

REGULATORY DEEMING FOR FISHERY MANAGEMENT PLAN AMENDMENT 20
(TRAWL RATIONALIZATION) AND AMENDMENT 21 (INTERSECTOR ALLOCATION)

At its March 2010 meeting, the Council began work on deeming regulations related to trawl rationalization. At that time, the Council responded to a number of National Marine Fisheries Service (NMFS) requests for clarification of the intent of the Amendment 20 language and scheduled four issues to be held over for further deliberation in April, providing public notice that the Council might revise its recommendations. The Council's March motion on these issues is provided in Agenda Item I.1.a, Attachment 1. The issues were as follows:

1. For vessels that catch fish in excess of their quota holdings, when should the 30-day grace period start during which they must cover their overage?
2. At what point in time should the quota pound (QP) in a vessel account be evaluated for determining the amount of QP a vessel may carry over to a following year as a surplus or deficit?
3. Should there be a change in the annual date (September 1) by which a permit holder must notify NMFS of its intent to participate in the co-op or non-co-op fishery and intent to deliver to a different mothership?
4. Should the catcher-processor co-op be issued a permit for the co-op? The Council previously recommended that no permit be issued to the catcher-processor co-op but NMFS does not currently believe there is a rationale as to the reason a catcher-processor co-op should be treated differently from mothership co-ops, for which permits would be required.

With respect to item four, Agenda Item I.1.a, Attachment 1 also provides relevant motions and excerpts from the Council June and November 2008 minutes pertaining to the issue of requiring a permit for a catcher-processor co-op.

At this meeting, the Council is scheduled to determine whether the draft initial allocation and appeals rule implementing Amendment 20 (trawl rationalization, Agenda Item I.1.a, Attachment 2) and Amendment 21 (intersector allocation, Agenda Item I.1.a, Attachment 3) is consistent with the Council action, and necessary or appropriate to implement the Council recommendation (collectively termed regulatory deeming). Under the regulatory deeming process adopted by the Council in 2009 (Council Operating Procedure 1), the Executive Director is charged with deeming regulations, unless otherwise directed by the Council. However, because of the complexity of regulations on trawl rationalization, the Council itself is reviewing and making the regulatory deeming decision. It is expected that the trawl rationalization program will be implemented through three or more regulatory actions, as shown in the following graphic. Additionally, Council staff has developed a detailed schedule that, in the opinion of the Council staff, provides for an orderly process for regulatory deeming and other necessities to achieving a January 1, 2011 implementation date (Agenda Item I.1.a, Attachment 4).

Rule – Short Name	Description	Status
1. Data collection Rule	Rule on submission of ownership information and notice that fishery data corrections must be submitted by May 2010.	Final Rule Published January 29
2. Initial Issuance and Appeals Rule	Rule implementing Amendment 21 allocations, and Amendment 20 initial issuance/appeals process, and creating a new framework organization for the Groundfish regulations.	Scheduled to be submitted to the Council for deeming at its April 2010 meeting.
3. Program Components Rule	Other regulations implementing Amendment 20 (observer and catch monitor programs, gear switching, mandatory econ. data collection, etc.)	To be submitted to the Council for deeming in April and June 2010.

NMFS, Northwest Region is providing seven reports for this agenda item. A NMFS preferred schedule for regulatory deeming and implementation of FMP Amendments 20 & 21, including both Environmental Impact Statements and at least three rulemakings will be provided as Supplemental Agenda Item I.1.b, NMFS Report 1. Supplemental Agenda Item I.1.b, NMFS Report 2 provides a review of the issues identified for further Council deliberation based on the NMFS clarifications document from the March 2010 Council meeting. Supplemental Agenda Item I.1.b, NMFS Report 3 covers issues that have arisen since the March 2010 Council meeting on which NMFS is requesting validation of its interpretation of the Council's intent. Supplemental Agenda Item I.1.b, NMFS Report 4 covers issues that have arisen since the March 2010 Council meeting on which there are multiple interpretations of the Council's motion and on which NMFS is seeking further Council guidance on the option to choose. NMFS is providing three regulations documents: (1) an outline of the proposed regulations, which cover both the initial issuance rule and the program components rule (Supplemental Agenda Item I.1.b, NMFS Report 5); (2) the regulations ready for deeming at this meeting, which covers the draft proposed rule on initial issuance and appeals (Agenda Item I.1.b, NMFS Report 6); and (3) a partial preliminary draft of the proposed rule on remaining program components for discussion purposes (Supplemental Agenda Item I.1.b, NMFS Report 7). The first page of NMFS Report 6 identifies the main section of the regulations that are new for the trawl rationalization program.

A range of approaches and costs for tracking and monitoring have been considered that fall within the scope of the Council's final preferred alternative. These were presented to the Council at its meeting last November and need to be narrowed in order to facilitate the approval and implementation process. The Pacific States Marine Fisheries Commission (PSMFC) has been working on this project and will provide a supplemental report on the issue for Council consideration (Supplemental Agenda Item I.1.b, PSMFC Report). NMFS will discuss with the Council its plans for finalizing cost estimates for full tracking and monitoring implementation.

Council Task:

- 1. Review those issues identified in March as potentially requiring Council modification and determine whether there is a need to revise previous Council recommendations on those issues.**
- 2. Determine whether draft regulations are consistent with final Council action on Amendments 20 and 21, with particular attention to language on control limits and initial issuance formulas and the appeals process.**
- 3. Provide guidance on a single tracking and monitoring plan.**
- 4. Provide guidance on timelines.**

Reference Materials:

1. Agenda Item I.1.a, Attachment 1: Select Council Motions on Trawl Rationalization.
2. Agenda Item I.1.a, Attachment 2: Council Preferred Groundfish Trawl Rationalization Alternative.
3. Agenda Item I.1.a, Attachment 3: Final Groundfish Fishery Management Plan Amendatory Language For Amendment 21.
4. Agenda Item I.1.a, Attachment 4: Council Staff Detailed Schedule for the West Coast Groundfish Trawl Rationalization Amendment Deeming, Review, and Implementation Process.
5. Supplemental Agenda Item I.1.b, NMFS Report 1: NMFS Schedule for Am 20 & 21 FMP Review and Implementation.
6. Supplemental Agenda Item I.1.b, NMFS Report 2: Issues for Further Deliberation.
7. Supplemental Agenda Item I.1.b, NMFS Report 3: NMFS Interpretations of Council Intent.
8. Supplemental Agenda Item I.1.b, NMFS Report 4: NMFS Clarifications Requested of Council.
9. Supplemental Agenda Item I.1.b, NMFS Report 5: Outline of Draft Proposed Regulations.
10. Agenda Item I.1.b, NMFS Report 6: Draft Proposed Initial Issuance and Appeals Regulations.
11. Supplemental Agenda Item I.1.b, NMFS Report 7: Partial Draft Proposed Program Components Regulations.
12. Supplemental Agenda Item I.1.b, PSMFC Report :Pacific States Marine Fisheries Commission Report on Tracking and Monitoring.
13. Agenda Item I.1.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview **Jim Seger**
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Consider Revising Council Recommendations on Selected Issues from NMFS Clarification Report from March 2010 Meeting, and Regulatory Deeming and Implementing Issues

PFMC
03/26/10

SELECT COUNCIL MOTIONS ON TRAWL RATIONALIZATION

This document contains Council motions from the March 2010 meeting pertaining to aspects of it's Amendment 20 recommendations that it might reconsider at this meeting and some key motions and Council discussion on the issue of requiring a permit for a catcher-processor co-op. With respect to the March 2010 motion, it was clarified on the Council floor that the issue of requiring catcher-processor co-op permits would be entailed as part of the consideration of the appropriate deadline for such permits.

March 2010: WDFW Motion # 2:

With regard to trawl rationalization and the clarifications requested of Council (Agenda Item E.6.b, Supplemental REVISED NMFS Report 2), I move that the Council consider the following issues at their April 2010 meeting:

IFQ FISHERY

Vessel Account

Issue 3: 30-day clock. When does the 30-day clock start for vessel overages?

Issue 4: 10% carryover. The 10% carryover provision can be calculated from the vessel account different ways.

MOTHERSHIP AND CATCHER-PROCESSOR CO-OP

Deadline for Co-op Fishery Declaration and Permits

Issue 7: What is an appropriate deadline for a coop permit (MS or C/P) and for a MS/CV endorsed permit to declare in to a MS coop or the non-coop fishery?

At the April 2010 meeting, the Council may reconsider the action taken previously relative to these issues.

Council Minutes Excerpts Pertaining to the Issue of Requiring Permits for Catcher-Processors

June 2008

Mr. Lockhart stated that there was question as to whether the catcher-processor co-op proposal is a LAP and subject to the 3% maximum fee. Under the proposed Amendment #2, if they break up [if the co-op breaks up] they will be a LAP but as the motion is written now they would not be. Ms. Cooney indicated that if the allocation is issued to the co-op and the co-op is required to have a permit then the program would be a LAP but if the co-op is not required to hold a co-op permit

then it would not be a LAP. Amendment #2 passed.

....

Mr. Lockhart said that under the program, as currently designed, the catcher-processor sector would not be under a LAP, unless it broke up, and therefore not subject to a fee. He has heard argument that the catcher-processor sector voluntary co-op costs much less to manage and therefore should not be subject to the fee. However, they gain the benefit of the LAPs of the other whiting sectors. It is fair for them to be subject to the fee because they are part of the overall LAP system. They are being granted a privilege and access to a public resource. Therefore, Mr. Lockhart moved to amend the motion to specify that permits would be issued to co-ops (Amendment #3 to Motion 41). Ms. Vojkovich seconded the motion...

Mr. Moore asked about the benefits the catcher-processor co-op would receive. Mr. Lockhart stated that under current management, bycatch of other sectors affects the catcher processor co-op. Under the new system, that effect is reduced substantially, therefore they are getting a benefit from the program but they are not subject to the 3% fee. Mr. Anderson noted that they are being asked to pay for the cost of government regulations to clean up another sector. Mr. Lockhart stated he viewed it as they are gaining dedicated access to a public resource not just the costs of running the system. Mr. Myer said that the catcher-processor co-op has been doing fine on its own and that they would gain very little for a fee that he does not believe is warranted. Mr. Lockhart responded that they are not running fine citing the large bycatch tow that occurred recently, in part, because of the current system. The new system will allow them to fish at different times. Mr. Anderson commented that there are many people gaining access to a public resource that are not paying a 3% fee. If there is a fee it should be proportional to the costs of their participation in the program. Amendment #3 failed (Messrs. Lockhart and Williams voted yes; Ms. Vojkovich abstained). Motion 41 passed as amended

November 2008

Motion 21 [topic: Amendment 20 catcher-processor sector provisions] passed unanimously.

Mr. Lockhart noted that NMFS has made a preliminary determination that both the mothership (MS) sector and catcher-processor (CP) sector will be defined as a LAPP under the MSA. As part of that, in order to monitor and enforce the system, NMFS would be issuing a permit to the co-ops. This would mean that the cost recovery provisions would apply to these two sectors.

[There was no Council member response to Mr. Lockhart's statement.]

**COUNCIL-PREFERRED GROUND FISH TRAWL
RATIONALIZATION ALTERNATIVE**

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D.1 Overview of Recommendations by Sector

The Pacific Fishery Management Council's (Council) sector specific recommendations for rationalizing the trawl fishery are provided here and will be finalized and forwarded to the National Marine Fisheries (NMFS) for approval later in 2009. The recommendations were adopted at the Council's November 2008 meeting. In general, the Council recommends the following:

Shoreside Trawl Sector (nonwhiting groundfish species and whiting):

- Manage with individual fishing quotas (IFQs).
- Provide 90 percent of the initial allocation of nonwhiting IFQ to holders of vessel permits; and
- set aside 10 percent of the initial allocation for an adaptive management program that may benefit processors and communities, among others.
- Provide 80 percent of the initial allocation of whiting IFQ to holders of vessel permits; and
- provide 20 percent of the initial allocation of whiting to processors.

Mothership Trawl Sector (whiting and groundfish bycatch species):

- Manage with a harvester co-op system and limited entry for mothership processors.
- Require that vessels declare pre-season the mothership processor for which they will fish in a coming year.

Catcher Processor (CP) Sector (whiting and groundfish bycatch species):

- Create a permit endorsement to prevent expansion of the number of participants.
- Allocate whiting and bycatch to the existing voluntary co-op.¹
- Provide an IFQ program if the voluntary co-op fails (initially allocate IFQ equally among all permit holders).

¹ When the Council took final action, NMFS indicated its preliminary intent to license the voluntary co-op. However, this was not part of the Council's final action.

The amount of allocation available for these sectors will be determined through the intersector allocation process. IFQ for the shoreside fishery may not be delivered to at-sea processors, nor may quota allocated to the mothership or catcher-processor sectors be delivered shoreside.

The following sections provide a general summary of the program for each sector, followed by a complete description that also identifies trailing actions the Council has been working on in 2009. These actions will be completed prior the time it submits the package to NMFS for approval.² *The trailing actions pertain to eligibility to own IFQ, accumulation limits, and adaptive management. Implementation is not expected earlier than 2011.*

D.2 Shoreside Trawl Sector: IFQ Program (Appendix A of the Environmental Impact Statement [EIS])

This section details the IFQ program that the Council is recommending for the shoreside sector of the groundfish fishery. The first part of the section describes major components of the program. Table 1, which starts on page 6, presents complete details on elements of the recommended IFQ program.

D.2.1 Overview of the IFQ Program Elements

Under this program, most status quo management tools would remain in place. The main exceptions are cumulative landing limits for nonwhiting groundfish species and a closure period to control whiting harvest at the start of the year.³ Other measures, such as Rockfish Conservation Area (RCA) boundaries, may be adjusted as experience is gained with the IFQ program.

An IFQ will grant an entity the privilege to catch a specified portion of the trawl sector's allocation. Within the IFQ program, vessels will be allowed to use a variety of directed groundfish commercial gear (including nontrawl gear) to take the shoreside trawl sector allocation, which will thus allow for "gear switching." IFQs will be created for most species of groundfish under the Groundfish Fishery Management Plan (FMP) (although some will still be managed collectively at the stock complex level, e.g. remaining minor slope rockfish). Some groundfish species rarely caught by trawl gear and dogfish will be excluded from the IFQ program. To ensure that optimum yields (OY) for species not covered by IFQ are not exceeded, catch of those species will be monitored and deductions made from the OY in anticipation of the expected level of shoreside trawl sector catch. For trips targeted on whiting, IFQ will be required only for whiting and the main bycatch species.

Halibut individual bycatch quota (IBQ) will be required to cover the incidental catch⁴ of Pacific halibut in the groundfish trawl shoreside fishery. Under an IBQ program, retention would not be allowed.

The following sections describe the major provisions of the IFQ program.

D.2.1.1 Initial Allocation

The program will initially allocate IFQ as quota share (QS) to fishery participants based mainly on their historic involvement in the fishery. Following the initial allocation, transfers (described below) will

² During its March and April 2009 meetings the Council also clarified a number of its recommendations. These clarifications are reflected in the version of the trawl rationalization recommendation provided here.

³ This closure period is necessary because of Endangered Species Act concerns related to salmon.

⁴ At its June meeting, the Council will consider a recommendation by the Groundfish Allocation Committee to interpret previous Council action under Amendment 21 as creating an IBQ program to cover incidental mortality rather than catch.

allow for others to also participate in the fishery as quota holders. The initial allocation can be viewed in two segments:

First, in developing its recommendation the Council considered the groups that should be included in the initial allocation, and the proportional split among the groups. The Council recommended that harvesters (those holding limited entry permits for trawl vessels) be given an initial allocation of 90 percent of the nonwhiting QS and 80 percent of the whiting QS. Ten percent of the QS for nonwhiting species would be made available for an adaptive management program and processors would receive 20 percent of the whiting QS.

Second, the Council considered specific allocation formulas that will determine the amount of QS each eligible entity will receive. These calculations are based primarily on the delivery history associated with a vessel permit or processing company over a set number of years. For the allocation to permits, the QS associated with the history of permits retired in the buyback program will be distributed equally among the remaining qualified permits (about 44 percent of the QS will be allocated in this fashion). A special calculation is provided for incidentally caught overfished species. For these species the allocation will be based on the QS recipient's need to cover incidental catch under current fishing practices (as measured by bycatch rates, individual permit logbooks for recent years, and the amount of target species QS that an entity receives). None of the QS for overfished species will be allocated equally among harvesters, with the exception of canary rockfish. A similar approach would be used for the allocation of halibut IBQ.

D.2.1.2 Stock Management Units for IFQs

QS will be issued for the species groups and areas for which there are OYs (management units). However, QS will not be required for some rarely-caught species. Catch of these species would be monitored to ensure they don't exceed any established allocations. There may be further area subdivisions for species for which there is an area specific precautionary harvest policy. There are also provisions that provide for both species group and area subdivision of QS after initial allocation.

D.2.1.3 Annual Issuance, Holding Requirements and Transfer Rules

In designing the management regime for the IFQ program, the Council is balancing the benefits of flexibility and individual accountability with program costs and the constraints of the very low allowable catch levels of overfished species. Prior to the start of each fishing year, NMFS will issue quota pounds (QP) to entities based on the amount of QS they hold and the shoreside trawl sector allocation. The QP would have to be transferred to a vessel account in order to be used. When a vessel goes fishing under the IFQ program, all catch must be recorded (including discards) and must be matched by an equal amount of QP from the vessel's QP account. If there is not enough QP to cover the catch from a trip, there is a 30-day grace period during which adequate QP must be transferred into the vessel's account. A vessel's fishing will be limited, and its permit cannot be sold, until the overage is covered. A carryover provision will allow for an overage in one year to be covered by up to 10 percent of the following year's QP; likewise, the provision also will allow QP that were not used in one year to be carried over into the following year, up to 10 percent.

Bycatch reduction and greater efficiency are expected to occur in the groundfish fishery under the IFQ program because of the transferability of QS and QP. Through the transfer of QS/QP (bought and sold or "leased" through private contract), it is anticipated that those best able to avoid catching overfished species, and those who are most efficient, will increase the amount of QS/QP registered to them, while those who consistently have high bycatch rates or operate less efficiently might choose to sell their QS and leave the fishery. Generally, anyone eligible to own a U.S.-documented fishing vessel could also

acquire QS and QP, and the QS and QP could be acquired in very small increments.⁵ These provisions will allow for new entrants into the fishery; for example, a crew member could slowly purchase amounts of quota. They also allow for ownership of QS by entities that do not otherwise participate in the fishery. *In early 2009, during its trailing actions the Council considered but rejected substantially modifying provisions pertaining to who is eligible to own the QS.*

While transferability is an important component, in order to protect against unintended consequences some provisions limit transferability. For example, there will be accumulation limits on the amount of QS or QP that can be controlled by an entity, and accumulation limits on the amount of QP registered to a vessel. The intent of these limits is to prevent excessive control of quota by a participant. *The exact percentages which will be used in these limits will be determined through a trailing action.*

An adaptive management provision will allow the Council to use 10 percent of the trawl allocation to provide incentives, support, or other compensation to offset adverse impacts of the program. This program may benefit communities and processors, among others. *Details will be the subject of a trailing action.*

D.2.1.4 Tracking and Monitoring

A tracking and monitoring program is necessary to assure that all catch (including discards) is documented and matched against QP. At-sea observers would be required on all vessels and shoreside monitoring during all off-loading (100 percent coverage). Cameras may be used to augment the observers and assure compliance. Compared to status quo monitoring, this will be a significant increase for a large portion of the trawl fleet, particularly nonwhiting shoreside vessels. More accurate estimates of total mortality will benefit stock conservation goals. Discarding will be allowed, though all fish discarded will also have to be covered by QP. There would be 100 percent shoreside monitoring; and there may be limited landing hours to control costs. Additionally, a program for the mandatory submission of economic data is included to facilitate monitoring program performance.

D.2.1.5 Costs and Fee Structure

Program costs are of concern and ongoing Federal administrative costs are estimated in the EIS at \$2.4 to \$2.9 million per year for the entire trawl rationalization program, including the co-ops for the at-sea segment of the fishery (see Section 3). Program benefits are expected to significantly exceed costs. The costs listed here do not include initial implementation costs or the costs that industry will bear for observers. Fee structures will be proposed to recover program costs from industry, up to the limit of three percent of exvessel value.

D.2.1.6 Program Monitoring, Review and Future Auction

The Council will conduct a formal review of program performance no later than five years after implementation and every four years thereafter. The result of the evaluation could include dissolution of the program, revocation of all or part of quota shares, or other fundamental changes to the program. At the time of its first review, the Council will consider also the use of an auction or other nonhistory based method when distributing quota share that may become available after the initial allocation.

⁵ To be eligible to own QS the person need not actually own a U.S. documented fishing vessel.

D.3 Detailed Specification of IFQ Program Elements and Options

Table 1 provides a complete description of the IFQ program.

Table 1. Full description of the IFQ Program for shoreside trawl deliveries.

	Element	SubElement	
A. <u>Trawl Sector Management</u>			
A-1.1	Scope for IFQ Management, Including Gear Switching		<p>For trips delivered shoreside, QP will be required to cover catch of all groundfish (including all discards) by limited entry (LE) trawl vessels with certain gear and species exceptions.</p> <p>Gear Exception: Vessels with an LE trawl permit using the following gears would not be required to cover their groundfish catch with QP: exempted trawl, ^a gear types defined in the coastal pelagic species FMP, gear types defined in the highly migratory species FMP, salmon troll, crab pot, and LE fixed gear when the vessel also has a LE permit endorsed for fixed-gear (longline or fishpot) AND has declared that they are fishing in the LE fixed-gear fishery.</p> <p>Species Exception: The following would be an exception from the QP requirement longspine thornyheads south of 34°27' N latitude, minor nearshore rockfish (north and south), black rockfish (WOC), California scorpionfish, cabezon, kelp greenling, shortbelly rockfish, and the "Other Fish" category of groundfish.</p> <p><i>This definition of the scope allows an LE trawl vessel to switch between trawl and nontrawl groundfish gears, including fixed-gear, for the purpose of catching their QP ("gear switching"). It also allows a nontrawl vessel to acquire a trawl permit, and thereby use trawl QP to catch the LE trawl allocation using nontrawl gear.^b</i></p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
A-1.2	IFQ Management Units, Including Latitudinal Area Management		<p>QS will carry designations for the species/species group, area, and trawl sector to which it applies (see A-1.3 for the list of trawl sectors). The QP will have the same species/species group, area, and sector designations as the QS on the basis of which the QP was issued. QP will not be used in a trawl sector other than that for which it was issued,^c and will not be used in a nontrawl sector (i.e. by vessels without trawl permits).^d QP will not be used in a catch area or for a species/species group other than that for which it is designated.</p> <p>For those species within the scope of the program, the QS/QP species groupings and area subdivisions will be those for which OYs are specified in the acceptable biological catch (ABC)/OY table that is generated through the groundfish biennial specifications process and those for which there is an area-specific precautionary harvest policy^e QS for remaining minor rockfish will be aggregated for the shelf and slope depth strata (nearshore are excluded from the scope, see Section A-1.1).</p> <p>Changing the management units. After initial QS allocation the Council may alter the management units by changing the management areas or subdividing species groups. Section A-2.1.6 provides methods for reallocating QS when such changes are made after initial implementation of the program.^f <i>Hereafter, all references to species include species and species group, unless otherwise indicated.</i></p>
A-1.3	General Management and Trawl Sectors		<p>Unless otherwise specified, status quo regulations, other than trip limits for species within the scope of the IFQ program, will remain in place. If individual vessel overages (catch not covered by QP) make it necessary, area restrictions, season closures, or other measures will be used to prevent the trawl sector (in aggregate or the individual trawl sectors listed here) from going over allocations.^g The IFQ fishery may also be restricted or closed as a result of overages in other sectors.</p> <p>There will be three trawl sectors: shoreside, mothership, and catcher-processors. However, as per Section A-1.1, IFQ will be required only for the shoreside trawl sector. The mothership and catcher-processor sectors will be managed using co-ops, as specified in the co-op section of the trawl rationalization program. If the industry organized voluntary co-op program for the catcher-processor sector collapses, IFQ will be required for the catcher-processor sector, as specified in the co-op program described for that sector.</p> <p><i>Allocation among trawl sectors has been determined in FMP Amendment 21. Those allocations not covered by Amendment 21 will be addressed in the biannual specifications process. Trawl vessels fishing IFQ with nontrawl gear will be required to comply with the RCA lines applicable for that gear. Such restrictions, as necessary, will be determined in a separate process.</i></p>
A-1.4	Management of NonWhiting Trips		<p>Nonwhiting trips are those with less than 50 percent whiting. No changes to management measures, other than those identified in Section A-1.3, have been identified at this time.</p>
A-1.5	Management of Whiting Trips ^h		<p>Whiting seasons will not be changed under the IFQ program, and so the current spring openings will be maintained to control impacts on ESA-listed salmon.ⁱ When the primary whiting season is closed for shoreside deliveries, cumulative whiting catch limits will apply and shoreside QP will be required to cover whiting incidental catch.</p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
A-1.6	Groundfish Permit Length Endorsements		Length endorsement restrictions on LE permits endorsed for groundfish gear will be retained; however, the provision that requires that the size endorsements on trawl permits transferred to smaller vessels be reduced to the size of that smaller vessel will be eliminated (i.e., length endorsements will not change when a trawl-endorsed permit is transferred to a smaller vessel).
A-2. <u>IFQ System Details</u>			
A-2.1	Initial Allocation and Direct Reallocation		
A-2.1.1	Eligible Groups	a Groups and Initial Split of QS	<p>Eligible Groups The initial allocation of QS will be made either only to permit owners and processors, as follows.</p> <p>Whiting QS: 80 percent to permits, 20 percent to processors and zero percent for adaptive management.</p> <p>Nonwhiting QS: 90 percent to permits, zero percent to processors, and 10 percent for adaptive management.</p> <p><i>After initial allocation, trading will likely result in changes in the distribution of shares among permit owners and processors. Additionally, entities that are neither permit owners nor processors may acquire QS (see below: "IFQ/Permit Holding Requirements and IFQ Acquisition").</i></p>
		b Permits	Landing history will accrue to the permit under which the landing was made. The owner of a groundfish LE permit at the time of initial allocation will receive the QS issued based on the permit. (Also, see Section A-2.1.4 on permit combinations and other exceptional situations.)
		c Processors and Processing Definition	A special definition of "processor" and "processing" will be used for initial QS allocation. A main intent of the definition is to specify that only the first processor of the fish be credited for the history of that delivery when the initial allocation formula is applied (see footnote for definition). ^j
		d Attributing and Accruing Processing History	<p>For an allocation for shoreside processors (applies only to whiting): attribute history to the receiver reported on the landing receipt (i.e. the entity responsible for filling out the state fishticket), except history may be reassigned to an entity not on the landings receipt, if parties agree or through an agency appeals process. <i>The intent of this option is to provide an opportunity for catch history to be assigned to the entity that actually processed the fish.</i></p> <p>For shoreside processors, allocations go to the processing business and successor-in-interest will be recognized. NMFS will develop criteria for use in determining the successor in interest with respect to the entities listed on the landings receipts or otherwise eligible for an initial QS allocation based on being the first processor of the fish.^k</p>
A-2.1.2	Recent Participation	a Permits (including CP permits)	Recent participation is not required in order for a permit to qualify for an initial allocation of QS.
		b Processors (motherships)	Not applicable because a co-op program was provided for this sector rather than IFQs. <i>(This header is being left in the document so that paragraph numbering will correspond to numbering in the analysis.)</i>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
		c Processors (shoreside)	Recent participation is required to qualify for an initial allocation of whiting QS: 1 mt or more of deliveries from whiting trips in each of any two years from 1998-2004.
A-2.1.3	Allocation Formula	a Permits with catcher vessel history	<p>QS will be issued for all fish management units within the scope of the program (see Section A-1.2) based on equal division and permit history, as follows:^l</p> <p>Equal Division: There will be an equal division of the buy-back permits' pool of QS among all qualifying permits (<i>except the incidentally caught overfished species other than canary</i>). Qualifying permits include all catcher vessel permits, including those that have been used only in the mothership sector. (The QS pool associated with the buyback permits will be the buyback permit history as a percent of the total fleet history for the allocation period. The calculation will be based on total absolute pounds with no other adjustments and no dropped years.)</p> <p>Permit History: The remaining QS (<i>the QS left after setting aside amounts for equal allocation</i>) will be allocated based on each permit's history (see following formulas).</p> <p>For the portion of the allocation based on each permit's history.</p> <p>For nonwhiting trips, permit history used for QS allocation will be calculated:</p> <p>For nonoverfished species: using an allocation period of 1994-2003. Within that period use relative history and drop the three worst years.^m</p> <p>For overfished species taken incidentally:ⁿ using target species QS as a proxy based on the following approach: Apply fleet average bycatch rates to each permit's depth and latitude distributions and target species QS allocations. Fleet average bycatch rates for latitudinal areas^o divided shoreward and seaward of the RCA will be developed from West Coast Observer Program data for 2003-06. For the purposes of the allocation, a permit's QS for each target species will be distributed shoreward and seaward of the RCA and latitudinally based on the permit's logbook information for 2003-06. If a permit does not have any logbooks for 2003-06, fleetwide averages will be used.^p</p> <p>For whiting trips, permit history used for QS allocation will be calculated as follows:</p> <p>For whiting, use an allocation period of 1994-2003. Within that period, use relative history and drop the two worst years.^q</p> <p>For bycatch species (if IFQ is used for bycatch species): use the whiting history as a proxy (i.e., allocation will be pro rata based on the whiting allocation).</p> <p>Area Assignments: Landings history will be assigned to catch areas based on port of landing.^r</p> <p>Relative history (percent). For each sector, the permit history for each year is measured as a percent of the sector's total for the year.</p> <p>Initial allocations will be constrained by accumulation limits. See Section A-2.2.3.e for a discussion of the limits and divestiture requirements.</p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
		b Permits with catcher-processor history	Not applicable because a co-op program was provided for this sector rather than IFQs. <i>(This header is being left in the document so that paragraph numbering will correspond to numbering in the analysis).</i>
		c Processors (motherships)	Not applicable because a co-op program was provided for this sector rather than IFQs <i>(This header is being left in the document so that paragraph numbering will correspond to numbering in the analysis).</i>
		d Processors (shoreside)	For whiting: <ul style="list-style-type: none"> Allocate whiting QS based on the entity's history for the allocation period of 1998 ^s-2004 (drop two worst years) and use relative history. Initial allocations will be constrained by accumulation limits. See Section A-2.2.3.e for a discussion of the limits and divestiture requirements.
A-2.1.4	History for Combined Permits and Other Exceptional Situations		Permit history for combined permits will include the history for all the permits that have been combined. For history occurring when two or more trawl permits were stacked, split the history evenly between the stacked permits. History for illegal landings will not count toward an allocation of QS. Landings made under nonwhiting Experimental Fishing Permits (EFPs) that are in excess of the cumulative limits in place for the nonEFP fishery will not count toward an allocation of QS. Compensation fish will not count toward an allocation of QS.
A-2.1.5	Initial Issuance Appeals		There will be no Council appeals process on the initial issuance of IFQ. NMFS will develop a proposal for an internal appeals process and bring it to the Council for consideration. Any revisions to an entity's fishtickets must be approved by the state in order to be accepted. Any proposed revisions to fishtickets should undergo review by state enforcement personnel prior to finalization of the revisions.

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
A-2.1.6	Direct Reallocation and Future Allocations After Initial Issuance		<p>Reallocation With Change in Overfished Status: When an overfished species is rebuilt or a species becomes overfished there may be a change in the QS allocation within a sector (allocation between sectors is addressed in the intersector allocation process). When a stock becomes rebuilt, the reallocation will be to facilitate the re-establishment of historic target fishing opportunities. When a stock becomes overfished, QS may be reallocated to maintain target fisheries to the degree possible. That change may be based on a person's holding of QS for target species associated with the rebuilt species or other approaches deemed appropriate by the Council.</p> <p>Reallocation With Changes in Area Management (Changes in management lines are expected to be rare; however, when they occur the following provides for the reallocation of QS in a manner that will give individual QS holders with the same amounts of total QP before and after the line changes.)</p> <p>Area Subdivision: If at any time after the initial allocation an IFQ management unit is geographically subdivided, those holding QS for the unit being subdivided will receive an amount of QS for each newly created area that is equivalent to the amount they held for the area before it was subdivided.</p> <p>Area Recombination: When two areas are combined, the QS held by individuals in each area will be adjusted proportionally such that (1) the total QS for the area sums to 100 percent, and (2) a person holding QS in the newly created area will receive the same amount of total QP as they would if the areas had not been combined.</p> <p>Area Line Movement: When a management boundary line is moved, the QS held by individuals in each area will be adjusted proportionally such that they each maintain their same share of the trawl allocation on a coastwide basis (a fishing area may expand or decrease, but the individual's QP for both areas combined wouldn't change because of the change in areas). In order to achieve this end, the holders of QS in the area being reduced will receive QS for the area being expanded, such that the total QP they would be issued will not be reduced as a result of the area reduction.¹ Those holding QS in the area being expanded will have their QS reduced such that the total QP they receive in the year of the line movement will not increase as a result of the expansion (nor will it be reduced).</p> <p>Reallocation With Subdivision of a Species Group: If at any time after the initial allocation an IFQ management unit for a species group is subdivided, those holding QS for the unit being subdivided will receive an amount of QS for each newly created IFQ management units that is equivalent to the amount they held for the species group before it was subdivided. For example, if a person holds one percent of a species group before the subdivision, that person will hold one percent of the QS for each of the groups resulting from the subdivision.</p> <p>Future Allocation of Groundfish Outside the Scope of the IFQ Program: For the "Other Fish," category of groundfish, if at some time in the future the Council adds it to the IFQ system, the initial allocation would be determined using the same history criteria as was used for other IFQ species (i.e. 1994-2003 history), unless otherwise specified by a future Council action.</p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
A-2.2	Permit/IFQ Holding Requirements and Acquisition (after initial allocation)		
A-2.2.1	Permit/IFQ Holding Requirement		<ol style="list-style-type: none"> 1. Only vessels with LE trawl permits are allowed to fish in the trawl IFQ fishery. 2. For a vessel to use QP, the QP must be in the vessel's QP account. 3. All catch a vessel takes on a trip must be covered with QP within 30 days of the landing for that trip unless the overage is within the limits of the carryover provision (Section A-2.2.2.b), in which case the vessel has 30 days or a reasonable time (to be determined) after the QP for the following year are issued, whichever is greater.^u 4. For any vessel with an overage (catch not covered by QP), fishing that is within the scope of the IFQ program (Section A-1.1) will be prohibited until the overage is covered, regardless of the amount of the overage. Vessels which have not adequately covered their overage within the time limits specified in paragraph 3, must still cover the overage before resuming fishing, using QP from the following year(s), if necessary. If a vessel covers its overage, but coverage occurs outside the specified time limit (paragraph 3), the vessel may still be cited for a program violation. 5. For vessels with an overage, the LE permit may not be sold or transferred until the deficit is cleared.
A-2.2.2	IFQ Annual Issuance	a Annual Quota Pound Issuance	<p>QP will be issued annually to QS holders based on the amount of QS held.^v</p> <p><i>As specified above, QS holders will have to transfer their QP to a vessel account in order for those QP to be used.</i></p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
		b Carryover (Surplus or Deficit)	<p>To the extent allowed by the conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), a carryover allowance will allow surplus QP in a vessel's QP account to be carried over from one year to the next or allow a deficit in a vessel's QP account for one year to be carried over and covered with QP from a subsequent year. Surplus QP may not be carried over for more than one year.</p> <p>A vessel with a QP surplus at the end of the current year will be able to use that QP in the immediately following year, up to the limit of the carryover allowance (see below). However, if there is a decline in the OY, the amount of QP carried over as a surplus will be reduced in proportion to the reduction in the OY.</p> <p>A vessel with a QP deficit in the current year will be able to cover that deficit with QP from the following year without incurring a violation if</p> <ul style="list-style-type: none"> (1) the amount of QP it needs from the following year is within the carryover allowance (see below), and (2) the QP are acquired within the time limits specified in A-2.2.1.^w <p>Carryover Allowance: Limit of up to 10 percent carryover for each species. This applies to both nonoverfished species and overfished species. The percentage is calculated based on the total pounds (used and unused) in a vessel's QP account for the current year. The percentage used for the carryover provision may be changed during the biennial specifications process.</p>
		c QS Use-or-Lose Provisions (Deleted)	<i>This section has been deleted but the numbering is being maintained as a placeholder so as not to change section numbering and corresponding references in the analysis.^x</i>
		d Entry Level Opportunities	Under the MSA, the Council is required to consider entry level fishermen, small vessel owners, and crew members, and in particular the possible allocation of a portion of the annual harvest to individuals falling in those categories. No special provisions have been identified for analysis. New entry is addressed indirectly by allowing crew, captains and others to acquire QS in small increments.
A-2.2.3	IFQ Transfer Rules	a Eligible to Own or Hold	No person can acquire quota shares or quota pounds other than 1) a United States citizen, 2) a permanent resident alien, or 3) a corporation, partnership, or other entity established under the laws of the United States or any State, that is eligible to own and control a U.S. fishing vessel with a fishery endorsement pursuant to 46 USC 12113 (general fishery endorsement requirements and 75 percent citizenship requirement for entities). However, there is an exception for any entity that owns a mothership that participated in the west coast groundfish fishery during the allocation period and is eligible to own or control that U.S. fishing vessel with a fishery endorsement pursuant to sections 203(g) and 213(g) of the AFA.

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
		b Transfers and Leasing	<p>QS/QP will be transferable and transfers must be registered with NMFS. NMFS will not differentiate between a transfer for a lease and a permanent transfer.^y</p> <p>Each year, all QP must be transferred to a vessel account. A penalty for not meeting this transfer requirement has not been recommended; however, this requirement is intended to encourage its availability for use by the fleet.</p> <p>QP can only be transferred into vessel accounts. Once in a vessel account QP can be transferred from one vessel account to another.</p>
		c Temporary Transfer Prohibition	<p>NMFS may establish temporary prohibitions on the transfer of QS, as necessary to facilitate program administration.</p> <p>QS will not be transferred in the first two years of the program (QP will be transferable).</p>
		d Divisibility	<p>QS will be highly divisible and the QP will be transferred in whole pound units (i.e. fractions of a pound may not be transferred).</p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
		e Accumulation Limits (Vessel and Control)	<p>Limits⁷ may vary by species/species group, areas, and sector. The values for the limits are provided in Table 2. The vessel unused QP limits may be revisited in the first biennial specifications process after implementation of the program.</p> <p>Vessel Use Limit (Vessel Limit): A limit on the total QP that may be registered for a single vessel during the year. This element will mean that a vessel could not have more used and unused quota pounds registered for the vessel than a predetermined percentage of the QP pool.</p> <p>Vessel Unused QP Limit: A limit on the amount of unused QP that may be registered to the vessel at any time. This limit applies only for overfished species and Pacific halibut.</p> <p>QS Control Limit: A person, individually or collectively, may not control QS in excess of the specified limit (because there is no the grandfather clause). QS controlled by a person shall include those registered to that person, plus those controlled by other entities in which the person has a direct or indirect ownership interest, as well as shares that the person controls through other means.^{aa} The calculation of QS controlled by a person will follow the “individual and collective” rule.</p> <p>Individual and Collective Rule: The QS that counts toward a person's accumulation limit will include 1) the QS or QP owned by them, and 2) a portion of the QS owned by any entity in which that person has an interest. The person's share of interest in that entity will determine the portion of that entity's QS that counts toward the person's limit.^{bb}</p> <p>Grandfather Clause and Divestiture: There will not be a grandfather clause for the QS control limits, however, an adjustment period is provided through the following divestiture rules. QS will be issued for amounts in excess of aggregate and species control limits only for holders of permits transferred by November 8, 2008, if such transfers have been registered with NMFS by November 30, 2008. The holder of any permit transferred after that time will be eligible to receive an initial allocation for that permit of only those QS that are within the aggregate and individual species control limits. Anyone who qualifies for an initial allocation of QS in excess of the control limits will be allowed to receive that allocation but required to divest themselves of that excess QS sometime during years three and four of the IFQ program (the two years after the QS transfer moratorium specified in Section A-2.2.3.c). Holders of QS in excess of the limits may receive and use the QP associated with that excess, up to the time their divestiture is completed. However, QP for year five of the program will not be issued for QS held in excess of the limits. At the end of year four, any QS still held in excess of the species or aggregate limits in place at the time of the initial QS allocation will be revoked and redistributed to the remainder of the QS holders in proportion to their QS holdings. No compensation will be due for any revoked shares. Divestiture transfers will be allowed in accordance with the provisions established here and the transfer rules and processes implemented by NMFS. Permit transfers will not be limited or required by the divestiture provision.</p> <p>Calculation of Aggregate Nonwhiting QS Holdings: To determining how much aggregate nonwhiting QS an entity holds, an entity's QS for each species will be converted to pounds. This conversion will always be conducted using the trawl allocations applied to the 2010 OYs, until such time as the Council recommends otherwise. Specifically, each entity's QS for each species will be multiplied by the shoreside trawl allocation for that species. The entity's pounds for all nonwhiting species will then be summed and divided by the shoreside trawl allocation of all nonwhiting species to get the entity's share of the aggregate nonwhiting trawl quota.</p> <p><i>Note: QS that is not allocated because of the accumulation limits and absence of the grandfather clause will be distributed to other eligible recipients in a manner that maintains the distribution among groups specified in A-2.1.1 and based on the allocation formulas specified in A-2.1.3.</i></p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
A-2.3	Program Administration		
A-2.3.1	Tracking, Monitoring and Enforcement		<p>It is the Council intent to provide NMFS flexibility sufficient to design and implement a tracking and monitoring program that will achieve the goals and objectives of the trawl rationalization program.</p> <p style="text-align: center;">Discarding by Shoreside Sector</p> <p>Nonwhiting – Discarding of IFQ species allowed, discarding of IBQ species required, discarding of nongroundfish species allowed.</p> <p>Whiting Maximized retention vessels: Discarding of fish covered by IFQ or IBQ, and nongroundfish species prohibited. Vessels sorting at-sea: Same as for nonwhiting.</p> <p style="text-align: center;">At-Sea Catch Monitoring for Shoreside Sector</p> <p>Nonwhiting – The sorting of catch, the weighing and discarding of any IBQ and IFQ species, and the retention of IFQ species must be monitored by the observer.</p> <p>Whiting For maximized retention vessels: video monitoring as proposed under Amendment 10. Observers would be required in addition to or as a replacement for video monitoring. For vessels that sort at-sea: The sorting, weighing and discarding of any IFQ or IBQ species must be monitored by an observer with supplemental video monitoring.</p> <p style="text-align: center;">Shoreside Landings Monitoring</p> <p>The sorting, weighing and reporting of any IFQ species must be monitored by a shoreside landings monitor (IBQ will have been discarded at sea).</p> <p>(Description continued on next page.)</p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
			<p>(...continued from previous page)</p> <p>Catch Tracking Mechanisms for Shoreside Sector</p> <p>Electronic vessel logbook report VMS-based electronic logbook required to be transmitted from vessel. At-sea entry by vessel personnel required including catch weight by species and if retained or discarded.</p> <p>Vessel landing declaration report Mandatory declaration reports.</p> <p>Electronic ITQ landing report Mandatory reports completed by processors and similar to electronic fishticket report.</p> <p>Processor production report Mandatory reports (possible inclusion of proprietary data included to be recommended as option is fleshed out).</p> <p>Cost Control Mechanisms for Shoreside Sector</p> <p>Shoreside landing hour restrictions Landing hours may be restricted.</p> <p>Shoreside site Licenses Mandatory license for shoreside deliveries. License can be issued to any site that meets the monitoring requirements.</p> <p>Vessel Certification Mandatory certification. Certificate can be issued to any vessel that meets the monitoring requirements.</p> <p>Program Performance Measures for Shoreside Sector Integrate into the tracking and monitoring program the collection of data on cost, earnings and profitability; economic efficiency and stability; capacity measures; net benefits to society; distribution of net benefits; product quality; functioning of quota market; incentives to reduce bycatch; market power; spillover effects into other fisheries; contribution to regional economies (income and employment); distributional effects/community impacts; employment in seafood catching and processing; safety; bycatch and discards; administrative, enforcement, and management costs. (See A-2.3.2)</p>
A-2.3.2	Socio-Economic Data Collection		The data collection program will be expanded and submission of economic data by harvesters and processors will be mandatory. Random and targeted audits may be used to validate mandatory data submissions. See footnote for a full description ^{cc} Information on QS transaction prices, will be included in a central QS ownership registry. <i>NOTE: Data collection started before the first year of implementation would be beneficial, in order to have a baseline for comparison.</i>
A-2.3.3	Program Costs	a Cost Recovery	Fees up to three percent of exvessel value, consistent with 303A(e) of the MSA may be assessed. Cost recovery shall be for costs of management, data collection, analysis, and enforcement activities.
		b Fee Structure	To be determined. The TIQC recommended a fee structure that reflects usage. A fee structure that allows for equitable sharing of observer costs for smaller vessels may be developed.

Table 1. Full description of the IFQ program (continued).

	Element	SubElement	
A-2.3.4	Program Duration and Modification		<p>The Council shall begin a review of the IFQ program no later than 5 years after implementation of the program. The review will evaluate the progress the IFQ program has made in achieving the goal and objectives of Amendment 20. The result of this evaluation could include dissolution of the program, revocation of all or part of quota shares, or other fundamental changes to the program. Holders of quota shares should remain cognizant of this fact when making decisions regarding their quota shares, including buying selling, and leasing of these shares.</p> <p>The Council shall consider the use of an auction or other nonhistory based methods when distributing quota share that may become available after initial allocation. This may include quota created when a stock transitions from overfished to nonoverfished status, quota not used by the adaptive management program, quota forfeited to “use it or lose it” provisions, and any quota that becomes available as a result of the initial or subsequent reviews of the program.</p> <p>The specific form of the auction or other method of distribution shall be designed to achieve the goals of Amendment 20, specifically including minimizing the adverse effects from an IFQ program on fishing communities to the extent practical.</p> <p>After the initial review, there will be a review process every four years. A community advisory committee will take part in the review of IFQ program performance.</p>

Table 1. Full description of the IFQ program (continued).

	Element	SubElement
A-3	<u>Adaptive Management (also see Section A-9)</u>	<p>Ten percent of the nonwhiting QS will be reserved to facilitate adaptive management in the shoreside nonwhiting sector. Therefore, each year 10 percent of the shoreside trawl sector nonwhiting quota pounds will be available for use in adaptive management (adaptive management QP). The set aside will be used to address the following objectives.</p> <ul style="list-style-type: none"> ○ Community stability ○ Processor stability ○ Conservation ○ Unintended/Unforeseen consequences of IFQ management. ○ Facilitating new entrants. <p>Years One and Two. During the first two years in which the IFQ program is in place, the method to be used in distributing QP in years three through five will be determined, including.</p> <ul style="list-style-type: none"> ○ The decision making and organization structure to be used in distributing the QP set aside^{dd} ○ The formula for determining community and processor eligibility, as well as methods for allocation, consistent with additional goals. ○ The division of QP among the states. ○ Whether to allow the multi-year commitment of QP to a particular project. <p>Years Three through Five. QP will be distributed through the organizational structure, decision process, formulas and criteria developed in years one and two and implemented through subsequent Council recommendation and NMFS rule making processes. Consideration will be given to the multiyear commitment of QP to particular projects (three year commitments).</p> <p>Review and Duration. The set aside of QP for the identified objectives will be reviewed as part of the year five comprehensive review and a range of sunset dates will be considered, including 10, 15, 20 year and no sunset date options.</p>
A-4	<u>Pacific Halibut IBQ—nonretention</u>	<p>IBQ for Pacific halibut bycatch in the trawl fishery will be established. The IBQ will be required to cover legal and sublegal sized Pacific halibut bycatch mortality in the area north of 40°10' N latitude. It is the intent of the Council that halibut IBQ mortality be estimated on an individual vessel basis. Such IBQ will be issued on the basis of a bycatch rate applied to the target species QS an entity receives in a manner similar to that described in Section A-2.1.3.a, for overfished species caught incidentally. Area-specific bycatch rates may be used for allocation but halibut IBQ will not be geographically subdivided.</p>

Table 1. Full description of the IFQ program (continued).

^a California halibut gear of 7.5” or greater used in state waters would be exempted.

^b Mandatory gear conversion (the permanent switching from trawl to some other gear) was considered but not included at this time.

^c Since the shoreside trawl sector covers all shoreside deliveries, this implies that IFQ issued for the shoreside trawl sector may not be used for at-sea deliveries (i.e. may not be used to cover deliveries made to motherships or catch by catcher-processors).

^d Notwithstanding this provision, a vessel with a LE trawl permit may catch the trawl QP with a nontrawl gear, as per Section A-1.1.

^e At present there are no groundfish species for which the harvest in the trawl fishery is managed differently by geographic area. An example of an area specific precautionary policy from outside trawl fishery management is the geographic differential recommended by the Scientific and Statistical Committee for lingcod. Lingcod is monitored and managed differently in different geographic areas though there is a single coastwide ABC and OY for lingcod. Since there are no geographic subdivisions in the trawl management measures for lingcod, it is assumed that lingcod trawl IFQ will not be geographically subdivided.

^f Such changes in latitudinal area management may occur as a result of changes in the management areas for species/species complexes in the ABC/OY table or as a result of separate Council action to change the trawl QS by area. In either case, specific Council action will be required to change the management areas and such action will be accompanied by appropriate supporting analysis and public comment opportunity.

^g The Council authority to establish or modify RCAs will not be changed by this program.

^h A whiting QP rollover provision was considered but rejected from further analysis. This provision would have allowed unused QP to be reclassified so that they could be used in any whiting sector.

ⁱ The current process for changing the whiting fishery opening dates involves a regulatory amendment developed under the FMP through a framework process. Implementation of an IFQ program should not change this process.

^j **“Processors”** are defined as follows:

An at-sea processor is a vessel that operates as a mothership in the at-sea whiting fishery or a permitted vessel operating as a catcher-processor in the at-sea whiting fishery.

A shoreside processor is an operation, working on US soil, that takes delivery of trawl-caught groundfish that has not been “processed at-sea” and that has not been “processed shoreside”; and that thereafter engages that particular fish in “shoreside processing.” Entities that received fish that have not undergone “at-sea processing” or “shoreside processing” (as defined in this paragraph) and sell that fish directly to consumers shall not be considered a “processor” for purposes of QS allocations.

“Shoreside Processing” is defined as either of the following:

1. Any activity that takes place shoreside; and that involves: cutting groundfish into smaller portions; OR freezing, cooking, smoking, drying groundfish; OR packaging that groundfish for resale into 100 pound units or smaller for sale or distribution into a wholesale or retail market.
OR
2. The purchase and redistribution into a wholesale or retail market of live groundfish from a harvesting vessel.

Table 1. Full description of the IFQ program (continued).

