

GROUND FISH ADVISORY SUBPANEL REPORT ON EXEMPTED FISHING PERMITS

The Groundfish Advisory Subpanel (GAP) reviewed the materials under this agenda item and offers the following comments.

The GAP appreciates the California Department of Fish and Wildlife (CDFW) update on the exempted fishing permit (EFP) to collect fishery-dependent biological data from cowcod and yelloweye rockfish incidentally caught during Commercial Passenger Fishing Vessel (CPFV) fishing operations. The GAP supports renewal of that EFP.

The GAP also appreciates the update on the trawl gear EFP. The GAP agrees that the [trawl gear EFP](#) has proven successful in the nine years it has been in place. As shown in the latest update, it has generated significant economic revenue with very low bycatch. Therefore, the GAP urges the Council to implement this action by removing the regulations prohibiting using midwater trawl for rockfish fishing and the requirement for SFFT between 40°10' and 42° N. lat. (*See Appendix I*). This would reduce burden on EFP participants and align with the objectives of the Restoring American Seafood Competitiveness Executive Order.

The GAP, GMT, and other participants had significant discussion related to the EFP proposal that would allow at-sea processing of Pacific whiting between 42° N and 40°10' N. lat. The following is a summary of our discussion noting areas of agreement, ongoing concerns, and further recommendations.

The GAP acknowledges the considerable effort made by the EFP proponents to design measures that minimize potential adverse impacts. The panel also appreciates the outreach conducted by the applicants and recognizes that the current proposal reflects substantial feedback and incorporates a precautionary framework, including the proponents' willingness to adopt additional safeguards.

In general, the GAP supports EFPs with the potential to create new opportunities, increase efficiency, provide more fishery-dependent data, reduce bycatch, and improve revenue. With that in mind, the GAP recognizes the EFP could bring significant benefits.

The purpose of the EFP is to test whether access to additional area could maintain Pacific whiting catch in the face of changing ocean conditions and high variability year-to-year, with potential to lower overall salmon and other incidental catch. Based on the best available scientific information, more than 70 percent of the fishable biomass of Pacific whiting may be inaccessible to two of the three sectors in the Pacific whiting fleet. At-sea sector participants have approached the Council for the past decade or more to request access to this area, and the Council recommended submitting an EFP application. Providing the opportunity to test at-sea processing in this area could facilitate additional opportunities to optimize whiting catch while minimizing bycatch, proactively addressing emerging climate challenges and improving resiliency of a valuable fishery that is important to West Coast communities. Two hundred percent monitored mothership sector catch data from 2011-2025 indicates there is potential for lower salmon incidental catch in the area S of 42° N lat. (see Table 1 from Sea State below). EFP applicants shared with the GAP that there are

many existing regulations and cooperative measures, such as use of excluder devices, base rates, movement rules, closed areas, information exchange, and night fishing provisions that are already employed in their sectors, but they proposed additional precautionary measures for the EFP which include:

- A limit of 500 chinook salmon and 14 coho (encompassed in the 11,000 Chinook guideline and 494 coho guideline for whiting from the salmon Biological Opinion) in the EFP area, split pro-rata to whiting for the mothership and catcher/processor sector, after which that sector would end EFP activities for the fishing year;
- 100 percent genetic sampling of Chinook salmon caught in the EFP area;
- Mothership and catcher/processors limited to processing no more than 35 percent of each sector's annual Pacific whiting allocation in the EFP area;
- The EFP would begin on May 15 rather than the May 1 primary whiting season start date; and
- In discussion between the GAP, GMT, and other participants, co-applicants committed that no fishing by catcher vessels (or catcher/processors) would occur south of 40° 10' N lat. as part of the EFP activity.

In response to comments that this EFP would not bring benefit to the State of California, the applicants also shared that they frequently hire local charter vessels to provide crew and supply transfers, and that mothership catcher vessels have gone into California ports for fueling and other items (such as repairs).

In addition, mothership sector participants shared that since mothership catcher vessels can already fish S of 42° N lat., the ability for the mothership to follow their catcher vessels below 42° N lat. would improve quality and efficiency, and could help improve mothership sector utilization in years with a southerly whiting distribution. The EFP application is also responsive to the Seafood Competitiveness Executive Order for both the mothership and catcher/processor sectors.

At the same time, some GAP members have concerns about this EFP moving forward for public review *as proposed*. These are some of the concerns:

- **Impacts on Klamath River Chinook.** Even if overall salmon bycatch numbers are lower, impacts on Klamath fish remains a major concern. The commercial salmon fishery in the Klamath Management Zone off northern California has been closed for a decade or more, the recreational salmon fishery has been closed or very limited for three years, and Klamath River fall Chinook have been in an overfished status since 2018.
- **Continued effort shift from salmon to groundfish.** Due to the ongoing salmon season closures, many recreational and commercial fishermen transitioned to fishing for groundfish species, particularly rockfish. That has led to more pressure on shelf and nearshore groundfish stocks. Industry members were hoping some fishermen could return to salmon, alleviating some pressure on groundfish stocks and spreading out the groundfish sector allocations to more members (e.g., higher bag limits). Therefore, any further risks to salmon in the Klamath Management Zone is of great concern.

