

**Application for a Night-Set Buoy Gear (NSBG) Exempted Fishing Permit, June 2024**

To Members of the Council:

My name is Stephen Mintz. I have fished swordfish for most of my fishing career. From 1970 until 1978, I sport fished with rod and reel. In 1979, I decided to switch over to commercial sword fishing by harpoon, but overall, both 1979 and 1980 were very low production years. In effort to be more successful, in 1981 we set up my vessel for California Swordfish/Shark Driftnet. This was the fishery I most participated in until I decided to try the DSBG EFP fishery in 2018. I was attempting to become more environmentally friendly (i.e. reduced bycatch) by investing in this fishery, and thought I could catch enough swordfish to be profitable. The DSBG fishery was more challenging than I thought, and I feel that we weren't given a fair opportunity in attempts to replace the driftnet. I feel that if the DSBG fishery had not been just restricted to daytime, and had allowed night time fishing, it may have been more of a comparative opportunity to driftnet.

The east coast Atlantic has had the DSBG Fishery years before it was tried on the west coast. The east coast has less restrictions, with the main advantage being the ability to fish at night. This is more similar to the California Swordfish Driftnet utilized as a night time fishery with successful catch rates. The day time DSBG catch rates on the west coast have not been adequate to achieve economic success for the larger vessels.

For these reasons, I am applying for a NSBG EFP (standard and linked) with the following proposed conditions:

- 1) Apply all the regulations at 50 CFR 660.715 NMFS has implemented to authorize the DSBG fishery, such as the 5-mile gear foot print, limit of 10 buoys (standard DSBG) or 10 sections (linked DSBG), limit of 30 circle hooks, observer coverage rates, minimum hook depth, etc.
- 2) Allow DSBG to be utilized in the night time hours in addition to the daytime.
- 3) Add strike indicator lights to each set of buoys the same configuration as current NSBG EFPs (Perez, Krebs, Honings) to aid in active tending.
- 4) Authorization to fish the 2024 and 2025 seasons in order to collect data in support of increasing the catch rates to successful levels for this fishery.

The vessel I intend to fish, the F/V Barbara Marie (USCG # 643587), is a 64' traditional style commercial fishing vessel participating in Albacore troll, Dungeness Crab, Swordfish Driftnet, and last season 2023, some DSBG fishing off Central and Southern California. It has been maintained to Coast Guard safety standards, has complete up to date electronics, three professional crewmen, and myself as captain. It is very capable of fishing rough weather like that off the Oregon and Central California coasts, as well as in the Southern California Bight. Adjacent to daytime DSBG and night time Driftnet fishing, I intend to make attempts throughout the season to fish a NSBG EFP in all of these areas for swordfish and other marketable HMS.

Because everything I have proposed has already been implemented in regulations, or recommended by the Council and issued by NMFS for other NSBG EFPs in 2024, I feel it would be appropriate for the Council to make a recommendation to NMFS in support of my application at this June meeting. This would enable me to start fishing NSBG sooner in the season than if I had to wait until after the September Council meeting and the NMFS administrative process. In other words, I would lose fishing opportunity and not be able to contribute data to NMFS if a Council recommendation is delayed.

Thank you for your consideration

Stephen R. Mintz

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