

GROUND FISH MANAGEMENT TEAM REPORT ON
EXEMPTED FISHING PERMIT (EFP) APPLICATIONS FOR 2006

The Groundfish Management Team (GMT) reviewed three proposals for exempted fishing permits (EFPs) to be conducted in 2006, and has the following comments and recommendations:

Shore-based Whiting EFP

The GMT is aware that the availability, efficacy, and cost burden of electronic monitoring are still being explored, and anticipates that other details of implementing the EFP will be worked out over the winter. The GMT recommends approval of the EFP with the assumption that these issues will be resolved.

Early Season start date for shore-based whiting EFP south of 40°30' N latitude

This application requests an EFP to change the start date of the California early season shore-based whiting fishery from April 15 to March 15 south of 40°30' N latitude to access whiting during their northerly migration in the spring.

For historic reference, an early shore-based whiting EFP fishery was created in northern California (north of 40°30' N. latitude to 42° N. latitude) in 1997 to accommodate regional whiting availability. At that time, this was the only area of California with an active fishery. There has been recent interest in fishery participation south of 40°30' N. latitude, which still maintains a start date of April 15, two weeks after the northern California fishery. In 2005, the applicant was designated as a processor under the shore-based whiting EFP and attempted to prosecute the fishery after the start date. The applicant reported that only one small landing was made in early May, and attributed this to starting after whiting had already moved through the area. Therefore, he requests the opportunity to commence fishing two weeks prior to the northern California fishery (from 40°30' N. latitude to 42° N. latitude), which is one month earlier than the current regulations allow, to match the timing of the whiting migration through this area.

The GMT reviewed the application submitted by the applicant at the September Council meeting, and recommended changes to be made to the EFP proposal. These included 100% at-sea observer coverage by National Marine Fisheries Service (NMFS)-certified or NMFS-contracted observers, in addition to the 100% shoreside plant coverage proposed; continued state shoreside biological sampling coverage of 10-15% consistent with the shoreside whiting EFP program north of 40°30' N. latitude; "maximized" retention" of all species caught during the EFP; a total whiting cap of 1% of the overall shoreside allocation to avoid early attainment of the overall California allocation of 5%. The revised EFP application (Agenda Item H.8.a Attachment 2) incorporated these requests.

The application contains bycatch caps for overfished groundfish, and bycatch caps for Chinook and coho salmon from within the overall whiting salmon bycatch allocation. The salmon bycatch caps in the application were developed in consultation with Peter Dygert, NMFS Northwest Region. Provided that the California Department of Fish and Game (CDFG) is able to oversee the monitoring, data collection, data analysis, and final reporting requirements, the GMT recommends approval of this EFP.

Much like the coastwide whiting EFP, CDFG will be developing specifics over the winter on coordinating, training, logistics and access to observer coverage. It is our understanding that the applicant intends for one vessel to fish at a time so that a single observer would be required for the EFP period.

California Spot Prawn Trawl EFP

The EFP application proposes to allow up to three specific vessels to use trawl gear modified to reduce bycatch of groundfish to target spot prawns in three geographically-specified areas in the Santa Barbara Channel. The intent is to conduct a test spot prawn trawl fishery through a federal EFP and a state experimental fishery permit in 2006.

The applicant provided a thorough and detailed application, which includes provisions for 100% observer coverage, reasonable statistical study design, and methods to test the effectiveness of three bycatch reduction devices (BRDs) to minimize bycatch of rockfish. The applicant identified three areas he describes as soft-bottom habitat unsuitable for pot (trap) gear. The GMT notes that one of the areas in the original EFP proposal overlaps with an area closed to bottom trawl fishing under the Council's Essential Fish Habitat (EFH) protection measures adopted in June 2005. This particular area was closed to provide protection for deep-sea corals and sponges, and allowing an EFP in this area would be in conflict with habitat protection measures adopted.

The GMT had extensive discussions regarding the merits and broader implications of this particular EFP proposal at our August and October meetings. The GMT would like to remind the Council that all three states endured a long, arduous process to end spot prawn trawl fishing along the West Coast due to concerns over high bycatch levels and bottom habitat impacts. Each state went through its respective Fish and Wildlife Commissions to seek regulatory action to require all of their respective spot prawn trawl fishery participants to convert to pot (trap) gear. The GMT appreciates the efforts of industry members seeking means to address impact concerns and operate fisheries more cleanly. Yet, by allowing a few former spot prawn trawl participants to conduct an EFP/experimental fishery, the GMT is concerned about the potential of future EFP applicants requesting opportunities to restore similar spot prawn trawl fisheries in other areas. Therefore, the GMT recommends that the Council take this into consideration in making their decision.

The GMT identified concerns at our August meeting, and communicated our concerns to the applicant with a request that the application be modified to address the following concerns:

1. Require full retention of rockfish, with a provision to allow landings in excess of specified limits.

2. Require that rockfish exceeding current trip limits or rockfish catch not subject to trip limits would be surrendered to the state of California.
3. Adhere to current trip limits for open access fishery exempted trawl, which is 300 pounds groundfish per two months.
4. Adhere to the closed areas adopted under Essential Fish Habitat.
5. Maintain GPS record of locations fished to associate with tow catch.
6. Specify EFP fishing areas by coordinates, in coordination with California Department of Fish and Game staff.
7. Identify gear restrictions that would be appropriate for soft bottom habitat only.
8. Require the vessels participating in the EFP have vessel monitoring systems (VMS) to ensure compliance with the area restrictions.

The GMT met with the applicant at our October meeting and noted that the application had not been modified. During the meeting, the GMT reiterated our concerns and the applicant agreed to the modifications. However, the application contained in the November briefing book was not revised. The GMT notes that COP #19 – EFP Protocol specifies that if an EFP is approved by the Council at the November meeting, it refers specifically to the version of the application contained in the briefing book, and therefore the GMT does not recommend approval of the application in its current form. However, COP #19 does provide an option to grant provisional approval, with final approval contingent on incorporation of specifically-prescribed modifications into the EFP application.

If the Council decides to approve the EFP, then the GMT recommends the approval be provisional, until the eight items identified by the GMT above are incorporated.

The applicant will go before the California Fish and Game Commission during the winter to request approval of a state experimental fishing permit with the intent that a limited entry spot prawn trawl fishery could be developed in these areas based on the EFP results, and proposes that the same qualifications and moratorium date be set as was established for a limited entry ridgeback prawn fishery. The GMT notes that a thorough review of the results of the EFP, including bycatch rates associated with BRDs tested, would be required to consider any extension of this fishery beyond the initial EFP period.

GMT RECOMMENDATIONS:

1. Approve the shore-based whiting EFP.
2. Approve the early season date for the shore-based whiting EFP south of 40°30' N. latitude
3. Decide whether to approve the California spot prawn EFP.

PFMC
11/03/05