

NMFS Interpretations and Request for Clarifications

Disclaimer: Additional issues on the trawl rationalization program will arise as the program is reviewed by NMFS. Amendments 20 & 21 to the Groundfish FMP have not yet been approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments.

Clarifications Requested of Council

(These are options for the Council to choose from)

Issue 1: QS Permit Renewal.

What happens if a QS owner fails to renew a QS permit by the deadline?

Option A:

If a QS permit owner fails to timely renew the QS permit, NMFS will not redistribute any QP or IBQ pounds associated with the QS permit. If the QS permit is renewed at a later time prior to the September 1 of the following year (the deadline to transfer QP or IBQ pounds to a vessel account), the QP or IBQ pounds would then be distributed to the QS account.

Option B:

If a QS permit owner fails to timely renew the QS permit, NMFS will redistribute on a pro rata basis any QP or IBQ pounds associated with that QS permit to all other QS permit owners who have timely renewed their QS permits.

Suboption to Option B:

NMFS would allow a narrow hardship provision for QS permit owners that do not timely renew their QS permits due to illness, injury or death.

Discussion: In the proposed initial issuance rule, NMFS proposed to issue a QS permit to applicants eligible to own QS, with a corresponding QS account to track actual amounts of QS or IBQ associated with the permit. As part of the program components rule, NMFS is developing proposed regulations to require annual renewal of the QS permit in order to maintain current information related to the QS permit owner and provide a mechanism for data collection to

assure compliance with IFQ program rules (e.g., control rules, etc.). In an early draft of the proposed program components rule, NMFS considered a permit renewal deadline of December 31. NMFS believes that this date would be too late to administer annual issuance of QP and IBQ by January 1 of the following year, and thus proposes permit renewal to be completed prior to December, or earlier if a hardship provision is adopted (discussed below).

NMFS has identified an unresolved question with regards to QS permit owners that fail to renew their QS permits before the permit renewal deadline: What would happen to the QP or IBQ pounds associated with a QS permit which is not renewed? Would such QP or IBQ pounds be withheld pending QS permit renewal, or would it get redistributed to the remainder of the QS permits (i.e. the non-renewed QS permit loses QP and IBQ pound distribution for the following year, providing an incentive for renewing on time)?

NMFS has not developed a preferred option to resolve this question. In internal discussions attempting to respond to this issue, NMFS has discussed the above-referenced possibilities, and requests Council guidance for which approach to take (the provision regarding QS permit renewal at § 660.140(d)(3)(i) in the draft program components rule included in the briefing book will be corrected to reflect the Council's guidance).

Option A:

Under Option A, NMFS would not redistribute QP or IBQ pounds associated with the QS permit if the QS permit fails to renew by the permit renewal deadline. Instead, if the QS permit is renewed later, NMFS would issue such QP or IBQ pounds after January 1. Under this option, NMFS would require permit renewals to be completed between September 15 and November 30 of the year prior to the year for which QP or IBQ would be issued. No hardship provision would be adopted because the QS owner would be able to renew the QS permit after the deadline.

Under Option A, if the QS permit is not timely renewed and is not late-renewed prior to August 15 of the following year, NMFS would not issue QP or IBQ pounds associated with the QS permit. The August 15 final deadline for renewal would provide NMFS approximately two weeks to issue the QP or IBQ pounds prior to the September 1 deadline for a QS owner to transfer QP or IBQ pounds to a vessel account specified in the March 2010 Council motion.

Option A would maximize the flexibility for an individual QS permit owner to renew the QS permit up to the point when QP or IBQ pounds would not be transferable to a vessel account for use in that year. However, the potential exists that less QP or IBQ pounds could be available to the Shorebased IFQ Program for transfer to a vessel in that year in the event that a QS owner fails to renew the QS permit prior to the August 15 QS permit renewal final deadline.

Option B:

Under Option B, if a QS permit owner fails to timely renew the QS permit, NMFS would inactivate the permit and redistribute on a pro rata basis any QP or IBQ pounds associated with that QS permit to all other QS permit owners who have timely renewed their QS permits. A QS

permit owner could restore the QS permit to active status in a subsequent year by timely renewing the QS permit by the applicable deadline for that year. Under this option, NMFS would require permit renewals to be completed between September 15 and November 30; and November 30 would be the final renewal deadline in order for the redistributed QP and IBQ pounds to be issued by January 1 of the following year. There would be no hardship provision under this option.

