Re: Agenda Item J.5 - Proposed Deep-Set Buoy Gear Exempted Fishing Permits

Chair Anderson and Council Members,

I originally applied for a DSBG EFP in March, 2015 and the Council recommended that NMFS reissue my EFP at the November, 2016 PFMC meeting. However, I recently learned that NMFS will not be able to issue my EFP until January or February 2018 at the earliest. I'd like to use this as an opportunity to ask the Council to recommend that NMFS adjust my original EFP application to add linked buoy gear (LBG) in addition to DSBG in an effort to maximize fishing and data gathering opportunities.

Below is a copy of my original EFP application with changes highlighted in yellow. Adding LBG to my original EFP application requires minimal changes, so I am hoping that this letter will be sufficient for the Council to recommend that NMFS add LBG to my original application that is already in the pipeline rather than me having to resubmit a separate application at the November PFMC meeting. Thank you for your consideration.

a. Date of application

~~Feb 9, 2015~~ September 5, 2017

b. Applicant's names, mailing addresses, and telephone numbers

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c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP

The purpose of this request for an EFP using ~~buoy gear~~ standard buoy gear and linked buoy gear is using my fishing effort to catch pelagic species with environmentally friendly techniques that limits bycatch to minimal levels. Strike buoys would be utilized to assist in short soak times so bycatch such as blue sharks will be released alive. In addition, this EFP will test the gear in waters off ~~Washington~~, Oregon and California.

d. Valid justification explaining why issuance of an EFP is warranted

Research by the Pfleger Institute has shown that buoy gear has low bycatch of protected species and as an actively tended gear bycatch mortality is low. The advantage of actively tended gear is that strikes on the gear can be detected visually and fishers can pull the gear immediately. This minimizes mortality risks to potential protected species as well as maximizes the quality of marketable catch. Buoy gear is not a legal gear currently so an EFP is necessary to fish it. This EFP will be a means to gather additional data about the performance of buoy gear in terms of bycatch and economic viability.

This type of gear would not lead to overfishing because of operation costs. Also this type of gear could enhance fishing opportunities for new people waiting to participate in the fishery. With a chance of more production, new and expanded markets could and would be developed and fresh, very nourishing seafood could be delivered to the public nourishing health and economy.

e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals

Testing of this gear will provide information to allow the Council to support developing a legal buoy gear fishery on the west coast. This is an opportunity to explore the fishing power of an experienced swordfisher who is learning to use new gear. The fishing power of newer fishers to more experienced fishers can help gauge the time and effort required to scale this fishery up with more interested fishers.

f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities)

This request of an EFP for buoy gear is for two swordfish fishing seasons. If said technique is adopted, I also request that I would qualify for future available permits.

g. Number of vessels covered under the EFP

One vessel:
F/V D.J.
Document # 550-062

The D.J.is a 55' commercial fishing vessel which is presently being used as a troller and gillnetter. In case of a sale of the vessel, loss, or perhaps out of commission so it's not able to operate during a season or part of, I request that I would be able to use a similar vessel to participate.

h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment, including harvest estimates of overfished species and protected species

My intention is to harvest swordfish, which I have fished for both sport and commercially since the 1970's. My belief that being able to fish in the DGN closed area now in place will yield mature, adult swordfish in the 200-400# range. With present economics, you need to land a minimum of at least two adult swordfish per day with incidental marketable catch to maintain a profitable operation. I believe that there is no overfishing of any of these species at this time as most populated areas are not accessible because of closures.

In addition to targeting swordfish, other pelagic marketable species I plan to catch include opah, mako and thresher sharks, bluefin, big-eye, and yellowfin tuna, albacore, and louvar. All of the species mentioned bring high market prices, are very much in demand, and by using this fishing technique, are of highest quality.

I plan to fish the gear similarly to the techniques tested by the Pfleger Institute (PIER), as previously presented to the Council. PIER's research test fishing off California has shown that

deep-set buoy gear can selectively target swordfish with minimal catches of non-target species, including species of concern.

i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for

The question of at sea monitoring of harvests limits will be controlled by this technique itself. You must have a visual on your gear. First you must locate the fish, then they have to bite, then you are only landing a portion of those that are the bitters. If there's a lot around in the area you're fishing, you will land more and if not many, you will be looking elsewhere, thus not overfishing as economics will not permit it.

As for data collection, I would be more than willing to install cameras to monitor catches and use logbooks for recording data. I have no problem carrying government provided observers and if need be, knowing I may have to provide such observers at my expense. If I have to pay an observer it would test whether it is economically feasible. If it's not, then I would not be able to fish under the EFP. I also would be willing to look for outside funding for observers with the help of the Council. I already have a VMS.

j. A description of the proposed data collection and analysis methodology

As noted above, I will use logbooks and monitoring such as cameras or observers. I will provide catch and bycatch data to NMFS and the council. Also, I will be providing market information such as species sizes, prices per pound, unloading and transportation costs so economics can be viewed accurately.

k. A description of how vessels will be chosen to participate in the EFP;

As of now, I am only considering my own vessel. It has a large area on the back deck for fish handling and cleaning. It is fairly low to the water with full walk-around capability. It has very good refrigeration and also a raised pilothouse for excellent observation and modem electronics including satellite telephone and e-mail capability.

I have been active in the drift-gillnet fishery since 1980 both off the California, Oregon and Washington coasts when it was permitted to fish in those waters. I also fish albacore every season mainly off Oregon and Washington and have a lot of local knowledge of banks and ocean contours.

l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used;

I intend to utilize both the standard DSBG configuration and would also like an opportunity to test linked buoy gear (LBG) as part of this EFP. I intend to mirror the LBG design included in the PIER application that was submitted at the March 2017 PFMC meeting. Depending on how many fish are around, I would like the ability to switch between standard DSBG and LBG on the same trip, but I would never use standard DSBG and LBG at the same time. The standard DSBG and LBG will be deployed in a manner that ensures it is actively tended and continuously monitored at all times. Strikes will be tended to as quickly as possible to aid in the quick and safe release of unmarketable or protected species.

I intend to fish the west coast of ~~Washington~~, Oregon and California from August to February more than 12 miles off the coast staying clear of Marine Protected Areas and closures. I am requesting that I will be able to set and work all of my ten pieces of approved buoy gear and LBG a minimum of twenty days and maximum of sixty days if we are successful.

I believe ten individual pieces of standard buoy gear and the LBG design included in the PIER application that was submitted at the March 2017 PFMC meeting would be sufficient to make the fishing manageable and profitable. I would be using the same gear as described and being used by the Pfleger Institute as it has been proven to be successful and already accepted.

m. The signature of the applicant(s);

/signed
Stephen R. Mintz