

Science, Service, Stewardship

Agenda Item I.1.b
Supplemental NMFS PowerPoint
April 2010



Trawl Rationalization

*Regulatory
Deeming*

April 2010

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1. TRat rulemakings & schedule
2. Discuss BB documents
 - *Schedule*
(NMFS Report 1)
 - ➔ ***Issues for further Council deliberation***
(NMFS Report 2)
 - *NMFS interpretations of Council intent*
(NMFS Report 3)
 - *NMFS clarifications requested of Council*
(NMFS Report 4)
 - *Draft regulatory outline* (NMFS Report 5)
 - ➔ ***Draft Initial Issuance Rule***
(NMFS Report 6)
 - *Draft Program Components Rule*
(NMFS Report 7)



NEPA Documents:

1. Both Am 20 & 21 FEISs being drafted
2. Should publish in June

3 or more rulemakings-

1. Data Collection Rule (final rule published 1/29)
 - *Potential participants in TRat program should complete an ownership interest form before May 1, 2010.*
 - *Announces databases NMFS intends to use for initial issuance*
 - *Announces what data potential participants should check now and the contacts for checking that data (LET permit, shoreside processor/first receiver, MS/CV data requests)*



3 or more rulemakings-

1. Data Collection Rule

2. Initial Issuance Rule & FMP Review

- *Will announce NMFS approval or disapproval of FMP AM 20 & 21 and EIS review*
- *If approved, will announce draft regulations for the following:*
 - *Allocations (from Am 21)*
 - *Initial issuance and appeals (IFQ, MS, C/P)*
 - *Reorganized groundfish program regulations (includes existing observer program regulations)*
- *Schedule*
 - *March & April – PFMC meetings – regulatory deeming*
 - *May – proposed rule publishes*
 - *August – final rule publishes*
 - *Sep-Dec – initial issuance & appeals*
 - *1/1/2011 – TRat program implemented*

3. Program Components Rule



TRat progress

1. Data Collection Rule
2. Initial Issuance Rule & FMP Review
3. Program Components Rule
 - *Will announce draft regulations for the following:*
 - *Program components (IFQ gear switching, new observer program requirements, retention requirements, equipment requirements, catch monitors, catch weighing requirements, coop permits/agreements, first receiver site licenses, vessel accounts, etc.)*
 - *Further tracking and monitoring components*
 - *Mandatory economic data collection*
 - *Schedule*
 - *April & June – PFMC meetings – regulatory deeming*
 - *Aug – proposed rule publishes*
 - *Nov – final rule publishes*
 - *1/1/2011 – TRat program implemented*

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Draft Initial Issuance Rule

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Topics for discussion:

- *Reorganized groundfish program regulations (includes existing observer program regulations)*
- *Allocations (from Am 21)*
 - ✓ *Am 6 v. Am 21 issue (NMFS Report 3, #1)*
 - ✓ *Estimated research catch off OY (NMFS Report 3, #2)*
 - ✓ *EFP set asides (NMFS Report 4, #1)*
- *Initial issuance and appeals (IFQ, MS, C/P)*
 - ✓ *Review initial issuance formulas*
 - ✓ *Revisions to control language (NMFS Report 3, #4)*
 - ✓ *Revision to appeal decisions (NMFS Report 3, #9)*



Allocations (from Am 21)

