

INITIAL COMPILATION OF POSSIBLE GROUND FISH MANAGEMENT MEASURES
FOR COUNCIL CONSIDERATION

This document provides an initial unprioritized list of potential management measure topics, ordered by category and sector, derived from previous Council discussions. In order to assist in comprehensive workload planning, a list of other groundfish related matters with workload implications for Council, state and Federal staff are included. Public comment received by the deadline is included in the reference materials for Agenda Item F.9 but is not summarized here. Council actions under Agenda Item F.3 and F.9 can modify the list, based on public and advisory body comment, if desired.

The list is broken into three categories:

- A. Items on Which Council Action Has Been Completed Which Still Entail Some Workload
- B. Immediate and Long-Term Commitments
- C. Candidate Items for Prioritization in September

Items are categorized based on their expected status as of the September 2014 Council meeting. For any action to be implemented by the start of 2016, alternatives for analysis will have to be specified by the November 2014 Council meeting and a final preferred alternative chosen by the April 2015 Council meeting.

Note that trawl trailing actions and Phase II of the limited entry fixed gear sablefish program review are not listed here as such. In September, when actions are prioritized and packaged, the Council may want to assign items to these two, as well as other, categories.

A list of the short titles is provided in the following table, followed by more detailed descriptions for some items. A blank column is provided to the right in order to allow this table to serve as a decision template.

Acronyms and abbreviations used in the following table:

COP – Council Operating Procedure	OA – Open Access
CP – Catcher Processor	QP – Quota Pounds
IFQ – Individual Fishing Quota	QS – Quota Shares
LEFG – Limited Entry Fixed Gear	Rec – Recreational
MS – Mothership	TOR – Terms of Reference
	VMS – Vessel Monitoring System

Table 1. Unprioritized list of groundfish related workload items and initial candidate groundfish management measures grouped by category and sector.

	Sector	Short Title
A. Items on Which Council Action Has Been Completed Which Still Entail Some Workload¹		
1.	Trawl, Non-Trawl, Rec	2015-2016 Harvest Specifications and Management Measures and Amendment 24 (June 2014)
2.	Trawl and Non-Trawl	Seabird Rule - Mandatory Streamers for vessels ≥ 55'
3.	Trawl and Non-Trawl	Clarify Catch Accounting Rules for Amendment 21
4.	Trawl and Non-Trawl	Fishery Declaration Enhancements
5.	Trawl IFQ, MS, & CP	Cost Recovery Corrections
6.	Trawl IFQ & MS	Electronic Monitoring Exempted Fishing Permits (if final in June 2014)
7.	Trawl IFQ & MS	Pacific Dawn Lawsuit Appeal to District Court (Whiting Allocation)
8.	Trawl IFQ & MS	Whiting Cleanup Rule, Including Maximized Retention Regulations
9.	Trawl CP	Glacier Fish Co Lawsuit (Cost Recovery)
10.	Trawl IFQ	Joint Registration and Prohibition of Processing IFQ Sablefish
11.	Trawl IFQ	Move Shorebased Whiting Season Opening Dates
12.	Trawl IFQ	Continue Adaptive Management Program Pass-Through
13.	Trawl IFQ	Update eTicket for Web-based Submissions
14.	Trawl IFQ	Rule for Forfeitures for Exceeding Aggregate NonWhiting Control Limit
15.	LEFG	Revise Limited Entry Fixed Gear Permit Control Rule (If Recommended)
16.	LEFG and OA	Require E-Tickets for Sablefish Landings (If Recommended)
17.	LEFG and OA	Sablefish North of 36 Degrees - Allocation Correction
18.	LEFG and OA	Logbooks for Fixed Gear
19.	OA	Amendment 22 - Open Access License Limitation
B. Immediate and Long-Term Commitments		
<i>Currently on the Year at a Glance Schedule (See Agenda Item C.6.a, Attachment 1)</i>		
20.	Trawl, Non-Trawl, Rec	Inseason Management (Sept 2014 and beyond, excluding March 2015)
21.	Trawl, Non-Trawl, Rec	Adopt Final Stock Assessment Plan and TOR for 2015 (Sept 2014)
22.	Trawl, Non-Trawl, Rec	Develop a COP for Groundfish Methodology Review Process (Sept and Nov 2014)
23.	Trawl, Non-Trawl, Rec	Omnibus Regulations Changes (Sept and Nov 2014, Mar-June 2015)
24.	Trawl, Non-Trawl, Rec	Essential Fish Habitat: Phase 3 of the 5 Year Review (Sept 2014)
25.	Trawl, Non-Trawl, Rec	Amendment 25: Comprehensive Ecosystem-Based Amendment (Sept 2014 and Mar 2015) ²
26.	Trawl, Non-Trawl, Rec	2015 Pacific Halibut Catch Sharing Plan (Sept and Nov 2014) ³

¹ This list includes actions anticipated at the June 2014 meeting. Workload primarily involves NMFS and Council staff, however GMT and state staffs may be involved. Several items in this category are also covered under Agenda Item F.1.b, NMFS Report.

² Scheduled to occur under an Ecosystem agenda item but involves amending the groundfish Fishery Management Plan and groundfish staff.

