMSAS would like to suggest a few additions and subtractions to the HMSMT report.

Note: The item numbering below corresponds to the numbering system of HMSMT Report 1, September 2017. Numbers where the HMSAS did not have additions, subtractions or comments are skipped.

3) Action Alternatives

A. Permitting

2) Comment: The HMSAS recommends the Council task the HMSMT with a spatial analysis to account for the footprint of a DSBG vessel. For alternative 2 (LE in the SCB), the HMSMT should consider a spatial analysis that evaluates the concern for crowding in the SCB voiced by the HMSAS. Under this analysis, they could evaluate the footprint of the existing EFP participants in the SCB and compare that to known areas of swordfish availability. The HMSAS notes that the footprint of DSBG vessel and its gear is of a significantly larger size compared to other gears currently used in the Southern California Bight and we refer to the HMSMT Supplemental Report 2, September 2017 that graphically depicts the gear footprint.

3) New Alternative. The HMSAS recommends adding a third alternative to the Permitting section. The alternative is for analysing the need for a limited entry system across the entire action area.

Rationale: The HMSAS would like to draw attention to the table of estimated permits issued under a Southern California Bight limited entry proposal that only issues permits to existing swordfish fishery participants and only crew members of EFP participants. The table notes the potential of 211 permits being issued without any allowance for incentive permits for exchanging a DGN permit, crew members of currently permitted non-EFP swordfish vessels, or the entrance of experienced commercial fishermen without swordfishing permits (some with swordfish history but no current permits), or new participants in commercial fishing. Entrants from these latter categories would be expected in an open access program.

The HMSAS would recommend the council task the HMSMT to model this fishery on the best available information to estimate the level of participation the resource can sustainably support in addition to the analysis proposed in option 2 for limited access in the Southern California Bight.

The HMSAS believes such an analysis based upon historic swordfish catches, current catches, and EFP highliner success rates coupled with reasonable levels of precaution would inform the council as to a sustainable number of permits that could be considered across the action area. Such an analysis would be potentially beneficial for incrementally authorizing this fishery as more EFPs are introduced to areas outside of the Southern California Bight and interest is stoked in more coastal communities.

The HMSAS suggests using highliner EFP data to account for significant learning curves among the pool of EFP participants. The HMSAS also notes precedence in estimating rough sustainability levels using methods developed by Dr. Victor Restrepo. The state of California used this method to establish catch levels for nearshore rockfish prior to the development of a state limited entry program and the precautionary estimates of sustainable catch levels were subsequently adopted by Council within management under the Groundfish FMP.

4) New Alternative: We also request that the Council task the HMSMT with analyzing an additional permitting alternative that would provide an initial period of reduced participation in this fishery, as a precautionary approach until we have additional data. The groups that would be prioritized when initially allocating permits include those outlined in the Magnuson-Stevens Act (MSA) under Limited Entry (MSA Section 303B) as priority groups.

- **EFP Participants - Priority given to EFP participants that have significantly contributed to the advancement of DSBG. Priority should be based on contribution level and participation with a maximum of X permits total. This prevents prospecting and rewards those who have invested in and developed the fishery.**
- **Active DGN fishers - DGN fishers have experienced hardship due to repeated restrictions placed upon the fishery (MSA priority for LE permit disbursement).**

Rationale: Initial EFP participants with significant contribution to the development of DSBG are pioneers of the new fishery and based on MSA mandates should be rewarded for their effort and contributions. Additionally, active DGN fishers are the most likely to use the gear and also provide the best platform for training future generations. This group has been highly restricted and now consists of very few vessels that can only fish for a small portion of the year in limited areas.

Limited Entry Permit Alternatives

Comment: The Limited Entry Permit Alternatives analysis currently listed under 3A2 could also apply to the HMSAS proposed additional alternative in 3A3 above.

The HMSAS has the following changes and additions for the section entitled Limited Entry Permit Alternatives

Limited Entry Permit Alternatives

CAPACITY DISCUSSION: The HMSAS believes a key component to the limited entry discussion is the topic of the capacity of fishing vessels and geography to support a given quantity of permits.

a. Possession

(iv) New Alternative: For either limited entry alternative, we request that the HMSMT analyze an additional alternative in which the permit holder would not be required to be on board.

Rationale: The HMSAS recommends that the permitting regime be similar to that currently used in the Hawaiian longline fishery where the permit owner does not need to be aboard the vessel at all times. This would allow for increased production, the steady growth of the fishery and facilitates the training of new entrants. HMSAS would like to make sure that business entities can also possess a permit.

d. Qualifications used to initially allocate LE permits

i. Tiered System

The HMSAS is concerned about being too specific as to who may qualify for a permit in view of stipulations in the MSA for the sort of analysis required to determine who should qualify for a permit. However, the HMSAS offers the following suggestions for reordering the priority list.

For either limited entry alternative, the HMSAS requests that the tiered system alternative (i) be revised to consider a different ranking of qualifications, as revised below:

1. Priority given to EFP participants that have significantly contributed to the advancement of DSBG. Priority should be based on contribution level and participation. With a maximum of X permits. This prevents prospecting and rewards those who have invested in and developed the fishery.
2. DGN permit holders.
3. DSBG EFP crew (Maximum of two crew per active EFP vessel, who participated on trips with a minimum of 10 DSBG landings).
4. Commercial fishermen with swordfish landings.

Under this modified tiered system, we removed consideration of the permit trade-in, as that is already reflected under alternative v.

Rationale:

8. New tier to HMSMT list. The HMSAS suggests adding a tier to the limited entry qualification list should the number of permits to be released goes beyond existing swordfishermen to potentially include persons without swordfish experience in order to give priority to long term commercial fishermen over new entrants.

Rationale: A good deal of literature exists (e.g. Dr. Ray Hilborn) that expresses the need to bulk up fishing portfolios of existing commercial fishermen in an environment of more restrictive fishing opportunities.

D. Gear Deployment and Retrieval

The HMSAS recommends eliminating alternative 2 and recommends adding an additional alternative in which all gear must be removed from the water by two hours before sunrise.

Rationale: We believe this new alternative provides a realistic and enforceable option for fishing DSBG in a productive and responsible way. For this reason, it is the preferred alternative of the HMSAS. The existing alternative 2 is recommended for removal based upon input from the enforcement consultants.

E. Multiple Gears

The HMSAS suggests that options 1 and 3 from the HMSMT report be removed from the analysis.

Rationale: The HMSAS believe not allowing multiple gears on a trip would limit economic success of the fishery particularly in distant and rough water areas where a larger boat may wish to participate. The prohibition of DSBG and DGN on the same trip would have an impact on conservation by encouraging fishermen to take ill-considered risks.

F. Geographic Area

The HMSAS would like the council to reconsider including waters off the State of Washington.

PFMC
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