

EXEMPTED FISHING PERMIT

TO OBTAIN ROCKFISH CATCH COMPOSITION DATA FOR RECREATIONAL HOOK
AND LINE FISHERIES OPERATING SEAWARD OF THE NON-TRAWL ROCKFISH
CONSERVATION AREA

TERMS AND CONDITIONS

A. PURPOSE.

The purpose of this exempted fishing permit (EFP) project is to test if hook and line fishing gear can be used to access underutilized groundfish such as chilipepper rockfish seaward of the non-trawl rockfish conservation area (RCA) while keeping bycatch of fish designated as overfished at low levels. The EFP project will involve charter vessels, and the Recreational Fishing Alliance (RFA) will coordinate the participation of charter vessels. The research objectives are as follows:

1. Testing selectivity – This EFP project will test an assumption that a sustainable fishing opportunity could be provided in an offshore recreational fishery for underutilized groundfish such as chilipepper rockfish. Catch composition data and projected total recreational catch of species designated overfished will be the primary indicator of a viable offshore fishery for targeted species under this EFP. If successful, and the EFP demonstrates that bycatch is avoided while targeting groundfish using hook and line gear seaward of the boundary line approximating the 150-fathoms (274-m) depth contour, it may suggest that some of the central California recreational fishing effort can be shifted offshore.
2. Testing feasibility – The RFA will coordinate with vessel captains to conduct post-trip surveys of participating anglers that will assess whether potential future offshore recreational opportunities would be utilized by anglers.

B. BACKGROUND.

Because the Pacific Coast groundfish fishery is a mixed stock fishery, catch from healthy stocks is constrained in order to reduce the catch of rebuilding groundfish stocks. Chilipepper rockfish are an example of an underutilized species and there has been increasing interest in recent years to develop a recreational fishery targeting these fish. This EFP project would test development of a selective recreational target fishery in depths seaward of the boundary line approximating the 150 fathom depth contour off California, between 40°10.00' N. lat. and 34°27.00' N. lat. (the North Central and South Central regions).

Individual anglers will pay for an offshore trip on a charter passenger fishing vessel. Approximately 20 vessels would participate in this fishery; however, only a few boats would fish at any one time in order to meet requirements for observer coverage. Participating vessels may conduct EFP fishing trips during each month of the year, in an attempt to obtain seasonal data, for as long as the EFP is valid. For every trip taken in the EFP fishery, each person will be subject to a 10 groundfish total bag limit for any groundfish species. Total catch of specified incidentally caught species are limited by total catch amounts for each species (see G.3). Incidental catch species with total catch amounts for the entire EFP

project include all of the overfished species: canary rockfish, yelloweye rockfish, widow rockfish, darkblotched rockfish, Pacific ocean perch, cowcod, and bocaccio. Catches will be closely monitored by the RFA and NMFS to ensure total catch amounts for these overfished species are not exceeded.

The EFP allows recreational fishing for groundfish seaward of 150 fathoms between 40°10.00' N. lat. and 34°27.00' N. lat. Persons aboard the EFP charter fishing vessel will be exempt from recreational sub-bag limits for any groundfish species, such as bocaccio, and will be required to retain and land all rockfish including overfished species, such as canary rockfish, yelloweye rockfish, and cowcod, for catch accounting and conservation purposes. These activities are otherwise prohibited by Federal regulations.

Data collected during this project are expected to have a broader significance to the management of the Pacific Coast groundfish fishery by testing whether a sustainable fishing opportunity could be provided in an offshore recreational fishery for underutilized groundfish such as chilipepper rockfish. Catch composition data and a description of impacts to overfished species would be the primary measure of success for the recreational hook and line fishery that would be conducted under this EFP. If the project demonstrates that bycatch is avoided by targeting midwater fish such as chilipepper rockfish using hook and line gear seaward of the boundary line approximating the 150-fm depth contour, it may indicate that some of the central California recreational fishing effort can be shifted offshore, where there are fewer interactions with overfished canary rockfish.

