

## HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON PRELIMINARY ALTERNATIVES FOR THE DRIFT GILLNET FISHERY

The Highly Migratory Species Management Team (HMSMT) developed alternatives for the drift gillnet fishery that provide for additional fishing opportunity within the current closed area (Attachment 1). The HMSMT notes that most of the alternatives would require approval of an exempted fishing permit (EFP) to allow access to the currently closed area. Absent an EFP, regulatory action could be taken to allow access to the closed area, but participation could not be limited without an amendment to the fishery management plan. The details of the estimated turtle takes and mortalities, and the corresponding estimated number of sets for the alternatives are listed in Attachment 2. Attachment 3 is a statement of the purpose and need for the proposed action.

The HMSMT recommends that the Council approve for public review the preliminary range of alternatives developed by the Team, and that final selection of a preferred alternative be scheduled for the March 2006 Council meeting.

The HMSMT also recommends that the Council approve for public review the preliminary EFP application for the drift gillnet fishery as submitted by FISH, which could be the implementing mechanism for the Council's preferred alternative. The HMSMT worked extensively with Chuck Janisse, the EFP applicant, to ensure the EFP application: 1) met the requirements of the draft proposed Interim Protocol for Consideration of EFPs for Highly Migratory Species Fisheries; 2) included adequate specificity for an analysis of the estimated impacts of the proposed action; and 3) addressed the issues of primary concern, such as the potential for interactions with protected species (in this case, leatherback sea turtles).

The HMSMT reviewed the preliminary application and believes that the provisions of the EFP, including 100% observer coverage, fishing under a maximum limit on leatherback turtle mortalities (and/or limits on the number of sets), and near real-time data reporting help ensure that turtle encounters will be accounted for and that limits or caps will not be exceeded.

Final approval of the EFP, according to the interim protocol, would be scheduled for March 2006, in conjunction with the selection of a preferred alternative.

PFMC  
10/13/05

# Attachment 1

## Drift Gillnet Alternatives

		EFP	Reg. Amend.
<b>Fishing Area</b>			
1	Status quo - keep current closure in place		
<b>Open all or portion of current closed area to EFP fishery</b>			
2	a. Close within Pt. Arena–Pt Sur area to EFP fishery	X	
	b. Allow EFP fishery throughout closed area	X	
	c. Allow EFP fishery north of Pt. Arena	X	
<b>Modify or remove current closed area with or without EFP fishery in resulting closed area</b>			
3	a. Close Pt. Arena–Pt Sur for EFP, change southern boundary of closed area	X	X
	b. EFP fishery throughout closed area, change southern boundary of closed area	X	X
	c. No EFP, change southern boundary of closed area (due west from Pt. Sur)		X
	d. Remove current closed area; allow fishing without EFP		X
<b>Turtle Conservation Measures</b>			
Set mortality limit for leatherback turtles (bycatch cap) in EFP			
4	a. Mortality limit = 1	X	
	b. Mortality limit = 2	X	
	c. Mortality limit = 3	X	
Set limit on number of sets in EFP			
5	a. Set limit = 300	X	
	b. Set limit = 500	X	
	c. Set limit = 750	X	
6	Set mortality limit for leatherbacks and set limit in EFP (choose set limit and corresponding estimated mortalities will become mortality limit)	X	
<b>Long-Term Management</b>			
7	Direct HMSMT to develop plan amendment for long-term DGN effort limitation program (could be concurrent with EFP in the interim)		

Note: Management measures under an EFP would include 100% observer coverage, real-time reporting, and collection of biological and oceanographic information at sea. The current closed area would remain in place, but exempted fishing could occur through the EFP. Once a turtle mortality limit or set limit was reached, the EFP would be terminated and the fishery would revert back to status quo. Exceeding the turtle mortality limit would result in reconsultation of the fishery and new Biological Opinion.

