

Year-Round Trawl Gear (Midwater Rockfish) EFP:
***Monitoring and Minimizing Salmon Bycatch When Targeting Rockfish in the
Shorebased IFQ Fishery, 2025-2026***

Date of Application: **November 2023 Pacific Fishery Management Council Meeting**

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**Year-Round Coastwide Trawl Gear EFP: *Monitoring and Minimizing Salmon Bycatch
When Targeting Rockfish in the Shorebased IFQ Fishery, 2025-2026***

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1.0 BACKGROUND

1.1 PURPOSE AND NEED

The purpose of this exempted fishing permit (EFP) is to provide more flexibility in the use (in time and space) of trawl gear for participants in the groundfish trawl catch share (Individual Fishing Quota, IFQ) program, and to provide the opportunity for vessels to use midwater gear to target rockfish coastwide on a year-round basis during 2025 and 2026, while ensuring that conservation objectives for the groundfish fishery continue to be met. This EFP will continue to collect information to determine the nature and extent of bycatch of salmon and other species of concern while conducting a rockfish fishery targeting widow, yellowtail, chilipepper and other rockfish species without existing gear/time/area restrictions.

This EFP began in 2017 and now represents a continuation of the 2021-2022 and 2023-2024 Trawl Gear EFPs. It is needed to allow the groundfish trawl fleet to continue to develop approaches for effectively targeting rockfish while minimizing salmon bycatch to the extent practicable. It utilizes the individual vessel accountability inherent in the trawl IFQ program while providing for more fishing opportunities through flexible gear/area/time provisions that will allow fishermen, processors, and associated communities to more fully realize the expected benefits of the IFQ program. It is also needed to provide information necessary to fully implement regulations to provide for a year-round non-whiting midwater trawl fishery, consistent with the [2017 Salmon ESA Biological Opinion](#). According to the 2017 Salmon Biological Opinion (BiOp):

Prior to allowing additional open non-whiting trawling from January through mid-May, NMFS shall implement EFPs designed to collect information about Chinook and coho bycatch levels and stock composition from fishing during that time for a minimum of three years. In doing so, NMFS should take into account relevant information from existing EFPs. Information from the EFPs will be used to inform measures the Council may adopt to ensure the impacts are consistent with the analysis in this opinion.

No changes are proposed to this EFP for 2025 and 2026. Therefore, this application is entirely consistent with the [application for the 2023-2024 Trawl Gear EFP](#) and is presented below in an abbreviated format.

1.2 GOALS AND OBJECTIVES

The goal of this EFP is to build on the success of this EFP in previous years (bottom trawl and midwater trawl) and continue to demonstrate that removal of outdated and unnecessary gear and season restrictions in the IFQ fishery can help better meet the economic objectives of the IFQ program while keeping bycatch of salmon and other species within allowable limits. Benefits to the groundfish fishery will likely accrue from increased efficiency, reduced costs, and increased revenues. Moreover, the flexibility afforded by this EFP is expected to foster innovation and allow for more optimal harvest operations in the trawl fishery, which could reduce bycatch and provide additional conservation benefits. This EFP will also allow NMFS, through cooperation with the industry, to collect information that will better inform the implementation process for recent and

future groundfish management actions (ex., year-round non-whiting midwater fishery) as well as address/mitigate any bycatch concerns, if necessary, prior to full implementation.

The overall objective of the EFP is to allow participants to use midwater trawl gear to target rockfish year-round in all areas, within the constraints specified in the EFP. Achieving this objective will enhance rockfish attainment and revenues for the groundfish trawl sector by providing greater flexibility and fishing opportunities to EFP participants. The success of this EFP will be measured by the industry's ability to re-develop a targeted rockfish fishery while staying within limits established to minimize salmon bycatch on a year-round basis. Expected outcomes include a significant increase in widow rockfish, yellowtail rockfish, and chilipepper rockfish landings, particularly during the first and last few months of the year.

Upon full implementation of the Pacific Fishery Management Council's trawl gear package and year-round non-whiting midwater packages, the Council and NMFS will likely take a significant step towards restoring and establishing the groundfish trawl fishery as it was envisioned with implementation of the IFQ program.

