

GROUND FISH ADVISORY SUBPANEL REPORT ON GROUND FISH OMNIBUS  
REGULATION CHANGES PART I/INITIAL COMPILATION  
OF MANAGEMENT MEASURES

The Groundfish Advisory Subpanel (GAP) heard a report by Ms. Kelly Ames and Mr. Jim Seger and offers the following comments on the Omnibus Regulation Changes.

Adaptive Management Program

As noted in No. 54 and (and No. 12) on the list, the GAP supports Alternative 2 for continued pass-through of Adaptive Management Program (AMP) quota pounds. Most recently, the GAP [commented on this in March](#) and in several statements before that. The GAP continues to believe that the AMP is a solution looking for a problem and that no valid problems have been brought forward that would be solved by initiating the AMP. There are many more pressing matters that could create efficiencies in the trawl rationalization program that should be considered before this issue. We suggest No. 54 simply be removed.

Sections A, B and C of the Omnibus list

First, we referred to and copied the template found in [Agenda Item F.3.a, Initial Compilation of Possible Groundfish Management Measures for Council Consideration](#), so the discussion is easier to follow.

Second, we've added some columns to the right of each numbered item that we hope provides the Council guidance for prioritization of these issues in September. The columns are as follows:

- In sections A and B: GAP comments: We realize most of the issues in these sections are already in the works and that the Council is not prioritizing anything at this meeting. However, we request National Marine Fisheries Service (NMFS) provide the Council and advisory bodies with a clearer idea of which items *the agency* sees as a priority due to workload, budgets, staff, etc.

The GAP recognizes that anything with a hard timeline imposed by courts or biological opinions or the like should be met.

- In section C: GAP "on or off" the list and comments: These boxes makes it clear which of the items we view as ones the Council should prioritize in September and which could be delayed. We expect further refinement of these items under F.9, Omnibus II and/or at the September Council meeting.

Third, we have listed eight issues at the end that we'd like to see added to the list. Any Council guidance related to these issues can be addressed in F.9, Omnibus II, or in September.

GAP discussion

As a prelude to consideration of individual items on the list, GAP members spent a bit of time expressing frustration at the laundry list of items, many of which should have been implemented

years ago. On one hand, we – and the Council – have spent a several meetings shuffling some items from one list to another before they were put on this omnibus list; on the other hand, perhaps *this* omnibus list finally will allow for a consistent follow-through for completion. In short, let's stop spending our time making lists and instead get things done.

Many GAP members also expressed frustration at what seems to be a bottleneck at NMFS and are skeptical that few items in the omnibus will actually move forward. This points to the greater problem of damaging the successful working relationship industry has had with NMFS for years.

In addition to the greater level of analysis being required for action, multiple layers of review and bureaucracy is destroying a fishery and creating a dysfunctional system.

While the GAP recognizes these problems, we also request both NMFS and the Council consider what additional actions members of the GAP, as individuals and as an advisory panel, can take to assist in implementation of backlogged issues. The GAP would like to remind the Council that the trawl catch share program participants are now paying cost recovery fees to offset management costs and it is still unclear what tasks are actually being completed with these dollars. Continuing delays threaten the success of the quota share program.

Relative to the task at hand, the GAP recognizes the most important items deal with moving the annual harvest specifications and management measures through the process. Any efficiencies we can gain here are paramount as they will affect the entire industry. Items specific to individual sectors are secondary, but barely. While it may appear the omnibus list is overloaded with items related to the trawl rationalization program, many of these issues are not new and were in fact identified prior to implementation of the program. Without inferring any additional priority at this time, all sectors should have items that move forward for prioritization in September.

