

## HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON DRIFT GILLNET FISHERY HARD CAPS UPDATE

The Highly Migratory Species Management Team (HMSMT) reviewed the National Marine Fisheries Service (NMFS) report ([I.4.a, NMFS Report 1](#)) and was subsequently briefed by NMFS West Coast Region on the recent implementation of the [final rule](#) for protected species hard caps in the California thresher shark/swordfish drift gillnet ( $\geq 14$  in mesh) fishery (DGN).

The HMSMT recommends the Council revisit hard caps to address the potential economic impacts of the existing rule. Analyses show that although a hard cap would rarely be reached, the economic effects from a resulting closure could be significant, especially if a cap was reached at a point in the season that resulted in a multi-season closure.

The HMSMT encourages the Council to consider the regulatory and litigation history of this rule in deciding next steps, such as the implementation of California state bill SB 1017 and the potential economic implications identified by NMFS' analyses of the rule.

The HMSMT has identified three options for the Council should it choose to proceed with reconsidering the specific parameters and associated impacts of the hard caps identified in the current rule. Alternatives for reducing potential economic impacts to fishery participants could be explored within these processes.

- 1) The Council could address DGN hard caps under the Swordfish Management and Monitoring Plan, which is scheduled for the June 2020 Council meeting. However, this option may not be viable considering the current scheduled workload and agenda.
- 2) The Biennial specifications cycle begins at the September 2020 meeting, under which the Council could revisit hard caps options and potential analyses.
- 3) The Council could consider hard caps as a standalone agenda item at future meetings. This would likely entail a minimum three-meeting process to ultimately provide a final preferred alternative and a recommendation to NMFS.

Should the Council decide on additional consideration of hard caps, the HMSMT could provide an overview of previous alternatives, including advisory body recommendations and Council discussion, and provide context for new Council members, as well as facilitate further discussion.