

NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT  
ON HIGHLY MIGRATORY SPECIES (HMS) ACTIVITIES

**Proposed Rule for Implementing a Federal Limited Entry (LE) Drift Gillnet (DGN) Permit**

NMFS anticipates publishing a proposed rule in July 2017 for the Council's March 2017 recommendation to create a LE DGN permit program under Magnuson-Stevens Fishery Conservation and Management Act (MSA) authority. The federal LE permit would replace the current State of California LE DGN permit, placing all aspects of the DGN fishery under MSA authority to streamline management and future decision-making.

As drafted, the proposed rule entitles all fishermen authorized to fish with large-mesh DGN gear under state law to receive a federal LE DGN permit. NMFS conducted scoping and an analysis pursuant to the National Environmental Policy Act to determine whether the proposed action is anticipated to have significant effects on the environment and determined that the action is categorically excluded. The proposed rule is administrative in nature and adopts many of the State of California permit requirements as they relate to the DGN fishery. As in the current California DGN program, no additional permits will be issued, and permits that are not renewed will cease to exist. The proposed action is not expected to increase capacity, incentivize or stimulate fishing effort or activity of current latent permits, or change current fishery practices within the DGN fishery.

**100 Percent Monitoring in the DGN Fishery**

In September 2015, the Council adopted a final preferred alternative for monitoring the DGN fishery. The Council recommended that NMFS maintain 30 percent target observer coverage level at a minimum and/or require electronic monitoring (EM) (for the purpose of catch and bycatch accounting), remove the unobservable vessel exemption, and achieve 100 percent monitoring by 2018.

NMFS currently targets 30 percent observer coverage in the DGN fishery using government funding. NMFS does not have appropriated funds for monitoring of the DGN fishery, so increasing monitoring to 100 percent by 2018 would likely need to be industry-funded. NMFS' preliminary draft environmental assessment of the Council's monitoring alternatives ([September 2015 Agenda Item G.2.a, NMFS Report 1](#)) noted that observers are anticipated to cost at least \$500 per day, based on U.S. West Coast groundfish catch share observer cost estimates, and that this cost was likely to be significant for DGN fishermen. Rather than proposing regulations which would require 100 percent industry-funded DGN observer coverage at this time, NMFS is pursuing a combination of observer coverage and EM to address the Council's recommendation. While the estimated cost of industry-funded EM is not known at this time, further testing of EM in the DGN fishery could provide information to better assess costs of implementing the Council-recommended requirement for 100 percent DGN monitoring.

Since EM has not been fully tested in the DGN fishery, NMFS will be hosting a joint NMFS-West Coast Region and NMFS-Pacific Islands Region electronic monitoring workshop for highly migratory species fisheries in late-summer 2017. The purpose of the workshop is to bring EM and HMS practitioners together to identify necessary EM elements with the intent of sharing lessons

learned, identifying outstanding issues, and developing action items and recommendations for a path to implementation. NMFS will report the outcome of the workshop and next steps at the September Council meeting.

### **DGN Skipper Workshop**

As required under regulations implementing the Pacific Offshore Cetacean Take Reduction Plan (Plan) (50 CFR 229.31(d)), all large-mesh DGN vessel operators (i.e., skippers) must attend a skipper workshop following notification from NMFS. The purpose of the workshop is to review the regulatory requirements of the Plan, review the effectiveness of the Plan in reducing marine mammal mortality and serious injury to levels approaching a zero mortality rate goal, review reporting requirements, and review other information (e.g., List of Fisheries, Marine Mammal Protection Act Section 101(a)(5)(E) permit, and Endangered Species Act authorizations).

NMFS held a DGN skipper workshop at the Southwest Fisheries Science Center (SWFSC) in La Jolla on April 28, 2017. Eight skippers attended, with two new skippers attending their first workshop. Following the presentations on the Plan, WCR Observer Program staff discussed requirements for observer safety, pre-trip notification, and carrying observers when assigned. Staff from the Environmental Research Division of the SWFSC gave a presentation on “Eco-cast,” a dynamic ocean modeling tool that could inform skippers of where they might fish to avoid sea turtle or marine mammal “hotspots.” Staff from the SWFSC also presented information on how the data collected by observers on DGN vessels has informed assessments of shark populations, diet, etc. Dave Rudie, Tommy Gomes, and Rebecca Gardon of Catalina Offshore Products and Chef Robert Ruiz of the Land & Water Company led a demonstration and discussion with the fishermen on how they can utilize fish which might otherwise be discarded. Skippers unable to attend will be given copies of the presentations, and NMFS will set up a conference call to review the information with them.

### **Upcoming Pacific Offshore Cetacean Take Reduction Team (POCTRT) Meeting**

The POCTRT will meet via webinar on June 15, 2017. The objectives of the meeting are to provide updates on recent POCTRT-related activities, review Take Reduction Plan goals and effectiveness of measures to meet those goals, as well as to present recent relevant research related to the drift gillnet fishery, swordfish management, and bycatch reduction. For more information, contact Tina Fahy at [christina.fahy@noaa.gov](mailto:christina.fahy@noaa.gov).