| Sector  |                       | Short Title   |  |
|---|-----------------------|---|--|
| <b>A. Items on Which Council Action Has Been Completed Which Still Entail Some Workload</b> |                       |   | <b>GAP comments</b>  |
| 1.  | Trawl, Non-Trawl, Rec | 2015-2016 Harvest Specifications and Management Measures and Amendment 24 (June 2014) | This is of utmost importance to get accomplished so the new harvest specifications are available for harvest on Jan. 1, 2015 (e.g., higher petrale and sablefish ACLs).                                      |
| 2.  | Trawl and Non-Trawl   | Seabird Rule - Mandatory Streamers for vessels ≥ 55'                                  | It's important for NMFS to meet the timeline dictated in the BiOp  |
| 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)                | This is important to the GAP, as we have stated in Agenda Items F.2 and F.5.   |
| 7.  | Trawl IFQ & MS        | Pacific Dawn Lawsuit Appeal to District Court   | --   |
| 8.  | Trawl IFQ & MS        | Whiting Cleanup Rule, Including Maximized Retention Regulations                       | This should be simple to do, but why is this holding up the whiting season start date (No. 11)? It's important to finish so the shorebased whiting season date change goes into effect in 2015.              |
| 9.  | Trawl CP              | Glacier Fish Co Lawsuit (Cost Recovery)   | --   |
| 10.   | Trawl IFQ             | Joint Registration and Prohibition of Processing IFQ Sablefish                        | Yes, move this forward. We understand the workload is not huge.  |
| 11.   | Trawl IFQ             | Move Shorebased Whiting Season Opening Dates  | Yes, this is a priority for the GAP. See also No. 8.   |
| 12.   | Trawl IFQ             | Continue Adaptive Management Program Pass-Through                                     | As the GAP has said in past statements, this should move forward indefinitely: Alternative 2, from <a href="#">F.3.a, Attachment 1, "AMP Quota Pound Pass-through."</a>                                      |
| 13.   | Trawl IFQ             | Update eTicket for Web-based Submissions  | Low priority; web-based submissions already are in use, but not required by regulation. As such, the timing of this measure isn't critical.  |
| 14.   | Trawl IFQ             | Rule for Forfeitures for Exceeding Aggregate NonWhiting Control Limit                 | The GAP suggests this move forward to be done by the transfer date deadline but any proposed date change is up to the Council.   |
| 15.   | LEFG                  | Revise Limited Entry Fixed Gear Permit Control Rule (If Recommended)                  | These items were or will be addressed under agenda item F.6, Sablefish Catch Share Program Review.   |
| 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   | This is stale, not needed. Revisit the original purpose to see if the needs still apply.   |
| 19.   | OA                    | Amendment 22 - Open Access License Limitation   | This should move forward for situations such as the rougeye situation – it's important to reach the people involved. There are management benefits, such as more precise inseason trip limits for sablefish. |

| <b>B. Immediate and Long-Term Commitments</b>  |                       |  |   |
|--|-----------------------|--|---|
| <i>Currently on the Year at a Glance Schedule (See also <a href="#">Agenda Item C.6.a, Attachment 1</a>)</i> |                       |  | <b>GAP comments</b>   |
| 20.  | Trawl, Non-Trawl, Rec | Inseason Management (Sept 2014 and beyond, excluding March 2015)                       | No comment  |
| 21.  | Trawl, Non-Trawl, Rec | Adopt Final Stock Assessment Plan and TOR for 2015 (Sept 2014)                         | No comment  |
| 22.  | Trawl, Non-Trawl, Rec | Develop a COP for Groundfish Methodology Review Process (Sept and Nov 2014)            | No comment  |
| 23.  | Trawl, Non-Trawl, Rec | Omnibus Regulations Changes (Sept and Nov 2014, Mar-June 2015)                         | No comment  |
| 24.  | Trawl, Non-Trawl, Rec | Essential Fish Habitat: Phase 3 of the 5 Year Review (Sept 2014)                       | Low priority  |
| 25.  | Trawl, Non-Trawl, Rec | Amendment 25: Comprehensive Ecosystem-Based Amendment (Sept 2014 and Mar 2015)         | Low priority  |
| 26.  | Trawl, Non-Trawl, Rec | 2015 Pacific Halibut Catch Sharing Plan (Sept and Nov 2014)                            | No comment  |
| 27.  | Trawl, Non-Trawl, Rec | 2015 Incidental Regulations for Pacific Halibut (Mar and Apr 2015)                     | No comment  |
| 28.  | Trawl, Non-trawl, Rec | Stock Assessments for 2017-2018 Biennium (June 2015)                                   | No comment  |
| 29.  | Trawl, Non-Trawl, Rec | Start of the Process to Establish 2017-2018 Specifications and Regulations (June 2015) | High priority   |
| 30.  | Trawl IFQ & MS        | Electronic Monitoring Regulations (Sept 2014, June 2015)                               | High priority   |
| <i>Items on the Horizon</i>  |                       |  |   |
| 31.  | Trawl IFQ, MS, & CP   | Five Year Review (Starts in 2016)  | No comment  |
| 32.  | Trawl IFQ             | QS/QP Control Rule - Safe Harbor for Risk Pools - post 5-year review                   | Low priority  |
| 33.  | Trawl IFQ             | Resolve Long-term Whiting Surplus Carryover Provision - post 5- year review            | Should be removed from prioritization, since this will be dealt with under the 5-year program review. |

