

STAFF REPORT ON INITIAL COUNCIL DELIBERATIONS ON COASTWIDE NON -
WHITING TRAWL EXEMPTED FISHING PERMITS (EFP) FINAL ACTION AND GEAR
MODIFICATION EFP REVIEW

During Council discussion on Agenda Item E.4.b, the Council held open the agenda item and requested a summary of the discussions of possible approaches for the trawl Exempted Fishing Permits (EFPs) in 2018 based on the applicants proposal. Agency and Council staffs worked together to develop this summary and identified some issues needing further Council discussion.

The proposed approach for 2018 is as follows: A single EFP starting on January 1, 2018 which may be expanded later in the year. The EFP which starts January 1 would, at a minimum, provide a continuation of the 2017 gear EFP with some differences, noted below. The January 1 EFP might also include provisions which expand the time and areas during which midwater trawl gear can be used to target non-whiting species, or such provisions might be added to the EFP later in the year. Inclusion of these provisions related to non-whiting midwater trawl will depend on the completion of the salmon biological opinion and time required thereafter to complete the impact analysis for the EFP.

As the EFP is developed, National Marine Fisheries Service (NMFS) may decide that the way to reduce analytical complexity and prevent a delay of a January 1 implementation would be two separate EFPs. Note that if two EFPs are developed, while NMFS initially recommended that participants not be allowed to participate in more than one EFP in 2018, NMFS may decide that participants could participate in both EFPs. However, NMFS must further investigate this issue. Unless noted, all provisions are in the EFP application.

Provisions applying to both EFPs

1. 3,547 Chinook salmon harvest guideline (HG) (EFP + non-EFP non-whiting midwater)
2. 800 Chinook salmon sub-HG for pre-May 15th (and impacts count toward 3,547 HG)
 - a. All fishing south of 42° pre-May 15th would be subject to an 80 Chinook salmon sub-HG (total) (see Issue #1 for Items for Council Discussion).
3. Close the Klamath (Figure 1) and Columbia River Salmon Conservation Zones (not in application; Figure 2).
4. Add an element of the gear regulations package regarding a change in the definition for how mesh size is measured.
5. Application process (not in application)
 - a. NMFS will send out a notice requesting interested parties contact NMFS to voice their interest by a specified date this year.
 - b. NMFS will develop a process for limiting participation where necessary. In the south, NMFS may use a process which includes allowing only vessels that reside S

of 42° to participate (NMFS will investigate the most appropriate way to do this after the September Council meeting, no decision has been made yet).

6. Pending results of salmon forecast (March), if needed, adjust S of 42 mitigation measures or close the area.
7. Vessels must abide by the same sorting requirements of the 2017 trawl gear EFP.
 - a. Electronic Monitoring (EM) vessels - exemption from prohibition to discard all prohibited species; can retain all salmon and eulachon, however they must be sorted by haul and kept sorted until landing.
 - b. Observed vessels - observers will take samples by haul and then all prohibited species, including salmon, are discarded.

Summary of Central Elements Relevant to Council Discussion

2017 Trawl Gear EFP “Rollover” for 2018

1. North of 42° N. lat. (different from September 5th application - see Item #2 on Issues for Further Council Discussion)
2. Exempt from selective flatfish trawl (SFFT) foot rope requirement when trawling shoreward of the Rockfish Conservation Area (RCA) (both small footrope and SFFT are permitted)
3. Exempt from bottom trawl minimum mesh size requirement
4. Include all the accountability and mitigation measures included in the 2017 trawl gear EFP
5. Modification of the SFFT definition

Midwater Non-whiting EFP (pending BiOp results and completion)

1. Exemption from the May 15th start date for primary season
2. Exemption to the restrictions on the use of midwater groundfish trawl gear within the trawl RCA south of 40° 10', except for continuous transit (See Item #3 on Further Issues for Discussion)
3. Expand to include catch accounting features from the gear regulations package
 - a. Include an exemption to the prohibition on carrying and fishing both trawl gears (midwater and bottom trawl) during same trip
 - b. Include an exemption to the prohibition on bringing a new haul on board before a previous haul is stowed
4. If fishing multiple gears, vessels must sort retained catch by gear and keep catch separate until landed
5. Exemption from mid-water minimum mesh size requirement (3 inch) (moved from 2017 trawl gear “rollover” EFP)

