Pacific Whiting Conservation Cooperative

American Seafoods • Glacier Fish Co. • Trident Seafoods

A Partnership to Promote Responsible Fishing

Agenda Item F.4
Attachment 2
November 2025

October 16, 2025

Mr. Peter Hassemer, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: Exempted Fishing Permit Application for At-sea Processing of Pacific Whiting between 40° 10' North latitude and 42° North latitude

Dear Chair Hassemer and Council Members:

I am writing on behalf of the catcher/processor vessels who are part of the Pacific Whiting Conservation Cooperative, and motherships from American Seafoods Company, Arctic Storm Management Group, and Phoenix Processor Limited Partnership, to request your consideration of the enclosed Exempted Fishing Permit (EFP) application.

The purpose of this EFP is to collect data to facilitate Pacific Fishery Management Council (PFMC) and National Marine Fisheries Service action to allow harvesting **and** processing of Pacific whiting at sea between 40° 10' North latitude and 42° North latitude. The EFP would test whether allowing vessels to process Pacific whiting at sea south of 42° North latitude could maintain Pacific whiting catch in the face of changing ocean conditions and high variability year-to-year without significantly increasing interactions with Chinook salmon and other non-target species.

The EFP application matches the requirements in with Council Operating Procedure 19. The EFP is also consistent with the directive in E.O. 14276 to expand EFP programs to promote fishing opportunities nationwide.

Thank you for your consideration of our request. Please do not hesitate to contact me if I can provide any additional information.

Sincerely,

Trent Hartill

Trent Hartill
President

Exempted Fishing Permit Application
Submitted to the Pacific Fishery Management Council

Project Title: Exempted Fishing Permit to Process Pacific Whiting At Sea South of 42° North Latitude

Application Date: November 2025

Applicants: **Pacific Whiting Conservation Cooperative**, Aja Szumylo (Executive Director), Fishermen's Commerce Building, 4039 21st Ave W #400; Seattle, WA 98199; aja@pacificwhiting.org

Arctic Storm Management Group, Sarah Nayani (Director of Compliance and West Coast Operations), 2727 Alaskan Way, Pier 69, Seattle, WA 98121; SNayani@arcticstorm.com

American Seafoods, Trent Hartill (Vice President of Fisheries & Sustainability) 2025 1st Street, Seattle, WA 98121 trent.hartill@americanseafoods.com

Phoenix Processor Limited Partnership, John Henderschedt (President and CEO), 200 West Mercer Street Suite #101, Seattle, WA 98119; jhenderschedt@pplp.fish

Summary of EFP Provisions	
Timing/Duration	Two fishing years during primary whiting season, starting as soon as possible.
Requested Exemption	Exemption from prohibition on processing Pacific whiting (see 50 CFR §60.131 (e)) between 40° 10' N. latitude and 42° N. latitude.
Existing Regulatory and Voluntary Provisions that limit incidental catch of non-target species	• 200 percent observer coverage on all catcher processors or motherships targeting Pacific whiting, and 100 percent or observer or electronic monitoring coverage on catcher vessels. • Pacific whiting catch limited by overall Pacific whiting total allowable catch. • Non-target rockfish catch accounted for in at-sea set asides set in biennial harvest specifications, and annual catch limits. • Voluntary cooperative measures, including salmon excluders, information exchange, and mandatory movement requirements. • Provisions from 2017 Salmon Biological Opinion for the Pacific Coast Groundfish Fishery, including coastwide hard cap of 11,000 Chinook salmon for the Pacific whiting fishery (50 CFR § 660.60(d)(1)(iv)), and routine management actions including block area closures and incidental catch reduction areas to limit fishing in areas of high Chinook or coho salmon incidental catch (50 CFR § 660.60(c)(3)). • Prohibition on targeting Pacific whiting south of 42° latitude between 0001 hours to one-half hour after official sunrise (local time) (50 CFR § 660.131(f)). • Prohibition on fishing in the Klamath River Salmon Conservation Zone (50 CFR § 660.111). • Prohibition on taking, retaining, possessing, or landing more than 10,000-lb (4,536 kg) Pacific whiting shoreward of the 100 fathom (183 m) contour in the Eureka management area, which effectively prohibits C/Ps from fishing or processing shoreward of 100 fathoms in the EFP area (50 CFR § 660.60).
Additional EFP Provisions	• Limit of 500 Chinook salmon in EFP area, after which EFP is revoked for the fishing year (NOT in addition to, but ENCOMPASSED in 11,000 Chinook limit from Biological Opinion). • 100 percent genetic sampling of Chinook salmon caught in EFP area. • Mothership and Catcher/Processors limited to processing no more than 35 percent of sector's annual Pacific whiting allocation in EFP area. • Mandatory movement requirements for catch of over 2mt per tow of species not covered with at-sea set asides.

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1.0 BACKGROUND

On April 22, 1992, NOAA Fisheries published an emergency rule that, in part, prohibited at-sea processing of Pacific whiting south of 42° N lat. (78 FR 14663, April 22, 1992). The rationale in the Federal Register notice regarding the at-sea processing prohibition south of 42° N lat. included: 1) high salmon incidental catch (4,600 Chinook salmon) from the Eureka area in 1991; and 2) high bocaccio and chilipepper rockfish incidental catch (over 500 mt in 1991) near the Cordell Bank and Gulf of the Farallones.

In 1991, a majority of the salmon incidental catch occurred in a few hauls. Within the Eureka subarea (between 43° and 40° 30' N. lat.), 50 percent of the salmon were taken in 8 of the 596 observed hauls. Coastwide, only 16 percent of all observed Pacific whiting tows contained

salmon. This percentage increased to 25 percent in the Eureka subarea. Although the at-sea processing fleet adopted voluntary avoidance measures and kept coastwide salmon incidental catch to approximately 0.03 salmon per mt of Pacific whiting in 1991 (one salmon in about 30 mt of Pacific whiting), well below the voluntary goal of 0.05, the catch and catch rate were higher in the Eureka area (0.07 salmon per mt of Pacific whiting). The emergency rule was intended to temporarily shift the at-sea processing fleet to northern fishing areas with lower historic salmon incidental catch. It was also intended to shift operations away from the waters near Cordell Bank and the Gulf of Farrallones Islands, areas with high chilipepper rockfish and boccacio incidental catch in 1991. After the emergency rule, the prohibition on processing south of 42° N. lat. was codified, and has been in effect for 33 fishing years.

The management conditions that led to the closure to at-sea processing 33 years ago are no longer present as detailed in Section 4 of our application.

Success in the Pacific whiting fishery requires a balance between catching Pacific whiting and avoiding incidental catch of non-whiting species to the extent practicable. The current processing prohibition constrains available federal fishing areas, can preclude the Pacific whiting fishery from operating in areas with lower incidental catch rates, can lead to reduced size and quality of catch, and may force the fleet to fish in areas with higher rates of salmon and rockfish. The restrictions on at-sea processing constrain both at-sea sectors and the result of this imbalance is the potential for lost opportunity in Federal fishing areas and millions of dollars in lost revenue if the at-sea Pacific whiting fleet has to end operation because it could not access areas that achieve management objectives of avoiding species of concern while maximizing directed Pacific whiting harvest.

1.1 PURPOSE AND NEED

The purpose of this exempted fishing permit (EFP) is to test whether allowing vessels to process Pacific whiting at sea south of 42° North latitude could maintain Pacific whiting catch in the face of changing ocean conditions and high variability year-to-year without significantly increasing interactions with Chinook salmon and other non-target species. This EFP will improve our understanding of whiting catch and bycatch rates that exist in areas open and closed to processing and collect data that can directly support PFMC and NOAA Fisheries evaluations of fishing and processing in these areas.

The current regulations allow vessels to harvest Pacific whiting coastwide, but prohibit at-sea processing of Pacific whiting south of 42° N. latitude. Relief from this one specific regulation is proposed under this EFP:

> *"660.131 (e) At-sea processing. Whiting may not be processed at sea south of 42°00' N. lat. (Oregon- California border), unless by a waste-processing vessel as authorized under paragraph (g) of this section."*

With existing regulations, Pacific whiting catcher-processors (C/Ps) and mothership (MS) platforms have a one time per trip opportunity. A C/P or MS could travel south of the 42 degree line as long as there is no processed Pacific whiting on board, catch or receive Pacific whiting

and bring it onboard into the holding tank, but must return north of the line before beginning processing. Once there is processed Pacific whiting on board, the C/P or MS may not take or receive whiting south of the line again. Alternatively, also within existing regulations, Pacific whiting catcher vessels often harvest Pacific whiting south of 42° N. latitude and then return north of 42° N. latitude to deliver Pacific whiting to a waiting mothership.