- ^k Transfer of physical assets alone should not be considered a basis for successor in interest. Business relationships such as transfer of the company name and customer base might be reasonable evidence of successor in interest.
- ^l Due to the divestiture provision of Section A-2.3.2.e, it is relatively unlikely that accumulation limits will constrain the amount of QS an entity receives in the initial allocation. However, if an entity qualifies for QS in excess of accumulation limits and is does not qualify to receive that QS under the divestiture provision, the initial allocation will be constrained by first applying the aggregate limits and then, if necessary, the individual species limits. In using this approach, the entity's QS allocation should not be scaled back more than necessary to stay within limits and any QS not allocated will be reallocated to other QS recipients.
- ^m State landings receipts (fishtickets) will be used to assess landings history for shoreside deliveries. In some cases, fishticket records do does not identify species to the same level of detail used for the IFQ management units (e.g. reports "unspecified rockfish"). Under such circumstances standard species composition routines usually used at the port level have been applied to vessel level data to estimate the species composition of such landings. In some instances, even after applying species composition information there may be some fishticket records with a species groundfish categorization that does not match with one of the IFQ management units. Under such circumstances, when the initial allocations are made, other information on the landings records and in logbooks might be used to assign the landing to its most probable species category.
- ⁿ The intent is to provide an allocation method for QS for overfished species which addresses the vessel's need to have the QS to cover incidental catch in fisheries that target healthy stocks. The method would attempt to allocate the species to those who will be receiving QS for related target species. By allocating overfished species QS to those most in need of it, such an allocation would be expected to reduce transition costs. Currently, the list of overfished species that fall into this category is as follows: canary rockfish, darkblotched rockfish, Pacific Ocean perch, widow rockfish, and yelloweye rockfish. This list may change by the time the program is ready to be implemented. If a major target species became overfished, it would not be intended that such a species would be allocated via an alternative method (for example species such as Dover sole, sablefish, or Pacific whiting).
- ^o The four areas are as follows: (1) north of 47°40 N latitude; (2) between 47°40 N latitude and 43°55 N latitude; (3) between 43°55 N latitude and 40°10 N latitude; and (4) south of 40°10 N latitude.
- ^p In order to determine an amount of aggregate target species to which bycatch rates will be applied, each vessel's QS will be multiplied by the trawl allocation at the time of implementation.
- ^q State landings receipts (fishtickets) will be used to assess landings history for shoreside deliveries.
- ^r Catch area data on fishtickets are not considered appropriate for this purpose. The catch area field is often filled out by fish receivers that do not know the area in which the vessel fished. Additionally catch area is often left unspecified. Therefore, it will be assumed that all catch comes from ocean areas near the port of landing.
- ^s March 2010. Changed from 1994-2004 to 1998-2003 to reflect Council action of November 2008.
- ^t Unless there is a change in the total OY or other factors affecting trawl allocation for the areas involved, in which case their change in QP would be proportional to the change in the trawl allocation.
- ^u QP from a subsequent year may not be accessed until such QP have been issued by NMFS.

Table 1. Full description of the IFQ program (continued).

^v Including QS that an entity received in excess of accumulation limits in place at the time of initial allocation (see Section A-2.2.3.e).

^w Carryover of deficits provides some flexibility to use pounds from a year to cover a deficit from a previous year. Without a carryover provision, a vessel would still need to use pounds in a subsequent year to cover an overage but would incur a violation.

^x The following is the text deleted from this section: “No QS use-or-lose provision has been specified.. The need for this provision will be evaluated as part of program review process, and the provision could be added later, if necessary. *Section A-2.2.3.b contains a provision mandating the transfer of QP to vessels each year. This is intended to encourage QP use.*”

^y QS may be transferred on a temporary basis through private contract (leased) but NMFS will not track lease transfers differently than any other transfer.

^z The “vessel” accumulation limit was originally termed a “permit” limit. The term “permit” was changed to “vessel” to be consistent with Section A-2.1.3, which indicates that QP go into vessel accounts, not permit accounts. The term “own or control” was shortened to “control” for simplicity. “Control” includes ownership and therefore is inclusive of “ownership.”

^{aa} It is the Council intent that control limits should not constrain the formation of risk pools to help the fishermen deal with overfished species constraints, so long as the pools do not undermine the effectiveness of the accumulation limits. A risk pool is one in which two or more people enter into an agreement whereby if one person does not have the QP the others would agree to provide the QP, if they have them. Whether these kinds of agreements are informal or formal, as other considerations and conditions are added to the agreements they may begin to constitute control. It is the Council intent to allow for these pooling agreements, so long as they do not become control.

^{bb} For example, if a person has a 50 percent ownership interest in that entity, then 50 percent of the QS owned by that entity will count against the individual's accumulation limit unless it is otherwise determined that have effective control of a greater or lesser amount.

^{cc} **Expanded data collection** would include:

mandatory submission of economic data for LE trawl industry (harvesters and processors),
voluntary submission of economic data for other sectors of the fishing industry,
transaction value information in a centralized registry of ownership, and
formal monitoring of government costs.

Mandatory Provisions: The Pacific Fishery Management Council and NMFS shall have the authority to implement a data collection program for cost, revenue, ownership, and employment data, compliance with which will be mandatory for members of the west coast groundfish industry harvesting or processing fish under the Council's authority. Data collected under this authority will be treated as confidential in accordance with Section 402 of the MSA.

A mandatory data collection program shall be developed and implemented as part of the groundfish trawl rationalization program and continued through the life of the program. Cost, revenue, ownership, employment and other information will be collected on a periodic basis (based on scientific requirements) to provide the information necessary to study the impacts of the program, including achievement of goals and objectives associated with the rationalization program. These data may also be used to analyze the economic and social impacts of future

Table 1. Full description of the IFQ program (continued).

FMP amendments on industry, regions, and localities. The program will include targeted and random audits as necessary to verify and validate data submissions. Additional funding (as compared to status quo) will be needed to support the collection of these data. The data collected would include data needed to meet MSA requirements (including antitrust).

The development of the program shall include: a comprehensive discussion of the enforcement of such a program, including discussion of the type of enforcement actions that will be taken if inaccuracies are found in mandatory data submissions. The intent of this action will be to ensure that accurate data are collected without being overly burdensome on industry in the event of unintended errors.

Voluntary Provisions: A voluntary data collection program will be used to collect information needed to assess spillover impacts on nontrawl fisheries.

Central Registry: Information on transaction prices will be included in a central registry of QS owners. Such information will also be included for LE permit owners/lessees.

Government Costs: Data will be collected and maintained on the monitoring, administration, and enforcement costs related to governance of the trawl rationalization program.

^{dd} The following are three options for the sequences of agency involvement in decision making for the distribution of adaptive management QP after year 2..

1. NMFS
2. State → Council → NMFS
3. Council → NMFS

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Table 2. Control and vessel limit options: Council preferred alternative.

Species Category	Vessel Limit (Applies to all QP in a Vessel Account, Used and Unused)	Vessel Unused QP Limit	QS Control Lim
Nonwhiting Groundfish Species	3.2%		2.7%
Lingcod - coastwide	3.8%		2.5%
Pacific Cod	20.0%		12.0%
Pacific whiting (shoreside)	15.0%		10.0%
Pacific whiting (mothership)	30.0%		20.0%
Sablefish			
N. of 36° (Monterey north)	4.5%		3.0%
S. of 36° (Conception area)	15.0%		10.0%
PACIFIC OCEAN PERCH	6.0%	4.0%	4.0%
WIDOW ROCKFISH *	8.5%	5.1%	5.1%
CANARY ROCKFISH	10.0%	4.4%	4.4%
Chilipepper Rockfish	15.0%		10.0%
BOCACCIO	15.4%	13.2%	13.2%
Splitnose Rockfish	15.0%		10.0%
Yellowtail Rockfish	7.5%		5.0%
Shortspine Thornyhead			
N. of 34°27'	9.0%		6.0%
S. of 34°27'	9.0%		6.0%
Longspine Thornyhead			
N. of 34°27'	9.0%		6.0%
COWCOD	17.7%	17.7%	17.7%
DARKBLOTCHED	6.8%	4.5%	4.5%
YELLOWEYE	11.4%	5.7%	5.7%
Minor Rockfish North			
Shelf Species	7.5%		5.0%
Slope Species	7.5%		5.0%
Minor Rockfish South			
Shelf Species	13.5%		9.0%
Slope Species	9.0%		6.0%
Dover sole	3.9%		2.6%
English Sole	7.5%		5.0%
Petrale Sole	4.5%		3.0%
Arrowtooth Flounder	20.0%		10.0%
Starry Flounder	20.0%		10.0%
Other Flatfish	15.0%		10.0%
Other Fish	7.5%		5.0%
Pacific Halibut	14.4%	5.4%	5.4%

* If widow rockfish is rebuilt before initial allocation of QS, the vessel limit will be set at limit will be 1.5 times the control limit.

D.4 Whiting At-sea Trawl Sector: Cooperative Program (Appendix B of the EIS)

The at-sea whiting sector co-op program is described generally below. Table 3 provides an outline of the sections of the program. A full description of the co-op programs follows Table 3, beginning with a section on management of the whiting fishery and followed by sections on the mothership and catcher-processor sectors of the whiting fishery (the “at-sea” sectors).

The Council considered but did not adopt a co-op program for the shoreside whiting fishery. Instead, the shoreside whiting sector was merged with the nonwhiting sector, both to be managed with IFQs. However, section place holders for the shoreside whiting co-op program are maintained in this document to maintain a numbering system that will correspond to the numbering of the alternatives and sections of the analysis as they are laid out in the EIS.

D.5 Overview of Co-op Program Elements

D.5.1 At-sea Whiting Sector Management under Co-ops

While co-ops will be used to control the harvest within the at-sea whiting sectors, a number of management measures will still be required to control competition between the whiting sectors. This section covers those measures along with other measures which will apply to all sectors managed under co-ops, such as observer requirements and mandatory submission of economic data. The description of the co-op management program for each at-sea whiting sector starts in Section D.5.2.

The existing allocation of whiting between the shoreside, mothership, and catcher-processor (CP) sectors will not change under the rationalization program (42, 24, and 34 percent, respectively).

Provisions also address bycatch in the at-sea whiting fishery (particularly that of certain overfished species). The Council is recommending incidental groundfish species caps for each of the whiting sectors, for the co-op and nonco-op fisheries within the mothership sector, and for the co-ops within the mothership sector. Within sectors, bycatch allocations would be pro rata, based on the amount of whiting allocated to that sector.

Area closures may be used to control the pace of the fishery. For the mothership sector, the fishery will be divided into a co-op fishery and a nonco-op fishery (for those who do not desire to take part in a co-op). Participants in the nonco-op fishery will not have a claim to a particular amount of the fish allocated to that fishery; therefore the vessels will likely race to harvest the available allocation.

NMFS will close the whiting fishery, a particular sector, the co-op or nonco-op fishery within a sector, or individual co-ops, as appropriate, when it is projected that a whiting catch or bycatch limit will be reached. With respect to co-ops, inseason monitoring and closure will be needed only at the highest level of aggregation of the co-ops. For example, if individual co-ops join together to form an inter-co-op that covers the entirety of one of the whiting sectors, then NMFS will track and close at the sector level. Nevertheless, vessel level monitoring will still be required to ensure that catch is accurately recorded.

Given the high level of monitoring already in place in the whiting fishery, only moderate changes in monitoring are needed to implement this program for the at-sea whiting fishery. For the at-sea

segment of the fishery, 100 percent coverage aboard mothership and catcher processors will continue. A program for the mandatory submission of economic data is also included, to facilitate monitoring program performance.

D.5.2 Co-ops for Catcher Vessels Delivering to Motherships

Under this program, those who hold whiting-endorsed permits for catcher vessels in the mothership sector will choose each year whether to be part of a co-op or to register to fish in the nonco-op portion of the fishery. The holders of catcher vessel permits with mothership whiting endorsements will form the co-ops. Based on its catch history, each permit that qualifies for a mothership whiting endorsement will be capped at a portion of the history (endorsement share) of the mothership sector allocation of whiting and bycatch species. Each year, NMFS will distribute a catch allocation to each catcher vessel co-op based on the sum of the endorsement shares for the permits registered to that co-op. NMFS will also distribute a catch allocation each year to the nonco-op portion of the fishery, based on the collective endorsement shares of the permits opting to participate in the nonco-op fishery.

The co-op organization will coordinate harvest by its members. Although co-op agreements will include a mandatory clause that the catch allocation made to a member must equal the amount that the member brings into the co-op, co-op members may transfer catch allocations among themselves. Similarly, if multiple co-ops join together in an inter-co-op, one co-op will be allowed to transfer catch allocation to another co-op within that inter-co-op. NMFS will not necessarily need to track transfers among co-op members or within an inter-co-op.

The class of motherships will be closed by creating a LE permit for mothership vessels. There will be restrictions limiting a vessels ability to both catch and operate as a mothership in the whiting fishery in the same year. This will limit the ability of processing vessels to move between the catcher processor and mothership sectors.

Prior to the start of each season, each catcher vessel permit desiring to participate in the co-op fishery will obligate itself to deliver its catch to a particular mothership. The obligation to a particular co-op or mothership will not carry-over from one year to the next, it may be changed at the catcher vessel permit owners discretion based on its preseason declaration. While catch may be transferred among participants in a co-op or inter-co-op, such transfers would not change the mothership to which the catch is obligated, unless a mutual agreement is reached.

As in the IFQ program, accumulation limits will be imposed to prevent excessive concentration of catch allocations. They will cap the proportion of whiting that an individual or entity can process, cap the proportion of whiting an individual or entity could accumulate via ownership of catcher vessel permit(s), and cap the amount that can be landed by any one catcher vessel.

D.5.3 Co-ops for Catcher-Processors

Under the catcher-processor (CP) co-op program, as under status quo, a voluntary CP co-op may continue to be formed by CP permit holders. This system will continue as long the existing co-op system continues to operate successfully or until the FMP is otherwise amended. If the voluntary co-op system fails, it will be replaced with an IFQ system. Currently the co-op operates under a private contract that includes division of the harvest among participants according to an agreed schedule. In the event the co-op system fails, IFQ will be allocated equally to each CP permit (equally divided among all CP endorsed permits).

Under the catcher-processor (CP) co-op program, the main Council recommendations are the creation of a CP endorsement to close the CP fishery to new entrants and the assignment of an allocation to the voluntary CP co-op. The endorsement will be granted to LE permits registered to CP vessels if the vessels meet specified qualification criteria. Only vessels with a CP LE permit will be allowed to harvest fish from the CP sector's allocation. LE permits with CP endorsements will continue to be transferable. NMFS will not establish an allocation of catch or catch history among CP permits unless the co-op fails. NMFS will specify in regulation the assignment of the CP sector allocation to the CP sector co-op. If necessary, a closure will be used to keep the CP sector from exceeding its allocation of whiting and bycatch species.

D.6 Detailed Specification of Co-op Program Elements

Table 3 Overview of the co-op program.

B.1	<i>Whiting Sector Management Under Co-ops</i>
B-1.1	Whiting Management
B-1.2	Annual Whiting Rollovers
B-1.3	Bycatch Species Management
B-1.4	At-sea Observers/Monitoring
B-1.5	Mandatory Data Collection
B-1.6	Adaptive Management—Not included in recommendation. <i>(This section header is being maintained as a place holder so that numbering will correspond to that of the alternatives and analysis in the EIS).</i>
B-1.7	Length Endorsement
B-2	<i>Whiting Mothership Sector Co-op Program</i>
B-2.1	Participation in the Mothership Sector
B-2.2	Permits/Endorsement Qualification and Characteristics
B-2.3	Co-op Formation and Operation Rules
B-2.4	Obligations to Processors
B-2.5	NMFS Role
B-3	<i>Whiting Shoreside Sector Co-op Program</i>
	Not included in recommendation. <i>(This section header is being maintained as a place holder).</i>
B-4	<i>Catcher-Processors Co-op Program</i>
B-4.1	Participation in the Catcher-Processor Sector and Endorsement Qualification
B-4.2	Co-op Formation and Operation Rules
B-4.3	NMFS Role

B-1 Whiting Sector Management Under Co-ops

B-1.1 Whiting Management

Under the co-op program, catcher vessel permits for the mothership sector will be endorsed for deliveries to motherships and amounts of history assigned to each catcher vessel permit based on past harvest in the fishery. Catcher-processor permits will be endorsed for participation in the catcher-processor sector.

The whiting catch history calculation for each mothership-endorsed catcher vessel permit [CV(MS)] will be assigned to a pool for the co-op in which the permit will participate or a pool for the mothership nonco-op fishery. NMFS will make an allocation assignment to the catcher-processor sector co-op based on the allocation to the CP sector. Co-ops are responsible for monitoring and enforcing the catch limits of co-op members.

NMFS will monitor the catch in the mothership nonco-op fishery, the mothership co-op fishery, the CP fishery, and the overall whiting catch of all at-sea sectors. NMFS will close each segment of the fishery based on projected attainment of whiting catch. Additionally, all at-sea sectors will be subject to closure based on attainment of the overall trawl whiting allocation.

B-1.2 Annual Whiting Rollovers

There will not be a rollover of unused whiting from one sector to another.

B-1.3 Bycatch Species Management

For the foreseeable future, the whiting fishery will be managed under bycatch limits (hard caps) for widow, canary, darkblotched rockfish, and Pacific Ocean perch. The catch of all groundfish will be accounted for and tracked against the OY.

The ESA-listed salmon bycatch management measures—that is, the 11,000 Chinook threshold, 0.05 rate threshold, and triggered 100 fathom closure—will also continue to be in place.

The goal of bycatch management is to control the rate and amounts of rockfish and salmon bycatch to ensure each sector is provided an opportunity to harvest its whiting allocation.

There will be a set aside of Pacific halibut for the at-sea whiting fishery, as specified in the intersector allocation process (Amendment 21).

B-1.3.1 Bycatch Allocation Subdivision

Subdivide bycatch species managed with hard caps (widow, canary, darkblotched rockfish, and Pacific Ocean perch) among each of the whiting sectors; within the sectors subdivide between the co-op fishery and nonco-op fishery (subdivision for the nonco-op fishery does not apply to the catcher-processor co-op program); and subdivide among co-ops.

Only those species with hard caps will be subdivided for bycatch management and bycatch will be allocated to each permit and co-op pro rata in proportion to its whiting allocation. The mothership sector's bycatch allocation will be divided between its co-op and nonco-op fishery, based on the allocations made to the permits participating in each portion of the fishery.

B-1.3.2 Bycatch Management

All sectors and co-ops will close based on projected attainment of the at-sea whiting fishery bycatch cap for any one species. The mothership co-op fishery, nonco-op fishery, and catcher-processor fishery will each be closed based on projected attainment of their individual allocation. Additionally, each co-op will cease fishing when its bycatch allocation is reached.

The Council may also use area closures (seasonal or year-round) to manage overfished stocks in the co-op and nonco-op fisheries. The area closures may be the same or different for different species. Area closures may be year-round, seasonal, or triggered automatically by the attainment of certain levels of catch.

Unused bycatch may be rolled over from one sector to another if the sector's full allocation of whiting has been harvested or participants in the sector do not intend to harvest the remaining sector allocation.

B-1.4 At-sea Observers/ Monitoring

At-sea Whiting Fishery: 100 percent observer coverage aboard mothership and catcher-processors will continue. Observers would be required in addition to or as a replacement for video monitoring.⁶

For some coverage, cameras may be used in place of observers (feasibility to be determined). It is the Council intent to provide NMFS flexibility sufficient to design and implementation a tracking and monitoring program that will achieve the goals and objectives of the trawl rationalization program.

⁶ February 2010: The second sentence of this paragraph was adopted as part of the Council's November 2008 motion but it was located under the section on the IFQ program rather than the section on the motherhship co-op program.

B-1.5 Mandatory Data Collection

The following are the central elements of the data collection program that will be implemented as part of the co-op program.

- Mandatory submission of economic data for LE trawl industry (harvesters and processors).
- Voluntary submission of economic data for other sectors of the fishing industry.
- Include transaction value information in a centralized registry of ownership.
- Formal monitoring of government costs.

Mandatory Provisions. The Council and NMFS shall have the authority to implement a data collection program for cost, revenue, ownership, and employment data, compliance with which will be mandatory for members of the west coast groundfish industry harvesting or processing fish under the Council's authority. Data collected under this authority will be treated as confidential in accordance with Section 402 of the MSA.

A mandatory data collection program shall be developed and implemented as part of the groundfish trawl rationalization program and continued through the life of the program. Cost, revenue, ownership, employment and other information will be collected on a periodic basis (based on scientific requirements) to provide the information necessary to study the impacts of the program, including achievement of goals and objectives associated with the rationalization program. These data may also be used to analyze the economic and social impacts of future FMP amendments on industry, regions, and localities. The program will include targeted and random audits as necessary to verify and validate data submissions. *Data collected under this authority will be treated as confidential in accordance with Section 402 of the MSA.* Additional funding (as compared to status quo) will be needed to support the collection of these data. The data collected would include data needed to meet MSA requirements (including antitrust).

The development of the program shall include a comprehensive discussion of the enforcement of such a program, including discussion of the type of enforcement actions that will be taken if inaccuracies are found in mandatory data submissions. The intent of this action will be to ensure that accurate data are collected without being overly burdensome to industry in the event of unintended errors. Annual reports will be provided to the Council.

Voluntary Provisions: A voluntary data collection program will be used to collect information needed to assess spillover impacts on nontrawl fisheries.

Central Registry: Information on transaction prices will be included in a central registry of whiting endorsed permit and mothership permit owners. Such information will also be included for sales and lessees.

Government Costs: Data will be collected and maintained on the monitoring, administration, and enforcement costs related to governance of the rationalization program.

B-1.6 Adaptive Management

There will not be an adaptive management set aside for the at-sea whiting fisheries. *(This section is being maintained as a place holder so that numbering will correspond to that in the alternatives and analysis of the EIS.)*

B-1.7 Length Endorsement

Length endorsement restrictions on LE permits endorsed for groundfish gear will be retained, however, the provision that requires that the size endorsements on trawl permits transferred to smaller vessels be reduced to the size of that smaller vessel will be eliminated (i.e. length endorsements will not change when a trawl endorsed permit is transferred to a smaller vessel).

B-2 Whiting Mothership Sector Co-Op Program

Overview. Qualified permits will be endorsed for mothership (MS) co-op participation. Each year the holders of those permits will choose whether their vessels will fish in the co-op fishery, in which individual co-ops will direct harvest, or fish in a nonco-op fishery that will be managed by NMFS as an Olympic style fishery. The co-op will be obligated to deliver its fish to specific mothership processors based on the obligations of each permit in the co-op determined based on preseason declarations. LE permits will be issued for motherships and required for a mothership to receive whiting from catcher vessels.

B-2.1 Participation in the Mothership Sector

a. Catcher Vessels

Vessels with CV(MS)-endorsed permits may participate in either the co-op or nonco-op portion of the mothership fishery. They will choose annually which fishery they will participate in for the coming year. Additionally, any groundfish LE trawl permitted vessels may participate in the co-op portion of the fishery if they join a co-op (as described in Section B-2.3.3).⁷ No other catcher vessels may participate in the mothership fishery.

A vessel may not engage in the processing of whiting during any year in which a catcher vessel (mothership) (CV[MS]) endorsed permit is registered for use with the vessel.

b. Processors

Only motherships with a mothership LE permit may receive deliveries from catcher vessels participating in the co-op or nonco-op portions of the mothership sector whiting fishery. (Note: motherships may acquire such permits by transfer; see Section B-2.2.2.)

c. Vessels Excluded⁸

Motherships also operating as a catcher-processor may not operate as a mothership: during a year in which it also participates as a catcher-processor.

⁷ When such permits participate in a co-op the co-op will not be allocated any additional fish based on participation by such a vessel.

⁸ A vessel that has been under foreign registry after the date of the AFA and that has participated in fisheries in the territorial waters or exclusive economic zones of other countries will not be eligible to participate as a mothership in the mothership sector of the Pacific whiting fishery, as per the AFA's modification of Section 12102(c)(6) of the USC. Section 12102(c)(6) of the USC has since been renumbered.

B-2.2 Permits/Endorsement Qualification and Characteristics

B-2.2.1 Catcher Vessel Mothership (CV[MS] Whiting Endorsement)

a. Endorsement Qualification and History Assignment

Permits with a qualifying history will be designated as CV(MS) permits through the addition of an endorsement to their LE groundfish permit. At the time of endorsement qualification, each permit will also be assigned a catch history that will determine the share of the mothership whiting allocation associated with that permit.

Qualifying for a CV(MS) Whiting Endorsement. A LE permit will qualify for a CV(MS) whiting endorsement if it has a total of more than 500 mt of whiting deliveries to motherships from 1994 through 2003.

Catch History Assignment (Identification of Endorsement Related Catch History). The initial catch history calculation for CV(MS) whiting endorsements will be based on whiting history of the permit for 1994 through 2003, dropping two⁹ years. A permit's history for each year will be measured as a share of the fleet history for that year (i.e. "relative pounds" will be used). This catch history will be used by NMFS to assign both whiting and bycatch species allocations to the co-ops and nonco-op fishery pools, as per section B.1.3.2.

For the purpose of the endorsement and initial calculation, catch history associated with the permit includes that of permits that were combined to generate the current permit.

b. Whiting Permit and Endorsement Transferability and Endorsement Severability

The CV(MS) whiting endorsement (together with the associated catch history) *may not be* severed from the groundfish LE trawl permit. Catch history associated with the whiting endorsement may not be subdivided. CV(MS) permits may be transferred two times during the fishing year, provided that the second transfer is back to the original catcher vessel (i.e. only one transfer per year to a different catcher vessel).

c. Accumulation Limit

CV(MS) Permit Ownership: No individual or entity may own CV(MS) permits for which the allocation total is greater than 20 percent.

Catcher Vessel Usage Limit: No vessel may catch more than 30 percent of the mothership sector's whiting allocation.

⁹ February 2010: The word "worst" was removed in line with the Council's April 2009 action specifying that the permit owner would be allowed to select the years dropped from the calculation.

d. Combination

CV(MS) Permit Combination to Achieve a Larger Size Endorsement. When a CV(MS)-endorsed permit is combined with another permit (including unendorsed permits), the resulting permit will be CV(MS) endorsed.¹⁰

B-2.2.2 Mothership Processor Permit

a. Qualifying Entities

The owners of qualifying motherships will be issued MS permits. In the case of bareboat charters, the charterer of the bareboat will be issued the permit.

b. Qualification Requirements

A qualifying mothership is one which processed at least 1,000 mt of whiting in each of any two years from 1997 through 2003.

c. Transferability

1. MS permits will be transferable
2. MS permits may be transferred to a vessel of any size (there will be no size endorsements associated with the permit). MS permits **may not** be transferred to a vessel engaged in the *harvest* of whiting in the year of the transfer.
3. Limit on the Frequency of Transfers: MS permits may be transferred two times during the fishing year provided that the second transfer is back to the original mothership (i.e. only one transfer per year to a different mothership).

d. Usage Limit

No individual or entity owning a MS permit(s) may process more than 45 percent of the total MS sector whiting allocation.

B-2.3 Co-op Formation and Operation Rules.

B-2.3.1 Who and Number of Co-ops

Co-ops are not required but may be voluntarily formed among CV(MS) permit owners. The number of co-ops will be indirectly limited by the limit on the minimum number of vessels able to form a co-op (see Section 2.3.3-b).

¹⁰ Specifically, a CV(MS)-endorsed permit that is combined with a LE trawl permit that is not CV(MS) endorsed or one that is CV(Shoreside) [CV(SS)] endorsed will be reissued with the CV(MS) endorsement. If the other permit is CV(SS) endorsed, the CV(SS) endorsement will also be maintained on the resulting permit. However, CV(MS) and CV(SS) catch histories will be maintained separately on the resulting permit and be specific to participation in the sectors for which the catch histories were originally determined. If a CV(MS) permit is combined with a CP permit, the CV(MS) endorsement and history will not be reissued on the combined permit. The size endorsement resulting from permit combinations will be determined based on the existing permit combination formula.

B-2.3.2 When

Each year at a date certain prior to the start of the fishery, MS and CV(MS) permit holders planning to participate in the mothership sector must register with NMFS. At that time CV(MS) permit holders must identify which co-op they will participate in or if they plan to participate in the nonco-op fishery.

B-2.3.3 Co-op Agreement Standards

a. Submissions to NMFS and the Council

Co-op agreement. Co-op agreements will be submitted to NMFS for approval. Signed copies of the cooperative contracts must be filed with the Council and NMFS and available for public review before the co-op is authorized to engage in fishing activities.¹¹ Any material changes or amendments to the contract must be filed annually with the Council and NMFS by a date certain.

Letter to Department of Justice. Co-ops must also file with the Council and NMFS a copy of a letter from the co-op requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request.

b. Number of Participants in Each Co-op (Including Inter-co-ops)

CV permits may join together in separate harvester co-ops. A minimum of 20 percent of the CV(MS) permit holders are required to form a co-op.¹² Co-ops may form co-ops with other co-ops. Within one of the whiting sectors, these co-ops may be formed to manage directed catch and/or bycatch. Whiting and bycatch allocations may be transferred among co-ops through inter-co-op agreements.

c. Catch History Distributions Among Permits

Co-op agreements must stipulate that catch allocations to members of the co-op be based on their catch history calculation by NMFS used for distribution to the co-op.

d. Participation by NonCV (MS) Endorsed Permits

Through temporary arrangements a co-op allocation may be harvested by any catcher vessel holding a valid LE trawl permit which has joined the co-op (including one that does not have a CV(MS) endorsement).¹³

e. Other Required Co-op Agreement Provisions

¹¹ During council discussion this was flagged by NOAA GC as a potential legal problem.

¹² The minimum threshold number of participants required to form a co-op balances the potential advantages for multiple co-ops while limiting implementation and management costs and administrative requirements for managing this sector.

¹³ As a member of the co-op, such a vessel would be subject to Section B-2.4 and the indicated processor obligations.

The Council's intent is to have mothership sector participants work with NMFS to develop and describe a process and co-op agreement requirements to include in implementing regulations for this action.

A co-op agreement must include:

1. A list of all vessels, and which must match the amount distributed to individual permit holders by NMFS.
2. Signature of all permit holders participating in the co-op.
3. A plan to adequately monitor catch and bycatch.
4. Adequate enforcement and penalty provisions to ensure that catch and bycatch overages do not occur.
5. Measures designed to reduce bycatch of overfished species.
6. An obligation to manage inseason transfers of catch history.
7. A requirement that agreement by at least a majority of the members is required to dissolve a co-op (**During council discussion this was flagged by NOAA GC as a potential legal problem**).
8. An obligation to produce an annual report to the Council and NMFS by a date certain documenting the co-op's catch and bycatch data and inseason transfers (the report is to be available for review by the public).
9. Identification of a co-op manager who will:
 - a. serve as the contact person with NMFS, the Council and other co-ops,
 - b. be responsible for the annual distribution of catch and bycatch,
 - c. oversee transfers,
 - d. prepare annual reports, and
 - e. be authorized to receive or respond to any legal process against the co-op.
10. Provisions that prohibit co-op membership by permit holders that have incurred legal sanctions that prevent them from fishing groundfish in the Council region.
11. A provision that requires new owners to comply with membership restrictions in the co-op agreements.

f. Additional Provisions for Inter-co-op Agreements

1. In the case of two or more cooperatives entering into an inter-cooperative agreement, the inter-co-op agreement must incorporate and honor the provisions of the individual co-op agreements unless all such agreements (or modifications thereof) are resubmitted for approval.
2. The requirements of Sections 2.3.3.a-2.3.3.e apply to the inter-co-op agreement, except that for the purpose of Section 2.3.3.e., subparagraph 7, the members of the interco-ops are the co-ops and not the participants in each co-op.

B-2.3.4 Annual Allocation Transferability

- a. The annual allocations received by a co-op based on catch history of the whiting endorsements held by its members may be transferred among co-op members and from one co-op to another so long as obligations to processors are met (as per Section B-2.4). Additionally, in order to transfer annual allocation from one co-op to another there must be a NMFS approved inter-co-op agreement.
- b. Allocations may not be transferred from the mothership sector to another sector.

B-2.4 Obligations to Processors (Processor Ties)

Each year, a permit will obligate to a processor all of its catch for a coming year.

B-2.4.1 Formation and Modification of Processor Tie Obligations

There will not be processor tie that carries from one year to the next. CV(MS) permits will be obligated to a single MS permit for an entire year but may change to a different MS permit through a preseason declaration of intent.

By September 1 of the year prior to implementation and every year thereafter, each CV(MS) permit is required to contact NMFS and indicate whether CV(MS) permit will be participating in the co-op or nonco-op fishery in the following year. If participating in the co-op fishery, then CV(MS) permit must also provide the name of the MS permit that CV(MS) permit will be linked to in the following year (i.e., annual catcher vessel, mothership linkage that may be changed each year without requirement to go into the "nonco-op" fishery). Once established, the catcher vessel, mothership linkage shall remain in place until changed by CV(MS) permit. By July 1 of the year prior to implementation and every year thereafter, if CV permit would be participating in the co-op fishery in the following year, then CV permit must notify the MS permit that the CV permit QP will be linked to in the following year.¹⁴

Mothership Permit Transfer. If a mothership transfers its MS permit to a different mothership or different owner, the CV(MS) permit obligation for that year remains in place and transfers with the MS permit to the replacement mothership unless the obligation is changed by mutual agreement. The obligation does not extend beyond the fishing year.

B-2.4.2 Flexibility in Meeting Obligations to Processors

a. Temporary Transfer of the Annual Allocation Within the Co-op or from One Co-op to Another

When CV(MS) permit owners transfer co-op allocations from one co-op member to another within the co-op or from one co-op to another within an inter-co-op such allocations must be delivered to the mothership to which the allocation is obligated through the preseason declaration, unless released by mutual agreement.

b. Mutual Agreement Exception

By mutual agreement of the CV(MS) permit owner and mothership to which the permit is obligated, a permit may deliver to a licensed mothership other than that to which it is obligated.

B-2.4.3 Mothership Processor Withdrawal

If a mothership withdraws subsequent to quota assignment, then the CV(MS) permit that it is obligated to it is free to participate in the co-op or nonco-op fishery. The MS permit shall notify

¹⁴ February 2010: The last sentence of this paragraph was part of the November 2008 Council motion and was inadvertently omitted from previous drafts of the Council's final preferred alternative.

NMFS and linked CV(MS) permits of its withdrawal, and CV(MS) permits shall notify NMFS of their intent to participate in the co-op or nonco-op fishery thereafter. If continuing in co-op fishery, then CV(MS) permit shall provide NMFS with the name of the new MS permit to which it will be obligated for that season.

B-2.5 NMFS Role

B-2.5.1 Permit and Endorsement Issuance

NMFS will issue all necessary permits and endorsements under the rules specified under this program. Appeals processes will be provided as appropriate and necessary.

B-2.5.2 Fishery Registration and Co-op Approval

NMFS will announce a deadline before which all co-op agreements must be received for the coming year. NMFS will review and approve or reject co-op agreements based on standards provided here and other standards that it deems necessary to achieve the policy intent of the Council's actions.

B-2.5.3 Annual Allocation to Co-ops and the Nonco-op Fishery

a. Co-op Allocation

Each year NMFS will determine the percent of the mothership sector's harvest allocation to be given to each co-op based on the catch history calculation of CV(MS) permits registered to participate in the co-op that year. NMFS does not allocate to the individual permit holder; rather, NMFS allocates an aggregate amount of harvest tonnage annually to the co-op based on the catch histories associated with the members of the co-ops.

b. Nonco-op Allocation

Each year NMFS will determine the distribution to be given to the nonco-op fishery based on the catch history calculation of permit holders registered to participate in that fishery.

B-2.5.4 Fishery Management and Co-op Monitoring

1. NMFS will track all permit transfers and the invocation of mutual agreement exceptions. Permit transfers will not be valid until registered and acknowledged by NMFS.
2. NMFS will monitor catch and close segments of the fishery as necessary to ensure catch limits are not exceeded for:
 - a. the whiting mothership co-op fishery
 - b. the whiting mothership nonco-op fishery
 - c. the mothership whiting sector as a whole
3. NMFS will not necessarily monitor, but will investigate and enforce as it deems necessary, the permit and co-op obligations to motherships.

4. NMFS will not necessarily monitor or enforce (except as it deems necessary):
 - a. an individual permit's progress towards its catch allocations (permit level catch control will be at the co-op level and enforced through execution of the private contract)
 - b. a co-op's progress toward its catch allocation¹⁵
 - c. actual performance of the co-op agreement (the parties to the contract will resolve through private contract and remedies any deviation from provisions such as that requiring that a vessel have the opportunity to harvest the catch allocated to the co-op based on that vessel's permit, Section B-2.3.3.c)
5. NMFS will monitor other program provisions as needed. In some situations, there may need to be a declaration procedure to determine where a permit is delivering its obligated catch, for example, if a mothership withdraws without transferring its permit or reaching a mutual agreement for the transfer of obligated deliveries to a different mothership.

B-3	Whiting Shoreside Sector Co-Op Program (placeholder, not recommended)
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The shoreside whiting sector will be managed with an IFQ program. This section header is being maintained so that section numbering here will correspond to section numbering in the alternatives and analysis in the EIS.

¹⁵ This assumes that there is an inter-co-op agreement in place that covers the entire co-op fishery. If such an agreement is not in place covering both catch and bycatch, NMFS may need to monitor catch by each individual co-op (but not by the individual vessels in the co-op).

B-4 Catcher-Processors Co-op Program

Catch by the catcher-processor sector will be controlled primarily by closing the fishery when a constraining allocation is reached.¹⁶ As under status quo, vessels may form co-ops to achieve benefits that result from a slower-paced, more controlled harvest. The main recommendations are the creation of a limited number of catcher-processor endorsements and the specification in regulation of the amounts that will be available for harvest by the voluntary co-op. A new entrant will have to acquire a permit with a catcher-processor endorsement in order to enter the fishery. If the co-op system fails it will be replaced by an IFQ program and the initial issuance of IFQ will be allocated equally among the permits (equally divided among all CP endorsed permits).

B-4.1 Participation in the Catcher-Processor Sector , Endorsement Qualification and Permit Transferability.

Catcher-processor (CP) Endorsement. The class of CP endorsed permits (CP permits) will be limited by an endorsement placed on a LE permit. LE permits registered to qualified catcher-processor vessels will be endorsed as CP permits. A qualified permit is one that harvested and processed in the catcher-processor sector of the Pacific whiting fishery at any time from 1997 through 2003. Only vessels catcher-processor vessels with a CP endorsed LE permit will be allowed to process whiting at-sea as part of the CP sector. LE permits with CP endorsements will continue to be transferable.

Participation as Mothership. A catcher-processor cannot operate as a mothership during the same year it participates in the CP fishery.

CP Permit Combination to Achieve a Larger Size Endorsement. A CP permit that is combined with a LE trawl permit that is not CP endorsed will result in a single CP permit with a larger size endorsement. (A CV(MS) endorsement on one of the permits being combined will not be reissued on the resulting permit.) The resulting size endorsement will be determined based on the existing permit combination formula.

CP Permit Transfers to Smaller Vessels. Length endorsement restrictions on LE permits endorsed for groundfish gear will be retained, however, the provision that requires that the size endorsements on trawl permits transferred to smaller vessels be reduced to the size of that smaller vessel will be eliminated (i.e. length endorsements will not change when a trawl endorsed permit is transferred to a smaller vessel).

Number of Transfers Per Year. CP permits may be transferred two times during the fishing year, provided that the second transfer was back to the original CP (I.e., only one transfer per year to a different CP).

¹⁶ All references to catcher-processors in this section references to vessels operating in the catcher-processor sector. Vessels under 75' which catch and process at-sea as part of the shoreside sector are not covered here.

B-4.2 Co-op Formation and Operation Rules

No annual registrations or declarations are required. As under status quo, co-op(s) will be formed among holders of permits for catcher-processors. Participation in the co-op will be at the discretion of those permit holders. If eligible participants choose to form a co-op, the catcher-processor sector will be managed as a private voluntary cooperative and governed by a private contract that specifies, among other things, allocation of whiting among CP permits, catch/bycatch management, and enforcement and compliance provisions. Under the co-op program, if more than one co-op is formed, a race for fish could ensue absent an inter co-op agreement. NMFS will not establish an allocation of catch or catch history among permits unless the co-op fails to form. If the co-op system fails it will be replaced by an IFQ program and the initial issuance of IFQ will be divided equally among all CP endorsed permits.

Annual Reporting Requirements. The CP cooperative will submit an annual report to the Council at their November meeting. The report will contain information about the current year's CP fishery, including the CP sector's annual allocation of Pacific whiting; the CP cooperative's actual retained and discarded catch of Pacific whiting, salmon, rockfish, groundfish, and other species on a vessel-by-vessel basis; a description of the method used by the CP cooperative to monitor performance of cooperative vessels that participated in the CP sector of the fishery; and a description of any actions taken by the CP cooperative in response to any vessels that exceed their allowed catch and bycatch. The report will also identify plans for the next year's CP fishery, including the companies participating in the cooperative, the harvest agreement, and catch monitoring and reporting requirements.

B-4.3 NMFS Role

B-4.3.1 Permit and Endorsement Issuance

NMFS will issue all necessary endorsements under the rules specified under this program. Appeals processes will be provided as appropriate and necessary.

B-4.3.2 Annual Allocation

Harvest amounts for the co-op will be specified in regulation. If the co-op breaks up, IFQ will issue and divided equally among the 10 permits.

The catcher-processor sector allocation may be divided among eligible catcher-processor vessels (i.e., those catcher-processor vessels for which a CP permit is held) according to an agreed catcher-processor cooperative harvest schedule as specified by private contract.

B-4.3.3 Fishery and Co-op Monitoring

1. NMFS will track all permit transfers. Permit transfers will not be valid until registered and acknowledged by NMFS.
2. NMFS will monitor catch and close the catcher-processor sector fishery as necessary to ensure catch limits are not exceeded.

STAFF DRAFT GROUND FISH FISHERY MANAGEMENT PLAN AMENDATORY LANGUAGE FOR AMENDMENT 21

This document provides the Council adopted changes to the groundfish fishery management plan (FMP) language that would implement the final preferred alternative adopted by the Council at its April 2009 meeting (motion provided as an appendix to this document).

Amendatory Language

Under Amendment 21, the Pacific Fishery Management Council (Council) decided that all formal, long term allocations need to be in the Pacific Coast Groundfish FMP, which would require an FMP amendment to change in the future (see section 2.4 in this DEIS). Section 6.3 of the FMP describes the allocation framework, which was followed in deciding the formal allocations under Amendment 21. Two FMP stocks, Pacific whiting and sablefish north of 36° N latitude have been formally allocated prior to Amendment 21. While these allocations have been implemented in federal regulations, they are not included in the FMP. Because of the Council's Amendment 21 decision to specify formal allocations in the FMP, two sections in Chapter 11 are added to the FMP that describe the pre-existing allocations as follows. Actual section numbers are not provided in this recommendation since it is anticipated that Chapter 11 will also be amended by implementation of Amendment 20.

11. [insert section number] Sector Allocations of Sablefish North of 36° N Latitude

Fixed allocations of sablefish are based on the OY specified for the area north of 36° N latitude (to the U.S.-Canada border). Sablefish allocations north of 36° N latitude are determined by first deducting the tribal share from the OY specified for north of 36° N latitude, then deducting the estimated total mortality of sablefish in research and non-groundfish fisheries (these deductions are decided in the biennial process for specifying harvest specifications and management measures based on the best available information at the time of the decision), then dividing the remaining yield (non-tribal share) between open access and limited entry fisheries, with the limited entry share divided between the trawl and fixed gear (longline and fishpot) sectors. The proportions of each of these divisions are indicated in Figure 11-1. The limited entry fixed gear share is then generally divided 85% to the primary fishery for limited entry fixed gear vessels with sablefish endorsements and 15% for the daily-trip-limit fishery, for such vessels with and without sablefish endorsements.

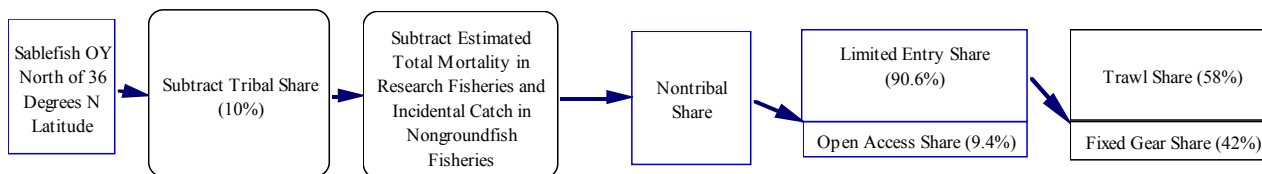


Figure 11-1. Fixed intersector allocations of sablefish north of 36° N latitude.

11. [insert section number] Sector allocations of Pacific Whiting

Projected total mortalities of Pacific whiting in recreational, research, and non-whiting fisheries are first set aside (these deductions are decided in the annual process for specifying Pacific whiting harvest specifications and management measures based on the best available information at the time of the decision), then a yield amount is set-aside to accommodate tribal whiting fisheries. In some years the whiting set-aside may be increased to accommodate other programs, such as EFPs. The nontribal

commercial share of whiting is allocated to LE whiting trawl sectors as follows: 42% for the shoreside whiting sector, 24% for the at-sea mothership whiting sector, and 34% for the at-sea catcher-processor whiting sector. No more than five percent of the shoreside whiting sector's allocation may be taken and retained south of 42° N latitude prior to the start of the shore-based whiting season north of 42° N latitude (in waters off Oregon and Washington).

Pursuant to the Council's preferred alternative under Amendment 21, the following amendatory language is recommended for FMP chapter 11:

11. **[insert section number]** Limited Entry Trawl Allocations for Amendment 21 Species

Formal allocations of species covered under Amendment 21 support Amendment 20 trawl rationalization measures. Annual OYs are established for these species the same as for other groundfish species. The OYs are then reduced by deducting the estimated total mortality of these species in research, tribal, and non-groundfish fisheries, and the bycatch limits specified in adopted exempted fishing permits. The remainder of the OYs are then allocated according to the percentages in Table 11-1. The trawl percentage is for the non-treaty trawl fishery managed under Amendment 21. The non-treaty, non-trawl percentage is for the limited entry fixed gear fishery, the open access fishery, and the recreational fishery.

Trawl/Nontrawl Allocations

Table 11-1. Allocation percentages for limited entry trawl and non-trawl sectors specified for FMP groundfish stocks and stock complexes under Amendment 21 (most percentages based on 2003-2005).

Stock or Complex	All Non-Treaty LE Trawl Sectors	All Non-Treaty Non-Trawl Sectors
Lingcod	45.0%	55.0%
Pacific Cod	95.0%	5.0%
Sablefish S. of 36° N latitude	42.0%	58.0%
PACIFIC OCEAN PERCH	95.0%	5.0%
WIDOW	91.0%	9.0%
Chilipepper S. of 40°10' N latitude	75.0%	25.0%
Splitnose S. of 40°10' N latitude	95.0%	5.0%
Yellowtail N. of 40°10' N latitude	88.0%	12.0%
Shortspine N. of 34°27' N latitude	95.0%	5.0%
Shortspine S. of 34°27' N latitude	50 mt	Remaining Yield
Longspine N. of 34°27' N latitude	95.0%	5.0%
DARKBLOTCHED	95.0%	5.0%
Minor Slope RF North of 40°10' N latitude	81.0%	19.0%
Minor Slope RF South of 40°10' N latitude	63.0%	37.0%
Dover Sole	95.0%	5.0%
English Sole	95.0%	5.0%
Petrale Sole	95.0%	5.0%
Arrowtooth Flounder	95.0%	5.0%
Starry Flounder	50.0%	50.0%
Other Flatfish	90.0%	10.0%

Shoreside Trawl Allocations for Initial Issuance

Under Amendment 20 trawl rationalization, the two existing LE trawl sectors delivering groundfish to shoreside processing plants (i.e., shoreside whiting and shoreside non-whiting) are managed as one sector under a system of individual fishing quotas (IFQs). However, before quota shares can be allocated to eligible LE trawl permit holders, an initial one-time allocation was made to the two shoreside sectors. All species subject to formal allocation, including sablefish north of 36° N latitude and excluding the three trawl-dominant overfished species (i.e., darkblotched rockfish, Pacific ocean perch, and widow rockfish) and yellowtail rockfish are allocated to the shoreside whiting and shoreside non-whiting sectors based on 1995-2005 sector catch percentages (Table 11-2). An initial allocation of 300 mt of yellowtail rockfish was made to the shoreside whiting sector prior to allocation of Amendment 20 quota shares. The estimated fishing mortality of Amendment 21 species in the at-sea whiting fishery (i.e., total catch by catcher-processors and vessels delivering whiting to motherships) other than the three trawl-dominant overfished species is set-aside from the LE trawl allocations specified in Table 11-1 prior to making the initial shoreside trawl sector allocations. While set-aside amounts for the at-sea whiting fishery (Mothership and Catcher/Processor sectors) were preliminarily decided under Amendment 21, the actual set-aside amounts will be based on the best available information on bycatch by these sectors in the biennial harvest specifications and management measures decision process.

Table 11-2. Shoreside trawl sector catch percentages during 1995-2005 used to apportion the initial allocation of Amendment 21 species to LE trawl sectors delivering groundfish to shoreside processing plants (i.e., shoreside whiting and shoreside non-whiting).

Stock or Complex	1995-2005 Sector Catch Percentage	
	Non-whiting	Whiting
Lingcod	99.70%	0.30%
Pacific Cod	99.90%	0.10%
Pacific Whiting	0.10%	99.90%
Sablefish N. of 36° N latitude	98.20%	1.80%
Sablefish S. of 36° N latitude	100.00%	0.00%
Chilipepper S. of 40°10' N latitude	100.00%	0.00%
Splitnose S. of 40°10' N latitude	100.00%	0.00%
Shortspine N. of 34°27' N latitude	99.90%	0.10%
Shortspine S. of 34°27' N latitude	100.00%	0.00%
Longspine N. of 34°27' N latitude	100.00%	0.00%
Minor Slope RF North of 40°10' N latitude	98.60%	1.40%
Dover Sole	100.00%	0.00%
English Sole	99.90%	0.10%
Petrale Sole	100.00%	0.00%
Arrowtooth Flounder	100.00%	0.00%
Starry Flounder	100.00%	0.00%
Other Flatfish	99.90%	0.10%

Allocation of Trawl Dominant Overfished Species

Under Amendment 20, the at-sea whiting sectors (i.e., catcher-processors and motherships) are managed in a system of sector-specific harvest cooperatives. Each at-sea whiting sector will manage their bycatch of canary rockfish, darkblotched rockfish, Pacific ocean perch, and widow rockfish using sector-specific total catch limits. An initial allocation of these four species needs to be made to the four existing LE trawl sectors before initial allocation of quota shares under Amendment 20. Initial sector allocation of canary rockfish would be decided in the biennial harvest specification and management measures process immediately preceding implementation of Amendments 20 and 21. The initial sector allocation of the trawl-dominant overfished species under Amendment 21 is as follows:

Darkblotched Rockfish

Allocate 9% or 25 mt, whichever is greater, of the total LE trawl allocation of darkblotched rockfish to the whiting fisheries (at-sea and shoreside combined). The distribution of the whiting trawl allocation of darkblotched to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Pacific Ocean Perch

Allocate 17% or 30 mt, whichever is greater, of the total LE trawl allocation of Pacific ocean perch to the whiting fisheries (at-sea and shoreside combined). The distribution of the whiting trawl allocation of POP to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Widow Rockfish

Initially allocate 52% of the total LE trawl allocation of widow rockfish to the whiting sectors if the stock is under rebuilding or 10% of the total LE trawl allocation or 500 mt of the trawl allocation to the whiting sectors, whichever is greater, if the stock is rebuilt. If the stock is overfished when the initial allocation is implemented, the latter allocation scheme automatically kicks in when it is declared rebuilt. The distribution of the whiting trawl allocation of widow to individual whiting sectors will be done pro rata relative to the sectors' whiting allocation.

