

**PROPOSED
GROUNDFISH FISHERY MANAGEMENT PLAN
AMENDMENT 21
(INTERSECTOR ALLOCATION)**

*(PORTIONS DISAPPROVED BY NMFS AND
TECHNICAL EDITS HIGHLIGHTED WITH SHADED
STRIKEOUT)*

**PREPARED BY
THE PACIFIC FISHERY MANAGEMENT COUNCIL
7700 NE AMBASSADOR PLACE, SUITE 101
PORTLAND, OR 97220
503-820-2280
WWW.PCOUNCIL.ORG**

AND THE

**NATIONAL MARINE FISHERIES SERVICE
7600 SAND POINT WAY NE, BIN C15700
SEATTLE, WA 98115-0070
206-526-6150**

APRIL 2010

Summary of Changes to the Content of the Groundfish FMP

As part of implementing the long term intersector allocations adopted by the Council, the Groundfish FMP was amended (Amendment 21 to the FMP). Parts of Chapters 1, 6, and 11 of the FMP were modified by Amendment 21 as specified in the following sections (insertions underlined, deletions struck through). The portions of Amendment 21 which were recommended by the Council but disapproved by NMFS are both struck through and shaded.

1.0 INTRODUCTION

...

Amendment 21 was approved in [2010] and establishes long-term allocations between the trawl and nontrawl sectors of the groundfish fishery; establishes a short term allocational split between the shoreside whiting and nonwhiting fishery, necessary for implementation of the individual fishing quota (IFQ) program (established through Amendment 20); establishes darkblotched rockfish, Pacific Ocean perch and widow rockfish allocations among the trawl at-sea and trawl shoreside sectors; identifies the need for and initial set asides for the at-sea trawl sectors; and establishes a Pacific halibut bycatch allowance to be provided to the trawl fishery in the form of individual bycatch quota (established through Amendment 20).

6.0 MANAGEMENT MEASURES

6.1 Introduction

6.1.1 Overview of Management Measures for West Coast Groundfish Fisheries

In the early stages of fishery development, there is generally little concern with management strategies. As fishing effort increases, management measures become necessary to prevent overfishing and the resulting adverse biological, social and economic impacts. Although recruitment, growth, natural mortality, and fishing mortality affect the size of fish populations, fishery managers only have control over one of these factors—fishing mortality. The principal measures available to the Council to control fishing mortality of the groundfish fisheries in the Washington, Oregon, and California region are:

- Measures to reduce bycatch and bycatch mortality – described in 6.5.
- Defining authorized fishing gear and regulating the configuration and deployment of fishing gear, including mesh size in nets and escape panels or ports in traps—described in Section 6.6.
- Restricting catches by defining prohibited species and establishing landing, trip frequency, bag, and size limits—described in Section 6.7.
- Establishing fishing seasons and closed areas—described in Section 6.8
- Limiting fishing capacity or effort through permits, licenses and endorsements, and quotas, or by means of input controls on fishing gear, such as restrictions on trawl size/shape or longline length or number of hooks or pots—described in Section 6.9. Fishing capacity may be further limited through programs that reduce participation in the fishery by retiring permits and/or vessels.

Although this chapter only discusses in detail the types of management measures outlined above, the

Council may recommend and NMFS may implement other useful management measures through the appropriate rulemaking process, as long as they are consistent with the criteria and general procedures contained in this FMP.

6.2 General Procedures for Establishing and Adjusting Management Measures

* * * *

6.3 Allocation

6.3.1 Allocation Framework

Allocation is the apportionment of an item for a specific purpose or to a particular person or group of persons. Allocation of fishery resources may result from any type of management measure, but is most commonly a numerical quota or HG for a specific gear or fishery sector. Most fishery management measures allocate fishery resources to some degree, because they invariably affect access to the resource by different fishery sectors by different amounts. These allocative impacts, if not the intentional purpose of the management measure, are considered to be indirect or unintentional allocations. Direct allocation occurs when numerical quotas, HGs, or other management measures are established with the specific intent of affecting a particular group's access to the fishery resource.

