

ENFORCEMENT CONSULTANTS REPORT ON PROPOSED DEEP-SET BUOY GEAR
EXEMPTED FISHING PERMITS

The Enforcement Consultants (EC) reviewed and discussed Agenda Item I.3, including the Proposed Deep-Set Buoy Gear (DSBG) Exempted Fishing Permits (EFP) Situation Summary Report and the Highly Migratory Species Management Team (HMSMT) report on DSBG Authorization Range of Alternatives. The EC met with EFP holders, HMSMT, Highly Migratory Species Advisory Subpanel, nongovernmental organization representatives, and the public to solicit feedback and clarify questions from the report. The EC has the following comments:

1. *Applicant Experience*

Upon review of the individual EFP applications, the EC notes a wide range of fishing experience that ranges from many years to no commercial fishing experience. Also, many of the applicants have little to no experience in any HMS fishery. Due to the complexity of fishing with this gear, the EC has concerns that lack of knowledge may lead to gear misconfiguration, gear conflicts, safety issues, lost gear, landing of avoidable by-catch, etc.

2. *Concerns About the Number of EFPs Issued*

As the scope of the EFP expands to include more vessels, the majority of these vessels intend to fish in the Southern California bight, as well as being further constrained by depth restrictions for this gear. The aggregating behavior of swordfish exacerbates the potential crowding problem, as vessels will likely converge on schools of fish within the Southern California bight. The EC has concerns that there is potential for excessive vessels prosecuting this fishery in a constrained geographic area. This situation could further contribute to the gear conflicts, safety and navigation concerns, and enforceability issues noted above. In addition, with a large number of vessels with potentially differing EFP requirements, the ability to enforce the terms of the EFPs becomes more complicated. Therefore, the EC suggests the Council might consider recommending the HMS EFP participants embark upon an agreement, such as the California Collective used by trawlers from Half Moon Bay to Fort Bragg, CA. The EC's experience has been that working with these cooperatives has dramatically aided common understanding of related terms and conditions, resulting in substantially improved compliance.