

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL
REPORT ON EXEMPTED FISHING PERMITS

The Highly Migratory Advisory Subpanel (HMSAS) notes that under the Activity Reports for 2021 HMS exempted fishing permits (EFPs) three current EFPs are missing reports. The HMSAS recommends that the Pacific Fishery Management Council (Council) request that National Marine Fisheries Service (NMFS) remind EFP applicants of the requirement to provide annual reports and request reports from those that did not report. In addition, the HMSAS recommends that the Council request that NOAA reviews EFP logbook data for quality assurance / quality control (QA/QC) to ensure that the EFPs are delivering performance data.

The main reason for issuing EFPs is to gather data; in this case about the performance of Deep-Set Buoy Gear (DSBG). NMFS has informed us that the final rule authorizing DSBG for use in HMS fisheries and initiating the process for issuing Limited Entry (LE) permits may be completed by the end of this year. Given this, the HMSAS wonders whether additional permits to the test the standard gear configuration are necessary at this point. Furthermore, these applicants may have limited opportunity to fish under an EFP before the fishery is authorized and an EFP would be inapplicable. **The HMSAS recommends that the new EFP applications that will utilize Standard DSBG and Linked Buoy Gear (LBG) should not move forward as the fishery is in the process of being authorized and those EFP applications have not identified any new information or how they will fill any data gaps.** There are eight Applications requesting standard DSBG/LBG configurations: Bateman, Devoe, Fukushima, Gersham, Harold, Hupp, Mandata/Beck, Rippo and Souza shown in Attachments 1-5, 7, 9, 13, and 14.

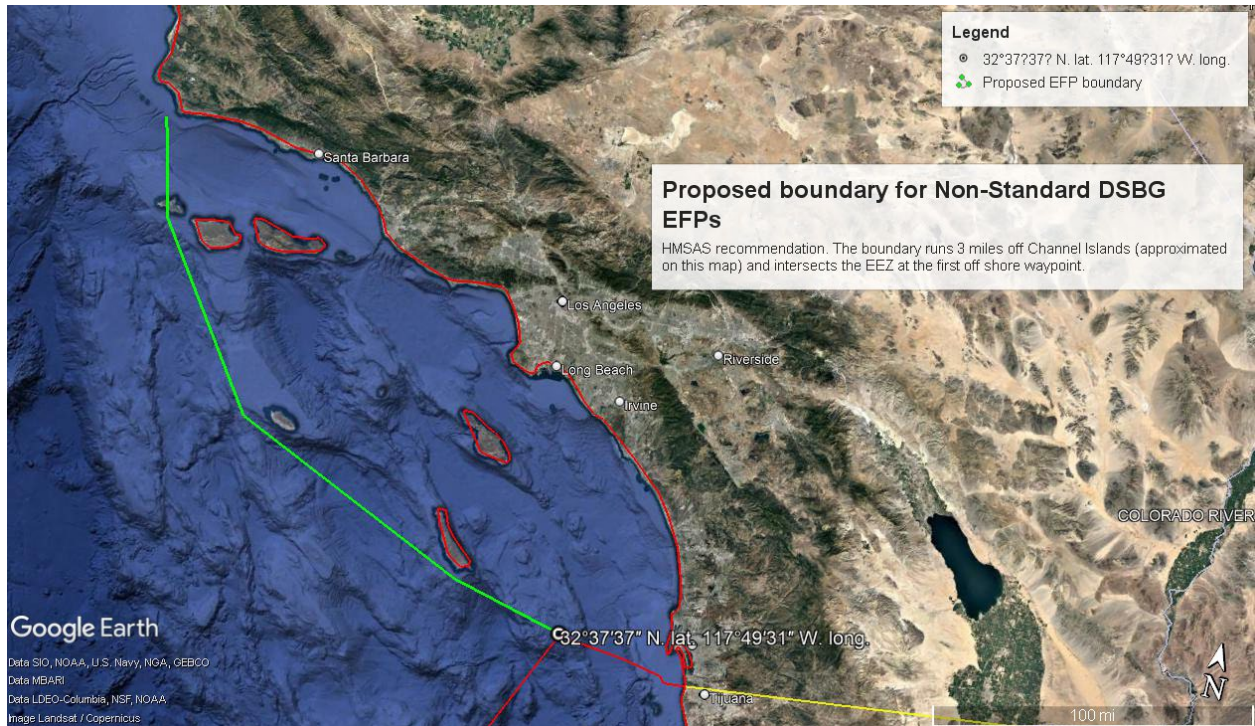
The HMSAS also has concerns about those remaining EFPs, which propose to fill data gaps.

- We are concerned about the requests for increased number of hooks and buoys. The Standard DSBG fishery requires active tending of all pieces of gear to mitigate bycatch of unwanted or protected species. To the extent these EFPs can inform whether there is a maximum number of buoys that can be actively tended, there may be merit.
- We are concerned about the requests for night fishing. The PIER EFP made a cursory effort with night fishing but did not give it enough effort to determine if it would be successful. They did however have problems with unmarketable bycatch on both the Opah hook and while setting and retrieving the gear. We note that Nathan Perez was issued an EFP to fish at night and reported it “helped bring product in when fishing was slow.”
- It is our understanding that when the LE fishery is authorized; an individual holding both a LE Permit and an EFP – must only fish one of the permits at a time.

With these issues in mind, the HMSAS would like to make the following comments and recommendations on the issuance of the latest round of EFP submissions. Applications proposing additional gear and/or night fishing be authorized in federal waters above Point Conception. For waters below Point Conception – we propose the EFPs be authorized in federal waters outside of a line drawn as follows –

- Pt Conception to the west end of San Miguel.
- From the East End of San Miguel to the West end of San Nicholas Island.
- From East End of San Nicholas Island to West end of San Clemente Island
- From East End of San Clemente Island (Pyramid Head) to the US/Mexico border at 32.37.618/117.49.532

This configuration is depicted below:



PFMC
06/11/22