Items in the EFP Application Excluded from the Initial Council Discussion

Items 1 and 2 were included in the gear regulations package approved by the Council in 2016. The Groundfish Management Team (GMT) and NMFS did not recommend moving these items forward in an EFP. The Groundfish Advisory Subpanel (GAP) recommended moving the entire EFP application forward.

1. Elimination of codend restriction,
2. Elimination of chafing gear restrictions.
3. Maximized retention option.
4. Non-whiting midwater – South of 40° 10' and shoreward of the RCA.

Issues for Further Council Discussion

There were some aspects of the applicant's proposal that were not well vetted during initial discussion this week or during discussions in developing this summary. The Council may want to have further discussion on these points.

1. What would be the HG for after May 15th for S of 42°?
 - a. Note that the applicants proposed the 80 Chinook guideline was only for pre-May 15th, and no midwater trawling is allowed year-round south of 40° 10'.
2. Could elements of the 2017 gear EFP which are rolled over to 2018 also be extended in geographic scope to areas south of 42° N. lat. to 40° 10' N. lat. (as proposed by the applicants)?
 - a. This would be an extension of the "rollover" EFP.
 - b. Could a decision on this area be deferred until March when the Pre-season salmon abundance report is available for consideration?
3. Could midwater trawl gear be permitted shoreward of the RCAs south of 40° 10' N. lat (as proposed by the applicants)?
 - a. Note that some of these waters might be in California state waters, where it is prohibited to trawling without a permit.
 - b. Additionally, NMFS has concerns that this area is not covered under the ongoing Endangered Species Act (ESA) salmon consultation.
4. Consideration of changing sub-caps from Chinook to all salmonids for S of 42°
 - a. This could add to the complexity of the impacts analysis for this EFP as well as the ongoing ESA salmon consultation.

Other Notes

- Tribal partners on the Salmon Advisory Subpanel requested that any tag recoveries from the Klamath River area be shared with them.
- Any 2018 trawl gear EFP should include a requirement that both haul-level data on all salmon bycatch and information on gear configuration be collected.

