

Applications Open for Limited Entry Deep-Set Buoy Gear Permits and Endorsements

In September 2019, the Pacific Fishery Management Council (Council) took final action to identify deep-set buoy gear (DSBG) as a legal commercial fishing gear under the Fishery Management Plan for West Coast Highly Migratory Species Fisheries and pursuant regulations. On May 8, 2023, the National Marine Fisheries Service (NMFS) published regulations to implement the action. This action allows fishermen to obtain federal permits to fish for swordfish using DSBG in Federal waters offshore of California and Oregon. This action is intended to support a healthy domestic fishery with economic benefits for fishing communities, processors, restaurants, and consumers, while minimizing bycatch of protected species and non-target finfish.

Limited Entry Deep-set Buoy Gear Permits Application Process

NMFS will issue limited entry (LE) DSBG permits in a two phased regime. The first phase includes an initial, one-time, 60-day application period, beginning June 7, 2023, for applicants meeting the criteria laid out by the Council, and implemented by NMFS, for Tiers 1-8. Once the application period has ended, on August 7, 2023, NMFS will rank the applications within each tier based on the specific tier's criteria for Tiers 1-5 and on a first come first serve basis for Tiers 6-8. NMFS will then issue 50 LE DSBG permits later this year as the first year of the phase, and 25 permits each year after, starting in 2024, up to 300 permits in total, or until NMFS and/or the Council determine that the maximum number of permits should be something less than 300. In that instance, NMFS will engage in rulemaking to specify the alternative maximum number of permits to be issued. Phase two will be an annual application process for applicants under Tier 9. Phase two will begin once all eligible applicants in Tiers 1-8 have received their permits.

Beginning June 7, 2023, applications are be available for LE DSBG permits under Tiers 1–8 through the NOAA Fisheries Permits Website¹ and are due to NMFS August 7, 2023. This will be a one-time application opportunity to qualify for a LE DSBG permit under Tiers 1–8. A potential applicant that fails to submit a complete application by the deadline forgoes their opportunity to obtain a permit under Tiers 1–8. A potential applicant that misses the application deadline for Tiers 1–8, is denied a permit, or otherwise does not qualify for a permit under Tiers 1–8 could apply for a permit under Tier 9.

How to Apply for a LE DSBG Permit

As mentioned above, to qualify for a LE DSBG permit under Tiers 1-8, applicants have to meet the following requirements: (1) be eligible to own a permit, (2) be in compliance with ownership limitations, (3) meet the criteria for one of the qualification Tiers 1-8 laid out by the Council, and (4) apply for a LE DSBG permit by completing and submitting an initial issuance application package to NOAA Fisheries. The completed application package must be submitted through the NOAA Fisheries Permits website² by August 7, 2023. This means that the application period will run from June 7th, 2023, through August 7th, 2023.

¹ https://fisheriespermits.noaa.gov/npspub/pub_cm_n_login/index_live.jsp

² https://fisheriespermits.noaa.gov/npspub/pub_cm_n_login/index_live.jsp

A complete initial issuance application package consists of the following: (1) a completed initial issuance application, (2) all DSBG Identification of Ownership Interest information for businesses,³ (3) a current copy of the United States Coast Guard Documentation Form or state registration form for the vessel that will be registered to the permit, and (4) payment of required fees. NOAA Fisheries may require additional documentation as it deems necessary to make a determination on the application.

Pacific HMS Permits with DSBG Endorsement

Existing regulations at 50 CFR 660.707(a) require commercial fishing vessels that fish for HMS in Federal waters off of California, Oregon, and Washington to have a general HMS permit that authorizes use of specific gear types. However, the Council recommended and is implementing a prohibition on fishing with DSBG in Federal waters off of Washington (see proposed § 660.715(d)(1)). Therefore, gear endorsements for DSBG will be required under the existing federal general HMS permit regulations to fish with DSBG in Federal waters south of a line extending seaward of the Oregon/Washington border (i.e., off of the States of California and Oregon).

To obtain an HMS permit with a DSBG endorsement, submit a complete application and the appropriate fees for a Pacific HMS permit through the NOAA Fisheries Permits website.⁴ HMS permits are valid for two years and expire on the last day of the month of the permit holder’s birth month. Applications are accepted at anytime throughout the year.

Important Dates

Event	Date
Final Rule Published	May 8, 2023
OA HMS Permits with DSBG Endorsement Available	June 7, 2023
60 Day - LE DSBG Permit Application Period Opens	June 7, 2023
LE DSBG Permit Application Period Closes	August 7, 2023
LE DSBG Data Freeze	August 7, 2023
Permit Processing and Issuance	Aug-Sept 2023
2024 LE DSBG Permit Renewal Period Begins	January 1, 2024
2024 LE DSBG Permit Renewal Period Ends	March 31, 2024
2023 LE DSBG Permits Expire	April 30, 2024

Need more information or have questions?

For additional information on the authorization of DSBG, please visit the frequently asked questions page⁵ or contact NOAA’s West Coast Region Permits Branch at wcr-permits@noaa.gov or (562) 980-4238.

³ When applying for a LE DSBG permit as a business, the ownership interest information will be collected as part of the application for the LE DSBG permit.

⁴ https://fisheriespermits.noaa.gov/npspub/pub_cmn_login/index_live.jsp

⁵ <https://www.fisheries.noaa.gov/west-coast/resources-fishing/deep-set-buoy-gear-authorization-timeline-and-frequently-asked>