2.0 PROPOSED ACTION

No changes are proposed to this EFP for 2025 and 2026 – See the [application for the 2023-2024 Trawl Gear EFP](#) for additional details.

2.1 EFP EXEMPTIONS/PROVISIONS

The action proposed in this EFP will exempt non-whiting midwater trawl vessels from the prohibition on fishing prior to May 1; additional action in this EFP (if necessary) will exempt bottom trawl vessels from any measures not fully implemented in the trawl gear package. Consistent with this EFP in prior years, a number of management measures are included to avoid salmon and minimize bycatch.

More specifically, this EFP proposes the following:

- 1. Selective Flatfish Trawl Gear Exemptions:** Vessels fishing on an EFP trip with bottom trawl gear are exempt from the requirement to use selective flatfish trawl gear while fishing between 42° N. lat. and 40°-10' N. lat. and shoreward of the boundary line approximating the 100 fm depth contour³ and are exempt from the prohibition on the use of small footrope trawl gear other than selective flatfish trawl gear to fish for groundfish or have small footrope trawl gear onboard while fishing between 42° N. lat. and 40° 10' N. lat. as stated in paragraphs §660.130(c)(2)(i) and (c)(2)(ii). Additionally, vessels will be exempt from the requirement at §660.130(b)(3)(ii)(A) that selective flatfish trawl must be a two-seamed net with no more than two riblines, excluding the codend. Vessels fishing on an EFP trip will be permitted to use both two- and four-seam selective flatfish trawl nets with two- or four-riblines, excluding the codend.
- 2. Exemptions from Area Closures:** Vessels fishing on an EFP trip fishing with midwater trawl gear are exempt from the Trawl Rockfish Conservation Area (RCA) off Washington described at §660.130(e)(4)(i). Vessels fishing on an EFP trip fishing with midwater trawl gear are exempt from the depth restrictions south of 40°10' N. lat. described at §660.130(c)(3)(ii), (c)(4)(ii).

Boundaries for the Trawl RCA off Washington are applicable to groundfish trawl vessels throughout the year are provided in the header to Tables 1 (North) and 1 (South) of subpart D and may be modified by NMFS inseason pursuant to §660.60(c), subpart C. Vessels fishing on an EFP trip with bottom trawl groundfish gear are still prohibited from fishing inside the trawl RCA off Washington in accordance with regulations at §660.130(e)(4).

3. **Exemptions from Time Closures:** Vessels fishing on an EFP trip are exempt from regulations at §660.112(b)(x) and §660.130(c)(3), which prohibit the use of midwater groundfish trawl gear outside of the Pacific whiting primary season dates for the Pacific whiting IFQ Fishery. Vessels fishing on an EFP trip using midwater groundfish trawl gear will be permitted to fish in all areas from the effective date of this EFP until it is closed.
4. **Prohibited Species Exemptions—Salmon:** Vessels fishing under this EFP are exempt from the following regulations, with respect to salmon:
 - The prohibition on retaining any prohibited or protected species at §660.12 (a)(1).
 - The requirement at §660.140(g)(1) that prohibited and protected species must be discarded at sea.
5. **Requirements for Electronic Monitoring (EM) Vessels** – catch must be kept separate by gear type until landed, and all salmon and eulachon must be kept separate by haul until landed;
6. **Retention Requirement for Salmon Bycatch**– participants in the EFP will be required to retain and land salmon bycatch on all EFP trips, consistent with current requirements for vessels participating in the shoreside Pacific whiting fishery.

EFP Enrollment Provisions

- Enrollment in the 2025-2026 EFP will be consistent with the 2023-2024 EFP.

Additional Provisions:

- All quota required for the EFP will come from the EFP participants own IFQ quota accounts.
- Regulations pertaining to landings, discards, and trip limits for all target and non-target species remain unchanged under this EFP.
- All other provisions of EFP are consistent with the regulations for the groundfish bottom trawl fishery.

