

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE 2025-2026
EXEMPTED FISHING PERMIT APPLICATION
AND 2023 INTERIM REPORT
September 27, 2023**

The California Department of Fish and Wildlife (CDFW) proposes to renew the 2023-2024 Exempted Fishery Permit (EFP) for the purpose of collecting fishery-dependent biological data for cowcod and add collection of quillback and yelloweye rockfishes in the 2025-2026 biennium. The cowcod stock off California is rebuilt, however retention in the non-trawl fishery is not expected to be authorized in 2025-2026. Similarly, retention for quillback and yelloweye rockfishes in the non-trawl fishery will not be allowed due to the stocks being in a severely depleted and rebuilding state, respectively.

There are no proposed changes to operational functionality or procedures from the previously authorized 2023-2024 EFP. However, adding collection of quillback and yelloweye rockfishes, which are more northerly distributed in California, will require an increase to the maximum number of participating vessels to accommodate this expansion of EFP activities. An interim report on 2023 progress to date can be found in Appendix 1.

CDFW welcomes other licensed California Commercial Passenger Fishing Vessels (CPFVs) that are interested in participating in the EFP to contact Andrew.Klein@wildlife.ca.gov for enrollment information.

General Description

CDFW proposes to collaborate with participating CPFVs to collect cowcod, quillback rockfish and yelloweye rockfish 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, quillback rockfish and yelloweye rockfish 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 inadvertently taken in conjunction with regular fishing activities. Under current state and federal laws, these three species must be returned to the water immediately if encountered incidentally. Consequently, fishery-dependent biological data for these stocks from California have been relatively limited.

The proposed EFP would provide exemption from the federal regulations that prohibit retention of cowcod, quillback rockfish and yelloweye rockfish in the California recreational fishery and would provide that any of these species retained under the proposed EFP would not count toward existing recreational bag and possession limits. The principal goal of the EFP would be to collect cowcod, quillback rockfish and yelloweye rockfish that are taken incidentally during regular fishing activity authorized by law, 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.

While not defined in any regulation, California groundfish fishery managers and enforcement agents have regularly encouraged anglers and operators that when cowcod, quillback rockfish or yelloweye rockfish are encountered in fishing activities, the vessel operator should move to a new location in order to avoid additional bycatch. 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 access to closed fishing areas, and also would expressly prohibit targeting of these species. If there is information indicating that the species authorized under this EFP 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, quillback rockfish and yelloweye rockfish 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 fish taken under this EFP would be retained by the crew of the vessel, transferred to the CPFV landing in whole condition, and labeled individually. Individual labels would correspond 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 staff will be responsible for processing, storage and delivery of data and samples. The project intends to collect lengths, weights, otoliths, indices of sexual maturity, genetic tissue samples, and ovaries from individual fish. CDFW will continue to coordinate with NMFS Fisheries Science Centers 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 2025-2026 EFP provides an efficient vehicle to collect vital information from the California recreational fishery needed to inform future stock assessments of cowcod, quillback rockfish and yelloweye rockfish. Currently, the only way to collect a sufficient number of biological specimens is through 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 recreational groundfish fisheries.

Recent stock assessments for all three species included recommendations to increase age data collection to improve future stock assessments. The 2019 cowcod Stock Assessment Review panel report ([Agenda H.5, Attachment 10, September 2019](#)) identified the need, “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...”. Similarly, the [2021 quillback rockfish stock assessment](#) noted an insufficient amount of otoliths available to robustly estimate a California specific length-age relationship and indicated a need for more samples, particularly of young and old fish. While the [2017 yelloweye rockfish stock assessment](#) noted, “It is essential to continue yelloweye data collection, especially in this recent period, when commercial and recreational catches are considerably lower than the historical period, to provide a fuller picture of age structure and population dynamics.”

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 fish retained under this EFP. Any potential benefits that may accrue as a result of this EFP would occur for the fishery as a whole and not to specific individual fishing operations. CDFW would greatly appreciate assistance with this data collection effort from 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.

