

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON EXEMPTED FISHING PERMITS

The Highly Migratory Species Management Team (HMSMT) discussed the three exempted fishing permit (EFP) applications in the September 2021 Council briefing book, scheduled for final Council action at this meeting. Two of these proposals involve testing methods other than deep-set buoy gear (DSBG), and the third involves testing DSBG at time and area combinations not previously considered. The HMSMT acknowledges the thought and effort that went into developing these proposals to test novel approaches for targeting swordfish off the west coast.

The HMSMT first discussed the two proposals to test methods other than DSBG for targeting swordfish (Agenda Item D.3, Attachments 1 and 2). The HMSMT notes that the large-mesh drift gillnet fishery is subject to California state regulations designed to sunset the fishery and faces the potential of additional Federal legislation, while longline, a widely utilized method of catching swordfish, is currently prohibited from use inside the west coast exclusive economic zone (EEZ). The methods in these EFPs offer alternatives to harpoon (HPN), drift gillnet (DGN), and DSBG, which are the only other swordfish targeting strategies used in the EEZ. If current trends continue in the DGN fishery, swordfish fishery participants may have only two options: HPN and DSBG. The HMSMT is concerned that sole reliance on these two methods may fall short of meeting the suite of objectives the Council discussed in the [draft Swordfish Management and Monitoring Plan \(SMMP\)](#). For example, it is still highly questionable whether HPN and DSBG alone will have enough participation to produce a commercial volume of locally-caught west coast swordfish that can reduce reliance on imports. The loss of DGN supply and sole reliance on these gear types could create increased demand for less expensive imported fresh swordfish products, as both DSBG and HPN seek to supply consumer market segments at higher price points.

For reasons described above, the HMSMT sees value in testing the non-DSBG gear types proposed by Mr. Bateman and Mr. Brown. Additionally, both applicants indicate an interest in fishing the gear north of Point Conception, where few DSBG sets have been made to date. Mr. Bateman proposes to use up to 300 hooks per set, while Mr. Brown proposes to use up to about 450 hooks per set¹. However, during a joint meeting with the HMS Advisory Subpanel (HMSAS), there was discussion of a proposal to merge the two non-DSBG EFPs, including a method similar to midwater snap gear described in Mr. Brown's proposal and individual protected species take caps.

The HMSMT was able to have a follow-up discussion with Mr. Bateman to better understand his application. Mr. Bateman explained that his interest in fishing areas north of Point Conception was critical to his decision to propose some key differences in methodology in comparison to Mr. Brown's application. He described that his intent to use up to 10 miles of line may be more suitable to fishing in heavier sea conditions and covering a larger search area. He described a strategy to set longer gear with fewer hooks while searching for swordfish and then reducing the length of the gear once target fishing grounds were identified. He also indicated that the four-hour window described in Mr. Brown's application for pulling the gear might not be sufficient for his intended

¹ 5 nms = 9260 meters; 9260/300 = 30.87 sections; 30 sections X 15 hooks per section = 450 hooks

targeting strategy (e.g., capturing a slack tide). He also suggested a 12 mile limit from shore as a regulatory limit that could enable him to test his swordfish targeting strategy, allowing access to nearer-shore fishing grounds of interest north of Point Conception (e.g., along canyons). Mr. Bateman further pointed out that DSBG is not likely to work well to target swordfish north of Point Conception due to prohibitive weather conditions.

Regarding the Perez application (Agenda Item D.3, Attachment 3), the HMSMT recognizes the objective to test DSBG in previously unutilized times and areas. Discussion of this application with the HMSAS raised some regulatory concerns regarding provisions for testing DSBG inside California state waters.

The HMSMT discussed the use of take caps for species of concern as a bycatch mitigation measure in EFPs. Potential conservation impacts of EFPs are likely to be low by design. Adding hard caps for species of concern would provide an additional level of assurance against adverse impacts, but could also result in preempting learning by shutting down an EFP before collecting an adequate amount of data to inform adjustments to operations or to draw conclusions about the efficacy of the method. The HMSMT notes that individual caps would better support continued data collection in case one of the participants reaches a cap, while also creating an individual incentive for bycatch avoidance.

The HMSMT believes that all three EFPs under consideration further the management goals in the Council's draft SMMP. These include minimizing protected species bycatch and unmarketable and prohibited finfish catch to the extent practicable; supporting the economic viability of the west coast swordfish fishery to produce a high quality, locally-caught product and reduce reliance on imported seafood; and promoting and supporting a wide range of harvest strategies for swordfish off the U.S. West Coast.

While the HMSMT appreciates the applicants' willingness to test Electronic Monitoring (EM), the HMSMT is concerned about EM taking the place of human observers as EM has yet to be tested in fisheries managed under the HMS FMP. The HMSMT is interested in the application of EM in HMS fisheries, but proposes that any testing on EFPs for new gear types be done in tandem with human observers onboard.

Given experience with other EFPs issued to date, the HMSMT discussed the possibility of some vessels or applicants, if approved for EFPs, not being able to make substantial contributions in fishing effort. While the HMSMT is sympathetic to circumstances that may prohibit fishing effort, it may be in the best interest of data collection to make any per-vessel limits accessible to other vessels if circumstances no longer allow a vessel to prosecute the EFP.

HMSMT recommendations

- The HMSMT supports the Bateman and Brown EFP proposals and recommends they be authorized.
- If species take caps are included, balance the objectives of limiting conservation impacts against the risk of a lost data collection opportunity in the event of early closure due to reaching a cap.

- In the interest of maximizing potential data collection, include provisions for continuing effort should an EFP recipient become unable to fish the EFP.
- Include 100 percent observer coverage as a condition for EFP approval.
- Approve renewal of Mr. Perez's night-set DSBG EFP for Federal waters, and endorse his proposal to fish in selected areas in California state waters contingent on any necessary state authorization for the activity.

PFMC
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