

GROUND FISH MANAGEMENT TEAM REPORT ON REVIEW OF
EXEMPTED FISHING PERMITS FOR 2015-2016 GROUND FISH FISHERIES AND
ELECTRONIC MONITORING

The Groundfish Management Team (GMT) reviewed the yellowtail rockfish exempted fishing permit (EFP) application for 2015-2016 that was forwarded for review at the November 2013 Council meeting and submitted for approval at this meeting. Additionally, the GMT reviewed the four electronic monitoring (EM) EFP applications that were forwarded for review at the April 2014 Council meeting. The GMT's review was based on the evaluation criteria in the Council Operating Procedure (COP) 19 on EFPs.

The GMT reviewed the EFPs based on their technical merits and points out that the Council will likely need to make their final decision on the San Francisco Community Fishing Association (SFCFA) EFP based partially on the availability of overfished species, relative to the 2015-2016 harvest specifications. At this meeting, the Council will be considering and adopting final preferred set aside amounts to be deducted from the annual catch limits (ACLs) or annual catch targets (ACTs) under Agenda Items F.7. The total set aside amount will include those reserved for EFPs under this agenda item. Table 1 summarizes the set asides by species and EFP requested by the applicants and the Council's preliminary preferred alternative set asides for 2015-2016 adopted in November for use in the analysis in the draft Environmental Impact Statement. The four EFP applications for the use of EM are not requesting set-asides; all EFP activities will occur under normal fishing activities, trip limits, individual fishing quota (IFQ) limits, etc.

COP 19 outlines several questions for the GMT to consider when reviewing EFP applications. A primary requirement of EFPs is the evaluation of fishing gear or management measures that can be transferred into regulation and eventually applied fleet-wide. EFPs that rely upon operator experience, skill, or abilities that cannot be harnessed through a regulation or readily replicated by other fishermen, fail to meet this requirement because the resulting bycatch rates may differ from those estimated in the EFP. In addition, the groundfish Fishery Management Plan (FMP) also states that the purpose for EFPs is "to promote increased utilization of underutilized species, realize the expansion potential of the domestic groundfish fishery, and increase the harvest efficiency of the fishery consistent with the Magnuson-Stevens Act and the management goals of the FMP."

Renewal EFP

Yellowtail rockfish jig fishing off California – San Francisco Community Fishing Association / Emley and Platt

This EFP ([Agenda Item F.5.a., Attachment 5](#)) is intended to test commercial jig gear that is configured to selectively target yellowtail rockfish in mid-water (30-100 fathom) areas of the rockfish conservation area (RCA) in northern California while avoiding harvest of overfished species. In November 2013, the Council preliminarily approved the set-asides for this EFP contained in Table 1 of the GMT Report ([Agenda Item H.2.b. Supplemental GMT Report](#)) with a

reduction in the set-aside amount for canary rockfish to 1.0 mt and increase in the set-aside for yelloweye rockfish to 0.03 mt (Table 1). The GMT notes that the requested set-aside table included in the November 2013 application ([Agenda Item H.2.a., Attachment 4, November 2013](#)), had incorrect values most notably for chilipepper and yellowtail rockfish. Those values have been corrected in the current version. The table of requested set-asides (Table 1) in this report reflects the corrected values.

For 2013-2014, and again for 2015-2016, the applicants requested 1.0 mt of black rockfish to cover any catches that may occur while fishing in the shallower depths. The GMT noted that black rockfish are covered under a state issued deeper nearshore permit and cannot be landed without this permit. At that time it was uncertain whether all the participants in this EFP had the appropriate state permit necessary to land black rockfish (note: deeper nearshore species permits are issued to individuals, not vessels and are non-transferrable). As such, the GMT again recommends removing black rockfish from the list of species to be retained, as was done in the 2013-2014 terms and conditions of the EFP. It should also be noted that the take, retention, and landing of any nearshore species requires the appropriate state issued permit.

The GMT continues to see the value of the data that could be gathered from this EFP and based on its technical merits, supports Council approval for 2015-2016.

