HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON EXEMPTED FISHING PERMITS – PRELIMINARY OR FINAL

The Highly Migratory Species Management Team (HMSMT) discussed two exempted fishing permit (EFP) applications (Agenda Item I.3, Attachments 1 and 2) and National Marine Fisheries Service (NMFS) Report (Agenda Item I.3.a, Supplemental NMFS Report 1). NMFS confirmed both applications meet regulatory requirements under 50 CFR 600.745(b)(2). The HMSMT recommends the Council:

- Endorse the Mitchell EFP application (Agenda Item I.3, Attachment 1) at this meeting;
- Schedule additional consideration of the Arabi EFP (Agenda Item I.3, Attachment 2) application at the March 2027 meeting; and
- Request additional information from the applicant on the desired fishing footprint, gear spacing, gear soak time, and desire for combined trip types in the Arabi EFP application.

1. DSBG Active Tending Distance Variance for Physical Oceanographic Research (Agenda Item I.3, Attachment 1)

The applicant requests to expand the Deep-Set Buoy Gear (DSBG) active tending footprint to a 12 nm diameter circle, with the nearest piece of gear no further than 7 nm of the vessel while using up to10 GPS-tracked buoys to correlate physical oceanographic mechanisms (e.g., Taylor columns) with swordfish aggregations.

The HMSMT discussed technical considerations and options regarding conservation safeguards. Active tending limits were established under Amendment 6 to distinguish DSBG from prohibited unattended "mousetrap" gear, ensure rapid strike response, and minimize gear loss and secondary entanglements. An expanded 12 nm footprint could delay response times, potentially increasing post-release mortality for bycatch interactions. Additionally, reliable bite detection using GPS telemetry alone has not been documented; however, this applicant proposes development of a strike detection algorithm as a goal under the EFP. The HMSMT views this EFP as providing valuable information on the viability of actively tending DSBG over a larger footprint using GPS technology. It may also facilitate more effective targeting of swordfish based on oceanographic features while potentially developing strike recognition capabilities for smart buoys.

Based on discussions with the applicant, the HMSMT understands that the operational specification is for all pieces of gear to be within a 12 nm diameter circle, with the vessel no more than 7 miles from the nearest piece of gear. The applicant also clarified that the GPS smart buoys will have a ping rate of 2.5 minutes (faster than the 10 minutes described in the initial application) to facilitate development of a strike-detection algorithm. Given characteristics of the vessel and pinging frequency, it should be possible to actively tend the buoys even with the greater spatial footprint.

The HMSMT recommends that the Council endorse the EFP application and recommend that NMFS issue the EFP.

2. Pacific Bluefin Tuna Experimental Gear Trials (Agenda Item I.3, Attachment 2)

The applicant proposes adapting the deep-set buoy gear (DSBG) platform to test a surface hook-and-line configuration targeting Pacific bluefin tuna (*Thunnus orientalis*). The setup suspends rigged flying fish beneath a 36-inch tethered helium balloon attached by a quick-release clip to a free-floating buoy assembly, deploying up to 10 buoys within visual range during daylight hours.

The HMSMT discussed technical considerations regarding gear classification, selectivity, and gear conflict. This configuration functions as free-floating surface drifting gear targeting epipelagic bluefin. The HMSMT understands the applicant's intent is to target larger bluefin for a high value product. Instead of considering this application as a modified DSBG EFP, the HMSMT views this EFP as an exemption from surface hook and line regulations requiring line attachment to the vessel (see gear definitions at 50 CFR 660.702), with operational characteristics suggesting terms and conditions similar to those applied to DSBG. The HMSMT believes surface hook and line data would be a more appropriate proxy for surface water fishing than data from the DSBG fishery, given that the bait is set at the surface using a kite/balloon system that is currently used in surface hook and line fishery operations.

Additionally, it would be very informative if a prototype of the design could be tested to evaluate the basic functionality, which the HMSMT views as allowed under current regulations as long as the gear is attached to the vessel. Additional information from the applicant should be requested on the desired fishing footprint, gear spacing, gear soak time, and desire for combined trip types. The HMSMT recommends the Council support further consideration of this application, and assessment of the analytical workload and data needs, at the March 2027 meeting.

Process Note

The HMSMT found the opportunity to hear from EFP applicants and NMFS staff during joint advisory body meetings highly valuable and recommends continuing this consultative process for future applications (whether in person or virtually). The HMSMT also requests that future joint sessions to discuss HMS EFP proposals include enforcement consultants to allow for more comprehensive discussion and information sharing.

PFMC
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