

EXEMPTED FISHING PERMITS (EFP) FOR 2007-2008 SEASON

Council Operating Procedure (COP) #20 lays out the schedule and procedures for review of EFP applications. COP #20 states that EFP applications for the next fishing year (in this case April 1, 2007-March 31, 2008) must meet the deadline for the June briefing book. Any applications received are reviewed by the Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS), who make recommendations to the Council for action. The Council takes final action on EFP applications at the September meeting, which constitutes a recommendation to National Marine Fisheries Service (NMFS) for issuing the permit.

No new applications were received for the 2007–2008 fishing year. However, there are two outstanding EFP applications. The HMSMT has proposed a schedule for reviewing these proposals that would defer Council consideration until later this year or early next (see Agenda Item E.2.b, HMSMT Report).

The Council already took preliminary action on the first EFP application, which was initially submitted to the Council for consideration for the current fishing year. (Attachment 1 is the application that was submitted for the March 2006, Council meeting as Agenda Item J.4.a, Attachment 2.) However, at the time of Council action in March 2006 the applicant, Mr. Pete Dupuy, asked that the application instead be considered for the 2007 fishing year. At the March meeting, the Council gave preliminary approval to the application, pending the preparation of an environmental assessment. The HMSMT is proposing to present a set of alternatives for implementing this EFP to the Council at the November 2006 meeting, at which time the Council would take action about whether to proceed with the application. The HMSMT would then prepare a draft environmental assessment to support final Council action at the March 2007 meeting. (See Agenda Item E.2.b, HMSMT Report.)

The second EFP for Council consideration is the continuation in 2007 of the drift gillnet (DGN) fishery EFP the Council has approved for 2006. Attachment 2 is a letter from Mr. Chuck Janisse of the Federation of Independent Seafood Harvesters (FISH) indicating his interest in continuing the EFP in 2007. As he states, the original application approved by the Council at the March 2006 meeting proposed the EFP for 2006–2008 with annual review and approval of its continuation by the Council. However, because the EFP will be conducted from August 15 to November 15, 2006, the HMSMT is recommending that the Council defer consideration of a continuation of the EFP in 2007 (when it would again be conducted from August 15 to November 15) until the November 2006 meeting. If continued, any proposed modifications to the EFP would be presented at the March 2007 Council meeting. This would allow the Council to review information on the results of the EFP in 2006.

Attachment 3 is a letter from Mr. Rodney McInnis, Regional Administrator, NMFS Southwest Region. When the Council took final action on the 2006 DGN EFP, they recommended imposing caps on six marine mammal species (sperm, humpback, minke, fin, gray and short-finned pilot whales), which would shut down the fishery if one animal was seriously injured or

killed. However, NMFS informed the Council that they would only apply these caps to three species (sperm, humpback, and short-finned pilot whales). In response to the Council's displeasure at this modification, Mr. McInnis instructed his staff to revisit the issue and the letter outlines the results of this review.

Council Action:

Provide guidance and/or approve HMSMT's proposed process and schedule for consideration of drift gillnet and longline EFPs for 2007.

Reference Materials:

1. Agenda Item E.2.a, Attachment 1: EFP application submitted by Mr. Pete Dupuy and originally included as Agenda Item J.4.a, Attachment 2 for the March 2006 Council meeting.
2. Agenda Item E.2.a, Attachment 2: Letter from Chuck Janisse indicating desire to extend current drift gillnet EFP into 2007.
3. Agenda Item E.2.a, Attachment 3: Letter from Mr. Rodney McInnis about 2006 DGN EFP
4. Agenda Item E.2.b, HMSMT Report.
5. Agenda Item E.2.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Preliminary Adoption of Proposed EFPs for the 2007-2008 Season

PFMC
05/26/06