Fishery resources may be allocated to accomplish a single biological, social or economic objective, or a combination of such objectives. The entire resource, or a portion, may be allocated to a particular group, although the Magnuson-Stevens Act requires that allocation among user groups be fair and equitable, reasonably calculated to promote conservation, and determined in such a way that no group, person, or entity receives an undue excessive share of the resource. The socioeconomic framework described in Section 6.2.3 provides criteria for direct allocation. Allocative impacts of all proposed management measures should be analyzed and discussed in the Council's decision-making process.

In addition to the requirements described in Section 6.2.3, the Council will consider the following factors when intending to recommend direct allocation of the resource.

1. Present participation in and dependence on the fishery, including alternative fisheries.
2. Historical fishing practices in and historical dependence on the fishery.
3. The economics of the fishery.
4. Any consensus harvest sharing agreement or negotiated settlement between the affected participants in the fishery.
5. Potential biological yield of any species or species complex affected by the allocation.
6. Consistency with the Magnuson-Stevens Act national standards.
7. Consistency with the goals and objectives of the FMP.

The modification of a direct allocation cannot be designated as routine unless the specific criteria for the modification have been established in the regulations.

6.3.2 Formal Allocations

6.3.2.1 Sector Allocations of Sablefish North of 36° N Latitude

Fixed allocations of sablefish are based on the OY specified for the area north of 36° N latitude (to the U.S.-Canada border). Sablefish allocations north of 36° N latitude are determined by first deducting the tribal share from the OY specified for north of 36° N latitude, then deducting the estimated total mortality of sablefish in research and non-groundfish fisheries (these deductions are decided in the biennial process for specifying harvest specifications and management measures based on the best available information at the time of the decision), then dividing the remaining yield (non-tribal share) between open access and limited entry fisheries, with the limited entry share divided between the trawl and fixed gear (longline and fishpot) sectors. The proportions of each of these divisions are indicated in Figure 6- 1. The limited entry fixed gear share is then generally divided 85% to the primary fishery for limited entry fixed gear vessels with sablefish endorsements and 15% for the daily-trip-limit fishery, for such vessels with and without sablefish endorsements.

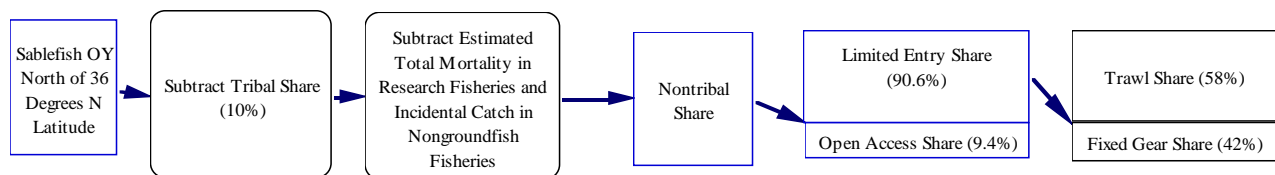


Figure 6- 1. Fixed intersector allocations of sablefish north of 36° N latitude.

6.3.2.2 Sector allocations of Pacific Whiting

Projected total mortalities of Pacific whiting in recreational, research, and non-whiting fisheries are first set aside (these deductions are decided in the annual process for specifying Pacific whiting harvest specifications and management measures based on the best available information at the time of the decision), then a yield amount is set-aside to accommodate tribal whiting fisheries. In some years the whiting set-aside may be increased to accommodate other programs, such as EFPs. The nontribal commercial share of whiting is allocated to LE whiting trawl sectors as follows: 42% for the shoreside whiting sector, 24% for the at-sea mothership whiting sector, and 34% for the at-sea catcher-processor whiting sector. No more than five percent of the shoreside whiting sector’s allocation may be taken and retained south of 42° N latitude prior to the start of the shore-based whiting season north of 42° N latitude (in waters off Oregon and Washington).

