

EXEMPTED FISHING PERMITS

Under this agenda item, the Pacific Fishery Management Council (Council) is scheduled to 1) review and endorse, as appropriate, groundfish exempted fishing permit (EFP) applications and 2) review the 2025 interim progress reports of the two ongoing EFPs. Two EFP applications were submitted to the advanced briefing book for Council consideration. In Attachment 1, the California Department of Fish and Wildlife (CDFW) proposes to renew their EFP, which is designed to collect fishery dependent biological data from cowcod and yelloweye rockfish incidentally caught during the course of normal CPFV fishing operations. In Attachment 2, a consortium of at-sea whiting industry members (Pacific Whiting Conservation Cooperative, American Seafoods Company, Arctic Storm Management Group, and Phoenix Processor Limited Partnership) have proposed an EFP (Attachment 2) to allow harvesting and processing of Pacific whiting (hake) at sea between 42° N 40°10' N. lat. The 2025 interim progress reports for the current CDFW EFP(Attachment 1) and the West Coast Seafood Processors Association EFP (Attachment 3) are available for review.

As background, the National Marine Fisheries Service (NMFS) has the authority to issue or deny EFPs and specifies the application, review, and issuance requirements and process through nationwide federal regulations ([50 CFR 600.745](#)). Groundfish EFPs authorize vessels to engage in collection of limited experimental data through activities that would otherwise be prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations. EFPs may promote increased utilization of underutilized species, realize the expansion potential of the groundfish fishery, or increase the harvest efficiency of the fishery. EFPs are commonly used to explore ways to reduce effort on overfished species, encourage innovation and efficiency in the fisheries, provide access to target species while directly measuring the bycatch associated with those fishing strategies, or to evaluate current and proposed management measures. Additionally, EFPs are a strategy noted in [Executive Order 14276](#) as a means to promote fishing opportunities.

Historically, groundfish EFPs have been coordinated with the biennial harvest specifications and management measure process via a two-meeting process. In November of odd-numbered years the Council reviews initial EFP applications and in June of even-numbered years considers recommending EFPs to NMFS for implementation in the next biennial cycle. [Council Operating Procedure \(COP\) 19](#) aligns the Council consideration of EFPs with the development of the biennial groundfish harvest specifications and management measures process, with the primary goal of identifying yield EFP set-asides early enough in the process to be incorporated into the biennial impact analyses.

However, as discussed by the Council at their September meeting, there is a need for faster, more flexible tools to response to rapidly changing environmental and economic conditions (Agenda Item H.1 Adaptive Management and Flexibility and H.2 Council Response to Executive Orders and Administration Updates). The Council recommended, as part of the Adaptive Management agenda item, developing a process to make EFPs more efficient and timelier, while maintaining appropriate Council oversight.

As indicated above, the current process is for EFPs to be considered in a coordinated manner with the biennial process in order to understand the impacts to fishery annual catch limits (ACL), allocations, etc. for requested yield set-asides on the groundfish fishery. However, a question remains when considering instances where yield set-asides are not needed, which is the case for the CDFW and whiting consortium EFPs, in that, if an EFP does not impact dispersal of the ACL to the fishery, would it be more efficient and effective to consider such EFPs out-of-cycle? COP 19 and [COP 9](#), (i.e., groundfish management schedule) are silent on the such considerations.

The Groundfish Management Team (GMT) and the Groundfish Advisory Subpanel (GAP) are expected to follow the guidance at COP19 for review of EFP application. The GMT and GAP should consider, in brief, the merits of the EFP in addressing groundfish fishery needs, consider yield set-asides, and make recommendations as to EFP modifications, as appropriate. Additionally, the Council could task the Scientific and Statistical Committee (SSC), the GMT, and/or the GAP with conducting a more thorough review of EFP proposals at this meeting. Additionally, the GMT and GAP should give thought to the issues surrounding COP19 and COP9 in relation to the above questions. If needed, preliminary EFP set-asides for the 2027-28 harvest specifications and management measures process will be considered by the Council under Agenda Item F.8.; however, it is important to note that, at present, EFP is requesting set-asides.

Council Tasks:

- 1. Consider and recommend 2027-28 EFP applications for public review, providing preliminary recommendations for modification, as appropriate.**
- 2. Consider the benefits of an out-of-cycle EFP and endorse an out-of-cycle process, as appropriate.**
- 3. Consider referring EFPs to the Scientific and Statistical Committee or other advisory bodies to engage in a more thorough EFP review, as appropriate.**
- 4. Recommend yield set-asides for further analysis by the GMT and GAP, as appropriate.**
- 5. Provide guidance to EFP applicants and advisory bodies, as appropriate.**

Reference Materials:

1. Agenda Item F.4, Attachment 1: California Department of Fish and Wildlife 2027-2028 Exempted Fishing Permit Application and 2025 Interim Report.
2. Agenda Item F.4, Attachment 2: Exempted Fishing Permit Application for At-sea Processing of Pacific Whiting between 40°10' North latitude and 42° North latitude.
3. Agenda Item F.4, Attachment 3: Year-Round Trawl Gear EFP (Midwater Rockfish): Monitoring and Minimizing Salmon Bycatch When Targeting Rockfish in the Shorebased IFQ Fishery 2025 Trawl Gear EFP Interim Report.
4. If received, Public Comments are electronic only ([see e-portal](#))

Agenda Order:

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| F.4 Exempted Fishing Permits | Todd Phillips |
| a. Reports and Comments of Management Entities and Advisory Bodies | |
| b. Public Comment | |

- c. **Council Action:** Recommend 2027-28 EFPs for Public Review; Consider and Endorse an Out-of-Cycle EFP Process, As Appropriate

PFMC
10/23/25