New Electronic Monitoring EFPs

Overarching Considerations

The GMT would like to note that typically EFPs are done to inform a regulatory process. It is difficult to consider rule development for the electronic monitoring program at the same time as the EFPs, and vice versa. The EFPs to test electronic monitoring could be used to explore and solve issues that are identified through the regulatory process. These EFPs may also provide unanticipated results that will help in refining and improving the regulatory framework for the EM program.

All four of the new EFP applications are requesting the use of electronic monitoring systems in place of human fisheries observers to test cost savings, catch accounting, safety factors, and compliance monitoring. None of these applications are requesting additional set-asides of overfished or non-overfished species to pursue their project. All catch will come from their normal individual fishing quota (IFQ) operations and quota pounds.

The GMT held a publicly noticed webinar on Tuesday, June 10 to discuss the overall electronic monitoring program and the electronic monitoring EFP applications. The GMT would like to thank the applicants that participated in the webinar for being available to answer questions, provide clarification, and feedback.

The GMT evaluated each of the applications in relation to the requirements of COP-19 and appreciates the clarifications by the applicants. Additionally, all of the applications appear to have addressed the issues that the Council brought up for them in April.

The GMT then focused discussions on some “bigger picture” questions about the electronic monitoring EFPs. Some of these questions/topics were covered in more detail in [Agenda Item F.2.b, Supplemental GMT Report](#), and are summarized as:

- What question(s) need to be answered (i.e. compliance monitoring vs. catch accounting)?
- Will there be a broad application of results (e.g., by latitude and depth)
- What precision and accuracy of discard quantification and catch accounting is necessary?
- What sampling rates are necessary?
- What is the risk of exceeding annual catch limits (ACL)?

In thinking about those questions, the GMT, with help from the applicants, developed Table 2. Categories shown in the table provide an additional tool for comparing and considering the EFPs. Some clarification of table categories and responses follow.

- **Maximized Retention:** All EFPs plan to implement maximized retention for all vessels and all trips, with one exception. The California Risk Pool EFP intends to use maximized retention for all vessels and trips except for two trawl vessels, which will implement optimized retention (i.e., discard select groundfish species).
- **Observer Coverage:** The observer coverage rates proposed by the applicants are shown.
- **Risk of Exceeding ACLs:** Is there an increased risk of exceeding the ACL if these EFPs move forward? Because most are maximized retention, and only 2 vessels plan optimized retention for species that show low attainment rate (see [Agenda Item F.2.b, Supplemental GMT Report](#)), the GMT concluded the additional risk of exceeding ACLs is low from these EFPs
- **Individual Accountability:** Is the EFP designed to ensure individual accountability?
- **Provide comparison with and without observers.** The GMT is uncertain whether the applicants will be making that comparison. Regardless, the EFPs have been designed in a way that the data should be available, at least for later analysis.
- **Use of Chute or Choke Point:** Do the applicants plan to use either a chute for all discards, or a choke point (focal point) where all discards will be clearly seen and recorded by the camera?
- **Broad Application (depth):** What is the intended depth ranges for fishing by applicants, and is it broad enough to draw inference for the fleet?
- **Broad Application (latitude):** What is the intended latitudinal distribution by the applicant and is it broad enough to draw inference for the fleet?
- **Multiple Strategies:** Will multiple fishing strategies be implemented? For trawl, fishing gear and catch varies shoreward and seaward of the rockfish conservation area (RCA). Fixed gear EFPs intend to use pots and longline.
- **Direct Comparison of EM and Observers:** Will the design be such that direct comparisons can be made between EM and Observers (or EM with and without observers present)?
- **Direct Comparison of EM and Logbook Discard Estimates:** Will the design be such that direct comparisons can be made between EM and logbooks?
- **Incentives for Compliance:** Is the EFP designed to ensure or incentivize compliance with the specifications of the EFP?

