

***Draft Impacts Analysis/Regulatory Impact Review/
Regulatory Flexibility Analysis/Magnuson-Stevens Act
Analysis***

***for Proposed Amendment to the Pacific Coast
Groundfish Fishery Management Plan***

**MOVING THE MIDWATER TRAWL GEAR
EXEMPTED FISHING PERMIT INTO REGULATIONS**

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List of Acronyms and Abbreviations

Acronym or Abbreviation	Meaning
ACL	Annual Catch Limit
BT	Bottom Trawl
CFR	Code of Federal Regulations
CPS	Coastal Pelagic Species
Council	Pacific Fishery Management Council
DPS	Distinct Population Segment
DTS	Dover Sole, Thornyheads, and Sablefish complex
EA	Environmental Assessment
EEZ	Economic Exclusive Zone
EFHCA	Essential Fish Habitat
EFHCA	Essential Fish Habitat Conservation Area
EFP	Exempted Fishing Permit
EIS	Environmental Impact Statement
ESA	Endangered Species Act
ESU	Evolutionary Significant Unit
FEIS	Final Environmental Impact Statement
fm	Fathom
FMP	Fishery Management Plan
FONSI	Finding of No Significant Impact
FR	Federal Register
FWS	Fish and Wildlife Service
GAP	Groundfish Advisory Subpanel
GCA	Groundfish Conservation Area
GSI	Genetic Stock Identification
GMT	Groundfish Management Team
HAPC	Habitat Areas of Particular Concern
HMS	Highly Migratory Species
IBQ	Individual Bycatch Quota
IFQ	Individual Fishing Quota
IRFA	Initial Regulatory Flexibility Analysis
ITS	Incidental Take Statement
KRFC	Klamath River Fall Chinook
LE	Limited Entry
MMPA	Marine Mammal Protection Act
Magnuson-Stevens Act or MSA	Magnuson-Stevens Fishery Conservation and Management Act

Acronym or Abbreviation	Meaning
MSCV	Mothership Catcher Vessel
MWRF	Midwater Rockfish
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic Atmospheric Administration
NWFSC	Northwest Fisheries Science Center
PFMC	Pacific Fishery Management Council
PPA	Preliminary Preferred Alternative
RCA	Rockfish Conservation Area
RIR	Regulatory Impact Review
SAFE	Stock Assessment and Fishery Evaluation
SDPS	Southern Distinct Population Segment
SFD	Sustainable Fisheries Division
SFFT	Selective Flatfish Trawl
WCGOP	West Coast Groundfish Observer Program
WCR	West Coast Region

Executive Summary

This analysis evaluates proposed regulatory revisions aimed at transitioning portions of the long-standing Trawl Gear Exempted Fishing Permit (EFP), which was originally established in 2017, into permanent regulation. The proposed changes would enhance operational flexibility and expand fishing opportunities for the Shorebased Individual Fishing Quota (IFQ) trawl sector while maintaining conservation safeguards for protected and prohibited species. This analysis also evaluated proposed regulatory revisions that would allow for additional flexibility for fishery participants to change declarations at sea and would remove the Federal prohibition on the sale of recreational fishing fish waste.

Purpose and Need

The Council's stated purpose for this action is to remove regulations for specific gear, area, and time restrictions for vessels participating in the Shorebased IFQ Program that use midwater and/or selective flatfish trawl (SFFT) gear to fish for groundfish off the U.S. West Coast. The need is to improve operational flexibility, foster innovation, and allow for more optimal harvest operations in the trawl fishery while meeting conservation goals for salmon and other protected species. This action is identified in this analysis as Proposed Action 1.

During their April 2026 meeting, the Council adopted a recommendation to incorporate two additional action items into this action. The first action item (hereafter "Proposed Action 2") would enable vessels to modify certain groundfish fishing declarations while at sea (between midwater rockfish, shoreside whiting, and mothership catcher vessel declarations). The second action item (hereafter "Proposed Action 3") would align Federal rules with state regulations to permit the commercial sale of skeletal remains/waste from recreational groundfish harvesting by removing the Federal prohibition on sale. The Council recommended including these additional action items in this Council action so long as that inclusion would not slow the timeline for finalizing the effort to move the long-standing Trawl Gear EFP into regulation. The purpose of these additional actions is to increase efficiency and reduce waste in the management and implementation of the Pacific Coast groundfish fishery.

Proposed Actions & Alternatives

Action 1: Moving Two of the Trawl Gear EFP's Exemptions into Regulation

No Action

- Retains existing seasonal prohibitions for non-whiting midwater trawl gear north of 40°10' N. lat. outside the primary whiting season.
- Continues mandatory use of SFFT gear for bottom trawling between 42° N. lat. and 40°10' N. lat. shoreward of the 100-fathom (fm) depth contour.

Alternative 1: Transitions the Trawl Gear EFP into Regulation (Preliminary Preferred Alternative (PPA))¹

Option 1 (Midwater Trawl): Would authorize Shorebased IFQ vessels to use midwater trawl gear targeting non-whiting groundfish (e.g., yellowtail, widow, and chilipepper rockfish) year-round north of 40°10' N. lat. outside of the Pacific whiting primary season.

Option 2 (Bottom Trawl): Would allow bottom trawl vessels operating between 42° N. lat. and 40°10' N. lat. shoreward of the 100 fm depth contour to utilize any legal small footrope trawl gear, removing the exclusive requirement for SFFT gear.

Alternative 1 Options 1 and 2 are not mutually exclusive and could be implemented concurrently. The Pacific Fishery Management Council's (Council) PPA includes the implementation of both Options 1 and 2.

Action 2: At-Sea Declarations

No Action:

Vessels could only switch declarations at sea between fishing bottom trawl and midwater rockfish in the Shorebased IFQ fishery or between the mothership and shoreside whiting fisheries as described at 50 CFR 660.13(d)(1).

Alternative 1 (PPA):

Vessels could change declarations while at sea from shoreside whiting to midwater rockfish (and vice versa) or from mothership sector (catcher vessel) to midwater rockfish.

Action 3: Commercial Sale of Recreational Fish Waste

No Action:

Federal regulations would continue to prohibit any person from selling, offering to sell, or purchase any groundfish (including recreational fish waste) taken in the course of recreational groundfish fishing.

Alternative 1 (PPA):

Federal regulations would be amended to remove the prohibition on the sale of fish waste (i.e., entrails, skeletal remains, or other parts of the fish not used for human consumption) from recreationally caught groundfish. This would allow for the sale and use of recreational fish waste consistent with the applicable state regulations in the port of landing.

¹ The PPA includes moving components of the Trawl Gear EFP into regulation. The current EFP includes an exemption from the prohibition on fishing midwater trawl gear south of 40°10' N. lat. shoreward of the 150 fm depth contour. Although this exemption was added to the EFP in 2021, there have not been any fishery participants utilizing this exemption until 2026. Due to the lack of the necessary three years of data, this action does not propose to remove this prohibition from regulation at this time. Rather, we expect this exemption to continue as an EFP until the necessary data on its potential impacts can be collected.

Summary of the Potential Environmental & Socio-Economic Consequences

Action 1

Table ES1. Summary of Potential Environmental and Socio-Economic consequences of the Council’s PPA for Proposed Action 1.

Resource Category	Analysis Findings & Impact Determination
Physical Environment & EFH	Adverse, Insignificant Impact. Changes in allowable gear use would not alter overall bottom contact intensity or timing. Existing Essential Fish Habitat Conservation Areas (EFHCAs) and Rockfish Conservation Areas (RCAs) would remain in full effect.
Target Groundfish Species	Adverse, Insignificant Impact. Harvest would remain governed by strict Annual Catch Limits (ACLs), Individual Fishing Quotas (IFQs), and 100% monitoring. Catches would stay within sustainable limits.
Non-Target Species	Adverse, Insignificant Impact. Incidental catches would be tracked and capped via IFQs, sector allocations, and trip limits. Inseason tracking would remain and would allow for management adjustments if required.
Prohibited Species (Pacific Halibut & Dungeness Crab)	Adverse, Insignificant Impact. Bottom trawl vessels would not be required to use SFFT gear. Stocks they target live slightly off the bottom, thereby possibly reducing bottom contact and interactions with Dungeness crab. Further, Pacific halibut mortality north of 40°10' N. lat. would remain mitigated by the individual bycatch quota (IBQ), which caps total allowable mortality.
Prohibited Species Salmonids (Chinook & Coho)	Adverse, Insignificant Impact. Recent modeling (Matson et al., 2026) confirms the risk of exceeding the non-whiting sector guideline of 5,500 Chinook salmon under the Council’s PPA is low. Overall non-whiting sector salmon take has averaged well under the EFP’s thresholds since 2018.
Protected Species (Eulachon & Green Sturgeon)	Adverse, Insignificant Impact. Eulachon encounter rates would be expected to remain comparable to existing rates during the normal midwater trawl/Pacific whiting primary season. Green sturgeon interactions would be expected to remain extremely low (well below the annual limit of 28 fish). All catch would remain accountable under 100% observer/electronic monitoring.
Socio-Economic Environment	Positive Impact. Would provide fishermen greater flexibility to optimize gear configurations, adapt to seasonal market demands, and greater attainment of target stocks, resulting in increased revenues when compared to No Action.

Actions 2 & 3

The potential environmental impacts of both Proposed Action 2 and Proposed Action 3 are anticipated to generally fall within the scope of the 2027-28 Harvest Specifications EA and to not be significant.

Key Conclusion

The data collected under the Trawl Gear EFP and this analysis demonstrates that permanently codifying the relevant portions of the Trawl Gear EFP measures under the **PPA (Alternative 1, Options 1 and 2)** would fulfill this action’s purpose and need by providing operational efficiency gains to the groundfish fishery without causing significant adverse environmental, biological, or cumulative impacts. Similarly, the PPAs under both Actions 2 and 3 would fulfill the actions’

purpose and need by providing operational flexibility while reducing operational costs (Action 2) and by reducing regulatory complexity while providing increased operational flexibility for recreational charter operators and processors (Action 3). Neither Action Item is expected to cause significant adverse environmental, biological, or cumulative impacts.

1. Introduction and Background

The Council is currently evaluating three management Actions designed to enhance operational flexibility and expand fishing opportunities for both the trawl IFQ sector and the recreational charter boat industry. Specifically, this action examines potential revisions to existing IFQ time, area, and gear restrictions, the possibility of allowing vessels to change fishing declarations while at sea, and the modification of current prohibitions regarding the commercial sale of recreational fish waste, such as entrails, skeletal remains, or other parts of the fish not used for human consumption.

Since 2017, there have been a series of annual EFPs (hereinafter referred to as the Trawl Gear EFP) allowing registered participants in the trawl IFQ program to be exempted from certain trawl gear restrictions to promote additional fishing opportunity and improve operational flexibility in the fishery, while collecting information related to salmon bycatch in response to the 2017 salmon Biological Opinion (2017 Biological Opinion). The 2017 Biological Opinion required that prior to allowing non-whiting midwater trawling from January through mid-May and non-whiting trawling south of 42° N. lat. at least three years of an EFP was needed to collect data to evaluate the potential impacts of such allowances within the fishery on Chinook and coho salmon. Thus, the design of the Trawl Gear EFP has been to examine the impacts on prohibited and protected species from modifying certain time, area, and gear restrictions for the Shorebased IFQ Program. The Trawl Gear EFP was issued in 2017 and has been renewed annually since that time.

The Council prioritized moving the Trawl Gear EFP into regulation in 2025 under the Groundfish Workload and New Management Measures process ([March 2025 Decision Summary Document](#)). Sufficient data has been collected to evaluate moving the majority of the EFP into regulation. Therefore, this action proposes to remove certain prohibitions and requirements from regulation: 1) the prohibition on Shorebased IFQ trawl vessels using midwater trawl gear to target non-whiting groundfish (e.g., yellowtail and widow rockfish) north of 40°10' N. lat. outside of the Pacific whiting primary season dates; and 2) the requirement to use selective flatfish trawl (SFFT) gear while fishing between 42° N. lat. and 40°10' N. lat. and shoreward of the boundary line approximating the 100 fathoms (fm) depth contour. These changes would establish a year-round fishery using midwater trawl gear to target non-whiting groundfish north of 40°10' N. lat. and relax gear requirements for groundfish fishing between 42° N. lat. and 40° 10' N. lat. and shoreward of the 100 fm boundary line. The current EFP also includes an exemption from the prohibition on fishing midwater trawl gear south of 40°10' N. lat. shoreward of the 150 fm depth contour. Although this exemption was added to the EFP in 2021, there were not any fishery participants utilizing this exemption until 2026. Due to the lack of the necessary three years of data, this action does not propose removing this prohibition from regulation at this time. Instead, the Council recommends this prohibition continue as an EFP so that additional data on its potential impacts may be collected.

During their April 2026 meeting, the Council advised incorporating two additional action items into this action. The first proposal aims to enhance operational flexibility by allowing vessels to modify their fishing declarations while at sea. This change, advocated by industry representatives at the April 2026 meeting ([Agenda Item C.5.a, Supplemental GAP Report 1, April 2026](#)), would

enable vessels to change between midwater rockfish, shoreside whiting, and mothership catcher vessel (MSCV) declarations without returning to port. The second component, a management measure prioritized in 2025, proposes amending Federal regulations to permit the sale of fish waste (i.e., entrails, skeletal remains, or other parts of the fish not used for human consumption) from recreational groundfish harvesting. This adjustment would be intended to eliminate regulatory inconsistency and allow NMFS to defer to state oversight on how this fish waste may be disposed of or used.

History of the EFP

Various gear, area, and time restrictions were implemented for the Pacific Coast groundfish fishery during the 1990's and 2000's to reduce bycatch and the discarding of groundfish (e.g., juvenile fish) and non-groundfish (e.g., salmon), as well as to limit access to overfished species and their rocky habitats. Some of these conservation measures included:

Gear Modifications and Restrictions:

- Increasing minimum mesh sizes.
- Eliminating multi-walled codends.
- Increasing chafing gear restrictions.
- Requiring the use of SFFT gear north of 40°10' N. lat. and shoreward of the Trawl RCA.

Area and Time Restrictions:

- Implementing RCAs for specific gear types.
- Prohibiting fishing outside the Pacific whiting primary season dates for midwater vessels.
- Establishing the ocean salmon conservation zone.
- Establishing the Klamath and Columbia rivers salmon conservation zones.

However, discarding persisted until 2011, when the implementation of a Trawl Rationalization Program replaced trip limits with IFQ and mandated 100 percent vessel monitoring. The Trawl Rationalization Program aimed to promote individual accountability for the catch of both target and non-target species; reduce the catch of overfished, incidentally caught species; and enhance economic efficiency. These regulatory measures successfully reduced bycatch in the trawl fishery, leading to the subsequent declaration of several previously overfished rockfish species as rebuilt.

Due to the greater accountability introduced by the Trawl Rationalization Program and the recovery of formerly overfished stocks, the Council has undertaken several efforts to relaunch target fisheries for these species and to assess the continued need for existing controls. One such effort included the trawl gear modification rulemaking action, approved by the Council in March and June 2016, which relieved several gear restrictions then in regulation (December 27, 2018; [83 FR 45396](#)).

Additionally, in 2016, industry members proposed a trawl gear EFP for 2017, which would grant exemptions for two of the eight original elements of the trawl gear modification rulemaking package, prior to NMFS' implementation of the full package. After NMFS's review, EFPs were issued to 32 vessels in March of 2017 through the end of 2017. The 2017 Trawl Gear EFP allowed participating limited entry (LE) bottom trawl vessels an exemption from the minimum mesh size

requirements and the mandate to use SFFT gear shoreward of the Trawl RCA north of 42° N. lat. ([Agenda Item F.8, Supplemental Attachment 1, June 2017](#)). SFFT is a type of small footrope trawl developed over several years through research trials and fishery-scale testing. The gear was developed to maintain a nearshore flatfish trawl fishery while reducing the non-target catch of canary rockfish and other species that were overfished at the time and have since been rebuilt. Originally tested through an EFP in 2003, the SFFT features a headrope set back from a flattened net body to capture low-swimming flatfish while allowing rockfish, particularly canary rockfish, to escape over the upper edge of the trawl net. Since 2005, Federal groundfish regulations had required the use of SFFT gear shoreward of the boundary line approximating the 100 fm (183 m) depth contour between 42° N lat. and 40°10' N lat. SFFT gear has been allowed, but not required, south of 40°10' N. lat.

The original application sought to extend the lower boundary for the requirement to use SFFT to 40°10' N. lat. through the EFP, but NMFS and the Council decided against this expansion due to concerns about potential impacts on Klamath River fall Chinook salmon within the area between 42° N. lat. and 40°10' N. lat. The 2017 EFP included an adaptive management approach to monitor bycatch of Chinook salmon and other protected species resulting from fishing under the EFP. This included a clause that if a sub-harvest guideline of 800 Chinook salmon was hit prior to May 15, the EFP would close until May 15. At which time, the EFP would once again reopen for the remainder of the year under a total harvest guideline (for EFP and non-EFP vessels) of 3,547 salmon minus whatever was taken pre-May 15.

Terms and Conditions of the 2017 Biological Opinion for Salmon

Around the same time as the Council action on the trawl gear rule, the Council was involved in the reinitiation on the Biological Opinion for Endangered Species Act (ESA) listed salmon. In 2013, NMFS' Sustainable Fisheries Division requested to reinitiate consultation pursuant to section 7 of the ESA on the take of listed salmonids in the groundfish fishery. Take of listed salmon in 2014 then exceeded the reinitiation triggers and prompted NMFS to expand the scope of the reinitiation request. The Council ultimately recommended a proposed action to NMFS in April 2017 ([April 2017 Council Meeting Record](#)), which included new provisions related to a midwater rockfish fishery. In December 2017, NMFS published the Biological Opinion on the impacts to ESA-listed salmon species resulting from implementation of the Groundfish FMP, hereafter referred to as the 2017 Biological Opinion. Terms and Conditions of the 2017 Biological Opinion for salmon included:

- “Prior to allowing additional open non-whiting trawling from January through mid-May, NMFS shall implement EFPs designed to collect information about Chinook [salmon] and coho [salmon] 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.”
- “Prior to allowing additional non-whiting trawling south of 42° N. latitude, NMFS will implement one or more EFPs designed to collect information about Chinook [salmon] and coho [salmon] bycatch levels and stock composition from fishing in those areas or at those times for a minimum of three years.”

