



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

June 11, 2001

Mr. Bill Robinson
National Marine Fisheries Service, Northwest Region
7600 Sand Point Way N.E., BIN C15700
Seattle, Washington 98115

Dear Mr. ^{Bill} Robinson:

The Washington Department of Fish and Wildlife (WDFW) is applying for an experimental fishing permit (EFP) for its targeted arrowtooth flounder fishery. Enclosed is our completed application.

As you know, in January 2000, the Secretary of Commerce declared a commercial fishery failure in the West Coast groundfish fishery. In response, Congress appropriated federal assistance to the affected states, including Washington. The overarching goal of Washington's Disaster Relief Program is to prevent similar failures in the future by maximizing the harvest opportunities on healthy stocks while meeting the rebuilding targets for overfished species, and to assist fishing communities affected by the failure. To that end, WDFW has proposed to use a portion of the grant to implement a cooperative at-sea observer program for the arrowtooth flounder fishery.

Arrowtooth flounder is an extremely important species to the Washington groundfish fishery. The stock is healthy and Washington fishers and processors have worked aggressively to develop strong markets for this species. The trip limits for flatfish other than Dover sole are currently constrained by the assumed bycatch rate of canary rockfish. Fishers who have historically targeted arrowtooth have indicated that their bycatch rate for canary rockfish is much lower than the assumed rate. The experimental fishery will allow us to determine a more accurate estimate of the canary bycatch rate.

The purpose of the experiment is to assist the Pacific Fishery Management Council in achieving the goals of the groundfish fishery management plan by collecting bycatch data on overfished stocks to allow for informed management decisions in setting appropriate trip limits to maximize safe harvest levels of healthy stocks. To measure bycatch rates for canary and other rockfish associated with the arrowtooth fishery, fishers would be required to carry WDFW-provided observers onboard their vessels for all of their groundfish trips in August and September 2001.

Thank you for your consideration. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Anderson".

Philip Anderson
Special Assistant
Intergovernmental Policy

APPLICATION FOR ISSUANCE OF AN EXEMPTED (EXPERIMENTAL) FISHING PERMIT

- A. Date of application: June 11, 2001
- B. Applicant's names, mailing addresses, and telephone numbers:

Washington Department of Fish and Wildlife (WDFW)
600 Capitol Way North, Olympia, WA 98501-1091
Contacts: Philip Anderson (360) 902-2720
Brian Culver (360) 249-1205
Michele Robinson (360) 249-1211

- 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:

1. Prevent overfishing by managing for appropriate harvest levels and prevent any net loss of the habitat of living marine resources.
2. Maximize the value of the groundfish resource as a whole.
3. 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 purpose of the experiment is to assist the Pacific Fishery Management Council in achieving the goals of the FMP by collecting bycatch data on overfished stocks to allow for informed management decisions in setting appropriate trip limits to maximize safe harvest levels of healthy stocks.

Specifically, the goals of the experiment are to:

1. Measure bycatch rates for canary and other rockfish associated with the arrowtooth flounder fishery through an at-sea observer program, and
2. Augment the National Marine Fisheries Service groundfish observer program.

WDFW staff will analyze and summarize the results of the experimental fishery which will be submitted to the National Marine Fisheries Service and the Pacific Council. Specifically, WDFW staff will analyze and summarize:

1. The amount and location of canary rockfish associated with the arrowtooth flounder fishery north of 48 degrees north latitude.
2. Total catch composition of fish taken in the two-month experimental fishery.
3. Results of the rockfish retention pilot program.

A preliminary update will be presented to the Pacific Council at its September meeting and a more complete report will be given at the November Council meeting.

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

- Species caught within current trip limits may be retained by the vessel.
- Species caught in excess of current trip limits, but permitted within the EFP (i.e., arrowtooth flounder and petrale sole), will be retained by the vessel.
- Rockfish species caught in excess of current trip limits, but required to be retained under the EFP, will be forfeited to the state consistent with the current forfeiture of overages in the shoreside whiting fishery.

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

In recent years, the Pacific Fishery Management Council has been presented with new scientific information which suggests that productivity of Pacific Coast groundfish is unusually low. As a result, more restrictive management measures have been adopted since 1998. During the 1983-1999 period, coastwide non-whiting landings have decreased 65 percent from 107,000 metric tons to 38,000 metric tons. In terms of revenue for the same period, non-whiting revenues have declined by 54 percent from \$99.9 million to \$46 million. The decline in abundance has been particularly severe for rockfish and flatfishes which account for about half of the non-whiting revenue.

Since 1998, the Pacific Council has initiated rebuilding plans for canary rockfish, Pacific ocean perch, lingcod, cowcod, and bocaccio. Critical to these rebuilding plans and to the overall improvement of groundfish management is the need for more and better scientific data. There are 82 species covered under the Pacific coast groundfish FMP, and at present, there is little or no data on a large number of these species. There is a need for comprehensive, timely and credible data for priority species to aid in the conservation and rebuilding efforts for these stocks.

