

HIGHLY MIGRATORY SPECIES FISHERIES INNOVATION WORKGROUP REPORT ON HIGHLY MIGRATORY SPECIES ROADMAP DEVELOPMENT

The Pacific Fishery Management Council's (Council) Ad Hoc Fisheries Innovation Workgroup (FIW) met on April 23, 2025 in a virtual [meeting](#). All members of the FIW were in attendance in addition to Council staff (with contractor support) and members of the public. The group further clarified roles and responsibilities (including connections between the Ad Hoc FIW, the Highly Migratory Species (HMS) Roadmap, and Special Project #3) and reviewed a draft Terms of Reference document describing the FIW's purpose, membership, and proposed milestones (see Appendix B). The FIW discussed elements within its charge including the HMS Roadmap and ways to improve the process, use, and evaluation of exempted fishing permits (EFPs) to support innovation and expanded options for HMS fisheries. This report provides a summary of these discussions as well as broader updates.

Summary and Recommendations

During the April meeting, the FIW continued to clarify roles and responsibilities, and advanced the work within their charge, including review of the HMS Roadmap (and alignment with the NSS) and EFP-related action items such as process/timing modifications, guidance and reporting, acceptable levels of bycatch, and the development of an overall framework.

Based on the discussions at the April meeting, the FIW offers the following recommendations and requests for Council guidance.

1. Consider the proposed revisions to the current draft HMS Roadmap (see Appendix A) and provide guidance.
2. Consider the FIW Draft Terms of Reference (Appendix B) and provide guidance.
3. Clarify expectations for the Roadmap, including additional content, future edits, and expectations for Council final action.
4. Based on Council guidance, the FIW will develop a revised Council Operating Procedures (COP) 20 for consideration and approval at a future Council meeting. Until then, the Council should consider a one-meeting EFP approval process, as appropriate, and may wish to schedule consideration of HMS EFPs at meetings other than June and September.

HMS Roadmap

During the FIW meeting, Council staff provided a summary of the synergies between the draft HMS Roadmap (Appendix A) and the [National Seafood Strategy](#) (NSS). The draft HMS Roadmap has clear alignment with the overall vision of the NSS, as well as with all four goals, many of the associated actions, and the identified pilot plan for Pacific and Atlantic HMS included in the [Implementation Plan](#). The level of synergy will depend on how exactly the National Marine Fisheries Service (NMFS) implements the NSS action items and HMS pilot project. NMFS staff also shared a brief update that a new Seafood Executive Order (E.O.) was recently signed (which includes specific references to EFPs) and said that more guidance on implementation is

forthcoming. The Council will consider the Seafood E.O. under Agenda Item D.1 at the June Council meeting.

The FIW reviewed proposed revisions to the current draft HMS Roadmap document (see Appendix A) and discussed the next steps for the Roadmap (level of detail, staying as a living document versus formal final adoption by the Council, etc.). Some FIW members expressed support for focusing on addressing the tasks and work products in the FIW's charge, rather than continuing to edit the Roadmap document, while others felt the Roadmap was central to the FIW charge and that fleshing out the necessary remaining portions should be the FIW's focus. Guidance from the Council on next steps on the HMS Roadmap document would assist in planning and prioritization of FIW action items. Members also expressed support for including the terms appendix and completing it after the Roadmap is finalized.

Exempted Fishing Permits

- *EFP Process and Timing:* The FIW discussed the timing for accepting and reviewing EFPs. The group pointed out the tradeoffs between providing fishermen opportunities for submitting and receiving Council approval for EFPs versus workload for Council staff and taking up time during Council proceedings. Several suggestions were made to revise the two-meeting process described in COP 20 to allow for an expedited one-meeting process in most circumstances.

The FIW discussed which meetings for EFP review/recommendation would provide for the most efficient process and would best accommodate the EFP applicants, considering fishing seasons, and other factors. One option would be to schedule initial EFP consideration in November and/or March for consideration and/or recommendation for approval. EFPs that fit certain criteria (e.g., they have complete information, are substantially similar to previously approved EFPs, and don't require additional review) could be reviewed by the Council at one meeting. The group also discussed the importance of aligning the Council's guidance and expectations with NMFS EFP requirements and facilitating their issuance in a timely manner and in time for the fishing season (usually in summer and fall).

