

## OMNIBUS REGULATION CHANGE PRIORITIES

Under this agenda item, the Council is scheduled to identify priority management measures, including trawl rationalization trailing actions and limited entry fixed gear-related actions, for future consideration. The Council should also provide initial guidance on the process and schedule for developing and adopting alternatives. Under Agenda Item I.6, Future Council Meeting Agenda and Workload Planning, the Council will schedule the priority groundfish management measures while taking into account the workload associated with previously scheduled groundfish matters as well as matters associated with other Fishery Management Plans (FMP).

Also under Agenda Item J.1, the Council will be provided an opportunity to respond to proposed rules or rule-making questions identified by the National Marine Fisheries Service (NMFS), if any.

### **New Groundfish Management Measures**

The Council adopted a process whereby only adjustments to routine management measures<sup>1</sup> would be considered during the process to establish biennial harvest specifications and management measures. The recommendation for narrowing the types of management measures considered during the biennial process was intended to reduce workload during the biennial process and increase the probability that harvest specifications would be implemented January 1. New management measures<sup>2</sup> would be considered outside of the biennial process, and specifically, a call for new management measure proposals would be conducted at the June Council meeting in even-numbered years (e.g., 2014).

At the June 2014 meeting, the Council established a list of potential management measure topics and postponed prioritization and scheduling to the September Council meeting. Agenda Item J.1.a, Attachment 1 contains an unprioritized list of management measures adopted by the Council in June.<sup>3</sup> Under Agenda Item J.1, the Council is scheduled to identify priority management measures and provide initial guidance on process and schedule. For actions to be implemented by the start of 2016, alternatives for analysis will have to be finalized at the November Council meeting and final action taken by April 2015. The Council may wish to consider various criteria, such as the Groundfish Strategic Plan, FMP goals and objectives, and National Standards, when determining the priority management measures for implementation (Agenda Item J.1.a, Attachment 2).

To facilitate Council decision-making, NMFS reviewed rules completed in 2014 and in progress for completion (Agenda Item J.1.b, NMFS Report 1) and has provided input on the agency's

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<sup>1</sup> Routine management measures are defined in regulation and a range of alternatives have been previously analyzed.

<sup>2</sup> New management measures are those for which the environmental impacts have not been previously analyzed and/or have not been previously implemented in regulations.

<sup>3</sup> Management measures 1-60 are ordered by category and sector while items 61-75 represent the additions from the June Council meeting, which are not ordered by category and sector.

priorities and which items must be done in a timely manner to comply with legal requirements, set harvest levels, and respond to litigation (Agenda Item J.1.b, NMFS Report 2). NMFS Report 2 also provides initial timelines for NMFS priority items, to inform groundfish management workload planning for 2015 and 2016. Additionally, at its June meeting, the Council accepted an Enforcement Consultants report recommending some preliminary staff work on the vessel monitoring system ping rate issue (pursuant to Council requests for information at its April 2014 meeting). In response, two NMFS Office of Law Enforcement (OLE) reports have been provided. The first summarizes incursions and the recent history of enforcement actions and provides the form letter sent to individuals as soon as an incursion is detected (NMFS OLE Report 1). The second summarizes the results from a VMS provider survey (NMFS OLE Report 2). The questions for the survey were developed by NMFS OLE and the survey administered by Council staff.

The Oregon Department of Fish and Wildlife (ODFW) provided a report (Agenda Item J.1.c, ODFW Report) on recovering derelict crab gear during groundfish trips, which is Item 70 in Attachment 1. Additionally, public comment received by the public comment deadline is included in the briefing materials. The Washington Department of Fish and Wildlife (WDFW) provided a report (Agenda Item J.1.c, WDFW Report) on the consideration of a state rule which would require sorting of additional slope rockfish species.

Under Agenda Item I.6, the Council will schedule the groundfish management measures while taking into account other workload priorities. At that time, it is also expected that the Advisory Bodies, Council staff, and WCR staff will assess in greater detail the workload requirements for the highest priority management measures identified by the Council under Agenda Item J.1.

### **New Rule Clarifications for Trawl Trailing Actions**

At this time there are a number of issues on which the Council has taken action for which implementation is in progress. Agenda Item J.1.b NMFS Report 1 lists the status of NMFS rulemakings over 2014. For two of these, the chafing gear rule and the observer/catch monitoring rule, proposed rules have been published and the comment periods completed, but the final rules had not been published as of the briefing book deadline. For three others, fixed gear trawl permit stacking (joint registration), the whiting cleanup rule, and shorebased whiting season date changes, the proposed rules have yet to publish. This agenda item provides the Council an opportunity to comment on any published proposed rules (the whiting cleanup rule in particular) and respond to implementation questions identified by NMFS, if any.

### **Council Task:**

- 1. Identify the priority of management measures and provide initial guidance on process and scheduling.**
- 2. Consider comments on proposed rule and new rule clarifications, if any.**

Reference Materials:

1. Agenda Item J.1.a, Attachment 1: Groundfish Management Measures for Council Consideration.
2. Agenda Item J.1.a, Attachment 2: Considerations for Identifying Groundfish Management Measure Priorities.
3. Agenda Item J.1.b, NMFS Report 1: Rulemaking Plan for 2014.
4. Agenda Item J.1.b, NMFS Report 2: NMFS Groundfish Priorities.
5. Agenda Item J.1.b, NMFS OLE Report 1: OLE VMS/Incursion Violation Investigation Summary.
6. Agenda Item J.1.b, NMFS OLE Report 2: VMS Unit Cost and Capabilities Survey Results – August 2014.
7. Agenda Item J.1.c, ODFW Report: Oregon Department of Fish and Wildlife Report on Recovering Derelict Crab Gear During Groundfish Trips.
8. Agenda Item J.1.c, WDFW Report: Washington Department of Fish and Wildlife Report on the Council’s Recommended 2015-2016 Sorting Requirements for Slope Rockfish.
9. Agenda Item J.1.d, Public Comment.

Agenda Order:

- a. Situation Summary
  - b. NMFS Report
  - c. Reports and Comments of Advisory Bodies and Management Entities
  - d. Public Comment
  - e. **Council Action:** Identify Priority of Management Measure Changes, Provide Initial Guidance on Process and Schedule, and Consider Comments on Proposed Rules or New Rule Clarifications, If Any
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