In September 2017, the Council received an updated trawl gear EFP proposal for 2018 from the West Coast Seafood Processors Association, Environmental Defense Fund, and Oregon Trawl Commission, and Midwater Trawlers Cooperative ([Agenda Item E.4, Supplemental EFP Application 1, September 2017](#)), which expanded upon the exemptions granted in the 2017 EFP to include fishing opportunities for vessels using midwater gear to target non-whiting species year-round. As with the 2017 EFP, the goal of the 2018 EFP was to demonstrate that removal of outdated and unnecessary gear and season restrictions in the Shorebased IFQ program could help the groundfish fishery better meet the economic objectives of the Trawl Rationalization Program while keeping bycatch of salmon and other species within allowable limits. Based on the Council's and NMFS' recommendations ([Agenda Item E.4.b, Supplemental NMFS Report 1, September 2017](#)) the applicants resubmitted a final version of the application to NMFS on October 4, 2017.

At the start of the 2017 EFP, a targeted fishery for chilipepper, widow, and yellowtail rockfish had not existed in more than a decade, and available data had limited utility for predicting the impacts to protected and prohibited species anticipated to occur as a result of the fishery, if the fishery were conducted with the exemptions that would be allowed under the EFP. NMFS developed an environmental assessment (EA) under the National Environmental Policy Act (NEPA) (hereinafter 2017 EA (NMFS 2017)), analyzing the impacts of the proposed 2018 EFP as compared to a no action alternative. Although the EA analyzed the proposed EFP for the 2018 fishing year, NMFS did not intend to limit the time period over which the 2017 EA's analysis would apply. To continue to collect information and comply with the Terms and Conditions of the 2017 Biological Opinion, it was expected that subsequent, similar one-year EFPs would be issued, covering some or all the EFP components analyzed in the 2017 EA. This expectation was contingent on the absence of substantial changes to the affected environment or the identification of any significant environmental impacts resulting from the implementation of the Trawl Gear EFP that fell outside the scope of the 2017 EA's analysis.

In sum, NMFS issued the 2018 Trawl Gear EFP based on the agency's perspective on the need to reduce bycatch (including bycatch of protected species) while collecting valuable information on the fishery's impacts and increasing efficiencies within the fishery, the Council's recommendation, public comments, and the analysis contained in the 2017 EA.

Current Trawl Gear EFP

Since 2018, the Trawl Gear EFP has allowed up to 60 vessels participating in the Shorebased IFQ Program annually to test whether removing certain gear, time, and area restrictions may impact the nature and extent of bycatch of prohibited species (i.e., Chinook salmon and coho salmon and eulachon). NMFS has annually modified the suite of exemptions allowed under the Trawl Gear EFP as certain groundfish regulations were lifted or revised. For example, since the inception of the Trawl Gear EFP, the Trawl RCA opened off Oregon and California under Amendment 28 (January 1, 2020; [84 FR 63966](#)), several severely constraining overfished species have been declared rebuilt, and there have been modifications to several gear restrictions. A full list of the exemptions that have been allowed under the Trawl Gear EFP between 2018 and the present can be found in Appendix A to this document, while background information on the remaining exemptions are discussed below. Currently, vessels participating in the Trawl Gear EFP are exempt from:

- the requirement to use SFFT gear, and the prohibition on using small footrope gear other than SFFT gear between 42° and 40°10' N. lat. and shoreward of the boundary line approximating the 100 fm depth contour;
- the prohibition on fishing midwater trawl gear targeting non-whiting species outside the primary season dates for the Pacific whiting IFQ fishery;
- the prohibition on fishing midwater trawl gear targeting non-whiting species south of 40°10' N. lat. shoreward of the boundary line approximating the 150 fm depth contour;
- the prohibition on retaining certain prohibited species; and
- the requirement to discard certain prohibited species at sea.

Note that the exemption from the prohibition on fishing midwater trawl gear south of 40°10' N. lat. shoreward of the 150 fm depth contour was only put into place in the EFP in 2021 after the opening of the Trawl RCA off California. The 2017 EA for the Trawl Gear EFP considered and rejected an exemption for midwater rockfish fishing in the area south of 40°10' N. lat. and shoreward of the Trawl RCA (which was 150 fm-100 fm at the time). This rejection was due to potential conflicts with California state regulations and concerns regarding Klamath River salmon. Specifically, the age-3 ocean abundance forecast for Klamath River Fall Chinook (KRFC) salmon in the March 2017 Preseason Report 1 was the second lowest on record. Accordingly, despite the exemption being in effect for more than five years, no participants have fished south of 40°10' N. lat. until 2026 (one vessel). Therefore, the three years of data that would be necessary to evaluate removing this prohibition from regulation is not currently available, and the Council has recommended that this prohibition continue as an EFP so that additional data may be collected.

1.1 Purpose and Need

At the June 2026 meeting, the Council adopted the following purpose and need statements for each Action:

Action 1: Moving Trawl Gear EFP Exemptions into Regulation

The purpose of this action is to remove regulations for specific gear, area, and time restrictions for vessels participating in the Shorebased IFQ Program that use midwater and/or SFFT gear to fish for groundfish off the U.S. West Coast. The need is to improve operational flexibility, foster innovation, and allow for more optimal harvest operations in the trawl fishery while meeting conservation goals for salmon and other protected species.

Action 2: At-Sea Declarations

The purpose of this action is to provide more flexibility to trawl vessels to allow participation in multiple fisheries on the same trip, while ensuring that the accountability measures for the Trawl Rationalization Program are maintained. The need for this action is to continue to reduce operational costs for trawl program participants, thereby to further achieve the economic goals and objectives of the trawl program.

Action 3: Commercial Sale of Recreational Fish Waste

The purpose of this action is to ease the regulatory burden on industry and create operational flexibility within the recreational fishery. The need for this action is to allow the NMFS to defer to state regulations in the management of the commercial sale of recreational fish waste.

1.2 Description of Management Area

The Pacific Coast groundfish fishery action area includes the U.S. West Coast Exclusive Economic Zone (EEZ) (3 nautical miles (nm) – 200 nm). The geographic area of the EEZ specific to where Proposed Action 1 would occur includes all areas north of 40°10' N. lat.

1.3 Documents Incorporated by Reference in this Analysis

As mentioned above in Section 1, NMFS developed an environmental assessment analyzing the impacts of the proposed 2018 Trawl Gear EFP as compared to the No Action Alternative. While the analysis focused on the 2018 fishing year, the intent was to provide a framework beyond that specific window. To support ongoing data collection and adhere to the 2017 Biological Opinion's directives, the agency anticipated renewing similar annual EFPs for the various analyzed gear components. This expectation was contingent on the absence of substantial changes to the affected environment. While the 2017 EA evaluated impacts of issuing the EFP, this action evaluates the impacts of permanently moving two of the remaining exemptions into regulation. As such, the 2017 EA is incorporated by reference.

This Analysis also relies on several documents presenting analysis and information relevant to the decision-making process²:

Harvest Specifications and Management Measures for 2015-2016 Final Environmental Impact Statement (NMFS 2015) and Bienniums thereafter, including the 2027-28 Harvest Specifications EA.

This final environmental impact statement (FEIS) provides decision makers and the public an evaluation of the environmental, social, and economic effects of alternative harvest strategies for the Federally managed West Coast groundfish fisheries and is referenced here for an understanding of the groundfish fishery. The FEIS examines alternative harvest strategies that comply with Federal regulations, FMP, and the Magnuson-Stevens Act. These strategies are applied using the best available scientific information to derive the annual catch limit (ACL) estimates for the West Coast groundfish fisheries. The FEIS evaluates the effects of different alternatives on target species, non-specified species, forage species, prohibited species, marine mammals, seabirds, essential fish habitat, ecosystem relationships, and economic aspects of the groundfish fisheries. The 2027-2028 biennium is the sixth period tiered from the 2015 FEIS. As such, the 2015 FEIS is

² Consistent with guidance in NOAA's NEPA Companion Manual (2025), as a number of the prior NEPA documents that this EA tiers to are more than 5 years old, we have reevaluated the underlying assumptions and analysis in those documents and determined that both remain valid insofar as the assumptions and analysis apply to our evaluation of the Proposed Action.

incorporated by reference as is the EA evaluating the [2027-2028 biennium](#), which hereafter are referenced as such. These documents are posted on the NOAA Fisheries website.

As discussed in the 2015 FEIS and each subsequent tiered document, the adoption and adjustment of regulations for managing the groundfish fishery (including harvest specifications and management measures) are part of an ongoing, adaptive management process. Changes in the type and intensity of environmental impacts tend not to differ substantially from one period to the next.

Status of the Pacific Coast Groundfish Fishery Stock Assessment and Fishery Evaluation (SAFE) 2024

SAFE documents summarize the biological condition of managed stocks, stock complexes, and fisheries and the social and economic condition of the recreational and commercial fishing industries. An updated SAFE document will be produced to support the current biennial management cycle. Hereafter, references to the SAFE document are inclusive of the 2024 version and the updated version, as applicable.

Projecting Impacts on Chinook Salmon Bycatch: Potential Transfer of Exemptions to regulation, in Two West Coast Groundfish Trawl Fishery Sectors (draft) ([Agenda Item E.5, Attachment 2](#))

Matson et al. (2026) analyzed whether each fishery prohibition proposed by the Council to be removed from regulations could be removed while complying with terms of the current biological opinion for endangered Pacific coast salmon and their evolutionary significant units (ESUs) (NMFS, 2017). The analysis focused on the two key regulatory revisions proposed by the Council, i.e., potentially extending the non-whiting midwater trawl season to year-round from the current May 1 to Dec 31 season, as well as allowing any small footrope bottom trawl gear in the area between 40° 10' and 42° N. lat., shallower than 100 fm (i.e., not restricted to selective flatfish trawl (SFFT) only in that area). Matson et al. (2026)'s analysis focused only on Chinook salmon bycatch.

2. Description of the Proposed Actions and Alternatives

2.1 Action 1: Moving Trawl Gear EFP Exemptions into Regulation

2.1.1 No Action

Existing regulatory prohibitions for vessels using midwater trawl gear targeting non-whiting groundfish stocks north of 40°10' N. lat. before the Pacific whiting primary season, and regulatory prohibitions for vessels using small footrope trawl gear other than SFFT to fish for groundfish or having small footrope trawl gear onboard while fishing between 42° N. lat. and 40° 10' N. lat., would remain in effect.

Since 2018, the Trawl Gear EFP has exempted up to 60 vessels annually from these regulatory prohibitions in order to collect data on the potential impacts of removing these regulations on Protected Species; specifically, the bycatch of Chinook and coho salmon and eulachon. Under No

Action, Federal regulations would continue to restrict Pacific Coast groundfish vessels to fishing midwater trawl gear targeting non-whiting groundfish during the Pacific whiting primary season north of 40°10' N. lat. Further, vessels fishing with bottom trawl gear would continue to be required to use SFFT gear shoreward of the 100 fm depth contour between 42° N. lat. and 40°10' N. lat. as described at 50 CFR 660.130(c)(2)(i) and would be prohibited from using small footrope trawl gear other than SFFT to fish for groundfish, or have small footrope trawl gear onboard, while fishing between 42° N. lat. and 40°10' N. lat. Midwater trawl gear would continue to only be allowed seaward of the 150 fm depth contour south of 40°10' N., where it is permitted year-round.

2.1.2 Alternative 1, Exempted Fishing Permit into Regulation (Preliminary Preferred Alternative (PPA))

Vessels participating in the Shorebased IFQ fishery:

Option 1: would be allowed to use midwater trawl gear targeting non-whiting groundfish outside of the Pacific whiting primary season dates north of 40°10' N. lat.

Under Alternative 2 Option 1, vessels would be allowed to use midwater trawl gear targeting non-whiting groundfish outside of the Pacific whiting primary season dates north of 40°10' N. lat. This means that vessels fishing north of 40°30' N. lat. would be allowed to fish before May 1 in all areas, including inside the trawl RCA off Washington, and vessels fishing between 40°30' N. lat. and 40°10' N. lat. would be allowed to fish before April 15 without any area restrictions. While the Trawl Gear EFP has also included the option to fish south of 40°10' N. lat. shoreward of the 150 fm depth contour, this alternative does not propose such regulatory changes at this time due to limited participation in (and thus existing data from) this EFP exemption. No changes would be made to the area seaward of the 150 fm depth contour south of 40°10' N. lat.

Option 2: with bottom trawl gear between 42° N. lat. and 40°10' N. lat and shoreward of the 100 fm depth contour would be allowed to use any legal small footrope trawl gear, including SFFT, to fish for groundfish.

Under Alternative 2 Option 2, vessels would be allowed to fish shoreward of the 100 fm depth contour between 42° N. lat. and 40°10' N. lat. with any legal small footrope gear, including SFFT, to harvest groundfish. Prohibitions on the use of large footrope gear would still be in place, as described in 50 CFR 660.130(c)(1).

Alternative 2 Options 1 and 2 are not mutually exclusive and can be implemented concurrently. The Council's PPA includes the implementation of both Options 1 and 2.

2.2 Action 2: At-Sea Declarations

2.2.1 No Action

Vessels could only switch declarations at sea between fishing bottom trawl and midwater rockfish in the Shorebased IFQ fishery or between the mothership and shoreside whiting fisheries as described at 50 CFR 660.13(d)(1).

Under No Action, vessels would only be allowed to switch declarations at sea if switching between bottom trawl and midwater trawl gear or between the Pacific whiting Shorebased IFQ sector and

the mothership sector. Limited entry trawl vessels fishing in the Shorebased IFQ Program must provide NMFS OLE with a new declaration report each time a different groundfish trawl gear (bottom or midwater only) is fished. The declaration may be made from sea and must be made to NMFS before a different type (bottom or midwater only) of groundfish trawl gear is fished. Vessels wishing to change into a different fishery outside of these exceptions would need to return to port prior to changing declarations.

2.2.2 Alternative 1 (PPA)

Vessels could change declarations while at sea from shoreside whiting to midwater rockfish (and vice versa) or from mothership sector (catcher vessel) to midwater rockfish. Monitoring type declarations (i.e., electronic monitoring or observer) cannot be changed while at sea. Vessels will need to sort catch by sector and report catch on separate fish tickets (as applicable).

Under Alternative 1, vessels would be permitted to change declarations at sea between:

1. Limited entry midwater trawl, Pacific whiting Shorebased IFQ, observer or Limited entry midwater trawl, Pacific whiting Shorebased IFQ, electronic monitoring (declaration code 21) to Limited entry midwater trawl, non-whiting Shorebased IFQ, observer or Limited entry midwater trawl, non-whiting Shorebased IFQ, electronic monitoring (declaration code 20) or vice versa, and
2. Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership), observer (declaration code 23) or Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership), electronic monitoring (declaration code 23) to Limited entry midwater trawl, non-whiting Shorebased IFQ, observer or Limited entry midwater trawl, non-whiting Shorebased IFQ, electronic monitoring (declaration code 20).

Vessels would be required to use only one monitoring type (electronic monitoring or observer) on each trip, to sort catch by sector, as is required when switching declarations at sea between other fisheries or with multiple gear types, and to record catch on fish tickets as appropriate. Vessels would be subject to sorting requirements (e.g., maximized retention) depending on the fishery that they are declared into.

2.3 Action 3: Commercial Sale of Recreational Fish Waste

2.3.1 No Action

Federal regulations would continue to prohibit any person from selling, offering to sell, or purchase any groundfish (including recreational fish waste) taken in the course of recreational groundfish fishing.

Under No Action, persons would not be permitted to sell, offer to sell or purchase any groundfish (or component of a groundfish) taken in the course of recreational groundfish fishing. As noted in Agenda Item H.8.a, GMT Report 1, March 2025, currently, “fish processors and charter operators at ports that prohibit the dumping of carcasses or fish waste in port must find alternative modes of disposal. The interest to sell fish discards is to offset the costs of disposal incurred by processors or charter vessel operators. In San Diego, processors handle (cut and vacuum seal) recreational

fish offloaded from Commercial Passenger Fishing Vessel (CPFV) and private recreational boats. The heads, frames, and offal from these fish are gathered by commercial trash collecting services and taken to the municipal dump. The processors have to pay for this service. The processors would like to be able to sell this recreational waste to trap/pot fisherman or sell it to be rendered down into fish oil. Similarly, in Washington, recreational vessels are required by state regulation to land whole fish or the carcasses (head and frame) of fish if fileted at sea to allow species identification and enumeration. A common practice of charters is to filet catch during the return to port. After customers disembark, the charter vessels then must haul the fish waste out of the harbor for disposal. This adds extra expense and inconvenience to the charter operators.”

2.3.2 Alternative 1 (PPA)

Federal regulations would be amended to remove the prohibition on the sale of fish waste (i.e., entrails, skeletal remains, or other parts of the fish not used for human consumption) from recreationally caught groundfish. This would allow for the sale and use of recreational fish waste consistent with the applicable state regulations in the port where the fish is landed.

Under Alternative 1, fish waste (i.e., entrails, skeletal remains, or other parts of the fish not used for human consumption) from recreational groundfish fishing would be permitted to be sold under Federal regulations. While the Federal prohibition would be removed under Alternative 1, the states would be ultimately responsible for making state-specific regulations governing the use and sale of recreational fishing fish waste in their ports of landing. Agenda Item H.8.a, GMT Report 1 from March 2025 describes that, “In addition to changing Federal regulations to allow the sale of fish waste from recreationally-caught fish, the states of Washington (Washington Administrative Code 220-353- 090, 220-305-010, & 220-310,170, Revised Code of Washington 77.12.047, 77.125.050 and 77.125.060), Oregon (Oregon Revised Statutes 498.022), and California (California Fish and Game Code section 7121, § 75, § 12012, § 12013 & Cal. Code Regs. Tit. 14, § 231) would need to implement conforming state regulations should they wish to allow this activity.”

