

To:  
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**Subject:** RFA/GGFA Exempted Fishery Permit Proposal for 2009  
**Title:** Recreational Flatfish Catch Composition Within Defined Areas of the Rockfish Conservation Area  
**Date:** August 20, 2008

**Applicants:**



*Recreational Fishing Alliance*  
*Contact: Jim Martin, West Coast Regional Director*  
*P.O. Box 2420, Fort Bragg, CA 95437*  
*(707) 357-3422*  
*(707) 964-8326*



*Golden Gate Fishermen's Association*  
*Contact: Tom Mattusch*  
*P.O. Box 957*  
*El Granada, CA 94018*  
*(650) 726-2926*

**Justification:** Since the implementation of the Rockfish Conservation Area as a bycatch reduction measure to protect overfished species such as canary rockfish, over 90% of the

EEZ has been closed to the recreational groundfish fishery. This proposal would allow a small number of CPFV vessels in California to target flatfish, inside and seaward of the RCA for species of Flatfish such as Dover Sole, Petrale Sole, Butter Sole, Arrowtooth Flounder, Curlfin Sole, and English Sole with minimal bycatch of overfished species. The areas we intend to fish will be tightly defined by GPS points. By targeting rockfish coldspots, areas where no reports of rockfish interaction exist, data may be developed contributing to finer resolution spatial management.

**Potential impacts:** There is some historical data for recreational catches of flatfish on the slope, but no recent data is available. Impacts on overfished species, particularly canary rockfish and cowcod, should be very low. Recreational impacts on slope fishing for various sole is virtually non-existent.

**Purpose and goal of the experiment:** To use selective, hook and line, recreational fishing gear to access federally managed species of flatfish, while keeping bycatch of overfished species low. This study will test different gear types to discover ways to avoid overfished species. The experiment is primarily an area-based study. Its purpose is also to take pressure off the nearshore and shelf species of finfish. The data provided from this series of trips on CPFV vessels would provide management guidance to open a new market for fishing trips on the charter fleet in northern and central California. This EFP will require the CPFV fleet to control effort, and to provide observer coverage, but the data gathered could result in a new fishery for the entire recreational fishing fleet. It will also serve as a step towards finer resolution spatial management.

**Broader Significance:** The data (catch composition, depth strata, interaction with overfished species, etc) collected should prove that a recreational fishery can be conducted for flatfish without impacts to overfished species. If we are successful, and demonstrate that we can avoid bycatch, management can shift some of the recreational effort away from inshore species and areas where interaction with canary rockfish is commonplace. An important measure of success will be determining the economic viability of this type of trip, adding a much-needed alternative fishery for the recreational sector.

**Duration of the EFP:** January through December, 2009.

**Number of vessels:** Approximately 10 California Passenger Fishing Vessels (CPFVs).

- Capt. Randy Thornton, *Telstar*, Noyo Harbor, Fort Bragg (707) 964-8770
- Capt. Bob Ingles, *Queen of Hearts*, Half Moon Bay (650) 728-3377
- Capt. Alan Chin, *Tigerfish*, Half Moon Bay (650) 726-7133
- Capt. Dennis Baxter, *New Captain Pete*, Half Moon Bay (650) 726-6224
- Capt. Steve Moore, *Pacific Horizon* Morro Bay
- Capt. Tom Mattusch, *Hulicat*, Half Moon Bay (650) 726-2926
- Capt. Jay Yokomizo, *Huck Finn*, Emeryville (510) 527-3768
- Capt. Robert Gallia, *Eldorado*, Berkeley (415) 298-3948
- Capt. Bill Parducci, *Profish'nt*, Bodega Bay (707) 463-3618

**Funding:** This EFP will be self-funding with individual anglers paying for an offshore flatfish trip. Grant funding is available for data analysis and observer coverage.

**Description of Target species:** Species of federally-managed flatfish such as Dover sole, Petrale sole, Butter Sole, Arrowtooth Flounder, Curlfin Sole, English Sole, Flathead Sole, Pacific Sanddab, Rex sole, Rock Sole, Sand sole and Starry flounder. California and/or Pacific Halibut could be retained if encountered.