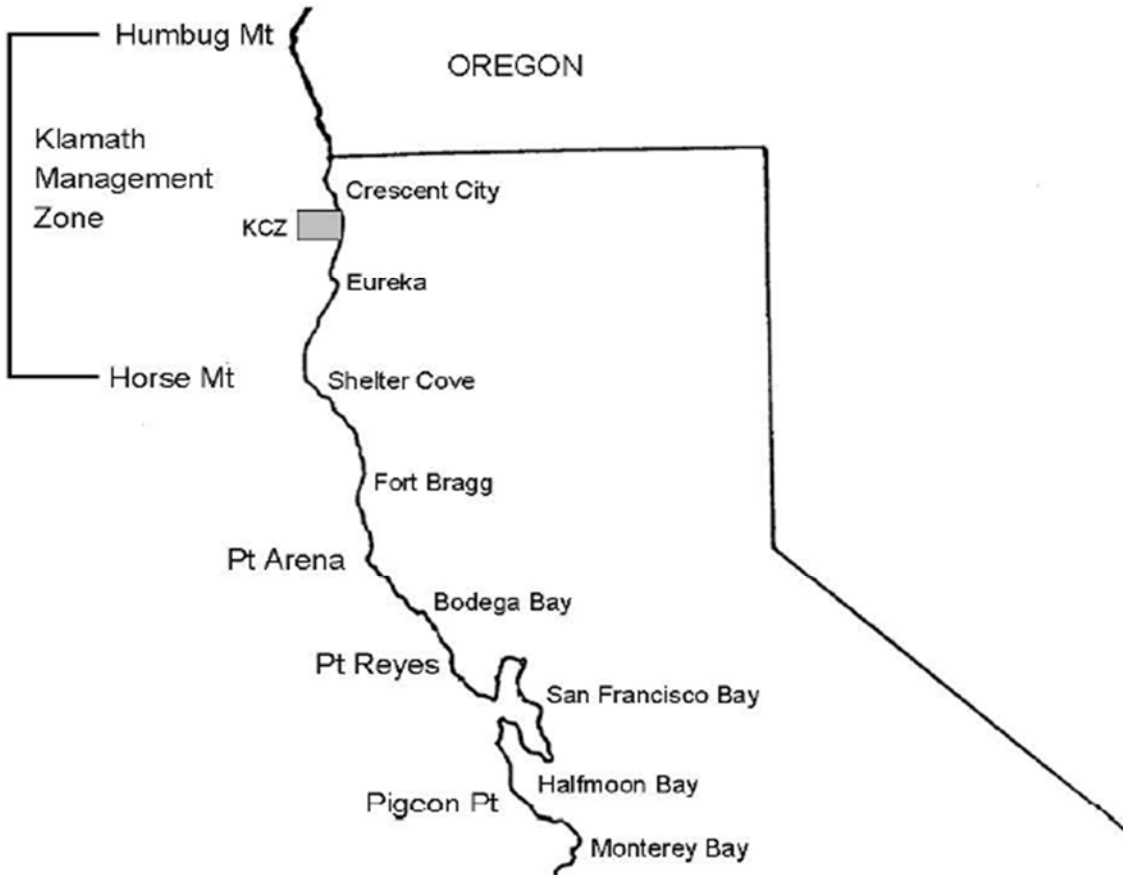


Figure 1: Map of the Klamath Conservation Zone (KCZ) that would closed to the expanded year-round, coastwide, midwater EFP

Klamath River Salmon Conservation Zone - The targeting of Pacific whiting with midwater trawl is prohibited in the ocean area surrounding the Klamath River mouth bounded on the north by 41°38.80' N. lat. (approximately 6 nautical miles (nm) north of the Klamath River mouth), on the west by 124°23' W. long. (approximately 12 nm from shore), and on the south by 41°26.80' N. lat. (approximately 6 nm south of the Klamath River mouth). The Klamath River conservation zone was established in 1993 because of the concentrations of Chinook salmon in the area.

