

**HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON FISHERY MANAGEMENT PLAN AMENDMENT 5: FINAL ACTION AUTHORIZING FEDERAL DRIFT GILLNET PERMIT**

The Highly Migratory Species Advisory Subpanel (HMSAS) strongly believes that because the West Coast Drift Gillnet (DGN) Fishery is managed by the Council the permit process should be moved from the State of California to the Federal government for the following reasons.

In 2004 when the Highly Migratory Species (HMS) Fishery Management Plan (FMP) was formulated, the Council discussed the management of the DGN fishery. It was decided to manage the fishery at the Federal level but postponed the permitting process until a later date.

This fishery is managed through the Marine Mammal Protection Act, Endangered Species Act, and the Take Reduction Team.

Most HMS fishery management decisions have been implemented at the Federal level such as:

- Mandatory use of pingers
- Net extenders
- Leatherback and loggerhead closures
- Creation of the productive Take Reduction Team

Recent proposed state legislation in 2014 (AB 2019) and 2016 (SB 1114) concerning the elimination of the DGN fishery brought the need to federalize permitting back to the forefront.

In March 2014, the Council began discussing the process to create a Federal limited entry permit for the DGN fleet. This would help give NMFS and the Council more control over the fishery.

The following information is from the Supplemental NMFS / CDFW Report (June 2014, Agenda Item E.2.b re: “Large-Mesh DGN Limited Entry California Swordfish Fishery: Issues and Solutions for Consideration”). The report noted that at its March 2014 meeting, the Council requested that NMFS provide a report to the Council at the June 2014 meeting “on issues and possible solutions to more comprehensively placing a transitioning swordfish fishery under Magnuson-Stevens Act authority, including Federal permit options that would replace the current California State permit regime.” The request results from the limited entry program for large-mesh DGN permits which continued to be issued under state of California authority even after the HMS FMP was completed in 2004.

The following additional information is from the Highly Migratory Species Management Team Report (September 2016, Agenda Item J.5.a re: “Federalization of Permits for the DGN Fishery”) which stated that ‘Further action to create a Federal DGN Limited Entry permit was put on hold while the Council worked on other priority HMS actions including DGN hard caps and DSBG development. However, with the introduction of proposed state bills AB2019 and SB1114, both of which aimed to end the DGN fishery off of California, industry representatives again voiced their concern over leaving permitting authority with the state, and brought

federalization of the DGN permits back to Council attention. At its June 2016 meeting, the Council adopted a motion to take up federalizing DGN permits as currently structured in the state permitting system.”

In September of 2016, the Council approved a range of alternatives including: 1) no action, 2) issue a permit that mimics the state permit.

The HMSAS strongly believes that the permitting of the DGN Fishery should be placed under Federal control where the most scientific resources are available to make science-based decisions for this fishery. HMSAS would appreciate final action on this agenda item at this March 2017 meeting.

PFMC  
03/12/17