

EXEMPTED FISHING PERMIT (EFP) FOR LONGLINE FISHING IN THE WEST COAST EXCLUSIVE ECONOMIC ZONE

In April 2007, the Council recommended that National Marine Fisheries Service (NMFS) issue an exempted fishing permit (EFP) allowing a single vessel to target swordfish with shallow-set longline gear in the West Coast Exclusive Economic Zone (EEZ). The purpose of the EFP fishery would be to gather preliminary information to help determine whether longline fishing could be an economically viable alternative to the current drift gillnet fishery with less environmental impact. Longline fishing is currently prohibited in the West Coast EEZ under regulations pursuant to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). The general purpose of an EFP is to allow fishing that would normally be prohibited under regulations in order to gather information and test new methods. This information gathering supports any future decision to modify management regulations related to the activity. The EFP was not issued in 2007 because procedural requirements, specifically a consistency determination by the California Coastal Commission, could not be completed in time. The applicant has submitted an almost identical proposal for consideration in 2008.

At their March 2008 meeting the Council recommended forwarding this EFP proposal for public review. As approved for public review by the Council, the EFP proposal is identical to what was to occur in 2007 (including terms and conditions recommended by the Council and other changes to the proposal agreed to by the applicant) except that instead of not fishing within 40 nautical miles of the coast, the applicant proposes not fishing within 50 nautical miles of the coast. This change makes the proposal more precautionary. Attachment 1 is a summary of the fishing activity that would be permitted under the EFP, including the terms and conditions placed on the activity.

Attachment 2 is the environmental assessment (EA) completed by NMFS to evaluate the impacts of the EFP proposal as occurring in 2007. Since baseline environmental conditions are not expected to be substantially different in 2008 in comparison to 2007, the EA provides sufficient information to support Council final action on a recommendation to NMFS about issuing the EFP for 2008. Based on this EA, NMFS made a Finding of No Significant Impact (FONSI) for the EFP as proposed for 2007. Attachment 3 is the Biological Opinion (BO) produced as part of the consultation between NMFS's Sustainable Fisheries Division and Protected Resources Division as required by section 7 of the Endangered Species Act. This document evaluates whether the proposed action is likely to jeopardize the continued existence of any ESA-listed species. The BO concluded that leatherback sea turtles are likely to be adversely affected by the proposed action, but the continued existence of leatherback sea turtles is unlikely to be jeopardized by the proposed action. It also concluded that no other ESA-listed species are likely to be adversely affected by the proposed action.

The Council also agreed to a request by the applicant that if the EFP cannot be issued in 2008, then the EFP could be issued in 2009 without the need for the proposal to be returned to the Council again for a recommendation.

Council Action:

Make a final recommendation on whether or not NMFS should issue an EFP to allow one vessel to fish with shallow-set longline gear within the West Coast EEZ in 2008.

Reference Materials:

1. Agenda Item J.3.a, Attachment 1: Summary of the Exempted Fishing Permit Fishing Activity and Terms and Conditions Placed on the Activity.
2. Agenda Item J.3.a, Attachment 2: Environmental Assessment on Issuance of an Exempted Fishing Permit to Fish with Longline Gear in the West Coast Exclusive Economic Zone. (Chapters 1, 2, and 4 excerpted; the full document is available on Web and CD-ROM).
3. Agenda Item J.3.a, Attachment 3: Endangered Species Act Section 7 Consultation Biological Opinion on Issuance of a Shallow-set Longline Exempted Fishing Permit under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. (Conclusions and Incidental Take Statement excerpted; the full is document available on the Web and CD-ROM).

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Final EFP Recommendations to NMFS

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