



Pacific Fishery Management Council

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Brad Pettinger, Chair | Merrick J. Burden, Executive Director

MEMORANDUM

DATE: August 18, 2023

TO: Highly Migratory Species Advisory Subpanel, Highly Migratory Species Management Team, and Interested Persons

FROM: Dr. Kit Dahl, Staff Officer for Highly Migratory Species

SUBJECT: September 2023 Council Meeting

The Pacific Fishery Management Council (Council) will meet September 7-16, 2023, at the Doubletree Hotel in Spokane, Washington. Both the Highly Migratory Species Advisory Subpanel (HMSAS) and the Highly Migratory Species Management Team (HMSMT) are scheduled to meet **in person** Sunday through Wednesday, September 10-13. HMS topics are on the Council agenda on Wednesday, September 13. Additional meeting information can be found on the Council's [September 2023 Meeting webpage](#).

Summaries of HMS topics and other items of interest on the Council agenda are listed below.

Joint HMSAS-HMSMT Meeting for HMS Roadmap Planning

In June 2023 the Council decided a new document should be developed to replace the Swordfish Management and Monitoring Plan that considers the range of species, in addition to swordfish, that have been economically important in the large mesh drift gillnet fishery and explore new fishing opportunities, because this fishery is slated to close. It directed the HMSAS and HMSMT to hold a joint session during their September meetings to plan a workshop to support this effort. The first day of the HMSAS and HMSMT meetings (Sunday, September 10) is devoted to this session.

I.1 National Marine Fisheries Service Report

The National Marine Fisheries Service (NMFS) will brief the Council on recent regulatory activities. The Southwest Fisheries Science Center will provide an update on HMS-related research activities.

I.2 International Management Activities

The Eighth Inter-American Tropical Tuna Commission (IATTC) - Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee (NC) Joint Working Group (JWG) Meeting on Pacific Bluefin Management, 19th Regular Session of the Northern Committee, 23rd Plenary Meeting of the International Scientific Committee (ISC), and 101st Meeting of the IATTC were held over the summer. Decisions related to harvest strategies for Pacific bluefin tuna and North Pacific albacore were made. The ISC Plenary reviewed new benchmark stock assessments for striped marlin, North Pacific albacore, and swordfish and provided stock status and conservation advice. The IATTC is likely to consider outcomes of the JWG and NC meetings. The situation summary and Attachments 1 and 2 describe meeting outcomes, except for the IATTC meeting, which will be reported on supplementally.

I.3 Exempted Fishing Permits – Final

The only outstanding item carried over from June is a request that Mr. Donald Krebs clarify whether he wants to be added to Mr. Nathan Perez's existing EFP for night-set buoy gear (which in June the Council recommended NMFS extend for another two years) or is asking for a permit in his own name. Mr. Krebs submitted a letter explaining he is requesting a new EFP in his own name be issued.

I.4 Driftnet Modernization and Bycatch Reduction Act – Transition Update

As reported at the March 2023 Council meeting, in December 2022 Congress enacted the Driftnet Modernization and Bycatch Reduction Act. The Act makes large mesh drift gillnet a prohibited gear no later than December 2027 and directs NMFS to establish a transition program to phase out use of the gear and compensate fishery participants for the cost of fishery-related permits, gear forfeiture, and purchase of alternative gear with minimal incidental catch of living marine resources. Congress also directed NMFS to consult with the Council on development of the transition program. The Council also will have to amend the HMS FMP to remove DGN provisions coincident with the date when the gear becomes illegal. At this meeting the Council could determine how it wants to be involved in transition program development and begin planning for the necessary FMP amendment.

I.5 Highly Migratory Species Essential Fish Habitat (EFH) Amendment - Preliminary

In 2020, the Council began Phase One of its HMS EFH review and determined in September 2020 that modifications to the EFP provisions in the FMP were warranted, which initiated Phase Two during which proposed modifications were developed. At this meeting the Council will consider adopting for public review proposed modifications to the main body of the FMP (Attachment 1) and to Appendix F (Attachment 2), which includes life history summaries and EFH descriptions. Final action is tentatively scheduled for November 2023.

H.1 Chumash Heritage National Marine Sanctuary Designation

The Chumash Heritage National Marine Sanctuary (Chumash NMS) draft designation documents and regulations are expected to be released in late summer or fall of 2023. If the draft documents

are publicly available in time, the Council could comment with input from its advisory bodies (ABs). Consistent with the National Marine Sanctuary Act (16 CFR 32 § 1431), the Council was given the opportunity in 2022 to prepare draft fishing regulations that the Council “may deem necessary to implement the proposed designation.” The Council considered this opportunity at its November 2022 meeting and determined that additional fishing regulations were not warranted (see December 2022 [correspondence](#)). The NMS Program has not indicated that any fishing regulations are proposed for the Chumash NMS. However, the Council and ABs should consider whether any ancillary regulations (e.g., vessel speed limits or bottom contact rules) could potentially affect fishing activities.

H.2 Greater Farallones and Monterey Bay National Marine Sanctuaries Coral Restoration and Research Plan – Scoping

The Office of National Marine Sanctuaries (ONMS) is proposing that the Council consider closing select areas of the Greater Farallones and Monterey Bay National Marine Sanctuaries to protect coral restoration and research sites. Council and ONMS staff are hosting a [webinar](#) on August 24th to give an overview of the item for interested Council participants. At its September meeting, the Council and its advisory bodies should consider the ONMS scoping document (H.2.a, ONMS Report 1) and other agenda item materials, provide guidance on the proposed coral research and restoration areas, and consider to which fisheries these closures should apply.

H.3 Marine Planning Update

The Ad Hoc Marine Planning Committee (MPC) met online July 27, 2023, to hear updates on offshore wind energy activities on the West Coast. MPC Report 1 includes updates from the states, NMFS, the West Coast Ocean Alliance, and Tribes. This report is largely informational and includes upcoming events and other information. The five offshore wind lease holders are developing Fishery Communication Plans (FCPs), which are due by September 29. However, it is not clear whether those FCPs will be available for review and comment prior to the September Council meeting.

Finally, as usual, I have included Future Council Meeting Agenda and Workload Planning (Agenda Item H.10) in case you wish to comment on the scheduling of HMS items on future agendas.

In addition to the enclosed briefing materials, you may obtain electronic copies of all the meeting materials on our website. We also post supplemental briefing materials on our website as they become available after distribution of the advance briefing book. Public comment is available only in electronic form through the Council’s [e-portal](#). Visit the [September 2023 Meeting webpage](#) to access these materials.

As always, thank you for your service to the Council process.

KRD:kma

Enclosures:

1. Agenda Item A: Council Meeting Agenda and Executive Director's Report
2. Agenda Items H: Administrative Matters
3. Agenda Items I: Highly Migratory Species Management
4. HMSAS and HMSMT Meeting Agendas
5. Informational Reports
6. General Information and Council Roster

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