The reason for the redistribution under Option B is to fully distribute the catch limits in the shorebased IFQ fishery for the following year. The redistribution would be made on a pro rata basis because it would reflect the proportion of QS or IBQ owned by those QS owners that timely renew. Option B would reduce flexibility for an individual QS owner, but would maximize the amount of QP and IBQ available on January 1.

A suboption to Option B discussed by NMFS would allow a hardship provision for QS permit owners that fail to submit a timely QS permit renewal. Under the suboption, NMFS would require permit renewals to be completed between June 15 and August 31. If failure to timely renew the QS permit was a result of illness, injury or death of the permit owner, the permit owner may request to renew the permit in a letter to NMFS postmarked no later than September 30 that provides credible evidence from a certified medical practitioner that describes the illness or injury and how it prevented the permit owner(s) from submitting the renewal by the deadline, or provides a death certificate (submitted by a person authorized to act on behalf deceased owner). The earlier dates under this suboption would provide NMFS with additional time to process hardship requests prior to November 30, so that QP and IBQ pounds can be issued by January 1 of the following year.

If the suboption to Option B were to be selected, an additional question remains: Would the owner of a QS permit which was not timely renewed be able to transfer QS or IBQ prior to November 30, in order for the QP or IBQ pounds to be issued to another QS permit owner, rather than be redistributed? (This would not be a concern for the main options because NMFS would disallow transfers between December 1 and December 31 in order to administer the IFQ program.)

Issue 2: QS Highly Divisible.

How many decimal places should transfers of QS be divisible to?

Option A (*NMFS-preferred*):

QS transfers should be divisible to 0.001%.

Option B:

QS transfers should be divisible to the smallest percent any person is issued for any species during the initial issuance process.

Option C:

QS transfers should be based on a minimum of 1 lb.

Discussion: Appendix D of the Am 20 DEIS (A-2.2.3 d, p.D-14) states that “QS will be highly divisible.” This language is reflected in the draft program components rule at § 660.140(d)(3)(ii)(B). Should there be a limit to how divisible QS is? If so, NMFS prefers Option A because anything beyond that is cumbersome to the agency and the public.

Issue 3: IBQ transferability.

Is halibut IBQ transferable in the first 2 years of the program?

Option A (*NMFS-preferred*):

IBQ would not be transferable in the first 2 years, but IBQ pounds would be transferable. Same as QS and QP.

Option B:

IBQ and IBQ pounds transferable from the start of the Shorebased IFQ Program .

Discussion: Appendix D to the Am 20 DEIS, (A-2.2.3 c, p.D-14) states, “QS will not be transferred in the first two years of the program (QP will be transferable).” Should NMFS interpret this to also apply to IBQ and its associated IBQ pounds? NMFS believes that the rationale for prohibiting the transfer of QS in the first two years of the program applies equally to IBQ.

Issue 4: MS Sector Ownership Rules.

What are the ownership rules applicable to MS/CV endorsed permits and MS permits?

Option A:

MS/CV-endorsed permits and MS permits are not subject to the individual and collective rule in determining ownership for the purpose of accumulation and usage limits.

Option B:

MS/CV-endorsed permits and MS permits are subject to the individual and collective rule in determining ownership for the purpose of accumulation and usage limits.

Discussion: Appendix D of the Am 20 DEIS sets forth an accumulation limit for MS/CV-endorsed permits (B-2.2.1.c, p.D-34), which states that “No individual or entity may own CV(MS) permits for which the allocation total is greater than 20 percent.” Appendix D of the Am 20 DEIS also sets forth a usage limit for MS permits (B-2.2.2.d, p.D-35), which states that “No individual or entity owning a MS permit(s) may process more than 45 percent of the total MS sector whiting allocation.” Unlike the ownership and control rules for the Shorebased IFQ

Program, the section of Appendix D that addresses the Mothership Coop Program does not identify ownership rules or control language for either MS/CV-endorsed permits or MS permits. NMFS requests guidance whether ownership of these permits be calculated by applying the individual and collective rule.

NMFS Interpretations of Council Intent

(These are NMFS interpretations of Council intent. Did we get it right?)