This discussion from September 2014 Agenda Item J.1.c, Supplemental GAP Report on Omnibus Regulation Change Priorities (pdf page 106), describes the restrictions the prohibition poses in further detail, relative to species of concern at the time:

> *"Prosecution of the fully rationalized whiting fishery south of the 42-degree line will not pre-empt or negatively impact California coastal communities or fishery participants. A few times each year, the aggregation of whiting is limited to the southern region and is sometimes slow to head north. This causes scratchy fishing if the fleet is forced to spread out by heading further north. Scratchy fishing increases bycatch of rockfish. Congestion near the 42 degree line can force the fleet into areas of higher bycatch of widow rockfish and canary rockfish. This restriction no longer serves a purpose. Elimination of the prohibition to prosecute the whiting fishery further south will immediately allow the fleet to better avoid rockfish bycatch in a cost effective manner."*

History of Pacific Fishery Management Council Discussions of this EFP

The Council has advised the at-sea sectors to explore processing south of 42° N latitude through an EFP over the last 10 years.

- As part of its **September 2014** Omnibus Regulation Change Priorities Action (pdf page 110), the PFMC included elimination of the prohibition on at-sea processing south of 42 degrees. In a subsequent report, PFMC and NMFS staff suggested this item could be considered as an EFP during the next EFP cycle.
- In **November 2015**, PWCC and United Catcher Boats both submitted exempted fishing permit applications to evaluate the impacts of processing south of 42° N. latitude. The Council chose not to advance these requests as part of the 2017-2018 Biennial Harvest Specifications Process (PWCC EFP Proposal; United Catcher Boats EFP Proposal).
- The Council considered a request to allow processing south of 42° N. lat. in the at-sea sectors as a part of the **2022** Regulatory Amendment to Increase Pacific Whiting Utilization in the At-Sea Sectors; however, because the Council did not have enough information to proceed with this item, encouraged the industry to test the idea through exempted fishing permit experiments.

1.2. GOAL AND OBJECTIVES

The purpose of this exempted fishing permit (EFP) is to test whether allowing vessels to process Pacific whiting at sea south of 42° North latitude could maintain Pacific whiting catch in the face of changing ocean conditions and high variability year-to-year without significantly increasing interactions with Chinook salmon and other non-target species, and collect data to support Pacific Fishery Management Council and NOAA Fisheries evaluation of allowing vessels to both harvest **and** process Pacific whiting at sea south of 42° N. latitude.

The EFP supports continuing efforts of the Pacific whiting fleet to explore fishing practices that minimize incidental catch. One of the primary ways the Pacific whiting fishery limits interactions with Chinook salmon and rockfish set-aside species is by moving to a new fishing location after elevated encounter rates. While the Pacific whiting population ranges between southern California and northern British Columbia, the U.S. at-sea fishery is functionally limited to the federal waters off Oregon and Washington. In times when Pacific whiting is not available in this area, vessels spend more time fishing on smaller aggregations of Pacific whiting. This searching behavior and low catch per unit effort can increase non-target species encounters. Providing access for platforms to process Pacific whiting between 40 10 N. and 42° N. increases the available area to search for clean Pacific whiting aggregations, especially in years like 2023-2024 where whiting was prevalent below but not above the border. This EFP offers an opportunity to access Federal fishing and processing grounds that are currently closed to at-sea processors, and explore whether additional fishing areas can help minimize non-target species catch in the Pacific whiting fishery.

The potential effects of spatially redistributing Pacific whiting fishing has been limited because processing for the at-sea fleet has been prohibited south of 42° N. latitude for 33 years. However, providing the ability of fleets to redistribute catch has shown effectiveness in minimizing incidental catch in other EFPs. The current Year-Round Coastwide Midwater Trawl Gear EFP, which began in 2017, has shown many successful years of targeting rockfish with very little Chinook or other salmon incidental catch, in part because the EFP has allowed the fleet to redistribute effort to areas that would otherwise be limited in an effort to minimize incidental catch. This proposed EFP pursues a similar objective.

The survey biomass estimates from the most recent 2023 Joint U.S.–Canada Integrated Ecosystem and Pacific Hake Acoustic Trawl Survey suggests that, during the survey period between June 28 and September 28, 2023, almost 70 percent of the age-2+ survey biomass was found off of California, about 25 percent was found off Oregon, and less than 10 percent was found off of Washington and Canada. This trend of increasing biomass distribution in more southerly waters has been observed in previous stock assessments as well. 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 fishing sectors in the Pacific whiting fleet. Fishing in the EFP area could improve access to the Pacific whiting stock overall.

This EFP would inform future PFMC and NOAA Fisheries action regarding processing south of 42° N. latitude by answering the following questions:

- Is harvestable Pacific whiting biomass available in the EFP area?
- Does additional processing area support the whiting fleet in years where Pacific whiting has a southerly distribution?
- Does additional fishing/processing area support incidental catch minimization?
- Are existing incidental catch minimization tools effective at maintaining low rates of incidental catch in a limited geographic range in Federal waters off California?
- Does the overall genetic composition of salmon incidental catch change with Pacific whiting fishing/processing activity north and south of 42° N. latitude?

2.0 PROPOSED ACTION

2.1 EFP EXEMPTIONS/PROVISIONS

The action proposed in this EFP will exempt C/Ps and motherships from the prohibition on processing Pacific whiting south of 42° N. latitude at 50 CFR 660.131 (e). More specifically, this EFP proposes to allow C/Ps fishing on an EFP trip and MS vessels on an EFP trip receiving fish from catcher vessels to process Pacific whiting in the area between 40° 10' N. latitude and 42° N. latitude.

We are including several management measures, in addition to our existing voluntary measures, to avoid and minimize incidental catch.

EFP Enrollment Provisions

- After NOAA Fisheries Office of Law Enforcement confirms applicant eligibility, the PWCC Cooperative Manager is willing to manage enrollment for this EFP on behalf of NOAA Fisheries for the duration of the EFP.

Additional Provisions

- All Pacific whiting quota required for the EFP will come from existing C/P and MS Pacific whiting allocations. Each sector would be limited to processing no more than 35 percent of its available Pacific whiting allocation for a given fishing year in the EFP area.

- Consistent with existing regulations at 50 CFR 660.131(f), vessels will not target Pacific whiting south of 42° latitude between 0001 hours to one-half hour after official sunrise (local time). During this time south of 42° N. latitude, trawl doors must be on board any vessel used to fish for Pacific whiting and the trawl must be attached to the trawl doors. Official sunrise is determined, to the nearest 5° lat., in The Nautical Almanac issued annually by the Nautical Almanac Office, U.S. Naval Observatory, and available from the U.S. Government Printing Office.

- All other provisions of EFP are consistent with the regulations for the at-sea Pacific whiting fishery.

2.2 MEASURES TO ADDRESS SALMON AND NON-TARGET ROCKFISH SPECIES INCIDENTAL CATCH

This section details existing regulatory and voluntary measures already available to limit salmon incidental catch in the at-sea Pacific whiting fishery, new salmon incidental catch mitigation measures specific to this EFP, and existing regulatory and voluntary measures to limit non-target rockfish species catch.

2.2.1 Chinook Salmon Incidental Catch Limit in EFP Area

The Chinook salmon harvest guideline and/or incidental caps are intended to ensure that the EFP does not have a disproportionate impact on those ESA-listed Evolutionarily Significant Units (ESUs) present between 40° 10' N. latitude and 42° N. latitude. This EFP will include a Chinook upper limit of salmon catch of 500 Chinook salmon in total in the area between 40° 10' N. latitude and 42° N. latitude.

This measure is intended to keep impacts aligned with NOAA Fisheries' 2017 Salmon Biological Opinion for the Pacific Coast Groundfish Fishery. To meet the requirements of the biological opinion, NOAA Fisheries implemented a 11,000 fish cap for Chinook salmon catch in the Pacific whiting fishery. The 500 Chinook salmon cap proposed in the EFP is NOT in addition to, but encompassed within the 11,000 fish cap in the biological opinion. Consistent with the Biological Opinion, if Chinook salmon catch for the entire Pacific whiting fishery exceeds 11,000 fish, regardless of where those fish are caught, NOAA Fisheries can close the Pacific whiting fishery for the remainder of the season.

- *Overall Chinook salmon limit:* All Chinook salmon caught on EFP trips will be counted against the cap for the EFP. In the unlikely event that 500 Chinook salmon are caught inside of this area, the EFP would be revoked for that year, and C/P and MS vessels would cease processing Pacific whiting south of 42° N. latitude.
    - The 500 salmon limit would be split pro rata between the C/P and MS sectors: a 293 Chinook limit for the C/P sector and a 207 Chinook limit for the MS sector. NOAA Fisheries would revoke the EFP for either sector individually if that sector's salmon limit was reached, and the at-sea processor vessels for the given sector would need to return north of 42° N. latitude to resume processing Pacific whiting for the remainder of the season.
- *Catcher vessels excluded from cap:* If the EFP is revoked because the 500 Chinook salmon incidental catch limit is reached, all at-sea processing south of 42° N. latitude would cease. However, catcher vessels could continue to operate in this area as they currently do, delivering their catch to shoreside processing plants or to mothership processing platforms in federal waters north of 42° N. latitude.