2.2 MEASURES TO ADDRESS SALMON BYCATCH

This EFP proposes the following measures to minimize salmon bycatch:

- A Chinook salmon harvest guideline and/or gear-based salmon bycatch caps to keep impacts aligned with NMFS' conclusions regarding the recent salmon Biological Opinion;
- Sorting and retention requirements for salmon bycatch;
- Area closures around the Columbia and Klamath Rivers;

- An industry-based bycatch monitoring/avoidance program.

2.2.1 Chinook Salmon Harvest Guideline and/or Bycatch Caps

The Chinook salmon harvest guideline and/or bycatch caps are intended to ensure that the EFP does not have a disproportionate impact on those ESA-listed Evolutionarily Significant Units (ESUs) present in the ocean early in the year. This EFP will include:

- **Area-based Chinook salmon bycatch caps (North and South of 42° N. latitude)** – Caps for 2025 and 2026 will be consistent with 2023-2024 EFP and reviewed by the Groundfish Management Team (GMT):

-1,000 Chinook salmon north of 42° N. latitude

-100 Chinook salmon south of 42° N. latitude

All Chinook salmon caught on EFP trips will be counted against either the north or south bycatch cap for the EFP. If a bycatch cap is reached in one area, the EFP for that area will close for the remainder of the year.

2.2.2 Sorting and Retention Requirements for Salmon Bycatch

Participants in the 2025-2026 EFP will be required to abide by the same sorting requirements as those included in the 2023-2024 EFP:

1. **Electronic Monitoring (EM) Vessels** – Participating EM vessels would be authorized/required to retain salmon and eulachon; however, salmon and eulachon bycatch must be sorted by haul and kept separate until landing.
2. **Observed Vessels** – For EFP vessels carrying human observers, the observers will continue to sample bycatch by haul, including salmon bycatch. Salmon bycatch may be discarded once it has been documented and sampled by the observer. Salmon bycatch must be retained on EFP trips without a human observer.

The intent of these provisions is to provide for a complete census of salmon bycatch on trips in the EFP and maximize the amount of biological and genetic sampling of salmon bycatch.

Retention of Salmon Bycatch by Shoreside Processors – Shoreside processors will be required to retain any landed salmon bycatch from EFP trips after shoreside sampling is completed until the respective state fish and wildlife agency can be contacted to determine if the salmon bycatch will be collected for additional sampling.

In the whiting fishery, shoreside processors are encouraged to work with food banks to donate salmon bycatch suitable for human consumption, consistent with current regulations.

The intent of the retention requirement and the requirement for processors to notify state agencies when salmon bycatch is available for additional sampling is simply to provide an opportunity for additional data about Chinook salmon to be collected by state agencies that may have a specific interest and/or resources available for such sampling/testing. These requirements should not

create additional monitoring, reporting, and/or enforcement burdens since they are generally consistent with rules, responsibilities, and protocols for the whiting fishery.

2.2.3 Area Closures

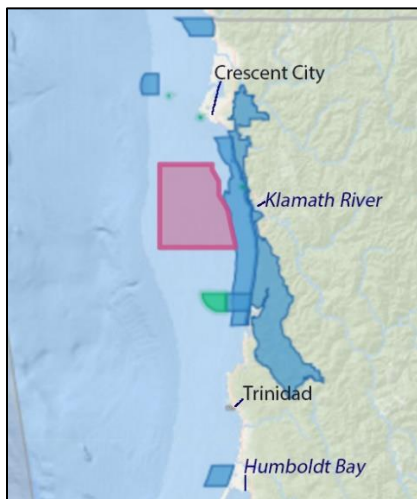
The following rules for area closures are intended to further avoid/minimize salmon bycatch:

1. **Klamath River Salmon Conservation Zone.** The ocean area surrounding the Klamath River mouth bounded on the north by 41°38.80' N. lat. (approximately 6 nm north of the Klamath River mouth), on the west by 124°23' W. long. (approximately 12 nm from shore), and on the south by 41°26.80' N. lat. (approximately 6 nm south of the Klamath River mouth). See Figure 1.

<http://www.mpatlas.org/mpa/sites/8590/>

Rule. The Klamath River Salmon Conservation Zone will be closed to EFP trips for the duration of the EFP.

