

NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT ON THE SWORDFISH
MANAGEMENT AND MONITORING PLAN (SMMP)

Following review of [Agenda Item H.6, Attachment 1: Pacific Fishery Management Council \(Council\) Draft Swordfish Management and Monitoring Plan \(SMMP\)](#), NMFS offers some comments for the Council and its advisory bodies to take into account when reviewing and adopting a draft SMMP for public review. These comments specifically pertain to *Section 3: Actions to be Taken Under This Plan* and *Section 4: Road Map for Implementing Actions Under this Plan*. Below, NMFS addresses Actions listed in the SMMP and updates to the Road Map in Section 4. Appendix A includes an annotated list of the Actions identified in Section 3, as well as the Measures listed therein, and relates them to the agenda items listed in Section 4. NMFS notes that some Measures have cross-cutting goals that may be addressed in tandem.

Action A. Reduce Bycatch in the Drift Gillnet (DGN) fishery

NMFS offers a few comments and updates regarding the bycatch estimation methodology for the DGN fishery, as well as continued Council evaluation and recommendations related to the performance of the DGN fishery. As stated in previous NMFS reports (e.g., [Supplemental NMFS Report 1 G.7.a, June 2018](#)), NMFS maintains that the regression tree method produces the best scientific information available (BSIA) for estimating rare-event bycatch. Regardless of the outcomes of the Science and Statistical Committee (SSC)'s review of the regression-tree method, NMFS plans to continue using this method for estimating DGN bycatch for the purposes of completing marine mammal stock assessment reports. NMFS has determined that the regression-tree methodology accurately estimates rare-event bycatch by incorporating data from multiple fishing seasons, instead of relying on the smaller number of sets used in single-season ratio estimates. The forthcoming bycatch estimates based on the regression tree method will incorporate data from over 9,000 observed sets over 28 seasons. Further, the ongoing work of the Eastern Pacific Professional Specialty Group (EP PSG) to integrate fishery data from multiple sources should also improve these estimates (e.g., by providing a better understanding of the timing and location of unobserved fishing effort). If, during annual reporting of DGN performance, the Council identifies a need for performance management measures, NMFS expects that the Council would add consideration of such recommendations to a future meeting agenda, as opposed to recommending new management measures at a single Council meeting.

On June 20, 2018, the Council notified the NMFS West Coast Region (WCR) Regional Administrator of its preferred alternative for increasing monitoring in the DGN fishery and its interest in receiving updates on proposed and ongoing initiatives to enhance DGN fishery monitoring. As reported in June, the WCR Observer Program has submitted a Fisheries Information System Program proposal to place flywire electronic monitoring systems on DGN vessels for the 2019 season. The results of the proposal should be announced over next few months. Additionally, NMFS plans to re-assess all unobservable DGN vessels this year to evaluate potential observability. If a vessel can make changes to accommodate an observer, NMFS will request that those changes be made. However, bunk space and vessel safety issues are likely to continue to result in classifying some vessels as unobservable. Additionally, the EP PSG has made progress this year on integrating observer data, logbooks, landings, and vessel monitoring system

(VMS) data from the DGN fishery. This integrated data is being used to assess potential observer bias (i.e., differences in fishing practices between observed and unobserved sets). The results of this work will be incorporated into the new Biological Opinion for the DGN fishery. If gaps in coverage which are likely to increase bycatch risk are identified, observer placement and deployment may be modified. NMFS will continue to keep the Council informed on these developments via NMFS Reports. Therefore, NMFS does not see a need to add Council discussion of Measures related to DGN monitoring to the Road Map in the SMMP, or to the Council’s Year-At-A Glance Summary (YAG), at this time.

