

NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT ON
DRIFT GILLNET (DGN) TRANSITION PROGRAM UPDATES

At the time of this writing, NMFS has no new information regarding funding of the Driftnet Modernization and Bycatch Reduction Act (or Driftnet Act). Thus, questions remain regarding the agency's authority to implement provisions therein. However, operating as if Congress had allocated funding under the Driftnet Act, NMFS has been considering what implementation actions may be needed to carry out those provisions. Below we provide a list of potential actions for Council discussion under this agenda item or a future agenda item. The order in which the potential actions are listed is not prescriptive, and some actions could involve iterative or annual processes (e.g., issuing grants and Secretarial certification of revocation of permits).

- Consult with the Council—The Department of Commerce's Fiscal Year 2023 Appropriations was accompanied with the following explanatory note, "*NMFS is directed to consult with the Pacific Fishery Management Council on a strategy to phase out the use of large mesh driftnets and permit the use of alternative fishing methods to increase the economic viability of the West Coast-based swordfish fishery while minimizing bycatch to the maximum extent possible.*"
- Pending appropriations, establish a grant program, including specifications for issuing grants to cover drift gillnet (DGN) permit fees, forfeiture of fishing gear, and the purchase of alternative gear.
- Create a regulatory mechanism by which DGN permits can be surrendered. This would require rulemaking.
- Permit alternative gear types, either as exempted fishing permits or by authorizing "alternative gear type(s)" under the HMS FMP. The latter would require an FMP amendment and rulemaking.
- Establish a process for the Secretary of Commerce to certify that DGN permits have been revoked.
- Prohibit DGN fishing after December 29, 2027, according to the Driftnet Act. This would require an FMP amendment and rulemaking.