³ Scheduled to occur under a Pacific halibut agenda item but may involve groundfish considerations and/or staff that also work on groundfish.

	Sector	Short Title	
27.	Trawl, Non-Trawl, Rec	2015 Incidental Regulations for Pacific Halibut (Mar and Apr 2015) ³	
28.	Trawl, Non-trawl, Rec	Stock Assessments for 2017-2018 Biennium (June 2015)	
29.	Trawl, Non-Trawl, Rec	Start of the Process to Establish 2017-2018 Specifications and Regulations (June 2015)	
30.	Trawl IFQ & MS	Electronic Monitoring Regulations (Sept 2014, June 2015)	
<i>Items on the Horizon</i>			
31.	Trawl IFQ, MS, & CP	Five Year Review (Starts in 2016)	
32.	Trawl IFQ	QS/QP Control Rule - Safe Harbor for Risk Pools - post 5-year review	
33.	Trawl IFQ	Resolve Long-term Whiting Surplus Carryover Provision - post 5-year review	
C. Candidate Items for Prioritization in September			
34.	Trawl, Non-Trawl, Rec	Rebuilding Revision Rules (signal vs. noise)	
35.	Trawl, Non-Trawl, Rec	Further Consideration for Reorganizing Stock Complexes	
36.	Trawl and Non-Trawl	Groundfish Conservation Areas for Rougheye Rockfish	
37.	Trawl and Non-Trawl	New Dressed to Round Conversion Factors for Sablefish	
38.	Trawl and Non-Trawl	Increase VMS Ping Rates	
39.	Trawl and Non-Trawl (LE)	Eliminate Permit Size Endorsements	
40.	Trawl and Non-Trawl	Seabird Avoidance Devices for Vessels less than 55 feet	
41.	Trawl IFQ, MS & CP	Revise Length of Time Required for the Trawl Fleet to Retain Records	
42.	Trawl IFQ (& MS & CP?)	Fishery Declaration Enhancements (With Gear Stowed and Testing Gear)	
43.	Trawl IFQ, MS & CP	Year Round Whiting Season and Other Modifications	
44.	Trawl IFQ, MS & CP	Revise Regulations on At-Sea and Shoreside Flow Scales	
45.	Trawl IFQ	Gear Use - Multiple Gears Onboard and Use	
46.	Trawl IFQ and LE Pot	Remove Certain Area-Management Restrictions	
47.	Trawl IFQ	Remove Certain Restrictions on Trawl Gear Configuration	
48.	Trawl IFQ	Resolve Long-term Non-Whiting Surplus Carryover Provision	
49.	Trawl IFQ	Carryover when Management Units Change	
50.	Trawl IFQ	Allow Trading of Previous Year Quota Pounds in Current Year	
51.	Trawl IFQ	Widow Rockfish QS Reallocation	
52.	Trawl IFQ	Discard Survival Credit for Lingcod and Sablefish	
53.	Trawl IFQ	Require Posting of First Receiver Site Licenses	
54.	Trawl IFQ	Develop Criteria for Distributing Adaptive Management Program QP	
55.	LEFG	Cost Recovery for the Permit Stacking Program	
56.	LEFG and OA	Commercial Gear Restriction for Targeting Flatfish in CA	
57.	LEFG and OA	Retain Halibut in the Sablefish Fishery (South of Pt. Chehalis)	
58.	Recreational	50 fm Depth Restriction (WA and OR)	
59.	Recreational	Mid-water Sport Fishery (OR and CA)	

Discussion

A. Items on Which Council Action Has Been Completed Which Still Entail Some Workload

1. Trawl, Non-Trawl, and Rec – 2015-2016 Harvest Specifications and Management Measures and Amendment 24 (June 2014)

The process to adopt the 2015-2016 harvest specifications and management measures, including non-electronic monitoring EFPs, and Amendment 24 culminates at this meeting with final action scheduled under Agenda Item F.7. Over the summer and fall, Council, NMFS, and state staffs will be responding to comments on the draft Environmental Impact Statement (EIS), preparing the final EIS, and preparing the regulations necessary to implement Council action. The anticipated rulemaking schedule is outlined in Agenda Item F.1.b, NMFS Report.

2. Trawl and Non-Trawl - Seabird Rule - Mandatory Streamers \geq 55'

At the November 2013 meeting, the Council recommended that streamer lines be required during setting operations on commercial fixed gear vessels 55 feet or greater in length with a safety exception in the event of rough weather, which would be triggered by a National Weather Service forecast of a gale force wind warning. In January 2014, Council staff transmitted regulations necessary to implement the Council action. NMFS advises that rulemaking is in progress and the proposed rule is anticipated this summer (see Agenda Item F.1.b, NMFS Report).

3. Trawl and Non-Trawl - Clarify Catch Accounting Rules for Amendment 21

At its June 2012 meeting, as part of the preferred alternative for the 2013-2014 harvest specification and management measures, the Council recommended reinstating catch accounting language in the FMP that was inadvertently deleted when Amendment 21 was implemented. Changes to the FMP language were also recommended to further clarify the decision rules for determining the allocation against which a vessel's catch would count (i.e., whether it would count against the limited entry allocation or the open access allocation). The Council and NMFS staff has made progress on some draft FMP language; however, due to competing workload, language for Council consideration has not yet been fully developed.