Arrowtooth flounder are an extremely important species in Washington groundfish fisheries. The stock is healthy and Washington fishers and processors have worked aggressively to develop strong markets for this species. A large component of the Washington trawl fleet, and at least two major processors, are heavily dependent upon arrowtooth flounder.

Fishers targeting arrowtooth are currently constrained by their limit of canary rockfish. As such, fishers are limited to 30,000 lbs/month for all flatfish which includes arrowtooth. This trip limit is based upon the assumed bycatch rate of canary rockfish. Fishers who have historically targeted arrowtooth have indicated that under this monthly trip limit, targeting arrowtooth will not be economically feasible. Further, these fishers believe that they can prosecute an arrowtooth fishery with a much lower canary bycatch rate, thereby allowing a higher arrowtooth 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 canary rockfish bycatch in the arrowtooth flounder fishery,
- Providing valuable and accurate data on the species composition of the trawl flatfish fishery off the Washington coast, and
- Providing a pilot program for the retention of rockfish overages.

These data could allow the Council to establish trip limits in the future that maximize fishing opportunities on healthy stocks while meeting conservation goals for depleted stocks.

F. Vessels covered under the EFP:

Fishers covered under the EFP will include those who have historically participated in the targeted arrowtooth fishery off Washington. These fishers must have:

- 3-year cumulative total of at least 400,000 lbs of arrowtooth flounder landed into Washington in the following calendar years: 1998, 1999, and 2000,
- Landings of arrowtooth flounder into Washington in all three consecutive years (1998, 1999, and 2000), and
- A valid Washington delivery permit

A list of the fishers (and their designated vessels) that meet these criteria are attached.

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 arrowtooth flounder which would not be subject to a monthly trip limit, but which would be constrained by the measured bycatch allowance of canary rockfish for the flatfish fishery. Fishers are currently allowed 300 lbs per month of canary rockfish with an assumed 16% discard rate (when applied, this equals 348 lbs total). Under the EFP, the bycatch allowance for canary rockfish would be divided as follows:
- 200 lbs of canary rockfish would be allocated to tows that are identified as directed arrowtooth tows by the skipper of the vessel (in advance). Once the 200 lbs of canary rockfish are caught, and if the vessel has already reached the current monthly trip limits for arrowtooth and petrale sole published in the Federal Register, then the vessel cannot have any directed arrowtooth tows for the rest of the month and cannot retain any more arrowtooth or petrale.
- Once 200 lbs of canary rockfish are caught, and if the vessel has **not** reached the current monthly trip limits for arrowtooth and petrale sole published in the Federal Register, then the vessel can continue to conduct directed arrowtooth tows until the current monthly trip limits for arrowtooth and petrale have been reached. Once those trip limits have been reached, the vessel cannot have any directed arrowtooth tows for the rest of the month and cannot retain any more arrowtooth or petrale.
- The balance of the canary rockfish would be used to accommodate the bycatch of canary while targeting other groundfish species.
- Petrale sole caught in a directed arrowtooth tow would not be subject to a monthly trip limit.
- Other species could be landed under current trip limit levels and fishers could land up to the current limit of other flatfish in addition to their arrowtooth flounder landings.
- Incidental catches of rockfish in excess of the trip limit must be retained.
- A minimum amount of four vessels must participate under the EFP to conduct the experiment.

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 Pacific Ocean waters adjacent to Washington, outside three miles; vessels must fish north of 48 degrees north latitude for their directed arrowtooth tows. Other fishing strategies can be used south of 48 degrees north.
- Approximate time for the experimental fishery is August 1-September 30, 2001 and June 1-September 30, 2002.
- Vessels covered by the EFP would be allowed to have more than one type of legal gear onboard (i.e., midwater trawl and small footrope trawl).
- All vessels fishing under the authority of the EFP must:
- Carry a Washington Department of Fish and Wildlife-provided observer onboard all fishing trips.
- Employ legal trawl gear as defined in current federal regulations. Vessels fishing under the EFP may experiment with flatfish selective gears (including excluders) as long as such gears comply with current footrope restrictions.
- Land all fish caught under the authority of the EFP into the State of Washington to a processor designated to participate in this program by the Washington Department of Fish and Wildlife. In order for a processor to be able to participate in this program, it must hold a contract with the Washington Department of Fish and Wildlife and abide by the conditions

listed in the contract. Failure to abide by the conditions in the contract will result in revocation of the contract by the Director of the Washington Department of Fish and Wildlife.

- Hold a contract with the Washington Department of Fish and Wildlife and abide by the conditions listed in the contract. Failure to abide by the conditions in the contract and/or to follow the provisions in the EFP will result in revocation of the contract by the Director of the Department of Fish and Wildlife. The Director of the Department of Fish and Wildlife may modify the terms of the contract based on the status of the stocks which are caught incidentally in the experimental fishery.

I. The signature of the applicant:

Washington Department of Fish and Wildlife