

ENFORCEMENT CONSULTANTS REPORT ON EXEMPTED FISHING PERMITS

The Enforcement Consultants (EC) have reviewed the documents associated with Agenda Item F.4, Exempted Fishing Permit (EFP) - Attachment 2 and have the following comments.

The EC met with several advisory bodies to discuss the EFP application, including the applicants. We appreciate the time and perspectives shared in those discussions, which provided the EC with significant insight into the Pacific whiting fishery, as reflected below, and the intent of the EFP.

Summary of EC Recommendations:

- Inclusion of mothership catcher vessels in the EFP
- Limit EFP operations to 40° 10' N. lat. to 42° N. lat.
- Review of current State and Federal regulations
- EFP notification requirements
- Additional EFP provisions

Inclusion of Mothership Catcher Vessels in EFP:

The EC recommends existing regulatory provisions that relate to the at-sea Pacific whiting fishery that limit incidental catch of non-target species remain in place when considering this EFP. In addition, the EC recommends additional provisions of the EFP to include all associated mothership catcher vessels delivering to a processor south of 42° N. lat. be named as signatories.

The EC recognizes the EFP is requesting an exemption from [50 CFR 660.131\(e\)](#) which directly prohibits processing of Pacific whiting south of 42° N. lat. The EC identified that under the proposed EFP application, only catcher/processors and motherships would be named as exempted under the EFP based on their processing abilities. The EC verified (33) limited entry permits endorsed as mothership catcher vessels, currently associated with (28) catcher vessels that would be authorized under the current federal regulations to deliver Pacific whiting to motherships south of 42° N. lat. A catcher vessel may deliver and transfer fish to the mothership and/or catcher/processor within a relatively limited distance from one another. Shifting the ability to process Pacific whiting south to the 40° 10' N. lat. line (equivalent to 110 nautical miles) would give additional fishing opportunities to each permitted catcher vessel. The EC views the relationship between the MS catcher vessels and the MS processor as fully co-dependent; each relies on the other to function effectively. Including all vessels engaged in both the catching and processing within the EFP provides a more complete and transparent framework, consistent with EFP standards and enforcement objectives.

The EC had concerns related to non-whiting species incidentally caught which are currently managed as at-sea sector set-asides, and deducted from the trawl allocation before the remainder is dispersed to the IFQ fishery. Table 5, within [Agenda Item F.4 Attachment 2](#), lists several of the at-sea sector set aside stocks/complexes as having a management unit of 40° 10' N. lat. boundary associated with them. Catcher/processors and/or MS catcher vessels could harvest fish south of 40° 10' N. lat. and then tow unsorted cod ends north of 40° 10' N. lat. to be processed in a different management area - causing a catch accounting issue. This example was brought up in the

GAP/GMT meeting with the applicants who were open to restricting participating to fishing north of 40° 10' N. lat. Limiting the EFP fishing operations to the area 40° 10' N. lat. to 42° N. lat would address this enforcement concern.

California State Regulations:

If the EFP moves forward, the EC recommends close coordination between state law enforcement and the applicants to ensure compliance with state regulations. For example, the EC identified the following regulations relevant to the proposed application. Under [FGC 8043\(d\)](#) and [CCR T-14 197](#) transfer of fish at sea from vessel to vessel, and/or landing/processing fish at sea would be prohibited during a commercial fishing trip that enters state waters at any point, including to offload. Additionally, Fish and Game Code (sections 8603 and 8835) would prohibit the use of trawl nets targeting Pacific whiting in state waters.

Notification Requirements:

The EC recommends notification requirements stipulated in the Terms and Conditions of the EFP be consistent with the requirements in other EFPs. For example, EFP holders from any vessel conducting fishing activities under the EFP should be required to make a VMS declaration to NMFS via the West Coast Groundfish Declaration process stipulated at [50 CFR 660.13\(d\)](#), to include an acknowledgment that they are participating in the EFP. The EC also notes that federal regulations do not allow VMS declarations to be changed at sea, with the exception of limited entry midwater trawl vessels fishing in the Shorebased IFQ Program changing their declarations between bottom or midwater gear; and limited entry midwater trawl vessels targeting Pacific whiting changing their declarations between the Pacific whiting shorebased IFQ sector and the mothership sector. However, at-sea processing vessels operating under the EFP and wishing to make a declaration change between the EFP fishery (south of 42° N. lat.) and the non-EFP fishery (north of 42° N. lat.) would need an exemption from the current federal requirement of providing NMFS OLE with a declaration report before the vessel leaves port.

Additional EFP Provisions:

Within the EFP application in [Agenda Item F.4 Attachment 2](#), under the Summary of EFP Provisions the applicants propose “Mandatory movement requirements for catch of over 2 mt per tow of species not covered with at-sea set asides”. If this requirement is part of the Terms and Conditions of the EFP, the EC would like to see it better defined in order for it to be enforceable.

The EC and CDFW would appreciate significant engagement from the EFP applicants and NMFS, when appropriate, to discuss the details and assist in drafting the Provisions/Terms and Conditions. This cooperative approach would facilitate enforceable EFP terms and conditions coupled with an understanding of applicable federal/state regulations.

Participation Level:

The EC has concerns related to our ability to effectively ensure compliance in this EFP if all eligible catcher/processors and motherships in the fleet are selected to participate with the ability to process up to 35% of each sector’s annual Pacific Whiting allocation in the EFP area, as proposed in the EFP application.

PFMC 11/15/2025