4. Trawl and Non-Trawl - Fishery Declaration Enhancements

At its June 2013 meeting, the Council took action to require that vessels activating VMS units make a fishery declaration at the time of activation, even if they are not entering a groundfish fishery at that time. Additionally, the Council recommended that, for clarity purposes, category 24 in the current list of declarations (660.13(d)(5)(iv)) be modified from "other gear" to "other," to encompass declarations to participate in fisheries not specifically named in the declaration list and for research activities.

5. Trawl IFQ, MS, & CP - Cost Recovery Corrections

After cost recovery was implemented for the trawl rationalization program in January 2014, NMFS announced clarifications to the regulations through a public notice (see NMFS public notice, NMFS-SEA-14-12, March 20, 2014). The clarifications were on (1) fish buyer's use of principal from a deposit account in cases of credit card payment to Pay.gov (IFQ & MS), and (2) in the CP sector, only retained groundfish are subject to the cost recovery fee. In the future, NMFS intends to revise the associated regulatory language for these issues and, if further issues arise, may have additional cost recovery corrections or clarifications.

6. Trawl IFQ & MS - Electronic Monitoring Exempted Fishing Permits (if final in June 2014)

The Council is also in the middle of considering exempted fishing permits (EFPs) to allow some vessels to use electronic monitoring in lieu of at-sea compliance observers. Council action might be completed at this meeting (see Agenda Item F.5 for additional background), however, substantial ongoing effort by NMFS staff would be required to have the EFPs in place during the 2015 fishery.

7. Trawl IFQ & MS - Pacific Dawn Lawsuit Appeal to District Court (Whiting Allocation)

On May 13, 2014, [an appeal to the Ninth Circuit Court](#) was filed in the Pacific Dawn lawsuit challenging the allocation of whiting IFQ and mothership sector catch history allocations. Responding to this appeal will require the time of NOAA GC attorneys, as well as other NMFS staff, who are also integral to making progress on the development and implementation of groundfish actions.

8. Trawl IFQ & MS - Whiting Cleanup Rule, Including Maximized Retention Regulations

The proposed whiting cleanup rule would establish criteria for a whiting trip (at least 50% of the landing by weight must be whiting), re-establish regulations needed to cover the disposition of catch in the maximized retention fishery, and clarify the ability of midwater gear to be used to target all groundfish species in the RCAs north of 40°10' north latitude after the whiting opening. This rule is expected to be finalized by December 2014 (see Agenda Item F.1.b, NMFS Report).

9. Trawl CP - Glacier Fish Co Lawsuit (Cost Recovery)

On January 9, 2014, [Glacier Fish Company LLC filed a suit](#) in relation to the cost recovery regulations challenging the categorization of the catcher-processor co-op program as a limited access privilege program, challenging the status of co-op members as limited access privilege holders, claiming that the cost recovery regulations were not properly promulgated, and claiming adequate documentation of the basis of the cost figure has not been provided. Responding to this suit will require the time of NOAA GC attorneys, as well as other NMFS staff, who are also integral to making progress on the development and implementation of groundfish actions.

10. Trawl IFQ - Joint Registration and Prohibition of Processing IFQ Sablefish

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. Implementation is expected by the winter of 2014/2015, as part of the upcoming Sablefish Rule (see Agenda Item F.1.b, NMFS Report).

11. Trawl IFQ - Move Shorebased Whiting Season Opening Dates

At its November 2012 meeting, the Council recommended moving the shoreside sector primary whiting season opening date to May 15, starting in 2013 to the extent that such a change could be made without requiring a plan amendment. It is expected that the season date change can be made for all areas north of 40°30' north latitude. The current April 15 opening will remain in place south of that line. Implementation is expected by May 2015 (see Agenda Item F.1.b, NMFS Report).

12. Trawl IFQ - Continue Adaptive Management Program Pass-Through

Under this agenda item, the Council will likely extend the current AMP pass-through for a number of additional years (see Agenda Item F.3.a, Attachment 1). A regulatory action, completed by the end of the year, will be required to implement that extension (see Agenda Item F.1.b, NMFS Report).

13. Trawl IFQ - Update eTicket for Web-based Submissions

Pacific States Marine Fisheries Commission is improving the trawl IFQ e-Ticket system by moving to a web-based platform. This will require some regulatory changes and may be implemented over the winter of 2014/2015, as part of the upcoming Sablefish Rule (see Agenda Item F.1.b, NMFS Report), if the Council recommends e-tickets for the sablefish fishery (see Item 16).

