The Groundfish Advisory Subpanel (GAP) reviewed the three chilepepper exempted fishing permits (EFPs) forwarded from the September 2006 Council meeting for final approval at this meeting. While the GAP initially supported passage of these three EFPs, we no longer can support their approval and implementation. This decision was made after careful deliberation of new information provided to the GAP with regard to available canary rockfish for Groundfish fisheries during the 2007 season. While the applicants were confident of their ability to prosecute the EFPs cleanly and with minimal impact to canary rockfish, the GAP now believes that the lower levels of canary available to prosecute Groundfish fisheries in 2007 precludes implementation of these experimental fisheries.

With regard to the newest EFP proposal submitted by The Nature Conservancy and Environmental Defense, the GAP is not supportive of its approval through the current EFP process. In addition to the late submission of the application, several of the criteria outlined in Council Operating Procedure #19 have not been met. Lastly, the GAP is uncertain if the EFP process is the correct avenue to advance a “gear switching” scheme that creates a “de-facto” quota program for a small number of permits. The GAP notes that the Groundfish trawl individual fishing quota process also includes a gear switching option where this type of reallocation approach can be more fully and fairly vetted. While Morro Bay may be a good location to explore regional management options, a plan amendment with a full National Environmental Policy Act process is the correct avenue to further this particular approach.

The GAP continues to support the innovative approaches afforded through the EFP process, and applauds applicants for thinking “outside of the box.” However, the GAP questions whether the EFP bycatch set-asides of overfished species with extremely low optimum yields aren’t better applied to ongoing research opportunities. For example, cooperative research efforts currently underway on canary rockfish will likely be compromised in 2007 due to unavailable incidental canary harvest for this research.

While the GAP is disappointed that the shoreside whiting fishery will once again take place under the EFP process, the GAP supports proceeding with this process for the 2007 season and urges the Council to continue implementing measures for Amendment 10 in an expeditious manner to avoid a repeat situation for 2008 fishery.