Allocation of Pacific Halibut

Pacific halibut is a prohibited species in the west coast LE trawl fishery. Under Amendment 20, Pacific halibut bycatch in the shoreside trawl fishery north of 40°10' N latitude is managed using a system of individual bycatch quotas (IBQs). Under Amendment 21, an allocation of Pacific halibut was decided as follows:

The trawl mortality limit for legal and sublegal Pacific halibut be set at 15% of the Area 2A (i.e., waters off California, Oregon, and Washington) constant exploitation yield for legal size halibut, not to exceed 130,000 pounds for the first four years of trawl rationalization and not to exceed 100,000 pounds starting in the fifth year. This total bycatch limit may be adjusted downward or upward through the biennial specifications and management measures process. Part of the overall total catch limit is a set-aside of 10 mt of Pacific halibut to accommodate bycatch in the at-sea whiting fishery and bottom trawl bycatch south of 40°10' N latitude. The set-aside amount of Pacific halibut to accommodate the incidental catch in the trawl fishery south of 40°10' N latitude and in the at-sea whiting fishery may be adjusted in the biennial specifications and management measures process in future years as better information becomes available.

Under Amendment 21, it was decided that any formal allocations be specified in the FMP. Future consideration for a re-allocation of FMP species subject to a formal allocation will require an FMP amendment. The provision to temporarily suspend the limited entry, open access allocation if a species is declared overfished (see section 4.6.1(5) of the FMP) is maintained under Amendment 21.

All intersector allocations will be formally reviewed along with the formal review of the trawl rationalization program five years after implementation of Amendments 20 and 21.

[Amendment 21]

Council Staff Detailed Schedule for the West Coast Groundfish Trawl Rationalization Amendment Deeming, Review, and Implementation Process.
Shaded cells indicate deadlines for a rule dealing with regulations not deemed at the April Council Meeting, termed "phase 2" here, with the first phase referring to a rule coming from regulations deemed complete and accurate at the April Council Meeting. List of acronyms and abbreviations may be found at the bottom of the table.
This document represents the Pacific Council staff perspective. March 15, 2010.

Event	Proposed Schedule for Jan 1, 2011 Implementation	Comments
A-20 DEIS transmitted from Council office	November 17, 2009	Completed. A-20: Groundfish FMP Amendment 20
45-day public comment period opens on DEIS	December 5, 2010	Completed.
45-day public comment period ends on DEIS	January 18, 2010	Completed.
Transmittal of all available regulations to Council office	March 24, 2010	For March 24, draft regulations include initial allocation issuance; FMP elements; remaining program elements, tracking and monitoring, and miscellaneous cleanup matters
Completion of draft plan for T&M (including 100% observer coverage details, new infrastructure costs, electronic fish tickets, etc.)	April 8, 2010	T&M: Tracking and Monitoring
Council deeming of all regulations sufficiently complete for a decision	April CM	Deeming of at least initial issuance and allocations must be completed at this point
Council approval of a single tracking and monitoring plan	April CM	CM: Council Meeting
Phase 1 PRA package submitted by NWR to HQ for early review	April 15, 2010	PRA: Paperwork Reduction Act
Pre-submission review copy of A-20 FEIS from Council to HQ	April 16, 2010	FEIS: Final EIS
NOA/PR/IRFA/RIR/PRA package submitted to HQ for pre-review	April 30, 2010	RIR/IRFA uses preliminary cost estimates range from April CM. See August 13 for final cost RIR/IFRA, PR publication.
Transmittal of full draft remaining (phase 2) regulations to Council office	May 12, 2010	Comments back to NMFS work group for revisions consideration
Ad-hoc Deeming Committee review of draft phase 2 regulations	May 19, 2010	
Formal MSA transmittal of A-20 and A-21 to NMFS	May 21, 2010	For distribution in June CM Briefing Book
Transmittal of revised draft phase 2 regulations to Council office	May 26, 2010	
NOA publishes for Amendment 20 & 21 (MSA process)	May 26, 2010	NOA: Notice of Availability
FEIS sent from Council office.	June 1, 2010	
Confirmation of availability of FY 2010 funding for infrastructure necessities for 1/1/11 start: Industry transition funding for 100% observers/catch monitors, new NWFSC support staff, observer equipment and training, electronic fish tickets, etc.	June 1, 2010	PR: Proposed Rule
Phase 1 PR publishes; Submit PRA to OMB (60-day review period)	June 10, 2010	
Council deeming of remaining regulations (phase 2)	June CM	ROD: Record of Decision
FEIS submitted to EPA	June 18, 2010	
FEIS NOA pub., 30-day cooling off period begins; Prep. & review ROD	June 25, 2010	

Event	Proposed Schedule for Jan 1, 2011 Implementation	Comments
Phase 2 PRA package submitted to HQ for early review	June 29, 2010	
Public comment periods end for FMP amendment (MSA 60-day) & PR (45-day)	July 26, 2010	
Infrastructure Setup	Summer, 2010	
o testing of electronic reporting of landings and at-sea discard in QP		
o hiring of new NMFS support staff		
Comment response, revisions completed for MSA and phase 1 PR	August 4, 2010	
PR/PRA package submitted to HQ for review - phase 2 regulations	July 14, 2010	
FEIS 30-day cooling off period ends, Send ROD to HQ	July 26, 2010	
ROD signed	July 30, 2010	
Phase 2 PR publishes & RIR/IRFA provides final tracking & monitoring cost estimates	August 13, 2010	
FR submitted to HQ	August 19, 2010	
FR DM signed at HQ; MSA day 95; Approval Letter to PFMC	August 24, 2010	
FR publishes	August 31, 2010	
Initial Issuance:	Sept - Dec 2010	
o initial issuance of QS, whiting endorsements, MS permits, CP endorsements.		
o appeals process period; appeals resolution process		
o issuance of QP to QS holders; transfer of QP to vessel accounts		
Infrastructure setup for training of observers/catch monitors		
Council clarification opportunity during phase 2 PR comment period	Sept 2010	
30-day cooling off period ends; FMP effective	September 30, 2010	
45-day PR public comment period ends - phase 2 rule	September 27, 2010	
Comment response, revisions completed - phase 2 rule	October 27, 2010	
FR submitted to HQ - phase 2 rule	November 11, 2010	
Enforcement Training, Observer training	Nov 15-Dec 15	
FR DM signed at HQ - phase 2 rule	November 16, 2010	
FR publishes - phase 2 rule	November 23, 2010	
30-day cooling off period ends - phase 2 rule	December 23, 2010	
Implementation	January 1, 2011	

Event	Proposed Schedule for Jan 1, 2011 Implementation	Comments
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Acronyms and Abbreviations

T&M: Tracking and Monitoring

CM: Council Meeting

DEIS: Draft EIS

EPA: Environmental Protection Agency

FEIS: Final EIS

FR: Federal Register

IRFA: Initial Regulatory Flexibility Analysis

MSA: Magnuson Stevens Act

NOA: Notice of Availability; PR Proposed Rule

PPI: Program Planning and Integration

PRA: Paperwork Reduction Act

RIR: Regulatory Impact Review

ROD: Record of Decision

STAFF REPORT ON DRAFT INITIAL ISSUANCE RULE

This document provides comments from Council staff regarding the draft initial issuance rule (Agenda Item I.1.b, NMFS Report 6).

Policy Issues. The Council staff notes the following as areas where adjustments may be needed to reflect the general intent of Council policy.

1. Trawl/Nontrawl Allocations and Open Access Allocations. 660.55(d)(1) (page 69). This section presumes the NMFS interpretation that Amendment 6 open access sector allocations remain in effect for Amendment 21 species (see Agenda Item I.1.b, NMFS Report 3), as opposed to the interpretation that the Amendment 21 species allocations for the open access sector will be a component of the “non-treaty non-trawl sectors combined” (quotation as phrased in the Amendment 21 DEIS), with the amount of the open access allocation determined through the biennial specifications process. The consequences of the existing proposed regulatory language may be severe for the fixed gear allocation of chilipepper rockfish and potentially for other species. The Council may wish to review their policy intent on this matter. Depending on the Council’s guidance, adjustment to other sections of the regulations may also be required.
2. Co-op Permits: 660.111 Trawl Fishery - Definitions (page 79). Revise to indicate that a permit would not be required for catcher/processor co-ops (this issue is covered in Agenda Item I.1.b, NMFS Report 2). Also, revise 660.160(a) (page 126) to indicate that the catcher-processor (CP) co-op program is not a limited access privilege program.
3. Pacific Halibut Set-Aside. 660.111 Trawl Fishery – Definitions (page 80). The definition indicates a possible intent to allocate halibut bycatch to permitted co-ops. Council policy has recommended a set-aside of halibut for the at-sea whiting sectors in aggregate but has not recommended allocation of bycatch among at-sea whiting sectors, to co-ops, or to the non-co-op fishery.

Substantial Adjustments. The following adjustments are particularly substantial in terms of their importance but appear relatively easy to implement.

1. Length Endorsements: 660.25(b)(3)(iii)(A)(1) (page 46) The permit downsizing provision for length endorsements should no longer apply to trawl permits. The proposed revisions only exclude application of the provision to mothership/catcher-vessel (MS/CV) and CP endorsed trawl permits. This also affects paragraphs (B)(2) and (3) of this section.
2. Long-term Shoreside Whiting-Nonwhiting Allocation: 660.55 (starting on page 66). Add a section specifying the allocations among trawl sectors for darkblotched rockfish, Pacific ocean perch, and widow rockfish, as per Amendment 21.
3. Initial Quota Share (QS) Allocation and Short-term Shoreside Whiting-Nonwhiting Allocation: 660.140 (d)(8)(ii) (starting on page 107). Add the shoreside whiting-nonwhiting allocations from Amendment 21 and add a reference to the species for which the shoreside-whiting-nonwhiting allocations will be determined through the biennial specifications process (these are one time allocations needed to create a single shoreside sector individual fishing quota (IFQ) program).

Other Clean-up. The Council staff also notes there are a number of minor adjustments which may be needed that do not appear to reflect on the Council's policy intent but should be addressed prior to Council submission of a deeming letter for the regulations. If the Council deems the regulations consistent with its policy intent, the staff recommends that the Council authorize its staff to continue to work with National Marine Fisheries Service (NMFS) staff to make technical adjustments. Examples of the types of adjustments that might be considered include:

1. Catch Monitor: 660.11 Definitions (page 12). In the definitions, consider renaming "Catch Monitors" to "Landings Monitors" and specifying that their role is to monitor "landings" rather than "catch."
2. Effectiveness Dates for Transfers: 660.25(b)(1)(iii) (page 44). Paragraph (B) specifies the transfer rules that apply to MS/CV endorsed permits when they are participating in the at-sea whiting fishery, but none of the paragraphs in this section specify the transfer rule for the permits when they are participating in the shoreside fishery.
3. Pacific Halibut Individual Bycatch Quota (IBQ). 660.140 (starting on page 101). Consider whether and, if so, how halibut IBQ should be further incorporated into the description of the IFQ program and regulations. At present halibut IBQ is only mentioned in the control limit section and the section on initial allocations (the halibut "bycatch allocation" for the trawl fishery is mentioned in 660.55(m) (page 71)).
4. Initial Allocation of QS:
 - a. 660.140 (d)(8)(iii) (starting on page 107). Miscellaneous minor clarifications to the initial allocation formulas.
 - b. 660.140 (d)(8)(iii)(B)(3)(~~xix~~) (page 110). Delete this paragraph. This step is handled at a later point in the allocation formula.
5. Control Rule for Mothership Co-op Program. 660.150(f)(1)(iii)(A)-(I) (pages 118-119). Adjust language on the mothership processor permit usage limit to refer to processing. 660.150(g) (3)(i)(B) (pages 122-123). Consider whether the language on MS/CV permit control might unintentionally take in activities that are entailed in the participation in a co-op.

Staff Note on NMFS Report 3

Own and Control (page 5 of Supplemental NMFS Report 3). The NMFS proposed language on this issue appears to be beneficial by explicitly identifying some of the manners in which the QS control rule might limit the use of quota pounds (QP). Staff notes that the examples of "undesirable forms of control" exerted through influence of QP use provided by NMFS, as well as other types of control of QS that may be evidenced through arrangements and transactions involving QP, are covered under the QS control limit provisions. The specific regulatory language addressing some ways in which influence over the use of QP might fall under the QS control limit should not be interpreted as implying that other ways of influencing the use of QP would not be evidence of control of the QS underlying the QP.

Draft Proposed Regulations for Am 20 & 21

INITIAL ISSUANCE RULE

This rule will go forward with the Amendment 20 & 21 FMP Review (approval/disapproval) package, and includes:

- Allocations (from Am 21)
- Initial issuance/appeals regulations (IFQ, MS, C/P)
- Groundfish program regulation reorganization
(*necessary because of the new trawl rationalization program regulations*)

While there are changes in many sections of these draft regulations for the trawl rationalization program, the main areas that are new for the trawl rationalization program are:

660.11 General Definitions (p. 12)
660.25 Permits (p. 43)
660.55 Allocations (p. 66)
660.111 Trawl Fishery – Definitions (p. 78)
660.140 Shorebased IFQ Program (p. 101)
660.150 Mothership Coop Program (p. 117)
660.160 Catcher/Processor Coop Program (p. 126)

Note: *Cross references to other sections within the regulations are highlighted in yellow and have not yet been updated.*

Disclaimer: *These draft regulations will be reorganized and/or revised as they go through the agency review process. Additional issues may arise as the program is reviewed by NMFS. Amendments 20 & 21 to the Groundfish FMP, have not yet been formally submitted to NMFS or approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments and working on implementation issues.*

The following table lists the distribution of the sections of 50 CFR 660 subpart G to the new subparts in 50 CFR 660 subparts C through G in this restructuring.

OLD	NEW
§ 660.301 Purpose and scope.....	§ 660.10, Subpart C Purpose and scope.
§ 660.302 Definitions.....	§ 660.11, Subpart C General Definitions. § 660.111, Subpart D Trawl Fishery Definitions. § 660.211, Subpart E Fixed Gear Fishery Definitions. § 660.311, Subpart F Open Access Fishery Definitions. § 660.351, Subpart G Recreational Fishery Definitions.
§ 660.303 Reporting and recordkeeping.....	§660.113, Subpart C Recordkeeping and Reporting. §660.113, Subpart D Trawl Fishery Recordkeeping and Reporting. §660.213, Subpart E Fixed Gear Fishery Recordkeeping and Reporting. §660.313, Subpart F Open Access Fishery Recordkeeping and Reporting. §660.353, Subpart G Recreational Fishery Recordkeeping and reporting.
§ 660.305 Vessel identification.....	§ 660.20, Subpart C Vessel and Gear Identification. § 660.219, Subpart C Fixed Gear Identification And Marking. § 660.319, Subpart C Open Access Fishery Gear Identification and Marking.
§ 660.306 Prohibitions.....	§ 660.12, Subpart C General Groundfish Prohibitions. § 660.112, Subpart D Trawl Fishery Prohibitions. § 660.212, Subpart E Fixed Gear Fisheries Prohibitions. § 660.312, Subpart F Open Access Fisheries Prohibitions. § 660.352, Subpart G Recreational Fishery Prohibitions
§ 660.312 Vessel Monitoring System (VMS) requirements.....	§ 660.14, Subpart C Vessel Monitoring System (VMS) requirements.
§ 660.314 Groundfish observer program.....	§ 660.16, Subpart C Groundfish Observer Program. § 660.18, Subpart C Certification and Decertification Procedures for Observers, Catch Monitors, Catch Monitor Providers and Observer Providers. § 660.116, Subpart D Trawl Fishery Observer Requirements. § 660.216, Subpart E Fixed Gear Fishery Observer Requirements. § 660.316, Subpart F Open Access Fishery Observer Requirements. § 660.356, Subpart G Recreational Fishery Observer Requirements.
§ 660.320 Allocations.....	§ 660.55, Subpart C Allocations.
§ 660.321 Black rockfish harvest guideline.....	§ 660.55 (l), Subpart C Black Rockfish Harvest Guideline
§ 660.322 Sablefish allocations.....	§ 660.55 (h), Subpart C Sablefish Allocations (north of

<p>§ 660.323 Pacific whiting allocations, allocation attainment, and inseason allocation reapportionment.</p> <p>§ 660.324 Pacific Coast treaty Indian fisheries.....</p>	<p>36° N. lat.) § 660.55 (i), Subpart C §660.131 Pacific Whiting Fishery Management Measures</p> <p>§ 660.50, Subpart C</p>
<p>§ 660.331 Limited entry and open access fisheries—general.....</p> <p>§ 660.333 Limited entry fishery-eligibility and registration.....</p> <p>§ 660.334 Limited entry permits-endorsements...</p> <p>§ 660.335 Limited entry permits—renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.....</p> <p>§ 660.336 Pacific whiting vessel licenses.....</p> <p>§ 660.337 Trawl Rationalization program—data collection requirements.....</p> <p>§ 660.338 Limited entry permits-small fleet.....</p> <p>§ 660.339 Limited entry permit and Pacific whiting vessel license fees.....</p> <p>§ 660.340 Limited entry permit appeals.....</p> <p>§ 660.341 Limited entry permit sanctions.....</p> <p>§ 660.350 Compensation with fish for collecting resource information—exempted fishing permits off Washington, Oregon, and California.....</p>	<p>§ 660.25 (a), Subpart C § 660.25 (b)(1), Subpart C § 660.25 (b)(3), Subpart C § 660.25 (b)(4), Subpart C</p> <p>§ 660.26, Subpart C Pacific Whiting Vessel Licenses.</p> <p>removed</p> <p>§ 660.25 (b)(5) , Subpart C</p> <p>§ 660.26, Subpart C Pacific Whiting Vessel Licenses. § 660.25(g), Subpart C § 660.25(h), Subpart C</p> <p>§ 660.30, Subpart C Compensation With Fish for Collecting Resource Information - EFPs</p>
<p>§ 660.365 Overfished species rebuilding plans.....</p> <p>§ 660.370 Specifications and management measures.....</p> <p>§ 660.371 Black rockfish fishery management.....</p> <p>§ 660.372 Fixed gear sablefish fishery management.</p> <p>§ 660.373 Pacific whiting (whiting) fishery management..... (j) Additional requirements for participants in the Pacific Whiting Shoreside fishery.....</p>	<p>§ 660.40, Subpart C Overfished species rebuilding plans</p> <p>§ 660.60, Subpart C Specifications and Management Measures</p> <p>§660.120, Subpart D Trawl Fishery Crossover Provisions</p> <p>§660.220, Subpart E Fixed Gear Fishery Crossover Provisions</p> <p>§660.320, Subpart F Open Access Crossover Provisions</p> <p>§660.331, Subpart E Black Rockfish Fishery Management</p> <p>§660.231, Subpart E Fixed Gear Sablefish Tier Limit Fishery Management</p> <p>§660.232 , Subpart E Limited Entry Sablefish Daily Trip Limit (DTL) Fishery for Sablefish</p> <p>§660.332 , Subpart F Open Access Sablefish Daily Trip Limit (DTL) Fishery for Sablefish</p> <p>§660.131, Subpart D Pacific Whiting Fishery Management Measures.</p> <p>§660.15, Subpart C Equipment Requirements</p> <p>§660.12 General Groundfish Prohibitions (a)(13)</p>

<p>§ 660.380 Groundfish harvest specifications.....</p> <p>§ 660.381 Limited entry trawl fishery management measures.....</p> <p>§ 660.382 Limited entry fixed gear fishery management measures.....</p> <p>§ 660.383 Open access fishery management measures.....</p> <p>§ 660.384 Recreational fishery management measures.....</p> <p>§ 660.385 Washington coastal tribal fisheries management measures.....</p>	<p>§ 660.65, Subpart C</p> <p>§660.130 Trawl Fishery Management Measures</p> <p>§ 660.230, Subpart E Fixed Gear Fishery Management Measures</p> <p>§660.330, Subpart F Open Access Fishery Management Measures</p> <p>660.333, Subpart F Open Access Non-groundfish Trawl Fishery - Management Measures.</p> <p>§660.360, Subpart G Recreational Fishery Management Measures</p> <p>§ 660.50, Subpart C Pacific Coast Treaty Indian Fisheries.</p>
<p>§ 660.390 Groundfish conservation areas.....</p> <p>§ 660.391 Latitude/longitude coordinates defining the 10–fm (18–m) through 40–fm (73–m) depth contours.....</p> <p>§ 660.392 Latitude/longitude coordinates defining the 50 fm (91 m) through 75 fm (137 m) depth contours.....</p> <p>§ 660.393 Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours.....</p> <p>§ 660.394 Latitude/longitude coordinates defining the 180 fm (329 m) through 250 fm (457 m) depth contours.....</p> <p>§ 660.395 Essential Fish Habitat (EFH).....</p> <p>§ 660.396 EFH Conservation Areas.....</p> <p>§ 660.397 EFH Conservation Areas off the Coast of Washington.....</p> <p>§ 660.398 EFH Conservation Areas off the Coast of Oregon.....</p> <p>§ 660.399 EFH Conservation Areas off the Coast of California.....</p>	<p>§ 660.70, Subpart C Groundfish conservation areas.</p> <p>§ 660.71, Subpart C Latitude/longitude coordinates defining the 10–fm (18–m) through 40–fm (73–m) depth contours.</p> <p>§ 660.72, Subpart C Latitude/longitude coordinates defining the 50 fm (91 m) through 75 fm (137 m) depth contours</p> <p>§ 660.73, Subpart C Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours.</p> <p>§ 660.74, Subpart C Latitude/longitude coordinates defining the 180 fm (329 m) through 250 fm (457 m) depth contours</p> <p>§ 660.75, Subpart C Essential Fish Habitat (EFH)</p> <p>§ 660.76, Subpart C EFH Conservation Areas.</p> <p>§ 660.77, Subpart C Conservation Areas off the Coast of Washington.</p> <p>§ 660.78, Subpart C Conservation Areas off the Coast of Oregon</p> <p>§ 660.79, Subpart C Conservation Areas off the Coast of California.</p>
<p>Table 1ato Part 660, Subpart G—2009, Specifications of ABCs, OYs, and HGs, by Management Area (weights in metric tons).....</p> <p>Table 1bto Part 660, Subpart G—2009, Harvest Guidelines for Minor Rockfish by Depth Sub-groups (weights in metric tons).....</p> <p>Table 1cto Part 660, Subpart G—2009, Open Access and Limited Entry Allocations by Species or Species Group (weights in metric tons).....</p>	<p>Table 1ato Part 660, Subpart C—2009, Specifications of ABCs, OYs, and HGs, by Management Area (weights in metric tons)</p> <p>Table 1bto Part 660, Subpart C—2009, Harvest Guidelines for Minor Rockfish by Depth Sub-groups (weights in metric tons)</p> <p>Table 1cto Part 660, Subpart C—2009, Open Access and Limited Entry Allocations by Species or Species Group (weights in metric tons)</p>

Table 2a to Part 660, Subpart G—2010, Specifications of ABCs, OYs, and HGs, by Management Area (weights in metric tons).....	Table 2a to Part 660, Subpart C—2010, Specifications of ABCs, OYs, and HGs, by Management Area (weights in metric tons)
Table 3 (North) 660, Subpart G—2010 Trip Limits for Limited Entry Trawl Gear North of 40°10' N. Lat. ...	Table 1 (North) 660, Subpart D—2010 Trip Limits for Limited Entry Trawl Gear North of 40°10' N. Lat.
Table 3 (South) 660, Subpart G—2010 Trip Limits for Limited Entry Trawl Gear South of 40°10' N. Lat. ...	Table 2 (South) 660, Subpart D—2010 Trip Limits for Limited Entry Trawl Gear South of 40°10' N. Lat.
Table 4 (North) 660, Subpart G— 2009-2010 Trip Limits for Limited Entry Fixed Gear North of 40°10' N. Lat.	Table 1 (North) 660, Subpart E— 2009-2010 Trip Limits for Limited Entry Fixed Gear North of 40°10' N. Lat.
Table 4 (South) 660, Subpart G— 2009-2010 Trip Limits for Limited Entry Fixed Gear South of 40°10' N. Lat.....	Table 2 (South) 660, Subpart E— 2009-2010 Trip Limits for Limited Entry Fixed Gear South of 40°10' N. Lat.
Table 5 (North) 660, Subpart G—2009-2010 Trip Limits for Open Access Gears North of 40°10' N. Lat.....	Table 1 (North) 660, Subpart F—2009-2010 Trip Limits for Open Access Gears North of 40°10' N. Lat
Table 5 (South) 660, Subpart G—2009-2010 Trip Limits for Open Access Gears South of 40°10' N. Lat.....	Table 2 (South) 660, Subpart F—2009-2010 Trip Limits for Open Access Gears South of 40°10' N. Lat
Figure 1 to Subpart G of Part 660—Diagram of Selective Flatfish Trawl...	Figure 1 to Subpart C of Part 660—Diagram of Selective Flatfish Trawl

Revisions to Paperwork Reduction Act (PRA) References

Section 3507 of the PRA requires that agencies inventory and display a current control number assigned by the Director, OMB, for each agency information collection, and 15 CFR 902.1(b) identifies the location of NOAA regulations for which OMB approvals have been issued. Because this rule codifies recordkeeping and reporting requirements, 15 CFR 902.1(b) is revised to correctly reference the new sections resulting from the reorganization.

The following table lists the derivation of the NOAA PRA approvals for regulatory requirements in 50 CFR part 660:

Old Section	New Section	OMB Control No.
§ 660.303 Reporting and recordkeeping.....	§660.113, Subpart C Recordkeeping and Reporting. §660.113, Subpart D Trawl Fishery Recordkeeping and Reporting. §660.213, Subpart E Fixed Gear Fishery Recordkeeping and Reporting. §660.313, Subpart F Open Access Fishery Recordkeeping and Reporting. §660.353, Subpart G Recreational Fishery Recordkeeping and reporting.	-0271
§ 660.305 Vessel identification.....	§ 660.20, Subpart C Vessel and Gear Identification. § 660.219, Subpart C Fixed Gear Identification And Marking. § 660.319, Subpart C Open Access Fishery Gear Identification and Marking.	-0355
§ 660.322 Sablefish allocations.....	§ 660.55 (h), Subpart C Sablefish Allocations (north of 36° N. lat.)	-0352
§ 660.323 Pacific whiting allocations, allocation attainment, and inseason allocation reapportionment....	§ 660.55 (i), Subpart C §660.131 Pacific Whiting Fishery Management Measures	-0243
§660.331 Limited Entry and open access fisheries-general.....	§660.25(a), Subpart C	-0243
§ 660.333 Limited entry fishery-eligibility and registration.....	§ 660.25 (b)(1), Subpart C	-0203
§ 660.334 Limited entry permits-endorsements.....	§ 660.25 (b)(3), Subpart C	-0203
§ 660.335 Limited entry permits—renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.....	§ 660.25 (b)(4), Subpart C	-0203
§ 660.336 Pacific whiting vessel licenses.....	§ 660.26, Subpart C	-0583
§ 660.337 Trawl Rationalization program –data collection requirements.	removed	-0599
§ 660.338 Limited entry permits- small fleet.....	§ 660.25 (b)(5), Subpart C	-0203
§ 660.339 Limited entry permit and Pacific whiting vessel license fees.....	§ 660.26, Subpart C	-0203
§ 660.340 Limited entry permit appeals	§ 660.25(g), Subpart C	-0203
§ 660.341 Limited entry permit sanctions.....	§ 660.25(h), Subpart C	-0203
§ 660.350 Compensation with fish for collecting resource information—exempted fishing permits off Washington, Oregon, and California.....	§ 660.30, Subpart C	-0203

For the reasons set out in the preamble, 50 CFR Part 660 is proposed to be amended as follows:

15 CFR Chapter IX

PART 902--NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE
PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for Part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 et seq.

2. Amend the table in §902.1(b) by:

a. Removing the entries and corresponding OMB numbers for 660.303, 660.305, 660.322, 660.323, 660.333, and 660.337.

b. Amending the table in §902.1(b) by revising the entries for 660.303, 660.305, 660.322, 660.323, 660.333, and 660.337.

c. Adding new entries and corresponding OMB numbers for XXXXXXXXXXXX

The revisions and additions read as follows:

§902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(b) Display.

CFR part or section where the information collection requirement is located		Current OMB control number (all numbers begin with 0648-)
660.303.....		-0271
660.305.....		-0355
660.322.....		-0352
660.323.....		-0243
660.333.....		-0203
660.337.....		-0599

50 CFR Chapter VI

PART 660--FISHERIES OFF WEST COAST STATES

3. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

4. Redesignated §660.390 through §660.399 as follows:

Old Section	New Section
§660.390	§660.70

§660.391	§660.71
§660.392	§660.72
§660.393	§660.73
§660.394	§660.74
§660.395	§660.75
§660.396	§660.76
§660.397	§660.77
§660.398	§660.78
§660.399	§660.79

5. Redesignated Table 1a through 2c to Part 660, Subpart G as follows:

Old Subpart	New Subpart
Table 1a 660, Subpart G	Table 1a 660, Subpart C
Table 1b 660, Subpart G	Table 1b 660, Subpart C
Table 1c 660, Subpart G	Table 1c 660, Subpart C
Table 2a 660, Subpart G	Table 2a 660, Subpart C
Table 2b 660, Subpart G	Table 2b 660, Subpart C
Table 2c 660, Subpart G	Table 2c 660, Subpart C

6. Redesignated Table 3 (North) through Table 5 (South) to Part 660, Subpart G as follows:

Old Subpart	New Subpart
Table 3 (North) 660, Subpart G	Table 1 (North) 660, Subpart D
Table 3 (South) 660, Subpart G	Table 2 (South) 660, Subpart D
Table 4 (North) 660, Subpart G	Table 1 (North) 660, Subpart E
Table 4 (South) 660, Subpart G	Table 2 (South) 660, Subpart E
Table 5 (North) 660, Subpart G	Table 1 (North) 660, Subpart F
Table 5 (South) 660, Subpart G	Table 2 (South) 660, Subpart F

7. Redesignated Figure 1 to Subpart G of Part 660 as Figure 1 to Subpart D of Part 660.

8. Revise part 660 to read as follows:

Subpart C - West Coast Groundfish Fisheries

660.10 Purpose and scope.

660.11 General Definitions.

660.12 General Groundfish Prohibitions.

660.13 Recordkeeping and Reporting.

660.14 Vessel Monitoring System (VMS) requirements.

660.15 Equipment Requirements.

660.16 Groundfish Observer Program.

660.17 Catch Monitors and Catch Monitor Service Providers.

660.18 Certification and Decertification Procedures for Observers, Catch Monitors, Catch Monitor Providers and Observer Providers.

660.20 Vessel and Gear Identification.

660.24 Limited Entry and Open Access Fisheries
 660.25 Permits.
 660.26 Pacific Whiting Vessel Licenses.
 660.30 Compensation with Fish for Collecting Resource Information - EFPs.
 660.40 Overfished Species Rebuilding Plans.
 660.50 Pacific Coast Treaty Indian Fisheries.
 660.55 Allocations.
 660.60 Specifications and Management Measures.
 660.65 Groundfish Harvest Specifications.
 660.70 Groundfish Conservation Areas.
 660.71 Latitude/longitude coordinates defining the 10–fm (18–m) through 40–fm (73–m) depth contours.
 660.72 Latitude/longitude coordinates defining the 50 fm (91 m) through 75 fm (137 m) depth contours
 660.73 Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours.
 660.74 Latitude/longitude coordinates defining the 180 fm (329 m) through 250 fm (457 m) depth contours
 660.75 Essential Fish Habitat (EFH)
 660.76 EFH Conservation Areas.
 660.77 Conservation Areas off the Coast of Washington.
 660.78 Conservation Areas off the Coast of Oregon
 660.79 Conservation Areas off the Coast of California.
 Table 2a to Part 660, Subpart C—2010, Specifications of ABCs, OYs, and HGs, by Management Area (weights in metric tons)
 Table 2b to Part 660, Subpart C—2010, Harvest Guidelines for Minor Rockfish by Depth Sub-groups (weights in metric tons)
 Table 2c to Part 660, Subpart C—2010, Open Access and Limited Entry Allocations by Species or Species Group (weights in metric tons)
 Figure 1 to Subpart C of Part 660—Diagram of Selective Flatfish Trawl
 Subpart D – West Coast Groundfish – Limited Entry Trawl Fisheries
 660.100 Purpose and Scope.
 660.111 Trawl Fishery - Definitions.
 660.112 Trawl Fishery - Prohibitions.
 660.113 Trawl Fishery - Recordkeeping and Reporting
 660.116 Trawl Fishery - Observer Requirements.
 660.120 Trawl Fishery - Crossover Provisions.
 660.130 Trawl Fishery - Management Measures.
 660.131 Pacific Whiting Fishery Management Measures.
 660.140 Shorebased IFQ Program.

660.150 Mothership (MS) Coop Program.

660.160 Catcher/processor (C/P) Coop Program.

Table 1 (North) 660, Subpart D—2010 Trip Limits for Limited Entry Trawl Gear North of 40°10' N. Lat.

Table 2 (South) 660, Subpart D—2010 Trip Limits for Limited Entry Trawl Gear South of 40°10' N. Lat.

Subpart E – West Coast Groundfish – Limited Entry Fixed Gear Fisheries

660.210 Purpose and Scope.

660.211 Fixed Gear Fishery - Definitions.

660.212 Fixed Gear Fishery - Prohibitions.

660.213 Fixed Gear Fisher - Recordkeeping and Reporting.

660.216 Fixed Gear Fishery - Observer Requirements.

660.219 Fixed Gear Identification and Marking.

660.220 Fixed Gear Fishery - Crossover Provisions.

660.230 Fixed Gear Fishery - Management Measures.

660.231 Fixed Gear Sablefish Tier Limit Fishery Management.

660.232 Limited Entry Daily Trip Limit (DTL) Fishery for Sablefish.

Table 1 (North) 660, Subpart E— 2009-2010 Trip Limits for Limited Entry Fixed Gear North of 40°10' N. Lat.

Table 2 (South) 660, Subpart E— 2009-2010 Trip Limits for Limited Entry Fixed Gear South of 40°10' N. Lat.

Subpart F – West Coast Groundfish - Open Access Fisheries

660.310 Purpose and Scope.

660.311 Open Access Fishery - Definitions.

660.312 Open Access Fishery - Prohibitions.

660.313 Open Access Fishery - Recordkeeping And Reporting.

660.316 Open Access Fishery - Observer Requirements.

660.319 Open Access Fishery Gear Identification and Marking.

660.320 Open Access Fishery - Crossover Provisions.

660.330 Open Access Fishery - Management Measures.

660.331 Black Rockfish Fishery Management.

660.332 Open Access Daily Trip Limit (DTL) Fishery for Sablefish.

660.333 Open Access Non-groundfish Trawl Fishery - Management Measures.

Table 1 (North) 660, Subpart F—2009-2010 Trip Limits for Open Access Gears North of 40°10' N. Lat.

Table 2 (South) 660, Subpart F—2009-2010 Trip Limits for Open Access Gears South of 40°10' N. Lat.

Subpart G – West Coast Groundfish – Recreational Fisheries

660.350 Purpose and Scope.

660.351 Recreational Fishery - Definitions.

- 660.352 Recreational Fishery - Prohibitions.
- 660.353 Recreational Fishery - Recordkeeping and Reporting.
- 660.360 Recreational Fishery - Management Measures.

9. A new Subpart C is added to read as follows:

Subpart C – West Coast Groundfish Fisheries – General

§660.10 Purpose and Scope.

(a) Subparts C through G implement the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) developed by the Pacific Fishery Management Council. Subparts C through G govern fishing vessels of the U.S. in the EEZ off the coasts of Washington, Oregon, and California. All weights are in round weight or round-weight equivalents, unless specified otherwise.

(b) Any person fishing subject to Subparts C through G is bound by the international boundaries described in this section, notwithstanding any dispute or negotiation between the U.S. and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are established or recognized by the U.S.

§660.11 General Definitions.

Active sampling unit means the portion of the groundfish fleet in which an observer coverage plan is being applied.

Address of Record means the business address a person has provided to NMFS for NMFS use in providing notice of agency actions and other business with that person.

Allocation. (See §600.10)

Base permit, with respect to a limited entry permit stacking program, means a limited entry permit described at §660.25(b)(1), Subpart C registered for use with a vessel that meets the permit length endorsement requirements appropriate to that vessel, as described at §660.25(b)(2), Subpart C.

Biennial fishing period means a 24-month period beginning at 0001 local time on January 1 and ending at 2400 local time on December 31 of the subsequent year.

B_{MSY} means the biomass level that produces maximum sustainable yield (MSY), as stated in the PCGFMP at Section 4.2.

Calendar year. (see “fishing year”)

Catch, take, harvest. (See §600.10)

Catch monitor means an individual that is certified by NMFS, is deployed to a first receiver, and whose primary duties include: monitoring and verification of the catch sorting relative to federal requirements defined in §660.60 Subpart C; documentation of the weighing of catch relative to the requirements of section §660.13, Subpart C; and verification of first receivers reporting relative to the requirements defined in section §660.113, Subpart D.

Change in partnership or corporation means the addition of a new shareholder or partner to the corporate or partnership membership. This definition of a “change” will apply to any

person added to the corporate or partnership membership since November 1, 2000, including any family member of an existing shareholder or partner. A change in membership is not considered to have occurred if a member dies or becomes legally incapacitated and a trustee is appointed to act on his behalf, nor if the ownership of shares among existing members changes, nor if a member leaves the corporation or partnership and is not replaced. Changes in the ownership of publicly held stock will not be deemed changes in ownership of the corporation.

Closure or closed means, when referring to closure of a fishery or a closed fishery, that taking and retaining, possessing, or landing the particular species or species group covered by the fishing closure is prohibited. Unless otherwise announced in the Federal Register or authorized in this subpart, offloading must begin before the closure time.

Commercial fishing means:

(1) Fishing by a person who possesses a commercial fishing license or is required by law to possess such license issued by one of the states or the Federal Government as a prerequisite to taking, landing and/or sale; or

(2) Fishing that results in or can be reasonably expected to result in sale, barter, trade or other disposition of fish for other than personal consumption.

Commercial harvest guideline or commercial quota means the fishery harvest guideline minus the estimated recreational catch. Limited entry and open access allocations are derived from the commercial harvest guideline or quota.

Conservation area(s) means either a Groundfish Conservation Area (GCA), an Essential Fish Habitat Conservation Area (EFHCA), or both.

(1) Groundfish Conservation Area or GCA means a geographic area defined by coordinates expressed in degrees latitude and longitude, wherein fishing by a particular gear type or types may be prohibited. GCAs are created and enforced for the purpose of contributing to the rebuilding of overfished West Coast groundfish species. Regulations at §660.70, Subpart C define coordinates for these polygonal GCAs: Yelloweye Rockfish Conservation Areas, Cowcod Conservation Areas, waters encircling the Farallon Islands, and waters encircling the Cordell Banks. GCAs also include Rockfish Conservation Areas or RCAs, which are areas closed to fishing by particular gear types, bounded by lines approximating particular depth contours. RCA boundaries may and do change seasonally according to the conservation needs of the different overfished species. Regulations at §§660.70 through 660.74, Subpart C define RCA boundary lines with latitude/longitude coordinates; regulations at Tables 1 and 2 of Subpart D, Tables 1 and 2 of Subpart E, and Tables 1 and 2 of Subpart F set RCA seasonal boundaries. Fishing prohibitions associated with GCAs are in addition to those associated with EFH Conservation Areas.

(2) Essential Fish Habitat Conservation Area or EFHCA means a geographic area defined by coordinates expressed in degrees latitude and longitude, wherein fishing by a particular gear type or types may be prohibited. EFHCAs are created and enforced for the purpose of contributing to the protection of West Coast groundfish essential fish habitat. Regulations at §§660.75, through 660.79, Subpart C define EFHCA boundary lines with latitude/longitude

coordinates. Fishing prohibitions associated with EFHCAs, which are found at §660.12, Subpart C, are in addition to those associated with GCAs.

Continuous transiting or transit through means that a fishing vessel crosses a groundfish conservation area or EFH conservation area on a constant heading, along a continuous straight line course, while making way by means of a source of power at all times, other than drifting by means of the prevailing water current or weather conditions.

Corporation means a legal, business entity, including incorporated (INC) and limited liability corporations (LLC).

Council means the Pacific Fishery Management Council, including its Groundfish Management Team (GMT), Scientific and Statistical Committee (SSC), Groundfish Advisory Subpanel (GAP), and any other advisory body established by the Council.

Date of landing means the date on which the transfer of fish or offloading of fish from any vessel to a processor or first receiver begins.

Direct financial interest means any source of income to or capital investment or other interest held by an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of observer or catch monitor duties.

Electronic fish ticket means a software program or data files meeting data export specifications approved by NMFS that is used to send landing data to the Pacific States Marine Fisheries Commission. Electronic fish tickets are used to collect information similar to the information required in state fish receiving tickets or landing receipts, but do not replace or change any state requirements.

Electronic Monitoring System or EMS means a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders, to create a collection of data on vessel activities.

Endorsement means an additional specification affixed to the limited entry permit that further restricts fishery participation or further specifies a harvest privilege, and is non-severable from a limited entry permit.

Entity. (See "Person")

Essential Fish Habitat or EFH. (See §600.10)

First Receiver means a person who receives, purchases, or takes custody, control, or possession of catch onshore directly from a vessel.

Fish. (See §600.10)

Fishery (See §600.10)

Fishery harvest guideline means the harvest guideline or quota after subtracting from the OY any allocation for the Pacific Coast treaty Indian tribes, projected research catch, deductions for fishing mortality in non-groundfish fisheries, as necessary, and set-asides for EFPs specified at §660.30 (a)(6), Subpart C.

Fishery management area means the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, and bounded on the north by the Provisional

International Boundary between the U.S. and Canada, and bounded on the south by the International Boundary between the U.S. and Mexico. The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the “3-mile limit”). The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nm from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the U.S. and Canada or Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

Fishing. (See §600.10)

Fishing gear includes the following types of gear and equipment:

(1) Bottom contact gear means fishing gear designed or modified to make contact with the bottom. This includes, but is not limited to, beam trawl, bottom trawl, dredge, fixed gear, set net, demersal seine, dinglebar gear, and other gear (including experimental gear) designed or modified to make contact with the bottom. Gear used to harvest bottom dwelling organisms (e.g. by hand, rakes, and knives) are also considered bottom contact gear for purposes of this subpart.

(2) Demersal seine means a net designed to encircle fish on the seabed. The demersal seine is characterized by having its net bounded by lead-weighted ropes that are not encircled with bobbins or rollers. Demersal seine gear is fished without the use of steel cables or otter boards (trawl doors). Scottish and Danish Seines are demersal seines. Purse seines, as defined at §600.10, Subpart C are not demersal seines. Demersal seine gear is included in the definition of bottom trawl gear in (11)(i) of this subsection.

(3) Dredge gear means a gear consisting of a metal frame attached to a holding bag constructed of metal rings or mesh. As the metal frame is dragged upon or above the seabed, fish are pushed up and over the frame, then into the mouth of the holding bag.

(4) Entangling nets include the following types of net gear:

(i) Gillnet. (See §600.10)

(ii) Set net means a stationary, buoyed, and anchored gillnet or trammel net.

(iii) Trammel net means a gillnet made with two or more walls joined to a common float line.

(5) Fixed gear (anchored nontrawl gear) means the following gear types: longline, trap or pot, set net, and stationary hook-and-line (including commercial vertical hook-and-line) gears.

(6) Hook-and-line means one or more hooks attached to one or more lines. It may be stationary (commercial vertical hook-and-line) or mobile (troll).

(i) Bottom longline means a stationary, buoyed, and anchored groundline with hooks attached, so as to fish along the seabed. It does not include pelagic hook-and-line or troll gear.

(ii) Commercial vertical hook-and-line means commercial fishing with hook-and-line gear that involves a single line anchored at the bottom and buoyed at the surface so as to fish vertically.

(iii) Dinglebar gear means one or more lines retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

(iv) Troll gear means a lure or jig towed behind a vessel via a fishing line. Troll gear is used in commercial and recreational fisheries.

(7) Mesh size means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot, regardless of twine size.

(8) Nontrawl gear means all legal commercial groundfish gear other than trawl gear.

(9) Spear means a sharp, pointed, or barbed instrument on a shaft.

(10) Trap or pot See §600.10 definition of “trap”. These terms are used as interchangeable synonyms.

(11) Trawl gear means a cone or funnel-shaped net that is towed through the water, and can include a pair trawl that towed simultaneously by two boats. For the purpose of this definition, trawl gear includes groundfish and non-groundfish trawl. See definitions for groundfish trawl and non-groundfish trawls (previously called “exempted trawl”).

(i) Bottom trawl means a trawl in which the otter boards or the footrope of the net are in contact with the seabed. It includes demersal seine gear, and pair trawls fished on the bottom. Any trawl not meeting the requirements for a midwater trawl in §660.130(b), Subpart D is a bottom trawl.

(A) Beam trawl gear means a type of trawl gear in which a beam is used to hold the trawl open during fishing. Otter boards or doors are not used.

(B) Large footrope trawl gear means a bottom trawl gear with a footrope diameter larger than 8 inches (20 cm.) and no larger than 19 inches (48 cm) including any rollers, bobbins, or other material encircling or tied along the length of the footrope.

(C) Small footrope trawl gear means a bottom trawl gear with a footrope diameter of 8 inches (20 cm) or smaller, including any rollers, bobbins, or other material encircling or tied along the length of the footrope. Selective flatfish trawl gear that meets the gear component requirements in §660.130(b), Subpart D is a type of small footrope trawl gear.

(ii) Midwater (pelagic or off-bottom) trawl means a trawl in which the otter boards and footrope of the net remain above the seabed. It includes pair trawls if fished in midwater. A midwater trawl has no rollers or bobbins on any part of the net or its component wires, ropes, and chains. For additional midwater trawl gear requirements and restrictions, see §660.130(b), Subpart D.

(iii) Trawl gear components include:

(A) Breastline means a rope or cable that connects the end of the headrope and the end of the trawl fishing line along the edge of the trawl web closest to the towing point.

(B) Chafing gear means webbing or other material attached to the codend of a trawl net to protect the codend from wear.

(C) Codend. (See §600.10)

(D) Double-bar mesh means webbing comprised of two lengths of twine tied into a single knot.

(E) Double-walled codend means a codend constructed of two walls (layers) of webbing.

(F) Footrope means a chain, rope, or wire attached to the bottom front end of the trawl webbing forming the leading edge of the bottom panel of the trawl net, and attached to the fishing line.

(G) Headrope means a chain, rope, or wire attached to the trawl webbing forming the leading edge of the top panel of the trawl net.

(H) Rollers or bobbins means devices made of wood, steel, rubber, plastic, or other hard material that encircle the trawl footrope. These devices are commonly used to either bounce or pivot over seabed obstructions, in order to prevent the trawl footrope and net from snagging on the seabed.

(I) Single-walled codend means a codend constructed of a single wall of webbing knitted with single or double-bar mesh.

(J) Trawl fishing line means a length of chain, rope, or wire rope in the bottom front end of a trawl net to which the webbing or lead ropes are attached.

(K) Trawl riblines means a heavy rope or line that runs down the sides, top, or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

Fishing trip means a period of time between landings when fishing is conducted.

Fishing vessel. (See §600.10)

Fishing or Calendar year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31 of the same year. There are two fishing years in each biennial fishing period.

Grandfathered or first generation, when referring to a limited entry sablefish-endorsed permit owner, means those permit owners who owned a sablefish-endorsed limited entry permit prior to November 1, 2000, and are, therefore, exempt from certain requirements of the sablefish permit stacking program within the parameters of the regulations at §§660.25(b), Subpart C and §660.231 Subpart E.

Groundfish means species managed by the PCGFMP, specifically:

(1) Sharks: leopard shark, Triakis semifasciata; soupfin shark, Galeorhinus zyopterus; spiny dogfish, Squalus acanthias.

(2) Skates: big skate, Raja binoculata; California skate, R. inornata; longnose skate, R. rhina.

(3) Ratfish: ratfish, Hydrolagus coliei.

(4) Morids: finescale codling, Antimora microlepis.

(5) Grenadiers: Pacific rattail, Coryphaenoides acrolepis.

(6) Roundfish: cabezon, Scorpaenichthys marmoratus; kelp greenling, Hexagrammos decagrammus; lingcod, Ophiodon elongatus; Pacific cod, Gadus macrocephalus; Pacific whiting, Merluccius productus; sablefish, Anoplopoma fimbria.

(7) Rockfish: In addition to the species below, longspine thornyhead, S. altivelis, and shortspine thornyhead, S. alascanus, “rockfish” managed under the PCGFMP include all genera and species of the family Scorpaenidae that occur off Washington, Oregon, and California, even if not listed below. The Scorpaenidae genera are Sebastes, Scorpaena, Scorpaenodes, and Sebastolobus. Where species below are listed both in a major category (nearshore, shelf, slope) and as an area-specific listing (north or south of 40°10' N. lat.) those species are considered “minor” in the geographic area listed.

(i) Nearshore rockfish includes black rockfish, Sebastes melanops and the following minor nearshore rockfish species:

(A) North of 40°10' N. lat.: black and yellow rockfish, S. chrysomelas; blue rockfish, S. mystinus; brown rockfish, S. auriculatus; calico rockfish, S. dalli; China rockfish, S. nebulosus; copper rockfish, S. caurinus; gopher rockfish, S. carnatus; grass rockfish, S. rastrelliger; kelp rockfish, S. atrovirens; olive rockfish, S. serranoides; quillback rockfish, S. maliger; treefish, S. serripes

(B) South of 40°10' N. lat., nearshore rockfish are divided into three management categories: (1) Shallow nearshore rockfish consists of black and yellow rockfish, S. chrysomelas; China rockfish, S. nebulosus; gopher rockfish, S. carnatus; grass rockfish, S. rastrelliger; kelp rockfish, S. atrovirens.

(2) Deeper nearshore rockfish consists of black rockfish, S. melanops; blue rockfish, S. mystinus; brown rockfish, S. auriculatus; calico rockfish, S. dalli; copper rockfish, S. caurinus; olive rockfish, S. serranoides; quillback rockfish, S. maliger; treefish, S. serripes.

(3) California scorpionfish, Scorpaena guttata.

(ii) Shelf rockfish includes bocaccio, Sebastes paucispinis; canary rockfish, S. pinniger; chilipepper, S. goodei; cowcod, S. levis; shortbelly rockfish, S. jordani; widow rockfish, S. entomelas; yelloweye rockfish, S. ruberrimus; yellowtail rockfish, S. flavidus and the following minor shelf rockfish species:

(A) North of 40°10' N. lat.: bronzespotted rockfish, S. gilli; bocaccio, S. paucispinis; chameleon rockfish, S. phillipsi; chilipepper, S. goodei; cowcod, S. levis; dusky rockfish, S. ciliatus; dwarf-red, S. rufianus; flag rockfish, S. rubrivinctus; freckled, S. lentiginosus; greenblotched rockfish, S. rosenblatti; greenspotted rockfish, S. chlorostictus; greenstriped rockfish, S. elongatus; halfbanded rockfish, S. semicinctus; harlequin rockfish, S. variegatus; honeycomb rockfish, S. umbrosus; Mexican rockfish, S. macdonaldi; pink rockfish, S. eos; pinkrose rockfish, S. simulator; pygmy rockfish, S. wilsoni; redstripe rockfish, S. proriger; rosethorn rockfish, S. helvomaculatus; rosy rockfish, S. rosaceus; silvergray rockfish, S. brevispinis; speckled rockfish, S. ovalis; squarespot rockfish, S. hopkinsi; starry rockfish, S. constellatus; striptail rockfish, S. saxicola; swordspine rockfish, S. ensifer; tiger rockfish, S. nigrocinctus; vermilion rockfish, S. miniatus.

