

INITIAL REVIEW OF PRE- AND POST-TRAWL RATIONALIZATION REGULATIONS

At the June 2013 Council meeting, NMFS proposed a review of pre and post trawl rationalization regulations for the Council's consideration in September (Agenda Item F.6.b, Supplemental NMFS Report, June 2013). As stated in June, NMFS is supportive of continuing the Council's efforts to revise the regulations and gain flexibility and efficiency in the program. In an effort to implement trawl trailing actions in an efficient manner, NMFS proposes a process where trawl program changes are considered more comprehensively with similar provisions analyzed and implemented together— rather than reviewing regulations one-by-one, each with its own analysis. Figure 1 shows the federal regulations subject to review to assess:

- The utility of particular regulations in addressing conservation and management priorities;
- Whether measures remaining from the old trip limit framework unnecessarily decrease flexibility, reduce efficiency, or increase regulatory complexity and, if so, how those measures might be amended.

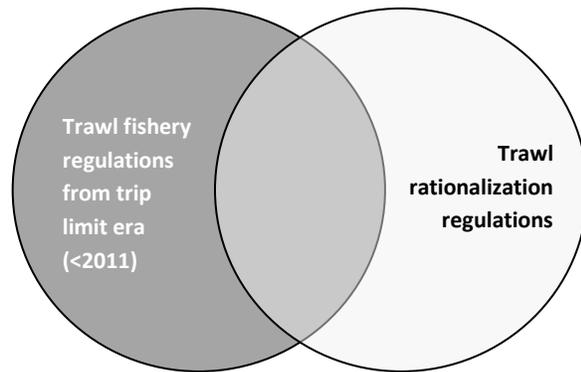


Figure 1: Current federal trawl regulations subject to review for flexibility, efficiency, and complexity

NMFS provides the following under scoping for future trawl trailing actions:

- A draft Purpose and Need statement for Council deliberation on an action to increase flexibility, improve efficiency, and reduce regulatory complexity.
- A summary of current trawl regulations that restrict the fishery to start the Council discussion on the scope of this action. In general, the summary of regulations would be organized by the following restrictions: how much fish can be caught, when fish can be caught, where fish can be caught, who can catch (and process) the fish, and what gear can be used to catch the fish.
- A list of corresponding Council recommendations not yet implemented, Trawl Rationalization Regulatory Evaluation Committee (TRREC) recommendations, and gear workshop report recommendations.

The intent of this regulatory review, and any potential action that results, is to refine Amendment 20 as appropriate, to remove unnecessary pre-trawl rationalization regulations, and to determine what revisions need to be done now, what revisions can accompany Amendment 24, and what revisions should wait until after the MSA required 5-year review (beginning in 2016). The expectation is that the Council could make preliminary and final recommendations in March and April of 2014, respectively, with the earliest potential effective date of January 1, 2015.

a. Draft Statement of the Purpose of and Need for Action:

The purpose of this action is to provide more flexibility to the industry to allow for more efficient harvest of their individual allocations, which may result in reduced costs and increased revenues. The need for this action is to better use the individual accountability now in place for participants in the trawl rationalization program. Pre-trawl rationalization regulations that managed the fleet as a whole may need to be updated or may no longer be appropriate for managing the rationalized portion of the Pacific groundfish fishery. With the resource allocated to individuals or cooperatives, with 100 percent monitoring, and with individuals or cooperatives held accountable for the consequences of their decisions, participants would be allowed some additional flexibility in determining when and where to fish and with what gear.

Background:

Before implementation of the trawl rationalization program in 2011, regulations governing the groundfish trawl fleet delivering shoreside were built around monthly, bi-monthly, and per vessel trip limits and included a variety of restrictions on fishing practices including gear usage, area of catch, etc. The at-sea fleets (mothership and catcher-processor sectors) were managed primarily using a framework built around staggered season openings and closure on attainment of sector allocations. The trawl rationalization program replaced the need for some, but not all, of the trip limit structure in the regulations and modified regulations for the at-sea fleets. Some of the remaining pre-trawl rationalization regulations may be less efficient and effective under a catch share framework.

The goal of Amendment 20 and the trawl rationalization program was to “create and implement a capacity rationalization plan that increases net economic benefits, creates individual economic stability, provides for full utilization of the trawl sector allocation, considers environmental impacts, and achieves individual accountability of catch and bycatch” (Amendment 20 EIS, 2010). The program was designed, in part, to reduce fleet capacity and to economically rationalize the groundfish trawl fishery. The trawl fleet is expected to consolidate so that fewer vessels would participate in the fishery. With fewer vessels in the fishery, fishery managers expect increased efficiency in the utilization of fishery resources and lower levels of incidental catch. The program has already shown substantial reductions in annual fleet discard levels. In addition, the trawl fleet may be able to gain additional efficiencies and operational flexibility by removing or revising some pre-trawl rationalization regulations.

