

## GROUND FISH MANAGEMENT TEAM REPORT ON COUNCIL RECOMMENDATIONS FOR EXEMPTED FISHING PERMITS

Five Exempted Fishing Permit (EFP) applications were forwarded for further review at the June 2009 Council meeting and submitted for approval at this meeting. Four of the EFP applications are re-submissions from last year and one is a new submission. The Groundfish Management Team (GMT) reviewed the applications relative to evaluation criteria in the Council Operating Procedure (COP) on EFPs.

The GMT also reviewed Agenda Item G.3.b Supplemental NMFS Report regarding the intent to issue an EFP to Pacific whiting shoreside vessels and first receivers in 2010. Some industry members requested a review of the previous trip limit structure provided for the shoreside whiting fishery compared to current regulations. Prior to National Marine Fisheries Service (NMFS) coordination of the EFP, cumulative monthly limits were specified in the EFP for lingcod, minor slope rockfish (including darkblotched), minor shelf, shortbelly, widow, and yellowtail rockfish, Pacific ocean perch, Pacific cod, and sablefish. The 2009 EFP structure did not provide landing allowances for species other than whiting. Since those allowances were not made in the EFP, Federal regulations applied and only allowed fishermen to get paid for monthly landing allowances for yellowtail and widow rockfish (species for which there is a midwater gear trip limit). The GMT would like guidance from the NMFS Northwest Region as to whether this issue could be addressed by NMFS in the EFP terms and conditions. If the Council is interested, the GMT can provide the analysis to inform appropriate limits.

### EFP Priority Guidance

Based on the available overfished species and ability to permit the EFP applications, the GMT discussed potential ways that the Council could evaluate the recommendations for 2010 EFPs (Table 1). The GMT evaluated each of the EFP proposals according to their attributes, whether or not it was a renewal, summary of previous operations under the EFP, if improvements from previous years exist, whether the nature of the proposal calls for multiple years of exempted fishing activities, and additional data needed. The GMT provides this for informational purposes, in the instance that NMFS workload forces a prioritization. The following table is not intended to eliminate any of the proposed EFPs from Council approval and forwarding to NMFS Northwest Region.

Table 1. Summary of attributes of the five EFP proposals.

	Fosmark	TNC	RFA - OR	RFA - CA	ODFW
Renewal?	Yes	Yes	Yes	Yes	New for 2010
Summary of previous operations	No operations to date	Yes	Yes	17 chilipepper caught in 2008; no operations in 2009 to date	n/a
Suggested changes in process or proposal from previous years?	Timing of fishery with EFP issuance; availability of funding and trained observers	None	Do more trips, particularly in the South Coast	Timing of fishery with EFP issuance; availability of funding; modify/improve experimental design for gear study	n/a
EFP operations for multiple years	Required	Required	Required	Required	Desired; however useful data in single year
Additional data needed or desired to be collected in 2010 EFP?	Additional trips; analysis to tease out skipper and/or angler affect on bycatch and fishing success.	Trapping for petrale sole.	Additional trips; analysis to tease out skipper and/or angler affect on bycatch and fishing success.	Paired gear study to test differences in bycatch for different leader lengths; Additional trips; analysis to tease out skipper and/or angler affect on bycatch and fishing success.	n/a

**New Proposal for 2010**

Oregon Department of Fish and Wildlife (Agenda Item G.3.a, Attachment 5).

This application proposes to allow select recreational charter vessels to retain incidentally caught nearshore yelloweye rockfish for biological samples to be used by future stock assessments on otherwise legal fishing trips. Basic life history information such as sex-specific age, maturity and length data, is valuable to the stock assessment process, especially for species such as yelloweye rockfish, for which little data is available to inform the stock assessment and current management restrictions have limited future data collection.

**The GMT finds technical merit in this proposal and recommends it for approval in 2010 depending on the amount of yelloweye available for EFPs.** The GMT also recommends that other projects with low yelloweye rockfish impacts, such as this EFP, continue to be explored to provide data for use in stock assessments.

### **2009 Approved Proposals Resubmitted for 2010**

#### Fosmark (Agenda Item G.3.a, Attachment 1)

This application is a re-submission of a proposal adopted by the Council in September 2008 to target chilipepper in central California using a suspended longline trolling technique. No significant changes have been made to the goals or design of the EFP program since it was approved in 2008. The applicants are, however, requesting a change in the start date from January 1 to April 1 to better align with observer availability.

