

## GROUND FISH MANAGEMENT TEAM REPORT ON NEW AND CONTINUING EXEMPTED FISHING PERMIT APPROVAL FOR 2019-2020

The Groundfish Management Team (GMT) reviewed the technical merits of the Exempted Fishing Permit (EFP) applications for the 2019-2020 biennium contained in the advanced briefing book relative to [Council Operating Procedure 19](#) (COP 19), and discussed the extension of the 2018 trawl gear EFP.

### **EFPs for the 2019-2020 Specifications Process**

In November 2017, the Council recommended four groundfish EFPs be forwarded for public review, with modifications and requests for additional information. All four are designed for fixed gear (hook-and-line gears) to selectively target healthy semi-pelagic rockfish stocks. Additionally, all are expected to have low yelloweye rockfish impacts since the hooks will be fished off the bottom away from where yelloweye rockfish typically associate. This gear configuration was previously tested through the Oregon recreational longleader EFP and is currently used in the Emley/Platt commercial EFP ([Agenda Item E.2, Attachment 1](#)), which have been effective at selectively targeting mid-water stocks with minimal bycatch of yelloweye rockfish or cowcod.

**The GMT recommends the Council consider moving all of the 2019-20 EFPs ([Agenda Item F.2, Attachment 1, Attachment 2 and Attachment 3](#)) forward except the Mattusch EFP ([Agenda Item E.2, Attachment 4](#)).** As described in [Agenda Item F.8.a, Supplemental GMT Report 1, November 2017](#), these applications meet the requirements of COP 19. In addition, the EFP applicants have worked with the West Coast Groundfish Observer Program on a plan for 100 percent observer coverage and the Monterey Bay EFP applicants provided a better description of the proposed gear and fishing activity ([Agenda Item E.2, Attachment 3, June 2018](#)). With regards to the Mattusch EFP, the GMT does see merit in the proposal; however, the GMT has not received an update on this EFP with regard to plans for observer coverage. In addition, with additional yelloweye rockfish under all three annual catch limit (ACL) alternatives being considered, there may be opportunity, through relaxed depth restrictions considered for the California recreational fishery, to access the areas proposed in the EFP sooner than would be permissible under the EFP.

**In addition, the GMT recommends the Council consider increasing the canary rockfish set aside for the Cook EFP ([Agenda Item E.2, Attachment 2](#)) from 3 metric tons (mt) to 10 mt as originally proposed.** While the GMT understands the Council recommended a lower canary rockfish set aside for the Cook EFP in November 2017, we explored projected canary rockfish catch for all sectors compared to the 2019 and 2020 ACL. As shown in Table 1, an extra 7 mt is not expected to constrain any fisheries as more than 900 mt are projected to be uncaught in 2019. Further, evaluation of the success of the Cook EFP would be more apparent if they were able to catch higher amounts of their target species of canary, widow, and yellowtail rockfish without reaching their set aside of yelloweye rockfish, and it would therefore be disadvantageous to potentially close the EFP based on the lower 3 mt set aside of canary rockfish.

**Table 1. Canary rockfish allocations based on the Council’s preliminary preferred alternative (PPA) set aside of 3 mt for the canary rockfish and the GMT recommendation of 10 mt as originally proposed (Opt 1). Note that the extra 7 mt is not projected to constrain any fisheries.**

Sector	2019 Allocation		2020 Allocation		Projected mortality	Unused 2019 mt w/ Opt 1
	PPA (3 mt)	Opt 1 (10 mt)	PPA (3 mt)	Opt 1 (10 mt)		
CP	16.0	16.0	16.0	16.0	0.8	15.2
MS	30.0	30.0	30.0	30.0	2.7	27.3
IFQ	946.9	941.9	887.8	883.7	255.8	686.1
Non- Nearshore a/	43.9	43.7	41.3	41.0	3.5	40.2
Nearshore	94.5	94.0	88.9	88.2	5.6	88.4
---OR NS	25.2	25.1	23.7	23.5	2.7	22.4
---CA NS	69.3	68.9	65.2	64.6	2.9	66.4
WA Rec b/	47.2	47.0	44.4	44.1	6.3	40.7
OR Rec	70.9	70.5	66.7	66.1	42.8	27.7
CA Rec c/	127.6	126.9	120.0	119.0	83.7	43.2
Total	1,377.0	1370.0	1,295.2	1,288.2	401.2	978.3
a/ trip limit Option 1 ; b/ bag limit option 3 ; options 1-2						

