

## HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON LEGISLATIVE MATTERS

The Highly Migratory Species Advisory Subpanel (HMSAS) wishes to offer the following advice to the Council in response to the letter submitted by the Honorable Rob Bishop, Republican Leader, House Committee on Natural Resources. In his letter, Congressman Bishop asks for the Council's "general analysis and feedback" on two Bills. We limit our comments to his requests on H.R. 1979 – *The Driftnet Modernization and Bycatch Reduction Act*. Additionally, he asks the Council for an analysis of the current state of "alternative fishing practices that minimize the incidental catch of living marine resources." For your convenience, we address each request separately.

### **General analysis and feedback on H.R. 1979**

The HMSAS believes the Bill, in its current form, should not move forward because there are no alternative fishing practices currently allowed or under consideration, which match large-mesh driftnet<sup>1</sup> (DGN) production. We would be more inclined to be supportive of proposed legislation if it included a sunset date for use of DGN gear, after authorization of an alternative fishing gear or a combination of alternative fishing gears by National Marine Fisheries Service as an economically viable replacement for DGN harvest of highly migratory species (HMS) in the U.S. West Coast Exclusive Economic Zone (EEZ).

We also have to be mindful of impacts to domestic production which will likely result from the elimination of DGN as an allowed gear type. As is shown below, it is very foreseeable that domestic production will fall. This, in turn, would likely result in an increase of swordfish imports.

### **Current state of "alternative fishing practices that minimize the incidental catch of living marine resources."**

H.R. 1979 would result in the phase-out of the DGN gear type for harvesting HMS off the West Coast in favor of alternative fishing practices. On its face, H.R. 1979 assumes an economically viable replacement for DGN exists to HMS off the West Coast. At present, only harpoon gear is an allowed alternative fishing practice. In 2018, 14 vessels landed a total of 10 metric tons (mt) of swordfish using harpoon gear<sup>2</sup>. Since 2011, the harpoon fishery has average annual landings of 12.1 mt with average annual participation of 14.3 vessels<sup>3</sup>.

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<sup>1</sup> We note H.R. 1979 uses the phrase "large-scale driftnet".

<sup>2</sup> See HMS SAFE document, Table 16. Number of vessels and commercial landings (round mt) in the West Coast harpoon fishery, 1990-2018 - <http://www.pcouncil.org/wp-content/uploads/HMS-SAFE-Table-16.htm>

<sup>3</sup> *Ibid*

In comparison, the DGN fishery in 2018, 21 vessels landed 146 mt of swordfish in addition to 56 mt of other marketable species<sup>4,5</sup>. Since 2011, the DGN fishery has an average annual participation of 19.3 vessels<sup>6</sup>, landing, on average, 134.5 mt of swordfish per year and 54 mt of other marketable species.

We assume “alternative fishing practices” for swordfish refers to the experimental Deep Set Buoy Gear (DSBG). DSBG is not yet an authorized gear type; but is in the process of authorization. In 2018, 26 vessels landed a total of 45.35 mt of swordfish using DSBG<sup>7</sup>.

DSBG was originally intended to be a supplemental gear type for fishery participants to use in addition to DGN and/or harpoon. We have serious concerns about both the economic viability of DSBG and the ability of DSBG to produce swordfish at levels produced by the DGN fishery. If DGN is phased-out, domestic production of swordfish is likely to drop. This, in turn, will force fish buyers to cover demand by seeking foreign sources of swordfish whose fisheries are generally not as well managed nor are they held to the same high standards as U.S. fishermen. At present, DGN gear is the only economically viable swordfish fishery operating within the EEZ off the West Coast of the United States.

Given the DGN fisheries’ catch per unit of effort (CPUE) and marketable catch of species other than swordfish (tunas, sharks, opah, louvar, etc.) which have become a major component of the DGN fishery, DSBG will not be a replacement fishery. Discussions surrounding what a longline fishery operating outside the U.S. EEZ may look like are planned under a preliminary scoping process. It bears noting that in 2017, 13 vessels using Pelagic longline gear outside of the U.S. EEZ landed a little over 433.2 mt of swordfish into West Coast ports<sup>8</sup>. Data available for 2018 is limited to landings in Southern California ports (120.3 mt). We also note the Hawaiian shallow-set longline fishery was shut down early in 2018 due to turtle hard caps.

If H.R. 1979 is passed there is presently no alternative fishing practices available to replace DGN production and revenues. We have serious doubts about DSBG’s economic viability and ability to maximize domestic production of an underutilized North Pacific Ocean swordfish stock. A potential longline fishery could produce on levels similar to DGN gear; but that is unlikely to be an authorized gear type in the time frame covered under H.R.1979.

PFMC  
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<sup>4</sup> See HMS SAFE document, Table 12. Number of vessels and commercial landings (round mt) in the West Coast drift gillnet fishery, 1990-2018 - <http://www.pcouncil.org/wp-content/uploads/HMS-SAFE-Table-12.htm>

<sup>5</sup> Other marketable species include Common Thresher Shark, Shortfin Mako Shark and Tunas.

<sup>6</sup> *Ibid*

<sup>7</sup> See National Marine Fisheries Service (NMFS) Report on Socioeconomic Impacts Analysis for Deep Set Buoy Gear (DSBG) Authorization, Sept 2019, Page 3 - [https://www.pcouncil.org/wp-content/uploads/2019/09/I4a\\_Supp\\_NMFS\\_Rpt3\\_SEP2019BB.pdf](https://www.pcouncil.org/wp-content/uploads/2019/09/I4a_Supp_NMFS_Rpt3_SEP2019BB.pdf)

<sup>8</sup> See - [https://www.pcouncil.org/wp-content/uploads/2018/05/G7\\_Att2\\_Landings\\_of\\_swordfish\\_2008-2017\\_Jun2018BB.pdf](https://www.pcouncil.org/wp-content/uploads/2018/05/G7_Att2_Landings_of_swordfish_2008-2017_Jun2018BB.pdf)