ALL TRAWL FISHERIES

5% Limit on Whiting Catch S of 42° N. lat.

1) NMFS will maintain the limit on catch of whiting by the shorebased sector south of 42° N. lat before the start of the primary Pacific whiting season at no more than 5% of the shorebased sector allocation for the year.

Background:

Current regulations managing the Pacific whiting sector allocates the non-tribal commercial harvest guideline between the catcher/processor sector (34%), mothership sector (24%), and the shorebased sector (42%). The Pacific whiting fishery is subject to a limit of 11,000 Chinook salmon, not apportioned between the three sectors, projected bycatch in excess of this limit triggers automatic area closures applicable to the entire Pacific whiting fishery. The Council initially established starting dates for the whiting season to protect the fishery from high bycatch rates of threatened or endangered salmon species early in the year. However, the Council allowed 5% of the allocation to be taken in the waters south of 42° N. lat. because this was essential to the shorebased sector in this area. The 5% provision limited effort while still providing vessels and shoreside processors the opportunity to access whiting during the time whiting migrates through the waters off California. The current regulations state: “No more than 5 percent of the shore-based allocation may be taken and retained south of 42° N. lat. before the start of the primary whiting season north of 42° N. lat.” (50 CFR § 660.323(a)(2).)

With respect to the MS sector, Appendix D of the Am 20 DEIS states that the Pacific whiting fishery will continue to be subject to ESA-listed salmon bycatch management measures. (B-1.3, p.D-29.) With regards to the Shorebased IFQ Program, Appendix D of the Am 20 DEIS states: “Whiting seasons will not be changed under the IFQ program, and so the current spring openings will be maintained to control impacts on ESA-listed salmon. When the primary whiting season is closed for shoreside deliveries, cumulative

whiting catch limits will apply and shoreside QP will be required to cover whiting incidental catch.” (A-1.5, p.D-7.)

Rationale:

It is NMFS understanding that the regulatory language restricting catch of Pacific whiting south of 42° N. lat. before the start of the Pacific whiting season north of 42° N. lat. to 5% of the shore-based allocation may still be necessary under the trawl rationalization program.

Considerable shifts in the Pacific whiting shoreside fishery are likely to occur due to other aspects of the trawl rationalization program. Therefore, the effects of removing the 5% provision are difficult to estimate. However, if the 5% provision were to be removed, effort and landings in the shorebased whiting fishery could potentially increase in the area south of 42° N. lat. prior to June 15th. Fishermen may have an incentive to fish during this period as market values for whiting have generally been high during this period because the at-sea processing fleet is not operating and there is a limited supply of whiting on the market. The bycatch rates of Chinook salmon are higher earlier in the season and in the shorebased sector, which fishes closer to shore compared to the at-sea processing fleet, thus there could be more Chinook salmon bycatch during this period. An increase in effort in the early season could have a negative impact on the entire Pacific whiting fishery, and in particular upon northern processors and the at-sea processing fleet, if the salmon limit in the whiting fishery (11,000 Chinook salmon per year) were projected to be reached earlier in the year. Additionally, northern processors could be negatively impacted if an increase in fishing in the shorebased fishery shifted effort and landings to the south.

Declarations

3) NMFS believes the best means of implementing catch accounting requirements and gear switching provisions under the shorebased IFQ fishery is through the expanded use of declaration reporting requirements.

Background:

The declaration reporting requirements (§ 660.303 (d) of existing groundfish regulations) were initially implemented as a management tool with the VMS requirements. By making a gear type declaration, NMFS could identify which fishery a vessel was participating in and what GCAs apply.

Rationale:

Under the trawl rationalization program, NMFS is expanding the purpose of the declaration system to identify fisheries not only for compliance with the GCAs, but also

for catch accounting and gear switching under the shorebased IFQ fishery. The expanded declaration reporting requirements are listed at § 660.13 (d) of the draft program components rule.

State Employees as Catch Monitors

4) NMFS is continuing to work with the states to explore the use of state employees as catch monitors on shorebased IFQ vessels and mothership catcher vessels.

Background:

At its April 2010 meeting, the Council requested NMFS to work with the states to explore the use of state employees as catch monitors on shorebased IFQ vessels and on mothership catcher vessels.

