

GROUND FISH ADVISORY SUBPANEL REPORT ON FISHERY MANAGEMENT PLAN  
(FMP) AMENDMENTS 20 AND 21 -- TRAWL RATIONALIZATION AND INTERSECTOR  
ALLOCATION - REGULATORY OVERVIEW AND FINAL ACTION ON  
MISCELLANEOUS OUTSTANDING ISSUES AND FMP LANGUAGE

The Groundfish Advisory Subpanel (GAP) received a report from Mr. Jim Seger about several issues related to Amendments 20 and 21, including Amendment 20 – Eligible to Own Language, Carry-over and annual catch limits (ACLs), Exclusion of Spiny Dogfish From the individual fishing quota (IFQ) Program, Measurement of Catch History in the Mothership Whiting Co-op Alternative, and Amendment 21 – Application of Amendment 21 Action on Halibut to Amendment 20 individual bycatch quota (IBQ) Limits. The GAP also reviewed the various agency reports provided, including the National Marine Fisheries Service (NMFS) report about implementation of the tracking and monitoring program, and the Northwest Fisheries Science Center (NWFSC) and International Pacific Halibut Commission (IPHC) letters related to monitoring halibut mortality under the trawl quota share (QS) program. The GAP also received a report from Dr. Christopher Dahl about Council staff recommendations for amending the Groundfish FMP to incorporate the trawl rationalization program.

The GAP has the following recommendations for each of these items.

Amending the Groundfish FMP

The GAP recommends the Council adopt the approach developed by staff and the FMP amendment language as written in the document – Staff Recommendation on Amending the Groundfish FMP to Incorporate the Trawl Rationalization Program (Agenda Item E.10.a Attachment 3). The GAP believes this approach will provide greater flexibility if future adjustments are needed. The GAP also believes the draft FMP amendment language is an accurate representation of the Council’s November 2008 final action.

Amendment 20

Eligible to Own Language

The GAP agrees with the Groundfish Allocation Committee (GAC) recommendation and rationale to adopt the “eligibility to own” language proposed by NMFS General Counsel, and leave in the AFA exception language, but to change “any person or entity” to “any entity.” As noted by the GAC, this would make the trawl rationalization language consistent with the Magnuson-Stevens Act and the intent of the Council.

Carry-over and ACLs

The GAP affirms our previous recommendation and the Council action to include the provision for each individual trawl vessel account to carry-over up to 10 percent of the total quota pounds (QP) held in its account. The GAP recommends the Council modify the carry-over provision

such that if the optimum yield (OY) goes down substantially then carry-over QP would be reduced by the same percentage as the OY decrease.

#### Exclusion of Spiny Dogfish from the IFQ Program

The GAP recommends leaving spiny dogfish in the Other Fish category and excluding the Other Fish category from the QS holding requirements.

#### Measurement of Catch History in the Mothership Whiting Co-op Alternative

The GAP recommends the relative pounds approach be used to determine catch history in the Mothership (MS) Co-op Alternative. The relative pounds approach better acknowledges the greater fishery dependence of those vessels that consistently participate in the MS sector. The Council staff report (Agenda Item E.10.a, Attachment 4, page 9) indicates that the absolute pounds approach would penalize those with most active participation in recent years, resulting in greater disruption to labor, capital, the fishing sector and communities, and therefore, a reduction in net benefits. Staff also notes that the relative pounds approach may be more consistent with Magnuson-Stevens Act language that encourages consideration of current harvests when making an initial allocation. Finally, use of the relative pounds approach is consistent with the approach adopted by the Council for determining shoreside catch history under the trawl QS program.

#### Tracking and Monitoring

The GAP reviewed the NMFS-Northwest Region letter, which covers several topics: flexibility in design and implementation of the tracking and monitoring program, implementation of the Council's action for 100 percent observer coverage, and notice that trawl rationalization will likely be implemented through a series of rulemakings.

The GAP supports the Council confirming their intent to provide NMFS flexibility in design and implementation of the tracking and monitoring program. However, the GAP requests clarification from NMFS because there is some ambiguity in the NMFS letter. That is, the sentence that reads "Therefore, we would like to confirm that the Council's intent was to provide NMFS sufficient **flexibility in the design and implementation of the program** to achieve the goals and objectives of the trawl rationalization program" (emphasis added) seems to indicate NMFS is seeking flexibility related to design of the Trawl Rationalization Program in total. The GAP seeks clarification that NMFS is only requesting flexibility for designing and implementing the tracking and monitoring program.

Related to the use of human observers and electronic monitoring (EM), the GAP's understanding of the Council's November 2008 final action was to require 100 percent monitoring via the use of human observers. Given that understanding, the GAP believes that, over time, EM may play an important role in tracking and monitoring the trawl rationalization program and, thus, supports NMFS exploring the efficacy of human observers and electronic monitoring as a means to achieve the monitoring requirements.

The GAP is also concerned about the cost of observer coverage and wishes to reiterate that NMFS and the Council should be actively exploring ways to keep costs down including the use

of “compliance monitors” or third-party monitors. In addition, the GAP highlights that, as they craft the details of the tracking and monitoring program, NMFS should seek industry input on tradeoffs between flexibility and cost. Finally, the GAP notes that New England received a significant amount of Federal money to cover observers as part of the development of their groundfish catch share fishery. As a matter of fairness, NMFS should fully consider also providing financial assistance for observers in our fishery to help ease the transition to catch share management.

#### Application of Amendment 21 Action on Halibut to Amendment 20 IBQ Limits

The GAP carefully reviewed the letters from NMFS-NWFSC and the IPHC about monitoring halibut bycatch mortality in the trawl QS program. In line with the IPHC recommendation, the GAP believes that tracking based on an individual vessel’s halibut bycatch mortality is the best approach. The GAP understands the concerns expressed by the NWFSC, but we agree with and find more compelling the benefits described by IPHC, including: greater incentive for individuals to use methods that both avoid halibut bycatch and reduce halibut bycatch mortality, increased individual accountability, and maintenance of benefits to individuals who use methods to avoid bycatch and reduce bycatch mortality.

The GAP notes that there are several problems with the Pacific halibut allocation to the trawl sector. First, there is no provision that allows the trawl allocation to increase if the total Constant Exploitation Yield (CEY) increases. Moreover, the bycatch rates will increase as the CEY increases. Second, the trawl allocation is 15 percent of the CEY, but does not include corresponding sublegal halibut, so the trawl allocation is even smaller than it appears. Finally, the trawl allocation seems completely arbitrary and based on an unrealistic bycatch rate.

PFMC  
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