

**Subject:** RFA/GGFA Exempted Fishery Permit Proposal for 2009

**Title:** Recreational Flatfish Catch Composition in the Area Around and Seaward of the Rockfish Conservation Area

**Date:** May 21, 2008

**Applicants:**



*Recreational Fishing Alliance*

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*Golden Gate Fishermen's Association*

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**Justification:** Since the implementation of the Rockfish Conservation Area as a bycatch reduction measure to protect overfished species such as canary rockfish, over 90% of the EEZ has been closed to recreational rockfishing. This proposal would exempt a specific number of CPFV vessels in north-central California to fish around and seaward of the RCA for underutilized species of Flatfish such as Dover sole, Petrale sole, Butter Sole, Arrowtooth Flounder, Curlfin Sole, and English Sole with minimal bycatch of overfished species. By targeting rockfish 'coldspots', areas where no reports of rockfish interaction exist, data may be developed contributing to finer resolution spatial management.

**Potential impacts:** There is some historical data for recreational catches of rockfish on the slope, but no recent data is available. Impacts on overfished species, particularly canary rockfish and cowcod, should be very low. Recreational impacts on slope fishing for various sole is virtually non-existent.

**Purpose and goal of the experiment:** To use selective recreational fishing gear, hook and line, to access underutilized species of Dover sole & Petrale sole and other Flatfish while keeping bycatch of overfished species low. While this study will test different gear types to discover ways to avoid overfished species, this experiment is primarily an area-based study. Its' purpose is also to take pressure off the nearshore. (Note: vessels conducting trips under this EFP will not be allowed to fish inside the state's depth restrictions for groundfish on the same trip.) The data provided from this series of trips on CPFV vessels would provide management guidance to open a new market for fishing trips on the charter fleet in northern and central California. This EFP will require the CPFV fleet to control effort, and to provide observer coverage, but the data gathered could result in a new fishery for the entire recreational fishing fleet. It will also serve as a step towards finer resolution spatial management.

**Broader Significance:** The data (catch composition, depth strata, interaction with overfished species, etc) collected should prove that a recreational fishery can be conducted for abundant and underutilized species such as Dover sole, Petrale sole and other Flatfish without impacts to overfished species. If we are successful, and demonstrate that we can avoid bycatch around and seaward of the 150 fathom line, management can shift some of the recreational effort away from inshore species and areas where interaction with canary rockfish is commonplace. An important measure of success will be determining the economic viability of this type of trip, adding a much-needed alternative fishery for the recreational sector.

**Duration of the EFP:** Year to year beginning in 2009. The Groundfish Management Team recommended collecting data from each month of the year to find out whether there are seasonal variations in the catch data. Given the timeframe we are working under, we request the EFP be conducted over a calendar year from the time we are issued the permits.

**Number of vessels:** Approximately 15 California Passenger Fishing Vessels (CPFVs).

**Funding:** This EFP will be self-funding with individual anglers paying for an offshore rockfish trip. Grant funding is available for data analysis and observer coverage. [We have been awarded a Mendocino County Fish & Game Commission grant for \$5,000 and have an additional \$2,000 pledged for the cost of the data analysis.]

**Description of Target species:** Species of Flatfish such as Dover sole, Petrale sole, Butter Sole, Arrowtooth Flounder, Curlfin Sole, English Sole, Flathead Sole, Pacific Sanddab, Rex sole, Rock Sole, Sand sole and Starry flounder. California and/or Pacific Halibut could be retained if encountered. These species can be targeted in midwater and bottom and is vastly underutilized (1000+ mt under OY).

**Harvest Control:** Anglers will be limited to up to five hooks per line, with a personal bag limit of ten fish. For a load of 15 anglers, a vessel would catch approximately 150 rockfish per trip, with full observer coverage at-sea. The program will utilize trained CRFS samplers, coordinated through PSFMC who have agreed to enter the data. The applicants (and RFA's Fisheries Conservation Trust) will contract with Pacific States and schedule on-board observers approximately two weeks in advance of any trip. RFA will pay for the observer costs through its Fisheries Conservation Trust account, passing the costs onto the charter captains. RFA's Jim Martin will function as "Chartermaster" for all trips, and no trips will be scheduled without approval from the Chartermaster, to allow for advance scheduling of observers with Pacific States to ensure full coverage of all trips and to ensure that no trips occur after bycatch caps have been reached.

To address concerns about a "gold rush" with fifteen charter vessels up and down the coast, each charter captain will need to sign a contract with the applicants. This contract will outline the responsibilities of the applicants and the charter captains. The applicants are committed to maintaining their good reputations within the industry and will not tolerate "bad actors" or lawbreakers. Revocation of the EFP for individual vessels by NMFS could be time consuming. A contract with the captains will stipulate that the permit holders will surrender the permit to the Chartermaster upon demand, without "due process." We understand that NMFS will issue permits to individual vessels. We request that all the permits issued be sent to the Chartermaster to ensure each captain has a contract with the applicants before receiving the individual vessel permits and understand the terms and conditions of the contract and the EFP.