## Evaluating EFPs

The Emley/Platt EFP applicants have repeatedly questioned when their EFP could be evaluated and adopted into regulation. Although there has been concerns raised by the National Marine Fisheries Service (NMFS) with low sample sizes with the Emley/Platt EFP, the GMT concludes that there may be sufficient broader evidence to support moving forward. For instance, all mid-water gear types have minimal or no bycatch of yelloweye rockfish or cowcod such as whiting trawl, mid-water rockfish trawl, Oregon sport longleader EFP and fishery, and the earlier results from the Emley/Platt EFP. The GMT notes that COP 19 includes requirements for the completion of annual reports describing data collected and highlights the importance of this information when considering the potential for moving EFPs into regulation. The GMT suggests that the Emley/Platt applicants begin the process of summarizing data collected since 2013. **Additionally, the GMT recommends that the Emley/Platt EFP be added to the omnibus prioritization plan as the best pathway for being evaluated and considered for adoption into regulations.**

As we have stated previously ([Agenda Item G.2.a, Supplemental GMT Report, March 2016](#), [Agenda Item G.3.a, Supplemental REVISED GMT Report, June 2016](#)), the GMT believes that a broader discussion on the issue of how EFPs are evaluated once they’ve been underway for a period of time should occur. Currently, there is no mechanism for determining when data collected

from EFPs are adequate for evaluating whether or not the project is ready to move to the regulatory process. COP-19 states that applicants should provide an annual report on the activities of the EFPs. However, there are no criteria for these annual reports to assist applicants in providing the necessary information for evaluating EFPs. The GMT believes that this guidance should be developed for COP-19. Additionally, we suggest the need for some sort of standard or process that could be added to COP-19 that might address if and how an EFP should move into the regulatory process. The Council would need to schedule this issue at a future time; the GMT does not currently have a recommendation for that timeline.

### **Extension of Year-Round Non-Whiting Midwater Trawl and Gear EFP**

**The GMT recommends the Council forward the application for a trawl gear EFP in 2019 forward for final action in September.** The GMT sees merit in continuing to collect information on these exemptions. The GMT will note that according to the NMFS rulemaking plan under Agenda Item E.1 suggests the proposed rule for the trawl gear rulemaking package is schedule to publish this summer. Forwarding the current application for final action in September will allow the applicants to work with NMFS to refine their proposal based on the information in the proposed rule. In refining their proposal, the GMT also asks that the applicants speak to the following points:

Salmon Retention: Currently, the application suggests 100 percent retention of salmon. The 2018 trawl gear EFP allowed for full retention of salmon only on vessels participating in the electronic monitoring EFP. Vessels with an observer are required to discard salmon after the observer has completed their sampling. The GMT sees merit in allowing full retention to ensure sampling of all salmon takes place. However, the application does not include information on how the salmon would be stored and disposed of or who would be responsible for ensuring the samples are taken.

Bycatch limits: Currently, the application includes the same bycatch “caps” for salmon that were developed for the 2017 trawl gear EFP which included fewer exemptions. The GMT is not sure if these “caps” are still appropriate going forward, particularly after the recent completion of the Endangered Species Act consultation on the effects of the groundfish fishery on salmon. Instead, the GMT recommends the applicants consider potential gear (midwater trawl and bottom trawl) “caps” as well as north and south of 42° N. latitude, as these would be more appropriate to specifically address salmon bycatch concerns.

### **Recommendations**

**The GMT recommends that the Council:**

- **Move all of the 2019-20 EFPs forward except the Mattusch EFP**
- **Increase the canary rockfish set aside for the Cook EFP from 3 mt back to 10 mt as originally proposed**
- **Add the Emley/Platt EFP to the omnibus prioritization plan as the best pathway for being evaluated and adopted into regulation**
- **Forward the application for a trawl gear EFP in 2019 forward for final action in September**