

**California Department of Fish and Wildlife
2021-2022 Exempted Fishing Permit Application
October 17, 2019**

The California Department of Fish and Wildlife (CDFW) proposes an Exempted Fishery Permit (EFP) for the purpose of collecting fishery-dependent biological data for cowcod, a stock recently determined to be rebuilt, but for which retention in the non-trawl fishery is not expected to be authorized in 2021-2022.

CDFW proposes to collaborate with select Commercial Passenger Fishing Vessels (CPFVs) to collect cowcod specimens taken incidentally during the course of normal recreational fishing operations, for the purpose of collecting additional biological data for inclusion in future stock assessments. Because cowcod may not be taken or possessed in the non-trawl commercial and recreational fisheries, no mechanism exists to retain individual fish for scientific purposes that are taken in conjunction with these regular fishing activities. Under current state and federal laws, cowcod that are taken must be returned to the water immediately. Consequently, the only biological data included in the most recent cowcod stock assessment comes from directed research activity.

General Description

The proposed EFP would provide exemption from the federal regulations that prohibit retention of cowcod, and also would provide that any cowcod taken and retained would be exempt from (e.g., not included toward) existing recreational bag and possession limits for rockfish, cabezon and greenlings in the aggregate. The principal goal of the EFP would be to collect cowcod that are taken in current fishing activities as those activities are conducted today, with the expectation that these individual fish are representative of the bycatch/discard that has been occurring in the recreational fishery since retention was prohibited. Anecdotal information provided by Southern California CPFV operators indicate that the size composition of the cowcod bycatch can vary significantly and also includes very small fish and differs by location.

While not outlined in any regulation, California groundfish fishery managers and enforcement agents have historically expressed to industry and individuals that when cowcod are encountered in fishing activities, the vessel operator should move to a new location in order to avoid additional bycatch of cowcod. Participating vessels would need to agree, as a term/condition, to not change their fishing strategies or practices while participating in the EFP. The terms and conditions would not include any access to closed fishing areas, and also expressly prohibit targeting of cowcod. If information indicating that cowcod were being directly targeted, removal from further EFP participation would be considered and addressed as appropriate with National Marine Fisheries Service (NMFS) and CDFW staff.

While at sea, terms and conditions would also require cowcod to be kept separately from passenger and crew fish. Terms and conditions would also specify that the passenger aboard the CPFV who actually catches the fish would not be permitted to retain any portion of the fish. Any cowcod taken

would be retained by the crew of the vessel and transferred to the CPFV landing in whole condition and labeled individually, corresponding to a data record that the crew would complete at sea at the time the fish is retained. CDFW groundfish project staff would then recover the fish and the corresponding data record from the CPFV landing.

CDFW groundfish project will be responsible for processing, storage and delivery of data and samples until such time the most appropriate ageing entity is identified. CDFW would coordinate with NMFS-SWFSC to establish the necessary biological workup parameters needed for assessment inclusion. Whenever feasible, any remaining and useable meat would be donated to local food banks.

Justification

The proposed 2021-2022 EFP provides an efficient vehicle to collect vital information from the California recreational fishery needed to inform future cowcod assessments. Currently, the only way biological specimens can be collected is in specific research activities authorized under scientific research or collection permits issued by federal or state agencies. Those specimens cannot be presumed to be representative of the fish taken as bycatch and discarded in the directed commercial or sport groundfish fisheries.

The 2019 cowcod STAR panel report ([Agenda H.5., Attachment 10, September 2019](#)) outlines recommendations for future research and data collection, including specific recommendations for the next cowcod assessment. Item 2 on the list states: ‘There are a number of improved data collections that would be beneficial to the next assessment of cowcod....(c) Given the lack of biological data for cowcod, it is critical to improve and expand collection of length and age data for fishery [dependent] and fishery independent data sources...(e) Rockfish species, particularly in southern California waters, have been observed to produce multiple broods within a single year. Collecting biological data to better understand the potential fecundity for cowcod across size is important to understanding the reproductive potential of the population.’ Additionally, Item 3 on the list speaks to the need for information from smaller cowcod, to provide improved information on the abundance of these size and age classes.

As designed, CDFW cannot identify any immediate or direct financial benefit to vessels participating in the EFP, as the CPFVs would not be permitted to fish in closed areas, change fishing strategies, or allow passengers to keep any portion of retained cowcod. CDFW would greatly appreciate assistance with this data collection effort from these small businesses who are actively operating in our California fishing communities and commends their commitment to improving the baseline biological data and best available science. These benefits would accrue only long-term, and not to specific fishing operations.

Participating Vessels, Selection Criteria, and Operations

CDFW seeks approval for up to 20 participating vessels. After soliciting for volunteers, and vetting prospective applicants with CDFW's Enforcement Consultant representative, vessels will be selected based on their expected fishing grounds in 2021 and 2022. CDFW will select the vessels that in combination are most likely to cover a wide geographic extent in their normal CPFV groundfish fishing operations during the biennium. Also, CPFV operations are quite diverse in the locations fished, the length of the trip, and the number of passengers they carry and the resulting amount of gear deployed. Since the goal of the EFP is to collect cowcod that are representative of the recreational fishery as a whole, the vessel selection will likewise seek to include the most diverse fleet possible, and ideally will include vessels that typically run half, three-quarter, and full-day trips, as well as vessels that fish at offshore islands and banks on longer trips.

CDFW does not propose any at-sea monitoring associated with this EFP application, as the only exception to regulations pertains to possession of cowcod that otherwise would be released, and the vessel crew is responsible for providing the whole fish to the CPFV landing upon return of the trip. CDFW invites input on whether a notification mechanism is necessary once a cowcod is retained at sea.

Harvest Limits

CDFW welcomes input on whether a set-aside for cowcod is needed because the EFP does not propose to test a new fishing method, strategy or gear. All mortalities incurred will happen in conjunction with routine recreational CPFV fishing activity and will be calculated as part of the normal recreational catch estimation process. Similarly, no additional mortality is expected to be incurred on overfished yelloweye rockfish as a result of this EFP.

CDFW welcomes advice from the GMT as to whether cowcod mortality by EFP vessels might be increased due to retaining cowcod that might have been released at shallower depths or with descending devices, and therefore would have been assigned a lower expected mortality upon release.

Submission Requirements

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Date: October 17, 2019
Signature:

