

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON THE EXEMPTED FISHING PERMIT (EFP) PROCESS

Exempted fishing permits are a mechanism to test new fishery gear or operational approaches which would otherwise be prohibited under existing rules and regulations. The Pacific Fishery Management Council (Council) reviews applications for EFPs on the US West Coast and provides recommendations to National Marine Fisheries Service (NMFS) on moving forward with documentation and clearance for approval.¹ The Council requested that the Highly Migratory Species Management Team (HMSMT) consider criteria the Council can use to judge the merits of HMS EFP applications. At its meeting May 7-9, 2014, in Carlsbad, California, the HMSMT held productive conversations with stakeholders from industry (current longline and drift gillnet fishermen), the conservation community (Oceana, Wild Oceans, PEW), and researchers to identify a range of questions and criteria that should be addressed in EFP applications. Potential time, area, gear, operational, and bycatch interaction measures were discussed in detail. The HMSMT will be meeting in joint session with the HMSAS at the June Council meeting to continue the discussions with a broader cross-section of stakeholders on the EFP criteria development that commenced in Carlsbad. The HMSMT plans to submit a supplemental report with any suggested modifications to the Council's current EFP requirements (COP 20) that incorporates, among other elements, some research questions and associated considerations that are relevant to drift gillnet fishery transition task (Agenda Item E.2).

Summary of Existing HMS EFP Protocols

According to the HMS EFP [Council Operating Procedure](#) (COP 20), the purposes of EFPs include but are not limited to: a) promoting increased utilization of underutilized species, b) realizing the expansion potential of domestic HMS fisheries, c) increasing the harvest efficiency of HMS fisheries consistent with the MSA and management goals of the FMP, d) exploring ways to encourage innovation and efficiency in the fisheries, e) measuring bycatch associated with different fishing gears or fishing strategies (e.g., during certain times or in certain areas), and f) evaluating current and proposed management measures. Furthermore, COP 20 prioritizes applications that meet the following criteria, some of which also are required under the NMFS National EFP Guidelines:

- a. Emphasize resource conservation and management with a focus on bycatch reduction (highest priority);
- b. Encourage full retention when possible of fishery mortalities;
- c. Involve data collection on fisheries stocks and/or essential fish habitat;
- d. Encourage innovative gear modifications and fishing strategies to reduce bycatch;
- e. Encourage the development of new market opportunities; and
- f. Explore the use of incentives to increase utilization of underutilized species while reducing bycatch of non-target species and/or interactions with protected species.

¹ Submitted EFPs will be evaluated by NMFS for consistency with applicable elements of federal statutes including ESA, MMPA, and NEPA statutes.

The HMSMT discussed further considerations that the HMSMT, Highly Migratory Species Advisory Subpanel and Scientific and Statistical Committee should take into account in reviewing EFP applications. To aid understanding of these considerations they are divided into three categories: 1) statutory, 2) operational, and 3) experimental.

- 1) Statutory considerations include how the proposal satisfies legal, regulatory and administrative requirements, including:
 - a. Completeness of application
 - b. Alignment with the goals and objectives of the West Coast HMS FMP
 - c. Consistency with Council HMS EFP priorities listed above
 - d. Guidance on how the data might be integrated into management, if relevant
 - e. Existence of infrastructure to monitor the fishery, process data and administer the EFP
 - f. At-sea monitoring (observers, vessel monitoring systems, electronic monitoring) and potential source of funding to cover monitoring
 - g. Compliance with applicable Federal and State laws, as well as regulatory measures, which could include take caps or other limits on interactions with species of concern
- 2) Operational aspects include the potential for the proposed activity to succeed under realistic circumstances, including:
 - a. Reflect characteristics of actual commercial operations as much as practicable
 - b. Provide access to the fishery at times and in areas expected to be productive, taking into consideration potential impacts to protected species and species of concern
 - c. Avoid or mitigate conflicts with existing gears and fishing activities
 - d. Address expected capital requirements to enter the exempted fishery (new gear, vessels, electronic equipment, etc.)
 - e. Consider potential scale of the exempted fishery (in terms of number of vessels, jobs, fishery yield, etc.)
 - f. Reflect what is known about the marketability of the catch
- 3) Experimental aspects relate to how research questions are posed and the proposed approach for answering them:
 - a. Are research questions which the EFP proposes to answer clearly defined?
 - b. What are the experimental 'controls' and 'variables' if applicable?
 - c. What (if any) sampling stratification is needed (vessel, location, year, etc.)? Has randomization been considered in sampling design? (if randomization is a realistic expectation)
 - d. What information about survivorship of discards is already available, or can be collected?
 - e. What level of observer coverage or at-sea monitoring would be required to meet the research goals and objectives and to address compliance with EFP terms and conditions?
 - f. How will data collected be used to address research questions?
 - g. If appropriate, what are the anticipated statistical thresholds and associated sample sizes needed to answer the research questions?
 - h. Has the EFP design adequately considered the impacts to bycatch species of concern, e.g. billfish, sea birds, non-target fish?
 - i. Does the EFP include measures to increase survivorship and minimize mortality or injury to non-target species?