Lastly, NMFS seeks clarity on the Council’s interest in considering hard caps for loggerhead and leatherback sea turtles. It is unclear whether this Measure should be viewed independent of, or in relation to, either the performance monitoring Measure or the Action to allow DGN vessels to access the Pacific Leatherback Conservation Area (PLCA). Additionally, the Council could clarify whether it is considering a revision to the withdrawn hard caps proposed rule (i.e., an effort to make the proposed regulations consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Fishery Management Plan (FMP), and other applicable laws). A better understanding of the Council’s interest in this measure would be useful in considering whether the hard cap Measure should appear on the Road Map.

Action B. Develop Deep-set Buoy Gear (DSBG)

NMFS has issued approximately 20 deep-set buoy gear (DSBG), and 10 deep-set linked buoy gear (DSLBG) exempted fishing permits (EFPs). Issuance and activation of some EFPs are pending as applicants either have not yet signed the permits, or have not attended the required protected species workshop. All vessels that requested Observer Program inspections have been inspected. Additional protected species workshops are tentatively scheduled for August 31 and September 7, 2018. See Table 1 below for additional information on EFP activity to-date.

Table 1. Information on DSBG and LBG EFPs in 2018 As of August 27, 2018

Metric	DSBG	LBG
Vessels fished so far in 2018	12	0
Number of Trips Observed	38	0
Number of Fishing Days Observed	154	0
Protected Species Interactions	1 Northern Elephant Seal - Released Alive 1 Loggerhead Sea Turtle* - Released Alive (Entangled in Surface Gear)	N/A

*The loggerhead sea turtle interaction consisted of a turtle entangled in surface buoy array lines. NMFS is currently reviewing the information from the interaction and discussing the likelihood of additional interactions.

NMFS is concerned about the adequacy of Council discussions to-date regarding the range of alternatives (ROA) for authorizing deep-set buoy gear. At this time, the Council has yet to adopt alternatives for qualifying criteria for the limited entry (LE) options being considered, which is critical for completing a thorough NEPA analysis and documenting necessary considerations under MSA Section 303(b)(6) of the MSA. Consistent with previous requests (e.g. [Agenda Item C.5.a., Supplemental NMFS Report](#)), NMFS encourages the Council to schedule its adoption of a preliminary or final preferred alternative (PPA or FPA) two meetings following adoption of the Council's final ROA, to leave adequate time for an analysis of the alternatives. Additionally, NMFS encourages the Council to specify the need for a LE approach to DSBG authorization and to identify qualification criteria for the LE options in the ROA adopted during the June 2018 meeting, prior to Council selection of an FPA (especially selection of a LE option). It may be possible to complete these steps prior to March 2019, when the FPA is scheduled. The HMSMT identified and the HMSAS commented on potential qualifying criteria in previous reports to the Council (see [Agenda Item H.3.a, HMSMT Report](#), [Agenda Item J.6.a, HMSMT Report 1](#), and [J.6.a, Supplemental HMSAS Report 1](#)). However, delaying Council selection of an FPA until more data is obtained from the recently issued DSBG and DSLBG EFPs may also help to further inform an evaluation of the ROA and Council discussion of qualifying criteria for LE options.

Action C. Limit Fishing Effort in the DGN Fishery

Now that the federal LE DGN permit program has been created, the Council can consider additional measures for limiting effort in the fishery. However, Council discussion of this has yet to be added to the Council's YAG or Road Map in Section 4 of the SMMP. Given the cross-cutting nature of some of the Measures identified under this Action (e.g., incentivizing use of non-DGN gear or compensating DGN permit holders for retiring permits), it would be useful to scope potential changes to the federal LE permit program (i.e., currently for DGN) prior to a Council recommendation to establish a LE program for another gear type. This could help streamline Council recommendations on multiple Measures, as well as NMFS's implementation workload.

D. Allow DGN Vessels to Access the PLCA

NMFS intends to keep the Council updated on the status of the Alliance of Communities for Sustainable Fisheries' (ACSF) application to fish with modified DGN gear in the PLCA. However, NMFS cannot recommend a timeframe for Council consideration of allowing DGN vessels access to the PLCA. As stated in [Agenda Item G.7.a, Supplemental NMFS Report 1](#), NMFS will communicate further with the ACSF regarding concerns with their EFP application, as raised by NMFS Protected Resources Division. It is unclear at this time whether this EFP can be issued.

