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APPLICATION FOR ISSUANCE OF AN EXEMPTED (EXPERIMENTAL) FISHING  
PERMIT FOR ARROWTOOTH FLOUNDER

- A. Date of application: May 19, 2004
- 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 arrowtooth flounder fishery through an at-sea observer program,
- Test specific selective flatfish gear,
- Test specific areas identified as "cold spots" for canary rockfish, 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., arrowtooth flounder, petrale 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.

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

This EFP is expected to provide much needed information that can be used to assess bycatch rates in the directed arrowtooth 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.

Without this EFP vessels would not be allowed to fish for arrowtooth flounder and petrale sole the Trawl Rockfish Conservation Area. According to some Washington fishermen, the majority of the arrowtooth flounder catch occurs inside this closed area.

- 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 arrowtooth flounder 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 must:

- Have completed and mailed the Washington Department of Fish and Wildlife Arrowtooth EFP application form by March 1, 2005, and
- Be a Washington resident and have a valid Washington delivery permit

It is anticipated that there would be 6-8 fishers who may apply. A list of the participating fishers (and their designated vessels) will be provided to NMFS.

G. The targeted species is arrowtooth flounder which would not be subject to a monthly trip limit, but which would be constrained by the measured bycatch allowance of canary rockfish for the flatfish fishery. Fishers are currently allowed 300 lbs per month of canary rockfish with an assumed 16% discard rate (when applied, this equals 348 lbs total).

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

- Individual vessels would be limited to 170-225 lbs/month (depending on the number of participants) of canary rockfish for tows that are identified as directed arrowtooth tows by the skipper of the vessel (in advance) and all tows within the federal groundfish conservation area (GCA) for trawl. Once the individual vessel cap of canary rockfish is caught, and if the vessel has already reached the current small footrope trip limits for arrowtooth and petrale sole published in the Federal Register, then the vessel cannot have any directed arrowtooth tows for the rest of the month and cannot retain any more arrowtooth or petrale.
- Once the individual vessel cap of canary rockfish is caught, and if the vessel has **not** reached the current small footrope trip limits for arrowtooth and petrale sole published in the Federal Register, then the vessel can continue to conduct directed arrowtooth tows until the current monthly trip limits for arrowtooth and petrale have been reached. Once those trip limits have been reached, the vessel cannot have any directed arrowtooth tows for the rest of the month and cannot retain any more arrowtooth or petrale.
- 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 680-900 lbs. (depending on the number of participants) 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 - 2.5 mt
  - Darkblotched rockfish - 3.0 mt
  - Lingcod\* - 4.5 mt (\*Note: Cap would accommodate current trip limit)
  - Widow rockfish - 5.5 mt
  - POP - 18.0 mt
  - Yelloweye rockfish - 0.5 mt

Once one or more of these bycatch caps has been reached, the EFP will be terminated.

- Petrale sole caught in a directed arrowtooth tow would not be subject to a monthly trip limit.
- Other species could be landed under current trip limit levels and fishers could land up to the current limit of other flatfish in addition to their arrowtooth flounder landings. There is not expected to be any interactions with protected species (e.g., seabirds), ESA-listed species, nor marine mammals.
- Based upon the EFP programs conducted in 2001 and 2002, expected amounts of targeted species taken above trip limits in the arrowtooth EFP are:
  - Arrowtooth Flounder - 455 mt
  - Petrable sole - 36 mt

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 - 2.3 mt
- Shelf rockfish - 2.7 mt
- Yellowtail rockfish - 3.6 mt
- S.spine thornyhead - 1.8 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 for all of their fishing strategies during the months of the EFP. There may be specific areas within the RCA that would be closed to EFP fishing; these areas will be specified in the Washington Department of Fish and Wildlife contracts with the individual vessel owners participating in the EFP.

Approximate time for the experimental fishery is May 1-August 31, 2005.  
Total estimated duration of the EFP: This is the final year.

Vessels covered by the EFP can use large footrope for directed arrowtooth tows on the slope only. Slope tows must be conducted entirely in depths greater than 120 fathoms. If a vessel uses small footrope while fishing in the RCA, 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.

Vessels are allowed to have more than one type of gear onboard (large footrope, small footrope, and midwater gear).

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 gear specifications, including the use of one of the prescribed excluder mechanisms for all directed EFP tows and all tows within the RCA. Specific excluder definitions will be described in the Washington Department of Fish and Wildlife contracts with the individual vessel owners participating in the EFP.
- 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