

NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT ON HIGHLY MIGRATORY SPECIES (HMS) EXEMPTED FISHING PERMITS (EFPs)

Night-set Buoy Gear (NSBG)

On April 1, 2024, we issued three EFPs to Perez, Krebs, and Honings to exempt from regulation at 50 CFR 660.715(c)(3) that prohibits the use of DSBG at night. The terms and conditions of the permit require fishing to take place in federal waters between sunset and sunrise through December 31, 2025. The applicable terms and conditions also include lighted strike detection buoys to aid in active tending and buoy markings to differentiate from daytime DSBG activity.

Denial of DSBG EFPs

On May 24, 2024, we denied the June 2022 and 2023 EFP applications (5 vessels in total) that proposed use of additional buoys or sections (i.e., greater than the 10 currently authorized for DSBG). Regulations at 50 CFR 660.715 that authorize DSBG under the Highly Migratory Species (HMS) Fishery Management Plan became effective June 7, 2023, and include a phased-in approach to issuing permits in the authorized fishery so as to mitigate any unanticipated effects on the swordfish stock, protected species, or crowding with other fishing vessels that may result from increased DSBG fishing activity. Given that the authorized fishery has not been in operation for a full year, we are unable to validate the merits of the EFP applications that propose to fish in the same areas and with the same configurations as the authorized fishery, but with more pieces of gear.

Update on Review of EFPs for other Alternative HMS Fishing Practices

Since the March Council meeting, the comment period on the [draft EIS](#) for HMS EFPs closed. We received thirteen comments, and will respond to the comments when preparing a final EIS. We initiated Section 7 consultations with NMFS Protected Resources Division and the U.S. Fish and Wildlife Service, and will continue to coordinate with other federal partners in support of testing alternative HMS fishing practices under EFPs for targeting HMS in federal waters off the West Coast. We are also planning skipper workshops, which would be required for EFP vessel operators, for August 2024.