

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM SUPPLEMENTAL REPORT ON PROPOSED DEEP-SET BUOY GEAR EXEMPTED FISHING PERMITS

Application Approval Timeline

At its November 2016 meeting, the Pacific Fishery Management Council (Council) tasked the Highly Migratory Species Management Team (HMSMT) with developing a process for the Council to consider approval of new exempted fishing permit (EFP) applications on an expedited timeline. A quicker approval process would allow for consideration of similar applications to those previously approved or applications representing modified methods which the Council felt did not require further revision or Scientific and Statistical Committee (SSC) review. A flexible approval schedule would allow for the Council to more effectively manage the EFP process. This could be accomplished by permitting approval in either one or two meetings, dependent on each individual application, as unique qualities of each may or may not warrant additional revision and consideration.

The HMSMT will use the deep-set buoy gear (DSBG) EFP application criteria ([DSBG Application Template](#)) to evaluate the completeness of applications and assess the number of Council meetings required to finalize applications. Expedited EFP application approval (within one Council meeting) could occur if:

1. The application is received by the application deadline, and is complete and accurate with respect to [Council Operating Procedure \(COP\) 20](#) and [Council application instructions](#).
2. The application proposes fishing practices and gear configurations previously reviewed and approved by the Council.
3. There are no new concerns regarding impacts on species of concern.
4. The applicant indicates no history of current/pending state or Federal commercial fishing violations.

Applications which do not meet the above criteria may be referred for consideration at a second meeting if the Council or its advisory bodies, including the HMSMT, Highly Migratory Species Advisory Subpanel, or Enforcement Consultants require additional information to make a recommendation. The advisory bodies should use a consistent approach based on relevant criteria to evaluate all EFP applications and document their rationale for recommendations.

Exempted Fishing Permit Applications

At the June 2016 meeting, the Council moved to accept applications for DSBG EFPs at any Council meeting when HMS is on the agenda. Two applications received preliminary approval at the November 2016 meeting, the first from Mr. Fred Hepp for use of DSBG, and the second resubmitted at this meeting, from Pflieger Institute of Environmental Research (PIER) for the use of linked buoy gear (LBG) in conjunction with DSBG. In addition, seven new EFP applications were received for consideration at the March 2017 meeting. While all seven applications list DSBG and concurrent gear use, three include some form of modification to the gear configuration, two indicate fishing solely in Central California waters, and one indicates in an attached email the intent to also fish LBG.

Summary of HMSMT Recommendations for New EFP Proposals

I.) Agenda Item J.3.a Attachment 1; Deep-Set Linked Buoy Gear - PIER

A) HMSMT Recommendation:

- Council approval
- The HMSMT feels that the proposed observer coverage level which is a hybrid of Level 1 and Level 2 observer coverage tiers as described in HMSMT [Supplemental Report 2](#) from November 2016, is appropriate for this application.

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Application tests LBG, a new configuration of DSBG, in conjunction with the traditional configuration and methodology
- PIER has developed DSBG as well as LBG and has already undertaken initial research and use
- LBG utilizes all DSBG mitigation measures developed to minimize interactions with protected species while potentially increasing the volume of catch, and therefore revenues and profitability, for fishers

C) Suggestions and Comments:

- The HMSMT requested the following revisions at the November 2016 Council meeting: 1) Clarify proposed gear combinations/configurations and methods of use, and relationships between vessels included on existing and new EFPs; 2) Define “piece” of DSBG and deployed gear definitions; 3) Provide a diagram of the LBG configuration for reference.
- The HMSMT reviewed the revised PIER application and believes that it adequately addresses the requested revisions from the November 2016 Council meeting.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

II.) Agenda Item J.3.a Attachment 2; Deep-Set Buoy Gear - Frederic Hepp

A) HMSMT Recommendation:

- Council approval
- Level 1 observer coverage

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Application addresses important data gap of gear use in more northern waters (northern Channel Islands and central California)
- Application specifies anticipated amount and area of effort
- Applicant expresses willingness for alternative methods of observer coverage (electronic monitoring)