This action would only apply to groundfish carcasses and fish waste, and other non-groundfish species prohibitions (e.g., salmon) would remain in place.

3. Affected Environment and Environmental Consequences

This chapter addresses the anticipated environmental effects of the Proposed Actions (i.e., the Council’s PPA) and their Alternatives. The socio-economic impacts of these actions are presented in the Regulatory Impact Review (RIR) (Chapter 4).

This chapter analyzes potential environmental impacts on each resource that are anticipated to result from the incremental impact of the Proposed Actions. The geographic scope for the physical environment/habitat, fish resources, and protected resources is the West Coast EEZ. For socioeconomic resources, the geographic scope is those United States fishing communities directly involved in the harvest or processing of Council-managed resources, particularly those off the states of Washington, Oregon, and California.

3.1 Action 1: Moving Trawl Gear EFP Exemptions into Regulation

3.1.1 Physical Environment

This evaluation of potential impacts is confined to the potential impacts to those environmental components likely to be affected by the Proposed Action and excludes aspects of the Physical Environment where no impacts are anticipated, such as the California Current Ecosystem and Habitat Areas of Particular Concern (HAPC). The aspects of the Physical Environment anticipated to be affected by the Proposed Action are described in detail in the 2017 EA and are summarized below in 3.1.1.1 and 3.1.12. Changes to these aspects of the Physical Environment that have occurred since the 2017 EA are also summarized below.

Habitat, in particular Essential Fish Habitat (EFH), is the primary component of the Physical Environment that is anticipated to be affected by the Proposed Action. EFH, as defined by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), encompasses the aquatic environments and substrates vital for fish productivity and broader ecological health³. Under 50 CFR 600.10, this includes both the biological and chemical properties of the water column and the complex structural elements of the seafloor. Comprehensive descriptions and spatial mapping of groundfish EFH in the action area are maintained in the Pacific Coast Groundfish FMP ([Appendices B](#) and [C](#)). The description and identification of groundfish EFH in the action area was further refined and the identification of HAPCs established through [Amendment 19](#) (2006) and [Amendment 28](#) (2019) to the Groundfish FMP. The 2019 FEIS for Amendment 28 examines the impacts of fishing with trawl and fixed gears on various substrates. These effects are influenced by a suite of variables—including seafloor features like canyons, the presence of sensitive benthic invertebrates like corals and sponges, and specific gear configurations—which can make the scale of bottom contact and subsequent habitat disturbance difficult to quantify precisely.

To address the adverse effects of fishing operations on groundfish EFH, management measures to mitigate such impacts are implemented as required by the Magnuson-Stevens Act and detailed in Federal guidance (50 CFR 600 Subpart J). Measures regarding gear limitations, temporal or spatial restrictions, and fishing capacity management are further addressed in Chapter 6 of the Groundfish FMP (Sections 6.6, 6.8, and 6.9).

3.1.1.1 Essential Fish Habitat Conservation Areas (EFHCA)

EFHCAs are spatially discrete areas closed to bottom trawling and, in some cases, other types of bottom contact gear, to protect the important habitat features found there. EFHCAs are intended to mitigate the adverse effects of fishing on groundfish EFH. Midwater trawling is allowed within EFHCAs when midwater trawl fishing is allowed in adjacent waters. The implementation of Amendment 28 in 2019 resulted in the modification of existing EFHCA boundaries and the creation of new ones; however, the overarching functional purpose of these conservation areas remains the same. These revisions to EFHCAs expanded closures to protect important habitat features, but reopened habitats with lower sensitivity and faster recovery to disturbance. The network of West Coast EFHCAs encompasses dozens of specific coordinate-defined zones

³ See 16 U.S.C. § 1802(10) (“The term “essential fish habitat” means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.”).

spanning the West Coast EEZ intended to close areas to bottom contact gear to protect vulnerable structural habitats like rocky reefs, submarine canyons, sea mounts, methane seeps, and emergent coral/sponge gardens.

3.1.1.2 Rockfish Conservation Areas (RCA)

The groundfish trawl RCA (trawl RCA) is a type of groundfish conservation area (GCA) closed to fishing with groundfish bottom trawl gear types and designed to minimize catch of overfished and other groundfish species⁴. These areas do not have the goal of mitigating the adverse effects of fishing on EFH as a stated objective; however, they do mitigate the adverse effects of fishing on fish habitat as an ancillary effect by prohibiting certain types of fishing within their boundaries. As with EFHCAs, midwater trawling is allowed within the trawl RCA when midwater trawling is allowed in adjacent waters. Up until 2019, the trawl RCA was a large-scale area extending along the entire length of the West Coast of the United States. With the implementation of Amendment 28, the trawl RCA opened off the coasts of Oregon and California but remained closed off Washington. The opening of portions of the trawl RCA through Amendment 28 shifted fishing restrictions toward Individual Fishing Quotas (IFQ) and localized gear rules. The current trawl RCA boundaries are defined by lines that connect a series of latitude and longitude coordinates that approximate particular depth contours of the continental shelf from approximately 30 fathoms (fm) to 700 fm. The Council may seasonally change trawl RCA boundaries within which particular regulations apply according to conservation needs at the time.

3.1.1.3 Impacts of Proposed Action 1 on the Physical Environment

The environmental effects of fishing activities under a No Action Alternative were previously examined in the 2015–16 Harvest Specifications FEIS (Chapter 4) and the EAs for the harvest specifications and management measures set for subsequent biennia, including the recent 2027–28 Harvest Specifications EA (Chapter 4). These analyses determined that the ongoing operation of the Pacific coast groundfish fishery would not result in significant adverse impacts on the Physical Environment, including EFHCAs and the Trawl RCA, relative to historical levels, provided there is no substantial redirection of bottom-contact fishing gear into previously unfished areas. Consequently, since the No Action Alternative evaluated in this action would maintain current fishing behaviors and activities, with any fishing with midwater trawl gear north of 40°10' N. lat. outside the primary whiting season and gear options for bottom trawling between 42° N. lat. and 40°10' N. lat. shoreward of the 100-fm contour dependent on annual EFPs, its potential environmental impacts are considered neutral and insignificant. The No Action Alternative represents no change from the current management direction or level of management intensity and, thus, is included for comparative purposes to the Proposed Action only.

Under the PPA Option 2, participating vessels utilizing groundfish bottom trawl gear would be permitted under regulation to employ any type of small footrope bottom trawl gear, including SFFT, shoreward of the 100 fm depth contour between 42° N. lat. and 40°10' N. lat. Although the gear allowed in this location would be slightly different compared to the No Action Alternative, these modifications are not anticipated to substantially increase fishing effort or to significantly

⁴ This is a type of groundfish conservation area and part of the definition of “groundfish conservation area” at §660.11. Regulations at §660.112 prohibit certain types of activities for vessels with trawl gear on board.

impact the timing or location of groundfish bottom trawl fishing. Moving certain EFP exemptions into regulation would not increase catch limits. As a result, these changes are not expected to result in additional impacts to the Physical Environment, in particular fish habitat, beyond those previously analyzed in the 2015 EIS or the EAs for the harvest specifications for subsequent biennia, including the 2027-28 Harvest Specifications EA. As compared to the No Action Alternative, the PPA is not expected to have a significant adverse impact on the Physical Environment because it is not anticipated to significantly impact fishing effort, timing or location as compared to No Action. Further, as it relates to the use of any small footrope gear newly allowed under the PPA, vessels would still be required to comply with the bottom contact restrictions established under existing EFHCAs and RCAs, which prevent groundfish bottom trawling in more vulnerable habitats. Therefore, no additional adverse impacts to fish habitat are anticipated from this aspect of the PPA.

Under the PPA Option 1, vessels targeting non-whiting species with midwater trawl gear would be permanently permitted to operate earlier in the calendar year. These vessels would be authorized to use midwater trawl gear for non-whiting groundfish outside of the Pacific whiting primary season dates north of 40°10' N. lat. Consequently, vessels north of 40°30' N. lat. would be permitted to fish prior to May 1, including within the trawl RCA off the coast of Washington. Vessels operating between 40°30' N. lat. and 40°10' N. lat. would be allowed to fish prior to April 15 without area restrictions.

Implementation of this aspect of the PPA could potentially shift the timing and spatial distribution of fishing effort within the non-whiting midwater trawl sector in existing EFHCAs and trawl RCAs. Increased effort within these areas could cause gear interactions with the more vulnerable habitats on the sea bottom. Therefore, shifts in harvest timing and location could cause some additional adverse impacts to fish habitat, particularly if target species happen to be in different locations at different times of the year. Midwater trawl gear is not designed for bottom contact, however, and is already permitted in these areas during the whiting primary season for the Shorebased IFQ Program. Additionally, because pelagic rockfish tend to remain in one area for most of their lives, geographic effort is expected to remain consistent with historical patterns, consistent with No Action. Therefore, any potential adverse impacts to fish habitat anticipated to result from this aspect of the PPA are expected to fall within the scope of those analyzed in the 2017 EA and to not be significant.

Additionally, due to the nature of the Shorebased IFQ program which limits participation in the fishery, total fleet effort, or number of vessels, is not expected to change under the PPA as compared to the No Action Alternative. Therefore, although the PPA presents the potential for an increased rate of effort and a minor shift in timing for vessels operating midwater trawl gear, the cumulative impacts under the PPA remain within the scope of those anticipated for the No Action Alternative and are not anticipated to be significant.

3.1.2 Biological Environment

3.1.2.1 Target Species

The primary target species expected to be impacted by this action are widow rockfish, yellowtail rockfish, and chilipepper rockfish. Summarized below, detailed information on life history,

historical catch, and management information for each species can be found in Section 2 of the Groundfish SAFE (PFMC, 2024) and is incorporated by reference. While the fishery and underlying ecosystem conditions constantly evolve, the information with the greatest influence on the potential impacts of Proposed Action 1 on target groundfish species include the 2025 benchmark stock assessments for chilipepper rockfish (Dick et al, 2025) and yellowtail rockfish north of 40°10' N. lat. (Oken et al, 2025), and the 2025 stock assessment update for widow rockfish (Kinneen et al, 2025). These recent stock assessments are found on the [Council's website](#) and summarized below.

Widow Rockfish

Widow rockfish (*Sebastes entomelas*) are midwater and semi-demersal rockfish distributed from Albatross Bank off Kodiak Island, Alaska, to Todos Santos Bay, Baja California, Mexico. They prefer hard-bottom continental shelf habitats such as rocky banks, seamounts, and ridges near canyons, with adults forming dense, irregular schools deeper than 100 m at night and dispersing during the day. Widow rockfish are carnivorous, feeding primarily on salps, sergestid shrimp, squids, and midwater fishes like juvenile Pacific whiting. Females reach sexual maturity between 3 and 8 years of age, and the species attains a maximum length of 53 cm and a lifespan of up to 28 years. Assigned a Productivity-Susceptibility Assessment (PSA) productivity score of 1.31 (moderate productivity), widow rockfish are predominantly harvested by commercial midwater trawl fleets and constitute only a minor component of the Pacific Coast recreational groundfish fisheries.

Following a rapid increase in commercial landings during the late 1970s and 1980s, the stock was declared overfished in 2001, when spawning output fell to 23.6 percent of unfished levels. The Council implemented a rebuilding plan under Amendment 16-3 in 2004 (and revised under Amendment 16-4 in 2006), which successfully restored the stock ahead of schedule. The stock was officially declared rebuilt in 2011 at 51 percent depletion. Subsequent assessments documented continued population growth, with relative depletion estimated at 75.1 percent in 2015 and 92 percent in 2019, driven largely by exceptional recruitment events in 2008, 2010, 2013, and 2014. The most recent widow rockfish assessment (Kinneen et al, 2025) in 2025 showed an unfavorable, substantial change in stock projections and estimated stock productivity as compared with the previous assessment. This resulted in greatly reduced harvest specification values for the 2027-2028 biennium.

Yellowtail Rockfish

Yellowtail rockfish (*Sebastes flavidus*) range from San Diego, California, to Kodiak Island, Alaska, with their highest abundance centered between Oregon and British Columbia. These semi-pelagic rockfish prefer middle-shelf habitats, frequently forming large, persistent schools above steep slopes, rocky reefs, and cobble-sand ridges. They are viviparous, slow-growing, and long-lived—attaining ages up to 64 years and a maximum length of about 55 cm—with females reaching 50 percent sexual maturity between 6 and 10 years of age. Yellowtail rockfish are opportunistic pelagic feeders, preying primarily on krill, squid, salps, and small midwater fishes such as Pacific whiting, herring, and anchovies. Characterized by a (PSA productivity score of 1.33, the species exhibits a relatively low overall vulnerability to overfishing ($V = 1.88$) due to its low susceptibility in current West Coast fisheries.

North of 40° 10' N. lat., yellowtail rockfish are managed as a stock-specific fishery, whereas south of that boundary they are managed unassessed within the southern Shelf Rockfish complex. Catches are mainly from the commercial trawl fishery. Historically targeted via midwater trawls alongside canary and widow rockfish, directed commercial fishing for yellowtail rockfish was virtually halted between 2003 and 2010 due to RCA closures and strict bycatch limits on rebuilding species co-occurring with yellowtail rockfish. This decade of low removals facilitated substantial stock growth, culminating in a 2017 Category 1 stock assessment that estimated the population to be very healthy at a 75 percent depletion level. Since 2017, the most recent benchmark assessment (Oken et al, 2025) in 2025 shows spawning output has been gradually declining but is still well above the management target of 40 percent of unfished spawning depletion.

Chilipepper Rockfish

Chilipepper rockfish (*Sebastes goodei*) range from Magdalena Bay, Baja California, to Vancouver Island, British Columbia, with their highest abundance located between Point Conception and Cape Mendocino, California. They primarily inhabit depths between 50 and 350 m over deep, high-relief rocky areas, cliff drop-offs, and soft substrates. Chilipepper rockfish are non-migratory, ovoviviparous, and exhibit sexually dimorphic growth, with females reaching larger sizes (up to 56 cm) and older ages (around 27 years) than males (up to 40 cm and 12 years). Both sexes mature at around 3 to 4 years of age, and adults feed on large euphausiids, squid, and small fishes such as anchovies and juvenile Pacific whiting. The stock demonstrates relatively high productivity for a rockfish (PSA productivity score of 1.83) and highly variable recruitment, driven by strong historic and recent year classes, including in 1984, 1999, 2009–2010, and 2013–2014.

Historically one of California's most important target species since the 1880s, chilipepper rockfish are managed with stock-specific harvest specifications south of 40° 10' N. lat. (where approximately 93% of the coastwide biomass resides) and as part of the Shelf Rockfish North complex north of that line. The trawl fleet is the dominant source of landings and catch in the trawl fishery has been managed under an IFQ since 2011. A 2015 update assessment estimated the stock south of 40° 10' N. lat. to be healthy at 64% of its unfished spawning biomass, and a catch-only projection update was conducted in 2023 (Wetzel, 2023), which estimated the stock to be between 70 percent and 115 percent of the unfished equilibrium level. The most recent benchmark assessment (Dick et al, 2025) estimates the stock to be above target biomass with high probability, with a point estimate for stock status of 83% of unfished spawning output in 2025.

Impacts of Proposed Action 1 on Target Species

Under the No Action Alternative, impacts to target species such as widow, yellowtail, and chilipepper rockfish

would remain consistent with the findings in the 2027-28 Harvest Specifications EA. This is because the 2027-28 Harvest Specifications EA analysis assumes full attainment of ACLs. Under the 2027-28 Harvest Specifications EA, the impacts of groundfish fishing operations on target species, conducted at 2027 and 2028 allocation levels, were determined not to be significant. The No Action Alternative is not expected to change the level of effort in the groundfish fishery for these target species relative to current conditions. Catch would continue to be accounted for through IFQ and debited from participating vessels' accounts, ensuring that catch does not exceed the limits established in the harvest specifications. Furthermore, these (and other) target species

would continue to be managed at sustainable levels through individual accountability and 100 percent monitoring that is required in the Shorebased IFQ Program. Accordingly, the potential adverse impacts of the No Action Alternative on target groundfish species are determined to fall within the range of impacts analyzed in the 2027-28 Harvest Specifications EA and to be not significant.

Consistent with the exemptions provided under the Trawl Gear EFP, the Council's PPA for Proposed Action 1 would remove regulatory prohibitions applicable to the trawl fishery to improve operational flexibility, foster innovation, and allow for more optimal harvest of target species. The potential impacts on target species of the components of the Trawl Gear EFP that the PPA would move into regulation were analyzed in Chapter 3 of the 2017 EA, which is incorporated here by reference. In that analysis, NMFS found that main impact of the 2017 exemptions to target species were expected to be a change in the size of fish caught, as well as the timing and the location of harvest. The 2017 EA specifically evaluated the exemption that would allow midwater trawl vessels to operate across all areas north of 40°10' N. lat. throughout the year, effectively extending fishing opportunities by four months. While the 2017 EA noted that opening the fishery earlier could result in negative impacts on target species if spawning interactions increase, these impacts were found to be minimal. The 2017 EA ultimately concluded that overall harvest would be expected to increase under the Trawl Gear EFP as vessels are able to attain more of their allocation, but that as all catch must be accounted for with IFQ and impacts from full attainment of all IFQ is considered in the biennial harvest specifications EAs, the increase in catch was not likely to pose a threat to exceeding the ACL and the anticipated impacts of the exemptions would fall in the range of those evaluated in the 2017–18 Harvest Specifications EA. The same conclusion can be reached with respect to the anticipated impacts from Proposed Action 1 and the analysis in the 2027-28 Harvest Specifications EA. Full attainment of IFQ was assumed in the 2027-28 harvest specifications analysis, and nothing proposed in this action would allow for catch beyond those established catch limits. Consequently, though the Proposed Action may result in changes to the time and location of harvest, and could increase overall attainment, total harvest levels would remain consistent with the ACLs analyzed in the 2027-28 Harvest Specifications EA. Therefore, no significant adverse impacts on target species are expected under the PPA.

