

GROUND FISH MANAGEMENT TEAM REPORT ON PRELIMINARY EXEMPTED FISHING PERMIT APPROVAL FOR 2023-2024

The Groundfish Management Team (GMT) reviewed the applications for exempted fishing permits (EFPs) contained in the November 2021 briefing book, was briefed by Dr. Jim Seger of Pacific Fishery Management Council (Council) staff on the November 8, 2021 GMT webinar, and had additional discussion during the Council meeting with some of the applicants. An overview of the six applications is presented in Table 1.

At this meeting, the Council will need to adopt preliminary off-the-top amounts for estimated EFP catch, which will be deducted from annual catch limits (ACLs), and are described in Table 2. A summary of these amounts will be included under Agenda Item E.5.a, Supplemental GMT Report 1 to facilitate the biennial management measure discussion and analyses. The GMT reviewed the technical merits of the applications contained in the advanced briefing book relative to Council Operating Procedure (COP) 19¹ for EFPs and offers the following comments.

Recreational Cowcod Sampling in California - California Department of Fish and Wildlife (Attachment 2)

The purpose of this EFP renewal is to provide an exemption to allow for retention of cowcod for biological data collection for use in future stock assessments ([Agenda Item E.4, Attachment 2](#)).

This EFP renewal is intended to opportunistically collect biological samples for cowcod, with the expectation that this alteration will have limited impacts on current fishery operations. The California Department of Fish and Wildlife (CDFW) will solicit commercial passenger fishing vessels (CPFVs) to participate. Participants will need to abide by reporting and fish handling practices until CDFW staff can collect the specimens. CDFW will also coordinate and conduct the sampling protocols with the National Marine Fisheries Service (NMFS) stock assessors to ensure that data collected fall within age and growth parameters that meet stock assessment standards. CDFW did not specify a set-aside amount, and the GMT discussed that any changes to cowcod mortality would be minor and could be considered as standard catch estimates under the appropriate fishery harvest limit. The application indicates that CPFVs selected to participate will use legal gears, fish within legal depths, and continue with business practices as usual. The GMT understands that CDFW does not intend to consider allowing retention in the recreational fishery as part of the 2023-2024 specification process, so the overall cowcod mortality is not expected to significantly increase due to this EFP. The application does not include any observer coverage, because the vessels participating will not be allowed to keep for personal use any portion of cowcod taken as part of the EFP. Additionally, this EFP is not requesting to fish inside the rockfish conservation area (RCA) or closed areas or otherwise alter fishing behavior.

CDFW has provided an interim report ([Agenda Item E.4, Attachment 2, November 2021](#)) on activities under this EFP thus far in 2021. Due to COVID-19, EFP collection efforts did not commence until the summer of 2021, after participating vessels resumed more normal operations

¹ <https://www.pcouncil.org/documents/2020/09/current-operating-procedures.pdf/#page=91>

and CDFW staff were able to undertake EFP coordination and project administration activities. CDFW states that “Although only a few specimens have been collected to date, cowcod encounters typically occur more frequently during the winter months particularly in southern California, so it is expected that collection activities will begin to ramp up this month.” The samples collected so far appear to provide the needed data, so two additional years of collection will continue to add to this data stream.

In consideration that the recreational prohibition will remain in place, the harvest limit increased beginning in 2021-2022 and is continuing in the 2023-2024 biennium, and (if approved and executed) this EFP would fill a data gap for a sensitive and constraining species, **the GMT continues to see technical merit in the application and recommends moving it forward for public review.**

Recreational Yelloweye Sampling in Washington - Washington Department of Fish and Wildlife (Attachment 3)

The purpose of this EFP renewal is to allow retention of yelloweye rockfish from a select group of charter and private fishing vessels during the recreational groundfish and Pacific halibut fisheries ([Agenda Item E.4, Attachment 3](#)). The goal is to better describe the biological characteristics of yelloweye rockfish bycatch in Washington’s recreational fisheries and potentially benefit future yelloweye rockfish assessments. Currently, little information on this species is available, because retention has been prohibited for almost two decades. This EFP could also provide insight on catch rates in a limited retention fishery that may aid in evaluating future management measures.

A set-aside is not needed to execute this EFP renewal, as catch will be accounted for in the Washington recreational share of the yelloweye rockfish harvest guideline. The retained yelloweye rockfish will be recorded as released fish and assigned a 100 percent discard mortality rate. Given that the intent of this EFP is only to retain yelloweye rockfish that would otherwise be released, the additional mortality would only arise from retained fish that would have been discarded with a descending device and estimated to survive being descended.

