

October 28, 2002

D. Robert Lohn  
Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way NE  
Bin C15700  
Seattle, WA 98115

Dear Robert:

Enclosed is a joint ODFW, WDFW and CDFG application for an exempted fishing permit (EFP) for your review and approval. The EFP is requested to allow legal retention, delivery and temporary possession of incidentally caught Pacific salmon and Pacific halibut in the shoreside Pacific whiting fishery, and potentially to allow for overages of other groundfish species caught while target fishing for whiting. It is our opinion that accurate enumeration of the incidental catch in this fishery continues to be needed. During 2002, 100% of the catch was enumerated. In addition, the minimum observation rate of 10% of all trips was achieved with such observations being conducted shoreside. We also included collection of biological data for bycatch of key groundfish species. Participating processors allowed us to achieve a 100% observation rate for salmon and halibut bycatch by setting aside all salmon and halibut encountered during offloads, regardless of whether the trip was observed or not. An EFP for the "shoreside" processing sector of the Pacific whiting fishery continues to be the only means available to estimate the bycatch of prohibited species and groundfish.

Under this program, permitted vessels would be required not to sort their catch at-sea so that the entire catch can be sampled. Shoreside observers enumerate prohibited species and groundfish bycatch for 10 to 15% of all shoreside deliveries, and also collect biological information on whiting and bycatch species. An allowance for overages of groundfish catch continues to be needed for calculating the groundfish bycatch rate and to facilitate collection of valuable biological data (age, sex, weight and length) for bycatch groundfish species (e.g. sablefish, yellowtail rockfish and widow rockfish). These biological samples will be used to support stock assessment work. The shoreside whiting industry, in cooperation with state fishery managers, has dramatically reduced the bycatch rates for rockfishes (60% from late 1990's levels). This is in addition to new methods for predicting and reducing salmon bycatch in this fishery. Any prohibited species and proceeds from groundfish overages will be forfeited to the State of landing.

Whiting EFP Request

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We have not yet determined how many vessels will participate in the fishery next year, but expect 30-35 vessels. We will generate a participating vessels list as soon as possible and forward it to you.

Sincerely,

A handwritten signature in black ink that reads "Patricia M. Burke". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Patricia M. Burke  
Marine Resources Program Manager

attachment

## EXPERIMENTAL FISHING PERMIT APPLICATION

1. Date of Application

October 28<sup>th</sup>, 2002

2. Applicant Name(s)

Washington Department of Fish and Wildlife  
48A Devonshire Road  
Montesano, WA 98563-9618  
Attention: Brian Culver (360)249-1205

Oregon Department of Fish and Wildlife  
2040 SE Marine Science Drive  
Newport, OR 97365-5294  
Attention: Mark Saelens (541)867-4741  
Steve Parker (541)867-4741

California Department of Fish and Game  
411 Burgess Drive  
Menlo Park, CA 94025-3488  
Attention: Dave Thomas (415)688-6361

3. Purposes and Goals of the Proposed Experiment

The goal of the exempted fishery is to implement an observation program, at the request of the Pacific Fishery Management Council, to enumerate the bycatch in whiting harvests delivered to shoreside processing plants for 10 -15 percent of all EFP deliveries. Whiting must be handled quickly to ensure quality, and as a result many vessels dump tows directly into the hold and are unable to sort their catch. The purpose of the EFP is to allow delayed sorting from mid-water trawl catches of Pacific whiting until the catch is unloaded at a shoreside processing plant. In addition, in order to sample unsorted total catch shoreside, the EFP may need to include provisions to allow for potential overages in groundfish trip limits as well as the retention of prohibited species (e.g. salmon and halibut) until offloading. The amounts of groundfish which exceed the trip limits set for the year will be forfeited to the state in which the delivery is made and port price paid. Current groundfish regulations at 50 CFR 663.7(b) stipulates that prohibited species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought aboard. The EFP is necessary to authorize retention of prohibited species until delivery shoreside by vessels participating in the observation program. The EFP would be valid only for landings by permitted vessels at processing plants that have been designated by the States of Washington, Oregon or California as participants in the observation program. Designated processing plants will have signed agreements with their state and would have to agree to set aside prohibited species for biological sampling

and disposition, and allow sampling of whiting landings and groundfish bycatch.

