

Agenda Item H.4.a
Supplemental HMSMT Presentation 1
March 2021

HMSMT REPORTS 1 & 2 ON H.4 DEEP-SET BUOY GEAR PERMIT CLARIFICATIONS

March 2021

Council Meeting

HMSMT REPORT 1

The HMSMT identified FIVE interrelated items in the November 2020 NMFS report which need further Council clarification:

- 1) Clarification of who qualifies under permit Tiers 1 and 3**
- 2) Standardized definition of DSBG fishing effort**
- 3) Tier 3 qualification requirement under new observer coverage levels**
- 4) Potential issue of excessive numbers of individuals qualifying under Tier 3**
- 5) Council intent in defining limited entry (LE) permit holder as “person”**

HMSMT REPORT 1

1) Clarification of who qualifies under permit Tiers 1 and 3

- Intent was to include individuals in Tiers 1 & 3 who were authorized to fish under EFP and met a Tier's effort criteria
- Only considered those actively engaged in commercial swordfish fishing as qualifying for a LE permit in the future
 - *Qualifying Criteria developed around documented commercial swordfish experience, whether DSBG, harpoon or DGN*
- Did not foresee others in EFP process (applicants, EFP managers, etc. who were not engaged in fishing effort under an EFP) might be included in the pool of individuals qualifying for an EFP

HMSMT REPORT 1

2) Standardized definition of DSBG fishing effort

- The Council should consider adopting the term “fishing day”
- “Fishing day” defined as “up to 10 pieces of gear actively fished within a calendar day”, in place of “set” as a measure of DSBG fishing effort

HMSMT REPORT 1

3) Tier 3 qualification requirement under new observer coverage levels

- Consider revising the Tier 3 requirement from “10 observed days” to “10 days of documented fishing effort (via logbooks or observer coverage), with at least 3 of those observed”.

HMSMT REPORT 1

4) Potential issue of excessive numbers of individuals qualifying under Tier 3

- Not a concern at this time as long as NMFS uses discretion when adding authorized individuals (e.g., allowing for one or two additions on an EFP vs. 15 additions)

HMSMT REPORT 1

5) Council intent in defining limited entry (LE) permit holder as “person”

- Interpreted Council’s intent as to allow a permit to move with the corporation should it be passed to a family member in an estate
- HMSAS conveyed benefit of allowing individuals to hold their permit under a corporation for liability reasons

HMSMT REPORT 2

CDFW report definition of “EFP holder” with respect to Tiers 1 and 3 appears consistent with Option B in Supplemental NMFS Report 2

Under this option, the HMSMT interprets “EFP holder” to include:

1. Vessel operators listed on an EFP who conducted DSBG fishing effort and individually completed the effort requirements;
2. EFP managers and/or EFP vessel owners who oversaw an EFP that collectively met the effort requirements, regardless of whether they were onboard (an) EFP vessel(s) while the qualifying DSBG effort occurred

HMSMT REPORT 2

Request clarification on when an individual has “officially” participated in a buy-back program

- What is meant by “surrendered permit” for both state and federal programs?

QUESTIONS?