- *EFP Application Guidance and Reporting:* FIW members conveyed the need to provide clear information and guidance on acceptable parameters the Council will consider when they review EFPs in order to set expectations. This will help applicants plan and determine whether to dedicate the time to the Council's process for reviewing EFPs. FIW members also discussed the importance of more robust and standardized EFP reporting to generate the information and data desired by the Council to evaluate EFP performance and success, including across gear types and methods.
- *Acceptable Levels of Bycatch in the Evaluation and Management of EFPs:* The group discussed the distinction between acceptable levels of protected species bycatch in order for NMFS to issue an EFP versus acceptable levels the Council may desire when evaluating the EFPs more broadly, which could consider other factors such as bycatch of unmarketable fish or other species. The group discussed the various data sets that are available for HMS fisheries and suggestions to compile existing data sets and analyses (harpoon, drift gillnet, deep-set buoy gear, Hawaii longline, EFP longline data from 2019, etc.). Several members of the group

emphasized that different gears are associated with different types or levels of bycatch (e.g., net vs. hooks), that different species compositions are likely to be found depending on the region (i.e., off the west coast versus Hawaii), and the need to consider economic viability as well. Council staff will compile existing data and analyses on bycatch in HMS fisheries and provide information (examples, case studies, and potential methodologies) for determining what the Council may consider as acceptable levels of bycatch and bycatch mortality, for consideration at a future FIW meeting and reporting back to the Council.

- *Draft EFP Framework:* The FIW discussed a draft EFP Framework that was developed from various sources and a potential order of operations focused on the EFP framework first (with items prioritized and sequenced) before suggesting modifications to [COP 20](#).
- *EFP Performance Goals and Evaluation Metrics:* The FIW will explore approaches to measure the outcomes of EFP fishing. In addition to guidance regarding unmarketable bycatch, metrics could include catch per unit effort of target and non-target species, the marketability of those non-target species, overall economic viability, other impediments (e.g., loss of quality due to long handling time for certain species), percentage of EFPs being fished, and other challenges such as damage to gear or interactions with species (e.g., sharks) that are difficult or dangerous to handle. The FIW will also consider whether to recommend that NMFS add additional EFP reporting requirements to ensure that the requested information will help inform the Council's review of the outcomes of EFP fishing activity.

April 23rd Meeting Outcomes

Council staff will compile data and analyses related to bycatch in HMS fisheries for consideration during the FIW's next discussion on acceptable levels of bycatch and bycatch mortality to be used in evaluation of HMS EFPs and authorized fisheries. Council staff will also develop a list of potential performance goals and evaluation metrics based on previous discussions such as the HMS Roadmap Workshop in June 2024 (see [H.4, Attachment 1](#) from November 2024).

Future Meeting Planning

The FIW will hold a half day virtual meeting on May 28 to prioritize tasks, workload, and future meeting planning. The group expressed interest in convening an in-person meeting in the future and may develop a supplemental report for the June Council meeting with additional information on future meetings and other relevant topics as appropriate.

PFMC

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Appendix A: Proposed Revisions (Underline/Strikethrough) to the HMS Roadmap (as developed by the HMS Management Team Supplemental Report from March 2025)

Introduction

The Pacific Fishery Management Council (Council) manages commercial and recreational fisheries targeting Highly Migratory Species (HMS) in federal waters off the West Coast under its Fishery Management Plan for West Coast Fisheries for Highly Migratory Species (HMS FMP). These fisheries include large-mesh drift gillnet (DGN), harpoon, pelagic longline, hook-and-line, and deep-set buoy gear (DSBG). In addition to descriptions provided in the HMS FMP, regulations at 50 CFR Subpart K include fishing gear definitions and specifications as well as operational requirements. Existing regulations prohibit the use of pelagic longline gear within the U.S. Exclusive Economic Zone (EEZ) of the West Coast (out to 200 nautical miles) ~~without an exempted fishing permit (EFP).~~ Similarly, ~~a~~ Alternative fishing activities that would otherwise be in contravention of the existing regulations would require an exempted fishing permit (EFP) and compliance with the terms and conditions of that permit.

The Council is concerned with managing bycatch of unmarketable finfish species and incidental take of protected species in HMS fisheries and EFP activities. National Standard 9 of the Magnuson Stevens Act requires the Council to minimize bycatch to the extent practicable, and bycatch monitoring and reporting methods are described for all fisheries in the HMS FMP. Protected species, including whales, dolphins, pinnipeds (e.g., seals, sea lions), sea turtles, and seabirds have special status under Federal statutes. Existing regulations for HMS fisheries include various mitigation measures to ensure compliance with the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) and other federal requirements. As a result, bycatch of protected species has been substantially reduced; however, there has also been a coincidental decline in participation in these fisheries, resulting in a decline in landings as well.