Washington Department of Fish and Wildlife (WDFW) will select the vessels that participate in this EFP based on their historical cooperation with WDFW sampling and research programs, as well as set criteria including identification skills, historical participation in Pacific halibut and groundfish fisheries, willingness to participate in prescribed study protocols, lack of violations while fishing for Pacific halibut or groundfish, and intention of future participation of halibut and/or groundfish fisheries during 2023-2024 seasons. All participating vessels will be subject to applicable season, gear, and bag limits. The nature of this EFP is somewhat different than other, more traditional EFPs, because participants will not be allowed to fish outside normal fishery regulations other than retaining yelloweye rockfish (which will be turned over to WDFW staff). For this reason, observer coverage is not proposed.

Through mid-October 2021, 97 fish were collected under this EFP (approximately 0.2 mt; [Agenda Item E.4.a, Supplemental WDFW Report 1, November 2021](#)). WDFW indicates that they are “currently evaluating the 2021 data for use in the average weight calculation for 2021

mortality estimates, and all data will be loaded into RecFIN's Biological Data System for use in the next yelloweye rockfish stock assessment.”

The GMT continues to see technical merit and recommends the Council move this application forward for public review.

Midwater Jig Fishing in California - San Francisco Community Fishing Association and Dan Platt (Attachment 4)

The purpose of this EFP renewal is to target yellowtail and chilipepper rockfish using commercial midwater jig gear inside the RCA off California while avoiding yelloweye rockfish ([Agenda Item E.4, Attachment 4](#)). This EFP was initially approved for the 2013-2014 biennium and has been renewed every management cycle since, with various requirement changes to the observer coverage, southern range limit, and number of participating vessels.

The applicants have previously provided an interim report covering 2013-2019 and an update for 2021 ([Agenda Item E.4, Attachment 10, November 2021](#)) activity that shows catch has stayed well below their set aside amounts for target species and yelloweye rockfish. The EFP applicants have notified the West Coast Observer Program (WCGOP) of their need for observer coverage for 2023-2024, which will be provided at no cost if an observer is available. If a WCGOP observer is not available, the participants understand that they must contract and pay for an observer to meet the Terms and Conditions of this EFP.

This EFP has been prioritized by the Council and is incorporated in the non-trawl RCA agenda item. Given the time frame for potential implementation of new non-trawl RCA regulations, moving this application forward will provide continuity, continue to add to an existing dataset, and address potential delays. **The GMT continues to find technical merit in the application and recommends moving it forward for public review.**

Year-Round Coastwide Midwater Rockfish EFP – West Coast Seafood Processors Association; Oregon Trawl Commission; Midwater Trawlers Cooperative; Environmental Defense Fund (Attachment 5)

The purpose of this EFP renewal ([Agenda Item E.4, Attachment 5](#)) is to collect information on salmon bycatch for vessels using midwater trawl gear to target midwater rockfish species year-round and coastwide. This EFP renewal would also collect information on impacts of bottom trawl vessels fishing between 40° 10' and 42° N. lat., shoreward of the RCA boundary, using small footrope trawl gear. This EFP renewal helps fulfill the requirements of the Incidental Take Statement (ITS) for salmon in Pacific coast groundfish fisheries. No set-asides are needed for this EFP, as all catch is accounted for using participants' quota.

The GMT continues to see technical merit in the application and suggests that the application be moved forward for public review.

Midwater Hook and Line Rockfish Fishing in Oregon - Scott Cook (Attachment 6)

The purpose of this EFP renewal is to test commercial midwater hook and line gear in the RCA off Oregon ([Agenda Item E.4, Attachment 6](#)). This EFP was initially approved for the 2019-2020 cycle and is not currently requesting any substantive changes to the operations, protocols, or set-aside amounts. The goal is to target mid-water shelf rockfish species, while avoiding the overfished yelloweye rockfish, and also to test electronic monitoring (EM) devices for small vessels that are typically too small to carry an onboard observer. A progress report was provided on October 9, 2019, addressing the lack of participation to that point. No progress report has been submitted as of the time of writing this report for activities in 2021. The applicant has previously indicated reasons for limited participation include the expense, lack of available fishing days in the EFP, and difficulty in safely bringing an observer onboard.

