

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON EXEMPTED FISHING PERMITS

During the June Pacific Fishery Management Council (Council) meeting, the Council held off final action on the Bateman Exempted Fishing Permit (EFP), the Brown (Mid-Water Snap Gear) EFP, and the Perez EFP. Final action was slated for this meeting to allow for the Brown and Bateman applicants to provide more detail about their requested activities. Each of those applicants submitted revised applications.

Bateman EFP

We appreciate Mr. Bateman's revision or providing additional information regarding: (1) the number of hooks to be fished and further refining that based on the geographic area fished; (2) the number of vessels participating under the EFP and identification of the vessels and operator(s); (3) increased level of observer coverage; (4) fishing operational limitations based on geographic area fished; and (5) including the list of recommendations.

Brown (Mid-Water Snap Gear) EFP

We appreciate Mr. Brown's revision or providing additional information regarding: (1) gear soak time; (2) the ability to test applicability of strike indicator buoys; (3) clarity on retention of sharks; (4) gear marking and identification of areas where gear will not be intentionally set; (5) gear modifications to mitigate possible harmful impacts of an interaction with a whale; and (6) ongoing conversations with an electronic monitoring (EM) provider for possible use in pelagic fisheries.

Perez EFP

After having read the D.3.a, Supplemental CDFW Report 1, we understand the legalities involved and understand National Marine Fisheries Service (NMFS) cannot issue an EFP for the activity proposed.

The HMSAS is supportive of efforts to test new gear types that will supplement domestic production of swordfish and other HMS stocks. The HMSAS reviewed Supplemental CDFW Report 1 and offers the following comments:

Gear Configuration:

- **# Hooks & hook depth** – We note the Hall EFP was issued and could have allowed up to 250 hooks. There is a concern the number proposed here (75) will disincentivize participating in this experimental fishery. EFP applicants think 150 hooks may represent the lowest number that would potentially support the goals and objectives of the EFPs. We recommend avoiding restrictive terms and conditions which would lead to an issued EFP being unfished.

- **Distance from Shore** - This is a big concern that pushing fishing activity further off the islands will functionally eliminate access to much of the productive areas within the Southern California Bight. A couple of members of the HMSAS recommends the operational area for "Hook Gear" and "Midwater Snap Gear" east of 120 degrees west longitude be not less than 35 nm offshore of the islands and mainland of Southern California. Others suggest allowing fishing within 10 nm of the islands while retaining the 20 nm restriction from the coastline within the Southern California Bight. There are many productive canyons and banks located closer to the islands which increase likelihood of accomplishing the goals and objectives of the EFP.

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Protective Measures:

- **Line attached to vessel** – is problematic and presents a safety concern in inclement weather, may result in gear fishing at unintended depths, cause tangles and breaks in the line. This would reduce the quality of the information received from the fishing activities.
- **100% human observer coverage** - requirement until electronic monitoring has been proven effective for this fishery. Come back in March of 2023 (or in the March in the year after there is activity on the EFP) to compare observer reports with EM generated datasets to determine if there remains a need for observers.

Individual Vessel Bycatch Limitations

- After any interaction with a listed species or species protected under the Marine Mammal Protection Act, that vessel's operations would cease pending review by NMFS. Concern about how much time it would take NMFS to conduct this review and will the review be the same for listed marine mammals (humpbacks and/or blue whales) as opposed to those whose populations are not of any concern (California sea lion).

Additional comments/concerns:

- HMSAS members estimate the cost of outfitting a vessel to utilize this gear to be somewhere between \$50,000 and \$75,000. While we understand and acknowledge the primary purpose of EFPs is data collection, we have to be cognizant of the costs involved in collecting this data.
- Set up an annual review process where functional and operational aspects of the EFPs can be reviewed, and perhaps modified, based on the prior year's fishing activities. Examples include but are not limited to, observer requirements, number of hooks allowed, reporting requirements of interactions, etc.

West Coast HMS harvesters have long shown ingenuity in addressing bycatch and other concerns from the development of the Medina Panel on purse seine vessels to functionally eliminate dolphin mortality in tuna fisheries, to the use of acoustic pingers on drift gill nets to dramatically reduce large cetacean interactions, to the use of circle hooks in longline fisheries. We support allowing harvesters to test the viability of their ideas rather than stifling them for fear of the unknown.