

<http://www.pcouncil.org/groundfish/fishery-management-plan/trailing-actions/>

Fishery Management Plan and Amendments: Trawl Rationalization (Amendment 20) and Intersector Allocation (Amendment 21) Trailing Actions

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At its September 2010 meeting, the Council began a series of trailing actions for the trawl rationalization program and intersector allocation which have continued up through the present. These trailing actions address issues of concern which were outstanding as of the completion of the Council's initial work on the program (e.g. rules for the distribution of the quota set aside for the Adaptive Management Program and safe harbors from control rules for risk pools). The actions also address provisions needed to complete or clarify the final program and new concerns identified during and after program implementation.

Work on a number of trailing actions is in progress or has already been completed. A summary of the status of these actions is provided below. (Note: other actions affecting or modifying the trawl rationalization program and intersector allocation may be taken up as part of the groundfish biennial specifications.)

Final Council Action Taken, NMFS Approval and Implementation Pending

Whiting Catch Share Reallocation. At its March, 2012 meeting, the Council considered matters associated with the December 22, 2011 District Court Judge Thelton E. Henderson decision in the case C10-4829-TEH: Pacific Dawn, LLC, et al. v. John Bryson, et al., including the February 21, 2012 Court Order on Remedy (see full March Council meeting reference materials, including public comment at <http://www.pcouncil.org/resources/archives/briefing-books/march-2012-briefing-book/#groundfish>). This order remanded "for further consideration" the regulations addressing the initial allocation of whiting for the shoreside IFQ and the at-sea mothership fishery. In response, the Council adopted a three-meeting process to meet the court-ordered deadline. Under that process, in April the Council adopted alternatives for analysis, in June it reviewed analysis but decided not to designate a preliminary preferred alternative, and in September 2012 it selected status quo allocations as part of the final preferred alternative and recommended that:

- the moratorium on QS transferability originally set to expire for all species at the end of 2012 be continued, as necessary, throughout the end of 2013 for all QS of all species, and
- the provisions to allow mothership catcher vessel endorsements and allocations to be separated from the permits, originally scheduled to go into place at the start of 2013, be delayed until September 1, 2013.

On August 1, 2012, a temporary rule implementing these adjustments was published in the Federal Register (see <http://www.pcouncil.org/wp-content/uploads/2012-18780.pdf>). The temporary rule will expire on January 28, 2013, but will be extended or changed in regulation, as needed to implement these recommendations.

The Council transmitted its final recommendations relative to a possible reallocation of whiting quota shares and catch history assignments on October 30, 2012:

- [Transmittal Letter, October 30, 2012](#)
- [Statement of Council Rationale](#)
- [Preliminary Draft Environmental Assessment](#)
- [Council Proposed Regulations](#)

On [January 2, 2013 NMFS published a proposed rule](#) on whiting reallocation. Final action is expected by April 1st.

Cost Recovery. At its September 2011 meeting, the Council adopted a cost recovery program structure. Download the complete description of the Council's recommendations on [Cost Recovery](#). National Marine Fisheries Service (NMFS) published a [proposed rule on cost recovery on February 1, 2013](#). The comment period on the rule is open through March 18. Implementation is expected mid-year in 2013. Details regarding how costs are determined and how the fee is calculated will be included as part of this rule. Based on the Council recommendations, the NMFS-proposed cost recovery rates are expected to be no more than 3% of exvessel value of the individual quota fishery (IFQ) species delivered for the shoreside IFQ program, 2% of the value of the whiting delivered for the mothership sector, and 1% of the value of the whiting harvested for the catcher-processor sector. The Council's Cost Recovery Committee has been tasked with identifying efficiencies which might reduce costs and fees over the long run, and will be meeting to address this issue.

Chafing Gear. At its April 2012 meeting, the Council recommended an alternative that would address industry concerns about the current restrictiveness of the chafing gear regulations for the midwater trawl fishery. The Council reconsidered this issue at its November 2012 meeting, but stayed with the final preferred alternative that it recommended in April 2012. Implementation of its final recommendation is expected in 2013.

