

FINAL CRITERIA FOR EXEMPTED FISHING PERMITS AND CONSIDERATION OF
PROPOSALS FOR THE 2004 SEASON

Situation: Exempted fishing permits (EFPs) allow fishing activities that would otherwise be prohibited. As an example, EFPs provide a process for testing innovative fishing gears and strategies to substantiate methods for prosecuting sustainable and risk-averse fishing opportunities. The Council has signaled its intent to make greater use of EFPs in the new groundfish management regime of depth restrictions and widespread area closures to reduce harvest of overfished species. However, there are potential drawbacks to significant EFP proliferation. Low optimum yields (OYs) for overfished species force hard allocation decisions between allowing immediate fleet-wide fishing opportunities in directed and incidental groundfish fisheries versus the longer term potential benefits ascribed to gaining new information from EFPs. Additionally, concerns were expressed about the need to manage the EFP approval process in a more timely manner and based on more explicit scientific criteria. For these reasons, the Council tasked the Groundfish Management Team (GMT) with recommending standards and criteria for approving EFPs.

The GMT recommended a draft Council Operating Procedure (COP) that prescribes a set schedule and other protocols for Council consideration in approving EFP applications at the April meeting. The Council approved the new COP but asked the GMT to reconsider a recommended timeline for reviewing and recommending EFPs that would better synchronize with the new Council process for setting specifications and management measures under multi-year management. At the June meeting, the Council approved the new timeline as presented by the GMT and requested the GMT refine the draft COP to enhance the requisite EFP report contents, provide further detail on the process of releasing EFP set-asides, and clarify the stated objectives and timeline in EFP proposals. The GMT has complied with the Council request and offers a Revised Proposed Council Process for Consideration of Exempted Fishing Permits for Multi-Year Management (Exhibit C.5.b, GMT Attachment 1) and a Revised Proposed Council Operating Procedure: Protocol for Council Consideration of Exempted Fishing Permits for Pacific Coast Groundfish Fisheries (Exhibit C.5.b, GMT Attachment 2).

The costs and benefits of allocating available harvest to EFPs and directed fisheries needs to be considered coincidentally. This agenda item provides the opportunity for Council, state, and agency representatives to report on past or ongoing EFPs as well as review and discuss plans and draft applications for 2004 EFPs. These discussions could serve to refine and coordinate contemplated EFPs prior to final approval of 2004 management specifications under agenda item C.6 and final approval of 2004 EFPs at the November Council meeting.

The Council task at this meeting is to (1) consider GMT recommendations for the EFP approval process and approve a new COP outlining a protocol for Council consideration of EFPs and (2) establish harvest set-aside needs for 2004 EFP proposals.

Council Action:

- 1. Adopt final criteria and standards for approving EFPs and establish harvest set-aside needs for EFP proposals.**

Reference Materials:

1. Exhibit C.5.b, GMT Attachment 1 (Revised Proposed Council Process for Consideration of Exempted Fishing Permits for Multi-Year Management).
2. Exhibit C.5.b, GMT Attachment 2 (Revised Proposed Council Operating Procedure: Protocol for Council Consideration of Exempted Fishing Permits for Pacific Coast Groundfish Fisheries).
3. Exhibit C.5.c, CDFG Report 1 (Application for Issuance of an Exempted Fishing Permit for the sport harvest of rockfish from partyboats in waters deeper than 20 fathoms off the south central coast to duplicate the sampling program conducted by the Department of Fish and Game from 1988-1998).
4. Exhibit C.5.c, CDFG Report 2 (Application for Issuance of an Exempted Fishing Permit to Test a Selective Flatfish Trawl [including Scottish Seine] in an area otherwise closed to fishing, 2004).
5. Exhibit C.5.c, WDFW Report 1 (Application for Issuance of an Exempted [Experimental] Fishing Permit for Arrowtooth Flounder).
6. Exhibit C.5.c, WDFW Report 2 (Application for Issuance of an Exempted [Experimental] Fishing Permit for Nearshore Flatfish).
7. Exhibit C.5.c, WDFW Report 3 (Application for Issuance of an Exempted [Experimental] Fishing Permit for Pollock).
8. Exhibit C.5.c, WDFW Report 4 (Application for Issuance of an Exempted [Experimental] Fishing Permit for Spiny Dogfish).
9. Exhibit C.5.c, ODFW Report (Oregon Department of Fish and Wildlife Memorandum: Flatfish Trawl EFP Bycatch Data for May-June Period).

Agenda Order:

- a. Agendum Overview Mike Burner
- b. GMT Report on Criteria and Standards for Approving EFPs
- c. State EFP Proposals for 2004 State Representatives
- d. Reports and Comments of Advisory Bodies
- e. Public Comment
- f. **Council Action:** Adopt Final Criteria and Standards for Approving EFPs and Establish Harvest Set-Aside Needs for EFP Proposals

PFMC
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