

EXEMPTED FISHING PERMITS – PRELIMINARY

Pacific Fishery Management Council (Council) Operating Procedure (COP) 20 lays out an annual, June-September schedule for reviewing exempted fishing permit (EFP) applications for highly migratory species (HMS) fisheries. According to COP 20, the HMS Management Team (HMSMT) and HMS Advisory Subpanel (HMSAS) review EFP applications in June and make recommendations to the Council for action. Final action on EFPs then occurs at the September Council meeting. Only those EFP applications that were considered in June may be considered in September.

In recent years most EFP applications submitted for consideration have been to test deep-set buoy gear (DSBG). However, regulations implementing HMS Fishery Management Plan Amendment 6, making DSBG a legal gear along with related management measures, came into effect on June 7, 2023. Management measures include a limited entry permit to fish with the gear in the Southern California Bight. To allow continued fishing in the Southern California Bight until the first batch of DSBG limited entry permits can be issued, National Marine Fisheries Service (NMFS) has reissued existing DSBG EFPs in a new form to exempt permit holders from the limited entry permit requirement until those permits are issued. When the first batch of limited entry permits is issued, these reissued EFPs will be revoked. For this reason, the Council and NMFS are not accepting new DSBG EFPs for configurations described in regulation as an authorized gear. (NMFS will solicit applications for DSBG permits under the new regulations.)

The Council received 5 EFP applications for review, as listed below under Reference Materials. Attachment 1 is an application to test simultaneous deployment of 20 pieces of standard DSBG, which is more than the currently legal limit of 10 pieces. This application proposes also testing this increased deployment at night. (Applicant Nathan Perez currently holds an EFP to test night deployment of DSBG, called NSBG.) Attachment 2 is a cover letter and application from Donald Krebs to test NSBG. In his cover letter Mr. Krebs requests that he be added to Mr. Perez's EFP. Attachment 3 is a request from Mr. Perez to extend his current NSBG EFP for two additional years. He also endorses the request to add Mr. Krebs to his EFP, should that application be approved. Attachments 4 and 5 are applications requesting to fish the newly authorized DSBG configurations. As a legally authorized gear, these requests should instead be submitted to NMFS for an open access DSBG endorsement or limited entry DSBG permit or both under the new regulations.

In September 2022, the Council deferred a recommendation on three EFP applications proposing to increase the number of pieces of DSBG gear deployed to 15 and one application to test the efficacy of an extended linked-buoy gear configuration on larger vessels. (Those applications may be found under [Agenda Item I.3, September 2022](#).) Anticipating DSBG authorization, the Council decided that decisions about DSBG gear modifications should occur after an authorized fishery is in place and more information about performance of the fishery is available. The Council could consider whether to make a recommendation on the Perez, et al. application (Attachment 1), and the 2022 applications, in the current EFP process or defer any recommendations on these applications to 2024 or beyond. In September 2022 the Council also discussed developing criteria it could apply when considering EFPs to test modified DSBG configurations. Articulating when

such applications would be considered and laying out the criteria that would be used to assess them would help interested parties in developing proposals.

Attachment 6 compiles reports on 2022 activity submitted by EFP holders, as required under COP 20.

NMFS Report 1 provides various updates on the HMS EFP process including information on how criteria the Council might establish could influence future Endangered Species Act consultations.

Council Action:

Preliminary Review of Exempted Fishing Permit Applications.

Reference Materials:

1. Agenda Item J.3, Attachment 1: EFP Application from Nathan Perez, Donald Krebs, and Stephen Mintz.
2. Agenda Item J.3, Attachment 2: EFP Application from Donald Krebs.
3. Agenda Item J.3, Attachment 3: Request from Nathan Perez to extend his current NSBG EFP and include Donald Krebs.
4. Agenda Item J.3, Attachment 4: EFP Application from Andrew Hemstreet.
5. Agenda Item J.3, Attachment 5: EFP Application from Kenton Eghan.
6. Agenda Item J.3, Attachment 6: Compiled Reports on 2022 EFP Activity.
7. Agenda Item J.3.a, NMFS Report 1.
8. If received, Public Comments are electronic only ([see e-portal](#)).

Agenda Order:

- J.3 Exempted Fishing Permits – Preliminary Kit Dahl
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Preliminary Review of Exempted Fishing Permit Applications

PFMC
05/26/23