

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

The Highly Migratory Species Management Team (HMSMT) discussed new and revised deep-set buoy gear (DSBG) exempted fishing permit (EFP) applications at their March 2018 meeting. To expedite the review and approval process, the HMSMT attempted to contact applicants with missing or unclear information who submitted their applications early enough to receive feedback, revise, and resubmit. Applications were evaluated based on the same criteria the HMSMT has used at previous meetings, and one revised application was reviewed for completeness and merit of additional changes requested. Applications that the HMSMT recommends for preliminary approval are missing some information but are otherwise ready for approval, while those with a resubmission recommendation need additional information for the Council to evaluate the application.

The HMSMT bases its recommendations for observer coverage in these EFP applications on the three-tiered criteria provided in the November 2016 Supplemental HMSMT Report 2 ([Agenda Item I.4.a](#)).

In June 2016, the Council diverged from Council Operating Procedure (COP) 20 when it decided to accept DSBG applications at all Council meetings when HMS is on the agenda to provide additional opportunity in the EFP process. The application process was further expedited by the application form created and accepted at the November 2016 Council meeting (HMSMT report I.4.a). The HMSMT believes that the EFPs previously approved by the Council and those under consideration at this meeting can provide sufficient information about a potential DSBG fishery, and that the need to encourage more EFP applications has diminished for areas south of Point Conception where all previous EFP activity has occurred. Further discussion focused on potentially reverting to the schedule and process in Council Operating Procedure (COP) 20 (initial review in June; Final in September), or the removal of the online form application. The online form application has greatly simplified the process, and may have facilitated speculation by applicants that they, by obtaining an EFP, may have an increased their likelihood of obtaining a limited entry permit in a future authorized fishery. However, removing the online form may also discourage applicants with interest in further developing the fishery by requiring completion of a complex application.

At the end of this report, the HMSMT provides a summary table of all DSBG applications the Council has received to date.

### **Summary of HMSMT Recommendations for Revised EFP Proposals**

#### ***I.) Agenda Item I.3 Attachment 15; DSBG EFP Application from Mr. Thomas Carson***

##### **A) HMSMT Recommendation:**

- Council approval

- For Standard Buoy Gear (SBG): Level 1 observer coverage for Mr. Carson; Level 2 for Mr. Nathan Perez
- For Linked Buoy Gear (LBG): Level 1 observer coverage for both applicants

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Both applicants have experience in drift gillnet (DGN) and harpoon swordfish fisheries
- Mr. Perez has experience with DSBG under the Pflieger Institute of Environmental Research (PIER) EFP
- Applicants propose fishing in Central California (CCA) waters

**C) Suggestions and Comments:**

- The applicant’s original EFP application has already been approved by the Council. He seeks to add a second applicant/captain (Mr. Nathan Perez) as well as the LBG configuration.
- The HMSMT recommends that the applicant be able to fish SBG and LBG configurations concurrently, as PIER has indicated that this would allow for the most adaptive approach to DSBG fishing.
- Applicant intends to record interactions with other commercial and recreational vessels which will help in assessing potential gear conflicts in an authorized fishery.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.

**Summary of HMSMT Recommendations for New EFP Proposals**

***I.) Agenda Item I.3 Attachment 2; DSBG EFP application from Mr. Robert Breneman***

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant indicates intent to fish both SBG and fixed gear simultaneously
- Applicant does not have DSBG or swordfish experience. EFP will help inform learning curve and success for inexperienced swordfish fishers

**C) Suggestions and Comments:**

- Applicant indicates intent to fish out of Morro Bay (50 days Southern California Bight [SCB]; 50 days CCA).

- HMSMT received clarification from the applicant that he does understand the observer coverage/cost requirements.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.

**II.) Agenda Item I.3 Attachment 3; DSBG EFP application from Mr. Scott Breneman**

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20 Applicant indicates intent to fish both SBG and fixed gear simultaneously
- Applicant has harpoon experience

**C) Suggestions and Comments:**

- Applicant indicates intent to fish out of Morro Bay (50 days SCB; 50 days CCA).
- HMSMT received clarification from the applicant that he does understand the observer coverage/cost requirements.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.

**III.) Agenda Item I.3 Attachment 4; DSBG EFP application from Mr. Pietro Buompensiero**

**A) HMSMT Recommendation:**

- Resubmission
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has DGN swordfish experience

**C) Suggestions and Comments:**

- HMSMT attempted to contact the applicant for revision of application prior to the advanced briefing book deadline and did not receive a response.
- Applicant indicates 200 days expected effort in CCA only.
- Applicant includes comment under question 8 (fishing experience) regarding gillnets, but HMSMT unable to decipher full comment.