The intent of this review and any resulting action is to further the goals of Amendment 20 and the trawl rationalization program consistent with the conservation and management requirements of the MSA and other applicable laws. The review and any resulting action should particularly consider MSA National Standards 5 and 7. National Standard 5 requires the consideration of efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose. National Standard 7 states that conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

b. Review of current trawl rationalization program management restrictions & list of any corresponding Council, TRREC, Gear Workshop Report Recommendations

This initial review of the current trawl rationalization program regulations broadly groups the regulations by management restrictions as follows: how much fish can be caught, when fish can be caught, where fish can be caught, who can catch (and process) the fish, and what gear can be used to catch the fish (Figure 1). The concept behind grouping the management restrictions in this way is to assist in understanding

which aspects of fishery management are restricted, to assist in reviewing which restrictions may no longer be necessary given trawl rationalization, and to assist in analyzing revisions to or removal of certain restrictions.



Figure 1. Conceptual grouping of trawl program management restrictions

This initial review looks at management restrictions that affect the trawl rationalization program from federal regulations at 50 CFR part 660, subparts C (West Coast Groundfish Fisheries) and D (West Coast Groundfish – Limited Entry Trawl Fisheries). Items in *italics with grey background* would not be reviewed or revised under this action because they are not ripe for review under trawl rationalization program (see the following paragraph), are needed to implement limited access, or are needed to implement the conservation requirements of the MSA or Endangered Species Act. Items in **bold** could potentially be revised or removed consistent with the Purpose of and Need for this action. Where items have a pending Council, TRREC, or gear workshop recommendation, those recommendations are noted in the right-hand column. Items from the Council listed as pending are those on which the Council has taken its final action. The TRREC provided recommendations to the Council at its November 2011 meeting. The Council held a gear workshop in the summer of 2012 with a report provided to the Council in November 2012. This is a preliminary list for review and may not be exhaustive.

New regulations implementing the trawl rationalization program, including restrictions related to catch monitoring, catch reporting, and enforcement, are not considered ripe for review at this time and could be reviewed after the MSA 5-year catch share program review or, if appropriate, as part of electronic monitoring considerations or other Council trailing actions.

<i>Management restrictions - up for review</i>	<i>Council/TRREC/Gear workshop recommendations</i>	<i>Management restrictions - not up for review</i>
WHO can catch and process fish?		
1. Sablefish at-sea processing exemption	COUNCIL (Final APR 2012) – remove the sablefish at-sea processing exemption from the IFQ fishery. (Note: linked with #2)	<i>a. Limited entry permits (permit owners, vessels owners, and vessels registered to permit)</i> <i>b. Gear endorsements</i> <i>c. Vessel size endorsements</i> <i>d. Sector endorsements (mothership catcher vessel (MS/CV), catcher processor (CP))</i> <i>e. Quota share (QS) owners/permits</i> <i>f. First receiver site licenses</i> <i>g. Coop permits</i> <i>h. At-sea processing exemptions: non-whiting</i> <i>i. Restriction on being a CP and MS in the same year</i>
2. One limited entry permit per vessel	COUNCIL (Final APR 2012) – allow limited entry fixed gear permit and trawl permit to be registered to the same vessel at the same time (Note: allowing multiple gears on a vessel is addressed separately)	
3. Number of vessel registration changes per year - permit transfers		
4. Processing fish waste at sea		
WHAT gear can be used to catch the fish? ¹		
Bottom trawl gear configuration		
5. Mesh size - minimum 4.5"	GEAR WKSHP & TRREC - Reduce minimum mesh size for bottom trawl ½ inch to 4 inches.	

¹ *FMP Objective 8.* Gear restrictions to minimize the necessity for other management measures will be used whenever practicable. Encourage development of practicable gear restrictions intended to reduce regulatory and/or economic discards through gear research regulated by exempted fishing permit (EFP).

