Draft Regulatory Outline

Disclaimer: The trawl rationalization program is under review by NMFS. Amendments 20 & 21 to the Groundfish FMP, have not yet been formally submitted to NMFS, or approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments.
This is a working draft and has not been through full NMFS review.
This outline will continue to change before a proposed rule is published, including numbering, organization, section headings and contents.

Subpart C – West Coast Groundfish Fisheries – General (660.10-660.99)

660.10 Purpose and Scope
660.11 General Definitions
660.12 General Groundfish Prohibitions
660.13 Recordkeeping and reporting
660.14 Vessel Monitoring System (VMS) requirements.
660.15 Equipment requirements.
660.16 Groundfish observer program.
660.17 Catch monitors and catch monitor service providers.
660.18 Certification and decertification procedures for observers, catch monitors, catch monitor providers and observer providers.
660.20 Vessel and Gear Identification.
660.24 Limited entry and open access fisheries.
660.25 Permits
   (a) General.
   (b) limited entry permit
       (1) eligibility and registration.
       (2) Mothership (MS) permit.
       (3) Endorsements.
          (i) “A” endorsements
          (ii) gear endorsements
          (iii) vessel size endorsements
          (iv) sablefish endorsement and tier assignment
          (v) MS/CV endorsement
(vi) C/P endorsement
(vii) endorsement and exemption restrictions
(4) Limited entry permit actions- renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.
(5) small fleet.
(c) QS permit
(d) First Receiver Site License
(e) Coop permit
  (1) MS coop permit
  (2) C/P coop permit
(f) Permit fees
(g) permit appeals process
  (1) General.
  (2) Who may appeal.
  (3) Submission of appeals.
  (4) Timing of appeals.
  (5) Address of record.
  (6) Decisions on appeals.
  (7) Status of permits pending appeal
(h) Permit sanctions
660.26  Pacific whiting vessel licenses.
660.30  Compensation with fish for collecting resource information – EFPs
660.40  Overfished species rebuilding plans
660.50  Pacific Coast Treaty Indian fisheries
660.51  Washington coastal tribal fisheries management measures.
660.55  Allocations
  (a) General.
  (b) Trawl / Nontrawl Allocations.
  (c) Limited Entry / Open Access Allocations.
  (d) Catch accounting between the limited entry and open access fisheries.
  (e) Treaty Indian fisheries.
  (f) Recreational fisheries.
  (g) Sablefish allocations (north of of 36° N. lat.)
  (h) Pacific whiting allocation.
  (i) At-sea Whiting Trawl Fishery Set-Asides.
  (j) Black rockfish harvest guideline
  (k) Pacific halibut Bycatch Allocation.
660.60  Specifications and management measures.
660.65  Groundfish harvest specifications.
660.70-99  Closed Area - GCA`s and EFH

* ABC/OY Tables –Tables (1a), OY tables (1b), Allocation tables (1c), Tables 2a, 2b, and 2c
* Vessel Capacity Rating Table - Table 2 to Part 660
Subpart D – West Coast Groundfish – Trawl Fisheries (660.100-660.199)

660.100 Purpose and Scope
660.111 Trawl Fishery Definitions
660.112 Limited entry trawl fishery prohibitions
660.113 Recordkeeping and reporting
660.116 Trawl Fishery Observer requirements.
660.120 Crossover provisions – Areas, Gears, Trawl Fisheries.
660.130 Limited entry trawl fishery management measures.
660.131 Pacific Whiting Fishery Management Measures.
660.140 Shorebased IFQ Program
   (a) General.
   (b) Participation requirements.
      (1) QS Permit Owners
      (2) IFQ Vessels
   (c) IFQ Species and Allocations.
      (1) IFQ Species.
      (2) IFQ Program Allocations.
   (d) QS permits and QS accounts.
      (1) General.
      (2) Eligibility and registration.
      (3) Renewal, change of permit ownership, and transfer.
      (4) Accumulation limits.
         (i) QS control limits
         (ii) Individual and collective rule.
         (iii) Control
         (iv) Divestiture.
      (5) Appeals.
      (6) Fees.
      (7) [Reserved]
   (8) Application Requirements and Initial Issuance for QS Permit and QS.
      (i) Eligible Applicant.
      (ii) Qualifying Criteria for QS.
         (A) Non-whiting, non-overfished species QS.
         (B) Whiting QS.
         (C) Overfished Species QS.
         (D) Equal Division of Buyback Permit History.
      (iii) Prequalified Application.
      (iv) Applicants Not Prequalified.
      (v) Corrections to the Application
      (vi) Submission of the Application and Application Deadline.
      (vii) Permit transfer during application period.
      (viii) Initial Administrative Determination (IAD).
      (ix) Appeals.
   (e) Vessel accounts.
   (f) First Receiver Site License.
(g) Retention requirements (whiting and non-whiting vessels).
(h) Observer Requirements.
(i) [Reserved]
(j) Shoreside Catch Monitor requirements for IFQ first receivers.
(k) Catch weighing requirements.
(l) Gear Switching.
(m) Adaptive Management Program.

660.150  Mothership (MS) Coop Program

(a) General.

(b) Participation requirements
(1) Mothership vessels
(2) Mothership Catcher Vessels
(3) MS Coop Formation and Failure.