| C. Candidate Items for Prioritization in September |                          |  | Council notes | GAP on or off the list | GAP comments   |
|--|--------------------------|--|---------------|------------------------|--|
| 34.  | Trawl, Non-Trawl, Rec    | Rebuilding Revision Rules (signal vs. noise)                         |               | ON                     | --   |
| 35.  | Trawl, Non-Trawl, Rec    | Further Consideration for Reorganizing Stock Complexes               |               | OFF                    | --   |
| 36.  | Trawl and Non-Trawl      | Groundfish Conservation Areas for Rougheye Rockfish                  |               | OFF                    | --   |
| 37.  | Trawl and Non-Trawl      | New Dressed to Round Conversion Factors for Sablefish                |               | ON                     | --   |
| 38.  | Trawl and Non-Trawl      | Increase VMS Ping Rates  |               | OFF                    | --   |
| 39.  | Trawl and Non-Trawl (LE) | Eliminate Permit Size Endorsements                                   |               | n/a                    | Not applicable at this time. The GAP may discuss this further at a later date.   |
| 40.  | Trawl and Non-Trawl      | Seabird Avoidance Devices for Vessels less than 55 feet              |               | ON                     | --   |
| 41.  | Trawl IFQ, MS & CP       | Revise Length of Time Required for the Trawl Fleet to Retain Records |               | OFF                    | --   |
| 42.  | Trawl IFQ (& MS & CP?)   | Fishery Declaration Enhancements (With Gear Stowed and Testing Gear) |               | ON                     | We would like to change the declaration requirements that would allow a catcher vessel that delivers its last delivery to a mothership to be able to make a declaration, then start a new fishing trip on the way to shore and deliver to a shoreside processor. |
| 43.  | Trawl IFQ, MS & CP       | Year Round Whiting Season and Other Modifications                    |               | ON                     | As part of this package, the GAP requests other modifications include the ability for MS and CPs to process whiting below 42° N. lat.  |
| 44.  | Trawl IFQ, MS & CP       | Revise Regulations on At-Sea and Shoreside Flow Scales               |               | ON                     | --   |
| 45.  | Trawl IFQ                | Gear Use - Multiple Gears Onboard and Use                            |               | ON                     | --   |
| 46.  | Trawl IFQ and LE Pot     | Remove Certain Area-Management Restrictions                          |               | ON                     | The GAP requests the Council/NMFS continue to refine non-trawl/rec RCA lines as well.  |
| 47.  | Trawl IFQ                | Remove Certain Restrictions on Trawl Gear Configuration              |               | ON                     | --   |
| 48.  | Trawl IFQ                | Resolve Long-term Non-Whiting Surplus Carryover Provision            |               | ON                     | --   |
| 49.  | Trawl IFQ                | Carryover when Management Units Change                               |               | ON                     | The GAP recognizes this also is likely dependent on keeping No. 48 on the priority list.   |
| 50.  | Trawl IFQ                | Allow Trading of Previous Year Quota Pounds in Current Year          |               | ON                     | --   |
| 51.  | Trawl IFQ                | Widow Rockfish QS Reallocation                                       |               | ON                     | --   |

