The Groundfish Advisory Subpanel (GAP) considered the presentation by Ms. Kelly Ames and Mr. John DeVore on revising the Council Operating Procedure 19 for exempted fishing permits, revising the final schedule for completing the 2013-2014 specifications and management measures, and considerations for solving biennial cycle process issues.

COP 19 – exempted fishing permits

The GAP generally approves of the proposed revision, noting that aligning Exempted Fishing Permits (EFPs) to the two-year specifications schedule is a reasonable idea. Two issues came up during our discussion:

1) EFPs that don’t require set-asides: The GAP generally supports the two-year EFP process but we would like the flexibility to introduce EFPs annually for concepts that do not require any set-asides of fish, such as gear modifications in the trawl individual quota (TIQ) program. Modifications of regulatory artifacts from prior management in the trawl fishery are anticipated, but may require an EFP. Requiring a two-year process for those EFPs would likely impair flexibility and the opportunity to accelerate management improvement.

2) We note that in Attachment 2 under this agenda item, the proposed revisions to COP 19, the GAP is listed as one of the advisory bodies assigned to review the submission (Section A) of EFPs, along with the GMT and SSC. However, in Section C, Review and Approval, as well as later sections, the GAP is not included in the list of subcommittees reviewing or receiving reports pertaining to the EFP. The GAP believes we have valuable and pertinent expertise relating to the development and approval of EFPs and should be included in all stages of review.

Schedule for completing 2013-14 specifications and biennial process issues

While the complexity of some of the issues prevents the GAP from spending a lot of time discussing them, we are certain several objectives must be considered when making any changes to the schedule. Furthermore, since some of our comments apply to both the 2013-14 process and later biennial processes, we have combined our discussions here.

Generally, the GAP is satisfied with any process that allows more time to assimilate new science and data for use to make better informed decisions.

At the same time, the GAP understands that NMFS’ streamlining process is projected to require more time for NEPA considerations, a 14-month timeframe in some instances. This simply is unacceptable. The Council, council staff, and advisory bodies have spent much time trying to
revise the biennial cycle to make it more efficient, yet NMFS procedures now could commandeer much of that time in NEPA analysis.

The GAP discussed changing the fishing year to 14 months or 16 months or even starting the fishing year on April 1 or May 1 to work with this change. A three-year spex process also was suggested. In the end, both of these ideas were eliminated as unworkable. Aligning the spex process with annual fishing years simply makes sense and a three-year cycle could eliminate the inclusion of new science or assessments that could have profound effects on management decisions.

We further discussed the use of a programmatic Environmental Impact Statement (EIS) – a comprehensive EIS with a tiered approach that uses separate Environmental Assessments (EAs) – as a solution to the biennial spex problem. We thought this might be a good solution but we do not want to sacrifice the flexibility of in-season adjustments nor do we want development of this “super EIS” to sacrifice traditional, carefully considered input by the Council and its advisory bodies for the 2013-14 cycle.

The GAP also recommends the council request a schedule on how an EA would be developed for the 2013-14 harvest spex cycle. Furthermore, looking at how other Councils incorporate NEPA reviews while developing regulations that consistently get implemented on time may provide insight for Pacific Council and NMFS staff on ways to streamline the process so that it is workable for everyone.

To that end, GAP members have identified key issues that are important to the industry and request these be taken into consideration when looking at future spex schedules.

1. Maintaining a January 1 start date. The fishing industry needs some assurance fishermen will be able to fish and processors will have product at the beginning of the year. This maintains continuity of supply to the market. While there are assurances the shore-based trawl sector would start on time, it is important that the limited-entry fixed-gear and open access fleets are assured of being able to fish January 1.

   In particular, since some of the management responsibility for whiting will be handled by an international commission, it is important that regulations developed by the Council and approved by NMFS match that commission’s schedule. It also is important that the allocation of non-whiting bycatch to the whiting fleet be completed on time so the fleet can plan its fishing operations for the year.

   The fixed-gear tiered blackcod fishery, which starts in April, will need to have regulations in place to prosecute the fishery.

   While the general belief is that it would be unlikely regulations would be delayed for three or four months, it’s not out of the realm of possibility.

   At the very least, a phased-in approach, such as was done this year, could be used. In the long-term, however, this is not a good plan.
Maintaining in-season flexibility. Currently, the Trawl Individual Quota program should remove the necessity of most of the in-season actions for the shoreside limited entry groundfish trawl sector, with the exception of some items such as changes in the Rockfish Conservation Area (RCA) line or for non-TIQ trawl fisheries. The other sectors – recreation, limited entry fixed-gear, open access, etc. – do need the flexibility to make in-season changes, as the current process affords.

PFMC
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