(c) MS Coop Program Species and Allocations
(1) MS Coop Program Species.
(2) Annual Mothership Sector sub-allocations.
   (i) Mothership catcher vessel whiting catch history assignments.
   (ii) Annual Coop Allocations
   (iii) Annual Non-Coop Allocation.
(3) Reaching an allocation or sub-allocation.
(4) Non-whiting groundfish species reapportionment.
(5) Announcements.
(6) Redistribution of Annual Allocation.
(7) Processor obligation
(8) Allocation accumulation limits

(d) MS Coop Permit and Agreement.

(e) Inter-coop Agreement.

(f) Mothership (MS) Permit.
(1) General.
   (i) Eligibility to Own or Hold a MS Permit.
   (ii) Vessel Size Endorsement.
   (iii) Restriction on C/P Vessel Operating as MS.
(2) Renewal, Change of permit ownership, or vessel registration.
(3) Accumulation Limit.
   (i) MS Permit Usage Limit.
   (ii) Individual and collective rule.
   (iii) Control
(4) Appeals.
(5) Fees.
(6) Application Requirements and Initial Issuance for MS Permit.
   (i) Eligible Applicant.
   (ii) Qualifying Criteria for MS Permit.
   (iii) Prequalified Application.
   (iv) Applicants Not Prequalified.
   (v) Corrections to the Application.
   (vi) Submission of the Application and Application Deadline.
(vii) Initial Administrative Determination.
(viii) Appeals.

(g) Mothership catcher vessel (MS/CV) endorsed permit.
   (1) General.
      (i) Catch History Assignment.
      (ii) MS/CV Endorsement Not Severable from Permit.
      (iii) Vessel Size Endorsement.
      (iv) Renewal.
      (v) Restrictions on Processing by MS/CV endorsed Permit.
   (2) Change of Permit owner, vessel registration, vessel owner, or combination.
   (3) Accumulation Limits.
      (i) MS/CV Permit Ownership Limit.
         (A) Individual and collective rule.
         (B) Control
         (C) Divestiture.
      (ii) Catcher Vessel Usage Limit.
   (4) Appeals.
   (5) Fees.
   (6) Application Requirements and Initial Issuance for MS/CV Endorsement.
      (i) Eligible Applicant.
      (ii) Qualifying Criteria for MS/CV Endorsement.
      (iii) Qualifying Criteria for Catch History Assignment.
      (iv) Prequalified Application.
      (v) Applicants Not Prequalified.
      (vi) Corrections to the Application.
      (vii) Submission of the Application and Application Deadline.
      (viii) Initial Administrative Determination.
      (ix) Appeals.
   (h) Retention requirements.
   (i) Observer Requirements.
   (j) [Reserved.]
   (k) Catch weighing requirements.

660.160 Catcher-Processor (C/P) Coop Program
(a) General.
(b) C/P Coop Program Species and Allocations
   (1) C/P Coop Program Species
   (2) [Reserved]
(c) C/P Coop Permit and Agreement
(d) C/P endorsed permit
   (1) General.
      (i) C/P Endorsement Not Separable from Permit.
      (ii) Vessel Size Endorsement.
      (iii) Restriction on C/P Vessel operating as CV.
      (iv) Restriction on C/P Vessel Operating as MS.
   (2) Eligibility and Renewal for C/P endorsed permit
(3) Change in permit ownership, vessel registration, vessel owner, transfer or combination.

(4) Appeals.

(5) Fees.

(6) [Reserved]

(7) Application Requirements and Initial Issuance for C/P endorsement.
   (i) Eligible Applicant.
   (ii) Qualifying Criteria for C/P Endorsement.
   (iii) Prequalified Application.
   (iv) Applicants Not Prequalified.
   (v) Corrections to the Application.
   (vi) Submission of the Application and Application Deadline.
   (vii) Initial Administrative Determination.
   (viii) Appeal.

(e) Retention requirements.

(f) Observers Requirements.

(g) [Reserved]

(h) Catch weighting requirements.

(i) C/P Coop failure.

* Figure 1

* Trip Limit Tables - Table 3 North and South
Subpart E – West Coast Groundfish - Fixed Gear Fisheries (660.200-660.299)
660.210 Purpose and Scope
660.211 Fixed gear fisheries definitions
660.212 Fixed gear fisheries prohibitions
660.213 Fixed gear fisheries recordkeeping and reporting
660.216 Limited entry fixed gear fishery observer requirements.
660.219 Limited entry gear identification and marking.
660.220 Crossover provisions.
660.230 Limited entry fixed gear fishery management measures.
660.231 Fixed gear sablefish tier limit fishery management.
660.232 Daily Trip Limit Fishery “DTL”
* Trip Limit Tables - Table 4 North and South

Subpart F – West Coast Groundfish - Open Access Fisheries (660.300-.349)
660.310 Purpose and Scope
660.311 Open Access Fishery Definitions
660.312 Open Access Fishery Prohibitions
660.313 Open Access Fishery Recordkeeping and reporting
660.316 Open Access Fishery observer requirements.
660.319 Open access fishery gear identification and marking
660.320 Crossover Provisions.
660.330 Open access fishery management measures.
660.331 Black Rockfish Fishery Management.
660.332 Open access daily trip limit fishery for sablefish.
600.333 Open access non-groundfish trawl fishery management measures.
* Trip Limit Tables - Table 5 North and South

Subpart G – West Coast Groundfish – Recreational Fisheries (660.350-.399)
660.350 Purpose and Scope
660.351 Recreational Fishery Definitions
660.352 Prohibitions
660.353 Recordkeeping and reporting
660.356 Recreational fishery observer requirements [Reserved]
660.360 Recreational fishery management measures.