

EXEMPTED FISHING PERMITS (EFP)

The Council has received an EFP application from Mr. Pete Dupuy (see Attachment 1). The stated purposes of the proposed EFP are (1) to demonstrate on a small scale, using one vessel, that shallow-set longlining east of 140° W longitude can be prosecuted without jeopardizing protected resources and (2) using longline gear within a prescribed area of the West Coast Exclusive Economic Zone is an economically viable substitute for drift gillnet gear with lower bycatch, bycatch mortality, and protected species interactions. Subsequent to his initial submission, Mr. Dupuy submitted changes to the EFP proposal (see Attachment 2) based on discussion at the May 12-13, 2005, Highly Migratory Species Management Team (HMSMT) meeting. (See pages 8-10 in Agenda Item E.3.a, Attachment 1 for a summary of the HMSMT's discussion of this EFP.) The Highly Migratory Species Advisory Subpanel (HMSAS) also discussed an earlier version of the EFP proposal at their April 21, 2005, meeting (see Agenda Item E.2.a, Attachment 2, the meeting summary).

Section 6.12* of the Summary of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) discusses EFPs, summarizing federal requirements and additional requirements specific the FMP (see Attachment 3). The FMP states that the HMSMT will develop a protocol for submission and Council review of EFPs, which will be adopted as a Council Operating Procedure (COP). The HMSMT will provide a draft protocol as part of their report on this agenda item. However, the team does not recommend that the timeline in the draft protocol apply to the current EFP proposal since it would unnecessarily hinder consideration by the Council and possible prosecution of the EFP by the applicant, if approved by National Marine Fisheries Service (NMFS). According to the EFP application, fishing would occur from September to April; for the EFP to begin this year the Council would need to finalize their recommendation to NMFS at this meeting.

The Council also may wish to provide guidance on the draft protocol. In terms of adopting this as a COP, this would need to occur as part of a future administrative agenda item dedicated to modification of the COPs.

Council Task:

Review and Make Recommendations on EFPs.

Reference Materials:

1. Agenda Item E.5.a, Attachment 1: Exempted Fishing Permit Application From Pete Dupuy, Including Cover Letter.
2. Agenda Item E.5.a, Attachment 2: Letter from Mr. Pete Dupuy with changes to the EFP Application.
3. Agenda Item E.5.a, Attachment 3: Excerpt from the Summary of HMS FMP Section 6.12, Exempted Fishing.
4. Agenda Item E.5.c, Public Comment: Email From Mr. Rick Whipple.

* Section 8.4.12 in the August 2003 combined FMP-Final Environmental Impact Statement.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Review and Make Recommendations on EFPs

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PFMC
05/25/05