

GROUND FISH ADVISORY SUBPANEL REPORT ON COASTWIDE NON-WHITING
MIDWATER TRAWL EXEMPTED FISHING PERMIT (EFP) FINAL ACTION AND GEAR
MODIFICATION EFP REVIEW

The Groundfish Advisory Subpanel (GAP) received an overview of the issue from Dr. Jim Seger, and Ms. Karen Palmigiano provided a description of the National Marine Fisheries Service (NMFS) report. The GAP offers the following comments and recommendations.

The GAP strongly supports extending and expanding the current gear EFP to incorporate the additional gear flexibility measures approved by the Pacific Fishery Management Council (Pacific Council) in March 2016, as well as authorizing year-round non-whiting mid-water fishing, including in the Rockfish Conservation Areas (RCA). In addition to providing important opportunity for the fleet, the EFP will also help us gather critical information about salmon bycatch early in the year, in the rockfish conservation area (RCA), and throughout the range of any potential future fisheries.

The GAP cannot emphasize strongly enough the importance of implementing the EFP on January 1st, both to generate the best possible information about potential salmon impacts, and to maximize the opportunity to effectively harvest and market rockfish. The GAP also urges the agency to implement the gear package approved by the Council in March 2016 as soon as possible.

As noted in the NMFS report, the 2017 Trawl Gear EFP has demonstrated high rockfish landings with de minimis impacts on salmon, and no catch of eulachon, green sturgeon or other endangered and threatened species. As of September 6th, there were well over 2 million pounds of rockfish landed in the EFP with only 4 salmon caught. The GAP believes this demonstrates the fleet's commitment and ability to rebuild a rockfish fishery without impairing other Council managed fisheries or sensitive stocks. Based on those results, the GAP has no concerns about expanding the current EFP to incorporate the full suite of measures approved by the Council in March 2016.

The biggest proposed change in the EFP is the inclusion of year-round non-whiting mid-water trawling, including in the RCA. Mid-water trawl gear is the most effective way to target pelagic rockfish and will be an important component of the fishery in the future. Likewise, the RCA is the best place to target midwater rockfish in many areas of the coast, and will also provide important geographic flexibility that could enable fishermen to move away from salmon bycatch while maintaining rockfish opportunity.

Similar to bycatch under the EFP, salmon bycatch in the mid-water non-whiting fishery has been exceptionally low this year. Between May 15th (when non-whiting fishing opens) and September 6th, nearly 7 million pounds of rockfish was landed with mid-water trawl gear with bycatch of only 17 Chinook salmon. While the NMFS Report stresses that non-whiting midwater trawl was not a significant fishery at the time of the 1999 biological opinion (inaccurately)¹, and that bycatch may

¹ While the 1999 Biological Opinion explicitly states that the only mid-water trawl fishery of any significance was the whiting fishery that was simply not true. In the decade leading up to the 1999 BiOp mid-water rockfish catches ranged from a low of nearly 5 million pounds to a high of over 10 million. (PacFin) Given that level of catch, it is unfortunate that the 1999 BiOp did not analyze non-whiting midwater trawl bycatch early in the year or in the area

be higher early in the year and in the rockfish conservation areas, the GAP believes that testing those assumptions is precisely the reason to move forward with this component of the EFP. Near real-time accountability, a sub-cap early in the year, and the ability to end the EFP or close components of it if salmon bycatch proves to be high early in the year, in certain geographic areas, or in the RCA provide adequate safeguards to ensure that bycatch of salmon remains low.

We had initially focused this report on responding to the recommendations in the NMFS report, but understand that the agency's position has recently changed with regard to several components of the proposed EFP. In light of productive discussions with Ms. Palmigiano, the Salmon Advisory Subpanel (SAS), and a constructive Groundfish Management Team (GMT) report, we offer the following specific recommendations:

- The GAP supports inclusion of the salmon HG of 3,547 Chinook salmon and pre-May 15th HG of 800 Chinook salmon for the 2018 trawl gear EFP, as well as an 80 salmon sub-cap south of 42° N. lat.
- The GAP supports developing a way to assist Pacific States Marine Fisheries Commission video reviewers in determining the type of net used on a vessel using multiple gears (i.e. both bottom trawl and midwater trawl) to accommodate multiple gears on board while using electronic monitoring.
- While the GAP's preferred approach would be a single EFP, the GAP is willing to support the dual EFP approach described in the GMT statement.
- The GAP has concerns about severely limiting the number of participants in the EFP. Overly constraining the number of participants is unnecessary and defeats the purpose of the EFP. The GAP recommends a similar approach to that taken for the 2017 gear EFP – a call for participants followed by an application deadline. One exception to that is south of 42° N. lat. The GAP would be willing to support a cap on the number of fishermen in that area. The GAP believes that only fishermen who live in the area will fish in that area as there is no incentive for others to come into the area to fish. The GAP notes that if adopted, this limitation on the number of participants in the EFP should not carry over into regulation.
- The GAP continues to have concerns about the emphasis being placed on the pre-season salmon abundance report. We have heard on multiple occasions that there is very little correlation between abundance and bycatch. This may be because the bycatch is largely comprised of two-year old fish. A member of the SAS highlighted in our joint discussion that it's not clear what the preseason abundance report would be used for.

In conclusion, the GAP appreciates the open and constructive discussion on this topic. We believe this EFP is an important step in rebuilding rockfish markets and improving the coastal economies while minimizing impacts on salmon and other sensitive stocks. We implore the Council and NMFS to work to implement the EFP by January 1, 2018, and to further provide notice to processors that it will be implemented on January 1 as early as possible so they can begin developing markets.

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that now makes up the RCA. However, that failure heightens the importance of approving this EFP to authorize fishing early in the year and in its full geographic scope to gather important information on salmon bycatch.