

REVISED REFERENCES AND SCHEDULES FOR ITEMS IN
AGENDA ITEM J.1.a ATTACHMENT 1 - SECTIONS A AND B

Sections A and B of Agenda Item J.1.a Attachment 1 contained language identical to that provided in the Council's June 2014 briefing materials and had not been updated to reflect actions taken at the June meeting or cross references for the September briefing materials. This document provides those updates in track changes. No revisions were necessary for descriptions in Section C. Candidate Items for Prioritization in September.

A. Items on Which Council Action Has Been Completed Which Still Entail Some Workload

1. Tribal, Trawl, Non-Trawl, and Rec – 2015-2016 Harvest Specifications and Management Measures and Amendment 24

The process to adopt the 2015-2016 harvest specifications and management measures, including non-electronic monitoring EFPs, and Amendment 24 ~~culminates~~culminated at ~~this~~the June Council meeting ~~with final action scheduled under Agenda Item F.7.~~ Over the summer and fall, Council, NMFS, and state staffs will be responding to comments on the draft Environmental Impact Statement (EIS), preparing the final EIS, and preparing the regulations necessary to implement Council action. The anticipated rulemaking schedule is outlined in Agenda Item ~~FJ~~J.1.b, NMFS Report 1.

2. Trawl and Non-Trawl - Seabird Rule - Mandatory Streamers \geq 55'

At the November 2013 meeting, the Council recommended that streamer lines be required during setting operations on commercial fixed gear vessels 55 feet or greater in length with a safety exception in the event of rough weather, which would be triggered by a National Weather Service forecast of a gale force wind warning. In January 2014, Council staff transmitted regulations necessary to implement the Council action. NMFS advises that rulemaking is in progress and the proposed rule is anticipated this summer (see Agenda Item ~~FJ~~J.1.b, NMFS Report 1).

3. Trawl and Non-Trawl - Clarify Catch Accounting Rules for Amendment 21

At its June 2012 meeting, as part of the preferred alternative for the 2013-2014 harvest specification and management measures, the Council recommended reinstating catch accounting language in the FMP that was inadvertently deleted when Amendment 21 was implemented. Changes to the FMP language were also recommended to further clarify the decision rules for determining the allocation against which a vessel's catch would count (i.e., whether it would count against the limited entry allocation or the open access allocation). The Council and NMFS staff has made progress on some draft FMP language; however, due to competing workload, language for Council consideration has not yet been fully developed.

4. Trawl and Non-Trawl - Fishery Declaration Enhancements

At its June 2013 meeting, the Council took action to require that vessels activating VMS units make a fishery declaration at the time of activation, even if they are not entering a groundfish fishery at that time. Additionally, the Council recommended that, for clarity purposes, category 24 in the current list of declarations (660.13(d)(5)(iv)) be modified from “other gear” to “other,” to encompass declarations to participate in fisheries not specifically named in the declaration list and for research activities.

5. Trawl IFQ, MS, & CP - Cost Recovery Corrections

After cost recovery was implemented for the trawl rationalization program in January 2014, NMFS announced clarifications to the regulations through a public notice (see NMFS public notice, NMFS-SEA-14-12, March 20, 2014). The clarifications were on (1) fish buyer’s use of principal from a deposit account in cases of credit card payment to Pay.gov (IFQ & MS), and (2) in the CP sector, only retained groundfish are subject to the cost recovery fee. In the future, NMFS intends to revise the associated regulatory language for these issues and, if further issues arise, may have additional cost recovery corrections or clarifications.

6. Trawl IFQ & MS - Electronic Monitoring Exempted Fishing Permits

At the June 2014 meeting, the Council is also in the middle of considering recommended exempted fishing permits (EFPs) to allow some vessels to use electronic monitoring in lieu of at-sea compliance observers. ~~Council action might be completed at this meeting (see Agenda Item F.5 for additional background), however, substantial ongoing effort by NMFS staff would be required~~ Substantial effort by NMFS staff is ongoing to have the EFPs in place during the 2015 fishery.

7. Trawl IFQ & MS - Pacific Dawn Lawsuit Appeal to District Court (Whiting Allocation)

On May 13, 2014, [an appeal to the Ninth Circuit Court](#) was filed in the Pacific Dawn lawsuit challenging the allocation of whiting IFQ and mothership sector catch history allocations. Responding to this appeal will require the time of NOAA GC attorneys, as well as other NMFS staff, who are also integral to making progress on the development and implementation of groundfish actions.