(B) South of 40°10' N. lat.: bronzespotted rockfish, S. gilli; chameleon rockfish, S. phillipsi; dusky rockfish, S. ciliatus; dwarf-red rockfish, S. rufianus; flag rockfish, S. rubrivinctus; freckled, S. lentiginosus; greenblotched rockfish, S. rosenblatti; greenspotted rockfish, S. chlorostictus; greenstriped rockfish, S. elongatus; halfbanded rockfish, S. semicinctus; harlequin rockfish, S. variegatus; honeycomb rockfish, S. umbrosus; Mexican rockfish, S. macdonaldi; pink rockfish, S. eos; pinkrose rockfish, S. simulator; pygmy rockfish, S. wilsoni; redstripe rockfish, S. proriger; rosethorn rockfish, S. helvomaculatus; rosy rockfish, S. rosaceus; silvergray rockfish, S. brevispinis; speckled rockfish, S. ovalis; squarespot rockfish, S. hopkinsi; starry rockfish, S. constellatus; stripetail rockfish, S. saxicola; swordspine rockfish, S. ensifer; tiger rockfish, S. nigrocinctus; vermilion rockfish, S. miniatus; yellowtail rockfish, S. flavidus.

(iii) Slope rockfish includes darkblotched rockfish, S. crameri; Pacific ocean perch, S. alutus; splitnose rockfish, S. diploproa; and the following minor slope rockfish species:

(A) North of 40°10' N. lat.: aurora rockfish, Sebastes aurora; bank rockfish, S. rufus; blackgill rockfish, S. melanostomus; redbanded rockfish, S. babcocki; rougheye rockfish, S. aleutianus; sharpchin rockfish, S. zacentrus; shortraker rockfish, S. borealis; splitnose rockfish, S. diploproa; yellowmouth rockfish, S. reedi.

(B) South of 40°10' N. lat.: aurora rockfish, Sebastes aurora; bank rockfish, S. rufus; blackgill rockfish, S. melanostomus; Pacific ocean perch, S. alutus; redbanded rockfish, S. babcocki; rougheye rockfish, S. aleutianus; sharpchin rockfish, S. zacentrus; shortraker rockfish, S. borealis; yellowmouth rockfish, S. reedi.

(8) Flatfish: arrowtooth flounder (arrowtooth turbot), Atheresthes stomias; butter sole, Isopsetta isolepis; curlfin sole, Pleuronichthys decurrens; Dover sole, Microstomus pacificus; English sole, Parophrys vetulus; flathead sole, Hippoglossoides elassodon; Pacific sanddab, Citharichthys sordidus; petrale sole, Eopsetta jordani; rex sole, Glyptocephalus zachirus; rock sole, Lepidopsetta bilineata; sand sole, Psettichthys melanostictus; starry flounder, Platichthys stellatus. Where regulations of this subpart refer to landings limits for “other flatfish,” those limits apply to all flatfish cumulatively taken except for those flatfish species specifically listed in **Tables 1a–2a** of this subpart. (i.e., “other flatfish” includes butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.)

(9) “Other fish”: Where regulations of Subparts C through G refer to landings limits for “other fish,” those limits apply to all groundfish listed here in paragraphs (1)–(8) of this definition except for the following: those groundfish species specifically listed in **Tables 1a–2a** of this subpart with an ABC for that area (generally north and/or south of 40°10' N. lat.); and Pacific cod and spiny dogfish coastwide. (i.e., “other fish” may include all sharks (except spiny dogfish), skates, ratfish, morids, grenadiers, and kelp greenling listed in this section, as well as cabezon in the north.)

(10) “DTS complex”: Where regulations of Subparts C through G refer to “DTS complex” species, that group of species includes Dover sole, shortspine thornyhead, longspine thornyhead, and sablefish.

Groundfish trawl means trawl gear that is used under the authority of a valid limited entry permit issued under Subparts C and D endorsed for trawl gear and which meets the gear requirements specified in Subpart D. It does not include any type of trawl gear listed as non-groundfish trawl gear (previously called “exempted gear”).

Harvest guideline means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require closure of a fishery.

Incidental catch or incidental species means groundfish species caught while fishing for the primary purpose of catching a different species.

Initial Administrative Determination (IAD) means a formal, written determination made by NMFS on applications or permit requests.

Land or landing means to begin transfer of fish, offloading fish, or to offload fish from any vessel. Once transfer of fish begins, all fish aboard the vessel are counted as part of the landing.

Legal fish means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, Subparts C through G, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

Length overall or LOA (with respect to a vessel) means the length overall set forth in the Certificate of Documentation (CG-1270) issued by the USCG for a documented vessel, or in a registration certificate issued by a state or the USCG for an undocumented vessel; for vessels that do not have the LOA stated in an official document, the LOA is the LOA as determined by the USCG or by a marine surveyor in accordance with the USCG method for measuring LOA.

License owner means a person who is the owner of record with NMFS, SFD, Permits Office.

Limited entry fishery means the fishery composed of vessels registered for use with limited entry permits.

Limited entry gear means longline, trap (or pot), or groundfish trawl gear used under the authority of a valid limited entry permit affixed with an endorsement for that gear.

Limited entry permit means:

(1) The Federal permit required to fish in the limited entry “A” endorsed fishery, and includes any gear, size, or species endorsements affixed to the permit, or

(2) The Federal permit required to fish as a mothership processor.

Maximum Sustainable Yield or MSY. (See §600.310)

Mobile transceiver unit means a vessel monitoring system or VMS device, as set forth at §660.14, Subpart C installed on board a vessel that is used for vessel monitoring and transmitting the vessel's position as required by Subpart C.

Non-groundfish trawl (previously “exempted” trawl) means any trawl gear other than the Pacific Coast groundfish trawl gear that is authorized for use with a valid groundfish limited entry permit endorsed for trawl gear. Non-groundfish trawl gear includes trawl gear used to fish

for pink shrimp, ridgeback prawn, California halibut south of Pt. Arena, and sea cucumbers south of Pt. Arena.

Nontrawl fishery means

(1) For the purpose of allocations at §660.55, Subpart C, nontrawl fishery means the limited entry fixed gear fishery, the open access fishery, and the recreational fishery.

(2) For the purposes of all other management measures in Subparts C through G, nontrawl fishery means any legal limited entry fixed gear or open access non-trawl groundfish gear other than trawl gear (groundfish trawl gear and non-groundfish trawl gear).

North-South management area means the management areas defined in paragraph (1) of this definition, or defined and bounded by one or more of the commonly used geographic coordinates set out in paragraph (2) of this definition for the purposes of implementing different management measures in separate geographic areas of the U.S. West Coast.

(1) Management areas.

(i) Vancouver.

(A) The northeastern boundary is that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35.73' N. lat., 124°43.00' W. long.) south of the International Boundary between the U.S. and Canada (at 48°29.62' N. lat., 124°43.55' W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.

(B) The northern and northwestern boundary is a line connecting the following coordinates in the order listed, which is the provisional international boundary of the EEZ as shown on NOAA/NOS Charts 18480 and 18007:

Point	N. Lat.	W. Long.
1	48°29.62'	124°43.55'
2	48°30.18'	124°47.22'
3	48°30.37'	124°50.35'
4	48°30.23'	124°54.87'
5	48°29.95'	124°59.23'
6	48°29.73'	125°00.10'
7	48°28.15'	125°05.78'
8	48°27.17'	125°08.42'
9	48°26.78'	125°09.20'
10	48°20.27'	125°22.80'
11	48°18.37'	125°29.97'
12	48°11.08'	125°53.80'
13	47°49.25'	126°40.95'
14	47°36.78'	127°11.97'

15	47°22.00'	127°41.38'
16	46°42.08'	128°51.93'
17	46°31.78'	129°07.65'

(C) The southern limit is 47°30' N. lat.

(ii) Columbia.

(A) The northern limit is 47°30' N. lat.

(B) The southern limit is 43°00' N. lat.

(iii) Eureka.

(A) The northern limit is 43°00' N. lat.

(B) The southern limit is 40°30' N. lat.

(iv) Monterey.

(A) The northern limit is 40°30' N. lat.

(B) The southern limit is 36°00' N. lat.

(v) Conception.

(A) The northern limit is 36°00' N. lat.

(B) The southern limit is the U.S.-Mexico International Boundary, which is a line connecting the following coordinates in the order listed:

Point	N. Lat.	W. Long.
1	32°35.37'	117°27.82'
2	32°37.62'	117°49.52'
3	31°07.97'	118°36.30'
4	30°32.52'	121°51.97'

(2) Commonly used geographic coordinates.

(i) Cape Alava, WA—48°10.00' N. lat.

(ii) Queets River, WA—47°31.70' N. lat.

(iii) Pt. Chehalis, WA—46°53.30' N. lat.

(iv) Leadbetter Point, WA—46°38.17' N. lat.

(v) Washington/Oregon border—46°16.00' N. lat.

(vi) Cape Falcon, OR—45°46.00' N. lat.

(vii) Cape Lookout, OR—45°20.25' N. lat.

(viii) Cascade Head, OR—45°03.83' N. lat.

(ix) Heceta Head, OR—44°08.30' N. lat.

(x) Cape Arago, OR—43°20.83' N. lat.

(xi) Cape Blanco, OR—42°50.00' N. lat.

(xii) Humbug Mountain—42°40.50' N. lat.

(xiii) Marck Arch, OR—42°13.67' N. lat.

- (xiv) Oregon/California border—42°00.00' N. lat.
- (xv) Cape Mendocino, CA—40°30.00' N. lat.
- (xvi) North/South management line—40°10.00' N. lat.
- (xvii) Point Arena, CA—38°57.50' N. lat.
- (xviii) Point San Pedro, CA—37°35.67' N. lat.
- (xix) Pigeon Point, CA—37°11.00' N. lat.
- (xx) Ano Nuevo, CA—37°07.00' N. lat.
- (xxi) Point Lopez, CA—36°00.00' N. lat.

(xxii) Point Conception, CA—34°27.00' N. lat. [Note: Regulations that apply to waters north of 34°27.00' N. lat. are applicable only west of 120°28.00' W. long.; regulations that apply to waters south of 34°27.00' N. lat. also apply to all waters both east of 120°28.00' W. long. and north of 34°27.00' N. lat.]

Observer. (See §600.10 - U.S. Observer or Observer)

Observer Program or Observer Program Office means the West Coast Groundfish Observer Program (WCGOP) Office of the Northwest Fishery Science Center, National Marine Fisheries Service, Seattle, Washington.

Office of Law Enforcement or OLE refers to the National Marine Fisheries Service, Office of Law Enforcement, Northwest Division.

Open access fishery means the fishery composed of commercial vessels using open access gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the harvest of open access allocations (detailed in §660.55 and Tables 1c–2c of Subpart C) or governing the fishing activities of open access vessels (detailed in Subpart F). Any commercial vessel that is not registered to a limited entry permit and which takes and retains, possesses or lands groundfish is a participant in the open access groundfish fishery.

Open access gear means all types of fishing gear except:

(1) Longline or trap (or pot) gear fished by a vessel that has a limited entry permit affixed with a gear endorsement for that gear.

(2) Groundfish trawl.

Optimum yield or OY means the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and, taking into account the protection of marine ecosystems, is prescribed as such on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the MSY in such fishery. OY may be expressed numerically (as a harvest guideline, quota, or other specification) or non-numerically.

Operate a vessel means any use of a vessel, including, but not limited to, fishing, transiting, or drifting by means of the prevailing water current or weather conditions.

Operator. (See §600.10)

Overage means the amount of fish harvested by a vessel in excess of the applicable trip limit.

Ownership interest means participation in ownership of a corporation, partnership, or other entity:

(1) For sablefish-endorsed permits, ownership interest means participation in ownership of a corporation, partnership, or other entity that owns a sablefish endorsed permit. Participation in ownership does not mean owning stock in a publicly owned corporation.

(2) For the limited entry trawl fishery in Subpart D, ownership interest means participation in ownership of a corporation, partnership, or other entity that owns a QS permit, mothership permit, and a MS/CV endorsed limited entry permit.

Pacific Coast Groundfish Fishery Management Plan or PCGFMP means the Fishery Management Plan for the Washington, Oregon, and California Groundfish Fishery developed by the Pacific Fishery Management Council and approved by the Secretary on January 4, 1982, and as it may be subsequently amended.

Partnership is two or more individuals, partnerships, or corporations, or combinations thereof, who have ownership interest in a permit, including married couples and legally recognized trusts and partnerships, such as limited partnerships (LP), general partnerships (GP), and limited liability partnerships (LLP).

Permit holder means a vessel owner as identified on the USCG form 1270 or state motor vehicle licensing document and as registered on a limited entry permit issued under Subparts C through E.

Permit owner means a person who is the owner of record with NMFS, SFD, Permits Office. For first receiver site licenses, see definition for “license owner.”

Person, as it applies to limited entry and open access fisheries conducted under §660 Subparts C through G, means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

Processing or to process means the preparation or packaging of groundfish to render it suitable for human consumption, retail sale, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done. (Also see an exception to certain requirements at §660.131(a), Subpart D pertaining to Pacific whiting shoreside vessels 75-ft (23-m) or less LOA that, in addition to heading and gutting, remove the tails and freeze catch at sea.)

(1) At-sea processing means processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another, whether shore-based or on the water.

(2) Shore-based processing or processing means processing that takes place at a facility that is permanently fixed to land. (Also see the definition for shoreside processing at §660.140, Subpart D which defines shoreside processing for the purposes of qualifying for a shoreside IFQ program QS permit.)

Processor means person, vessel, or facility that engages in processing; or receives live groundfish directly from a fishing vessel for retail sale without further processing. (Also see the definition for processors at §660.140, Subpart D which defines processor for the purposes of qualifying for a shoreside IFQ program QS permit.)

Prohibited species means those species and species groups whose retention is prohibited unless authorized by provisions of this section or other applicable law. The following are prohibited species: Any species of salmonid, Pacific halibut, Dungeness crab caught seaward of Washington or Oregon, and groundfish species or species groups under the PCGFMP for which quotas have been achieved and/or the fishery closed.

Quota means a specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group.

Recreational fishing means fishing with authorized recreational fishing gear for personal use only, and not for sale or barter.

Regional Administrator means the Administrator, Northwest Region, NMFS.

Reserve means a portion of the harvest guideline or quota set aside at the beginning of the fishing year or biennial fishing period to allow for uncertainties in preseason estimates.

Round weight. (See §600.10). Round weight does not include ice, water, or slime.

Scientific research activity. (See §600.10)

Secretary. (See §600.10)

Sectors means a group in the fishery and is defined in groundfish regulations as follows:

(1) For the purpose of allocations at §660.55, Subpart C, the fishery may be divided in to the trawl (limited entry trawl) and nontrawl (limited entry fixed gear, open access, recreational) fishery or sectors.

(2) The fisheries or sectors under the PCGFMP are divided in to the limited entry fishery, the open access fishery, and the recreational fishery.

(3) The limited entry fishery or sector is further divided in to the limited entry trawl fishery and limited entry fixed gear fishery.

(4) For the limited entry trawl fisheries in Subpart D, the trawl sectors are the Shorebased IFQ Program, the Mothership Coop Program, and the C/P Coop Program.

Sell or sale. (See §600.10)

Specification is a numerical or descriptive designation of a management objective, including but not limited to: acceptable biological catch; optimum yield; harvest guideline; quota; limited entry or open access allocation; a setaside or allocation for a recreational or treaty Indian fishery; an apportionment of the above to an area, gear, season, fishery, or other subdivision.

Spouse means a person who is legally married to another person as recognized by state law (i.e., one's wife or husband).

Stacking is the practice of registering more than one limited entry permit for use with a single vessel (See §660.335(c), Subpart C).

Sustainable Fisheries Division or SFD means the Chief, Sustainable Fisheries Division, Northwest Regional Office, NMFS, or a designee.

Target fishing means fishing for the primary purpose of catching a particular species or species group (the target species).

Tax-exempt organization means an organization that received a determination letter from the Internal Revenue Service recognizing tax exemption under 26 CFR part 1 (§§1.501 to 1.640).

Totally lost means the vessel being replaced no longer exists in specie, or is absolutely and irretrievably sunk or otherwise beyond the possible control of the owner, or the costs of repair (including recovery) would exceed the value of the vessel after repairs.

Trawl fishery means

(1) For the purpose of allocations at §660.55, Subpart C, trawl fishery means the groundfish limited entry trawl fishery.

(2) For the purposes of all other management measures in Subparts C through G, trawl fishery means any legal limited entry trawl gear or, in some cases, may include open access non-groundfish trawl gear.

Trip. (See §600.10)

Trip limits. Trip limits are used in the commercial fishery to specify the maximum amount of a fish species or species group that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(1) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(2) A daily trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(3) A weekly trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours local time on Sunday and ending at 2400 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.

(4) A cumulative trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours local time and end at 2400 hours local time, are as follows, unless otherwise specified:

(i) The 2-month or “major” cumulative limit periods are: January 1–February 28/29, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

Vessel manager means a person or group of persons whom the vessel owner has given authority to oversee all or a portion of groundfish fishing activities aboard the vessel.

Vessel monitoring system or VMS means a vessel monitoring system or mobile transceiver unit as set forth in §660.14, Subpart C and approved by NMFS for use on vessels that take (directly or incidentally) species managed under the PCGFMP, as required by this subpart.

Vessel of the United States or U.S. vessel. (See §600.10)

Vessel owner or owner of a vessel, as used in Subparts C through G, means a person identified as the current owner in the Certificate of Documentation (CG–1270) issued by the USCG for a documented vessel, or in a registration certificate issued by a state or the USCG for an undocumented vessel.

§660.12 General Groundfish Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to:

(a) General.

(1) Retain any prohibited species (defined in §660.11, Subpart C and restricted in §660.60(e), Subpart C) caught by means of fishing gear authorized under this subpart, unless authorized by part 600 or part 300 of this chapter. Prohibited species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought on board.

(2) Falsify or fail to affix and maintain vessel and gear markings as required by §§660.20 or §660.XXX, Subparts E or §660.XXX, Subpart F.

(3) Fish for groundfish in violation of any terms or conditions attached to an EFP under §600.745 of this chapter or §660.30, Subpart C.

(4) Fish for groundfish using gear not authorized in Subparts C through G or in violation of any terms or conditions attached to an EFP under §660.30, Subpart C or part 600 of this chapter.

(5) Take and retain, possess, or land more groundfish than specified under §660.50, §660.55, §660.60 of Subpart C, or Subpart D through G, or under an EFP issued under §660.30, Subpart C or part 600 of this chapter.

(6) Take, retain, possess, or land more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period, except for sablefish taken in the primary limited entry, fixed gear sablefish season from a vessel authorized under §660.231, Subpart E to fish in that season, as described at §660.231, Subpart E.

(7) Take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish.

(8) Fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY applied; except as specified at §660.60 (h)(6)(iii), Subpart C for vessels participating in the Pacific whiting at-sea sectors.

(9) When requested or required by an authorized officer, refuse to present fishing gear for inspection, refuse to present fish subject to such persons control for inspections; or interfere with a fishing gear or marine animal or plant life inspection.

(10) Transfer fish to another vessel at sea unless a vessel is participating in the primary Pacific whiting fishery as part of the mothership or catcher/processor sectors.(11) Fish with dredge gear (defined in §660.11, Subpart C) anywhere within EFH within the EEZ. For the purposes of regulation, EFH within the EEZ is described at §660.75, Subpart C.

(12) Fish with beam trawl gear (defined in §660.11, Subpart C) anywhere within EFH within the EEZ. For the purposes of regulation, EFH within the EEZ is described at §660.75, Subpart C.

(13) During times or in areas where at-sea processing is prohibited, take and retain or receive Pacific whiting, except as cargo or fish waste, on a vessel in the fishery management area that already has processed Pacific whiting on board. An exception to this prohibition is provided if the fish are received within the tribal U&A from a member of a Pacific Coast treaty Indian tribe fishing under §660.50, Subpart C.

(b) Reporting and Recordkeeping.

(1) Falsify or fail to make and/or file, retain or make available any and all reports of groundfish landings, containing all data, and in the exact manner, required by the applicable State law, as specified in §660.13, Subpart C, provided that person is required to do so by the applicable state law.

(2) Fail to retain on board a vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings, or receipts containing all data, and made in the exact manner required by the applicable state law throughout the cumulative limit period during which such landings occurred and for 15 days thereafter.

(c) Limited Entry Fisheries.

(1) Carry on board a vessel, or deploy, limited entry gear when the limited entry fishery for that gear is closed, except that a vessel may carry on board limited entry groundfish trawl gear as provided in §660.112(a)(1), Subpart D.

(2) [Reserved]

(d) Limited Entry Permits.

(1) If a limited entry permit is registered for use with a vessel, fail to carry that permit onboard the vessel registered for use with the permit. A photocopy of the permit may not substitute for the original permit itself.

(2) Make a false statement on an application for issuance, renewal, transfer, vessel registration, replacement of a limited entry permit, or a declaration of ownership interest in a limited entry permit.

(e) Groundfish Observer Program.

(1) Forcibly assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with an observer.

(2) Interfere with or bias the sampling procedure employed by an observer including either mechanically or manually sorting or discarding catch before sampling.

(3) Tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.

(4) Harass an observer by conduct that:

(i) Has sexual connotations,

(ii) Has the purpose or effect of interfering with the observer's work performance, and/or

(iii) Otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(5) Fish for, land, or process fish without observer coverage when a vessel is required to carry an observer under Subparts D through F.

(6) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

(7) Fail to provide departure or cease fishing reports specified at §660.116, Subpart D, §660.216, Subpart E, or §660.315, Subpart F.

(8) Fail to meet the vessel responsibilities specified at §660.116, Subpart D, §660.216, Subpart E, or §660.315, Subpart F.

(f) Vessel Monitoring Systems.

(1) Use any vessel required to operate a VMS unit under §660.14(b) unless that vessel carries a NMFS OLE type-approved mobile transceiver unit and complies with all the requirements described at §660.14.

(2) Fail to install, activate, repair or replace a mobile transceiver unit prior to leaving port as specified at §660.14.

(3) Fail to operate and maintain a mobile transceiver unit on board the vessel at all times as specified at §660.14.

(4) Tamper with, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel as specified at §660.14.

(5) Fail to contact NMFS OLE or follow NMFS OLE instructions when automatic position reporting has been interrupted as specified at §660.14.

(6) Register the same VMS transceiver unit to more than one vessel at the same time.

(7) Falsify any VMS activation report or VMS exemption report that is authorized or required, as specified at §660.14.

(8) Falsify any declaration report that is required, as specified at §660.13.

§660.13 Recordkeeping and Reporting.

(a) This subpart recognizes that catch and effort data necessary for implementing the PCGFMP are collected by the States of Washington, Oregon, and California under existing state data collection requirements.

(b) Any person who is required to do so by the applicable state law must make and/or file, retain, or make available any and all reports (i.e., logbooks, state landing receipts, etc.) of groundfish harvests and landings containing all data, and in the exact manner, required by the applicable state law.

(c) Any person landing groundfish must retain on board the vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(d) Declaration Reporting Requirements.

(1) Declaration Reports for Vessels Registered to Limited Entry Permits. The operator of any vessel registered to a limited entry permit must provide NMFS OLE with a declaration report, as specified at paragraph (d)(5)(iv) of this section, before the vessel leaves port on a trip in which the vessel is used to fish in U.S. ocean waters between 0 and 200 nm offshore of Washington, Oregon, or California.

(2) Declaration Reports for All Vessels Using Non-Groundfish Trawl Gear. The operator of any vessel that is not registered to a limited entry permit and which uses non-groundfish trawl gear to fish in the EEZ (3-200 nm offshore), must provide NMFS OLE with a declaration report, as specified at paragraph (d)(5)(iv) of this section, before the vessel leaves port to fish in the EEZ.

(3) Declaration Reports for Open Access Vessels Using Nontrawl Gear (all types of open access gear other than non-groundfish trawl gear). The operator of any vessel that is not registered to a limited entry permit, must provide NMFS with a declaration report, as specified at paragraph (d)(5)(iv) of this section, before the vessel leaves port on a trip in which the vessel is used to take and retain or possess groundfish in the EEZ or land groundfish taken in the EEZ.

(4) Declaration Reports for Tribal Vessels Using Trawl Gear. The operator of any tribal vessel using trawl gear must provide NMFS with a declaration report, as specified at paragraph (d)(5)(iv) of this section, before the vessel leaves port on a trip in which fishing occurs within the trawl RCA.

(5) Declaration reports.

(i) The operator of a vessel specified in paragraphs (d)(1), (d)(2), and (d)(3) of this section must provide a declaration report to NMFS OLE prior to leaving port on the first trip in which the vessel meets the requirement specified at §660.14(b) to have a VMS.

(ii) The vessel operator must send a new declaration report before leaving port on a trip in which a gear type that is different from the gear type most recently declared for the vessel will be used. A declaration report will be valid until another declaration report revising the existing gear declaration is received by NMFS OLE.

(iii) During the period of time that a vessel has a valid declaration report on file with NMFS OLE, it cannot fish with a gear other than a gear type declared by the vessel.

(iv) Declaration reports will include: the vessel name and/or identification number, and gear type (as defined in paragraph (d)(5)(iv)(A) of this section). Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the declaration requirement was met is the responsibility of the vessel owner or operator. Vessels using nontrawl gear may declare more than one gear type, however, vessels using trawl gear may only declare one of the trawl gear types listed in paragraph (d)(5)(iv)(A) of this section on any trip and may not declare nontrawl gear on the same trip in which trawl gear is declared.

(A) One of the following gear types must be declared:

- (1) Limited entry fixed gear,
- (2) [Reserved]
- (3) Limited entry midwater trawl, non-whiting,
- (4) Limited entry midwater trawl, Pacific whiting shore-based sector,
- (5) Limited entry midwater trawl, Pacific whiting catcher/processor sector,
- (6) Limited entry midwater trawl, Pacific whiting mothership sector,
- (7) Limited entry bottom trawl, not including demersal trawl,
- (8) Limited entry demersal trawl,
- (9) Non-groundfish trawl gear for pink shrimp,
- (10) Non-groundfish trawl gear for ridgeback prawn,
- (11) Non-groundfish trawl gear for California halibut,
- (12) Non-groundfish trawl gear for sea cucumber,
- (13) Open access longline gear for groundfish,
- (14) Open access Pacific halibut longline gear,
- (15) Open access groundfish trap or pot gear,
- (16) Open access Dungeness crab trap or pot gear,

- (17) Open access prawn trap or pot gear,
- (18) Open access sheephead trap or pot gear,
- (19) Open access line gear for groundfish,
- (20) Open access HMS line gear,
- (21) Open access salmon troll gear,
- (22) Open access California Halibut line gear,
- (23) Open access net gear,
- (24) Other gear, or
- (25) Tribal trawl.
- (B) [Reserved]

§660.14 Vessel Monitoring System (VMS) requirements.

(a) What is a VMS? A VMS consists of a NMFS OLE type-approved mobile transceiver unit that automatically determines the vessel's position and transmits it to a NMFS OLE type-approved communications service provider. The communications service provider receives the transmission and relays it to NMFS OLE.

(b) Who is Required to Have VMS? The following vessels are required to install a NMFS OLE type-approved mobile transceiver unit and to arrange for a NMFS OLE type-approved communications service provider to receive and relay transmissions to NMFS OLE prior to fishing:

(1) Any vessel registered for use with a limited entry permit that fishes in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0–200 nm offshore).

(2) Any vessel that uses non-groundfish trawl gear to fish in the EEZ.

(3) Any vessel that uses open access gear to take and retain, or possess groundfish in the EEZ or land groundfish taken in the EEZ.

(c) How are Mobile Transceiver Units and Communications Service Providers Approved by NMFS OLE?

(1) NMFS OLE will publish type-approval specifications for VMS components in the Federal Register or notify the public through other appropriate media.

(2) Mobile transceiver unit manufacturers or communication service providers will submit products or services to NMFS OLE for evaluation based on the published specifications.

(3) NMFS OLE may publish a list of NMFS OLE type-approved mobile transceiver units and communication service providers for the Pacific Coast groundfish fishery in the Federal Register or notify the public through other appropriate media. As necessary, NMFS OLE may publish amendments to the list of type-approved mobile transceiver units and communication service providers in the Federal Register or through other appropriate media. A list of VMS transceivers that have been type-approved by NMFS OLE may be mailed to the permit owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of

record and is not received because the applicant's actual address has changed without notification to NMFS.

(d) What are the Vessel Owner's Responsibilities? If you are a vessel owner that must participate in the VMS program, you or the vessel operator must:

(1) Obtain a NMFS OLE type-approved mobile transceiver unit and have it installed on board your vessel in accordance with the instructions provided by NMFS OLE. You may obtain a copy of the VMS installation and operation instructions from the NMFS OLE Northwest, VMS Program Manager upon request at 7600 Sand Point Way NE., Seattle, WA 98115-6349, phone: (206) 526-6133.

(2) Activate the mobile transceiver unit, submit an activation report at least 72 hours prior to leaving port on a trip in which VMS is required, and receive confirmation from NMFS OLE that the VMS transmissions are being received before participating in a fishery requiring the VMS. Instructions for submitting an activation report may be obtained from the NMFS, Northwest OLE VMS Program Manager upon request at 7600 Sand Point Way NE., Seattle, WA 98115-6349, phone: (206)526-6133. An activation report must again be submitted to NMFS OLE following reinstallation of a mobile transceiver unit or change in service provider before the vessel may be used to fish in a fishery requiring the VMS.

(i) Activation Reports. If you are a vessel owner who must use VMS and you are activating a VMS transceiver unit for the first time or reactivating a VMS transceiver unit following a reinstallation of a mobile transceiver unit or change in service provider, you must fax NMFS OLE an activation report that includes: Vessel name; vessel owner's name, address and telephone number, vessel operator's name, address and telephone number, USCG vessel documentation number/state registration number; if applicable, the groundfish permit number the vessel is registered to; VMS transceiver unit manufacturer; VMS communications service provider; VMS transceiver identification; identifying if the unit is the primary or backup; and a statement signed and dated by the vessel owner confirming compliance with the installation procedures provided by NMFS OLE.

(ii) Transferring Ownership of VMS Unit. Ownership of the VMS transceiver unit may be transferred from one vessel owner to another vessel owner if all of the following documents are provided to NMFS OLE: a new activation report, which identifies that the transceiver unit was previously registered to another vessel; a notarized bill of sale showing proof of ownership of the VMS transceiver unit; documentation from the communications service provider showing proof that the service agreement for the previous vessel was terminated and that a service agreement was established for the new vessel.

(3) Transceiver Unit Operation. Operate and maintain in good working order the mobile transceiver unit continuously 24 hours a day throughout the fishing year, unless such vessel is exempted under paragraph (d)(4) of this section. The mobile transceiver unit must transmit a signal accurately indicating the vessel's position at least once every hour, 24 hours a day, throughout the year unless a valid exemption report, as described in paragraph (b)(4) of this section, has been received by NMFS OLE. Less frequent position reporting at least once every

four hours is authorized when a vessel remains in port for an extended period of time, but the mobile transceiver unit must remain in continuous operation at all times unless the vessel is exempted under this section.

(4) VMS Exemptions. A vessel that is required to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year may be exempted from this requirement if a valid exemption report, as described at paragraph (d)(4)(vii) of this section, is received by NMFS OLE and the vessel is in compliance with all conditions and requirements of the VMS exemption identified in this section and specified in the exemption report.

(i) Haul Out Exemption. When it is anticipated that a vessel will be continuously out of the water for more than 7 consecutive days and a valid exemption report has been received by NMFS OLE, electrical power to the VMS mobile transceiver unit may be removed and transmissions may be discontinued. Under this exemption, VMS transmissions can be discontinued from the time the vessel is removed from the water until the time that the vessel is placed back in the water.

(ii) Outside Areas Exemption. When the vessel will be operating seaward of the EEZ off Washington, Oregon, or California continuously for more than 7 consecutive days and a valid exemption report has been received by NMFS OLE, the VMS mobile transceiver unit transmissions may be reduced or discontinued from the time the vessel leaves the EEZ off the coasts of Washington, Oregon or California until the time that the vessel re-enters the EEZ off the coasts of Washington, Oregon or California. Under this exemption, the vessel owner or operator can request that NMFS OLE reduce or discontinue the VMS transmissions after receipt of an exemption report, if the vessel is equipped with a VMS transceiver unit that NMFS OLE has approved for this exemption.

(iii) Permit Transfer Exemption. If the limited entry permit has been transferred from a vessel (for the purposes of this section, this includes permits placed into “unidentified” status) the vessel may be exempted from VMS requirements providing the vessel is not used to fish in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0–200 nm offshore) for the remainder of the fishing year. If the vessel is used to fish in this area for any species of fish at any time during the remaining portion of the fishing year without being registered to a limited entry permit, the vessel is required to have and use VMS.

(iv) Long-term Departure Exemption. A vessel participating in the open access fishery that is required to have VMS under paragraph (b)(3) of this section may be exempted from VMS provisions after the end of the fishing year in which it fished in the open access fishery, providing the vessel submits a completed exemption report signed by the vessel owner that includes a statement signed by the vessel owner indicating that the vessel will not be used to take and retain or possess groundfish in the EEZ or land groundfish taken in the EEZ during the new fishing year.

(v) Emergency Exemption. Vessels required to have VMS under paragraph (b) of this section may be exempted from VMS provisions in emergency situations that are beyond the

vessel owner's control, including but not limited to: fire, flooding, or extensive physical damage to critical areas of the vessel. A vessel owner may apply for an emergency exemption from the VMS requirements specified in paragraph (b) of this section for his/her vessel by sending a written request to NMFS OLE specifying the following information: The reasons for seeking an exemption, including any supporting documents (e.g., repair invoices, photographs showing damage to the vessel, insurance claim forms, etc.); the time period for which the exemption is requested; and the location of the vessel while the exemption is in effect. NMFS OLE will issue a written determination granting or denying the emergency exemption request. A vessel will not be covered by the emergency exemption until NMFS OLE issues a determination granting the exemption. If an exemption is granted, the duration of the exemption will be specified in the NMFS OLE determination.

(vi) Submission of Exemption Reports. Signed long-term departure exemption reports must be submitted by fax or by emailing an electronic copy of the actual report. In the event of an emergency in which an emergency exemption request will be submitted, initial contact with NMFS OLE must be made by telephone, fax or email within 24 hours from when the incident occurred. Emergency exemption requests must be requested in writing within 72 hours from when the incident occurred. Other exemption reports must be submitted through the VMS or another method that is approved by NMFS OLE and announced in the Federal Register. Submission methods for exemption requests, except long-term departures and emergency exemption requests, may include email, facsimile, or telephone. NMFS OLE will provide, through appropriate media, instructions to the public on submitting exemption reports. Instructions and other information needed to make exemption reports may be mailed to the vessel owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of record for the vessel owner and is not received because the vessel owner's actual address has changed without notification to NMFS. Owners of vessels required to use VMS who do not receive instructions by mail are responsible for contacting NMFS OLE during business hours at least 3 days before the exemption is required to obtain information needed to make exemption reports. NMFS OLE must be contacted during business hours (Monday through Friday between 0800 and 1700 Pacific Time).

(vii) Valid Exemption Reports. For an exemption report to be valid, it must be received by NMFS at least 2 hours and not more than 24 hours before the exempted activities defined at paragraphs (d)(4)(i) through (iv) of this section occur. An exemption report is valid until NMFS receives a report canceling the exemption. An exemption cancellation must be received at least 2 hours before the vessel re-enters the EEZ following an outside areas exemption; at least 2 hours before the vessel is placed back in the water following a haul out exemption; at least 2 hours before the vessel resumes fishing for any species of fish in state or Federal waters off the States of Washington, Oregon, or California after it has received a permit transfer exemption; or at least 2 hours before a vessel resumes fishing in the open access fishery after a long-term departure exemption. If a vessel is required to submit an activation report under paragraph (d)(2)(i) of this section before returning to fish, that report may substitute for the exemption cancellation. Initial

contact must be made with NMFS OLE not more than 24 hours after the time that an emergency situation occurred in which VMS transmissions were disrupted and followed by a written emergency exemption request within 72 hours from when the incident occurred. If the emergency situation upon which an emergency exemption is based is resolved before the exemption expires, an exemption cancellation must be received by NMFS at least 2 hours before the vessel resumes fishing.

(5) When aware that transmission of automatic position reports has been interrupted, or when notified by NMFS OLE that automatic position reports are not being received, contact NMFS OLE at 7600 Sand Point Way NE, Seattle, WA 98115-6349, phone: (206)526-6133 and follow the instructions provided to you. Such instructions may include, but are not limited to, manually communicating to a location designated by NMFS OLE the vessel's position or returning to port until the VMS is operable.

(6) After a fishing trip during which interruption of automatic position reports has occurred, the vessel's owner or operator must replace or repair the mobile transceiver unit prior to the vessel's next fishing trip. Repair or reinstallation of a mobile transceiver unit or installation of a replacement, including change of communications service provider shall be in accordance with the instructions provided by NMFS OLE and require the same certification.

(7) Make the mobile transceiver units available for inspection by NMFS OLE personnel, USCG personnel, state enforcement personnel or any authorized officer.

(8) Ensure that the mobile transceiver unit is not tampered with, disabled, destroyed or operated improperly.

(9) Pay all charges levied by the communication service provider as necessary to ensure continuous operation of the VMS transceiver units.

§660.15 Equipment Requirements.

(a) Applicability. This section contains the equipment and operational requirements for scales used to weigh catch at sea, scales used to weigh catch at IFQ first receivers, computer hardware for electronic fish ticket software and computer hardware for electronic logbook software.

(b) Performance and Technical Requirements for Scales Used to Weigh Catch At Sea.
[Reserved]

(c) Performance and Technical Requirements for Scales Used to Weigh Catch at IFQ First Receivers. [Reserved]

(d) Electronic Fish Tickets. Pacific whiting shoreside first receivers using the electronic fish ticket software provided by Pacific States Marine Fish Commission are required to meet the hardware and software requirements below. Those Pacific whiting shoreside first receivers who have NMFS-approved software compatible with the standards specified by Pacific States Marine Fish Commission for electronic fish tickets are not subject to any specific hardware or software requirements.

(1) Hardware and software requirements.

(i) A personal computer with Pentium 75-MHz or higher. Random Access Memory (RAM) must have sufficient megabyte (MB) space to run the operating system, plus an additional 8 MB for the software application and available hard disk space of 217 MB or greater. A CD-ROM drive with a Video Graphics Adapter(VGA) or higher resolution monitor (super VGA is recommended).

(ii) Microsoft Windows 2000 (64 MB or greater RAM required), Windows XP (128 MB or greater RAM required) or later operating system.

(iii) Microsoft Access 2003 or newer.

(2) NMFS Approved Software Standards and Internet Access. The first receiver is responsible for obtaining, installing and updating electronic fish tickets software either provided by Pacific States Marine Fish Commission, or compatible with the data export specifications specified by Pacific States Marine Fish Commission and for maintaining internet access sufficient to transmit data files via email. Requests for data export specifications can be submitted to: Attn: Frank Lockhart, National Marine Fisheries Service, Northwest Region Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115, or via email to frank.lockhart@noaa.gov.

(3) Maintenance. The Pacific whiting shoreside first receiver is responsible for ensuring that all hardware and software required under this subsection are fully operational and functional whenever the Pacific whiting primary season deliveries are accepted. .

(3) Improving Data Quality. Vessel owners and operators, Pacific whiting shoreside first receivers, or shoreside processor owners, or managers may contact NMFS in writing to request assistance in improving data quality and resolving ~~monitoring~~ issues. Requests may be submitted to: Attn: Frank Lockhart, National Marine Fisheries Service, Northwest Region Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115, or via email to frank.lockhart@noaa.gov.

§660.16 Groundfish Observer Program.

(a) General. Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with observer requirements specified in this section and within §660.116, Subpart D, §660.216, Subpart E, §660.315, Subpart F, or Subpart G.

(b) Purpose. The purpose of the Groundfish Observer Program is to collect fisheries data deemed by the Northwest Regional Administrator, NMFS, to be necessary and appropriate for management, compliance monitoring, and research in the groundfish fisheries and for the conservation of living marine resources and their habitat.

(c) Catcher vessels. For the purposes of observer coverage requirements the term “catcher vessel” includes ~~all of~~ the vessels described in (c)(1) through (3) of this paragraph. The term “catcher vessel” does not include: catcher/processor or mothership vessels, Pacific whiting shoreside vessels that sort catch at sea, or recreational vessels.

(1) Any vessel registered for use with a Pacific Coast groundfish limited entry permit that fishes in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0–200 nm offshore).

(2) Any vessel other than a vessel described in (c)(1) of this paragraph that is used to take and retain, possess, or land groundfish in or from the EEZ.

(3) Any vessel that is required to take a Federal observer by the applicable State law.

(d) Observer coverage requirements. Two types of observers are used to meet the observer coverage requirements in the Pacific Coast groundfish fishery, NMFS-certified observers and NMFS-contracted observers. The type of observer required for each fishery is specified in Subparts D through G. The following table provides references to the regulatory sections with the observer coverage requirements.

<u>West Coast Groundfish Fishery/Program</u>	<u>Regulation subpart and section</u>
Catcher vessels in the Trawl Fishery, and Pacific whiting shoreside vessels that sort catch at sea	Subpart D, 660.116
Mothership processors	Subpart D, 660.116
Catcher/processors	Subpart D, 660.116
Catcher Vessels in the Fixed Gear Fisheries	Subpart E, 660.216
Catcher Vessels in the Open Access Fisheries	Subpart F, 660.316
Recreational Fisheries	Subpart G, 660.366

(e) NMFS-certified Observer Certification and Observer Responsibilities.

(1) Observer Certification.

(i) Applicability. Observer certification authorizes an individual to fulfill duties as specified in writing by the NMFS Observer Program Office while under the employ of a NMFS-permitted observer provider and according to certification endorsements as designated under paragraph (d)(1)(v) of this section.

(ii) Certification Requirements. NMFS will certify individuals who:

(A) Are employed by an observer provider company permitted pursuant to 50 CFR 679.50 at the time of the issuance of the certification;

(B) Have provided, through their observer provider:

(1) Information identified by NMFS at 50 CFR 679.50(i)(2) (x)(A)(1)(iii) and (iv); and

(2) Information identified by NMFS at 50 CFR 679.50(i)(2)(x)(C) regarding the observer candidate's health and physical fitness for the job;

(C) Meet all education and health standards as specified in 50 CFR 679.50(i)(2)(i)(A) and (1)(2)(x)(C), respectively; and

(D) Have successfully completed NMFS-approved training as prescribed by the Observer Program.

(1) Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(2) If a candidate fails training, he or she will be notified in writing on or before the last day of training. The notification will indicate: the reasons the candidate failed the training; whether the candidate can retake the training, and under what conditions, or whether, the candidate will not be allowed to retake the training. If a determination is made that the candidate may not pursue further training, notification will be in the form of an IAD denying certification, as specified under paragraph (d)(1)(iv)(A) of this section.

(E) Have not been decertified under paragraph (d)(3) of this section, or pursuant to 50 CFR 679.50.

(2) Agency determinations on observer certification.

(i) Issuance of an Observer Certification. An observer certification will be issued upon determination by the observer certification official (see §660.18, Subpart C) that the candidate has successfully met all requirements for certification as specified in paragraph (f)(1)(iii) of this section.

(ii) Denial of a Certification. The NMFS observer certification official (see §660.18, Subpart C) will issue a written IAD denying observer certification when the observer certification official determines that a candidate has unresolvable deficiencies in meeting the requirements for certification as specified in §660.18, Subpart C. The IAD will identify the reasons certification was denied and what requirements were deficient.

(iii) Appeals. A candidate who receives an IAD that denies his or her certification may appeal pursuant to §660.18, Subpart C. A candidate who appeals the IAD will not be issued an interim observer certification, and will not receive a certification unless the final resolution of that appeal is in the candidate's favor.

(3) Endorsements. The following endorsements must be obtained, in addition to observer certification, in order for an observer to deploy.

(i) Certification Training Endorsement. A certification training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing certification training once more.

(ii) Annual General Endorsements. Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as

specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(iii) Deployment Endorsements. Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to their certification prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified in writing by the Observer Program during the observer's most recent debriefing.

(iv) Pacific Whiting Fishery Endorsements. A Pacific whiting fishery endorsement is required for purposes of performing observer duties aboard vessels that process groundfish at sea in the Pacific whiting fishery. A Pacific whiting fishery endorsement to an observer's certification may be obtained by meeting the following requirements:

(A) Be a prior NMFS-certified observer in the groundfish fisheries off Alaska or the Pacific Coast, unless an individual with this qualification is not available;

(B) Receive an evaluation by NMFS for his or her most recent deployment (if any) that indicated that the observer's performance met Observer Program expectations for that deployment;

(C) Successfully complete a NMFS-approved observer training and/or Pacific whiting briefing as prescribed by the Observer Program; and

(D) Comply with all of the other requirements of this section.

(4) Standards of Observer Conduct.

(i) Standards of Behavior. Observers must avoid any behavior that could adversely affect the confidence of the public in the integrity of the Observer Program or of the government, including but not limited to the following:

(A) Observers must perform their assigned duties as described in the Observer Manual or other written instructions from the Observer Program Office.

(B) Observers must accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Observers must not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or processing facility, an authorized officer, or NMFS.

(D) Observers must refrain from engaging in any illegal actions or any other activities that would reflect negatively on their image as professional scientists, on other observers, or on the Observer Program as a whole. This includes, but is not limited to:

(1) Violating the drug and alcohol policy established by and available from the Observer Program;

(2) Engaging in the use, possession, or distribution of illegal drugs; or

(3) Engaging in physical sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

§660.17 Catch Monitors and Catch Monitor Service Providers. [Reserved]

§660.18 Certification and Decertification Procedures for Observers, Catch Monitors, Catch Monitor Providers and Observer Providers.

(a) Observer Certification Official. The Regional Administrator (or a designee) will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certification pursuant to the regulations at §660.14 (e), Subpart C.

(b) Observer Suspension and Decertification.

(1) Suspension and Decertification Review Official. The Regional Administrator (or a designee) will designate a suspension and decertification review official(s), who will have the authority to review certifications and issue initial administrative determinations of certification suspension and/or decertification.

(2) Causes for Suspension or Decertification. The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

(i) When it is alleged that the observer has committed any acts or omissions of any of the following:

(A) Failed to satisfactorily perform the duties of observers as specified in writing by the NMFS Observer Program; or

(B) Failed to abide by the standards of conduct for observers as prescribed under paragraph (f)(2) of this section.

(ii) Upon conviction of a crime or upon entry of a civil judgment for:

(A) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program;

(B) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(C) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(D) Conflict of interest as specified at §660.18 (d) of this section.

(3) Issuance of Initial Administrative Determination. Upon determination that suspension or decertification is warranted under §660.18(b) of this section the suspension/decertification official will issue a written IAD to the observer and send it via certified mail to the observer's most current address of record as provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. If the IAD issues a suspension of a certification, the terms of the suspension will be specified.

Suspension or decertification is effective immediately as of the date of issuance, unless the suspension/decertification official notes a compelling reason for maintaining certification for a specified period and under specified conditions.

(4) Appeals. A certified observer who receives an IAD that suspends or revokes certification may appeal pursuant to **paragraph (e)(4)(i)** of this section.

(c) Appeals Process.

(1) Decisions. Decisions on appeals of initial administrative decisions denying certification to, or suspending, or decertifying, will be made by the Regional Administrator (or designated official). Appeals decisions shall be in writing and shall state the reasons therefore.

(2) Filing an Appeal of the Determination. An appeal must be filed with the Regional Administrator within 30 days of the initial administrative determination denying, suspending, or revoking the certification.

(3) Content of an Appeal. The appeal must be in writing, and must allege facts or circumstances to show why the certification should be granted, or should not be suspended or revoked, under the criteria in this section.

(4) Decision on an Appeal. Absent good cause for further delay, the Regional Administrator (or designated official) will issue a written decision on the appeal within 45 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department as of the date of the decision.

(d) Limitations on conflict of interest.

(1) Limitations on conflict of interest for observers. Observers:

(i) Must not have a direct financial interest, other than the provision of observer or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(A) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(B) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(C) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(ii) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(iii) May not serve as observer on any vessel or at any shoreside or floating stationary processing facility owned or operated where a person was previously employed.

(iv) May not solicit or accept employment as a crew member or an employee of a vessel, shoreside processor, or stationary floating processor while employed by an observer or catch monitor provider.

(2) Provisions for remuneration of observers or catch monitors under this section do not constitute a conflict of interest.

(3) Limitations on conflict of interest for catch monitors. [Reserved]

(4) Limitations on conflict of interest for catch monitors providers. [Reserved]

§660.20 Vessel and Gear Identification.

(a) Vessel Identification.

(1) Display. The operator of a vessel that is over 25 ft (7.6 m) in length and is engaged in commercial fishing for groundfish must display the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck so as to be visible from above. The number must contrast with the background and be in block Arabic numerals at least 18 inches (45.7 cm) high for vessels over 65 ft (19.8 m) long and at least 10 inches (25.4 cm) high for vessels between 25 and 65 ft (7.6 and 19.8 m) in length. The length of a vessel for purposes of this section is the length set forth in USCG records or in state records, if no USCG record exists.

(2) Maintenance of numbers. The operator of a vessel engaged in commercial fishing for groundfish must keep the identifying markings required by paragraph (1) of this section clearly legible and in good repair, and must ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

(3) Commercial passenger vessels. This section does not apply to vessels carrying fishing parties on a per-capita basis or by charter.

(b) Gear Identification. Gear identification requirements specific to fisheries using fixed gear (limited entry and open access) and are described at §660.XXX, Subpart E and §660.XXX, Subpart F.

§660.24 Limited Entry and Open Access Fisheries.

(a) General. All commercial fishing for groundfish must be conducted in accordance with the regulations governing limited entry and open access fisheries, except such fishing by treaty Indian tribes as may be separately provided for.

(b) [Reserved]

§660.25 Permits.

(a) General. Each of the permits or licenses in this section have different conditions or privileges as part of the permit or license. The permits or licenses in this section confer a conditional privilege of participating in the Pacific coast groundfish fishery, in accordance with Federal regulations in 50 CFR part 660, Subparts C through G.

(b) Limited Entry Permit.

(1) Eligibility and Registration.

(i) General. In order for a vessel to be used to fish in the limited entry fishery, the vessel owner must hold a limited entry permit and, through SFD, must register that vessel for use with a limited entry permit. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel, except that the MS permit does not have a gear endorsement. There are three types of gear endorsements: trawl, longline, and pot (or trap). All limited entry permits, except the MS permit, have size endorsements; a vessel registered for use with a limited entry permit must comply with the vessel size requirements of this subpart. A sablefish endorsement is also required for a vessel to be used to fish in the primary season for the limited entry fixed gear sablefish fishery, north of 36° N. lat. (see XXXX primary season description.XXXXX). Certain limited entry permits will also have endorsements to participate in a specific fishery, such as the MS/CV endorsement and the C/P endorsement.

(A) Until the trawl rationalization program is implemented, a catcher vessel participating in either the Pacific whiting shore-based or mothership sector must, in addition to being registered for use with a limited entry permit, be registered for use with a sector-appropriate Pacific whiting vessel license under §660.26, Subpart C. A vessel participating in the Pacific whiting catcher/processor sector must, in addition to being registered for use with a limited entry permit, be registered for use with a sector-appropriate Pacific whiting vessel license under §660.26, Subpart C. Although a mothership vessel participating in the Pacific whiting mothership sector is not required to be registered for use with a limited entry permit, such vessel must be registered for use with a sector-appropriate Pacific whiting vessel license under §660.26, Subpart C.