2.2.2 Sorting, Retention, and Sampling Requirements for Salmon Incidental Catch

Participants in the EFP will be required to abide by the following sorting requirements. The intent of these provisions is to maintain existing observer coverage requirements and protocols while enhancing genetic stock identification of salmon incidental catch.

1. **Observed Vessels** – For EFP vessels carrying either two human observers, the observers will continue to sample incidental catch by haul, including salmon incidental catch.

2. **Collection of Biological Samples** – Participating EFP vessels would coordinate with the NOAA Fisheries At-Sea Hake Observer Program and onboard observers to ensure genetic samples are taken for all salmon caught in the EFP area to understand the genetic composition of any salmon encountered between 40° 10' N. latitude and 42° N. latitude. Existing ASHOP sampling protocols for salmon are included on pages 28 - 33 of its 2025 ASHOP Sampling Manual.

2.2.3 Area Closures and Limits to Support Salmon Incidental Catch Minimization

The geographic scope of the EFP is outlined in Section 2.6, and includes the area between 40° 10' N. latitude and 42° N. latitude. Inside of the EFP area, vessels would be required to adhere to existing areas closed to Pacific whiting fishing, specifically:

- Vessels are prohibited from fishing in the Klamath River Salmon Conservation Zone (50 CFR § 660.111) – the ocean area surrounding the Klamath River mouth bounded on the north by 41°38.80′ N. lat. (approximately 6 nm north of the Klamath River mouth), on the west by 124°23′ W. long. (approximately 12 nm from shore), and on the south by 41°26.80′ N. lat. (approximately 6 nm south of the Klamath River mouth).

- The Council and NOAA Fisheries may implement bycatch reduction area (BRA) closures specified at § 660.130(e) in-season through automatic action when NOAA Fisheries projects that a Pacific whiting sector will exceed an allocation for a non-whiting groundfish species specified for that sector before the sector's Pacific whiting allocation is projected to be reached.

- The Council can establish, modify, or remove trip landing or frequency limits under § 660.60, specifying the amount of Pacific whiting that may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip fished in the fishery management area shoreward of the 100 fathom (183 m) contour in the Eureka management area. Unless otherwise specified, no more than 10,000-lb (4,536 kg) of Pacific whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fm (183 m) contour in the Eureka management area.
    - This existing regulation will effectively prohibit C/Ps from fishing or processing shoreward of 100 fathoms in the EFP area.
    - Catcher vessels would still be able to operate within the 10,000-lb limit.

2.2.4 Industry-Based Incidental Catch Avoidance Program

Processors participating in the EFP must have an approved Salmon Mitigation Plan (SMP), consistent with the requirements at 50 CFR 660.113(e). Since 2021, the MS and C/P Cooperatives have submitted SMPs to NOAA Fisheries for approval each year prior to the start of the fishing season. The elements of approved SMPs from past fishing years are generally summarized below, along with modifications specific to the EFP. The post-season SMP reports that the C/P and MS sectors submit to the Council and NOAA Fisheries are available on the PFMC website (see Informational Reports in the March 2025 Briefing Book; June Briefing Books in previous years), and mirror the language below.

- **Salmon Excluders.** Salmon excluders would be required inside the EFP area to minimize salmon incidental catch.

- **Information Exchange.** When a high amount or rate of Chinook are caught in a tow, vessels are required to send a real-time report (via email) to the other Pacific whiting

vessels detailing tow location, depth, duration, time of day, Pacific whiting catch, Chinook amount, and any other relevant information.

- **Mandatory Movement.** Cooperative managers set thresholds for high incidental catch tows for Chinook salmon. If the rate and number of salmon caught in a single haul exceeds the threshold, the vessel will move fishing locations in good faith far enough to not encounter the same fishing conditions, and perform the Information Exchange required in the preceding bullet. The specific threshold for movement triggers will be determined prior to the start of EFP fishing, and may be adjusted by cooperative members inseason based on factors such as remaining whiting allocation, CPUE data, Chinook incidental catch, and participation level.

2.2.5 Summary of Existing Measures to Limit Incidental Catch of Non-target rockfish species

Both sectors will manage catch of at-sea set aside species. Current at-sea set aside species are allocated to the at-sea Pacific whiting fishery at either the coastwide scale, or for the management units 40° 10' N. latitude (see Table 4 for current amounts). For this reason, no exemptions to the at-sea set aside amounts are necessary. C/Ps and MS EFP participants will continue to manage incidental catch within the set-aside amounts, as in any fishing year. Regulations pertaining to landings and discards for all target and non-target species remain unchanged under this EFP. The post-season reports documenting that the C/P and MS sectors submit to the Council and NOAA Fisheries are available on the PFMC website (see Informational Reports in the March 2025 Briefing Book; June Briefing Books in previous years), and mirror the language below.

- **Information Exchange.** When a high amount or rate of set-aside species are caught in a tow, vessels are required to send a real-time report (via email) to the other Pacific whiting vessels detailing tow location, depth, duration, time of day, Pacific whiting catch, Chinook amount, and any other relevant information.

- **Mandatory Movement.** Cooperative managers set thresholds for high incidental catch tows for set-aside species. If the rate and number of salmon caught in a single haul exceeds the threshold, the vessel will move fishing locations in good faith far enough to not encounter the same fishing conditions, and perform the Information Exchange required in the preceding bullet. The specific threshold for movement triggers will be determined prior to the start of EFP fishing, and may be adjusted by cooperative members inseason based on factors such as remaining whiting allocation, CPUE data, set-aside species incidental catch, and participation level.

- **Non-set aside species catch.** If either sector catches more than 2mt of a non-set aside species per tow on an EFP trip, vessels participating in the EFP are required to move fishing locations in good faith far enough to not encounter the same fishing conditions, and perform the information exchange detailed above for high incidental catch reports.

2.3 MONITORING/REPORTING REQUIREMENTS

To monitor and account for the catch of Pacific whiting and non-whiting groundfish allocations, and to monitor and account for the catch of prohibited species, C/P and MS vessels carry two NOAA Fisheries-certified observers, and catcher vessels use an observer or electronic monitoring. Observers report each vessel's catch on a daily basis to both ASHOP and to the monitoring agent for the at-sea sectors, which both currently use Sea State, Inc. (a private, third-party catch monitoring firm). NOAA Fisheries-certified observers determine the species composition of the catch. Because trips are either observed by two observers, the number of hauls sampled are high, at or near 100 percent.

The use of two observers and EM, flow and platform scales, and high rates of sampling leads to very accurate catch accounting for Pacific whiting, non-whiting groundfish, and prohibited species. Monitoring/reporting and sampling requirements for salmon incidental catch will be consistent with those for vessels landing salmon incidental catch in the Pacific whiting fishery.

The proposed EFP would maintain several methods for data collection:

- Data on catch and incidental catch of all species will continue to be collected by at-sea observers and shoreside monitors consistent with current regulations for vessels participating in the at-sea Pacific whiting fishery. Additional sorting, retention, and sampling requirements for salmon incidental catch are included above in Section 2.2.2.

- EFP participants will work with EFP program managers to monitor salmon incidental catch as close to real-time as possible and avoid/minimize incidental catch as the EFP progresses.

- The EFP manager will engage their sector's monitoring agent (both currently use Sea State) to compile salmon incidental catch data from EFP trips on a daily basis, which can be used to communicate to the fleet and work with EFP participants to continue to avoid and reduce incidental catch to the extent practicable.

2.4 NUMBER OF VESSELS

All eligible C/Ps and motherships that are signatory to this EFP would be eligible to participate under this EFP, provided that they maintain an approved SMP during participation years. There are 10 C/P-endorsed limited entry trawl permits and 6 MS-endorsed limited entry trawl permits. In recent years 10 C/Ps and 2-3 MS have participated.

We propose limiting effort in the fishery through a cap on overall processing in the EFP area. Section 2.1 details our intent to limit both at-sea sectors to processing no more than 35 percent of each sector's annual Pacific whiting allocation in the EFP area.

2.5 DURATION OF EFP

We are requesting that NOAA Fisheries issue this EFP as soon as possible. Additional information about the annual and daily timing of the EFP is included in Section 2.1. A duration

of at least two fishing years should provide adequate data for the PFMC and the NOAA Fisheries as they consider regulatory action related to the south of 42° N. processing prohibition.

2.6 GEOGRAPHIC SCOPE OF EFP

This EFP would allow C/Ps fishing on an EFP trip and MS vessels on an EFP trip receiving fish from catcher vessels to process Pacific whiting in the federal waters between 40° 10' N. latitude and 42° N. latitude, outside of the closed areas described in Section 2.2.3.