3.1.2.2 Non-Target Fish Species

Target groundfish species often co-occur with non-target fish species that share comparable habitat preferences. This category of co-occurring fish species encompasses other Council managed groundfish and non-groundfish fish species, as well as prohibited and protected species. This section discusses the first two types of fish species, while protected and prohibited species are discussed in following sections.

Managed Groundfish Species

Midwater rockfish fisheries catch various non-whiting groundfish that are non-target stocks frequently co-occurring within these fisheries. These species include bocaccio, canary rockfish, greenspotted rockfish, Pacific whiting, redstripe rockfish, sharpchin rockfish, shortbelly rockfish, silvergray rockfish, and swordspine rockfish. Section 2 in the Groundfish SAFE (PFMC, 2024) provides updated information on groundfish stocks and fisheries that are described in the 2015-16 EIS; both are incorporated by reference. The Groundfish SAFE (PFMC, 2024) Table 2-1 presents the most recent latitudinal and depth distribution of managed groundfish species, Tables 2-2 and

2-3 present the most recent productivity and susceptibility assessment scores for healthy stocks and overfished or rebuilding stocks, and Table 2-4 lists the year the recent stock assessments were completed (as of 2024). While the fishery and underlying ecosystem conditions constantly evolve, the catch only updates for bocaccio (Field, 2025) and canary rockfish (Langseth, 2025) have the greatest influence on the potential impacts of the Proposed Action 1 on managed groundfish species within these fisheries. The most recent stock assessments are found on the [Council's website](#).

Managed Non-Groundfish Fish

Catches in the midwater rockfish fishery have included several Council managed non-groundfish FMP species, such as coastal pelagic species (CPS), including Pacific herring, Pacific sardine, northern anchovy, market squid, and mackerels. Due to their off-bottom schooling behavior, CPS are considered more susceptible to midwater trawl gear than other groundfish gear types. While highly migratory species (HMS) like albacore and certain sharks are sometimes caught with midwater trawl gear, these landings are typically associated with the Pacific whiting fishery rather than the midwater rockfish fishery. The 2015–16 Harvest Specifications FEIS, specifically Section 3.6, provides a description of the species composition for non-groundfish incidentally taken within groundfish fisheries. As there have been no substantive changes to harvest policies or fishery performance affecting this composition, we expect impacts from Proposed Action 1 to remain within the scope of the 2015–16 Harvest Specifications FEIS analysis and the analysis for subsequent biennia, including the 2027-28 Harvest Specifications EA. Current data on these incidental catches, which is inclusive of catch in the Trawl Gear EFP, are available in the 2024 groundfish discard and catch report by Somers, et al. (2025). Because the groundfish management framework and intensity have remained largely consistent, this analysis does not further address impacts from Proposed Action 1 on non-groundfish fish species.

Impacts of Proposed Action 1 on Non-Target Species

Under the No Action Alternative, vessels would follow existing regulations. Fishing and bycatch would likely follow trends analyzed in the 2027-28 Harvest Specifications EA, with non-target catch capped by IFQs, trip limits, sector allocations, and ACLs. No significant increase or shift in fishing effort is expected beyond current patterns. Consequently, the No Action Alternative is not anticipated to increase impacts beyond what was previously analyzed, and no significant effects are expected.

The potential impacts on non-target species of the components of the Trawl Gear EFP that the PPA would move into regulation were analyzed in Chapter 3 of the 2017 EA, which is incorporated here by reference. Briefly, overall impacts to non-target groundfish species were found to range from negligible to low. While the 2017 EA noted that bycatch rates of non-target species including juveniles might be higher under the Trawl Gear EFP, because vessels would be allowed to fish earlier in the year, inside the trawl RCA with midwater trawl gear, and with less selective gear, these impacts were found to be minimal. Ultimately, the 2017 EA concluded that total catch of non-target groundfish species would be mitigated by IFQ, trip limits, sector allocations and ACLs, and that, because total mortality is tracked throughout the year, NMFS and the Council could adjust management measures inseason, if necessary, to keep catch within catch limits. The 2017 EA also concluded that because full attainment of all catch limits is assumed in biennial harvest specifications EAs, the anticipated impacts of the Trawl Gear EFP would fall in the range of those

evaluated in the 2017–18 Harvest Specifications EA. The same conclusion can be reached with respect to the anticipated impacts from Proposed Action 1 on non-target groundfish species and the analysis in the 2027-28 Harvest Specifications EA. Therefore, the anticipated adverse impacts of the PPA are found not to be significant.

3.1.2.3 Prohibited Species

The purpose of the Trawl Gear EFP, as stated in the 2017 EA, was to collect information to inform the potential effects of modifying certain gear, area, and time restrictions for the Shorebased IFQ Program and how these changes may impact the nature and extent of prohibited species bycatch, particularly salmon and eulachon. Prohibited species are defined as those species or groups of species that cannot be retained in the groundfish fishery, except when permitted by specific provisions in regulation or other relevant legislation. The category of prohibited species encompasses all salmonid species (discussed in more detail below), Pacific halibut, Dungeness crab harvested in waters seaward of Oregon or Washington, and any groundfish species or groups governed by the Groundfish FMP for which fisheries have been closed or quotas reached. For more information about Pacific halibut and Dungeness crab and possible impacts from Proposed Action 1, refer to the 2017 EA, as relevant information has not changed, and see below.

Of the listed salmonid species, the bycatch of salmonids in the trawl fishery is almost exclusively Chinook salmon. In its 2017 Biological Opinion, NMFS determined that the implementation of the Groundfish FMP results in little to no impact on chum, coho, sockeye, or steelhead salmon ESUs. Section 2.8 of the 2017 Biological Opinion provides a brief review of the data supporting this finding, and as such, chum, sockeye, and steelhead salmon are not addressed further in this analysis.

Over the course of the Trawl Gear EFP, NMFS has collected data on the impacts of the exemptions provided under the EFP on Chinook and coho salmon, including annual bycatch. That data and the analysis in Matson et al. 2026 informs the discussion and conclusions below.

Chinook and Coho

Chinook salmon life history and fishery interactions are described in more detail in the 2017 EA, which is incorporated by reference. Changes since the 2017 EA are summarized below.

As noted above, the terms and conditions of the 2017 Biological Opinion required at least three years of an EFP to evaluate whether the impacts from Proposed Action 1 are consistent with the 2017 Biological Opinion's ITS. All non-whiting, non-tribal commercial groundfish fisheries, including the midwater rockfish and bottom trawl sectors, operate within a guideline of 5,500 Chinook salmon and 560 coho salmon that may be caught per year. Table 1 and Table 2 describe the catch of Chinook and coho salmon by sector and the overall percent of the non-whiting sector guideline taken for each year, respectively. The amount of salmon caught by the EFP is noted for context. Overall, the combined sector bycatch has been well within the guideline, with the highest bycatch for the non-whiting sector as a whole occurring in 2024 with 32.5 percent of the threshold estimated to have been taken. While these data may represent the best estimate of salmon bycatch under current conditions, future bycatch of salmon in non-whiting fisheries depends upon the spatial and population dynamics of both species, with the added layer of climate effects upon each.

Table 1. Total Chinook bycatch by year from 2018-2025, and number of Chinook caught in midwater rockfish and bottom trawl fisheries, and overall percent of threshold (5,500 Chinook) taken.

Year	Total a/	Midwater Rockfish	Bottom Trawl	Percent of Threshold (5,500)	Midwater EFP	Bottom Trawl EFP
2018	713	93	350	13.0%	3	22.3
2019	1093	159	434	19.9%	36	7.1
2020	1090	74	516	19.8%	9	1.3
2021	1133	197	436	20.6%	26	5.0
2022	1307	182	625	23.8%	53	1.6
2023	1498	204	794	27.2%	54	14.6
2024	1785	244	1041	32.5%	67	Not available
2025	1139	433	206	20.7%	76	Not available

a/ Starting in 2019, includes GMT proposed assumption of annual mortality, which assumed maximum historical mortality (154) plus a 250 fish buffer from the 2017 Biological Opinion and an additional 96 fish to account for some uncertainty in recreational salmon seasons; recreational estimates only apply to groundfish fisheries occurring outside of salmon seasons.

Table 2. Total coho bycatch by year from 2018-2025, and number of coho caught in midwater rockfish and bottom trawl fisheries, and overall percent of threshold (560 coho) taken.

Year	Total a/	Midwater Rockfish	Bottom Trawl	Percent of Threshold (560)	EFP-Midwater
2018	139	0	1	24.8%	0
2019	150	0	5	2.7%	0
2020	141	1	2	2.6%	0
2021	151	4	6	2.7%	3
2022	145	2	2	2.6%	0
2023	142	2	2	2.6%	2
2024	142	4	0	2.6%	0
2025	138	0	0	2.5%	0

a/ Includes GMT proposed assumption of annual mortality of 138 coho

3.1.3 Impacts of Proposed Action 1 on Prohibited Species

Expected impacts to prohibited species that may result from the implementation of Proposed Action 1 were analyzed in Chapter 3 of the 2017 EA and found not to be significant. That assessment is incorporated here by reference.

Under the No Action Alternative, vessels would operate under existing regulations regarding gear, area, and timing. Prohibited species bycatch would follow previously observed trends under the Groundfish FMP. These bycatch numbers have been found not to result in significant impacts to prohibited species.

For coho salmon, given the low bycatch in the non-whiting trawl fisheries since the 2017 Biological Opinion was implemented (Table 3), including under the Trawl Gear EFP, it is likely that there will be minimal impact to coho salmon by moving the Trawl Gear EFP into regulation under the PPA as compared to the No Action Alternative. Even if there were additional impacts, the non-whiting sector as a whole has averaged 25.6 percent of the guideline since the 2017

Biological Opinion's ITS was issued, suggesting that there would be negligible risk to the guideline with an extension of the non-whiting season. Therefore, this analysis concludes that Proposed Action 1 would not result in significant impacts to coho salmon and no further discussion related to potential impacts to coho salmon is included in this analysis.

Under the Proposed Action 1 PPA, Shorebased IFQ vessels would be allowed to utilize different bottom trawl gear configurations within a specific limited area and commence midwater trawl rockfish fishing approximately four months earlier in the year north of 40°10' N. lat. than under the No Action Alternative. While bycatch of Pacific halibut and Dungeness crab occurs under the No Action Alternative, particularly when fishing with bottom trawl gear, bycatch rates may change under the PPA. As bottom trawl vessels would not be required to use SFFT, however, fishermen would be allowed to configure their gear in a way that is the most efficient to catch their target rockfish species and avoid those species they are not seeking. Species they would be targeting are found slightly off the bottom, possibly reducing bottom interactions with Dungeness crab and Pacific halibut. Therefore, impacts are anticipated to be low and insignificant compared to the No Action Alternative. Furthermore, since Pacific halibut mortality north of 40°10' N. lat. remains mitigated by the requirement for coverage under IBQ, which caps total allowable mortality, impacts are anticipated to be low and insignificant compared to the No Action Alternative. All vessels must have enough IBQ to cover their incidental catch of legal and sub-legal sized Pacific halibut bycatch mortality in the area north of 40°10' N. lat."

For Chinook salmon, the 2017 Biological Opinion projected total annual Chinook salmon bycatch for the non-whiting fishery to at or below 4,500 fish 80 percent of the time, a projection based on the full attainment of all target species allocations. With or without implementation of the Proposed Action 1, the bycatch guideline of 5,500 fish for Chinook salmon bycatch in the non-whiting groundfish fishery would apply each year. In addition to the 2017 EA, in 2026, Matson et al. evaluated the potential impacts of permanently transferring the two EFPs into regulation for the non-whiting midwater trawl and bottom trawl sectors (PPA), focusing specifically on potential impacts to Chinook salmon bycatch. The study concluded that the risk of the PPA causing the 2017 Biological Opinion's non-whiting annual Chinook salmon bycatch threshold of 5,500 fish to be exceeded is low.

For the midwater trawl sector, the Matson et al. 2026 analysis evaluated the potential impacts of extending the fishing season to a year-round basis under the PPA rather than restricting it to the regular season of May 1 through December 31 under the No Action Alternative. The simulation model projections demonstrated nearly equal overall predicted annual Chinook bycatch counts and similar levels of variability under both year-round fishing and the standard May–December season. Predicted bycatch rates were well beneath 0.05 during both seasons, and were somewhat larger during May through December. The extended season is not expected to significantly alter overall annual impacts, rather result in further temporal distribution of effort. The current fishery is operating near capacity, and limits for the primary target species, widow rockfish, are expected to fall somewhat near-term. Furthermore, genetic mixture analysis showed that seasonal variation in ESU composition was comparable to the variation seen between years, indicating a lack of meaningful difference in stock-specific impacts attributable to the seasons.

The same analysis (Matson et al., 2026) evaluated the PPA gear allowance in the bottom trawl sector between 42°N. lat. and 40°10' N. lat. shoreward of the 100 fm depth contour, which would

allow participating vessels to use any legal small footrope gear rather than restricting them exclusively to SFFT. Across the evaluated scenarios (using the observed gear distribution, SFFT only, or small footrope gear only), coastwide annual Chinook bycatch predictions remained similar. Projections under the small footrope only scenario showed a minor increase of Chinook bycatch of just 20 more fish, or five percent in median counts, compared to the observed gear composition scenario, with nearly equal variability. This minimal impact on bycatch from the overall sector was driven by the fact that the PPA area for the proposed bottom trawl gear allowance has accounted for a very small proportion of the overall bottom trawl fishing effort, historically making up less than 5 percent, or between approximately 3.5 and 6.9 percent, of total FMP groundfish landings in the bottom trawl sector.

Drawing from the analysis and assumptions established by Matson et al. 2026 and Matson and Hooper 2021, NMFS finds that the additional impacts of transitioning these two components of the Trawl Gear EFP into regulation are consistent with the effects analyzed in the 2017 Biological Opinion. Overall interactions are expected to remain well below the take thresholds specified in the ITS, with the notable exception of Central Valley spring-run Chinook. While this ESU was not identified in the genetic stock identification (GSI) analysis that informed the 2017 Biological Opinion, very small proportional contributions were estimated in 2023 and 2024 fishery samples informing the analysis. At the sector level, ESU-distributed bycatch projections (80th percentile) showed trace amounts in midwater rockfish sector, and between one and two fish in in bottom trawl sector. This analysis utilized precautionary percentiles from projected bycatch distributions, incorporating an 80th percentile outcome assuming high-effort scenarios. For the non-whiting midwater trawl sector, the year-round, high-effort fishing scenario represents the highest potential for bycatch under the PPA. For the bottom trawl sector, the analysis focused on scenarios of observed gear compositions, as well as only SFFT gear or only small footrope gear within the exempted area. In both sectors, the average and maximum anticipated impacts per ESU were scrutinized in the assessment.

A primary concern regarding the earlier midwater rockfish season is the potential for increased pressure on ESA-listed spring-run Chinook stocks, which are often at higher risk. These stocks exhibit greater prevalence in ocean fisheries during winter and spring due to their migratory patterns. Although stock composition data from 2023 and 2024 showed variability, impacts remained within the parameters established in the 2017 Biological Opinion and its associated ITS, notwithstanding the minor bycatch of Central Valley spring-run Chinook.

In sum, taking into account the analysis and limits set in the 2017 Biological Opinion, the results of the 2026 Matson et al. analysis, the anticipated impacts analyzed in the 2027-28 Harvest Specifications EA, and the amount of take recorded in 2018-2025 under the Trawl Gear EFP, as shown in above in Section 3.3.4.1, the PPA for Proposed Action 1 is not expected to result in adverse significant impacts to Chinook salmon when compared to the No Action Alternative.

3.1.2.4 Protected Species

Protected Species are protected under Federal law, including species listed under the ESA such as Chinook and coho salmon, marine mammals protected under the Marine Mammal Protection Act (MMPA), and bird species protected under the Migratory Bird Treaty Act. Salmon that are incidentally caught in the groundfish fishery include both stocks listed under the ESA and unlisted fish and are defined by regulation as prohibited species, discussed above (*See* Section 3.2.4).

In evaluating the impacts of the Groundfish FMP on Protected Species, the Services (NMFS and the U.S. Fish and Wildlife Service, FWS) have issued Biological Opinions and ITSs for ESA-listed species such as listed seabirds (NMFS, 2017), leatherback sea turtles and humpback whales (NMFS, 2024), Steller sea lions and green sturgeon (NMFS, 2012), eulachon (NMFS, 2018), and salmon (NMFS, 2017a). These biological opinions concluded that the fishery's ongoing operations would not jeopardize the survival of these species. To manage these interactions, ITSs were implemented, providing formal protocols for monitoring and mitigating incidental mortality.

In 2025, an informational report and data ([Informational Report 3a](#) and [Report 3b](#), June 2025) submitted by the Northwest Fisheries Science Center's (NWFS) Fishery Observation Science Program to the Council, which is incorporated by reference, provided the most recent information regarding the fishery impacts on several protected species. Report 3a identifies each Biological Opinion that evaluates potential impacts to protected species from the continued operation of the Pacific Coast groundfish fishery and presents the current incidental take allowances and the estimated take from the most recent bycatch reports. The reports confirm that the fishery generally has minimal interactions with these ESA-listed species and that the fishery has not exceeded any of the current ITS amounts.

Due to the rarity of interactions between groundfish trawl fisheries and marine mammals, seabirds, and turtles, projected impacts caused by the trawl fishery are not expected to increase under Proposed Action 1, above and beyond which was analyzed in Section 3.5 of the 2015–16 Harvest Specifications FEIS and in the EAs for subsequent biennia, including the 2027-28 Harvest Specifications EA. Therefore, these species are not addressed further in this analysis.

