GROUNDFISH MANAGEMENT TEAM REPORT ON EXEMPTED FISHING PERMITS

The Groundfish Management Team (GMT) reviewed the two exempted fishing permit (EFP) applications submitted to the briefing book, a California Department of Fish and Wildlife (CDFW) EFP continuation application (Agenda Item F.4 Attachment 1: CDFW 2027-2028 Exempted Fishing Permit) and a whiting industry EFP (Agenda Item F.4 Attachment 2: Whiting Exempted Fishing Permit Application). The GMT also reviewed interim progress reports for two EFPs, the CDFW report (Agenda Item F.4 Attachment 1, CDFW EFP Report) and the West Coast Seafood Processors Association EFP report (Agenda Item F.4 Attachment 3: Midwater Rockfish Exempted Fishing Permit Reports). The GMT evaluated the technical merits of both the CDFW and whiting industry EFPs relative to Council Operating Procedure (COP) 19 for EFPs and offers the following comments. A list of the questions that are specified for GMT review of EFPs in COP 19 can be found in Appendix 1.

The GMT recommends:

- **CDFW EFP:**
  - **The Council adopt the CDFW EFP application forward for public review.**
- **Whiting EFP:**
  - **Applicants refine their stated goals into specific questions or objectives that are measurable in the future**
  - **Identify the number of vessels expected to fish and deliver under the EFP, even if they are not the permit holders**.
  - **For accounting purposes, the GMT recommends including a provision (e.g., via new EFP-specific declaration codes for Motherships (MS), Catcher Processors (CP), and mothership catcher vessels (CV)) that any catch south of 42° N. lat. is attributed to the EFP if that Mothership processor is on an EFP trip. The GMT also recommends including a provision that requires CVs to declare to a MS before making a tow south of 42° N. lat. if the MS is operating in the EFP.**
  - **Applicants add the language to restrict CPs and MS CVs participating in the EFP to exclusively fish north of 40°10′ N. lat.**
  - **Applicants provide clear descriptions of any operational controls and/or current regulations, such as haul-by-haul processing and reporting at a fleetwide scale, a sequential catch-and-evaluate approach, and other coordinated fleetwide safeguards, that they intend to implement under this EFP to account for the cumulative impact of all vessels operating in the EFP area. The GMT also recommends clarification of how EFP participants would coordinate near real-time evaluation of bycatch across the entire EFP.**
  - **EFP-specific code be consistently recorded in NORPAC for all haul-related data associated with the EFP**
  - **The application maintain the 100 percent Chinook and coho genetic sampling clause and continued coordination between the observer program and EFP applicants to determine what changes to observer protocols, if any, are needed.**
  - **The application be updated to include a deadline for when the genetic samples will be delivered to the lab for analysis/processing**

    - **The GMT recommends the applicants expand upon the goals and objectives of this EFP to include addressing the biological impact to fishing the southern extent of Pacific whiting aggregations.**
- **The GMT recommends the Council refer this EFP application to the Scientific and Statistical Committee Groundfish Subcommittee for review and comment, per COP 19 processes.**

CDFW EFP Application - Renewal

This EFP application is a renewal of an existing EFP. It is designed to collect recreational fishery-dependent biological data for cowcod and yelloweye rockfish for use in future stock assessments (Agenda Item F.4. Attachment 1, November 2025). The GMT has previously reviewed this EFP application in several past biennial management cycles (most recently, Agenda Item E.6.a, Supplemental GMT Report 1, November 2023). The rationale for the GMT's conclusions and recommendations from the last continuation application continue to be relevant since this year's application only has minor modifications from the last application. Modifications include removing quillback rockfish from the species listed for collection, and includes draft provisions in the case that cowcod and yelloweye rockfish remain prohibited in the recreational fishery for the EFP period, and draft provisions in the case that some retention of either species is permitted.

The GMT concluded that this EFP, as proposed, is complete, advances the Council's goals and objectives, clearly indicates data collection methods and how collected data would benefit groundfish fisheries management, and indicates expected impacts from the EFP. This EFP provides valuable data from the California recreational fishery that can inform future stock assessments of cowcod and yelloweye rockfish, and thus, **the GMT recommends the Council move the CDFW EFP application forward for public review**.

Whiting EFP Application - New

Given reduced capacity due to the recent Federal furlough and competing workload at this meeting, the team's discussion to review this new EFP against the list of questions in Appendix 1 was limited by time and capacity constraints. The GMT would benefit from additional consideration at a subsequent Council meeting to analyze a revised draft of the EFP application reflecting our recommendations.

Application Completeness & Recommended Revisions, Clarifications, and Additions

This section addresses the questions in COP 19, C.4. a, b, e, h, and m, as well as B.1.b and B.2.g. Overall, these questions ask the GMT to consider the EFP application from a holistic management perspective.

