

## HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON EXEMPTED FISHING PERMITS

At the March 2018 meeting, the Pacific Fishery Management Council (Council) chose to return to the Council Operating Procedure 20 (COP 20) schedule of accepting new highly migratory species (HMS) exempted fishing permit (EFP) applications at the June meeting of each year. Applications that propose a new gear and/or method would be evaluated during a June and September two-meeting process, while applications for deep-set buoy gear (DSBG) proposing no new gear configurations or fishing methodologies could continue to be approved in a single meeting. Due to impacts from COVID-19, this schedule has now been pushed back to begin in September.

Despite the influx of approved DSBG applications since 2015, abandoned applications and non-renewal of previously issued EFPs due to no fishing activity has resulted in only 26 standard buoy gear (SBG), 8 linked buoy gear (LBG), and 1 night-set buoy gear (NSBG) EFPs issued and authorized to fish in 2020. Thus, any DSBG EFPs approved at this September Council meeting would remain within the constraints of NMFS' current Endangered Species Act (ESA) Section 7 coverage for up to 62 SBG and 15 LBG vessels. The HMSMT recommends that observer coverage requirements for new EFPs be consistent with NMFS' existing observer coverage for currently issued EFPs.

The Highly Migratory Species Management Team (HMSMT) reviewed the 20 new HMS EFP applications received for the September meeting, as summarized in [Attachment 1](#), and offers the following overview.

### **New DSBG Applications:**

Applications which the HMSMT recommends for a one meeting process include [Attachments 2-7, 9, 11-13, 15-19, and 21](#) ([Attachment 15](#) is for an additional vessel for a current EFP holder). These applications propose using SBG and/or LBG configurations to fish during daylight hours. ***The HMSMT has reviewed these applications and recommends that the Council approve these and direct them to NMFS for issuance, in priority over applicants approved at prior meetings who have not yet completed the process for obtaining their permits.***

The application submitted by Mr. Andrii Sidielnikov ([Attachment 17](#)) proposes to fish DSBG, but does not specify SBG or LBG. Mr. Sidielnikov had previously applied for an EFP, which the Council approved, and NMFS issued. Some fishing effort was completed under the EFP, but the applicant did not fish in 2019 due to vessel construction, and his permit was not renewed for 2020. This application is for a different vessel than the individual used under his former EFP. ***The HMSMT recommends the Council approve this application at this meeting and allow Mr. Sidielnikov to fish DSBG on the new vessel.***

In addition, two applications ([Attachments 10 and 20](#)) for SBG and LBG mention a desire to fish at night, but do not specifically request to test NSBG as defined in the original Perez application and issued EFP terms and conditions. One individual currently has indicated no DSBG experience; the other has minimal experience as crew on a DSBG vessel.

## **New NSBG Applications:**

At its September 2019 meeting, the Council approved the Perez/Carson EFP to fish both NSBG (linked and standard; NSBG-L, NSBG-S) under 100% observer coverage, for a single vessel. Results from this NSBG EFP would be presented to the Council in June 2021, per COP 20. The HMSMT discussed pros and cons of approving the two applications for NSBG, as well as the two DSBG applications which mention the possibility of fishing at night.

Approving all applications which either request an EFP for NSBG or mention night use of DSBG would provide an opportunity for the Council to collect data from an additional five vessels to better inform conclusions about the viability of using NSBG, thereby avoiding overreliance on a single vessel's results. In addition, approving these applications could also reduce the time needed to expand the use of this method, if effective, or provide the Council with a rationale for not further supporting its development in case problems arose. If NSBG fishing proves effective from economic and conservation standpoints, it could provide west coast fishermen with another viable means to target swordfish, and could increase the supply of domestic-caught swordfish available to U.S. consumers as an alternative to the current high reliance on imports.

While there is benefit in the approval of additional EFPs for NSBG, the HMSMT has also heard concerns on too rapid of an expansion of NSBG fishing. To date, no data are available from the initial EFP. Without this data, there is little to inform additional analysis, so limited conclusions can be drawn regarding its efficacy or bycatch rates. The likelihood of lost gear, especially from individuals with no prior DSBG experience, is potentially higher, resulting in a risk of unintended entanglements with non-marketable and protected species. Additionally, NMFS' current ESA coverage for NSBG is for a single vessel, so a new consultation process would have to be undertaken before additional EFPs for NSBG could be issued. As stated in prior discussions, authorization of NSBG to fish HMS would be a completely separate action from the current DSBG authorization process and would require additional data and a much longer timeline. This is both an argument in support of approving additional NSBG EFPs, as well as highlighting the lack of urgency to simultaneously authorize NSBG with DSBG.

[Attachment 14](#) is from Mr. Nathan Perez and Mr. Thomas Carson, requesting to fish NSBG on an additional vessel. The HMSMT received clarification from one of the applicants who indicated that he would at minimum like the flexibility to fish on either the currently approved vessel, or on the new vessel. However, should the Council decide to approve additional NSBG vessels, Mr. Perez and Mr. Carson would like to be able to fish the two separate vessels simultaneously. The HMSMT recommends the Council at minimum approve Mr. Perez's request for permission to fish on either vessel.

[Attachment 8](#) is from Mr. David Haworth and Mr. Nicolas Haworth, requesting to fish NSBG on three vessels. The HMSMT received clarification from the applicants who indicated that they do not intend to recruit a third captain, nor fish three vessels simultaneously. While two vessels may be fished concurrently, the majority of effort would be from one vessel at any given time, and the three vessels are to allow for flexibility. The HMSMT also notes that this application is almost an exact copy of Mr. Perez's original and current applications.

After substantial HMSMT discussion on the merit of the four applications for NSBG or which mention fishing DSBG at night, as well as discussion regarding enforcement and conservation concerns, HMSMT members are not in complete agreement on a Council recommendation. While all members of the team feel that having adequate data for decision making is always important, there was a difference in opinion in how and when those data should be collected. Therefore, the HMSMT proposes the Council consider the following possible approaches regarding the above stated EFPs for NSBG or which mention using DSBG at night:

1. Approve all the applications which include night fishing (Attachments 8, 10, 14, and 20);
2. Approve none of them for night fishing, but approve Attachments 10 and 20 for daytime DSBG only;
3. Delay approval until after review of data from the current NSBG EFP is presented at the June 2021 meeting;
4. Approve only the EFPs for Mr. Perez and the Haworths (Attachments 8 and 14) who have substantial DSBG fishing experience, in order to gain more data representative of NSBG fishing.

PFMC  
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