(B) [Reserved]

(ii) Eligibility. Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12113 (a) may be issued or may hold a limited entry permit.

(iii) Registration. Limited entry permits will normally be registered for use with a particular vessel at the time the permit is issued, renewed, transferred, or replaced. If the permit will be used with a vessel other than the one registered on the permit, the permit owner must register that permit for use with the new vessel through the SFD. The reissued permit must be placed on board the new vessel in order for the vessel to be used to fish in the limited entry fishery.

(A) For all limited entry permits except for MS permits, MS/CV endorsed permits and C/P endorsed permits, registration of a limited entry permit to be used with a new vessel will take effect no earlier than the first day of the next major limited entry cumulative limit period following the date SFD receives the transfer form and the original permit.

(B) For MS permits, MS/CV endorsed permits and C/P endorsed permits when they are fishing in the at-sea whiting fisheries, registration of a limited entry permit to be used with a new vessel will take effect on the date NMFS approves and issuance of the transferred permit.

(iv) Limited Entry Permits Indivisible. Limited entry permits may not be divided for use by more than one vessel.

(v) Initial Administrative Determination. SFD will make an IAD regarding permit endorsements, renewal, replacement, and change in vessel registration. SFD will notify the permit owner in writing with an explanation of any determination to deny a permit endorsement, renewal, replacement, or change in vessel registration. The SFD will decline to act on an application for permit endorsement, renewal, transfer, replacement, or registration of a limited entry permit if the permit is subject to sanction provisions of the Magnuson-Stevens Act at 16 U.S.C. 1858 (a) and implementing regulations at 15 CFR part 904, subpart D, apply.

(2) Mothership (MS) Permit. The MS permit conveys a conditional privilege to the owner of a vessel registered to it, or as appropriate, the charter of a bareboat, to fish in the MS fishery and to receive and process deliveries of groundfish. A MS permit is a type of limited entry permit. A MS permit does not have any endorsements affixed to the permit, as listed in paragraph (b)(3). The provisions for the MS permit, including eligibility, renewal, change of permit ownership, vessel registration, fees, and appeals are described at §660.150, subpart D.

(3) Endorsements.

(i) “A” endorsement. A limited entry permit with an “A” endorsement entitles the vessel registered to the permit to fish in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See §660.25(b)(3)(iv), Subpart C for provisions on sablefish endorsement requirements. An “A” endorsement is transferable with the limited entry permit to another person, or to a different vessel under the same ownership under §660.25(b), Subpart C. An “A” endorsement expires on failure to renew the limited entry permit to which it is affixed. A MS permit does not have a gear endorsement and is not considered a limited entry “A” endorsed permit.

(ii) Gear Endorsement. There are three types of gear endorsements: trawl, longline and pot (trap). When limited entry “A” endorsed permits were first issued, some vessel owners qualified for more than one type of gear endorsement based on the landings history of their vessels. Each limited entry “A” endorsed permit has one or more gear endorsement(s). Gear endorsement(s) assigned to the permit at the time of issuance will be permanent and shall not be modified. While participating in the limited entry fishery, the vessel registered to the limited entry “A” endorsed permit is authorized to fish the gear(s) endorsed on the permit. While participating in the limited entry, primary fixed gear fishery for sablefish described at §660.231, Subpart E, a vessel registered to more than one limited entry permit is authorized to fish with any gear, except trawl gear, endorsed on at least one of the permits registered for use with that vessel. During the limited entry fishery, permit holders may also fish with open access gear, except that vessels fishing against primary sablefish season cumulative limits described at §660.231, Subpart E, may not fish with open access gear against those limits.

(iii) Vessel Size Endorsements.

(A) General. Each limited entry “A” endorsed permit will be endorsed with the LOA for the size of the vessel that initially qualified for the permit, except:

(1) If the permit is registered for use with a trawl vessel, that does not also have an MS/CV or C/P endorsement, that is more than 5 ft (1.52 m) shorter than the size for which the permit is endorsed, it will be endorsed for the size of the smaller vessel. This requirement does not apply to a permit with a MS/CV endorsement or C/P endorsement. This requirement does not apply to a permit with a sablefish endorsement that is endorsed for both trawl and either longline or pot gear and which is registered for use with a longline or pot gear vessel for purposes of participating in the limited entry primary fixed gear sablefish fishery described at §660.231, Subpart E.

(2) When permits are combined into one permit to be registered for use with a vessel requiring a larger size endorsement, the new permit will be endorsed for the size that results from the combination of the permits as described in paragraph (b)(3)(iii) of this section.

(B) Limitations of size endorsements.

(1) A limited entry permit endorsed only for gear other than trawl gear may be registered for use with a vessel up to 5 ft (1.52 m) longer than, the same length as, or any length shorter than, the size endorsed on the existing permit without requiring a combination of permits under paragraph XXX of this section or a change in the size endorsement under paragraph (b)(3)(iii) of this section.

(2) A limited entry permit endorsed for trawl gear, that does not also have an MS/CV or C/P endorsement, may be registered for use with a vessel between 5 ft (1.52 m) shorter and 5 ft (1.52 m) longer than the size endorsed on the existing permit without requiring a combination of permits under paragraph XXX of this section or a change in the size endorsement under paragraph (b)(3)(iii) of this section.

(3) A limited entry permit endorsed for trawl gear, that also has an MS/CV or C/P endorsement, be registered for use with a vessel up to 5 ft (1.52 m) longer than, the same length as, or any length shorter than, the size endorsed on the existing permit without requiring a combination of permits under paragraph XXX of this section or a change in the size endorsement under paragraph (b)(3)(iii) of this section.

(4) The vessel harvest capacity rating for each of the permits being combined is that indicated in Table 2 of this part for the LOA (in feet) endorsed on the respective limited entry permit. Harvest capacity ratings for fractions of a foot in vessel length will be determined by multiplying the fraction of a foot in vessel length by the difference in the two ratings assigned to the nearest integers of vessel length. The length rating for the combined permit is that indicated for the sum of the vessel harvest capacity ratings for each permit being combined. If that sum falls between the sums for two adjacent lengths on Table 2 of this part, the length rating shall be the higher length.

(C) Size endorsement requirements for sablefish-endorsed permits. Notwithstanding paragraphs (A) and (B) of this section, when multiple permits are “stacked” on a vessel, as described in §660.335(c), at least one of the permits must meet the size requirements of those

sections. The permit that meets the size requirements of those sections is considered the vessel's "base" permit, as defined in §660.11, Subpart C. If more than one permit registered for use with the vessel has an appropriate length endorsement for that vessel, NMFS SFD will designate a base permit by selecting the permit that has been registered to the vessel for the longest time. If the permit owner objects to NMFS's selection of the base permit, the permit owner may send a letter to NMFS SFD requesting the change and the reasons for the request. If the permit requested to be changed to the base permit is appropriate for the length of the vessel as provided for in paragraph (b)(4) of this section, NMFS SFD will reissue the permit with the new base permit. Any additional permits that are stacked for use with a vessel participating in the limited entry primary fixed gear sablefish fishery may be registered for use with a vessel even if the vessel is more than 5 ft (1.5 m) longer or shorter than the size endorsed on the permit.

(iv) Sablefish Endorsement and Tier Assignment.

(A) General. Participation in the limited entry fixed gear sablefish fishery during the primary season described in §660.372 north of 36° N. lat., requires that an owner of a vessel hold (by ownership or lease) a limited entry permit, registered for use with that vessel, with a longline or trap (or pot) endorsement and a sablefish endorsement. Up to three permits with sablefish endorsements may be registered for use with a single vessel. Limited entry permits with sablefish endorsements are assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit.

(1) A sablefish endorsement with a tier assignment will be affixed to the permit and will remain valid when the permit is transferred.

(2) A sablefish endorsement and its associated tier assignment are not separable from the limited entry permit, and therefore may not be transferred separately from the limited entry permit.

(B) Issuance process for sablefish endorsements and tier assignments. No new applications for sablefish endorsements will be accepted after November 30, 1998. All tier assignments and subsequent appeals processes were completed by September 1998.

(C) Ownership requirements and limitations.

(1) No partnership or corporation may own a limited entry permit with a sablefish endorsement unless that partnership or corporation owned a limited entry permit with a sablefish endorsement on November 1, 2000. Otherwise, only individual human persons may own limited entry permits with sablefish endorsements.

(2) No individual person, partnership, or corporation in combination may have ownership interest in or hold more than 3 permits with sablefish endorsements either simultaneously or cumulatively over the primary season, except for an individual person, or partnerships or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000. The exemption from the maximum ownership level of 3 permits only applies to ownership of the particular permits that were owned on November 1, 2000. An individual person, or partnerships or corporations that had ownership interest in 3 or more permits with sablefish endorsements as of November 1, 2000, may not acquire additional permits

beyond those particular permits owned on November 1, 2000. If, at some future time, an individual person, partnership, or corporation that owned more than 3 permits as of November 1, 2000, sells or otherwise permanently transfers (not holding through a lease arrangement) some of its originally owned permits, such that they then own fewer than 3 permits, they may then acquire additional permits, but may not have ownership interest in or hold more than 3 permits.

(3) A partnership or corporation will lose the exemptions provided in paragraphs (d)(4)(5) and (ii) of this section on the effective date of any change in the corporation or partnership from that which existed on November 1, 2000. A “change” in the partnership or corporation is defined at §660.11, Subpart C. A change in the partnership or corporation must be reported to SFD within 15 calendar days of the addition of a new shareholder or partner.

(4) Any partnership or corporation with any ownership interest in or that holds a limited entry permit with a sablefish endorsement shall document the extent of that ownership interest or the individuals that hold the permit with the SFD via the Identification of Ownership Interest Form sent to the permit owner through the annual permit renewal process and whenever a change in permit owner, permit holder, and/or vessel registration occurs as defined at §660.25(b)(4), Subpart C. SFD will not renew a sablefish-endorsed limited entry permit through the annual renewal process described at §660.25(b)(4), Subpart C, or approve a change in permit owner, permit holder, and/or vessel registration unless the Identification of Ownership Interest Form has been completed. Further, if SFD discovers through review of the Identification of Ownership Interest Form that an individual person, partnership, or corporation owns or holds more than 3 permits and is not authorized to do so under paragraph (d)(4)(ii) of this section, the individual person, partnership or corporation will be notified and the permits owned or held by that individual person, partnership, or corporation will be void and reissued with the vessel status as “unidentified” until the permit owner owns and/or holds a quantity of permits appropriate to the restrictions and requirements described in paragraph (d)(4)(ii) of this section. If SFD discovers through review of the Identification of Ownership Interest Form that a partnership or corporation has had a change in membership since November 1, 2000, as described in paragraph (d)(4)(iii) of this section, the partnership or corporation will be notified, SFD will void any existing permits, and reissue any permits owned and/or held by that partnership or corporation in “unidentified” status with respect to vessel registration until the partnership or corporation is able to transfer those permits to persons authorized under this section to own sablefish-endorsed limited entry permits.

(5) A person, partnership, or corporation that is exempt from the owner-on-board requirement may sell all of their permits, buy another sablefish-endorsed permit within up to a year from the date the last permit was approved for transfer, and retain their exemption from the owner-on-board requirements. An individual person, partnership or corporation could only obtain a permit if it has not added or changed individuals since November 1, 2000, excluding individuals that have left the partnership or corporation or that have died.

(D) Sablefish at-sea processing prohibition and exemption. Vessels are prohibited from processing sablefish at sea that were caught in the primary sablefish fishery without sablefish at-

sea processing exemptions. The sablefish at-sea processing exemption has been issued to a particular vessel and that permit and vessel owner who requested the exemption. The exemption is not part of the limited entry permit. The exemption is not transferable to any other vessel, vessel owner, or permit owner for any reason. The sablefish at-sea processing exemption will expire upon transfer of the vessel to a new owner or if the vessel is totally lost, as defined at §660.11, Subpart C.

(v) MS/CV endorsement. A MS/CV endorsement on a trawl limited entry permit conveys a conditional privilege that allows a vessel registered to it to fish in either the coop or non-coop fishery in the Mothership Coop Program described at §660.150, Subpart D. The provisions for the MS/CV endorsed limited entry permit, including eligibility, renewal, change of permit ownership, vessel registration, combinations, accumulation limits, fees, and appeals are described at §660.150, subpart D.

(vi) C/P endorsement. A C/P endorsement on a trawl limited entry permit conveys a conditional privilege that allows a vessel registered to it to fish in the C/P Coop Program described at §660.160, Subpart D. The provisions for the C/P endorsed limited entry permit, including eligibility, renewal, change of permit ownership, vessel registration, combinations, fees, and appeals are described at §660.160, subpart D.

(vii) Endorsement and exemption restrictions. “A” endorsements, gear endorsements, sablefish endorsements and sablefish tier assignments, MS/CV endorsements, and C/P endorsements may not be transferred separately from the limited entry permit. Sablefish at-sea processing exemptions are associated with the vessel and not with the limited entry permit and may not be transferred at all.

(4) Limited entry permit actions- renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.

(i) Renewal of limited entry permits and gear endorsements.

(A) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to remain in force the following year.

(B) Notification to renew limited entry permits will be issued by SFD prior to September 15 each year to the permit owner’s most recent address record. The permit owner shall provide SFD with notice of any address change within 15 days of the change.

(C) Limited entry permit renewal requests received in SFD between November 30 and December 31 will be effective on the date that the renewal is approved. A limited entry permit that is allowed to expire will not be renewed unless the permit owner requests reissuance by March 31 of the following year and the SFD determines that failure to renew was proximately caused by illness, injury, or death of the permit owner.

(D) Limited entry permits with sablefish endorsements, as described at §660.25(b)(3)(iv), will not be renewed until SFD has received complete documentation of permit ownership as required under §660.25(b)(3)(iv)(C)(4).

(ii) Combining Limited Entry “A” Permits. Two or more limited entry permits with “A” gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement as described in paragraph §660.334(c)(2)(iii).

(A) Sablefish-endorsed Permit. With respect to limited entry permits endorsed for longline and pot (trap) gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with the largest cumulative landings limit of the permits being combined.

(B) MS/CV Endorsed Permit. When a MS/CV endorsed permit is combined with another non-C/P endorsed permit (including unendorsed permits), the resulting permit will be MS/CV endorsed. If a MS/CV endorsed permit is combined with a C/P endorsed permit, the MS/CV endorsement and catch history assignment will not be reissued on the combined permit.

(C) C/P Endorsed Permit. A C/P endorsed permit that is combined with a limited entry trawl permit that is not C/P endorsed will result in a single C/P endorsed permit with a larger size endorsement. A MS/CV endorsement on one of the permits being combined will not be reissued on the resulting permit.

(iii) Stacking limited entry permits. “Stacking” limited entry permits, as defined at §660.11, Subpart C, refers to the practice of registering more than one sablefish endorsed permit for use with a single vessel. Only limited entry permits with sablefish endorsements may be stacked. Up to 3 limited entry permits with sablefish endorsements may be registered for use with a single vessel during the primary sablefish season described at §660.231, Subpart E. Privileges, responsibilities, and restrictions associated with stacking permits to fish in the primary sablefish fishery are described at §660.231, Subpart E and at §660.25(b)(3)(iv), Subpart C.

(iv) Changes in permit ownership and permit holder.

(A) General. The permit owner may convey the limited entry permit to a different person. The new permit owner will not be authorized to use the permit until the change in permit ownership has been registered with and approved by the SFD. The SFD will not approve a change in permit ownership for limited entry permits with sablefish endorsements that does not meet the ownership requirements for those permits described at §660.334 (d)(4). The SFD will not approve a change in permit ownership for limited entry permits during the application and initial issuance process for QS described at §660.140(d)(8), for a MS/CV endorsement §660.150(g)(6), and for a C/P endorsement described at §660.160(d)(7). Change in permit owner and/or permit holder applications must be submitted to SFD with the appropriate documentation described at §660.335(g).

(B) Effective date. The change in ownership of the permit or change in the permit holder will be effective on the day the change is approved by SFD, unless there is a concurrent change in the vessel registered to the permit. Requirements for changing the vessel registered to the permit are described at paragraph (e) of this section.

(C) Sablefish-endorsed permits. If a permit owner submits an application to transfer a sablefish-endorsed limited entry permit to a new permit owner or holder (transferee) during the primary sablefish season described at §660.231, Subpart E (generally April 1 through October 31), the initial permit owner (transferor) must certify on the application form the cumulative quantity, in round weight, of primary season sablefish landed against that permit as of the application signature date for the then current primary season. The transferee must sign the application form acknowledging the amount of landings to date given by the transferor. This certified amount should match the total amount of primary season sablefish landings reported on state landing receipts. As required at §660.12(c), Subpart C, any person landing sablefish must retain on board the vessel from which sablefish is landed, and provide to an authorized officer upon request, copies of any and all reports of sablefish landings from the primary season containing all data, and in the exact manner, required by the applicable state law throughout the primary sablefish season during which a landing occurred and for 15 days thereafter.

(v) Changes in vessel registration- transfer of limited entry permits and gear endorsements.

(A) General. A permit may not be used with any vessel other than the vessel registered to that permit. For purposes of this section, a permit transfer occurs when, through SFD, a permit owner registers a limited entry permit for use with a new vessel. Permit transfer applications must be submitted to SFD with the appropriate documentation described at §660.335(g). Upon receipt of a complete application, and following review and approval of the application, the SFD will reissue the permit registered to the new vessel. Applications to transfer limited entry permits with sablefish endorsements, as described at §660.334(d), will not be approved until SFD has received complete documentation of permit ownership as required under §660.334(d)(4)(iv).

(B) Application. A complete application must be submitted to SFD in order for SFD to review and approve a change in vessel registration. At a minimum, a permit owner seeking to transfer a limited entry permit shall submit to SFD a signed application form and his/her current limited entry permit before the first day of the cumulative limit period in which they wish to fish. If a permit owner provides a signed application and current limited entry permit after the first day of a cumulative limit period, the permit will not be effective until the succeeding cumulative limit period. SFD will not approve a change in vessel registration (transfer) until it receives a complete application, the existing permit, a current copy of the USCG 1270, and other required documentation.

(C) Effective date. Changes in vessel registration on permits will take effect no sooner than the first day of the next major limited entry cumulative limit period following the date that SFD receives the signed permit transfer form and the original limited entry permit. No transfer is effective until the limited entry permit has been reissued as registered with the new vessel.

(D) Sablefish-endorsed permits. If a permit owner submits an application to register a sablefish-endorsed limited entry permit to a new vessel during the primary sablefish season described at §660.231, Subpart E (generally April 1 through October 31), the initial permit owner (transferor) must certify on the application form the cumulative quantity, in round weight,

of primary season sablefish landed against that permit as of the application signature date for the then current primary season. The new permit owner or holder (transferee) associated with the new vessel must sign the application form acknowledging the amount of landings to date given by the transferor. This certified amount should match the total amount of primary season sablefish landings reported on state landing receipts. As required at §660.12(c), Subpart C, any person landing sablefish must retain on board the vessel from which sablefish is landed, and provide to an authorized officer upon request, copies of any and all reports of sablefish landings from the primary season containing all data, and in the exact manner, required by the applicable state law throughout the primary sablefish season during which a landing occurred and for 15 days thereafter.

(vi) Restriction on frequency of transfers.

(A) General. A permit owner may designate the vessel registration for a permit as “unidentified,” meaning that no vessel has been identified as registered for use with that permit. No vessel is authorized to use a permit with the vessel registration designated as “unidentified.” A vessel owner who removes a permit from his vessel and registers that permit as “unidentified” is not exempt from VMS requirements at §660.14, Subpart C unless specifically authorized by that section. When a permit owner requests that the permit's vessel registration be designated as “unidentified,” the transaction is not considered a “transfer” for purposes of this section. Any subsequent request by a permit owner to change from the “unidentified” status of the permit in order to register the permit with a specific vessel will be considered a change in vessel registration (transfer) and subject to the restriction on frequency and timing of changes in vessel registration (transfer).

(B) Limited entry fixed gear and trawl-endorsed permits (without MS/CV or C/P endorsements). Limited entry fixed gear and trawl-endorsed permits (without MS/CV or C/P endorsements) permits may not be registered for use with a different vessel (transfer) more than once per calendar year, except in cases of death of a permit holder or if the permitted vessel is totally lost as defined in §660.11, Subpart C. The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of the ownership interest in the entity dies.

(C) Limited Entry MS permits and Limited Entry Permits with MS/CV or C/P Endorsements. Limited entry MS permits and limited entry permits with MS/CV or C/P endorsements may be registered to another vessel up to two times during the fishing season as long as the second transfer is back to the original vessel. The original vessel is either the vessel registered to the permit as of January 1, or if no vessel is registered to the permit as of January 1, the original vessel is the first vessel to which the permit is registered after January 1. After the original vessel has been established, the first transfer would be to another vessel, but any second transfer must be back to the original vessel.

(vii) Application and supplemental documentation. Permit holders may request a transfer (change in vessel registration) and/or change in permit ownership or permit holder by submitting a complete application form. In addition, a permit owner applying for renewal, replacement,

transfer, or change of ownership or change of permit holder of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. The owner of a permit endorsed for longline or trap (or pot) gear applying for a tier assignment under §660.334(d) has the burden to submit evidence to prove that certain qualification requirements are met. The following evidentiary standards apply:

(A) For a request to change a vessel registration and/or change in permit ownership or permit holder, the permit owner must provide SFD with a current copy of the USCG Form 1270 for vessels of 5 net tons or greater, or a current copy of a state registration form for vessels under 5 net tons.

(B) For a request to change a vessel registration and/or change in permit ownership or permit holder for sablefish-endorsed permits with a tier assignment for which a corporation or partnership is listed as permit owner and/or holder, an Identification of Ownership Interest Form must be completed and included with the application form.

(C) For a request to change the vessel registration to a permit, the permit holder must submit to SFD a current marine survey conducted by a certified marine surveyor in accordance with USCG regulations to authenticate the length overall of the vessel being newly registered with the permit. Marine surveys older than 3 years at the time of the request for change in vessel registration will not be considered “current” marine surveys for purposes of this requirement.

(D) For a request to change a permit's ownership where the current permit owner is a corporation, partnership or other business entity, the applicant must provide to SFD a corporate resolution that authorizes the conveyance of the permit to a new owner and which authorizes the individual applicant to request the conveyance on behalf of the corporation, partnership, other business entity.

(E) For a request to change a permit's ownership that is necessitated by the death of the permit owner(s), the individual(s) requesting conveyance of the permit to a new owner must provide SFD with a death certificate of the permit owner(s) and appropriate legal documentation that either: specifically transfers the permit to a designated individual(s); or, provides legal authority to the transferor to convey the permit ownership.

(F) For a request to change a permit's ownership that is necessitated by divorce, the individual requesting the change in permit ownership must submit an executed divorce decree that awards the permit to a designated individual(s).

(G) Such other relevant, credible documentation as the applicant may submit, or the SFD or Regional Administrator may request or acquire, may also be considered.

(viii) Application forms available. Application forms for the change in vessel registration (transfer) and change of permit ownership or permit holder of limited entry permits are available from the SFD (see part 600 for address of the Regional Administrator). Contents of the application, and required supporting documentation, are specified in the application form.

(ix) Records maintenance. The SFD will maintain records of all limited entry permits that have been issued, renewed, transferred, registered, or replaced.

(5) Small fleet.

(i) Small limited entry fisheries fleets that are controlled by a local government, are in existence as of July 11, 1991, and have negligible impacts on the groundfish resource, may be certified as consistent with the goals and objectives of the limited entry program and incorporated into the limited entry fishery. Permits issued under this subsection will be issued in accordance with the standards and procedures set out in the PCGFMP and will carry the rights explained therein.

(ii) A permit issued under this section may be registered only to another vessel that will continue to operate in the same certified small fleet, provided that the total number of vessels in the fleet does not increase. A vessel may not use a small fleet limited entry permit for participation in the limited entry fishery outside of authorized activities of the small fleet for which that permit and vessel have been designated.

(c) Quota Share (QS) Permit. A QS permit conveys a conditional privilege to a person to control quota share for designated species and species groups and to fish in the shoreside IFQ Program described §660.140, Subpart D. A QS permit is not a limited entry permit. The provisions for the QS permit, including eligibility, renewal, change of permit ownership, accumulation limits, fees, and appeals are described at §660.140, subpart D.

(d) First Receiver Site License. The first receiver site license conveys a conditional privilege to a first receiver to receive, purchase, or take custody, control or possession of landings from the Shorebased IFQ Program. The first receiver site license is issued for a person and a unique physical site consistent with the terms and conditions required to account and weigh the landed species. A first receiver site license is not a limited entry permit. The provisions for the First Receiver Site License, including eligibility, registration, change of ownership, fees, and appeals are described at §660.140, subpart D.

(e) Coop Permits. [Reserved]

(1) MS coop permit. [Reserved]

(2) C/P coop permit. [Reserved]

(f) Permit Fees. The Regional Administrator is authorized to charge fees to cover administrative expenses related to issuance of permits including initial issuance, renewal, transfer, vessel registration, replacement, and appeals. The appropriate fee must accompany each application.

(g) Permit Appeals Process.

(1) General. For permit actions, including issuance, renewal, change in vessel registration, change in permit owner or permit holder, and endorsement upgrade, the Assistant Regional Administrator for Sustainable Fisheries will make an initial administrative determination (IAD) on the action. In cases where the applicant disagrees with the IAD, the applicant may appeal that decision. Final decisions on appeals of IADs regarding issuance, renewal, change in vessel registration, change in permit owner or permit holder, and endorsement upgrade, will be made in writing by the Regional Administrator acting on behalf of the Secretary of Commerce and will state the reasons therefore. This section describes the procedures for appealing the IAD on permit actions made in this title under subpart C through G

of part 660. Additional information regarding appeals of an IAD related to the trawl rationalization program is contained in the specific program sections under Subpart D of part 660.

(2) Who May Appeal? Only a person who received an IAD that disapproved any part of their application may file a written appeal. For purposes of this section, such person will be referred to as the “applicant.”

(3) Submission of Appeals.

(i) The appeal must be in writing, must allege credible facts or circumstances to show why the criteria in this subpart have been met, and must include any relevant information or documentation to support the appeal.

(ii) Appeals must be mailed or faxed to: National Marine Fisheries Service, Northwest Region, Sustainable Fisheries Division, ATTN: Appeals, 7600 Sand Point Way NE, Seattle, WA, 98115; Fax: 206-526-6426; or delivered to National Marine Fisheries Service at the same address.

(4) Timing of Appeals.

(i) If an applicant appeals an IAD, the appeal must be postmarked, faxed, or hand delivered to NMFS no later than 30 calendar days after the date on the IAD. If the applicant does not appeal the IAD within 30 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(ii) The time period to submit an appeal begins with the date on the IAD. If the last day of the time period is a Saturday, Sunday, or Federal holiday, the time period will extend to the close of business on the next business day.

(5) Address of Record. For purposes of the appeals process, NMFS will establish as the address of record, the address used by the applicant in initial correspondence to NMFS. Notifications of all actions affecting the applicant after establishing an address of record will be mailed to that address, unless the applicant provides NMFS, in writing, with any changes to that address. NMFS bears no responsibility if a notification is sent to the address of record and is not received because the applicant's actual address has changed without notification to NMFS.

(6) Decisions on Appeals.

(i) For the appeal of an IAD related to the application and initial issuance process for the trawl rationalization program listed in subpart D of part 660, the RA shall appoint an appeals officer. After determining there is sufficient information and that all procedural requirements have been met, the appeals officer will review the record and issue a recommendation on the appeal to the RA, which shall be advisory only. The recommendation must be based solely on the record. Upon receiving the findings and recommendation, the RA shall issue a final decision on the appeal in accordance with **paragraph (g)(6)(ii).**

(ii) Final decision on appeal. The RA will issue a written decision on the appeal which is the final decision of the Secretary of Commerce.

(7) Status of Permits Pending Appeal.

(i) For all permits actions, except those actions related to the application and initial issuance process for the trawl rationalization program listed in subpart D of part 660, the permit registration remains as it was prior to the request until the final decision has been made.

(ii) For permit actions related to the application and initial issuance process for the trawl rationalization program listed in subpart D of part 660, the status of permits pending appeal is as follows:

(A) For permit and endorsement qualifications and eligibility appeals (i.e., QS permit, Mothership permit, MS/CV endorsement, C/P endorsement) and not QS amounts or Pacific whiting catch history assignment amounts, any permit or endorsement under appeal after December 31, 2010, may not fish in the Pacific Coast groundfish fishery until a final decision on the appeal has been made. If the permit or endorsement will be issued, the permit or endorsement will be effective upon approval, except for QS permits, which will be effective at the start of the next fishing year.

(B) For a QS amount for specific IFQ management unit species under appeal after December 31, 2010, the QS amount for the IFQ species under appeal will remain as that previously assigned to the associated QS permit before the appeals process (i.e., at the time of the IAD). The QS permit may be used to fish in the Pacific Coast groundfish fishery with the QS amounts assigned to the QS permit before the appeal. Once a final decision on the appeal has been made and if a revised QS amount for a specific IFQ species will be assigned to the QS permit, the QS amount associated with the QS permit will be effective at the start of the next calendar year.

(C) For a Pacific whiting catch history assignment associated with a MS/CV endorsement under appeal after December 31, 2010, the catch history assignment will remain as that previously assigned to the associated MS/CV endorsed limited entry permit before the appeals process (i.e. at the time of the IAD). The MS/CV endorsed limited entry permit may be used to fish in the Pacific Coast groundfish fishery with the catch history assigned to the MS/CV endorsed permit before the appeal. Once a final decision on the appeal has been made and if a revised catch history assignment will be issued, the Pacific whiting catch history assignment associated with the MS/CV endorsement will be effective at the start of the next calendar year.

(h) Permit Sanctions.

(1) All permits and licenses issued or applied for under Subparts C through G are subject to sanctions pursuant to the Magnuson Act at 16 U.S.C. 1858(g) and 15 CFR part 904, subpart D.

(2) All shorebased IFQ fishery permits (QS permit, first receiver site license), QS accounts, vessel accounts, and Coop fishery permits (MS permit, MS/CV endorsed permit, C/P endorsed permit, coop permit) issued under Subpart D:

(i) are considered permits for the purposes of 16 U.S.C. 1857, 1858, and 1859;

(ii) may be revoked, limited, or modified at any time in accordance with the Magnuson Act, including revocation if the system is found to have jeopardized the sustainability of the stocks or the safety of fishermen;

(iii) shall not confer any right of compensation to the holder of such permits, licenses, and accounts if it is revoked, limited, or modified;

(iv) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(v) shall be considered a grant of permission to the holder of the permit, license, or account to engage in activities permitted by such permit, license, or account.

§660.26 Pacific Whiting Vessel Licenses.

(a) General. After May 11, 2009, participation in the Pacific whiting seasons described in §660.131 (b), Subpart D requires:

(1) An owner of any vessel that catches Pacific whiting must own a limited entry permit, registered for use with that vessel, with a trawl gear endorsement; and, a Pacific whiting vessel license registered for use with that vessel and appropriate to the sector or sectors in which the vessel intends to fish;

(2) An owner of any mothership vessel that processes Pacific whiting to hold a Pacific whiting vessel license registered for use with that vessel and appropriate to the sector or sectors in which the vessel intends to fish.

(b) In combination with a Limited Entry Permit. Pacific whiting vessel licenses are separate from limited entry permits and do not license a vessel to harvest Pacific whiting in the primary Pacific whiting season unless that vessel is also registered for use with a limited entry permit with a trawl gear endorsement.

(c) Pacific Whiting Vessel License Qualifying Criteria.

(1) Qualifying Catch and/or Processing History. Vessel catch and/or processing history will be used to determine whether that vessel meets the qualifying criteria for a Pacific whiting vessel license and to determine the sectors for which that vessel may qualify. Vessel catch and/or processing history includes only the catch and/or processed product of that particular vessel, as identified in association with the vessel's USCG number. Only Pacific whiting regulated by this subpart that was taken with midwater (or pelagic) trawl gear will be considered for the Pacific whiting vessel license. Pacific whiting harvested or processed by a vessel that has since been totally lost, scrapped, or is rebuilt such that a new U.S.C.G. documentation number would be required will not be considered for this license. Pacific whiting harvested or processed illegally or landed illegally will not be considered for this license. Catch and/or processing history associated with a vessel whose permit was purchased by the Federal Government through the Pacific Coast groundfish fishing capacity reduction program, as identified at 68 FR 62435 (November 4, 2003), does not qualify a vessel for a Pacific whiting vessel license and no vessel owner may apply for or receive a Pacific whiting vessel license based on catch and/or processing history from one of those buyback vessels. The following sector-specific license qualification criteria apply:

(i) For catcher/processor vessels, the qualifying criteria for a Pacific whiting vessel license is evidence of having caught and processed any amount of Pacific whiting during a primary catcher/processor season during the period January 1, 1997 through January 1, 2007.

(ii) For mothership at-sea processing vessels, the qualifying criteria for a Pacific whiting vessel license is documentation of having received and processed any amount of Pacific whiting during a primary mothership season during the period January 1, 1997 through January 1, 2007.

(iii) For catcher vessels delivering Pacific whiting to at-sea mothership processing vessels, the qualifying criteria for a Pacific whiting vessel license is documentation of having delivered any amount of Pacific whiting to a mothership processor during a primary mothership season during the period January 1, 1997, through January 1, 2007.

(iv) For catcher vessels delivering Pacific whiting to Pacific whiting shoreside first receivers, the qualifying criteria for a Pacific whiting vessel license is documentation of having made at least one landing of Pacific whiting taken with midwater trawl gear during a primary shore-based season during the period January 1, 1994, through January 1, 2007, and where the weight of Pacific whiting exceeded 50 percent of the total weight of the landing.

(2) Documentation and Burden of Proof. A vessel owner applying for a Pacific whiting vessel license has the burden to submit documentation that qualification requirements are met. An application that does not include documentation of meeting the qualification requirements during the qualifying years will be considered incomplete and will not be reviewed. The following standards apply:

(i) A certified copy of the current vessel document (USCG or State) is the best documentation of vessel ownership and LOA.

(ii) A certified copy of a State fish receiving ticket is the best documentation of a landing at a Pacific whiting shoreside first receiver, and of the type of gear used.

(iii) For participants in the at-sea Pacific whiting fisheries, documentation of participation could include, but is not limited to: a final observer report documenting a particular catcher vessel, mothership, or catcher/processor's participation in the Pacific whiting fishery in an applicable year and during the applicable primary season, a bill of lading for Pacific whiting from an applicable year and during the applicable primary season, a catcher vessel receipt from a particular mothership known to have fished in the Pacific whiting fishery during an applicable year, a signed copy of a Daily Receipt of Fish and Cumulative Production Logbook (mothership sector) or Daily Fishing and Cumulative Production Logbook (catcher/processor sector) from an applicable year during the applicable primary season.

(iv) Such other relevant, credible documentation as the applicant may submit, or the SFD or the Regional Administrator request or acquire, may also be considered.

(d) Issuance Process for Pacific Whiting Vessel Licenses.

(1) SFD will mail, to the most recent address provided to the SFD, Permits Office, a Pacific whiting vessel license application to all current and prior owners of vessels that have been registered for use with limited entry permits with trawl endorsements, excluding owners of those vessels whose permits were purchased through the Pacific Coast groundfish fishing

capacity reduction program. NMFS will also make license applications available online at: <http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Permits/index.cfm> . A vessel owner who believes that his/her vessel may qualify for the Pacific whiting vessel license will have until May 11, 2009, to submit an application with documentation showing how his/her vessel has met the qualifying criteria described in this section. NMFS will not accept applications for Pacific whiting vessel licenses received after May 11, 2009.

(2) After receipt of a complete application, NMFS will notify applicants by letter of its determination whether their vessels qualify for Pacific whiting vessel licenses and the sector or sectors to which the licenses apply. Vessels that have met the qualification criteria will be issued the appropriate licenses at that time. After May 11, 2009, NMFS will publish a list of vessels that qualified for Pacific whiting vessel licenses in the Federal Register.

(3) If a vessel owner files an appeal from the determination under paragraph (a)(2) of this section the appeal must be filed with the Regional Administrator within 30 calendar days of the issuance of the letter of determination. The appeal must be in writing and must allege facts or circumstances, and include credible documentation demonstrating why the vessel qualifies for a Pacific whiting vessel license. The appeal of a denial of an application for a Pacific whiting vessel license will not be referred to the Council for a recommendation, nor will any appeals be accepted by NMFS after June 15, 2009.

(4) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 calendar days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

(e) Notification to NMFS of Changes to Pacific Whiting Vessel License Information. The owner of a vessel registered for use with a Pacific whiting vessel license must provide a written request to NMFS to change the name or names of vessel owners provided on the vessel license, or to change the licensed vessel's name. The request must detail the names of all new vessel owners as registered with U.S. Coast Guard, a business address for the vessel owner, business phone and fax number, tax identification number, date of birth, and/or date of incorporation for each individual and/or entity, and a copy of the vessel documentation (USCG 1270) to show proof of ownership. NMFS will reissue a new vessel license with the names of the new vessel owners and/or vessel name information. The Pacific Whiting vessel license is considered void if the name of the vessel or vessel owner is changed from that given on the license. In addition, the vessel owner must report to NMFS any change in address for the vessel owner within 15 days of that change. Although the name of an individual vessel registered for use with a Pacific whiting vessel license may be changed, the license itself may not be registered to any vessel other than the vessel to which it was originally issued, as identified by that vessel's United States Coast Guard documentation number.

§660.30 Compensation With Fish for Collecting Resource Information – EFPs.

In addition to the reasons stated in §600.745(b)(1) of this chapter, an EFP may be issued under this subpart C for the purpose of compensating the owner or operator of a vessel for collecting resource information according to a protocol approved by NMFS. NMFS may issue an EFP allowing a vessel to retain fish as compensation in excess of trip limits or to be exempt from other specified management measures for the Pacific coast groundfish fishery.

(a) Compensation EFP for Vessels Under Contract with NMFS to Conduct a Resource Survey. NMFS may issue an EFP to the owner or operator of a vessel that conducted a resource survey according to a contract with NMFS. A vessel's total compensation from all sources (in terms of dollars or amount of fish, including fish from survey samples or compensation fish) will be determined through normal Federal procurement procedures. The compensation EFP will specify the maximum amount or value of fish the vessel may take and retain after the resource survey is completed.

(1) Competitive Offers. NMFS may initiate a competitive solicitation (request for proposals or RFP) to select vessels to conduct resource surveys that use fish as full or partial compensation, following normal Federal procurement procedures.

(2) Consultation and approval. At a Council meeting, NMFS will consult with the Council and receive public comment on upcoming resource surveys to be conducted if groundfish could be used as whole or partial compensation. Generally, compensation fish would be similar to surveyed species, but there may be reasons to provide payment with healthier, more abundant, less restricted stocks, or more easily targeted species. For example, NMFS may decline to pay a vessel with species that are, or are expected to be, overfished, or that are subject to overfishing, or that are unavoidably caught with species that are overfished or subject to overfishing. NMFS may also consider levels of discards, bycatch, and other factors. If the Council does not approve providing whole or partial compensation for the conduct of a survey, NMFS will not use fish, other than fish taken during the scientific research, as compensation for that survey. For each proposal, NMFS will present:

- (i) The maximum number of vessels expected or needed to conduct the survey,
- (ii) An estimate of the species and amount of fish likely to be needed as compensation,
- (iii) When the survey and compensation fish would be taken, and
- (iv) The year in which the compensation fish would be deducted from the ABC before determining the optimum yield (harvest guideline or quota).

(3) Issuance of the Compensation EFP. Upon successful completion of the survey, NMFS will issue a “compensation EFP” to the vessel if it has not been fully compensated. The procedures in §600.745(b)(1) through (b)(4) of this chapter do not apply to a compensation EFP issued under this subpart for the Pacific coast groundfish fishery (50 CFR part 660, subpart C).

(4) Terms and Conditions of the Compensation EFP. Conditions for disposition of bycatch or any excess catch, for reporting the value of the amount landed, and other appropriate terms and conditions may be specified in the EFP. Compensation fishing must occur during the period specified in the EFP, but no later than the end of September of the fishing year following the survey, and must be conducted according to the terms and conditions of the EFP.

(5) Reporting the Compensation Catch. The compensation EFP may require the vessel owner or operator to keep separate records of compensation fishing and to submit them to NMFS within a specified period of time after the compensation fishing is completed.

(6) Accounting for the Compensation Catch. As part of the harvest specifications process (§600.60), NMFS will advise the Council of the amount of fish authorized to be retained under a compensation EFP, which then will be deducted from the next harvest specifications (ABCs) set by the Council. Fish authorized in an EFP too late in the year to be deducted from the following year's ABCs will be accounted for in the next management cycle where it is practicable to do so.

(b) Compensation for commercial vessels collecting resource information under a standard EFP. NMFS may issue an EFP to allow a commercial fishing vessel to take and retain fish in excess of current management limits for the purpose of collecting resource information (§600.745(b) of this chapter). The EFP may include a compensation clause that allows the participating vessel to be compensated with fish for its efforts to collect resource information according to NMFS' approved protocol. If compensation with fish is requested in an EFP application, or proposed by NMFS, the following provisions apply in addition to those at §600.745(b) of this chapter.

(1) Application. In addition to the requirements in §600.745(b) of this chapter, application for an EFP with a compensation clause must clearly state whether a vessel's participation is contingent upon compensation with groundfish and, if so, the minimum amount (in metric tons, round weight) and the species. As with other EFPs issued under §600.745 of this chapter, the application may be submitted by any individual, including a state fishery management agency or other research institution.

(2) Denial. In addition to the reasons stated in §600.745(b)(3)(iii) of this chapter, the application will be denied if the requested compensation fishery, species, or amount is unacceptable for reasons such as, but not limited to, the following: NMFS concludes the value of the resource information is not commensurate with the value of the compensation fish; the proposed compensation involves species that are (or are expected to be) overfished or subject to overfishing, fishing in times or areas where fishing is otherwise prohibited or severely restricted, or fishing for species that would involve unavoidable bycatch of species that are overfished or subject to overfishing; or NMFS concludes the information can reasonably be obtained at a less cost to the resource.

(3) Window Period for Other Applications. If the Regional Administrator or designee agrees that compensation should be considered, and that more than a minor amount would be used as compensation, then a window period will be announced in the Federal Register during which additional participants will have an opportunity to apply. This notification would be made at the same time as announcement of receipt of the application and request for comments required under §600.745(b). If there are more qualified applicants than needed for a particular time and area, NMFS will choose among the qualified vessels, either randomly, in order of receipt of the completed application, or by other impartial selection methods. If the permit applicant is a state, university, or Federal entity other than NMFS, and NMFS approves the

selection method, the permit applicant may choose among the qualified vessels, either randomly, in order of receipt of the vessel application, or by other impartial selection methods.

(4) Terms and Conditions. The EFP will specify the amounts that may be taken as scientific samples and as compensation, the time period during which the compensation fishing must occur, management measures that NMFS will waive for a vessel fishing under the EFP, and other terms and conditions appropriate to the fishery and the collection of resource information. NMFS may require compensation fishing to occur on the same trip that the resource information is collected.

(5) Accounting for the Catch. Samples taken under this EFP, as well as any compensation fish, count toward the current year's catch or landings.

§660.40 Overfished species rebuilding plans. For each overfished groundfish stock with an approved rebuilding plan, this section contains the standards to be used to establish annual or biennial OYs, specifically the target date for rebuilding the stock to its MSY level and the harvest control rule to be used to rebuild the stock. The harvest control rule is expressed as a "Spawning Potential Ratio" or "SPR" harvest rate.

(a) Bocaccio. The target year for rebuilding the southern bocaccio stock to B_{MSY} is 2026. The harvest control rule to be used to rebuild the southern bocaccio stock is an annual SPR harvest rate of 77.7 percent.

(b) Canary Rockfish. The target year for rebuilding the canary rockfish stock to B_{MSY} is 2021. The harvest control rule to be used to rebuild the canary rockfish stock is an annual SPR harvest rate of 88.7 percent.

(c) Cowcod. The target year for rebuilding the cowcod stock south of Point Conception to B_{MSY} is 2072. The harvest control rule to be used to rebuild the cowcod stock is an annual SPR harvest rate of 82.1 percent.

(d) Darkblotched Rockfish. The target year for rebuilding the darkblotched rockfish stock to B_{MSY} is 2028. The harvest control rule to be used to rebuild the darkblotched rockfish stock is an annual SPR harvest rate of 62.1 percent.

(e) Pacific Ocean Perch (POP). The target year for rebuilding the POP stock to B_{MSY} is 2017. The harvest control rule to be used to rebuild the POP stock is an annual SPR harvest rate of 86.4 percent.

(f) Widow Rockfish. The target year for rebuilding the widow rockfish stock to B_{MSY} is 2015. The harvest control rule to be used to rebuild the widow rockfish stock is an annual SPR harvest rate of 95.0 percent.

(g) Yelloweye Rockfish. The target year for rebuilding the yelloweye rockfish stock to B_{MSY} is 2084. The harvest control rule to be used to rebuild the yelloweye rockfish stock is an annual SPR harvest rate of 66.3 percent in 2009 and in 2010. Yelloweye rockfish is subject to a ramp-down strategy where the harvest level has been reduced annually from 2007 through 2009. Yelloweye rockfish will remain at the 2009 level in 2010. Beginning in 2011, yelloweye rockfish

will be subject to a constant harvest rate strategy with a constant SPR harvest rate of 71.9 percent.

§660.50 Pacific Coast Treaty Indian Fisheries.

(a) Pacific Coast treaty Indian tribes Have Treaty Rights. Pacific Coast treaty Indian tribes have treaty rights to harvest groundfish in their usual and accustomed fishing areas in U.S. waters. In 1994, the United States formally recognized that the four Washington coastal treaty Indian tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for groundfish in the Pacific Ocean, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish that pass through the tribes U&A fishing areas.

(b) Pacific Coast Treaty Indian Tribes. For the purposes of this part, Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

(c) Usual And Accustomed Fishing Areas (U&A). The Pacific Coast treaty Indian tribes' U&A fishing areas within the fishery management area (FMA) are set out below in paragraphs (c)(1) through (c)(4) of this section. Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(1) Makah. That portion of the FMA north of 48°02.25' N. lat. (Norwegian Memorial) and east of 125°44' W. long.

(2) Quileute. That portion of the FMA between 48°07.60' N. lat. (Sand Point) and 47°31.70' N. lat. (Queets River) and east of 125°44' W. long.

(3) Hoh. That portion of the FMA between 47°54.30' N. lat. (Quillayute River) and 47°21' N. lat. (Quinault River) and east of 125°44' W. long.

(4) Quinault. That portion of the FMA between 47°40.10' N. lat. (Destruction Island) and 46°53.30' N. lat. (Point Chehalis) and east of 125°44' W. long.

(d) Procedures. The rights referred to in paragraph (a) of this section will be implemented by the Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation or set-aside of fish that will be managed by the tribes, or through regulations in this section that will apply specifically to the tribal fisheries.

(1) Tribal Allocations, Set-asides, and Regulations. An allocation, set-aside or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the Regional Administrator, prior to the first Council meeting in which biennial harvest specifications and management measures are discussed for an upcoming biennial management period. The Secretary generally will announce the annual tribal allocations at the same time as the announcement of the harvest specifications.

(2) Co-management. The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

(e) Fishing by a Member of a Pacific Coast Treaty Indian Tribe. A member of a Pacific Coast treaty Indian tribe fishing under this section and within their U&A fishing area **is not subject to the provisions of other sections of this subpart**.

(1) Identification. A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is prima facie evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(2) Permits. A limited entry permit under **§660.25**, Subpart C is not required for a member of a Pacific Coast treaty Indian tribe to fish in a tribal fishery described in **paragraph (d)** of this section.

(3) Federal and Tribal Laws and Regulations. Any member of a Pacific Coast treaty Indian tribe must comply with this section, and with any applicable tribal law and regulation, when participating in a tribal groundfish fishery described in this section.

(4) Fishing Outside the U&A or Without a Groundfish Allocation. Fishing by a member of a Pacific Coast treaty Indian tribe outside the applicable Indian tribe's usual and accustomed fishing area, or for a species of groundfish not covered by an allocation, set-aside, or regulation under this section, is subject to the regulations in the other sections of Subpart C through Subpart G. Treaty fisheries operating within tribal allocations are prohibited from operating outside U&A fishing areas.

(f) Pacific Coast Treaty Indian Fisheries Allocations and Harvest Guidelines. The tribal harvest guideline for black rockfish is provided in paragraph (1) of this section. Tribal fishery allocations for sablefish are provided in **paragraph (2)** and Pacific whiting are provided in **paragraph (X)** of this section. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

(1) Black rockfish.

(i) Harvest guidelines for commercial harvests of black rockfish by members of the Pacific Coast Indian tribes using hook and line gear will be established biennially for two subsequent one-year periods for the areas between the U.S.-Canadian border and Cape Alava (48°09.50' N. lat.) and between Destruction Island (47°40' N. lat.) and Leadbetter Point (46°38.17' N. lat.), in accordance with the procedures for implementing harvest specifications and management measures. Pacific Coast treaty Indians fishing for black rockfish in these areas under these harvest guidelines are subject to the provisions in this section, and not to the restrictions in other **sections of this part**.

(ii) For the commercial harvest of black rockfish off Washington State, a treaty Indian tribes' harvest guideline is set at 20,000 lb (9,072 kg) for the area north of Cape Alava, WA (48°09.50' N. lat.) and 10,000 lb (4,536 kg) for the area between Destruction Island, WA (47°40' N. lat.) and Leadbetter Point, WA (46°38.17' N. lat.). This harvest guideline applies and is available to the Pacific Coast treaty Indian tribes. There are no tribal harvest restrictions for black rockfish in the area between Cape Alava and Destruction Island.

(2) Sablefish.

(i) The sablefish allocation to Pacific coast treaty Indian tribes is 10 percent of the sablefish total catch OY for the area north of 36° N. lat. This allocation represents the total amount available to the treaty Indian fisheries before deductions for discard mortality.

(ii) The tribal allocation is 694 mt per year. This allocation is, for each year, 10 percent of the Monterey through Vancouver area (North of 36° N. lat.) OY, less 1.6 percent estimated discard mortality.

(3) Lingcod. Lingcod taken in the treaty fisheries are subject to an overall expected total lingcod catch of 250 mt.

(4) Pacific whiting. The tribal set-aside for 2009 is 50,000 mt, with 42,000 to be managed by the Makah Tribe and 8,000 mt to be managed by the Quileute Tribe.

Comment [blr1]: New language to be published soon.

(5) Pacific cod. There is a tribal harvest guideline of 400 mt of Pacific cod. The tribes will manage their fisheries to stay within this harvest guideline.

(g) Washington coastal tribal fisheries management measures.

(1) Rockfish. The tribes will require full retention of all overfished rockfish species and all other marketable rockfish species during treaty fisheries.

(2) Thornyheads. The tribes will manage their fisheries to the limited entry trip limits in place at the beginning on the year for both shortspine and longspine thornyheads as follows:

(i) Trawl gear.

(A) Shortspine thornyhead cumulative trip limits are as follows:

(1) Small and large footrope trawl gear-17,000-lb (7,711-kg) per 2 months.

(2) Selective flatfish trawl gear- 3,000-lb (1,361-kg) per 2 months.

(3) Multiple bottom trawl gear- 3,000-lb (1,361-kg) per 2 months.

