

JOINT ENFORCEMENT CONSULTANTS, HIGHLY MIGRATORY SPECIES ADVISORY
SUBPANEL, AND HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON
MEMBERSHIP APPOINTMENTS AND COUNCIL OPERATING PROCEDURES

The three Advisory Bodies (ABs; Enforcement Consultants (EC), Highly Migratory Species Advisory Subpanel (HMSAS), and Highly Migratory Species Management Team (HMSMT)) collectively reviewed the materials associated with Agenda Item C.4, Membership Appointments and Council Operating Procedures, and have the following comments:

The ABs met with Pacific Fishery Management Council (Council) Deputy Director, Kelly Ames, to discuss the nuances associated with Council Operating Procedure (COP) 20, Section D – Other Considerations ([Agenda Item C.4, Attachment 3](#) - bottom of page 4, top of page 5) regarding exempted fishing permits (EFPs).

Following robust and thoughtful discussion, the ABs recommend that the Council delay decision-making on Section D to allow additional time to address the following:

- Rewriting Section D to better reflect the roles of the EFP applicant, Council, and NOAA Fisheries, as was the intent with edits to other Sections of COP 20.
- Updating the language in Section D to be considered by all Advisory Bodies, adopted, and implemented at the same time.
 - Section D exists in COPs 19, 20, 23, and 24 and applies to all Fishery Management Plans and Fishery Ecosystem Plans under Council management.
 - This would prevent a situation where HMS EFP applicants are held to a different standard than other EFP applicants.
- Revising the language to better reflect the current review process conducted by National Marine Fisheries Service (NMFS) in coordination with the Office of Law Enforcement and State enforcement agencies. During the discussion, it was noted that the review of the EFP applicant's eligibility occurs after the Council has made its EFP recommendations to NMFS.

Additionally, the HMSMT notes that there is not yet any guidance in the HMS Roadmap for NMFS or the EFP holders to reference as indicated in the proposed changes to section E.