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

**D) Requested Revisions:**

- Answer question 6 (gear configuration).
- Explanation of data gaps for question 9.

**IV.) Agenda Item I.3 Attachment 5; DSBG EFP application from Mr. John Dagama**

**A) HMSMT Recommendation:**

- Preliminary approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has DGN and harpoon experience
- Indicates intent to primarily fish Northern California (NCA) and Oregon (OR)

**C) Suggestions and Comments:**

- Indicates 50-100 days in both NCA and OR, as well as SCB and CCA “when available”.
- Applicant indicates desire to expand swordfish markets in the Pacific Northwest.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- If applicant intends to fish SCB and CCA, provide estimated number of fishing days.

**V.) Agenda Item I.3 Attachment 6; DSBG EFP application from Mr. Daniel Fuller**

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- One of the applicants has harpoon experience

**C) Suggestions and Comments:**

- Application is for two individuals and one vessel.
- Applicant only indicates effort in SCB.
- Indicates intent to concurrently fish troll and rod and reel gear.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.

**VI.) Agenda Item I.3 Attachment 7;** DSBG EFP application from Mr. Clint Funderberg

**A) HMSMT Recommendation:**

- Preliminary approval
- Level 1 observer coverage for SBG; 100% observer coverage for LBG sets

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has pelagic longline experience

**C) Suggestions and Comments:**

- Applicant requests use of both SBG and LBG, with allowance for two sets of LBG (60 total hooks) to be used simultaneously.
- The HMSMT recommends that the applicant be able to fish standard SBG and LBG configurations concurrently, as PIER has indicated that this would allow for the most adaptive approach to DSBG fishing.
- Proposes effort in CCA, NCA, and OR. No effort in SCB.
- Applicant did not check box indicating understanding of observer requirements, but comments that they hope NMFS would cover or assist with costs.
- Approval dependent on applicant confirming understanding that they may be required to cover observer costs (question 10).
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- Provide NMFS with understanding of observer coverage requirement (question 10).

**VII.) Agenda Item I.3 Attachment 8;** DSBG EFP application from Mr. David Hatto

**A) HMSMT Recommendation:**

- Resubmission
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has over 50 years of fishing experience

**C) Suggestions and Comments:**

- Applicant indicates that they are not able to cover costs of observer coverage. Applicant needs to acknowledge that observer coverage is a requirement and costs may not be covered by NMFS.

- Applicant proposes only fishing in Southern California.
- Applicant indicates 13 years of DSBG fishing.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- Clarify fishing experience in question 2.
- Answer question 6 (gear configuration).
- Answer question 8 (specify days estimated fishing effort).
- Answer question 9 (data gaps).
- Check box for question 10 (willingness to cover observer costs).

**VIII.) Agenda Item I.3 Attachment 9; DSBG EFP application from Mr. Ben Hyman**

**A) HMSMT Recommendation:**

- Preliminary approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant proposes fishing fixed longline gear concurrently

**C) Suggestions and Comments:**

- Applicant did not check box indicating understanding of observer requirements, but comments that they hope NMFS would cover or assist with costs.
- Approval dependent on applicant confirming understanding that they may be required to cover observer costs (question 10).
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- Provide NMFS with understanding of observer coverage requirement (question 10).

**IX.) Agenda Item I.3 Attachment 10; DSBG EFP application from Mr. Tyler Scarbrough**

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has no commercial fishing experience, which would provide insight into the feasibility of the fishery expanding to new/unexperienced fishermen

**C) Suggestions and Comments:**

- Applicant has no commercial fishing experience; two years as crew on a CPFV.
- Unclear if applicant has a vessel.
- Indicates 30 days estimated effort in SCB and 10 in CCA.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.

**X.) Agenda Item I.3 Attachment 11;** DSBG EFP application from Mr. Greg Surgener

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has DGN and harpoon crew experience

**C) Suggestions and Comments:**

- Indicates 50-100 days estimated effort in SCB, CCA, NCA, and OR.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.

