

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON
EXEMPTED FISHING PERMIT (EFP) FOR LONGLINE FISHING IN THE WEST COAST
EXCLUSIVE ECONOMIC ZONE (EEZ)

The Highly Migratory Species Management Team (HMSMT) reviewed the proposed EFP for longline fishing in the EEZ for consistency with Council Operating Procedure (COP) 20: Protocol for Consideration of Exempted Fishing Permits for Highly Migratory Species Fisheries. Based on its review summarized below, the HMSMT determines that the EFP is consistent with COP 20 and recommends it for Council consideration.

The COP requires the HMSMT to consider a series of questions in its recommendation of whether or not an EFP should move forward for Council consideration. HMSMT responses to these questions follow:

- a. *Is the application complete?* Yes
- b. *Is the EFP proposal consistent with the goals and objectives of the West Coast HMS FMP?* Yes. Specifically, the EFP explores the potential for a viable commercial fishery for swordfish within the area of the Council's jurisdiction which may minimize bycatch of non-targeted finfish and protected species. Although it is not specifically relevant to some of the goals, for example that of promoting outreach and education of the general public, it is consistent with many of the goals and objectives of the HMS Fisheries Management Plan (FMP).
- c. *Does the EFP account for fishery mortalities, by species?* Yes. As required under the proposed EFP, the 100% observer coverage will provide complete catch and mortality data by species, including protected species.
- d. *Can the harvest estimates of overfished species and/or protected species be accommodated?* Yes. As described in the Environmental Assessment for the 2007 EFP, the proposed action would not increase the regional catch of yellowfin or bigeye tuna to a level triggering a resource conservation concern nor a finding of significant impact. For protected resources, the finding in the November 28, 2007 Biological Opinion will not jeopardize the continued existence of leatherback sea turtles. No other Endangered Species Act (ESA)-listed species under National Marine Fisheries Service (NMFS) jurisdiction are likely to be affected by the proposed action.
- e. *Does the EFP meet one or more of the Council's priorities listed in the COP?* Yes, the EFP specifically meets the following priorities:
 1. *Emphasize resource conservation and management with a focus on bycatch reduction (highest priority).* The EFP will provide information on the bycatch by shallow-set longline gear in the EEZ, and give a preliminary indication of whether the gear fished under EFP conditions may have a lower bycatch or interaction rate, especially of protected species, compared to other existing fisheries.
 2. *Involve data collection on fisheries stocks and/or habitat.* In addition to these data, the EFP will also collect data on the economic viability of a fishery using methods allowed via the EFP.
 3. *Encourage innovative gear modifications and fishing strategies to reduce bycatch.*
 4. *Encourage the development of new market opportunities.*

- f. *Is the EFP proposal compatible with the Federal observer program effort?* Yes, NMFS has an existing program that can accommodate this proposal.
- g. *What infrastructure is in place to monitor, process data, and administer the EFP?* NMFS is already set up to monitor, process and administer the EFP. NMFS will implement a daily observer call-in system to report any interactions with protected species and determine if take caps are met. If met, the EFP will be immediately terminated.
- h. *How will achievement of the EFP objectives be measured?* The purpose of the EFP is to initially assess whether shallow-set longline gear using the latest gear modifications is a cost-effective alternative to potentially reducing bycatch in the California and Oregon swordfish fishery. Catch and revenue will be reported to assess its economic viability. Data on bycatch will be reported to determine if or how bycatch in the action area may differ from bycatch taken in longline fisheries elsewhere. A premature end to the EFP fishery can indicate that the objectives are not being met, e.g, if take caps for protected species are met before the allowable EFP fishing is completed, or if the applicant prematurely ceases fishing under the EFP due to low harvests of target species or other factors.
- i. *Are the data ready to be applied? If so, should they be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?* There may be a need for additional data before a determination can be made regarding its applicability and use for management.
- j. *What are the benefits to the fisheries management process to continue an EFP that began the previous year?* Not applicable to this EFP, which would be conducted for the first time, if approved.
- k. *If integrating data into management is proposed, what is the appropriate process?* The proposed action is to conduct exploratory longline fishing for swordfish, and it is likely premature to integrate these data into management. The applicant must submit a preliminary and final report to the HMSMT and the Council consistent with Section E of the COP. The NMFS Southwest Region will assist the applicant with processing of the data.
- l. *What is the funding source for at-sea monitoring?* NMFS
- m. *Has there been coordination with appropriate state and federal enforcement, management and science staff?* Yes. During the past few years, a nearly identical EFP was previously considered through the relevant Council, state, and Federal processes and appropriate staff have been involved throughout this process.

PFMC
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