NMFS Proposed Trailing Actions. At its April 2012 meeting, the following [NMFS-proposed trailing actions](#) were approved for implementation. Implementation is expected for the 2013 fishery. NMFS is continuing to work on implementation rules for these actions.

- Implementation of certification and decertification requirements for observer providers
- Numerous revisions to details of the observer program provisions
- Revision to briefing periods in catch monitor certification requirements
- Changes to first receiver site license application requirement and reduction of site inspection requirements
- Removal of the end-of-year ban on quota pound (QP) transfers between vessel accounts
- Clarification that mothership/catcher vessels with more than one catch history allocation may commit each to a different mothership
- Change of the term “permit holder” to “vessel owner,” as necessary, to clarify the regulations
- Clarification of the process for vessel owners to request a change in vessel ownership through the Fisheries Permit Office

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Final Council Action Taken, NMFS Approval and Implementation Delayed

At its September 2011, April 2012, and November 2012 meetings, the Council adopted final recommendations on a number of trailing actions, but implementation may be delayed due to Council and NMFS staff workload related to the reconsideration of the allocations periods for whiting catch shares.

Quota Share/Quota Pound (QS/QP) Control Rules – Safe Harbors for Risk Pools. At its September 2011 meeting, the Council voted to provide risk pools a safe harbor from the QS control rules.

Allow Fixed Gear and Trawl Permit Stacking. At its April 2012 meeting, the Council recommended allowing a fixed gear permit and a trawl permit to be registered to the same vessel at the same time.

Change the Opt-out Requirement for QP Deficits. At its April 2012 meeting, the Council recommended changing the opt-out requirement for QP deficits lasting more than 30 days, in order to allow vessels to rejoin the fishery after deficits are cleared.

Eliminate Double Filing of Whiting Co-op Reports. At its April 2012 meeting, the Council recommended eliminating the required annual filing of a preliminary co-op report in November, leaving in place the requirement that a final report be submitted in March of the following year. This requirement applies to the whiting mothership and catcher-processor sectors.

Quota Share/Quota Pound (QS/QP) Control Rules – Safe Harbors for Lenders. At its April 2012 meeting, the Council selected a preliminary preferred alternative that would provide lenders with a safe harbor from the QS control rules. At its November 2013 meeting,

the Council finalized its preliminary recommendations, with a few adjustments.

Move the Whiting Season Opening Date. At its March 2012 meeting, the Council selected as its preliminary preferred alternative moving the shoreside sector primary whiting season opening date to May 15, starting in 2013. At its November 2012 meeting, the Council finalized its preliminary recommendation.

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Council Deliberations In Progress

Electronic Monitoring. Identification of cost efficiencies for the trawl rationalization program continues to be an important Council priority. In this regard, observer costs and the opportunity for gaining efficiencies through the use of at-sea electronic monitoring has been an area of emphasis. Moving from 100 percent observer coverage would have a variety of implications for other provisions of the trawl rationalization program. The Council received a number of presentations on this issue at its April 2012 meeting, including one on an electronic monitoring field study being conducted by Pacific States Marine Fisheries Commission (PSMFC). At its November 2012 meeting, the Council decided to hold a workshop on electronic monitoring. This workshop was held February 25-27, 2013, in Portland, Oregon.

See the [Electronic Monitoring webpage](#) for further information. A report from the workshop is scheduled for the April 2013 Council meeting. At that time, the Council will decide how to proceed on this issue, pending the identification of needed funding.

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Council Deliberations Delayed

Action on the following have been delayed due to Council and NMFS staff workload. Next action on all of these issues has been delayed until the September 2013 Council meeting, at which time there will be a general scoping and prioritization session for trawl trailing actions.

Regulation Review and Gear Issues. The Council is considering whether certain restrictions in the trawl fishery can be alleviated now that the trawl rationalization program provides for individual accountability for catch. A gear workshop was convened in Portland, Oregon on August 29-30, 2012 to evaluate gear and area of catch regulations which may no longer be needed. A [report on that workshop](#) was provided at the November 2013 Council meeting. Further action on gear issues other than chafing gear will be delayed while other priorities are addressed (until at least September 2013).