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

The target species for C/Ps and the catcher vessels delivering to MS processors on EFP trips is Pacific whiting. Pacific whiting typically comprises more than 97 percent of catch on these trips. Under this EFP, Pacific whiting (up to 35 percent of the MS and C/P Pacific whiting allocations) and non-whiting species with set asides could be harvested and processed in the federal waters between 40° 10' N. latitude and 42° N. latitude. No additional amounts of Pacific whiting or non-whiting species with allocations are expected or authorized under the EFP.

This section describes the current state of target, non-target, and protected species. Potential impacts to these resources as a result of this EFP are discussed in Section 6.0.

3.1 TARGET SPECIES

Pacific whiting stock status is described in Status of the Pacific Hake (whiting) stock in U.S. and Canadian waters in 2025:

> *"The median estimate of the 2025 relative spawning biomass (female spawning biomass at the start of 2025 divided by that at unfished equilibrium, B_0) is 67% but it is highly uncertain (with 95% credible interval from 29% to 157%). After declining from 2018–2022, the median relative spawning biomass increased from 2022–2025, due to the estimated above average, but uncertain, size of the 2020 and 2021 cohorts entering maturity."*

However, the survey biomass estimates from the 2023 Joint U.S.–Canada Integrated Ecosystem and Pacific Hake Acoustic Trawl Survey suggests that, during the survey period between June 28 and September 28, 2023, almost 70 percent of the age-2+ survey biomass was found off of California, about 25 percent was found off Oregon, and less than 10 percent was found off of Washington and Canada.

An updated survey biomass estimate and assessment will be available in early 2026.

Under this EFP, Pacific whiting (up to 35 percent of the MS and C/P Pacific whiting allocations) would be harvested and processed in the federal waters between 40° 10' N. latitude and 42° N. latitude. The Pacific Fishery Management Council's 2025 Intersector Allocation Review, adopted at the June 2025 Council meeting, describes recent attainment in the Pacific whiting

fishery on pages 29 to 31. All of the C/P catch of Pacific whiting came from waters north of 42° N. latitude during this period.

> *"Pacific whiting is allocated 42 percent to shoreside IFQ, 34 percent to catcher processor (CP) sector, and 24 percent to the mothership (MS) sector. The allocations to each sector were established in 1997 (62 FR 27519)...*
>
> *[The tables] below show the allocations, catches, and allocation attainment percentage for Pacific whiting by sector and year since implementation of the trawl catch share program. The CP sector has had overall higher attainment of their allocation- averaging 84.5 percent of the final allocation (i.e. post-tribal reapportionment) since 2016 (Table 1). SS whiting has seen an average of 72.9 percent (Table 3) whereas the MS sector has averaged 53.2 percent (Table 2)."*

The 2023 and 2024 fishing years were challenging for the entire Pacific whiting fleet. Pacific whiting availability was low in the areas we are permitted to process. The entire Pacific whiting fishery (catcher-processor, mothership, and shoreside) caught only 52 and 41 percent of the 2023 and 2024 U.S. Pacific whiting allocations, respectively, compared to 68 to 80 percent of the U.S. allocation between 2016 and 2022.

Table 1. C/P Catch, Allocation, and Attainment of Pacific Whiting, 2011-2024
Total mortality from Table 6 in Johnson et al. 2025.

Sector	Year	Total Mortality (mt)	Initial Allocation (mt)	Initial Attainment (%)	Post-Tribal Reapportionment (mt)	Post-Tribal Reapportionment Attainment (%)
C/P	2011	71,678	75,138	95.4%	75,138	95.4%
	2012	55,264	46,064	120.0%	55,584	99.4%
	2013	77,950	69,374	112.4%	79,574	98.0%
	2014	103,203	88,186	117.0%	103,486	99.7%
	2015	68,484	90,673	75.5%	100,873	67.9%
	2016	108,786	102,589	106.0%	114,149	95.3%
	2017	136,960	123,312	111.1%	137,252	99.8%
	2018	116,073	123,312	94.1%	136,912	84.8%
	2019	116,146	123,312	94.2%	136,912	84.8%
	2020	111,147	118,649	93.7%	132,249	84.0%
	2021	104,030	103,362	100.6%	115,141	90.4%
	2022	126,247	112,687	112.0%	126,287	100.0%
	2023	107,117	129,266	82.9%	144,566	74.1%
	2024	61,914	114,760	54.0%	130,060	47.6%

Table 2. MS Sector Catch, Allocation, and Attainment of Pacific Whiting, 2011-2024
Total mortality from Table 6 in Johnson et al. 2025.

Sector	Year	Total Mortality (mt)	Initial Allocation (mt)	Initial Attainment (%)	Post-Tribal Reapportionment (mt)	Post-Tribal Reapportionment Attainment (%)
MS	2011	56,394	53,039	106.3%	53,039	106.3%
	2012	38,512	32,515	118.4%	39,235	98.2%
	2013	52,470	48,970	107.1%	56,170	93.4%
	2014	62,102	62,249	99.8%	73,049	85.0%
	2015	27,665	64,004	43.2%	71,204	38.9%
	2016	65,036	72,415	89.8%	80,575	80.7%
	2017	66,428	87,044	76.3%	96,884	68.6%
	2018	67,121	87,044	77.1%	96,644	69.5%
	2019	52,646	87,044	60.5%	96,644	54.5%
	2020	37,978	83,752	45.3%	93,352	40.7%
	2021	35,208	72,961	48.3%	81,276	43.3%
	2022	59,516	79,544	74.8%	89,144	66.8%
	2023	33,074	91,247	36.2%	102,047	32.4%
	2024	20,942	81,007	25.9%	91,807	22.8%

Table 3. SS Catch, Allocation, and Attainment of Pacific Whiting, 2011-2024
Total mortality from Table 6 in Johnson et al. 2025.

Sector	Year	Total Mortality (mt)	Initial Allocation (mt)	Initial Attainment (%)	Post-Tribal Reapportionment (mt)	Post-Tribal Reapportionment Attainment (%)
SS	2011	102,146	92,818	110.0%	92,818	110.0%
	2012	65,920	56,902	115.8%	68,662	96.0%
	2013	102,141	85,697	119.2%	98,297	103.9%
	2014	98,640	108,935	90.5%	127,835	77.2%
	2015	58,011	112,007	51.8%	124,607	46.6%
	2016	85,762	126,727	67.7%	141,007	60.8%
	2017	150,454	152,327	98.8%	169,547	88.7%
	2018	134,633	152,327	88.4%	169,127	79.6%
	2019	147,830	152,327	97.0%	169,126	87.4%
	2020	137,568	146,567	93.9%	163,367	84.2%
	2021	129,204	127,682	101.2%	142,233	90.8%
	2022	105,934	139,202	76.1%	156,002	67.9%
	2023	100,397	159,681	62.9%	178,581	56.2%
	2024	84,067	141,762	59.3%	160,662	52.3%

3.2 NON-TARGET SPECIES AND PROTECTED RESOURCES

Non-Target Species

The Section 4.1 of the Environmental Assessment for Amendment 33 to the Pacific Coast Groundfish Fishery Management Plan describes recent catch, and the status of non-whiting groundfish caught in the Pacific whiting fishery.

All non-whiting species incidental catch is currently managed as at-sea set asides, which are deducted from the trawl allocation before the remainder is dispersed to the IFQ fishery. At-sea Pacific whiting sectors manage their seasons to aim to limit catch to the set-aside amount for each species. However, catch above the set-aside generally does not result in a Pacific whiting fishery closure or other management action unless there is a conservation or management issue.

The list of species for which at-sea set asides are defined have varied since 2011 – some species were managed with hard caps in the past. Table 4 lists the set-aside values that are in place for 2025 and 2026.

Table 4. 2025-2026 At-Sea Set-Asides

Species	Set Aside (mt)
Arrowtooth Flounder	100
Canary Rockfish	20
Darkblotched Rockfish	100
Dover Sole	10
Lingcod N of 40 10	15
Longnose Skate	5
Other Flatfish	100
Pacific Ocean Perch	300
Petrale Sole	5
Sablefish North	429
Shelf Rockfish North	35
Shortspine Thornyhead	70
Slope Rockfish North	300
Widow Rockfish	300
Yellowtail Rockfish	360

The Pacific Fishery Management Council's 2025 Intersector Allocation Review, adopted at the June 2025 Council meeting, describes set-aside management on pages 32 to 34.

