

## Draft Rulemaking Plan for 2013

### *Groundfish and Halibut*

In addition to a list of groundfish and halibut rules that have already been completed over 2013, NMFS is providing a list of rulemakings that are in progress over the remainder of 2013. To start 2013, NMFS prioritized completion of harvest specifications and response to litigation, which caused some of other rulemakings to be delayed.

**Completed rules:**

1. Reconsideration of Allocation of Whiting (RAW 2), Proposed Rule (1/2/2013)
2. 2013-2014 Harvest Specifications and Management Measures Final Rule (1/3/2013)
3. Reconsideration of Allocation of Whiting (RAW 1), Extension of Emergency Rule (1/17/2013)
4. Trawl Cost Recovery, Proposed Rule (2/1/2013)
5. Tribal Whiting Fishery, Proposed Rule (3/5/2013)
6. Pacific Halibut Catch Sharing Plan, Final Rule (3/15/2013)
7. Reconsideration of Allocation of Whiting (RAW 2), Final Rule (3/28/2013)
8. Inseason Action (5/6/2013)
9. Tribal and Non-Tribal Whiting Fishery, Final Rule (5/7/2013)
10. Pacific Halibut Catch Sharing Plan, Correction (5/8/2013)

**In Progress:**

<p><b>1. Chafing Gear Rule</b> Timing: Proposed rule – summer 2013 Final rule – early 2014 Effective – late April/early May 2014 Includes: changes to chafing gear requirements Sectors affected: limited entry (LE) trawl (IFQ/MS/C/P)</p>	<p><b>5. Trawl RCA Rule (Rockfish Conservation Area)</b> Timing: Proposed Rule – July/August 2013 Final rule – Fall 2013 Effective – ~November 1, 2013 Includes: changes to trawl RCA Sectors affected: LE trawl (IFQ)</p>
<p><b>2. Observer/Catch Monitor Rule</b> Timing: Proposed rule – August 2013 Final rule – November 2013 Effective – January 1, 2014 Includes: permitting for new observer providers, observer safety, minor revisions Sectors affected: LE trawl (IFQ/MS/C/P)</p>	<p><b>6. Seabird Rule</b> Timing: Proposed Rule – fall 2013 Final rule – 2014 Effective – 2014 Includes: mandatory streamer lines Sectors affected: LE and open access (OA) fixed gear</p>
<p><b>3. PIE 2 Rule (program improvement and enhancement)</b> Timing: Proposed rule – summer 2013 Final rule – November 2013 Effective – January 1, 2014, except ban on QP transfer removed by 12/15/2013 Includes: QS trading, remove December ban on QP transfer, change opt-out requirements, revise first receiver site license requirements, eliminate double filing of coop reports, exempt certain lenders from control rules Sectors affected: LE trawl (IFQ/MS/C/P) and LE fixed gear</p>	<p><b>7. Pacific Halibut Catch Sharing Plan, 2014</b> Timing: Proposed Rule – Dec 2013 Final rule – Mar 2014 Effective – spring 2014 Includes: changes to commercial and recreational halibut fisheries for Area 2A Sectors affected: LE and OA fixed gear</p>
<p><b>4. Cost Recovery</b> Timing: Final rule – October 2013 Effective – January 1, 2014 Includes: industry fee to offset NMFS cost of management, data collection, enforcement Sectors affected: LE trawl (IFQ/MS/C/P)</p>	

**Pending Actions (in the near future):**

1. Amendment 24, 2015/2016 specifications – improved specifications and management measures process
2. Stock complexes

3. Adaptive management program (IFQ Fishery)
4. Permit Rule – Registering a limited entry trawl and limited entry fixed gear permit to a vessel at same time, consider sablefish-endorsed limited entry fixed gear ownership issues
5. Trawl gear issues – broad trawl RCA changes, multiple gears onboard, year-round season for midwater non-whiting trawl, transiting multiple management areas
6. Whiting season date change
7. Risk pool exemption from control rules (IFQ Fishery)
8. Electronic monitoring
9. VMS/declaration changes

NMFS would like to explore with the Council development of regional operating procedures. In particular, NMFS would like to work with the Council on process changes to support decision-making, such as more complete consideration of implementation issues before Council final decision, with the ultimate goal of improving timeliness of NMFS implementation.

As a starting point, NMFS would like to request that more complete analyses are available to the Council before final action and that NMFS has had an opportunity to review those analyses. This would allow NMFS the opportunity to address any concerns with the analyses before Council final action. In addition, it would provide NMFS a better opportunity to highlight implementation issues before final action. However, NMFS cannot guarantee that this would eliminate all need to bring issues back before the Council.

In addition to the process changes, NMFS would like to work with the Council to explore packaging groundfish issues, across all sectors, in a more comprehensive way. We believe this would make analyses and rulemakings more efficient. NMFS has begun doing this for rulemakings and believes that taking a step back and looking at the needs of all sectors of the fishery is warranted. One example, as shown in the table above, is pulling the observer and catch monitor components out of PIE 2 to make NMFS implementation more efficient. As Amendment 24 is being developed, another example of how to package groundfish issues in a more comprehensive way might be to include trawl trailing actions in with analyses of management measures for all groundfish sectors. In this way, groundfish issues would be looked at together for how they interplay and for how they cumulatively affect the fishery (industry and resource).