14. Trawl IFQ - Rule for Forfeitures for Exceeding Aggregate NonWhiting Control Limit

Current regulations require forfeiture of QS held in excess of control limits as of November 30, 2015. There is no guidance in the regulations for which QS would be revoked if a QS permit owner does not get their individual and collective QS amounts under the aggregate nonwhiting QS control limit. This issue may not require Council action and may only be a clarification of policy if the situation arises. In the interim, QS permit owners are encouraged to get their own QS permits/accounts under the QS control limits listed at 660.140(d)(4)(i) by November 30, 2015, so that NMFS does not have to take an administrative action. NMFS notified QS permit owners that were over QS control limits of the amounts they were over when NMFS issued initial QS permits. Later in 2014, NMFS will again notify QS permit owners that are over QS control limits. NMFS has several tools available on the QS Permit and Accounts website at: http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish_catch_shares/quota_share_permits_accounts.html. The website includes the table of IFQ accumulation limits (i.e., QS control

limits), and tools for QS permit owners to calculate their non-whiting groundfish aggregate QS to determine if they are over the limit.

15. LEFG - Revise Limited Entry Fixed Gear Permit Control Rule (If Recommended in June 2014)

At this meeting, the Council will decide whether or not to recommend a revision to the limited entry fixed gear permit control rule (Agenda Item F.6). If the Council recommends such revisions, the recommendation will be in the NMFS approval and implementation phase by the time of the September Council meeting, with the attendant workload for NMFS and Council staff, including regulatory deeming. Implementation would be expected by the winter of 2014/2015, as part of the upcoming Sablefish Rule (see Agenda Item F.1.b, NMFS Report).

16. LEFG and OA - Require E-Tickets for Sablefish Landings (If Recommended in June 2014)

At this meeting, the Council will decide whether or not to recommend that electronic fish tickets be required for limited entry fixed gear and open access sablefish landings (Agenda Item F.6). If the Council recommends such regulations, the recommendation will be in the NMFS approval and implementation phase by the time of the September Council meeting, with the attendant workload for NMFS and Council staff, including regulatory deeming. Implementation would be expected by the winter of 2014/2015, as part of the upcoming Sablefish Rule (see Agenda Item F.1.b, NMFS Report).

17. LEFG and OA - Sablefish North of 36 Degrees - Allocation Correction

The May 2014 version of the groundfish FMP accurately represents the Council intent for sablefish catch accounting and allocations. That is, consistent with the Amendment 6 catch accounting rules, sablefish landed north of 36 deg. N. lat. by vessels registered to a LE fixed gear permit, regardless of their intended target (i.e., groundfish or non-groundfish species), will be debited against the LE fixed gear daily trip limit allocation (LE DTL). Sablefish landings by vessels not registered to a LE permit, regardless of their intended target (e.g. groundfish or non-groundfish species), will be debited against the OA fixed gear daily trip limit allocation (OA DTL). Action is needed to revise the groundfish regulations to be consistent with the FMP.

18. LEFG and OA - Logbooks for Fixed Gear

At its June 2008 meeting, as part of the preferred alternative for the 2009-2010 harvest specification and management measures, the Council recommended that NMFS develop and implement a mandatory Federal logbook for limited entry and open access fixed gear vessels. The Council's Groundfish Management Team, the West Coast Groundfish Observer Program, NMFS, and state staffs worked with Pacific States Marine Fisheries Commission to prepare a draft fixed gear logbook. The logbook has not been finalized and implemented due to concerns raised by NMFS, including lack of funding.

19. OA - Amendment 22 - Open Access License Limitation

In June 2009, the Council recommended a registration program for fishermen intending to land groundfish in the open access fishery, whether targeting those species or taking them incidentally while fishing for non-groundfish species (e.g., salmon, pink shrimp, California halibut) or nearshore species (e.g., cabezon, black rockfish). The Council has taken final action on Amendment 22 yet the registration program has not been implemented. More recently, some OA vessels are required to have an authorization on board under the Marine Mammal Protection Act (i.e., sablefish pot vessels) and NMFS is having difficulty getting addresses for those vessels. An OA registration system would address this issue.

B. Immediate and Long-Term Commitments

20. Trawl, Non-Trawl, and Rec - Inseason Management (Sept 2014 and beyond, excluding March 2015)

Management measures for groundfish are set by the Council with the general understanding that these measures will likely need to be adjusted within the biennium to attain, but not exceed, the ACLs. On the Year at a Glance, inseason adjustments are scheduled to be discussed at the Sept-Nov 2014 meetings as well as in 2015 (except March).

21. Trawl, Non-Trawl, and Rec - Adopt Final Stock Assessment Plan and TOR for 2015

In September and November of the even numbered years (e.g., 2014), the Council develops a stock assessment plan for the upcoming biennium and a Terms of Reference (TOR) for conducting the assessments.

22. Trawl, Non-Trawl, and Rec - Develop a COP for Groundfish Methodology Review Process (Sept and Nov 2014)

The Council recommended developing a Council Operating Procedure (COP) for conducting groundfish methodology reviews, similar to COP 15 for salmon. The Council is scheduled to adopt the COP at the September and November 2014 meetings.

23. Trawl, Non-Trawl, Rec – Omnibus Regulation Changes (Sept and Nov 2014, Mar-June 2015)

On the Year at a Glance, Omnibus Regulation changes are scheduled to be discussed at the Sept-Nov 2014 meetings as well as in 2015. Any prioritized management measures (e.g., those included under Category C: Candidate Items for Prioritization) could be considered under the Omnibus Regulation Changes agenda item.