> *"To provide more flexibility, reduce the risk of inseason closure, reduce operational costs, and take into account that ACLs for these stocks were generally underattained, the Council moved to using set-asides rather than allocations…By moving to set aside management, it was posited that it might provide flexibility to the whiting sectors to continue fishing in years [when] bycatch exceeded those amounts–as long as the harvest specifications were not in jeopardy and there were no impacts to other fisheries or conservation concerns. This was particularly in light of other constraining stocks like sablefish or Chinook salmon that were resulting in co-ops having to prioritize which stocks to avoid and finding it difficult to maximize avoidance of all of them at the same time…*
>
> *Looking historically at the set aside values compared to the actual mortality (assessed post season) for stocks that are currently managed as set asides, certain stocks were more frequent than others in exceeding the set aside value (Table 5). This table only includes years when stocks were managed by set asides in the at-sea fishery (i.e., excludes years when canary, widow, darkblotched rockfish, and POP were managed as allocations). For years where each sector had a sector-specific set aside (darkblotched and POP for*

2018-2020 and canary and widow rockfish in 2020), this analysis combines those values to provide a comparison across the time series.

In general, the set aside amounts appear to have been set at a value to capture the potential bycatch of each non-whiting groundfish stock and the regulations regarding set asides and when the Council should act have never been utilized. That is, ***the degree to which the set aside was exceeded never put at risk another sector or a harvest specification*** *(nor was there a conservation concern)."*

Table 5. Number of Years (2011-2024) At-Sea Sector Set Aside was Exceeded by Stock/Stock Complex

Stock/Complex	Number of Years Within Set Aside	Number of Years Exceeding Set Aside
Arrowtooth Flounder	11	3
Canary Rockfish*	5	0
Darkblotched Rockfish**	3	4
Dover Sole	13	1
English Sole	10	0
Lingcod (North Of 40 10)	12	0
Longnose Skate	12	0
Longspine Thornyhead (North Of 34 27)	9	0
Other Flatfish	11	3
Pacific Cod	8	0
Pacific Ocean Perch (North Of 40 10)**	6	1
Petrale Sole	4	0
Sablefish (North Of 36)	8	6
Shelf Rockfish North (North Of 40 10)	14	0
Shortspine Thornyhead (North Of 34 27)	5	9
Slope Rockfish North (North Of 40 10)	9	5
Widow Rockfish*	5	0
Yellowtail Rockfish (North Of 40 10)	13	1
*Only under set aside management since 2017		
**Only under set aside management since 2018		

ESA-Listed Species

The non-target species of particular concern under this EFP is ESA-listed Chinook salmon.

The NOAA Fisheries 2017 Salmon Biological Opinion for the Pacific Coast Groundfish Fishery considers impacts of the Pacific Coast Groundfish Fishery on seven listed Chinook Salmon Evolutionarily Significant Units (ESUs): Puget Sound Chinook, Snake River Fall Chinook,

Lower Columbia River (LCR) Chinook, Upper Willamette River (UWR) Chinook, Snake River Spring/summer Chinook, California Coastal (CC) Chinook, LCR Coho, Oregon Coast Coho, Southern Oregon/Northern California Coho, and Central California Coast (CCC) Coho Salmon. Several other listed species that occur in the area where the groundfish fishery operates are covered under an existing, long-term ESA opinion or NOAA Fisheries has determined that the proposed action is not likely to adversely affect the species (NMFS 2012c).

Current status of Pacific salmon stocks is included in the following documents:

- 2024 Stock Assessment and Fishery Evaluation (February 2025)
- Preseason Report II: Proposed Environmental Assessment Part 2 for 2025 Ocean Salmon Fishery Regulations (March 2025)
- Preseason Report III: Proposed Environmental Assessment Part 2 for 2025 Ocean Salmon Fishery Regulations (April 2025)

Chinook incidental catch in the Pacific whiting fishery as a whole has been volatile, with a high in 2014 (Figure 1, Table 6). The long-term median (2002-2023) Chinook incidental catch in the groundfish fishery is 5,000 mt. Figure 2 includes 2002-2023 incidental catch for all salmon species. All Pacific whiting fisheries (tribal and non-tribal) operate within a guideline of 11,000 Chinook salmon and 494 coho salmon. Overall, the combined sector incidental catch has been well within the guideline, with the highest incidental catch of Chinook salmon in 2018 and coho salmon in 2019 (Table 6 and Table 7).

Table 6. Chinook salmon incidental catch in groundfish fisheries from 2015 to 2024, with annual distribution by sector.
Values from commercial sectors are from PacFIN. The bottom row shows the percent of the 11,000 fish management threshold.

Sector	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
SS	1,806	734	1,396	1,334	2,147	1,724	538	2,374	1,281	899
MS	261	369	721	2,572	791	67	133	686	1,179	90
CP	1,545	2,683	3,048	2,951	2,648	668	1,508	1,997	3,354	449
Sum	3,615	3,987	5,725	7,026	5,599	2,459	2,179	5,057	5,814	1438
Percent of 11,000 fish threshold	33%	36%	52%	64%	51%	22%	20%	46%	53%	13%

Table 7. Coho salmon incidental catch in groundfish fisheries from 2015 to 2024, with annual distribution by sector.
Values from commercial sectors are from PacFIN. The bottom row shows the percent of the 494 fish management threshold.

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
TOTAL	0	0	27	0	168	86	62	140	47	57
Percent of 494 fish threshold	0%	0%	5%	0%	34%	17%	13%	28%	10%	12%

Figure 1. Chinook and coho incidental catch in the fisheries monitored by A-SHOP, CM, EM, and WCGOP, 2002 - 2023.

From FRAM's November 2024 Observed and Estimated Bycatch of Salmon in U.S. West Coast Fisheries, 2002–2023. Non-catch shares (NCS) includes non-catch shares exempted fishing permits, sablefish primary, nearshore, open access (OA) California halibut, pink shrimp, and OA hook & line. Shoreside (SS) non-hake includes shoreside limited entry (LE) and catch shares (CS) bottom trawl, CS fixed gear, CS midwater rockfish, and LE California halibut. Horizontal dashed lines show long-term medians.

