

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON DEEP-SET BUOY GEAR AMENDMENT SCOPING

As noted in the Agenda Item F.3.a, NMFS Report, deep-set buoy gear (DSBG) can catch swordfish, opah, and other marketable highly migratory species with low bycatch. In his presentation to the Highly Migratory Species Advisory Subpanel (HMSAS) Dr. Chugey Sepulveda of the Pflieger Institute of Environmental Research (PIER) emphasized that DSBG is designed to augment harpoon gear for the high-end market. PIER is planning to experiment with linked buoy gear that could produce higher volumes, but it will be several years before this gear type emerges from the testing phase.

The information we heard shows that DSBG shows great promise as a supplemental commercial swordfish fishery and would add another option for fishermen to use alongside existing gear types. However, the HMSAS has several concerns about the implementation process.

First of all, the HMSAS notes many potential rules and regulations are involved in a new fishery. Therefore, the HMSAS hopes that the future scoping process is not rushed in order to hash out the pros and cons of the different measures that could be applied to the fishery.

Limited Entry Permit

Second, the HMSAS supports initially implementing a limited entry permit program for a new fishery. We don't see a problem with the resource, but are concerned about the potential of too many fishermen crowding the grounds. Also, if too many inexperienced fishermen enter the fishery, it could give the gear and the product a bad name. For these reasons, we support qualifications for a permit to include past experience in the commercial west coast swordfish fishery.

The HMSAS notes that at last count there are about 125 harpoon permits. Drift gillnet (DGN) permit holders automatically receive a harpoon permit; other California residents can buy a harpoon permit annually. Thus this is not a limited entry permit but could be a starting point for determining who would qualify for a DSBG limited entry permit.

The HMSAS suggests that implementation take a phased approach where a limited number of permits are issued initially. Then, based on experience with the authorized fishery, additional permits could be issued.

California Assembly Action

The HMSAS also notes that there is a bill in the California Assembly that may establish a state-authorized DSBG fishery. If this bill moves forward, it could cause conflicts between state and Federal regulations. The HMSAS is unsure of how any state legislative action would mesh with Council action and authorization of a Federal fishery. The HMSAS discussed whether scoping should be delayed until action on this bill is complete. However, it seems better for the Council to

move forward with this initial stage now while keeping an eye on any developments coming out of the Assembly. In light of this action, we suggest the Council move forward with federalizing the permits for DGN and the future DSBG, if authorized. Federalization would avoid future conflicts between state and Federal regulations. A useful resource document was prepared in 2014 by Mark Helvey and Marci Yaremko ([Agenda Item E.2.b, Supplemental NMFS-CDFW Report, June 2014](#)). The HMSAS thinks it would be well worth it for the Council to review this document when considering federalization of DGN permits and links with permitting of a DSBG fishery.

Observer Coverage

While the HMSAS understands why observer coverage is needed in the development stage of this new gear type, experience to date shows minimal bycatch and few environmental impacts. Therefore, we don't think observer coverage will be necessary in an authorized fishery. Furthermore, if fishermen had to pay for the observers, this low volume fishery would not be economically viable.

Area Restrictions

The HMSAS does not see a need to restrict where the DSBG should operate. To some degree this will be dictated by ocean conditions, and it is unlikely that there are particular areas where the gear would cause unwanted bycatch.

Logbooks

The HMSAS notes that all HMS Fishery Management Plan fisheries require a logbook. We support this requirement.

Future Workload Planning

Given the comments above about proceeding cautiously in developing the rules for the DSBG fishery, we recommend the Council carefully consider options for the HMS items on the June 2016 agenda. The "Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary" document shows that the June meeting is over-subscribed in terms of the number of candidate items. The HMSAS has not yet developed recommendations for prioritizing HMS items to be covered in June. If we do, we will submit a report on this matter under Future Council Workload Planning and Agenda Planning.

PFMC
03/10/16