C) Suggestions and Comments:

- The HMSMT recommends EFP approval based on their review of the Hepp application at the November 2016 Council meeting.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

III.) Agenda Item J.3.a Attachment 3; Deep-Set Buoy Gear - Kent Jacobs

A) HMSMT Recommendation:

- Council preliminary approval
- Level 1 observer coverage

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Aims to fish 20-50 days in Central California
- Mentions fishing year-round for experimental purposes
- Considers developing some sort of locator device to attach to the gear
- Proposes reduced weight and a new device that may help detect and release smaller fish that cannot lift the standard 8-lb weight

C) Suggestions and Comments:

- The HMSMT and Council are unable to fully evaluate the potential of the gear without additional information about how it works. The HMSMT discussed requesting the applicant attend the April 2017 HMSMT meeting in La Jolla to discuss specifics of the proposed gear modification.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

D) Requested Revisions:

- Provide a diagram of the modified weight device and specifics of gear configuration.
- OR, provide sufficient explanation as to why applicant does not want to share specifics of the modified weight

IV.) Agenda Item J.3.a Attachment 4; Deep-Set Buoy Gear - Martin Kastlunger

A) HMSMT Recommendation:

- Applicant requests EFP length of 2-3 years. HMSMT suggests 2 year approval period as there is the option of application renewal at that point.
- Level 1 observer coverage

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Proposes concurrent gear use with gears not yet fished in conjunction with DSBG. In addition to harpoon, yellowtail troll and potentially trapping during DSBG trips (not during DSBG fishing activity, however).

C) Suggestions and Comments:

- Fishing is proposed only in Southern California, with no modifications to standard DSBG gear configuration.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

V.) Agenda Item J.3.a Attachment 5; Deep-Set Buoy Gear - Phillip Harris

A) HMSMT Recommendation:

- Council preliminary approval
- Level 1 observer coverage

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Concurrent gear use – harpoon and troll/jig

C) Suggestions and Comments:

- Fishing is proposed only in Southern California, with no modifications to standard DSBG gear configuration.
- Applicant states they can barely afford the observer cost for the first trip, but could explore grant funding and/or video monitoring.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

D) Requested Revisions:

- Applicant needs to list the proposed number of days fished for each geographic region.

VI.) Agenda Item J.3.a Attachment 6; Deep-Set Buoy Gear - Denny Corbin; F/V Ray Ban

A) HMSMT Recommendation:

- Council approval of DSBG component
- The applicant could develop a separate application for DSBG-B to submit at a future Council meeting; the applicant expressed a willingness to consider this approach
- The amendment to the application should be considered at the June meeting
- Level 1 observer coverage

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Proposes to fish 45 days in Central California (Monterey, Davis Bank) in addition to Southern California Bight effort
- HMSMT suggests approval of effort only in Central and Southern California unless applicant specifies intent and number of days of proposed effort in Northern California and/or Oregon waters
- Proposes concurrent gear use with squid lightboat activity

C) Suggestions and Comments:

- Proposes use of something called DSBG-B, which is a hybrid of DSBG and LBG
- After discussing application with applicant, the HMSMT recommended submission of a new application for DSBG-B should Mr. Corbin wish to pursue the new gear configuration further. The gear modification needs further vetting and consideration and a separate application would allow for him to participate and gain experience in the DSBG fishery while further developing his DSBG-B idea.
- The HMSMT has determined that the DSBG proposal does not include a significant scientific component that warrants SSC review.
- Applicant submitted revised application for the DSBG-B component of original application after discussion with HMSMT and HMSAS. Due to the the late nature of submission, the HMSMT feels that this second submission should be considered as a new application at the June meeting and encourages the applicant to submit a new application as recommended for the DSBG-B configuration.

D) Requested Revisions:

- None for DSBG component
- New application for DSBG-B configuration (as now amended).