The RFA Chartermaster is responsible for the coordination and oversight of this EFP project, and for specifying how the RFA will carry out and oversee the project described above. These responsibilities must be met in order for NMFS to continue the EFP project. The RFA's coordination responsibilities include: coordination of observer coverage for participating vessels; issuance of a letter or other documentation that authorizes each EFP fishing trip by participating vessels, including copies or other documentation for anglers to retain when they disembark the participating vessel; collection and transmittal to NMFS of any EFPs that are terminated during the EFP project; EFP fishery data collection and inseason tracking of groundfish species with a catch limit; EFP fishery data collation, and presentation to NMFS and the PFMC; and obtaining completed data sheets from the observer for the vessel registered to this EFP within 48 hours following each fishing trip.

The RFA is required to:

- Provide monthly reports of total landings (by weight and species) to NMFS for all species, including target and overfished groundfish species. The report for a given month must be received by NMFS by the second Monday of the following month; i.e. a data report for all fishing that occurred in August 2008 must be received by NMFS no later than Monday, September 8, 2008.
- Provide the following written reports to NMFS: Interim Report due no later than March 15, 2009 and Final Report due by August 15, 2009. These reports will include information as outlined in the RFA's EFP application, including catch data and angler survey data.
- Provide full disclosure of observer data and participant interest information associated with fishing under the EFP to NMFS.

Failure to provide NMFS with the above reports may be the basis for NMFS to terminate the EFP project and may be the basis for disapproval of future EFP applications.

For purposes of this project, the RFA Chartermaster and each participating vessel owner/operator must sign the Exempted Fishing Permit, and both will be EFP holders. The RFA Chartermaster and each participating vessel owner/operator will be responsible for compliance with the Terms and Conditions of this permit. As EFP holders, the RFA Chartermaster and the vessel owner/operator are jointly and severally liable for compliance with the Terms and Conditions of this permit.

SCOPE.

1. This EFP must be signed by both the RFA Chartermaster and the owner or operator of each vessel participating in the EFP project; who are hereinafter referred to as the EFP holder(s). The Terms and Conditions of this EFP apply to all fishing activities conducted within a single trip that has been authorized in a letter or other documentation issued by the RFA Chartermaster (hereinafter referred to as an "offshore EFP trip") in the recreational Pacific Coast groundfish fishery, during the effective dates of the EFP.
2. The RFA Chartermaster will be a co-signer on this EFP and, as such, RFA will be jointly and severally liable for compliance of the vessel participating in the EFP project with the Terms and Conditions of this EFP.
3. This EFP exempts the vessel to which it is registered from some Pacific Coast groundfish regulations in 50 CFR §§660.301 through 660.399 that apply to the recreational fishery between 40°10.00' N. lat. and 34°27.00' N. lat., as stated in the Terms and Conditions, during an offshore EFP trip during the effective dates of this EFP. The EFP holders are subject to restrictions in §§660.301 through 660.399, unless otherwise stated.
4. This EFP authorizes, for limited purposes as described in this permit, activities which would otherwise be prohibited (See Section F).
5. All persons, including passengers, operator(s), and crew members fishing aboard recreational charter vessels operating under this EFP, issued under 50 CFR part 600, are subject to restrictions in 50 CFR part 660, unless otherwise stated.
6. For the purposes of this EFP, the term "angler(s)" refers to vessel passengers that are licensed or otherwise authorized to fish in California recreational fisheries, and does not include vessel operator(s) or crew members.

D. PERMIT CONDITIONS.

1. This EFP is valid only for the vessel registered to it. All offshore EFP trips by the registered vessel targeting groundfish must be conducted in accordance with this EFP. Vessels must maintain a copy of the letter issued by the RFA, authorizing the offshore EFP trip, while participating in an offshore EFP trip. All fishing by persons (anglers, passengers, operator(s), and crew members) aboard these vessels must be conducted in accordance with this EFP.

2. The vessel EFP holder must provide each angler with a copy of the letter issued to them by the RFA, authorizing the offshore EFP trip, and must instruct anglers to retain this copy with their catch after disembarking the participating vessel.
3. The vessel registered to this EFP and any person fishing aboard this vessel must have all applicable required California state permits to participate in the recreational groundfish fishery between 40°10.00' N. lat. and 34°27.00' N. lat. If the vessel registered to this EFP, or persons fishing aboard this vessel, do not have all of the necessary California state permits, in their name and valid, at the time fishing under the EFP occurs, this EFP is invalid.
4. If a vessel owner or operator terminates its participation in the EFP project, the RFA Chartermaster must remove the vessel from the pool of vessels that may receive observer coverage as a participant in the EFP fishery, and the EFP must be removed from the vessel owner or operator and returned to NMFS via mail within 5 business days.
5. This EFP is not transferrable to another holder, entity, vessel or vessel owner.