Rationale:

NMFS is continuing to work with the states to explore this possibility with the intent of saving industry money. The discussions are ongoing, and a resolution is not presented in the program components rule. NMFS is optimistic about the potential use of state employees as catch monitors at IFQ first receivers, but less so as observers on IFQ vessels and mothership catcher vessels.

IFQ PROGRAM

Split deliveries

6) For each IFQ trip, deliveries of fish caught as part of the Shorebased IFQ Program can be delivered to more than one IFQ first receiver (i.e., split deliveries allowed) with observer and catch monitor coverage.

Background:

In the NMFS Interpretations document from the April 2010 Council meeting (Agenda Item I.1.b, Supplemental NMFS Report 3, #6), NMFS provided some background on split deliveries and stated that no split deliveries would be allowed under the trawl rationalization program. The Council disagreed with NMFS interpretation and passed a motion to allow split deliveries with observer coverage.

Rationale:

NMFS will revise the draft regulations to allow split deliveries. Under the trawl rationalization program, there is a 100% observer coverage requirement. An at-sea

observer will cover all IFQ trips while the vessel is at-sea; and once the vessel is at the dock, a catch monitor will observe the offload. A vessel would be permitted to move from one licensed first receiver to another as long as an observer is on board the vessel while it transits from one first receiver to another, but could not fish on another trip until all fish is offloaded. For monitoring, only observers would be allowed to travel on a boat between first receivers (not catch monitors) because of insurance and liability issues and because applicable guidelines have been established for observers on vessels under the Magnuson Act. Allowing split deliveries increases operational flexibility, but would also increase vessel costs of paying for the observer. In addition, a catch monitor would have to be available at both first receivers. An individual could potentially be certified separately as a catch monitor and an observer.

In order to tie the offload to all of the fish caught on that trip for catch accounting, the electronic fish ticket system could be modeled after the Alaska crab IFQ system where a first receiver checks a box for a partial offload or a box for the final offload of the landing to tie all offloads to one trip/landing in the IFQ tracking system.

Halibut IBQ

8) NMFS will issue Pacific halibut IBQ pounds each year to a QS account based on a QS permit owner's IBQ (expressed as a percentage) multiplied by the halibut limit for that year.

Background:

QS and IBQ will be owned by QS permit owners and managed through QS accounts. A QS owner will be issued QP annually to a QS account based on the percent of QS in the QS account.

Rationale:

Appendix D to the Am 20 DEIS, (A-4, p.D-19) does not specify how IBQ will be issued annually to QS permit owners once the program is implemented. NMFS interprets Pacific halibut IBQ to be similar to QS and will issue IBQ pounds annually to QS permit owners based on the percent of IBQ in their QS account. IBQ pounds issued to the IBQ owner's QS account would then be required to be transferred to a vessel account for use by a vessel, in the same way that QP must be transferred.

QS or IBQ transfer deadline

9) NMFS will disallow transfers of QS or IBQ between December 1 and December 31 each year to allow sufficient time for the determination and issuance of QP or IBQ pounds to QS accounts for the following year.

Background:

After the second year of the trawl rationalization program, QS permit owners may transfer QS to another QS permit owner.

Rationale:

Appendix D to the Am 20 DEIS, (A-2.2.3 c, p.D-14) states, “NMFS may establish temporary prohibitions on the transfer of QS, as necessary to facilitate program administration. QS will not be transferred in the first two years of the program (QP will be transferable).” NMFS interprets this provision to also authorize NMFS to apply temporary prohibitions on the transfer of Pacific halibut IBQ. In order to issue the QP or IBQ pounds in a timely manner, the QS or IBQ needs to remain stable for a period of time prior to the start of the next fishing year. NMFS has determined that prohibiting transfers of QS or IBQ from December 1 to December 31 will allow enough time for the issuance of QP or IBQ pounds to QS accounts for the next year. QP or IBQ pounds already in a vessel account would continue to be transferable from December 1 through December 31.

QS account & vessel account access

10) NMFS has revised the QS account and vessel account access provisions to allow access using a unique ID and personal identification number (PIN).

Background:

Previously, NMFS had draft language that QS account and vessel account owners would have to make a request to NMFS in writing in order to designate other people with access to the account. NMFS has decided this is unnecessarily burdensome on the agency and the public.