## Turtle Mortality Limits and Set Limits in DGN EFP north of Pt. Conception

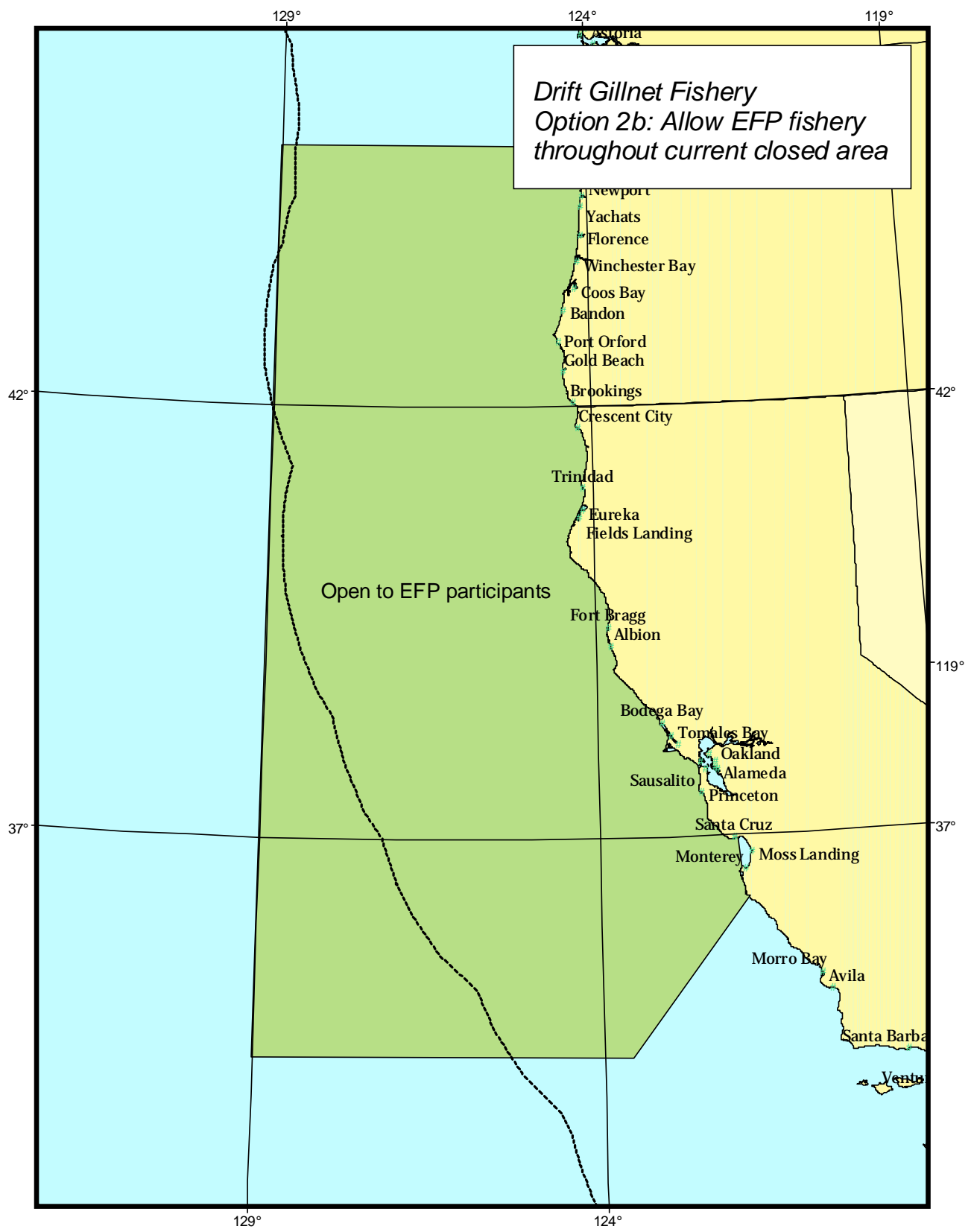
Number of Sets	Takes of leatherbacks			Mortalities of leatherbacks*		
	Mean	Range**		Mean	Range	
300	2	1	3	1	1	2
500	4	2	5	2	1	3
600	5	3	6	3	2	4
750	6	3	8	4	2	5