The GMT do not consider whiting vessels not carrying observers under EFPs as a negative to what can be learned from EFPs. The shoreside whiting fishery operated without observers 2004-2010, and participated extensively with the Pacific States Marine Fisheries Commission (PSFMC) EM studies. In addition, whiting fisheries by design are much different than the other sectors, in that catch is dumped directly under the deck (unsorted) or the catch is transferred directly to the mothership without reaching the deck of the catcher vessel. Ultimately, the West Coast Observer Program (WCGOP) makes the determination of necessary observer coverage, not the GMT.

EFP Reports

The GMT recommends the Council consider reporting requirements by the EFPs, needed to track catch and manage the fisheries. The timing, frequency and content of the reports should be coordinated with the managing entity. The frequency of these reports could be quarterly, and some elements that should be included in the reports are: total landed pounds by species/complex and total discard estimates by species/complex.

Pacific Halibut and Individual Bycatch Quotas (IBQ)

The GMT recommends continued communication and coordination with the International Pacific Halibut Commission (IPHC) in regards to the discard mortality estimation of Pacific halibut. IPHC may be able to provide additional insight on what works and what doesn't, based on their experiences working with fisheries in British Columbia and Alaska. In their supplemental letter ([Agenda Item F.3.b, Supplemental IPHC Report](#)), IPHC expressed willingness to work with the applicants and Council on this process. The GMT suggests the Council not exclude any of the current halibut discard alternatives from consideration and analysis until IPHC has provided their input. This will hopefully prevent the situation where the only alternatives forwarded by the Council and analyzed are ones that IPHC does not see as viable.

The GMT reminds the Council of the Amendment 20 goals and objectives for Pacific halibut IBQ: *The trawl rationalization program is expected to provide individual fishery participants more flexibility and more individual accountability for their impact on overfished species, other groundfish species, and possibly Pacific halibut* ([Groundfish FMP Amendment 20 Environmental Impact Statement](#)). These EFPs, and the overall regulatory process, should achieve those same goals, unless the Council intends to treat halibut bycatch in the rationalized fishery differently

Applicability

The GMT discussed the importance of the applicability of results. In other words, how applicable are the results to the broader fishery? If the purpose of EFPs is to evaluate potential regulatory structure, as well as precision and accuracy of discard estimates and regulatory compliance, then EFPs should be conducted across a range of depths, latitudes, sectors, and fishing strategies. This will ensure that lessons learned may be applicable (or not applicable) for a broad range of vessel types and strategies. Although the breadth of coastal coverage or gear coverage may not be complete for each individual EFP, collectively, these EFPs extend across the entire coast, across most fishing depths, and include all gear types and strategies.

Therefore, the GMT sees merit in the EM EFPs and recommends they move forward with the request to work with NMFS and IPHC to further refine the methodology and details.

GMT Recommendations

- 1. approve the SFCFA mid-water yellowtail rockfish EFP for 2015-2016, with the set-asides in Table 1**
- 2. forward the four EM EFP applications**
 - a. requesting the applicants continue to work with NMFS to refine the projects prior to issuance of the EFP**
 - b. work with IPHC to develop and refine the methods for estimating Pacific halibut discard mortality prior to issuance of the EFP**
 - c. the Council consider inseason reporting requirements by the EFPs needed to track and manage the fisheries**

Table 1. Request EFP set-asides for 2015-2016.

