

Midwater Trawl Restrictions and Prohibited Species Retention for the Shorebased Trawl Individual Fishing Quota (IFQ) Program

NMFS is taking action to address several regulatory issues pertaining to vessels using midwater trawl gear in the shorebased IFQ program. While preparing for a rulemaking to revise the Pacific whiting IFQ fishery primary season, discrepancies and omissions in related regulations were identified. Because the Pacific whiting IFQ fishery primary season date is also used as the start date for midwater non-whiting trawl fishing, it is necessary to revise the regulations before changing the season start date. Action is needed to revise unclear and inconsistent regulatory language, to add regulatory provisions that were inadvertently omitted with the implementation of Amendment 20, and to implement certain terms and conditions of the 2012 Section 7 Endangered Species Act (ESA) biological opinions (BOs). The proposed changes would be implemented through a full rulemaking accompanied by an Environmental Assessment (EA) and are intended to be consistent with prior Council recommendations and the Amendment 20 Environmental Impact Statement. An EA is needed to consider environmental impacts that were not fully considered in previous NEPA documents.

Relative to vessels on Pacific whiting IFQ trips, the regulations would be amended to add the following provisions:

- An allowance for prohibited and protected species to be retained until landing on “maximized retention” trips.
- Disposition procedures for salmon landed at IFQ first receivers on “maximized retention” trips consistent with the groundfish and salmon FMPs.
- Disposition procedures for protected species landed at IFQ first receivers on “maximized retention” trips consistent with the 2012 BOs.
- Within the definition for a Pacific whiting IFQ trip, a requirement for each landing to be 50% or more Pacific whiting by weight.

Relative to all midwater trawling, the regulations would be amended as follows:

- North of 40°10' N. lat. - declarations for either “limited entry midwater trawl, non-whiting shorebased IFQ” or “limited entry midwater trawl, Pacific whiting shorebased IFQ” would be allowed after the start date for the Shorebased IFQ Pacific whiting fishery. Non-whiting vessels would no longer be obligated to also fish in the Pacific whiting fishery.
- The restriction at 660.130(c)(4)(F) allowing midwater trawl only for vessels participating in the primary whiting season would be removed.

- North of 40°10' N. lat. - Regulations at 660.130 (c)(3) would be revised to clearly state that vessels with declarations for either “limited entry midwater trawl, non-whiting shorebased

IFQ” or “limited entry midwater trawl, Pacific whiting shorebased IFQ” would be allowed to fish within the RCAs after the start date for the Shorebased IFQ Pacific whiting fishery.

To address unclear language and inconsistencies between sections the following minor changes would be made:

- Regulations at 660.130 (c)(3) and (c)(4) (F) would be revised to allow vessels with declarations for either a “limited entry midwater trawl, non-whiting shorebased IFQ” or “limited entry midwater trawl, Pacific whiting shorebased IFQ” to fish north of 40°10' N. lat.
- Regulations at 660.130 (e)(4) would be revised to clarify that vessels with declarations for either a “limited entry midwater trawl, non-whiting shorebased IFQ” or “limited entry midwater trawl, Pacific whiting shorebased IFQ” would be allowed to fish within the trawl RCAs after the start of the primary season for the Pacific whiting IFQ fishery north of 40°10' N. lat.
- Regulations at 660.60(d)(1) would update term and be modified for clarity, (d)(2) would add clarity to the effective time and date for automatic actions and revise an inactive internet address, and (e) would be modified to state the overarching management measures that apply to prohibited species.
- Regulations at 660.130(c)(4) would be modified to clearly state that multiple types of midwater trawl could be on a vessel simultaneously and (d)(2) would be modified to clearly state the sorting requirements that apply to the Pacific whiting fishery
- In regulations at 660.131, the dates when the primary whiting seasons are open would be clearly stated for all sectors, and closed areas applying to all midwater trawl would be moved to 660.130.
- Throughout the regulations, words and phrases defined in sections at 660.11 and 660.111 would be used to replace undefined terms that were primarily in place prior to trawl rationalization.
- Duplicate language in prohibitions at 660.112 (b)(2) would be removed, but retained in 660.130(d).
- In section 660.140 duplicate text would be removed and the sorting and weighing requirements would be clearly stated.

Biological Opinions for ESA Listed Salmon

On January 22, 2013, NMFS requested the reinitiation of the ESA Section 7 consultation for listed salmonids to address changes in the fishery. The trawl rationalization program has been the primary change in the management structure of the groundfish trawl fisheries from that considered under previous consultations. The BOs prepared prior to trawl rationalization considered a distinct midwater trawl fishery with three sectors targeting only Pacific whiting and a bottom trawl fishery targeting multiple non-whiting groundfish species. Fishing behavior has changed over the first three years of the IFQ program, with fishermen using

midwater trawl gear to harvest non-whiting species, particularly north of 40°10' north latitude, and increasing numbers of fishermen are using fixed gears to harvest their trawl allocations. The consultation is scheduled to be completed before implementation of the 2015-2016 Biennial Harvest Specifications and Management Measures.

PFMC

10/22/14