Projected impacts have been provided for low and high estimates of potential fishing effort (20 or 30 fishing days, respectively). The GMT discussed the low and high effort estimates and the proposed rule for the Oregon long-leader sport fishery that prohibits the retention of lingcod, to minimize yelloweye rockfish impacts. Since this EFP would have 100 percent observer coverage, rather than prohibiting retention of lingcod, the GMT believes the low proposed lingcod set-aside of 0.1 mt should be sufficient to dissuade targeting of lingcod and minimizing co-occurring yelloweye rockfish bycatch (Table 2).

This EFP will provide new information to better understand the selectivity and potential impacts of this new gear type. **The GMT continues to see technical merit in this application but due to limited participation over the previous 3 years of this EFP, the GMT does not recommend this EFP to move forward.**

Monterey Bay Regional Chilipepper Rockfish - Real Good Fish (Attachment 7)

The purpose of this EFP renewal is to assess the feasibility of a midwater gear type to primarily target chilipepper rockfish, followed by bocaccio and yellowtail rockfish in the non-trawl RCA off central California ([Agenda Item E.4, Attachment 7](#)). Utilizing not more than 10 vessels, shrimp fly gear powered by salmon gurdies would be deployed 50 feet off the bottom to avoid yelloweye rockfish. Each vessel would be held to a daily cap of yelloweye rockfish to ensure set-aside amounts would not be exceeded. Using this gear type combined with slow trolling speeds, the applicants do not expect to encounter salmon but demonstrated willingness to work with NMFS and state agencies on a bycatch cap, best handling practices and biological samples if identified as a priority.

A progress report was submitted that indicated that there have been 22 trips under this EFP from 2019 through July of 2021 catching 3,950 pounds of chilipepper rockfish, 2,221 pounds of bocaccio rockfish, less than two percent of the project's quota for non-target species (widow, vermilion, and canary rockfish), and no cowcod ([Agenda Item E.4, Attachment 9, November 2021](#)). The applicants indicated the reason for low participation in the EFP ended up being higher costs than using this gear in the open access fishery, which doesn't require vessel monitoring system (VMS) or observer coverage. Initially, the quota and fishing depths accessible via the EFP were the primary benefit to fishermen, but during the project period, the Council has begun working on modifying the non-trawl RCA, possibly opening up deeper

fishing depths, and drastically increasing individual limits for the open access fishery. These have combined to reduce the appeal of the EFP to potential vessels.

In previous iterations, this EFP had indicated interest in exploring EM technology, rather than carrying observers. However, in Supplemental Attachment 12, they have now indicated that 100 percent at-sea observer coverage is expected for both years of this permit. EM solutions that were tested were not sufficient enough to request lower levels of coverage. Additionally, they are not requesting exemptions from VMS for 2023-2024.

The GMT continues to see technical merit in this application and recommends it be moved forward for public review.

Summary

The GMT provides a summary for all six submitted EFPs in Table 1 and proposed set-asides in Table 2 as well as our recommendations below. Based on Council action under this agenda item, the GMT will include the final set-asides for EFPs forwarded for public review as off-the-top deductions to the ACL under our Agenda Item E.5.a, Supplemental GMT Report 1.

The GMT notes that three of these EFPs are to test similar gears to target underutilized midwater rockfish species within the RCA, with one being renewed for the fifth biennium. The Council has prioritized two items which may reduce or eliminate the need for this type of EFP: modifying the non-trawl sector area management measures (adopting a range of alternatives scheduled at this meeting); and moving the Emley/Platt EFP ([Attachment 4](#)) into regulations. Though prioritized by the Council, the latter does not appear on the current draft Year-at-a-Glance ([Agenda Item C.10, Attachment 1, November 2021](#)). Therefore, the Council may want to consider whether limited workload resources should be spent on these EFPs versus working on the prioritized items that could provide some sector-wide benefits.

Finally, the GMT also notes that estimated Chinook salmon catch for non-trawl EFPs will be very low. **The GMT again recommends a total allowance of 100 Chinook salmon annually for all the non-trawl EFPs considered in this biennium be included in the salmon scorecard and counted against the non-whiting salmon guideline, as defined in the salmon Incidental Take Statement.**

GMT Recommendations:

1. **The GMT sees technical merit in and recommends the following applications be forwarded for public review:**
 - **Recreational Cowcod Sampling in California (CDFW)**
 - **Recreational Yelloweye Sampling in Washington**
 - **Midwater Jig Fishing in California**
 - **Year-Round Coastwide Midwater Rockfish EFP**
 - **Monterey Bay Regional Chilipepper Rockfish**
2. **The GMT continues to see technical merit in this Midwater Hook and Line Rockfish Fishing in Oregon (Cook) application but due to limited participation over**

the previous 3 years of this EFP, the GMT does not recommend this EFP to move forward.

