

GROUND FISH MANAGEMENT TEAM REPORT ON PRELIMINARY EXEMPTED FISHING PERMIT APPROVAL FOR 2019-2020

The Groundfish Management Team (GMT) reviewed the applications for exempted fishing permits (EFPs) contained in the November 2017 briefing book. The GMT would like to thank the applicants from the San Francisco Community Fishing Association and Mr. Dan Platt, Mr. Scott Cook and the Oregon Department of Fish and Wildlife (ODFW), Mr. Tom Mattusch, and Mr. Alan Lovewell and the Monterey Bay Fishermen for being available at this meeting to answer questions and provide additional input.

The Council will need to adopt preliminary off-the-top amounts to deduct from the annual catch limits (ACLs) or annual catch targets (ACTs) under Agenda Item F.9 at this meeting to facilitate the biennial analysis. The total off-the-top deductions will include the amounts reserved for EFPs approved under this agenda item. The Council action to adopt the preliminary off-the-top deductions for EFPs should consider the availability of overfished and highly attained species relative to the 2019-2020 harvest specifications.

The GMT reviewed the technical merits of the applications contained in the advanced briefing book relative to Council Operating Procedure (COP) 19 on EFPs and offers the following comments.

Commercial Jig Fishing Targeting Yellowtail Rockfish off California-- San Francisco Community Fishing Association and Dan Platt

The purpose of this EFP is to target yellowtail and chilipepper rockfish using commercial midwater gear in the Rockfish Conservation Area (RCA) off California while avoiding yelloweye rockfish ([Agenda Item F.8, Attachment 2](#)). This EFP was initially approved for 2013-2014 and was renewed for the 2015-2016 management cycle. The Council again renewed this EFP for 2017-2018 and made these three recommendations: changes to the requirement for observer coverage, expansion of the EFP range to the south, and the addition of three more vessels.

In the renewal application for 2019-2020, the applicants have requested to (1) increase the allowance for yelloweye rockfish from 0.03 to 0.06 mt in response to an expected increase in the number of participating vessels, (2) obtain approval to retain and sell canary rockfish, and (3) modify the gear specifications to increase the distance between the lowest hook and the weight from 30 to 50 feet to provide more assurance that the gear would avoid yelloweye rockfish. This EFP is requesting off-the-top deductions from the ACL, which are summarized in Attachment 1.

The applicants have provided an interim report on the 2017-2018 EFP showing that catch has stayed well below their allocation for all overfished species including yelloweye rockfish. However, the GMT notes that the National Marine Fisheries Service (NMFS) permit for 2017 did not allow reduced observer coverage, as less than 100 percent observer coverage was viewed

as outside of the parameters of what could be allowed under an EFP. The EFP applicants have secured observer coverage for 2019-2020 through the West Coast Groundfish Observer Program (WCGOP). **The GMT sees technical merit in the EFP and recommends that it be forwarded for public review.**

Commercial Midwater Hook and Line Rockfish Fishing in the RCA off the Oregon Coast --Scott Cook & Oregon Department of Fish and Wildlife

The purpose of this EFP is to test commercial midwater hook and line gear in the RCA off Oregon ([Agenda Item F.8, Attachment 4](#)). The proposal will also test new electronic monitoring (EM) devices for vessels typically too small to be monitored with observers or current EM systems. The GMT is supportive of an EFP that proposes to test new small boat EM systems alongside human observers to collect information that will inform our ability to monitor small-boat fisheries, such as nearshore and recreational fisheries.

This EFP is requesting off-the-top deductions from the ACL. The applicant has done a thorough job of providing estimated harvest amounts for target and bycatch species. The applicants have proposed that some of the harvest amounts be taken from the non-trawl allocation while others be taken as off-the-top deductions from the ACL. 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 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 in order to minimize yelloweye rockfish bycatch.

The applicant indicates that coho and Chinook salmon could be encountered, but the EFP will ensure low catch by trolling at slower speeds than those that target salmon and using shrimp fly gear, which are less enticing to salmon. The GMT recommends that NMFS and the applicant work together to incorporate salmon mitigation measures (e.g., caps) if needed.

In summary, the GMT sees technical merit in the EFP and recommends that it be forwarded for public review with the following modifications:

- 1. All projected impacts be taken as off-the-top deductions from the ACL to reduce complexity.**
- 2. The cap for yelloweye rockfish be no higher than the low effort projection (0.13 mt), which the GMT believes will provide enough fish to prosecute the EFP.**
- 3. The applicants work with NMFS to incorporate salmon mitigation measures (e.g., caps) if needed.**

Chilipepper and Yellowtail Rockfish Recreational Long-Leader Gear off California -- Tom Mattusch

The purpose of this EFP ([Agenda Item F.8, Attachment 5](#)) is to test a similar recreational gear configuration developed and tested in the Recreational Fishing Alliance EFP off Oregon and the EFP currently being tested for commercial use in the San Francisco Community Fishing Association EFP. As proposed in the other midwater EFP's, this proposal would target

yellowtail and chilipepper rockfish, which are underutilized in the California recreational fishery but not accessible to recreational anglers due to their locations in the RCAs and Cowcod Conservation Areas.