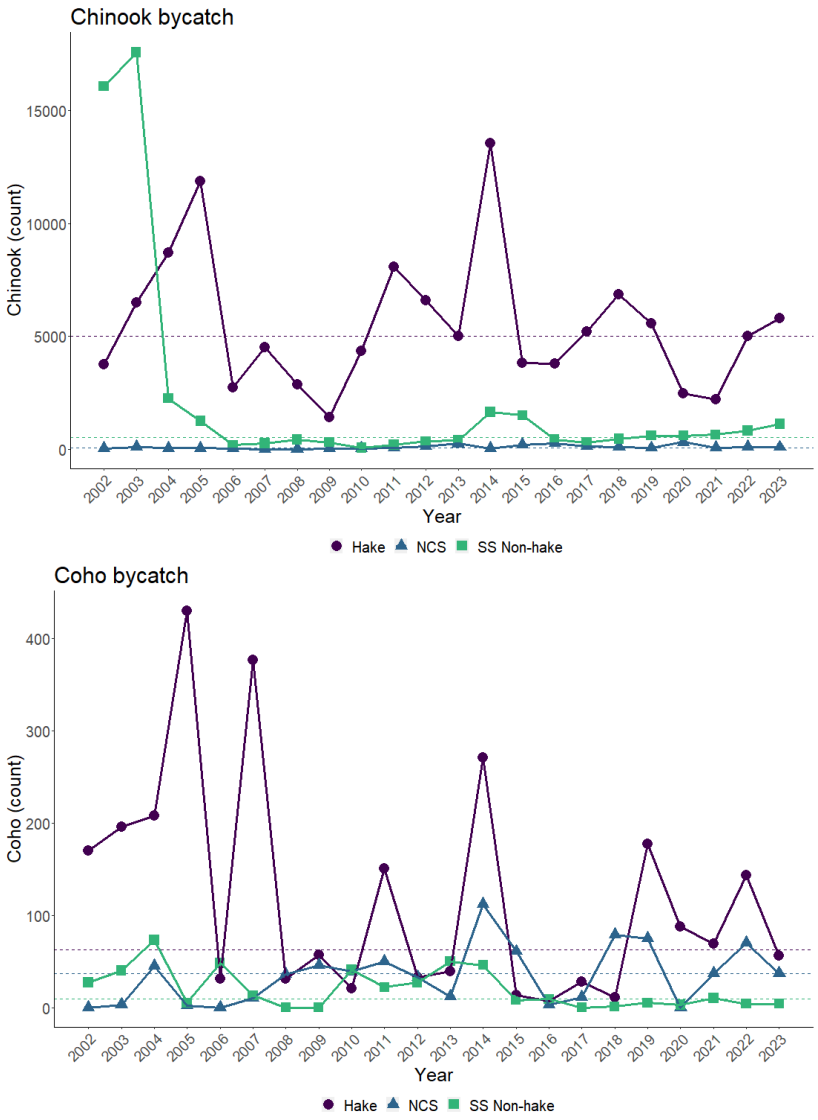
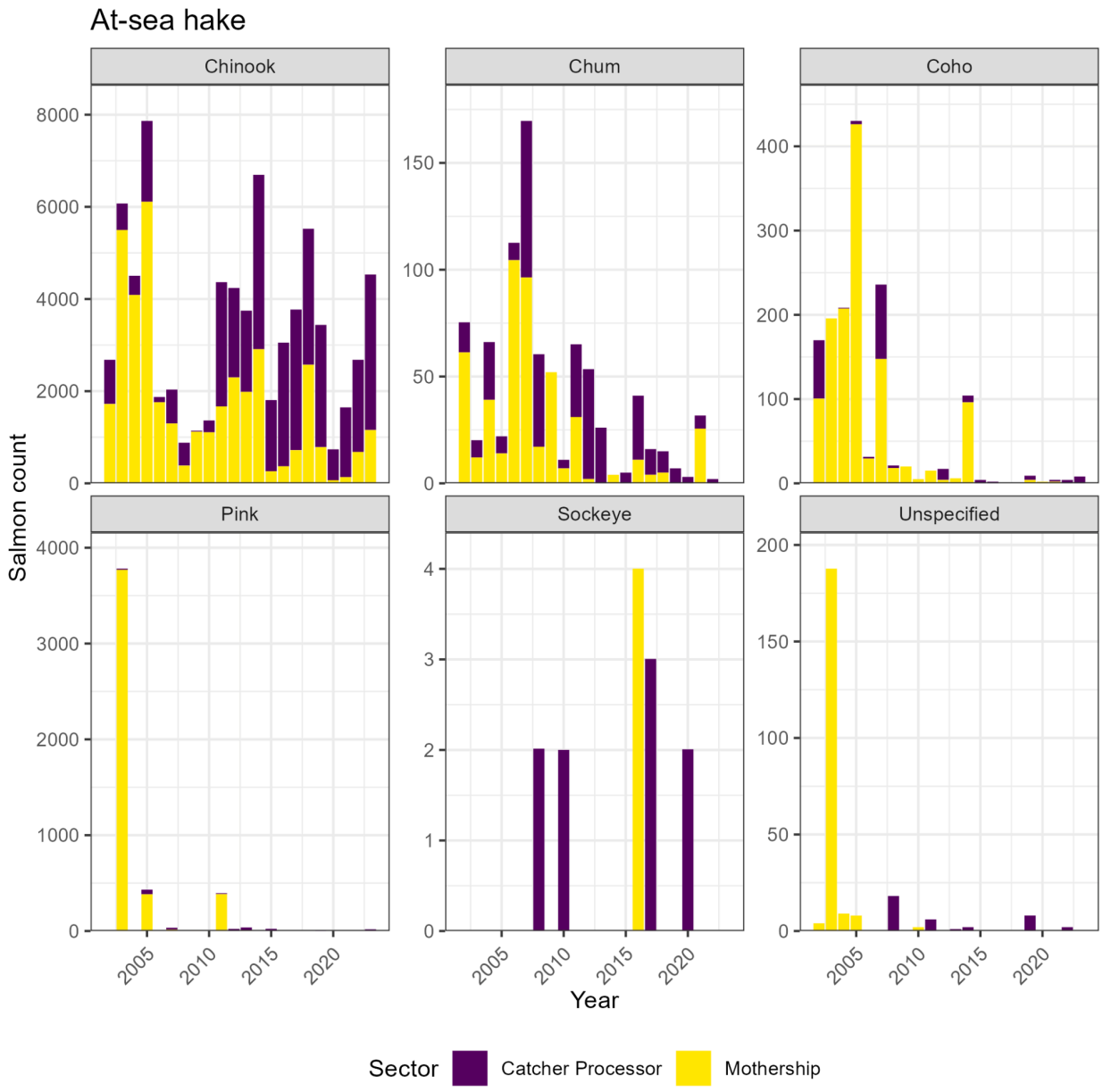
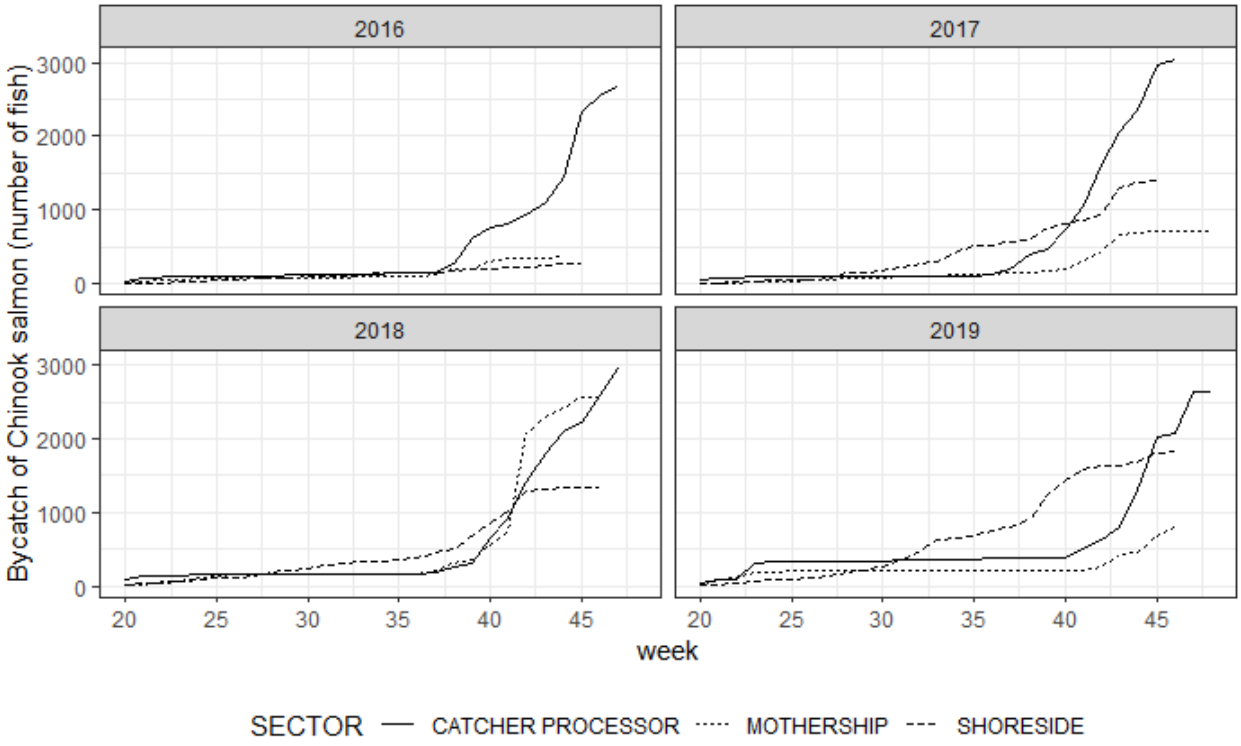


Figure 2. Salmon incidental catch in the at-sea hake fishery from FRAM's November 2024 Observed and Estimated Bycatch of Salmon in U.S. West Coast Fisheries, 2002–2023.



Seasonally, salmon incidental catch tends to be concentrated towards the end of the Pacific whiting fishing year, after September (Figure 3).

Figure 3. Cumulative Chinook salmon incidental catch by week and Pacific whiting sector, 2016-2019. Source: PacFIN and WCGOP.



4.0 JUSTIFICATION/RATIONALE FOR THE EFP

This EFP directly addresses several of the EFP priorities identified by the Council in its Operating Procedures (see COP 19 regarding Consideration of Exempted Fishing Permits for Groundfish Fisheries) by emphasizing resource conservation and management with a focus on incidental catch reduction, which is the Council's highest priority. The EFP also involves data collection on fisheries stocks and/or habitat. Allowing this opportunity will support increased utilization of the Pacific whiting resource by both the C/P and MS sectors, which would enhance attainment of optimum yield in the groundfish fishery, consistent with National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The regional management regime is dramatically different today than when the prohibition on at-sea processing was initially implemented. When the current processing limitation was implemented, there was no comprehensive observer program, no allocations among sectors, no established cooperative management, and the Pacific whiting fleet had just completed full Americanization of the fishery. In addition, there was no hard cap on salmon catch in the Pacific whiting fishery. The "race for fish" fishery that existed 33 years ago has been replaced with a rationalized fishery. Management tools that were established during the race for fish warrant review.

