

**GROUND FISH MANAGEMENT TEAM REPORT ON CONTINUING MIDWATER TRAWL
 & GEAR EFP AND SALMON BYCATCH PROVISIONS IN NEW EFPS**

The Groundfish Management Team (GMT) received a summary of the proposal for a year-round coastwide midwater rockfish exempted fishing permit (EFP), which is a modified version of the 2018 trawl gear EFP, and reviewed [Agenda Item I.8., Supplemental NMFS Report, September 2018](#). The GMT would like to add the following information for the Pacific Fishery Management Council (Council) to consider as they make recommendations on these EFPs.

2019-20 EFPs

In June 2018, the Council took final action on setting groundfish set-asides for EFPs as part of the 2019-20 harvest specifications biennium. During those discussions, the Council also directed the National Marine Fisheries Service (NMFS) to work with the applicants to develop salmon bycatch limits for each EFP, and report back to the Council at this meeting. Agenda Item I.8., Supplemental NMFS Report, September 2018 provides the requested bycatch limits for Chinook and coho salmon by EFP applicants (Table 1).

Table 1. The 2019-20 annual EFP Salmon Bycatch Limits Proposed by Applicants.

EFP Project and Applicant	No. of Chinook	No. of Coho
Yellowtail Rockfish Jig Fishing for the 2019-2020 Fishing Season - San Francisco Community Fishing Association (<i>Barbra 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 - Chilipepper Rockfish (<i>Alan Lovewell, Real Good Fish</i>)	60	10

As a reminder, the recent Salmon Incidental Take Statement (ITS) from 2017 sets a threshold of 5,500 Chinook salmon for all non-whiting fisheries, plus a 3,500 Chinook salmon reserve, which is available to whiting and non-whiting fisheries. If the Chinook salmon bycatch limit for the non-whiting fisheries and the reserve are taken, the non-whiting fisheries would be closed for the remainder of the year. The 2017 Salmon ITS also has a non-whiting threshold of 560 coho salmon. However, unlike for Chinook salmon, reaching the coho salmon threshold would result in Biological Opinion reinitiation, not in closure of the fishery.

After initial discussion of the limits with the Groundfish Advisory Subpanel (GAP), and further investigation by NMFS, the GMT has been informed that coho salmon bycatch limits for each EFP are not necessary. Instead, any take of coho salmon by participants in any of the EFPs would count toward the overall coho salmon bycatch limit. The GMT also notes that annual historical bycatch

has been less than 30 percent of the non-whiting coho threshold ([Agenda Item H.5.a, GMT Report 1, March 2018](#)). **Based on this information, the GMT recommends the Council not recommend coho salmon bycatch limits for any of the EFPs at this time.**

The GMT also discussed the proposed Chinook salmon bycatch limits and concluded that the amounts suggested by the applicants are likely more than sufficient to prosecute the EFPs. For perspective, the Emley/Platt EFP caught one Chinook and no coho salmon from 2013 to the present; the Oregon longleader EFP in 2009 and 2011 caught one Chinook and ten coho salmon on 380 angler trips; and the Oregon longleader fishery in 2018 caught two Chinook and two coho salmon in 2,220 angler trips. In short, all available evidence indicates that similar gear types are selective for midwater rockfish and minimally impact salmon.

Given that actual salmon takes are expected to be lower than proposed set-asides, the GMT discussed whether the bycatch limits should be lowered to more realistic levels. **The GMT recommends adopting the proposed Emley/Platt EFP Chinook salmon bycatch limit of 10 Chinook salmon and reducing the Cook EFP and Lovewell EFP bycatch limit for Chinook salmon to 50 each.** The resulting total of 110 Chinook salmon across all three EFPS represents a reduction from the proposed total of 170. These lesser bycatch limits would incentivize the minimization of bycatch without constraining the EFPs. The GMT notes that the NMFS regional administrator could modify the EFP salmon bycatch limits inseason if recommended by the Council.

The GMT also notes that, even if the improbable event of full attainment of the 110 total Chinook salmon occurs, this still would not be expected to negatively impact the other groundfish sectors. Chinook salmon take by the non-whiting fisheries is unlikely to exceed 2,000 salmon, which is less than half the 5,500 threshold. The bottom trawl take has been less than 1,050 per year since 2005; the non-whiting midwater fisheries including EFP are expected to take less than 100 per year based on 2017-2018 bycatch¹, and the recreational groundfish and fixed gear fisheries are projected to take less than 500 per year (Agenda Item H.5.a, GMT Report 1, March 2018). There is also another 3,500 Chinook salmon in the reserve, should the need arise to access the reserve.

