

Science, Service, Stewardship



Agenda Item E.6.b  
Supplemental NMFS PowerPoint  
March 2010

Trawl Rationalization

# *Regulatory Deeming*

March 2010

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1. TRat rulemakings & schedule
2. Overview of new regulatory structure
3. Discuss BB documents
  - *NMFS interpretations of Council intent (NMFS Report 1) – only allocations*
  - *NMFS clarifications requested of Council (NMFS Report 2)*
  - *Draft regulatory outline (NMFS Report 3)*
  - *Draft proposed regulations for Am 20 & 21 (NMFS Report 4)*
  - *Mandatory economic data collection program design (NMFS Report 5)*



## NEPA Documents:

### 1. Am 20 FEIS being drafted

- *Am 20 DEIS was open for public comment from 12/4 to 1/19*
- *>1,850 comments received*
- *Late Feb-March – review of FEIS and response to comments*
- *FEIS should publish in June*

### 2. Am 21 DEIS open for public comment through 3/15



# TRat rulemaking contents

## 3 or more rulemakings-

### 1. Data Collection Rule (final rule published 1/29)

- *Potential participants in TRat program should complete an ownership interest form before May 1, 2010.*
- *Announces databases NMFS intends to use for initial issuance*
  1. *PacFIN (fish tickets & logbooks)*
  2. *NORPAC*
  3. *Limited Entry Permits*
- *Announces what data potential participants should check now and the contacts for checking that data (LET permit, shoreside processor/first receiver, MS/CV data requests)*
  1. *PacFIN*  
*(fish ticket landings data for QS issuance, logbook data for depth and lat by target species, fish ticket data for first receiver to determine processor whiting QS)*
  2. *NORPAC*  
*(whiting data for catcher vessels in MS fishery, Motherships, C/P)*
  3. *Limited Entry Permits*  
*(permit owner of record, permit combinations)*
  4. *This data must be reviewed & , if necessary, corrected before the Grand Framework proposed rule publishes (~May 2010). NMFS will not allow this data to be appealed during initial issuance. Only errors in NMFS extraction, aggregation, or expansion of the data may be appealed.*



## TRat rulemaking contents (con't)

### 3 or more rulemakings-

#### 1. Data Collection Rule

#### 2. Grand Framework Rule & FMP Review

- *Will announce NMFS approval or disapproval of FMP AM 20 & 21 and EIS review*
- *If approved, will announce draft regulations for program and will restructure existing groundfish regulations*
- *Schedule*
  - *March & April – PFMC meetings – regulatory deeming*
  - *May – proposed rule publishes*
  - *August – final rule publishes*
  - *Sep-Dec – initial issuance & appeals*
  - *1/1/2011 – TRat program implemented*

#### 3. Follow-up Rule (Fall 2010)

- *Will include any remaining regulations, including but not limited to cost recovery*



## new regulatory structure

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

- 660.10 Purpose and Scope
- 660.11 Definitions
- 660.12 Prohibitions
- 660.13 Recordkeeping and reporting
- 660.14 VMS Program requirements
- 660.15 Equipment requirements
- 660.16 Groundfish observer program
- 660.17 Catch monitors & service providers
- 660.18 Certification and decertification
- 660.20 Vessel and Gear Identification
- 660.24 LE and OA fisheries
- 660.25 Permits
- 660.30 Comp. w/fish for collecting resource info. – EFPs
- 660.40 Overfished species rebuilding plans
- 660.50 Pacific Coast Treaty Indian fisheries
- 660.51 Washington coastal tribal fisheries
- 660.55 Allocations
- 660.60 Specs & 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 Definitions
- 660.112 Prohibitions
- 660.113 Recordkeeping and reporting
- 660.120 Crossover provisions –  
Areas, Gears (?), Trawl Fisheries.
- 660.130 LE trawl fishery mgmt measures.
- 660.140 IFQ Program –  
Shore-based Trawl Fishery
- 660.150 Mothership (MS) Coop Program –  
Whiting At-sea Trawl Fishery
- 660.160 Catcher-Processor (C/P) Coop  
Program - Whiting At-sea Trawl

\* Figure 1

\* Trip Limit Tables - Table 3 North and South



new regulatory structure  
(con't)

**Subpart E – West Coast Groundfish –  
Fixed Gear Fisheries (660.200-660.299)**

- 660.210 Purpose and Scope
- 660.211 Definitions
- 660.212 Prohibitions
- 660.213 Recordkeeping and reporting
- 660.216 Groundfish observer program.
- 660.219 Fixed gear identification and marking
- 660.220 Crossover provisions
- 660.230 LE fixed gear fishery mgmt. measures.
- 660.231 LEFG sablefish fishery management.
- 660.232 Sablefish LEFG daily trip limit fishery
- \* 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 Definitions
- 660.312 Prohibitions
- 660.313 Recordkeeping and reporting
- 660.316 Groundfish observer program.
- 660.319 OA gear identification and marking
- 660.320 Crossover provisions
- 660.330 OA fishery mgmt measures.
- 660.331 Black rockfish fishery management
- 660.332 Sablefish OA daily trip limit fishery
- 660.333 OA non-groundfish trawl fishery mgmt 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 Definitions
- 660.352 Prohibitions
- 660.353 Recordkeeping and reporting
- 660.360 Recreational fishery mgmt measures.