Beginning in 2014, the Council solicited applications for EFPs to test alternative approaches or methods to target swordfish and other marketable HMS and drafted a Swordfish Management and Monitoring Plan (SMMP) for a holistic look at ongoing and potential future actions to manage fishing opportunities and bycatch. This plan served as a living document, which the Council periodically discussed when prioritizing workload among the interconnected analyses and management actions listed therein. Given changes in the management landscape in the intervening years, including a mandate to phase-out the DGN fishery by the end of 2027, the Council decided to overhaul the SMMP in 2023 and create this HMS Roadmap as a replacement document. Similar to the role of the SMMP, the Roadmap is intended to augment the Council's planning and prioritization of future workload and support the development of EFPs by offering a holistic view of management considerations for balancing economic viability with conservation objectives in HMS fisheries off the West Coast.

Roadmap Goals:

In March of 2024, the Council adopted goals for guiding workload considerations in the HMS Roadmap. These are as follows:

- A. Support innovation and development of multi-species HMS fishing methods to increase the domestic supply of and meet the demand for swordfish and other marketable species.
- B. Support and test fishing practices that have the potential to be economically viable and consistent with National Standard 9 guidelines.
- C. Support the economic viability of West Coast commercial fisheries for swordfish and associated marketable species through a diverse range of HMS fishing methods.
- D. Promote fisheries resilience by developing flexibility in management and other tools to account for changes in HMS distributions, ecosystem structure and function, and the communities dependent on HMS fisheries.
- E. Engage fishery participants to preserve knowledge and help bolster resilience in future fisheries.
- F. Support recreational HMS fishing opportunities.

Action Items

The actions listed in this HMS Roadmap reflect ongoing and potential future workload of interest to the Council. This workload is interrelated, and implementation of an action or sub-action may impact the nature of work on other actions or sub-actions. Some of the actions and sub-actions require Council decisions, whereas others reflect Council interest in providing guidance on capacity building, tool development, or other analytical functions serving the goals of the Roadmap. The actions in the Roadmap will consider the interconnectedness of commercial and recreational fishing sectors by exploring potential impacts to both fleets where appropriate.

1. Explore and Establish Management Strategies and Objectives

- a. *Evaluate the need for developing bycatch monitoring, performance metrics, and finfish retention rates for managing HMS fisheries and EFPs. (Also supports EFP Framework Development)*

No edits

- b. *Define acceptable levels of bycatch/bycatch mortality for protected and non-marketable species to be used in evaluation and management of HMS EFPs and authorized fisheries. (Also supports EFP Framework Development)*

The FIW prefers specifying “protected and non-marketable” to avoid future disagreements regarding what it means. The original intent in drafting was to avoid inclusion of marketable non-target species. If not specified, all non-target species may be counted, which would not provide an accurate assessment of “bycatch” totals.

- c. *Define harvest goals for target HMS within the international context and consistent with catch or effort limits to which the United States has agreed.*

No edits

- d. *Evaluate the harvest levels and market demand of HMS to develop a list of priority species for development of alternative fishing practices.*

No edits

- e. *Consider use of individual accountability management approaches.*

No edits

- f. *Promote resilience in community-level benefits from HMS fisheries.*

No edits

- i. *Identify fleets, fishing practices or gears that may be more flexible and/or adaptable given current and anticipated environmental conditions including climate change.*

Additional language reflects the original goal related to the funding for this work.

- ii. *Identify characteristics or resources that would position communities to support HMS fisheries given current and anticipated environmental conditions including climate change.*

Same as above.

2. Develop EFP Framework

- a. *Facilitate the use of EFPs to expand options for HMS fisheries to more fully access underutilized HMS stocks.*

No edits

- b. *Develop EFP guidance, including Council application ~~requirements~~ preferences, application review criteria, and ~~gear~~ performance metrics to meet Council management and data needs.*

Replace “requirements” with “preferences” to reflect that Council review isn’t a regulatory requirement. The deletion of “gear” as a descriptor allows the inclusion of economic performance metrics.