The GMT believes that the GMT-proposed Chinook salmon bycatch limits are low enough to limit impacts on salmon and high enough to provide opportunity to allow evaluation of these potentially selective gear types. If these EFPs are successful, they could increase non-trawl attainment of midwater rockfishes, which is currently projected to be low in 2019 (176 of 3,847 mt allocations). The remaining uncaught quotas are estimated to be worth \$14.6 million in income and 2,200 jobs ([Agenda Item F.2.a, Supplemental GMT Report 1, April 2018](#)). Diversification and enhancement of opportunity of underutilized groundfish stocks was also a main rationale for revisions to the yelloweye rockfish rebuilding plan in June 2018.

Appendix A reflects the GMT-recommended bycatch limit for Chinook salmon and the groundfish set-asides for 2019-20. The GMT would like to note that Appendix A reflects slightly different bycatch limits than those adopted by the Council in June 2018. Specifically, in the process of finalizing the harvest specifications, NMFS, GMT, and Council staff recognized that the adopted set-asides did not reflect the new complexes for Washington cabezon/kelp greenling, Oregon

¹ Although 482 salmon were taken in the mid-water non-whiting fishery in 2015 prior to the EFP

cabezon/kelp greenling, or Oregon black/blue/deacon rockfishes. The GMT did not change the species-specific amounts adopted by the Council, but associated them with the appropriate species or complexes.

Reporting Requirements for EFPs

The GMT would like to remind the EFP applicants that Council Operating Procedures (COP) 19 and the terms and conditions of the EFPs include the requirement that the applicants submit an annual report to NMFS and the Council on their fishing activities and total catch. These reports provide information crucial to the Council considering taking action to recommend regulations to NMFS. The GMT further reiterates our recommendation from the June 2018 meeting ([Agenda Item E.2.a., Supplemental GMT Report 1, June 2018](#)) that the applicants for the Emley/Platt EFP summarize data collected from 2013 to present to the Council. **The GMT recommends the Council provide time under the inseason agenda items at the November 2018 Council meeting for applicants to present that data.**

Midwater Trawl and Gear EFP

The GMT recommends the Council forward to NMFS the 2019 Year-Round Coastwide Midwater Rockfish EFP application as described in [Agenda I.8., Supplemental Attachment 2, September 2018](#). The applicants are proposing to include the provisions necessary to allow for a year-round, coastwide midwater non-whiting fishery, as well as any provisions that were recommended to NMFS by the Council ([Agenda Item I.8., Attachment 1, September 2018](#)) to be included in the trawl gear rulemaking but will not be implemented by January 1, 2019. According to the proposed rule, as of now, the only provision that would not be included in the final rulemaking would be eliminating the requirement to use selective flatfish trawl gear between 42° N. latitude and 40° 10' N. latitude and shoreward of the trawl rockfish conservation area (RCA).

If NMFS determines that additional provisions recommended by the Council cannot be implemented as part of the final trawl gear rulemaking, the GMT recommends those additional provisions be included in the 2019 trawl gear EFP as well.

Salmon Bycatch Limits:

For 2018, the Chinook salmon bycatch limit for the trawl gear and non-whiting midwater trawl EFP are:

- Total (for all EFP and non-whiting midwater non-EFP): 3,547 Chinook salmon
- January 1-May 15th: 800 Chinook salmon
- South of 42° N. latitude, year-round: 80 Chinook salmon

Because the proposed 2019 trawl gear EFP is more limited in scope of exemptions and would likely include a very limited number of vessels that would be interested in the selective flatfish trawl gear exemption off northern California, NMFS and the applicants requested that the GMT consider whether the same Chinook salmon bycatch limits by time and area are appropriate.

After discussion with the GAP and the applicants, the GMT recommends revising the Chinook salmon bycatch limits by eliminating the time and area specific limits. Instead, the GMT recommends that a more preferable approach may be to have two limits: one for EFP vessels declared into the shorebased, non-whiting midwater trawl fishery, and one for EFP vessels

declared into the shorebased, groundfish bottom trawl fishery. Vessels fishing under the 2019 trawl gear EFP would be allowed, either through updated regulations or through an additional provision in the EFP, to carry and use both groundfish bottom and midwater trawl gears on the same trip² so long as they make the appropriate declarations before changing their gears³. The GMT notes that vessels using both groundfish bottom and midwater rockfish gear and using electronic monitoring (EM) for monitoring compliance need to continue to notify the West Coast Groundfish Observer Program of their intention in order to meet scientific observer requirements.