Participating Vessels, Selection Criteria, and Operations

CDFW seeks approval for up to 30 participating vessels. After soliciting volunteers, and vetting prospective applicants with CDFW's Enforcement Consultant representative, vessels will be selected based on their past participation or expected fishing grounds in 2025 and 2026. Efforts will be made to obtain a diverse sample of cowcod, quillback rockfish and yelloweye rockfish distributed among each species' primary range off California. Also, CPFV operations are quite diverse in the locations fished, the length of the trip, the number of passengers they carry, and the resulting amount of gear deployed. Since the goal of the EFP is to collect cowcod and quillback rockfish 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, quillback rockfish and yelloweye rockfish 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.

Harvest Limits

CDFW is not requesting a formal set-aside for any of the three species because any mortality that would accrue under this EFP would be captured as part of the normal recreational mortality estimation process conducted by the California Recreational Fisheries Survey (CRFS). California's recreational fishery will be managed under the 2025-2026 Harvest Specifications and Management Measures, and as such, any inseason regulatory actions that are implemented for these fisheries would likewise apply to EFP activity.

Cowcod

As in the 2023-2024 biennium, CDFW proposes to collect a maximum of 750 cowcod per year, for a total of 1,500 cowcod during the two- year permit period. The limit would be geographically stratified each year at Point Conception, such that not more than 500 fish would be retained from waters in the south, and not more than 250 fish from the north. The recommended limits were developed in consultation with the lead scientist of the 2019 cowcod stock assessment, Dr. E. J. Dick of the SWFSC [pers. comm.]. If these collection maximums are attained, the specimens are expected to provide sufficient fishery-dependent data to better inform both the full assessment used for management south of Pt. Conception, and the data-poor assessment used for west coast waters north of Pt. Conception.

If these full limits were attained, CDFW estimates 1.04 metric tons (mt) of cowcod fishery mortality may accrue on trips where EFP activities were conducted. This mortality will be captured in the monthly CRFS estimates of recreational fishery mortality. Estimated mortality was determined by multiplying the maximum yearly cowcod limit by the average estimated weight per cowcod (1.36 kilograms or kg).

Quillback rockfish

Because the harvest specification for quillback rockfish will not be determined until the November Council meeting, CDFW views the maximum number of samples that could be reasonably encountered as preliminary. However, as a starting point CDFW estimates 0.10 mt of quillback rockfish mortality potentially could occur on EFP trips and will be included in CRFS estimates of recreational mortality. The 0.10 mt estimated mortality was determined by multiplying the average estimated weight per quillback rockfish (0.98 kg) by the annual limit of 100 retained fish that would be authorized by this EFP activity. The limit of 100 quillback rockfish would be stratified at 40° 10' N lat. and equally divided between the northern and southern areas.

Yelloweye rockfish

A maximum of 500 yelloweye rockfish per year would be collected under this EFP, distributed equally among each of California's five recreational Groundfish Management Areas. CDFW estimates 0.67 mt of yelloweye rockfish fishery mortality potentially could occur on EFP trips and will be included in CRFS estimates. This estimated amount of mortality was determined by multiplying the average estimated weight of yelloweye rockfish (1.33 kg) by the yearly maximum number of yelloweye rockfish proposed to be taken in this EFP.

Tracking and monitoring of EFP take

CDFW will be tabulating retained cowcod, quillback rockfish and yelloweye rockfish during the course of the EFP and will establish communication protocols with participants to cease collection activities for the year if limits are attained.

Submission Requirements

Applicant:

CDFW Groundfish Project

20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940

groundfish@wildlife.ca.gov

Date: September 27,

2023 Signature:

Caroline McKnight

Appendix 1. Interim report on 2023-2024 Exempted Fishing Permit progress as of September 27, 2023.

CDFW provides the following as an interim report on the progress of the 2023-2024 EFP. Ten cowcod specimens have been collected to date. Eight vessels are currently participating, operating out of ports from Santa Barbara, south to Oceanside (north of San Diego, CA). Information collected for each retained specimen include the date, latitude/longitude, depth, fork length, weight, sex, maturity, and condition (fresh/frozen). CDFW is processing the specimens and maintaining the otoliths in our repository until arrangements are made with partnering agencies for ageing work to commence.