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APPLICATION FOR ISSUANCE OF AN EXEMPTED (EXPERIMENTAL) FISHING
PERMIT FOR SPINY DOGFISH

- 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, yelloweye and other rockfish associated with the longline dogfish fishery through an at-sea observer program,
- Test specific areas identified as "cold spots" for canary and yelloweye, 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.
- Groundfish 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

D. Valid justification explaining why issuance of an EFP is warranted:

Since 1998, the PFMC has initiated rebuilding plans for several species including canary and yelloweye rockfish. Critical to these rebuilding plans and to the overall improvement of the ground fish 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.

Spiny dogfish is an extremely important species in Washington groundfish fisheries. The stock is healthy, and Washington fishermen and processors have worked aggressively to develop and maintain strong markets for this species. A number of Washington groundfish longline fishers and at least one major processor are heavily dependent upon spiny dogfish. Fishermen targeting dogfish are currently constrained by their limit of yelloweye and canary rockfish. In 2002, dogfish were prohibited for fixed gear due to the associated bycatch of yelloweye rockfish. Fishermen who have historically targeted dogfish have indicated that under without a bycatch allowance of yelloweye and canary rockfish, the dogfish fishery cannot be pursued. Further, these fishermen believe that they can pursue a dogfish fishery with a much lower yelloweye and canary bycatch rate than data indicates, thereby allowing a dogfish fishery to continue. This EFP is expected to provide much needed information that can be used to assess bycatch rates in the directed dogfish 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 dogfish and other groundfish within the Non-Trawl Groundfish Conservation Area (< 100 fms north of 40° 10'N latitude). According to some Washington longline dogfish fishermen, the majority of the dogfish catch occurs inside this closed area.

E. 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 rockfish bycatch in the longline dogfish fishery; which can be used to set appropriate management measures in the future (e.g., area closures)
- Providing valuable and accurate data on the catch composition by species in the longline dogfish fishery off the Washington coast, and
- Providing a pilot program for assessing the feasibility of the retention of groundfish overages.

- 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 January 1, 2005, and
- Be a Washington resident and have a valid Washington delivery permit

It is anticipated that there would be 3-4 fishers who may apply. A list of the participating fishers (and their designated vessels) will be provided to NMFS.

G. The targeted species is spiny dogfish which would not be subject to a monthly trip limit, but which would be constrained by the measured bycatch allowance of canary and yelloweye rockfish. Under the EFP, the bycatch allowances for canary and yelloweye rockfish would be divided as follows:

- Individual vessels would be limited to 55-73 lbs (depending on the number of participants) of canary rockfish and 137-240 lbs/month (depending on the number of participants) of yelloweye rockfish for sets within the federal rockfish conservation area (RCA) for longline (< 100 fms north of 40°10'). Once the monthly vessel cap of yelloweye rockfish is caught, the vessel cannot fish in the RCA for the rest of the month. Once the individual vessel cap of canary rockfish is caught, the vessel can no longer participate in the EFP.
- For all fishing under the EFP overall bycatch amounts would be as follows:
Canary rockfish - 0.1 mt
Yelloweye rockfish - 1.0 mt
Widow rockfish - 0.5 mt
Darkblotched rockfish - 0.5 mt
Pacific ocean perch - 8.5 mt
Lingcod* - 2.0 mt (*Note: Cap would accommodate current trip limit)

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, however, it is not anticipated that the participating vessels will fish for groundfish other than dogfish for the duration of the EFP. There is not expected to be any interactions with protected species (e.g., seabirds), ESA-listed species, nor marine mammals.
- Expected amounts of targeted species taken in the dogfish EFP are:
Spiny dogfish - 300 mt

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

General

- Incidental catches of all groundfish 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 46°16'00" north latitude 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 contract with the individual vessel owner participating in the EFP.

Approximate time for the experimental fishery is March 1-May 31, 2005.

Total estimated duration of the EFP: This is the final year.

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 longline gear as defined in current federal regulations.
- 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:

Washington Department of Fish and Wildlife