The GMT recommends a bycatch limit of 1,000 Chinook salmon for the year-round mid-water non-whiting component of the 2019 trawl gear EFP. Although actual catch is likely to be less than 1,000 Chinook salmon since the 2017-2018 mid-water non-whiting trawl fisheries (including the EFP) have caught 26 million lbs. of rockfish with only 53 Chinook salmon⁴, there are several reasons for providing some buffer for this EFP. The GMT believes that the full attainment of 1,000 Chinook salmon is unlikely, and regardless, would not be expected to compromise other groundfish sectors whom are expected to catch less than 2,000 of the 5,550 non-whiting Chinook salmon threshold (as discussed for the 2019-20 non-trawl EFPs above). It is possible that the low bycatch rates in 2017-2018 could have been partly due to low salmon abundances, and recovery of salmon stocks could increase the need for higher limits; however, we do note that analysis to date has not conclusively shown a correlation between bycatch and abundance. The GMT notes that the current EFP set-aside of 3,547 Chinook salmon were based on 2011-2014 bycatches rates for the mid-water non-whiting fisheries that were many times higher than occurred in 2017-2018.

In addition to the 1,000 Chinook salmon bycatch limit for EFP vessels that declare non-whiting midwater trawl gear, the GMT recommends a groundfish bottom trawl bycatch limit that would apply to those vessels that wish to be exempt from the selective flatfish trawl gear requirement between 42° N. latitude and 40° 10' N. latitude and shoreward of the trawl RCA. As a reminder, this is a new provision that has not been tested previously under either the 2017 and 2018 trawl gear EFPs. Because of that, and due to concerns over Klamath-Trinity River salmon in this area, **the GMT recommends the Chinook salmon bycatch limit in this area be 40 Chinook salmon for the bottom trawl component of the EFP.**

Finally, if NMFS determines that additional provisions of the trawl gear rulemaking package are unable to be implemented by January 1, 2019 and would need to be included in the 2019 trawl gear EFP, the GMT recommends the Council reconsider the groundfish bottom trawl Chinook salmon bycatch limit in November 2018.

Enrollment

The GMT would like to remind the Council that for the 2018 Trawl Gear EFP, the Council recommended that NMFS use an open enrollment period to solicit interest in the EFP. **The GMT recommends that a similar process be used for soliciting interest in the 2019 trawl gear EFP.**

² Current regulations define a trip as the period between landings. Therefore, if a vessel is fishing on an EFP trip, all catch on the trip will be attributed to the EFP, including any salmon caught, regardless of whether the gear configuration used is part of the EFP.

³ Vessels are only allowed to declare and fish with one type of groundfish trawl gear at a time.

⁴ Excluding an EFP trip that caught 173 Chinook salmon using non-EFP gears

Salmon Retention

The 2019 trawl gear EFP application suggests 100 percent retention of Chinook salmon. The 2018 trawl gear EFP allowed for full retention of Chinook salmon only for vessels simultaneously participating in the EM EFP. Vessels using 100 percent observer coverage, rather than EM, for monitoring compliance were required to discard Chinook salmon at sea, after the observer completed their sampling. The GMT sees no impairment to management in allowing full retention in order to provide state agencies the opportunity to census sample Chinook salmon bycatch in the EFP, provided shoreside monitors are able to complete their typical sampling protocol prior to state agency sampling. One goal of the EFP is to gain a better understanding of the genetic composition of the fish caught in the non-whiting fishery, as little genetic data for Chinook salmon bycatch in this area and this sector are currently available. Geneticists at the Northwest Fishery Science Center noted that this would be accomplished by collecting “larger samples, again distributed across the southern geography and across years” ([Agenda Item F.6.a., Supplemental NMFS Report 1, April 2018](#)). Although full census of bycatch events will provide additional data, this information will likely not substantially improve models and stock composition estimates in the short term due to limited spatial and temporal sampling extents. As effort in this area by these gears continues, at-sea observers and shoreside monitors following current protocol will increase this dataset, which will likely meaningfully inform models in the future. The GMT notes that additional sampling by state agencies will not impede this effort but also will not aid in meeting the goal of better understanding genetic composition in this area.