There are two options for disposal of incidentally caught prohibited species brought ashore: (1) donate to a local food share or other appropriate charitable organization, or (2) reduction in the fish meal plant. Option 1 is preferred, but salmon caught by trawls are often in poor condition, and they are also very perishable.

In addition to enumerating each prohibited species, other data to be collected include length, sex, weight and in the case of salmon, scales for age. Salmon snouts will be collected for coded wire tags from appropriately marked fish.

Another goal is to document the bycatch rate of other groundfish species encountered while target fishing for Pacific whiting. Biological data (age, weight, length and sex) will be collected for Pacific whiting, sablefish, yellowtail rockfish, widow rockfish, Pacific mackerel, and jack mackerel.

#### 4. Justification

The EFP is requested so that an accurate count of incidentally caught salmon can be generated, and estimates of groundfish bycatch rates can be obtained from shoreside deliveries of Pacific whiting. An EFP will also offer legal protection for trawlers and processors that have possession of incidentally caught prohibited species, and may offer legal protection from overages of groundfish, which resulted from targeted fishing trips for whiting, made under the EFP.

#### 5. Statement of Project Significance

Enumeration of incidentally caught species is the primary purpose for this EFP. Monitoring the bycatch of salmon in the whiting fishery also is a requirement of an ESA Section 7 consultation. Estimation of groundfish bycatch rates and collection of biological information to support stock assessment work is a secondary purpose. Results from this project will be needed to project bycatch if regulation changes should occur (e.g. modification of prohibited species) to allow this fishery to operate without the need for an EFP each year.

#### 6. Vessels to be covered by the EFP

List to be provided at a later date.

#### 7. Species and Amounts to be Harvested

The target species to be harvested is Pacific whiting (*Merluccius productus*). The preliminary U.S. Pacific whiting harvest guideline in 2003 is 148,200 mt. The corresponding shore-based allocation would be 52,718 mt. Based on bycatch information from our EFP program during 1992-2002, the following catches of salmon, sablefish,

widow rockfish, yellowtail rockfish, and other species would be expected if the bycatch rates were the same as in 2002:

<u>Species/Species Group</u>	<u>Bycatch Rate (no/mt.)</u>	<u>Expected Bycatch (number)</u>
Salmon	0.0253	1337

<u>Species/Species Group</u>	<u>Bycatch Rate (kg/mt.)</u>	<u>Expected Bycatch (kilograms)</u>
Sablefish	2.8319	149,293
Widow Rockfish	0.1175	6,193
Yellowtail Rockfish	0.9133	48,152
Canary Rockfish	0.0095	503
Yelloweye Rockfish	0	0
Darkblotch Rockfish	0.0002	12
Boccacio Rockfish	0.0005	28
Lingcod	0.0048	251
POP	0.0049	257
Misc. Rockfish	0.0072	380
Mackerel	0.1622	8,573
Walleye Pollock	3.2221	169,863
*Other Misc. Fish	0.3997	21,073

\*Other misc. fish include: American shad, Pacific herring, shark quid, octopus, flatfish(other than halibut), and skates.

#### 8. Conduct of Fishing Experiment

Fishing will occur in the EEZ in the INPFC Eureka, Columbia and Vancouver areas. Ports of interest are Ilwaco and Westport, WA; Astoria, Newport and Charleston, OR; and Crescent City and Eureka, CA. Trawls, which conform to current legal requirements for midwater trawls, will be used to capture the target species. The season will open June 15, 2003 (April 1 off northern California), and will probably run through August 2003. The EFP should be valid for through the end of December 2003, to allow for any delay in shore-based allocation attainment.

The program will continue to rely on industry funding to pay for: observers, part of the salary for a coordinator and data analysis assistant, supplies, and travel to processing plants and meetings.