| C. Candidate Items for Prioritization in September |              |  | Council notes | GAP on or off the list | GAP comments                   |
|--|--------------|--|---------------|------------------------|--------------------------------|
| 52.  | Trawl IFQ    | Discard Survival Credit for Lingcod and Sablefish                |               | ON                     | --                             |
| 53.  | Trawl IFQ    | Require Posting of First Receiver Site Licenses                  |               | OFF                    | --                             |
| 54.  | Trawl IFQ    | Develop Criteria for Distributing Adaptive Management Program QP |               | OFF                    | See also comments under No. 12 |
| 55.  | LEFG         | Cost Recovery for the Permit Stacking Program                    |               | ON                     | --                             |
| 56.  | LEFG and OA  | Commercial Gear Restriction for Targeting Flatfish in CA         |               | OFF                    | --                             |
| 57.  | LEFG and OA  | Retain Halibut in the Sablefish Fishery (South of Pt. Chehalis)  |               | ON                     | --                             |
| 58.  | Recreational | 50 fm Depth Restriction (WA and OR)                              |               | ON                     | --                             |
| 59.  | Recreational | Mid-water Sport Fishery (OR and CA)                              |               | ON                     | --                             |

Items to be added to the prioritization list

The GAP requests the following five items be added to the prioritization list. Brief descriptions are provided here but we expect details of these issues to be made available in September.

1. Equal share rockfish transfer between sectors: Allow MS sector participants voluntary access to their quota pounds in their shoreside IFQ accounts of four rockfish species (canary, darkblotched, widow and POP) that are based on the “equal share” of the catch history of the permits retired through the buyback loan program. Allow transfer of these rockfish quota pounds to the at-sea mothership fishery cooperative on an annual basis and only up to the equal share allocation amount if constraining species bycatch limits are constraining the at-sea fishery operations and threatening participants’ ability to obtain their whiting allocation.
2. The 60-mile bank RCA lines: An area known as the 60-mile bank is a cowcod-rich area along the U.S./Mexico border. This area is not marked with RCA lines, leaving it unenforceable by California Department of Fish and Wildlife (CDFW). This creates a huge area deeper than 60 fathoms that is fished without enforcement. The 60 mile bank needs to be clearly defined so both vessels and enforcement are on the same page and cowcod limits are not exceeded.
3. Blackgill allocation: The trawl/non-trawl allocations currently in place for blackgill rockfish management are currently incorrect, leading to complications between the traditional non-trawl fixed-gear fleet and the IFQ fixed-gear fleet in the Conception management area.

There has been an increase in the targeting of blackgill by the IFQ fleet, so fixing the allocation is necessary.

4. Oregon and Washington nearshore management: The GAP understands both the Oregon and Washington Departments of Fish and Wildlife are requesting state management of nearshore fisheries. The GAP understands this may cause some workload issues but supports adding these items to the Omnibus list.
5. Combine the LE DTL fishery and the tier fishery: The GAP would like to propose the addition of analysis to combine the daily trip limit fishery with the permitted tier fishery. The analysis would include selection of a window period and conversion of the pounds caught during that period to specific permits. This would also encompass the unendorsed sablefish permits. If the Council requests, we can make more information available about this option under F.9, Omnibus II.
6. Retrieve derelict crab gear in the RCA: At the request of some members of the public and the states, the GAP suggests exploring the ability to retrieve derelict Dungeness crab gear while transiting the RCA. Currently, derelict gear is a safety issue and also leads to gear conflicts. This may be avoided by being able to pick up stray crab pots while returning from a sablefish trip, for example.
7. Exploration of flexible regulations that allow transfer of overfished species between sectors to prevent stranding target fish.
8. The use of descending devices in the rod-and-reel nearshore commercial fisheries. The GAP requests consideration of allowing the same depth-based mortality rates for cowcod, canary and yelloweye in the commercial fisheries as allowed in the recreational fisheries.

PFMC  
06/21/14