Initially, the application for this EFP was somewhat incomplete, particularly in terms of providing estimates of projected impacts for target and bycatch species and uncertainty with how the applicant would obtain at-sea fishery monitoring. The GMT had the opportunity to discuss these issues one-on-one with the applicant and have worked with him to provide updated preliminary projected impacts. However, the GMT still has concerns about the EFP application and the ability to obtain observer coverage. As a reminder, guidance from NMFS is that 100 percent observer coverage is required for EFP. **The GMT recommends that this EFP be moved forward for public review with the caveat that the applicant provides an update on observer coverage in time for Council final action in June 2018.**

Monterey Bay Fishermen Exempted Fishing Permit--Alan Lovewell

The purpose of this EFP ([Agenda Item F.8, Supplemental Attachment 7](#)) is to assess the feasibility of a midwater gear type to target chilipepper rockfish in the non-trawl RCA off central California. This EFP proposes to use salmon gurdies rigged with between 500 and 750 hooks per line with the hooks 50 to 60 feet off the bottom. The GMT was somewhat concerned with the number of hooks proposed, but we learned from the applicant that the number of hooks was based on past EFPs ([Agenda Item, I.6.a Attachment 1, March 2008](#)) which also used 500 to 750 hooks on similar gear.

The application described that fishing would occur at least 1 fathom off the bottom; however, the applicant clarified that *the weight itself* would be 1 fathom off the bottom, with the hooks proposed to be at least 30 feet above the weight. This gear set-up is similar to the San Francisco Community Association/Platt EFP, which has effectively avoided overfished species since its inception.

As described in the application, this EFP was initially intended to rely solely on EM using a type of small camera that is not a NMFS-approved system. The GMT has concerns that EM alone would not be sufficient for EFP vessels fishing in the RCA. In addition, many on the GMT were not familiar with the type of electronic device proposed. After discussion with the applicant, we learned that the WCGOP is exploring potential use of the Flywire EM system (<http://www.flywirecameras.com/fishingem/>) on small vessels, including in the Cook and ODFW EFP above, and that the applicant would be willing to take Federal observers alongside EM to gather meaningful information and meet the requirement for full observer coverage. The GMT understands that the cost associated with observer coverage may be a barrier to small vessels and new entrants, and discussed the benefits of this EFP to test the utility of EM on small vessels in the future.

The GMT sees there is technical merit in the EFP and recommends that it be forwarded for public review, with the following modifications:

- 1. The EFP applicant revise the application to provide 100 percent observer coverage to compare to data collected by EM.**

2. **The applicant revise the EFP application to provide a better description of the gear and the depth where the weight and fishing hooks will be deployed.**

Consideration of EFPs, as a whole

The GMT provides Table 1 with a summary of these four EFPs. All of these EFPs require some allocation of target and overfished species. These requests are summarized in Table 2 for Council consideration. Based on Council action under this agenda item, the GMT will include any deductions from the ACL for EFPs approved in our F.9 statement on off-the-top deductions.

All EFPs considered here may encounter endangered salmon stocks, and as such **the GMT recommends that all applicants work with NMFS to incorporate salmon mitigation measures (e.g., caps) if needed.**

In general, based on technical merit, and the requirements outlined in COP 19, the GMT recommends that the Council consider forwarding these EFP proposals for public review. However, the GMT has very strong concerns about the workload associated with permitting and implementing all of these EFPs for 2019-2020, given limited NMFS staff, the focus on the 2019-2020 harvest specifications process, and other groundfish rulemaking items already in the queue.

GMT Recommendations:

1. **The GMT sees technical merit in the San Francisco Community Fishing Association/Platt EFP and recommends that it be forwarded for public review.**
2. **The GMT sees technical merit in the ODFW/Scott EFP and recommends that it be forwarded for public review with the following modifications:**
 - a. **All projected impacts be taken as off-the-top deductions from the ACL to reduce complexity.**
 - b. **The cap for yelloweye rockfish be no higher than the low effort projection (0.13 mt) which the GMT believes will provide enough fish to prosecute the EFP.**
3. **The GMT recommends that Mattusch EFP be moved forward for public review with the caveat that the applicant provides an update on observer coverage in time for Council final action in June 2018.**
4. **The GMT sees there is technical merit in the Lovewell EFP and recommends that it be forward for public review, with the following modifications:**
 - a. **The EFP applicant revise the application to provide 100 percent observer coverage to compare to data collected by EM.**
 - b. **The applicant revise the EFP application to provide a better description of the gear and the depth where the weight and fishing hooks will be deployed.**
5. **The GMT recommends that all applicants work with NMFS to incorporate salmon mitigation measures (e.g., caps) if needed.**

Table 1. Summary of EFP applications.

