

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON REGULATORY  
DEEMING FOR FISHERY MANAGEMENT PLAN AMENDMENT 20

The Washington Department of Fish and Wildlife (WDFW) would like to provide clarification on an action previously taken by the Council through the Amendment 20 process relative to the Mothership sector and the transferability of the whiting endorsement. The following are excerpts from the June 2008 and November 2008 Council meeting minutes for reference:

June 2008 Meeting Minutes

Mr. Anderson moved to adopt the following (Motion 38) as part of the Council's preliminary preferred alternative, (the eleventh motion in the Supplemental WDFW Motion):

Whiting Endorsement Transferability and Endorsement Severability: Transfer Option 2 – the CV whiting endorsement may be severed from the permit

...Mr. Cedergreen seconded Motion 38...Motion 38 passed. Mr. Lockhart abstained.

November 2008 Meeting Minutes

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 20) to adopt as the Council's preferred alternative for the mothership sector:

Whiting Endorsement Transferability	B-2.2b	Transfer Option 1 – The CV whiting endorsement may not be severed from the permit
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...Motion 20 passed. Mr. Myer recused himself.

In Appendix B: Analysis of Components, Elements and Options for the Harvest Cooperative Alternative (Agenda Item F.3.c, Attachment 3, November 2008), the options for B-2.2b include a parenthetical phrase (underlined):

Transfer Option 1 – The CV whiting endorsement (together with the associated catch history) may not be severed from the groundfish LE trawl permit.

However, the parenthetical phrase was deliberately not included in the motions adopted by the Council in June 2008 and November 2008. The reason for the omission was to prohibit severability of the endorsement, but to allow severability of the quota share (or, as it is referred to here as the “catch history”) from the permit.

Given the initial allocation structure of the Mothership and Shoreside sectors, all Mothership-endorsed CV permits will receive quota or catch history for both sectors. We viewed the endorsement as being separate from the catch history and we intended to allow the quota for these sectors to be separated from the permit and transferred to other permits.

Specifically, it was the intent of this action to allow:

1. Ownership transferability of Shoreside quota share from the Mothership-endorsed permit to another LE permit, regardless of whether the permit acquiring the quota has a Mothership endorsement.
2. Ownership transferability of Mothership catch history from one Mothership-endorsed permit to another Mothership-endorsed permit.
3. Ownership transferability of Mothership catch history from a Mothership-endorsed permit to another LE permit provided the Mothership-endorsed permit was also sold and combined with the LE permit.
4. Temporary leasing of Mothership catch history to an LE permit without a Mothership endorsement provided that the party leasing the catch history agrees to be bound by the obligations and enforcement provisions of the Mothership co-op agreements.