6.3.2.3 Limited Entry Trawl Allocations for Amendment 21 Species

Formal allocations of species covered under Amendment 21 support Amendment 20 trawl rationalization measures. Annual OYs/ACLs are established for these species the same as for other groundfish species. The OYs/ACLs are then reduced by deducting the estimated total mortality of these species in research, tribal, and non-groundfish fisheries, and the bycatch limits specified in adopted exempted fishing permits. The remainder of the OYs/ACLs are then allocated according to the percentages in Table 6- 1. The trawl percentage is for the non-treaty trawl fishery managed under Amendment 21. The non-treaty, non-trawl percentage is for the limited entry fixed gear fishery, the open access fishery, and the recreational fishery. Amendment 6 limited entry and open access allocations are superseded by these allocation percentages. Allocations to the directed non-trawl sectors (i.e., limited entry fixed gear, directed open access, and recreational) for the species allocated in Table 6- 1 are decided, if needed, in the biennial harvest specifications and management measures process.

Trawl/Nontrawl Allocations

Table 6- 1. Allocation percentages for limited entry trawl and non-trawl sectors specified for FMP groundfish stocks and stock complexes under Amendment 21 (most percentages based on 2003-2005).

<u>Stock or Complex</u>	<u>All Non-Treaty LE Trawl Sectors</u>	<u>All Non-Treaty Non-Trawl Sectors</u>
<u>Lingcod</u>	<u>45.0%</u>	<u>55.0%</u>
<u>Pacific Cod</u>	<u>95.0%</u>	<u>5.0%</u>
<u>Sablefish S. of 36° N latitude</u>	<u>42.0%</u>	<u>58.0%</u>
<u>PACIFIC OCEAN PERCH</u>	<u>95.0%</u>	<u>5.0%</u>
<u>WIDOW</u>	<u>91.0%</u>	<u>9.0%</u>
<u>Chilipepper S. of 40°10' N latitude</u>	<u>75.0%</u>	<u>25.0%</u>
<u>Splitnose S. of 40°10' N latitude</u>	<u>95.0%</u>	<u>5.0%</u>
<u>Yellowtail N. of 40°10' N latitude</u>	<u>88.0%</u>	<u>12.0%</u>
<u>Shortspine N. of 34°27' N latitude</u>	<u>95.0%</u>	<u>5.0%</u>
<u>Shortspine S. of 34°27' N latitude</u>	<u>50 mt</u>	<u>Remaining Yield</u>
<u>Longspine N. of 34°27' N latitude</u>	<u>95.0%</u>	<u>5.0%</u>
<u>DARKBLOTCHED</u>	<u>95.0%</u>	<u>5.0%</u>
<u>Minor Slope RF North of 40°10' N latitude</u>	<u>81.0%</u>	<u>19.0%</u>
<u>Minor Slope RF South of 40°10' N latitude</u>	<u>63.0%</u>	<u>37.0%</u>
<u>Dover Sole</u>	<u>95.0%</u>	<u>5.0%</u>
<u>English Sole</u>	<u>95.0%</u>	<u>5.0%</u>
<u>Petrale Sole</u>	<u>95.0%</u>	<u>5.0%</u>
<u>Arrowtooth Flounder</u>	<u>95.0%</u>	<u>5.0%</u>
<u>Starry Flounder</u>	<u>50.0%</u>	<u>50.0%</u>
<u>Other Flatfish</u>	<u>90.0%</u>	<u>10.0%</u>

Shoreside Trawl Allocations for Initial Issuance

Under Amendment 20 trawl rationalization, the two existing LE trawl sectors delivering groundfish to shoreside processing plants (i.e., shoreside whiting and shoreside non-whiting) are managed as one sector under a system of individual fishing quotas (IFQs). However, before quota shares can be allocated to eligible LE trawl permit holders, an initial one-time allocation was made to the two shoreside sectors. All species subject to formal allocation, including sablefish north of 36° N latitude and excluding the three trawl-dominant overfished species (i.e., darkblotched rockfish, Pacific ocean perch, and widow rockfish) and yellowtail rockfish are allocated to the shoreside whiting and shoreside non-whiting sectors based on 1995-2005 sector catch percentages (Table 6- 2). An initial allocation of 300 mt of yellowtail rockfish was made to the shoreside whiting sector prior to allocation of Amendment 20 quota shares. The estimated fishing mortality of Amendment 21 species in the at-sea whiting fishery (i.e., total catch by catcher-processors and vessels delivering whiting to motherships) other than the three trawl-dominant overfished species is set-aside from the LE trawl allocations specified in Table 6- 1 prior to making the initial shoreside trawl sector allocations. While set-aside amounts for the at-sea whiting fishery (Mothership and Catcher/Processor sectors) were preliminarily decided under Amendment 21, the actual set-aside amounts will be based on the best available information on bycatch by these sectors in the biennial harvest specifications and management measures decision process.

Table 6- 2. Shoreside trawl sector catch percentages during 1995-2005 used to apportion the initial

allocation of Amendment 21 species to LE trawl sectors delivering groundfish to shoreside processing plants (i.e., shoreside whiting and shoreside non-whiting).

<u>Stock or Complex</u>	<u>1995-2005 Sector Catch Percentage</u>	
	<u>Non-whiting</u>	<u>Whiting</u>
<u>Lingcod</u>	<u>99.70%</u>	<u>0.30%</u>
<u>Pacific Cod</u>	<u>99.90%</u>	<u>0.10%</u>
<u>Pacific Whiting</u>	<u>0.10%</u>	<u>99.90%</u>
<u>Sablefish N. of 36° N latitude</u>	<u>98.20%</u>	<u>1.80%</u>
<u>Sablefish S. of 36° N latitude</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Chilipepper S. of 40°10' N latitude</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Splitnose S. of 40°10' N latitude</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Shortspine N. of 34°27' N latitude</u>	<u>99.90%</u>	<u>0.10%</u>
<u>Shortspine S. of 34°27' N latitude</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Longspine N. of 34°27' N latitude</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Minor Slope RF North of 40°10' N latitude</u>	<u>98.60%</u>	<u>1.40%</u>
<u>Dover Sole</u>	<u>100.00%</u>	<u>0.00%</u>
<u>English Sole</u>	<u>99.90%</u>	<u>0.10%</u>
<u>Petrale Sole</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Arrowtooth Flounder</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Starry Flounder</u>	<u>100.00%</u>	<u>0.00%</u>
<u>Other Flatfish</u>	<u>99.90%</u>	<u>0.10%</u>

Allocation of Trawl Dominant Overfished Species

Under Amendment 20, the at-sea whiting sectors (i.e., catcher-processors and motherships) are managed in a system of sector-specific harvest cooperatives. Each at-sea whiting sector will manage their bycatch of canary rockfish, darkblotched rockfish, Pacific ocean perch, and widow rockfish using sector-specific total catch limits. An initial allocation of these four species needs to be made to the four existing LE trawl sectors before initial allocation of quota shares under Amendment 20. Initial sector allocation of canary rockfish would be decided in the biennial harvest specification and management measures process immediately preceding implementation of Amendments 20 and 21. The initial sector allocation of the trawl-dominant overfished species under Amendment 21 is as follows:

Darkblotched Rockfish

Allocate 9% or 25 mt, whichever is greater, of the total LE trawl allocation of darkblotched rockfish to the whiting fisheries (at-sea and shoreside combined). The distribution of the whiting trawl allocation of darkblotched to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Pacific Ocean Perch

Allocate 17% or 30 mt, whichever is greater, of the total LE trawl allocation of Pacific ocean perch to the whiting fisheries (at-sea and shoreside combined). The distribution of the whiting trawl allocation of POP to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Widow Rockfish

Initially allocate 52% of the total LE trawl allocation of widow rockfish to the whiting sectors if the stock is under rebuilding or 10% of the total LE trawl allocation or 500 mt of the trawl allocation to the whiting sectors, whichever is greater, if the stock is rebuilt. If the stock is overfished when the initial allocation is implemented, the latter allocation scheme automatically kicks in when it is declared rebuilt. The distribution of the whiting trawl allocation of widow to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Allocation of Pacific Halibut

Pacific halibut is a prohibited species in the west coast LE trawl fishery. Under Amendment 20, Pacific halibut bycatch in the shoreside trawl fishery north of 40°10' N latitude is managed using a system of individual bycatch quotas (IBQs). Under Amendment 21, an allocation of Pacific halibut was decided as follows:

The trawl mortality limit for legal and sublegal Pacific halibut be set at 15% of the Area 2A (i.e., waters off California, Oregon, and Washington) constant exploitation yield for legal size halibut, not to exceed 130,000 pounds for the first four years of trawl rationalization and not to exceed 100,000 pounds starting in the fifth year. This total bycatch limit may be adjusted downward or upward through the biennial specifications and management measures process. Part of the overall total catch limit is a set-aside of 10 mt of Pacific halibut to accommodate bycatch in the at-sea whiting fishery and bottom trawl bycatch south of 40°10' N latitude. The set-aside amount of Pacific halibut to accommodate the incidental catch in the trawl fishery south of 40°10' N latitude and in the at-sea whiting fishery may be adjusted in the biennial specifications and management measures process in future years as better information becomes available.

Under Amendment 21, it was decided that any formal allocations be specified in the FMP. Future consideration for a re-allocation of FMP species subject to a formal allocation will require an FMP amendment. The provision to temporarily suspend the limited entry, open access allocation if a species is declared overfished (see section 4.6.1(5) of the FMP) is maintained under Amendment 21.

All intersector allocations will be formally reviewed along with the formal review of the trawl rationalization program five years after implementation of Amendments 20 and 21.

[Amendment 21]

6.4 Standardized Total Catch Reporting and Compliance Monitoring Program

* * * *

6.5 Bycatch Mitigation Program

* * * *

6.6 Gear Definitions and Restrictions

* * * *

6.7 Catch Restrictions

6.8 Time/Area Closures

6.9 Measures to Control Fishing Capacity, Including Permits and Licenses

1

6.10 Fishery Enforcement and Vessel Safety

11.0 GROUND FISH LIMITED ENTRY

All references to fishing activities in these proposals are references to catching activities occurring off the Washington, Oregon, and California coasts unless otherwise noted.

11.1 Introduction

11.1.1 *Problem to be Addressed by this Groundfish Limited Entry System*

* * * *

11.1.2 *Goals and Objectives for Groundfish Limited Entry*

* * * *

11.1.3 *Achievement of Goal and Objectives and Need for Additional Measures to Reduce Capacity*

* * * *

11.1.4 *Nature of the Interest Created*

* * * *

11.1.5 *Fisheries Within the Scope of the Limited Entry Program*

* * * *

11.2 Management, Allocation and General Rules on the Issuance and Use of Groundfish LE Permits, Gear Endorsements Size Endorsements, and Fixed Gear Sablefish Endorsements

11.2.1 *Federal LE Permits Required Only for Gears Fishing on the Limited Access Quota*

1. Federal groundfish LE permits will be required and issued only for those vessels catching Council-managed groundfish species^{1/} with groundfish limited entry gears (trawl, longline or fishpot gear) under the limited access [fishery regulations](#)^{2/} [quota](#).
2. Vessels using exempted gears (all gears other than trawl, longline and fishpot) or using longline or fishpot gear^{3/} without a permit endorsed for one of those gears may continue to catch

¹ All references to "Council-managed groundfish" refer only to groundfish species specified in the Council groundfish FMP which are caught in the exclusive economic zone or adjacent state waters off Washington, Oregon and California.

² References to longline, pot and trawl gear are references to legal groundfish gears as defined by the groundfish FMP.

³ Trawl gear may not be used without a permit because the open access fishery for limited entry gears is aimed at accommodating small producers and will likely be managed under restrictive trip limits. The fishing power of trawl gear

groundfish under an open access system. (Exempted, longline and fishpot gears used by vessels without endorsements for those gears are termed open access gears.)

11.2.2 *Allocations Between the Limited and Open Access Fisheries and Management of the Open Access Fishery*

1. The division of the fleet into limited and open access participants will require that separate allocations be established for each group where management measures are required to prevent harvest in excess of annual catch limits. For those species, species groups and areas covered by the trawl/non trawl allocations provided in Table 6-1 and for which the Council determines an allocation is necessary, open access allocations will be established as needed through the biennial specifications process.

[Amendment 21]

2. For those species for which trawl/non trawl allocations are not established in Table 6-1, ~~Aa~~Allocations for the open access fishery will be based on historical catch levels for the period July 11, 1984 to August 1, 1988 by exempted, longline and fishpot gears used by vessels which did not receive an endorsement for the gear.
 - a. On the basis of landings over this period, a percentage of catch⁴ for these gears will be determined and applied to harvest guidelines and quotas in order to establish the allocation for the open access portion of the fishery. The open access portion of harvest guideline or quota will be set aside before other allocations are made.
 - b. Limited/open access allocation percentages for specific species and species groups will be determined after this limited entry program is implemented and permitted and non-permitted vessels are identified.
 - c. An open access allocation based on catch history will be determined for each separate species, species group and area for which the Council determines an allocation is necessary.
 - d. Initial determination and any subsequent revision of the species or species groups and areas for which an open access allocation will be made will occur through a rule making under the appropriate framework in Chapter 6 of this plan.
 - e. Open access allocations for species, species groups and areas identified for such allocation by the Council will be specified during the biennial process for setting specifications described in Section 5.7 of this plan.
 - f. A change in the catch history allocation method for determining the allocation for the open access fishery will require a plan amendment.

would result in excessive discards under these trip limits. Additionally, while longline and fishpot vessels catching small quantities of groundfish will be prevented from qualifying by the structure of the minimum landing requirements (MLRs) (a day's landings must be greater than 500 pounds in order for the day to count toward meeting the MLR; Section 11.3.1.3), this structure will provide little barrier for most trawl vessels. Thus, there is no strong reason to provide the open access opportunity to compensate for the 500 pound per landing day threshold.

⁴ Percentage of catch as determined through the Pacific Coast Fisheries Information Network database or some comparable database.

- c. The open access fishery will be managed with the intent of maintaining the historic fishing opportunities for the participant groups and to keep the overall catch in line with historic harvests. For example, trip limits for non-permitted longline and fishpot gears operating in the open access fishery will likely be fairly low because the historic fishing levels of this group are low. Trip limits, when necessary, for some exempted gears will probably be higher because their historic fishing levels are higher.

11.2.3 Initial Issuance of LE Permits

11.2.4 Ownership Restriction and Changes in Ownership

11.2.5 Gear Endorsements

11.2.6 Sector Endorsements

11.2.7 Size Endorsement Will Specify the Vessel Length

11.2.8 An LE Permit and Necessary Gear Endorsements Will Be Held by the Owner of Record or the Vessel

11.2.9 Transfer of an LE Permit to Different Owners or Vessels of the Same Owner

11.2.10 Loss of a Vessel

11.2.11 Combining LE Permits

11.2.12 Permit Renewal

11.2.13 *Owner on Board Requirement*

11.3 *Multilevel Gear Endorsements*

11.4 *LE Permit Issuance Review Board*

11.5 *Implementation, Application and Appeals Process*

11.6 *Council Review and Monitoring*