Brief Description/Title	Yellowtail RF Jig Fishing off CA (Platt/Emley)	Comm. Midwater Hook & Line Rockfish in RCA off OR (Cook/ODFW)	Rec Chilipepper/ Yellowtail RF longleader gear (Mattusch)	Commerical Mid-Water Chilipepper (Lovewell)
GENERAL INFORMATION				
Proposed geographic area for EFP	Point San Pedro to the OR/CA border, between 35 and 150 fm	OR coast, 30 to 100 fm	off CA coast, Newport to OR border; 65-100 fm	Central CA at depths of 80-120 fm within the non-trawl RCA
Proposed number of participants	4 vessels, 2 out of San Francisco, 1 out of Ft. Bragg, 1 out of Crescent City	3-5 vessels from as many OR ports as possible	10 vessels	up to 10 but no less than 5 vessels
Gear Type	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 feet between weight and lowest hook or jig	trolled longline gear. 1 or 2 steel salmon troll wires attached to the vessel's gurdies; breakaway, salmon troll cannon ball (35 lbs); at least 40 feet between cannon ball and mainline; 1 or 2 monofilament mainlines, with 25-125 gangions/leaders and hooks; float attached to terminal end of mainline	similar to "Holloway Gear," minimum 30 feet between sinker and hooks. float affixed to the upper end of leader, small plastic works, grubs, or shrimp flies, 2 hooks per line (current reg)	gear operates in the mid-water column. salmon gurdies on both sides of the vessel with stops ~every 3 fathoms. Fly line with a maximum of 500-750 hooks per set 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	yellowtail RF, Minor shelf RF S (which includes YT), chilipepper, widow RF	yellowtail, widow, canary RF	chilipepper and yellowtail RF,	chilipepper
Proposed time frame	2 more years	throughout the year, 2 years	1 year, with possible renewal for 2019; fishing to take place April - Dec (normal fishing season)	2 years, 2019-2020

Table 1. Applicants requested set-aside amounts.

Species	Area	Yellowtail RF Jig Fishing off CA (Platt/Emley)	Comm. Midwater Hook & Line Rockfish in RCA off OR (Cook/ODFW)	Rec Chilipepper/ Yellowtail RF longleader gear (Mattusch)	Commerical Mid-Water Chilipepper (Lovewell)	EFP Total
Arrowtooth flounder	Coastwide		0.1			0.1
Big skate	Coastwide		0.1			0.1
Black	N of 46°16' N. lat.		0			0
Black	46°16' N. lat. to 42° N. lat.	1	0.5			1.5
Black	S of 42° N. lat.		0			0
Bocaccio	S of 40°10' N. lat.	10	0	0.91	3.3	14.21
Cabazon	46°16' to 42° N. lat.		0.1			0.1
Cabazon	S of 42° N. lat.		0			0
California scorpionfish	S of 34°27' N. lat.		0			0
Canary rockfish	Coastwide	1	10	0.04	1	12.04
Chilipepper	S of 40°10' N. lat.	30	0	0.59	30	60.59
COWCOD	S of 40°10' N. lat.	0.015	0		0.015	0.03
Darkblotched rockfish	Coastwide	0.1	0.1		0.4	0.6
Dover sole	Coastwide		0.1			0.1
English sole	Coastwide		0.1			0.1
Lingcod	N of 40°10' N. lat.	1.5	0.1			1.6
Lingcod	S of 40°10' N. lat.		0			0
Longnose skate	Coastwide		0.1			0.1
Longspine thornyhead	N of 34°27' N. lat.		0			0
Longspine thornyhead	S of 34°27' N. lat.		0			0
Nearshore rockfish north	N of 40°10' N. lat.		0.5			0.5
Nearshore rockfish south	S of 40°10' N. lat.		0	0.04		0.04
Shelf rockfish north	N of 40°10' N. lat.	3	1.5			4.5
Shelf rockfish south	S of 40°10' N. lat.	30	0	0.08		30.08
Slope rockfish north	N of 40°10' N. lat.	1	0.5			1.5
Slope rockfish south	S of 40°10' N. lat.	1	0	0.01		1.01
Other fish	Coastwide		0.1			0.1
Other flatfish	Coastwide		0.1			0.1
Pacific cod	Coastwide		0.1			0.1

Pacific whiting	Coastwide	1	0.1			1.1
Petrale sole	Coastwide		0.1			0.1
Pacific ocean perch	Coastwide		0.1			0.1
Sablefish	N of 36° N. lat.	1	0.1			1.1
Sablefish	S of 36° N. lat.		0			0
Shortbelly	Coastwide		0.1			0.1
Shortspine thornyhead	N of 34°27' N. lat.		0.1			0.1
Shortspine thornyhead	S of 34°27' N. lat.		0			0
Spiny dogfish	Coastwide	1	0.1			1.1
Splitnose	S of 40°10' N. lat.	1.5	0			1.5
Starry flounder	Coastwide		0.1			0.1
Widow	Coastwide	9	10	0.53	9	28.53
YELLOWEYE ROCKFISH	Coastwide	0.06	0.26	0.01	0.03	0.36
Yellowtail	N of 40°10' N. lat.	10	10	1.16	30	51.16

PFMC
11/18/17