

GROUND FISH ADVISORY SUBPANEL REPORT ON REGULATORY DEEMING FOR
FISHERY MANAGEMENT PLAN (FMP) AMENDMENT 20 (TRAWL
RATIONALIZATION) AND AMENDMENT 21 (INTERSECTOR ALLOCATION)

The Groundfish Advisory Subpanel (GAP) received information from Ms. Jamie Goen, Ms. Janell Majewski, and Mr. Dayna Matthews (National Marine Fisheries Service). Mr. Merrick Burden summarized the Regulatory Deeming Workgroup (RDW) meetings and their two reports. The GAP appreciates the work of the RDW in facilitating consideration of the draft Components Rule. We agree with their finding that the current draft is generally consistent with Council action. However, we also understand that some sections of the rule have yet to be developed and issues raised by the RDW have not been fully addressed. Therefore, the GAP recommends the RDW meet again to review the final draft Components rule. The GAP also recommends the Council delegate authority to the Executive Director for final deeming of the Components Rule.

The GAP discussed in detail the Mandatory Economic Data Collection (EDC) provisions in the Components Rule. The GAP recommends the Council request from NMFS clear assurance that EDC information will be kept in the strictest confidence. Related to the EDC, the GAP agrees with the RDW that current language preventing renewal of all permits owned by a person is unnecessarily punitive and could have dramatic consequences. For example, the proposed regulations deny renewal of all permits in which a person holds a direct or indirect interest if EDC information is not submitted by a third-party operating under one of those permits. The GAP agrees with the RDW that this is excessively punitive on a person with no control over actions of a third-party. The GAP recommends NMFS not take this approach. An alternative approach is already provided in regulations, which makes it a regulatory violation for a person to not submit EDC information. The GAP prefers this direct approach.

PFMC
06/16/10