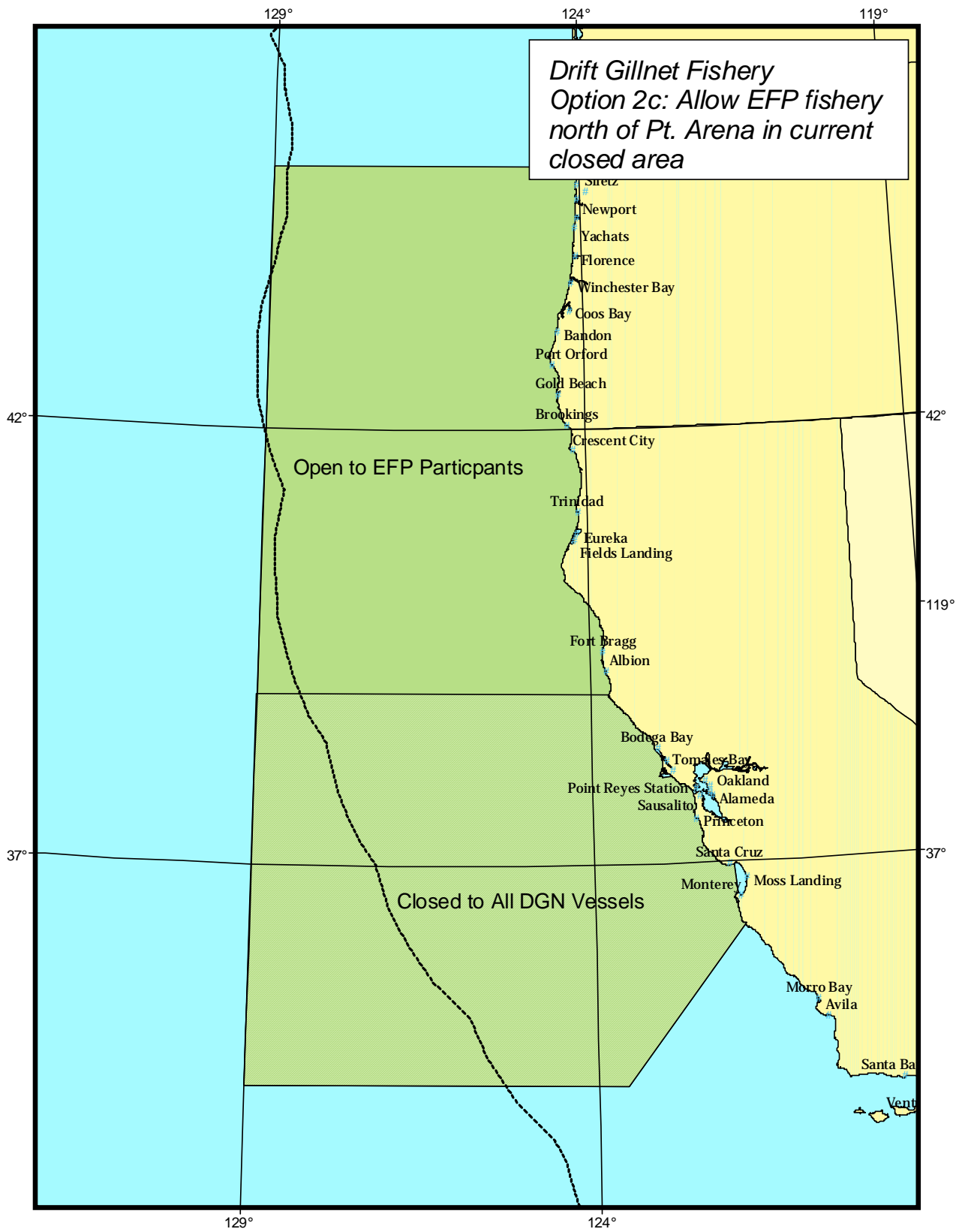
\* This assumes a 61% mortality rate of leatherbacks