Magnuson-Stevens Act requirements and fleet reductions supported rebuilding for most of the previously overfished rockfish stocks. NOAA Fisheries also finalized the 2017 Salmon Biological Opinion for the Pacific Coast Groundfish Fishery, and implemented tools to directly manage the incidental catch of salmon in the Pacific whiting fishery, including a coastwide hard cap of 11,000 Chinook salmon for the Pacific whiting fishery (50 CFR 660.60(d)(1)(iv)), and routine management actions including block area closures and incidental catch reduction areas to limit fishing in areas of high Chinook or coho salmon incidental catch (50 CFR 660.60(c)(3)). The whiting fleets have some of the highest levels of monitoring and real-time catch reporting and communication of any fishery in the world. Pacific whiting vessels are fully observed and have 200 percent self-funded observer coverage (2 observers onboard all C/Ps and motherships, and an observer or EM on catcher vessels - paid directly to observer or EM provider, and indirect costs collected through cost recovery) the data from which benefits all West Coast fisheries. The combination of current regulatory requirements, cooperative management measures, in addition to new measures we propose to limit the impact of the EFP, will mitigate the risks that led to the original blunt prohibition.

One of the primary objectives of this EFP is to better understand the nature and extent of salmon incidental catch in an area that has been closed to Pacific whiting at-sea processing, but not Pacific whiting fishing, for over 30 years. Success in the Pacific whiting fishery requires a balance between catching Pacific whiting and avoiding incidental catch of non-Pacific whiting species. The current processing prohibition constrains available fishing areas, can preclude the Pacific whiting fishery from operating in clean fishing areas, and may force the fleet to fish in areas with higher rates of salmon and rockfish interactions. The result of this imbalance is the potential for significant lost revenue and benefits to the nation if the at-sea Pacific whiting fleet has to end operation because it could not access areas that achieve management objectives of avoiding species of concern while maximizing directed Pacific whiting harvest.

An EFP to process south of 42° N. latitude allows us to carefully examine the current environmental impacts of adjusting the processing footprint of the Pacific whiting fishery. Expanding available fishing area for the at-sea sector could allow the at-sea fleet to minimize incidental catch of species of concern while improving access to productive fishing grounds. While expanding the available fishing area for the fleet is not critical every year, in certain years, especially those like 2023 and 2024, it is essential to have additional space and opportunity to cleanly target available Pacific whiting.

The EFP specifically supports the economic and utilization elements of the Trawl Catch Share Program goal to "*create and implement a capacity rationalization plan that increases net economic benefits, creates individual economic stability, provides for full utilization of the trawl sector allocation, considers environmental impacts, and achieves individual accountability of catch and bycatch*". In addition, the action supports Management Goals 2 and 3 of the Pacific Coast Groundfish Fishery Management Plan which respectively seek to maximize the value of the groundfish resource as a whole and to achieve the maximum biological yield of the overall groundfish fishery, consistent with National Standard 1.

However, it is equally as important to consider Magnuson-Stevens Act National Standard 9 (bycatch) and ESA requirements in order to balance the socioeconomic needs of the groundfish

fishery with multiple conservation objectives. To achieve this balance, this EFP establishes a conservative salmon incidental catch cap and includes industry-based initiatives for collecting information and working cooperatively to minimize incidental catch and operate within acceptable limits. Participants in the EFP will agree to actions to minimize incidental catch and will comply with all provisions specified in the EFP. The provisions established in the EFP ensure that any impacts from salmon incidental catch would be short-term in nature and could be mitigated quickly. It is extremely unlikely that this EFP would cause any incidental catch thresholds for Chinook salmon to be exceeded, as either sector would not be able to utilize the EFP if their EFP limit were reached.

5.0 BROADER SIGNIFICANCE

On April 17, 2025, the President signed Executive Order 14276: Restoring American Seafood Competitiveness, which explicitly calls for the expansion of "exempted fishing permit programs to promote fishing opportunities nationwide." This EFP could increase flexibility for the at-sea Pacific whiting fleet at a time of significant uncertainty in target and non-target species distribution related to climate change, and significant uncertainty in international markets because of a rapidly changing international trade environment. The option to process Pacific whiting at-sea south of 42° N. latitude may be critical in years when a majority of available harvestable biomass is concentrated below the Oregon-California border, or in years when the fleet needs flexibility to adjust harvesting locations to avoid Chinook salmon and/or set-aside species.

6.0 POTENTIAL IMPACTS

Overall, the impacts of this EFP are not expected to be significant, or outside of those already analyzed for the operation of the Pacific whiting fishery. Annual catch limits for target species, hard quotas and other measures to minimize catch of non-target species, and 100 percent fleet accountability will ensure that the biological/conservation objectives of the groundfish management program will continue to be met if this EFP is authorized. The additional limitations proposed in the EFP, such as the Chinook salmon incidental catch cap for EFP trips, the limit on total Pacific whiting processing in the EFP area, and industry-based incidental catch monitoring/avoidance program, are more conservative than the measures that would be implemented fleet-wide following the EFP.

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

6.1 Impacts on the Target Species

Pacific whiting stock status and historic catch are detailed in Section 3.1.

Removing the prohibition on processing Pacific whiting between 40° 10' N. latitude and 42° N. latitude provides Pacific whiting fishermen more access to a significant amount of harvestable biomass (an estimated 70 percent of the age-2+ Pacific whiting survey biomass in 2023) that in some years is largely unavailable to the Pacific whiting fleet, all within the constraints of the overall Pacific whiting allocation. Each sector (C/P, MS) would be limited to processing no more than 35 percent of its available Pacific whiting allocation for a given fishing year in the EFP area.

A range of potential total harvest levels for Pacific whiting has been considered in the Final Environmental Impact Statement for Harvest Specifications and Management Measures for 2015-2016 and Biennial Periods thereafter (2015/16 FEIS), and in the Environmental Assessment (EA) and the Regulatory Impact Review (RIR) included in the analytical document for Amendment 33 to the Pacific Coast Groundfish Fishery Management Plan and 2025-2026 Harvest Specifications and Management Measures.

NMFS prepared a final environmental impact statement (FEIS) for FMP Amendment 24; a notice of availability was published on January 16, 2015 (80 FR 2414). The 2015/16 FEIS examined the harvest specifications and management measures for 2015-16 and gave 10-year projections for routinely adjusted harvest specifications and management measures. The 10-year projections were produced to evaluate the impacts of the ongoing implementation of harvest specifications and management measures and to evaluate the impacts of the routine adjustments that are the main component of each biennial cycle. The EA for the 2025-26 cycle builds on the 2015/16 FEIS and focuses on the harvest specifications and management measures that were not within the scope of the 10-year projections in the 2015/16 FEIS.

Total catch would remain within the annual limit set through the Pacific Hake Treaty process. All catch would be monitored, reported, and counted against each sector's Pacific whiting allocation, consistent with current provisions in the Groundfish FMP. Nothing proposed in this EFP would affect the monitoring and accounting of Pacific whiting, and nothing proposed in this EFP would allow for catch beyond the limits provided in the harvest specifications. For these reasons, the environmental impacts of the EFP on the target species are expected to be neutral, meaning within the range of impacts analyzed under the Pacific Hake Treaty, the Final Environmental Impact Statement for Harvest Specifications and Management Measures for 2015-2016 and Biennial Periods thereafter (2015/16 FEIS), and in the Environmental Assessment and the Regulatory Impact Review included in the analytical document for Amendment 33 to the Pacific Coast Groundfish Fishery Management Plan and 2025-2026 Harvest Specifications and Management Measures.

The economic and social impacts of this EFP are expected to be positive for the at-sea Pacific Pacific whiting sectors. While exempting the at-sea sectors from the prohibition on processing south of 42° N. latitude could allow C/P and MS companies to more fully utilize their Pacific whiting allocations and maintain a consistent supply to international buyers, the benefits go beyond this relief. It is expected that expanding the area of operation available to the at-sea sectors would enable vessels harvesting Pacific whiting to seek areas of higher target species catch and lower incidental catch of species of concern.

6.2 Impacts on Non-Target Species

Non-target species stock status and historic catch in the Pacific whiting fishery are detailed in Section 3.2.

As for Pacific whiting, a range of potential total harvest levels for all set-aside species was considered in the Final Environmental Impact Statement for Harvest Specifications and Management Measures for 2015-2016 and Biennial Periods thereafter (2015/16 FEIS), and in the Environmental Assessment (EA) and the Regulatory Impact Review (RIR) included in the analytical document for Amendment 33 to the Pacific Coast Groundfish Fishery Management Plan and 2025-2026 Harvest Specifications and Management Measures.

Fishing under this the EFP would not increase catch of non-target species relative to non-EFP activity. For many non-target species, the impacts of the EFP are expected to be negligible or low positive. Catch of non-target, non-groundfish species, would continue to be 100 percent monitored under the provisions in the trawl catch share program. The at-sea sectors use a combination of movement rules and targeted area closures to minimize incidental catch of set aside species. Finally, if ever needed, NOAA Fisheries and the Council can use routine management actions including block area closures and incidental catch reduction areas to limit fishing in areas of incidental catch (50 CFR 660.60(c)(3)).