Lender Issues other than Safe Harbors. The Council has not selected a preliminary preferred alternative for other lender issues. The topics under this category have been narrowed to the question of whether the NMFS QS tracking system should include a capability that would allow the QS owner and lender to attach lender information to the QS account. In

March 2012, the Groundfish Advisory Subpanel recommended no action on this issue.

Reconsideration of the Widow QS Allocation. At its April 2012 meeting, the Council decided to consider reallocation of the widow rockfish QS, now that widow rockfish is rebuilt.

At its June 2012 meeting, the Council decided that for widow rockfish QS, the moratorium on QS trading should be continued until December 31, 2014, or until the widow rockfish reallocation process is complete, whichever comes first. Thus, when QS trading starts for all other species, the QS trading moratorium may continue to remain in place for widow rockfish QS. Further action on this issue has been delayed to address other Council priorities.

Whiting Surplus QP Carryover Provision. A workshop was held on November 2 to explore possibilities for fully implementing whiting surplus carryover in 2013 and a report was presented to the Council at its November meeting. The Council decided that it will review this issue again when during the 5 year program review, scheduled for 2016.

Non-Whiting Surplus QP Carryover Provision. As part of its action on the 2013-2014 specifications, the Council adopted an interim solution to partially address full implementation of the carryover provision for nonwhiting species. The Council requested further analysis and development of options to ensure that, in the long term, the surplus carryover program can be implemented with greater certainty.

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Issues Prioritized for 2014 and Beyond

Research and policy development work on some of the following issues may occur in 2012, however, regulatory changes are not likely to be in place prior to 2014, at the earliest.

- Implement criteria for allocation of Adaptive Management Program (AMP) QP (for possible 2015 implementation)
- Exempt vessels from observer coverage when they are testing trawl gear
- Add a vessel monitoring system declaration code for “transiting” with gear stowed (for possible 2014 implementation)
- Consider revisions to weight conversion factors based on new information (for possible 2014 implementation)
- Take actions to facilitate continuation of surplus QP carryover provision
- Provide credit for discards of sablefish and lingcod

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Trailing Actions Implemented

The following trailing actions were implemented subsequent to the January 11, 2011 start of the trawl rationalization program.

TRAILING ACTIONS IMPLEMENTED JANUARY 1, 2012

The following were implemented as part of the first Program Improvements and Enhancement Rule (published in the *Federal Register*, December 1, 2011). This rule included Amendment 21-1, a modification of the intersector allocation amendment and regulatory amendments pertaining to the trawl rationalization program.

Amendment 21-1

- clarified that the Amendment 21 allocation percentages supersede the limited entry/open access allocations for certain groundfish species, and
- revised the amount of bycatch QP that will be issued for the shoreside trawl fishery to cover Pacific halibut mortality, to better match the objective specified in Amendment 21.

Trawl Rationalization Regulatory Amendments. The regulatory amendments pertaining to the Amendment 20 trawl rationalization program included, but were not limited to:

- severability of the mothership/catcher vessel endorsement and associated whiting catch history assignments from the limited entry trawl permit,
- continuation of the AMP QP pass-through, through 2014 of the Shorebased IFQ Program or until an AMP process is established, whichever is earlier,
- an exemption from the prohibition on processing at sea for qualified participants in the Shorebased IFQ Program,
- revisions to the observer coverage requirement while a vessel is in port and before the offload is complete,
- revisions to the electronic fish ticket reporting requirements,
- revisions to the first receiver site license requirement,
- further clarification on moving between limited entry and open access fisheries, and
- a process for end-of-the-year vessel account reconciliation.

These and other included recommendations were adopted by the Council at its June 2011 meeting; the minutes and briefing materials for that meeting include numerous reference documents detailing the issues before the Council and the Council final action on each. The final environmental assessment was published October 2011.

TRAILING ACTIONS IMPLEMENTED SEPTEMBER 7, 2012

- Change of renewal dates from September 1st to September 15th

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