C.4.h asks the GMT to consider how the achievement of the EFP objectives will be measured. The EFP application does not pose a specific question or objective that the EFP would help answer, however, the application describes that the EFP would test whether allowing whiting processing south of 42° N. lat. could improve Pacific whiting utilization without significantly increasing interactions with Chinook salmon and other non-target species. **The GMT recommends that the applicants refine their stated goals into specific questions or objectives that are measurable in the future.** This will ensure that any data coming from the EFP's activities can be evaluated against a quantifiable reference point. Measurable objectives would help NMFS and the Council

evaluate whether the EFP was successful or not when considering future actions related to the EFP, such as an EFP continuation application or any future regulation changes, should the current proposal move forward. To support evaluating the success of the EFP, the GMT thinks the application would benefit from clarification regarding the analytical approach, the metrics that will be used to assess performance (e.g., bycatch rates, attainment, salmon genetic results, and what they will be compared against), and the expected timeline and frequency for producing results. The GMT is also unclear as to who would be conducting the analytical work.

Disentangling the impacts of Chinook/coho salmon abundance in Pacific hake fishing areas from bycatch avoidance methods may be complicated by annual variation in ocean salmon abundance/distribution (e.g., to what extent are observed bycatch rates driven by salmon populations vs fishing practices and bycatch avoidance?). A general lack of information regarding salmon abundance in the EFP area (and outside of it) is likely to complicate any analysis of this EFP's salmon avoidance efficacy. This should perhaps be considered when planning the analytical approach and how the results of the analysis will be incorporated into management.

Within COP 19, B.2.g requires that the EFP proposal include the number of vessels covered under the application. B.1.b also requires that the proposal must contain information for the Council to determine if the potential impacts of the exempted activity have been adequately identified. The application describes processors as the primary EFP participants; however, catcher vessels (CVs) conducting the fishing tows will also be delivering to motherships (MS) which are operating under the terms of the EFP. Thus, while these CVs are not directly part of this application, they will have an impact resulting from the EFP. To support COP 19 requirements regarding the number of participating vessels, the **GMT recommends identifying the number of vessels expected to fish and deliver under the EFP, even if they are not the permit holders**.

For accounting purposes, the GMT recommends including a provision (e.g., via new EFP-specific declaration codes for MS, CPs, and CVs) that any catch south of 42° N. lat. is attributed to the EFP if that Mothership processor is on an EFP trip. The GMT also recommends including a provision that requires CVs to declare to a MS before making a tow south of 42° N. lat. if the MS is operating in the EFP. For example, MS CVs are already permitted to fish south of 42° N. lat. If the EFP is approved with the current proposal and a CV has a high bycatch tow south of 42° N. lat., it could be delivered to a processing platform at-sea north of 42° N. lat. in which case that catch would not count against the EFP caps. In the absence of a provision, it will be unclear if the catch from these vessels would contribute to impacts from the EFP.

Additionally, there is no restriction on fishing south of 40° 10′ N. lat. Previously, CVs were limited to fishing close to the California/Oregon border because they must fish in proximity to their MS platform; the GAP indicated this was limited to within 25 miles under most circumstances. This has prevented the CVs from transiting approximately 120 miles to 40°10′ N. lat. Under the proposed EFP, the MS will be able to process just north of 40°10′ N. lat. and provide logistical opportunity for vessels to fish south of 40°10′ N. lat., which would require additional set asides for groundfish stocks or stock complexes managed south of 40°10′ N. lat. (e.g., slope rockfish complex). To circumvent this issue, the proponents of the EFP offered that the application could be updated to restrict CP and MS CVs delivering to a MS operating system under the EFP to

exclusively fish north of 40°10′ N. lat. **The GMT recommends the proponents add the language to restrict CPs and MS CVs participating in the EFP to exclusively fish north of 40°10′ N. lat.** Given that the permit is only for processing vessels, the GMT understands that the language may need to be specific to processors, such as, "CPs and MS vessels operating in the EFP may not process fish in the EFP area that was caught south of 40°10′ N. lat."

There are nuances with regard to how the at-sea sectors self-manage and hold themselves accountable to bycatch impacts, which are based on historical agreements with the Council. Additional description of the mechanisms of self-management may be informative when considering the potential impacts of this EFP application. For example, while not in regulation, the at-sea sectors allocate bycatch quota to individual vessels to hold the fleet accountable to set-asides while minimizing the potential for a race-to-fish. The application does not currently describe these self-management mechanisms, nor how they would apply within the EFP, and would benefit from including such descriptions.

For example, the EFP as-written allows all CP and MS vessels to begin operations south of 42° N. lat. on May 15 which introduces the potential for the majority of the sector to fish in that area until the 35 percent whiting threshold is met. Historical observer data from the Pacific whiting fishery (between 2010 and 2025) include rare instances where hauls have exceeded 200 Chinook salmon (catch area North of 42° N. lat. and Cape Perpetua) or more than 10 coho (catch area between Cape Blanco and Cape Perpetua). Since the proportion of the fleet participating in the EFP at a single time is not limited in the EFP as written, the possibility of having a large portion of the whiting fleet in the area south of 42° N. lat. at one time could increase the risk that multiple lightning strike tows could simultaneously occur, exceeding the 500 Chinook salmon and 14 coho salmon limits.

