

TRAWL RATIONALIZATION REGULATORY EVALUATION COMMITTEE
REPORT ON TRAILING ACTIONS (FROM 2011)

The Trawl Rationalization Regulatory Evaluation Committee (TRREC) met October 27, 2011 to address the trawl fishery regulatory issues identified at the September 2011 Council meeting. The consensus recommendations of the group are presented in the following.

Allowing limited entry trawl and fixed gear permits to be stacked on a vessel

Recommendation 1: Allow a trawl gear permit to be stacked on a vessel which has a limited entry fixed gear permit(s) and *vice versa* (for example, allow a trawl permit to be stacked on a vessel with up to three fixed gear permits and allow from one to three fixed gear permits to be stacked on a vessel with a single trawl permit), and

- a) use the established declaration process to specify for enforcement and monitoring purposes which permit is being used or if fishing is being conducted in the open access fishery, and
- b) retain the current permit transfer limitation of once per year.

Rationale: Current regulations prohibit stacking of trawl and fixed gear permits on single vessels. This change would facilitate use of trawl and fixed gear by single vessels that wish to move between the individual fishing quota (IFQ) and limited entry fixed gear fisheries. The current declaration process would be used to notify National Marine Fisheries Service (NMFS) whether the vessel is fishing in the IFQ fishery or in the non-IFQ fixed gear fishery. Permit holders would be limited to the current once per year permit transfer provision in order to minimize administrative costs associated with permit transfer process (though some increase in activity will occur).

The committee noted that it should be permissible to stack trawl and fixed gear permits on the same vessel regardless of whether the first permit placed on the vessel is a trawl permit or a fixed gear permit.

Allowing multiple gears on board

Recommendation 2:

- a) Remove trawl gear type (bottom and midwater) use and possession (on board) restrictions shoreward and seaward of the Rockfish Conservation Area (RCA), and
- b) allow use--with declaration--of mid-water trawl gear for all IFQ species within the RCA and groundfish essential fish habitat (EFH) conservation areas coastwide year round, except whiting would also be subject to whiting regulations. Possession of midwater trawl gear on board within the RCA or groundfish EFH conservation areas would not require declaration, but when midwater gear is used within the RCA or groundfish EFH conservation areas that is the only gear which may be used on the trip.

Rationale: Current trawl regulations define the following trawl gear types: large footrope trawl, small footrope trawl, selective flatfish trawl, and midwater trawl. The permissible use and on board possession for each gear type varies whether fishing north or south of Cape Mendocino (40°10' N. lat.) or shoreward, seaward or within the RCA. The specific gear restrictions can be found at Section 660.130 (c). These regulations were important when vessels were managed based on cumulative trip limits and fleet-wide impacts were modeled. Under trawl rationalization, individuals are accountable for their total fishery impacts and those impacts are observed on every trip and on every vessel. Thus, such specific gear type prohibitions no longer appear to be needed, with the exception that, until changes reflecting individual vessel accountability are made to trawl RCAs, fishing within the RCA should be restricted to mid-water (pelagic) trawl gear to avoid bottom dwelling species and bottom trawl gear should be restricted to waters shoreward of and seaward of the RCA. Under the proposed change, mid-water trawl could be used throughout the Exclusive Economic Zone (EEZ) year round, except for whiting which would be subject to whiting regulations. Fishing with midwater gear is already allowed in groundfish EFH conservation areas subject to other restrictions on the use of such gear. The committee's recommendations would treat possession and use of midwater gear the same both within the RCA and within groundfish EFH conservation areas.

Recommendation 3: Allow possession and use of fixed gear and trawl gear on the same trip subject to a declaration process and either:

Suboption 1 – The more restrictive RCA regulations, or

Suboption 2 – Gear and catch area reporting by the onboard observer.

Rationale: Current regulations do not allow for the use and possession of fixed gear and trawl gear on the same trip. The proposed change would allow a vessel participating in the IFQ fishery to use both gear types on the same trip, subject to one or the two suboptions described above. The committee believes that this recommendation is similar to others in that it provides flexibility in operations.