	Species	SFCFA	Leipzig	CA Risk Pool	Mann/Paine	Eder et al.	Total EFP Requests	PPA 2015-2016 set-asides a/
Overfished Species	Bocaccio	3	Covered with IFQ				3	6
	Canary	1					1	1
	Cowcod	0.015					0.015	0.015
	Darkblotched	0.1					0.1	0.2
	POP	-					0	0
	Yelloweye	0.030					0.030	0.03
	Petrale	-					0	0
Non-Overfished Species	Lingcod N of 42° N lat. (OR & WA)	0.5	Covered with IFQ b/				0.5	0
	Lingcod S of 42° N lat. (CA)	1					1	0.05
	Pacific Cod	1					1	0
	Sablefish N. of 36° N lat.	-					0	3
	Sablefish S. of 36° N lat.	-					0	0
	Dover Sole	-					0	0
	English Sole	-					0	0
	Arrowtooth Flounder	-					0	0
	Starry Flounder	-					0	0
	Other Flatfish	-					0	0
	Chilipepper S. of 40° 10' N lat.	10					10	200
	Splitnose S of 40° 10' N. lat.	1.5					1.5	1.5
	Widow	9					9	9
	Yellowtail N of 40° 10' N. lat.	10					10	0
	Shortspine Thornyhead N. of 34° 27' N. lat.	-					0	0
	Shortspine Thornyhead S. of 34° 27' N. lat.	-					0	0
	Longspine Thornyhead N. of 34° 27' N. lat.	-					0	0
	Longspine Thornyhead S. of 34° 27' N. lat.	-					0	0
	Minor Slope Rockfish N. of 40° 10' N. lat.	1					1	0
	Minor Slope Rockfish S. of 40° 10' N. lat.	1					1	1
Minor Shelf Rockfish N. of 40° 10' N. lat.	3	3	0					

Minor Shelf Rockfish S. of 40° 10' N. lat. c/	30		30	1
Black Rockfish N. of 46° 16' N. lat. (WA)	-		0	0
Black Rockfish S. of 46° 16' N. lat. (OR & CA)	1		1	1
Pacific Whiting	1		1	1
Cabazon N. of 42° N. lat. (OR)	-		0	0
Cabazon S. of 42° N. lat. (CA)	-		0	0
Shortbelly	-		0	0
California Scorpionfish	-		0	0
Longnose Skate	-		0	0
Other Fish d/	1		1	1
- = no impacts requested				
a/ council approved values from November 2013				
b/ all impacts will come from quota pounds of applicants, except for non-IFQ species				
c/ includes yellowtail rockfish				
d/ 1.0 mt put in as a place holder for spiny dogfish				

Table 2. Additional categories for comparison or consideration of the EM EFP applications.

Category	Leipzig	Cal. Risk Pool (Fixed Gear)	Cal. Risk Pool (Bottom Trawl)	Mann & Paine	Eder et. al.
Maximized retention or optimized?	Max	Max	Both	Max	Max
Observer coverage during EM ^a	2 trips	20%	20%	No ^b	< 30%
Risk of exceeding ACLs	Low	Low	Low	Low	Low
Individual accountability	Yes	Yes	Yes	Yes	Yes
Use chute/choke point for discards	only halibut, can be prescribed	Yes	Yes	yes, designated spot on deck	yes, choke point
Broad application (depth)	Shoreward and seaward of RCA	shoreward & seaward of RCA	shoreward & seaward of RCA	depends on concentration of whiting	seaward of the RCA
Broad application (latitude)	OR/WA	likely S of 40-10 only	likely S of 40-10 only	depends on concentration of whiting	Coastwide
Multiple strategies?	bottom trawl	longline and pot	bottom trawl, possibility of Scottish seine	shoreside and catcher vessel/mothership mid-water trawl	longline and pot
Possible to compare observer to electronic monitoring?	Yes (2 trips)	Yes	Yes	No, done in previous PFMC study	Yes
Possible to compare electronic monitoring and discard log?	Yes	Yes	Yes	Yes	Yes
Possible for direct halibut viability?	Yes, 2 trips in beginning	Yes	Yes	Yes, 100% mortality	Yes
Incentives for compliance, amongst the EFP participants?	if individual hinders use of cameras, permit gets revoked	collective contract (joint liability)	collective contract (joint liability)	individual violators will be removed from EFP	individual violators will be removed from EFP

^{a/} Provides more opportunity to compare observer vs EM directly (for discards). Note, if this were done, the applicant only pays for one (i.e., Observer). Data would be available for someone else to analyze and compare later

^{b/} The whiting fishery dumps catch immediately under deck, operated under EM for a decade, and provided high participation with the PSMFC studies in 2012 and 2013.