- **Impacts on younger fish.** Washington treaty tribes have expressed concern about higher catches of younger year classes in the southern range of the fishery given their fisheries are place-based within their usual and accustomed areas on the central and northern Washington coast.
- **Shoreside whiting fishery:** Some in the shoreside whiting sector have concerns if there are limited congregations of whiting moving north in a particular year, the EFP could allow an overall shift south in effort particularly early in the season by at-sea fleet and potentially have a negative impact on shoreside vessels and processors – both in terms of opportunity in California and also size of schools moving north during the season to historical Oregon and Washington fishing grounds.
- **Lack of caps on non-whiting groundfish bycatch in the area.** There are concerns this could lead to localized depletion for certain stocks, primarily rockfish stocks that don't migrate out of the area, due to possible increased effort.
- **Amount of overall whiting harvest allowed in the area.** Some believe that 35% of the overall quota is too high for an EFP. A lower percentage, particularly in the initial years, would be more prudent. The GAP did have a discussion with the EFP applicants about how this splits out to the individual vessel level in the at-sea sectors, and how it would be difficult to implement operationally.

Despite these concerns from some members of the GAP, these members support moving the EFP forward for public review through the Council process. Public review will allow additional time for discussion with applicants.

PFMC
11/16/25

Table 1. Sea State data (independent monitoring agent for the Whiting Mothership Cooperative) showing annual 2011-2025 mothership catcher vessel whiting catch and incidental salmon catch for tows where all or part of the tow occurred S of 42° N lat.

Vessel Type	Year of Haul Date	In / Out of Avg Location CA					
		In			Out		
		Chinook Salmon No	Chinook Rate	Whiting Wt	Chinook Salmon No	Chinook Rate	Whiting Wt
M	2011				4,529	0.090	50,051
	2012	0	0.000	76	2,967	0.077	38,405
	2013				2,755	0.053	52,448
	2014	153	0.021	7,369	3,512	0.064	54,731
	2015	0	0.000	133	1,815	0.066	27,528
	2016	3	0.042	71	3,260	0.050	64,965
	2017				3,351	0.050	66,429
	2018	194	0.077	2,527	3,406	0.053	64,568
	2019	12	0.497	24	3,056	0.058	52,614
	2020	0	0.000	5,079	2,996	0.091	32,898
	2021	27	0.007	4,183	1,169	0.038	31,027
	2022	44	0.006	7,265	1,299	0.025	52,256
	2023	178	0.060	2,957	2,505	0.083	30,118
	2024	0	0.000	230	833	0.040	20,803
	2025	0	0.000	840	1,936	0.040	48,090
Grand Total		611	0.020	30,755	39,391	0.057	686,931

Appendix 1

Regulations targeted for removal to implement the trawl gear EFP:

(1) Outdated Gear Restrictions covered by Trawl Gear EFP

- A. Requirement to use selective flatfish trawl gear while fishing between 42° N. latitude (lat.) and 0° 10' N. lat. and shoreward of the boundary line approximating the 100 fathom (fm) depth contour;
- B. Prohibition on the use of small footrope trawl gear other than selective flatfish trawl gear to fish for groundfish or have small footrope trawl gear onboard while fishing between 42° N. lat. and 40° 10' N. lat.

The above regulations are provided in paragraphs [50 CFR 660.130\(c\)\(2\)\(i\)](#) and [50 CFR 660.130\(c\)\(2\)\(ii\)](#). These regulations are carryover regulations from the management regime that existed prior to the 2011 groundfish trawl IFQ program and have never been eliminated. Since 2017, the groundfish industry has managed – at its own expense – The Trawl Gear Exempted Fishing Permit (EFP), which [has clearly demonstrated](#) that eliminating these regulations do not increase salmon bycatch. Administering the Trawl Gear EFP creates a significant cost for the industry and the Federal Government (NMFS).

(2) Outdated Area-Based Regulations covered by the Trawl Gear EFP

- A. Depth restrictions on midwater trawl fishing south of 40°10' N. lat. shoreward of the boundary line approximating 150 fm as described at [50 CFR 660.130\(c\)\(3\)\(ii\)](#) and [50 CFR 660.130\(c\)\(4\)\(ii\)\(B\)](#) should be eliminated. These regulations are carryover regulations from the management regime that existed prior to the 2011 groundfish trawl IFQ program and have been determined to be unnecessary based on data collected through the [Trawl Gear EFP](#) described above.

(3) Outdated Time Closures covered by the Trawl Gear EFP

- A. Regulations at [50 CFR 660.112\(b\)\(1\)\(x\)](#) and [50 CFR 660.130\(c\)\(3\)\(i\)](#), which prohibit the use of midwater groundfish trawl gear outside of the Pacific whiting primary season dates (i.e., prior to April 15 for south of 40°30' N. lat. and prior to May 1 for north of 40°30' N. lat. 4) for the Pacific whiting IFQ Fishery should be eliminated. These regulations are carryover regulations from the management regime that existed prior to the 2011 groundfish trawl IFQ program and have been determined to be unnecessary based on data collected through the [Trawl Gear EFP](#) described above.