The potential for low positive impacts on set aside species is an important potential benefit of this EFP. Adding more fishing area for the Pacific whiting fleet to cleanly target Pacific whiting could result in lower overall set aside species incidental catch. Additional area would expand the possibilities for avoiding certain set aside species, particularly those with high variability in distribution, which could ultimately lower total impacts for those species.

6.3 Impacts on Protected Resources

The non-target species of particular concern under this EFP is ESA-listed Chinook salmon. Chinook salmon stock status and historic catch in the Pacific whiting fishery are detailed in Section 3.2.

The 2017 Salmon Biological Opinion for the Pacific Coast Groundfish Fishery stated that:

> *"Significant uncertainty exists in the magnitude of evolutionarily significant unit (ESU)-specific impacts for fisheries in locations or time periods outside the available data. Areas south of 42° N. latitude and during the January-to-May period have particularly limited information. For example, ESUs with early freshwater entry timing, like Upper Willamette spring and Snake River spring/summer stocks, may be underrepresented in the genetics data. These stocks are thought to be present in ocean areas in the winter period; however, whiting fisheries have not occurred in the January-to mid-May period since the mid-1990s. Historical CWT [Coded Wire Tag] recoveries indicate that about one third of the recoveries for the Upper Willamette Chinook were prior to the current May 15th start date for the fishery" (page 189).*

Term and Condition 2.d. of the Incidental Take Statement (ITS) to the 2017 Biological Opinion states that "*The Council and NMFS shall retain the following restrictions to minimize Chinook bycatch for the duration of this opinion: … The prohibition on at-sea processing south of 42°00' N. latitude*". Therefore, central to this action is the determination of what impacts would occur to salmon if additional fishing and processing activity were to occur south of 42° N. latitude.

Overall, even if 500 additional Chinook salmon were caught in the EFP area in addition to recent annual catch throughout the Pacific whiting fishery range in the last 10 years (Table 6), total Chinook catch in the Pacific whiting fishery would be well below the 11,000 Chinook salmon guideline set in the 2017 Biological Opinion. There is a potential that expanding fishing and processing effort into the EFP area could change the overall ESU composition of Chinook salmon incidental catch in the at-sea Pacific whiting fishery (Agenda Item G.8.a, Supplemental REVISED NMFS Report 1, September 2023). However, given the interannual variability of Pacific whiting and Chinook locations, and the overall limited information available on Chinook salmon interactions in the EFP area, it is not possible to estimate the additional impacts to listed and sensitive southern ESUs. The 500 Chinook salmon cap in the EFP area would limit the potential additional impact to those ESUs, while collecting valuable data.

Projected Chinook salmon interactions

The EA for the 2021 Pacific Whiting Utilization rule included an analysis projecting the potential salmon impacts of moving the Pacific whiting season start date two weeks earlier to May 1 (Appendix A in NMFS 2021). The analysis included model-based projections of total bycaught Chinook for each of three non-tribal Pacific whiting fishery sectors, with separate projections for scenarios of northern and southern effort, in cases where a latitudinal pattern in effort distribution among years was apparent in the recent data. That analysis is useful for considering the potential impacts of shifting some Pacific whiting fishing and processing effort to the EFP area. The period used in this model (2015-2019) was one of higher overall Pacific whiting attainment. The analysis in the [whiting utilization EA] expressed aggregate Chinook salmon impacts as a range of possible outcomes for the whole Pacific whiting fishery.

Summarized results of that analysis relevant to this EFP:

- The analysis suggested higher Pacific whiting harvest being associated with higher Chinook incidental catch.
- It considered low, middle, and high values among the most recent five years of annual Pacific whiting fishery incidental catch (2016, 2017, and 2018 respectively). The resulting estimated Chinook salmon catch ranged between 3,977 and 7,381 total Chinook salmon per year, with a middle value of 5,538 per year; all still far below the fishery threshold of 11,000 fish. This represented a relatively modest increase in annual incidental catch, of between 5 and 7.6 percent, and a median change of 6.4 percent. The interpretation assumes a net increase in effort (Pacific whiting harvest) for all sectors.
- These annual sums, combined with the range of annual incidental catch in more recent fishing years, are well within that analyzed for the commercial non-tribal Pacific whiting fishery in the 2017 biological opinion, and do not represent additional take of Chinook salmon (total counts) beyond it. They lie well within the guideline and threshold specified in the terms and conditions of Section 2.9.1 for the Pacific whiting fishery, that "the sector will take actions to reduce incidental catch to remain within the guideline of

11,000 Chinook per year", and that "bycatch will not exceed 14,500 Chinook per year including a Reserve of 3,500 Chinook per year in the event that bycatch increases unexpectedly" (NMFS 2017); particularly considering the 11,000 fish guideline, and mitigation measures that were developed since the opinion, including use of the reserve.

- Adding tribal Chinook salmon incidental catch estimates from Pacific whiting fisheries, for the same three years, total result ranges between 4,178 and 7,550 total Chinook salmon per year, with a middle value of 6,098 per year. These estimates are still well below the fishery guideline of 11,000 fish (from 38 to 68 percent), and within the range analyzed in the 2017 BiOp. Again, this assumes a net increase in effort and harvest across the modeled sectors, (with corresponding future allocations which would allow that level of catch) rather than a shift toward fishing earlier in the year.

Summary of Chinook salmon impacts
The EFP would be expected to have a negligible impact on ESA-listed Chinook salmon if more salmon are caught under the EFP relative to the status quo. The recent Biological Opinion reaffirms conclusions reached in the 2006 and 1999 Biological Opinion regarding the impacts of the Pacific whiting fishery on Chinook salmon. Therefore, the range of potential catch of salmon was accounted for in the analyses to support the existing Biological Opinion.

In its analysis of spring 2023 Chinook salmon incidental catch, NOAA Fisheries notes: "*Given the large number of listed ESUs and their strong association with latitude, avoiding listed and sensitive ESUs in the north generally means higher impacts in the south and vice versa.*" This statement underscores one of the counterintuitive benefits of this EFP. Adding more fishing area for the Pacific whiting fleet to cleanly target Pacific whiting could result in lower overall salmon incidental catch. Additional area would expand the possibilities for avoiding salmon, which could ultimately lower total impacts to listed and sensitive ESUs in the north and south if vessels shift their fishing activity in response to Chinook salmon encounters.

Perhaps most importantly, the EFP provides a mechanism to collect much-needed data about the nature and extent of salmon incidental catch in the area between 40° 10' N. latitude and 42° N. latitude. In addition, as previously discussed, there may be an opportunity to collect additional genetic information to determine the catch of specific Chinook ESUs under the EFP. This could help address important research questions related to salmon stock aggregation and migratory patterns.

Additional genetic identification and monitoring has several advantages:

- It would provide information to estimate stock distribution and fish behavior inside of the EFP area.
- The information would be added to the existing dataset used by scientists, managers and fishermen to inform future management decisions;.
- The growing dataset would also be used to inform future seasonal, regional, decadal and global climate change on the distribution of salmon stocks.
- Better predicting when and where salmon stocks move can provide managers with important tools to allow more access to strong stocks while protecting weaker stocks.
- It would provide the fishing industry more and better information of when and where to avoid stocks of concern.

The data collected through the EFP will inform and enhance the conservation and management of both groundfish and salmon. To the extent that the information collected through this EFP contributes to the understanding of Chinook salmon ESU distribution, migration, and interaction with other fisheries, the overall long-term benefits are likely to be positive. Furthermore, to address and minimize any impacts on Chinook salmon to the extent practicable, this EFP proposes a cap on Chinook salmon catch within the EFP area, and management measures for Chinook that would shut down the EFP at a level well below the incidental catch threshold specified in the Salmon Biological Opinion, as well as an industry-based incidental catch monitoring/avoidance program. Based on Chinook salmon incidental catch in the groundfish trawl fishery, it appears highly unlikely that combined EFP and non-EFP Chinook salmon incidental catch will come close to the current threshold.

Coho salmon
For coho salmon, there was low incidental catch over a five-year period for the at-sea sector (Figure 1 and Figure 2, Table 7), primarily in the shoreside sector. Given historic catch, it is likely that there will be minimal additional impact to coho salmon by allowing processing to occur in the EFP area. Even if there were additional impacts by shifting 25 percent of the total U.S. Pacific whiting TAC into the EFP area, the Pacific whiting sector as a whole has averaged less than 20 percent of the 494 Coho guideline since the ITS was issued in 2017 suggesting that there would be negligible risk to the guideline, even with an expansion in fishing and processing area.

Signature of the Applicants:

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Sarah Nayani, Director of Compliance and West Coast Operations, Arctic Storm Management Group	Sarah Nayani	10/16/2025
Trent Hartill, Vice President of Fisheries & Sustainability, American Seafoods Company	Trent Hartill	10/16/2025
John Henderschedt, President and CEO, Phoenix Processor Limited Partnership	John Henderschedt	10/16/2025

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