**XI.) Agenda Item I.3 Attachment 12;** DSBG EFP application from Mr. William Sutton

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage for LBG; Level 2 observer coverage for SBG sets

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has DGN and DSBG experience under the PIER EFP

**C) Suggestions and Comments:**

- Indicates 50 days estimated effort in SCB and 30 in CCA.
- The HMSMT recommends that the applicant be able to fish standard SBG and LBG configurations concurrently, as PIER has indicated that this would allow for the most adaptive approach to DSBG fishing.
- Applicant has over 100 sets of DSBG experience in the SCB.

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

**D) Requested Revisions:**

- None.

**XII.) Agenda Item I.3 Attachment 13;** DSBG EFP application from Mr. Matt White

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has harpoon experience

**C) Suggestions and Comments:**

- Indicates 100+ days estimated effort in SCB.
- Applicant proposes to fish troll gear concurrently.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.

**XIII.) Agenda Item I.3 Attachment 14;** DSBG EFP application from Mr. Thomas Wright

**A) HMSMT Recommendation:**

- Council approval
- Level 1 observer coverage

**B) Merits:**

- Aligns with Council goals
- Complete in regard to COP 20
- Applicant has DGN, pelagic longline, and harpoon experience

**C) Suggestions and Comments:**

- Indicates 50 days estimated effort in SCB, 20 in CCA, 20 in NCA and 20 in OR.
- The HMSMT has determined that the proposal does not include a significant scientific component that warrants SSC review.

**D) Requested Revisions:**

- None.



## HMSMT Recommendation Summary

<b>Applicant</b>	<b>Team Recommendation</b>	<b>Observer Coverage</b>	<b>Requested Revisions</b>
<i>Carson (revision)</i>	Approval	Level 1/Level 2	None
<i>Breneman, R.</i>	Approval	Level 1	None
<i>Breneman, S.</i>	Approval	Level 1	None
<i>Buompensiero</i>	Resubmission	Level 1	Complete questions #6 & #9
<i>Dagama</i>	Preliminary Approval	Level 1	Estimated fishing days in SCB & CCA
<i>Fuller</i>	Approval	Level 1	None
<i>Funderberg</i>	Preliminary Approval	Level 1/Level 2*	Complete question #10
<i>Hatto</i>	Resubmission	Level 1	Complete questions #2, #6, #8, #9 & #10
<i>Hyman</i>	Preliminary Approval	Level 1	Complete question #10
<i>Scarbrough</i>	Approval	Level 1	None
<i>Surgener</i>	Approval	Level 1	None
<i>Sutton</i>	Approval	Level 1/Level 2*	None
<i>White</i>	Approval	Level 1	None
<i>Wright</i>	Approval	Level 1	None

\*Level 1 observer coverage for effort utilizing one set of LBG or mixed set of both configurations; Level 2 observer coverage for effort utilizing only one set of SBG; 100% observer coverage for all effort utilizing multiple sets of DSBG

Applicant	Applicant	Application Date	Application Version	Status	Number of Vessels	SBG	LBG	SCB	CCA	NCA	OR	Notes
Scott Breneman		March 2018	Original	Applied	1	X		50	50	-	-	
Robert Breneman		March 2018	Original	Applied	1	X		50	50	-	-	
Pietro Buompensiero		March 2018	Original	Applied	1	?	?	-	200	-	-	
Josh Dagama		March 2018	Original	Applied	1	X		?	?	50-100	50-100	
Daniel Fuller	William Fuller	March 2018	Original	Applied	1	X		50	-	-	-	
Clint Fundenberg		March 2018	Original	Applied	1	X	X	-	60-90	60-90	60-90	2 sets of LBG
David Hatto		March 2018	Original	Applied	1	?	?	?	-	-	-	
Ben Hyman		March 2018	Original	Applied	1	?	?	50-100	-	-	-	
Tyler Scarbrough		March 2018	Original	Applied	1	X		30	10	-	-	
Greg Sugener		March 2018	Original	Applied	1	X		50-100	50-100	50-100	50-100	
William Sutton		March 2018	Original	Applied	1	X	X	50	30	-	-	
Matt White		March 2018	Original	Applied	1	X		100+	-	-	-	
Thomas Wright		March 2018	Original	Applied	1	X		50	20	20	20	
Thomas Carson	Nathan Perez	March 2018	Revised	Applied	1	X	X	180	90	-	-	
Stephen Mintz		Nov 2017	Revised 2	Approved	1	X	X		20-60			
Donald Brockman		Nov 2017	Original	Revising	1	X		100	30	-	-	
Christopher Ekstrom		Nov 2017	Original	Revising	1	X		100	-	-	-	
Stephen Greyshock		Nov 2017	Original	Revising	1	X		30-90	30	30	-	
Applicant	Applicant	Application Date	Application Version	Status	Number of Vessels	SBG	LBG	SCB	CCA	NCA	OR	Notes
John Foster		Nov 2017	Revised	Approved	1	X	X	40	100	-	-	
Bob Ball		Sept 2017	Resubmitted	Approved	1	X		60-90	-	-	-	
Aleksandr Lutoshkin		Sept 2017	Resubmitted	Approved	1	X		150	-	-	-	