Figure 1 Klamath River Salmon Conservation Zone

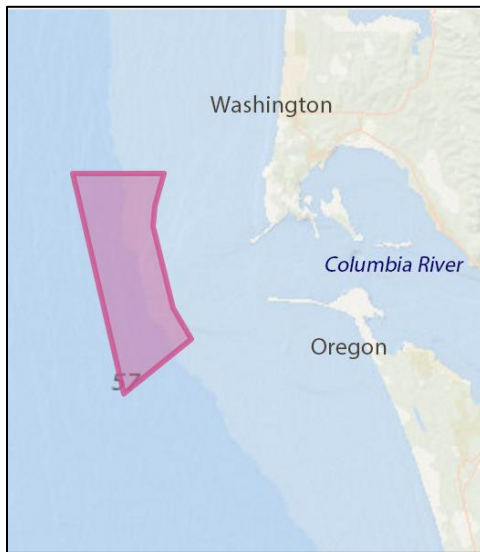


2. **Columbia River Salmon Conservation Zone.** The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46°18' N. lat. to 124°13.30' W. long., then southerly along a line of 167 True to 46°11.10' N. lat. and 124°11' W. long. (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty. See Figure 2.

<http://www.mpatlas.org/mpa/sites/8589/>

Rule. The Columbia River Salmon Conservation Zone will be closed to EFP trips for the duration of the EFP.

Figure 2 Columbia River Salmon Conservation Zone



2.2.4 Industry-Based Bycatch Avoidance Program

EFP vessels will be required to participate in an industry-based bycatch avoidance program focused on avoiding and minimizing Chinook salmon bycatch to the extent practicable. The rules of the avoidance program will be consistent with the bycatch reporting/avoidance rules originally established in the 2017 Trawl Gear EFP and will be provided to 2025-2026 EFP participants as part of the EFP Terms and Conditions. The elements of the industry-based bycatch avoidance program are generally summarized below.

- **Move-Along Rule When Bycatch is Encountered** – Thresholds for *high bycatch trips* and *high bycatch tows* for Chinook salmon will be established by the EFP program managers.
- A vessel that experiences a **high bycatch tow** is required to report the tow as quickly as possible (a real-time bycatch reporting form will be provided to EFP participants). A vessel that experiences a high bycatch tow is also required to move its fishing operation before setting out gear again during the same fishing trip. The vessel captain must seek alternative fishing grounds where it is reasonable to expect the vessel to encounter less Chinook salmon bycatch.
- **There will be a three-strike rule for high bycatch trips by EFP vessels** – A vessel that lands three high bycatch trips during one month will be required to declare out of the EFP for the remainder of that month and for the following month. A vessel that must declare out of the EFP due to high bycatch trips for a second time during the EFP will have its permit for this EFP permanently revoked.

2.3 MONITORING/REPORTING REQUIREMENTS

Current monitoring and reporting requirements for trawl vessels in the groundfish IFQ fishery are proposed for EFP participants, including 100% at-sea observer coverage (or electronic monitoring (EM) if participating in one of the EM EFPs), as well as 100% dockside monitoring as required by

Amendment 20 (50 C.F.R. 660.140(h)). This will continue to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted. Monitoring/reporting and sampling requirements for salmon bycatch will be consistent with those for vessels landing salmon bycatch in the whiting fishery.

2.3.1 Trip/Gear Declarations and Information about Gear Configurations

Consistent with the 2023-2024 EFP, 2025-2026 EFP participants will be required to: (1) provide information to NMFS and/or the Pacific States Marine Fisheries Commission (PSMFC) regarding specific gear configurations used in the EFP; and (2) work with NMFS and PSMFC to modify the trip/gear declaration process as needed, to accommodate the use of multiple trawl gears on one trip, and to accurately document gear type use at the haul level (if necessary).

