



Oregon

John A. Kitzhaber, M.D., Governor

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August 30, 2002

Dr. Elizabeth Clarke, Director
Fisheries Resources and Analysis Division
Northwest Fisheries Science Center
National Marine Fisheries Service
2725 Montlake Blvd. East
Seattle, WA 98112

Dear Dr. Clarke,

We have completed the scoping meetings on the EFP for the Selective Flatfish Trawl, have developed an approach and prepared an EFP proposal as you suggested.

There were a number of common perspectives from fishermen in Charleston, Newport, and Astoria that we incorporated into the proposal. First, there was consensus that all the fishermen wanted to build their own trawl instead of lease a trawl from the government. They would submit a net plan for approval and own the net when done. Government owned nets had problems of inappropriate scale for the vessel, liability for net condition, and the government owning the nets when the fishery test is completed. They also all felt that once they built a net, then a single trip limit period test was too short, and wanted to be able to use the net from March through October, which would provide a good fishery estimate of bycatch including seasonal variation.

They all thought that providing enough additional flatfish catch to cover the cost of building a net, observer costs, and additional vessel operation expenses would be enough incentive to participate. No one had any issue with having an observer on board. The proposal specifies that rockfish mortality levels will be held to 2002 levels for overfished species. It also requires that all overfished species of rockfish will be retained and landed for biological sampling. We gave a draft to Jon Cusick to make sure the observer component of the EFP was feasible, which he said was fine. The rest of the details are explained in the EFP proposal itself.

Two or three vessels in each port (more in Astoria) were interested in participating in the EFP test next year. However, almost all the fishermen we spoke with (about 30) were supportive of the research, the EFP idea, and the approach. There appears to be growing national interest in developing selective gear solutions for to address of the bycatch problems we face. We have been getting significant media attention concerning this research from reporters attending our public meetings, and we were interviewed by National Geographic last week about how our trawl research may help the West Coast fishing industry deal with this crisis. There was also great interest from deepwater fishermen in modifying the trawl and testing it on the slope to exclude darkblotched rockfish and maintain access to the DTS complex.

The EFP application is written as an ODFW proposal to run the program in Oregon with Oregon vessels. This was done to have a consistent perspective in preparation. However, it is our hope that NMFS will take over administration of the EFP and expand it to a regional level as a NMFS project. ODFW does not have the funds to hire the necessary EFP coordinator to administer this program. We would be happy to provide technical advice on net designs and other help as needed.

The EFP announcement is on the council agenda for an announcement of intent and to solicit comment on Wednesday afternoon (11th). Do you plan to present this at the PFMC meeting as a NMFS proposal? Please let us know ASAP how you wish to proceed with this proposal. We look forward to working with you on this. Please don't hesitate to contact me with questions or suggestions. Thank you for your consideration.

Sincerely,

Patricia M. Burke
Marine Resources Program
541 – 867- 0300 x226

Application for Exempted Fishing Permit to Test a Selective Flatfish Trawl

A. Application Date

September 01, 2002

B. Applicant Contact

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Contacts: Steve Parker, Bob Hannah, or Patty Burke

C. Statement of Purpose and Goal

The purpose of this Exempted Fishing Permit (EFP) is to enable a fishery-scale test of a new experimental trawl developed to reduce the bycatch of rockfish and other "roundfishes" while maintaining catch of more productive flatfishes. This experiment will assist the Pacific Fishery Management Council in achieving the goals set forth in the federal fishery management plan for the west coast.

This trawl was tested experimentally using a statistically-blocked alternate haul design off the central Oregon coast in 2001 and 2002, and showed significant reductions in catch of several overfished species while increasing flatfish catch. General use of a trawl with this configuration could provide sustainable access to productive flatfish stocks while avoiding the capture and mortality of constraining shelf species such as canary rockfish.

The next phase in transferring this technology to the fishing industry as a management option is to measure the levels of bycatch reduction that would occur in the shelf flatfish fishery over a broad geographic range and by a number of vessels. Although technically, the trawl is already a legal fishing gear, the EFP is necessary for two reasons.