Ramunas Rynkevic		Sept 2017	Resubmitted	Approved	?	X		150	-	-	-	
Tetyana Sokolova		Sept 2017	Resubmitted	Approved	1	X		100	-	-	-	
Ron Ellis		Sept 2017	Original	Approved	1	X		30-60	5-10	-	-	
John Hall	Frank Crivello III	Sept 2017	Original	Approved	2	X	X	-	60	60	60	per vessel, 2 sets LBG
Joshua Porter		Sept 2017	Original	Approved	1	X		20-30	20-30	20-30	90	
Justin Porter		Sept 2017	Original	Approved	2*	X		20-30	20-30	20-30	90	*wants to fish 2 vessels himself
Andrew Rasmussen		Sept 2017	Original	Approved	1	X		60	-	-	-	
Alexander Sidenko		Sept 2017	Original	Approved	1	X		?	?	?	?	
Michael Smith		Sept 2017	Original	Approved	2*		X	60	30	20	20	*wants to fish 2 vessels himself
Mark Tafoya		Sept 2017	Original	Approved	?	X		-	20	20	20	
Arthur Lorton	David Haworth	June 2017	Revised	Approved	3	X	X	150	75	75	75	
John Ford		June 2017	Original	Approved	1	X		120	90	30	20	
Michael Graves		June 2017	Original	Approved	1	X		25	100	-	-	
Raymond Kennedy		June 2017	Original	Approved	1	X		45	15	-	-	
Lance Maassen		June 2017	Original	Revising	1	X		85%	15%	-	-	
Steve Masuda		June 2017	Original	Revising	1	X		?	?	?	?	(sent email for days)
<b>Applicant</b>	<b>Applicant</b>	<b>Application Date</b>	<b>Application Version</b>	<b>Status</b>	<b>Number of Vessels</b>	<b>SBG</b>	<b>LBG</b>	<b>SCB</b>	<b>CCA</b>	<b>NCA</b>	<b>OR</b>	<b>Notes</b>
Michael McCarthy		June 2017	Original	Revising	2*	X		60	60	60	60	*wants to fish 2 vessels himself
Michael McCorkle		June 2017	Original	Approved	1	X		?	-	-	-	
Dustin Selck		June 2017	Original	Approved	1	X		100+	-	-	-	
Antolii Shvets		June 2017	Original	Approved	2*	X		100	-	-	-	*wants to fish 2 vessels himself
Andrii Sidielnikov		June 2017	Original	Approved	1	X		100	-	-	-	
Paul Spinale		June 2017	Original	Approved	1	X		30-50	-	-	-	

Benjamin Stephens	Jack Stephens	June 2017	Original	Approved	2	X	100	-	-	-	per vessel
Vitaly Sviridov		June 2017	Original	Revising	1	X	?	-	-	-	
Cullen		June 2017	Resubmitted	Approved	1	X	-	??	-	-	
PIER	3 vessels	March 2017	Revised	Approved	3	X	X	100%	-	-	-
Fred Hepp	Sean Robertson*	March 2017	Revised	Approved	2	X	50	50	-	-	* did not sign/complete application
Kent Jacobs		March 2017	Original	Approved	1	X	100- 150	20- 50	-	-	
Martin Kastlunger		March 2017	Original	Approved	1	X	100+	-	-	-	
Phillip Harris		March 2017	Original	Approved	1	X	?	-	-	-	
Denny Corbin		March 2017	Original	Approved	1	X	18	45	-	-	
William Diller		March 2017	Original	Approved	1	X	10	-	-	-	
David Stephens		Sept 2016	Revised	Denied	2	X	100	-	-	-	per vessel
PIER	5 vessels	March 2015	Original	Fished	6	X	120	-	-	-	
Perguson	5 vessels	March 2015	Original	Fished	5	X	?	-	-	-	

PFMC  
03/13/18