**Harvest Control:** Anglers will be limited to up to five hooks per line, with a boat limit of twenty fish per angler. For a load of 15 anglers, a vessel would catch approximately 300 flatfish per trip, with full observer coverage at-sea. The program will utilize trained CRFS samplers, coordinated through PSFMC who have agreed to enter the data. The applicants (and RFA's Fisheries Conservation Trust) will contract with Pacific States and schedule on-board observers approximately two weeks in advance of any trip. RFA will pay for the observer costs through its Fisheries Conservation Trust account, passing the costs onto the charter captains. RFA's Jim Martin will function as "Chartermaster" for all trips, and no trips will be scheduled without approval from the Chartermaster, to allow for advance scheduling of observers with Pacific States to ensure full coverage of all trips and to ensure that no trips occur after bycatch caps have been reached.

During the initial phase of this experiment, we intend to go slowly and have a limited number of trips, no more than one trip per day, to ensure that our bycatch caps are not exceeded. Any catch of yelloweye or canary – even one per vessel – will cause us to rethink our strategy. As we gain confidence and experience with the logistics of the project, we can gradually expand the number of trips, and have multiple trips per day as long as we can prosecute the fishery cleanly.

Our Science Advisor will monitor the running total against our bycatch caps. After any trip that lands canary, yelloweye or cowcod, the captain will call the science advisor after returning to port. The science advisor will notify NMFS on the next business day of these landings of these species. Each trip will be limited to no more than half the remaining allotment under the bycatch caps. Catch of other overfished species for which the Council has recommended bycatch caps will be included in the biweekly reports by the science advisor to NMFS.

We request the following bycatch caps for overfished species:

<u>Bocaccio</u>	<u>Canary</u>	<u>Cowcod</u>	<u>Darkblotched</u>	<u>Widow</u>	<u>Yelloweye</u>
2.7 mt	300 lbs	50 lbs	0.1 mt (150 lbs)	3 mt	50 lbs

**Regulatory Exemptions:** We are requesting to be exempted from state and federal seasonal closures on groundfish and certain gear and depth restrictions on recreational groundfish. Current regulations provide for seasonal closures that vary according to the management region. We request a full calendar year to conduct the EFP. Current regulations prohibit retention of canary and yelloweye rockfish, and provide sub-bag limits for species such as bocaccio. We request to be exempt from these provisions, replacing them with the bycatch caps. We further request to be exempted from the 2-hook

restriction and ask to test up to 5 hooks per line. Vessels on EFP trips may also participate in non-groundfish fisheries (crab, salmon, albacore and Humboldt squid, for example) on the same day, should the Flatfish fishing turn out to be slow.

**Enforcement:** We propose to retain all fish as part of each angler's bag limit of ten fish. This EFP will require an exemption from sub-bag limits (on bocaccio, for example) and size limits. The EFP's bycatch caps provide total catch limits for the entire EFP. Each angler would be provided a letter reflecting the date of the trip, the vessel participating, and the angler's name, reflecting their participation under the terms of the EFP. If questioned by a warden, the angler can show this document to the warden to indicate his or her participation in the EFP. A sample draft letter:

*This letter certifies that on \_\_\_\_\_ (today's date),  
 \_\_\_\_\_ (name of angler), under CDFG recreational fishing  
 license # \_\_\_\_\_ participated in a Federal Exempted Fishing Permit  
 \_\_\_\_\_ (vessels EFP ID number) titled "Recreational Flatfish Catch  
 Composition EFP."*

*This EFP is limited by cumulative bycatch caps and exempts the angler from sub-bag limits on bocaccio and other species, and is exempt under federal rules from seasonal closures on groundfish, certain terminal gear restrictions and prohibitions on retention of overfished species.*

*This letter is to inform state and federal enforcement personnel that the EFP has been approved by the Pacific Fisheries Management Council and the National Marine Fisheries Service.*

*Enforcement personnel can verify the angler's participation in the EFP by contacting the CPFV Captain:  
 (name of vessel)  
 (Contact info)*

*For questions regarding the EFP, contact NMFS Northwest Region at (206) 526-6140.*

**Proposed Data Collection and Analysis Methodology:** Data will be collected by on-board observers, hired through the Pacific States Marine Fisheries Commission (PSMFC), and submitted to the data analyst for quality checks following each observed trip. Data quality checks will include checking all forms for completeness, appropriate species composition (observers will be expected to document each new species encountered to confirm species identification; documentation will be consistent with NMFS observer programs' protocols for species identification form submission), proper ordering of observed sets and anglers, proper data coding, and other logical checks that may be made by the analyst. All attempts will be made to overcome shortcomings in data collection through consultation with the observer. Feedback will be given after every submission to ensure complete and accurate data collection on subsequent trips. Catch of any overfished species for which the Council has recommended bycatch caps will initiate immediate notification of NMFS of that event.

