



May 31, 2017

Mr. Herb Pollard, Chair
Pacific Fishery Management Council
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Portland, OR 97220
via email: pmmc.comments@noaa.gov

Agenda Item H.3: Authorization of Deep-Set Buoy Gear and Federal Permitting

Dear Chair Pollard and Council Members:

Wild Oceans, Coastal Conservation Association of California, International Game Fish Association, and American Sportfishing Association write to convey our continued support for the authorization and federal permitting of deep-set buoy gear, a highly-selective, commercial swordfish gear. As leaders in California's recreational fishing community, we've changed our sport from one where most marlin and billfish were kept, to one that practices catch and release. While we've reformed our practices, we've called attention to the perils of using indiscriminate commercial gear, like longlines and drift gillnets, that catch highly migratory species. Instead, we support universal best fishing practices, such as low bycatch of non-target species, live release of incidentally-caught or undersize fish, and cost-effective monitoring and enforcement. Deep-set buoy gear achieves these goals.

The design and deployment of deep-set buoy gear (DSBG) is fundamentally different than indiscriminate gear that currently drifts in the ocean, ensnaring or hooking all forms of marine life. DSBG avoids bycatch, including marine mammals and endangered turtle interactions, by setting baited hooks below the thermocline, where swordfish feed during the day. In the past two years, swordfish comprised about 80 percent of the catch by fishermen using DSBG pursuant to exempted fishing permits (EFP) and marketable species comprised

98% of total landings.¹ By monitoring DSBG strike indicators, fishermen can quickly identify their catch and retrieve and release incidentally caught or undersized fish, alive. With low bycatch and few protected species interactions, DSBG will likely require lower levels of observer coverage when compared with drift gillnets or longlines, fewer consultations with NOAA Fisheries Protected Resources Division and minimal on-the-water restrictions such as closed areas. This is the future of fishing in the Pacific.

Deep-set buoy gear provides us with an opportunity to move away from traditional management which constrains and confines fishermen because the gear deployed cannot control what it catches. This smart gear deserves smart management, that considers its underlying design. The Pacific Fishery Management Council (council) can manage DSBG with fewer restrictions or regulations than current gear and, as previously mentioned, with lower management costs associated with observers, enforcement and consultations.

As the council reviews the Highly Migratory Species Management Team (HMSMT) Report on Authorization of Deep-Set Buoy Gear and Federal Permitting, we offer the following comments for consideration:

We support a definition of deep-set buoy gear, as proposed by the Highly Migratory Species Management Team, that includes two configurations, standard buoy gear (SBG) and linked buoy gear (LGB), which would be authorized separately. SBG, as defined, has endured more than five years of scientific and commercial testing and has proven effective at catching swordfish, at depth, with minimal bycatch. While SBG is ready for authorization now, LGB while promising, has not received the same level of on-the-water scrutiny. The permitting scheme outlined by the HMSMT will allow the council to authorize DSBG and the SBG configuration now, and then add LGB or other configurations in the future after similarly rigorous testing. However, the procedural alternatives for authorization are unclear, and we suggest the council task the HMSMT with clarifying the potential paths forward in the range of alternatives.

The definitions prepared by the HMSMT include specific, necessary parameters such as: 1) use of minimum 16/0 circle hook²; 2) minimum line weight and hook depth, key components of descending the bait quickly through the epipelagic zone and targeting fish below the thermocline; 3) maximum hook number and

¹ Pacific Fishery Management Council Summary Report, Agenda Item J.2, Attachment 2, March 2017, available at http://www.pcouncil.org/wp-content/uploads/2017/02/J2_Att2_PIER_2015-16_DSBG_EFP_SummaryRpt_Mar2017BB.pdf

² Circle hooks are used widely in many recreational and commercial fisheries and have been shown to reduce both the hooking rate and the mortality of turtles and the mortality of some bycatch species including billfish.

sets, meant to maximize catch while maintaining serviceability and minimizing capture and injury to bycatch; and 4) floatation system requirements that allow for strike detection and serviceability. Yet, the linked buoy gear definition does not consider the maximum number of pieces of SBG that may be linked. As currently written, a fisherman could link 30 pieces of SBG together by means of a horizontal monofilament mainline. We suggest the HMSMT consider a range of alternatives to determine the maximum number of pieces that may be linked and still maintain hook depth and serviceability. For example, the HMSMT could develop a range of alternatives with a maximum of 3, 5, 10, 15, 20 or 30 linked pieces.

We encourage the Council to support the gear tending requirement prepared by the HMSMT. Active tending of DSBG is the essence of this fishery. We have supported DSBG specifically because, when actively tended, it has demonstrated the ability to catch swordfish with minimal bycatch interactions and live release of incidentally caught marine life. Active tending benefits the fishermen. It facilitates the supply of fresher, higher quality swordfish to market that yields a higher price per pound. Active tending benefits the open ocean ecosystem. It allows fishermen to release any unwanted species quickly and alive. Accordingly, active tending has been adopted by fishermen using DSBG pursuant to exempted fishing permits. While we expect most new DSBG fishermen will adopt similar habits, the active tending definition adds some common sense guardrails, such as maximum distance between boat and buoy and maintenance of gear configuration, including hook number, size, depth, etc., as specified in the gear definition. We request the council direct the HMSMT to add a maximum footprint, such as 5 square miles, to codify current practices.

