



# Pacific Whiting Conservation Cooperative

American Seafoods • Glacier Fish Co. • Trident Seafoods

*A Partnership to Promote Responsible Fishing*

Agenda Item I.2

Attachment 3

November 2015

October 16, 2015

Ms. Dorothy Lowman, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

RE: Exempted Fishing Permit Application for At-sea Processing of Pacific Whiting by Catcher-Processor Vessels South of 42 Degrees North Latitude.

Dear Chair Lowman and Council Members:

I am writing on behalf of the Pacific Whiting Conservation Cooperative to request your consideration and approval of the enclosed Exempted Fishing Permit (EFP) application. The purpose of this EFP is to collect data to facilitate Pacific Fishery Management Council (PFMC) and National Marine Fisheries Service action to allow harvesting **and** processing of Pacific whiting at sea south of 42 degrees N latitude. Expanding available fishing area for the CP sector could enhance the ability to minimize bycatch of species of concern while improving access to productive fishing grounds. The EFP application comports with Council Operating Procedure 19 and is responsive to recent PFMC action.

Thank you for your consideration of our request. Please do not hesitate to contact me if I can provide any additional information.

Sincerely,

Daniel A. Waldeck  
Executive Director

Enclosure:

Pacific Whiting Conservation Cooperative Exempted Fishing Permit Application

Pacific Whiting Conservation Cooperative (PWCC)  
Exempted Fishing Permit (EFP) Application  
Submitted to the Pacific Fishery Management Council (PFMC)

**Project Title:**

EFP Application for At-sea Processing of Pacific Whiting by Catcher-Processor (CP) Vessels South of 42 Degrees North Latitude.

**Date:**

October 16, 2015

**Applicant:**

Daniel Waldeck, Executive Director  
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**Purpose and Need for EFP:**

The purpose of this EFP is to collect data to facilitate PFMC and NMFS action to allow harvesting **and** processing of Pacific whiting at sea south of 42 degrees N latitude. Expanding available fishing area for the CP sector could enhance the ability to minimize bycatch of species of concern while improving access to productive fishing grounds.

Current regulations prohibit at-sea processing of whiting south of 42 degrees N latitude: “660.131 (e) At-sea processing. Whiting may not be processed at sea south of 42°00' N. lat. (Oregon- California border), unless by a waste-processing vessel as authorized under paragraph (g) of this section.” The current regulations allow for harvesting of whiting below 42 degrees N. That is, CPs could legally harvest whiting in this area and then return north of 42 degrees N to harvest this whiting. However, this staging of harvesting and processing activities is not practical.

National Marine Fisheries Service (NMFS) is developing a new Biological Opinion related to impacts of the Pacific Coast groundfish fishery on salmonids listed under the Endangered Species Act (ESA). Both the PFMC and NMFS have discussed including analysis of an alternative that assumes the whiting fishery's at-sea processing geographic footprint is expanded south of 42 degrees.

As part of its September 2014 Omnibus Regulation Change Priorities Action, the PFMC included elimination of the prohibition on at-sea processing south of 42 degrees. In a subsequent report, PFMC and NMFS staff suggested this item could be considered as an EFP during the next EFP cycle.

Because of the current at-sea processing restriction and limited shorebased whiting effort south of 42 degrees, there is little to no information about how productive whiting fishing could be in

this area. Nor is information available about potential environmental effects. Therefore, this EFP would inform future PFMC and NMFS action related to both the Biological Opinion and “Omnibus Regulation Changes.” The EFP application comports with Council Operating Procedure 19.

**Duration:**

The EFP would be issued for the entire whiting seasons in both 2017 and 2018, which begins in May and continues through the remainder of the year. A duration of two years should provide for adequate data for the PFMC and the NMFS as they consider regulatory action related to the south of 42 degrees processing restriction.

**Species to be Harvested and Their Disposition:**

This EFP is not requesting any additional allocation of groundfish species for participants. The participants will cover all species harvested under this EFP as part of the current whiting and non-whiting allocations made to the CP sector. However, activities under this EFP will be limited to harvest and process only a portion of the whiting allocated to the CP sector, 20 percent in 2017 and 30 percent in 2018. That is, in 2017, once 20 percent of the CP sector allocation is attained by fishing and processing operations south of 42 degrees, activities under this EFP will cease until the next fishing season. For 2018, if the 2017 CP whiting fishery occurring south of 42 degrees maintains a Chinook per metric ton of whiting rate below 0.025 (that is, one half of the Biological Opinion Threshold of 0.05), then the portion harvested and processed during 2018 could be up to 30 percent of the CP sector whiting allocation. In either or both 2017 and 2018, if the CP sector whiting allocation is increased inseason (for example, via a re-apportionment of Tribal Fishery whiting to the non-Tribal Sectors) then activities under this EFP could recommence until 20 percent (2017) and/or 30 percent (2018) of the revised CP sector allocation is attained.

**Broader Significance:**

Success in the Pacific whiting fishery requires a balance between catching whiting and avoiding incidental catch of non-whiting species. The current processing restriction constrains available fishing areas and can create an imbalance where the whiting fishery is precluded from operating in a clean fishing area and forced to fish in areas with a greater risk of catching incidental species. The result of this imbalance is the potential for tens of millions of dollars in lost revenue if the whiting fishery is closed because it could not access areas that would have allowed the fishery to avoid depleted or endangered species.

