

GROUND FISH MANAGEMENT TEAM REPORT ON PRELIMINARY REVIEW OF
EXEMPTED FISHING PERMITS (EFPS) FOR 2011

The Groundfish Management Team (GMT) reviewed the technical merit of the exempted fishing permit (EFP) applications relative to the evaluation criteria in Council Operating Procedure (COP) 19. The following discussion focuses on the technical merits of the EFPs. The Council's final decision will have to consider the availability of overfished species relative to the 2011 harvest specifications, among other things.

We provide a table of impacts by species for each EFP (Table 2). The amounts shown in Table 2 were taken from the EFP applications or directly from the applicants.

2010 EFP

The GMT was notified that the applicant for Agenda Item I.3.a, Supplemental Attachment 5 (Rockfish Conservation Area [RFA]-Oregon) has withdrawn their application for a 2011 EFP. The applicants withdrew their application because the 2010 application was issued on August 31, 2010 and is effective for 12 months. This 12-month period is sufficient to cover the proposed fishing activities in 2011.

We note also that the EFP's bycatch caps were set for fishing activities in 2010 and 2011. Based on discussions with Oregon Department of Fish and Wildlife (ODFW) sampling staff and the applicant, few trips are likely to occur during the remainder of 2010, primarily due to weather conditions. This means that the majority of the trips—and the bycatch impacts—will occur in 2011. The yelloweye rockfish cap set for this EFP was 0.1 mt. This amount is equivalent to the entire yelloweye set-aside for all EFPs for 2011.

EFP Renewals

There are two EFP renewal applications (Agenda Item I.3.a, Attachment 1 [ODFW] and Attachment 2 [Fosmark]), both approved in September 2009. The applications in Attachments 1 and 2 are, for the most part, essentially unchanged from what the Council adopted in September 2009. We discuss each below.

The applications in Attachments 1 and 2 request their EFPs be effective for twelve months from date of issue, rather than a calendar year.

Oregon Department of Fish and Wildlife Yelloweye Data Collection EFP, ODFW (Agenda Item I.3.a., Attachment 1).

Our view of the ODFW EFP's merits under COP-19 also remains unchanged. **We recommend that the Council forward it for public review.**

We highlight also that this project does not fit the typical definition of an EFP. The project is much more akin to a scientific research activity. **The GMT recommends that the Council consider and request clarification from National Marine Fisheries Service (NMFS) on whether the yelloweye impacts (0.06 mt) from the ODFW project might better be applied to the research set-aside.**

NMFS required an EFP for this project because the fish are being collected during the course of regular fishing by anglers aboard selected charter vessels without scientific research personnel onboard. We recognize that the vessels and anglers participating in this EFP need an exemption from the retention regulations. Yet the type of regulatory exemption needed to authorize the project is a separate matter from the project’s objective.

This EFP’s objective is to obtain biological data to inform stock assessments. This purpose is much different than those the Council listed in COP 19 (e.g., test innovative gear, fishing methods, seek to promote increased utilization of underutilized species, explore ways to reduce effort on depressed stocks, etc.). The Council typically considers priorities for scientific research and EFPs separately, and to us, the bycatch from this EFP would be more appropriately attributed to research. The benefit is additional biological information on the stock; benefits do not flow directly to the EFP participants. All yelloweye retained will be immediately surrendered to ODFW or Oregon State Police upon returning to the dock. The additional yelloweye mortality for this EFP arises because fish that would survive when discarded would instead be retained for research. Table 1 identifies the current projected research impacts.

Further, the GMT notes that there is not enough yelloweye available in the current set-aside for all of the proposed EFPs. Changing the set aside through revision to the proposed rule would also require revision of trawl and non-trawl allocations. This would in turn require revision of initial issuance of quota for yelloweye. Accounting for this catch as research avoids these complications.

Table 1. Yelloweye projected research impacts used to estimate the 2011-2012 SPEX EIS set-aside.

Research Project	Projected Impact (mt)
IPHC Halibut Stock Assessment Survey	1.1
WDFW Enhanced Rockfish Survey	1.0
ODFW Enhanced Rockfish Survey	1.0
Other (including NMFS trawl survey)	0.2
Total	3.3

Fosmark Trolled Chilipepper Longline EFP, Steven Fosmark (Agenda Item I.3.a., 1 Attachment 2).

Our view of the Fosmark EFP's technical merits has also not changed.¹ However, as with the RFA-Oregon EFP, the application is missing the full “description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to complete the experiment.”

