

## GROUND FISH MANAGEMENT TEAM REPORT ON EXEMPTED FISHING PERMIT (EFP) FOR CALIFORNIA MID-WATER COMMERCIAL

The Groundfish Management Team (GMT) reviewed the San Francisco Community Fishing Association (SFCFA) application to renew their exempted fishing permit (EFP) for midwater gear targeting yellowtail rockfish ([Agenda Item G.2, Attachment 1, March 2016](#)) along with Council Operating Procedure 19 ([COP-19](#)) and discussed the technical merits of the project. Additionally, the GMT examined the potential implications to the 2017-2018 biennial harvest specifications and management measures analysis, documentation, and implementation.

This report has two sections: (1) specifics relative to further continuation of this EFP and (2) need for an improved process to determine when test fishing from an EFP is sufficient to evaluate whether or not to adopt it as a new fishery.

### **Section 1: Further continuation of this EFP**

The goal of this EFP ([Agenda Item G.2, Attachment 1](#)) is to test if vertical longlines with hooks elevated above the bottom would be effective for catching abundant semi-pelagic rockfish species (e.g., yellowtail and widow rockfish) while avoiding benthic overfished species (e.g., yelloweye rockfish and cowcod). This application is similar to the final application submitted to National Marine Fisheries Service (NMFS) for their 2013-2014 and 2015-2016 EFPs, with the exception for a request to reduce the amount of observer coverage from 100 to 20 percent. Based on the previous reviews of the technical merits of the application ([Agenda Item H.2.b, Supplemental GMT Report, November 2013](#)); aside from the reduced observer coverage piece, the applicant's responses to previous requests, and the previous issuance of this EFP, **the GMT still sees technical merit in this project.**

#### **Observer coverage**

The purpose of this EFP is to determine if this gear can target semi-pelagic rockfish species while minimizing impacts to overfished benthic species under regulatory exemptions that allow them to fish in the Rockfish Conservation Area. The GMT feels that exempted activities that, in part, are intended to capture and document rare bycatch events must be monitored.

The GMT discussed the applicant's request to reduce observer coverage to 20 percent because of the high costs relative to the revenue produced by a successful trip. During our discussion with the applicants, we also learned they would consider any level of observer coverage that was something less than 100 percent, anything that would help reduce costs.

The GMT feels that trips that include at sea monitoring, whether human observers or electronic monitoring would increase the value of the EFP. Such information is most valuable when informing analysis that considers moving this into regulation.

The GMT also discussed whether electronic monitoring (EM) could replace onboard observers to address issues the applicants raised relative to the prohibitive costs of observers. The GMT thinks, if it is more economically viable, that EM could provide an alternative to onboard human observers if implemented following the same business rules being considered under the fixed gear EM EFP. In other words, there would need to be 100 percent video review, maximized retention, and any other provisions NMFS has implemented within the fixed gear EM EFPs. The GMT is particularly supportive of EM as an alternative to onboard observers if it allows more fishermen to participate in the EFP due to lower monitoring costs. Additional participation could result in the EFP collecting data from more areas. To-date, the majority of fishing under this EFP has been based in the area around Cordell Bank, the GMT feels that expanding the EFP to additional areas is important. The GMT notes the value of multiple areas and depths covered by the Oregon recreational EFP when contemplating the analysis relative to adopting the EFP provisions into regulation.

## Timing of this EFP Application

Through the Amendment 24<sup>1</sup> process, a very strict timeline, with many deadlines specified was adopted by the Council, with input from the advisory bodies and public. If any of those deadlines or benchmarks are delayed, or missed, there is the potential to delay the completion of the Environmental Impact Statement (EIS), and the January 1, 2017 regulation implementation. The new timeline and process also established two-year EFPs that aligned with the groundfish biennial cycle. COP-19<sup>2</sup> states that EFP applications are to be submitted to the Council for review by the earlier of the briefing book deadline, or two weeks prior to the November Council meeting in odd-numbered years. This is so that the amount of set-asides requested can be included in the biennial harvest specifications calculations and analysis done over winter. Accepting applications after November of odd-numbered years, depending on the species and amount of set-asides requested, could impact the analysis that has been conducted, as well as completion of the EIS, and potentially the January 1 implementation.

The GMT understands that there may have been a misunderstanding regarding whether or not the applicants had collected enough data to move forward with the regulatory process. And that when they were advised that they would need at least one more EFP cycle to gather sufficient data, there wasn't time to submit their application to meet the above deadlines, resulting in this EFP being considered outside of the schedule described above. The GMT is sympathetic to the applicants and the conflicting information they were given; however, the team does not want to jeopardize the timing of the EIS completion and regulation implementation, and provides the following update on set asides accounting for this EFP in 2017-2018 for Council consideration.

## Request for Set-Asides

As a reminder, if the Council approves moving this EFP forward, the fishery harvest guideline (HG; ACL minus set-asides) will need to be adjusted, along with the sector specific allocations.

