

DEEP-SET BUOY GEAR PERMIT CLARIFICATIONS

At the November 2020 Council meeting National Marine Fisheries Service (NMFS) submitted a report ([Agenda Item I.4.a, Supplemental NMFS Report 1](#)) seeking clarifications about the Council's September 2019 final action (final preferred alternative) to authorize deep-set buoy gear (DSBG) and specifically related to the proposed limited entry (LE) permit program. That action was premised on the adoption of a range of alternatives and identification of preliminary preferred alternative in November 2018. For reference, the Council motion adopting Council final action is reproduced in Attachment 1.

Attachment 2 is a staff report providing background on the Council's final action and the concerns raised by NMFS, specifically focusing on the questions related to the LE permit qualification criteria tied to using DSBG under an exempted fishing permit (EFP). As part of its September 2019 final action the Council adopted changes to the Highly Migratory Species Fishery Management Plan (HMS FMP) as Amendment 6 based on draft amendment language provided at that meeting. Attachment 3 contains the Amendment 6 amendatory language as adopted by the Council with changes identified as part of final action. Since the FMP amendment language has not yet been transmitted to NMFS for Secretarial Review pursuant to 16 U.S.C. 1854(a), the Council could consider modifications to the draft amendment language to clarify its intent, or reflect any modifications to its final action adopted at this meeting.

Since an important element of the Council's final action needing clarification is the interpretation of "EFP holder" described in the LE permit qualification criteria, Attachment 4 is a sample Highly Migratory Species EFP and associated Terms and Conditions. The staff report (Attachment 2) discusses the use of the term EFP holder in light of the layout of the EFP.

The Highly Migratory Species Management Team (HMSMT) met on January 15, 2021, to discuss the issues raised by NMFS and consulted with the HMS Advisory Subpanel on potential recommendations for Council clarifications or modifications of its final action. HMSMT Report 1, attached, summarizes its understanding of the issues and presents related considerations.

The Council should review the issues raised by NMFS in its November 2020 report, and the materials and reports presented here, and offer clarifications or modifications to its September 2019 final action, as appropriate. If needed, the Council should consider further edits to the proposed FMP amendment language to memorialize these changes.

Council Action:

Reconsider Council Final Action to Authorize Deep-Set Buoy Gear and Related Proposed Fishery Management Plan Amendment Language.

Reference Materials:

1. Agenda Item H.4, Attachment 1: Excerpt from September 2019 Council Meeting Record, Council Motion 14.
2. Agenda Item H.4, Attachment 2: Staff Report on the Council's September 2019 Final Action Authorizing Deep-Set Buoy Gear under the Highly Migratory Species Fishery Management Plan.

3. Agenda Item H.4, Attachment 3: Fishery Management Plan for West Coast Fisheries for Highly Migratory Species Proposed Amendment 6 with Changes as Adopted by the Council in September 2019.
4. Agenda Item H.4, Attachment 4: Sample Highly Migratory Species Exempted Fishing Permit and Terms and Conditions.
5. Agenda Item H.4.a, Highly Migratory Species Management Team Report 1.
6. If received, Public Comments are electronic only ([see e-portal](#)).

Agenda Order:

- H.4 Deep-Set Buoy Gear Permit Clarifications Kit Dahl
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Reconsider Council Final Action to Authorize Deep-Set Buoy Gear and Related Proposed Fishery Management Plan Amendment Language

PFMC
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