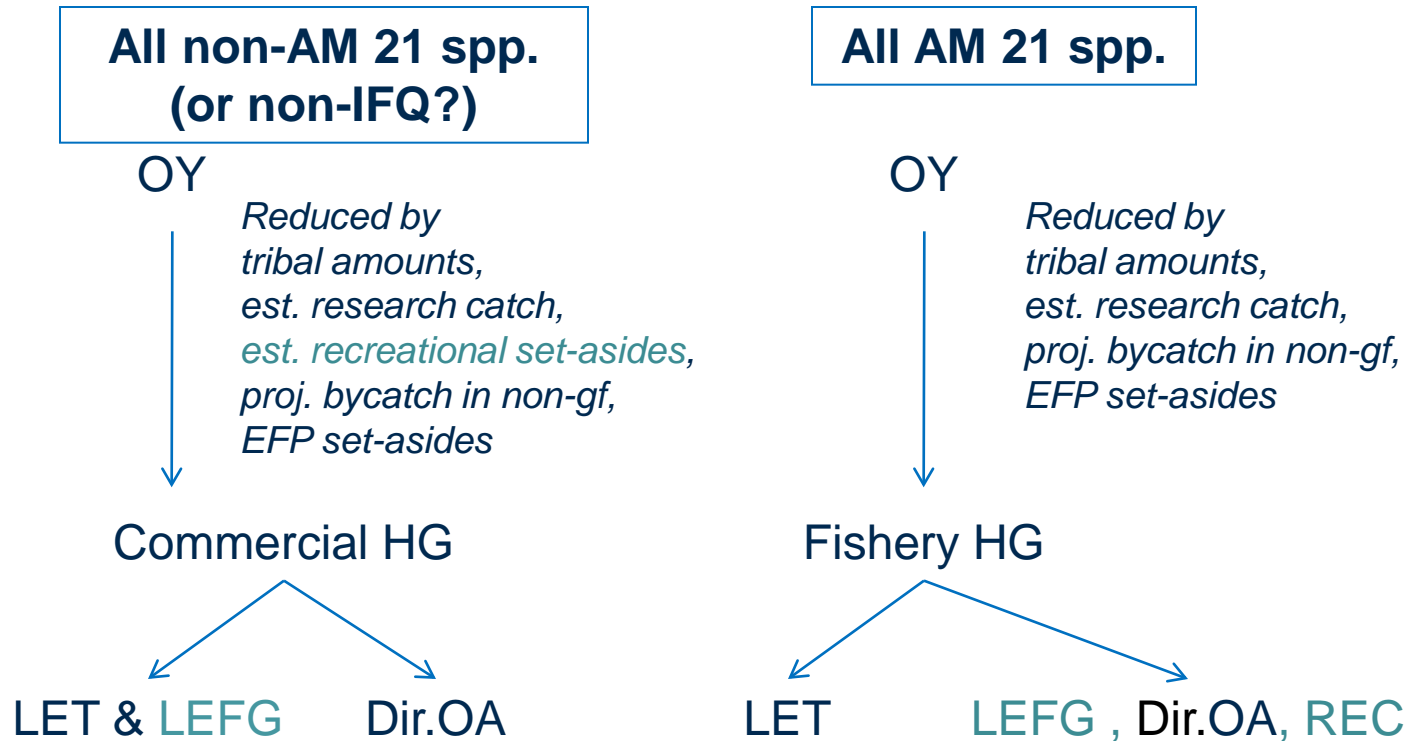
✓ *Am 6 v. Am 21 issue (NMFS Report 3, #1)*

Multiple interpretations for Am 21 FMP language
regarding trawl/nontrawl allocations
(affects nontrawl sectors)

1. Am 21 in addition to Am 6 allocations for Am 21 species;
Am 6 allocations for all other species
2. Am 21 supersedes Am 6 allocations for Am 21 species;
Am 6 allocations for all other species



Am 6 v. Am 21 allocation structure





NMFS interpretation Am 21 with Am 6

Table 1. Groundfish allocation process and guidance.		Optimum Yield					
Step in Process	Policy Guidance	Initial Set-asides	Fishery Guideline				Recreational
			Commercial Guideline				
			LE Trawl	LE Fixed Gear	Directed Open Access		
1. Initial Set-Asides - Reduce OY by tribal amounts, estimated research catch, projected bycatch in non-gr, EFP bycatch limits.	Determine During Biennial Specifications Process	Tribal, Research, Incidental, EFPs					
2. Determine Limited Entry (LE) Trawl Allocation	A-21 (Fishery Guideline * Trawl %)		Trawl Amt				
3. Determine Recreational (Rec) Allocation	Determine During Biennial Specifications Process						Rec Amt
4. Determine Directed Open Access (OA) Allocation	A-6 (((Commercial Guideline + Incidental) x open access %) - Incidental)	Incidental			Directed OA Amt		
5. Determine LE Fixed Gear	A-21 + A-6 (Commercial Guideline - Trawl - Dir. OA), Determined During Biennial Specifications Process				Fixed Gear Amt		
6. Subdivide trawl (Shoreside whiting (Wht)/Nonwhiting (NWht) split needed only for QS allocation in first year of program. Shoreside (SS), Mothership (MS), and catch-processor (CP) splits needed on an ongoing basis.	Split trawl based on A-21 and at-sea set asides (set asides modifiable during biennial specifications process).		SS Nwht	SS Wht	MS	CP	



Allocations (from Am 21)

✓ *Estimated research catch off OY (NMFS Report 3, #2)*

2) Deduct all estimated research catch from the OY, not just for overfished species.



Allocations (from Am 21)

- ✓ *EFP set asides (NMFS Report 4, #1)*

Issue 1:

Which EFPs should be deducted from the OY?

