

## HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON PRELIMINARY APPROVAL OF EXEMPTED FISHING PERMITS FOR 2015 FISHERIES

### 1. Introduction

At the June 2014 meeting, the Council adopted objectives and a process for consideration of Exempted Fishing Permits (EFPs) pursuant to the Highly Migratory Species (HMS) Fishery Management Plan (FMP), and provided official notification via a [letter](#) dated July, 2014 to submit EFP applications. The Council set August 17, 2014 as the application deadline, and asked the HMSMT to provide initial guidance on the viability of submitted applications at the September 2014 meeting with final action to be taken at the November 2014 Council meeting. The objectives included in the Council letter were to, "...test alternative fishing gear as a substitute in the large mesh drift gillnet fishery, or test new approaches or methods of fishing drift gillnet (DGN) gear," and, "In the most general sense, the objective of this EFP process is to obtain information that could lead to regulations for a full fleet commercially viable fishery targeting healthy HMS species, such as swordfish or certain tuna or shark species, while significantly reducing the bycatch from what has been observed in the contemporary DGN fishery."

### 2. Review Process

Review criteria proposed by the HMSMT ([Agenda Item E.3.b, HMSMT Report, June 2014](#)) were adopted at the June 2014 Council meeting. These were developed to be consistent with [COP 20](#) regarding consideration of EFPs for HMS fisheries. In accordance with the adopted criteria, the HMSMT developed an internal process to score proposals consistently across evaluations. Overall, scores are developed over three broad categories: Statutory, Operational, and Experimental Design aspects. As part of this process the HMSMT will provide comments regarding the pros and cons of merit-worthy proposals, with recommendations for further development. Proposals resubmitted after taking HMSMT recommendations into consideration will be reevaluated using the same scoring system. If the HMSMT deems modified proposals to be complete and having sufficiently addressed the HMSMT comments, they would then be passed to the SSC for evaluation of scientific merits. If the SSC feels an EFP proposal merits Council consideration, it will be referred to the Council for a final decision.

Although EFPs are authorized under Federal guidelines, they must also comply with State regulations and permitting requirements. For example, Oregon and Washington require a state-issued experimental gear permit in order to land their catch in that state's ports.

### 3. Review of Current EFP Application

One EFP proposal was submitted by the August 17, 2014 deadline by The Alliance of Communities for Sustainable Fisheries ([Agenda Item G.3.a, Attachment 4](#)). The applicant indicates that the proposal it is a provisional application which would be developed further if it is initially approved at the September 2014 Council meeting. Overall, the HMSMT scored

the proposal as sufficient for further development provided the applicant addresses the following HMSMT comments and recommendations into consideration.

The application was most complete in the Statutory and Operational categories, but lacks important information about Experimental Design. It is generally aligned with the HMS FMP objectives and Council EFP priorities including willingness to operate with 100% observer coverage (excludes harpoon gears) and to use and test electronic monitoring technologies. However, given limited availability of NMFS observers, the application needs to specify how 100% observer coverage would be funded and maintained if federal observers were unavailable. The applicant proposed comparing multiple gears, both inside and outside the PLCA. Gear tests would be conducted in coordination with academic and conservation partners who are developing dynamic ocean management (DOM) tools to help fishers and fishery managers mitigate the risk of fishing gear interactions with species of concern (including endangered and protected species).

The proposed approach could provide useful information if conducted in an experimentally sound manner, including when feasible side-by-side gear operations, within and outside the Pacific Leatherback Conservation Area (PLCA) and with sufficient sample sizes for meaningful comparisons. However, the research questions to be addressed need further clarification. For example, the proposal's first question regarding identification of gears and practices that reduce bycatch could be restated in a manner more like the following example, "We hypothesize that bycatch interaction rates with protected species will decrease by at least 50% using circle hooks and mackerel bait in a shallow-set longline fishery, when compared to longlines with J hooks and squid bait". A statistical power analysis would help determine the sample sizes required to answer questions with a sufficient degree of statistical confidence. Spatial and temporal specifications for gear types and configurations need to be defined. This would also help identify opportunities to test gears for side-by-side comparison. The applicant also states the intent to address questions about bycatch survival rates, but provides no indication about how that would be addressed. Electronic tagging has previously been used for this purpose, but this would add substantial costs; consideration needs to be given to who would cover those costs.

The HMSMT recommends this application be developed further, with more detailed attention to experimental design, how meaningful data would be collected and how 100% observer coverage would be achieved. A challenge in evaluating the performance of multiple gear types is the different ways effort is measured among gears (i.e. longline/buoy hooks vs. DGN net length vs. harpoon gear). This can complicate comparisons across gears, and a common metric may need to be developed across all gears for cross comparison.

The Council and HMSMT have previously stated that proposals to fish within the PLCA would likely only be considered on a limited basis. For example, buoy gears may present new opportunities for fishing within the PLCA, but DGN gears would probably not draw much support ([HMSMT Supplemental Report, June 2014](#)). However, the potential for side-by-side gear comparisons in this proposal presents a valuable opportunity to evaluate both the risk to species of concern as well as the relative economic value of the different gears under comparable circumstances.

#### 4. Soliciting Additional EFP Applications

The HMSMT received an update on the Pflieger Institute for Environmental Research (PIER) deep-set buoy gear research project indicating good swordfish catches thus far in 2014; leading to interest from others in scaling up the fishery. Informal inquiries about expanding buoy gear usage have been expressed to HMSMT members. PIER will be conducting night-time shallow-set buoy trials in coming months. Once additional information has been collected from day- and night-time trials the Council could consider moving directly to an FMP amendment to make it a legal gear. Alternatively, an EFP could be recommended to investigate how scaling the fishery up could be achieved. The HMSMT supports Council action to move directly to approving this as legal gear under the HMS FMP pending satisfactory results from ongoing research trials.

Dissatisfaction with the short initial timeline for submission of EFP application has been expressed from multiple fishers. The Council may wish to consider deferring an EFP decision and soliciting additional proposals. On the other hand, under COP 20, EFP proposals are considered annually at the June and September Council meetings, so the Council could simply wait for proposals to be submitted next June. However, the ability to issue an EFP in time for swordfish fishing, which typically commences in the fall, would need to be considered in light of the COP 20 timeline.

The HMSMT recommends that EFP applicants solicit advice from the HMSMT, NMFS and/or academia on proposal development, particularly with respect to experimental design aspects and potential monitoring implications. This will improve the quality of applications and help ensure they are aligned with Council EFP and HMS FMP objectives. Given the pattern of incomplete EFP applications submitted to the Council's SSC, the HMSMT could develop an EFP template to help applicants prepare more complete proposals which can be reviewed more expeditiously. Based on Council guidance, the HMSMT is prepared to develop such a template for review by the Council at the November meeting.

#### HMSMT Recommendations

The HMSMT provides the following recommendations and seeks guidance on:

- Forwarding current EFP application for further development
- HMSMT assistance on current EFP development
- HMSMT development of an EFP template
- Whether to consider EFPs for buoy gear or go directly to considering approval as legal gear pending satisfactory results from ongoing research trials
- Process for soliciting additional EFP applications responding to the previously advertised criteria