

THE GROUND FISH MANAGEMENT TEAM REPORT ON FINAL ADOPTION OF
EXEMPTED FISHING PERMITS (EFPs) FOR 2009

Five Exempted Fishing Permit (EFP) applications were forwarded for further review at the June 2008 Council meeting and submitted for approval at this meeting. One of those applications was subsequently removed from consideration. Three of the remaining EFP applications are re-submissions from last year and one is a new submission. The Groundfish Management Team (GMT) reviewed the applications relative to evaluation criteria in the Council's Operating Procedure (COP) on EFPs during the June meeting.

New Proposal for 2009

Recreational Fishing Alliance, Oregon (Agenda Item I.6.a, Attachment 4)

This application proposes to test a modified terminal tackle when targeting yellowtail rockfish in areas seaward of the 40-fathom depth restriction in Oregon waters. The GMT discussed the technical merits of this proposal and concluded that it warrants approval. The applicant will work closely with Oregon Department of Fish and Wildlife (ODFW) to coordinate data collection and analysis. ODFW will provide observers from their existing recreational observer program.

The EFP application requests a yellowtail bag limit of 15 fish. The GMT discussed that this bag limit and the relatively low number of trips makes an overall cap on the yellowtail catch unnecessary.

The GMT noted that the effectiveness of the gear may depend on the habitat in which it is used (e.g. it may not reduce overfished species impacts if used near pinnacles). Therefore, the GMT recommends that the drift specific data taken by ODFW observers include detailed spatial data (i.e., information on depth, habitat, lat-long position, etc).

In addition, the GMT notes that the gear may subsequently need to be tested in other areas, where rocky habitats are more prevalent, before being implemented. Other issues that would need to be worked out prior to wider-scale implementation include enforceability of specific gear types and methodology development for projecting overfished species impacts.

The GMT recommends full retention of rockfish for this EFP. The applicants would prefer that anglers be allowed to take home all rockfish in their bag (after being sampled), including any overfished species. GMT understands that ODFW has been working with the Oregon State Police on protocols to allow this. The GMT recommends that this option be included in the EFP if all enforcement concerns are addressed. Once the concerns mentioned above are addressed, the GMT recommends its approval for 2009 with the GMT recommended overfished species (OFS) bycatch caps.

2008 Approved Proposals Resubmitted for 2009

Fosmark (Agenda Item I.6.a, Attachment 1)

This application is a re-submission of a proposal adopted by the Council in November 2007. No modifications have been made to the original proposal; therefore the GMT recommends its approval for 2009 with the GMT recommended OFS bycatch caps.

The application requests full retention of all groundfish but then also proposes to use trip limit management for some species (e.g., lingcod). Use of trip limit management may conflict with a full-retention approach. The GMT recommends that the full retention requirement only apply to rockfish species, as defined in Federal regulations. The EFP applicant expressed a desire to be able to retain non-rockfish groundfish species within the Rockfish Conservation Area (RCA) during EFP trips. The GMT recommends that retention of non-rockfish groundfish species would be governed by the applicable open access trip limits, and could be discarded once documented by an observer.

The GMT agrees that the EFP will produce valuable information, yet also recognizes that the effect of grounds vs. gear may be difficult to differentiate. The skipper may know cleaner fishing grounds and catch reduction may be the result of gear placement rather than gear configuration. The GMT notes that additional analysis would likely be needed to test the gear with other captains in other areas prior to broader implementation. Paired gear studies may also be useful in separating the effect of the gear configuration from area/skipper effects.

Nature Conservancy and Environmental Defense (Agenda Item I.6.a, Attachment 2)

No significant changes have been made to the goals or design of the EFP program. The applicants are, however, requesting an increase in the sablefish bycatch cap to 330 mt. The GMT discussed the potential impacts of this increased sablefish take to the 2009 Conception area sablefish OY (1,371 mt). If the Council adopts this cap, 1,041 mt will remain in Conception area optimum yield (OY). Therefore, the GMT does not foresee any risk of exceeding the OY under the sablefish trip limits recommended for 2009 if the Council adopts a 330 mt catch limit for this EFP. Unforeseen issues could be handled through inseason adjustments during 2009.

The applicants requested more guidance on how OFS should be handled under the full-retention rules. The GMT recommends that National Marine Fisheries Service (NMFS) include and/or clarify rules on the disposition of overfished species in the terms and conditions of the EFP. The GMT recognizes that EFP applicants should generally be prevented from receiving personal benefit from retention yet recommends that the term and conditions permit donation of the fish or uses that do not directly benefit the participant.

Lastly, the GMT reiterates that this EFP will likely produce valuable information on regional fishery associations and the applicability of electronic monitoring systems in the fixed gear fleet. The GMT recommends its approval for 2009 with the GMT recommended OFS bycatch caps.