E. Develop Longline Fisheries

Both the Road Map in Section 4 of the SMMP and the Council's YAG call for revisiting authorization of shallow-set longline (SSLL) on the high seas. As conveyed during the June meeting, NMFS is prepared to support the Council in evaluating alternatives for this Measure. NMFS can also assist in coordination with the Pacific Islands region or Western Pacific Regional Fishery Management Council or both. NMFS has repeatedly requested that scoping for this Measure appear on the Council's November meeting agenda, so that interested stakeholders (many of whom are based in southern California) can travel to the meeting in San Diego.

Despite our interest in starting these Council discussions in November, NMFS regards the current schedule for Council discussion of this Measure as aggressive. Rather, NMFS would like to see more meeting time given to developing a ROA for analysis. Experience indicates that one Council meeting has been insufficient time for developing a final ROA, especially when the ROA includes LE options. Similar to requests for scheduling the Measure to authorize DSBG, NMFS would like to see the final ROA and PPA for this Measure scheduled two meetings apart, to provide adequate time for analysis of the alternatives.

With respect to authorizing longline gear in the U.S. West Coast exclusive economic zone (EEZ), NMFS expects that results from the longline EFPs currently in consideration would help inform Council discussion. It may be useful to include testing of longline EFPs as a specific Measure in the SMMP (as is the case for DSBG).

Appendix A. Road Map as proposed in Agenda Item H.6., Attachment 1: Council's Draft Swordfish Management and Monitoring Plan (SMMP)					
Short Description of Actions and Measures in Section 3 of SMMP	Sept. 2018	Nov. 2018	Mar. 2019	Jun. 2019	Sept. 2019
A. Reduce bycatch in DGN fishery					
1. Consider hard caps for loggerheads & leatherbacks					
2. Continue to monitor bycatch against performance standards. Review estimation methods. Council may recommend measures based on trends.		Review perf. metrics based on new methodology		Review perf. metrics (annual report)	
3. Target 30% coverage for all vessels; increase monitoring with goal of monitoring all vessels through observers or EM					
4. In absence of 100 % monitoring, use best available statistical methods to estimate rare-event bycatch	Consider changes to perf. metrics methodology				
5. Explore DOM, such as EcoCast, as part of individual accountability strategy					
B. Develop DSBG					
1. Evaluate results of EFPs, including DSLBG				Ongoing EFP update & Initial EFP review/recommendation	EFP proposal final recommendation
2. Complete FMP amendment and regulatory process to authorize DSBG			FPA to authorize DSBG fishery		
3. As part of authorization, consider a LE for DSBG, including qualifying criteria					
C. Limit fishing effort in DGN fishery					
1. Explore ways to leverage Fed LE permits to reduce bycatch, noting natural attrition may occur					
2. Determine # of LE permits based on goals within SMMP. Explore retiring excess permits, including compensating permit holders					
3. Explore use of LE permits to encourage DGN participants to use other gear types, such as gear endorsements or swapping DGN for an another gear type					
D. Allow DGN vessels access to the PLCA					
1. Based on EFP performance within PLCA, consider allowing access to the PLCA with accountability for bycatch using limits (e.g., hard caps for leatherbacks)					
2. Explore use of DOM tools as part of individual accountability regime to allow DGN vessels to fish within the boundaries of the PLCA					
E. Develop longline fisheries					
1. Revisit proposed action to authorize SSLL fishery on the high seas		Scoping to authorize SSLL on high seas	ROA to authorize SSLL on high seas	PPA to authorize SSLL on high seas	FPA to authorize SSLL on high seas
2. Revisit current FMP prohibition on use of longline gear in West Coast EEZ					