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<sup>1</sup> <http://www.pcouncil.org/groundfish/fishery-management-plan/fmp-amendment-24/>

<sup>2</sup> <http://www.pcouncil.org/wp-content/uploads/cop19.pdf>

## Non-Overfished and Overfished Species

The table in Appendix 1 shows that there were no EFP set-asides specified for non-overfished species by the Council in November 2015 (the one EFP that was forwarded at that time will cover all catch with Individual Fishing Quota), as well as the total set-asides and the resultant fishery harvest guideline (HG) with the EFP. This table only identified the Shelf Rockfish Complex south as a species or complex for which the requested set-aside amount for this EFP might be large enough to impact other sectors (and the biennial harvest specifications). However, review of the 2013<sup>3</sup> and 2014<sup>4</sup> mortality reports produced by the West Coast Groundfish Observer Program (WCGOP) show that total mortality of that complex was 60 and 54 percent of the ACLs, respectively.

Table 1 shows the requested set-aside amounts for the overfished species and canary rockfish. Prior to consideration of this EFP, the yelloweye rockfish fishery HG is fully allocated, with no residual in the allocation. However, the current projections for some sectors are below the allocation, in most cases by approximately 0.1 mt. When including the set-aside of 0.03 mt of yelloweye rockfish for this EFP, the resulting changes to the sector specific allocations only changes for the nearshore sector (2.0 mt to 1.9 mt). Due to rounding, etc. the other sectors remain the same as without the set-aside for this EFP.

The GMT was informed by Oregon Department of Fish and Wildlife (ODFW) staff that ODFW would be willing to reduce their yelloweye rockfish set-aside for research to accommodate the 0.03 mt requested for this EFP, based on anticipated research projects for 2017-2018, not impacting the nearshore sector allocation, and to hopefully keep the biennial process on schedule.

However, if the Council chooses not to adjust the Oregon research set-aside, it will likely require either adjusting allocations or taking another look at the nearshore fishery season structure and trip limits to model to the new 1.9 mt allocation. The GMT is unsure at this time how much additional analytical time and effort might be required, or if this would delay the biennial harvest specifications and management measures.

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[http://www.nwfsc.noaa.gov/research/divisions/fram/observation/pdf/Groundfish\\_Mortality\\_Report\\_2013.pdf](http://www.nwfsc.noaa.gov/research/divisions/fram/observation/pdf/Groundfish_Mortality_Report_2013.pdf)

<sup>4</sup> [http://www.nwfsc.noaa.gov/research/divisions/fram/observation/pdf/Groundfish\\_Mortality\\_2014.pdf](http://www.nwfsc.noaa.gov/research/divisions/fram/observation/pdf/Groundfish_Mortality_2014.pdf)

**Table 1. Fishery Harvest Guidelines for Selected Species with and without the EFP.**

<u><b>Without EFP</b></u>	<b>Bocaccio</b>		<b>Canary</b>		<b>Cowcod</b>		<b>Yelloweye</b>	
	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>
Fishery Harvest Guideline	784.6	735.6	1,670.60	1,544.60	4	4	14	14
Trawl Allocation - Sum Here	188.6	176.8	890	822.9	1.4	1.4	1.1	1.1
Shorebased IFQ	188.6	176.8	689.4	637.4			1.1	1.1
At-Sea Whiting	0		200.6	185.5				
Catcher Processor	0		127.4	117.8				
Mothership	0		90.8	83.9				
Non-Trawl Allocations - Sum Here	596	558.8	780.6	721.7	2.6	2.6	12.9	12.9
Non-Nearshore	182.1	170.7	59.4	55			0.7	0.7
Nearshore Fixed Gear	2.3	2.2	104.8	96.9			<b>2</b>	<b>2</b>
Washington Recreational a/	0	0	53.2	49.2			3.3	3.3
Oregon Recreational a/	0	0	183	169.2			3	3
California Recreational	411.6	385.9	380.1	351.4			3.9	3.9

<u><b>With EFP</b></u>	<b>Bocaccio</b>		<b>Canary</b>		<b>Cowcod</b>		<b>Yelloweye</b>	
	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>
Fishery Harvest Guideline	781.6	732.6	1,669.60	1,543.60	4	4	14	14
Trawl Allocation - Sum Here	187.9	176.1	889.5	822.4	1.4	1.4	1.1	1.1
Shorebased IFQ	187.9	176.1	689	637			1.1	1.1
At-Sea Whiting	0		200.5	185.4				
Catcher Processor	0		127.3	117.7				
Mothership	0		90.7	83.9				
Non-Trawl Allocations - Sum Here	593.7	556.5	780.1	721.2	2.6	2.6	12.8	12.8
Non-Nearshore	181.4	170	59.4	54.9			0.7	0.7
Nearshore Fixed Gear	2.3	2.1	104.7	96.8			<b>1.9</b>	<b>1.9</b>
Washington Recreational a/	0	0	53.2	49.1			3.3	3.3
Oregon Recreational a/	0	0	182.9	169.1			3	3
California Recreational	410	384.3	379.9	351.2			3.9	3.9

## GMT Recommendations

- **This EFP move forward with 100 percent observer coverage or EM**
  - **With a request that the applicants fish in more areas, to provide more spatial coverage for the EFP**
- **The council could consider electronic monitoring as an alternative to on board observers**

## Part 2: How Much Data is Enough?

Currently, there is not a good mechanism for determining when EFP test fishing results are adequate for evaluating whether or not the EFP should begin the regulatory process. For instance, some on the GMT felt there is sufficient evidence for this EFP to be analyzed for possible adoption into rule based on testing to date and that no further testing is needed; however, that evaluation is based on looking at bycatch rates of all mid-water EFPs (i.e., SFCFA and RFA Oregon). Additionally, looking at existing mid-water fisheries that have shown minimal impacts from yelloweye bycatch compared to harvest of target stocks.