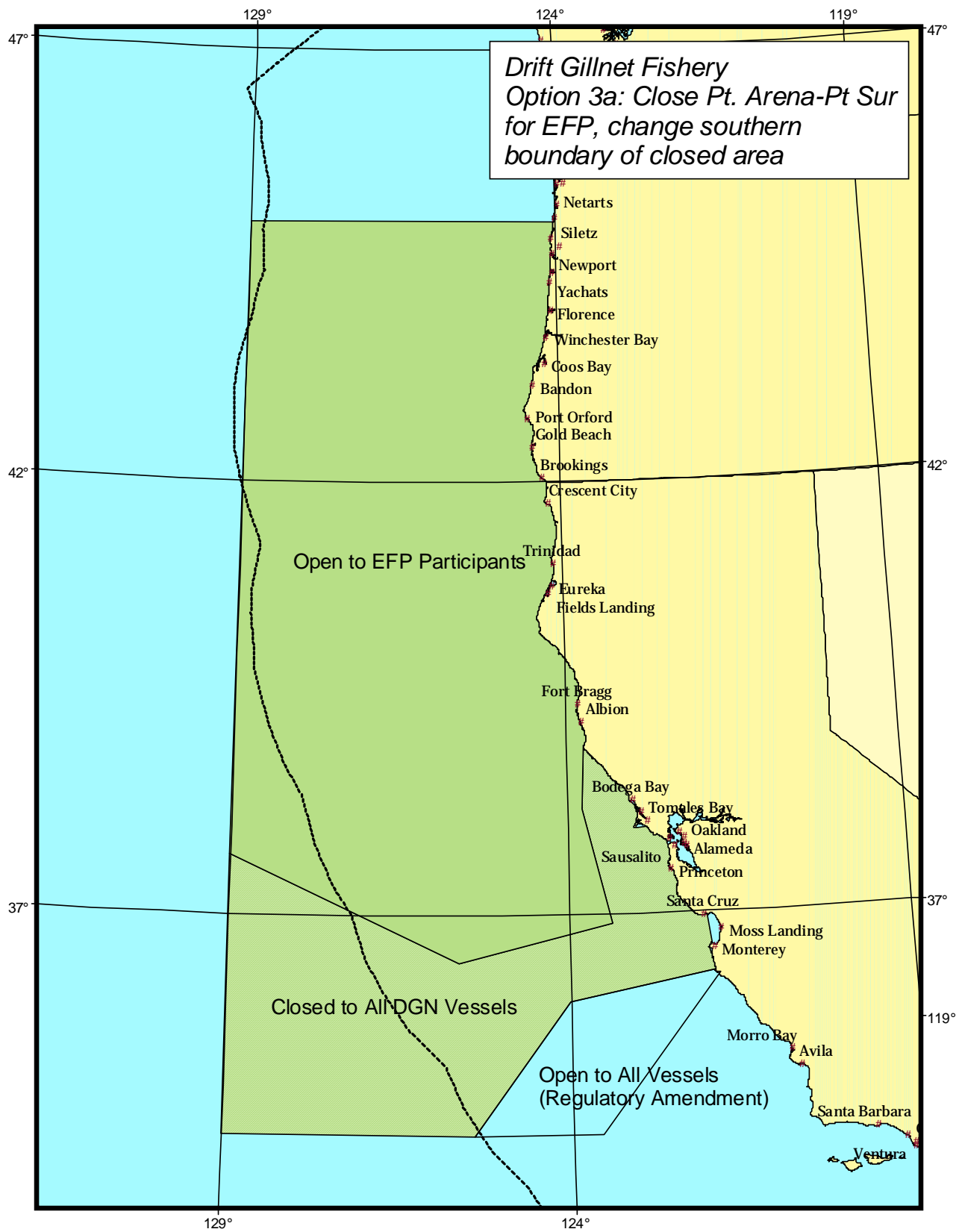
\*\* 95% confidence interval (4.5 to 10.8 leatherbacks per 1,000 sets)



