

CONTINUING MIDWATER TRAWL AND GEAR EFP AND SALMON BYCATCH PROVISIONS IN NEW EFPS

Under this agenda item, the Council will consider final action on a continuation of the year-round coastwide midwater rockfish exempted fishing permit (EFP) and salmon bycatch caps for new EFPS.

At its June 2018 meeting, the Council forwarded the Year-Round Coastwide Midwater Rockfish EFP for public review and comment ([Agenda Item E.2, Attachment 5, June 2018](#)). This EFP is a continuation of what was initially a trawl gear EFP, first established for the 2017 fishing year and extended for 2018. When it was extended midwater trawl provisions were added along with additional provisions related to the upcoming trawl gear rule. The gear provisions of the EFP allowed vessels to fish under some of the less restrictive gear provisions recommended by the Council in the spring of 2016 (Agenda Item I.8, Attachment 1). A gear rule largely implementing those recommendations is expected to be in place for the start of the 2019 fishery. Any recommendation that is disapproved might be subject to inclusion in a 2019 trawl EFP, for the purpose of collecting more information on how the proposed provision might perform.

Nonwhiting midwater trawl time and area provisions have now become the primary focus of the proposed Year-Round Coastwide Midwater Rockfish EFP (Agenda Item I.1, Supplemental Attachment 2). Under current regulations, the only time of year a vessel can use midwater trawl gear north of 40° 10' N. Latitude (inside and outside the trawl rockfish conservation areas) is during the Pacific whiting primary season. Midwater trawling is allowed seaward of the trawl rockfish conservation area (RCA) year-round south of 40° 10' N. Latitude. Term and condition 4b of the 2017 salmon incidental take statement for groundfish trawl fishery requires that prior to allowing additional non-whiting trawling south of 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 primary purpose of extending the trawl gear EFP would be to help meet this requirement and collect information that could be used to support an eventual Council decision on whether or not to expand non-whiting midwater trawling into times and areas that are not current fished.

In order to facilitate the most expeditious processing by National Marine Fisheries Service (NMFS), the Year-Round Coastwide Midwater Rockfish EFP is proposed for only one year. However, under the biological opinion at least two more years of data is required. To facilitate a more efficient Council process to recommend an EFP extension into 2020, the Council may want to include as part of its final recommendation that the EFP approved for 2019 be considered the preliminary EFP for 2020. The Council could then take action in one meeting to consider revisions and make it final recommendation on continuing the EFP for 2020. Under this agenda item, NMFS will provide a supplemental report on activities under the 2018 trawl EFP (Agenda Item I.8.a, Supplemental NMFS Report 1).

The NMFS report will also include recommendations on salmon bycatch caps for the new EFPS proposed as part of the harvest specifications process that the Council recommended for 2019-2020. At its June 2018 meeting, in addition to taking preliminary action on the trawl EFP, the Council made final recommendations on three new EFPS and requested that NMFS work with the

applicants to develop appropriate salmon limits for each EFP, with a report back to the Council at this meeting. Those EFPs were as follows: the [EFP sponsored by the San Francisco Community Fishing Association](#), which seeks to investigate the effectiveness of vertical hook-and-line gear to selectively harvest midwater species such as yellowtail rockfish between Point San Pedro and the Oregon/California border; the [EFP sponsored by Scott Cook](#), which seeks to investigate the effectiveness of commercial midwater hook-and-line gear to selectively harvest midwater rockfish species in the rockfish conservation area off the Oregon coast; and the [EFP sponsored by Real Good Fish](#), which seeks to assess the feasibility of a trolled hook-and-line gear type, determine areas that are abundant with chilipepper rockfish, identify areas that correspond to low densities of overfished species using vertical hook-and-line gear, and test a new cost effective electronic monitoring and vessel monitoring system. By the time of the Council meeting, NMFS will have published the proposed rule on these EFPs and be seeking Council comment on the proposed caps. The terms and conditions for the EFPs will specify salmon bycatch caps, which if exceeded would result in revocation of the EFP.

Council Action:

- 1. Adopt final recommendations on continuing the midwater trawl and gear EFP, including preliminary direction for 2020, as appropriate.**
- 2. Provide comment on salmon bycatch provisions in new 2019-2020 EFPs.**

Reference Materials:

1. Agenda Item I.8, Attachment 1: August 13, 2018 Letter to Barry Thom Regarding Council Recommendations for Trawl Gear Rule.
2. *Agenda Item I.8, Supplemental Attachment 2: Year-Round Coastwide Midwater Rockfish EFP (proposed).*
3. *Agenda Item I.8.a, Supplemental NMFS Report 1.*

Agenda Order:

- I.8 Continuing Midwater Trawl and Gear EFP and Salmon Bycatch Provisions in New EFPs Jim Seger
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Adopt Final Recommendations on Continuing the Midwater Trawl and Gear EFP and on Salmon Bycatch Provisions in New EFPs

PFMC
08/28/18