24. Trawl, Non-Trawl, and Rec - Essential Fish Habitat – Phase 3 of the 5 Year Review (Sept 2014 and Mar 2015)

As the first step in the Phase 3 process, the Council requested that the Northwest and Southwest Fisheries Science Centers investigate the question of Essential Fish Habitat (EFH) effectiveness, accuracy, and completeness and to present their findings in the advance Briefing Book for consideration at the September 2014 Council meeting. At the September 2014 meeting, the Council is tentatively scheduled to initiate a fishery management plan amendment, including alternatives for refining elements of groundfish EFH as warranted by new information, the Science Center evaluation, and proposals received.

25. Trawl, Non-Trawl, and Rec - Amendment 25: Comprehensive Ecosystem-Based Amendment (Sept 2014 and Mar 2015)

In April 2014, The Council approved a range of alternatives for protecting unfished and unmanaged forage fish species and identified the Ecosystem Trophic Role pathway as a preliminary preferred alternative. Under this pathway, protective measures for forage species would be added to each of the Council's four FMPs, perhaps under an omnibus process aggregating the four actions into one process. The Council is scheduled to review the alternatives and proposed amendatory language for the groundfish FMP at the September 2014 Council meeting.

26. Trawl, Non-Trawl, Rec – 2015 Pacific Halibut Catch Sharing Plan (Sept and Nov 2014)

Each September and November meeting, the Council considers proposed changes to the Pacific halibut regulations and Catch Sharing Plan (CSP) for Area 2A. Starting in 2014, in response to recent unusually high harvests of Pacific halibut off Southern Oregon and Northern California, the Council established a new management line at the Oregon/California border, creating separate Oregon and California subareas with area-specific CSP allocations and management measures. The Council is scheduled to consider, at the September and November 2014 meetings, whether additional changes to the 2A CSP allocations are necessary and whether additional adjustments to management measures are necessary to comply with allocation provisions of the CSP. The anticipated rulemaking schedule is outlined in Agenda Item F.1.b, NMFS Report.

27. Trawl, Non-Trawl, Rec – 2015 Incidental Regulations for Pacific Halibut (Mar and Apr 2015)

Regulations governing incidental harvest of halibut in the salmon troll fishery and primary fixed gear fishery for sablefish north of Point Chehalis require the Council to adopt halibut landing restrictions to allow incidental harvest while assuring quotas are not exceeded. The Council is scheduled to recommend incidental halibut regulations at the March and April 2015 meetings.

28. Trawl, Non-Trawl, Rec - Stock Assessments for 2017-2018 Biennium (June 2015)

At this meeting, under Agenda Item F.8, the Council is scheduled to adopt for public review the list of stocks to be assessed in 2015 for use in 2017 and beyond and a stock assessment review schedule. The first stock assessment is scheduled for Council adoption in June 2015.

29. Trawl, Non-Trawl, Rec - Start of the Process to Establish 2017-2018 Specifications and Management Measures (June 2015)

In most cycles, the start of the process to establish the biennial regulations begins in June of the odd numbered years (e.g., June 2015).

30. Trawl IFQ & MS - Electronic Monitoring Regulations (Sept 2014, June 2015)

The Council has received funding and is in the middle of a process for the consideration of electronic monitoring as a replacement for the monitoring function of at-sea observers. This action is currently scheduled for completion by the September Council meeting though it appears likely that further deliberations will be required for at least some sectors. See Agenda Item F.2 for additional background.

31. Trawl - Five Year Review (Starts in 2016)

The trawl rationalization program will complete its fifth year at the end of 2015. Planning for the review might begin during 2015 but the compilation of data sets for the review will not occur until sometime during 2016 – when the final data becomes available.

32. Trawl - QS/QP Control Rule - Safe Harbor for Risk Pools - post 5-year review

At its September 2011 meeting, the Council recommended providing risk pools a safe harbor from the QS control rules. At its September 2013 meeting, the Council agreed that risk pools appeared to be functioning adequately under current regulations and that implementation of this recommendation could wait until the five year program review.

33. Trawl - Resolve Long-term Whiting Surplus Carryover Provision - post 5-year review

A workshop was held on November 2, 2012 to explore possibilities for fully implementing whiting surplus carryover in 2013 and a report was presented to the Council at its November 2012 meeting. The Council decided that it will review this issue again during the 5 year program review, scheduled for 2016.

C. Candidate Items for Prioritization in September

34. Trawl, Non-Trawl, and Rec - Rebuilding Revision Rules (signal vs. noise)

The Council recommended consideration of rebuilding revision rules during Amendment 24 and the 2015-2016 harvest specifications and management measures process. Such rules involve assessing adequacy of progress toward rebuilding and altering rebuilding plans, given a change in stock status. Some have referred to the rebuilding revision rules as separating the signal (true rebuilding) from the noise (variability in the estimates). The management strategy evaluation necessary to inform potential rebuilding revision rules is ongoing and will not be completed in time to be implemented with Amendment 24.