Rationale:

In order to reduce the paperwork burden on NMFS and the public, NMFS will issue an ID and PIN to account owners to access their individual QS account or vessel account. Account owners should ensure privacy of these numbers to ensure that all transactions requested through the account are approved by the account owner.

If an account owner wants to grant access to their account, the account owner may authorize any individual to access their QS account by providing their unique ID and PIN. NMFS does not manage access to the accounts, and the burden of ensuring the integrity of the account falls to the account owner. If preferable, NMFS can issue access level PINs, allowing account owners to grant different levels of account access to other individuals as needed. That is, an account owner would have a PIN that would allow him/her to make a transfer, but another individual may have a different PIN that only

allows for read-only access to the account. NMFS will also allow a QS account owner to designate an account manager (which may or may not be the account owner), in writing, on the QS permit renewal.

MS & C/P COOP PROGRAMS

Changes in vessel registration

11) Effective date for changes in vessel registration of MS/CV endorsed permits.

Background:

Existing regulatory language which will be continued if trawl rationalization is implemented says all changes in vessel registration for limited entry permits will be effective at the start of next cumulative limit period. At the March 2010 Council meeting, the NMFS interpretations document (Agenda item E.6.b, NMFS Report 1, #4) and the NMFS clarifications document (Agenda item E.6.b, NMFS Report 2, Issue 1) discussed this issue but did not clearly address the effective date of changes in vessel registration for MS/CV endorsed permits that may also participate in the shorebased IFQ program.

Rationale:

Under the draft program components rule at § 660.25 (b)(4)(v)(C), changes in vessel registration for MS permits and C/P endorsed limited entry permits would be effective immediately upon reissuance to the new vessel. However, changes in vessel registration for MS/CV endorsed permits would be effective at the start of next cumulative limit period because these vessels may participate in both the IFQ and MS fisheries during the same season. The shorebased IFQ fishery still has some species that are managed with 2-month cumulative trip limits. In order to avoid the possibility of more than one trip limit being harvested on a single permit registered to two different vessels during a cumulative limit period, regulations make changes in vessel registration effective at the start of the next cumulative limit period.

“Changes in vessel registration on permits will take effect no sooner than the first day of the next major limited entry cumulative limit period following the date that SFD receives the signed permit transfer form and the original limited entry permit, except for MS permits and C/P endorsed permits will take effect immediately upon reissuance to the new vessel. No transfer is effective until the limited entry permit has been reissued as registered with the new vessel.”

MS permit and VMS

12) MS permits, required for motherships, are limited entry permits, but will not be required to have vessel monitoring systems (VMS) onboard.

Background:

VMS is required for all groundfish limited entry permits to monitor fishing activity and ensure fishing is not occurring in groundfish conservations areas (GCAs, a type of closed area).

Rationale:

Under the trawl rationalization program, a MS permit is a new type of limited entry permit for qualified at-sea mothership processing vessels. Mothership vessels process fish, but do not harvest. They are not subject to the GCAs, and therefore, do not require a VMS.

Coop report deadline March 31

13) An annual coop report is due to NMFS by March 31 of each year.

Background:

An annual coop report details the coop's activities over the fishing year. Appendix D of the Am 20 DEIS (B-4.2, p.D-42) states that the annual coop report must be submitted to the Council for their November Council meeting each year. There is the potential that the whiting fishery, which ends on December 31 if the allocation of whiting and some non-whiting species remains available, would not have ended for the year before the report is due.

Rationale:

NMFS has determined that the submission of the annual coop report to NMFS should be a requirement in order to be considered for a coop permit the following year. If the report is tied to having a complete application package for issuance of a coop permit, then NMFS would require the annual report from the previous year's fishing activity to be submitted by the coop permit application deadline, March 31. If the report is received by NMFS prior to March 31 of each year, the report would be available for the April Council meeting for review and discussion. A preliminary coop report could still be submitted to the Council for their November Council meeting as stated in Appendix D.

Notification of coop agreement changes

14) NMFS will require notification of a material change to an accepted coop agreement within 3 calendar days, and submission of copies of the revised coop agreement within 30 calendar days.