During the initial phase of this experiment, we intend to go slowly and have a limited number of trips, no more than one trip per day, to ensure that our bycatch caps are not exceeded. Any catch of yelloweye or canary – even one per vessel – will cause us to rethink our strategy. As we gain confidence and experience with the logistics of the project, we can gradually expand the number of trips, and have multiple trips per day as long as we can prosecute the fishery cleanly.

Our Science Advisor will monitor the running total against our bycatch caps. After any trip that lands canary, yelloweye or cowcod, the captain will call the science advisor after returning to port. The science advisor will notify NMFS on the next business day of these landings of these species. Each trip will be limited to no more than half the remaining allotment under the bycatch caps. Catch of other overfished species for which the Council has recommended bycatch caps will be included in the biweekly reports by the science advisor to NMFS.

While recent catch data is unavailable for the recreational fishery in deep water, a review of mortality impacts from the commercial sablefish fishery indicate zero bycatch of cowcod and zero bycatch of widow rockfish. According to the most recent PFMC scorecard, a total projected bycatch of canary rockfish for 2007 in the combined fixed gear (sablefish and non-sablefish) of

1.1 metric tons. In November, the Pacific Fishery Management Council approved the following bycatch caps for this EFP:

<u>Bocaccio</u>	<u>Canary</u>	<u>Cowcod</u>	<u>Darkblotched</u>	<u>Widow</u>	<u>Yelloweye</u>
2.7 mt	50 lbs	50 lbs	0.1 mt (150 lbs)	0.7 mt	50 lbs

The Council did not take up the issue of Pacific Ocean Perch (POP). While POP are not normally caught in hook-and-line fisheries, we propose a bycatch cap 300 pounds for this overfished species. This would be less than .001 percent of the 2007 OY for POP.

**Regulatory Exemptions:** We are requesting to be exempted from state and federal seasonal closures on groundfish and certain gear and depth restrictions on recreational groundfish. Current regulations provide for seasonal closures that vary according to the management region. We request a full calendar year to conduct the EFP. Current regulations prohibit retention of canary and yelloweye rockfish, and provide sub-bag limits for species such as bocaccio. We request to be exempt from these provisions, replacing them with the bycatch caps. We further request to be exempted from the 2-hook restriction and ask to test up to five hooks per line. Based on discussions with charter captains with historical participation in the Flatfish, Dover sole & Petrale sole fishery, five hooks are more likely to be stopped by a school of mid-water fish than two hooks. Vessels will not participate in the nearshore groundfish fishery out of season, nor during the regular season on days when they conduct EFP trips. Vessels on EFP trips may also participate in non-groundfish fisheries (crab, salmon, albacore and Humboldt squid, for example) on the same day, should the Flatfish, Dover sole & Petrale sole fishing turn out to be slow.

**Enforcement:** We propose to retain all fish as part of each angler's bag limit of ten fish. This EFP will require an exemption from sub-bag limits (on bocaccio, for example) and size limits. The EFP's bycatch caps provide total catch limits for the entire EFP. Anglers will retain canary and yelloweye within their ten fish bag limit and under the overall EFP bycatch cap of 50 pounds total. Each angler would be provided a letter reflecting the date of the trip, the vessel participating, and the angler's name, reflecting their participation under the terms of the EFP. If questioned by a warden, the angler can show this document to the warden to indicate his or her participation in the EFP. A sample draft letter:

*This letter certifies that on \_\_\_\_\_ (today's date), \_\_\_\_\_ (name of angler), under CDFG recreational fishing license # \_\_\_\_\_ participated in a Federal Exempted Fishing Permit \_\_\_\_\_ (vessels EFP ID number) titled "Recreational Flatfish Catch Composition in the Area Around and Seaward of Rockfish Conservation Area."*

*This EFP is limited by cumulative bycatch caps and exempts the angler from sub-bag limits on bocaccio and other species, and is exempt under federal rules from seasonal closures on groundfish, certain terminal gear restrictions and prohibitions on retention of overfished species.*

*This letter is to inform state and federal enforcement personnel that the EFP has been approved by the Pacific Fisheries Management Council and the National Marine Fisheries Service.*

*Enforcement personnel can verify the angler's participation in the EFP by contacting the CPFV Captain:*

*(name of vessel)*

*(Contact info)*

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*For questions regarding the EFP, contact NMFS Northwest Region at (206) 526-6140.*

**Proposed Data Collection and Analysis Methodology:** Data collection will be consistent with the existing CRFS data collection and data entry will be provided by PSFMC. Expansion of the data can provide an estimate of potential catches for both private boaters and the CPFV fleet, should the Council decide at a future time it would consider providing more fishing opportunity to the entire recreational sector. Onboard observers will count and identify the fish, with 100% retention to guarantee accurate identification and age class data. Type of terminal tackle (weights, lures, hook sizes) would be recorded for comparison purposes and bycatch reduction data. Vessels will record other information such as location, depth and water temperatures. By fishing different depth strata throughout an entire year, variations by depth and month can be identified. The goal of the data collection format and data analysis will be to gather enough information to project the outcomes for an expansion of the fishery throughout the recreational sector.