The GMT agrees that this EFP will produce valuable information, yet also recognizes that the effect of grounds vs. gear may be difficult to differentiate. The skipper may know cleaner fishing grounds and catch reduction may be the result of gear placement (and/or skipper skill) rather than gear configuration. The GMT notes that additional analysis would likely be needed to test the gear with other skippers in other areas prior to broader implementation. Paired gear studies (randomized-block design) would also provide a better opportunity for distinguishing potential differences between gear configurations while understanding area/skipper effects. **The GMT recommends modification of the experimental design for testing gear configurations.**

The GMT did not feel that altering the start date of this EFP would fundamentally alter the proposal. The GMT did not feel that having an EFP span multiple calendar years (12 months that do not necessarily coincide with January-December) would be a management issue because if a species cap had to be changed for calendar year two, based on changes in annual OYs (optimum yield), it would not fundamentally alter the proposal. The GMT suggests that the applicants could provide an interim report to the Council at the November meeting of year one, at which time any changes to the overfished species caps could be made for year two based upon preliminary adoption of preferred overfished species OYs.

No modifications have been made to the original proposal since June 2009; **therefore the GMT recommends its approval for 2010 with the requested overfished species bycatch caps.**

#### Nature Conservancy and Environmental Defense (Agenda Item G.3.a, Attachment 2)

This application is a re-submission of a proposal adopted by the Council in September 2008 to test the effectiveness of using longline, trap, pot and hook-and-line gear to target trawl caught species off central California. No significant changes have been made to the goals or design of the EFP program since its adoption in 2008. The applicants are, however, requesting changes to the following target species caps: sablefish, slope rockfish, blackgill rockfish, splitnose rockfish, and petrale sole.

The applicants are requesting an increase in the sablefish cap from 165 mt (reviewed by the Council in 2009) to 300 mt. The GMT discussed the potential impacts of this increased sablefish take to the 2010 Conception area sablefish OY (1,258 mt). If the Council adopts this cap, 958 mt

will remain in Conception area OY. Therefore, the GMT does not foresee any risk of exceeding the OY under the sablefish trip limits recommended for 2010 if the Council adopts a 300 mt catch limit for this EFP. Any unforeseen issues could be handled through inseason adjustments during 2009.

The applicants also requested an increase in the slope rockfish cap (50 mt to 60 mt), with a concurrent increase in the blackgill rockfish sublimit (20 mt to 40 mt). Despite having fallen short of their slope rockfish and blackgill caps in previous EFPs, the applicants are requesting higher limits for 2010 to reduce discards that could be associated with an increased sablefish cap. Slope rockfish have been highly underutilized in the south for the past several years. Therefore, should the applicants attain the slope rockfish cap, there does not appear to be a risk of exceeding an OY. However, the GMT notes that the applicants have not harvested slope rockfish at levels that would seem to indicate the need for a 50 to 60 mt cap that is justified by a higher sablefish cap (50 to 60 mt of slope rockfish does not appear necessary to harvest 300 mt of sablefish). Nevertheless, slope rockfish are underutilized in the area and such an increase in the cap may provide opportunities on this complex.

The applicant requested an increase in splitnose rockfish from 0.5 mt to 1 mt. Splitnose are also an underutilized species and an increase in the cap does not appear to pose a concern that the OY will be exceeded. Splitnose rockfish co-occur with sablefish in the Conception area, and a higher catch limit may allow greater access to the sablefish catch limit.

In light of the pessimistic petrale assessment, the applicants reduced the cap of petrale sole from 10 mt to 6 mt. The GMT understands that the 6 mt is commensurate with the amount that these trawl permits would receive under a rationalized fishery based on a status quo 2010 OY and would provide some incentive for individuals to participate in the EFP. The GMT notes that the choice of the 2010 petrale OY will influence the amount of petrale available for EFPs. Under the status quo 2010 OY, the GMT does not foresee any risk of exceeding the OY as a result of the 6 mt catch limit. If the 2010 petrale OY is substantially reduced, the Council could consider decreasing the petrale amount in proportion to the decrease in the OY.

**The GMT recommends approval of this EFP for 2010 with the requested overfished species bycatch caps.** However, the Council may also wish to consider caps for non-overfished species that are different from those listed in the application.

#### Recreational Fishing Alliance, Oregon (Agenda Item G.3.a, Attachment 3)

This application is a re-submission of a proposal adopted by the Council in September 2008 to test a modified terminal tackle when targeting yellowtail rockfish in areas seaward of the 40-fathom depth restriction in Oregon waters. No significant changes have been made to the goals or design of the EFP program since its approval in 2008.

The GMT discussed the technical merits of this proposal and concluded that it warrants approval. The GMT also discussed that bycatch rates could vary depending on skipper expertise and angler experience and noted that further analyses regarding these relationships would be useful. The GMT recommends that the applicant further develop analyses to examine differences in bycatch rates relative to geographic area, skipper expertise, and angler experience.