- 1) The trawl needs to be tested and bycatch documented in the shelf flatfish fishery, which is included in the current No Trawl Zone (NTZ). An EFP would allow fishing to occur within this zone, but with reduced bycatch, which preserves the original bycatch reduction purpose of the NTZ.
- 2) An incentive is needed for fishermen to construct the trawl (costing approximately \$10,000), carry an observer, and test the new gear. The incentive provided would be increased flatfish trip limits while fishing with the experimental gear.

Although fishing will occur on traditional shelf flatfish grounds (50-150 fathoms), the relative species composition of the catch when using this trawl will be dramatically different from current information collected by the federal observer program on vessels using standard trawls. Vessels, with the aid of a federal observer, will be able to track their bycatch levels in real time and operate under the current estimated bycatch rates.

Disposition of species harvested under the EFP will be as follows:

- Species caught within the normal current trip limits may be retained and sold by the vessel.
- Species caught in excess of normal current trip limits, but permitted under the enhanced trip limits of the EFP (*i.e.* Dover sole, petrale sole, English sole, rex sole, arrowtooth flounder) will be retained and sold by the vessel up to the EFP-permitted trip limits.
- Selected rockfish species (*e.g.* canary rockfish, yelloweye rockfish, darkblotched rockfish, widow rockfish) caught in excess of normal current trip limits, but required to be landed under the EFP, will be retained until offloading. Overages will be surrendered and proceeds from these species in excess of trip limits will be forfeited to the state of landing as a normal landing overage.

D. Justification

Current bottom trawl gear configurations were designed to catch both rockfishes and flatfishes, as both had been desired catch. However, the declines in stock status of some of these roundfishes has resulted not only in landing restrictions for those roundfishes, but in constraints on fishing for flatfishes too because of the associated bycatch mortality of those roundfishes. One method to reduce the bycatch mortality of roundfishes associated with targeting flatfish is to change the gear configuration to avoid capture of the sensitive species. Tests of this trawl compared to a typical flatfish trawl showed that this new trawl configuration dramatically reduces bycatch of several roundfishes and also Pacific halibut.

Flatfish stocks on the west coast appear to have high productivities and fishery access is currently limited by estimated bycatch rates of sensitive species. If the reduced bycatch rates associated with using this net in shelf flatfish fisheries can be documented through a small but representative test fishery, then access to those flatfish stocks may be allowed while protecting sensitive species. This is especially important given the management decision to close large areas of the shelf to trawling in order to protect rockfish species. Trawls configured like this experimental trawl may serve the same function of the NTZ by reducing bycatch, but would allow selective flatfish harvest to continue in this area. The selective flatfish trawl would be the only trawl gear allowed in the NTZ under this EFP. This test fishery is necessary to document the bycatch rates of this trawl under real fishing conditions and on several vessels off Washington and Oregon.

This test cannot occur in the NTZ without an EFP to remove the fishing area restriction. In addition, the cost to a vessel for participating in the test would be recuperated by the ability to land more flatfish through enhanced trip limits. Once documented for this flatfish fishery, this trawl could provide an additional selective harvest management option.

E. Significance of Results

The information collected will have a broad and timely significance for management on the west coast, and potentially in other regions because it will provide information on gear configuration concepts that can be used to behaviorally separate species as they encounter a trawl. Documenting the bycatch rates from using this trawl will provide additional management options that may help to maintain sustainable access to segments of the shelf's fish stocks while other segments are rebuilt. Information from this EFP fishery will be compiled, summarized and made available to fishery managers.

F. Participating Vessels and EFP Structure

Vessels will be identified through an application process beginning in February 2003. At least six vessels from major flatfish-landing ports will be chosen in order of their landings of petrale sole and English sole from 2000 and 2001 combined. The number of observers available in each port will limit the total number of participants. This will focus the experiment on vessels that traditionally participated in that fishery. The maximum number of participating vessels will be 12, throughout the EFP fishing period, in order to cap maximum catch and maximum estimated bycatch. The test fishery will be conducted from March 1st through October 31, 2003. If more vessels apply than can be accommodated by observers, the appropriate number of vessels will be chosen at random.

