NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT ON HIGHLY MIGRATORY SPECIES (HMS) EXEMPTED FISHING PERMITS (EFPs)

Current Status of EFPs under review/consideration by NMFS

In late March and April 2026, NMFS received two new EFP applications. One applicant (Kosha Arabi) is seeking an EFP for commercial fishing, with gear similar to the surface buoy array in standard buoy gear, in a manner similar to kite fishing gear used in recreational fisheries to target Pacific bluefin tuna at the surface. This method involves skipping a flying fish lure (either artificial bait or frozen pre-rigged fish) across the surface by means of a helium balloon attached to free-floating buoys, similar to kite and balloon recreational fishing methods. Kosha's stated intent is to increase landings of bluefin tuna to more fully utilize our U.S. bluefin quota.

The second EFP application (Malcolm Mitchell) proposes to deploy DSBG with an expanded 12 nautical mile (nm) maximum spread, and a maximum distance of 7 nm between the vessel and the nearest piece of gear, as opposed to the current DSBG requirements for 5 nm and 3 nm respectively. The applicant proposes using GPS trackers on the buoys to identify drift patterns that correlate with oceanographic conditions that may correlate with swordfish aggregations.

NMFS believes that these applications meet the minimum regulatory requirements of 50 CFR 600.745(b)(2) but understands that the HMS advisory bodies and Council members may have additional questions on specific operational details of the applications.

NMFS has been conferring with these applicants and provided the applicants an opportunity to confer with the HMS Advisory Bodies and Pacific Fishery Management Council in June. The HMSAS seemed generally supportive of the applications and the proposed new opportunities and methods. They also expressed initial concerns with fulfilling observer requirements and suggested the potential for electronic monitoring to alleviate those concerns.

2026-2027 EFP Fishing Season

Since the season started on April 1, 2026, there have been 46 days of fishing effort for midwater snap gear and extended linked buoy gear combined (as of November 3, 2026). Oceanographic and overall fishing and market conditions have reduced effort for EFPs below expectations in addition to higher fuel prices. Target catch through this season has varied, and no interactions with ESA-listed species have occurred. NMFS will provide a more detailed summary report on EFP fishing activities once the fishing season concludes on March 31, 2027, at the June Council meeting.