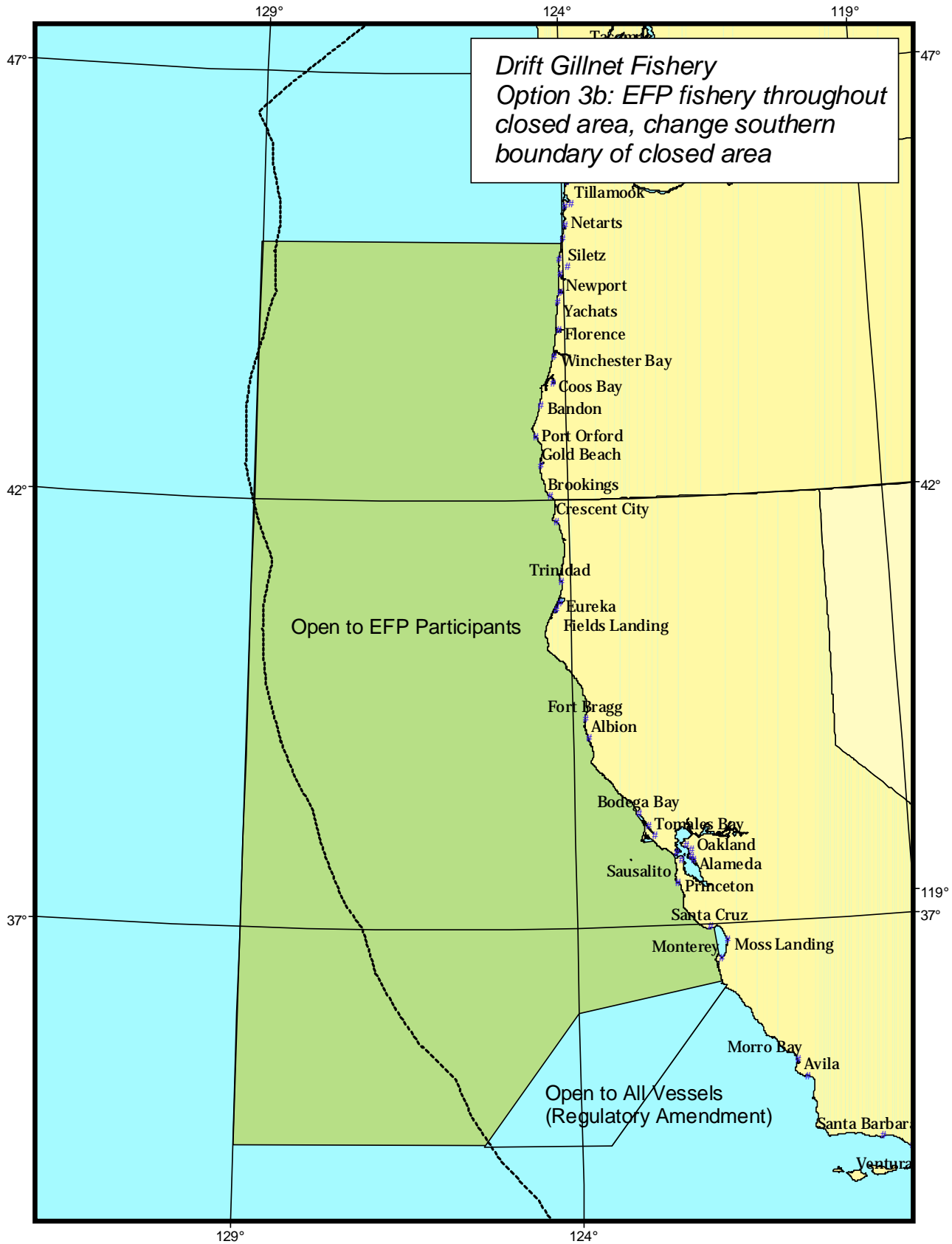


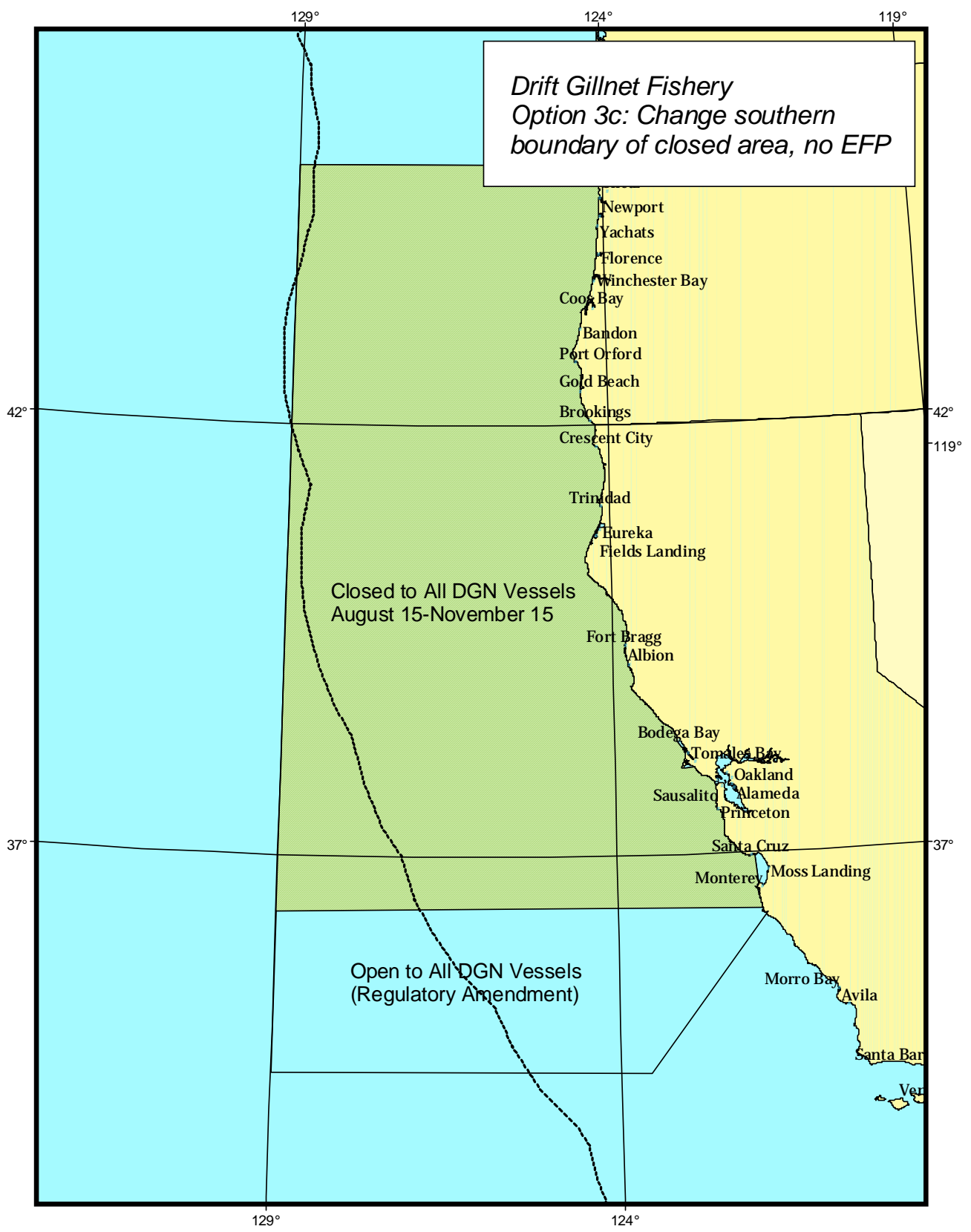














## Attachment 2

### Takes in DGN fishery north of Pt. Conception based upon new CPUE

Number of sets	Takes (Range**)			Mortalities* (Range)		
	Mean	Low	High	Mean	Low	High
300	2	1	3	<b>1</b>	1	2
600	5	3	6	<b>3</b>	2	4
750	6	3	8	<b>4</b>	2	5
1200	9	5	13	<b>6</b>	3	8
2000	15	9	22	<b>9</b>	5	13
<b>500</b>	4	2	5	2	1	3
<b>750</b>	6	3	8	4	2	5
<b>1500</b>	12	7	16	7	4	10

\* assuming a 61% mortality rate (from observer records)

\*\* 95% Confidence Interval

Estimated CPUEs of leatherbacks

Low = 4.5 takes per 1,000 sets

High = 10.8 takes per 1,000 sets

Mean = 7.7 takes per 1,000 sets

## Attachment 3

# DRIFT GILLNET FISHERY

## The Proposed Action

*The proposed action* is to implement revised management measures for the California drift gillnet fishery. These management measures will be implemented by authorization of an exempted fishing permit (EFP) allowing participating vessels to fish in this closed area, subject to conditions established by NMFS; modifying regulations at 50 CFR 660.713(c)(1) establishing a protected resource area closure annually from August 15 to November 15 in waters in and around Monterey Bay, California, northward to the mid-Oregon coast; or a combination of both types of action.

*The overall purpose of the proposed action* is to restore fishing opportunity in the California drift gillnet fishery without jeopardizing the continued existence of species listed under the Endangered Species Act. The primary species of concern motivating the establishment of the closed area described at 50 CFR 660.713(c)(1) is the leatherback sea turtle (*Dermochelys coriacea*). Other species listed under the ESA and/or the Marine Mammal Protection Act (MMPA) have been taken in the drift gillnet fishery and must be considered in any authorization of fishing.

According to regulations, the purpose of an EFP is, “for limited testing, public display, data collection, exploratory, health and safety, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited” (50 CFR 600.745(b)). This EFP would authorize the harvest of management unit species in an area where fishing for those species by means of drift gillnet gear is currently prohibited, for the purpose of limited testing of measures and procedures intended to limit the incidental take of species listed under the ESA to a level that would not jeopardize their continued existence and determining if the resulting fishery is economically viable. Once sufficient information is gathered by means of the EFP to determine how the fishery may be prosecuted in the closed area described at 50 CFR 660.713(c)(1), regulatory action would effect a permanent change applicable to fishery participants as a whole, based on the measures applied as part of the EFP.

A regulatory action would immediately implement a permanent change in the configuration and/or timing of the closed area referenced above (subject to conditions imposed pursuant to any consultations as specified in section 7 of the ESA future or any future re-initiation of such consultations), allowing access to currently closed areas by all permitted drift gillnet vessels.

## Why the Proposed Action is Needed

Although managed under California statutory provisions, since 1996 management of the drift gillnet (DGN) fishery has been driven by federal requirements to protect marine mammals and endangered species. In 2004 the National Marine Fisheries Service (NMFS) approved the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS