GROUNDFISH MANAGEMENT TEAM REPORT ON EXEMPTED FISHING PERMITS

The Groundfish Management Team (GMT) reviewed the applications for exempted fishing permits (EFPs) contained in the advanced briefing book, had preliminary discussions on our November 5 webinar, and discussed the EFPs at this meeting. The GMT would like to thank the applicants from The Nature Conservancy, United Catcher Boats, and the Pacific Whiting Conservation Cooperative for being available both during the webinar and at this meeting to answer questions and provide additional input. The GMT was unable to engage first hand with the industry applicants for the mid-water fixed gear application (Attachment 4) on either the webinar or at this meeting; however, staff from the Oregon Department of Fish and Wildlife (ODFW), a co-sponsor of the application, were available to help answer some questions.

As a reminder, Council Operating Procedure (COP) 19 states that the purposes of EFPs are "to promote increased utilization of underutilized species, realize expansion potential of the domestic groundfish fishery, and increase the harvest efficiency of the fishery consistent with the Magnuson-Stevens Act and the management goals of the FMP." Additionally, "EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in fisheries, provide access to constrained stocks while directly measuring the bycatch associated with those fishing strategies, and to evaluate current and proposed management measures."

The Council will need to adopt preliminary off the top amounts to be deducted from the annual catch limits (ACLs) or annual catch target (ACTs) under Agenda Item I.9. at this meeting to facilitate the biennial analysis. The total off the top deductions will include the amounts reserved for EFPs approved under this agenda item. The Council action to adopt the preliminary off the top deductions for EFPs should consider the availability of overfished species relative to the 2017-2018 harvest specifications, as well as the workload associated with the range of ACLs adopted for analysis under Agenda Item I.4 and the allocations and list of management measures under Agenda Item I.9. in conjunction with any EFPs, and the associated workload trade-offs. Adoption of preliminary off the top deductions is necessary to facilitate the biennial specifications analysis that occurs over winter. Final Council approval of EFPs is anticipated at the June 2016 Council meeting, coincident with the final action on the biennial package. The environmental impacts of EFPs fishing activities are generally included in the biennial analysis.

The GMT reviewed the technical merits of the applications contained in the advanced briefing book relative to COP 19 on EFPs and offers the following comments.

Collaborative Fishing to Test Pot Gear for Selective Harvest of Lingcod Off of Washington and Oregon - The Nature Conservancy

The goal of this EFP (Agenda Item I.2, Attachment 1) is to test the efficacy of collapsible-wing pots for selective harvest of lingcod, while avoiding rebuilding stocks. The applicants hypothesize the pots will reduce bycatch of Pacific halibut and yelloweye rockfish while increasing the utilization of lingcod. While the pots were relatively ineffective for catching lingcod during preliminary testing (although clean for yelloweye rockfish), the applicants believe

the low catch rates of lingcod were the result of not having access to prime lingcod habitat, and that testing within the shallower depths within the non-trawl RCA may increase catch rates. Whether or not the gear proposed under this EFP becomes effective for catching lingcod in shallower depths, the GMT thinks that the individual accountability built into this EFP, in regards to overfished species, will allow it to be prosecuted and will provide information on the bycatch, particularly of yelloweye rockfish.

The GMT acknowledges that there could be potential habitat impacts associated with this EFP. During this EFP, the applicants will be deploying fish pots over rocky habitat that has not been subject to fish-pot fishing in recent years. Dragging or dropping the pots could cause damage to rocky habitat, but to what degree has not been well examined in existing research. While trawlers are permitted to fish within the area closed by the non-trawl RCA, they are required to use small footropes to reduce incentives for targeting rocky habitat. With small footropes net damage can occur from striking rocky reef structure, thus there is a strong incentive to avoid rocky habitats. Following a restriction to small footropes, trawling intensity over rocky habitat was reduced by 86 percent (Bellman et al. 2011)

This EFP is not requesting off the top deductions from the ACL, and is intending to prosecute the EFP using their existing IFQ quota pounds and within the shorebased IFQ program trip limits for non-IFQ species.

The GMT notes that results from this EFP may also inform an item on the Council's omnibus list which proposes to reduce the seaward extent of the non-trawl RCA for vessels using pot gears (#75 in Agenda Item F.6, Attachment 4, November 2015); for example changing the seaward boundary from 100 fathoms to 75 fathoms. Results from this EFP could inform whether this proposed omnibus measure would provide greater access to target species while minimizing bycatch.

The GMT sees technical merit in this EFP application and **recommends it be considered for preliminary approval, and that:**

1. **the applicants have continued dialogue with NMFS and the Council regarding habitat and protected resource impacts**

Mothership Processing South of 42° N lat. - United Catcher Boats

The goal of this EFP (Agenda Item I.2, Attachment 2) is to allow the processing of Pacific whiting south of 42° N lat., to potentially increase Pacific whiting attainment while reducing bycatch by. Expanding available fishing area for the mothership sector could enhance the ability to minimize bycatch of species of concern while improving access to productive fishing grounds.

Currently, through federal regulation, processing Pacific whiting south of 42° N lat. is prohibited. This prohibition was put into place in 1992 due to concerns over high bycatch of Chinook salmon, as well as bocaccio and chilipepper rockfish, 1991 was the first year that the Pacific whiting fishery became fully domesticated. As the prohibition only prohibits at-sea processing south of 42° N lat., catcher vessels will occasionally fish south of 42° N lat. and deliver to motherships just north of 42° N lat. Catcher vessels in the whiting mothership fishery need to be able to deliver whiting to their respective mothership for processing in a timely manner or the quality of the product deteriorates rapidly. In order to ensure a quality product,

catcher vessels typically fish within five miles from the mothership and the net is typically retrieved within a few hundred yards from the mothership when the codend is ready for delivery (based on information from the applicants). Based on preliminary data provided by the applicant, across the years 2010-2015, catcher vessels operating south of 42° N lat. had a Chinook salmon bycatch rate of approximately 0.02 Chinook salmon per metric ton of Pacific whiting.

Currently bocaccio is rebuilding (projected to be rebuilt in 2016) and chilipepper rockfish is healthy, therefore the rockfish bycatch may not be as much of a concern as it was in 1992. Impacts to Endangered Species Act (ESA) listed Chinook salmon may still be an issue and appropriate consultations and bycatch thresholds should be coordinated with the National Marine Fisheries Service (NMFS).

The GMT raised the issue of limiting the number of fishing vessels with the EFP applicants as a potential means for minimizing encounters with salmon, or other species of concern. The applicants explained that the private co-op agreements make limiting participation problematic. The GMT recommends that the applicants provide more detail to explain this issue.

Catch and bycatch rates from the EFP are intended to inform future analysis for a permanent regulatory change to allow at-sea processing in the mothership sector south of 42° N lat. The mothership fleet benefits from the added flexibility in bycatch avoidance provided by this EFP.

The GMT sees technical merit in this EFP application and **recommends it be considered for preliminary approval, with the following modifications:**

1. **the applicants work with NMFS regarding ESA consultation, and determining appropriate ESA salmon bycatch thresholds and mitigation measures**
2. **add information on catch and bycatch that has occurred in harvest activities south of 42° N lat.**
3. **add rationale for the inclusive nature of the EFP, which does not limit participation to a sub-group of vessels in the cooperative.**

At-Sea Processing of Pacific Whiting by Catcher-Processor Vessels South of 42° N lat. - Pacific Whiting Conservation Cooperative

The goal of this EFP (Agenda Item I.2, Attachment 3) is to expand the operational area of the catcher-processor sector south of 42° N lat. in 2017-2018. Expanding available fishing area for the catcher-processor sector could enhance the ability to minimize bycatch of species of concern while improving access to productive fishing grounds.

Current regulations allow for the harvest of Pacific whiting in the catcher-processor sector south of 42° N lat. but prohibit at-sea processing of Pacific whiting until the vessel has transited north of 42° N lat. When Pacific whiting vessels transit north, short-lining their codend, fish quality deteriorates quickly. These quality constraints limit the practical fishing opportunity south or 42° N lat. Due to current at-sea processing restriction and limited shorebased Pacific whiting effort south of 42° N lat., there is limited data on the availability of Pacific whiting and species of concern in southern waters; although the preliminary harvest from south of 42° N lat. from the mothership sector catcher vessels, discussed above, show that clean fishing can occur.

Similar discussions, as described above for the mothership sector, occurred related to limiting participation to a sub-group of vessels in the catcher-processor sector. Private cooperative agreements make selecting only a few vessels to participate in the EFP problematic.

Catch and bycatch rates from the EFP will inform future analysis for a permanent regulatory change to allow at-sea processing in the catcher-processor sector south of 42° N lat. The catcher-processor Pacific whiting fleet benefits from the added flexibility in bycatch avoidance provided by this EFP.

The GMT sees technical merit in this EFP application and **recommends it be considered for preliminary approval, with the following modifications:**

1. **the applicants work with NMFS regarding ESA consultation, and determining appropriate ESA salmon bycatch thresholds and mitigation measures**
2. **add rationale for the inclusive nature of the EFP, which does not limit participation to a sub-group of vessels in the cooperative.**

Commercial Midwater Hook & Line Rockfish Fishing in the RCA off the Oregon Coast - Scott Cook & ODFW

The purpose of this EFP (Agenda Item I.2, Attachment 4) is to test a modified, midwater Vietnamese longline gear configuration to commercially harvest underutilized midwater rockfish species within the RCA. Vietnamese longline gear is configured to selectively harvest midwater rockfish species with low impacts to yelloweye rockfish. The closure of the RCA in 2002 was intended to protect overfished rockfish species (e.g. yelloweye and canary rockfish); however, it restricted opportunities for commercial hook-and-line fisheries to access other healthy midwater rockfish stocks. With the rebuilding of canary rockfish, there are opportunities to optimize yields of underutilized rockfish species through gear configurations that avoid habitats inhabited by protected species.

The application currently contains a range of the number of fishing days as well as catch rates. The GMT recommends the applicants further refine their estimate of the potential actual number of fishing days under this EFP, keeping in mind observer coverage, among other things. This should allow the applicants to better refine their estimated off the top deduction amounts for all species, and specifically yelloweye rockfish. This is one instance where having input from the industry applicants either during the webinar or at this meeting may have been beneficial. To aid the Council in determining a preliminary off the top deduction at this time, the GMT looked at the low and high end of the range for yelloweye rockfish; Table 1 shows what those levels of the off the top deductions for this EFP would mean to the 2017 fishery harvest guideline (HG) as well as the 2017 sector specific HGs (based on current sector-specific two year allocation sharing). The GMT does not have a recommendation on what the appropriate amount of yelloweye rockfish off the top deduction should be. The team sees that being a Council decision, given the potential impacts to other sectors. The GMT encourages the applicants to provide additional information on the level of yelloweye rockfish that would be necessary to successfully prosecute this EFP.

Table 1. Potential 2017 yelloweye rockfish sector-specific allocations (based on September 2015 scorecard sharing) at the lowest and highest requested yelloweye rockfish set-asides for this EFP (assuming the EFP set-aside is taken off the top and the remaining fishery HG is allocated pro rata), and the 2014 mortality and 2015 scorecard projected impacts for those sectors for comparison.

	How the fishery allocations change with the range of EFP off-the-top deductions:		How the allocations compare to the most recent year's estimate of mortality	How the allocations compares to the current year's projections:
	Low YE (0.13 mt)	**High YE (1.02 mt)**	**2014 Total Mortality (mt)**	**Nov 2015 Scorecard Projected Impacts (mt)**
Shorebased IFQ	1.2	1.1	0.09	1.0
At-sea Whiting	0.0	0.0	0.00	0.00
Nearshore	2.0	1.8	1.0	1.8
Non-Nearshore	0.7	0.6	0.5	0.6
Rec: WA	3.3	3.1	2.8	2.8
Rec: OR	3.0	2.8	2.6	3.0
Rec: CA	3.9	3.7	1.1	2.9
Sub-total (fishery HG)	**14.1**	**13.2**	**8.1**	**12.7**

Similarly, in regards to canary rockfish with the new assessment and stock being rebuilt, the Council has not yet made their decision on the preliminary preferred ACL, or given guidance on the 2-year sector-specific allocations. Therefore, the GMT is unable to additional input on the appropriate level of canary rockfish off the top deductions, and how it might impact other sectors at this time. **The GMT recommends the applicant provide additional information on how much canary rockfish might be needed to successfully prosecute this EFP.**

The GMT believes that this project has technical merit and **recommends it be considered for preliminary approval, with the following modifications:**

1. **provide more information on the actual number of expected fishing days**
    - **as well as the amount of yelloweye and canary rockfish that are anticipated to be needed to prosecute this EFP**
2. **provide more details on how the 100 percent observer coverage will be accomplished**
    - **who will be providing the observers? WCGOP, ODFW?**
    - **how will observer coverage be paid for?**
3. **add requests, if necessary, for exemptions to applicable cumulative limits (e.g. trip, weekly, bi-monthly limits) for groundfish species that may be caught and are currently subject to cumulative limits (e.g. Minor Slope Rockfish complex north, etc.);**
4. **the applicants work with NMFS to determine appropriate ESA salmon bycatch thresholds**

During the discussion of this EFP application, the other mid-water commercial EFP projects attempted in recent years came up. The GMT recognizes the interest in these types of EFPs that seek to gain access to healthy stocks while avoiding more constraining species inside the RCA,

particularly in recent years as more restrictions have been needed to minimize impacts to nearshore species. As noted above, this meets the purpose of EFPs as described in COP 19. However, the previous attempts have had issues with not catching enough of the target species to make the trips economically feasible. Costs of observers, boat issues, and observer availability issues have discouraged or prevented participation. The GMT encourages those planning on participating in this EFP (or future EFPs similar to this) to contact others who have attempted to use mid-water commercial gear to maybe learn some helpful tips. Additionally, the cost of the EFP observers was specifically discussed. The GMT further encourages applicants for EFPs such as this to explore grants that may help fund gear innovation projects, to help offset the observer costs. Grants may be available through the state Sea Grant extension programs, NMFS cooperative research programs (e.g., the Bycatch Reduction Engineering Program[1]), Saltonstall-Kennedy grants[2], state cooperative research grants, or other similar programs.

Progress Report on 2015 EFPs

The GMT reviewed the progress report on the 2015 EFP (Agenda Item I.2, Attachment 5) and thank the EFP participants for the update.

Electronic Monitoring (EM) EFP

NMFS would like to add vessels to the EM EFP in order to produce needed data to support final action in spring 2016 on EM programs for bottom trawl, non-whiting midwater trawl, and fixed gear vessels. **The GMT recommends that additional vessels be added by NMFS, as necessary to meet the objectives of the EFP.**

GMT Recommendations

1. **All four EFP applications (Attachments 1 through 4) be preliminarily approved and forwarded for further review in June 2016, with the additional information, clarifications, and/or modifications listed above.**
2. **That additional vessels be added by NMFS, as necessary to meet the objectives of the EM EFP.**

[1] http://www.nmfs.noaa.gov/by_catch/bycatch_BREP.htm
[2] http://www.nmfs.noaa.gov/mb/financial_services/skhome.htm