# IFQ Program types of permits/accounts

## 1. QS permit /QS account

- *initial issuance & appeals process for QS permit/QS amounts*
- *QS account established when QS permit issued*
- *permit/account non-transferable*
- *annual renewal*
- *ownership interest form required with application & renewal*

## 2. Vessel QP account

- *vessel owner responsible for setting up vessel QP account*
- *can designate others to access account*
- *account non-transferable*

## 3. First Receiver Site License

- *can apply any time of year, effective until end of year*
- *issued to a person and a corresponding physical location*
- *license non-transferable*
- *annual renewal*
- *catch monitor plan submitted as part of application & renewal*



# MS Coop Program types of permits/accounts

## 1. Mothership permit (new)

- *initial issuance & appeals process*
- *transferable*
- *annual renewal*
- *ownership interest form required with application & renewal*
- *no size endorsement*

## 2. MS/CV endorsement (new & tied to LET permit)

- *initial issuance & appeals process*
- *catch history assigned to permit*
- *transferable, but non-severable from LET permit*
- *annual renewal with LET permit*
- *ownership interest form required with application & renewal*
- *maintain length endorsements, except transfers to smaller vessels do not have to be reduced*

## 3. Coop permit and agreement (new)

- *non-transferable*
- *annual renewal*
- *coop agreement submitted as part of application & renewal*



# C/P Coop Program types of permits/accounts

## 1. C/P endorsement (new & tied to LET permit)

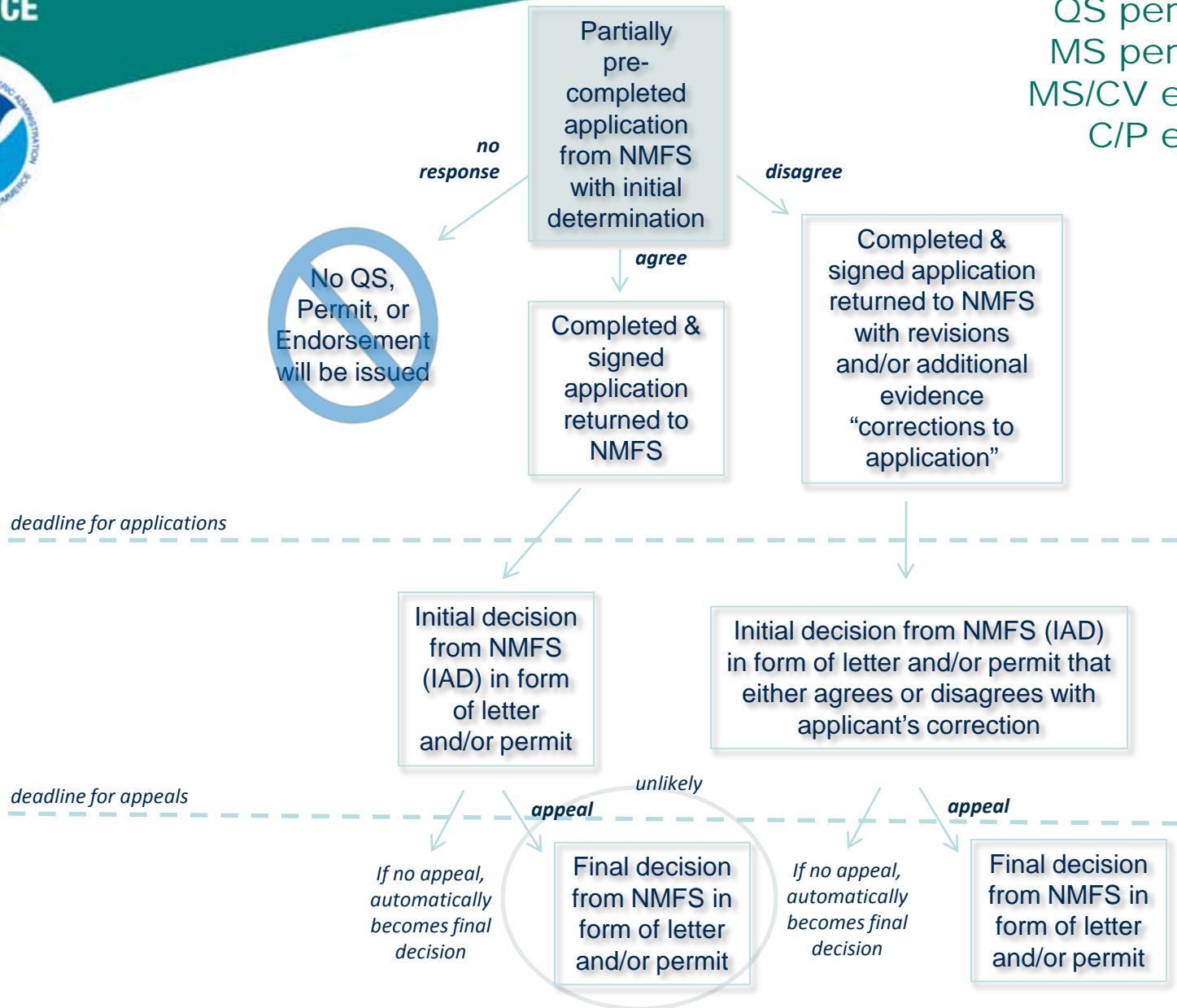
- *initial issuance & appeals process*
- *transferable, but non-severable from LET permit*
- *annual renewal with LET permit*
- *maintain length endorsements, except transfers to smaller vessels do not have to be reduced*
- *C/P permit that is combined with a LET permit that is not C/P endorsed results in a single C/P permit with a larger size endorsement. (A CV/MS endorsement on one of the permits being combined will not be reissued on the resulting permit.)*