**Participation:** Commercial Passenger Fishing Vessel Captains who have complied with all past logbook reporting requirements will be eligible for conducting trips under this EFP. Only Captains approved by NOAA enforcement personnel, based on a background checks on prior violations, will be considered for these trips. The Chartermaster will demand the surrender of permits from EFP participants at his discretion.

**Time, Place and Amount of Gear Used:** This EFP would be conducted during fair weather days during the entire year of 2009, with anglers limited to one rod apiece, two to five hooks per line, with a 1.5-10 pound weight limit. All fishing would occur around and seaward of the Rockfish Conservation Area between Pt. Conception and the Oregon-California border, from depths ranging from 800 to 2000 feet and beyond. Rockfish coldspots will be the areas targeted. Various terminal tackle will be tested for optimizing the avoidance of overfished species. Each vessel will display a banner with the logos of the RFA, GGFA and NOAA indicating the vessel's participation in a research experiment, so that nearby recreational vessels will not assume that the fishery is open to anyone and start fishing next to the permit holder. It may be repeated in 2010 if there are not enough trips for a meaningful analysis of finer resolution spatial management to yield regulatory information basis.

**Data Submission, Analysis And Reporting:**

Science Advisor: (resume attached)

Doyle Hanan

P O Box 8914, Rancho Santa Fe, CA 92067

(858) 832 1159 [drhanan@cox.net](mailto:drhanan@cox.net)

**Data Collection and Review:** Data will be collected by on-board observers hired through the Pacific States Marine Fisheries Commission (PSMFC) and submitted to the data analyst for quality checks following each observed trip. Data quality checks will include checking all forms for completeness, appropriate species composition (observers will be expected to document each new species encountered to confirm species identification; documentation will be consistent with NMFS observer programs' protocols for species identification form submission), proper ordering of observed sets and anglers, proper data coding, and other logical checks that may be made by the analyst. All attempts will be made to overcome shortcomings in data collection through consultation with the observer. Feedback will be given after every submission to ensure complete and accurate data collection on subsequent trips.

**Data Entry:** Original hardcopies of the log sheets ("Angler Form" and "On Board CPFV Observer" forms) will be retained by the science advisor, and sent to PSMFC for data entry. PSMFC will conduct subsequent data quality checks required for entry of data and other checks built into their entry system. Their computer will check species ranges, reasonable lengths/weights and various cross checks on the forms for totals, anglers, limits etc. Entry will be complete no later than six business days following receipt of forms by PSMFC, who agreed to compile the data. Files will then be sent to the science advisor after each trip (including all data elements from each angler) as well as separate files of catch data aggregated by set.

**Data Analysis and Reporting:** On a weekly basis, the science advisor will stratify and report catch for the overall fishery and for each management region included in the EFP (Northern, North Central, Monterey South-Central and Morro Bay South-Central). Monthly reports will be compiled and submitted to NMFS within two weeks following the end of each calendar month and will include catch statistics for the most recent month and year to date totals. Catch will additionally be separated for analysis by disposition (retained vs. individuals that would normally be discarded) with separate CPUE (CPAD and/or CPAH) calculations made for each species of each disposition. Catch will be further stratified by terminal tackle, depth, specific lat/long locations and any other variables determined to provide significant differences through Ward's multivariate cluster analysis of catch rates for individual species. Species encountered will also be plotted against number of trips to produce a simple discovery curve for the EFP.

Expansion estimates will be reported twice for the EFP, once with data collected prior to traditional rockfish season openings and again following conclusion of the EFP period (year end or caps met) in the final report evaluating the EFP. Estimates of future angler participation will be calculated using surveys of EFP trip participants and of anglers in the study area intercepted by the samplers.

Final reporting will summarize the catch totals for the duration of the EFP with data stratification as indicated for the monthly reports. Final reporting on this EFP will include the expanded estimates for the complete opening of this fishery to the recreational community as well as alternative expansions such as opening the fishery coincident with the traditional groundfish seasons, expansion only to the CPFV fleet, and any other expansions potentially indicated by the data (specific management/geographic regions, depths, terminal tackle configurations, etc.) to provide the Pacific Fisheries Management Council with a range of options for permitting of the fishery.

**Signature of Applicant:**

A handwritten signature in black ink that reads "Jim Martin". The signature is written in a cursive style with a large, looped initial "J".

[original signed]

James Martin, RFA

[original signed]

Tom Mattusch, GGFA  
M/V Huli Cat