

GROUND FISH MANAGEMENT TEAM REPORT ON PRELIMINARY REVIEW OF EXEMPTED FISHING PERMITS (EFPS) FOR 2010

The Groundfish Management Team (GMT) reviewed the technical merit of the six exempted fishing permit (EFP) applications relative to the evaluation criteria in the Council Operating Procedure (COP) on EFPs.

The GMT only reviewed the technical merits of the EFPs and notes that the Council will likely need to make their final decision based partially on the availability of overfished species relative to the 2010 harvest specifications. A table of requested impacts by species and EFP is included for reference; however no species specific discussion on appropriate EFP bycatch limits is included under this agenda item (Table 1).

Four of the proposed EFP applications (Agenda Item E.8.a, Attachments 1, 2, 4, & 5) are to renew EFPs that were approved in September 2008. The applications in attachments 2 and 4 are, for the most part, fundamentally unchanged from what was adopted in September 2008. The applications in attachments 1 and 5 request their EFPs be effective from April 1 to March 30, rather than a calendar year. The GMT discussed the mis-match between the proposed EFP time frame and the standard calendar year for groundfish management and tracking overfished species optimum yields (OYs). The GMT did not feel that altering the start date of these proposals would be a major issue because if a species cap had to be changed based on changes in OYs, it would not fundamentally alter their proposals. The GMT suggests that the applicants could provide an interim report to the Council at the November meeting, at which time any changes to the overfished species caps could be made based upon preliminary adoption of preferred overfished species OYs.

With the additional interim report for EFPs that transcend calendar years, and for the reasons outlined in previous GMT statements (June 2008, Agenda Item F.3.c, Supplemental GMT Statement; September 2008, Agenda Item I.6.c, Supplemental GMT Statement), **the GMT finds technical merit in the renewal applications (1, 2, 4, & 5) and recommends that the Council forward them for public comment.**

There are two new applications for 2010. One of the new EFP applications (Agenda Item E.8.a., Attachments 7) is intended to increase access to underutilized rockfish species in the commercial shelf fixed-gear fishery. The second (Agenda Item E.8.a., Attachment 8) is intended to collect data on yelloweye rockfish encountered in the Oregon recreational charter fishery. Technical merits for these applications are discussed in more detail below.

San Francisco Bay Fisherman's Cooperative Shelf Rockfish EFP, Larry Collins (Agenda Item E.8.a, Attachment 7). This application proposes to target shelf rockfish stocks in the commercial fishery using modified vertical hook and line gear while fishing inside the RCA near the Cordell Banks off California.

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 operator experience, skill or ability that cannot be harnessed through a regulation fail to meet this requirement, since the resulting bycatch rates may differ from those estimated in the EFP. Thus, the GMT recommended that the long leader gear employed in this proposal incorporate a means of keeping the scope of line deployed from allowing gear to contact the bottom by adding a float above the top hook.

The GMT also suggests that the applicants refine the EFP to include: (1) a very detailed description of the fishing technique or new gear type that, if successful, could be transferred into regulation and applied fleetwide; (2) a detailed description of the data analysis and who will perform it; (3) a detailed description of the sample design to ensure random and statistically valid data; and (4) a list of proposed target species and caps. **The GMT finds technical merit in this application and recommends the Council forward it for public comment,** with the understanding that the aforementioned recommendations should be integrated into the proposal prior to final action at the November Council Meeting.

Oregon Department of Fish and Wildlife Yelloweye Rockfish Data Collection EFP, Troy Buell (Agenda Item E.8.a., Attachment 8). This application proposes to allow select recreational charter vessels to retain incidentally caught nearshore yelloweye rockfish for biological samples to be used by future stock assessments on otherwise legal fishing trips. Basic life history information such as sex-specific age, maturity and length data, is valuable to stock assessment authors, especially for species such as yelloweye rockfish, for which little data is available to inform the stock assessment.

This EFP is somewhat atypical of those that the Council has considered in recent years; however the purpose is consistent with EFP regulations that define them as a mechanism to allow collection of limited experimental data via a mechanism that would otherwise be prohibited. ODFW was also advised by NOAA General Council and the NWR staff that this project should operate under an EFP since there will not be scientific staff on board the vessels during trips landing yelloweye rockfish.

Under the Council Operating Procedures "EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted." Most EFPs test gear that is not currently legal, require trip limits in excess of current limits, or fish in closed areas. Under these circumstances, the GMT has recommended and the Council has required 100 percent at-sea observers to ensure compliance with EFP terms and conditions. This EFP is different from the other previously permitted EFPs because the only exemption needed is to allow retention of a prohibited species. In other words, the EFP applicants have no incentive to show that the gear or area has lower

impacts on overfished species. Rather the EFP is designed to collect information from impacts that are already occurring by allowing an exemption to Federal Regulations.

This EFP will occur in otherwise legal fishing grounds, during the legal fishing season, using legal fishing gear and current bag limits. In this EFP, a dedicated dockside observer will be the mechanism used to ensure harvest limits and bycatch caps are not exceeded. All yelloweye rockfish caught and retained by vessels participating under this EFP will be transferred directly to the dockside observer while in port. **Therefore, the GMT finds technical merit in this application and recommends the Council forward it for public comment.**

GMT Recommendations:

- 1. The GMT acknowledges the technical merit of the 6 EFP applications and recommends adopting them for review with the revisions addressed above.**

Table 1. Proposed Impacts on Overfished Species by Applications for 2010 EFPs, in Metric Tons

MT of proposed impacts	bocaccio	canary	cowcod	darkbl	POP	widow	yelloweye
Fosmark-- commercial chilipepper	3.300	0.027	0.015	0.400		0.700	0.005
TNC-community fishing assoc.	5.000	0.023	0.200	0.454	0.136	2.000	0.068
RFAOR-recreational yellowtail		2.600				3.000	0.200
Martin-recreational chilipepper	2.700	0.200	0.023	0.100		3.000	0.023
Collins- commercial shelf rockfish	3.300	0.014	0.005	0.400		0.700	0.005
ODFW-yelloweye data							0.060
Total all EFP's	14.300	2.864	0.242	1.354	0.136	9.400	0.361

PFMC
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