We encourage the Council to consider the precision of the gear when considering geographic area. Deep-set buoy gear was designed to be fished below the thermocline, to target swordfish, and to avoid unwanted finfish species, marine mammals and endangered sea turtles that live in the upper water column. Given the nature of DSBG, we support an alternative that allows fishermen to deploy this gear within the geographic boundaries of the Pacific Leatherback Conservation Area. Pacific leatherback sea turtles inhabit shallow waters. To avoid interaction, the gear requires uses a 3.6 kg minimum weigh to drop hooks quickly to a depth of at least 90m. If, by chance, an interaction did occur, the actively tended nature of the gear would allow the fishermen to identify the sea turtle quickly and release it from the hook.

The HMSMT asked the Council to consider whether to establish a bottom depth limitation. This restriction makes sense. The gear targets species in the mesopelagic zone. A depth limitation of 150 fathoms contour would allow fishermen to fish DSBG, as intended, to target swordfish, but would alleviate

concerns about misusing the gear in shallower waters to catch groundfish or other non-target species.

Importantly, this would also help minimize conflict with recreational fishermen. While we expect curiosity from our fellow fishermen, we have educated our constituents about DSBG's ability to achieve our goal, to build a more sustainable, resilient swordfish fishery. Installing a bottom depth limitation will help minimize gear conflict between DSBG and recreational fishermen as many favorite recreational pinnacles and banks rise well above 150 fathoms. Despite the gear's precision, we ask the HMSMT to consider seasonal or voluntary closures to high use areas during billfish tournament season.

It's time to change the way we catch swordfish by allowing open access to DSBG in areas of low conflict and taking a phased-in approach to permitting elsewhere. Best fishing practices call for small-scale, high-yield, locally supplied fisheries, using the latest technological developments in sustainable fishing. It is part of a progressive shift away from so-called modern, "efficient" methods of fishing that are wasteful and ultimately unmanageable. For this reason, we support an open access fishery north of Pt. Conception. This will allow fishermen to target swordfish across a broad geographic range and expand the consumer market for DSBG fish.

Importantly, an open access fishery can bring new, younger fishermen into the fishery. Compared with drift gillnet or longlines, DSBG has a lower start up cost: requires fewer crew members, uses more affordable gear, requires less bait (than longlines) and can be fished on a smaller boat, operating closer to shore. These incentives, coupled with the higher market price per pound, could attract new entrants or extend an opportunity to current fishermen who have suffered from fishery closures due to collapsed stocks or environmental conditions such as domoic acid.

South of Pt. Conception, we urge the council to task the HMSMT with detailing alternatives for implementing a phased-in approach to DSBG fishing to avoid conflicts between gear types and user groups. As you know, San Diego hosts a valuable commercial fishery as well as the world's largest sportfishing fleet.

The HMSMT has presented a rough outline of possible alternatives for selecting participants in a limited access fishery. For many years, our organizations have supported cleaner commercial fishing gear. The fishermen who hold exempted fishing permits and have been actively participating in the deep-set buoy gear fishery and landing swordfish have taken the risk and leadership on-the-water to bring this gear into the forefront. These fishermen should be rewarded for their commitment, foresight and venture by receiving first priority in any permitting scheme. This reinforces our support for putting permits in the hands of

fishermen who are going to use them, use the gear correctly, and catch swordfish. In addition, the Council should maintain opportunities in any limited access fishery for new, young fishermen, including those who have worked as mates on EFP vessels.

Finally, the HMSMT reports that they considered, but rejected opportunities for trading in drift gillnet permits for DSBG permits, despite the direction from the council.³ Also, in November 2016 the Highly Migratory Species Advisory Subpanel supported exploring options for permit trading.⁴ In addition, thousands of members of the public, including many recreational fishermen, have expressed concern over the continued use of drift gillnets off of California and encouraged the council to consider options for trading drift gillnet permits to reduce fleet capacity. With hard caps on the horizon, this option may prove more attractive to both active and latent drift gillnet permit holders. Accordingly, we urge the council direct the HMSMT to more fully evaluate this option.

Best fishing practices for conserving and managing big ocean fish require transitioning fisheries away from the large-scale use of indiscriminate, ecologically-harmful fishing gears to more selective, sustainable fishing methods that provide an economically-feasible, low-bycatch alternative. Fortunately, those alternative methods now exist. We look forward to working with you to authorize a DSBG fishery and protect the future of fishing.

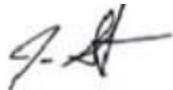
Sincerely,



Theresa Labriola
Pacific Program Director
Wild Oceans



Bill Shedd
Chairman
Coastal Conservation Association of California



Jason Schratwieser
Conservation Director
International Game Fish Association



Mike Leonard
Conservation Director
American Sportfishing Association

³ Decision Summary Document, Pacific Fishery Management Council, March 9-14, 2016, <http://www.pcouncil.org/wp-content/uploads/2016/03/0316decisions.pdf>

⁴ Highly Migratory Species Advisory Subpanel Report, November 2016, http://www.pcouncil.org/wp-content/uploads/2016/11/I5a_Sup_HMSAS_Rpt_Swordfish_NOV2016BB.pdf