**The GMT recommends approval of this EFP for 2010 with the requested overfished species bycatch caps.**

Recreational Fishing Alliance, California (Agenda Item G.3.a, Attachment 4)

This application is a re-submission of a proposal adopted by the Council in September 2008 to test the ability to selectively target chilipepper rockfish in areas seaward of the 150 fm Rockfish Conservation Area (RCA) line in the area from Point Conception (34°27' N lat) to 40°10' N Lat. Changes to the gear design are being requested, different from what was adopted in 2008.

The applicant requested to modify the number of hooks per line from 2 to 5. This increase is intended to compensate for loss of fish due to predation by sea lions and make the opportunity more attractive to prospective anglers. The GMT has expressed concern that the 5 hook limit will cause the catch rates to deviate from those expected under the 2 hook limit currently in place in California and increase regulatory complexity. In addition there is concern that increasing the number of hooks could result in early termination of the EFP due to a large bycatch event. **Therefore, the GMT recommends that the hook limit remain at 2 hooks.**

The applicant also requested to modify the start date of this proposal to better align with demand for fishing opportunity. The greatest demand for this fishery would be from November through May, when the shallow water recreational season is closed. Modifying the permit period from May to May will better align the permitting process with the demand for fishing trips. As discussed previously, the GMT does not feel that altering the start date fundamentally alters the proposal. The GMT suggests that the applicants could provide an interim report to the Council at the November meeting, at which time any changes to the overfished species caps could be made based upon preliminary adoption of preferred overfished species OYs.

The GMT also recommends that the applicant use a randomized-blocked sampling design to evaluate differences between leader lengths at given reefs or sites. This should be done using the proposed shortest (15 ft) and longest (45 ft) leader lengths on every trip (at minimum). If sample size calculations enable a third treatment without compromising significant results, and if it is logistically feasible to test three leader lengths during a single trip, then the GMT recommends that the applicant also include the third proposed leader length within the design for every trip (30 ft). Using all treatments (two or three depending on sample-size calculations) would provide an unbiased test of differences in bycatch between leader lengths to inform gear restrictions if a fishery were implemented.

**The GMT recommends approval of this EFP for 2010 with the proposed modification to the number of hooks and sampling design, and requested overfished species bycatch caps.**

**EFP Bycatch Caps for Overfished Groundfish Species**

The GMT reviewed the bycatch caps for overfished groundfish species proposed for the five EFP applications submitted for consideration in 2010 and offers the following considerations.

Nature Conservancy and Environmental Defense

The applicant requested an increase in the darkblotched bycatch cap from 1,000 lb (approximately 0.5 mt) to 1 mt. The applicant requested the increase to prosecute the requested increase in slope rockfish, particularly blackgill rockfish. There is room in the in the preseason 2010 scorecard for this increased bycatch amount, and the darkblotched OY is not projected to be exceeded.

Recreational Fishing Alliance, Oregon

Based on EFP trips that occurred in 2009, the applicant refined their request for canary rockfish, from 2.6 mt to 1.5 mt.

The remaining caps for other proposals appear to be reasonable and meet the general purpose and need of each of these EFPs.

Table 2. EFP bycatch caps (mt) for five proposed 2010 EFPs.

<b>EFP</b>	<b>bocaccio</b>	<b>canary</b>	<b>cowcod</b>	<b>darkbl</b>	<b>POP</b>	<b>widow</b>	<b>yelloweye</b>
Fosmark	3.300	0.027	0.015	0.400	*	0.700	0.005
TNC	5.000	0.023	0.200	<b>1.000</b>	0.136	2.000	0.068
RFA OR	*	<b>1.500</b>	*	*	*	3.000	0.200
Martin	2.700	0.200	0.023	0.100	*	3.000	0.023
ODFW	*	*	*	*	*	*	0.060
<b>Total all EFP's</b>	<b>11.000</b>	<b>1.750</b>	<b>0.237</b>	<b>1.500</b>	<b>0.136</b>	<b>8.700</b>	<b>0.356</b>

Note: “\*” = no proposed EFP cap, and **bold font** indicates a requested increase in an EFP bycatch cap.

**GMT Recommendations:**

1. The GMT finds technical merit in all five EFP applications.
2. The GMT recommends approval of all five EFP applications with the proposed overfished species bycatch caps, as summarized in Table 2.
3. If the Council adopts the EFPs, the GMT recommends amendment of the EFPs as outlined above.
4. The GMT recommends that if a 12 month EFP spans more than one calendar year (e.g., the RFA-CA and Fosmark EFPs), then the applicant should provide an interim report to the Council in November of year 1, in addition to any required reporting outlined in the COPs.

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