The current Biological Opinion appears to indicate that the south of 42 degrees restriction on at-sea processing is designed to help minimize salmon impacts. However, records from the development of the current whiting fishery regime (and its allocation structure) seem to indicate that perceived economic impacts (that is, potentially increased competition from non-California based fishing south of 42 degrees) on California-based shoreside fishery participants was a primary driver in the initial development of the restriction. In the current, fully-rationalized whiting fishery, this economic concern is moot. Moreover, in recent years mothership sector participants apparently found good fishing south of 42 degrees. It has been reported by mothership sector participants that by fishing below the line these vessels avoided known salmon “hot spots” (for example Heceta Bank, Oregon) while finding clean, solid schools of whiting.

As stated above, the PFMC explicitly included the elimination of the current processing restriction as a groundfish management workload priority. The PFMC also directed NMFS to analyze expansion of the at-sea whiting fishery footprint south of 42 degrees as part of the re-initiated Biological Opinion.

While this EFP provides the CP sector an opportunity to explore the advantages of increased fishing areas, this EFP is also directly responsive to the needs of the PFMC and the whiting fishery as a whole.

**Number of Vessels Covered:**

All eligible CPs would be able to participate under this EFP. There are 10 CP-endorsed limited entry trawl permits, 9 of which are currently registered to CP vessels.

**Scope:**

This EFP would apply to all fishing activities by the permitted vessels while fishing within the CP sector of the Pacific whiting fishery.

Species with allocations to the CP sector – Under this EFP, Pacific whiting (up to 20 percent of the CP sector whiting allocation in 2017 and up to 30 percent in 2018) and non-whiting species with allocations (currently, widow rockfish, canary rockfish, darkblotched rockfish, and Pacific ocean perch) would be harvested and processed south of 42 degrees N latitude. No additional amounts of Pacific whiting or non-whiting species with allocations are expected or authorized under the EFP.

At-Sea Whiting Set-Aside Species – Current regulations define a list of species and incidental catch amounts shared annually by the CP and mothership sectors. Activities under this EFP are not likely to significantly increase incidental catch of these set-aside species beyond the current amounts specified in regulation.

Chinook salmon – The whiting fishery is currently managed in accordance with the 1999 Biological Opinion addressing potential effects of incidental Chinook salmon mortality in the whiting fishery. The current Biological Opinion and Pacific Coast groundfish regulations contain specific measures to protect listed salmonids including a May 15 season start date, the Klamath River Salmon Conservation Zone, and triggered Ocean Salmon Conservation Zone depth-based management. Activities conducted under this EFP would be in accordance with the current Biological Opinion and groundfish regulations (except the EFP will allow for at-sea processing of whiting south of 42 degrees by the CP sector).

**Reporting and Monitoring Requirements:**

Activities under this EFP will conform to current reporting and monitoring requirements, including 100% observer coverage and NMFS observer sampling protocols.

To monitor and account for the catch of Pacific whiting and non-whiting groundfish allocations, and to monitor and account for the catch of prohibited species, each CP carries two NMFS-

certified observers. Observers report each vessel's catch on a daily basis to both the NMFS Observer Program in Seattle and to Sea State, Inc. (a private, third-party catch monitoring firm).

NMFS-certified observers determine the species composition of the catch. Because two observers are aboard each vessel the number of hauls sampled are high, at or near 100 percent. CP vessels endeavor to provide conditions that facilitate large samples of individual hauls. The use of two observers, flow and platform scales, and high rates of sampling leads to very accurate catch accounting for Pacific whiting, non-whiting groundfish, and prohibited species.

**Disposition of All Regulated Species Harvested Under the EFP:**

All species caught under the authority of this EFP will be handled consistent with existing regulations. As noted above, CPs are required to carry two NMFS-certified observers, sampling rates are high, and catch data is provided in short order to NMFS, Sea State, and the CP Cooperative. NMFS observers record retained and discarded amounts of all species. Species subject to mandatory discarding (such as prohibited species) will be handled in accordance with current regulations, for example, Chinook salmon will be retained for as much time as necessary for observer sampling, which could include collection of genetic stock information samples in accordance with observer program sampling protocols.

Fisheries impacts – Impacts to the CP sector are expected to be positive because an expanded fishing area should increase the ability to find clean fishing with low incidental catch of non-target species. Impacts to all other fishery sectors are expected to be neutral.

Marine mammal impacts – Marine mammal impacts are expected to be no different from the current CP sector of the whiting fishery, which are minimal.

Threatened or endangered species impacts – Impacts to ESA-listed species are anticipated to be similar to the CP sector whiting fishery as it currently operates.

EFH impacts – EFH impacts are expected to be no different from the current fishery as all fishing will use midwater gear consistent with applicable regulations for the at-sea whiting fishery.

**Approximate Times and Places Fishing Will Take Place:**

As previously described, this EFP would suspend a prohibition on at-sea processing only, there is no change to regulations addressing when and where fishing would take place or the fishing gear that would be used. Under this EFP, CP harvesting and processing activity is expected to increase south of 42 degrees N latitude during the whiting fishery.

**Signature of the Applicant:**

A handwritten signature in blue ink, appearing to read "Daniel A. Waldeck", written over a light blue horizontal line.

Daniel A. Waldeck, Executive Director, PWCC