(B) Longspine thornyhead cumulative trip limits are as follows:

(1) Small and large footrope trawl gear- 22,000-lb (9,979-kg) per 2 months.

(2) Selective flatfish trawl gear-5,000-lb (2,268-kg) per 2 months.

(3) Multiple bottom trawl gear-5,000-lb (2,268-kg) per 2 months.

(ii) Fixed gear.

(A) Shortspine thornyhead cumulative trip limits are 2,000-lb (907-kg) per 2 months.

(B) Longspine thornyhead cumulative trip limits are 10,000-lb (4,536-kg) per 2 months.

(3) Canary rockfish - are subject to a 300-lb (136-kg) trip limit.

(4) Yelloweye rockfish - are subject to a 100-lb (45-kg) trip limit.

(5) Yellowtail and Widow Rockfish. The Makah Tribe will manage the midwater trawl fisheries as follows: yellowtail rockfish taken in the directed tribal mid-water trawl fisheries are subject to a cumulative limit of 180,000-lb (81,647 kg) per 2 month period for the entire fleet. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by the tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish, provided the average 2-month cumulative yellowtail rockfish limit does not exceed 180,000-lb (81,647 kg) for the fleet.

(6) Other Rockfish. Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300-lb (136-kg) trip limit per species or species group, or

to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300-lb (136 kg) per trip.

(7) Flatfish and Other Fish. Treaty fishing vessels using bottom trawl gear are subject to the limits applicable to the non-tribal limited entry trawl fishery for Dover sole, English sole, rex sole, arrowtooth flounder, and other flatfish in place at the beginning of the season. For Dover sole and arrowtooth flounder, the limited entry trip limits in place at the beginning of the season will be combined across periods and the fleet to create a cumulative harvest target. The limits available to individual vessels will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species. For petrale sole, treaty fishing vessels are restricted to a 50,000-lb (22,680 kg) per 2 month limit for the entire year. Trawl vessels are restricted to using small footrope trawl gear.

(8) Pacific whiting. Tribal whiting processed at-sea by a non-tribal vessels, must be transferred within the tribal U&A from a member of a Pacific Coast treaty Indian tribe fishing under § 660.324 or 660.385.

(9) Spiny dogfish. The tribes will manage their spiny dogfish fishery within the limited entry trip limits for the non-tribal fisheries.

(10) Groundfish without a tribal allocation. Makah tribal members may use midwater trawl gear to take and retain groundfish for which there is no tribal allocation and will be subject to the trip landing and frequency and size limits applicable to the limited entry fishery.

(11) EFH. Measures implemented to minimize adverse impacts to groundfish EFH, as described in §660.12, Subpart C of this subpart do not apply to tribal fisheries in their U&A fishing areas.

§660.55 Allocations.

(a) General. An allocation is the apportionment of a harvest privilege for a specific purpose, to a particular person, group of persons, or fishery sector. The opportunity to harvest Pacific Coast groundfish is allocated among participants in the fishery when the OYs for a given year are established in the biennial harvest specifications. For certain species, primarily trawl-dominant species, separate allocations for the trawl fishery and nontrawl fishery (which for this purpose includes limited entry fixed gear, open access, and recreational fisheries) will be established biennially or annually using the procedures described in Chapter 11 of the PCGFMP. Chapter 11 of the PCGFMP provides the allocation structure and percentages for species allocated between the trawl and nontrawl fisheries. For most species and/or areas, separate allocations for the limited entry and open access fisheries will be established using the procedures described in Chapter 11 of the PCGFMP and this subpart. Allocation of sablefish north of 36° N. lat. is described in paragraph (h) of this section and in the PCGFMP. Allocation of Pacific whiting is described in paragraph (i) of this section and in the PCGFMP. Allocation of black rockfish is described in paragraph (l) of this section. Allocation of Pacific halibut bycatch is described in paragraph (m) of this section. Allocations not described in the PCGFMP are

specified in regulation through the biennial harvest specifications and are listed in **Tables 1 a through c and Tables 2 a through c** of this subpart.

(b) Fishery Harvest Guidelines and Reductions Made Prior to Fishery Allocations. Prior to the setting of fishery allocations, the OY is reduced by the Pacific Coast treaty Indian tribal harvest (allocations, set-asides, and estimated harvest under regulations at §660.50); projected scientific research catch of all groundfish species, estimates of fishing mortality in non-groundfish fisheries and, as necessary, set-asides for EFPs specified at §660.30. The remaining amount after these deductions is the fishery harvest guideline or quota. (note: recreational estimates are not deducted here).

(1) Pacific Coast treaty Indian tribal allocations, set-asides, and regulations are specified during the biennial harvest specifications process and are found at **§660.50 and in Tables 1a and 2a** of this subpart.

(2) Scientific research catch results from scientific research activity as defined in regulations at 50 CFR 600.10.

(3) Estimates of fishing mortality in non-groundfish fisheries are based on historical catch and projected fishing activities.

(4) EFPs specified at §660.30 is for the compensation with fish for collecting resource information.

(c) Trawl/Nontrawl Allocations. The fishery harvest guideline or quota, may be divided into allocations for groundfish trawl and nontrawl (limited entry fixed gear, open access, and recreational) fisheries. Species/species groups and areas allocated between the trawl and nontrawl fisheries are defined in Chapter 11, Table 11-1 of the PCGFMP and are as follows:

Allocation percentages for limited entry trawl and non-trawl sectors specified for FMP groundfish stocks and stock complexes

<u>Stock or Complex</u>	<u>All Non-Treaty LE Trawl Sectors</u>	<u>All Non-Treaty Non-Trawl Sectors</u>
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Lingcod	45%	55%
Pacific Cod	95%	5%
Sablefish S. of 36° N lat.	42%	58%
PACIFIC OCEAN PERCH	95%	5%
WIDOW	91%	9%
Chilipepper S. of 40°10' N lat.	75%	25%
Splitnose S. of 40°10' N lat.	95%	5%
Yellowtail N. of 40°10' N lat.	88%	12%
Shortspine N. of 34°27' N lat.	95%	5%
Shortspine S. of 34°27' N lat.	50 mt	Remaining Yield
Longspine N. of 34°27' N lat.	95%	5%
DARKBLOTCHED	95%	5%
Minor Slope RF North of 40°10' N lat.	81%	18%
Minor Slope RF South of 40°10' N lat.	63%	37%
Dover Sole	95%	5%
English Sole	95%	5%
Petrale Sole	95%	5%
Arrowtooth Flounder	95%	5%
Starry Flounder	50%	50%
Other Flatfish	90%	10%

(i) Trawl Fishery Allocation. The allocation for the limited entry trawl fishery is derived by applying the trawl allocation percentage by species/species group and area as specified in the Table 11-1 of the PCGFMP and in the introductory language of [paragraph \(c\)](#) of this section to the fishery harvest guideline for that species/species group and area. The trawl allocation will be further divided as specified in [§660.XXX](#), Subpart D.

(ii) Nontrawl Allocation. The allocation for the nontrawl fishery is the species/species group and area harvest guideline minus the allocation of the species/species group and area to the trawl fishery. These amounts will equal the nontrawl allocation percentage or amount by species specified in Chapter 11 of the PCGFMP. [The nontrawl allocation will be further divided between the limited entry fixed gear, open access, and recreational fisheries as specified paragraph \(e\) of this section.](#)

(d) Commercial harvest guidelines for remaining groundfish species. To derive the commercial harvest guideline, the fishery harvest guideline is further reduced by the estimated recreational set-asides. The commercial harvest guideline is then allocated between the limited entry fishery (both trawl and fixed gear) and the directed open access fishery.

(e) Limited Entry/Open Access Allocations.

(1) If a species is declared overfished, the open access/limited entry allocation may be suspended for the duration of the rebuilding plan. The allocations between the limited entry and open access fisheries are as follows:

Allocation percentages for limited entry and open access

<u>Stock or Complex</u>	<u>LE allocation</u>	<u>OA allocation</u>
Lingcod	81.0%	19.0%
Sablefish N. of 36° N lat.	90.6%	9.4%
WIDOW	97.0%	3.0%
Chilipepper S. of 40°10' N lat.	55.7%	44.3%
Yellowtail N. of 40°10' N lat.	91.7%	8.3%
Shortspine N. of 34°27' N lat.	99.7%	0.27%
Minor Slope RF North of 40°10' N lat.	91.7%	8.3%
Minor Slope RF South of 40°10' N lat.	55.7%	44.3%
CANARY	87.7%	12.3%
BOCACCIO	55.7%	44.3%

(2) Species with limited entry/open access allocations that are not also allocated between trawl and nontrawl sectors. For groundfish species/species groups and areas that are not identified in **paragraph (c)** of this section, the allocation between the limited entry (both trawl and fixed gear) and the open access fisheries is determined by applying the percentage identified in paragraph (e) of this section.

(i) Limited Entry Allocation. The allocation for the limited entry fishery is the commercial harvest guideline minus any allocation to the directed open access fishery.

(ii) Open Access Allocation. The allocation for the open access fishery is derived by applying the open access allocation percentage to the annual commercial harvest guideline or quota plus the non-groundfish fishery (i.e., incidental open access fishery) amount described in paragraph (b). The result is the total open access allocation. The portion that is set-aside for the non-groundfish fisheries is deducted and the remainder is the directed open access portion. For management areas or stocks for which quotas or harvest guidelines for a stock are not fully utilized, no separate allocation will be established for the open access fishery until it is projected that the allowable catch for a species will be reached.

(A) Open Access Allocation Percentage. For each species with a harvest guideline or quota, the initial open access allocation percentage is calculated by:

(1) Computing the total catch for that species during the window period (July 11, 1984 through August 1, 1988) for the limited entry program by any vessel that did not initially receive a limited entry permit.

(2) Dividing that amount by the total catch during the window period by all gear.

(3) The guidelines in this paragraph apply to recalculation of the open access allocation percentage. Any recalculated allocation percentage will be used in calculating the following biennial fishing period's open access allocation.

(B) [Reserved.]

(2) Species with limited entry/open access allocations that are also allocated between trawl and nontrawl sectors. For groundfish species/species groups and areas that are identified in paragraph (c) of this section, the allocation between the limited entry (both trawl and fixed gear) and the open access fisheries is determined as follows:

(A) The allocation for the open access fishery is derived by applying the open access allocation percentage to the annual commercial harvest guideline or quota and the non-groundfish fishery amount described in paragraph (b).

(B) The allocation for the fixed gear limited entry fishery is derived by subtracting the directed open access fishery allocation, and the recreational fishery catch projection from the nontrawl allocation.

(f) Catch Accounting Between the Limited Entry and Open Access Fisheries. Any groundfish caught by a vessel with a limited entry permit will be counted against the limited entry allocation while the limited entry fishery for that vessel's limited entry gear is open. When the fishery for a vessel's limited entry gear has closed, groundfish caught by that vessel with open access gear will be counted against the open access allocation. All groundfish caught by vessels without limited entry permits will be counted against the open access allocation.

(g) Recreational fisheries. Recreational fishing for groundfish is outside the scope of, and not affected by, the regulations governing limited entry and open access fisheries. Certain amounts of groundfish will be set aside for the recreational fishery during the biennial specifications process. These amounts will be estimated prior to dividing the commercial harvest guideline between the limited entry and open access fisheries.

(h) Sablefish Allocations (north of 36° N. lat.)

(1) Tribal-nontribal allocation. The sablefish allocation to Pacific coast treaty Indian tribes identified at §660.50, Subpart C is 10 percent of the sablefish total catch OY for the area north of 36° N. lat. This allocation represents the total amount available to the treaty Indian fisheries before deductions for discard mortality. The annual tribal sablefish allocations are provided in §660.50, Subpart C.

(2) Between the limited entry and open access fisheries. Sablefish is allocated between the limited entry and open access fisheries according to the procedure described in paragraph (c) and in Chapter 11 of the PCGFMP.

(3) Between the limited entry trawl and limited entry fixed gear fisheries. The limited entry sablefish allocation is further allocated 58 percent to the trawl fishery and 42 percent to the limited entry fixed gear (longline and pot/trap) fishery.

(4) Between the limited entry fixed gear primary season and daily trip limit fisheries. Within the limited entry nontrawl sector allocation, 85 percent is reserved for the primary season described in §660.372(b), Subpart E leaving 15 percent for the limited entry daily trip limit fishery described in §660.372(c), Subpart E.

(5) Ratios between tiers for sablefish-endorsed limited entry permits. The Regional Administrator will biennially or annually calculate the size of the cumulative trip limit for each

of the three tiers associated with the sablefish endorsement such that the ratio of limits between the tiers is approximately 1:1.75:3.85 for Tier 3:Tier 2:Tier 1, respectively. The size of the cumulative trip limits will vary depending on the amount of sablefish available for the primary fishery and on estimated discard mortality rates within the fishery. The size of the cumulative trip limits for the three tiers in the primary fishery will be announced in §660.372.

(i) Pacific Whiting Allocation. The allocation structure and percentages for Pacific whiting are described in the PCGFMP.

(1) Annual treaty tribal Pacific whiting allocations are provided in §660.50, Subpart C.

(2) The non-tribal commercial harvest guideline for Pacific whiting is allocated among three sectors, as follows: 34 percent for the catcher/processor sector; 24 percent for the mothership sector; and 42 percent for the Shorebased IFQ Program. Prior to trawl rationalization, no more than 5 percent of the shore-based allocation may be taken and retained south of 42° N. lat. before the start of the primary Pacific whiting season north of 42° N. lat. Specific sector allocations for a given calendar year are found in Tables 1a and 2a of this subpart.

(j) Fishery Set-Asides. Annual set-asides are not formal allocations; they are estimated amounts based on historical catch by a fishery and which are not available to the other fisheries during the fishing year. For the catcher/processor and mothership sectors of the at-sea Pacific whiting fishery, set-asides will be deducted from the limited entry trawl fishery allocation. Set-aside amounts will be specified in Tables 1a and 2a of this subpart and may be adjusted through the biennial harvest specifications and management measures process.

(k) Exempted Fishing Permits. Annual set-asides for EFPs described at 660.60 (f)(2) and issued under regulations at 50 CFR 600.745 for purposes other than the compensation with fish for collecting resource information, will be deducted from the appropriate fishery allocation (trawl, nontrawl limited entry, nontrawl open access, recreational) for which the EFP work is being conducted.

(l) Black Rockfish Harvest Guideline. The commercial tribal harvest guideline for black rockfish off Washington State is specified at §660.XXX, Subpart C.

(m) Pacific Halibut Bycatch Allocation. The Pacific halibut fishery off Washington, Oregon and California (Area 2A in the halibut regulations) is managed under regulations at XXXXXX. The PCGFMP sets a trawl mortality bycatch limit for legal and sublegal halibut at 15 percent of the Area 2A constant exploitation yield (CEY) for legal size halibut, not to exceed 130,000 pounds for the first four years of trawl rationalization and not to exceed 100,000 pounds starting in the fifth year. This total bycatch limit may be adjusted downward or upward through the biennial specifications and management measures process. Part of the overall total catch limit is a set-aside of 10 mt of Pacific halibut, to accommodate bycatch in the at-sea Pacific whiting fishery and in the shoreside trawl fishery south of 40°10' N lat (estimated to be approximately 5 mt each).

§660.60 Specifications and Management Measures.

(a) General. NMFS will establish and adjust specifications and management measures biennially or annually and during the fishing year. Management of the Pacific Coast groundfish fishery will be conducted consistent with the standards and procedures in the PCGFMP and other applicable law. The PCGFMP is available from the Regional Administrator or the Council. Regulations under this subpart may be promulgated, removed, or revised during the fishing year. Any such action will be made according to the framework standards and procedures in the PCGFMP and other applicable law, and will be published in the Federal Register.

(b) Biennial Actions. The Pacific Coast Groundfish fishery is managed on a biennial, calendar year basis. Harvest specifications and management measures will be announced biennially, with the harvest specifications for each species or species group set for two sequential calendar years. In general, management measures are designed to achieve, but not exceed, the specifications, particularly optimum yields (harvest guidelines and quotas), commercial harvest guidelines and quotas, limited entry and open access allocations, or other approved fishery allocations, and to protect overfished and depleted stocks. Management measures will be designed to take into account the co-occurrence ratios of target species with overfished species, and will select measures that will minimize bycatch to the extent practicable.

(c) Routine Management Measures. In addition to the catch restrictions in §§660.371 through 660.373, other catch restrictions that are likely to be adjusted on a biennial or more frequent basis may be imposed and announced by a single notification in the Federal Register if good cause exists under the APA to waive notice and comment, and if they have been designated as routine through the two-meeting process described in the PCGFMP. Routine management measures that may be revised during the fishing year via this process are implemented in paragraph (h) of this section, in Subparts D through G, including Tables 1 and 2 of Subpart D, Tables 1 and 2 of Subpart E, 1 and 2 of Subpart F. Most trip, bag, and size limits, and area closures in the groundfish fishery have been designated “routine,” which means they may be changed rapidly after a single Council meeting. Council meetings are held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the Federal Register pursuant to the requirements of the Administrative Procedure Act (APA). Changes to trip limits are effective at the times stated in the Federal Register. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the Federal Register, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect. The following catch restrictions have been designated as routine:

(1) Commercial Limited Entry and Open Access Fisheries.

(i) Trip landing and frequency limits, size limits, all gear. Trip landing and frequency limits have been designated as routine for the following species or species groups: widow rockfish, canary rockfish, yellowtail rockfish, Pacific ocean perch, yelloweye rockfish, black rockfish, blue rockfish, splitnose rockfish, chilipepper rockfish, bocaccio, cowcod, minor nearshore rockfish or shallow and deeper minor nearshore rockfish, shelf or minor shelf rockfish, and minor slope rockfish; DTS complex which is composed of Dover sole, sablefish, shortspine

thornyheads, and longspine thornyheads; petrale sole, rex sole, arrowtooth flounder, Pacific sanddabs, and the flatfish complex, which is composed of those species plus any other flatfish species listed at §660.11, Subpart C; Pacific whiting; lingcod; Pacific cod; spiny dogfish; and “other fish” as a complex consisting of all groundfish species listed at §660.11, Subpart C and not otherwise listed as a distinct species or species group. Size limits have been designated as routine for sablefish and lingcod. Trip landing and frequency limits and size limits for species with those limits designated as routine may be imposed or adjusted on a biennial or more frequent basis for the purpose of keeping landings within the harvest levels announced by NMFS, and for the other purposes given in paragraphs (c)(1)(i)(A) and (B) of this section.

(A) Trip landing and frequency limits. To extend the fishing season; to minimize disruption of traditional fishing and marketing patterns; to reduce discards; to discourage target fishing while allowing small incidental catches to be landed; to protect overfished species; to allow small fisheries to operate outside the normal season; and, for the open access fishery only, to maintain landings at the historical proportions during the 1984-88 window period.

(B) Size limits. To protect juvenile fish; to extend the fishing season.

(ii) Differential trip landing limits and frequency limits based on gear type, closed seasons, and bycatch limits. Trip landing and frequency limits that differ by gear type and closed seasons may be imposed or adjusted on a biennial or more frequent basis for the purpose of rebuilding and protecting overfished or depleted stocks. To achieve the rebuilding of an overfished or depleted stock, bycatch limits may be established and adjusted to be used to close the primary season for any sector of the Pacific whiting fishery described at §660.373(b), before the sector's Pacific whiting allocation is achieved if the applicable bycatch limit is reached. Bycatch limit amounts are specified at §660.373(b)(4), Subpart D.

(iii) Type of limited entry trawl gear on board. Limits on the type of limited entry trawl gear on board a vessel may be imposed on a biennial or more frequent basis. Requirements and restrictions on limited entry trawl gear type are found at §660.381, Subpart D.

(2) Recreational Fisheries All Gear Types. . Routine management measures for all groundfish species, separately or in any combination, include bag limits, size limits, time/area closures, boat limits, hook limits, and dressing requirements. All routine management measures on recreational fisheries are intended to keep landings within the harvest levels announced by NMFS, to rebuild and protect overfished or depleted species, and to maintain consistency with State regulations, and for the other purposes set forth in this section.

(i) Bag limits. To spread the available catch over a large number of anglers; to protect and rebuild overfished species; to avoid waste.

(ii) Size limits. To protect juvenile fish; to protect and rebuild overfished species; to enhance the quality of the recreational fishing experience.

(iii) Season duration restrictions. To spread the available catch over a large number of anglers; to protect and rebuild overfished species; to avoid waste; to enhance the quality of the recreational fishing experience.

(3) All fisheries, all gear types, depth-based management measures. Depth-based management measures, particularly the setting of closed areas known as Groundfish Conservation Areas, may be implemented in any fishery that takes groundfish directly or incidentally. Depth-based management measures are set using specific boundary lines that approximate depth contours with latitude/longitude waypoints found at §660.70–660.74. Depth-based management measures and the setting of closed areas may be used: to protect and rebuild overfished stocks, to prevent the overfishing of any groundfish species by minimizing the direct or incidental catch of that species, to minimize the incidental harvest of any protected or prohibited species taken in the groundfish fishery, to extend the fishing season; for the commercial fisheries, to minimize disruption of traditional fishing and marketing patterns; for the recreational fisheries, to spread the available catch over a large number of anglers; to discourage target fishing while allowing small incidental catches to be landed; and to allow small fisheries to operate outside the normal season.

(d) Automatic Actions. Automatic management actions may be initiated by the NMFS Regional Administrator without prior public notice, opportunity to comment, or a Council meeting. These actions are nondiscretionary, and the impacts must have been taken into account prior to the action. Unless otherwise stated, a single notice will be published in the Federal Register making the action effective if good cause exists under the APA to waive notice and comment.

(1) Automatic actions are used in the Pacific whiting fishery to:

(i) Close sectors of the fishery or to reinstate trip limits in the shore-based fishery when a whiting harvest guideline, commercial harvest guideline, or a sector's allocation is reached, or is projected to be reached;

(ii) Close all sectors or a single sector of the fishery when a bycatch limit is reached or projected to be reached;

(iii) Reapportion unused Pacific whiting allocation to other sectors of the fishery;

(iv) Reapportion unused bycatch limit species to other sectors of the Pacific whiting fishery.

(v) Implement the Ocean Salmon Conservation Zone, described at §660.373(c)(3), Subpart D, when NMFS projects the Pacific whiting fishery may take in excess of 11,000 Chinook within a calendar year,

(vi) Implement Pacific Whiting Bycatch Reduction Areas, described at §660.373(c)(3) Subpart D, when NMFS projects a sector-specific bycatch limit will be reached before the sector's whiting allocation.

(2) [Reserved]

(e) Prohibited Species. Groundfish species or species groups under the PCGFMP for which quotas have been achieved and/or the fishery closed are prohibited species. In addition, the following are prohibited species:

(1) Any species of salmonid.

(2) Pacific halibut.

(3) Dungeness crab caught seaward of Washington or Oregon.

(f) Exempted Fishing Permits (EFP).

(1) The Regional Administrator may issue EFPs under regulations at §660.30, Subpart C, for compensation with fish for collecting resource information. Such EFPs may include the collecting of scientific samples of groundfish species that would otherwise be prohibited for retention.

(2) The Regional Administrator may also issue EFPs under regulations at 50 CFR part §600.745 for limited testing, public display, data collection, exploratory, health and safety, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited.

(3) U.S. vessels operating under an EFP are subject to restrictions in §§660.301 through §660.394, unless otherwise provided in the permit.

(g) Applicability. Groundfish species harvested in the territorial sea (0–3 nm) will be counted toward the catch limitations in Tables 1a through 2c of this subpart, those specified in Subparts D through G, including Tables 1 and 2 of Subpart D, Tables 1 and 2 of Subpart E, 1 and 2 of Subpart F.

(h) Fishery Restrictions.

(1) Commercial trip limits and recreational bag and boat limits. Commercial trip limits and recreational bag and boat limits defined in Tables 1a through 2c of this subpart, those specified in Subparts D through G, including Tables 1 and 2 of Subpart D, Tables 1 and 2 of Subpart E, 1 and 2 of Subpart F must not be exceeded.

(2) Landing. As stated at 50 CFR §660.11, Subpart C (in the definition of “Landing”), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing and must be reported as such. Transfer of fish at sea is prohibited under §660.12(a)(12), Subpart C, unless a vessel is participating in the primary whiting fishery as part of the mothership or catcher/processor sectors, as described at §660.373(a), Subpart D.

(3) Fishing Ahead. Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. Fishing ahead is not allowed during or before a closed period.

(4) Weights and Percentages. All weights are round weights or round-weight equivalents unless otherwise specified. Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) Size Limits, Length Measurement, and Weight Limits.

(i) Size Limits and Length Measurement. Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the “total length,” which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the

state where the fish will be landed. Washington state regulations require all fish with a size limit landed into Washington to be landed with the head on.

(A) Whole Fish. For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(B) “Headed” Fish. For a fish with the head removed (“headed”), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(C) Filets. A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see Subpart G). A filet is measured along the length of the longest part of the filet in a relaxed position; stretching or otherwise manipulating the filet to increase its length is not permitted.

(ii) Weight Limits and Conversions. The weight limit conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. Weight conversions provided herein are those conversions currently in use by the States of Washington, Oregon and California and may be subject to change by those states. Fishery participants should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor. To determine the round weight, multiply the processed weight times the conversion factor.

(iii) Sablefish. The following conversion applies to both the limited entry and open access fisheries when trip limits are in effect for those fisheries. For headed and gutted (eviscerated) sablefish the weight conversion factor is 1.6 (multiply the headed and gutted weight by 1.6 to determine the round weight).

(iv) Lingcod. The following conversions apply in both limited entry and open access fisheries.

(A) North of 42° N. lat., for lingcod with the head removed, the minimum size limit is 18 inches (46 cm), which corresponds to 22 inches (56 cm) total length for whole fish.

(B) South of 42° N. lat., for lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(C) The weight conversion factor for headed and gutted lingcod is 1.5. The conversion factor for lingcod that has only been gutted with the head on is 1.1.

(6) Sorting. Trawl fishery sorting requirements are specified at §660.130 (c), Subpart D. Limited entry fixed gear fishery sorting requirements are specified at §660.XXX, Subpart E, and Open access fishery sorting requirements are specified at §660.XXX, Subpart F.

(7) Crossover provisions. NMFS uses different types of management areas for West Coast groundfish management. One type of management area is the north-south management area, a large ocean area with northern and southern boundary lines wherein trip limits, seasons,

and conservation areas follow a single theme. Within each north-south management area, there may be one or more conservation areas, detailed in §§660.11, Subpart C and 660.70 through 660.394. The provisions within this paragraph apply to vessels operating in different north-south management areas. Crossover provisions also apply to vessels that fish in both the limited entry and open access fisheries, or that use open access fixed gears to fish for limited entry fixed gear limits. Fishery specific crossover provisions can be found in Subparts D through F.

(a) Operating in north-south management areas with different trip limits. Trip limits for a species or a species group may differ in different north-south management areas along the coast. The following “crossover” provisions apply to vessels operating in different geographical areas that have different cumulative or “per trip” trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see §660.371).

(1) Going from a more restrictive to a more liberal area. If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(2) Going from a more liberal to a more restrictive area. If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(3) Operating in two different areas where a species or species group is managed with different types of trip limits. During the fishing year, NMFS may implement management measures for a species or species group that set different types of trip limits (for example, per trip limits versus cumulative trip limits) for different areas. If a vessel fishes for a species or species group that is managed with different types of trip limits in two different areas within the same cumulative limit period, then that vessel is subject to the most restrictive overall cumulative limit for that species, regardless of where fishing occurs.

(4) Minor rockfish. Several rockfish species are designated with species-specific limits on one side of the 40°10' N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line. A vessel that takes and retains fish from a minor rockfish complex (nearshore, shelf, or slope) on both sides of a management line during a single cumulative limit period is subject to the more restrictive cumulative limit for that minor rockfish complex during that period.

(i) If a vessel takes and retains minor slope rockfish north of 40°10' N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10' N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10' N. lat.

(ii) If a vessel takes and retains minor slope rockfish south of 40°10' N. lat., that vessel is also permitted to take and retain, possess or land POP up to its cumulative limit north of 40°10' N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10' N. lat.

(b) Operating in Both Limited Entry and Open Access Fisheries. Open access trip limits apply to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open access gear, but the open access limit is smaller than the limited entry limit, the open access limit may not be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and uses open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

§660.65 Groundfish Harvest Specifications.

Fishery specifications include ABCs, the designation of OYs (which may be represented by harvest guidelines (HGs) or quotas for species that need individual management,) and the allocation of commercial OYs between the open access and limited entry segments of the fishery. These specifications include fish caught in state ocean waters (0–3 nm offshore) as well as fish caught in the EEZ (3–200 nm offshore). Harvest specifications are provided at [Tables 1a and 1b, and 2a and 2b of this subpart.](#)

10. A new Subpart D is added to read as follows:

Subpart D – West Coast Groundfish – Limited Entry Trawl Fisheries

§660.100 Purpose and Scope.

In addition to the purpose and scope listed at §660.10, subpart C, this subpart covers the Pacific Coast Groundfish limited entry trawl fishery. Under the trawl rationalization program, the limited entry trawl fishery consists of the shorebased IFQ Program, the Mothership Coop Program, and the C/P Coop Program.

§660.111 Trawl Fishery - Definitions.

These definitions are specific to the limited entry trawl fisheries. General groundfish definitions are defined at §660.11, Subpart C.

Catch history assignment means a percentage of the mothership sector allocation of Pacific whiting based on a vessel's catch history and which is specified on the MS/CV endorsed limited entry permit.

Catcher/processor coop means a harvester group that includes all eligible catcher/processor at-sea Pacific whiting endorsed permit owners who voluntarily form a coop and who manage the catcher/processor-specified allocations through private agreements and contracts.

Coop agreement means a private agreement between a group of MS/CV endorsed limited entry permit owners or C/P Pacific whiting endorsed permit owners that contains all information specified at §§660.XXX and 660.XXX, Subpart D.

Coop Member means all permit owners of MS/CV endorsed permits for the Mothership Program or C/P endorsed permits for the C/P Program that are legally obligated to the coop.

Coop permit means the Federal permit required to participate as a Pacific whiting coop in the catcher/processor or mothership sectors.

Designated coop manager means an individual appointed by a permitted coop who is identified in the coop agreement and is responsible for actions described at §660.150 and §660.160.

Individual Fishing Quota (IFQ) means a Federal permit to harvest a quantity of fish, expressed as a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. IFQ is a harvest privilege that may be revoked at any time. IFQ species for the shorebased IFQ fishery are listed at 660.XXX.

IFQ first receivers mean persons who receive, purchase, or take custody, control, or possession of catch onshore directly from a vessel that harvested the catch while fishing under the Shorebased IFQ Program described at §660.140, Subpart D.

IFQ landing means an offload of fish harvested under the Shorebased IFQ Program described at §660.140, Subpart D.

IFQ Program means the Shorebased IFQ Program described at §660.140, Subpart D.

Inter-coop means two or more permitted coops that have submitted an accepted inter-coop agreement to NMFS that specifies a coordinated strategy for harvesting pooled allocations of Pacific whiting and non-whiting groundfish.

Inter-coop agreement means a written agreement between two or more permitted mothership coops and which contains private contractual arrangements for sharing catch and/or bycatch with one another.

Material change means, for the purposes of a coop agreement, a change to any of the components of the coop agreement which was submitted to NMFS during the application process for the coop permit and is further defined at §660.XXX, Subpart D.

Midwater Pacific whiting fishery means a trip in which a vessel registered to a trawl-endorsed limited entry permit uses legal midwater groundfish trawl gear with a valid declaration for limited entry midwater trawl, Pacific whiting IFQ, as specified at §660.13 (d)(5) during the dates that the midwater Pacific whiting season is open.

Mothership coop means a group of MS/CV endorsed limited entry permit owners that are authorized by means of a coop permit to jointly harvest and process from a single coop allocation.

Mutual agreement exception means, for the purpose of §660.XXX, Subpart D, an agreement that allows the owner of a MS/CV endorsed limited entry permit to withdraw the catcher vessel's obligation to a permitted mothership processor, when mutually agreed to with the mothership processor, and to deliver to a different permitted mothership processor.

Pacific halibut set aside means an amount of Pacific halibut annually allocated to a permitted coop or the non-coop fishery and which is based on the allocation of Pacific whiting.

Pacific whiting shoreside or shore-based fishery means Pacific whiting shoreside vessels and Pacific whiting shoreside first receivers.

Pacific whiting shoreside first receivers means persons who receive, purchase, or take custody, control, or possession of Pacific whiting onshore directly from a Pacific whiting shoreside vessel.

Pacific whiting shoreside vessel means any vessel that fishes using midwater trawl gear to take, retain, possess and land 4,000-lb (1,814 kg) or more of Pacific whiting per fishing trip from the Pacific whiting shore-based sector allocation for delivery to a Pacific whiting shoreside first receiver during the primary season.

Processor obligation means an annual requirement for a MS/CV endorsed limited entry permit to assign the amount of catch available from the permit's catch history assignment to a particular MS permit.

Quota pounds (QP) means the round weight of fish that must be used to cover total catch (landings and discards) in the Shorebased IFQ Program. QP are issued annually to QS permit owners based on the amount of QS they own and the amount of fish allocated to the shorebased IFQ fishery. QP have the same species/species group, area, and sector designations as the QS from which it was issued.

Quota share (QS) means a permit, the face amount of which is used as the basis for the annual calculation and allocation of a QS permit owner's QP in the Shorebased IFQ Program. QS is expressed as a percentage and is designated for the species/species group, area, and trawl sector to which it applies. Species for which QS will be issued for the Shorebased IFQ Program are listed at **660.140, Subpart D**.

Vessel limits means the amount of QP a vessel can hold, acquire, and/or use during a calendar year. Vessel limits are divided in to the amount of QP that may be registered to a single vessel during the year (QP Vessel Limit) and, for some species, the amount of unused QP registered to a vessel account at any one time (Unused QP Vessel Limit).

Vessel account means an account held by the vessel owner where QP are registered for use by a vessel in the Shorebased IFQ Program.

§660.112 Trawl Fishery - Prohibitions.

These prohibitions are specific to the limited entry trawl fisheries. General groundfish prohibitions are defined at **§660.12**, Subpart C. In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person or vessel to:

(a) General.

(1) Trawl Gear Endorsement. Fish with groundfish trawl gear, or carry groundfish trawl gear on board a vessel that also has groundfish on board, unless the vessel is registered for use with a valid limited entry permit with a trawl gear endorsement, with the following exception.

(i) The vessel is in continuous transit from outside the fishery management area to a port in Washington, Oregon, or California;

(ii) The vessel is registered to a limited entry MS permit with a valid mothership fishery declaration, in which case trawl nets and doors must be stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing.

(2) Sorting. [Reserved]

(3) Recordkeeping and Reporting.

(i) Fail to comply with all recordkeeping and reporting requirements at §660.13 (d), Subpart C; including failure to submit information, submission of inaccurate information, or intentionally submitting false information on any report required at §660.13 (d), Subpart C.

(ii) Falsify or fail to make and/or file, retain or make available any and all reports of groundfish landings, containing all data, and in the exact manner, required by the regulation at §660.13, Subpart C or 660.113, Subpart D.

(4) Fishing in Conservation Areas With Trawl Gear.

(i) Operate any vessel registered to a limited entry permit with a trawl endorsement and trawl gear on board in a applicable GCA (as defined at §660.11 and 660.130(e), Subpart D), except for purposes of continuous transiting, with all groundfish trawl gear stowed in accordance with §660.130(e)(4), Subpart D or except as authorized in the groundfish management measures published at §660.130, Subpart D.

(ii) Fish with bottom trawl gear (defined in §660.11, Subpart C) anywhere within EFH seaward of a line approximating the 700-fm (1280-m) depth contour, as defined in §660.76, Subpart C For the purposes of regulation, EFH seaward of 700-fm (1280-m) within the EEZ is described at §660.75, Subpart C.

(iii) Fish with bottom trawl gear (defined in §660.11, Subpart C) with a footrope diameter greater than 19 inches (48 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope) anywhere within EFH within the EEZ. For the purposes of regulation, EFH within the EEZ is described at §660.75, Subpart C.

(iv) Fish with bottom trawl gear (defined in §660.11) with a footrope diameter greater than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope) anywhere within the EEZ shoreward of a line approximating the 100-fm (183-m) depth contour (defined in §660.73, Subpart C).

(v) Fish with bottom trawl gear (as defined in §660.11, Subpart C), within the EEZ in the following areas (defined in §660.77 and §660.78, Subpart C): Olympic 2, Biogenic 1, Biogenic 2, Grays Canyon, Biogenic 3, Astoria Canyon, Nehalem Bank/Shale Pile, Siletz Deepwater, Daisy Bank/Nelson Island, Newport Rockpile/Stonewall Bank, Heceta Bank, Deepwater off Coos Bay, Bandon High Spot, Rogue Canyon.

(vi) Fish with bottom trawl gear (as defined in §660.11, Subpart C), other than demersal seine, unless otherwise specified in this section or section 660.381, within the EEZ in the following areas (defined in §660.79, Subpart C): Eel River Canyon, Blunts Reef, Mendocino Ridge, Delgada Canyon, Tolo Bank, Point Arena North, Point Arena South Biogenic Area,

Cordell Bank/Biogenic Area, Farallon Islands/Fanny Shoal, Half Moon Bay, Monterey Bay/Canyon, Point Sur Deep, Big Sur Coast/Port San Luis, East San Lucia Bank, Point Conception, Hidden Reef/Kidney Bank (within Cowcod Conservation Area West), Catalina Island, Potato Bank (within Cowcod Conservation Area West), Cherry Bank (within Cowcod Conservation Area West), and Cowcod EFH Conservation Area East.

(vii) Fish with bottom contact gear (as defined in §660.11, Subpart C) within the EEZ in the following areas (defined in §660.78 and §660.79, Subpart C): Thompson Seamount, President Jackson Seamount, Cordell Bank (50-fm (91-m) isobath), Harris Point, Richardson Rock, Scorpion, Painted Cave, Anacapa Island, Carrington Point, Judith Rock, Skunk Point, Footprint, Gull Island, South Point, and Santa Barbara.

(viii) Fish with bottom contact gear (as defined in §660.11), or any other gear that is deployed deeper than 500-fm (914-m), within the Davidson Seamount area (defined in §660.75, Subpart C).

(b) Shorebased IFQ fishery. [Reserved]

(c) Mothership and Catcher/Processor Sectors. [Reserved]

(d) Mothership Coop Program (Coop And Non-Coop Fisheries). [Reserved]

(e) Catcher/Processor Coop Program. [Reserved]

(f) Pacific Whiting Fisheries.

(1) Pacific Whiting Vessel License Requirements Prior to Trawl Rationalization. Fish in any of the sectors of the whiting fishery described at §660.131(a), Subpart D after May 11, 2009 using a vessel that is not registered for use with a sector-appropriate Pacific whiting vessel license under §660.26, Subpart C. After May 11, 2009, vessels are prohibited from fishing, landing, or processing primary season Pacific whiting with a catcher/processor, mothership or mothership catcher vessel that has no history of participation within that specific sector of the whiting fishery during the period from January 1, 1997, through January 1, 2007, or with a shoreside catcher vessels that has no history of participation within the shore-based sector of the whiting fishery during the period from January 1, 1994 through January 1, 2007, as specified in §660.26(c), Subpart C. For the purpose of this paragraph, “historic participation” for a specific sector is the same as the qualifying criteria listed in §660.26(c).

(i) If a Pacific whiting vessel license is registered for use with a vessel, fail to carry that license onboard the vessel registered for use with the license at any time the vessel is licensed. A photocopy of the license may not substitute for the license itself.

(ii) [Reserved]

(2) Process whiting in the fishery management area during times or in areas where at-sea processing is prohibited for the sector in which the vessel participates, unless:

(i) The fish are received from a member of a Pacific Coast treaty Indian tribe fishing under §660.50, Subpart C;

(ii) The fish are processed by a waste-processing vessel according to §660.131(j), Subpart D; or

(iii) The vessel is completing processing of whiting taken on board during that vessel's primary season.

(3) During times or in areas where at-sea processing is prohibited, take and retain or receive whiting, except as cargo or fish waste, on a vessel in the fishery management area that already has processed whiting on board. An exception to this prohibition is provided if the fish are received within the tribal U&A from a member of a Pacific Coast treaty Indian tribe fishing under §660.50, Subpart C.

(4) Fish as a mothership if that vessel operates in the same calendar year as a catcher/processor in the whiting fishery, according to §660.131, Subpart D.

(5) Operate as a waste-processing vessel within 48 hours of a primary season for whiting in which that vessel operates as a catcher/processor or mothership, according to §660.131(j), Subpart D.

(6) On a vessel used to fish for whiting, fail to keep the trawl doors on board the vessel, when taking and retention is prohibited under §660.131(f), Subpart D.

(7) Sort or discard any portion of the catch taken by a catcher vessel in the mothership sector prior to the catch being received on a mothership, and prior to the observer being provided access to the unsorted catch, with the exception of minor amounts of catch that are lost when the codend is separated from the net and prepared for transfer.

(8) Pacific Whiting Shoreside First Receivers.

(i) [Reserved]

(ii) Fail to sort fish received from a Pacific whiting shoreside vessel prior to first weighing after offloading as specified at §660.131(k)(2), Subpart D for the Pacific whiting fishery.

(iii) Process, sell, or discard any groundfish received from a Pacific whiting shoreside vessel that has not been weighed on a scale that is in compliance with requirements at §660.131(k)(1)(i), Subpart D and accounted for on an electronic fish ticket with the identification number for the Pacific whiting shoreside vessel that delivered the fish.

(iv) Fail to weigh fish landed from a Pacific whiting shoreside vessel prior to transporting any fish from that landing away from the point of landing.

§660.113 Trawl Fishery - Recordkeeping and Reporting.

General groundfish recordkeeping and reporting requirements are defined at §660.13, Subpart C. The following recordkeeping and reporting requirements are in addition to those and are specific to the limited entry trawl fisheries.

(a) IFQ Program. [Reserved]

(b) Mothership Coop Program (coop and non-coop fisheries). [Reserved]

(c) Catcher/Processor Coop Program. [Reserved]

(d) Participants in the Pacific Whiting Shoreside Fishery Prior to Trawl Rationalization.

Reporting requirements defined in the following section are in addition to reporting requirements under applicable state law and requirements described at §660.13(b), Subpart C.

(1) Reporting Requirements for Any Pacific Whiting Shoreside First Receiver.

(i) Responsibility for Compliance. The Pacific whiting shoreside first receiver is responsible for compliance with all reporting requirements described in this paragraph.

(ii) General Requirements. All records or reports required by this paragraph must: be maintained in English, be accurate, be legible, be based on local time, and be submitted in a timely manner as required in paragraph (e)(1)(iv) of this section.

(iii) Required Information. All Pacific whiting shoreside first receivers must provide the following types of information: date of landing, Pacific whiting shoreside vessel that made the delivery, gear type used, first receiver, round weights of species landed listed by species or species group including species with no value, number of salmon by species, number of Pacific halibut, and any other information deemed necessary by the Regional Administrator as specified on the appropriate electronic fish ticket form.

(iv) Electronic Fish Ticket Submissions. The Pacific whiting shoreside first receiver must:

(A) Sort all fish, prior to first weighing, by species or species groups as specified at §660.131(k), Subpart D.

(B) Include as part of each electronic fish ticket submission, the actual scale weight for each groundfish species as specified by requirements at §660.131(k), Subpart D and the Pacific whiting shoreside vessel identification number.

(C) Use for the purpose of submitting electronic fish tickets, and maintain in good working order, computer equipment as specified at §660.15, Subpart C;

(D) Install, use, and update as necessary, any NMFS-approved software described at §660.15, Subpart C;

(E) Submit a completed electronic fish ticket for every landing that includes 4,000-lb (1,814 kg) or more of Pacific whiting (round weight equivalent) no later than 24 hours after the date the fish are received, unless a waiver of this requirement has been granted under provisions specified below at paragraph (a)(1)(vii) of this section.

(v) Revising a Submitted Electronic Fish Ticket Submission. In the event that a data error is found, electronic fish ticket submissions may be revised by resubmitting the revised form. Electronic fish tickets are to be used for the submission of final data. Preliminary data, including estimates of fish weights or species composition, shall not be submitted on electronic fish tickets.

(vi) Retention of Records. [Reserved]

(vii) Waivers for Submission of Electronic Fish Tickets Upon Written Request. On a case-by-case basis, a temporary written waiver of the requirement to submit electronic fish tickets may be granted by the Assistant Regional Administrator or designee if he/she determines that circumstances beyond the control of a Pacific whiting shoreside first receiver would result in inadequate data submissions using the electronic fish ticket system. The duration of the waiver will be determined on a case-by-case basis.

(viii) Reporting requirements when a temporary waiver has been granted. Pacific whiting shoreside first receivers that have been granted a temporary waiver from the requirement to

submit electronic fish tickets must submit on paper the same data as is required on electronic fish tickets within 24 hours of the date received during the period that the waiver is in effect. Paper state landing receipts must be sent by facsimile to NMFS, Northwest Region, Sustainable Fisheries Division, 206–526–6736 or by delivering it in person to 7600 Sand Point Way NE, Seattle, WA 98115. The requirements for submissions of paper tickets in this paragraph are separate from, and in addition to existing state requirements for landing receipts or fish receiving tickets.

(2) [Reserved]

§660.116 Trawl Fishery - Observer Requirements.

(a) Observer Coverage Requirements.

(1) NMFS-certified Observers.

(i) A catcher/processor or mothership 125-ft (38.1-m) LOA or longer must carry two NMFS-certified observers, and a catcher/processor or mothership shorter than 125-ft (38.1-m) LOA must carry one NMFS-certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(ii) A Pacific whiting shoreside vessel that sorts catch at sea must carry one NMFS-certified observer, from the time the vessel leaves port on a trip in which the catch is sorted at sea to the time that all catch from that trip has been offloaded.

(2) Catcher Vessels. When NMFS notifies the owner, operator, permit holder, or the manager of a catcher vessel, specified at §660.16 (c), Subpart C of any requirement to carry an observer, the catcher vessel may not be used to fish for groundfish without carrying an observer.

(i) Notice of Departure—Basic Rule. At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(A) Optional Notice—Weather Delays. A vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (c)(2)(ii) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(B) Optional Notice—Back-To-Back Fishing Trips. A vessel that intends to make back-to-back fishing trips (i.e., trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (c)(2)(ii) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(ii) Cease Fishing Report. Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that

fishing has ceased. This requirement applies to any vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(b) Waiver. The Northwest Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(c) Procurement of Observer Services by Catcher/Processors, Motherships, and Pacific Whiting Shoreside Vessels That Sort at Sea. Owners of vessels required to carry observers under provisions at paragraph (a)(1)(i) or (ii) of this section must arrange for observer services from an observer provider permitted by the North Pacific Groundfish Observer Program under 50 CFR 679.50(i), except that:

(1) Vessels are required to procure observer services directly from NMFS when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by a permitted observer provider.

(2) Vessels are required to procure observer services directly from NMFS and a permitted observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff or individuals authorized by NMFS, in addition to an observer provided by a permitted observer provider.

(d) Vessel Responsibilities. An operator of a vessel required to carry one or more observer(s) must provide:

(1) Accommodations and Food. Provide accommodations and food that are:

(i) At-sea Processors. Equivalent to those provided for officers, engineers, foremen, deck-bosses or other management level personnel of the vessel.

(ii) Catcher Vessels. Equivalent to those provided to the crew.

(2) Safe Conditions. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§600.725 and 600.746 of this chapter.

(3) Observer Communications. Facilitate observer communications by:

(i) Observer Use of Equipment. Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s) or the U.S. or designated agent.

(ii) Functional Equipment. Ensuring that the vessel's communications equipment, used by observers to enter and transmit data, is fully functional and operational.

(iii) Hardware and Software. Pacific whiting vessels that are required to carry one or more NMFS-certified observers under provisions at paragraphs (a)(1)(i) and (ii) must provide hardware and software pursuant to regulations at 50 CFR 679.50(f)(1)(iii)(B)(1) and 50 CFR 679.50(f)(2), as follows:

(A) Providing for use by the observer a personal computer in working condition that contains a full Pentium 120 Mhz or greater capacity processing chip, at least 32 megabytes of RAM, at least 75 megabytes of free hard disk storage, a Windows 9x or NT compatible operating

system, an operating mouse, and a 3.5-inch (8.9 cm) floppy disk drive. The associated computer monitor must have a viewable screen size of at least 14.1 inches (35.8 cm) and minimum display settings of 600×800 pixels. The computer equipment specified in this paragraph (A) must be connected to a communication device that provides a modem connection to the NMFS host computer and supports one or more of the following protocols: ITU V.22, ITU V.22bis, ITU V.32, ITU V.32bis, or ITU V.34. Processors that use a modem must have at least a 28.8kbs Hayes-compatible modem. The above-specified hardware and software requirements do not apply to processors that do not process groundfish.

(B) NMFS-supplied Software. Ensuring that each vessel that is required to carry a NMFS-certified observer obtains the data entry software provided by the NMFS for use by the observer.

(4) Vessel Position. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) Access. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) Prior Notification. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) Records. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) Assistance. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

- (i) Measuring decks, codends, and holding bins.
- (ii) Providing the observer(s) with a safe work area.
- (iii) Collecting bycatch when requested by the observer(s).
- (iv) Collecting and carrying baskets of fish when requested by the observer(s).
- (v) Allowing the observer(s) to collect biological data and samples.
- (vi) Providing adequate space for storage of biological samples.

(9) At-sea Transfers to or From Processing Vessels. Processing vessels must:

- (i) Ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.
- (ii) Notify observers at least 3 hours before observers are transferred, such that the observers can collect personal belongings, equipment, and scientific samples.
- (iii) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.
- (iv) Provide an experienced crew member to assist observers in the small boat or raft in which any transfer is made.

(e) Sample station and operational.

(1) Observer sampling station. This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(i) Accessibility. The observer sampling station must be available to the observer at all times.

(ii) Location. The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(iii) Minimum Work Space Aboard At-Sea Processing Vessels. The observer must have a working area of 4.5 square meters, including the observer's sampling table, for sampling and storage of fish to be sampled. The observer must be able to stand upright and have a work area at least 0.9 m deep in the area in front of the table and scale.

(iv) Table Aboard At-Sea Processing Vessels. The observer sampling station must include a table at least 0.6 m deep, 1.2 m wide and 0.9 m high and no more than 1.1 m high. The entire surface area of the table must be available for use by the observer. Any area for the observer sampling scale is in addition to the minimum space requirements for the table. The observer's sampling table must be secured to the floor or wall.

(v) Diverter Board Aboard At-Sea Processing Vessels. The conveyor belt conveying unsorted catch must have a removable board (diverter board) to allow all fish to be diverted from the belt directly into the observer's sampling baskets. The diverter board must be located downstream of the scale used to weigh total catch. At least 1 m of accessible belt space, located downstream of the scale used to weight total catch, must be available for the observer's use when sampling.

(vi) Other Requirement for At-Sea Processing Vessels. The sampling station must be in a well-drained area that includes floor grating (or other material that prevents slipping), lighting adequate for day or night sampling, and a hose that supplies fresh or sea water to the observer.

(vii) Observer Sampling Scale. The observer sample station must include a NMFS-approved platform scale (pursuant to requirements at 50 CFR 679.28(d)(5)) with a capacity of at least 50 kg located within 1 m of the observer's sampling table. The scale must be mounted so that the weighing surface is no more than 0.7 m above the floor.

§660.120 Trawl Fishery - Crossover provisions.