Background:

An accepted coop agreement that was submitted with the coop permit application and for which a coop permit was issued will remain in place through the end of the calendar year. The designated coop manager must resubmit a complete coop agreement to NMFS consistent with the coop agreement contents described in this paragraph, if there is a material change to the coop agreement.

Rationale:

The previous suggested deadline for submission of the revised coop agreement was within 3 days. Upon further review, NMFS believes that a 3-day deadline provides insufficient time for submission of an actual copy of the revised coop agreement, but NMFS would require notification that such a material change was in process and the nature of the material change within 3 calendar days. A copy of the revised coop agreement would then follow, being submitted to NMFS within 30 calendar days of the material change.

Coop failure changes

15) Changes to MS & C/P coop failure language.

Background:

NMFS continues to work through the coop failure regulations for the MS and C/P coop programs. Below is language that has been revised since this issue was outlined in the NMFS reports at the March 2010 Council meeting (Agenda Item E.6.b, NMFS Report 1, #24; and Agenda Item E.6.b, NMFS Report 2, #9).

Comparison from April & June 2010 Council meeting versions of the program components rule.

§ 660.150 MS Coop Program

~~(b)(3)(iv)~~

(k) MS Coop Failure.

~~(A) A permitted MS coop is considered to have failed if:~~

(1) The Regional Administrator will determine that a permitted MS coop is considered to have failed if:

~~(1)~~ **(i)** the coop members voluntarily dissolve the coop, or

~~(2)~~ **(ii)** the coop membership falls below 20 percent of the MS/CV endorsed limited entry permits, or

~~(3)~~ **(iii)** the coop agreement is no longer valid.

~~(4) the coop fails to meet the MS coop responsibilities specified at 660.XXX.~~

~~(B) (2)~~ If a permitted MS coop dissolves, the designated coop manager must notify NMFS SFD in writing of the dissolution of the coop.

~~(C) The Regional Administrator may make an independent determination of a permitted coop failure based on factual information collected by or provided to NMFS.~~

(D) (3) In the event of a NMFS determined coop failure, or reported failure, the designated coop manager will be notified in writing about NMFS' determination. Upon notification of a coop failure, the MS coop permit will no longer be in effect. Should a coop failure determination be made during the Pacific whiting primary season for the mothership sector, unused allocation associated with the catch history will not be available for harvest by the coop that failed or any other MS coop.

§ 660.160 C/P Coop Program

~~(b)(3)(v)~~

(h) Catcher/processor Coop Failure.

~~(A) A coop failure results when:~~

(1) The Regional Administrator will determine that a permitted C/P coop is considered to have failed if any one of the following occurs:

~~(1) any vessel registered to a current C/P endorsed permit fishes without being identified in the C/P coop agreement submitted to NMFS during the coop permit application process;~~

(i) any current C/P endorsed limited entry trawl permit is not identified as a C/P coop member in the coop agreement submitted to NMFS during the C/P coop permit application process;

~~(2) (ii) any vessel registered to a current C/P endorsed permit withdraws from the C/P coop agreement;~~

~~(3) (iii) the coop members voluntarily dissolve the coop;~~

~~(4) (iv) the coop agreement is no longer valid.~~

~~(5) the coop fails to meet the C/P coop responsibilities specified at 660.XXX.~~

~~(B) (2) If the C/P coop dissolves, the designated coop manager must notify NMFS SFD in writing of the dissolution of the coop.~~

~~(C) (3) The Regional Administrator may make an independent determination of a coop failure based on factual information collected by or provided to NMFS.~~

~~(D) In the event of a NMFS-determined coop failure:~~

(4) In the event of a NMFS-determined coop failure, or reported failure, the designated coop manager will be notified in writing about NMFS' determination.

(i) Upon notification of a coop failure, the C/P coop permit will no longer be in effect.

~~(1) (ii) The catcher/processor C/P sector will convert to an IFQ-based fishery beginning the following calendar year after a coop failure, or a soon as practicable~~

thereafter. NMFS will develop additional regulations, as necessary to implement an IFQ fishery for the C/P sector.

~~(2)~~ (iii) Each C/P endorsed permit would receive an equal percent (10 percent) of IFQ QS.

Coop agreement changes

16) Changes to MS & C/P coop agreement language.