- 3. The GMT recommends a total allowance of 100 Chinook salmon annually for all the non-trawl EFPs considered in this biennium be included in the salmon scorecard and counted against the non-whiting salmon guideline, as defined in the salmon ITS.**

Table 1. Summary of EFP applications.

Attachment Number	2	3	4	5	6	7
Brief Description/Title	Recreational Cowcod Sampling in California	Recreational Yelloweye Sampling in Washington	Midwater Jig Fishing in California	Year-Round Coastwide Midwater Rockfish EFP in the Shoreside IFQ Fishery	Midwater Hook & Line Rockfish Fishing in Oregon	Monterey Bay Regional Chilipepper Rockfish EFP
GENERAL INFORMATION						
Name of Applicant	CDFW Groundfish project	WDFW	San Francisco Community Fishing Association and Dan Platt	West Coast Seafood Processor Association, Oregon Trawl Commission, Midwater Trawlers Cooperative, and Environmental Defense Fund	Scott Cook	Real Good Fish and Environmental Defense Fund
Proposed geographic area for EFP	Statewide	Washington coast	Between Pt. conception 34 27 N. lat. and the OR/CA border 42 N. lat. fishing to occur between 35 and 150 fm. New southern extension to Pt. conception	Coastwide for midwater trawl. For bottom trawl, coastwide AND between 40 10 and 42 shoreward of RCA, where currently only SFFT fishing is allowed.	OR coast, 30 to 100 fm	Central CA at depths of 40-150 fm- within the non-trawl RCA
Proposed number of participants	Up to 20 vessels	approximately 10 recreational (charter/private) vessels	7 vessels total	Will be defined by enrollment process, as in past.	3-5 vessels from as many OR ports as possible	Up to 10 but no less than 5 vessels
Gear Type	Legal hook and line gear - not to exceed 2 hooks	recreational hook and line	up to 4 lines; each line has tuna cord mainline, float at least 3.5 in in diameter, 25-50 hooks, total of no more than 100 hooks, spaced 1-3 feet apart; vertical gear, with minimum of 30	Midwater trawl	trolled longline gear. 1 or 2 steel salmon troll wires attached to the vessel's gurdies; breakaway, salmon troll cannon ball (35 lbs minimum); at least 40 feet between	Gear operates in the mid-water column, with salmon gurdies on both sides of the vessel with stops ~every 3 fathoms. Fly line with a maximum of 500-750 hooks per set

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			feet between weight and lowest hook or jig		cannon ball and mainline; 1 or 2 monofilament mainlines, with 25-125 gangions/leaders and hooks; float attached to terminal end of mainline	attached to wire. gear lowered no closer than 1 fm off the bottom. three or four sets per trip. Mainline consists of shrimp flies attached to gangions with swivels. hooks are spaced approx. 18-30" apart. floats are spaced throughout the mainline to reduce sagging. Vertical test lines will be deployed prior to setting the longline gear.
Proposed target species	Cowcod	Yelloweye rockfish	Yellowtail RF, minor shelf rockfish south (which includes YT), chilipepper rockfish, and widow rockfish. Participants will be discouraged from targeting vermilion rockfish.	Chilipepper rockfish, yellowtail rockfish, and widow rockfish	yellowtail, widow, canary RF	Chilipepper rockfish
Proposed time frame	2 years: 2022-2024	When recreational halibut fishing is open, 2 years: 2023-2024	2 years: 2022-2024	2 years: 2022-2024	2 years: 2022-2024	2 years: 2022-2024

