

EXEMPTED FISHING PERMIT (EFP) APPLICATIONS FOR HIGHLY MIGRATORY SPECIES

At their November meeting the Council adopted an interim protocol for reviewing EFP applications for the 2006 fishing year (April 1, 2006–March 31, 2007). (A permanent protocol applies to EFPs in years thereafter.) The Council received two EFP applications for consideration under the interim protocol, which stipulates a preliminary review at the November 2005 meeting and final action at the March 2006 meeting. The Council approved both applications for public review. At this meeting the Council is scheduled to finalize their recommendations on these two applications. The Council recommendations are forwarded to the National Marine Fisheries Service (NMFS), which has the permitting authority.

The first EFP application is linked to the drift gillnet (DGN) fishery action the Council takes up under Agenda Item J.3. Under that agenda item, the Council identifies a preferred alternative for management changes to the DGN fishery, based on an environmental assessment (EA) (Agenda Item J.3.a, Attachment 1). Five of the alternatives evaluated in the EA include an EFP fishery as a means to allow testing, under controlled conditions, of a DGN fishery in a time/area closure implemented to protect endangered leatherback sea turtles. The EFP proposal that is the basis for a permit under those alternatives is provided as Attachment 1. Obviously, the choice of a preferred alternative under Agenda Item J.3 represents a decision in principal about the Council recommendation on this EFP application. However, if the DGN EA preferred alternative includes an EFP fishery, under the current agenda item the Council can provide additional, specific recommendations on the terms under which this EFP would be granted. By the same token, if the Council does not choose a preferred alternative that includes an EFP fishery then it would not be appropriate to recommend approval of the EFP under this agenda item.

The second EFP application is for a related purpose, to conduct a small-scale pelagic longline fishery (involving one vessel) within the West Coast Exclusive Economic Zone (EEZ) to determine if longline gear is an economically viable highly migratory species (HMS) harvest substitute for DGN gear. Use of pelagic (floating) longline gear within the West Coast EEZ is currently prohibited under the Council's HMS Fishery Management Plan. The proposal notes that in the North Atlantic side-by-side testing of DGN and longline gear in the swordfish fishery demonstrated that longline gear is more selective, environmentally safe, and cost effective. This led to the eventual prohibition of DGN gear on the East Coast and the conversion of DGN permits to pelagic longline permits.

Taken together, these two EFP applications offer the Council the opportunity to gather information to support an eventual policy decision about long-term management of the DGN fishery. One approach evaluates the viability of continued prosecution of the DGN fishery with management measures to limit adverse environmental impacts. The second approach evaluates the feasibility of transitioning the fishery to a different gear type.

Council Action:

Consider EFP applications, make recommendations on approval with any specific terms for conditioning approval.

Reference Materials:

1. Agenda Item J.4, Attachment 1: Federation of Independent Seafood Harvesters Exempted Fishing Permit Application.
2. Agenda Item J.4, Attachment 2: Pete Dupuy Exempted Fishing Permit Application.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Final Recommendations for Approving EFP Applications

PFMC
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