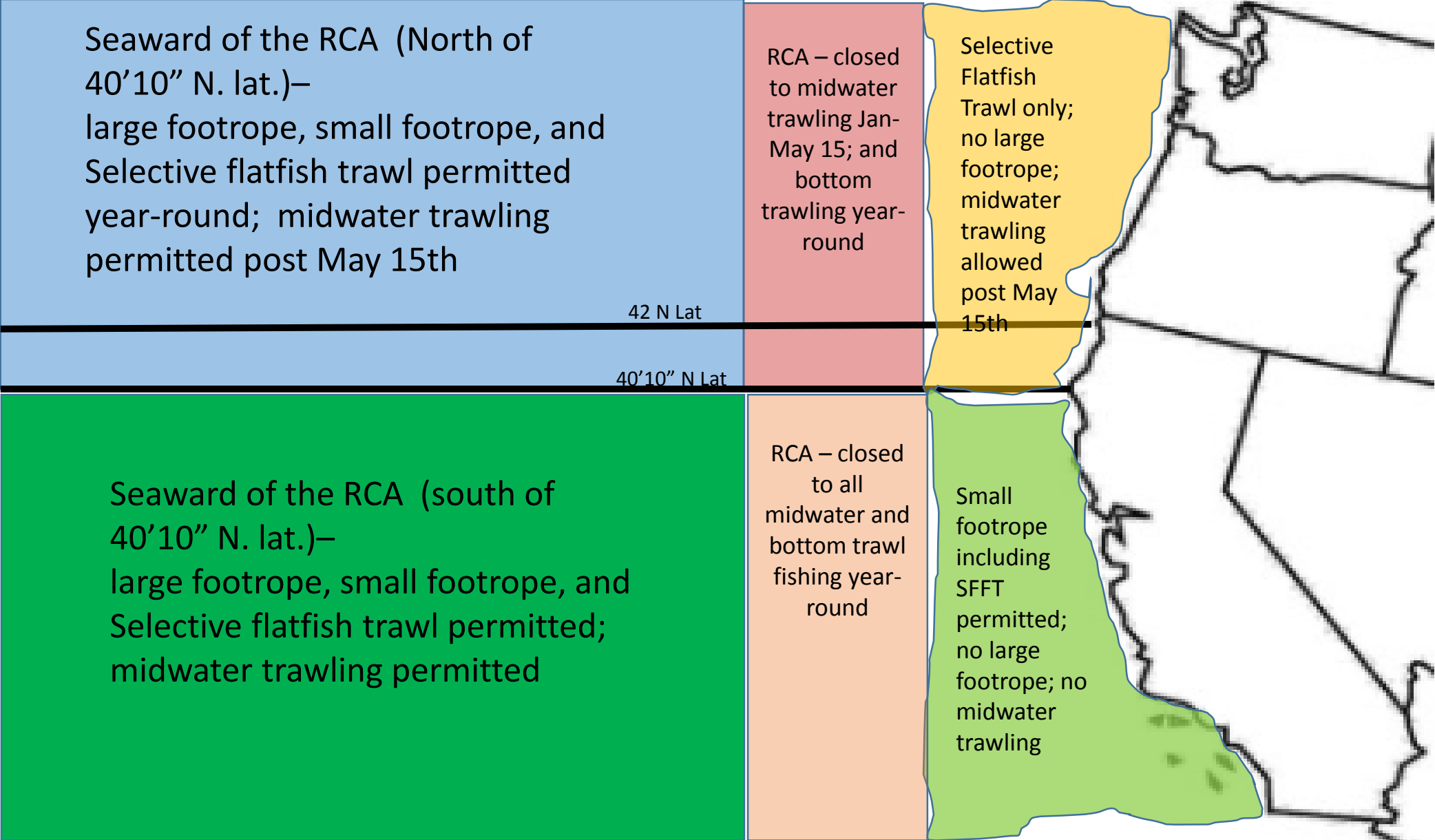


Figure 2: Columbia River Salmon Conservation Zone that is closed to the EFP. Source: Protected Planet (<https://www.protectedplanet.net/312244>).