In November 2013, the GMT raised some questions about the overall goals of the EFP program ([Agenda Item H.2.b, Supplemental GMT Report](#)). We discussed these issues again relative to this EFP, and the question about whether or not enough data had been collected to move forward with the regulatory process. During the last EFP cycle, and again here, we suggest the potential need for performance metrics that could be added to COP-19 that might address how many times an EFP should be renewed before either moving into the regulatory process or ending. There would be benefit to following up on the development of performance metrics, and also, who or through what process the decision is made. This could be included in future discussions on Council Operating Procedures. The GMT could discuss possible metrics at our October GMT meeting, or some other future meeting, in time for incorporation into the 2019-2020 biennial process. The discussion on performance metric may also benefit from input by the Scientific and Statistical Subcommittee.

### **GMT Recommendation:**

- **Include a discussion on performance metrics in future discussion on COP 19.**

**Appendix 1. ACLs, Set-asides, and Fishery HGs adopted in November 2015, compared to the EFP requested set-asides and re-calculated HGs.**

Species	2017 ACL	Approved in November 2015			EFP request	New Set- Aside Total	New Fishery HG
		EFP	Set-Aside Total	Fishery HG			
Arrowtooth flounder	13,804		2,098.10	11,705.90		2,098.10	11,705.90
Black (WA)	305		18	287		18	287
Black (OR)	527		0.6	526.4		0.6	526.4
Black (CA)	334		-	334	1	1	333
Cabazon (OR)	47		-	47		-	47
Cabazon (CA)	150		0.3	149.7		0.3	149.7
California scorpionfish	264		2.2	261.8		2.2	261.8
Canary rockfish	1,714		43.4	1,670.60	1	44.4	1,669.60
Chilipepper	2,607		15.9	2,591.10	10	25.9	2,581.10
Dover sole	50,000		1,593.70	48,406.30		1,593.70	48,406.30
English sole	9,964		212.8	9,751.20		212.8	9,751.20
Lingcod	3,333		277.7	3,055.30	0.5	278.2	3,054.80
Lingcod	1,251		8	1,243.00	1	9	1,242.00
Longnose skate	2,000		147	1,853.00		147	1,853.00
Longspine thornyhead	2,894		46.8	2,847.20		46.8	2,847.20
Longspine thornyhead	914		3.2	910.8		3.2	910.8
Nearshore rockfish north	105		1.8	103.2		1.8	103.2
Nearshore rockfish south	1,163		4.1	1,158.90		4.1	1,158.90
Shelf rockfish north	2,049		80.8	1,968.20	3	83.8	1,965.20
<b>Shelf rockfish south</b>	<b>1,623</b>		<b>17.2</b>	<b>1,605.80</b>	<b>30</b>	<b>47.2</b>	<b>1,575.80</b>
Slope rockfish north	1,755		64.1	1,690.90	1	65.1	1,689.90
Slope rockfish south	707		19.2	687.8	1	20.2	686.8
Other Fish	474		-	474		-	474
Other flatfish	8,510		204	8,306.00		204	8,306.00
Pacific cod	1,600		509	1,091.00		509	1,091.00
Pacific whiting	325,072		58,388.00	266,684.00	1	58,389.0 0	266,683.0 0
Petrale Sole	3,136		240.9	2,895.10		240.9	2,895.10

Species	2017 ACL	Approved in November 2015			EFP request	New Set- Aside Total	New Fishery HG
		EFP	Set-Aside Total	Fishery HG			
POP	171		24.4	146.6		24.4	146.6
Sablefish	6,041		-	6,041.00	1	1	6,040.00
Sablefish	1,075		5	1,070.00		5	1,070.00
Shortbelly	500		10.9	489.1		10.9	489.1
Shortspine thornyhead	1,713		59	1,654.00		59	1,654.00
Shortspine thornyhead	906		42.3	863.7		42.3	863.7
Spiny Dogfish	2,094		337	1,757.00	1	338	1,756.00
Splitnose	1,760		9.2	1,750.80	1.5	10.7	1,749.30
Starry flounder	1,282		10.3	1,271.70		10.3	1,271.70
Widow	2,000		208.7	1,791.30	9	217.7	1,782.30
Yellowtail	6,196		1,020.00	5,176.00	10	1,030.00	5,166.00

PFMC  
03/12/16