

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

The Highly Migratory Species Management Team (HMSMT) reviewed the exempted fishing permit (EFP) applications submitted to the Pacific Fishery Management Council (Council) for the June 2021 meeting. The HMSMT also discussed Dr. John Hall's interest in renewing his EFP to fish deep-set shortline gear beyond calendar year 2021. During HMSMT discussion, two applicants were present and made themselves available for questions on their applications.

Of the 10 applications, seven were for deep-set buoy gear (DSBG), both standard (SBG) and/or linked (LBG). The HMSMT supports the Council recommending these applications to National Marine Fisheries Service (NMFS) for issuance at this meeting. It is the HMSMT's understanding that NMFS can accommodate the issuance of these permits within its existing plan for renewing SBG and LBG EFPs for continued operations into 2022.

The three remaining applications all proposed fishing with alternative gear configurations. These were submitted by Mr. Nathan Perez, Mr. John Bateman, and Mr. Austen Brown. Given the use of alternative gear configurations, the HMSMT considered these applications to be subject to the normal two-meeting process.

A key consideration in the Perez application is whether to extend the proposed action area for the use of night-set buoy gear (NSBG) to state waters around the Channel Islands and in a few select locations off the mainland of California. Based on the data collected during NSBG sets in Federal waters of the southern California Bight, the HMSMT supports Council consideration of this request. However, the HMSMT discussed the notion of data on the activity being limited and that being a factor for NMFS in considering federal review steps necessary to expand the proposed action beyond that already permitted under Mr. Perez's existing EFP. Because Mr. Perez's current NSBG EFP expires at the end of this calendar year, and changing the proposed action area for reissuing his EFP would create a higher workload than a renewal without extending the proposed action, the HMSMT encourages the Council to consider a recommendation for approval to extend the proposed action for this NSBG at this meeting rather than wait until the September meeting to do so. Delaying a recommendation to approve an extension of the proposed action area until the September meeting may increase the likelihood that Mr. Perez would be unable to fish NSBG continuously, i.e., once his current EFP expires.

Mr. Bateman fielded questions from the HMSMT regarding his motivations for submitting the application, expectations on the number of vessels being interested and ready to fish, and willingness to modify his application. Mr. Bateman indicated an interest in fishing with a relatively short, 10-mile section of pelagic longline gear in his application as the most efficient replacement for drift gillnet (DGN) gear. What the HMSMT found particularly interesting about Mr. Bateman's intent is the notion of fishing the gear on smaller vessels, including those active in the DGN fishery. During discussion, Mr. Bateman conveyed his willingness to make substantial modifications to gear specifications, including possibly fishing with an even shorter mainline and fewer hooks, considering mitigation measures, and a reduction in the number of vessels under the EFP. Taking

these things into account, the HMSMT started to associate his interest with that of Dr. Hall or Mr. Brown – to conduct trials with a fishing gear that has a smaller footprint and may be better tailored to fishing inside the EEZ on smaller vessels.

Ultimately, the HMSMT recommends that the Council request Mr. Bateman submit a revised application to incorporate modifications he is willing to implement for further consideration in September. Such modifications could include specifying fewer number of vessels (e.g., one or two), including more detail on these vessels and potential operators, and describe measures he is willing to incorporate to mitigate potential impacts to species of concern in the proposed fishing area. While sensitive to Mr. Bateman’s motivation to create and find a viable fishing alternative for DGN vessels, the HMSMT views collecting data as the primary goal of the EFP process. Therefore, the HMSMT recommends that Mr. Bateman consider the potential to place observers on any vessel he intends to include on a modified application, and make preparations to cover the cost of observers to collect data on proposed EFP fishing trips.

Mr. Brown also fielded questions from the HMSMT regarding his permit application for “mid-water snap gear” and made clear the similarities and differences between his application and that of Dr. John Hall for deep-set shortline gear (DSSL). The overarching goal of Mr. Brown’s EFP is to evaluate the performance of this relatively new gear configuration at various depths and times of day relative to target, bycatch, and non-target species. He stated that his proposed soak time was relatively short (2-4 hrs), and the HMSMT agreed with him that this would be a good practice to minimize bycatch mortality. He expressed a willingness to have 100% observer coverage, to actively tend his gear, to not use steel leaders, and that, despite the small size of the vessel, he would not be opposed to retaining shark species that had expired upon gear retrieval, although the short soak time would mitigate shark mortality. While his gear configuration is extremely similar to that of the Hall EFP, there are a few noted differences. The main difference being that Mr. Brown does not believe the strike detection buoys to be a feasible component of this gear and is unsure of how he could incorporate them into the gear design in a way which would prove effective.

As noted, the HMSMT views Mr. Brown and Mr. Bateman’s interests as similar to Dr. Hall’s, with the exception of their intent to conduct gear trials on smaller vessels. Dr. Hall’s EFP application, and ultimately the terms and conditions of his EFP, included a number of mitigation measures which were not specified in either Mr. Brown or Mr. Bateman’s application. For example, Dr. Hall included details on his plans for actively tending his gear, emphasized setting hooks at deeper depths, and elected not to fish in the Pacific Leatherback Conservation Area (at least, initially).

The HMSMT was hopeful to see data from the deep set-shortline EFP issued to John Hall and remains interested in reviewing any data that could be collected during fishing with this type of method or a similar method. Therefore, the HMSMT recommends that the Council approve these three applications (two new, one extension) for further consideration at the September meeting.

PFMC  
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