The following analysis evaluates green sturgeon and eulachon, as these protected species have documented interactions with trawl fisheries and may experience higher encounter rates under Proposed Action 1.

Eulachon

Eulachon life history and fishery interactions are described in more detail in the 2017 EA, which is incorporated by reference. Changes since the 2017 EA are summarized below.

The Southern Distinct Population Segment (DPS) of eulachon is listed as threatened under the ESA. In 2018, NMFS issued a 2018 biological opinion for eulachon for the continuation of the groundfish fishery (NMFS 2018). In the 2018 Biological Opinion, it describes that eulachon are primarily impacted by groundfish trawl nets and that Pacific Coast groundfish fishing can affect the species in two ways: 1) being captured but ultimately escaping, with some likely injury to those fish (although no way to estimate) and 2) being retained as groundfish bycatch and dying. The 2018 Biological Opinion noted that since only eulachon bycatch can be quantified and monitored, it would be used as a proxy for total take in the groundfish fishery.

Table 3 below shows the count of eulachon taken by sector from 2018-2023 and the percent of the precautionary and reinitiation thresholds as calculated by year. As shown, the trawl sector with the highest bycatch of mortality can vary annually and the overall bycatch and percentage of the triggers can also fluctuate as the population fluctuates. For the sectors subject to this action, non-whiting midwater trawl (midwater rockfish) vessels had the highest bycatch across all four trawl

sectors in 2022, whereas bottom trawl had the highest bycatch in 2018, 2020, and 2021 (Informational Report 3a, June 2025).

Table 3. Count of eulachon bycatch by sector, geometric mean, and thresholds, and percent of threshold by year from 2018-2023. Source: Information Report 3b, June 2025

Year	At-Sea Hake estimated bycatch (count)	Bottom Trawl estimated bycatch (count)	Midwater Hake estimated bycatch (count)	Midwater Rockfish estimated bycatch (count)	Total estimated bycatch (count)	Geometric mean of estimated bycatch from previous 5 years (count)	Precautionary Threshold a/	Reinitiation Threshold b/	Percent of precautionary threshold	Percent of reinitiation threshold	EFP – Midwater (count) c/
2018	285	344	0	163	792	487	1,618.83	3,237.66	30.08	15.04	0
2019	1,088	803	858	528	3,277	371	1,205.42	2,410.84	30.78	15.39	396
2020	269	5,146	1,980	1,180	8,575	375	826.64	1,653.28	45.36	22.68	67
2021	6,172	8,381	7,784	1,565	23,902	617	932.34	1,864.68	66.18	33.09	222
2022	980	7,123	8,583	7,907	24,593	2,056	1,486.22	2,972.44	138.34	69.17	2,904
2023	2,342	1,537	987	2,610	7,476	6,658	3,368.29	6,736.58	197.67	98.83	1,862

a/ 5-year geometric mean of 0.01% of minimum Columbia River SSB estimate

b/ 5-year geometric mean of 0.02% of minimum Columbia River SSB estimate

c/ Source: FOS/WCGOP/EM raw data, 2025

Green Sturgeon

The Southern DPS of green sturgeon life history and fishery interactions are described in more detail in the 2017 EA which is incorporated by reference. Changes since the 2017 EA are summarized below.

The Southern DPS of green sturgeon is listed as threatened under the ESA. A 2012 biological opinion evaluating the impacts of the continuation of the Pacific coast groundfish fishery on the Southern DPS of green sturgeon includes an ITS for the Southern DPS of green sturgeon in the combined Federally managed Pacific coast groundfish fishery that states “Under the proposed action, incidental take of Southern DPS green sturgeon because of bycatch and handling in the fishery is not expected to exceed 28 fish per year; however, we recognize the potential for incidental take of greater numbers of Southern DPS green sturgeon in some years. Therefore, this take statement allows for incidental take of up to 86 Southern DPS green sturgeon per year in no more than two years within a period of nine consecutive years.” There is no direct method to distinguish between take of the listed Southern DPS of green sturgeon and the Northern DPS of green sturgeon, which is not listed, however. Genetic samples were taken and analyzed to produce estimates of bycatch of the Southern DPS from the total green sturgeon bycatch numbers in the groundfish fisheries (see Table 4 below). Since 2018, there have been three total green sturgeon taken in the IFQ bottom trawl sector (two in 2022 and one in 2023, (Informational Report 3a, June 2025). The midwater trawl EFP has had no recorded bycatch of green sturgeon. The bottom trawl EFP had recorded bycatch of one green sturgeon in both 2022 and 2023.

Table 4. Count of green sturgeon bycatch by sector and estimated Southern DPS individuals by year from 2018-2023. Source: [Information Report 3b, June 2025](#)

Year	At-sea hake estimated SDPS individuals	At-sea hake total individuals	IFQ bottom trawl estimated SDPS individuals	IFQ bottom trawl total individuals	Total estimated SDPS individuals	Total estimated individuals	Bottom Trawl EFP
2018	0	0	0	0	0	0	0
2019	0	0	0	0	0	0	0
2020	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0
2022	0	0	1.9	2	1.9	2	1

3.1.4 Impacts of Proposed Action 1 on Protected Species

Under the No Action Alternative, impacts are expected to remain consistent with current conditions, as the two current EFPs would not transition into regulation. Fishing activities within the groundfish sector, along with associated interactions with protected species, would likely be the same as detailed in the 2027-28 Harvest Specifications EA, the 2012 Biological Opinion for green sturgeon, and the 2017 Biological Opinion for eulachon. While these assessments identified that the groundfish fishery could potentially have adverse effects on species such as eulachon and the southern DPS of green sturgeon, such impacts were determined to be minimal and do not reach the threshold of significance.

Impacts to eulachon and the southern DPS of green sturgeon from the components of the Trawl Gear EFP included in the Proposed Action were analyzed in Chapter 3 of the 2017 EA and were found not to be significant. That assessment is incorporated here by reference. Briefly, under the PPA, removing SFFT requirements and allowing year-round midwater trawling could potentially increase interactions with eulachon and green sturgeon due to decreased gear selectivity and shifts in geographic and seasonal fishing effort. Specifically for eulachon, the earlier fishing season overlaps with their peak migration period between January and April inshore of 100 fm. Impacts are expected to be mitigated, however, by the Columbia River Salmon Conservation Zone, which limits fishing near the river mouth where eulachon migrate.

Observed data from 2018 through 2023 indicate that take of eulachon has occurred within the Trawl Gear EFP while fishing with midwater trawl gear during the expanded seasonal window proposed under the PPA. (Table 3). Eulachon bycatch under the EFP, however, has been a small proportion of the overall total estimated bycatch within all the trawl sectors. As noted above, the trawl sector with the highest bycatch mortality can vary annually, and the overall bycatch and percentage of the triggers can also fluctuate as the population fluctuates. Therefore, the amount of take that would occur under the PPA is not expected to significantly alter annual impacts as compared to the No Action Alternative. Additionally, within the bottom trawl sector, no catch was documented between 42° N. lat. and 40°10' N. lat. shoreward of the 100 fm depth contour while fishing under the Trawl Gear EFP between 2018-2023. This absence of interaction stands in contrast to other areas where catch has been reported during standard, non-EFP operations (Table 5). Regardless of the alternative selected, all eulachon bycatch would remain subject to strict individual accountability and 100 percent monitoring that occurs within the Shorebased IFQ fishery. Existing observer coverage, electronic monitoring, catch accounting, and authority for inseason management would remain available to minimize bycatch and bycatch mortality. Consequently, the PPA is anticipated to have low negative, non-significant impacts on eulachon, as compared to the No Action Alternative.

Table 5. Total catch of eulachon in pounds, and green sturgeon in counts (sturgeon was only discarded), within exempted area/time strata (January-April in the MWRF fishery, and between 40°10' and 42° N. lat., shallower than 100 fm, in the bottom trawl (BT) fish.

Species	Year	MWRF (EFP) Jan - Apr	BT (EFP) 40°10' to 42° N. lat., <100fm	Non-EFP MWRF May-Dec	Non-EFP BT all other areas
Eulachon (pounds)	2018	0.0	0.0	44.2	46.6
	2019	48.0	0.0	16.0	72.6
	2020	6.0	0.0	100.2	552.5
	2021	20.0	0.0	121.8	729.3
	2022	253.0	0.0	435.8	635.3
	2023	166.0	0.0	70.9	120.4
Green sturgeon (counts)	2022	0.0	1.0	0.0	1.0
	2023	0.0	1.0	0.0	1.0

Bycatch of the threatened southern DPS of green sturgeon is expected to remain very low and well below the annual ITS of 28 fish under the PPA. Although a potential shift in bottom trawl effort into nearshore designated critical habitat for green sturgeon (inshore of 60 fathoms) could

theoretically increase encounter rates, the Trawl Gear EFP has only recorded two green sturgeon take in the bottom trawl sector between 42° N. lat. and 40°10' N. lat. shoreward of the 100 fm depth contour from 2018-2023 (Table 5). Additionally, the targeted midwater rockfish fishery mostly operates slightly off the bottom, minimizing bottom contact. Ultimately, the PPA is projected to have negligible, non-significant impacts on the southern DPS of green sturgeon as compared to the No Action Alternative.

3.1.5 Socio-Economic Environment

Information on the socio-economic environment of the Pacific Coast groundfish fisheries, is available in Sections 3.2 in the 2015-16 FEIS, the 2027-28 Harvest Specifications EA, as well as Section 6 of the [2024 Stock Assessment and Fishery Evaluation Document \(SAFE\)](#) which are included by reference. The socio-economic impacts of Proposed Action 1 are presented in the RIR, Section 4 below.

3.2 Action 2: At-Sea Declarations

The potential environmental effects of both the No Action Alternative and Proposed Action 2, including its potential impacts on all resource categories, are anticipated not to be significant and to fall within the scope of the 2027-28 Harvest Specifications EA.

Under No Action, trawl vessels could only switch declarations at sea between fishing bottom trawl and midwater rockfish in the Shorebased IFQ fishery or between the mothership and shoreside whiting fisheries as described at 50 CFR 660.13(d)(1). Proposed Action 2 would allow trawl vessels to change declarations while at sea from shoreside whiting to midwater rockfish (and vice versa) or from mothership sector (catcher vessel) to midwater rockfish. Monitoring type declarations (i.e., electronic monitoring or observer) could not be changed while at sea and vessels would still need to sort catch by sector and report catch on separate fish tickets (as applicable). Proposed Action 2 would not increase catch limits. Therefore, Proposed Action 2 is expected to provide more flexibility to trawl vessels by allowing participation in multiple fisheries on the same trip, while ensuring that the accountability measures for the Trawl Rationalization Program are maintained.

Overall, the anticipated effects of Proposed Action 2 are to reduce operational costs (i.e., fuel costs, crew time, etc.) for trawl program participants, thereby increasing participants' economic outcomes, without increasing adverse environmental impacts. Proposed Action 2 is not anticipated to result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels. Moreover, Proposed Action 2 would not increase catch limits. Therefore, because the 2027-28 Harvest Specifications EA analysis assumes full attainment of ACLs, the potential environmental impacts of the PPA fall within the scope of the 2027-28 Harvest Specifications EA and are determined not to be significant.

3.3 Action 3: Commercial Sale of Recreational Fish Waste

The potential environmental effects of the No Action Alternative are anticipated not to be significant and to fall within the scope of the 2027-28 Harvest Specifications EA. The potential environmental effects of Proposed Action 3 are not fully known at this time. Nevertheless, they are anticipated not to be significant.

Under No Action, Federal regulations would continue to prohibit any person from selling, offering to sell, or purchase any groundfish (including recreational fish waste) taken in the course of recreational groundfish fishing. Proposed Action 3 would amend Federal regulations to remove the prohibition on the sale of fish waste (i.e., entrails, skeletal remains, or other parts of the fish not used for human consumption) from recreationally caught groundfish. This would allow for the sale and use of recreational fish waste consistent with the applicable state regulations in the port of landing. Proposed Action 3 would not increase recreational catch limits.

NMFS will evaluate the potential environmental impacts of Proposed Action 3 under the National Environmental Policy Act (NEPA) following the Council's FPA decision and prior to implementing the Council's recommendation. However, the PPA for Proposed Action 3 is not anticipated to result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels. Moreover, because the 2027-28 Harvest Specifications EA analysis assumes full attainment of ACLs, the potential environmental impacts of the PPA are expected to fall within the scope of the 2027-28 Harvest Specifications EA and to not be significant. The overall environmental impacts expected to result from the PPA would be speculative to anticipate, however, at this stage, because the downstream impacts of the decision to remove the Federal prohibition on the sale of recreational fish waste would ultimately depend on the scope of state-specific regulations, which are not yet known.

4. Regulatory Impact Review

The President of the United States signed Executive Order (E.O.) 12866, “Regulatory Planning and Review,” on September 30, 1993. This order established guidelines for promulgating new regulations and reviewing existing regulations. The E.O. covers a variety of regulatory policy considerations and establishes procedural requirements for analysis of the benefits and costs of regulatory actions. The E.O. stresses that in deciding whether and how to regulate, agencies should assess all of the costs and benefits of available regulatory alternatives. Based on this analysis, they should choose those approaches that maximize net benefits to the Nation, unless a statute requires another regulatory approach.

National Marine Fisheries Service (NMFS) satisfies the requirements of E.O. 12866 through the preparation of a regulatory impact review (RIR). The RIR provides a review of the potential economic effects of a proposed regulatory action in order to gauge the net benefits to the Nation associated with the proposed action. The analysis also provides a review of the problem and policy objectives prompting the regulatory proposal and an evaluation of the available alternatives that could be used to solve the problem. This RIR analyzes the effects these regulatory actions would be expected to have on the commercial trawl sector as well as the recreational sector of the groundfish fishery.

The RIR provides an assessment that can be used by the Office of Management and Budget to determine whether the action could be considered a significant regulatory action under E.O. 12866. E.O. 12866 defines what qualifies as a “significant regulatory action” and requires agencies to provide analyses of the costs and benefits of such action and of potentially effective and reasonably feasible alternatives. An action may be considered significant if it is expected to:

- Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in E.O. 12866.

4.1 Statement of Problem:

This analysis comprises three separate regulatory actions. A statement of the problem, including the purpose and need, for each action is available above in Chapter 1.1 titled “Purpose and Need.” In each action, current Federal regulations would be modified.

4.2 Description of Management Goals and Objectives:

A description of the management goals and objectives is available in Section 1.1 “Purpose and Need.”

4.3 Description of Fisheries and Other Affected Entities:

A detailed description of the Pacific Coast groundfish fishery and affected entities is available in the Stock Assessment and Fishery Evaluation document (SAFE) (SAFE, PFMC, 2026). The SAFE includes a summary of historical harvests, description of management, and economic characteristics of the commercial fishery, tribal fisheries, and recreational fishery, along with commercial port communities, and is incorporated by reference. Commercial and recreational fisheries occurring within the Exclusive Economic Zone (EEZ) off the coasts of Washington, Oregon, and California establish the geographic context for the action. West Coast communities engaged in these fisheries are also part of the context.

Action 1 is specific to the Shorebased IFQ non-whiting midwater and bottom trawl sectors. The action area for the IFQ non-whiting midwater trawl is north of 40°10' N. lat. and the action area for IFQ bottom trawl is between 42° and 40°10' N. lat. As all vessels within these sectors could fish in the action area, the action considers all IFQ midwater and bottom trawl vessels to be potential participants; therefore, the totals shown in Table 6 reflect this possibility. In conjunction with these fishery sectors, port communities and processors within the action areas are likely to be affected.

Action 2 is specific to fishing declaration changes for IFQ non-whiting midwater trawl, shoreside whiting, and MSCVs. The potential number of affected vessels summarized in Table 6. Similar to Action 1, port communities and processors associated with the trawl sector are likely to be affected by this action.

Action 3 is specific to the recreational fishery. The recreational fishery comprises two boat-based units: private vessels and commercial passenger fishing vessels/charter boats. It is not possible to quantify the number of private vessels; however, a coastwide estimate of Commercial Passenger fishing vessels (CPFV) and charter vessels is shown in Table 6. As this action would remove the Federal prohibition on the sale of recreational fish waste and defer to the states regarding its commercial sale, affected entities would be recreational fishery participants, fish processors, and the states that allow this type of sale to occur.

Table 6. Total coastwide participation of vessels in the non-tribal commercial Pacific whiting sector, non-whiting IFQ trawl sector and the total for Commercial Passenger Fishing Vessels (CPFV) in 2025. Values are not additive as some vessels participate in multiple fishery sectors (e.g., trawl). CPFVs are classified as those vessels that took at least one trip targeting recreational groundfish. Sources: PacFIN, APEX, and NorPAC for commercial vessels and CDFW, ODFW, and WDFW for CPFV, June 2026.

Sector	Number of Vessels in 2025
Pacific Whiting	
MS Catcher Vessel	13
Shoreside	26
Non-Whiting IFQ Trawl	
Mid-water trawl	21
Bottom trawl	40
Recreational CPFVs	424

4.4 Description of the Proposed Actions and Alternatives

A complete description of the Proposed Actions and their Alternatives is available in Chapter 2

4.5 An Economic Analysis of the Expected Effects of Each Proposed Action and its Alternatives

[Agenda Item E.5, Supplemental Revised Attachment 1, June 2026](#) which is the source for the following data, describes the anticipated economic impacts of the actions contemplated by the Council and is incorporated by reference. The following sections summarize and compare expected economic effects for each of the Proposed Actions and Alternatives. All monetary values are in 2025 dollars.

4.5.1 Action 1: Moving Trawl Gear EFP Exemptions into Regulation

As described in Chapter 2, Action 1 comprises two Options under Alternative 1. Option 1 regards the non-whiting midwater trawl fishery north of 40°10' N. lat. and Option 2 regards the bottom trawl fishery between 42° N. lat. and 40° 10' N. lat. These options are not mutually exclusive.

