

GROUND FISH ADVISORY SUBPANEL REPORT ON TRAWL GEAR MODIFICATION EXEMPTED FISHING PERMIT

The Groundfish Advisory Subpanel (GAP) received an overview of the [Trawl Gear Modification Exempted Fishing Permit](#) (EFP) from the applicants, represented by Ms. Lori Steele, West Coast Seafood Processors Association, and from Ms. Melissa Hooper, National Marine Fisheries Service.

The EFP can be considered a subset of the trawl gear package the Council approved in March 2016 (see the [Situation Summary](#)). The only two options of that package included in this EFP is the elimination of mesh size and elimination of the selective flatfish trawl (SFFT) shoreward of the Rockfish Conservation Area (RCA). This proposal would “bridge the gap” between current regulations and full implementation of the trawl gear regulations package while providing opportunity for the trawl industry to take advantage of increased annual catch limits (ACLs) of rockfish species. Fishermen and processors could begin to access markets that were lost nearly 20 years ago.

Broad support

All members of the GAP are fully supportive of this EFP. This is a critical step to making the trawl catch shares program successful for the non-whiting shoreside sector, which in turn will benefit coastal communities and ports. NMFS should be excited about this EFP: It demonstrates successful fisheries management. This is good for NMFS, the industry, coastal communities and consumers.

Elements of the proposal

The GAP discussed all aspects of the EFP, but concentrated on the salmon issues and concerns contained in the NMFS report.

4,500 Chinook limit

Regarding the 4,500-fish limit of Chinook, the GAP approved of this cap, as it’s half of the threshold allowed under the most current biological opinion. At the very least, it provides a starting point from which the EFP can move forward or modifications can be made.

The GAP noted that, contrary to the NMFS report, the industry does not consider the Chinook limit to be a *target*. Trawlers do not want to catch salmon. Concerns raised in the NMFS report about a derby style fishery should be mitigated by the fact that fleet make-up, processor capacity, and markets would not support a quick return to 1990s level fishing; it will take years to ramp up all three.

The GAP was surprised how the emphasis of this EFP has shifted to salmon when it was intended as a groundfish issue. Had the original trawl gear package been implemented by Jan. 1, 2017, as planned, no additional bycatch measures would have been included in the fleetwide/coastwide fishery.

The NMFS report notes the fishery has changed substantially since 1999, when the 9,000 Chinook threshold was first put in place. A fraction of trawlers exists now compared to nearly 30 years ago; rockfish conservation areas, gear restrictions, reduced ACLs were not in place; catch shares and 100 percent monitoring are now standard. Bycatch tracking and monitoring technology, such as salmon genetic testing, has improved greatly. Also, trawl effort has not shifted south of 43°, so underlying models from 1999 remain applicable. The EFP makes use of these innovations to account for uncertainty in salmon bycatch. The benefits of having salmon data available during the first few months of the year is valuable information that can be useful for the salmon reconsultation and other fisheries.

Eureka Management Area Sub-limit

Regarding the sub-limit for Chinook caught in the Eureka Management Area, the GAP notes the NMFS report appears to base the agency's proposed sub-limit, in part, on the reallocation of widow quota share (QS).

The NMFS report reads:

“NMFS notes that bottom trawl vessels may have effects more similar to midwater trawl gear while targeting pelagic rockfish in the EFP and that the widow rockfish reallocation rulemaking would increase widow QS for QS permit holders in southern Oregon and northern California (see Table 3-10 in the Draft Widow Rockfish Reallocation Environmental Assessment). Therefore, NMFS is concerned about an increase in midwater trawl-like effort and bycatch in the Eureka Area resulting from the EFP. Therefore, NMFS is recommending that no more than 17% of the EFP bycatch limit be taken in this area³”

Proposing a Chinook sub-limit in the Eureka area, in whole or in part, on widow QS reallocation is not necessary because:

