

DRIFT GILLNET MANAGEMENT

Since 2001 an annual August 15–November 15 time/area closure has been applied to the drift gillnet (DGN) fishery currently managed under the Council’s fishery management plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS). This seasonal closure extends from the waters off of Monterey, California to the mid-Oregon coast and westward beyond the Exclusive Economic Zone (EEZ) to 129° West longitude. National Marine Fisheries Service (NMFS) established the closure because of the incidental take of species listed under the Endangered Species Act (ESA) and in particular the endangered leatherback sea turtle (*Dermochelys coriacea*). Representatives from the DGN fishery argue that this seasonal closure has made the fishery less economically viable, leading to a steady decline in participation. Furthermore, there is new information on the incidental take rate (or catch per unit of effort) of leatherback sea turtles in the DGN fishery and new information on leatherback distribution. In response to these concerns and at the request of the Council, the Highly Migratory Species Management Team (HMSMT), with input from the Highly Migratory Species Advisory Subpanel (HMSAS), developed a range of alternatives to the current regulatory regime for the DGN fishery. The Council reviewed these alternatives at the November 2005 meeting and approved them for public review. A draft environmental assessment (EA) has been prepared by NMFS and Council staff and other members of the HMSMT, evaluating the impacts of these alternatives. This draft EA is intended to support Council decision-making in choosing a preferred alternative from those presented in the document.

The alternatives have two main features. First, an exempted fishing permit (EFP) fishery is proposed in order to allow carefully controlled testing of the efficacy of various management measures and the economic viability of a DGN fishery within the current time/area closure. Use of an EFP would also allow gathering additional information about the effects of changes to the fishery (a smaller closed area for example), and interactions with protected species, particularly the leatherback sea turtle, before considering new regulations to permanently change current DGN management measures. The EFP fishery would be limited by means of either a cap on the incidental take and/or mortalities of leatherback sea turtles, a limit on effort (number of sets), or a combination of these two limits. In order to ensure accurate accounting, the EFP would be subject to 100% observer coverage with a mechanism for real-time reporting of any takes. If the cap on takes is reached, the EFP would immediately cease. Likewise, if a set limit were established the EFP would cease if that limit were reached before the incidental take cap or the end of the time/area closure (November 15) were reached. Some of the alternatives also include restrictions on the area where the EFP could operate within the time/area closure in order to prevent fishing where leatherback sea turtles are thought to be more abundant. Notably, the amount of available observer time, which is currently uncertain, may impose a constraint on the level of effort expended under the EFP.

A second feature of the alternatives is a permanent modification to the configuration of the closed area through a regulatory amendment. Different boundary changes are proposed, which would reduce the size of the time/area closure and allow all DGN permit holders to access areas opened by the change. Unlike the proposed EFP fishery, any non-EFP DGN fishery allowed into these areas would only be subject to the current 20% observer coverage rate.

Alternatives 1–3 would implement the EFP fishery alone without any regulatory changes to the closed area boundary. Alternatives 4 and 5 would combine an EFP fishery with a modification to the southern boundary of the time/area closure. Alternative 6 proposes a regulatory change to the time/area closure without an EFP fishery. Alternative 7 would result in the elimination of the time/area closure.

Alternatives that include an EFP fishery (Alternatives 1–5) each include nine suboptions representing the different levels for the take/mortality cap, set limits, or a combination of these two measures.

It is important to note that the Council will review and make their recommendations on EFPs, including the EFP proposal that is component of this DGN fishery action, under Agenda Item J.4. Thus, the choice of a preferred alternative under the current agenda is a decision in principal with respect to a recommendation under Agenda Item J.4. However, the Council could make more detailed recommendations on the EFP under the latter agenda item.

Once the Council chooses a preferred alternative NMFS Southwest Region Sustainable Fisheries Division will initiate formal consultation with the Protected Resources Division and a biological opinion (BO) will be completed for the action. The preferred alternative must be implemented in a manner consistent with the findings of the BO. The process is designed to have an EFP and/or any regulatory changes implemented on or before August 15, 2006.

Council Action:

Adopt Final Preferred Alternative to Modify the Drift Gillnet Time/Area Closure.

Reference Materials:

1. Agenda Item J.3.a, Attachment 1: Management of the Drift Gillnet Fishery by Exempted Fishing Permit and/or Regulatory Amendment: Draft Environmental Assessment, Regulatory Impact Review & Regulatory Flexibility Analysis.
2. Agenda Item J.3.d, Public Comment.

Agenda Order:

- a. Agenda Item Overview
 - b. Highly Migratory Species Management Team Report
 - c. Reports and Comments of Advisory Bodies
 - d. Public Comment
 - e. **Council Action:** Adopt Final Preferred Alternative to Modify the Drift Gillnet Time/Area Closure
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PFMC
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