Non-Whiting Midwater Trawl Fishery

No Action

Under No Action, the Federal groundfish regulations would not be revised to allow IFQ vessels using midwater trawl gear to target non-whiting groundfish stocks north of 40°10' N. lat. before the Pacific whiting primary season. Additionally, the trawl gear EFP would not continue under No Action. No Action could therefore result in a loss of recently seen landings and revenue (through the EFP) to participants, communities, and processors. Compared to recent attainments of key midwater target stocks (e.g., canary, widow, and yellowtail rockfish) as shown in Table 7, No Action will likely see lower attainments (and therefore revenues) as compared to the PPA. Additionally, under No Action, impacts to the supply chain may arise due to reduction in the midwater rockfish availability in the first four months of the year, which could impact the profitability of the fishery. Under the EFP there has been year-round supply of midwater rockfish to and from processors, and the market structure has developed based on the consistency of delivery within the supply chain. This disruption may subsequently affect the profitability of the fishery in the short run as concentrated supply during the later months of the year could decrease the price per pound paid for each species, if market demand does not change.

Table 7. Attainment of select IFQ allocations, 2011-2025. Source: IFQ Vessel Account System

	2021	2022	2023	2024	2025	Average
Canary rockfish	42%	59%	61%	49%	64%	55%
Widow rockfish	80%	95%	95%	93%	96%	92%
Yellowtail North of 40°10' N. lat.	66%	75%	76%	75%	44%	67%

PPA: Alternative 1, Option 1

To understand the impacts of the PPA, the following analysis uses data from the trawl gear EFP that has been occurring since 2018. Under the PPA, vessels participating in the IFQ fishery could use midwater trawl gear to target non-whiting groundfish outside of the Pacific whiting primary season dates north of 40°10' N. lat. Specifically, vessels fishing north of 40°30' N. lat. would be

allowed to fish for midwater rockfish before May 1 in all areas, including inside the Trawl Rockfish Conservation Area off Washington, and vessels fishing between 40°30' N. lat. and 40°10' N. lat. would be allowed to fish before April 15 without any area restrictions. Trips occurring under the EFP since the implementation in 2018 have consistently demonstrated significant contributions to total revenues. On average, ex-vessel revenue for vessels fishing under the EFP makes up about 35 percent of total revenues or, on average, \$2.5 million (Table 8).

Table 8. Averages by month of the midwater groundfish trawl fishery north of the 40°10' N. lat. from 2018 to 2025. Columns represent months. Shaded columns represent months when vessels are currently allowed to participate in the non-whiting groundfish fishery under the EFP. Note: Primary Pacific whiting season start date changed in 2023 from May 15 to May 1 north of 40° 30' N. lat.

	J	F	M	A	M	J	J	A	S	O	N	D
Average revenue (\$1,000s, AFI)	\$348	\$398	\$804	\$776	\$602	\$431	\$338	\$324	\$460	\$1,057	\$1,226	\$467
Average number of distinct vessels	5	5	8	8	10	7	5	6	7	12	14	8
Average number of trips	14	15	30	30	23	19	16	17	20	35	38	17

Table 9 provides the revenues from non-EFP and EFP trips and the percentage of total revenue for the non-whiting midwater trawl fishery from EFP and non-EFP activities from 2018-2025. The economic returns under the PPA are expected to be similar to those shown in Table 9 under the EFP, where the average EFP ex-vessel revenue generated annually between 2018-2025 is ~\$2.5 million.

Table 9. Summary of non-EFP and EFP revenues and percentages of total within the IFQ non-whiting midwater trawl fishery north of 40°10' N from 2018 to 2025.

Landing Year	Non-EFP Revenue (\$)	EFP Revenue (\$)	Total Revenue (\$, AFI)	EFP Revenue (%)	Non-EFP Revenue (%)
2018	\$5,343,481	\$3,339,508	\$8,682,989	38%	62%
2019	\$4,296,754	\$3,432,277	\$7,729,031	44%	56%
2020	\$3,377,071	\$1,899,415	\$5,276,486	36%	64%
2021	\$4,640,577	\$2,609,154	\$7,249,731	36%	64%
2022	\$5,922,693	\$2,875,630	\$8,798,323	33%	67%
2023	\$5,346,583	\$2,290,746	\$7,637,329	30%	70%
2024	\$4,358,772	\$1,877,144	\$ 6,235,916	30%	70%
2025	\$4,373,076	\$1,882,599	\$ 6,255,675	30%	70%
Average	\$4,707,376	\$2,525,809	\$7,233,185	35%	65%

Attainments of targeted groundfish stocks under the PPA are expected to be similar to those shown. In noting that changes in harvest specifications and allocation may impact overall attainment levels.

(as under No Action). Table 10. below presents the average annual landings (round weight) from 2018-2025 for the most prominent species in the midwater trawl EFP north of the 40°10' N. lat. It is likely that widow rockfish attainments would be most impacted by the PPA given that it accounted for nearly 90 percent of landings on average.

Table 10. Average annual round weights (mt, lbs) and round weight shares (%) for the species with the greatest annual shares (landings) in the midwater trawl EFP north of the 40°10' N. latitude, 2018-2025.

Species	Average EFP Round Weight (mt)	Average EFP Round Weight (lbs)	Average EFP Round Weight Share (%)
Widow Rockfish	3,351.0	7,387,707.02	89.31%
Yellowtail Rockfish	306.41	675,519.87	8.17%
Canary Rockfish	25.54	56,314.93	0.68%

Compared to No Action, the PPA would allow for four months of fishing opportunity in the midwater rockfish fishery for the Shorebased IFQ fleet. Without the continuation of exempted fishing permits (EFPs) as considered under the No Action alternative, catches that could have occurred prior to the Pacific whiting season—and the associated revenues—would be forgone, requiring participating vessels to concentrate their fishing activity into the months following the Pacific whiting season. To offset these lost revenues, vessels would likely intensify fishing effort during the Pacific whiting season to harvest both their midwater rockfish and Pacific whiting quotas. This compressed fishing period could create processing bottlenecks, as processors may have limited capacity to handle additional midwater rockfish landings while simultaneously processing Pacific whiting. In contrast, the PPA would allow landings to be distributed more evenly over a longer fishing season, facilitating more consistent quota attainment while reducing the potential for processor capacity constraints beyond those experienced under the EFP

Bottom Trawl Fishery

No Action

Under No Action, the Federal groundfish regulations would not be revised to allow bottom trawl vessels to use small footrope trawl gear, other than SFFT, to fish for groundfish, or have other small footrope trawl gear onboard while fishing between 42° N. lat. and 40° 10' N. lat. and the EFP would not be continued. Under No Action, it is possible that attainments of target stocks⁵ (Table 11) and revenues (

Table) similar to those seen in recent years through the EFP could be achieved; however, vessels would be limited to specific gear types and depths which may reduce attainment efficiency for target stocks. No Action may also require increased effort to avoid species of concern, which may impact overall revenues. Overall, No Action attainment and revenues will continue to be impacted by quotas, market conditions, and other factors. For reference, fish tickets from vessels fishing

⁵ Target stocks are those with highest shares of landings in the EFP- see Table 6

between 42° and 40°10' N. lat. generated revenues of, on average, approximately \$3 million in ex-vessel revenue and 2,000 mt in landings per year between 2018 and 2025 (Table 12)

Table 11. Attainment of select IFQ allocations, 2011-2025. Source: IFQ Vessel Account System

	2021	2022	2023	2024	2025	Average
Dover sole	9%	10%	8%	7%	9%	9%
Petrale sole	76%	93%	93%	90%	100%	90%
Lingcod North of 40°10' N. lat	15%	13%	22%	27%	25%	20%
Sablefish North of 36° N. lat.	73%	98%	69%	73%	49%	72%

Table 12. Number of vessels with fish tickets recorded between 42° and 40° 10' N. lat and associated landings (rd. wt.) and revenue (2025\$) on those tickets, 2018-2025.

Year	Vessels	Landings (mt)	Revenue (2025\$)
2018	26	3401	\$6,106,733
2019	22	2709	\$4,824,345
2020	10	2,347	\$3,013,951
2021	11		
2022	12	2,435	\$3,199,831
2023	7	1,418	\$1,719,279
2024	12	763	\$1,019,756
2025	5	668	\$919,815
Average	13	2,011	\$2,977,208

PPA: Alternative 1, Option 2

Under the PPA (Alternative 1, Option 2), vessels fishing bottom trawl gear could use any legal small footrope gear between 42° and 40° 10' N. lat. shoreward of 100 fathoms. It is difficult to determine the expected economic impacts that could result from this limited area given the data constraints.⁶ The economic impacts are expected to be similar to those shown in Table 13, which provides the revenues generated under the EFP. While likely an overestimate (as described in footnote 4) fish tickets associated with the bottom trawl portion of the Trawl Gear EFP average approximately \$1.8 million in ex-vessel revenue and 1,271 mt in landings between 2018 and 2023, the last available year for haul-level data (Table 13).⁷ suggesting that there would be a positive economic impact to the fleet under the PPA. Under the PPA, it is feasible that revenues could increase if additional bottom trawl vessels (see Table 13) were to take advantage of the regulatory

⁶ Id.

⁷ Note that fish tickets could include data from EFP and non-EFP activities as bottom trawl EFP revenue is based on fish tickets associated with hauls that meet EFP conditions and therefore the revenue and landings values are likely an overestimate of true impact of this Option. As noted in the E.5, Revised Attachment 1, June 2026 analysis, fish tickets for the EFP were identified by using haul level data from observer and electronic monitoring. Any trip/ticket with an EFP haul is considered an EFP trip/ticket. To assess EFP hauls, AVG_DEPTH was used as a proxy for location vs the 100 fm line, between 2018 and 2023. Overall trends in revenue and landings within this fishery follow the trends also seen in Table 4, where annual landings and ex-vessel revenue decrease in 2020. From 2018 to 2023, there were an average of six distinct vessels participating in the bottom trawl EFP fishery annually.

changes, with a notable caveat being that impacts will be subject to changes in allocations, markets, etc.

Table 13. Annual revenue (adjusted for inflation), landings (round weight, metric ton (mt)), and the number of distinct vessels participating in the bottom trawl EFP fishery between 42° and 40°10' N. lat. from 2018 to 2023.

Landing Year	Total Revenue (\$, AFI)	Total Round Weight (mt)	Distinct Vessels
2018	\$2,937,860	1,692	7
2019	\$2,590,214	1,364	6
2020	\$1,321,211	1,016	4
2021	\$1,496,187	1,135	5
2022	\$1,692,734	1,406	9
2023	\$1,122,568	1,012	6
Average	\$1,860,129	1,271	6

In terms of impacts to target species attainment, Table 14 below presents the estimates of average annual landings (round weight) from 2018-2023 for the most prominent species landed in the bottom trawl EFP. Under the PPA, attainments for these species could increase if the allowances for additional gears and areas result in additional harvest by bottom trawl vessels. As under No Action, overall attainments will also be driven by market conditions, quotas, and other factors.

Table 14. Average annual landings (round weight, mtons) for the most prominent species in the bottom trawl EFP fishery, 2018-2023.

Species	Average Annual Round Weight (mt)	Average Annual Round Weight (lbs)	Average Round Weight Share
Dover sole	543	1,197,108.66	56.9%
Petrale sole	190	418,877.8	19.9%
Lingcod	91	200,620.42	10.0%
Sablefish	54	119,049.48	6.0%

4.5.2 Action 2: Changing Declarations At-Sea

No Action

Under No Action, vessels would only be allowed to switch declarations at sea if switching between IFQ bottom trawl and IFQ midwater trawl gear or between the Pacific whiting Shorebased IFQ sector and the mothership sector (as MSCVs). When changing declarations, vessels in these fisheries must provide NMFS Office of Law Enforcement (OLE) with a new declaration report each time a different groundfish trawl gear (e.g., bottom or midwater only) or sector (e.g., IFQ or MSCV) is fished. The declaration may be made from sea and must be made to NMFS before the switch occurs. Vessels wishing to change into a different fishery outside of these exceptions would need to return to port prior to changing declarations.

No Action would be expected to have the same impacts as described in [Section 2.11.2](#) of the 2027-28 Biennial Harvest Specifications and Management Measures Environmental Assessment (EA, NMFS, 2027, in process). Vessels would continue to be required to return to port prior to changing declarations. The transit time could result in a loss of potential opportunity of not harvesting

available fish (thereby attainment and revenue) and have increased costs associated with the travel to port between switching gears or sectors.

PPA: Alternative 1

Under the PPA, Alternative 1, vessels could change declarations while at sea from shoreside whiting to midwater rockfish (and vice versa) or from mothership sector (catcher vessel) to midwater rockfish. Monitoring type declarations (i.e., electronic monitoring or observer) cannot be changed while at sea. Vessels will need to sort catch by sector and report catch on separate fish tickets (as applicable) per regulations at [660.130\(d\)\(2\)](#).

Table 15 below shows the number of vessels that have historically participated in the shoreside (SS) whiting, MSCV, and midwater rockfish fisheries (MDT), as well as a count of those that participate in multiple fisheries by year. To date, there are no vessels that solely participate in just the MS or midwater rockfish sectors, however, in the future depending on opportunities, this could change.

Table 15. Number of vessels by sector, 2018-2025 including how many vessels participated in multiple fisheries.

Year	Shoreside Whiting	Midwater Rockfish	MSCV	SS Whiting/ Rockfish	SS/MSCV	SS/MDT/ MSCV	No crossover
2018	26	23	17	10	9	4	16
2019	27	25	19	9	8	6	19
2020	28	28	15	12	2	8	19
2021	25	27	17	10	4	8	17
2022	26	28	20	9	4	10	18
2023	27	24	17	10	6	7	15
2024	24	23	9	12	3	5	11
2025	26	21	13	11	7	6	6
Ave	26	25	16	10	5	7	15

From 2018 to 2025, there have been many occurrences of vessels participating in multiple sectors, requiring these vessels to return to port when changing declarations. For example, there have been an average of 26 vessels participating in the shoreside whiting and 25 midwater rockfish fishery each year from 2018-2025. By allowing vessels in these sectors to change declarations at sea, vessels would be able to utilize time typically spent returning to port to change declarations on participating in the fishery instead. As noted by the Groundfish Advisory Subpanel (GAP) in June 2026, “The action will create economic efficiencies while reducing fuel costs and carbon footprints. Allowing at-sea adjustments for vessels optimizes multi-target trips, drastically cuts down on unnecessary transit time, and reduces fuel expenses at a time when costs are skyrocketing.” ([Agenda Item E.5.a, Supplemental GAP Report 1, June 2026](#))

In addition to providing more operational flexibility and potentially increasing economic benefits (a core emphasis of the trawl catch shares review) for participants within the fishery, Alternative 1 would have an administrative benefit of aligning the declaration with the definition of a whiting trip. Pacific Whiting trips are defined in 50 CFR 660.111 as: “Pacific whiting IFQ trip means a trip in which a vessel uses midwater groundfish trawl gear during the dates of the Pacific whiting

primary season to target Pacific whiting, and Pacific whiting constitutes 50 percent or more of the catch by weight at landing as reported on the state landing receipt. Vessels on Pacific whiting IFQ trips must have a valid declaration for limited entry midwater trawl, Pacific whiting shorebased IFQ.”

However, there have been situations where a vessel intending to target Pacific whiting (and declared into the Shorebased IFQ fishery) has declared into the whiting fishery, but ended up harvesting more rockfish than Pacific whiting. While all quota pounds are deducted in the IFQ program, such a scenario creates conflicting records in the data that is used in the Council’s and NMFS’ analysis to support additional management actions. Alternative 1 would allow IFQ vessels to switch declarations into the fishery given the actual on water conditions.

4.5.3 Action 3: Commercial Sale of Recreational Fish Waste

No Action

Under No Action, Federal regulations would continue to prohibit persons from selling, offering to sell, or purchasing any groundfish (or component of a groundfish) taken in the course of Federal recreational groundfish fishing.

PPA: Alternative 1

Under the PPA, Alternative 1, Federal regulations would be amended to no longer prohibit the sale of fish waste (i.e., entrails, skeletal remains, or other parts of the fish not used for human consumption) that was the result of recreational groundfish fishing. Under this Alternative, NMFS would allow participants in the recreational fishery to sell, offer to sell, or purchase recreational fish waste consistent with the state regulations in the port of landing.

Currently, some ports require disposal of recreational fish waste in commercial trash bins. The offal is collected by waste disposal companies and transported to municipal dumps. Industry and/or municipalities must pay for this service. In Washington, a common practice of recreational CPFV operators is to filet catch during the return to port and then to haul the fish waste out of the harbor for disposal. This adds extra expense and inconvenience to the charter operators (fuel costs, time, etc.). The costs of these requirements could be offset under Alternative 1 if this recreational fish waste could be sold for purposes other than human consumption (e.g., bait, fish meal, etc.). Alternative 1 has the potential to reduce costs and increase operational efficiency within the recreational fishery sector, as well as to create new revenue streams. The scope of the potential cost savings and operational efficiencies that may result from this action are currently unknown, as is the scope of any potential new revenue. These specifics will depend on the development of state-specific regulations..

4.6 *Summary of the Proposed Actions and Alternatives with Respect to Net Benefit to the Nation*

4.6.1 Action 1: Moving Trawl Gear EFP Exemptions into Regulation

As indicated in the analysis and summarized in Table 16 there are differential impacts between No Action and the PPA. No Action is the least efficient option for the participants in this fishery and would likely result in less revenues and landings than Alternative 1, both Options 1 and 2. No Action could negatively affect fishing communities and reduce product availability through loss

of product supply established through the EFP. The PPA is the more efficient option and would maintain the current economic and other benefits provided by the Trawl Gear EFP. Revenues are likely to remain similar to those under the Trawl Gear EFP as are landings and the benefits that flow to fishery participants and fishing communities. Positive impacts may derive from increased efficiency for participants in the fishery and from lower program costs due to decreased management of the EFP program. In terms of protected species, there is no difference between the expected impacts resulting from No Action and the PPA as described above in Chapter 3.