All participating vessels will carry a federal observer during all trips using the selective flatfish net in the NTZ. A federal observer must be on board if the vessel trawls in the NTZ, lands rockfishes in excess of trip limits, or desires to land flatfish in excess of the normal trip limits.

The maximum expected catch per vessel for all species will be the normal trip limits plus 1,500 pounds per month additional flatfish complex and petrale sole, and 7,000 pounds per month additional Dover sole to allow vessels to recuperate costs of constructing an appropriate net, vessel operations, changing gears, and carrying an observer. Total additional harvest for the EFP fishery will therefore be constrained to 12 vessels, for 8 months totaling 305 mt Dover sole, and 65 mt petrale sole or "other flatfish."

All catch of overfished rockfish species will be landed to enhance biological sampling efforts and document actual rockfish mortality. Our estimates of total rockfish catch using the selective flatfish trawl based on our comparative fishing experiments are much lower than the current allowed landings plus 16% discard. The expected catch of canary rockfish is 93 lbs bycatch while harvesting 8,500 lbs of flatfish, and only 72 lbs for small darkblotched rockfish. There were no widow rockfish captured and few yelloweye rockfish captured during the experiment. Even though we targeted areas where rockfish bycatch was probable, the expected bycatch for these species is low. However, some bycatch is likely to occur. Rockfish mortality from this EFP fishery is not in addition to rockfish mortality imposed by the normal fishery because these vessels will be fishing with the selective flatfish trawl instead of normal trawl gear. In addition, with a NTZ in effect, no other vessels will be trawling and discarding in the area, resulting in much lower rockfish bycatch for the shelf flatfish fishery as a whole. The total estimated bycatch for overfished rockfishes using the selective flatfish trawl is as follows:

Species	Estimated catch+10% (lbs)	Vessels*months	Total estimated catch (mt)
Canary rockfish	93	12*8 = 96	4.0
Widow rockfish	No data	12*8 = 96	1.0
Yelloweye rockfish	40	12*8 = 96	1.7
Darkblotched rockfish	72	12*8 = 96	3.1

Although expected bycatch levels will be low, we will implement an extra precaution to control vessel-specific bycatch. Each vessel will be constrained to 300 lbs per month for canary rockfish, yelloweye rockfish and darkblotched rockfish, and 1,000 lbs per month for widow rockfish. If these catch levels are exceeded, the vessel will not be allowed to fish under the EFP for the remainder of the trip limit period. If a vessel exceeds the catch limit more than once, the EFP will be revoked.

Vessels operating under this EFP would be allowed to have more than one type of legal gear on board (e.g. midwater, large footrope). On observed trips, all selected species of rockfish captured while using any gear will be landed and counted towards the species-specific bycatch caps for that trip period, regardless of the trawl used to catch them. Rockfish captured using any gear may be landed in excess of trip limits only if an EFP observer is on board. This will allow port samplers to obtain biological samples from all rockfish bycatch, not just bycatch from the selective flatfish trawl. Rockfish landed as a stipulation of the EFP exceeding trip limits will be forfeited to the state of landing. For example, if 400 lbs of canary is captured using a midwater net while an observer is on board, the rockfish will be landed and sampled, but the all fish in excess of normal canary trip limits will be forfeited to the state of landing. The observer will track which net the fish were captured with. The 348-pound cap is associated with the use of the selective flatfish trawl only, so in this example, the vessel would still be allowed to operate under the 348 lb cap, but all subsequent canary will be forfeited to the state.

To participate, a vessel owner will apply and submit a net plan for approval. The trawl must have a headrope to footrope ratio of at least 1.30. The trawl must have a maximum rise of 5 ft at the center of the headrope. There must be no floats along the middle 50% of the headrope. The trawl must have a legal "small footrope" (discs less than 8" in diameter). Fishing may take place coastwide out to a maximum depth of 150 fathoms.

Each participating vessel will have a contract with the State of Oregon detailing the vessel's responsibilities for the EFP fishery. Failure to abide by the conditions in the contract or to follow provisions in the EFP will result in revocation of the contract and of the EFP for the year.

G. Signature of Applicant

Oregon Department of Fish and Wildlife