

COASTWIDE NON-WHITING MIDWATER TRAWL EXEMPTED FISHING PERMIT (EFP)
FINAL ACTION AND GEAR MODIFICATION EFP REVIEW

Under this agenda item, the Council will receive a progress report on the 2017 gear exempted fishing permit (EFP) and make a final recommendation on a nonwhiting midwater trawl EFP for 2018. The nonwhiting midwater trawl EFP would expand the 2017 gear EFP to incorporate additional elements of the Council action on trawl gear regulations and expand fishing opportunities for vessels using midwater gear to target nonwhiting species.

At its March 2016 meeting, the Council approved a trawl gear regulation package responding to the opportunity to provide regulatory relief that was opened by the Amendment 20 catch share program. When implementation of the gear package was delayed, the industry proposed a gear EFP to implement the elimination of a minimum mesh size and elimination of the requirement for use of selective flatfish trawl shoreward of the Rockfish Conservation Areas (RCAs) north of 40° 10' N. latitude—two of the eight elements of the gear package approved by the Council. With the lifting of these restrictions, vessels are able to target midwater pelagic rockfish (primarily widow rockfish and yellowtail rockfish) using modified bottom trawl gear. Due to concerns over Klamath River fall Chinook forecast for 2017, the National Marine Fisheries Service (NMFS) only approved an EFP for the area north of 42° N. latitude (northern EFP). The Council received a progress report on this EFP at its June meeting ([Agenda Item F.8, Supplemental Attachment 2, June 2017](#)). In discussing that report, the Council requested that the EFP holders transmit the additional haul-specific gear configuration information from the 2017 EFP to NMFS for the trips already made. The expanded 2018 EFP would include additional elements from the Council approved 2016 gear package.

Currently, use of midwater trawl gear to target nonwhiting species is allowed year-round seaward of the RCAs in areas south of 40° 10' N. latitude and, after the start of the whiting season on May 15, in all areas north of 40° 10' N. latitude (within, shoreward, and seaward of the RCA). NMFS has suggested that the best route for consideration of all-area year-round use of midwater trawl gear to target nonwhiting species would be first as an EFP (see item #12 in [Agenda Item D.1.a, NMFS Report 3, June 2015](#)). This midwater trawl EFP would be used to collect information that could then be used to support an analysis of a possible regulatory change. The 2018 EFP's expansion of opportunity for nonwhiting midwater gear is intended to be responsive to this need.

The midwater trawl EFP for 2018 was first presented at the June 2017 Council meeting ([Agenda Item F.8, Attachment 1, June 2017](#)), at which time the Council made the following additions and recommendations: (1) work with NMFS Office of Law Enforcement to modify the declaration process in order to accommodate the use of multiple trawl gears on one trip and to document gear type use at the individual haul level; (2) enable the EFP to test whether observers or electronic monitoring can confirm the type of gear being used, as recommended in the [Enforcement Consultants report](#); (3) require EFP participants to provide information on specific gear configurations by haul to NMFS, as recommended in the [Groundfish Management Team report](#); and (4) specify an area-based sub-cap of 80 chinook for the area South of 42° N., out of the 800 allowed in the entire EFP area prior to May 15. An updated version of the EFP proposed for 2018

will be provided in supplemental briefing materials and will include additional information on the progress of the 2017 EFP. Additionally, the Council requested NMFS to review the options for decision-making processes for the operation of the EFP south of 42° N. and report to the Council in September, including consideration of the possibility of delaying approval of the EFP south of 42° N. until the 2018 preseason Chinook forecasts are available, and/or approving only limited elements of the EFP for the area south of 42° N. NMFS will provide an update under this agenda item (see supplemental briefing materials).

Council Action:

Review progress reports and adopt EFP for recommendation to NMFS, as appropriate.

Reference Materials:

None.

Agenda Order:

- E.4 Coastwide Non-whiting Midwater Trawl Exempted Fishing Permit (EFP) Final Action and Gear Modification EFP Review
- a. Report of Applicants
 - b. Reports and Comments of Advisory Bodies and Management Entities
 - c. Public Comment
 - d. **Council Action:** Review Progress Reports of the 2017 Gear Modification EFPs and Adopt Final 2018 Coastwide Non-whiting Midwater Trawl and Gear Modification EFPs, as Appropriate
- Jim Seger
Lori Steele

PFMC
08/15/17