

EXPERIMENTAL FISHING PERMIT APPLICATION

1. Date of Application

October 28th, 2003

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) 867-0300 x251
Steve Parker (541) 867-0300 x256

California Department of Fish and Game
411 Burgess Drive
Menlo Park, CA 94025-3488
Attention: Dave Thomas (415) 581-7358

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 hake harvests delivered to shoreside processing plants for 10 -15 percent of all EFP deliveries. Hake 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 hake 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 hake 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 hake. Biological data (age, weight, length and sex) will be collected for Pacific hake, 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 hake. 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 hake, 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 hake 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 hake (*Merluccius productus*). The preliminary U.S. Pacific hake harvest guideline in 2004 is 120,000 mt (Supplemental GMT Report 3- Final Groundfish Management Measures states "U.S. whiting OY ... constrained to around 120,000mt" to due to a widow rockfish rebuilding OY of 284 mt). The corresponding shore-based allocation would be approximately 42,000 mt. Based on bycatch information from our EFP program during 1992-2003, 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 2003:

<u>Species/Species Group</u>	<u>Bycatch Rate (no/mt.)</u>	<u>Expected Bycatch (number)</u>
Salmon	0.0084	351
Halibut	0.0003	13

<u>Species/Species Group</u>	<u>Bycatch Rate (kg/mt.)</u>	<u>Expected Bycatch (kilograms)</u>
Sablefish	0.8122	34,112
Widow Rockfish	0.1765	7,411
Yellowtail Rockfish	0.9559	40,146
Canary Rockfish	0.0095	87
Yelloweye Rockfish	0.0001	3
Darkblotch Rockfish	0.0051	214
Boccacio Rockfish	0.0001	3
Lingcod	0.0080	334
POP	0.0058	245
Misc. Rockfish	0.1973	8,286
Mackerel	1.4229	59,761
Walleye Pollock	0.0221	929
*Other Misc. Fish	0.3024	12,700

*Other misc. fish include: American shad, Pacific herring, Pacific cod, shark, squid, 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, 2004 (April 1 off northern California), and will probably run through August 2004. The EFP should be valid for through the end of December 2004, 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.



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Marine Resources Program
2040 SE Marine Science Drive
Newport, OR 97365
(541) 867-4741
FAX (541) 867-0311

October 9, 2003

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



Dear Dr. Lohn:

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 hake fishery, and potentially to allow for overages of other groundfish species caught while target fishing for hake. It is our opinion that accurate enumeration of the incidental catch in this fishery continues to be needed. During 2003, 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 hake 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 hake 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 hake 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.

Hake EFP Request

October 28, 2003

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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 and is followed by a horizontal line.

Patricia M. Burke, Manager

Marine Resources Program

541-867-0300 x226

attachment

COUNCIL PROCESS FOR CONSIDERATION OF
EXEMPTED FISHING PERMITS FOR MULTI-YEAR MANAGEMENT

Year 1 (2003)

November

Final EFP Applications for Year 2 (2004).
Preliminary ABCs/OYs for Years 3 and 4 (2005 & 2006).

Year 2 (2004)

April

Preliminary EFP Concepts for Year 3 (2005).
Preliminary EFP OY “set asides” for Years 3 and 4 (2005 & 2006).
Preliminary Management Measures for Years 3 and 4 (2005 & 2006).
Update bycatch scorecard catch projections for 2004 and consider release of EFP set asides for inseason action.

June

Draft EFP Applications for Year 3 (2005).
EFP Application review by GMT, GAP, and SSC.
Council consider approving for public review.
Adopt final EFP OY “set asides” for Years 3 and 4 (2005 & 2006).
Final Management Measures for Years 3 and 4 (2005 & 2006).
Update bycatch scorecard catch projections for 2004 and consider release of EFP set asides for inseason action.

September

Update bycatch scorecard catch projections for 2004 and consider release of EFP set asides for inseason action.

November

Final EFP Applications for Year 3 (2005).
EFP Application review (if revised) by GMT, GAP, and SSC.
Council consider recommending approval to NMFS.

Year 3 (2005)

April

Preliminary EFP Concepts for Year 4 (2006).
Preliminary report on EFPs conducted in Year 2 (2004).
Update bycatch scorecard catch projections for 2005 and consider release of EFP set asides for inseason action.

Year 3 (2005), *continued*

June

Draft EFP Applications for Year 4 (2006).

EFP Application review by GMT, GAP, and SSC.

Council consider approving for public review.

Update bycatch scorecard catch projections for 2005 and consider release of EFP set asides for inseason action.

September

Final written report on EFPs conducted in Year 2 (2004).

Update bycatch scorecard catch projections for 2005 and consider release of EFP set asides for inseason action.

November

Final EFP Applications for Year 4 (2006).

EFP Application review (if revised) by GMT, GAP, and SSC.

Council consider recommending approval to NMFS.

PFMC

10/15/03