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Summary of proposal/notes	Continuation of 2021-2022 EFP. Exemption from both the cowcod prohibition, and general angler/vessel bag and possession limit for the purpose of biological data needed to fill data gaps identified for future stock assessment use. Vessels selected based on wide geographic spread and EC buyoff to coordinate with CDFW staff for processing, storage and NMFS hand off	Continuation of 2021-2022 EFP. Describe the biological characteristics of yelloweye rockfish bycatch in WA's recreational fisheries. Currently there is a shortage of information since retention has been prohibited for over a decade. Secondly, test a limited retention fishery to inform future management decisions.	This is a continuation of an EFP that has been approved 5 times previously, trying to gather "enough data" to start the rulemaking process.	This is a continuation of the 2021-2022 EFP which will target midwater rockfish year-round in the RCA off of northern California. No changes have been proposed from the previously approved EFP.	Continuation of 2021-2022 EFP, which was previously approved, with revisions made to set aside amounts. Minimal fishing so far under this EFP. No interim report provided.	Continuation of 2021-2022 EFP. 100% at-sea observer coverage is expected for both years of this permit. EMS solutions that we've tested were not sufficient enough to request lower levels of coverage (Addendum in Attachment 12)

Table 2. Applicant-requested set-aside amounts (mt) for EFPs in Attachments 2-7.

Species	Attachment	2	3	4	5	6	7	EFP Total	
	Area	CDFW	WDFW	Platt/ Emley	Midwater Trawlers	Cook	Real Good Fish		
Arrowtooth flounder	Coastwide	None	None		None	0.10		0.10	
Big skate	Coastwide			0.10			0.10		
Black (WA)	Washington								
Black (CA)	California			1.00			1.00		
Bocaccio	S of 40°10' N. lat.			10.00			30.00	40.00	
Cabazon (CA)	S of 42° N. lat.			1.00			1.00		
California scorpionfish	S of 34°27' N. lat.							0.00	
Canary rockfish	Coastwide			2.00			5.00	1.00	8.00
Chilipepper	S of 40°10' N. lat.			30.00			40.00	70.00	
COWCOD	S of 40°10' N. lat.			0.50			0.00	0.50	1.00
Darkblotched rockfish	Coastwide			0.10			0.10	0.40	0.60
Dover sole	Coastwide						0.10		0.10
English sole	Coastwide						0.10		0.10
Lingcod	N of 40'10° N. lat.						0.10		0.10
Lingcod	S of 40'10° N. lat.						1.50		1.50
Longnose skate	Coastwide						0.10		0.10
Longspine thornyhead	N of 34°27' N. lat.								0.00
Longspine thornyhead	S of 34°27' N. lat.								0.00
Pacific cod	Coastwide						0.10		0.10
Pacific whiting	Coastwide			0.10		0.10			

Species	Attachment	2	3	4	5	6	7		
	Area	CDFW	WDFW	Platt/ Emley	Midwater Trawlers	Cook	Real Good Fish	EFP Total	
Petrale sole	Coastwide			1.00		0.10		1.10	
Pacific ocean perch	N of 40°10' N. lat.					0.10		0.10	
Sablefish	N of 36° N. lat.			1.00		0.10		1.10	
Sablefish	S of 36° N. lat.							0.00	
Shortspine thornyhead	N of 34°27' N. lat.					0.10		0.10	
Shortspine thornyhead	S of 34°27' N. lat.							0.00	
Spiny dogfish	Coastwide			1.00		0.10		1.10	
Splitnose rockfish	S of 40°10' N. lat.			1.50				1.50	
Starry flounder	Coastwide					0.10		0.10	
Widow rockfish	Coastwide			9.00		10.00	9.00	28.00	
YELLOWEYE ROCKFISH	Coastwide			0.06		0.12	0.06	0.24	
Yellowtail rockfish	N of 40°10' N. lat.					10.00		10.00	
Stock Complexes									
Nearshore rockfish north	N of 40°10' N. lat.	None	None		None	0.50		0.50	
Nearshore rockfish south	S of 40°10' N. lat.						0.00		
Shelf rockfish north	N of 40°10' N. lat.						1.50		1.50
Shelf rockfish south	S of 40°10' N. lat.						30.00	20.00	50.00
Slope rockfish north	N of 40°10' N. lat.						0.50		0.50
Slope rockfish south	S of 40°10' N. lat.						1.00		1.00
Other fish	Coastwide								0.10

Species	Attachment	2	3	4	5	6	7	
	Area	CDFW	WDFW	Platt/ Emley	Midwater Trawlers	Cook	Real Good Fish	EFP Total
Other flatfish	Coastwide					0.10		0.10
Oregon black/blue/deacon	Oregon					0.50	0.50	
Oregon cabezon/kelp greenling	Oregon					0.10	0.10	
Washington cabezon/kelp greenling	Washington						0.00	

PFMC
11/17/2021