

GROUND FISH MANAGEMENT TEAM REPORT ON PRELIMINARY REVIEW OF
EXEMPTED FISHING PERMITS (EFPs) FOR 2009

The Groundfish Management Team (GMT) reviewed the technical merit of the six exempted fishing permit (EFP) applications relative to evaluation criteria in the Council Operating Procedure (COP) on EFPs. EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fisheries, provide access to underutilized target stocks while directly measuring the bycatch associated with those fishing strategies, and to evaluate current and proposed management measures. A primary requirement of EFPs is the evaluation of fishing gear or management measures that can be transferred into regulation and applied fleetwide. EFPs that rely upon fisher experience, skill or ability that cannot be harnessed through a regulation fail to meet this requirement.

The GMT only reviewed the technical merits of the EFPs and notes that the Council will likely need to make their final decision partially based on the availability of overfished species relative to the 2009 harvest specifications (considered at this meeting under Agenda Item F.4). Therefore no species specific discussion on EFP bycatch limits is included under this agenda item.

Three of the proposed EFP applications (Agenda Item F.3.a, Attachments 1-3) are to renew EFPs that were approved in November 2007. These three applications are, for the most part, fundamentally unchanged from what was adopted in November 2007, and for the reasons outlined in previous GMT statements (June 2007, Agenda Item E.5.c, Supplemental GMT Report; November 2007 Agenda Item D.2.c, Supplemental GMT Report). **The GMT finds technical merit in applications 1 and 2 and recommends that the Council forward them for public comment.** The 2009 version of the Recreational Fishing Alliance EFP (Attachment 3) adds a provision for targeting yellowtail rockfish within the non-trawl Rockfish Conservation Area (RCA). This is a substantial change in the fundamental design of this EFP. There was not adequate information supplied in the application to inform the GMT of the technical merits of this substantive change, therefore **the GMT recommends that the Regulatory Fishing Alliance (RFA) chilipepper EFP application be forwarded for public comment without the addition of targeting yellowtail within the non-trawl RCA.**

The three new EFP applications for 2009 (Agenda Item F.3.a, Attachments 4-6) are intended to increase access to underutilized species in either the commercial nearshore fishery or the recreational fishery. Technical merits for each application are discussed in more detail below.

Oregon Recreational Yellowtail Rockfish EFP, Wayne Butler and John Holloway (Agenda Item F.3.a, Attachment 4)

This application proposes to target yellowtail rockfish in the recreational fishery using long-leader hook and line gears within the recreational RCA off Oregon. The application clearly describes the data collection and analysis, the method for and funding of 100 percent observer coverage and estimates of overfished species impacts. This proposal out and met most of the criteria outlined in the COPs but should provide additional information on who will prepare the draft and final report and when that would be provided to the Council. **The GMT finds technical merit in this application and recommends that the Council forward it for public comment.**

Oregon Commercial Yellowtail Rockfish EFP, Gerald Mikell (Agenda Item F.3.a, Attachment 5)
This application proposes to target yellowtail rockfish in the commercial nearshore fishery using troll gear within the non-trawl RCA off Oregon. The EFP proposes to explore whether incidental catch of yelloweye and canary rockfish can be virtually eliminated in a yellowtail target fishery by using a low hook count test reel to identify yellowtail, then deploying larger troll gear in shallow water 8-15 fathoms.

The GMT is concerned with the ability of the proposal to be transferred into regulation or applied on a fleetwide basis, as it relies on skipper expertise rather than outlining how a specific fishing technique or methodology will be tested. The proposal states that there should be minimal impacts to overfished species, however, there is little information presented to support this claim in the description of the fishing strategy and technique. Current trip limits for yellowtail rockfish in the limited entry (LE) fixed gear and open access commercial fishery North of 40 10' N. lat. is 200 lb/month. The catch limit requested for yellowtail is 500 lb per trip with a 10,000 lb total catch limit, no other catch limits are requested. No justification or information is given to support the request for this catch amount, nor is a description of how canary will be avoided or minimized addressed in this application. All applications need to propose bycatch caps for overfished species, including canary and yelloweye rockfish.

The GMT suggests that the applicant refine the EFP to include a very detailed description of the fishing technique or new gear type (e.g., how fishing location is determined, how gear is deployed) that, if successful, could be and transferred into regulation and applied fleetwide. The GMT also suggests adding an explanation for the yellowtail catch limit that is proposed, and adding bycatch limit species caps to allow for the incidental take of those species to prevent the EFP from prematurely being shut down if any of these species are encountered. The GMT also notes that with all EFPs, 100 percent at-sea observer coverage is necessary and currently the application only specifies that National Oceanic and Atmospheric Administration (NOAA) observers would be utilized when available otherwise logbooks would be used to document catch information.

The GMT does not support the proposal as written due to the concerns above. Although the GMT would support a revision to include a more detailed gear description and fishing technique, we feel that for the application to be adequate for the public to comment, it would need to be largely rewritten. The GMT does encourage the participant to work with their state fishery management agency and National Marine Fisheries Service (NMFS) to re-write the application, following the Council COPs, detailing a fishing technique or gear type that, if successful, could be replicated fleetwide and transferred into regulation.

California Flatfish Recreational EFP, Recreational Fishing Association and Golden Gate Fishermen's Association (Agenda Item F.3.a, Attachment 6)

This EFP proposes to investigate recreational hook and line fishing of flatfish off California in "rockfish cold spots" inside the recreational and non-trawl RCA. The goal of this EFP is to investigate whether a recreational fishery can occur for flatfish species with minimal impacts to overfished species. If successful, this could provide information to develop finer scale spatial management to allow increased opportunity for some underutilized flatfish species.

This proposal, as written, does not directly incorporate a new innovative gear, but does have area based management potential that could be applied fleetwide. However, the GMT notes that there are considerable enforcement concerns with small open areas, or "rockfish cold spots," and this

could limit the ability to implement such measures on a fleetwide basis. **The GMT finds technical merit in this application and recommends that the Council forward it for public comment**, however the GMT recommends that the applicant further work with the California Department of Fish and Game, including enforcement staff, to further refine the sample design.

GMT Recommendations:

1. The Mikell proposal be redesigned and resubmitted in June 2009 based on the reasons stated above.
2. The yellowtail portion of the RFA chilipepper EFP should be developed as a separate EFP proposal and resubmitted in June 2009 based on the reasons stated above.
3. The GMT acknowledges the technical merit of the remaining EFPs and recommends adopting them for review with the revisions addressed above.

Finally, the GMT notes that, when widow rockfish become rebuilt, opportunities will open for prosecuting a yellowtail and widow fishery. The re-development of a yellowtail and widow fishery could off-set the restrictions likely to come about as a result of the yelloweye ramp-down strategy. However, at this time there is limited information available to inform the bycatch of other overfished species that would occur in a widow and/or yellowtail fishery. The GMT believes that the EFP process is one avenue for re-developing a fishery on widow and yellowtail rockfish and looks forward to considering future EFP applications that explore ways to access these species.

PFMC
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