

**HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON
DRIFT GILLNET MANAGEMENT AND MONITORING PLAN
INCLUDING FINAL ACTION ON HARD CAPS**

The Highly Migratory Species Advisory Subpanel (HMSAS) would like the Council to recognize the statement by the Highly Migratory Species Management Team (HMSMT) on this proposed action. “While the DGN fishery currently complies with all applicable laws, including the MSA, ESA, and MMPA, the Council seeks to establish more stringent standards with respect to these laws.”

Goal 1: Reduce specified protected species takes.

We support the no action alternative 3.1.1 status quo for the following reasons:

1. The Drift Gillnet (DGN) fishery currently complies with all applicable laws, including the Magnuson-Stevens Act (MSA), Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA).
2. Best available science provided by HMSMT demonstrates that the DGN fishery is within the middle range of U.S. fisheries in terms of bycatch. Table 15 in the HMSMT Report (Agenda item H.4.b) shows that the DGN fishery produces 129.5 MT per one highly protected species impact, which is one of the cleaner fisheries in U.S. waters.

Table 15. Comparison of swordfish fisheries across performance metrics.

Fishery	Mt_{total} / take_{hp}	Mt_{total} / take_{total}	Profits / mt_{total}	Mt_{total} / vessel
CA DGN	129.5	4.6	2.3	13
CA DSLL	337	337	0.6	48.1
CA HPN	N/A	N/A	-31.5	2.3
HI SSLL	81.9	16.1	1.7	54.9
HI DSLL	147.1	29.7	2.8	67.7
ATL LL	5.4	4.3	2.6	44.6
ATL BG	N/A	N/A	2.9	1.9
CA SSLL [#]	7.2	2.9	2	47.9

[#]Fishery closed in 2004.

3. Unless all fisheries are held to the same standards, we find the hard caps for the DGN fishery unfair and discriminatory. Bycatch is associated with most other fisheries today.
4. With regard to the hard caps, there are number of problems.
 - a. Once introduced by the Council process, it may continue in perpetuity, as there are no mechanisms in place for science to determine a change of the appropriate numbers;

- b. No clear method to determine serious injury;
- c. Partial observer status would lead to inaccurate estimate of bycatch interaction.

5. The hard caps will have minimal impact in the reduction of bycatch interactions while potentially devastating the fishery (a significant decline in profit) based on projections detailed in Table 8 in the HMSMT report (Agenda Item H.4.b). For example, Table 8 shows data, a 25-year average mean number of leatherback turtle interactions with no caps is 0.24, and with caps (Preferred Alternative 4) is 0.20. Meanwhile, the average profit goes down from \$3,281.00 with no caps to \$543.00 with caps. This is a huge loss in profit for a fractional reduction in turtle interactions.

6. The Council is not the appropriate body for establishing hard caps for marine mammals and other ESA-protected species. The National Marine Fisheries Service (NMFS) Office of Protected Resources has the necessary information, such as stock assessments and interaction data for establishing caps and other regulations to ensure adequate protection for these species.

Goal 2: Reduce the finfish bycatch to the degree practicable.

We support the no action alternative for the following reasons, as outlined in Table 10 in the HMSMT report (H.4.b).

1. Over a 10-year period (2004-2014), 75 percent of the annual average bycatch have been released alive and is in compliance with National Standard 9.
2. There are potential markets for some of the discards.
3. As required by National Standard 9, with current DGN gear, bycatch and bycatch mortality have been substantially reduced. The exempted fishing permits (EFPs) may provide means to potentially further reduce bycatch.

Goal 3: Maintain an economically viable west coast swordfish fishery.

We support increasing the domestic supply of responsibly managed seafood. We believe this goal should be a high priority. The goal will allow local communities to increase the fresh, healthy, domestic seafood supply. The EFPs are the means to reach the objectives of Goal 3. Also, it affords an opportunity for young fishermen to enter and sustain the swordfish fishery. Without a viable economical fishery, consumers will be denied the opportunity to consume fresh U.S.-caught swordfish and foreign imports will continue to rise. The rise in foreign imports will lead to increasing the transfer effect, which is described as foreign fleets harvesting at higher bycatch levels.