If the Council recommends requiring 100 percent retention of Chinook salmon, and NMFS chooses to include maximized retention of salmon in the terms and conditions of the EFP, the GMT suggests that, regardless of how many salmon are landed on a trip, after the catch monitor has taken shoreside samples, the state agency of landing is notified and provided an opportunity to collect the salmon. At that time, the state agency can assess the need to collect additional data from the bycatch. The GMT would also like to remind the Council that when this EFP concludes, the fishery would return to Chinook salmon being a non-retention species when 100 percent observer coverage is used for monitoring compliance.

Recommendations

The GMT recommends:

- 1. the Council not recommend coho salmon bycatch limits for any of the EFPs at this time.**
- 2. adopting the proposed Emley/Platt EFP Chinook salmon bycatch limit of 10 Chinook salmon and reducing the Cook EFP and Lovewell EFP bycatch limit for Chinook salmon to 50 each.**
- 3. the Council provide time under the inseason agenda items at the November 2018 Council meeting for applicants to present that data.**
- 4. the Council forward to NMFS the 2019 Year-Round Coastwide Midwater Rockfish EFP application as described in [Agenda I.8., Supplemental Attachment 2, September 2018](#).**
- 5. if NMFS determines that additional provisions recommended by the Council cannot be implemented as part of the final trawl gear rulemaking, those additional provisions be included in the 2019 trawl gear EFP as well.**

- 6. revising the Chinook salmon bycatch limits by eliminating the current time and area specific limits.**
- 7. adding a 40 Chinook salmon bycatch limit for the bottom trawl component of the EFP from 40° 10' N. latitude (exemption from selective flatfish trawl rule shoreward of the RCA).**
- 8. if NMFS determines that additional provisions of the trawl gear rulemaking package are unable to be implemented by January 1, 2019 and would need to be included in the 2019 trawl gear EFP, the GMT recommends the Council reconsider the groundfish bottom trawl Chinook salmon bycatch limit in November 2018 and that a similar process be used for soliciting interest in the 2019 trawl gear EFP (as the 2018 trawl gear EFP).**

PFMC
09/11/18

Appendix A. Table of salmon and groundfish set-asides by EFP for 2019-20.

Species	Area	Yellowtail RF Jig Fishing off CA (Platt/Emley)	Comm. Midwater Hook & Line Rockfish in RCA off OR (Cook/ODFW)	Commerical Mid-Water Chilipepper (Lovewell)	EFP Total
Arrowtooth flounder	Coastwide		0.1		0.1
Big skate	Coastwide		0.1		0.1
Black	Washington				0
Black	California	1			1
Bocaccio	S of 40°10' N. lat.	10		30	40
Cabazon	California				0
California scorpionfish	S of 34°27' N. lat.				0
Canary rockfish	Coastwide	2	5	1	8
Chilipepper	S of 40°10' N. lat.	30		30	60
COWCOD	S of 40°10' N. lat.	0.015		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
Longnose skate	Coastwide		0.1		0.1
Longspine thornyhead	N of 34°27' N. lat.				0
Longspine thornyhead	S of 34°27' N. lat.				0
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
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
Spiny dogfish	Coastwide	1	0.1		1.1
Splitnose	S of 40°10' N. lat.	1.5			1.5
Starry flounder	Coastwide		0.1		0.1
Widow	Coastwide	9	10	9	28
YELLOWEYE ROCKFISH	Coastwide	0.06	0.12	0.06	0.24
Yellowtail Rockfish	S of 40°10' N. lat.	10	10		20
Black/BDR	Oregon		0.9		0.9
Cabazon/Kelp Greenling	Oregon		0.2		0.2
Nearshore rockfish north	N of 40°10' N. lat.		0.1		0.1
Nearshore rockfish south	S of 40°10' N. lat.				0
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	30 a/	60
Slope rockfish north	N of 40°10' N. lat.	1	0.5		1.5
Slope rockfish south	S of 40°10' N. lat.	1			1
Other fish	Coastwide				0
Other flatfish	Coastwide		0.1		0.1
a/ Of which no more than 5 mt may be vermillion; GMT supports this as shelf rockfish south attainments are low (441 mt of 1625 mt in 2016), but vermillion removals are near the component OFL.					
Chinook Salmon	Coastwide	TBD (GMT 10)	TBD (GMT 50)	TBD (GMT (50)	TBD (GMT 110)