Table 16. Summary of costs/benefits of the preliminary preferred alternative (PPA) to No Action for Action 1. No Action assumes the EFP would not continue.

Impact Category	No Action	PPA Alt. 1 – Option 1 and Option 2	See sections
Expected change in annual revenue	Potential reduction in revenues, notably in the first four months of the years. However, participants might be able make up losses through different fishing strategies and target stocks.	Expected revenues similar to Trawl Gear EFP. Resulting in increased revenues when compared to No Action.	4.5.1
Efficiency	Lower efficiency due to restrictions in times/areas fished.	More efficient than No Action in that vessels could fish in more times, areas, additional gears than under No Action.	
Attainment of target stocks	Likely reduced compared to the PPA. Time/area/gear restrictions would limit participation.	Improved over no action. Vessels could harvest midwater stocks year round and use alternative gear types, unlike No Action.	
Governance	Low.	Little to no change from No Action.	
Protected Species	Low risk of exceeding established biological thresholds. Unlikely to result in area or fishery closures that would negatively impact the trawl sector.	No expected changes in risk from No Action.	
General Public	Reduction in supply as compared to recent years.	Less likely to disrupt or have adverse impacts on supply chains and fishing communities compared to No Action.	

4.6.2 Action 2: Changing Declarations At-Sea

The impacts of Action 2 are summarized in Table 17. No Action would be the least efficient alternative for Action 2, as it would continue to require vessels to come back to port for changing declarations, outside of the exceptions listed in section 1.5.2. The PPA would allow for increased efficiency within the fishery as vessels could change declarations while at sea from shoreside whiting to midwater rockfish (and vice versa) or from MSCV to midwater rockfish. This may result in an increase in total harvest for these vessels as they are able to participate in the fishery more efficiently without using time that could be spent fishing on transiting to and from port and thus avoiding unnecessary downtime. Possible increase in harvest due to more efficient methods of fishing for vessels could increase the supply of fish for the general public, providing additional net benefits to the Nation. No longer needing to return to port to change declarations could also reduce trip costs (fuel costs, crew time, etc.), which could increase fishery participants' profitability.

Table 17. Summary of cost/benefits of the preliminary preferred alternative (PPA) to No Action for Action 2.

Impact Category	No Action	PPA Alternative 1	See sections
Expected change to total harvest	No change	Higher potential for increases in utilization	4.5.2
Efficiency	Least efficient	Most efficient	
Governance/Fish management	No change	Minimal to no change	
General Public	No change	Possible increase in supply	

4.6.3 Action 3: Commercial Sale of Recreational Fish Waste

The potential impacts of Action 3, removing the prohibition on the sale of recreational groundfish fish waste (i.e., entrails, skeletal remains, or other parts of the fish not used for human consumption) from Federal regulations, are summarized in Table 18. Action 3 is unlikely to significantly impact expected revenues of the fishery but has the potential for some positive revenue impacts. The PPA is also likely to reduce regulatory complexity compared to No Action as it would align Federal regulations regarding the sale, use, or disposal of recreational fish waste with the state regulations for the port of landing. The PPA would also provide increased operational flexibility for recreational charter operators and fish processors..

Table 18. Summary of costs/benefits of the preliminary preferred alternative (PPA) to No Action for Action 3.

Impact Category	No Action	PPA Alternative 1	See section
Expected revenue	No change	Potentially positive	4.5.3
Efficiency	Least efficient, duplicative	Most efficient for rulemaking	
Governance/Fish mgmt.	Duplicative measure	No longer duplicative, leaves governance up to the states	
General Public	No change	Potentially positive to industry	

5. Initial Regulatory Flexibility Act Analysis

Section 603 of the Regulatory Flexibility Act (RFA) requires that an initial regulatory flexibility analysis (IRFA) be prepared to identify whether a proposed action will result in a disproportionate and/or significant adverse economic impact on the directly regulated small entities, and to consider any alternatives that would lessen this adverse economic impact to those small entities. NMFS prepares the IRFA in the classification section of the proposed rule for an action. Therefore, the preparation of the IRFA is not necessary prior to the Council recommending a preferred alternative. This section provides information about the directly regulated small entities that NMFS will use to prepare the IRFA for this action if the Council recommends regulatory amendments.

This section also identifies the general nature of the potential economic impacts on directly regulated small entities, specifically addressing whether the impacts may be adverse or beneficial. The exact nature of the costs and benefits of each alternative is addressed in detail in the impact analysis sections of the RIR and is not repeated in this section, unless the costs and benefits described elsewhere in the RIR differs between small and large entities.

5.1 *Size Standards*

The U.S. Small Business Administration (SBA) established criteria for businesses in the fishery sector to qualify as small entities. Size standards are expressed either in the number of employees, or annual receipts in millions of dollars. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with the SBA Office of Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (80 FR 81194, December 29, 2015; 90 FR 52917, November 24, 2025). The following size standards are used for each category of entities:

- Fish and seafood merchant wholesaler (NAICS 424460): is a small business if it employs 100 or fewer persons on a full time, part time, or any basis, at all its affiliated operations worldwide.
- A business primarily engaged in Seafood Product Preparation and Packaging (NAICS 311710), including catcher processors (C/Ps) and mothership processor ships, is a small business if it employs 750 or fewer persons on a full time, part time, temporary, or other basis (13 CFR § 121.106), at all its affiliated operations.
- A non-profit environmental, conservation or processional organization (NAICS 813312, 813920) is a small business if combined annual receipts are \$19.5 million or less.
- Other non-profit organizations are small businesses with combined annual receipts of \$9.5 million or less.
- Harvesters including all businesses classified as commercial finfish fishing (NAICS 114111), commercial shellfish fishing (NAICS 114112), and other commercial marine fishing (NAICS 114119) businesses. (50 C.F.R. § 200.2; 13 C.F.R. § 121.201) are small businesses with combined annual receipts of \$11 million or less.

- Charter Fishing and other “Scenic and Sightseeing Transportation, Water” businesses are small businesses with combined annual receipts of \$14 million or less(13 CFR § 121.201).

Part 121 of Title 13, Code of Federal Regulations (CFR), sets forth, by North American Industry Classification System (NAICS) categories, the maximum number of employees or average annual gross receipts a business may have to be considered a small entity for RFA purposes. See 13 C.F.R. § 121.201. Under this provision, the U.S. Small Business Administration established criteria for businesses in the fishery sector to qualify as small entities. Standards are expressed either in number of employees, or annual receipts in millions of dollars.

The number of employees or annual receipts indicates the maximum allowed for a concern and its affiliates to be considered small (13 C.F.R. § 121.201).

- A fish and seafood merchant wholesaler (NAICS 424460) primarily engaged in servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide.
- A business primarily engaged in Seafood Product Preparation and Packaging (NAICS 311710) is a small business if it employs 750 or fewer persons on a full time, part time, temporary, or other basis (13 CFR § 121.106), at all its affiliated operations.⁸

In addition to small businesses, the RFA recognizes and defines two other kinds of small entities: small governmental jurisdictions and small organizations. A small governmental jurisdiction is any government or district with a population of less than 50,000 persons. A small organization is any not-for-profit enterprise that is independently owned and operated and not dominant in its field (5 U.S.C. § 601). There is no available guidance beyond this statutory language regarding how to determine if non-profit organizations are "small" for RFA purposes. The SBA does have provisions for determining whether a business is "small" for RFA purposes and whether it is "dominant in its field," and those provisions can inform how NMFS classifies non-profit organizations for the purposes of RFA analyses in rulemaking. After consultation with the SBA, NMFS has decided to use SBA's size standards for non-profit organizations to determine whether a non-profit organization is "small" and, in turn, whether it is "dominant in its field," to apply the statutory definition of a "small organization" in practice:

A nonprofit organization is determined to be “not dominant in its field” if it is considered “small” under SBA size standards:

- Environmental, conservation, or professional organizations (NAICS 813312, 813920): Combined annual receipts of \$19.5 million or less.

⁸ For purposes of rulemaking, NMFS West Coast Region is applying the seafood processor standard to catcher processors (C/Ps) and mothership processor ships, which earn the majority of their revenue from selling processed Pacific whiting seafood product.

- Other organizations (NAICS 813319, 813410, 813910, 813930, 813940, 813990): Combined annual receipts of \$9.5 million or less.

Provision is made under SBA’s regulations for an agency to develop its own industry-specific size standards after consultation with the SBA Office of Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (80 FR 81194, December 29, 2015; 90 FR 52917, November 24, 2025). This standard is only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency’s obligations under the RFA.

NMFS' small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing is \$11 million in annual gross receipts. This standard applies to all businesses classified under NAICS code 11411 for commercial fishing, including all businesses classified as commercial finfish fishing (NAICS 114111), commercial shellfish fishing (NAICS 114112), and other commercial marine fishing (NAICS 114119) businesses. (50 C.F.R. § 200.2; 13 C.F.R. § 121.201).

The SBA size standard for Subsector 487, “Scenic and Sightseeing Transportation, Water”, which includes charter fishing, is \$14 million in gross receipts (13 CFR § 121.201).

5.2 Identification and Classification of Directly Regulated Entities

A detailed description of the fishery and affected entities is available in the [Stock Assessment and Fishery Evaluation \(SAFE\) document \(PFMC, 2026c, updates in process\)](#). The SAFE includes a summary of historical harvests, a description of the management and economic characteristics of the commercial, tribal, and recreational fisheries, and a description of the relevant commercial port communities. The SAFE is incorporated by reference.

For the commercial fisheries, all Shorebased IFQ and MSCVs, and shoreside whiting vessels participating in the groundfish fisheries in the EEZ off Washington, Oregon, and California managed under the Groundfish FMP may be affected by this action. The total number of participating vessels in non-tribal commercial fisheries affected by this action in 2025 was 80.

With regards to the Shorebased IFQ fishery, 129 (of 162) quota share (QS) accounts and 98 vessel accounts (of 119) reported as being owned by small entities in 2025. The 129 QS owners that reported as small entities owned 88.9 percent of all QS issued at the start of 2025.

For the at-sea Pacific whiting sector, with regards to the MS sector, four of six MS permits are owned by large entities as of 2025. MSCV endorsed permits account for 33 of the 167 trawl endorsed permits and 26 of the 33 permits are owned by 26 small entities. At-sea fisheries are mostly impacted by the Pacific whiting allocation.

In addition to small businesses, the RFA recognizes and defines other kinds of small entities. These entities are included within the discussion above under Shorebased IFQ impacts. A small governmental jurisdiction is any government or district with a population of less than 50,000 persons. According to the public IFQ Account database as of February 9, 2026, the City of Monterey owns quota shares of ten species or complexes. The U.S. Census estimates the population to be 29,571 as of July 1, 2024, so the City of Monterey is considered a small

governmental jurisdiction by the RFA standard above. The City of Monterey received 4.85 percent of the non-whiting quota pounds issued for 2025 according to the public IFQ Account database.

A small organization is any not-for-profit enterprise that is independently owned and operated and not dominant in its field (5 U.S.C. § 601). A nonprofit organization is determined to be “not dominant in its field” if it is considered “small” under SBA size standards. Environmental, conservation, or professional organizations (NAICS 813312, 813920) are considered not dominant in their field (small for the purposes of NMFS rulemaking) if they have combined annual receipts of \$15 million or less. Other organizations (NAICS 813319, 813410, 813910, 813930, 813940, 813990) are considered not dominant in their fields with combined annual receipts of \$7.5 million or less. Five not-for-profit organizations have ownership in six quota share permits in the catch share program and will thus be impacted under this rule. Collectively, the five small not-for-profit organizations received 8.0 percent of the non-whiting quota pounds issued in 2025.

A small trust, estate, and agency account (NAICS 525920) is defined at 13 C.F.R. § 121.201 as having annual receipts of less than \$32.5 million (including affiliates). A total of 10 personal or family trusts/estates owned quota share permits and will thus potentially be impacted under this action. All of these are assumed to be smaller than the size standard above. Collectively, these ten small entities owned 11 quota share permits and received 4.5 percent of the non-whiting quota pounds issued for 2025.

Commercial passenger fishing vessels (CPFVs) are commercially registered fishing vessels that take recreational fishing passenger trips, carrying sport fishermen to target groundfish and other species. CPFVs are also known as Party and Charter boats. CPFVs are considered small businesses operating in the recreational sector. The most recent estimated numbers of active vessels that took at least one groundfish trip are: 41 vessels in Washington, 41 vessels in Oregon, and 342 vessels in California – a total of 424 vessels.

5.3 Impacts to Small, Directly Regulated Entities

NMFS considers two criteria in determining the significance of adverse regulatory effects: disproportionality and profitability.

Disproportionality:

This criterion compares the effect of the regulatory action between small and large entities. The proposed actions are not expected to place small entities at a significant competitive disadvantage to large entities as the actions would provide operational flexibilities and efficiency to all participants as described above in @ Section 4.3. Across all three actions, there will continue to be equal opportunity to participate in the affected fisheries for both small entities and large entities. Additionally, there will not be significant regulatory impact on small entities that is greater than that of large entities.

Profitability:

None of the three proposed actions are expected to significantly reduce profitability for a substantial number of small entities and may increase profitability for some entities affected by these regulations. As discussed above in section 4.5, these regulations will not decrease profit for

small or large entities and are only expected to maintain or increase profits for most entities affected.

5.4 A description of, and an explanation of the basis for, assumptions used.

Data used to inform this analysis come primarily from PacFIN and RecFIN, which includes data provided by the states of Oregon, California, and Washington on commercial and recreational fishing trips and landings. Other data sources include the state-based recreational fishery surveys for enumeration of CPFVs/charter vessels, the West Coast Region permit database, and the West Coast Region IFQ Account public database. The number of entities predicted to be impacted is generally based on the level of participation in the previous year (2025), and as noted above is in some cases likely to be an overestimate of the true number of entities likely to be impacted if current trends continue. However, it is possible that as environmental or management conditions change in other fisheries, such changes may impact the level of participation in the Pacific Coast groundfish fishery beyond what is predicted here.

5.5 Reporting and recordkeeping requirements

There are no new reporting or recordkeeping requirements associated with this action. Under Action 2, participants would need to report their declaration change at sea rather than from port. While this is not a new reporting or recordkeeping requirement, it does change the timing of when this reporting requirement would occur.

5.6 Relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule:

There are no Federal rules that duplicate, overlap, or conflict with the proposed rule.

6. Magnuson-Stevens Act and FMP Considerations

6.1 *Substantive Authority for Action*

Under the Magnuson-Stevens Fishery Conservation and Management Act (hereinafter ‘MSA’) (16 U.S.C. 1801, et seq.), the United States has exclusive fishery management authority over all marine fishery resources found within the exclusive economic zone (EEZ). The management of these marine resources is vested in the Secretary of Commerce (Secretary) and in the regional fishery management councils. In the West Coast Region, the Council has the responsibility for recommending regulatory actions for the marine fisheries that require conservation and management and for submitting its recommendations to the Secretary. Upon approval by the Secretary, NMFS is charged with carrying out the Federal mandates of the Department of Commerce with regard to marine and anadromous fish.

The following analysis considers three actions, for brevity, we identify these actions in the following manner: Moving the Trawl Gear EFP Into Regulation (Action 1), At-sea Declarations (Action 2), and Commercial Sale of Recreational Fish Waste (Action 3). The PPA for Action 1 is Alternative 1, Option 1 and Option 2. The PPA for Action 2 and Action 3 is Alternative 1. The PPA is detailed above.

The PPA for proposed Action 1 and Action 2 would amend Federal regulations at [50 CFR 660.Subpart D](#) and the PPA for proposed Action 3 would amend Federal regulations at [50 CFR 660.352](#). The commercial and recreational groundfish fisheries in the EEZ off Washington, Oregon, and California are managed under the Pacific Coast Groundfish FMP. Actions taken to implement regulations governing these fisheries must meet the requirements of Federal law and regulations, and Executive Orders. This rule is authorized by 16 U.S.C. § 1851 (5), [50 CFR 660.100](#), the FMP Section 6.6, and supported by E.O. 14276.

This action is consistent with the authority provided in the MSA and the 10 National Standards contained in the MSA.

6.2 *Magnuson-Stevens Act National Standards*

This document includes an analysis of the three action alternatives considered by the Council in relation to the 10 National Standards as contained in the MSA, and a brief discussion of how each alternative is consistent with the National Standards, where applicable. In recommending a preferred alternative, the Council must consider how to balance the National Standards.

National Standard 1 — Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

The biennial groundfish harvest specifications and management measures undertaken and described in the 2027-28 Harvest Specifications Environmental Assessment (NMFS, 2026, in process) establish harvest levels consistent with National Standard 1 and the harvest management framework described in Chapter 4 of the Groundfish FMP. These actions do not revise the harvest management framework or the 2027-28 groundfish harvest limits. Specifically, the Proposed

Actions do not alter the 2027-28 catch limits (overfishing limits (OFL), acceptable biological catch (ABC), or annual catch limits (ACL)) for any groundfish species. Nor do these Actions modify the 2027-28 management measures that the Council has recommended, and that NMFS has proposed to adopt, to keep groundfish catch within these limits. Accordingly, neither No Action nor the Action Alternatives influence the ability of the Council and/or NMFS to prevent overfishing.

However, the Proposed Actions 1 and 2 do increase the fishery's likelihood to achieve optimum yield (OY) because, under No Action, vessels would operate under more restrictive regulations and be limited in terms of time, area, and gear selection, which could result in reduced attainment of quotas, reduced operational flexibility, and reduced access to fishing grounds. Therefore, under No Action, the ability for the fishery to achieve OY is reduced as compared to the PPA for Actions 1 and 2.

The PPA for Proposed Actions 1 and 2 is more likely to promote achieving OY by increasing the flexibility by which IFQ trawl vessels could target stocks through time, area, gear adjustments, and targeting strategies. The changes to regulation considered under these Actions are likely to provide increased opportunity for industry and may increase product delivery to processors, thus improving attainment of target stocks. The analysis indicates that these measures are likely to increase operational flexibility while continuing to prevent overfishing and achieve optimum yield.