E. EFFECTIVE DATES.

1. This EFP is effective when signed by the NMFS Regional Administrator and the EFP holders: the vessel owner and the RFA Chartermaster. If the EFP is signed by the NMFS Regional Administrator and the EFP holders on different dates, the effective date is the later of the three signature dates. The EFP will no longer be effective after December 31, 2008, and may be terminated at an earlier date by either the EFP holders or NMFS.
2. This permit is valid while the EFP holders are participating in the 2008 Pacific Coast Groundfish recreational fishery between 40°10.00' N. lat. and 34°27.00' N. lat., on an offshore EFP trip, unless terminated at an earlier date by one of the following actions:
 - a. At the request of the EFP holder(s), in which case the vessel must return to port, remove and return the original EFP to NMFS via the RFA Chartermaster.
 - b. When the Regional Administrator determines it is necessary to issue an amended EFP containing additional or revised restrictions, in which case termination of this EFP occurs upon NMFS receipt of a signed amended EFP, or seven days after the NMFS mailing date of the amended permit, whichever occurs first.
 - c. NMFS will terminate this EFP if a particular catch limit for an overfished or target species has been reached, has been exceeded, or is projected to be reached or exceeded as described in G.2 below.

F. REGULATORY EXEMPTIONS

1. Bag Limits and Sub-Limits, Size limits: Persons fishing aboard recreational charter vessels during an offshore EFP trip are subject to a 10 rockfish bag limit, but are exempt from bag sub-limits for any rockfish species, while the EFP is valid. Persons fishing aboard recreational charter vessels during an offshore EFP trip are exempt from applicable size limits for any rockfish species, or any applicable state or Federal sizes

limits for other rockfish species (i.e. California scorpionfish). Size exemptions to not apply to any species besides rockfish (i.e. lingcod, etc.)

2. Time and Area Closures: Vessels participating in an offshore EFP trip are exempted from the Rockfish/Cabazon/Greenling (RCG complex) seasonal closures in all fishing activities conducted under this EFP, while the EFP is valid and while the vessel is on an offshore EFP trip. Vessels participating in an offshore EFP trip are also exempted from the recreational rockfish conservation area. Vessels participating in an offshore EFP trip must fish seaward of the boundary line approximating the 150 fathom (274 m) depth contour, as defined by latitude and longitude coordinates at 50 CFR 660.393(h), in all fishing activities conducted under this EFP, while the EFP is valid and while the vessel is on an offshore EFP trip.
3. Size Limits: Persons fishing aboard recreational charter vessels participating in the RFA project are exempted from size limits for any rockfish species, while the EFP is valid and while the vessel is on an offshore EFP trip.

G. FISHING RESTRICTIONS.

1. Target species: The species to be targeted by the vessel registered to this EFP are non-overfished groundfish species such as chilipepper rockfish. The EFP holders are responsible for ensuring a 10 rockfish per person per day bag limit (See section G-7).
2. Other species: Any vessel that catches groundfish species, other than the RCG complex species, will harvest such species in the amounts and frequencies allowed for the recreational groundfish fishery between 40°10.00' N. lat. and 34°27.00' N. lat. The charter captains, vessel owner and crew of the vessel registered to this EFP will cooperate with the RFA and the assigned observers in tracking catches of all species, including the species listed above.
3. Overfished species: EFP holders will adhere to EFP terms and conditions and coordinate in an effort to avoid incidental catches of the overfished species listed below. Collective landings of overfished species by vessels participating under this EFP project are limited to the following amounts:

Canary rockfish	50 lbs
Yelloweye rockfish	50 lbs
Widow rockfish	0.7 mt
Darkblotched rockfish	150 lbs
Pacific Ocean perch	300 lbs
Cowcod	50 lbs
Bocaccio	2.7 mt

The vessel registered to this EFP must cease all fishing activity when it is informed by the RFA or NMFS that one or more of these catch limits has been reached, has been exceeded, or is projected to be reached or exceeded. If a particular catch limit for an overfished species has been reached, has been exceeded, or is projected to be reached or exceeded, within 24 hours of notification the EFP holders must cease all fishing activities conducted under the Terms and Conditions of this EFP.

