

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM SUPPLEMENTAL REPORT ON HMS ROADMAP WORKSHOP REPORT AND NEXT STEPS

The Highly Migratory Species Management Team (HMSMT) discussed the [HMS Roadmap Workshop Informational Report](#) from the September briefing book and recommends the Council:

- Adopt the [HMS Roadmap Workshop Informational Report](#) as a procedural requirement
- Provide guidance on the HMSMT's proposed next steps to develop a Council framework for Exempted Fishing Permits (EFPs), including:
 - 1) Modifying Operating Procedures: adjust application schedule and Council review process
 - 2) Improving EFP Guidance: develop application and reporting forms to help clarify Council interests and information needs
 - 3) Developing EFP performance goals: develop metrics to inform future Council action

The HMSMT will be preparing a supplemental report under this agenda item that addresses recommendations for the HMS Roadmap document as a whole, extending beyond the outcomes of the HMS Roadmap Workshop and EFP framework next steps. This supplemental report will explore the connections between the HMS Roadmap and the objectives of IRA Project 3.

HMS Roadmap Workshop

When discussing the HMS Roadmap Workshop Informational Report, the HMSMT agreed that the workshop was well-attended and provided a more informal and inclusive opportunity for HMS fishery constituents and other interested parties to engage in discussions on issues pertinent to HMS EFPs and the Roadmap. The workshop also provided confirmation that the advisory body (AB) input and Council considerations are largely in line with constituent needs. As evidenced by the Informational Report, the workshop outcomes convey almost all the same ideas and issues captured during earlier discussions of the Council and its HMS ABs. This suggests to the HMSMT that members of the Highly Migratory Species Advisory Subpanel (HMSAS) are attuned to the perspectives and concerns of HMS constituents.

Next Steps

The next step in the HMS Roadmap process is to develop an EFP framework through which the Council can further explore approaches to evaluating catch, bycatch, economic considerations, results and evaluation (types and amount of data collected, EFP performance guidelines and other such metrics). There are three main aspects of an EFP framework that the HMSMT recommends the Council develop first:

1. Modification of Operating Procedures:
 - a. Modify EFP application schedule.
 - b. Revise Council review procedures (and update COP 20 accordingly).
2. Improvement of EFP Guidance:
 - a. Develop guidance for EFP applications to clarify Council interests and facilitate project information collection.

- b. Develop annual reporting forms to clarify Council’s information needs.
- 3. Development of EFP performance goals
 - a. Develop an “acceptable bycatch” definition and/or metric by which to evaluate EFP performance.
 - b. Develop effort-based (or other) metrics to evaluate EFP performance for informing Council action.

Modify Council Operating Procedures

During the development of deep-set buoy gear (DSBG), the Council and HMSMT attempted to both assist and streamline the EFP application process. If the Council decides to move forward with revising the Council’s review and scheduling of EFP applications, the HMSMT would coordinate with the HMSAS to create a proposed approach for a future meeting.

Suggestions for streamlining the EFP process have focused on timing of EFP consideration (currently occurring in June/September) and the timing in relation to a two-meeting process. Previously, the Council adopted a one meeting process for DSBG EFP applications proposing activities within the scope of existing documentation pursuant to the National Environmental Protection Act (NEPA) and Endangered Species Act (ESA).

To increase efficiency, there are two possible approaches to reduce the application approval timeline from two meetings to one. The Council could adopt a default process which would only require one meeting for applications that contain all necessary information for the Council to make a recommendation. Whereas a second meeting would still be required when an application is incomplete or the Council determines more information or analysis is needed. Alternatively, a process could be outlined where applicants submit their EFP directly to NMFS for initial review. As part of this, NMFS would be able to determine if the application is within the scope of existing documentation (e.g., for NEPA and ESA). Those applications that are identified as being “within scope” could proceed using a one meeting process while those “outside of scope” could continue in the traditional two meeting framework.

Improve EFP Guidance

There are two required work products for prospective EFP holders: an application and a report on EFP activities. The HMSMT has long heard that the application process is confusing and difficult for applicants to navigate. While there have been efforts to provide assistance to applicants prior to submission, development of clear guidance (e.g., an application form, website tutorial, etc.) could be useful and help applicants better understand the types of information the Council is looking for in applications.

The same is true for the annual EFP summary reports. The HMSMT proposes developing guidance for these required EFP reports to clarify expectations and ensure the necessary data and information is collected to satisfy the Council’s research and data needs and to inform future management decisions. Similarly, there may be some benefit for the Council to clarify EFP summary information it would like to receive annually from NMFS so as to facilitate utilization of the data on a multi-year basis for interested constituents and the HMS ABs.

The HMSMT proposes to develop guidance to address these application and reporting components for Council consideration. Once adopted, this guidance could be reflected in revisions to COP 20.

EFP Performance Goals

As listed as action items in [Agenda Item I.3.a, HMSMT Report 1](#) (March 2024), the ABs had identified multiple approaches to evaluating catch, bycatch, and other aspects of EFP performance at the joint session in September of 2023. The HMSMT is aware of the considerable time and financial investment required to innovate new fishing methods. Given the rare event nature of bycatch for many species of concern and the large sample size needed to produce precise estimates of rare event bycatch, the HMSMT is concerned that prematurely ending an EFP due to limited interactions early on may lead to inadequate data collection to support accurate estimates of bycatch and market species catch rates and wasted investment. Using hard caps or similar measures to halt EFP fishing when bycatch counts reach or exceed narrowly prescribed limits, especially if more stringent than required by federal statute, could result in lost opportunity to collect data and to innovate better fishing techniques through trial and error. Potential EFP participants may be discouraged from undertaking costly investment to innovate fishing methods if they perceive a high risk of premature shutdown.

The HMSMT suggests development of numeric performance metrics for acceptable bycatch in EFPs, by taking into account statutory requirements under the Magnuson-Stevens Act, Marine Mammal Protection Act, and ESA. These could inform a monitoring and management regime that supports adaptation in subsequent iterations of an EFP, while avoiding the inherent risk of premature shutdown if arbitrary catch limits are used to control bycatch. Adaptive management measures that could be used to address situations when metrics are exceeded could be further explored within the Council process. Metrics could also be developed that compare bycatch and market species catch as a ratio. Such approaches could be helpful for identifying methods that balance economic and ecological viability, which could be missed by looking at bycatch or market species catch rates in isolation.

With guidance from the Council, the HMSMT could further develop a summary of the potential methods the Council could use to determine acceptable bycatch levels both in the EFP framework and for evaluating future Council actions, such as whether to consider amendments to existing regulations or the fishery management plan or both.

PFMC

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