

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON
FEDERAL DRIFT GILLNET AMENDMENT

The Highly Migratory Species Advisory Subpanel (HMSAS) notes that the industry has had to spend considerable time and resources lobbying the California State Legislature on two occasions to deal with poorly conceived bills end the large mesh drift gillnet fishery. Management of the fishery should occur in the Council forum and it is now clear that converting the current California State permit to a Federal permit is the best way for the Council to effectively address issues relating to participation in the fishery.

The Highly Migratory Species Management Team (HMSMT) Report describes a proposed action and alternatives to rapidly implement a Federal permit program for the drift gillnet (DGN) fishery. Based on Council guidance the HMSMT is recommending two alternatives for Council consideration, No Action (keep the current California permit) and an action alternative under which “only fishers authorized to fish with large mesh drift gillnet gear under state law would be entitled to a NMFS commercial HMS permit endorsed for drift gillnet.” The HMSAS endorses this range of alternatives for rapid implementation of the federal permit and recommends the Council move forward with authorizing a commercial HMS permit endorsed for DGN.

The HMSAS opposes addressing latent permits at this time because:

1. Incidental takes of protected species is not currently an issue and was addressed by the Council action implementing Hard Caps on the fishery, which we have been told will be published in the Federal Register in the very near future;
2. The swordfish stock targeted by this fishery is not overfished and overfishing is not occurring – see ISC Plenary Report 2016;
3. The swordfish stock targeted by this fishery is underutilized and will continue to provide a stable supply of domestically harvested swordfish to US seafood consumers;
4. Federalizing the fishery will not result in changes to how the fishery is regulated; therefore, nothing suggests that activity within the fishery will increase; and
5. We believe there will be a serious logistical problem if permits are required to be revoked at the State level, with an increased likelihood of litigation over the revocation.

As such, we believe considering other alternatives, such as how to address latent permits, would only add unnecessary time and confusion. If the Council wants to take up other DGN management issues, for example – latent permits - it can do so once the federal permit has been implemented.