

Pew



OCEANA



March 9, 2023

Ryan Wulff
Assistant Regional Administrator
West Coast Regional Office
Sustainable Fisheries Division
National Marine Fisheries Service
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Re: NOAA-NMFS-2022-0141

Dear Mr. Wulff,

Please accept these comments on behalf of Wild Oceans, Turtle Island Restoration Network, The Pew Charitable Trusts, The International Game Fish Association, Oceana, and American Sportfishing Association in support of the proposed rule for Amendment 6 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) which authorizes deep-set buoy gear (DSBG) as a legal gear type for catching highly migratory species (HMS) off the U.S. West Coast.

For several years, the Pacific Fishery Management Council (Council) analyzed and discussed the economic value of adding DSBG as a legal gear type, the conservation benefits of this highly selective gear, ideas for avoiding on-the-water conflicts with other gears and fisheries, and the advantages of allocating permits to the most experienced DSBG and swordfish fishermen. The proposed rule accurately captures the intent and recommendations of the Council as well as input from a wide array of stakeholders who overwhelmingly support authorization of DSBG.

The DSBG fishery stands out for its high swordfish catch rates, low bycatch of non-target species, live release of incidentally caught or undersized fish, and cost-effective monitoring and enforcement. The gear was developed using data from satellite tags to determine optimal times and depths to target swordfish while avoiding other sensitive species. A decade of testing with thousands of sets fished off California has yielded 98% marketable catch. Because DSBG is actively tended, the risk of post-release mortality of bycatch is significantly reduced.

We support the proposed phased-in limited entry (LE) DSBG fishery south of Pt. Conception. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) gives broad discretion to establish a LE system to achieve optimum yield in the West Coast HMS fishery.¹ The MSA defines optimum yield as the amount of fish which “will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems” and “is prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor.”² Establishing a LE program in the DSBG fishery would promote the achievement of optimum yield by creating more economic value in the fishery, promoting the production of higher quality and higher value food, protecting recreational opportunities, and helping avoid unforeseen impacts on marine species.

The phased-in LE permit program will support steady market growth and ensure supply does not outpace demand. DSBG offers current swordfish fishermen and new fishermen an opportunity to increase the supply of high quality, locally caught fish to West Coast markets and generate significant income for fishermen without the unsustainable level of bycatch associated with other gear types like drift gillnets or pelagic longlines. DSBG fishing trips yield a higher percentage of higher quality fish that receives a higher price per pound than drift gillnet or longline caught swordfish. This higher price per pound gives DSBG a revenue advantage that could maximize the economic viability of the U.S. West Coast swordfish fishery and boost local economies.

By limiting the number of vessels on the water initially and phasing in permits, we can ensure that overcrowding and overfishing do not adversely affect the DSBG fishery or swordfish resource in the future, particularly in the face of a changing ocean and shifting climate. This process will help NOAA Fisheries identify any significant on-the-water issues if they arise and make modifications, such as time-area closures, to accommodate recreational fishing activity, tournaments or other high profile, high value events, or to protect the resource should overfishing occur. A limited entry fishery will also help maximize fisher cooperation and profits while minimizing social conflicts that arise when resources and fishermen aggregate in high traffic areas, like much of the Santa Catalina Basin. Further, with a maximum of 300 DSBG permits, participants may be able to avoid areas of high recreational activity, while still maintaining a viable catch.

We support the LE Tiers outlined in the proposed rule. The Tiers included in the proposed rule accurately give priority to pioneers of the fishery and active drift gillnet fishermen who surrendered their state or Federal LE DGN permit as part of a DGN transition program and permit buy-back. By prioritizing the limited number of permits to seasoned swordfish fishermen in the Southern California Bight, starting with fishermen who pioneered the gear, we are not only

¹ 16 U.S.C. § 1853(b)(6).

² 16 U.S.C. § 1802(27).

putting the permits in the hands of the fishermen most likely to use the gear, but we may further minimize social impacts and maximize community benefit and profit.

By including DGN fishermen who participated in the permit buy-back, the Council further incentivized DGN fishermen to participate in California's transition program and encouraged the switch to lower impact gear with minimal bycatch, thereby reducing the overall bycatch in the West Coast swordfish fishery. Further, this group consists of experienced individuals that have the knowledge and proficiency necessary for the successful training of future West Coast swordfish fishermen. The initial issuance of DSBG permits to these fishermen can help disseminate years of knowledge and expertise to the next generation of swordfish fishermen.

We also support the inclusion of a LE Tier for DSBG crew who have invested time and resources in perfecting the gear and growing the market for DSBG swordfish. Prioritizing this category will also provide young fishermen and new entrants with a reason to gain experience with DSBG before entering the fishery. Furthermore, crew members are often younger and just starting out in the fishery. Providing this group with DSBG permits can remove barriers to entry and allow for upward mobility within the DSBG fishery. This will assist in recruiting new and younger fishermen into West Coast fisheries, so our fisheries can be sustained for the long-term production of seafood in the U.S.

Finally, we support the gear definition that requires surface gear be streamlined to reduce the risk of gear entanglement. During DSBG exempted fishing permit (EFP) fishing, one loggerhead sea turtle was observed entangled in surface lines and was disentangled and released alive. Following this event, NOAA Fisheries amended the terms and conditions of its DSBG EFPs to reduce the risk of sea turtle interactions of this nature. The proposed rule definition of buoy-array requires "no more than 6 feet of line between adjacent buoy, all connected in-line by a minimum of 3/8 diameter line," and "[b]uoys must be free of tether attachments (*e.g.*, non-streamlined gear with loops and/or dangling components)." While we appreciate the agency's work to address the risk of entanglement, we encourage NOAA Fisheries to consider exploring the use of tubing that smooths and stiffens the lines between surface buoys to further reduce the risk of entanglement with minimal additional cost to fishermen.

Beyond this, the gear definition accurately includes the provisions that make DSBG a highly selective gear and which are integral to our support for authorization. We can be confident that the permittees will deploy this gear at depth, during the day, using a maximum of 10 pieces of gear and a maximum of 30 circle hooks. This configuration allows for active tending of the gear to ensure live release of any non-target species without impacting catch rates or the fishermen's ability to monitor, retrieve and rebait gear.

The proposed rule reads: "The action is intended to provide additional economic opportunity to fishermen while minimizing environmental impacts of any additional fishing effort with DSBG." This mirrors community values and community support for sustainable fishing gear and

preserving our open ocean ecosystem. We look forward to working with you to bring this fishery onto the water and DSBG swordfish into the market.

Sincerely,



Theresa Labriola
Pacific Program Director
Wild Oceans



Ben Enticknap
Pacific Campaign Manager & Senior Scientist
Oceana



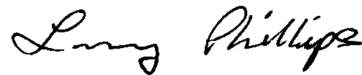
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