

To:
Bob Lohn
Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070
(206) 526-6150
bob.lohn@noaa.gov

cc: Frank Lockhart
frank.lockhart@noaa.gov

cc: Gretchen Arentzen
gretchen.arentzen@noaa.gov
(206) 526-6147

Subject: RFA/GGFA Exempted Fishery Permit Proposal for 2010

Title: Recreational Rockfish Catch Composition Seaward of the Rockfish Conservation Area

Date: Wednesday, May 27, 2009

Applicants:



Recreational Fishing Alliance

Contact: Jim Martin, West Coast Regional Director

P.O. Box 2420, Fort Bragg, CA 95437

(707) 357-3422



Golden Gate Fishermen's Association

Contact: Roger Thomas, President

P.O. Box 40

Sausalito CA 94966

(415) 760-9362

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 recreational rockfishing. This proposal would exempt a specific number of CPFV vessels in north-central California to fish seaward of the RCA for underutilized species such as chilipepper. Note: this is a request for renewal of the EFP the Council approved for 2008. NMFS delivered the finalized permits for 2008 on August 15th, 2008. We have yet to conduct any trips under the 2009 permits, but expect to begin soon. Therefore we have no report for the Council on the progress of the current (2009) year's EFP. We are submitting a separate report on trips conducted in 2008.

Potential impacts: There is some historical data for recreational catches of rockfish on the slope, but no recent data is available. Impacts on canary rockfish, yelloweye rockfish and cowcod should be very low.

Purpose and goal of the experiment: To use selective recreational fishing gear, hook and line, to access underutilized species such as chilipepper rockfish and groundfish. While this study will test different hook and line gear to discover ways to avoid overfished species, this experiment is primarily an area-based study. 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 (from Point Conception to the 40-10 line). Experimenting with different types of terminal tackle results in a more selective fishery. Anglers will retain all legal fish. This EFP would be limited to 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.

Broader Significance: the data collected should prove that a recreational fishery can be conducted for abundant and underutilized species such as chilipepper rockfish without impacts to overfished species. If successful, management can shift some of the recreational effort away from inshore species and areas where interaction with canary rockfish are common.

Duration of the EFP: One year (2010). This is an extension of our previous request for the recreational EFP the Council originally approved in 2007.

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

Participants in the EFP:

Capt. Randy Thornton, *Telstar*, Noyo Harbor, Fort Bragg (707) 964-8770

Capt. Bob Ingles, *Queen of Hearts*, Half Moon Bay (650) 728-3377

Capt. Dennis Baxter, *New Captain Pete*, Half Moon Bay (650) 726-6224

Capt. Steve Moore, *Pacific Horizon* Morro Bay (805) 595-4104

Capt. Tom Mattusch, *Hulicat*, Half Moon Bay (650) 726-2926

Funding: This EFP will be self-funding with individual anglers paying for an offshore rockfish trip. Grant funding is available for data analysis and observer coverage. The RFA's 501c3 account, the Fisheries Conservation Trust, received a grant for \$5,000 from

the Mendocino County Fish & Game Commission for the data analysis for this project, and additional funds from local groups are available if needed.

Description of Target species: Chilipepper rockfish and other species of groundfish. This species can be targeted in midwater and is vastly underutilized (1000+ mt under OY).

Harvest Control: Under current regulations, anglers are limited to two hooks per line, with a bag limit of ten rockfish and groundfish as defined by Title 14, Section 1.91. We are requesting to use up to five hooks. For a load of 15 anglers, a vessel would retain 150 fish per trip, with full observer coverage at-sea. CPFV logbooks will record species landed. While recent catch data is unavailable for the recreational fishery in deep water, a review of mortality impacts from the commercial sablefish fishery indicate zero bycatch of cowcod, zero bycatch of widow rockfish, and a total projected bycatch of canary rockfish for 2007 in the combined fixed gear (sablefish and non-sablefish) of 1.1 metric tons. In November 2007, the Pacific Fishery Management Council approved the following bycatch caps for this EFP:

<u>Bocaccio</u>	<u>Canary</u>	<u>Cowcod</u>	<u>Darkblotched</u>	<u>Widow</u>	<u>Yelloweye</u>
2.7 mt	0.2 mt	50 lbs	0.1 mt (150 lbs)	3 mt	50 lbs

Additionally, we request the Council approve a cap of 3 mt for slope rockfish (in aggregate) for 2010.

Enforcement: We propose to retain all rockfish 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 Rockfish 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)

Proposed Data Collection and Analysis Methodology: Data collection will be consistent with the existing CRFS data collection and analysis system. Expansion of the data modeling can provide an estimate of potential catches for both private boaters and the CPFV fleet, should the Council decide at a future time it would consider providing more fishing opportunity to the entire recreational sector. Onboard observers will count and identify the fish, with 100% retention to guarantee accurate identification and age class data. Type of terminal tackle (weights, lures, hook sizes) would be recorded for comparison purposes and bycatch reduction data. Vessels will record other information such as location, depth and water temperatures. By fishing different depth strata throughout an entire year, variations by depth and month can be identified. The goal of the data collection format and data analysis will be to gather enough information to project the outcomes for an expansion of the fishery throughout the recreational sector.

Participation: Commercial Passenger Fishing Vessels with a clean logbook reporting record will be chosen from various ports such as Bodega Bay, Half Moon Bay, San Francisco Bay Area and Fort Bragg where the slope is reachable on a day trip.

Time, Place and Amount of Gear Used: This EFP would be conducted during fair weather days during the entire year of 2010, with anglers limited to one rod apiece, two hooks per line, with a 10 pound weight limit. All fishing would occur seaward of the non-trawl Rockfish Conservation Area between Pt. Conception and the 40-10 management line.

The gear to be used will be designed to locate hooking gear in a midwater location to avoid bottom dwelling species. The proposed gear for this fishery would employ the use of a long leader between sinker and hooks. The purpose would be to elevate the hooking gear above the bottom a sufficient distance to avoid and or minimize contact with species of concern. Leader lengths of 15, 30 and 40 feet may be tested. A float will be affixed to the upper end of the leader. The purpose of this float is to prevent hooking gear from descending below the upper level of the leader. The float must have sufficient buoyancy to support all hooking gear and line above equivalent to leader length. Current tests show that a buoyancy of 2.25 ounces would be sufficient. Floats must be constructed of solid material. They can be either wood or closed cell high density foam. No hollow floats allowed. Maximum number of hooks is to conform to current regulation (2 hooks in California). Small plastic worms and flies will be used. Weighted hooks, bait and large lures will be prohibited.

Science Advisor:

Doyle Hanan, PhD

Hanan & Associates

POB 8914
Rancho Santa Fe CA 92067
(858) 832-1159

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. Catch of any overfished species for which the Council has recommended bycatch caps will initiate immediate notification of NMFS of that event.

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 rockfish 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. To supplement these tools, upon the openings of rockfish seasons, detailed survey forms will be distributed to recreational anglers found to be targeting rockfish during angler intercept surveys. These surveys will provide detailed information on the current understanding of the fishery (effort and catch statistics, distances traveled, species composition and length frequencies of various species) to give the survey participant an accurate picture of the fishery. Participants will then be asked to estimate the numbers of trips they would expect to make during the season closed for traditional rockfishing (as above) as well as how many nearshore directed trips they would expect to be offset by participation in a deepwater chilipepper fishery. The levels of response will be combined with rockfish catch and effort data from the history of CRFS (since January 2004) to determine expansion factors for collected data.

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 rockfish 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