- Concerns about a derby style fishery as noted above are not warranted;
- Concerns about changes since 1999 are not warranted, as noted above;
- Midwater-style non-whiting tows are usually much shorter and more targeted than both bottom trawl and midwater whiting, especially now with widow rockfish stock status at a healthy level;
- Quota share has very little to do with proximity to where people fish. QS is fully transferable and the quota shares and associated quota pounds can end up anywhere on the West Coast. Furthermore, the trade and transfer of quota *pounds* may have more effect on fishing effort and location than QS;
- Fishermen will naturally fish the areas abundant with their target catch and closest to the processing centers to capitalize on operational efficiency. Processing capacity in the Eureka Management Area has decreased dramatically following the implementation of the catch shares program; the greatest concentration of processing infrastructure is in larger ports north of the Eureka Management Area; and
- As the GAP has stated in several statements on issues relating the catch shares program, the fleet has changed substantially in the last five years. We concentrate on fishing responsibly and are 100 percent monitored. Observers and electronic monitoring; VMS,

which can track our tows and tracks; logbooks; and the [rules of compliance](#) drafted by the EFP authors should alleviate most concerns.

The EFP already includes strict move-along rules and has, at NMFS' suggestion, closed the Klamath Salmon Conservation Zone to lessen potential impacts on Chinook salmon in the Eureka Management Area. Fishermen participating in the EFP will also have to comply with [several other rules](#) to decrease impacts and disincentivize salmon targeting; a sub-limit is an unnecessary complication that will require NMFS to expend personnel and resources – already stretched thin - to monitor progress.

Too many restrictions on the EFP could dilute the information gathered. Potential salmon bycatch also is dependent on the strength of salmon year classes and returns. NMFS has not addressed the potential of strong or weak salmon returns and the effect that could have on bycatch.

Use of Electronic Monitoring

While the NMFS report supports the use of only human observers, the EFP applicants and GAP support the inclusion of vessels using electronic monitoring. Again, this is a red flag with no substance. The requirement for detailed, haul-level information on gear configuration, location and resulting catch rates (and salmon bycatch) can be accounted for through logbooks and EM processes. Salmon tracking and genetic testing can be done by shoreside monitors. The GAP understands the EFP applicants have already talked with the Pacific States Marine Fisheries Commission (PSMFC) on ways to ensure this information is recorded on vessels using EM. The GAP notes using only human observers was not a requirement of the full gear package changes. It should not be required in this EFP.

Prohibition on night fishing

One NMFS suggestion to lessen salmon impacts is a prohibition on fishing at night. The GAP does not support this as some of the target fisheries, particularly widow rockfish, tend to aggregate at night. The result of prohibiting night fishing is contrary to the goals of the EFP.

[Sensitivity to salmon fisheries](#)

The GAP understands the salmon fisheries have concerns and that the EFP applicants discussed the EFP with the Salmon Advisory Subpanel (SAS) earlier this week. The EFP applicants and GAP also understand the goal of this EFP is to fish for pelagic species. The EFP gear will act more like the gear in a midwater fishery, which generally tends to catch young and immature salmon, not adults targeted by salmon fleets. Groundfish trawlers want to avoid salmon bycatch, thereby ensuring successful fisheries in both industries.

[GAP suggestions](#)

To lessen some Council and NMFS concerns, the GAP suggests the EFP applicants provide an informational update for the April briefing book and a full update for the June briefing book, at which time the Council can assess the progress of the EFP and suggest any changes that need to be made, if the Council and NMFS feel they are warranted.

The informational report in April would not require any Council time. By the time the EFP is approved and fishermen and processors are sorting out details of deliveries and markets, relatively little information will be available by the April briefing book deadline.

By June, the pink shrimp fishery will have started, the primary whiting season will have opened, initial salmon returns will have taken place and information regarding which boats have opted in or out of the EFP, initial pelagic rockfish landings volume and value will be available, and a much clearer assessment of salmon bycatch also will be available. These issues will provide greater detail for potential Council and NMFS action in June, if necessary.

Conclusions

The trawl industry is amid a 5-year program review and has a lot at stake. Lack of implementing the gear change package is one of the biggest impediments to getting more than 20 percent of the fish out of the water and accessing consumer markets. The fleet and processors are taking a chance: if the EFP fails, the GAP understands the full trawl gear package may not proceed. However, the catch shares program was built on individual responsibility and accountability. It's time the Council and NMFS also take a chance and trust the industry to be accountable. It's time to test some aspects of the gear package, reinstate a rockfish fishery and bring some relief to coastal communities that have lost employment and infrastructure under the catch shares program.

The sacrifices the groundfish industry made over the years to rebuild rockfish species is finally paying off in terms of higher ACLs. It would be a tragedy not to take advantage of these circumstances.

PFMC
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