

October 1, 2004

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

Dear Robert:

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 2004, 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 landing 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 and sablefish bycatch in this fishery. Any prohibited species and proceeds from groundfish overages will be forfeited to the State of landing.

Hake EFP Request

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We have not yet determined how many vessels will participate in the fishery next year, but expect less than 30 vessels. We will generate a participating vessels list as soon as possible and forward it to you.

Sincerely,

Patricia M. Burke
Marine Resources Program Manager

attachment

EXPERIMENTAL FISHING PERMIT APPLICATION

1. Date of Application

October 1, 2004

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: Steve Parker (541)867-4741

California Department of Fish and Game
619 Second Street
Eureka, CA 95501
Attention: Mike Fukushima (707) 441-5797

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) stipulate 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 shoreside delivery 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 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, and weight. 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, otoliths, 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 provides legal protection for trawlers and processors that have possession of incidentally caught prohibited species, and also provides legal protection from overages of groundfish resulting from targeted fishing trips for hake.

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 2005 will be determined at the March 2005 council meeting based on the February assessment. In 2004, the whiting fishery was allocated 250,000 mt. The corresponding shore-based allocation would be approximately 90,510 mt. Based on bycatch information from our EFP program during 1992-2004, 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 2004:

<u>Species/Species Group</u>	<u>Bycatch Rate (no./mt.)</u>	<u>Expected Bycatch (number)</u>
Chinook salmon	0.0469	4210
Halibut	0.0006	50

<u>Species/Species Group</u>	<u>Expected Bycatch (kilograms)</u>
Sablefish	114,391
Widow Rockfish	28,856
Yellowtail Rockfish	115,713
Canary Rockfish	836
Yelloweye Rockfish	10
Darkblotched Rockfish	742
Boccacio Rockfish	23
Lingcod	3,735
POP	756
*Misc. Rockfish	24,866
Mackerel	109,096
Walleye Pollock	7,462
American shad	47,138
Pacific herring	62,681
Spiny dogfish	30,029
**Other Misc. Fish	4,501

*Misc rockfish includes market categories of nearshore, shelf, and slope rockfish, and shortbelly rockfish, and chilipepper rockfish.

**Other misc. fish include: 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 likely run through August 2005. The EFP should be valid for through the end of December 2005, 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. Processors will pay into a PSMFC fund based on their projected relative landings of hake in the 2005 fishery.