To avoid the potential of unexpectedly exceeding the bycatch limits, the **GMT recommends that the applicants provide clear descriptions of any operational controls and/or current regulations, such as haul-by-haul processing and reporting at a fleetwide scale, a sequential catch-and-evaluate approach, and other coordinated fleetwide safeguards, that they intend to implement under this EFP to account for the cumulative impact of all vessels operating in the EFP area**. **The GMT also recommends clarification of how EFP participants would coordinate near real-time evaluation of bycatch across the entire EFP.**

Data & Management Framework Considerations

This section addresses the questions in COP19, C.4. c, d, f, g, and i. Questions j, k, and l are not applicable. These questions ask the GMT to evaluate the EFP from a focused perspective on data recording and reporting, and how the EFP fits into the current management framework.

Questions C.4.c and C.4.g ask the GMT to consider whether the EFP proposal would account for fishery mortalities, by species, and if there is infrastructure to monitor and process data. The application lacks details on how processing will be tracked at the haul level. Existing reporting systems do not identify processing locations, which would make it difficult to determine, in real time, whether catch and bycatch should accrue to the EFP. **The GMT recommends an EFP-specific code be consistently recorded in NORPAC for all haul-related data associated with the EFP.** Understanding how incidental EFP catch of midwater species or salmon will be reported is important to the overall evaluation. If this recommendation is adopted, the GMT will work with PacFIN to integrate relevant coding into the appropriate databases.

Question C.4.f. asks the GMT to consider if the EFP proposal is compatible with the federal observer program. While the application proposal appears generally compatible with current At-Sea Hake Observer Program (A-SHOP) operations, the application indicated 100 percent of the salmon will be sampled for genetics. Currently, the norm is to sample 50 percent of the haul for species composition, and all Chinook salmon and coho salmon in the species composition sample are typically sampled for coded wire tags and genetics (A-SHOP, 2025 Sampling Manual p. 18, 32). Ensuring all Chinook/coho salmon are biologically sampled and genotyped will require an adjustment to current sampling protocols for EFP hauls. **The GMT recommends the application maintain the 100 percent Chinook and coho genetic sampling clause and continued coordination between the observer program and EFP applicants to determine what changes to observer protocols, if any, are needed.** The GMT understands that this discussion has already been initiated. Further, although in-season delivery of Chinook salmon genetic results may not be feasible, **the GMT recommends the application be updated to include a deadline for when the genetic samples will be delivered to the lab for analysis/processing.** Having those results available at the start of the following year, prior to the whiting season start date, would improve the ability to assess EFP performance, impacts on specific salmon runs, and inform any necessary management response.

Concerns have been raised about fishing the southern extent of Pacific whiting aggregations because older Pacific whiting tend to migrate more northerly than younger Pacific whiting (Status of the Pacific Hake (whiting) stock in U.S. and Canadian waters in 2025), so this area off Northern California has the potential to have a higher proportion of younger individuals. Therefore, fishing in this location may have biological implications. Although not stated as an explicit objective in the application, the EFP activities could provide useful information about size and age structure in the area. The Joint U.S.-Canada Integrated Ecosystem and Pacific Hake Acoustic-Trawl Survey currently samples as far south as Point Conception, California, so there is fishery-independent data being collected within the EFP area. If the EFP is approved, then the participants within the EFP will be providing fishery-dependent data for areas of Northern California that have not been fished since 1992. **The GMT recommends the proponents expand upon the goals and objectives of this EFP to include addressing this biological impact.**

Lastly, given these considerations, the GMT recommends the Council refer this EFP application to the Scientific and Statistical Committee Groundfish Subcommittee for review and comment, per COP 19 processes.

Appendix 1.

From COP 19 - Protocol for Considering Exempted Fishing Permits for Groundfish Fisheries

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C. Review and Approval

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4. The GMT review will consider the following questions:

a. Is the application complete?

b. Is the EFP proposal consistent with the goals and objectives of the West Coast Groundfish FMP?

c. Does the EFP account for fishery mortalities, by species?

d. Are the harvest estimates of overfished species within the amounts set aside for EFP activities?

e. Does the EFP meet one or more of the Council's priorities listed above?

f. Is the EFP proposal compatible with the federal observer program effort?

g. What infrastructure is in place to monitor, process data, and administer the EFP?

h. How will achievement of the EFP objectives be measured?

i. Is the data ready to be applied? If so, should it be used, or rejected? If not, when will sufficient data be collected to determine whether the data can be applied?

j. What are the benefits to the fisheries management process to continue an EFP that began during the previous management cycle?

k. If the EFP proposes to integrate the data into management, what is the appropriate process?

l. What is the funding source for at-sea monitoring?

m. Has there been coordination with appropriate state and federal enforcement, management, and science staff?