2.3.2 Data Collection and Methodology

This EFP includes several methods for data collection:

- Data on catch and bycatch of all species will continue to be collected by at-sea observers and shoreside monitors consistent with current regulations for vessels participating in the bottom trawl and midwater trawl fisheries.
- As previously noted, EFP participants will work with WCSPA/OTC to monitor salmon bycatch as close to real-time as possible and avoid/minimize bycatch as the EFP progresses.
- PSMFC will continue to compile salmon bycatch data from EFP trips on a weekly basis, which can be used to communicate to the fleet and work with EFP participants to continue to avoid and reduce bycatch to the extent practicable.
- The requirement to retain/land all salmon bycatch on EFP trips should increase samples available or genetic testing to determine how many Chinook salmon have been harvested from each of the ESA-listed ESUs. Additional genetic information could help inform future approaches to avoid sensitive ESUs and ultimately enhance the long-term management of both groundfish and salmon.

2.4 NUMBER OF VESSELS

The initial enrollment process will define the actual number of participants in the EFP. This is the same approach that was utilized to identify participants in previous EFP years.

2.5 DURATION OF EFP

This EFP is proposed for two years – January 1, 2025 through December 31, 2026.

The bulk of landings from EFP participants are likely to come early and then perhaps again later in the year – before the primary whiting season starts (between January and May), and when pelagic rockfish fishing improves again in the late fall (October –December).

2.6 GEOGRAPHIC SCOPE OF EFP

This EFP would allow the midwater trawl fishery to operate on a year-round basis throughout the range of the fishery, within the constraints and consistent with the provisions identified in this proposal. This EFP may also allow the bottom trawl fishery to operate without a selective flatfish trawl (SFFT) in areas where additional data may be required before the SFFT gear restrictions can be permanently eliminated (between 40° 10' N. lat. and 42° N. lat.).

3.0 TARGET SPECIES, NON-TARGET SPECIES, AND PROTECTED RESOURCES

3.1 TARGET SPECIES

There are a number of target species in the groundfish fishery, which differ based on fishing strategy, area, and time of year. This EFP is focused on redeveloping the directed rockfish fishery to catch primarily widow rockfish, yellowtail rockfish, and chilipepper rockfish. The annual catch limit for canary rockfish, which previously acted as a major choke to harvesting these and other species, is increasing significantly, providing greater opportunity to target widow, yellowtail, and chilipepper rockfish as well as other valuable shelf species.

3.2 NON-TARGET SPECIES AND PROTECTED RESOURCES

Non-Target Species

Fishing in the EFP during 2025 and 2026 is not expected to lead to a significant increase in catch of non-target species relative to non-EFP activity, even though target species catch is expected to increase. Fishing under the EFP has resulted in minimal bycatch of salmon and other non-target species despite millions of dollars worth of groundfish landed annually.

ESA-Listed Species

The non-target species of particular concern under this EFP is ESA-listed Chinook salmon. The Chinook ESUs that NMFS has concluded to be affected by the groundfish fisheries are Snake River fall Chinook, Upper Willamette River Chinook, Lower Columbia River Chinook, Puget Sound Chinook, Sacramento River winter-run Chinook, California coastal Chinook, and Central Valley spring-run Chinook (NMFS 2006). Chinook bycatch is addressed and minimized to the extent practicable in this EFP.

4.0 JUSTIFICATION/RATIONALE FOR THE EFP

This EFP directly addresses almost all of the EFP priorities identified by the Council in its Operating Procedures (see COP 19 regarding Consideration of Exempted Fishing Permits for Groundfish Fisheries) by emphasizing resource conservation and management with a focus on bycatch reduction, which is the Council's highest priority. It encourages innovative gear modifications and fishing strategies to reduce bycatch as well as the development of new market opportunities for the industry. By allowing this opportunity, the harvest of rockfish should increase considerably, which would enhance attainment of optimum yield in the groundfish fishery, consistent with National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

After more than 20 years of hard work by fishery managers and stakeholders, and sacrifice on the part of industry, several severely constraining overfished species have been declared rebuilt, and target rockfish populations are at abundant levels. There is tremendous opportunity to build on the success of this EFP by increasing attainment of abundant rockfish species in a sustainable way that fosters greater revenue and stability for harvesters, processors and associated communities.