35. Trawl, Non-Trawl, and Rec - Further Consideration for Reorganizing Stock Complexes

During the past few cycles, the Council has made progress evaluating the performance of the existing stock complexes relative to the revised National Standard 1 Guidelines. In the event the Council wishes to further consider reorganizing the stock complexes, such work should be completed prior to the start of the biennial analysis (e.g., June 2015 prior to the 2017-2018 cycle).

36. Trawl and Non-Trawl - Groundfish Conservation Areas for Rougheye Rockfish

During the development of the 2015-2016 harvest specifications and management measures, the Council recommended an analysis be conducted to explore the impacts of implementing a Groundfish Conservation Area to reduce the catch of rougheye and blackspotted rockfish. Due to complexities in the analysis and competing workload in the 2015-2016 process, the Council recommended that this measure be discussed and prioritized accordingly during the omnibus regulation changes process.

37. Trawl and Non-Trawl - New Dressed to Round Conversion Factors for Sablefish

New information may be coming available on dressed to round conversion factors for sablefish, including conversion factors for product forms that are currently not covered with existing factors.

38. Trawl and Non-Trawl - Increase VMS Ping Rates

An Administrative Law Judge ruling on the F/V RISA LYNN case has raised question as to whether or not the current hourly locational pings used in the VMS system are sufficient to enforce area closures. This possible need to increase ping rates was first brought to the Council's attention at its November 2013 meeting and discussed in more detail at its March 2014 meeting, at which NMFS Office of Law Enforcement (Agenda Item H.1.b, NMFS OLE Report, March 2014) and the Enforcement Consultants (Agenda Item H.1.c, EC Report, March 2014)

each provided reports. Additionally, the Groundfish Advisory Subpanel identified alternative tools for addressing the concern: “data loggers in conjunction with electronic logbooks, specific polygons in the RCA, automatic identification systems, and more.” ([Agenda Item H.1.c, GAP Report, March 2014](#)). At that time, the Council deferred further action until this meeting in order to determine the relative priority for this issue among other potential groundfish actions.

39. Trawl and Non-Trawl (LE) – Eliminate Permit Size Endorsements

Gear Workshop Report from the November 2012 Council meeting ([Agenda Item I.5.a, Attachment 4 – Gear Workshop Report](#)) stated: “The trawl permit length endorsement and associated permit transfer provisions are no longer needed as vessel capacity is no longer an issue under the IFQ program. However, there may be impacts to non-target species and to target species taken with fixed gear under gear switching that will need to be taken into account.” It has also been suggested that the size endorsements are no longer needed for the fixed gear sablefish endorsed permits.” This issue was also been identified in The Trawl Rationalization Regulatory Evaluation Committee (TRREC) Report from the November 2011 Council meeting ([Agenda Item E.7.b, Supplemental TRREC Report](#)).

40. Trawl and Non-Trawl – Seabird Avoidance Devices for Vessels less than 55 feet

In 2012, the U.S. Fish and Wildlife Service (USFWS) published a biological opinion considering the effects of West Coast groundfish fisheries to Endangered Species Act (ESA) listed marine species, including seabirds. The opinion includes reasonable and prudent measures (RPMs), terms and conditions, and conservation recommendations to minimize take of seabirds, particularly the endangered short-tailed albatross. The RPMs stipulate that NMFS shall 1) minimize the risk of short-tailed albatross interactions with commercial hook and line gear, 2) establish a work group as an advisory body to NMFS and USFWS for the purposes of reducing risk to short-tailed albatross (and other ESA-listed species), 3) monitor and report all observed, reported, and estimated short-tailed albatross take as well as report on the efficacy of avoidance and minimization measures, and 4) facilitate the salvage of short-tailed albatross carcasses taken by longline gear. In 2013, the Council recommended streamer line regulations for vessels 55 feet and greater (see item #39); however regulations are also needed for vessels less than 55 feet. SeaGrant research results are expected in 2015 and should inform the development of these regulations.

41. Trawl IFQ, MS & CP - Revise Length of Time Required for the Trawl Fleet to Retain Records

As described in September 2013 ([Agenda Item G.9.a, Attachment 1](#)), consider revising regulations that require the trawl fleet to retain records for three years and make them available upon request (660.113(a)(2)) to clarify how that works with regulations that require retention of records on board for 15 days into the next cumulative limit period (660.13(c)).

42. Trawl IFQ (& MS & CP?) - Fishery Declaration Enhancements (With Gear Stowed and Testing Gear)

It has been suggested that declarations for transiting with gear stowed and for testing trawl gear (with no retention) be implemented and that on trips with these declarations no observer coverage would be required.

43. Trawl IFQ, MS & CP - Year Round Whiting Season and Other Modifications

The November 2011 [TRREC Report](#) recommended as a first priority the movement of all shorebased whiting season start dates to May 15 and elimination of the 5 percent cap on the early season California fishery. Council action to move the shoreside season openings for the area north of 40°30' north latitude (see Item 15) has been completed but the April 15 start date for the area south of that line remains, along with the 5 percent cap have not been implemented (due to the need for a FMP amendment to modify these provisions). The TRREC recommended as a secondary priority the consideration of a year round whiting season.

