

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON DRIFT GILLNET FISHERY HARD CAPS UPDATE

The Highly Migratory Species Advisory Subpanel (HMSAS) offers the following comments on the Drift Gillnet Fishery hard caps update. The facts are that the present hard cap numbers will cause significant economic harm to the fishery. National Marine Fisheries Science acknowledged as much when it tried to withdraw the rule – ultimately in contravention of the law.

The HMSAS requests the Council to revisit DGN Hard Caps as soon as possible. We request the Council task the Highly Migratory Species Management Team with considering a set of alternatives based on the most recent stock information which should include updated stock assessments or other similar analyses. The TRT should be involved with the process. Additionally, consideration of the regression tree bycatch methodology used to estimate protected species interactions should be a part of any future conversation. Scientifically-based hard caps, designed to ensure continued growth of marine mammal and other protected species, could be supported by fishery participants. We also question the 2-year scope of the hard cap final rule. Hard caps proposed for the Hawaiian Long Line fishery will result in the closure of the current season if the fishery interacts with 16 Leatherback Sea Turtles. Current hard caps on Loggerhead Sea Turtles are proposed to be removed.

We appreciate the California Department of Fish and Wildlife [statement](#) which noted that no funding from non-state sources has been received related to California Senate Bill 1017. To the extent that statement can be read to imply that a great majority of the active participants will be exiting the fishery, we want to make sure that merely submitting a Declaration of Intent to Participate in Drift Gill Net Transition Program does not obligate that individual to participate or accept funds offered to them.

We would also like to advise the Council of some recent legal actions taken by the Drift Gill Net fishery participants. Last week, a lawsuit was filed against the State of California challenging the validity of the statutes added pursuant to SB1017. This week, a lawsuit was filed against National Marine Fisheries Service challenging the Final Rule which implemented the hard caps we are discussing today.

PFMC
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