

D R A F T

APPLICATION FOR ISSUANCE OF AN EXEMPTED (EXPERIMENTAL) FISHING PERMIT

- A. Date of application: October 30, 2001
- B. Applicant's names, mailing addresses, and telephone numbers:

Washington Department of Fish and Wildlife
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- 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:

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

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, petrale sole, and yellowtail rockfish), 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:

Since 1998, the Pacific Council has initiated rebuilding plans for several species, including canary rockfish and widow rockfish. 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. The current flatfish 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.

Similarly, yellowtail rockfish are an extremely important species to Washington groundfish fisheries. The latest stock assessment indicates that the stock is healthy and, like arrowtooth flounder, a large component of the Washington trawl fleet is dependent upon a midwater trawl opportunity for yellowtail. However, because widow rockfish are overfished and commonly occur in the yellowtail midwater fishery, fishers are constrained by their limit of widow rockfish.

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,
- Producing data on the amount and location of widow rockfish bycatch in the midwater yellowtail rockfish 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),
- Participated in the 2001 Arrowtooth Flounder Exempted Fishery, 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.
- Yellowtail rockfish caught in midwater tows would be subject to a monthly trip limit of _____ lbs (which exceeds the current monthly limit), and would be constrained by the measured bycatch of widow rockfish in the midwater fishery. Under the EFP, the bycatch allowance for widow rockfish would be _____ lbs per month, and the bycatch allowance of canary rockfish would be _____ lbs per month. Once the _____ lbs of widow rockfish and/or _____ lbs of canary rockfish are caught in midwater tows, and if the vessel has already reached the current monthly trip limits for yellowtail rockfish published in the federal register, then the vessel cannot have any more midwater tows for the rest of the month and cannot sell any more yellowtail or widow (Note: These species would still be retained as part of the full-retention provision).
- 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 46°40'00" north latitude for all of their fishing strategies during the months of the EFP.

Approximate time for the experimental fishery is May 1-August 31, 2002.

Vessels covered by the EFP would be allowed to have more than one type of legal gear onboard (e.g., midwater, small footrope, and large footrope).

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), including large footrope gears.
- 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