Recreational Fishing Alliance (Agenda Item I.6.a, Attachment 3)

This is a re-submission of the proposal adopted by the Council in November 2007. It is the GMT's understanding that this fishery will be a full retention fishery for rockfish only and non-rockfish species will be discarded, if time or area closures are in effect during the EFP trip. The applicant has requested implementation of a 3.0 mt cap on slope rockfish in addition to the OFS caps discussed below. These changes do not fundamentally alter the original proposal adopted

by the Council in November 2007; therefore, the GMT recommends its approval with GMT recommended OFS bycatch caps.

The GMT identified issues that would need to be worked out prior to wider-scale implementation including methodology development for projecting overfished species impacts.

EFP Bycatch Caps for Overfished Groundfish Species

The GMT reviewed the bycatch caps for overfished groundfish species proposed for the four EFP applications submitted for consideration in 2009 and compared these caps to the EFP yield set-asides decided in June 2008 (Table 1). The GMT converted the proposed caps to metric tons and used the following average weights to convert numbers of fish to a weight metric: canary – 3.0 lbs, cowcod – 11 lbs, and yelloweye – 3.5 lbs. These average weights were derived from fishery sampling and survey results at the depths these EFPs will operate.

In most cases, the cumulative yield of proposed EFP bycatch caps are less than the yields set aside for these species; however, proposed increases in canary and widow rockfish caps result in a slight exceedance of the EFP yield set-asides decided in June (higher caps are in bold in Table 1). The increase in the canary caps have been requested for the The Nature Conservancy (TNC) and Recreational Fishing Alliance (RFA) chilipepper EFPs and an increase in the widow rockfish cap has been requested for the Oregon yellowtail and RFA chilipepper EFPs. These requests have been made to reduce the risk of early attainment of caps and to better ensure an effective EFP study. The GMT notes there are available yields of these species in the 2009 bycatch scorecard to accommodate the proposed increase in these caps.

The GMT's review of all the proposed EFP bycatch caps for overfished species appear to be reasonable and meet the general purpose and need of each of these EFPs. The GMT notes that the requested 150 lb yelloweye bycatch cap in the TNC EFP is probably higher than what is needed, since it is unlikely yelloweye will be caught in fishing efforts south of 36° N latitude and deeper than the 150 fm seaward boundary of the RCA. While cumulative yelloweye impacts from directed fishing and EFP activities in 2009 are less than the OY of 17 mt, a de minimus cap of 50 lbs of yelloweye could be considered for this EFP. The TNC also requested consideration of a slightly higher cowcod bycatch cap than the 50 lbs requested. The GMT notes that there is a 1.9 mt residual for cowcod in the 2009 scorecard. The GMT notes that a slight increase in the cowcod cap could be considered but cautions that a residual yield of cowcod should be maintained in the scorecard since assessment and management uncertainty are particularly high for this species. The GMT also notes that issues pertaining to overfished species bycatch limits could be handled through inseason adjustments during 2009.

Lastly, the GMT notes that combined widow bycatch caps for all of the requested EFPs exceed the 2009 EFP yield set asides established by the Council in June. The GMT notes that there is residual widow in the 2009 scorecard. According to the widow rockfish rebuilding strategy, reductions in the residual widow rockfish in the scorecard would reduce the potential amount available to the 2009 whiting fishery, holding non-whiting fisheries unhindered.

Table 1. EFP bycatch caps (mt) for four proposed 2009 EFPs compared to the EFP yield set-asides (mt) decided by the Council in June 2008.

EFP	bocaccio	canary	cowcod	darkblotched	POP	widow	yelloweye
Fosmark	3.30	0.03	0.01	0.40	*	0.70	0.00
TNC	5.00	0.20	0.14	0.45	0.14	2.00	0.02
RFA - chili	2.70	0.20	0.02	0.10	*	3.00	0.02
OR - YT	*	2.60	*	*	*	3.00	0.20
Total requested	11.00	3.03	0.17	0.95	0.14	8.70	0.25
EFP yield set-asides	13.70	2.70	0.30	1.30	0.60	5.50	0.30

Note: “*” = no proposed EFP cap, and **bold font** indicates a requested increase in an EFP bycatch cap.

COP Eligibility Criteria

The Enforcement Consultants brought to the GMT’s attention the need for participant eligibility requirements that include criteria regarding non-compliance or violation records. The criteria currently in the Council’s COP are more appropriate for commercial EFPs. The GMT recommends that the applicant work with NMFS and Enforcement Consultants in developing criteria that can consistently and legally apply when considering eligibility of vessel operators participating in any EFP.

Recommendations:

1. If the Council adopts the EFPs, the GMT recommends amendment of the EFPs as outlined above.

PFMC
9/11/08