4. Location of fishing and landings: All fishing under the EFP must take place between 40°10.00' N. lat. and 34°27.00' N. lat. All fishing for groundfish during offshore EFP trips must take place seaward of the boundary line approximating the 150 fathom (274 m) depth contour, as defined by latitude and longitude coordinates at 50 CFR 660.393(h). Persons participating in offshore EFP trips must abide by all rules for the non-EFP recreational fishery that apply when operating shoreward of the boundary line approximating the 150 fathom (274 m) depth contour (i.e. may not fish salmon with barbed hooks; may not fish in within the RCA with groundfish on board; etc.). The vessel EFP holder must issue each participating angler documentation explaining how their landed catch, which may contain rockfish species that are otherwise prohibited, is legal under the terms and conditions of this EFP.
5. Gear: Persons fishing on board vessels registered to this EFP must fish using a single line with no more than two hooks, as described in 50 CFR 660.302 and are subject to the restrictions for recreational hook and line gear in 50 CFR 660.382(b). The vessel registered to this EFP may not have trawl or commercial fixed gear on board when fishing under the EFP and on an offshore EFP trip.
6. Retention/Discard Requirements: The EFP holders will be required to inform anglers that they must retain on board all rockfish caught while fishing under this EFP. Such species will not be discarded. All other non-rockfish groundfish species and non-groundfish species (see Section G-8.) may be discarded, consistent with all other applicable state and Federal laws, but such discards must be recorded by an observer. No catch may be discarded, headed, gutted, filleted or otherwise harmed, aside from hook removal, prior to the specimen being fully recorded by the observer. No catches of any species caught, retained or landed on an offshore EFP trip may be sold, traded or bartered.
7. Bag limits and Size limits. During all offshore EFP trips, the EFP holders are responsible for ensuring a 10 rockfish per person per day bag limit, with the exception of sub-bag limits and size limits for rockfish (See Section F 1). The EFP holders are required to inform each angler that they are subject to a 10 rockfish per person per day bag limit, and it is the vessel EFP holders responsibility to ensure that these limits are not exceeded. Any rockfish catch over each angler's 10 rockfish per person per day bag limit must be counted toward the cumulative boat limit, which is equal to the number of anglers on board multiplied by the individual daily bag limit. Operator(s) and crew members are authorized to participate in offshore EFP trips, but any fish taken by these persons must be separated from fish taken by anglers and cannot be calculated into the cumulative boat limit, consistent with state regulations at Title 14 of the CCR, Section 195. EFP holders and each person fishing on the vessel registered to this EFP are limited by the current recreational regulations for all non-rockfish species.
8. Participation in Non-EFP Recreational Fisheries: EFP holders must ensure that the vessel registered to this EFP will not participate in the non-EFP recreational groundfish fishery and the EFP project simultaneously during a single fishing trip, while this EFP is valid. While the vessel is registered to this EFP, the vessel must obtain documentation from the RFA Chartermaster prior to leaving port on a day in which it will participate in an offshore EFP trip (see Section G 10). The vessel must maintain that documentation, in addition to this EFP, on board the vessel during the offshore EFP trip. No additional documentation or authorization is required for a trip which will be conducted in the non-

EFP recreational groundfish fishery. The vessel registered to the EFP may participate in non-groundfish recreational fisheries (such as the crab, albacore, Pacific halibut, or salmon fisheries) simultaneously during an EFP fishing trip, consistent with all other applicable state and Federal regulations (i.e. if all salmon fisheries in the area are closed, no salmon may be retained while that closure is in effect). No additional documentation or authorization is required under the terms and conditions of this EFP for an offshore EFP trip to include fishing in a non-groundfish recreational fishery.

9. Other. The NMFS Northwest Regional Administrator may place additional limits on this EFP fishery. If such restrictions are necessary, the Regional Administrator will terminate this permit and issue an amended permit containing the additional restrictions on groundfish regulations as determined necessary by NMFS.
10. Authorized Offshore EFP Trip: The EFP holder(s) aboard any vessel conducting fishing activities under the terms and conditions of this EFP must obtain a letter authorizing the offshore EFP fishing trip from the RFA Chartermaster. A copy of the letter must be carried on the vessel on the day of the offshore EFP fishing trip. The letter may document specific dates that the RFA Chartermaster has authorized the vessel to participate in an offshore EFP fishing trip. If no other specific dates are specified, the letter will only be valid for 24 hours after it is issued by the RFA Chartermaster.