8. Trawl IFQ, MS, & CP - Whiting Cleanup Rule, Including Maximized Retention Regulations

The proposed whiting cleanup rule would establish criteria for a whiting trip (at least 50% of the landing by weight must be whiting), re-establish regulations needed to cover the disposition of catch in the maximized retention fishery, and clarify the ability of midwater gear to be used to target all groundfish species in the RCAs north of 40°10’ north latitude after the whiting opening. ~~This rule~~ Implementation is expected to be finalized by December 2014 before May 2015 (see Agenda Item [FJ.1.b, NMFS Report](#)): 1).

9. Trawl CP - Glacier Fish Co Lawsuit (Cost Recovery)

On January 9, 2014, [Glacier Fish Company LLC filed a suit](#) in relation to the cost recovery regulations challenging the categorization of the catcher-processor co-op program as a limited access privilege program, challenging the status of co-op members as limited access privilege holders, claiming that the cost recovery regulations were not properly promulgated, and claiming adequate documentation of the basis of the cost figure has not been provided. Responding to this suit will require the time of NOAA GC attorneys, as well as other NMFS staff, who are also integral to making progress on the development and implementation of groundfish actions.

10. Trawl IFQ and Non-Trawl - Joint Registration and Prohibition of Processing IFQ Sablefish

At its April 2012 meeting, the Council recommended allowing a fixed gear permit and a trawl permit to be registered to the same vessel at the same time. Implementation is expected by ~~the winter of 2014/2015~~ [April 2016](#), as part of the upcoming Sablefish Rule (see Agenda Item [FJ.1.b](#), NMFS Report [1](#)).

11. Trawl IFQ - Move Shorebased Whiting Season Opening Dates

At its November 2012 meeting, the Council recommended moving the shoreside sector primary whiting season opening date to May 15, starting in 2013 to the extent that such a change could be made without requiring a plan amendment. It is expected that the season date change can be made for all areas north of 40°30' north latitude. The current April 15 opening will remain in place south of that line. Implementation is expected by May 2015 (see Agenda Item [FJ.1.b](#), NMFS Report [1](#)).

12. Trawl IFQ - Continue Adaptive Management Program Pass-Through

~~Under this agenda item, the Council will likely extend the current AMP pass-through for a number of additional years (see Agenda Item F.3.a, Attachment 1).~~ [In June 2014, the Council recommended that the adaptive management program quota pound \(QP\) pass through \(which includes halibut individual bycatch quota QP\) continue through the completion of the five-year review and implementation of any regulations resulting from that review.](#) A regulatory action, completed by the end of the year, will be required to implement that extension (see Agenda Item [FJ.1.b](#), NMFS Report [1](#)).

13. Trawl IFQ - Update eTicket for Web-based Submissions

Pacific States Marine Fisheries Commission is improving the trawl IFQ e-Ticket system by moving to a web-based platform. This will require some regulatory changes ~~and may which are scheduled to be implemented over the winter of 2014/2015~~ [effective in April 2016](#), as part of the upcoming Sablefish Rule (see Agenda Item [FJ.1.b](#), NMFS Report), ~~if the Council recommends e-tickets for the sablefish fishery (see Item 16 1).~~

14. Trawl IFQ - Rule for Redistribution of Excessive Aggregate NonWhiting QS

Current regulations require forfeiture of QS held in excess of control limits as of November 30, 2015. There is no guidance in the regulations for which QS would be revoked if a QS permit owner does not get their individual and collective QS amounts under the aggregate nonwhiting QS control limit. This issue may not require Council action and may only be a clarification of policy if the situation arises. In the interim, QS permit owners are encouraged to get their own QS permits/accounts under the QS control limits listed at 660.140(d)(4)(i) by November 30, 2015, so that NMFS does not have to take an administrative action. NMFS notified QS permit owners that were over QS control limits of the amounts they were over when NMFS issued initial QS permits. Later in 2014, NMFS will again notify QS permit owners that are over QS control limits. NMFS has several tools available on the QS Permit and Accounts website at: http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish_catch_shares/quota_share_permits_accounts.html. The website includes the table of IFQ accumulation limits (i.e., QS control limits), and tools for QS permit owners to calculate their non-whiting groundfish aggregate QS to determine if they are over the limit.

15. LEFG - Revise Limited Entry Fixed Gear Permit Control Rule

At ~~this~~their June 2014 meeting, the Council ~~will decide whether or not to recommend a revision~~recommended revisions to the limited entry fixed gear permit control rule (~~Agenda Item F.6~~). ~~If the Council recommends such revisions, the recommendation will be in the NMFS approval and implementation phase by the time of the September Council meeting, with the attendant workload for NMFS and Council staff, including regulatory deeming.~~ Implementation ~~would be~~is expected ~~by the winter of 2014/2015~~in April 2016, as part of the upcoming Sablefish Rule (see Agenda Item FJ.1.b, NMFS Report 1).

