

APPLICATION FOR ISSUANCE OF AN EXEMPTED (EXPERIMENTAL) FISHING  
PERMIT FOR NEARSHORE FLATFISH

- A. Date of application: August 19, 2003
- 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 nearshore flatfish fishery through an at-sea observer program,
- Test selective flatfish gear off northern Washington in nearshore areas (< 150 fms), and
- Collect data that could be used to 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 as published in the Federal Register, may be retained by the vessel.
- Species caught in excess of current trip limits, but permitted within the EFP (i.e., English, rex, and Dover sole), will be retained by the vessel.
- Rockfish caught in excess of current trip limits, but required to be retained under

the EFP, will be sold at fair market value and the revenue will be forfeited to the state.

- 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. Fishery dependent data that is needed includes amount of total catch and catch location, as well as biological data (e.g., age and sex). There are 82 species covered under the Pacific coast groundfish FMP, and at present, there is little or no biological 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. The data collected under this EFP will include total catch (amount and species composition) data, catch location, bycatch data on associated species, and biological data.

Nearshore flatfish are an extremely important species in Washington groundfish fisheries. The stocks are healthy and Washington fishers and processors have worked aggressively to develop strong markets for these species. A large component of the Washington trawl fleet, and at least two major processors, are heavily dependent upon nearshore flatfish. Fishers targeting nearshore flatfish 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 flatfish have indicated that under this monthly trip limit, targeting flatfish will not be economically feasible. Further, these fishers believe that they can prosecute a nearshore flatfish fishery with a much lower canary bycatch rate, thereby allowing a higher flatfish catch.

This EFP is expected to provide much needed information that can be used to assess bycatch rates in the directed nearshore flatfish fishery which in turn may be used to establish trip limits in the future that maximize fishing opportunities on healthy stocks while meeting conservation goals for depleted stocks.

- 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 nearshore flatfish fishery, which can be used to set appropriate management measures in the future (e.g., trip limits, area closures)
- Providing valuable and accurate data on the catch composition by species of the trawl flatfish fishery off the Washington coast,
- Providing a pilot program for assessing the feasibility of the retention of rockfish overages, and
- Providing a pilot program for experimenting with gear modifications to selectively fish for flatfish.

- Age and sex data may also be collected to aid in future groundfish stock assessments.

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 nearshore flatfish fishery off Washington. These fishers must:

- Have completed and mailed the Washington Department of Fish and Wildlife EFP application form by October 3, 2003, and
- Be a Washington resident and have a valid Washington delivery permit

There are three fishermen who meet this criteria; a list of the fishermen (and their designated vessels) is 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 nearshore flatfish which would be subject to the large footrope-only trip limits, as specified in Table 1.

Table 1. Large Footrope-Only Limits

	Mar - Apr	May - June
Dover sole	45,000 lbs/2 mo.	21,000 lbs/2 mo.
Other flatfish	100,000 lbs/2 mo.	100,000 lbs/2 mo.
Petrable sole	100,000 lbs/2 mo.	100,000 lbs/2 mo.
Rex sole	Included in other flatfish	Included in other flatfish
Arrowtooth flounder	150,000 lbs/2 mo.	150,000 lbs/2 mo.

Under the EFP, the bycatch allowance for canary rockfish would be divided as follows:

- Individual vessels would be limited to 180 lbs/month of canary rockfish for tows that are identified as directed nearshore flatfish tows by the skipper of the vessel (in advance) and all tows within the federal rockfish conservation area (RCA) for trawl. Once the 180 lbs of canary rockfish are caught, and if the vessel has already reached the current small footrope trip limits (see Table 2.) for nearshore flatfish species published in the Federal Register, then the vessel cannot have any directed nearshore flatfish tows for the rest of the month and cannot retain any more nearshore flatfish.

- Once 180 lbs/month of canary rockfish are caught, and if the vessel has **not** reached the current small footrope trip limits (see Table 2.) for nearshore flatfish published in the Federal Register, then the vessel can continue to conduct directed nearshore flatfish tows until the current monthly trip limits for nearshore flatfish have been reached. Once those trip limits have been reached, the vessel cannot have any directed nearshore flatfish tows for the rest of the month and cannot retain any more nearshore flatfish.

Table 2. Small Footrope Limits

	Mar - Apr	May - June
Dover sole	10,000 lbs/2 mo.	21,000 lbs/2 mo.
Other flatfish	30,000 lbs/2 mo.	50,000 lbs/2 mo.
Petrals sole	Sublimit of other flatfish: 10,000 lbs/2 mo.	Sublimit of other flatfish: 25,000 lbs/2 mo.
Rex sole	Included in other flatfish	Included in other flatfish
Arrowtooth flounder	6,000 lbs/2 mo.	6,000 lbs/2 mo.

- The balance of the canary rockfish would be used to accommodate the bycatch of canary while targeting other groundfish species.
  - An individual bycatch cap of 700 lbs. of canary rockfish will also apply to each vessel. Once this cap has been reached by an individual vessel in directed tows, the vessel will not be allowed to continue to fish under the EFP.
  - All tows conducted within the federal rockfish conservation area (RCA) for trawl will be considered "directed" tows.
  - For all fishing under the EFP overall bycatch amounts would be as follows:  
Canary rockfish - 1.0 mt  
Widow rockfish - 1.0 mt  
Yelloweye rockfish - 0.1 mt
- Once one or more of these bycatch caps has been reached, the EFP will be terminated.
- Other species could be landed under current trip limit levels. There is not expected to be any interactions with protected species (e.g., seabirds), ESA-listed species, nor marine mammals.
- In addition, rockfish species taken in directed EFP tows and forfeited to the state as required (above trip limit or non-market size) are anticipated as follows:  
Slope rockfish - 0

Shelf rockfish	- 1.0 mt
Yellowtail rockfish	- 3.0 mt
S.spine thornyhead	- 0 mt

Fish above trip limits taken in non-EFP tows would be consistent with fishing activities of the fleet at large and will be estimated separately.

General

- Incidental catches of rockfish in excess of the trip limit must be retained.

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 Destruction Island and in waters shallower than 150 fms for all of their fishing strategies during the months of the EFP.

Approximate time for the experimental fishery is March 1-June 30, 2004.

Total estimated duration of the EFP: This is year 1 of 2.

Vessels covered by the EFP must use small footrope for directed nearshore flatfish tows and while fishing in the RCA. However, under the EFP, the vessel may still retain and sell up to the higher trip limits for sablefish, Dover sole, arrowtooth, petrale, and other flatfish (large footrope only limits) until the individual monthly or total bycatch cap is reached, or the EFP is terminated, whichever is sooner.

All vessels fishing under the authority of the EFP must:

- Carry a Washington Department of Fish and Wildlife-provided observer or a federal observer onboard all fishing trips. State-sponsored observers must successfully complete an observer training course that prepares them for collecting data with sampling protocols as defined in the NMFS West Coast Groundfish Observer Program manual. In addition, NMFS observer coverage requirements at 50 CFR 660.360 are independent of EFP observer requirements, so vessels that carry state-sponsored observers may also be required to carry a NMFS observer.
- Employ legal trawl gear as defined in current federal regulations. Vessels fishing under the EFP must adhere to the following gear restrictions to be consistent with the Oregon and California Selective Flatfish EFPs:
  - 1) Trawl must have a headrope to footrope ration of at least 1.30 (i.e., 30% longer footrope)
  - 2) No floats along middle 33% of the headrope
- 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:

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Washington Department of Fish and Wildlife