

## HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON NATIONAL MARINE FISHERIES SERVICE REPORT

### **NMFS's Rejection of the Drift Gillnet (DGN) Exempted Fishing Permit (EFP)**

A majority of the Highly Migratory Species Advisory Subpanel (HMSAS) requests that the Council ask NMFS to reconsider their denial of the DGN EFP. Also, the HMSAS requests that the Council invite Dr. Bill Hogarth to the next HMSAS meeting to answer questions and clarify NMFS's position in regards to the EFP denial.

In the interim consideration should be made of any new modifications to either the EFP or the Pacific Leatherback Conservation Area to mitigate potential problems. The HMSAS also reiterates that the DGN EFP should refocus on economic feasibility.

A minority of the HMSAS (Bob Osborn, United Anglers of Southern California, and Meghan Jeans, Ocean Conservancy) supported NMFS's decision not to issue the DGN EFP recommended by the Council. Instead of further pursuing EFP issuance, the minority recommends that the Council and NMFS explore broader policy options for addressing protected species takes in the DGN fishery.

### **California Coastal Commission Hearing on the Shallow-set Longline EFP**

A majority of the HMSAS is very concerned by the action of the California Coastal Commission (CCC) in determining that the shallow-set longline EFP is not consistent with their goal of protecting coastal marine resources.

The HMSAS received input at their August 14, 2007, meeting and had considerable discussion on the process, managing authority, and validity of the information used by the CCC in making their decision.

The HMSAS brings the following concerns to your attention and requests responses to the issues raised:

1. Who or which government entity is responsible for management of fisheries off the coast of California?
2. Where does the jurisdiction of the CCC extend to in regards to the HMS FMP?
3. The HMSAS requests that NMFS provide the Council with a report on how the science presentation on the proposed shallow-set longline EFP was used by the CCC.
4. HMSAS members at the CCC hearing reported that the CCC and their staff were indifferent to input from both NMFS and industry representatives before and during the EFP consideration. The Highly Migratory Species Management Team (HMSMT) requests that NMFS provide a report on how CCC and their staff reacted to their input. The HMSMT also encourages industry representatives who were at the CCC hearing to report to the Council their views on how the hearing was conducted.

5. Going forward, what system of communication should be established between our government agencies so the public view us working together and not against each other.

A minority of the HMSAS (Bob Osborn, United Anglers of Southern California, and Meghan Jeans, Ocean Conservancy) felt that the CCC consistency hearing on the proposed shallow-set longline EFP was warranted and conducted in a balanced and open manner.

PFMC  
08/23/07