- *A: All EFP set asides should be deducted from the OY*
- *B: All non-whiting EFP set asides should be deducted from the OY. Whiting EFP set asides should be deducted from the whiting sector allocation(s).*
- *C: Only EFPs for compensation fishing as specified in current regulations at §660.350 should have set asides deducted from the OY. All other EFP set asides should be deducted from the sector they are intended to benefit.*



initial issuance rule

Initial issuance and appeals (IFQ, MS, C/P)

- ✓ *Revisions to control language (NMFS Report 3, #4)*

- ✓ *Revision to appeal decisions (NMFS Report 3, #9)*

Status of permits pending appeal

(revised from March Council meeting, NMFS Report 2, issue 2)

- 9) *Only QS and MS/CV endorsed catch history assignment amounts approved in an IAD will be available during the first year of the program.*

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Issues for Further Council Deliberation

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issues for deliberation

Council requested that the issues below be brought back for further Council discussion. These items have been expanded from the March NMFS Report 2 to include more history of the Council motion and, for Issues 4 and 7, a new option that directly matches the Council motion.

Issue 3. 30-day clock

Issue 4. 10% carryover

Issue 7a. MS/CV declaration deadline

Issue 7b. Coop permits



IFQ Program

Vessel Account

Issue 3:

When does the 30-day clock start for vessel overages?

- *A (matches motion): start clock on landing that caused overage even if all data not available. Assumes vessel operator knows regardless of what vessel account says.*
- *B (NMFS-preferred): clock starts at the time data shows overage (fish tix at time of landing or vessel acct after landing)*



Vessel Account

Issue 4:

The 10% carryover provision can be calculated from the vessel account different ways.

- *A (NMFS-preferred): carryover based on balance on certain date early in year (e.g., 45 days after start of the year QP issued to QS accounts).*
- *B (matches motion): carryover based on total cumulative QP (used and unused) over calendar year, minus QP that were transferred out.*
- *C (matches motion): carryover based on balance at end of calendar year.*
- *D (matches motion): carryover for a deficit based on QP in the vessel account at the time of overage (OR at the end of the 30 day period during which a vessel must cover its overage). Carryover for a surplus based on QP at the end of the year.*



MS Coop Program

Issue 7a:

What is an appropriate deadline for a MS/CV endorsed permit to declare in to a MS coop or the non-coop fishery?

- *A (NMFS-preferred): Between September 1-December 31 of the year before the whiting season, the MS/CV endorsed permit must declare to NMFS through the permit renewal process that they are going to participate in the coop or non-coop fishery.*
- *B (matches motion): By September 1 of the year before the whiting season,...*



MS & C/P Coop Program

Issue 7b:

What is an appropriate deadline for a coop permit (MS or C/P), assuming a coop permit is required?

- *A: Require a coop permit. Between Sep 1 and Dec 31 of the year before the whiting season, the coop must also apply for a coop permit, which would include the coop agreement.*
- *B (NMFS-preferred): Require a coop permit. Between Feb 1 and Mar 31 before the whiting season, the coop must also apply for a coop permit, which would include the coop agreement.*
- *C: Only require a coop permit for MS coops. Could use the deadlines from either Option A or B.*

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NMFS Clarifications Requested of Council

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NMFS clarifications

Issue 1:

EFP set-asides. (discussed under initial issuance rule)

Issue 2:

When does the whiting primary season end for the IFQ fishery?

- *A (NMFS-preferred): The primary whiting season for the IFQ fishery ends December 31.*
- *B: The primary whiting season for the IFQ fishery ends after a certain percent (e.g., 95%?) of the whiting QP for that year have been harvested, as announced by NMFS.*

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NMFS Interpretations of Council Intent

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NMFS interpretations

Sablefish at-sea processing

- 5) *Processing of sablefish at-sea will be prohibited.*

No Split IFQ deliveries

- 6) *For each IFQ trip, fish cannot be delivered to more than one first receiver.*

No Stacking LE Permits

- 7) *Only one of the following permits may be registered to a vessel at the same time: MS permit, MS/CV endorsed permit, C/P endorsed permit, and a trawl endorsed permit (with no MS/CV or C/P endorsements).*



Pacific Whiting Allocations

- 8) *Remove language referring to 5% of the shorebased whiting allocation south of 42° N. lat.*

Mandatory Baseline Economic Data

- 10) *Baseline economic data is mandatory for harvesters & processors for each year they participated in the LE Trawl industry during 2009 or 2010.*



Questions?