Given the Council's EFP set asides for 2011-12, the applicant has identified the estimated take of non-overfished species. Per past practice, last cycle we only gave close scrutiny to the overfished species caps and did not request that the applicant provide the full “description of the species (target and incidental) to be harvested under the EFP”. We only notified the applicants of this requirement yesterday afternoon and thank them for the quick turnaround.²

New EFP for 2011 - Oregon Trawl Commission's (OTC) West Coast Sanddab EFP, Brad Pettinger (Agenda Item I.3.a., Supplemental Attachment 6).

The one new application for 2011 proposes a test of the Trawl RCAs within the shoreside individual fishing quota (IFQ) program. The exemption sought is to the configuration of the RCAs in periods 1, 2, and 6. The objective is to target underutilized species such as Pacific sanddabs, mixed flatfish when these species aggregate between 75 and 100 fm during the months of November through April. EFP participants would use their own quota pounds for all species encountered. They would also be fishing with an IFQ observer.

The applicant for this EFP has requested that the permit be valid for twelve months from date of issue. If approved, the GMT suggests that this EFP be handled in the same manner as discussed for the renewals above issued for a 12-month period instead of the calendar year basis.

The COPs focus on the question of operator experience, skill or ability. EFPs that rely too much on these factors are not desirable because the catch rates that result may not be reproducible or enforceable on a larger scale. For this reason, we suggest that the EFP include a minimum number of participants so as to cover a wider range that would be representative of operator experience levels. **We request the applicant bring more information on minimum participation and the operator effect prior to the briefing book deadline for the November Council meeting.**

The GMT sees technical merit in this EFP. Once an area is closed to fishing, we lose information on bycatch. The information gained from this EFP could inform the Council's consideration of the appropriate RCA configuration in the IFQ fishery.

With 100 percent observer coverage, the EFP will produce data on bycatch. We see an opportunity to incorporate habitat data into the EFP design. **The EFP is well situated for data collection, yet the applicant will also need to provide for data analysis.** We understand the applicant is in discussion with ODFW on this matter. We also highlight the increased workload

¹ See June 2008, Agenda Item F.3.c, Supplemental GMT Statement; September 2008, Agenda Item I.6.c, Supplemental GMT Statement, September 2009, Agenda Item E.8.b.

² We extend the same thanks to the applicants of the Oregon-RFA EFP.

for the WCGOP under the IFQ program. **The applicant should consider how bycatch data will be analyzed and reported on the timely basis required for EFPs.**

We also discussed the potential risk this EFP poses to the IFQ fishery. The individual accountability of the IFQ program does not eliminate the possibility of “lightning strike” tows. Such tows of constraining stocks (e.g., yelloweye and canary) may be large enough to affect the sector allocation. The Council considered this risk when setting the configuration of the RCAs for the start of the IFQ program.

The GMT finds technical merit in the purpose, goals and justifications of this application. With further development, this EFP could be a reasonable, incremental approach to producing more information on individual accountability and the RCAs. **We would request the applicant produce more information on past bycatch rates in the proposed fishing area.** Canary, yelloweye, and petrale sole are the stocks of most concern.

Lastly, we highlight that elements of the COP were not followed. The application was not received by the Council for review “at least two weeks prior to” the first Council meeting addressing EFPs, as is required by COP 19. It is also missing certain details such as: specific number of vessels to be covered under the EFP; a description of how vessels will be chosen to participate in the EFP; and for each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place.

Set Asides

The Council adopted EFP set asides for both overfished and non-overfished species in June 2010 under the 2011-2012 harvest specifications and management measures process (Table 2). These set asides will be published in the proposed 2011-2012 specifications rule, which is anticipated in late September or early October. The GMT notes that there were no set asides for chilipepper, yet the Fosmark EFP, if approved, will need a chilipepper set aside along with set asides for other co-occurring non-overfished species. The current application does not estimate the set asides requested yet the applicant provided estimates at the meeting. The Oregon RFA EFP will need set asides of 3.8 mt of yellowtail, which is not accommodated by the proposed set aside (2 mt). The ODFW yelloweye EFP does not require non-overfished species set asides as the goal is to sample yelloweye rockfish only. The Pettinger EFP would not require a set aside, as the applicants propose to operate under their existing quota pounds, which ultimately come from the trawl allocation.

To modify non-overfished species set asides, the Council will need to comment on the proposed rule and recommend that the EFP set asides be modified to sufficiently accommodate the potential approval of the Fosmark EFP and existing Oregon RFA. **To coordinate with the timing of the proposed SPEX rule, the Council would need to adopt preliminary set asides for non-overfished species at this meeting.** In the event that certain EFPs are disapproved in November, the set aside would remain in regulation and go unharvested.