44. Trawl IFQ, MS & CP - Revise Regulations on At-Sea and Shoreside Flow Scales

As described in September 2013 ([Agenda Item G.9.a, Attachment 1](#)), NMFS Alaska Region is currently revising at-sea flow scale regulations for the North Pacific because incidences of manipulation were discovered. West coast trawl rationalization program regulations at 660.15 may need to be revised in coordination with revisions to North Pacific regulations which are expected for 2015. New regulations are required to address the need for daily scale testing criteria for the new shoreside flow scales.

45. Trawl IFQ - Gear Use - Multiple Gears Onboard and Use

[TRREC](#) Report from the November 2011 Council meeting and the [Gear Workshop Report](#) from the November 2012 Council meeting (see item #39) both contained recommendations for the carrying and use of multiple gear types on a single trip, including both trawl and fixed gears.

46. Trawl IFQ - Remove Certain Area-Management Restrictions

Both the [TRREC](#) and [Gear Workshop](#) Reports (see item #39) included recommendations relative to area management restrictions. The TRREC report identified this issue as a general topic for consideration, plus the need to consider allowing vessels to fish in more than one area. The Gear Workshop report recommended allowing year-round use of midwater gear in the RCA be considered and elimination of the selective flatfish gear requirement in place shoreward of the RCA. It also recommended that the use of midwater gear be allowed in all groundfish essential fish habitat conservation areas coastwide and year round (except that targeting on whiting would be subject to whiting regulations); and that vessels be allowed to move fixed gear across management lines without going to shore (currently that movement is considered to be fishing in two areas on the same trip).

47. Trawl IFQ - Remove Certain Restrictions on Trawl Gear Configuration

The [TRREC](#) (see item #39) suggested that with the individual incentives provided by the trawl rationalization program it would be possible to “Eliminate codend, chafing gear, mesh size and selective flatfish trawl gear requirements and restrictions” but that large and small footrope distinctions would have to remain due to EFH considerations—though they might be modified. For similar reasons, the [Gear Workshop](#) (see item #39) recommended reducing the minimum mesh size for bottom trawl by ½ inch, to 4 inches and also recommended eliminating the selective flatfish trawl requirement. One particular obstacle presented by the selective flatfish requirement is that the nets are two seamed nets and it is not possible to put rockfish excluders in two seamed nets.

48. Trawl IFQ - Resolve Long-term Non-Whiting Surplus Carryover Provision

The trawl IFQ program allows up to 10 percent of a vessel’s QP to be carried from one year to the next, either as a deficit covered with following year QP or an unused surplus which can be fished in the following year. Concern that the surplus carryover provision might be interpreted as violating allowable catch limits has led NMFS to not issue surplus carryover for some species in some years. A consultative process between NMFS and the Council was developed as part of the 2013-2014 biennial specifications, to inform the NMFS decision process about whether or not to issue the surplus carryover. However, there continues to be uncertainty each year as to whether or not surplus quota pounds from the previous year will be reissued. The uncertainty may be encouraging vessels to fish into deficit to avoid the loss of QP which would occur if surplus QP are not reissued. The Council has requested further analysis and development of options to ensure that, in the long term, the surplus carryover provisions can be implemented with greater certainty.

49. Trawl IFQ - Carryover When Management Units Change

As described in September 2013 ([Agenda Item G.9.a, Attachment 1](#)), the regulations do not cover how carryover should be handled when there is a reallocation as a result of changes in management areas (area subdivision, combination, or line movement) or subdivision of a species group that cause shifts in the distribution of QS. This issue was identified with the recent geographic subdivision of lingcod and relates to 660.140(c)(3)(vii).

50. Trawl IFQ - Allow Trading of Previous Year Quota Pounds in Current Year

At the April 2013 Council meeting, it was proposed that the trading of QP issued for a previous year be allowed to occur in the current year up until the last landings data for the previous year is in the catch and QP accounting system. This would allow greater flexibility for the fleet as a whole to use unused QP from a previous year to cover catch in that year. For example, in situations where a vessel was in deficit at the end of the year, during the subsequent calendar year it might acquire QP from a vessel that had a surplus at the end of that same year, rather than having to use QP from the subsequent year to cover previous year catch. Further action on this issue was deferred, to be take up as part of the next trawl rationalization trailing action package.

51. Trawl IFQ - Widow Rockfish QS Reallocation

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. Consequently, the Council recommended and NMFS implemented an indefinite extension on the widow rockfish QS moratorium through the reconsideration of the allocation of whiting (78 FR 18879, March 28, 2013). Therefore, while QS trading started for all other species in January 2014, the moratorium continues for widow rockfish QS. Some implementation issues have resulted due to the moratorium on transfer of widow rockfish QS affecting QS owners wanting to leave the fishery or change business arrangements. QS permit owners who are trying to retire or otherwise sell their QS are stuck with their widow QS until such time as the Council makes a decision on reallocation. Even though they will just be carrying one IFQ species in their QS account, they still will have the same renewal, paperwork, and QP transfer burden as all other QS owners and could result in stranded widow QP. Similarly, situations have occurred where a corporation is dissolved, wants to change ownership, or wants to change their structure by registering in a new state, perhaps with a new tax ID number. With the moratorium on widow QS transfer, the corporation will have to decide if it is in their best interest to dissolve and risk losing widow QS or remain a corporation to keep their widow QS until it is transferrable.

