

# DRAFT

October 7, 2005

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

Dear Mr. Lohn:

Enclosed is a joint Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife, and California Department of Fish Game 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 to allow for overages of other groundfish species caught while target fishing for hake. Accurate enumeration of the target and incidental catch in this fishery continues to be needed. In each year, 100% of the landed catch is weighed at processing plants. In addition, the minimum observation rate of 10% of all trips was easily achieved with such observations being conducted shoreside, with the added assurance of video monitoring for compliance with maximum retention requirements while at-sea. 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 sector of the Pacific hake fishery continues to be the only means available to allow full retention and to estimate the bycatch of prohibited species and groundfish while permanent regulatory language is developed.

Under EFP program, permitted vessels would be required not to sort their catch at-sea so that the entire catch can be sampled at landing. Shoreside observers enumerate prohibited species and groundfish bycatch for 10% to 15% (ranges from 10%-100% by processor) 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. 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.

Mr. Robert Lohn

October 7, 2005

Page 2

## **DRAFT**

We have not yet determined how many vessels will participate in the fishery next year, but we expect approximately 30 vessels.

As you are aware, the regulatory framework for the EFP program has undergone significant change in 2004 and 2005 with the addition of electronic monitoring for compliance with full retention, and the process of violations checks on participating vessel owner and operators to comply with the council process for issuing EFPs. In 2006 there may be additional requirements added to minimize bycatch and discard in the fishery, and to enhance observation rates and confidence in groundfish and salmon bycatch estimates for the fishery.

Sincerely,

Patricia M. Burke  
Marine Resources Program Manager

Attachment

## SHORESIDE WHITING FISHERY EXEMPTED FISHING PERMIT APPLICATION

1. Date of Application

October 7, 2005

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  
411 Burgess Drive  
Menlo Park, CA 94025-3488  
Attention: Mike Fukushima (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. The program also seeks to minimize the amount of bycatch in the fishery, including the amount of excess catch experienced due to exceeding the capacity of the vessel.

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 in the short time available to cool the fish. The technical 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 must 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 exceeding current vessel trip and period limits will be forfeited to the state in which the delivery is made and payment made at the current port price. 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 also 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. Participating vessels will also undergo a state and federal violations check to exclude vessels with significant fisheries violations from participating in an exempted fishery. Details of this violations check will be developed prior to April 1, 2006.

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 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 and other species as needed and available.

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 and collection of biological information to support stock assessment work is an additional purpose. Results from this project will be needed to project bycatch if regulation changes should occur (e.g. modification of prohibited species harvests) 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 2006 council meeting based on the February assessment. In 2005, the whiting fishery was allocated an OY of 265,069 mt. The corresponding shore-based allocation was 97,469 mt for 2005. According to current council management specifications for 2006 and 2007, the entire Pacific hake fishery will be conducted under a cap of 4.7 mt of canary rockfish, and 243 mt of widow rockfish in 2006. Based on bycatch information from our EFP program during 2004, the following catches of salmon, sablefish, and other species that would be expected in the shoreside sector in 2006 if the bycatch rates were the same as in 2004 and the hake quota is the same as in 2005, are as follows:

<u>Species/Species Group</u>	<u>Bycatch Rate (no/mt.)</u>	<u>Expected Bycatch (number)</u>
Chinook salmon	0.0469	4,597
Halibut	0.0006	57

<u>Species/Species Group</u>	<u>Expected Bycatch (kilograms)</u>
Sablefish	123,765
Widow Rockfish	31,221
Yellowtail Rockfish	125,195
Canary Rockfish	905
Yelloweye Rockfish	11
Darkblotched Rockfish	803
Bocaccio Rockfish	25
Lingcod	4,040
POP	818
*Misc. Rockfish	26,902
Mackerel	117,018
Walleye Pollock	8,073
American shad	50,828
Pacific herring	67,775
Spiny dogfish	32,488
**Other Misc. Fish	4,869

\*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. An additional processor may operate in Moss Landing, 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, 2006 (April 1 off northern California, April 15 off central California (note: the April 15 opening date for central California is under discussion by the PFMC), and will likely run through August 2006 depending on optimum yield. The EFP should be valid through the end of December 2006, to allow for any delay in shore-based allocation attainment.

As in 2004 and 2005, the fishery plans to use electronic monitoring (on board video) to ensure compliance with maximum retention stipulations of the permit and to allow shoreside sampling to provide accurate estimates of the total catch for each fishing trip. Electronic monitoring will also allow estimation of the amount of hake discard and provides an evaluation tool for vessel operators to use to minimize their excess catch.

The program will continue to rely on industry funding to pay for observers, part of the salary for a coordinator and data analyst assistant, supplies, and travel to processing plants and meetings. This is funded by processors that pay into a PSMFC fund based on their projected relative landings of hake in the 2005 fishery. At this time, funding for electronic monitoring is uncertain. A mechanism for funding this contract by either processors or vessels will be developed during the winter of 2005-2006.

Lastly, the total number of salmon caught in the entire whiting fishery exceeded the 11,000 Chinook cap requiring a reinitiation of the Biological Opinion prior to the fishery in 2006. This consultation will occur during the winter months of 2005-2006. Operating rules for the EFP will depend to some degree on the outcome of this consultation.