(a) General. In addition to the General provisions listed at §660.60, subpart C, the crossover provisions of this section apply to vessels operating in the limited entry trawl fishery.

(b) Operating In North-South Management Areas With Different Trip Limits.

(1) Minor Rockfish.

(i) If a trawl vessel takes and retains minor shelf rockfish south of 40°10' N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its cumulative limits north of 40°10' N. lat., even if yellowtail rockfish is part of the landings from

minor shelf rockfish taken and retained south of 40°10' N. lat. Widow rockfish is included in overall shelf rockfish limits for all gear groups.

(ii) If a trawl vessel takes and retains minor shelf rockfish north of 40°10' N. lat., that vessel is also permitted to take and retain, possess, or land chilipepper rockfish up to its cumulative limits south of 40°10' N. lat., even if chilipepper rockfish is part of the landings from minor shelf rockfish taken and retained north of 40°10' N. lat.

(2) DTS Complex. Differential trawl trip limits for the “DTS complex” north and south of latitudinal management lines may be specified in trip limit Table 1 and 2 of this subpart. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph when making landings that include any one of the four species in the “DTS complex.”

(3) Flatfish Complex. There are often differential trip limits for the flatfish complex (butter, curlfin, English, flathead, petrale, rex, rock, and sand soles, Pacific sanddab, and starry flounder) north and south of latitudinal management lines. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph when making landings that include any one of the species in the flatfish complex.

§660.130 Trawl Fishery - Management Measures.

(a) General. Limited entry trawl vessels include those vessels registered to a limited entry permit with a trawl endorsement. Most species taken in limited entry trawl fisheries will be managed with cumulative trip limits (see trip limits in Tables 1 (North) and 2 (South) of this subpart), size limits (see §660.60 (h)(5)), seasons (see Pacific whiting at §660.131, Subpart D), gear restrictions (see paragraph (b) of this section) and closed areas (see paragraph (d) of this section and §§660.70 through 660.79). The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board and the area fished. Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph (d)(1) of this section and §660.70, Subpart C). The trip limits in Table 1 (North) and Table 2 (South) of this subpart apply to vessels participating in the limited entry groundfish trawl fishery and may not be exceeded. Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

(b) Trawl Gear Requirements and Restrictions. Trawl nets may be fished with or without otter boards, and may use warps or cables to herd fish.

(1) Codends. Only single-walled codends may be used in any trawl. Double-walled codends are prohibited.

(2) Mesh Size. Groundfish trawl gear must meet the minimum mesh size requirements in this paragraph. Mesh size requirements apply throughout the net. Minimum trawl mesh sizes are: bottom trawl, 4.5 inches (11.4 cm); midwater trawl, 3.0 inches (7.6 cm). Minimum trawl mesh size requirements are met if a 20-gauge stainless steel wedge, less one thickness of the metal wedge, can be passed with only thumb pressure through at least 16 of 20 sets of two meshes each of wet mesh.

(3) Chafing Gear. Chafing gear may encircle no more than 50 percent of the net's circumference. No section of chafing gear may be longer than 50 meshes of the net to which it is attached. Chafing gear may be used only on the last 50 meshes, measured from the terminal (closed) end of the codend. Except at the corners, the terminal end of each section of chafing gear on all trawl gear must not be connected to the net. (The terminal end is the end farthest from the mouth of the net.) Chafing gear must be attached outside any riblines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

(4) Large Footrope Trawl Gear. Large footrope gear is bottom trawl gear with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope). Fishing with bottom trawl gear with a footrope diameter greater than 19 inches (48 cm) (including rollers, bobbins, or other material encircling or tied along the length of the footrope) is prohibited anywhere in EFH within the EEZ, as defined by latitude/longitude coordinates at §660.75, Subpart C.

(5) Small Footrope Trawl Gear. Small footrope gear is bottom trawl gear with a footrope diameter of 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope). Other lines or ropes that run parallel to the footrope may not be augmented with material encircling or tied along their length such that they have a diameter larger than 8 inches (20 cm). For enforcement purposes, the footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(i) Selective Flatfish Trawl Gear. Selective flatfish trawl gear is a type of small footrope trawl gear. The selective flatfish trawl net must be a two-seamed net with no more than two riblines, excluding the codend. The breastline may not be longer than 3 ft (0.92 m) in length. There may be no floats along the center third of the headrope or attached to the top panel except on the riblines. The footrope must be less than 105 ft (32.26 m) in length. The headrope must be not less than 30 percent longer than the footrope. An explanatory diagram of a selective flatfish trawl net is provided as Figure 1 of part 660, subpart D.

(ii) [Reserved]

(6) Midwater (or Pelagic) Trawl Gear. Midwater trawl gear must have unprotected footropes at the trawl mouth, and must not have rollers, bobbins, tires, wheels, rubber discs, or any similar device anywhere on any part of the net. The footrope of midwater gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or any other materials. Sweep lines, including the bottom leg of the bridle, must be bare. For at least 20 ft (6.15 m) immediately behind the footrope or headrope, bare ropes or mesh of 16-inch (40.6-cm) minimum mesh size must completely encircle the net. A band of mesh (a "skirt") may encircle the net under transfer cables, lifting or splitting straps (chokers), but must be: over riblines and restraining straps; the same mesh size and coincide knot-to-knot with the net to which it is attached; and no wider than 16 meshes.

(c) Cumulative Trip Limits And Prohibitions By Limited Entry Trawl Gear Type.

Management measures may vary depending on the type of trawl gear (i.e., large footrope, small footrope, selective flatfish, or midwater trawl gear) used and/or on board a vessel during a fishing trip, cumulative limit period, and the area fished. Trawl nets may be used on and off the seabed. For some species or species groups, [Table 1 \(North\)](#) and [Table 2 \(South\)](#) of this subpart provide cumulative and/or trip limits that are specific to different types of trawl gear: large footrope, small footrope (including selective flatfish), selective flatfish, midwater, and multiple types. If [Table 1 \(North\)](#) and [Table 2 \(South\)](#) of this subpart provide gear specific limits for a particular species or species group, it is unlawful to take and retain, possess or land that species or species group with limited entry trawl gears other than those listed.

(1) Fishing With Large Footrope Trawl Gear. It is unlawful for any vessel using large footrope gear to fish for groundfish shoreward of the RCAs defined at paragraph (d) of this section and at [§§660.70 through 660.74](#), Subpart C. The use of large footrope gear is permitted seaward of the RCAs coastwide.

(2) Fishing With Small Footrope Trawl Gear. North of 40°10' N. lat., it is unlawful for any vessel using small footrope gear (except selective flatfish gear) to fish for groundfish or have small footrope trawl gear (except selective flatfish gear) onboard while fishing shoreward of the RCA defined at paragraph (d) of this section and at [§§660.70 through 660.74](#), Subpart C. South of 40°10' N. lat., small footrope gear is required shoreward of the RCA. Small footrope gear is permitted seaward of the RCA coastwide.

(i) North of 40°10' N. lat., selective flatfish gear is required shoreward of the RCA defined at paragraph (d) of this section and at [§§660.70 through 660.74](#), Subpart C. South of 40°10' N. lat., selective flatfish gear is permitted, but not required, shoreward of the RCA. The use of selective flatfish trawl gear is permitted seaward of the RCA coastwide.

(ii) [Reserved]

(3) Fishing With Midwater Trawl Gear. North of 40°10' N. lat., midwater trawl gear is permitted only for vessels participating in the primary Pacific whiting fishery (for details on the Pacific whiting fishery see [§660.131, Subpart D.](#)) South of 40°10' N. lat., the use of midwater trawl gear is prohibited shoreward of the RCA and permitted seaward of the RCA.

(4) More Than One Type of Trawl Gear on Board. The cumulative trip limits in [Table 1 \(North\)](#) or [Table 2 \(South\)](#) of this subpart must not be exceeded.

(i) The following restrictions apply to vessels operating north of 40°10' N. lat.:

(A) A vessel may not have both groundfish trawl gear and non-groundfish trawl gear onboard simultaneously. A vessel may not have both bottom trawl gear and midwater trawl gear onboard simultaneously. A vessel may have more than one type of limited entry bottom trawl gear on board, either simultaneously or successively, during a cumulative limit period.

(B) If a vessel fishes exclusively with large or small footrope trawl gear during an entire cumulative limit period, the vessel is subject to the small or large footrope trawl gear cumulative limits and that vessel must fish seaward of the RCA during that limit period.

(C) If a vessel fishes exclusively with selective flatfish trawl gear during an entire cumulative limit period, then the vessel is subject to the selective flatfish trawl gear-cumulative limits during that limit period, regardless of whether the vessel is fishing shoreward or seaward of the RCA.

(D) If more than one type of bottom trawl gear (selective flatfish, large footrope, or small footrope) is on board, either simultaneously or successively, at any time during a cumulative limit period, then the most restrictive cumulative limit associated with the bottom trawl gear on board during that cumulative limit period applies for the entire cumulative limit period, regardless of whether the vessel is fishing shoreward or seaward of the RCA.

(E) If a vessel fishes both north and south of 40°10' N. lat. with any type of small footrope gear onboard the vessel at any time during the cumulative limit period, the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear (See crossover provisions at §660.120, Subpart D.)

(F) Midwater trawl gear is allowed only for vessels participating in the primary whiting season.

(ii) The following restrictions apply to vessels operating south of 40°10' N. lat.:

(A) A vessel may not have both groundfish trawl gear and non-groundfish trawl gear onboard simultaneously. A vessel may not have both bottom trawl gear and midwater trawl gear onboard simultaneously. A vessel may not have small footrope trawl gear and any other type of bottom trawl gear onboard simultaneously.

(B) For vessels using more than one type of trawl gear during a cumulative limit period, limits are additive up to the largest limit for the type of gear used during that period. (Example: If a vessel harvests 300-lb (136 kg) of chilipepper rockfish with small footrope-gear, it may harvest up to 11,700--lb (5,209 kg) of chilipepper rockfish with large footrope gear during the July and August cumulative period, because the largest cumulative limit for chilipepper rockfish during that period is 12,000-lb (5,443 kg) for large footrope gear.)

(C) If a vessel fishes both north and south of 40°10' N. lat. with any type of small footrope gear onboard the vessel at any time during the cumulative limit period, the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear (See crossover provisions at §660.120, Subpart D.)

(d) Sorting. Under §660.12 (a)(8), Subpart C it is unlawful for any person to “fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY applied.” The States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state landing receipt.

(1) Coastwide. Widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth

flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, and Pacific whiting;

(2) North of 40°10' N. lat. POP, yellowtail rockfish;

(3) South of 40°10' N. lat. Minor shallow nearshore rockfish, minor deeper nearshore rockfish, California scorpionfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish, Pacific sanddabs, cowcod, bronzespotted rockfish and cabezon.

(e) Groundfish Conservation Areas (GCAs) Applicable To Trawl Vessels. A GCA, a type of closed area, is a geographic area defined by coordinates expressed in degrees of latitude and longitude. The latitude and longitude coordinates of the GCA boundaries are specified at §§660.70 through 660.74, Subpart C. A vessel that is fishing within a GCA listed in this paragraph (d) with trawl gear authorized for use within a GCA may not have any other type of trawl gear on board the vessel. The following GCAs apply to vessels participating in the limited entry trawl fishery. Additional closed areas that specifically apply to the Pacific whiting fisheries are described at §660.131(c), Subpart D.

(1) Cowcod Conservation Areas (CCAs). Vessels using limited entry trawl gear are prohibited from fishing within the CCAs. See §660.70 for the coordinates that define the CCAs. Limited entry trawl vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00.50' N. lat., and bounded on the south by the latitude line at 32°59.50' N. lat. It is unlawful to take and retain, possess, or land groundfish within the CCAs, except as authorized in this paragraph, when those waters are open to fishing.

(2) Farallon Islands. Under California law, commercial fishing for all groundfish is prohibited between the shoreline and the 10 fm (18 m) depth contour around the Farallon Islands. (See §660.70, Subpart C)

(3) Cordell Banks. Commercial fishing for groundfish is prohibited in waters of depths less than 100–fm (183–m) around Cordell Banks as defined by specific latitude and longitude coordinates at §660.70, Subpart C.

(4) Trawl Rockfish Conservation Areas. The trawl RCAs are closed areas, defined by specific latitude and longitude coordinates which are specified at §§660.70 through 660.74, Subpart C. Boundaries for the trawl RCAs applicable to groundfish trawl vessels throughout the year are provided in the header to Table 1 (North) and Table 2 (South) of this subpart and may be modified by NMFS inseason pursuant to §660.60(c).

(i) It is unlawful to operate a vessel with trawl gear onboard within the trawl RCA, except for the purpose of continuous transiting, or when the use of trawl gear is authorized in this section. It is lawful to fish with groundfish trawl gear within the trawl RCA only under the following conditions: vessels fishing with mid-water trawl gear on Pacific whiting trips during the primary whiting season, provided a valid declaration report has been filed with NMFS OLE, as required at §660.12(d), Subpart C; and vessels fishing with demersal seine gear between 38° N. lat. and 36° N. lat. shoreward of a boundary line approximating the 100 fm (183 m) depth contour as defined at §660.73, Subpart C, provided a valid declaration report has been filed.

(ii) Trawl vessels may transit through an applicable GCA, with or without groundfish on board, provided all groundfish trawl gear is stowed either: below deck; or if the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or remaining on deck uncovered if the trawl doors are hung from their stanchions and the net is disconnected from the doors. These restrictions do not apply to vessels fishing with midwater trawl gear for whiting during a primary season.

(iii) It is unlawful to take and retain, possess, or land groundfish taken with limited entry trawl gear within the trawl RCA, unless otherwise authorized in this section.

(iv) If a vessel fishes in the trawl RCA, it may not participate in any fishing on that trip that is prohibited within the trawl RCA. [For example, if a vessel fishes in the pink shrimp fishery within the RCA, the vessel cannot on the same trip fish in the DTS fishery seaward of the RCA.] Nothing in these Federal regulations supercedes any state regulations that may prohibit trawling shoreward of the fishery management area (3–200 nm).

(5) Essential Fish Habitat Conservation Areas. An EFHCA, a type of closed area, is a geographic area defined by coordinates expressed in degrees of latitude and longitude at §§660.75 through 660.79, Subpart C, where specified types of fishing are prohibited in accordance with §660.12, Subpart C. EFHCAs apply to vessels using bottom trawl gear or to vessels using “bottom contact gear,” which is defined at §660.11, Subpart C to include bottom trawl gear, among other gear types.

(i) The following EFHCAs apply to vessels operating within the West Coast EEZ with bottom trawl gear:

(A) Seaward of a Boundary Line Approximating the 700–Fm (1280–M) Depth Contour. Fishing with bottom trawl gear is prohibited in waters of depths greater than 700 fm (1280 m) within the EFH, as defined by specific latitude and longitude coordinates at §660.75 and §660.76, Subpart C.

(B) Shoreward of a Boundary Line Approximating the 100–Fm (183 M) Depth Contour. Fishing with bottom trawl gear with a footrope diameter greater than 8 inches (20 cm) is prohibited in waters shoreward of a boundary line approximating the 100–fm (183–m) depth contour, as defined by specific latitude and longitude coordinates at §660.73, Subpart C.

(C) EFHCAs for All Bottom Trawl Gear. Fishing with bottom trawl gear is prohibited within the following EFHCAs, which are defined by specific latitude and longitude coordinates at §§660.77 through 660.78, Subpart C: Olympic 2, Biogenic 1, Biogenic 2, Grays Canyon, Biogenic 3, Astoria Canyon, Nehalem Bank/Shale Pile, Siletz Deepwater, Daisy Bank/Nelson Island, Newport Rockpile/Stonewall Bank, Heceta Bank, Deepwater off Coos Bay, Bandon High Spot, Rogue Canyon.

(D) EFHCAs for All Bottom Trawl Gear, Except Demersal Seine Gear. Fishing with bottom trawl gear except demersal seine gear (defined at §660.11, Subpart C) is prohibited within the following EFHCAs, which are defined by specific latitude and longitude coordinates at §660.79, Subpart C: Eel River Canyon, Blunts Reef, Mendocino Ridge, Delgada Canyon, Tolo Bank, Point Arena North, Point Arena South Biogenic Area, Cordell Bank/Biogenic Area,

Farallon Islands/Fanny Shoal, Half Moon Bay, Monterey Bay/Canyon, Point Sur Deep, Big Sur Coast/Port San Luis, East San Lucia Bank, Point Conception, Hidden Reef/Kidney Bank (within Cowcod Conservation Area West), Catalina Island, Potato Bank (within Cowcod Conservation Area West), Cherry Bank (within Cowcod Conservation Area West), and Cowcod EFH Conservation Area East.

(ii) EFHCAs for Bottom Contact Gear, Which Includes Bottom Trawl Gear. Fishing with bottom contact gear, including bottom trawl gear is prohibited within the following EFHCAs, which are defined by specific latitude and longitude coordinates at §§660.75 through 660.79, Subpart C: Thompson Seamount, President Jackson Seamount, Cordell Bank (50 fm (91 m) isobath), Harris Point, Richardson Rock, Scorpion, Painted Cave, Anacapa Island, Carrington Point, Judith Rock, Skunk Point, Footprint, Gull Island, South Point, and Santa Barbara. Fishing with bottom contact gear is also prohibited within the Davidson Seamount EFH Area, which is defined with specific latitude and longitude coordinates at §660.75, Subpart D.

§660.131 Pacific Whiting Fishery Management Measures.

(a) Sectors. In order for a vessel to fish in a particular whiting fishery sector after May 11, 2009, that vessel must be registered for use with a sector-specific Pacific whiting vessel license under §660.26, Subpart C.

(1) The catcher/processor sector is composed of catcher/processors, which are vessels that harvest and process whiting during a calendar year.

(2) The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting during a calendar year.

(3) The shore-based sector is composed of vessels that harvest whiting for delivery to Pacific whiting shoreside first receivers. Notwithstanding the other provisions of 50 CFR Part 660, subpart C or D, a vessel that is 75 feet or less LOA that harvests whiting and, in addition to heading and gutting, cuts the tail off and freezes the whiting, is not considered to be a catcher/processor nor is it considered to be processing fish. Such a vessel is considered a participant in the shorebased whiting sector, and is subject to regulations and allocations for that sector.

(b) Pacific Whiting Seasons.

(1) Primary Seasons. The primary seasons for the whiting fishery are:

(i) For the shore-based sector, the period(s) when the large-scale target fishery is conducted (when trip limits under paragraph (b) of this section are not in effect);

(ii) for catcher/processors, the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector; and

(iii) for vessels delivering to motherships, the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector.

(2) Before and After the Primary Seasons. Before and after the primary seasons, trip landing or frequency limits may be imposed under §660.60(c). The sectors are defined at §660.60(a).

(3) Different Primary Season Start Dates. North of 40°30' N. lat. Different starting dates may be established for the catcher/processor sector, the mothership sector, catcher vessels delivering to shoreside processors north of 42° N. lat., and catcher vessels delivering to shoreside processors between 42°-40°30' N. lat.

(i) Procedures. The primary seasons for the whiting fishery north of 40°30' N. lat. generally will be established according to the procedures of the PCGFMP for developing and implementing harvest specifications and apportionments. The season opening dates remain in effect unless changed, generally with the harvest specifications and management measures.

(ii) Criteria. The start of a primary season may be changed based on a recommendation from the Council and consideration of the following factors, if applicable: Size of the harvest guidelines for whiting and bycatch species; age/size structure of the whiting population; expected harvest of bycatch and prohibited species; availability and stock status of prohibited species; expected participation by catchers and processors; environmental conditions; timing of alternate or competing fisheries; industry agreement; fishing or processing rates; and other relevant information.

(iii) Primary whiting season start dates and duration. After the start of a primary season for a sector of the whiting fishery, the season remains open for that sector until the quota is taken or a bycatch limit is reached and the fishery season for that sector is closed by NMFS. The starting dates for the primary seasons for the whiting fishery are as follows:

(A) Catcher/processor sector—May 15.

(B) Mothership sector—May 15.

(C) Shore-based sector

(1) North of 42° N. lat.—June 15;

(2) Between 42°-40°30' N. lat.—April 1; and

(3) South of 40°30' N. lat.—April 15.

(2) South of 40°30' N. lat. The primary season starts on April 15 south of 40°30' N. lat.

(4) Trip limits in the whiting fishery. The “per trip” limit for whiting before and after the regular (primary) season for the shore-based sector is announced in **Table 1 of this subpart**, and is a routine management measure under §660.60(c). This trip limit includes any whiting caught shoreward of 100-fm (183-m) in the Eureka, CA area. The “per trip” limit for other groundfish species before, during, and after the regular (primary) season are announced in **Table 1 (North) and Table 2 (South) of this subpart** and apply as follows:

(i) During the groundfish cumulative limit periods both before and after the primary whiting season, vessels may use either small and/or large footrope gear, but are subject to the more restrictive trip limits for those entire cumulative periods.

(ii) If, during a primary whiting season, a whiting vessel harvests a groundfish species other than whiting for which there is a midwater trip limit, then that vessel may also harvest up

to another footrope-specific limit for that species during any cumulative limit period that overlaps the start or end of the primary whiting season.

(4) Bycatch limits in the whiting fishery. The bycatch limits for the whiting fishery may be established, adjusted, and used inseason to close a sector or sectors of the whiting fishery to achieve the rebuilding of an overfished or depleted stock. These limits are routine management measures under §660.60(c) and, as such, may be adjusted inseason or may have new species added to the list of those with bycatch limits. Closure of a sector or sectors when a bycatch limit is projected to be reached is an automatic action under §660.60(d).

(i) The whiting fishery bycatch limit is apportioned among the sectors identified in paragraph (a) of this section based on the same percentages used to allocate whiting among the sectors, established in §660.323(a). The sector specific bycatch limits are: For catcher/processors 6.1 mt of canary rockfish, 85.0 mt of widow rockfish, and 8.5 mt of darkblotched rockfish; for motherships 4.3 mt of canary rockfish, 60.0 mt of widow rockfish, and 6.0 mt of darkblotched rockfish; and for shore-based 7.6 mt of canary rockfish, 105.0 mt of widow rockfish, and 10.5 mt of darkblotched rockfish.

(ii) The Regional Administrator may make available for harvest to the other sectors of the whiting fishery identified in §660.323, the amounts of a sector's bycatch limit species remaining when a sector is closed because its whiting allocation or a bycatch limit has been reached or is projected to be reached. The remaining bycatch limit species shall be redistributed in proportion to each sector's initial whiting allocation. When considering redistribution of bycatch limits between the sectors of the whiting fishery, the Regional Administrator will take into consideration the best available data on total projected fishing impacts on the bycatch limit species, as well as impacts on other groundfish species.

(iii) If a bycatch limit is reached or is projected to be reached, the following action, applicable to the sector may be taken.

(A) Catcher/processor sector. Further taking and retaining, receiving, or at-sea processing of whiting by a catcher/processor is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process whiting that was on board before at-sea processing was prohibited.

(B) Mothership sector. Further receiving or at-sea processing of whiting by a mothership is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a mothership may continue to process whiting that was on board before at-sea processing was prohibited. Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

(C) Shore-based sector. Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the shore-based sector except as authorized under a trip limit specified under §660.60(c).

(iv) The Regional Administrator will announce in the Federal Register when a bycatch limit is reached, or is projected to be reached, specifying the action being taken as specified under paragraph (b)(4) of this section. The Regional Administrator will announce in the Federal

Register any reapportionment of bycatch limit species. In order to prevent exceeding the bycatch limits or to avoid underutilizing the Pacific whiting resource, prohibitions against further taking and retaining, receiving, or at-sea processing of whiting, or reapportionment of bycatch limits species may be made effective immediately by actual notice to fishers and processors, by e-mail, Internet (<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Whiting-Management/index.cfm>), phone, fax, letter, press release, and/or USCG Notice to Mariners (monitor channel 16 VHF), followed by publication in the Federal Register.

(c) Closed areas. Pacific whiting may not be taken and retained in the following portions of the fishery management area:

(1) Klamath River Salmon Conservation Zone. The ocean area surrounding the Klamath River mouth bounded on the north by 41°38.80' N. lat. (approximately 6 nm north of the Klamath River mouth), on the west by 124°23' W. long. (approximately 12 nm from shore), and on the south by 41°26.80' N. lat. (approximately 6 nm south of the Klamath River mouth).

(2) Columbia River Salmon Conservation Zone. The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46°18' N. lat. to 124°13.30' W. long., then southerly along a line of 167 True to 46°11.10' N. lat. and 124°11' W. long. (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty.

(3) Ocean Salmon Conservation Zone. All waters shoreward of a boundary line approximating the 100 fm (183 m) depth contour. Latitude and longitude coordinates defining the boundary line approximating the 100 fm (183 m) depth contour are provided at §660.73, Subpart C. This closure will be implemented through automatic action, defined at §660.60, Subpart C, when NMFS projects the Pacific whiting fishery may take in excess of 11,000 Chinook within a calendar year.

(4) Pacific Whiting Bycatch Reduction Areas (BRAs). Vessels using limited entry midwater trawl gear during the primary whiting season may be prohibited from fishing shoreward of a boundary line approximating the 75-fm (137-m), 100-fm (183-m) or 150-fm (274-m) depth contours. Latitude and longitude coordinates for the boundary lines approximating the depth contours are provided at §660.393(a). Closures may be implemented inseason for a sector(s) through automatic action, defined at §660.60(d), when NMFS projects that a sector will exceed a bycatch limit specified for that sector before the sector's whiting allocation is projected to be reached.

(d) Eureka Area Trip Limits. Trip landing or frequency limits may be established, modified, or removed under §660.60, Subpart C or §660.321, Subpart D, specifying the amount of Pacific whiting that may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area (from 43 00' to 40 30' N. lat.). Unless otherwise specified, no more than 10,000-lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fm (183 m) contour (as

shown on NOAA Charts 18580, 18600, and 18620) in the Eureka management area (defined at §660.11, Subpart C).

(e) At-sea processing. Whiting may not be processed at sea south of 42°00' N. lat. (Oregon-California border), unless by a waste-processing vessel as authorized under paragraph (i) of this section.

(f) Time of day. Pacific whiting may not be taken and retained by any vessel in the fishery management area south of 42°00' N. lat. between 0001 hours to one-half hour after official sunrise (local time). During this time south of 42°00' N. lat., trawl doors must be on board any vessel used to fish for whiting and the trawl must be attached to the trawl doors. Official sunrise is determined, to the nearest 5° lat., in The Nautical Almanac issued annually by the Nautical Almanac Office, U.S. Naval Observatory, and available from the U.S. Government Printing Office.

(g) Additional Restrictions on Catcher/Processors.

(1) A catcher/processor may receive fish from a catcher vessel, but that catch is counted against the catcher/processor allocation unless the catcher/processor has been declared as a mothership under paragraph (g)(3) of this section.

(2) A catcher/processor may not also act as a catcher vessel delivering unprocessed whiting to another processor in the same calendar year.

(3) When renewing its limited entry permit each year under §660.25, the owner of a catcher/processor used to take and retain whiting must declare if the vessel will operate solely as a mothership in the whiting fishery during the calendar year to which its limited entry permit applies. Any such declaration is binding on the vessel for the calendar year, even if the permit is transferred during the year, unless it is rescinded in response to a written request from the permit holder. Any request to rescind a declaration must be made by the permit holder and granted in writing by the Regional Administrator before any unprocessed whiting has been taken on board the vessel that calendar year.

(h) Pacific Whiting First Receivers.

(1) Pacific whiting shoreside first receivers and processors may receive groundfish species other than Pacific Whiting that is in excess of trip limits from a Pacific whiting shoreside vessel that is fishing under an EFP and which authorizes the vessel to possess the catch.

(i) Bycatch Reduction And Full Utilization Program For At-Sea Processors (Optional). If a catcher/processor or mothership in the whiting fishery carries more than one NMFS-approved observer for at least 90 percent of the fishing days during a cumulative trip limit period, then groundfish trip limits may be exceeded without penalty for that cumulative trip limit period, if the conditions in paragraph (h)(2) of this section are met. For purposes of this program, “fishing day” means a 24-hour period, from 0001 hours through 2400 hours, local time, in which fishing gear is retrieved or catch is received by the vessel, and will be determined from the vessel's observer data, if available. Changes to the number of observers required for a vessel to fish under in the bycatch reduction program will be announced prior to the start of the fishery, generally concurrent with the harvest specifications and management measures. Groundfish consumed on

board the vessel must be within any applicable trip limit and recorded as retained catch in any applicable logbook or report. [Note: For a mothership, non-whiting groundfish landings are limited by the cumulative landings limits of the catcher vessels delivering to that mothership.]

(2) Conditions. Conditions for participating in the voluntary full utilization program are as follows:

(i) All catch must be made available to the observers for sampling before it is sorted by the crew.

(ii) Any retained catch in excess of cumulative trip limits must either be: Converted to meal, mince, or oil products, which may then be sold; or donated to a bona fide tax-exempt hunger relief organization (including food banks, food bank networks or food bank distributors), and the vessel operator must be able to provide a receipt for the donation of groundfish landed under this program from a tax-exempt hunger relief organization immediately upon the request of an authorized officer.

(iii) No processor or catcher vessel may receive compensation or otherwise benefit from any amount in excess of a cumulative trip limit unless the overage is converted to meal, mince, or oil products. Amounts of fish in excess of cumulative trip limits may only be sold as meal, mince, or oil products.

(iv) The vessel operator must contact the NMFS enforcement office nearest to the place of landing at least 24 hours before landing groundfish in excess of cumulative trip limits for distribution to a hunger relief agency. Cumulative trip limits and a list of NMFS enforcement offices are found on the NMFS, Northwest Region homepage at www.nwr.noaa.gov.

(v) If the meal plant on board the whiting processing vessel breaks down, then no further overages may be retained for the rest of the cumulative trip limit period unless the overage is donated to a hunger relief organization.

(vi) Prohibited species may not be retained.

(vii) Donation of fish to a hunger relief organization must be noted in the transfer log (Product Transfer/Offloading Log (PTOL)), in the column for total value, by entering a value of "0" or "donation," followed by the name of the hunger relief organization receiving the fish. Any fish or fish product that is retained in excess of trip limits under this rule, whether donated to a hunger relief organization or converted to meal, must be entered separately on the PTOL so that it is distinguishable from fish or fish products that are retained under trip limits. The information on the Mate's Receipt for any fish or fish product in excess of trip limits must be consistent with the information on the PTOL. The Mate's Receipt is an official document that states who takes possession of offloaded fish, and may be a Bill of Lading, Warehouse Receipt, or other official document that tracks the transfer of offloaded fish or fish product. The Mate's Receipt and PTOL must be made available for inspection upon request of an authorized officer throughout the cumulative limit period during which such landings occurred and for 15 days thereafter.

(j) Processing fish waste at sea. A vessel that processes only fish waste (a "waste-processing vessel") is not considered a whiting processor and therefore is not subject to the allocations, seasons, or restrictions for catcher/processors or motherships while it operates as a

waste-processing vessel. However, no vessel may operate as a waste-processing vessel 48 hours immediately before and after a primary season for whiting in which the vessel operates as a catcher/processor or mothership. A vessel must meet the following conditions to qualify as a waste-processing vessel:

(1) The vessel makes meal (ground dried fish), oil, or minced (ground flesh) product, but does not make, and does not have on board, surimi (fish paste with additives), fillets (meat from the side of the fish, behind the head and in front of the tail), or headed and gutted fish (head and viscera removed).

(2) The amount of whole whiting on board does not exceed the trip limit (if any) allowed under §660.60(c), Subpart C or Table 1 or 2 in Subpart D.

(3) Any trawl net and doors on board are stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing.

(4) The vessel does not receive codends containing fish.

(5) The vessel's operations are consistent with applicable state and Federal law, including those governing disposal of fish waste at sea.

(k) Additional Requirements for Participants In The Pacific Whiting Shoreside Fishery.

(1) Pacific Whiting Shoreside First Receiver Responsibilities.

(i) Weights and Measures. All groundfish weights reported on electronic fish tickets must be recorded from scales with appropriate weighing capacity that ensures accuracy for the amount of fish being weighed. For example: amounts of fish less than 1,000-lb (454 kg) should not be weighed on scales that have an accuracy range of 1,000-lb to 7,000-lb (454 - 3,175 kg) and are therefore not capable of accurately weighing amounts less than 1,000-lb (454 kg).

(ii) [Reserved]

(2) Sorting Requirements for the Pacific Whiting Shoreside Fishery. Fish delivered to Pacific whiting shoreside first receivers (including shoreside processing facilities and buying stations that intend to transport catch for processing elsewhere) must be sorted, prior to first weighing after offloading from the vessel and prior to transport away from the point of landing, to the species groups specified in §660.60(h), Subpart C for vessels with limited entry permits. Prohibited species must be sorted according to the following species groups: Dungeness crab, Pacific halibut, Chinook salmon, Other salmon. Non-groundfish species must be sorted as required by the state of landing.

§660.140 Shorebased IFQ Program.

(a) General. The IFQ Program applies to qualified participants in the Pacific Coast Groundfish fishery and includes a system of transferable QS for most groundfish species or species groups and trip limits or set-asides for the remaining groundfish species or species groups. The IFQ Program is subject to area restrictions (GCAs, RCAs, and EFHCAs) listed at §660.70 through §660.79, Subpart C. The shorebased IFQ fishery may be restricted or closed as a result of projected overages within the shorebased IFQ Program, the Mothership Coop Program, or the C/P Coop Program. As determined necessary by the Regional Administrator,

area restrictions, season closures, or other measures will be used to prevent the trawl sector in aggregate or the individual trawl sectors (shorebased IFQ, Mothership Coop, or C/P Coop) from exceeding an OY, or formal allocation specified in the PCGFMP or regulation at §660.55 subpart C, or XXXX.

(b) Participation Requirements. [Reserved]

(1) QS Permit Owners. [Reserved]

(2) IFQ Vessels. [Reserved]

(c) IFQ Species and Allocations.

(1) IFQ Species. IFQ species are those groundfish species for which QS will be issued.

QS will carry designations for the species/species groups, area, and trawl sector to which it applies. QS and QP species groupings and area subdivisions will be those for which OYs are specified in the Tables 1a through 2c, subpart C and those for which there is an area-specific precautionary harvest policy. QS for remaining minor rockfish will be aggregated for the shelf and slope depth strata (nearshore species are excluded as described at §660.XXX). The following are the IFQ species:

IFQ Species	
ROUNDFISH	ROCKFISH
Lingcod	Pacific ocean perch
Pacific cod	Widow rockfish
Pacific whiting	Canary rockfish
Sablefish north of 36° N. lat.	Chilipepper rockfish
Sablefish south of 36° N. lat.	Bocaccio
FLATFISH	Splitnose rockfish
Dover sole	Yellowtail rockfish
English sole	Shortspine thornyhead north of 34° 27' N. lat.
Petrale sole	Shortspine thornyhead south of 34° 27' N. lat.
Arrowtooth flounder	Longspine thornyhead north of 34° 27' N. lat.
Starry flounder	Cowcod
Other Flatfish stock complex	Darkblotched
	Yelloweye
	Minor Rockfish North slope species complex
	Minor Rockfish North shelf species complex
	Minor Rockfish South slope species complex
	Minor Rockfish South shelf species complex

(2) IFQ Program Allocations. [Reserved]

(d) QS Permits and QS Accounts.

(1) General. In order to obtain QS, a person must apply for a QS permit. NMFS will determine if the applicant is eligible to acquire QS in compliance with the accumulation limits found at §660.XXX(x), Subpart D. For those persons that are found to be eligible for a QS permit, NMFS will issue QS and establish a QS account. QP will be issued annually at the start of the calendar year to a QS account based on the percent of QS registered to the account and the

amount of fish allocated to the shorebased IFQ fishery. QS owners must transfer their QP from their QS account to a vessel account in order for those QP to be fished.

(2) Eligibility and Registration. [Reserved]

(3) Renewal, Change of Permit Ownership, and Transfer. [Reserved]

(4) Accumulation Limits.

(i) QS control limits are an accumulation limit and are the amount of QS that a person, individually or collectively, may control. No person shall own or control by any means whatsoever an amount of QS that exceeds the shorebased IFQ program accumulation limits. QS control limits are expressed as a percentage of the Shorebased IFQ Program's allocation. These amounts are as follows:

Species Category	QS Control Limit
Non-whiting Groundfish Species	2.7%
Lingcod - coastwide	2.5%
Pacific Cod	12.0%
Pacific whiting (shoreside)	10.0%
Sablefish	
N. of 36° (Monterey north)	3.0%
S. of 36° (Conception area)	10.0%
PACIFIC OCEAN PERCH	4.0%
WIDOW ROCKFISH *	5.1%
CANARY ROCKFISH	4.4%
Chilipepper Rockfish	10.0%
BOCACCIO	13.2%
Splitnose Rockfish	10.0%
Yellowtail Rockfish	5.0%
Shortspine Thornyhead	
N. of 34°27'	6.0%
S. of 34°27'	6.0%
Longspine Thornyhead	
N. of 34°27'	6.0%
COWCOD	17.7%
DARKBLOTCHED	4.5%
YELLOWEYE	5.7%
Minor Rockfish North	
Shelf Species	5.0%
Slope Species	5.0%
Minor Rockfish South	
Shelf Species	9.0%
Slope Species	6.0%
Dover sole	2.6%
English Sole	5.0%
Petrale Sole	3.0%
Arrowtooth Flounder	10.0%
Starry Flounder	10.0%
Other Flatfish	10.0%
Other Fish	5.0%
Pacific Halibut	5.4%

(ii) Ownership - Individual and Collective Rule. The QS that counts toward a person's accumulation limit will include:

(A) the QS owned by that person, and

(B) a portion of the QS owned by an entity in which that person has an interest, where the person's share of interest in that entity will determine the portion of that entity's QS, or the resulting QP, that counts toward the person's limit.

(iii) Control. Control means, but is not limited to the following:

(A) the person has the right to direct, or does direct, in whole or in part the business of the entity to which the QS are registered;

(B) the person has the right to limit the actions of or replace, or does limit the actions of or replace, the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity to which the QS are registered;

(C) the person has the right to direct, or does direct, the transfer of QS, or the resulting QP;

(D) the person, through loan covenants or any other means, has the right to restrict, or does restrict, the day to day business activities and management policies of the entity to which the QS are registered;

(E) the person, through loan covenants or any other means, has the right to restrict, or does restrict, use of QS, or the resulting QP, or disposition of fish harvested under the resulting QP;

(F) the person has the right to control, or does control, the management of, or to be a controlling factor in, the entity to which the QS, or the resulting QP, are registered;

(G) the person has the right to cause, or does cause, the sale, lease or other disposition of QS, or the resulting QP; and

(H) the person has the ability through any means whatsoever to control the entity to which QS is registered.

(iv) Trawl Identification of Ownership Interest Form. Any person that owns a limited entry trawl permit and is applying for a QS permit shall document those individuals that have greater than or equal to 2 percent ownership interest in the permit. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form sent to the permit owner with their application. SFD will not issue a QS Permit unless the Trawl Identification of Ownership Interest Form has been completed. Further, if SFD discovers through review of the Trawl Identification of Ownership Interest Form that a person owns or controls more than the accumulation limits and is not authorized to do so under paragraph (d)(4)(v) of this section, the person will be notified and the QS Permit will be issued up to the accumulation limit specified in the QS Control Limit Table from paragraph (d)(4)(i).

(v) Divestiture. For QS permit owners that are found to exceed the accumulation limits during the initial issuance of QS permits, an adjustment period will be provided after which they will have to divest of QS in excess of the accumulation limits. QS will be issued for amounts in excess of accumulation limits only for owners of limited entry permits transferred by November 8, 2008, if such transfers have been registered with NMFS by November 30, 2008. The holder of

any permit transferred after that time will be eligible to receive an initial allocation for that permit of only those QS that are within the accumulation limits. Anyone who qualifies for an initial allocation of QS in excess of the accumulation limits will be allowed to receive that allocation but must divest themselves of the excess QS during years three and four of the IFQ program. Holders of QS in excess of the control limits may receive and use the QP associated with that excess, up to the time their divestiture is completed. At the end of year 4 of the IFQ program, any QS held by a person in excess of the accumulation limits will be revoked and redistributed to the remainder of the of the QS holders in proportion to the QS holdings in year 5. No compensation will be due for any revoked shares.

(5) Appeals. [Reserved]

(6) Fees. The Regional Administrator is authorized to charge fees for administrative costs associated with the issuance of a QS permit consistent with the provisions given at §660.25(f), **Subpart C**.

(7) [Reserved]

(8) Application Requirements and Initial Issuance for QS Permit and QS.

(i) Eligibility Criteria for QS Permit and QS. Only the following persons are eligible to receive a QS permit or QS:

(A) The owner of a valid trawl limited entry permit is eligible to receive a QS permit and its associated QS amount. Any past landings history associated with the current limited entry trawl permit accrues to the current permit owner. NMFS will not recognize any other person as the limited entry permit owner other than the person listed as limited entry permit owner in NMFS permit database. If a limited entry permit has history on state landing receipts and has been combined with a permit that has received or will receive a C/P endorsement, the trawl limited entry permit does not qualify for QS.

(B) Pacific whiting shoreside first receivers recorded in the dataset that was extracted from PacFIN by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register], as having received landings of 1 mt or more of whiting from whiting trips in each of any 2 years from 1998 through 2004 are eligible for an initial issuance of whiting QS. For the purposes of initial issuance of whiting QS, the following provisions further define eligible shoreside first receiver applicants:

(1) a whiting trip is a fishing trip where greater than or equal to 50 percent by weight of all fish reported on the state landing receipt is whiting as recorded in the dataset that was extracted from PacFIN by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register].

(2) a shoreside processor is an operation, working on US soil, that takes delivery of trawl caught groundfish that has not been processed; and that thereafter engages that fish in shoreside processing. Entities that received fish that have not undergone at-sea processing or shoreside processing and sell that fish directly to consumers shall not be considered a processor for purposes of QS allocations. Shoreside processing is defined as either of the following:

(i) Any activity that takes place shoreside; and that involves: cutting groundfish into smaller portions; or freezing, cooking, smoking, drying groundfish; or packaging that groundfish for resale into 100 pound units or smaller for sale or distribution into a wholesale or retail market.

(ii) The purchase and redistribution in to a wholesale or retail market of live groundfish from a harvesting vessel.

(ii) Steps for QS Allocation Formula. The QS Allocation formula is applied in the following steps:

(A) First, a preliminary QS allocation is determined for non-whiting trips.

(B) Second, a preliminary QS allocation is determined for whiting trips.

(C) Third, the amounts resulting from paragraphs (A) and (B) are combined.

(D) Fourth, the results are reduced by 10 percent of non-whiting species as a set aside for Adaptive Management Program (AMP) and by 20 percent of whiting for the amount of QS allocated to first receivers.

(E) Fifth, the preliminary whiting QS allocation is determined for first receivers based on the 20 percent of whiting allocated to first receivers.

(F) Sixth, the preliminary Pacific halibut IBQ allocation is determined.

(iii) Allocation Formula for Specific QS Amounts.

(A) Allocation Formula Rules. Unless otherwise specified, the following rules will be applied to data for the purpose of calculating an initial allocation of QS:

(1) For limited entry trawl permit owners, a permit will be assigned history based on the landing history of the vessel(s) associated with the permit at the time the landings were made.

(2) The extracted PacFIN data includes the PacFIN species compositions based on port sampled data and applied to data at the vessel level. After applying standard PacFIN species composition algorithms and where the resulting species categorizations do not match IFQ species categories, NMFS will assign species to an IFQ species category based on other information from state landing receipts or logbook information in PacFIN.

(3) Catch areas have been assigned to trips reported on state landing receipts based on port of landing. This is only relevant to IFQ species for which the QS will be subdivided by area.

(4) History from limited entry permits that have been combined with a permit that has received or will receive a C/P endorsement will not be included in the preliminary QS allocation formula.

(5) Landings identified as being in excess of the cumulative landings limits in place (e.g., illegal landings, non-whiting EFP landings, etc.) will not count toward the allocation of QS.

(6) The limited entry permit's landings history includes the landings history of any permits that have been previously combined with that permit.

(7) If two or more limited entry trawl permits have been simultaneously registered to the same vessel, NMFS will split the landing history evenly between all limited entry trawl-endorsed permits during the time they were simultaneously registered to the vessel.

(8) Unless otherwise noted, the calculation for QS allocation under paragraph (d)(8) of this section will be based on state landing receipts (fish tickets) as recorded in the dataset that was extracted from PacFIN by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register].

(B) Preliminary QS allocation for non-whiting trips. The amount of QS for non-whiting trips will be calculated based on state landing receipts where less than 50 percent by weight of all fish reported on the state landing receipt is whiting. The non-whiting preliminary QS allocation will be calculated differently for different species groups, Groups 1 through 3, described in paragraph (1) below.

(1) Allocation Formula Species Groups. The QS allocation formula will be different for different groups of IFQ species. For the purposes of preliminary QS allocation, IFQ species will be grouped as follows:

(i) Group 1 includes lingcod, Pacific cod, Pacific whiting, sablefish north of 36° N. lat., sablefish south of 36° N. lat., Dover sole, English sole, Petrale sole, arrowtooth flounder, starry flounder, other flatfish stock complex, chilipepper rockfish, splitnose rockfish, yellowtail rockfish, shortspine thornyhead north of 34° 27' N. lat., shortspine thornyhead south of 34° 27' N. lat., longspine thornyhead north of 34° 27' N. lat., minor rockfish north slope species complex, minor rockfish south slope species complex, minor rockfish north shelf species complex, and minor rockfish south shelf species complex.

(ii) Group 2 includes bocaccio, cowcod, darkblotched rockfish, Pacific ocean perch, widow rockfish, and yelloweye rockfish.

(iii) Group 3 includes canary rockfish.

(2) For Group 1 species, there are two allocation processes, one to allocate QS equally among all eligible limited entry permits and the other to allocate based on permit catch history.

(i) QS to be Allocated Equally. The pool of QS for equal allocation will be determined using the landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program (i.e., buyback permit) (70 FR 45695, August 8, 2005). The QS pool associated with the buyback permits will be the buyback permit history as a percent of the total fleet history for the allocation period. The calculation will be based on total absolute pounds with no other adjustments and no dropped years. The QS pool will be divided equally among qualifying limited entry permits for all QS species/species groups and areas in Group 1.

(ii) QS to be Allocated Based on Each Permit's History. The pool for QS allocation based on limited entry trawl permit history will be the QS remaining after subtracting out the QS allocated equally. This pool will be allocated to each qualifying limited entry trawl permit based on the permit's relative landings history from 1994 through 2003. For each limited entry trawl permit, NMFS will calculate a relative landing percent for each Group 1 species by area subdivisions and each qualifying year, as follows. First, sum the permit's landings for each year by Group 1 species and area subdivision. Second, divide each permit's annual sum for a particular species and area subdivision, by the limited entry trawl fleet's annual sum for the same species and area subdivision. NMFS will then calculate a total weighted history for each permit

by species and area subdivision by dropping the three years with the lowest relative landing percent for the permit for each species and area subdivision. The result for each permit by species and areas subdivision will then be totaled and divided by the total weighted history for that species and area subdivision by all qualifying and eligible limited entry trawl permits. The result from this calculation will then be multiplied by the amount of QS in the pool to be allocated based on each permit's history.

(3) For Group 2 species, the QS allocation will be calculated for each limited entry trawl permit using a formula based on QS allocations for eleven (11) target species and areas fished as follows:

(i) Target species are arrowtooth flounder, starry flounder, other flatfish, Dover sole, English sole, Petrale sole, minor slope rockfish, shortspine thornyheads, longspine thornyheads, sablefish, and Pacific cod

(ii) The areas fished will be divided among eight total areas: shoreward and seaward of the trawl RCA; and then among the following latitudinal areas: north of 47°40' N lat.; between 47°40' N lat. and 43°55' N lat.; 43°55' N. lat. and 40°10' N lat.; and south of 40°10' N lat.

(iii) To perform the calculations listed below, NMFS will use 2003-2006 catch data from the PacFIN Coastwide Trawl Logbook Database (i.e., from state logbooks) and landings from the PacFIN Fishticket system. For each of the 8 areas, WCGOP Observer Ratios (average bycatch rates from 2003 through 2006) have been developed that are the ratios of the catch of each Group 2 species to total target catch in the area.

(iv) These data are used in a series of sequential steps to estimate the allocation of Group 2 species to each limited entry trawl permit. Steps (v) to (viii) estimate the portion of a permit's total target species catch taken in each area. Steps (ix) to (xv) project Group 2 species bycatch amounts using WCGOP observer ratios. Steps (xvi) to (xix) convert these amounts into QS.

(v) For each limited entry trawl permit, NMFS will review the Permit Logbook data for that permit and sum target species catch recorded for each year during 2003 through 2006, resulting in total target species catch in each area for each species.

(vi) For each limited entry trawl permit, NMFS will also sum target species catch by area into total coastwide target species catch for each permit for the years 2003 through 2006 in aggregate.

(vii) For each limited entry trawl permit, NMFS will divide logbook target species catch in each area (step (v)) by the permit's total coastwide target species catch (step (vi)) to create a set of area catch ratios for each permit. (Note: The area catch ratios sum to 1 for each permit).

(viii) For limited entry trawl permits where the vessel registered to the permit did not submit logbooks for any of the years 2003 through 2006, NMFS will use the following formula to calculate area target catch ratios: a) sum all limited entry trawl permits' total logbook area target catches from step (v), and b) sum all limited entry trawl permits' total logbook target catches for all areas from step (vi). Divide these sums (i.e., a/b) to create average permit logbook area target catch ratios.

(ix) For each limited entry trawl permit, sum total 2003 through 2006 PacFIN landings by target species.

(x) For each limited entry trawl permit, obtain the percentage of the limited entry trawl permit initial QS allocation for each target species resulting from paragraph (d)(8)(iii)(B)(2).

(xi) Calculate each limited entry trawl permit's landings by weight for total target species by multiplying each limited entry trawl permit's target species landings from step (ix) by each permit's target species QS allocation percentage from step (x).

(xii) For each limited entry trawl permit, NMFS will sum across the eleven target species from step (xi) to get a total landed weight of all target species for each limited entry trawl permit.

(xiii) For each limited entry trawl permit, allocate the permit's total landed weight to areas using logbook ratios from either step (vii) (permits with logbook data) or step (viii) (permits without logbook data).

(xiv) Obtain average WCGOP observer ratios for 2003 through 2006 for each Group 2 species and area (observed Group 2 species catch / total target species catch).

(xv) Calculate each limited entry trawl permit's Group 2 species area amounts by Group 2 species and area fished as follows: multiply the limited entry trawl permit's total landed weight by area from step (xiii) by the WCGOP observer ratios of step (xiv).

(xvi) For each limited entry trawl permit, sum the area amounts for each Group 2 species from step (xv) by area to get the total weight of each Group 2 species needed by each limited entry trawl permit.

(xvii) Sum all limited entry trawl permits Group 2 species amounts from step (xvi) into coastwide totals for each Group 2 species.

(xviii) Estimate preliminary QS for each Group 2 species for each limited entry trawl permit by dividing each limited entry trawl permit's total weight of Group 2 species from step (xvi) by the coastwide totals from step (xvii).

(xix) Reduce permit Group 2 QS from step (xviii) by 10 percent for the adaptive management program to yield the initial QS allocations for each Group 2 species for each limited entry trawl permit.

(4) For Group 3 species, two calculations are performed that result in the division of QS into two pools, one to allocate QS equally among all eligible limited entry permits, using the approach identified for Group 1 species in paragraph (2), and the other to allocate QS using a formula based on QS allocations for target species and areas fished, using the approach identified for Group 2 species in paragraph (3).

