

June 6, 2001

Mr. Bill Robinson  
Deputy Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way NE, Bin 15700  
Seattle, Washington 98115-0070

Dear Mr. Robinson:

Attached please find an application for an Experimental Fishing Permit (EFP) for Council consideration at its June 2001 meeting. The primary purpose of the EFP is to measure catch rates of bocaccio rockfish taken incidentally during trawling operations targeting chilipepper rockfish. For vessels participating in the program, observer coverage would be required during all trips during which small footrope is used ~~to target chilipepper rockfish~~, and the trip limit for chilipepper rockfish would be increased from 7500 pounds per two-month period to 25,000 pounds per month. During these trips, all rockfish must be landed and any rockfish overages forfeited to the state. When a vessel has landed 400 lbs of bocaccio or 25,000 pounds of chilipepper in a month, that vessel would no longer be allowed to land chilipepper for sale. ~~and observer coverage would be discontinued until the next open fishing period~~. The EFP would be valid during 2001 and 2002, but only during those periods specified in the application. We propose to limit the program to no more than five permits, with no more than two permits issued per port group. Regarding canary and widow rockfish, we are receptive to considering threshold limits for those species.

Sincerely,

**DRAFT**

LB Boydston  
Intergovernmental Affairs Office

Attachment

cc: Pacific Fishery Management Council  
National Marine Fisheries Service, Southwest Region

bc: Marine Region, Department of Fish and Game  
Patty Wolf  
Dave Thomas  
Tom Barnes



## APPLICATION FOR AN EXPERIMENTAL FISHING PERMIT

- A. Date of application: June 6, 2001
- B. Applicants' names, mailing addresses, and telephone numbers:

California Department of Fish and Game  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

Contact: LB Boydston (916) 653-6281

- C. A statement of the purpose and goals of the experiment, for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.

Pacific Coast groundfish are managed by the Pacific Fishery Management Council under a federal fishery management plan (FMP). The management goals of the FMP are to:

- Prevent overfishing by managing for appropriate harvest levels and prevent any net loss of the habitat of living marine resources.
- Maximize the value of the groundfish resource as a whole.
- Achieve the maximum biological yield of the overall groundfish fishery, promote year-round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

The specific goals of the experiment are:

- To measure bycatch rates of bocaccio and other rockfish associated with the small footrope trawl fishery when targeting chilipepper rockfish, and other shelf species, through an at-sea observer program.
- To provide fishermen with an incentive to participate in the observer program by giving them the opportunity to land chilipepper in excess of the current bi-monthly trip limit for vessels using small footrope trawl, while protecting depressed rockfish species.
- Augment the National Marine Fisheries Service groundfish observer program

With regard to the disposition of the species harvested under the EFP:

- The vessel may retain and sell species caught within current trip limits.

- The vessel must land all rockfish caught in excess of current trip limits ~~on trips when an observer is on board~~. These overages will be forfeited to the state consistent with the current process for forfeiture of overages in the shoreside-whiting fishery.

D. Valid justification explaining why issuance of an EFP is warranted.

Chilipepper rockfish is an important species in the California groundfish fisheries. The 2001 ABC (2,700 MT) for the Monterey and Conception areas is based on a 1998 assessment and application of the F 50% harvest policy. The stock is estimated to be above the 40% precautionary threshold so the default OY would normally be equal to ABC. However, the 2000 and 2001 OYs were set below ABC at 2000 MT, in part to reduce the bocaccio bycatch potential.

Because of bocaccio bycatch concerns, vessels using small footrope have had relatively small chilipepper trip limits (currently 7,500 lbs per two month cumulative period) ~~when using a small footrope trawl~~. Considerably larger trip limits were established for vessels using mid-water trawl, but that gear has proved to be unsuccessful in capturing chilipepper. With the small footrope constraints that were in place for 2000, only 403 MT of chilipepper were landed. Also, in 2000 only 25 MT of bocaccio were landed by all commercial vessels, about one half of the commercial OY.

Fishermen currently using small footrope to catch chilipepper have indicated they are not impacting bocaccio. These fishermen believe that they can prosecute the chilipepper fishery with a low bocaccio bycatch rate, thereby allowing a higher chilipepper catch.

E. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

The applicant of this EFP believes that the information collected during this experiment will have broader significance than the applicant's individual goals by:

- Producing data on the amount and location of bocaccio rockfish bycatch in the chilipepper fishery and providing valuable and accurate data on the species composition of the small footrope trawl fishery off the California coast.
- These data could allow the Council to establish trip limits in the future that maximize fishing opportunities while meeting conservation goals.

F. Vessels covered under the EFP:

Vessels covered under the EFP will include those which have historically participated in the targeted trawl chilipepper fishery off California. These vessels must have:

- A two-year cumulative total of at least 20,000 lbs of chilipepper landed into

California ports during 1999 and 2000.

- At least one landing of chilipepper in each of the qualifying years (1999 and 2000).
- A valid California delivery permit.

A list of vessels that meets these criteria will be provided as part of the final EFP application. No more than five (5) permits will be issued. The first 5 vessels to apply will be given first priority for final permit issuance with no more than two (2) permits issued per California port group: 1) Fort Bragg 2) Bodega Bay / San Francisco / Halfmoon Bay 3) Monterey / Moss Landing 4) Morro Bay/ Avila).

Any EFP may be canceled and made available to another vessel if the permitted vessel: 1) does not follow the terms and conditions of the permit, 2) fails to follow federal or state fishing regulations, 3) does not prosecute chilipepper rockfish using small footrope as provided in the EFP, or 4) does not reasonably accommodate the observer or cooperate with the applicant.

A permitted vessel can withdraw once from the EFP program.

- G. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment:

The targeted species is chilipepper rockfish which would be subject to a 25,000 pound small footrope monthly trip limit. However, the vessel would be constrained by the measured bycatch allowance of bocaccio rockfish. Vessels are currently allowed 7,500 lbs of chilipepper per 2-month cumulative period and 500 lbs of bocaccio per month. Under the EFP, the bycatch allowance for bocaccio rockfish would be divided as follows:

- Once 400 lbs of bocaccio are landed in a month, and the vessel has landed the current small footrope trip limits for chilipepper published in the Federal Register, the vessel may not fish for and land for sale chilipepper rockfish for the remainder of the month. ~~In this situation, no further observer coverage is required for the month and rockfish landings are limited by current trip limits (no overage retention requirement):~~
- The balance of the bocaccio monthly limit would be used to accommodate bocaccio bycatch while targeting other groundfish species.
- Catches of all rockfish species taken with small footrope on board during the EFP period ~~when an observer is on board~~ must be retained. Those in excess of trip limits ~~when an observer is on board~~ will be forfeited to the state.
- Other species may be landed under current trip limit levels.

- ~~Observer coverage is not required after 25,000 pounds of chilipepper is landed in a month.~~

H. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used:

- The EFP will be valid in those Pacific Ocean waters adjacent to California south of Cape Mendocino and outside 3 miles.
- Approximate time for the fishery is August – October of 2001 and May – September 2002.

I. All vessels fishing under the authority of the EFP must:

- Carry a National Marine Fisheries Service-approved observer onboard all groundfish trips when small footrope is being used ~~to target chilipepper rockfish~~ and give the observer reasonable notice of impending fishing trips.
- Land all fish caught under the authority of the EFP into the State of California.
- Employ legal trawl gear as defined in current federal regulation. Vessels fishing under the EFP may experiment with selective gears as long as such gears comply with current footrope restrictions.

J. The signature of the applicant:

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California Department of Fish and Game