Proposed Action 3 has no expected impacts relative to National Standard 1. The prohibition on (or allowance for) the sale of recreational fish waste does not change catch limits and is not anticipated to impact fishing effort. Therefore, it is not expected to impact the fishery's ability to achieve OY or the risk of overfishing.

Taking in account that OY is the quantity of fish that will provide the greatest overall benefit to the U.S., particularly with respect to food production and recreational opportunities, and is prescribed as the MSY from the fishery, for the reasons stated above, the Proposed Actions considered are consistent with National Standard 1.

National Standard 2 — Conservation and management measures shall be based upon the best scientific information available.

Under No Action and the PPA, Proposed Action 1 uses best scientific information available (BSIA), which includes the 2018–2025 EFP data, observer, and electronic monitoring, PacFIN landings, salmon Genetic Stock Identification (GSI) analyses, and simulation modeling for Chinook and coho salmon. These data satisfy the information requirements established by the 2017 Biological Opinion before permanent implementation of the EFP provisions. The analysis of Action 1 also uses BSIA to describe the potential economic impacts to the fishery (using PacFIN fish ticket data and West Coast Groundfish Observer Program observer data).

Proposed Action 2 and Proposed Action 3 are also consistent with BSIA. The harvests specifications and management measures that these fisheries operate under are consistent with BSIA as determined by NMFS, and as adopted by the Council and its Scientific and Statistical Committee (SSC). Proposed Actions 2 and 3 do not alter the fishery's management measures or catch limits, or otherwise amend the management framework, in a manner inconsistent with BSIA.

The Actions considered are therefore consistent with National Standard 2.

National Standard 3 — To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

The Council develops and designates management units for groundfish, which include stocks, stock complexes, or geographic subdivisions thereof. The No Action and the PPA for the Proposed Actions do not change any management units for groundfish. The alternatives considered would not result in stocks being managed differently throughout their range, nor would they likely fail to manage stocks as a unit. The Actions considered are consistent with National Standard 3.

National Standard 4 — Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be; (A) fair and equitable to all such fishermen, (B) reasonably calculated to promote conservation, and (C) carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The Proposed Actions do not discriminate between residents of the three West Coast states. There is no allocation of fishing privileges through the Actions and therefore there are no impacts related to fishing allocations or privileges outside of those that fall within the scope of No Action.

Proposed Action 1 and Proposed Action 2 are management measures for participants of the trawl IFQ sector. Fishery participants who belong to the IFQ sector will generally receive the same percentage of a sector allocation biennium to biennium. The current provisions of the IFQ program are intended to limit any excessive share concerns. Fishery sector allocations are intended to provide improved utilization of target stocks by reducing the stranding of available yield in a sector's allocation, and thus to address potential inequities. Allocation decisions are made through the Council process, which facilitates substantial participation by state representatives and the public. Allocation proposals are brought forward when alternatives are crafted through cooperative efforts between fishery managers and the public, taking into account the needs of fishing communities and the biological aspects of a given stock. Emphasis is placed on equitable division, while simultaneously considering and achieving conservation goals.

By removing the Federal prohibition on recreational fish waste, Proposed Action 3 would defer regulation of the sale of recreational groundfish fish waste to the three states. There are no formal groundfish allocations to the recreational fisheries as they share the non-trawl allocation. Decisions to allow or not allow this sale would be decided by the individual state(s). The MSA does not apply to state regulations.

The action items under consideration by the Council are consistent with the criteria described above for National Standard 4.

National Standard 5 — Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources, except that no such measure shall have economic allocation as its sole purpose.

For Proposed Action 1, No Action compared to the PPA is less efficient. Under No Action the distribution of fishing on and access to fishing grounds and product delivery to ports would be reduced. Compared to Option 1, opportunity for vessels targeting midwater rockfish north of 40°10' N. lat. would be reduced by four months. As noted in the analysis, this could amount to over a \$2 million dollar loss to participants and ports. The PPA promotes efficiency by allowing vessels to better distribute effort throughout the fishing year, improve processor supply, and reduce idle periods.

For Proposed Action 2, No Action is less efficient than the PPA. No Action would maintain requirements for vessels to return to port in order to change fishing declarations. Vessels would lose time on the fishing grounds, which could impact utilization of the resource due to fish movements on the grounds. The PPA would create less restrictive administrative processes and would likely to improve utilization of the resource by allowing increased time on the fishing grounds. Additionally, the PPA reduces fuel and crew costs that are incurred under No Action.

Proposed Action 3 has the potential to increase efficiency in the utilization of recreationally caught fish as it would remove the Federal prohibition on the sale of recreational fish waste, and therefore allow the states to develop additional potential uses and markets for that waste.

Overall, these efforts are consistent with National Standard 5 as they seek to create efficiencies in the utilization of the groundfish resource and do not have economic allocation as the sole purpose.

National Standard 6 — Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

The Proposed Actions appropriately recognize variations among fisheries and fishing strategies. Different target fisheries, seasonal participation patterns, and gear configurations would be accommodated while maintaining existing catch limits, monitoring, declaration, quota accounting, and observer requirements. The variability of fishing strategies in West Coast IFQ trawl fishery is recognized through the biennial groundfish specifications and management measures process, the FMP, and discrete trawl actions recommended by the Council. The IFQ program is designed to allow participants to tailor their fishing strategies to their target stocks.

Proposed Action 1 is consistent with National Standard 6. Under the PPA, participants are more likely to be able to respond to the variability of fishery resources in time and space because of increased operational flexibility. A year-round fishery and the ability to use more gear types (Option 2) improves the ability of fishery participants to plan for contingencies, while seeking to achieve annual allocations.

Proposed Action 2 is consistent with National Standard 6. Proposed Action 2 improves the flexibility available to fishery participants to address the variability in fish stock presence/absence on the fishing grounds by changing declarations. While at sea, fishermen could adjust to fishing contingencies by basing their declarations on a stock's availability. Participants would not need to return to port and miss potential fishing opportunities.

Proposed Action 3 has no expected impacts related to National Standard 6.

In sum, the measures proposed in this analysis are consistent with National Standard 6 as they reflect the flexibility of the Council to address the variable and improving status of the fishery yet still meet conservation goals.

National Standard 7 — Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

The Alternatives in this analysis were developed to reduce the overall burden on fishery participants and to achieve management objectives and priorities among the three West Coast states. In general, by the Council and NMFS coordinating managers, enforcement, and monitoring activities between the three West Coast states, there are reductions in duplication in action or effort and, therefore, reductions in costs. The administrative flexibility of the Actions considered are evaluated in this analysis.

Under the PPA and No Action for Proposed Action 1, costs would be reduced by eliminating the annual EFP applications and EFP reporting requirements for participants which must occur annually. No Action and the PPA also reduce administrative workload for NMFS, including by reducing the enforcement complexity EFPs can pose for OLE. Noting that under No Action, the expectation is the EFP would no longer be in effect.

With respect to current restrictions on at-sea declarations, No Action would maintain the costs to participants that are currently incurred by participants to change declarations. Vessels would need to return to port to change fishing declarations. The PPA for Proposed Action 2 would reduce costs to participants as they would no longer need to return to port in order to change fishing declarations. The PPA is expected to create more efficient use of fuel and crew time. Additionally, costs to administer the program may decrease as it could reduce monitoring and administrative review.

No Action would maintain the prohibition in Federal regulations against the sale of recreational fish waste. The PPA for Proposed Action 3, by contrast, removes the Federal prohibition and would defer to state regulations on the disposition of recreational fish waste in their ports. Allowing for the sale and use of recreational fish waste has the potential to minimize costs for fishery participants.

As such, the Proposed Actions are consistent with National Standard 7.

National Standard 8 — Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of National Standard 2, in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

The Council considered the importance of the Pacific Coast groundfish fishery to fishing communities, and the goals of providing for sustained participation of and minimizing adverse impacts to such communities, throughout its process to develop these actions and management

measures. The proposed management measures were developed with the goal of maintaining, if not improving, the stability of the fishery and thus fishing communities.

West Coast fishing communities depend on a portfolio of commercial and recreational fisheries to support year-round operations. Regarding Proposed Actions 1 and 2, recent coastwide reductions in commercial fishery opportunity for groundfish due to changes in harvest specifications and management have created instability for many communities. Proposed Actions 1 and 2 would remove regulatory restrictions which reduce access and opportunity to the fishery.

Regarding Proposed Action 1, the No Action alternative would remove the EFP exemptions and current regulations would be enforced on all IFQ trawl vessels. The current regulations limit time, area, and gear usage in the IFQ fishery. These regulations have a higher probability of reducing overall effort in the IFQ fishery when compared to the PPA. Ports and communities that have become reliant on the year-round activity the EFP has provided will likely see reductions to processing needs, thus reducing potential employment possibilities in those communities. The PPA is anticipated to contribute to sustained participation by, and increased stability in, coastal fishing communities. As the PPA for Proposed Action 1 would implement the Trawl Gear EFP, which is reflective of how the fishery has operated for the last eight years, the PPA would better provide for the sustained participation of fishing communities, as ports and communities now have an expected dependency on the year-round fishery that operates under the EFP. Thus, under the PPA for Proposed Action 1 current community and port stability would be maintained. The Proposed Action therefore takes the importance of the fishery resources to West Coast fishing communities into account.

Similarly, under Proposed Action 2, Alternative 1 would increase the potential for vessels to return to port with more catch as it allows them to switch declarations at sea. Allowing them to adapt to on-the-water conditions and harvest stocks that may be more abundant at that time than when they initially declared into the fishery.

Proposed Action 3 is also consistent with National Standard 8 because, under Alternative 1, ports, communities, and/or operators could benefit from the sale or other use of recreational fish waste. Eliminating the prohibition on the sale of recreational fish waste could both create new potential revenue streams and reduce costs in the form of disposal fees.

In sum, the Proposed Actions are consistent with National Standard 8.

National Standard 9— Conservation and management measures shall, to the extent practicable, (A) minimize bycatch, and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

There are no expected adverse impacts with respect to bycatch in the fishery outside of the scope of the impacts anticipated from No Action, as described in the 2027-28 Harvest Specifications EA, for the three Proposed Actions.

Regarding Action 1, since the Trawl Gear EFP began in 2017, salmon and other protected species bycatch has consistently remained well below applicable thresholds. Under both No Action and Proposed Action 1, the conservation framework established under the Groundfish FMP for protected species would continue to apply to all groundfish sectors. This framework has prevented

Chinook salmon and coho salmon thresholds from being exceeded. Further, timely monitoring and management of the fishery has kept eulachon and green sturgeon bycatch below incidental take limits.

Modeling indicates that permanent implementation of the Trawl Gear EFP is unlikely to substantially increase annual Chinook salmon and coho salmon or other protected species bycatch. Existing observer coverage, electronic monitoring, catch accounting, and authority for inseason management remain available to minimize bycatch and bycatch mortality. Eight years of EFP experience demonstrates that fisheries operating under the Trawl Gear EFP's exemptions have remained within the conservation framework established under the Groundfish FMP, with salmon bycatch well below applicable Chinook and coho thresholds and eulachon and green sturgeon bycatch below incidental take limits. Under both No Action and the PPA for Action 2, monitoring of bycatch within the relevant fishery sectors is expected to remain at current levels of 100 percent observation through observer coverage or electronic monitoring. Additionally, management measures for the trawl fishery, including salmon mitigation measures, which are designed to minimize bycatch in the trawl fishery will continue to be implemented.

There are no National Standard 9 implications for Action 3.

The Proposed Actions are consistent with National Standard 9.

National Standard 10 — Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

The management measures included under the PPA for Proposed Actions 1 and 2 would not decrease safety at sea, when compared to No Action. While the proposed changes to regulations may encourage additional effort for certain target species, it is not expected to change how the overall groundfish fishery operates. Meaning, commercial groundfish fishermen are likely to retain species and/or tonnage on the same schedule as in previous years. Further, if implemented, the Proposed Actions may allow fishermen to spread out trips over good weather periods, rather than be constrained to poor weather periods to attain limits. Such flexibility would promote the safety of human life at sea.

National Standard 10 does not relate to Action 3 as it is not expected to be a driver of recreational fishing behavior and is unlikely to change recreational angler effort. Recreational anglers can continue to select days to fish based on their interpretation of safety factors.

In sum, the Proposed Actions do not reduce any existing vessel safety requirements or encourage fishing in unsafe conditions. Therefore, the PPA is consistent with National Standard 10.

6.3 Fishery Impact Statement

To be completed after final action.

7. Other Applicable Laws

7.1 Executive Order 13175 Consultation and Coordination with Indian Tribal Governments

E.O. 13175 is intended to ensure regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications, to strengthen the U.S. government-to-government relationships with Indian Tribes, and to reduce the imposition of unfunded mandates upon Indian Tribes. The Secretary recognizes the sovereign status and comanager role of Indian Tribes over shared Federal and Tribal fishery resources. In section 302(b)(5), the MSA reserves a seat on the Council for a representative of an Indian Tribe with Federally-recognized fishing rights from California, Oregon, Washington, or Idaho.

The U.S. government formally recognizes the four Washington coastal Tribes (Makah, Quileute, Hoh, and Quinault) that have treaty rights to fish for groundfish. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish available in the Tribes' usual and accustomed fishing areas (described at 50 CFR 660.324). Each of the treaty Tribes has the discretion to administer its fisheries and to establish its own policies to achieve program objectives. The Council process and Tribal representatives allow for meaningful and timely engagement between the Council, NMFS, and Tribes as actions and alternatives are developed.

The Proposed Actions may impact the Federally-recognized fishing rights of the Pacific Coast treaty Indian Tribes. Tribal comments and participation at the Council played a role in developing and analyzing the Proposed Actions, therefore it is consistent with E.O. 13175.

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9. Appendix A: History of Trawl Gear EFP Exemptions

2017 - Exempted participating vessels fishing in the Shorebased IFQ fishery with limited entry bottom trawl from regulations regarding:

- the minimum mesh size requirements of 4.5 inches; and
- the requirement to use SFFT gear shoreward of the Trawl RCA north of 42°.
- Included a clause that if the sub-harvest guideline of 800 Chinook salmon were hit prior to May 15, the EFP would close until May 15. At which time, the EFP would once again reopen under the total harvest guideline of 3,547 salmon minus whatever was taken pre-May 15.

2018 - Exempted participating vessels fishing in the Shorebased IFQ fishery from regulations regarding:

- the required minimum mesh sizes for midwater and bottom groundfish trawl gear;
- the requirement to use SFFT gear shoreward of the Trawl RCA and north of 42° N. lat.;
- the prohibition on fishing with midwater groundfish trawl gear north of 40° 10' N. lat. in all areas prior to May 15 each year;
- the prohibition on fishing with midwater groundfish trawl gear south of 40° 10' N. lat. within the boundaries of the Trawl RCA (midwater groundfish trawling was still prohibited shoreward of the Trawl RCA and south of 40° 10' N. lat.);
- the prohibition on bringing a new haul onboard before a previous haul is stowed;
- the prohibition on carrying and fishing more than one type of groundfish trawl gear (midwater and bottom trawl gear) on the same trip; and
- the prohibition on retaining salmon and eulachon.
- Included a sub-harvest guideline of 800 chinook prior to May 15 and a new sub-harvest guideline of 80 Chinook south of 42° N. lat. for full effective dates.

2019 - Exempted participating vessels fishing in the Shorebased IFQ fishery from regulations regarding:

- the requirement to use SFFT gear, and the prohibition on using small footrope trawl gear, other than SFFT gear, shoreward of the Trawl RCA between 42° N. lat. and 40° 10' N. lat.;
- the prohibition on fishing with midwater groundfish trawl gear north of 40° 10' N. lat. in all areas prior to May 15th each year;
- the prohibition on fishing with midwater groundfish trawl gear south of 40° 10' N. lat. within the boundaries of the Trawl RCA; and
- the prohibition on retaining certain prohibited species.
- Included a bycatch limit of 1,000 Chinook north of 42° N. lat. and 100 Chinook south of 42° N. lat. regardless of gear type.

2020 - Consistent with revised regulations under Amendment 28, the 2020 EFP exempted participating vessels fishing in the Shorebased IFQ fishery from regulations regarding:

- the requirement to use SFFT gear, and the prohibition on using small footrope trawl gear, other than SFFT gear, shoreward of the boundary line approximating the 100 fathoms depth contour between 42° N. lat. and 40°10' N. lat.;
- the prohibition on fishing with midwater groundfish trawl gear north of 40° 10' N. lat. in all areas prior to May 15th each year;
- the prohibition on fishing with midwater groundfish trawl gear south of 40° 10' N. lat. and shoreward of the boundary line approximating 150 fathoms; and
- the prohibition on retaining certain prohibited species.
- Included a bycatch limit of 1,000 Chinook north of 42° N. lat. and 100 Chinook south of 42° N. lat. regardless of gear type.

2021 - 2026 - Exempted participating vessels fishing in the Shorebased IFQ fishery from regulations regarding:

- the requirement to use SFFT gear, and the prohibition on using small footrope gear other than SSFT gear between 42° and 40° 10' N. lat. and shoreward of the boundary line approximating the 100 fathoms depth contour;
- the requirement that SFFT must be a two-seamed net with no more than two riblines, excluding the codend⁹;
- the prohibition on fishing outside the primary season dates for the Pacific whiting IFQ fishery;
- the prohibition on fishing south of 40° 10' N. lat. shoreward of the boundary line approximating the 150 fathoms depth contour;
- the prohibition on retaining certain prohibited species; and
- the requirement to discard certain prohibited species at sea.
- Included a bycatch limit of 1,000 Chinook north of 42° N. lat. and 100 Chinook south of 42° N. lat. regardless of gear type.

⁹ Under the Trawl Gear Modification Final Rule (83 FR 4596), the requirement for selective flatfish trawl gear changed from a two-seam net only to allow for a four-seam net to potentially provide for better flow and improved selectivity compared to a two-seam net (50 CFR 660.130(b)(1)(ii)(A)), making this exemption obsolete.