Background:

NMFS continues to work through the coop agreement regulations for the MS and C/P coop programs. Below is language that has been revised since this issue was outlined in the NMFS report at the March 2010 Council meeting (Agenda Item E.6.b, NMFS Report 1, #22, #23). Some of the items were removed from the coop agreement contents and will instead appear in the application for a coop permit. For example, a signed clause by the designated coop manager acknowledging their responsibilities will be in the application for a coop permit.

Comparison from April & June 2010 Council meeting versions of the program components rule.

§ 660.150 MS Coop Program

(1) Coop agreement contents. Each coop agreement must be signed by all of the coop members (MS/CV endorsed permit owners) and include the following information:

~~(i) A listing of all vessels, including those registered to a MS/CV endorsed limited entry permit or a trawl endorsed limited entry permit without a MS/CV endorsement that and which must match the member amount distributed to individual permit owners intend to use for fishing under the requested coop permit by NMFS.~~

~~(ii) All MS/CV endorsed limited entry member permits identified by permit number.~~

~~(iii) The mothership sector catch history assignment associated with each member MS/CV endorsed limited entry permit.~~

~~(iv) All MS permits obligated to coop member permits by MS permit number and vessel registered to each MS permit.~~

~~(v) A processor obligation clause indicating that each MS/CV permit was obligated to a specific MS permit by July September 1 of the previous year.~~

~~(vi) A clause indicating that each member MS/CV endorsed permit's catch history assignment is based on the catch history assignment that the member permit brings calculation by NMFS used for distribution to the coop.~~

- (~~vii~~) A description of the coop's plan to adequately 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.
- (~~viii~~) A ~~new member permit owner~~ clause stating that ~~requires~~ new owners of a member permit's are coop members and are required to comply with membership restrictions in the coop agreements.
- (~~ixvii~~) A description of the coop's enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations and that Pacific halibut set-aside overages do not occur.
- (~~xviii~~) A description of measures to reduce catch of overfished species.
- (~~ixi~~) A description of how the responsibility to manage inter-coop reassignment of catch history assignments will be met, should any occur.
- (~~xii~~) A description of how the ~~responsibility to produce an annual report documenting~~ will be produced to document the coop's catch, bycatch data, inseason catch history reassignments and any other significant activities undertaken by the coop during the year ~~will be met by XX due date XX~~.
- (~~xiii~~) Identification of the designated coop manager.
- (~~xiv~~) A ~~signed clause by the designated coop manager acknowledging the responsibilities of a designated coop manager defined in §660.XXX.xii~~ A requirement that agreement by at least a majority of the members is required to dissolve the coop.
- (~~xv~~) A description for how the coop will be dissolved. ———
- (~~xvi~~(~~xiii~~) Provisions that prohibit members permit owners that have incurred legal sanctions from fishing in the coop.

§ 660.160 C/P Coop Program

- (1) Coop agreements contents. ~~Each~~ The coop agreement must be signed by the coop members (C/P endorsed permit owners) and include the following information:
 - (i) A ~~listing~~ of all vessels registered to C/P endorsed permits that the member permit owners intend to use for fishing under the C/P coop permit.
 - (ii) ~~A listing of~~ All C/P endorsed limited entry member permits identified by permit number.
 - (iii) A description of the coop's plan to adequately 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.
 - (iv) A ~~new member permit owner~~ clause stating that requires new owners of a member permit's are coop members and are required to comply with membership restrictions in the coop agreements.

- (v) A description of the coop's ~~plan for~~ enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations and that Pacific halibut set-aside overages do not occur.
- (vi) A description of measures to reduce catch of overfished species.
- (vii) A description of how the ~~coop's responsibility to produce an annual report documenting~~ will be produced to document the coop's catch, bycatch data, and any other significant activities undertaken by the coop during the year ~~will be met~~ by ~~XX~~due date~~XX~~.
- (viii) Identification of the designated coop manager.
- (~~ivx~~) A signed clause by the designated coop manager acknowledging the responsibilities of a designated coop manager defined in ~~660.XXXX~~.
- (~~v~~x) A description for how the coop will be dissolved.
- (~~vix~~(ix) A requirement that agreement by at least a majority of the members is required to dissolve the coop.
- (x) Provisions that prohibit ~~member~~members permit owners that have incurred legal sanctions from fishing ~~groundfish~~ in the Council ~~region~~coop.