- c. *Support the development of EFPs utilizing new approaches to achieve economic viability balanced with conservation objectives.*

No edits.

- d. *Facilitate the use of EFPs which expand on existing gear types, to explore alternative fishing practices or management strategies for increased HMS production while limiting bycatch.*

No edits.

3. Develop Fishery Management Decision-support Tools and Analyses

- a. *Document sources of U.S. swordfish supply, considering all domestic and foreign caught HMS and the potential to mitigate conservation impacts and reduce the seafood trade deficit.*

No edits.

- b. *Support ongoing efforts to develop and implement electronic monitoring.*

No edits.

- c. *Explore the use of dynamic ocean modeling tools, such as EcoCast, as part of an individual accountability-based management strategy.*

No edits.

- d. *Evaluate overall net economic benefits of HMS fisheries operations.*

The FIW raised the issue of the availability of NMFS resources to carry out this work. The NSS has several mentions of socio-economic analyses, and collaboration between NOAA Fisheries and the Council on related tools and assessments could help advance the goals of both the NSS and the HMS Roadmap.

- e. *Consider impacts of potential competing current and future marine uses (i.e. offshore wind, aquaculture, etc.) in HMS fisheries management.*

No edits

- f. *Develop an index of multispecies fishery production as a metric for comparing HMS harvest methods and evaluate bycatch relative to this index.*

The FIW raised the question of who would lead this work, questioning whether it would be the responsibility of the Highly Migratory Species Management Team (HMSMT) or NOAA Fisheries. Further clarification is needed.

4. Continue DGN Fishery Monitoring

- a. *For each June Council meeting while the drift gill net fishery is allowed, continue to report annual drift gillnet fishery bycatch estimates against performance metrics for specified marine mammals and sea turtles, and monitor annual finfish retention rate and observed take of specified species.*

The FIW prefers to not remove a time reference, which allows for more specificity and clarifies that this action will not occur indefinitely. The proposed text, “while the fishery is allowed,” accounts for the fact that monitoring would continue if sunset is no longer in place. The FIW also supports the HMSMT recommendation that DGN bycatch summary be presented as an Informational Report, rather than scheduling floor time for its presentation (see [Supplemental HMSMT Report 1](#) from March 2025).

Appendix B: Ad Hoc Fisheries Innovation Workgroup (FIW) Draft Terms of Reference (revised 4/23/2025)

1. Purpose

- a) HMS Fisheries Innovation Ad Hoc Workgroup (FIW) is charged with developing and refining Council procedures which help facilitate the more rapid creation of new HMS gears to help achieve the goals of the HMS Roadmap.
- b) The FIW's work will include:
 - 1) Modification of COP 20 – HMS Exempted Fishing Permit (EFP) process.
 - 2) Improve EFP guidance.
 - 3) Development of HMS EFP Performance goals, including acceptable bycatch and metrics to evaluate EFP performance.
 - 4) Consideration of the NSS as it pertains to HMS fisheries
 - 5) Review the draft HMS Roadmap.
 - 6) Discuss relevant innovative fishery tools or measures to support a robust HMS fishery.
- c) The FIW's work will form the basis for recommendations to the Council, to be considered for Council discussion, review, and possible adoption.

2. Membership

- a) The Council will establish an Ad Hoc FIW Workgroup.
- b) The FIW will be comprised of two HMS Management Team members, three HMS Advisory Subpanel members, a NMFS West Coast Region representative, two Council members, and up to two other members at the discretion of the Council Chair.
- c) The FIW may choose from among its members a Chair and Vice-Chair. The Vice-Chair will act in instances where the Chair is unavailable.
- d) The Council will be responsible for administrative and logistical support.
- e) As needed, the FIW may appoint one or more members to explore elements of the milestones below and share with the FIW at its next meeting.

3. Milestones

The FIW will

- a) Review the EFP Framework and consider modifications (via COP20) with the goal of streamlining Council engagement in the EFP process.
- b) Develop guidance for EFP application information the Council would like to see, and for the process to review applications moving forward.
- c) Develop recommended performance goals for target catch and bycatch, for consideration by the Council.
- d) Consider the actions planned by NOAA when implementing its NSS, as it relates to West Coast HMS fisheries.

- e) Review, modify, and finalize the Draft HMS Roadmap for Council approval.
- f) Consider innovative fishery tools, measures (such as SMART goals), or other recommendations that could contribute to the HMS FMP and a robust HMS fishery.