The committee emphasizes that progress on Recommendations 1 and 2 (fixed gear/trawl gear permit stacking and trawl gear onboard/usage on a single trip) should not be hindered by work on Recommendation 3 (possession and use of trawl and fixed gear on the same trip).

Changing whiting season start date

Recommendation 4: Use a single May 15 start date for all whiting sectors including California fisheries and eliminate the 5 percent California early season whiting fishery cap, to the extent that a fishery management plan (FMP) amendment is not required. This change would be implemented through the two-meeting process already authorized under the framework of the Pacific Coast Groundfish FMP.

Rationale: Current regulations start the at-sea fisheries on May 15 and the shore-based fisheries on June 15, except for the California shore-based fisheries which open either April 1 or April 15, depending on area (see Section 660.131 (b) (2) (iii)). The proposed change would simplify the regulations and allow the northern area fisheries to start at the same time as the at-sea vessels. The California fisheries have been relatively dormant in recent years thus the change would be expected to have little impact on those fisheries. Having a uniform start date will provide all

sectors a consistent basis on which to plan their operations in the context of other fisheries and provide the shore-based sector with additional flexibility.

Trawl gear modifications

Recommendation 5: At the November 2011 Council meeting, adopt for analysis a general alternative to status quo that addresses industry concerns with regard to midwater gear requirements and restrictions including chafing gear regulations in particular. Council staff should work with industry in developing the specifics of the alternative(s) for presentation at the March 2012 meeting so that a final preferred alternative can be adopted at the April 2012 meeting. It may be important as part of this process to develop two sections in the regulations, one that deals with bottom trawl gear and the other that deals with midwater trawl gear. The industry has indicated commitment to working with NMFS and the Council to complete this much needed regulatory change.

Rationale: Current mid-water trawl gear requirements and restrictions were developed many years ago and are no longer appropriate for the current fleet. Many West Coast midwater vessels also fish in the North Pacific Council area which has a substantially different set of gear restrictions. The intent is to update the Pacific Fishery Management Council mid-water trawl regulations to conform to current fishery needs.

Recommendation 6: Eliminate codend, chafing gear, mesh size and selective flatfish trawl gear requirements and restrictions. Retain large and small footrope requirements and restrictions because of the prohibitions on gear use in groundfish EFH (50 CFR 660.130(b)(4)).

Rationale: These regulations can be found at Section 660.130(b). While these regulations were important when vessels were managed based on cumulative trip limits, under trawl rationalization individuals are accountable for their total fishery impacts and such specific gear regulations are no longer needed and may hinder experimentation to develop more biologically and ecologically sound gear configurations.

Secondary Priority Task

After completing its work on the above primary priority tasks, the TRREC moved to its secondary priority task: identifying other regulations made obsolete by implementation of the new trawl rationalization program in 2011. In this regard, the TRREC identified the following examples:

- The trawl vessel length (capacity) endorsement may no longer be needed.
- The general whiting fishery management regime (other than the sector allocations) may need reconsideration (e.g. whiting as a year-round fishery, processing of waste at-sea).
- Whether RCAs are still needed for the trawl fishery should be examined.
- Alternatives to the 100 percent observer requirement - such as electronic monitoring – should be considered.
- Allowing fishing in two or more management areas on the same trip should be examined. (In 2012, for example, lingcod allocations will be split at OR/CA border, which will be in addition to the 40° 10' based management areas).
- The large and small footrope definitions may need to be modified.

These and other items, yet to be identified, would be issues for future TRREC meetings.

Recommendation 7: The Council should:

- a) Prioritize the TRREC recommendations (above) within the current list of workload items, and
- b) Schedule additional meeting(s) of the TRREC following the November 2011 Council meeting, as appropriate.

The meeting, which started at 8:00 a.m., was adjourned by Chairperson, Dave Hanson, at approximately 3:00 p.m.

PFMC
11/02/11