52. Trawl IFQ - Discard Survival Credit for Lingcod and Sablefish

The annual estimates of groundfish mortality, prepared by the West Coast Groundfish Observer Program, include discard survival credits for sablefish (50 percent for trawl, 20 percent for fixed gear) and lingcod (50 percent mortality for trawl). However, within the shorebased IFQ program, total catch, regardless of survival, is debited from vessel QP accounts and tracked inseason against the trawl allocation and annual catch limits. Industry has requested the consideration of an IFQ survival credit for discarded lingcod and sablefish, and particularly for the discard of small sized lingcod—for which discard is currently required.

53. Trawl IFQ - Require Posting of First Receiver Site Licenses

As described in September 2013 ([Agenda Item G.9.a, Attachment 1](#)), add a requirement that first receivers possess and display a valid first receiver site license at each processing site. This would be similar to existing requirements at 660.12(d)(1) and 660.25(b)(1)(iii) that require vessels registered to limited entry permits to carry valid permit onboard the vessel.

54. Trawl IFQ - Develop Criteria for Distributing Adaptive Management Program QP

Under the Amendment 20 trawl rationalization program, the shoreside IFQ program includes a set aside of 10 percent of the nonwhiting QS (including halibut individual bycatch quota, IBQ) for an Adaptive Management Program (AMP). The AMP QP, issued each year for those QS, are to be distributed to address the following objectives: community stability; processor stability; conservation; unintended/unforeseen consequences of IFQ management; and facilitating new

entrants. However, to date, the QP associated with this program have been passed through to QS holders on a pro rata basis in proportion to their QS holdings. Under this agenda item, the Council will be considering whether and for how long to continue that pass-through (see Agenda Item F.3.a, Attachment 3). Regardless of that decision, it will take some time to develop and analyze alternative criteria for distribution of the AMP QP. The Council may wish to prioritize beginning work on these criteria in anticipation of having that work completed on time for the expiration of the next pass-through period (if there is one).

55. Non-Trawl - Cost Recovery for the Permit Stacking Program

The limited entry fixed gear sablefish stacking program is considered a limited access privilege program (a LAPP). The MSA requires LAPPs to develop a methodology and means to identify and assess cost of management, data collection and analysis, and enforcement programs that are directly related to and in support of the LAPP. Further, the Secretary of Commerce is authorized to establish and collect fees paid by holders of limited access privileges that will cover the costs of management, data collection and analysis, and enforcement activities; not to exceed 3 percent of the ex-vessel value of the fish harvested under the program. The LEFG sablefish program was established prior to the addition of these requirements in the MSA and, to this point, a means to identify costs or policy to establish a cost recovery program have not been developed. This issue is discussed further in the fixed gear sablefish program sablefish review (Agenda Item, F.6.a, Attachment 1).

56. LEFG and OA - Commercial Gear Restriction for Targeting Flatfish in CA

In California, commercial vessels using a specific gear configuration designed to target flatfish species are authorized to fish in several Groundfish Conservation Areas, including the non-trawl RCA, Cowcod Conservation Area, Farallon Islands, and Cordell Banks. During the development of the 2015-2016 harvest specifications and management measures, the Council recommended an analysis be conducted to explore the impacts of either removing or modifying restrictions on the gear and where those vessels can fish. Due to complexities surrounding the analysis and competing workload in the 2015-2016 process, the Council recommended that this measure be discussed and prioritized accordingly during the omnibus regulation changes process.

57. LEFG and OA - Retain Pacific Halibut in the Sablefish Fishery (South of Pt. Chehalis, WA)

At the September 2010 meeting, the Council recommended an analysis be conducted to explore the impacts of allowing incidental Pacific halibut retention in the sablefish fixed gear fishery south of Point Chehalis, Washington; which could include both limited entry and open access sectors. The analysis was intended to be completed in time to inform the development of the 2012 Pacific Halibut Catch Sharing Plan, though there was some discussion such a timeline was ambitious. Initial queries indicate that no analysis of the measure has been completed to date.

58. Recreational - 50 fm Depth Restriction (WA and OR)

Federal regulations provide coordinates for a 50 fm recreational Rockfish Conservation Area. During the development of the 2015-2016 harvest specifications and management measures, Washington and Oregon recommended analyzing the impacts of implementing the 50 fm line, if recommended. Due to the complexities surrounding the analysis and competing workload in the 2015-2016 process, the Council recommended that this measure be discussed and prioritized accordingly during the omnibus regulation changes process.

59. Recreational - Mid-water Sport Fishery (OR and CA)

In June 2013, the Council voted to move forward with evaluation of a midwater sport fishery in Oregon and California, as proposed in [Agenda Item F.3.c](#), June, 2013, Holloway Proposal, with a potential implementation of January 1, 2015. This topic was originally scheduled for Council action in November 2013 and March 2014; however, the analysis was delayed due to competing workload.