

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON
EXEMPTED FISHING PERMITS – PRELIMINARY

The Highly Migratory Species Management Team (HMSMT) reviewed the four exempted fishing permit (EFP) applications, the extension request and support letter submitted to the Council for consideration at this meeting, and the annual EFP reports. The HMSMT notes that the 2022 activity report from the Pflieger Institute of Environmental Research (PIER; [Attachment 6](#), pp. 18-22) inadvertently left out the total number of swordfish landed under their EFP for the calendar year of 2022. The HMSMT requested the missing information from PIER, who reported that 40 swordfish were landed.

Of the five submissions, two ([Attachment 4](#) submitted by Mr. Andrew Hemstreet and [Attachment 5](#) submitted by Mr. Kenton Eghan) request to fish standard buoy gear (SBG) in the Southern California Bight (SCB). Considering that the gear has recently been authorized, the Council should not recommend issuance of these EFPs. Instead, these applicants should apply for a limited entry permit for the authorized fishery in the SCB by the August 7, 2023 deadline, purchase a General HMS permit with a deep-set buoy gear (DSBG) endorsement to allow them to fish DSBG north of Point Conception, or both.

[Attachment 3](#) from Mr. Nathan Perez was submitted to 1) request an extension of his night-set buoy gear (NSBG) EFP for another two years, and 2) to add Mr. Donald Krebs to his NSBG EFP. After receiving clarification from Mr. Perez, the HMSMT understands that Mr. Krebs is seeking his own NSBG EFP on his own vessel as specified in the application, rather than to be added to Mr. Perez's permit as stated in the application cover letter. The HMSMT requests confirmation of this understanding from Mr. Krebs prior to the September 2023 meeting. The Council should recommend to NMFS the extension of the Perez NSBG EFP at this meeting, and forward Mr. Krebs' NSBG EFP application for final consideration at the September 2023 meeting.

[Attachment 1](#) was submitted by Mr. Nathan Perez, Mr. Donald Krebs, and Mr. Stephen Mintz to fish 20 pieces of SBG and NSBG each, using a single hook per piece of gear, and following all other existing EFP requirements (gear configuration, gear footprint, active tending, etc.). The HMSMT recommends the Council consider this application alongside the previous applications received in 2022, which also requested testing more than 10 pieces of gear that the Council deferred for consideration.

At the September 2022 meeting, the Council chose to delay making recommendations for EFP applications requesting to test more than 10 pieces of gear, and asked the HMSMT to develop experience criteria that could be used to evaluate these applications. The HMSMT recommends that a basic criterion for testing any DSBG configurations in the SCB under an EFP should be possession of a limited entry permit. Additionally, the HMSMT suggests the Council ask the Highly Migratory Species Advisory Subpanel (HMSAS) to provide suggestions for experience levels for evaluating EFP applications requesting more than 10 pieces of gear. The HMSMT would then analyze and provide the Council with a final recommendation.

The pending 2022 EFP applications and the current 2023 applications, with the exception of the 2022 PIER application for extended linked buoy gear (XLBG), would be exemptions from the recently implemented DSBG regulations, including the limitation of 10 pieces of gear fished per set, the limitation to only fish during day-time hours, or both. Table 1 provides a summary for reference. The [PIER EFP application](#) to fish XLBG differs from the other applications in that issuance would require more considerable exemptions to regulations for gear authorized under the HMS FMP. For example, to allow with more hooks per section of linked buoy gear, a larger footprint, changes to gear tending, etc.

The HMSMT considers the Perez, Krebs, and Mintz application (J.3, Attachment 3) as redundant with the 2022 Perez (I.3, Attachment 5) and Mintz applications (I.3, Attachment 4),. The HMSMT recommends that the 2022 Perez and Mintz applications no longer be considered.

Table 1: Summary of 2022 and 2023 EFP applications (not including PIER XLBG).

EFP Application	Exemption from 10 piece limitation for SBG	Exemption from daytime fishing only	Status of Council Review
Perez and Krebs 2023, J.3 Attachment 3	no	yes	Awaiting Council review
Perez, Krebs, Mintz 2023, J.3 Attachment 1	yes	yes	Awaiting Council review
Perez 2022, I.3 Attachment 5	yes	yes	Deferred; Duplicated by 2023 application (attachment 1)
Honings 2022, I.3 Attachment 2	yes	yes	Expanded footprint, Council denied 2022; 20 pieces DSBG and NSBG, Council recommended 10 pieces NSBG, deferred 20 pieces
Mintz 2022, I.3 Attachment 4	yes	no	Deferred; Duplicated by 2023 application (attachment 1)
Jacobs and Gomez 2002, I.3 Attachment 3	yes	no	Deferred

Council Operating Procedure 20

The HMSMT believes that Council Operating Procedure (COP) 20 (Protocol for consideration of exempted fishing permits for highly migratory species fisheries) needs revision for a variety of reasons and proposes to undertake that work. A draft revised version of the COP would be brought forward at a future meeting for Council consideration under the Membership Appointments and Council Operating Procedures agenda item. The COP could describe the application process more clearly, better specify the required contents of applications, and revise some out-of-date aspects (e.g., application submission deadlines).

PFMC
06/25/23