One of the primary objectives of this EFP is to better understand the nature and extent of salmon bycatch in a redeveloping year-round fishery targeting pelagic rockfish species in all areas. This EFP provides for a fishing opportunity that is necessary to improve attainment of optimum yield in the groundfish fishery and improve consistency of the Groundfish FMP with National Standard 1. However, it is equally as important to consider National Standard 9 (bycatch) and ESA requirements in order to balance the socioeconomic needs of the groundfish fishery with multiple conservation objectives. To achieve this balance, this EFP establishes a conservative salmon bycatch cap and includes industry-based initiatives for collecting information and working cooperatively to minimize bycatch and operate the fishery within acceptable limits. Participants in the EFP will agree to actions to minimize bycatch and will comply with all provisions specified in the EFP.

The provisions established in the EFP ensure that any impacts from salmon bycatch would be short-term in nature and could be mitigated quickly. Unless salmon bycatch in other sectors of the bottom trawl fishery increases significantly, it is exceedingly unlikely that this EFP would cause the any bycatch thresholds for Chinook salmon to be exceeded.

5.0 POTENTIAL IMPACTS

Overall, the impacts of the 2025-2026 EFP are not expected to be significant and are expected to be consistent with prior years' EFPs. Annual catch limits for target species, hard quotas and other measures to minimize catch of non-target species, and 100% fleet accountability will ensure that the biological/conservation objectives of the groundfish management program will continue to be met if this EFP is authorized. The additional limitations proposed in the EFP, such as the Chinook salmon bycatch harvest guidelines and industry-based bycatch monitoring/avoidance program, are more conservative than the measures that would be implemented fleet-wide following the EFP.

With the exception of a potential impact on salmon, the biological/conservation impacts of the EFP are expected to be neutral or negligible. The impacts on salmon are addressed and minimized to the extent practicable through the establishment of specific measures to address Chinook salmon bycatch, recognizing that NMFS could/would shut down the EFP at a level that is well below any bycatch threshold specified in a Salmon ESA consultation. In addition, impacts are minimized through an industry-based bycatch monitoring/avoidance program.

The data collected through this EFP will inform and enhance the conservation and management of both groundfish and salmon. To the extent that the information collected through this EFP contributes to the understanding of Chinook salmon ESU distribution, migration, and interaction with other fisheries, the overall long-term benefits are likely to be positive.

The economic and social impacts of this EFP are expected to be extremely positive for groundfish fishery participants, processors, and fishing communities. Eliminating midwater gear/time/area restrictions will allow fishermen to take advantage of available quotas. Increased rockfish attainment in particular, made possible by removing the requirement to use a net designed to avoid rockfish, is likely to help address several of the key economic challenges experienced to date under Amendment 20 – high costs, reduced landings, and poor market conditions associated at least in part with low and inconsistent harvest volume. Measurable positive impacts will be most closely correlated with the extent of the increase in rockfish landings, but even a modest increase will improve ex-vessel revenue by several million dollars, enhance processor revenue, and lead directly to additional job opportunities on the filet line and in other fishery support positions.

The economic benefits that are likely to result from this EFP cannot be emphasized enough. As rockfish stocks have rebuilt to sustainable levels, catches have been significantly restricted, and this has had a significant negative economic impact on participants in the shoreside IFQ fishery. It also has had a ripple effect throughout the shoreside infrastructure in many West Coast communities. Reduced catches under the groundfish IFQ program have made it impossible to maintain year-round employees in many non-whiting groundfish processing plants. As these employment opportunities are lost, skilled laborers and filleters are lost, and these jobs are very difficult and expensive to replace. Additionally, without a consistent and year-round supply of groundfish, access to important markets has been lost, like the fresh rockfish market that this EFP intends to redevelop. In most cases, West Coast groundfish have been replaced in the marketplace with price-competitive and quality-competitive species like tilapia, swai fish, and catfish. Regaining access to these markets is going to be an uphill battle; it will not be easy, nor will it happen overnight. It will take a tremendous effort, foresight, and planning by fishermen and processors, and it requires support from the Council/NMFS to ensure that access to healthy groundfish stocks can be provided as expeditiously as possible. Consistent with the purpose and need described in Section 1.1, this EFP will be a significant step toward regaining access to rockfish markets, which is critical to ensure the long-term economic success of the groundfish fishery.