

FISHERY MANAGEMENT PLAN AMENDMENT 20 – TRAWL RATIONALIZATION –
COMMUNITY FISHERY ASSOCIATION (FCA) AND MISCELLANEOUS
CLARIFICATION ISSUES

In November 2008, the Council selected a final preferred alternative on the essential elements for a trawl rationalization program, but left three issues for trailing actions: establishing accumulation limits, defining eligibility to own, and an adaptive management program. At the March 2009 Council meeting under the trailing action to define accumulation limits, the Council indicated its interested in defining a Community Fishing Association (CFA), using the National Oceanic and Atmospheric Administration (NOAA) Memorandum titled Design and Use of Limited Access Privilege Programs (Agenda Item F.4.a, Attachment 1) and a public comment letter from The Nature Conservancy (Agenda Item F.4.a, Attachment 2) as a starting point.

CFAs could be a special class of entities eligible to hold individual fishing quota (IFQ), a class that would be given special considerations. Under the MSA, to be eligible to hold IFQ CFAs would have to be a U.S. citizen, a corporation, partnership, or other entity established under the laws of the United States or any state. Under Amendment 20 they would also have to be eligible to own a US documented fishing vessel, unless an exception is made for CFAs. The Council's primary task under this agenda item is to identify the criteria entities would need to meet in order to qualify as a CFA (i.e., to define CFAs). Eligibility requirements for Fishing Communities and Regional Fishing Associations listed in the Magnuson-Stevens Act (MSA) (Agenda Item F.4.a, Attachment 3) could be used to define CFAs, or CFAs could be defined in some other way. An outline of potential elements of a CFA and some potential options have been developed by staff to further discussion on this issue (Agenda Item F.4.a, Attachment 4).

With respect to special considerations for CFAs, CFAs are being proposed to create a community-linked entity that would be eligible for higher control limits than other types of entities. A decision on whether CFAs should have a higher accumulation limit than other entities would fall under the accumulation limits agenda item scheduled to be before the Council in June 2009. CFAs may also be an entity that receives special considerations for awards of Adaptive Management quota pounds (QP). Thus there could be some overlap between the objectives the Council specifies for CFAs and some of the potential uses of the Adaptive Management Program.

After the Council took final action in November 2008, several items in need of clarification were identified. Three issues having to do with the at-sea whiting fishery are listed here for clarification by the Council (Agenda Item F.4.a, Attachment 5). The first clarification is regarding whether or not the two worst years that permits can drop from their individual whiting allocation calculation should be the same years when the catcher-vessel was fishing in both the shoreside whiting and the mothership sector. The second clarification asks for confirmation that a rollover of whiting could occur between at-sea sectors. The third clarification asks whether the bycatch buffer in at-sea whiting would apply or not. If the CFA discussion should occupy the entire time allotted for this agenda item (F.4), these three clarifications would be presented again to the Council at a future Council meeting.

For Council member convenience, a copy of the “Pacific Council Recommendations for Rationalization of the Groundfish Trawl Fishery (Including Whiting)” is included in your CD. This has not yet been updated with your March clarifications and actions. For a hard copy, please see Agenda Item G.3.a, Attachment 2 from the March Council meeting.

Council Task:

1. **Define Community Fishing Associations**
2. **If possible at this meeting, provide clarification on the following at-sea whiting items:**
 - a. **Specify intent with respect to whether a permit should have to drop the same worst two years if it qualifies for an individual allocation in both the shoreside whiting IFQ and mothership co-op programs.**
 - b. **Confirm intent to have rollovers of whiting from one at-sea sector to another.**
 - c. **Confirm intent not to have bycatch buffers in the whiting non-co-op component of the fishery.**

Reference Materials:

1. Agenda Item F.4.a, Attachment 1: Excerpts from the NOAA Memorandum: Design and Use of Limited Access Privilege Programs.
2. Agenda Item F.4.a, Attachment 2: Public Comment from The Nature Conservancy.
3. Agenda Item F.4.a, Attachment 3: Excerpts from the Magnuson-Stevens Conservation and Fishery Management Act.
4. Agenda Item F.4.a, Attachment 4: Outline of Potential Elements for Community Fishing Associations (CFA) Provisions.
5. Agenda Item F.4.a, Attachment 5: Miscellaneous Trawl Rationalization Clarifications Related to the Whiting Fishery.
6. Agenda Item F.4.a, Attachment 6: Pacific Council Recommendations for Rationalization of the Groundfish Trawl Fishery (Including Whiting) (On CD and Web Only).
7. Agenda Item F.4.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview Heather Brandon / Jim Seger
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Define CFA and Address Miscellaneous Clarification Issues

PFMC
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