16. LEFG and OA - Require E-Tickets for Sablefish Landings

At ~~this~~the June 2014 meeting, the Council ~~will decide whether or not to~~ recommend that electronic fish tickets be required for limited entry fixed gear and open access sablefish landings (~~Agenda Item F.6~~). ~~If the Council recommends such regulations, the recommendation will be in the NMFS approval and implementation phase by the time of the September Council meeting, with the attendant workload for NMFS and Council staff, including regulatory deeming.~~ Implementation ~~would be~~is expected ~~by the winter of 2014/2015~~in April 2016, as part of the upcoming Sablefish Rule (see Agenda Item FJ.1.b, NMFS Report 1).

17. LEFG and OA - Sablefish North of 36 Degrees - Allocation Correction

The May 2014 version of the groundfish FMP accurately represents the Council intent for sablefish catch accounting and allocations. That is, consistent with the Amendment 6 catch accounting rules, sablefish landed north of 36 deg. N. lat. by vessels registered to a LE fixed gear permit, regardless of their intended target (i.e., groundfish or non-groundfish species), will be debited against the LE fixed gear daily trip limit allocation (LE DTL). Sablefish landings by vessels not registered to a LE permit, regardless of their intended target (e.g. groundfish or non-

groundfish species), will be debited against the OA fixed gear daily trip limit allocation (OA DTL). Action is needed to revise the groundfish regulations to be consistent with the FMP.

18. LEFG and OA - Logbooks for Fixed Gear

At its June 2008 meeting, as part of the preferred alternative for the 2009-2010 harvest specification and management measures, the Council recommended that NMFS develop and implement a mandatory Federal logbook for limited entry and open access fixed gear vessels. The Council's Groundfish Management Team, the West Coast Groundfish Observer Program, NMFS, and state staffs worked with Pacific States Marine Fisheries Commission to prepare a draft fixed gear logbook. The logbook has not been finalized and implemented due to concerns raised by NMFS, including lack of funding.

19. OA - Amendment 22 - Open Access License Limitation

In June 2009, the Council recommended a registration program for fishermen intending to land groundfish in the open access fishery, whether targeting those species or taking them incidentally while fishing for non-groundfish species (e.g., salmon, pink shrimp, California halibut) or nearshore species (e.g., cabezon, black rockfish). The Council has taken final action on Amendment 22 yet the registration program has not been implemented. More recently, some OA vessels are required to have an authorization on board under the Marine Mammal Protection Act (i.e., sablefish pot vessels) and NMFS is having difficulty getting addresses for those vessels. An OA registration system would address this issue.

B. Immediate and Long-Term Commitments

20. Trawl, Non-Trawl, and Rec - Inseason Management (Sept 2014 and beyond, excluding March 2015)

Management measures for groundfish are set by the Council with the general understanding that these measures will likely need to be adjusted within the biennium to attain, but not exceed, the ACLs. On the Year at a Glance, inseason adjustments are scheduled to be discussed at the Sept-Nov 2014 meetings as well as in 2015 (except March).

21. Trawl, Non-Trawl, and Rec - Adopt Final Stock Assessment Plan and TOR for 2015 (Sept 2014)

~~In~~At the September ~~and November of the even numbered years (e.g., 2014),~~² the Council ~~develops~~is scheduled to finalize the stock assessment plan for the upcoming biennium and a Terms of Reference (TOR) for conducting the assessments.

22. Trawl, Non-Trawl, and Rec - Develop a COP for Groundfish Methodology Review Process (Nov 2014 and April 2015)

The Council recommended developing a Council Operating Procedure (COP) for conducting groundfish methodology reviews, similar to COP 15 for salmon. The Council is scheduled to adopt the COP at the ~~September and~~ November 2014 and April 2015 meetings.

23. Trawl, Non-Trawl, Rec – Omnibus Regulation Changes (Sept and Nov 2014, Mar-Sept 2015)

On the Year at a Glance, Omnibus Regulation changes are scheduled to be discussed at the Sept-Nov 2014 meetings as well as in 2015. Any prioritized management measures (e.g., those included under Category C: Candidate Items for Prioritization) could be considered under the Omnibus Regulation Changes agenda item.

24. Tribal, Trawl, Non-Trawl, and Rec - Essential Fish Habitat – Phase 3 of the 5 Year Review (~~Mar~~April 2015)

As the first step in the Phase 3 process, the Council requested that the Northwest and Southwest Fisheries Science Centers investigate the question of Essential Fish Habitat (EFH) effectiveness, accuracy, and completeness and to present their findings in the advance Briefing Book for consideration at the ~~September 2014~~April 2015 Council meeting. At the ~~September 2014~~April 2015 meeting, the Council is tentatively scheduled to initiate a fishery management plan amendment, including alternatives for refining elements of groundfish EFH as warranted by new information, the Science Center evaluation, and proposals received.