VII.) Agenda Item J.3.a Attachment 7; Deep-Set Buoy Gear - Roger Cullen

A) HMSMT Recommendation:

- Council preliminary approval
- Level 1 observer coverage

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Proposes fishing in Central California, primarily Santa Lucia Bank

C) Suggestions and Comments:

- Applicant requests EFP length of 2-5 years. HMSMT suggests 2 year approval period as there is the option of application renewal at that point.
- Proposes using 600 lb braided line instead of a monofilament mainline; the HMSMT questioned the potential implications for strike detection and for conservation impacts.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

D) Requested Revisions:

- Provide an in-depth explanation of the proposed use of braided line (aside from saving deck space) and how its benefits could outweigh any potential difference in how the line may interact with protected species.
- Applicant needs to list the proposed number of days fished for each geographic region.

VIII.) Agenda Item J.3.a Attachment 8; Deep-Set Buoy Gear - William Diller

A) HMSMT Recommendation:

- Council approval
- Level 1 observer coverage

B) Merits:

- Aligns with Council goals
- Complete in regard to COP 20
- Proposes fishing Central California, namely Santa Lucia Bank
- Concurrent gear use with sablefish longlining after DSBG has been pulled for the day

C) Suggestions and Comments:

- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

IX.) Agenda Item J.3.a Attachment 9; Deep-Set Buoy Gear - Lorton/Haworth

A) HMSMT Recommendation:

- Recommend Council request application be resubmitted
- Recommend Council requests a revised application providing more information about intended fishing plans

B) Merits:

- Applicant seems willing to fulfill components of application.
- Applicant appears interested in fishing LBG, which could provide additional data to that collected through PIER LBG EFP.
- Wide geographic range
- May test GPS gear locators

C) Suggestions and Comments:

- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

D) Requested Revisions:

- Specifics for all areas of the application need to be completed and expanded upon so that the application can be properly evaluated.
- Individual fisherman, vessel and applicant information needs to be completed.
- Applicant needs to list the proposed number of days fished for each geographic region.
- Applicant needs to fully address data gaps that would be addressed through the proposed EFP.
- Proposed gear configurations need to be explicitly identified in application; not through an attached email.
- Applicant needs to specify experience levels of each participant
- Applicant needs to provide a statement outlining the approach to dealing with protected species interactions
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

Additional Considerations

Lastly, the HMSMT would like to clarify its intent in developing its observer coverage level tiers for EFPs in [Agenda Item I.4.a, HMSMT Report, November 2016](#). Coverage levels and number of set requirements were *applicable to each vessel in all EFPs, not to all vessels in an EFP collectively*. Each vessel must fish 10 sets at 100 percent observer coverage before it is eligible for reduced coverage level consideration. The HMSMT requests that the Council confirm its intent in adopting these coverage levels.

Given the potential for an increasing volume of DSBG EFP applications, the HMSMT recommends that the submission deadline be aligned with the advanced briefing book public comment deadline. This will give the HMSMT (and others) more time to review applications. (The current deadline per COP 20 is two weeks before the start of a Council meeting. This falls after the advanced briefing book deadline.) For the June Council meeting briefing book public comment deadline is May 11.

HMSMT Approval Recommendations

Applicant	Number of Vessels	DSBG Configuration	Proposed EFP Duration (yrs)	Recommendation
PIER	3	Linked Buoy Gear	2	Approval
Frederic Hepp	2	Standard	2	Approval
Kent Jacobs	1	Standard + Modified	2	Preliminary Approval
Martin Kastlunger	1	Standard	2-3	Approval (2 years)
Philip Harris	1	Standard	2	Preliminary Approval
Derry Corbin	1	Standard + Modified	2	Approval of DSBG; Submission of separate DSBG-B application
Roger Cullen	1	Standard + Modified	2-5	Preliminary Approval (2 years)
William Diller	1	Standard	2	Approval
Arthur Lorton	3	Standard	3	Resubmission

PFMC
03/11/17