

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT
ON DEEP-SET BUOY GEAR AND FEDERAL PERMIT UPDATE

At its March 2016 meeting, the Council passed a motion to guide the Highly Migratory Species Management Team (HMSMT) in scoping for authorization of deep-set buoy gear (DSBG). HMSMT discussion shortly after the motion was passed identified several areas where further clarification and/or direction from the Council would support development of a more thorough and directed product and allow time to determine the legislative outcome of the proposed California state senate bill, SB1114. The proposed bill would have potentially affected the way in which the Council might have considered authorizing and permitting a DSBG fishery off of California. On May 27th, SB1114 was not taken up by the appropriations committee and is, for the time being, dead in the water.

In the March 2016 motion, the Council provided the HMSMT with preliminary guidance to “Move forward with developing a range of alternatives to authorize a deep-set buoy gear (DSBG) fishery concurrent with continuing to collect information through exempted fishing permits (EFPs)...”

In seeking guidance on the potential range of management alternatives, the HMSMT worked from the Council’s March 2016 motion to outline topics that would benefit from further clarification or guidance from the Council.

Outlined below are subsections of the original motion (in italics) where the HMSMT has questions or comments:

- a. *In general, use the provisions included in the DSBG EFPs (i.e., two DSBG EFPs) and descriptions in the letter of acknowledgment (LOA) for the PIER research to guide development of alternatives and potential regulatory language.*

The HMSMT seeks Council confirmation of its interpretation of this section of the motion to mean that provisions in the EFPs may be used as a guide for the development of alternatives unless the HMSMT considers departure from those provisions to be beneficial.

- c. *Definition of Gear – Develop at least two alternatives: 1) DSBG as “traditionally” defined and referenced in two DSBG EFPs, and 2) both “traditional” DSBG and modified DSBG as described in PIER research proposal for LOA.*

The HMSMT seeks Council confirmation of its interpretation of alternative 2 of this guidance to mean that the Council requests A) a single definition of DSBG that encompasses both “traditional” DSBG and modified DSBG (e.g., linked DSBG), or B) two gear definitions, one for “traditional” and one for modified DSBG.

- d. *“Actively Tended” Gear – Discuss and present alternatives for: 1) requiring gear be actively tended, 2) providing incentives to actively tend gear, and 3) limiting gear (e.g., 10 buoys) to promote active tending.*

The HMSMT additionally has considered part 2 of the guidance to provide incentives to actively tend gear but has been unable so far to identify any additional incentives. Gear costs and configuration and associated fishing practices already incentivize this behavior, as the cost of an individual piece of DSBG averages around \$600, and a high quality product is dependent on the speed of servicing the gear. Does the Council have any additional guidance or ideas on potential incentives for actively tending the gear?

- e. *Geographic Area* —Intent is to initially limit the gear to Federal waters off California.

The meaning of “initially” is unclear to the HMSMT. Is the Council requesting 1) only alternatives that would allow DSBG fishing in Federal waters off California, or 2) alternatives that limit the gear to federal waters off California and then at some later time, authorization of the gear in federal waters off Oregon or Washington?

Additionally, does the Council wish to consider alternatives for subareas within federal waters off California? For example, does the Council wish to consider an alternative that might be open-access in some areas or time periods, and limited entry in other areas or time periods?

Permitting

In its March 2016 [Agenda Planning](#) report, the HMSMT indicated its intention to focus on permitting issues and identify specific questions to bring in June for Council guidance. To provide the Council with a range of alternatives for permitting in September, the HMSMT seeks answers to the following questions which would help align future HMSMT input with Council intent:

- 1) Without further direction, the HMSMT proposes to develop a range of alternatives (ROA) for:
 - a) DSBG permitting only
 - b) Federal drift gillnet (DGN) permitting only
 - c) DSBG and federal DGN permitting as one action
 - DSBG permits linked to existing DGN permits
 - DSBG and federal DGN permits be separate under this action
- 2) While also considering the following DSBG permitting schemes in the ROA for September:
 - a) Open access (current HMS permit only)
 - b) Limited entry (either new state or federal permit)
 - c) A phased approach (limited number of initial permits with adaptive expansion)
 - d) A combination of two or all of the approaches

The HMSMT seeks additional guidance on the following items:

- 1) The Council could authorize an overarching buoy-gear type in the HMS FMP which would allow for flexible development and management of related new gear types, as opposed to a narrowly-defined DSBG which might preclude adaptive innovation of more effective new buoy-gear technology.
- 2) The Council could consider provisionally managing the developing fishery through EFPs, including those submitted by individuals, along with a sponsorship model approach as outlined in the staff report ([Agenda Item D.5 Attachment 1](#)), which would support increased participation and provide a platform in which different components could be evaluated, such as gear configurations based on geographical area (e.g. hook depth based on oceanographic characteristics), observer coverage levels, active tending approaches, etc. Data collected from a diverse set of EFPs would ensure data collection that would inform the most efficient and appropriate method of permitting and management of the developing fishery. EFPs would allow participation by those in other fisheries, while providing information on the efficacy of prosecuting buoy-gear fishing along with other gear types (harpoon, sablefish, crab, etc.).

- 3) The HMSMT could include an alternative for a “pyramid approach” to developing the fishery. Participants in current EFPs would oversee instruction of new applicants in the use of the gear, removing the EFP training responsibility from a private research institution, such as PIER, and placing it with participants of the developing fishery. Those providing training could be compensated by the new applicants or NGO funding. This would allow for the fishery to expand in a controlled yet flexible environment, ensure training for all participants, and could avoid controversial and arbitrary (e.g. swordfish landings history) qualifying criteria for permit issuance once the Council authorizes the fishery.
- 4) The Council should identify the aspects of DSBG for which it needs more information to help inform the authorization process. For example, performance of the gear outside the Southern California Bight is unknown and the Council may wish to understand how the gear would perform in other times and areas, or in waters off other states besides California. Furthermore, there is substantial uncertainty about the volumes of marketable catch DSBG is capable of providing, or the relationship between volume of DSBG catch and price. The HMSMT also requests guidance from the Council regarding whether or not they wish to consider additional proposals that are similar in approach to existing EFPs (to increase sample size), as well as proposals to investigate previously untested DSBG fishing methods.

PFMC
06/24/16