As the GMT noted under the 2011-2012 harvest specifications and management measures process, it is difficult to predict the potential EFPs during the SPEX process and provide appropriate set asides. The GMT will work with NMFS Northwest Region and Council staff to recommended solutions to this problem for future SPEX cycles.

GMT Recommendations:

- 1. The Council will need to consider the yelloweye impacts of the 2010 RFA-OR permit when deciding on EFP applications for 2011.**
- 2. The GMT recommends the ODFW impacts should be accounted for as research rather than EFP set-aside.**
- 3. The GMT acknowledges the technical merit of the ODFW EFP application and recommends adopting for public review.**
- 4. The GMT finds technical merit in the Fosmark renewal application; however, elements of the COP were not followed and may need to be addressed by the Council prior to adopting for public review.**
- 5. The GMT finds technical merit in the purpose, goals and justifications of Oregon Trawl Commission application; however, elements of the COP were not followed and may need to be addressed by the Council prior to adopting for public review.**

Table 2. Exempted Fishing Permit application overfished and non-overfished species impacts, total EFP impacts and the 2011 set aside.

	Species	ODFW	Fosmark	2010 RFA-OR ¹	OTC	EFP Total	2011 Set-Aside
Overfished Species	Bocaccio	-	3.30	-	-	3.30	11.00
	Canary	-	0.03	1.00	-	1.03	1.30
	Cowcod	-	0.02	-	-	0.02	0.20
	Darkblotched	-	0.40	-	-	0.40	1.50
	POP	-	-	-	-	0.00	0.10
	Widow	-	3.00	3.00	-	6.00	11.00
	Yelloweye	0.06	0.01	0.10	-	0.17	1.00
	Petrale	-	-	-	-	0.00	2.00
Non-Overfished Species	Lingcod N of 42° N lat. (OR & WA)	-	-	-	-	0.00	0.00
	Lingcod S of 42° N lat. (CA)	-	0.40	-	-	0.00	0.00
	Pacific Cod	-	-	-	-	0.00	0.00
	Sablefish N. of 36° N lat. ²	-	4.54	-	-	0.00	39.00
	Sablefish S. of 36° N lat.	-	-	-	-	0.00	26.00
	Dover Sole	-	-	-	-	0.00	0.00
	English Sole	-	-	-	-	0.00	0.00
	Arrowtooth Flounder	-	-	-	-	0.00	0.00
	Starry Flounder	-	-	-	-	0.00	0.00
	Other Flatfish	-	-	-	-	0.00	0.00
	Chilipepper S. of 40° 10' N lat.	-	272.23	-	-	0.00	0.00
	Splitnose S of 40° 10' N. lat.	-	-	-	-	0.00	0.00
	Yellowtail N of 40° 10' N. lat.	-	-	3.80	-	3.80	2.00
	Shortspine Thornyhead N. of 34° 27' N. lat.	-	-	-	-	0.00	0.00
	Shortspine Thornyhead S. of 34° 27' N. lat.	-	-	-	-	0.00	0.00
	Longspine Thornyhead N. of 34° 27' N. lat.	-	-	-	-	0.00	0.00
	Longspine Thornyhead S. of 34° 27' N. lat.	-	-	-	-	0.00	0.00
	Minor Slope Rockfish N. of 40° 10' N. lat.	-	-	-	-	0.00	2.00
	Minor Slope Rockfish S. of 40° 10' N. lat.	-	0.20	-	-	0.00	2.00
	Minor Shelf Rockfish N. of 40° 10' N. lat.	-	-	-	-	0.00	4.00
	Minor Shelf Rockfish S. of 40° 10' N. lat.	-	0.20	-	-	0.00	2.00
	Black Rockfish N. of 46° 16' N. lat. (WA)	-	-	-	-	0.00	0.00
	Black Rockfish S. of 46° 16' N. lat. (OR & CA)	-	-	-	-	0.00	0.00
	Pacific Whiting	-	0.09	-	-	0.00	0.00
	Cabazon N. of 42° N. lat. (OR)	-	-	-	-	0.00	0.00
	Cabazon S. of 42° N. lat. (CA)	-	-	-	-	0.00	0.00
	Shortbelly	-	-	-	-	0.00	0.00
California Scorpionfish	-	-	-	-	0.00	0.00	
Longnose Skate	-	-	-	-	0.00	0.00	
Other Fish	-	-	0.07	-	0.00	None	

- = no impacts requested

¹ 2010 permit issued for August 31, 2010 through August 30, 2011

² 39 mt includes EFPs, research and Inc. OA

PFMC
09/14/10