

STATUS AND FOLLOW-UP ON IMPLEMENTATION OF AMENDMENT 20
(TRAWL RATIONALIZATION AND
AMENDMENT 21 (INTERSECTOR ALLOCATION))

On August 9, 2010, the National Marine Fisheries Service (NMFS) approved Amendments 20 and 21 to the Groundfish Fishery Management Plan (FMP) with the exception of a few technical and conforming aspects (Agenda Item I.5.a, Attachment 1). None of the disapprovals were significant enough to prevent moving the catch share program forward for implementation January 1, 2011. Attachments 2 and 3 provide the amended fishery management plan (FMP) language implementing Amendments 20 and 21, respectively. A decision on approval of the accompanying implementing rule on allocations is scheduled for late August or early September (Agenda Item I.5.a, Supplemental Attachment 4).

In addition to the rule on allocation, implementation of the trawl catch share program will require approval of the Amendment 20 components rule, which covers other aspects of the program. The components rule is expected to publish on August 31 with the public comment period on the rule closing on September 30 (Agenda Item I.5.a, Attachment 5). In the pre-ambule to the rule, NMFS is specifically seeking public comment on nine areas of the proposed rule. Excerpts from the proposed rule pre-ambule pertaining to these issues are provided in Agenda Item I.5.a, Attachment 6. If the Council desires, it could submit comments on these issues to the U.S. Secretary of Commerce (Secretary). These comments would be considered by the Secretary in making his final decision on the proposed components rule. If, in the process of reviewing the preamble and proposed rule, Council members identify areas in which they would like to see an adjustment but the adjustment requires an FMP amendment, these issues should be identified under Agenda Item I.6. Final Secretarial action on the components rule is expected in November.

Under Agenda Item I.5.b, NMFS will provide a progress report on catch share program approval and implementation, including a review of the list of technical and conforming aspects of Amendments 20 and 21 that were disapproved and are provided as an attachment to the NMFS approval letter (Agenda Item I.5.a, Attachment 1). With respect to the disapproved elements of Amendments 20 and 21, if it desires, the Council may amend its previous recommendation on the disapproved items and resubmit them to the Secretary. If the Council does decide to amend and resubmit disapproved recommendations, these should be added to the list of trailing actions to be discussed in Agenda Item I.6.

Other Amendment 20 related issues on which Council action is still required, e.g., cost recovery and adaptive management program provisions, will be addressed under Agenda Item I.6.

Council Action:

- 1. Determine whether or not to amend and resubmit any of the disapproved recommendations.**

2. **Determine whether or not to comment on proposed components rule issues highlighted in the preamble to the rule.**
3. **Provide guidance on any other implementation related matters.**

Reference Materials:

1. Agenda Item I.5.a, Attachment 1: Letter from Will Stelle Approving Amendments 20 and 21 (August 9, 2010).
2. Agenda Item I.5.a, Attachment 2: Amendment 20 to the Groundfish FMP.
3. Agenda Item I.5.a, Attachment 3: Amendment 21 to the Groundfish FMP.
4. Agenda Item I.5.a, *Supplemental* Attachment 4: Final Initial Allocation Rule.
5. Agenda Item I.5.a, Attachment 5: Proposed Components Rule.
6. Agenda Item I.5.a, Attachment 6: Excerpts from the Preamble of the Proposed Components Rule.

Agenda Order:

- a. Agenda Item Overview
 - b. National Marine Fisheries Service Report
 - c. Reports and Comments of Advisory Bodies and Management Entities
 - d. Public Comment
 - e. **Council Action:** Discussion and Follow-up Action as Necessary
- Jim Seger**
Frank Lockhart

PFMC
08/26/10