

NATIONAL MARINE FISHERIES SERVICE REPORT
ON ONGOING EXEMPTED FISHING PERMITS

Exempted Fishing Permit Update

Deep-set and Shallow-set Longline (DSL/SSL) Fishing Exempted Fishing Permit (EFP) Update

The National Marine Fisheries Service (NMFS) Sustainable Fisheries Division (SFD) is currently drafting an Environmental Assessment (EA) per National Environmental Policy Act requirements. The EA will include a range of alternatives to be considered as conditions applicable to this EFP. A Notice of Availability for the draft EA is expected to publish by the end of April 2016 and NMFS will be accepting comments for further consideration. The EA will also serve as the Biological Assessment initiating consultation with the NMFS Protected Resources Division under the Endangered Species Act (ESA).

Additionally, the NOAA Office for Coastal Management decision on the California Coastal Commission's request for Coastal Zone Management Act review has been deferred pending finalization of the EA and ESA consultation.

Drift Gillnet (DGN) Fishing in the Pacific Leatherback Conservation Area (PLCA) EFP Update

A Federal Register Notice (FRN) announcing receipt of an EFP to fish in the PLCA using DGN gear is expected to publish in March 2016. The EFP would exempt two DGN vessels from the PLCA closure period, and the applicants would have access to this area when favorable oceanographic conditions (e.g., sea surface temperature, prey abundance) are present. The EFP would examine whether these environmental triggers could result in increased swordfish catch and decreased protected species interactions. The FRN includes a description of the EFP application and a summary of the Council recommendations to be considered. NMFS will be accepting public comments on the merits of the application, the Council recommendations, and any additional fishing modifications that may mitigate the potential for protected species take or incidental interactions.

Deep-set Buoy Gear (DSBG) EFP Activity Summary

Since September 2015, 4-vessels have fished under the Pflieger Institute of Environmental Research (PIER) DSBG EFP. The vessels have been successfully harvesting swordfish with only a single elephant seal interaction. The elephant seal was released alive with no trailing gear or hooks. The vessels have been maintaining an average of 45% observer coverage rate. The Ferguson EFP started gear trials with a single vessel, three days of activity, and 100% observer coverage. There has been no catch to date. Steven Mintz, the final DSBG EFP holder, has yet to initiate any DSBG activity.

The Council can expect preliminary reports in June 2016 from the EFP managers and NMFS.

Deep-set Buoy Gear (DSBG) EFP renewal/extension beyond 2016

The PIER and Perguson EFP managers have expressed an interest in continuing their respective EFPs beyond the issued 2-year period of 2015 and 2016. Given the success of these DSBG EFPs (i.e., the successful harvesting of swordfish and no ESA species interactions to date), NMFS supports extension of these EFPs. Managers of the Perguson EFP have requested consideration of a reduction of the required 100% observer coverage rate. NMFS requests Council recommendations on extending the current DSBG EFPs beyond 2016 and on the Perguson request for less observer coverage.

Letter of Acknowledgment (LOA): Process and LOAs Issued

Regulations at 50 CFR 600.745(a) provide NMFS with a mechanism to issue an LOA upon review of a research plan. An LOA acknowledges that the proposed research plan is bona fide scientific research, rather than “fishing” that can be regulated under MSA. LOAs are distinct from the exempted fishing permits.

NMFS’ review process for LOAs includes both consultation with scientific staff at the Southwest Fisheries Science Center regarding the merits and technical details of the proposed research and discussions with NMFS Protected Resources Division on the potential for protected species interactions. Request of an LOA is voluntary, but carrying a NMFS issued LOA onboard the research vessel may provide any authorized inspecting officer with assurance that the activity is *bona fide* scientific research. State enforcement and U.S. Coast Guard contacts are informed upon issuance. In the last quarter of calendar year 2015, NMFS issued three LOAs specific to HMS research. The LOAs issued in 2015 do not include collection of biological parts or landings/sale of specimens to port, and are detailed below.

In 2015, an LOA was issued to Dr. Gregory W. Stunz of Texas A&M University to attach external cameras to large mako sharks. The sharks were captured with single hook and line gear and the camera was set to release from the shark after a specified time. Research activity has concluded with 4 large mako sharks, in excess of 1,000 pounds each, successfully captured and attached with cameras. Cruise reports are currently being drafted.

A second LOA, issued to Dr. Barbara Block of Stanford University, proposed to attach a variety of tags to mako and salmon sharks. Due to the proposed area of activity, NMFS also consulted with the Monterey Bay National Marine Sanctuary (MBNMS) staff prior to issuing the LOA. To date, two cruises (one in October and one in November) onboard the MBNMS research vessels have resulted in the live release of 6 sharks tagged with satellite tags.

A third LOA was issued to Dr. Chugey Sepulveda of the Pflieger Institute of Environmental Research (PIER). This LOA is associated with a NMFS Bycatch Reduction Engineering Program grant (NA15NMF4720380) to test a novel configuration of linked sections of deep-set buoy gear (DSBG). Prior to commencing the research, Dr. Sepulveda presented this concept and research plan to the Council’s Highly Migratory Species (HMS) Management Team and Advisory Subpanel. To date, PIER has conducted 4 preliminary trial sessions using the linked DSBG configuration. Initial findings suggest that the linked gear can be actively tended and serviced upon strike indication, similar to traditional DSBG. Catch composition for the

preliminary trials suggests high selectivity for swordfish (similar to DSBG), and no protected species interactions have taken place.

It is important to note that as part of the terms of the this LOA, and included in the research plan, updates and progress reports on activity under this research will be reported to NMFS and the HMS Management Team and Advisory Subpanel. If the linked gear trials achieve the research goals proposed (i.e., high selectivity, increased swordfish catch, minimal protected species interaction), then the researchers will consider submitting an EFP via the Council's Operating Procedures for EFPs.