

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON WORKLOAD PLANNING FOR OTHER PRIORITIES NOTED FOR 2015-2016 FISHERIES

With respect to workload and timing to complete the proposed actions to authorize a shallow-set longline fishery outside the West Coast Exclusive Economic Zone (EEZ) and transition the California large mesh swordfish drift gillnet (DGN) permit holders to a Federal limited entry permit, the HMSMT offers the following comments.

Shallow-set Longline Outside the EEZ

As previously brought to the Council's attention, this action is likely to involve establishing license limitation to control fishing effort as well as implementing regulatory and operational requirements to satisfy protected species concerns. The Highly Migratory Species Management Team (HMSMT) prepared a preliminary draft environmental impact statement in 2009 considering authorization of such a fishery with a limit of 10 vessels. The Council ultimately did not take action on the issue so the document was not developed further. It could serve as a starting point for future action on this issue as many of the data sets and analytical elements have been addressed. However, with the continuing operation of the shallow-set Hawaii longline fishery additional data are available on the impacts of this gear in the area where a West Coast based fishery may operate. This would need to be incorporated into the analysis. An Endangered Species Act Section 7 consultation would also need to be undertaken (preparation of a Biological Opinion) for this action. The criteria for issuing permits would likely need to be revisited as well.

The Council is scheduled to begin preliminary consideration of the issue at the June 2015 meeting. If a limited entry program is included in the proposal then a Fishery Management Plan amendment would be required, which is a three-meeting process. Realistically, it may take more than three Council meetings and/or be spread over a time period of more than three consecutive meetings. A reasonable Council schedule would be a second meeting in November 2015 and final Council action in March or June 2016. After Council action, past experience indicates that for complex actions, it can take 6-12 months for NMFS to complete all required processes (Secretarial review of the FMP amendment, rulemaking). Thus implementation would likely occur in early to mid-2017.

Given the protracted timeline for implementing a shallow-set longline fishery outside the West Coast EEZ, the HMSMT recommends that the Council entertain and support exempted fishing permit (EFP) proposals to allow the use of this gear in the interim. The Council received public comment in September expressing interest in participating in such an activity and an additional public comment letter from Mr. Pete Dupuy requesting consideration of an EFP for this purpose is contained in the public comment under the current agenda topic.

Federal Limited Entry Permit for DGN Vessels

Transitioning from the existing state permit program to a federal limited entry program for the DGN fishery is likely to entail taking difficult decisions on qualification criteria for a Federal permit, if the Council wished to reduce the size of the fishery through limiting the number of permits issued. This would be a factor in developing qualification criteria. The action would need to be coordinated with the State of California with respect to their existing permit program and would also require considerable Federal involvement and analysis.

In terms of timing and workload, this action is likely to take at least as much time and work as the aforementioned shallow-set longline action, if not more. Although initial consideration of this action is also slated for June 2015, it will likely be difficult for the HMSMT, Highly Migratory Species Advisory Subpanel and National Marine Fisheries Service and Council staffs to carry out work on both actions simultaneously. Furthermore, the advisory bodies and staff will likely be working on analysis of the Council's proposed action for DGN hard caps and reviewing EFP proposals that come forward in 2015. For that reason the Council should consider staggering these two actions. For example, final Council action could be targeted for the November 2016 meeting, with the topic put on the agenda for one or more meetings between June 2015 and November 2016. Implementation would likely occur in time for a fishing season in mid to late 2017.

PFMC
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