<i>Management restrictions - up for review</i>	<i>Council/TRREC/Gear workshop recommendations</i>	<i>Management restrictions - not up for review</i>
<p>6. Selective flatfish trawl gear (small footrope)</p> <p>Selective flatfish trawl gear, a type of small footrope trawl, must be a two-seamed net with no more than two riblines, excluding the codend. The breastline may not be longer than 3 ft in length. There may be no floats along the center third of the headrope or attached to the top panel except on the riblines. The footrope must be less than 105 ft in length. The headrope must be not less than 30 percent longer than the footrope.</p>	<p>See “WHERE” for more detail on selective flatfish:</p> <p>GEAR WKSHP – Eliminate the selective flatfish trawl requirement and replace with small footrope (like south of 40°10')</p> <p>TRREC – Eliminate the selective flatfish trawl requirement. Allow 4 seam nets so excluders can be used.</p>	
<p>7. Footrope specifications</p> <p>Large footrope = >8”, <19” Small footrope = ≤8”</p>		
<p>8. Chafing gear</p> <p>last 50 meshes, 50% circumference, attachment method</p>		
Midwater trawl gear configuration		
<p>9. Chafing gear</p>	<p>COUNCIL (Final NOV 2012) – Top panel of codend must be uncovered (Note: Pending NMFS implementation in chafing gear rule 2014)</p>	<p><i>j. Mesh size - minimum 3” for midwater</i> <i>k. No roller or bobbins, bare sweeps</i></p>
All trawl gear configuration		
<p>10. None Identified</p>		<p><i>l. Codend - double-walled codend prohibited</i> <i>m. Prohibition on beam-trawl</i></p>

<i>Management restrictions - up for review</i>	<i>Council/TRREC/Gear workshop recommendations</i>	<i>Management restrictions - not up for review</i>
Gear use		
11. One type of trawl gear onboard per trip. Multiple fixed gear allowed onboard per trip. Can't have trawl and fixed gear onboard per trip.	GEAR WKSHP & TRREC – <ul style="list-style-type: none"> allow multiple trawl gear types and midwater on the same trip allow multiple gear types, midwater, and fixed gear on the same trip 	n. <i>Midwater trawl required for targeting primary season whiting</i> o. <i>IFQ can use legal groundfish trawl or non-trawl (gear switching)</i>
WHEN can fish be caught?		
12. Primary whiting season (for vessels using midwater gear targeting whiting)	COUNCIL (Final NOV 2012) – May 15 start date for IFQ whiting season. (Note: pending FMP amendatory language). TRREC – consider possibilities for a year round whiting fishery (i.e. January 1 start date).	
13. Time of day - no night fishing for whiting south of 42°		
WHERE can fish be caught?		
14. RCAs - midwater gear in the trawl RCA only during whiting primary season	GEAR WKSHP & TRREC – allow year-round midwater gear (for whiting and non-whiting) within and outside the trawl RCA north of 40°10' N. lat. (Note – this would not change whiting season date.)	p. <i>EFH Conservation Areas</i> <ul style="list-style-type: none"> <i>TRREC recommended allowing use of midwater gear in EFH conservation areas</i> q. <i>Areas closed to whiting vessels</i> <ul style="list-style-type: none"> <i>Shoreward of 100 fm in Eureka</i> <i>Ocean salmon conservation zones</i>

<i>Management restrictions - up for review</i>	<i>Council/TRREC/Gear workshop recommendations</i>	<i>Management restrictions - not up for review</i>
<p>15. RCAs - selective flatfish trawl required shoreward of trawl RCA north of 40°10'</p>	<p>GEAR WKSHP – Eliminate the selective flatfish trawl requirement and replace with small footrope (like south of 40°10')</p> <p>TRREC – Eliminate the selective flatfish trawl requirement. Allow 4 seam nets so excluders can be used.</p>	<ul style="list-style-type: none"> • <i>Bycatch reduction areas</i>
<p>16. IFQ management areas – not more than one on a trip</p> <ul style="list-style-type: none"> • North of 40°10' • 40°10' -36° • 36°-34°27' • 34°27' South 	<p>GEAR WKSHP & TRREC - Allow individual fishing quota (IFQ) vessels to move fixed gear across management lines.</p>	
<p>HOW much fish can be caught?</p>		
<p>17. IFQ species</p>		<p><i>r. Harvest specifications</i> <i>s. QS/vessel accumulation limits</i> <i>t. Prohibited species/ESA species take limits</i></p>
<p>18. Trip limit species</p>		
<p>19. Lingcod size limits</p>		
<p>20. Differential gear type trip limits</p>		
<p>21. Crossover provisions</p> <ul style="list-style-type: none"> • cumulative limits which apply when moving between limited entry and open access • prohibitions on moving between management areas with different trip limits, on a single trip 		