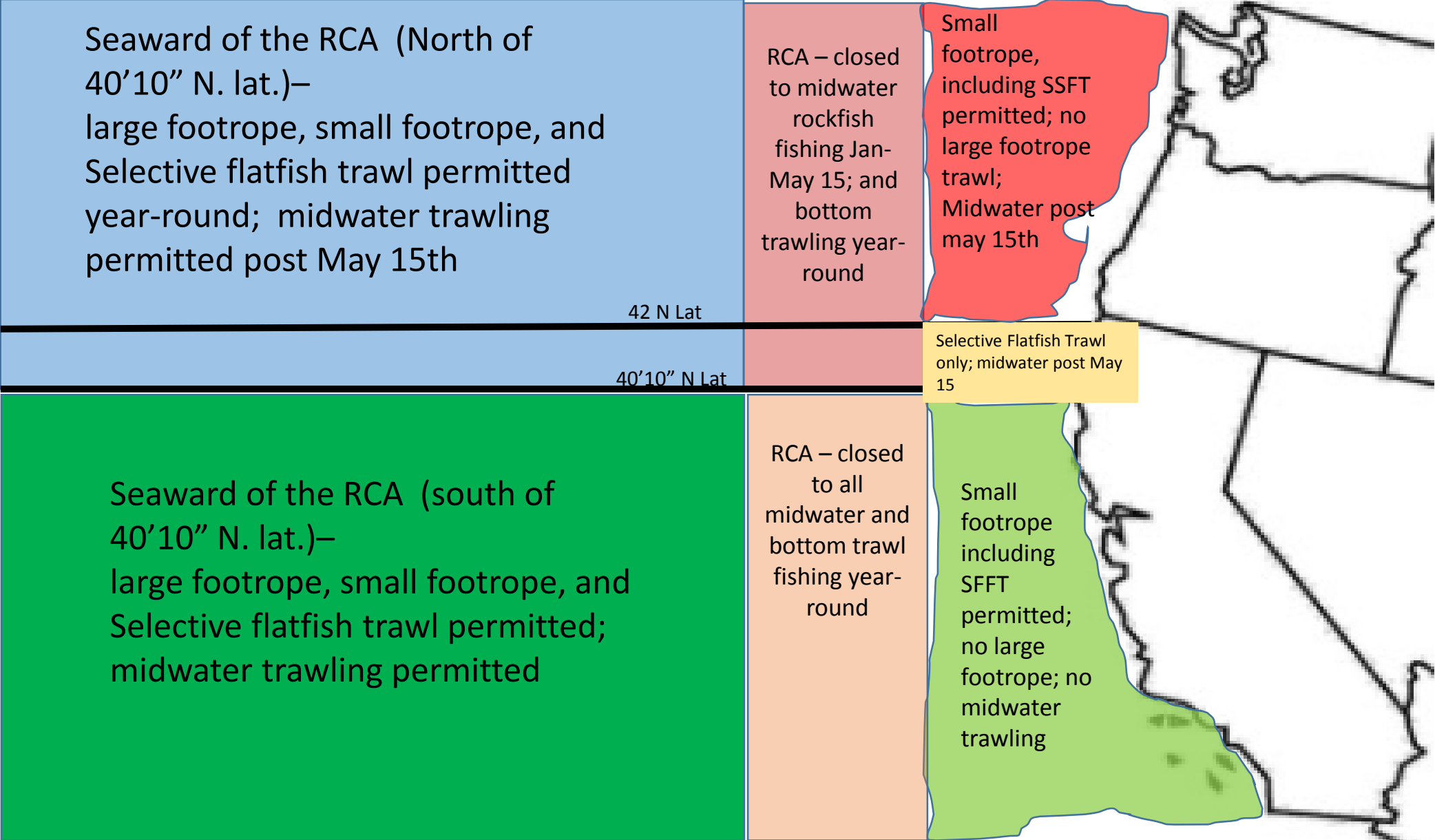
Columbia River Salmon Conservation Zone - The targeting of Pacific whiting with midwater trawl is prohibited in the ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46°18' N. lat. to 124°13.30' W. long., then southerly along a line of 167 True to 46°11.10' N. lat. and 124°11' W. long. (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty. The Columbia River conservation zone was established in 1993 because of the concentrations of Chinook salmon in the area.