25. Trawl, Non-Trawl, and Rec - Amendment 25: Comprehensive Ecosystem-Based Amendment (Sept 2014 and Mar 2015)

In April 2014, The Council approved a range of alternatives for protecting unfished and unmanaged forage fish species and identified the Ecosystem Trophic Role pathway as a preliminary preferred alternative. Under this pathway, protective measures for forage species would be added to each of the Council's four FMPs, perhaps under an omnibus process aggregating the four actions into one process. The Council is scheduled to review the alternatives and proposed amendatory language for the groundfish FMP at the September 2014 Council meeting: and to take final action in March 2015.

26. Trawl, Non-Trawl, Rec – 2015 Pacific Halibut Catch Sharing Plan (Sept and Nov 2014) and 2016 CSP (Sept 2015)

Each September and November meeting, the Council considers proposed changes to the Pacific halibut regulations and Catch Sharing Plan (CSP) for Area 2A. Starting in 2014, in response to recent unusually high harvests of Pacific halibut off Southern Oregon and Northern California, the Council established a new management line at the Oregon/California border, creating separate Oregon and California subareas with area-specific CSP allocations and management measures. The Council is scheduled to consider, at the September and November 2014

meetings, whether additional changes to the 2A CSP allocations are necessary and whether additional adjustments to management measures are necessary to comply with allocation provisions of the CSP. The anticipated rulemaking schedule is outlined in Agenda Item [FJ.1.b](#), NMFS Report [1](#).

27. Trawl, Non-Trawl, Rec – 2015 Incidental Regulations for Pacific Halibut (Mar and Apr 2015)

Regulations governing incidental harvest of halibut in the salmon troll fishery and primary fixed gear fishery for sablefish north of Point Chehalis require the Council to adopt halibut landing restrictions to allow incidental harvest while assuring quotas are not exceeded. The Council is scheduled to recommend incidental halibut regulations at the March and April 2015 meetings.

28. Trawl, Non-Trawl, Rec - Stock Assessments for 2017-2018 Biennium (June and Sept 2015)

~~At this meeting~~In [September 2014](#), under Agenda Item [F-8J.2](#), the Council is scheduled to adopt ~~for public review~~ the list of stocks to be assessed in 2015 for use in 2017 and beyond and a stock assessment review schedule. ~~The first stock assessment is~~[Stock assessments are](#) scheduled for Council adoption in June [and September](#) 2015.

29. Trawl, Non-Trawl, Rec - Start of the Process to Establish 2017-2018 Specifications and Management Measures (June 2015)

In most cycles, the start of the process to establish the biennial regulations begins in June of the odd numbered years (e.g., June 2015).

30. Trawl IFQ & MS - Electronic Monitoring Regulations (Sept and Nov 2014, June 2015)

The Council has received funding and is in the middle of a process for the consideration of electronic monitoring as a replacement for the monitoring function of at-sea observers. This action is currently scheduled for completion by the September Council meeting though it appears likely that further deliberations will be required for at least some sectors. See Agenda Item [F-2J.3](#) for additional background.

31. Non-Trawl – Discard Mortality Rates for Commercial Nearshore Fisheries (TBD)

The GMT is reviewing the current discard mortality rates used in the commercial nearshore bycatch model and by the West Coast Groundfish Observer Program (WCGOP) in the annual groundfish mortality report. There is little documentation for the discard mortality rates (100 percent) for some rockfish in the deeper depth strata (e.g., deeper than 20 fathoms), which is higher than the rate used in the recreational fisheries with similar gears. In the event new discard rates are derived by the GMT, the SSC would need to review and recommend Council adoption.

32. Trawl - Five Year Trawl Rationalization Program Review (Starts in 2016)

The trawl rationalization program will complete its fifth year at the end of 2015. Planning for the review might begin during 2015 but the compilation of data sets for the review will not occur until sometime during 2016 – when the final data becomes available.

33. Trawl - QS/QP Control Rule - Safe Harbor for Risk Pools - post 5-year review

At its September 2011 meeting, the Council recommended providing risk pools a safe harbor from the QS control rules. At its September 2013 meeting, the Council agreed that risk pools appeared to be functioning adequately under current regulations and that implementation of this recommendation could wait until the five year program review.

34. Trawl - Resolve Long-term Whiting Surplus Carryover Provision - post 5-year review

A workshop was held on November 2, 2012 to explore possibilities for fully implementing whiting surplus carryover in 2013 and a report was presented to the Council at its November 2012 meeting. The Council decided that it will review this issue again during the 5 year program review, scheduled for 2016.

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