

EXCERPT FROM THE SEPTEMBER 2019 COUNCIL MEETING RECORD, AGENDA  
ITEM I.4, COUNCIL ACTION

**4. Deep-Set Buoy Gear Authorization – Kit Dahl [mp3: 9-16-19am2 1:11:41]**

**Council Action: Adopt a Final Preferred Alternative for Deep-Set Buoy Gear  
Fishery Authorization and Associated Fishery Management Plan Amendment  
Language [mp3: 9-16-19pm2 0:00:08]**

**Motion 14 [mp3: 9-16-19pm2 0:04:55]:** Council adopt the Preliminary Preferred Alternative for authorization of a Deep-Set Buoy Gear Fishery as its Final Preferred Alternative with the following clarifications, as outlined in I.4.a, Supplemental HMSMT Report 3 and changes based on public comment:

- 1) Permit issuance is intended to be cumulative, adding 25 permits each year to the prior year total until a maximum of 300 is reached. Any permits issued in previous years that were not issued or renewed would also be available for issuance each year.
- 2) NMFS will provide updates to the Council on permit issuance, though the number of additional permits issued by NMFS each year need not be reconsidered nor approved by the Council annually.
- 3) A cessation or temporary halt (“pause”) in permit issuance before 300 permits are issued is possible and would be considered by the Council in order to address concerns identified by NMFS or the Council.
- 4) Remove the end-date for demonstrated landings found in the Limited Entry Permit issuance criterion number 8.

Council adopt the amendments to the Highly Migratory Species Fishery Management Plan as proposed by the Highly Migratory Species Management Team (Agenda Item I.4, Attachment 1) with the following changes (in strikeout/underline for clarity):

- 1) Modify the gear description to read:

Line fishing gear in two configurations: standard buoy gear and linked buoy gear. The gear consists of either a vertical line affixed to a buoy array with one or more hooks, or a horizontal line with hooks attached, ~~connected~~ to the terminal ends of two vertical lines affixed to buoy arrays with hooks attached, respectively. Both configurations limit the number of hooks used and require the hooks to be set ~~below~~ deeper than a specified minimum depth and that buoys are configured to avoid entanglement. The gear is fished during specified hours and ~~has~~ requires active tending ~~requirements~~.

- 2) Modify the Deep-Set Buoy Gear permit transfer section to read:

HMS LE DSBG permits are not transferable. ~~The Council may authorize permit transfers, and any related conditions, through the biennial management process (Chapter 5).~~

- 3) Modify the Limited Entry Permit Qualification Criteria to read:

1. DSBG EFP holders who ~~have~~ made at least 10 observed DSBG sets by December 31, 2018.

2. DGN LE permit holders who ~~have~~ made at least one DGN landing between the 2013-2014 and 2017-2018 fishing years and surrender their DGN LE permit as part of a state or federal DGN permit trade-in or buy-back program.
3. DSBG EFP holders who have made at least 10 observed DSBG sets by the effective date of the Final Rule authorizing DSBG.
4. Individuals who possessed a California Swordfish Permit in the 2018-2019 fishing year and made at least one swordfish landing using harpoon gear between the 2013-2014 and 2017-2018 fishing years.
5. DGN LE permit holders who have made at least one DGN landing between the 2013-2014 and 2017-2018 fishing years and did not surrender their DGN LE permit as part of a state or Federal DGN permit trade-in or buy-back program.
6. DGN permit holders who have not made a swordfish landing with DGN gear since March 31, 2013 and surrender their DGN LE permit as part of a state or federal DGN LE permit trade-in or buy-back program.
7. DGN LE permit holders who have not made a swordfish landing with DGN gear since March 31, 2013 and did not surrender their DGN LE permit as part of a state or Federal DGN permit trade-in or buy-back program.
8. Any individual with a documented commercial swordfish landing ~~between the 2013-2014 fishing year and the effective date of the Final Rule authorizing DSBG~~. The basis for documenting a commercial swordfish landing attributable to the applicant will be specified in Federal regulations.

John Ugoretz/Marc Gorelnik (Motion 14 carried unanimously)