PFMC
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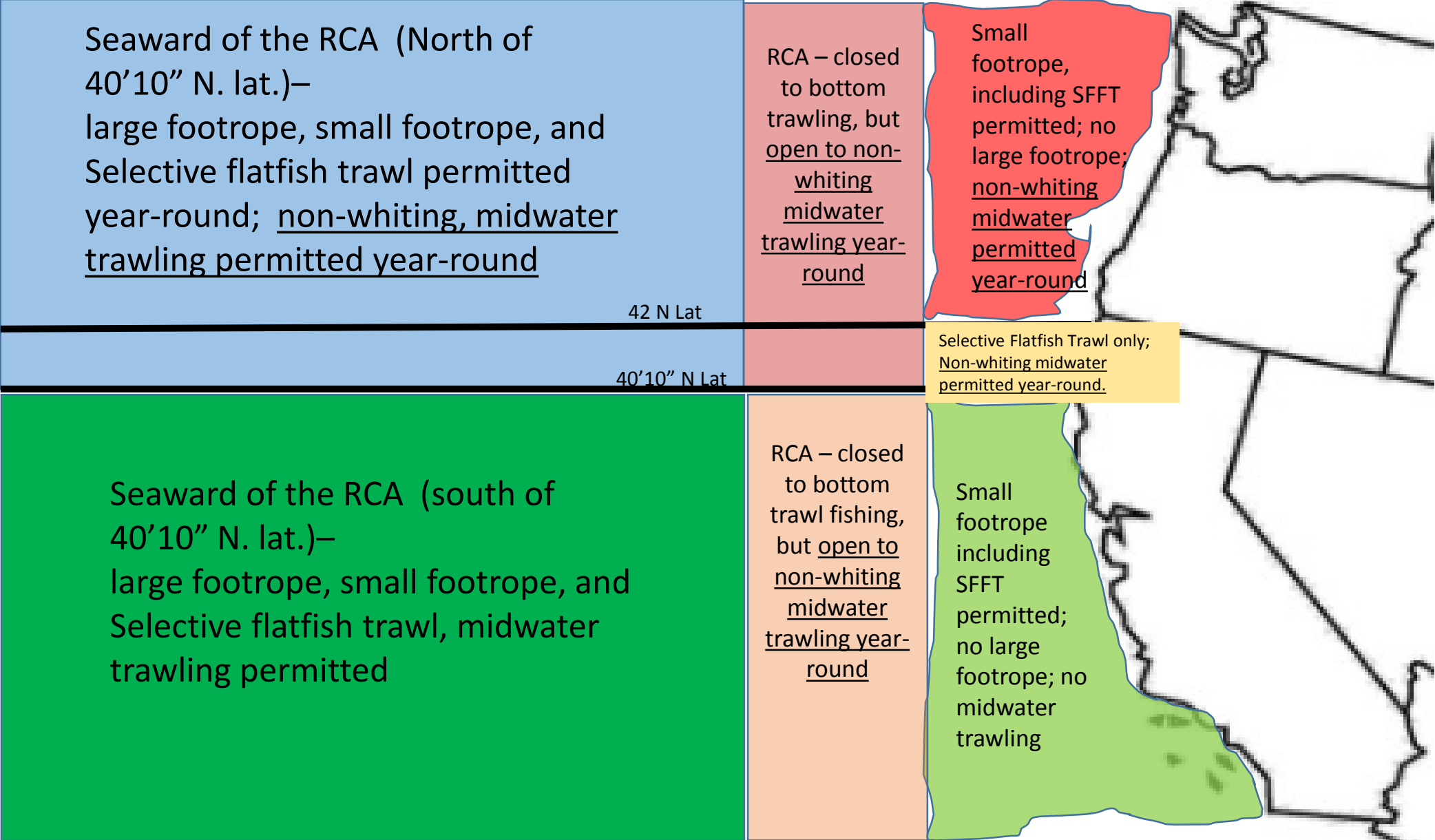
Slide 1. Current Federal Regulations -



Slide 2. Ongoing 2017 trawl gear EFP-



Slide 3. Proposed 2018 Trawl Gear EFP (updated to reflect the collaborative report, September 14, 2017), does not include issues under consideration (new changes for 2018 are underlined)



Slide 4. Proposed 2018 Trawl Gear EFP (updated to reflect the collaborative report, September 14, 2017), issues for discussion highlighted (new changes for 2018 are underlined)

Seaward of the RCA (North of 40'10" N. lat.)–
 large footrope, small footrope, and Selective flatfish trawl permitted year-round; non-whiting midwater trawling permitted year-round

42 N Lat

40'10" N Lat

RCA – closed to bottom trawling, but open to non-whiting midwater trawling year-round

Small footrope, including SFFT permitted; no large footrope; non-whiting midwater permitted year-round

Selective Flatfish Trawl only; Non-whiting midwater permitted year-round.

RCA – closed to bottom trawl fishing, but open to non-whiting midwater trawling year-round

Small footrope and Selective Flatfish Trawl only; no large footrope; no midwater trawling

The applicants would like to extend the geographic scope of the exemption to the requirement to SFFT to S of 40'10"; additionally they would like to be able to midwater non-whiting trawl n of 40'10" year-round

The applicants would like to open this area to non-whiting, midwater trawling year-round.