## 2. Coop permit and agreement (new)

- *non-transferable*
- *annual renewal*
- *coop agreement submitted as part of application & renewal*



application/appeals  
 QS permit  
 MS permit  
 MS/CV end.  
 C/P end.



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# NMFS Interpretations of Council Intent

*only 2) allocations (Am 21)*

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# Am 21 (trawl/non-trawl split)

Table 1. Groundfish allocation process and guidance.		Optimum Yield				
Step in Process	Policy Guidance	Initial Set-asides	Fishery Guideline			
			Commercial Guideline			Recreational
			LE Trawl	LE Fixed Gear	Directed Open Access	
1. Initial Set-Asides - Reduce OY by tribal amounts, estimated research catch, projected bycatch in non-gr, EFP bycatch limits.	Determine During Biennial Specifications Process	Tribal, Research, Incidental, EFPs				
2. Determine Limited Entry (LE) Trawl Allocation	A-21 (Fishery Guideline * Trawl %)		Trawl Amt			
3. Determine Recreational (Rec) Allocation	Determine During Biennial Specifications Process					Rec Amt
4. Determine Open Access (OA) Allocation	A-6 (Commercial Guideline x open access %)				Directed OA Amt	
5. Determine LE Fixed Gear	Remainder from Steps 1-4, Determined During Biennial Specifications Process			Fixed Gear Amt		
6. Subdivide trawl (Shoreside whiting (Wht)/Nonwhiting (NWht) split needed only for QS allocation in first year of program. Shoreside (SS), Motherhship (MS), and catch-processor (CP) splits needed on an ongoing basis.	Split trawl based on A-21 and at-sea set asides (set asides modifiable during biennial specifications process).		SS Nwht	SS Wht	MS	CP

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# NMFS Clarifications Requested of Council

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## NMFS clarifications

### Issue 1:

Transfer of limited entry permits during application process for QS, MS/CV end., or C/P end.

- *A: Allow transfers; resulting permit/end. issued to new owner at time application complete*
- *B: Allow transfers; resulting QS permit issued to original applicant (even if doesn't own LE permit) – QS permits ONLY*
- *C (NMFS-preferred): Don't allow transfers*



### Issue 2:

#### Status of permits pending appeal

How handle QS permits or MS/CV catch history assignments still under appeal at time of implementation?

- *A(NMFS-preferred): Allow use of QS permit/account or MS/CV catch history assignment based on amounts assigned before appeal. If appeal successful, revised QS or catch history assignment issued to all permits at time of renewal in the following year.*
- *B: Don't issue QS or catch history assignments until all appeals done, fishery continues under trip limits or existing whiting primary season until year following completion of appeals*



