

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON FUTURE
COUNCIL MEETING AND WORKLOAD PLANNING

The Highly Migratory Species Advisory Subpanel (HMSAS) notes that the [Council's Workload Planning: Preliminary Year at a Glance](#) has scheduled *DGN Hard Cap - Scoping/ROA* hard caps for the June 2021 Pacific Fishery Management Council (Council) meeting. We acknowledge this would be the first time the Council has attempted to manage the drift gillnet (DGN) fishery since the Council took action on Amendment 5 to the HMS Fishery Management Plan back in March 2017 and we respectfully request that the Council keep the hard caps discussion on the June Agenda.

We also acknowledge there is a chance the DGN fishery will be legislated out of business before June 2021, albeit via an arbitrary future sunset date. However, we do not believe this pending legislation should stop the Council from continuing to signal its intent to manage this fishery at the June meeting. The Regional Fishery Management Council process works because it is collaborative and involves the parties with a direct stake in keeping the fishery healthy. In contrast, this legislation goes against everything that the Magnuson-Stevens Act stands for. To further that point we include, as an attachment, the statement read by The Honorable Congressman Tom McClintock. We encourage you to read his words.

The HMSAS believes the Council process is a better way to manage the U.S. fisheries, including the DGN fishery, rather than Federal legislation. The HMSAS and the DGN fleet look forward to working on and supporting new hard cap numbers based on the best available science and Potential Biological Removal as well as increased accountability which can make the DGN fishery both accountable and sustainable for the long-term. We remind the Council of our report from November 2020 ([I.4.a. Supplemental HMSAS Report 1](#)) where we highlighted some new options for managing the DGN fishery that also address the short-term economic hardships noted by National Marine Fisheries Service.

PFMC
03/09/21

Attachment to HMSAS Report 1 for Agenda Item C.6.a

Opening Statement
The Honorable Tom McClintock (R-CA)
S. 906, Driftnet Ban
December 10, 2020

I yield myself such time as I may consume.

Mr./Madam Speaker, we have before us today a bill that will very effectively put most swordfish boats on the west coast out of business. It is yet another battle of a multi-front war by the far-left Democrats against America's working class.

The swordfish boats on the West Coast harvest a Pacific fishery that the National Oceanic and Atmospheric Administration has classified as "under-utilized." There is no shortage of swordfish, thanks to the responsible management of this fishery under the Magnuson-Stevens Fishery Conservation and Management Act. The principal means of harvesting swordfish is the Drift Gill Net, which has been a target of environmental extremists for years.

Despite their lurid tales of indiscriminate catches of other species – particularly endangered species – this is in fact a very rare occurrence. With respect to endangered species, the National Marine Fisheries Service reported that (quote) "it is NMFS' biological opinion that the proposed action of continued management of the Drift Gill Net fishery is not likely to jeopardize the continued existence of these seven species and is not likely to destroy or adversely modify any ESA-listed designated critical habitat."(end quote)

So here we have an industry that some of the hardest working men and women in America depend upon to feed their families – and feed ours as well – in an underutilized fishery by means of Drift Gill Nets that have an extremely low incidence of inadvertent bycatch.

So what does Congress propose to do for these families. Commend them for their hard work? Thank them for the contribution they make to America's food supply and to the American economy?

No, not exactly. Instead, Congress proposes to shut them down. Those aren't my words. When Gary Burke, one of the swordfishermen threatened by this bill came before the Natural Resources Committee, he said, (quote) "I want to be very clear regarding the impacts of [this legislation] on the Drift Net Gill Fleet – it will shut us down." (end quote)

And for what possible reason? The fishery is sound. The industry is responsible. Incidental takes are extremely rare. Why would you want to decimate these families – and American consumers as well?

Just for the hell of it seems to be the only logical explanation.

The Magnuson-Stevens Fishery Conservation and Management Act has been lauded by conservationists for many decades – it has stood the test of time and proven itself to be a program that works. The Regional Fishery Management Council process works because it is collaborative and involves the parties with a direct stake in keeping the fishery healthy. In contrast, this legislation is a ham-handed, iron-fisted, top-down dictate that goes against everything that Magnuson-Stevens stands for.

We are told, don't worry. There's an alternative that will work just fine. It's called Deep-Set Buoy Gear. And yes, it is sometimes used to supplement the Drift Gill Nets. But it is not economically viable by itself.

As the actual swordfishermen explained, the costs of running a fishing vessel – fuel, debt service, and labor --often means a very tight profit margin. To make a trip viable, the boat must achieve enough of a catch to at least offset costs. The alternative this bill would force on them simply doesn't catch as much fish – not nearly as much – and certainly not enough to make the trip profitable. Reduce the catch below the break-even mark – as this bill surely does – there is no catch because the boat can't go out.

As the participants in the experimental Deep-Set Buoy Gear fishery said in a letter to the Committee: (quote) “Our concern is based on the fact that while there is potential for alternative gear to be used in this fishery, currently there is no existing gear that can be substituted for the [Drift Gill Net] gear and still allow fishermen to earn a living.” (end quote)

Let me repeat that, our fishermen will not be able earn a living using this experimental gear. The Majority knows this; they simply do not care.

This legislation does nothing to improve fisheries management, but instead does great harm in two respects: it takes away the earnings of American fishermen and raises the price of seafood for American families.

But don't take my word for it, or even the fishermen whose livelihood is being cast aside. The Natural Resources Committee received testimony from NOAA which stressed to our Members that this (quote) “bill does not reflect the progress made to date in minimizing bycatch in the U.S. West Coast drift gillnet fishery. Based on the best available science and 26 years of observer data, bycatch of threatened or endangered protected species is a rare event.” (end quote)

Now let's talk about the unintended consequences of putting the American west coast swordfish industry out of business. It doesn't protect the fishery because the fishery isn't endangered. It doesn't protect other species because incidental takings of those species is rare.

It doesn't even stop the use of Drift Gill Nets – except, of course for Americans. This bill will effectively remove west-coast swordfish from the market, but it doesn't remove the market demand. Consumer prices will go up and the market will meet that demand by shifting to swordfish caught by foreign fleets where they are not strictly regulated, and where they will enjoy an enormous competitive advantage by being unrestricted in their use of Drift Gill Nets. American fishermen suffer, American consumers suffer, and the use of Drift Gill Nets will

expand in foreign waters – so this bill doesn't even fulfill its declared objective of shifting away from these nets.

That's not my conclusion. That's the conclusion of the National Oceanic and Atmospheric Administration which told our Committee (quote) "NOAA is concerned that shifting to alternative gears that are not economically viable could decrease U.S. swordfish harvest and reduce the U.S. West Coast large mesh drift gillnet fishery's competitiveness against foreign fisheries with less restrictive environmental regulations during the phase out." (end quote)

I urge rejection of this ill-conceived measure and reserve the balance of my time.