

**Agenda Item J.4, Deep-Set Buoy Gear  
Authorization—Range of Alternatives  
and Limited Entry Criteria**

**Council Action:**

- **Review Progress and Provide Guidance on the Range of Alternatives and Preliminary Preferred Alternatives Including Criteria for a Potential Limited Entry Program; Provide Additional Guidance as Necessary**

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I move that the Council adopt a final range of alternatives for authorizing use of Deep Set Buoy Gear (DSBG) as described in the Highly Migratory Species Management Team report (HMSMT, [Agenda Item J.4.a, HMSMT Report 1](#)) including modifications and the range of qualification ranking found in [Agenda Item J.4.a Supplemental HMSMT Report 2](#), except that Alternative 3, Stand-Alone DGN Permit Trade-in, is removed from the range and both the alternative proposed in [Agenda Item J.4.a Supplemental HMSAS Report 1](#), and the public comment provided by Ms. Tara Brock in [Agenda Item J.4.b Supplemental Comment 2](#) are added to the range.

The Council's Preliminary Preferred Alternative for authorization includes the following revised limited entry components:

- 1) A limited entry permit for DSBG fishing in Federal waters east of 120° 28' 18" W. longitude; all other Federal waters offshore of California and Oregon would be "open access"
- 2) Individuals may only be issued a single DSBG Limited Entry permit
- 3) For the limited entry permit, up to 50 permits will be issued in the first permit year with up to 25 permits issued annually in subsequent years until either a) a maximum of 300 permits are issued, b) the National Marine Fisheries Service determines less than 300 are necessary to ensure compliance with the Endangered Species Act and Marine Mammal Protection Act, or c) the Council recommends to NMFS that less than 300 permits are necessary to meet stakeholder needs
- 4) Qualifying Criteria Alternative 1 revised as: Limited entry permits for the area east of 120° 28' 18" W. longitude will be issued using the following ranking categories in the order listed:
  1. Active participation (10 observed fishing sets) under a DSBG EFP prior to December 31, 2018
  2. Active Drift Gill Net (DGN) permit holders (at least 1 shark or swordfish landing using large-mesh DGN gear between April 1, 2013 and March 31, 2018) who have voluntarily permanently surrendered their State and Federal DGN permit(s)
  3. Active participation (10 observed fishing sets) under a DSBG EFP prior to the date of the final rule
  4. Active California Harpoon fishery participants (at least 1 shark or swordfish landing using harpoon gear between April 1, 2013 and March 31, 2018)
  5. Active DGN permit holders who have not surrendered their State and Federal permit(s)
  6. Inactive DGN permit holders who have voluntarily permanently surrendered their State and Federal DGN permit(s)
  7. Inactive DGN permit holders who have not surrendered their State and Federal permit(s)
  8. Other applicants with swordfish landings or demonstrated experience between April 1, 2013 and March 31, 2018
  9. Other applicants not identified above

Amendment for #8 replace "between April 1, 2013 and March 31, 2018" with "between April 1, 2013 and the date of the publication of the final rule" Moved by Louis Zimm; 2<sup>nd</sup> by Marc Gorelnik Amendment carried. Mr. Lincoln and Mr. Dooley voted no.

The Council shall recommend that NMFS proceed with DSBG analysis with the exception that no linked-buoy gear endorsements would be issued for DSBG permits until such a time that sufficient data are available for NMFS to complete a protected species consultation for linked buoy gear.

The Council shall consider adoption of a Final Preferred Alternative at its June 2019 meeting and, in building future Council agendas, will revise the timeline for swordfish fishery management adopted under item H.6 at the Council's September 2018 meeting by moving shallow set longline gear considerations to begin after adoption of a DSBG final preferred alternative.

Moved by John Ugoretz; 2<sup>nd</sup> by Caren Braby

Main motion as amended carried unan.

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