## IFQ Program Vessel Account

### Issue 3:

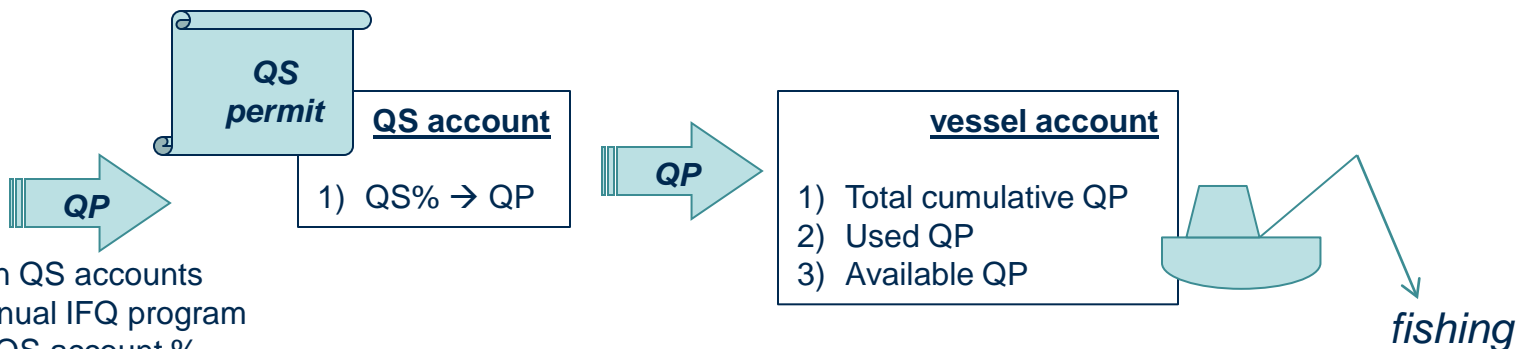
When does the 30-day clock start for vessel overages?

- *A: start clock on landing that caused overage even if all data not available. Assumes vessel operator knows regardless of what vessel account says.*
- *B (NMFS-preferred): clock starts at the time data shows overage (fish tax at time of landing or vessel acct after landing)*



### NMFS

Credits QP in QS accounts based on annual IFQ program allocation & QS account %





## Vessel Account

### Issue 4:

The 10% carryover provision can be calculated from the vessel account different ways.

- *A (NMFS-preferred): carryover based on vessel account balance 45 days after start of the year QP issued to QS accounts.*
- *B: carryover based on total cumulative QP (used and unused) in vessel account over calendar year, minus QP that were transferred out.*
- *C: carryover based on vessel account balance at end of calendar year.*



## NMFS clarifications

### Vessel Account

#### Issue 5:

All QP in a QS account must go in to a Vessel Account each year.

- *A: by December 31*
- *B (NMFS-preferred): close to end of year, but allowing enough time for fishing (by September 1?)*



## NMFS clarifications

### MS & C/P Coop Program

#### Issue 6:

Inconsistency in the Council's motion on at-sea whiting trawl sector set-asides (Am 21).

- *A: a 5 mt minimum set-aside for any species*
- *B: actual amounts in the preliminary DEIS table which showed some species set-asides of less than 5 mt (e.g., 0 mt and 1 mt).*
- *NMFS intends to put the set asides in regulation with the ABC/OY tables.*



## NMFS clarifications

### Issue 7:

What is an appropriate deadline for a coop permit (MS or C/P) and for a MS/CV endorsed permit to declare in to a MS coop or the non-coop fishery?

- *September 1-December 31 of the year before the whiting season the MS/CV endorsed permit must declare through the permit renewal process that they are going to participate in the coop or non-coop fishery.*
- *A: Between September 1 - December 31 of the year before the whiting season the coop must apply for a coop permit*
- *B (NMFS-preferred): Between February 1 - March 31 before the whiting season the coop must apply for a coop permit*



### MS Coop Program

#### Issue 8:

Should a MS/CV endorsed permit allow two changes in vessel registration in a year, if participating in both the shorebased IFQ fishery and the MS fishery?

- *A: Make 2x per year transfer rule apply to any trawl endorsed permit.*
- *B (NMFS-preferred): require that the MS/CV permit owner declare only in to MS fishery for 2<sup>nd</sup> change in vessel registration.*



## C/P Coop Program

### Issue 9:

What determines a coop failure and when would C/P fishery move to IFQ?

- C/P Coop Failure:
  1. If any C/P endorsed permits are not identified as coop members on the C/P coop agreement submitted to NMFS during the coop permit application process.
  2. If any vessel registered to a C/P endorsed permit withdraws from the C/P coop agreement.
  3. If the C/P coop fails to submit an annual report.
  4. If the C/P coop fails to manage harvest such that allocations are repeatedly exceeded.



## C/P Coop Program

### Issue 9: (con't)

What determines a coop failure and when would C/P fishery move to IFQ?

- *A: If failed, the C/P fishery would cease fishing until C/P IFQ fishery implemented.*
- *B (NMFS-preferred): If failed, the remaining C/P coop members continue to fish on the C/P sector allocations and would move to an IFQ fishery in the following year once NMFS implements the appropriate regulations.*



Questions?