**Participation:** Commercial Passenger Fishing Vessel Captains who have complied with all past logbook reporting requirements will be eligible for conducting trips under this EFP. Only Captains approved by NOAA enforcement personnel, based on a background checks on prior violations, will be considered for these trips. The Chartermaster will demand the surrender of permits from EFP participants at his discretion.

**Time, Place and Amount of Gear Used:** This EFP would be conducted during fair weather days during the entire year of 2009, with anglers limited to one rod apiece, two to five hooks per line, with a 10 pound weight limit. The areas will be in tightly defined blocks known as "rockfish coldspots." Various terminal tackle will be tested for optimizing the avoidance of overfished species. Each vessel will display a banner with the logos of the RFA, GGFA and NOAA indicating the vessel's participation in a research experiment, so that nearby recreational vessels will not assume that the fishery is open to anyone and start fishing next to the permit holder. The specific size of the areas, locations and depths will be determined based on consultation with the GAP, the Council and NMFS and local stakeholders in order to avoid rockfish interaction and to avoid user conflicts.

**Data Submission, Analysis And Reporting:**

Doyle Hanan, PhD.

Hanan & Associates

P O Box 8914, Rancho Santa Fe, CA 92067

(858) 832 1159 [drhanan@cox.net](mailto:drhanan@cox.net)

**Data Collection and Review:** Data will be collected by on-board observers hired through the Pacific States Marine Fisheries Commission (PSMFC) and submitted to the data analyst for quality checks following each observed trip. Data quality checks will include checking all forms for completeness, appropriate species composition (observers will be expected to document each new species encountered to confirm species identification; documentation will be consistent with NMFS observer programs' protocols for species identification form submission), proper ordering of observed sets and anglers, proper data coding, and other logical checks that may be made by the analyst. All attempts will be made to overcome shortcomings in data collection through consultation with the observer. Feedback will be given after every submission to ensure complete and accurate data collection on subsequent trips.

**Data Entry:** Original hardcopies will be retained by the data analyst with copies sent to Connie Ryan of the California Department of Fish & Game for departmental records, and to PSMFC for data entry. PSMFC will conduct subsequent data quality checks required for entry of data and other checks built into their entry system. Their computer will check species ranges, reasonable lengths/weights and various cross checks on the forms for totals, anglers, limits etc. Entry will be complete no later than six business days following receipt of forms by PSMFC. Files will then be sent to the data analyst with each individual caught (including all data elements linked to that individual) as well as separate files of catch data aggregated by set.

**Data Analysis and Reporting:** On a monthly basis, the data analyst will stratify and report catch for the overall fishery and for each management region included in the EFP (Northern, North Central, Monterey South-Central and Morro Bay South-Central). Monthly reports will be compiled and submitted to NMFS within two weeks following the end of each calendar month and will include catch statistics for the most recent month and year to date totals. Catch will additionally be separated for analysis by disposition (retained vs. individuals that would normally be discarded) with separate CPUE (CPAD and/or CPAH) calculations made for each species of each disposition. Catch will be further stratified by terminal tackle, depth, specific lat/long locations and any other variables determined to provide significant differences through Ward's multivariate cluster analysis of catch rates for individual species. Species encountered will also be plotted against number of trips to produce a simple discovery curve for the EFP.

Expansion estimates will be reported twice for the EFP, once with data collected prior to traditional fishing season openings and again following conclusion of the EFP period (year end or caps met) in the final report evaluating the EFP. Initial expansion estimates will consider only the effects of opening the fishery during winter months in which anticipated effort will not offset effort from the traditional fishery. Estimates of participation will be calculated using surveys of EFP trip participants and of anglers in the study area intercepted by the samplers.

Final reporting will summarize the catch totals for the duration of the EFP with data stratification as indicated for the monthly reports. Final reporting on this EFP will include the expanded estimates for the complete opening of this fishery to the recreational community as well as alternative expansions such as opening the fishery coincident with the traditional fishing seasons, expansion only to the CPFV fleet, and any other expansions potentially indicated by the data (specific management/geographic regions, depths, terminal tackle configurations, etc.) to provide the Pacific Fisheries Management Council with a range of options for permitting of the fishery.

**Signature of Applicant:**



Jim Martin, RFA



Roger Thomas, GGFA