

**NATIONAL MARINE FISHERIES SERVICE REPORT ON CONTINUING MIDWATER
 TRAWL AND GEAR EFP AND SALMON BYCATCH PROVISIONS IN NEW EFPS**

The National Marine Fisheries Service (NMFS) is providing this report to update the Pacific Fishery Management Council (Council) on the 2018 trawl gear exempted fishing permit (EFP), to provide comments on the application for a year-round coast-wide midwater rockfish EFP, and to discuss salmon bycatch limits for the EFPs that fall under the 2019—20 harvest specifications.

2018 Trawl Gear EFP

The 2018 Trawl Gear EFP began on January 1, 2018. As of August 13, 2018, vessels have harvested 178 Chinook salmon¹, 67 eulachon, no sturgeon or Coho salmon, and more than 12 million pounds of groundfish. Of the 178 Chinook salmon caught so far in 2018, 4 were caught north of 42° North latitude and 174 south of that line (See Table 1).

Table 1. Summary of trawl gear EFP and non-EFP, non-whiting midwater trawl catches to for the 2018 fishing year (as of May 30, 2018).

Region	Group	# of Vessels	Trips	Chinook (#)	Eulachon	Groundfish Weight (lbs)	Groundfish Revenue (\$)
N of 42	Bottom Trawl Vessels	7	40	0	67	1,827,425	1,188,996
	Midwater Trawl Vessels	10	118	4	0	9,737,758	2,810,309
S of 42	Bottom Trawl Vessels	1	10	174 ¹	0	417,236	246,759.39
	Midwater Trawl Vessels	1	5	0	0	191,632	63,961

2019 Year-Round Midwater Rockfish EFP Application

In June 2018, the applicants for the 2018 Trawl Gear EFP (Westcoast Seafood Processor Association, Midwater Trawlers Cooperative, Oregon Trawl Commission, and the Environmental Defense Fund), submitted an application for a [Year-Round Coast-wide Midwater Rockfish EFP](#) for the non-whiting (midwater and bottom trawl) Shorebased individual fishing quota (IFQ) fishery beginning January 1, 2019 (2019 Midwater rockfish EFP). The applicants requested exemptions matching several of the measures in the trawl gear rulemaking package, including the groundfish bottom and midwater trawl gear minimum mesh size and selective flatfish trawl requirements, the prohibition on carrying and using groundfish bottom and midwater trawl gear on the same trip, as well as measures to allow for a year-round, coast-wide non-whiting midwater trawl fishery.

¹ 174 Chinook salmon have been taken by bottom trawl vessels south of 42° North latitude in the 2018 EFP. This includes 173 Chinook salmon caught seaward of the trawl RCA using legal gear in this area. The Council recommended at its March meeting that this take of salmon not count against the 80 salmon cap for vessels fishing south of 42° North latitude.

NMFS expects that a rule proposing the Council’s recommendations for the trawl gear rulemaking package (see [Agenda Item I.8.a.](#) for the Council’s recommendations) will publish very soon. One of the changes the Council recommended and NMFS is proposing would remove the requirement to use selective flatfish trawl gear shoreward of the trawl Rockfish Conservation Area (RCA) and north of 40°10’ North (N.) latitude. NMFS notes that the proposed changes to the selective flatfish trawl gear requirement shoreward of the trawl RCA and between 40°10’ N. latitude may be inconsistent with the terms and conditions of the December [2017 Salmon Incidental Take Statement](#). Term and Condition 4b requires that “prior to allowing additional non-whiting trawling south 42° N. latitude, NMFS will implement one or more EFPs designed to collect information about Chinook and coho bycatch levels and stock composition from fishing in those areas or at those times for a minimum of three years.” The 2017 and 2018 EFPs did not include an exemption to the selective flatfish trawl gear requirement shoreward of the trawl RCA between 40°10’ N. lat. and 42° N. lat. due to the Council’s concerns about potential impacts to salmon in these areas and their recommendation that NMFS not extend the southern boundary of the EFPs from 42° N. latitude to 40°10’ N. latitude.

NMFS supports the application for the 2019 Midwater rockfish EFP that includes provisions for a year-round, coast-wide, midwater trawl fishery. In addition, NMFS supports adding a provision for an exemption to the selective flatfish trawl gear requirement between 40°10’ N. lat. and 42° N. lat. An EFP with these provisions would provide an opportunity to collect valuable information on salmon impacts that may arise through removal of gear and fishing restrictions for the Shorebased IFQ fishery, particularly in the area between 40°10’ N. lat. and 42° N. lat., for which we have little data.

Additionally, NMFS supports the development of new salmon bycatch limits for the 2019 Midwater rockfish EFP that will allow the EFP to remain open but would limit the impacts to Chinook salmon. The original bycatch limits were developed before the start of the trawl gear EFP in 2017 and modified slightly last year. NMFS supports the applicants working with the Groundfish Management Team to develop more suitable bycatch limits now that two years of data are available to characterize the impacts of this fishing activity on salmon.

Salmon Bycatch Limits for 2019-20 Harvest Specification EFPs

At its June 2018 meeting, the Council made its final recommendation to NMFS on the three EFP applications for the 2019-2020 harvest specifications and management cycle ([Agenda Item E.4](#)). During Council deliberations, Council members expressed concern regarding potential impacts these EFPs could have on salmon. Therefore, the Council requested NMFS develop salmon bycatch limits for the EFPs. All EFP applications are required to present estimates of expected catch and bycatch for the EFP fishing activities. Consistent with this requirement, NMFS approached the Council’s request by requesting the EFP applicants provide appropriate salmon bycatch estimates for Chinook and Coho salmon that would be permitted under each EFP. The EFP applicants’ proposed bycatch limit requests and rationale are provided below.

Table 2. The 2019-2020 EFP Proposed Salmon Bycatch Limits.

EFP Project and Applicant	No. of Chinook	No. of Coho
Yellowtail Rockfish Jig Fishing for the 2019-2020 Fishing Seasons- San Francisco Community Fishing Association (<i>Barbara Emley and Daniel Platt</i>)	10	10
Commercial Midwater Hook-and-Line Rockfish Fishing in the RCA off the Oregon Coast- <i>Scott Cook</i>	100	25
Monterey Bay Regional Exempted Fishing Permit – Chilepepper Rockfish- <i>Alan Lovell, Real Good Fish</i>	60	10

All of the EFP applicants expect salmon bycatch to be limited because of gear controls, specifically trolling at lower speeds that are less likely to encounter salmon and bait requirements, such as the use of shrimp flies which typically do not attract salmon. In addition, similar EFPs from past fishing years had low salmon encounter rates. However, because all salmon caught under these EFPs will count against the non-whiting salmon bycatch threshold from the [2017 Salmon Incidental Take Statement](#)² for the groundfish fishery, it is important to specify bycatch limits for Chinook and Coho salmon. Additionally, as with other catch limits included in the EFPs, if EFP fishing activity were to result in Chinook or Coho catch in excess of the Council-recommended limit, NMFS would revoke the EFP for the remainder of the fishing year. For example, the terms and conditions for these EFPs would state that “The vessel registered to this EFP must cease all fishing activity when it is informed by the SFCFA EFP Director or NMFS that one or more EFP catch limits has been reached, has been exceeded, or is anticipated to be reached or exceeded.” The applicants requested salmon bycatch limits low enough to maintain the incentive for EFP participants to avoid salmon, but sufficient to allow for limited salmon encounters without terminating the EFP.

² The 2017 Salmon incidental take statement includes Chinook (5,500) and Coho (560) bycatch thresholds for the non-whiting fishery.