H. MONITORING REQUIREMENTS.

1. At-sea observations. Any vessel making an offshore EFP fishing trip must carry a PSMFC trained human observer for each authorized offshore EFP trip. Observers will monitor and record location and catch data, including species composition, of all retained and discarded catch as well as biological data such as fish length, sex, and weight for every fishing trip taken under this EFP. The vessel will provide the observer with access to onboard electronic equipment at the request of the observer. All catches that occur under this EFP must be documented by the observer, even if they will be released. No catch may be discarded, headed, gutted, filleted or otherwise harmed, aside from hook removal, prior to the specimen being fully recorded by the observer. All persons aboard the fishing vessel, including the EFP holder(s), vessel operator, crew, and anglers, must cooperate fully with the observer so that he/she can carry out his/her monitoring and reporting responsibilities, as described in 50 CFR 660.314. Failure to carry an observer on an authorized offshore EFP trip may result in a vessel's inability to obtain an EFP in the future.
2. Landings reports. The EFP holder(s), vessel operator, crew, and anglers must cooperate fully with the observer and the RFA Chartermaster to carry out their monitoring and reporting responsibilities. NMFS reserves the right to terminate fishing under the EFP prior to any catch limit being reached or exceeded. If any overfished species catch limits are reached, exceeded, or are projected to be reached or exceeded, the EFP holder(s) must notify NMFS immediately. Within 24 hours, the EFP holder(s) will notify participating vessels and all EFP project vessels must cease fishing in the EFP fishery. Failure to provide or to obtain such information in the time prescribed may be the basis of termination of this EFP.
3. Public Release of Information. The fishing activities carried out under this permit, which are otherwise prohibited, are for the purpose of collecting catch information. The EFP

holder(s) agree to the public release of any and all information obtained as a result of activities conducted under this permit.

I. REPORTING REQUIREMENTS.

Any vessel registered to this EFP must provide to the RFA all information in a timely fashion as needed by the RFA to meet their reporting requirements. This EFP does not relieve any person from any other state or federal reporting requirements. The EFP holders will request each participating angler on an offshore EFP trip to complete a post-trip survey to provide angler feedback about their fishing experience and whether they would be likely to participate in similar trips in the future.

J. CLOSURES.

If any of the catch limits for overfished species given in F.3. are projected to be reached or exceeded, the vessel registered to this EFP must cease fishing and return to port. If the vessel registered to this EFP is notified by the RFA Chartermaster that they must cease fishing, the vessel must cease fishing immediately and return to port. NMFS reserves the right to terminate fishing under the EFP prior to any catch limit being reached or exceeded. If a particular catch limit for an overfished species is projected to be reached or exceeded, within 24 hours of notification the EFP holders must cease all fishing activities conducted under the Terms and Conditions of this EFP. If any overfished species catch limits are reached or exceeded, the EFP holder(s) must notify NMFS immediately. Within 24 hours, the RFA EFP holder(s) will notify each participating vessels and all EFP project vessels must cease fishing in the EFP fishery. Failure to provide or to obtain such information in the time prescribed may be the basis of termination of this EFP.

K. SANCTIONS.

Failure of the EFP holder(s), or any person to comply with the terms and conditions of this permit, a notice issued under 50 CFR Part 660 any other applicable provision of 50 CFR Parts 600 and 660, the Magnuson-Stevens Act, or any other regulations promulgated thereunder, may be grounds for revocation, suspension, or modification of this permit as well as civil or criminal penalties under the Magnuson-Stevens Act with respect to all persons and vessels conducting activities under the EFP (50 CFR 600.745(b)(8)).

L. WAIVER.

The EFP holder(s) on his/her own behalf, and on behalf of all persons conducting activities authorized by the permit under his/her direction, waives any and all claims against the United States or the State, and its agents and employees, for any liability whatsoever for personal injury, death, or damage to property directly or indirectly due to activities under this permit.