(C) Preliminary QS allocation for whiting trips. The amount of QS for whiting trips will be calculated based on state landing receipts where equal to or greater than 50 percent of all fish reported on the state landing receipt is whiting. The whiting preliminary QS allocation will be calculated differently for eligible limited entry trawl permit owners and eligible shoreside first receivers. In addition, a preliminary QS allocation for all other incidentally caught species will be calculated for all eligible limited entry trawl permit owners.

(1) Whiting QS allocation for eligible limited entry trawl permit owners, the QS allocation will be calculated by dividing into two pools, one to allocate QS equally among all eligible limited entry permits and the other to be allocated based on permit catch history.

(i) QS to be Allocated Equally. The pool of whiting QS for equal allocation will be determined using the landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program (i.e., buyback permit) (70 FR 45695, August 8, 2005). The QS pool associated with the buyback permits will be the buyback permit history as a percent of the total fleet history for the allocation period. The calculation will be based on total absolute pounds with no other adjustments and no dropped years. The whiting QS pool will be divided equally among qualifying limited entry permits for whiting QS.

(ii) QS to be Allocated Based on Each Permit's History. The pool for QS allocation based on limited entry trawl permit history will be the QS remaining after subtracting out the QS allocated equally. This pool will be allocated to each qualifying limited entry trawl permit based on the permit's relative landings history from 1994 through 2003. For each limited entry trawl permit, NMFS will calculate a whiting relative landing percent for each qualifying year, as follows. First, sum the permit's whiting landings for each year. Second, divide each permit's annual sum of whiting, by the limited entry trawl fleet's annual sum of whiting. NMFS will then calculate a total weighted history for each permit by dropping the two years with the lowest relative landing percent for the permit. The result for each permit will then be totaled and divided by the total weighted history for whiting by all qualifying and eligible limited entry trawl permits. The result from this calculation will then be multiplied by the amount of whiting QS in the pool to be allocated based on each permit's history.

(2) QS allocation of other incidentally caught species for eligible limited entry trawl permit owners, will be allocated pro-rata based on whiting QS from whiting trips. Pro-rata means a percent that is equal to the percent of whiting QS.

(D) QS from all Limited Entry Permits for Whiting Trips and Non-whiting Trips Separately.

(1) Non-whiting Trips. The initial QS allocation for each species for all limited entry trawl permits' non-whiting trips will be combined. Once combined, use the sum of all non-whiting trips for each species and multiply each limited entry permit's QS for non-whiting trips and species by the non-whiting inteselector allocation for that species.

(2) Whiting Trips. The initial QS allocation for each species for all limited entry trawl permits' whiting trips will be combined. Once combined, use the sum of all whiting trips for each species and multiply each limited entry permit's QS for whiting trips and species by the whiting inteselector allocation for that species.

(E) QS for each Limited Entry Trawl Permit. For each limited entry trawl permit, add the results for the permit from paragraphs (D)(1) and (D)(2) in order to determine the total QS for each species on that permit.

(F) Adjust for AMP Set-Aside and First Receiver Allocations. Reduce the non-whiting QS allocations by 10%, for QS set-aside to AMP. Reduce the whiting QS allocations by 20% for the initial QS allocation to whiting first receivers.

(G) Allocation of Whiting QS for Whiting First Receivers. Take the 20% from paragraph (F) to calculate the amount of whiting QS available to first receivers. For each eligible first receiver, whiting QS will be allocated based on a first receiver's relative landings history from 1998 through 2004. For each first receiver, NMFS will calculate a whiting relative landing percent for each qualifying year, as follows. First, sum the first receiver's whiting landings for each year. Second, divide each first receiver's annual sum of whiting, by the annual sum of whiting for all first receivers. NMFS will then calculate a total weighted history for each first receiver by dropping the two years with the lowest relative landing percent for that first receiver. The result for each first receiver will then be totaled and divided by the total weighted history for whiting by all qualifying first receivers. The result from this calculation will then be multiplied by the amount of whiting QS in the pool to be allocated based on each first receiver's history. For purposes of making an initial issuance of whiting QS to a shoreside first receiver, NMFS will attribute landing history to the first receiver reported on the landing receipt (the entity responsible for filling out the state landing receipt) as recorded in the dataset that was extracted from PacFIN by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register]. History may be reassigned to a shoreside processor not on the state landings receipt as described at paragraph XXX.

(H) Allocation of Pacific Halibut IBQ for Each Limited Entry Trawl Permit. For each eligible limited entry trawl permit owner, Pacific halibut IBQ for the area north of 40°10' N. lat. will be calculated using a formula based on QS allocations for target species and areas fished as follows:

(1) The target species are arrowtooth flounder and petrale sole (catch of these species has been shown to be correlated with Pacific halibut bycatch).

(2) Pacific halibut bycatch rates associated with target species catch in each of four bycatch areas north of 40°10' N. latitude are obtained from the average of 2003 through 2006 WCGOP data. The four bycatch areas are: North of 47°30' N lat. seaward of the RCA; North of 47°30' N lat. shoreward of the RCA; between 40°10' N lat. and 47°30' N lat. seaward of the RCA; and between 40°10' N lat. and 47°30' N lat. shoreward of the RCA.

(3) The distributions of target species catch for each limited entry trawl permit and target species in each of the four bycatch areas are taken from 2003 through 2006 data from the PacFIN Coastwide Trawl Logbook Database (i.e., from state logbooks). For practicability, seaward or shoreward of the RCA as identified in the logbook data is defined as being deeper than or shallower than 115 fathoms, respectively.

(4) For each limited entry trawl permit, logbook-recorded catch of each target species in each bycatch area is divided by the sum of the permit's catch of each target species in all four bycatch areas to derive the percentage of the permit's catch for each target species that occurred in each area for 2003 through 2006 combined.

(5) For limited entry trawl permits without logbook data on file, an “average distribution” of catch of each target species in each area is substituted. The average distribution of catch of each target species in each area is calculated by summing logbook-recorded catch of each species in that area for the 2003 through 2006 period for all permits, and dividing that by the sum of logbook-recorded catch of that species by all permits in all four areas.

(6) PacFIN landings of each target species by all limited entry trawl permits are summed over 2003 through 2006 for each target species. The result is a total catch weight for each target species. These totals are used to derive quota-based catch weights by each permit for each of the two target species in step (8) below.

(7) The non-whiting portion of each limited entry permit’s QS allocations for the two target species is obtained.

(8) The totals for each target species from step (6) are multiplied by each permit’s non-whiting QS percentage for the corresponding target species. The result is a measure of the “catch weight” of each target species that is associated with each permit’s QS. (Note: This step is necessary because the bycatch rates are expressed in terms of the weight of bycatch species taken per given weight of target species caught.)

(9) Each permit’s QS-based catch weight for each target species from step (8) is distributed to the four bycatch areas using the logbook-based percentages calculated in step (4) (or step (5) for permits without logbook data), resulting in a derived distribution of catch weight for each permit in each area for each target species.

(10) Two adjustments are made to the Pacific halibut bycatch rates from step (2):

(i) conversion from a round-weight to a dressed-weight basis for Pacific halibut (the Pacific halibut CEY is expressed in terms of dressed weight), and

(ii) adjustment for an assumed Pacific halibut bycatch mortality rate of less than 100 percent.

(11) The Pacific halibut bycatch mortality rates by area from step (10) are multiplied by each permit’s catch weight by area for each target species from step (9). These results are summed over the four bycatch areas to derive the weight of each permit’s Pacific halibut bycatch amounts associated with its catch of each target species.

(12) Pacific halibut bycatch amounts associated with each permit’s estimated catch of each target species from step (11) are summed by target species to derive each permit’s total preliminary Pacific halibut bycatch mortality amount (weight).

(13) Permit totals from step (12) are summed over all permits to derive total Pacific halibut bycatch mortality weight for all permits combined.

(14) Each permit’s Pacific halibut bycatch mortality amount is divided by the total from step (13) to derive each permit’s preliminary Pacific halibut IBQ (percentage). The Pacific halibut initial IBQ allocation is the percent associated with the unweighted non-whiting portion of each permit’s arrowtooth flounder and petrale sole initial QS allocations.

(iii) QS Application. Persons may apply for an initial issuance of QS and a QS permit in one of two ways: complete and submit a prequalified application received from NMFS, or complete and submit an application package.

(A) Prequalified Application. A “prequalified application” is a partially pre-filled application where NMFS has preliminarily determined the landings history that may qualify the applicant for an initial issuance of QS. NMFS will mail prequalified application packages to the owners of limited entry trawl permits. The application package will include, but is not limited to: a prequalified application (with landings history), a Trawl Identification of Ownership Interest form, and any other documents NMFS believes are necessary to aid the limited entry permit owner in completing the QS application.

(1) For current trawl limited entry permit owners, NMFS will mail a prequalified application to all current trawl limited entry permit owners, as listed in NMFS permit database at the time applications are mailed, who NMFS determines may qualify for QS. NMFS will mail the application by certified mail to the current address of record in the NMFS permit database. The application will contain the basis of NMFS’s calculation of their QS for each species/species group or area.

(2) For Pacific whiting shoreside first receivers, NMFS will mail a prequalified application to those first receivers who are found to qualify from PacFIN data for an initial issuance of whiting QS. NMFS will mail the application by certified mail to the current address of record given by the state in which the entity is registered. For all qualified entities who meet the eligibility requirement at paragraph XXX, the application will provide the basis of NMFS’s calculation of the initial issuance of Pacific whiting QS.

(B) Requests for an Application. Any current limited entry trawl permit owner or a Pacific whiting first receiver that does not receive a prequalified application, and who believes that he qualifies for an initial issuance of QS, must complete an application package and submit the completed application to NMFS by the application deadline. The completed application must be either post-marked or hand-delivered within normal business hours no later than [insert date 60 calendar days after publication of the final rule in the Federal Register]. Application packages are available on NMFS website (<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Permits/index.cfm>) or by contacting SFD. An application must include valid PacFIN data or other credible information that substantiates the applicant’s qualification for an initial issuance of QS. If an applicant fails to submit a completed application by the deadline date, they forgo the opportunity to receive consideration for an initial issuance of QS.

(iv) Corrections to the Application. If the applicant does not accept NMFS’ calculation in the prequalified application either in part or whole, in order for NMFS to reconsider NMFS’ calculation, the applicant must identify in writing to NMFS which parts the applicant believes to be inaccurate, and must provide specific credible information to substantiate any corrections requested. The completed application and specific credible information must be provided to NMFS in writing by the application deadline. Written communication must be either post-marked or hand-delivered within normal business hours no later than [insert date 60 calendar

days after publication of the final rule in the Federal Register]. Requests for corrections may only be granted for the following reasons:

(A) errors in NMFS' extraction, aggregation, or expansion of data, including:

(1) errors in NMFS extraction of landings data from PacFIN;

(2) errors in NMFS extraction of state logbook data from PacFIN;

(3) errors in NMFS application of the QS allocation formula;

(4) errors in the permit owner, permit combinations, or vessel registration as listed in NMFS permit database;

(5) errors in ownership information for first receivers.

(B) Reassignment of Pacific Whiting Landings History for Pacific Whiting Shoreside

First Receivers. For Pacific whiting shoreside first receivers, the landing history may be reassigned to another person that was in fact the first processor of the fish. In order for the applicant to request that landing history to be reassigned to another person an authorized representative for the shoreside first receiver given on the state landing receipt must submit, by the application deadline date specified in paragraph (X) for initial issuance of QS, a written request that the whiting landings history from the qualifying years be conveyed to another person. The letter must be signed and dated by the authorized representative of the Pacific whiting shoreside first receiver named on the state landing receipt and signed and dated by the authorized representative of the person the Pacific whiting landing history will be reassigned to. The letter must give the dates of the landings history that are being reassigned and include the legal name of the person, their date of birth or tax identification number, business address, business phone number, fax number, and email of the person receiving the Pacific whiting landing history. If a valid agreement exists that demonstrates that the entity being reassigned the landing history was in fact the first processor of the fish, that document must be provided to NMFS. NMFS will review the information submitted and will make a determination as part of the IAD.

(v) Submission of the Application and Application Deadline.

(A) Submission of the Application. Submission of the complete, certified application includes, but is not limited to, the following:

(1) The applicant is required to sign and date the application and have the document notarized by a licensed Notary Public.

(2) The applicant must certify that they qualify to own QS.

(3) The applicant must indicate they accept NMFS' calculation of initial issuance of QS provided in the prequalified application, or provide credible information that demonstrates their qualification for QS.

(4) The applicant is required to provide a complete Trawl Identification of Ownership Interest Form as specified at paragraph (d)(4)(v).

(5) Business entities may be required to submit a corporate resolution or other credible documentation as proof that the representative of the entity is authorized to act on behalf of the entity; and

(6) NMFS may request additional information of the applicant as necessary to make an IAD on initial QS issuance.

(B) Application Deadline. A complete, certified application must be mailed or hand-delivered to NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115, and postmarked no later than [insert date 60 calendar days after publication of the final rule in the Federal Register]. NMFS will not accept or review any applications received or postmarked after the application deadline. There are no hardship provisions for this deadline.

(vi) Permit Transfer During Application Period. NMFS will not review or approve any request for a change in limited entry trawl permit owner at any time after [INSERT DATE FINAL RULE PUBLISHED IN Federal Register] until a final decision is made by the Regional Administrator on behalf of the Secretary of Commerce.

(vii) Initial Administrative Determination (IAD). NMFS will issue an IAD for all complete, certified applications received by the application deadline date. If NMFS approves an application for initial issuance of QS, the applicant will receive a QS Permit specifying the amounts of QS for which the applicant has qualified and the applicant will be registered to a QS Account. If NMFS disapproves an application, the IAD will provide the reasons NMFS did not approve the application. As part of the IAD, NMFS will indicate if the QS Permit owner has QS in amounts that exceed the accumulation limits and are subject to divestiture provisions given at XXXXXX. If the applicant does not appeal the IAD within 30 calendar days of the date on the IAD, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(viii) Appeals. For QS permits and QS issued under this section, the appeals process and timelines are specified at §660.25(g), Subpart C. For the initial issuance of QS and the QS permits, the basis for appeal are described in paragraph (d)(8)(iv). An additional basis for appeal for whiting QS based on shoreside processing is the allegation that the first receiver to which a QS Permit and QS have been assigned is not in fact the first processor for those fish. The appellant must submit credible information supporting the allegation that they were in fact the first shoreside processor for the fish in question. Items not subject to appeal include, but are not limited to, the accuracy of permit landings data or shoreside first receiver landings data in the dataset extracted from PacFIN by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register].

(e) Vessel accounts. [Reserved]

(f) First Receiver Site License. [Reserved]

(g) Retention requirements (whiting and non-whiting vessels). [Reserved]

(h) Observer Requirements. [Reserved]

(i) [Reserved]

(j) Shoreside Catch Monitor requirements for IFQ first receivers. [Reserved]

(k) Catch weighing requirements. [Reserved]

- (l) Gear Switching. [Reserved]
- (m) Adaptive Management Program. [Reserved]

§660.150 Mothership (MS) Coop Program.

(a) General. The MS Coop Program is a limited access program that applies to eligible harvesters and processors in the mothership sector of the Pacific whiting at-sea trawl fishery. Eligible harvesters and processors, including coop and non-coop fishery participants, must meet the requirements set forth in this section of the Pacific Coast groundfish regulations. In addition to the requirements of this section, the MS coop program is subject to the following groundfish regulations of Subparts C and D:

- (1) Pacific whiting seasons §660.131, Subpart D
- (2) Area restrictions specified for midwater trawl gear used to harvest Pacific whiting fishery specified at §660.131, Subpart D for GCAs, RCAs, Salmon Conservation Zones, BRAs, and EFHCAs.
- (3) Regulations set out in the following sections of Subpart C: §660.11 Definitions, §660.XX Prohibitions, §660.13 Recordkeeping and reporting, §660.14 VMS requirements, §660.15 Equipment requirements, §660.16 Groundfish Observer Program, §660.20 Vessel and gear identification, and §660.XXX Add others
- (4) Regulations set out in the following sections of Subpart D: §660.111 Trawl fishery definitions, §660.112 Trawl fishery prohibitions, §660.113 Trawl fishery recordkeeping and reporting, §660.116 Trawl fishery observer requirements, §660.130 Limited entry trawl fishery management measures, and the Pacific whiting measures at XXX§660.323XXX.
- (5) The MS Coop Program may be restricted or closed as a result of projected overages within the MS Coop Program, the C/P Coop Program, or the Shorebased IFQ Program. As determined necessary by the Regional Administrator, area restrictions, season closures, or other measures will be used to prevent the trawl sectors in aggregate or the individual sector (Shorebased IFQ, MS Coop, or C/P Coop) from exceeding an OY, or formal allocation specified in the PCGFMP or regulation at §660.XXX subpart XX.

(b) Participation Requirements. [Reserved]

(1) Mothership Vessels. [Reserved]

(2) Mothership Catcher Vessels. [Reserved]

(3) MS Coop Formation and Failure. [Reserved]

(c) Inter-coop Agreement. [Reserved]

(d) MS Coop Program Species and Allocations.

(1) MS Coop Program Species. MS Coop Program Species are as follows:

(i) Species with formal allocations to the MS Program are Pacific whiting, canary rockfish, darkblotched rockfish, Pacific Ocean perch, and widow rockfish;

(ii) Species with set-asides for the MS and C/P Programs combined, as described in Tables 1a and 2a, Subpart C.

(2) Annual Mothership Sector Sub-Allocations. [Reserved]

- (i) Mothership catcher vessel catch history assignments. [Reserved]
- (ii) Annual Coop Allocations. [Reserved]
- (iii) Annual Non-Coop Allocation. [Reserved]
- (3) Reaching an allocation or Sub-allocation. [Reserved]
- (4) Non-whiting Groundfish Species Reapportionment. [Reserved]
- (5) Announcements. [Reserved]
- (6) Redistribution of Annual Allocation. [Reserved]
- (7) Processor Obligation. [Reserved]
- (8) Allocation Accumulation Limits. [Reserved]
- (e) MS Coop Permit And Agreement. [Reserved]
- (f) Mothership (MS) Permit.

(1) General. After January 1, 2011, any vessel that processes or receives deliveries as a mothership processor in the Pacific whiting fishery mothership sector must be registered to a MS permit. A vessel registered to a MS permit may receive fish from a vessel that fishes in a Mothership coop and/or may receive fish from a vessel that fishes in the non-coop fishery at the same time or during the same year.

(i) Eligibility to Own or Hold a MS Permit. The only person that can acquire a MS permit is 1) a United States citizen; 2) a permanent resident alien; or 3) a corporation, partnership or other entity established under the laws of the United States or any State.

(ii) Vessel Size Endorsement. A MS permit does not have a vessel size endorsement. The endorsement provisions at §660.334(c) do not apply to a MS permit.

(iii) Restriction on C/P Vessels Operating as Motherships. Restrictions on a vessel registered to a limited entry permit with a C/P endorsement operating as a mothership are specified at §660.XXC/P sxxX, Subpart D.

(2) Renewal, Change Of Permit Ownership, Or Vessel Registration. [Reserved]

(3) Accumulation Limits.

(i) MS Permit Usage Limit. No person may own or control MS permit(s) registered to vessels that cumulatively process more than 45 percent of the annual mothership sector Pacific whiting allocation. Accumulation limits will be determined by calculating the percentage of ownership interest a person has in any MS permit. Ownership interest will subject to the individual and collective rule.

(ii) Ownership - Individual and Collective Rule. The ownership that counts toward a person's accumulation limit will include:

(A) the MS permit owned by them, and

(B) a portion of the MS permit owned by an entity in which that person has an interest, where the person's share of interest in that entity will determine the portion of that entity's ownership that counts toward the person's limit.

(iii) Control. Control means, but is not limited to the following:

(A) the person has the right to direct, or does direct, the business of the entity to which the permit is registered;

(B) the person has the right to direct or restrict, or does direct or restrict, the delivery of groundfish harvested under a permit registered to a different person;

(C) the person has the right to limit the actions of or replace, or does limit the actions of or replace, the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity to which the permit is registered;

(D) the person has the right to direct, or does direct, the transfer of the permit;

(E) the person, through loan covenants or any other means, has the right to restrict, or does restrict, the day to day business activities and management policies of the entity to which the permit is registered;

(F) the person, through loan covenants or any other means, has the right to restrict, or does restrict, use of the permit or disposition of fish harvested under the permit;

(G) the person has the right to control, or does control, the management of, or to be a controlling factor in, the entity to which the permit is registered;

(H) the person has the right to cause, or does cause, the sale, lease or other disposition of the permit; and

(I) the person has the ability through any means whatsoever to control the entity to which permit is registered.

(iv) Trawl Identification of Ownership Interest Form. Any person that is applying for a MS permit shall document those individuals that have greater than or equal to 2 percent ownership interest in the permit. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form sent to the permit owner with their application. SFD will not issue a MS Permit unless the Trawl Identification of Ownership Interest Form has been completed.

(4) Appeals. [Reserved]

(5) Fees. The Regional Administrator is authorized to charge fees for administrative costs associated with the issuance of a MS permit consistent with the provisions given at §660.25(f), Subpart C

(6) Application Requirements and Initial Issuance for MS Permit.

(i) Eligible Applicant. A current owner of a vessel that processed Pacific whiting in the mothership sector in the qualifying years may apply for a MS permit, except that in the case of bareboat charterers, the charterer of the bareboat may apply.

(ii) Qualifying Criteria for MS Permit. To qualify for a MS permit, a vessel must have at least two qualifying years between 1997 through 2003 in which at least 1,000 mt per year of Pacific whiting was processed by that vessel in the mothership sector.

(iii) Prequalified Application. A “prequalified application” is an application partially filled by NMFS using processing history based on Pacific Whiting observer data recorded in the dataset that was extracted from NORPAC by NMFS on **INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register** that has been preliminarily determined to qualify the applicant for MS permit. NMFS will mail a prequalified application to the owner of the vessel or charterer of the bareboat who are found to qualify for the MS permit. NMFS will mail the

Comment [jg2]: Make changes to application process to mirror changes made in IFQ program

application by certified mail to the current address of record in the NMFS permit database or from USCG.

(iv) Applicants Not Prequalified. Owners of vessels that do not receive a prequalified application from NMFS, and believe they are qualified for a MS permit, must submit a written request to NMFS. Such requests must be postmarked no later than the application deadline date specified in this section and ask for clarification of their eligibility status and providing credible documentation to substantiate their claim. Credible documentation may include copies of NMFS observer data forms demonstrating the vessel met the qualifying criteria in paragraph (b) of this section. If NMFS finds that the person has provided adequate documentation showing they meet the qualify criteria for a MS permit, NMFS will allow that person to submit an application. If the person fails to contact NMFS in writing by the application deadline date specified in this paragraph (f)(6)(vi)(b) of this section, the person forgoes the opportunity to receive consideration for initial issuance of a MS permit.

(v) Corrections to the Application. If the applicant disagrees with the basis of NMFS' determination in the prequalified application, the applicant must submit a written statement identify the parts of NMFS' determination that are not accurate, and the submission must include credible documentation to substantiate the correction. The corrections must be provided with the completed application form postmarked no later than by the application deadline date specified in this paragraph (f)(6)(vi)(b) of this section. Corrections may only be submitted for errors in NMFS' extraction, aggregation, or expansion of the dataset that was extracted from NORPAC by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register] or errors in NMFS permit database.

(vi) Submission of the Application and Application Deadline.

(A) Submission of the Application. Submission of the complete, certified application includes, but is not limited to, the following:

(1) The applicant is required to sign and notarize the application.

(2) The applicant must certify that they qualify to own a MS permit and indicate whether they agree or disagree with NMFS' determination on initial issuance of the MS permit provided in the application.

(3) The applicant is required to provide a complete Trawl Identification of Ownership Interest Form as specified in paragraph (f)(3)(iv).

(4) Business entities may be required to submit a corporate resolution or any other credible documentation as proof that the representative of the entity is authorized to act on behalf of the entity;

(5) A bareboat charterer must provide credible evidence that demonstrates it was chartering the mothership vessel under a private contract during the qualifying years; and

(6) NMFS may request additional information of the applicant as necessary to make an IAD.

(B) Application Deadline. A complete, certified application must be mailed to NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115 and

postmarked no later than insert date 60 calendar days after publication of the final rule in the Federal Register. NMFS will not accept or review any applications received after the application deadline. There are no hardship provisions for this deadline.

(vii) Initial Administrative Determination. NMFS will issue an IAD for all complete, certified applications received by the application deadline date. If NMFS approves an application, the applicant will receive a MS Permit. If NMFS disapproves an applicant's request to correct the application, the IAD will provide the reasons NMFS did not accept the corrections. If the applicant does not appeal the IAD within 30 calendar days of the date on the IAD, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(viii) Appeals. For a MS permit issued under this section, the appeals process and timelines are specified at §660.25(g), Subpart C. For the initial issuance of a MS permit, the basis for appeal is described in paragraph (f)(5)(v) of this section. Items not subject to appeal include, but are not limited to, the following:

- (A) the formula used to calculate initial issuance of a MS permit;
- (B) the allocation of MS Coop species to the MS Coop fishery.
- (g) Mothership Catcher Vessel (MS/CV) Endorsed Permit.

(1) General. After January 1, 2011, any vessel that delivers whiting to a mothership processor in the Pacific whiting fishery mothership sector must be registered to a MS/CV endorsed permit, except that a vessel registered to limited entry trawl permit without a MS/CV or C/P endorsement may fish in a coop with permission from a coop. Within the MS Coop Program, a MS/CV endorsed permit may participate in a MS coop or in the non-coop fishery.

(i) Catch History Assignment. A catch history assignment is assigned to MS/CV endorsed permit. The catch history assignment is based on the catch history in the Pacific whiting mothership sector during qualifying years as described below in paragraph (XX)(XX) of this section. The catch history assignment is expressed as a percentage of Pacific whiting of the total Mothership sector allocation.

(ii) Pacific whiting Mothership sector allocation. The catch history allocation accrues to the coop that the MS/CV permit is tied to through private agreement, or will be assigned to the non-coop fishery if the MS/CV endorsed permit is not participating in the coop fishery.

(iii) Non-severable. The MS/CV endorsement and its catch history assignment are not severable from the limited entry trawl permit. A MS/CV endorsement and its catch history assignment are permanently affixed to the original qualifying limited entry permit, and cannot be transferred separately from the original qualifying limited entry permit.

(iv) Vessel Size Endorsement. A MS/CV endorsed limited entry permit registered to a vessel that is more than 5' smaller the permit size endorsement will not result in a permanent reduction in the size endorsement of the permit. The provision given at 50 CFR 660.334 (c)(1)(i) do not apply to a MS/CV endorsed permit.

(v) Renewal. In addition to the requirements at XXXX [LE permit requirements] the owner of a MS/CV endorsed permit must identify their intent to fish in the non-coop or coop fishery for the following year.

(vi) Restrictions on Processing by MS/CV Endorsed Permit. A vessel registered to MS/CV endorsed permit in a given year shall not engage in processing of Pacific whiting during that year.

(2) Change of Permit owner, vessel registration, vessel owner, or combination.

[Reserved]

(3) Accumulation Limits.

(i) MS/CV Permit Ownership and Control Limit. No person shall own or control MS/CV permits for which the collective Pacific whiting allocation total is greater than 20 percent of the total mothership sector allocation. For purposes of determining accumulation limits, NMFS requires that permit owners submit a complete trawl ownership interest form for the permit owner as part of annual renewal of a MS/CV endorsed permit. An ownership interest form will also be required whenever a new permit owner obtains a MS/CV permit as part of a permit transfer request. Accumulation limits will be determined by calculating the percentage of ownership interest a person has in any MS/CV permit and the amount of the Pacific whiting catch history assignment given on the permit. Ownership interest will subject to the individual and collective rule.

(A) Ownership - Individual and collective rule. The Pacific whiting catch history assignment that counts toward a person's accumulation limit will include:

(1) the catch history assignment owned by them, and

(2) a portion of the catch history assignment owned by an entity in which that person has an interest, where the person's share of interest in that entity will determine the portion of that entity's catch history assignment that counts toward the person's limit.

(B) Control. Control means, but is not limited to the following:

(1) the person has the right to direct, or does direct, in whole or in part the business of the entity to which the permit and catch history assignment are registered;

(2) the person has the right to direct or restrict, or does direct or restrict, the delivery of groundfish harvested under a permit registered to a different person;

(3) the person has the right to limit the actions of or replace, or does limit the actions of or replace, the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity to which the permit and catch history assignment are registered;

(4) the person has the right to direct, or does direct, the transfer of the permit;

(5) the person, through loan covenants or any other means, has the right to restrict, or does restrict, use of the permit and catch history assignment, or the disposition of fish harvested under the catch history assignment;

(6) the person, through loan covenants or any other means, has the right to restrict, or does restrict, use of the permit and catch history assignment;

(7) the person has the right to control, or does control, the management of, or to be a controlling factor in, the entity to which the permit and catch history assignment are registered;

(8) the person has the right to cause, or does cause, the sale, lease or other disposition of the permit and associated catch history assignment; and

(9) the person has the ability through any means whatsoever to control the entity to which permit and associated catch history assignment are registered.

(C) Trawl Identification of Ownership Interest Form. Any person that owns a limited entry trawl permit and is applying for a MS/CV endorsement shall document those individuals that have greater than or equal to 2 percent ownership interest in the permit. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form sent to the permit owner with their application. SFD will not issue a MS/CV endorsement unless the Trawl Identification of Ownership Interest Form has been completed. Further, if SFD discovers through review of the Trawl Identification of Ownership Interest Form that a person owns or controls more than the accumulation limits, the person will subject to divestiture provisions specified in **paragraph (g)(3)(i)(D)**.

(D) Divestiture. If an individual or entity is found to exceed the ownership limit, NMFS will notify the applicant so that the applicant must comply with the MS/CV permit ownership limit requirement prior to issuance of the MS/CV endorsement.

(ii) Catcher Vessel Usage Limit. A vessel registered to a MS/CV endorsed permit or a trawl limited entry permit shall not catch more than 30 percent of the mothership sector's Pacific whiting allocation.

(4) Appeals. [Reserved]

(5) Fees. The Regional Administrator is authorized to charge a fee for administrative costs associated with the issuance of a MS/CV endorsed permit as provided for at **§660.25(f)**, **Subpart C**.

(6) Application Requirements and Initial Issuance for MS/CV Endorsement.

Comment [jg3]: Make changes to application process to mirror changes made in IFQ program

(i) Eligible Applicant. Only a current owner of a trawl limited entry permit with a history of Pacific whiting deliveries in the MS Pacific whiting sector can apply for a MS/CV endorsement. Any past catch history associated with the current limited entry trawl permit accrues to the current permit owner. NMFS will not accept an application from a person that does not meet the eligibility requirements. NMFS will not recognize any other person as permit owner other than the person listed as permit owner in NMFS permit database.

(ii) Qualifying Criteria for MS/CV Endorsement. In order to qualify for a MS/CV endorsement, a qualifying trawl endorsed limited entry permit must have been registered to vessels that caught and delivered a cumulative amount of at least 500 mt of Pacific whiting to motherships between 1994 through 2003. The calculation will be based on the following:

(A) The catch history will include any deliveries of Pacific whiting by vessels registered to limited entry trawl endorsed permits that were subsequently combined to generate the current permit.

(B) If two or more limited entry trawl permits have been simultaneously registered to the same vessel, NMFS will split the landing history evenly between all permits.

(C) History of illegal landings will not count.

(D) Landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program will not count.

(iii) Qualifying Criteria for Catch History Assignment. A catch history assignment will be specified as a percent on the MS/CV endorsed permit. The Pacific whiting catch history assignment calculation will be based on the relative catch history of Pacific whiting from the vessel at the time the vessel was registered to the permit in each year from 1994 through 2003, dropping the two years with the lowest relative pounds of whiting, unless the applicant specifies two different years they would prefer to drop. The calculation will be based on the following:

(A) Pacific whiting observer data as recorded in the dataset that was extracted from NORPAC by NMFS on **[INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register]**.

(B) Relative pounds will be calculated for each qualifying year by dividing the total catch of Pacific whiting for the vessel(s) registered to the permit by the sum of the total catch from all Pacific whiting vessel(s) meeting the qualifying criteria for a MS/CV endorsed limited entry permit.

(C) The eight years with the highest relative pounds of Pacific whiting will be selected, unless otherwise requested by the applicant during the initial issuance and appeals process, and added together to generate the permit's official catch history. The catch history amount associated with a permit will include the catch history of all permits that were combined into the current permit to create a larger vessel size endorsement.

(D) The catch history will include any deliveries of Pacific whiting by vessels registered to limited entry trawl endorsed permits that were subsequently combined to generate the current permit.

(E) If two or more limited entry trawl permits have been simultaneously registered to the same vessel, NMFS will split the landing history evenly between all permits.

(F) History of illegal landings will not count.

(G) Landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program will not count.

(iv) Prequalified Application. A "prequalified application" is an application partially filled by NMFS using catch history based on Pacific Whiting observer data recorded in the dataset that was extracted from NORPAC by NMFS on **[INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register]** that has been preliminarily determined to qualify the applicant for MS/CV endorsement and associated catch history assignment. NMFS will mail a prequalified application to the owner of the vessel who is found to qualify for the MS/CV endorsement and associated catch history assignment. NMFS will mail the application by certified mail to the current address of record in the NMFS permit database.

(v) Applicants Not Prequalified. If a current owner of a limited entry trawl endorsed permit does not receive a prequalified application, and the permit owner believes the permit's catch history qualifies for a MS/CV endorsement and catch history assignment, the permit owner must contact NMFS in writing by the application deadline date requesting clarification of their eligibility status and catch history assignment and provide credible documentation to substantiate their claim. Credible documentation may include copies of NMFS observer data forms that demonstrate the vessel met the qualifying criteria given in paragraphs (ii) and (iii) of this section. If NMFS finds that the permit owner has provided adequate documentation showing they meet the qualifying criteria for a MS/CV endorsement and catch history assignment, NMFS will allow the permit owner to submit an application. If the permit owner fails to contact NMFS in writing by the application deadline date specified in this paragraph (XXXXX) of this section, the person forgoes the opportunity to receive consideration for a MS/CV endorsement and catch history assignment.

(vi) Corrections to the Application. If the applicant disagrees with the basis of NMFS' calculation in the prequalified application, the applicant must submit a written statement identifying the parts of NMFS' calculation that are not accurate, and the submission must include credible documentation to substantiate the correction. The corrections must be submitted with the completed application form and postmarked no later than the application deadline date specified in paragraph (XXX) of this section. Corrections may only be submitted for errors in NMFS' extraction, aggregation, or expansion of the dataset that was extracted from NORPAC by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register] or errors in NMFS permit database.

(vii) Submission of the Application and Application Deadline.

(A) Submission of the Application. Submission of the complete, certified application includes, but is not limited to, the following:

(1) The applicant is required to sign and notarize the application.

(2) The applicant must certify that they qualify to own a MS/CV endorsed permit and indicate whether they agree or disagree with NMFS' determination on initial issuance of the MS/CV endorsed permit and catch history assignment provided in the application.

(3) The applicant is required to provide a complete Trawl Identification of Ownership Interest Form as specified at paragraph (g)(3)(i)(C).

(4) Business entities may be required to submit a corporate resolution or any other credible documentation as proof that the representative of the entity is authorized to act on behalf of the entity;

(5) NMFS may request additional information of the applicant as necessary to make an IAD.

(B) Application Deadline. A complete, certified application must be postmarked no later than [insert date 60 calendar days after publication of the final rule in the Federal Register]. NMFS will not accept or review any applications received after the application deadline. There are no hardship provisions for this deadline.

(viii) Permit Transfer During Application Period. At any time during the application process for initial issuance of a MS/CV endorsement and catch history assignment and until a final decision is made by the Regional Administrator on behalf of the Secretary of Commerce, a limited entry trawl permit owner cannot transfer ownership of the limited entry trawl permit until the final decision for that application has been made.

(ix) Initial Administrative Determination. NMFS will issue an IAD for all complete, certified applications received by the application deadline date. If NMFS approves the application, the applicant will receive a MS/CV endorsed limited entry permit and associated Pacific whiting catch history assignment. If NMFS disapproves an applicant's request to correct the application, the IAD will provide the reasons NMFS did not accept the corrections. If known at the time of the IAD, NMFS will indicate if the MS/CV endorsed permit owner has ownership interest in catch history assignments that exceed the accumulation limits and are subject to divestiture provisions given at XXXXXX. If the applicant does not appeal the IAD within 30 calendar days of the date on the IAD, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(x) Appeals. For a MS/CV endorsed permit and associated catch history assignment issued under this section, the appeals process and timelines are specified at §660.25(g), Subpart C. For the initial issuance of a MS/CV endorsed permit and associated catch history assignment, the basis for appeal is described in paragraph (g)(6)(vi). Items not subject to appeal include, but are not limited to, the following:

(A) the formulas used to calculate initial issuance of a MS/CV endorsement and associated catch history assignment;

(B) the allocation of MS Coop species to the MS Coop fishery.

(h) Non-coop Fishery. [Reserved]

(i) Retention Requirements. [Reserved]

(j) Observer Requirements. [Reserved]

(k) Catch Weighing Requirements. [Reserved]

(l) [Reserved]

§660.160 Catcher/processor (C/P) Coop Program

(a) General. The C/P Coop Program is a limited access program that applies to vessels in the C/P sector of the Pacific whiting at-sea trawl fishery and is a single voluntary coop. Eligible harvesters and processors must meet the requirements set forth in this section of the Pacific Coast groundfish regulations. In addition to the requirements of this section, the C/P Coop Program is subject to the following groundfish regulations:

(1) Pacific whiting seasons §660.131, Subpart D.

(2) Area restrictions specified for midwater trawl gear used to harvest Pacific whiting fishery specified at §660.131, Subpart D for GCAs, RCAs, Salmon Conservation Zones, BRAs, and EFHCAs.

(3) Regulations set out in the following sections of Subpart C: §660.11 Definitions, §660.XX Prohibitions, §660.13 Recordkeeping and reporting, §660.14 VMS requirements,

§660.15 Equipment requirements, §660.16 Groundfish Observer Program, §660.20 Vessel and gear identification, and §660.XXX Add others

(4) Regulations set out in the following sections of Subpart D: §660.111 Trawl fishery definitions, §660.112 Trawl fishery prohibitions, §660.113 Trawl fishery recordkeeping and reporting, §660.116 Trawl fishery observer requirements, §660.130 Limited entry trawl fishery management measures, and the Pacific whiting measures at XXX660.323XXX.

(5) The C/P Coop Program may be restricted or closed as a result of projected overages within the MS Coop Program, the C/P Coop Program, or the Shorebased IFQ Program. As determined necessary by the Regional Administrator, area restrictions, season closures, or other measures will be used to prevent the trawl sectors in aggregate or the individual sector (Shorebased IFQ, MS Coop, or C/P Coop) from exceeding an OY, or formal allocation specified in the PCGFMP or regulation at §660.XXX subpart XX.

(b) C/P Coop Program Species and Allocations.

(1) C/P Coop Program Species. C/P Coop Program species are as follows:

(i) Species with formal allocations to the C/P Coop Program are Pacific whiting, canary rockfish, darkblotched rockfish, Pacific Ocean perch, widow rockfish;

(ii) Species with set-asides for the MS and C/P Programs combined, as described in Table 1a and 2a, Subpart C.

(2) [Reserved]

(c) C/P Coop Permit and Agreement. [Reserved]

(d) C/P Endorsed Permit.

(1) General. Any vessel participating in the C/P sector of the non-tribal primary Pacific whiting fishery during the season described at 50 CFR 660.XXX must be registered to a valid limited entry permit with a C/P endorsement.

(i) Non-severable. A C/P endorsement is not severable from the limited entry trawl permit, and therefore, the endorsement may not be transferred separately from the limited entry trawl permit.

(ii) Vessel Size Endorsement. A C/P endorsed limited entry permit registered to a vessel that is more than 5' smaller the permit size endorsement will not result in a permanent reduction in the size endorsement of the permit. The provision given at 50 CFR 660.334 (c)(1)(i) does not apply to a C/P endorsed permit.

(iii) Restriction on C/P Vessel Operating as a Catcher Vessel in the Mothership Sector. A vessel registered to a C/P endorsed permit cannot operate as a catcher vessel delivering unprocessed Pacific whiting to a Mothership processor during the same calendar year it participates in the C/P sector.

(iv) Restriction on C/P Vessel Operating as Mothership. A vessel registered to a C/P endorsed permit cannot operate as a mothership during the same calendar year it participates in the C/P sector.

(1) Operating as a Mothership. At the time of permit renewal, the owner of the vessel registered to the C/P endorsed permit may declare whether it will operate solely as a mothership in the year the permit is renewed for.

(2) Eligibility and Renewal for C/P Endorsed Permit. [Reserved.]

(3) Change in Permit Ownership, Vessel Registration, Vessel Owner, Transfer or Combination. [Reserved]

(4) Appeals. [Reserved]

(5) Fees. The Regional Administrator is authorized to charge fees for the administrative costs associated with review and issuance of a C/P endorsement consistent with the provisions at §660.25(f), Subpart C.

(6) [Reserved]

(7) Application Requirements and Initial Issuance for C/P endorsement.

Comment [jg4]: Make changes to application process to mirror changes made in IFQ program

(i) Eligible Applicant. Only current limited entry trawl permit owners that have been registered to vessels that participated in the C/P fishery during the qualifying period are eligible to apply for a C/P endorsement. Any past catch history associated with current trawl permit accrues to the current permit owner. NMFS will not accept an application from a person that does not meet the eligibility requirements. NMFS will not recognize any other person as permit owner other than the person listed as permit owner in NMFS permit database.

(ii) Qualifying Criteria for C/P Endorsement. In order to qualify for a C/P endorsement, a vessel registered to a valid trawl endorsed limited entry permit must have caught and processed any amount of Pacific whiting during a primary catcher/processor season between 1997 through 2003. The calculation will be based on the following:

(A) Pacific Whiting Observer data recorded in the dataset that was extracted from NORPAC by NMFS on **[INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register]** and NMFS permit data on limited entry trawl endorsed permits will be used to determine whether a permit meets the qualifying criteria for a C/P endorsement.

(B) Only Pacific whiting regulated by this subpart that was taken with midwater (or pelagic) trawl gear will be considered for the C/P endorsement.

(C) Permit catch and processing history includes only the catch/processing history of Pacific whiting for a vessel when it was registered to that particular permit during the qualifying years.

(D) History of illegal landings will not count.

(E) Landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program will not count.

(iii) Prequalified Application. A “prequalified application” is a partially pre-filled application where NMFS has preliminarily determined the landings history that may qualify the applicant for C/P endorsement. NMFS will mail a prequalified application to the owner of the vessel who is found to qualify for the C/P endorsement. NMFS will mail the application by certified mail to the current address of record in the NMFS permit database. The application will contain the basis of NMFS’s determination that the vessel meets the qualifying criteria for the

C/P endorsement based on Pacific Whiting observer data recorded in the dataset that was extracted from NORPAC by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register].

(iv) Applicants Not Prequalified. If a current owner of a limited entry trawl endorsed permit does not receive a prequalified application, and the permit owner believes the permit's catch history qualifies for a C/P endorsement, the permit owner must contact NMFS in writing by the application deadline date requesting clarification of their eligibility status and provide credible documentation to substantiate their claim. Credible documentation may include official NMFS observer records that demonstrate the vessel met the qualifying criteria given in paragraph (ii) above. If NMFS finds that the permit owner may qualify for a C/P endorsement, NMFS will allow the permit owner to make an application. If the permit owner fails to contact NMFS in writing by the application deadline date, the person forgoes the opportunity to receive consideration for a C/P endorsement.

(v) Corrections to the Application. If the applicant disagrees with the basis of NMFS' determination in the prequalified application, the applicant must provide in writing which parts of NMFS' determination are not accurate, and must include additional information to substantiate the correction. The corrections must be provided with the completed application form by the application deadline date. Corrections may only be submitted for errors in NMFS' extraction, aggregation, or expansion of the dataset that was extracted from NORPAC by NMFS on [INSERT DATE PROPOSED RULE PUBLISHED IN Federal Register] or errors in NMFS permit database.

(vi) Submission of the Application and Application Deadline.

(A) Submission of the Application. Submission of the complete, certified application includes, but is not limited to, the following:

(1) The applicant is required to sign and notarize the application.

(2) The applicant must certify that they qualify to own a C/P endorsed permit and indicate whether they agree or disagree with NMFS' determination on initial issuance of the C/P endorsed permit provided in the application.

(3) Business entities may be required to submit a corporate resolution or any other credible documentation as proof that the representative of the entity is authorized to act on behalf of the entity;

(4) NMFS may request additional information of the applicant as necessary to make an IAD.

(B) Application Deadline. A complete, certified application must be postmarked no later than [insert date 60 calendar days after publication of the final rule in the Federal Register]. NMFS will not accept or review any applications received after the application deadline. There are no hardship provisions for this deadline.

(vii) Permit Transfer During Application Period. At any time during the application process for initial issuance of a C/P endorsement and until a final decision is made by the Regional Administrator on behalf of the Secretary of Commerce, a limited entry trawl permit

owner cannot transfer ownership of the limited entry trawl permit until the final decision for that application has been made.

(viii) Initial Administrative Determination. NMFS will issue an IAD for all complete, certified applications received by the application deadline date. If NMFS approves the application, the applicant will receive a C/P endorsed limited entry permit. If NMFS disapproves an applicant's request to correct the application, the IAD will provide the reasons NMFS did not accept the corrections. If the applicant does not appeal the IAD within 30 calendar days of the date on the IAD, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(ix) Appeal. For a C/P endorsed permit issued under this section, the appeals process and timelines are specified at §660.25(g), Subpart C. For the initial issuance of a C/P endorsed permit, the basis for appeal is described in paragraph (d)(7)(v). Items not subject to appeal include, but are not limited to, the following:

- (A) the formula used to calculate initial issuance of a C/P endorsement;
- (B) the allocation of C/P Coop species to the C/P Coop Program.
- (E) Retention Requirements. [Reserved]
- (F) Observers Requirements. [Reserved]
- (G) [Reserved]
- (H) Catch Weighting Requirements. [Reserved]
- (I) Catcher/processor Coop Failure. [Reserved]

11. A new Subpart E is added to read as follows:

Subpart E – West Coast Groundfish – Limited Entry Fixed Gear Fisheries

§660.210 Purpose and Scope.

In addition to the purpose and scope listed at §660.10, Subpart C, this subpart covers the Pacific Coast Groundfish limited entry fixed gear fishery.

§660.211 Fixed Gear Fishery - Definitions.

These definitions are specific to the limited entry fixed gear fisheries. General groundfish definitions are defined at §660.11, Subpart C.

Daily Trip Limit (DTL) Fishery means a sablefish fishery that occurs both north and south of 36° N. lat. that is subject to trip limit restrictions including daily and/or weekly trip limits.

Limited entry fixed gear fishery means the fishery composed of vessels registered to limited entry permits with longline and pot/trap endorsements.

Primary season means, for the limited entry fixed gear sablefish fishery north of 36° N. lat, the period when vessels registered to at least one limited entry permit with both a gear endorsement for longline or trap (or pot) gear and a sablefish endorsement, are allowed to fish in the tier limit fishery described at §660.231 of this subpart.

Sablefish tier limit fishery means, for the limited entry fixed gear sablefish fishery north of 36° N. lat, the fishery where vessels registered to at least one limited entry permit with both a

gear endorsement for longline or trap (or pot) gear and a sablefish endorsement fish on a specified tier limit and when cumulative limits are not in effect.

Tier limit means a specified amount of sablefish that may be harvested by a vessel registered to a limited entry fixed gear permit(s) with a Tier 1, Tier 2, and/or Tier 3 designation; a gear endorsement for longline or trap (or pot) gear; and a sablefish endorsement.

§660.212 Fixed Gear Fishery - Prohibitions.

These prohibitions are specific to the limited entry fixed gear fisheries. General groundfish prohibitions are defined at §660.12, Subpart C. In addition to the general groundfish prohibitions specified in §660.12, Subpart C, it is unlawful for any person to:

(a) General.

(1) Possess, deploy, haul, or carry onboard a fishing vessel subject to this subpart a set net, trap or pot, longline, or commercial vertical hook-and-line as defined at §660.11, Subpart C that is not in compliance with the gear restrictions in §§660.2XX or 660.230, Subpart E unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(2) Take, retain, possess, or land more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period, except for sablefish taken in the primary limited entry, fixed gear sablefish season from a vessel authorized under §660.372(a), Subpart E to fish in that season, as described at §660.372(b), Subpart E.

(b) Recordkeeping and Reporting.

(1) Fail to retain on board a vessel from which sablefish caught in the primary sablefish season is landed, and provide to an authorized officer upon request, copies of any and all reports of sablefish landings against the sablefish endorsed permit's tier limit, or receipts containing all data, and made in the exact manner required by the applicable state law throughout the primary sablefish season during which such landings occurred and for 15 days thereafter.

(c) Fishing in Conservation Areas.

(1) Operate any vessel registered to a limited entry permit with a longline or trap (pot) endorsement and longline and/or trap gear onboard in an applicable GCA (as defined at §660.382(c)), except for purposes of continuous transiting, with all groundfish longline and/or trap gear stowed in accordance with §660.382(c) or except as authorized in the groundfish management measures at §660.382.

(2) Fish with bottom contact gear (as defined in §660.11, Subpart C) within the EEZ in the following areas (defined in §660.398 and §660.79): Thompson Seamount, President Jackson Seamount, Cordell Bank (50-fm (91-m) isobath), Harris Point, Richardson Rock, Scorpion, Painted Cave, Anacapa Island, Carrington Point, Judith Rock, Skunk Point, Footprint, Gull Island, South Point, and Santa Barbara.

(3) Fish with bottom contact gear (as defined in §660.11, Subpart C), or any other gear that is deployed deeper than 500-fm (914-m), within the Davidson Seamount area (defined in §660.395).

(d) Sablefish Fisheries.

(1) Take, retain, possess or land sablefish under the cumulative limits provided for the primary limited entry, fixed gear sablefish season, described in §660.372(b), from a vessel that is not registered to a limited entry permit with a sablefish endorsement.

(2) Take, retain, possess or land sablefish in the primary sablefish season described at §660.372(b) unless the owner of the limited entry permit registered for use with that vessel and authorizing the vessel to fish in the primary sablefish season is on board that vessel. Exceptions to this prohibition are provided at §660.372(b)(4)(i) and (ii).

(3) Process sablefish taken at-sea in the limited entry primary sablefish fishery defined at §660.372(b), from a vessel that does not have a sablefish at-sea processing exemption, defined at §660.334(e).

§660.213 Fixed Gear Fishery - Recordkeeping and Reporting.

(a) General. General reporting requirements specified at §660.13 (a) through (c), Subpart C apply to limited entry fixed gear fishery vessels.

(b) Declaration Reports for Limited Entry Fixed Gear Fishery Vessels. Declaration reporting requirements for limited entry fixed gear fishery vessels are specified at §660.13 (d), Subpart C.

(c) VMS Requirements for Limited Entry Fixed Gear Fishery Vessels. VMS requirements for limited entry fixed gear fishery vessels are specified at §660.XX, Subpart C.

(d) Retention of Records.

(1) Any person landing groundfish must retain on board the vessel from which groundfish are landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(2) For participants in the primary sablefish season, the cumulative limit period to which this requirement applies is April 1 through October 31 or, for an individual permit holder, when that permit holder's tier limit is attained, whichever is earlier.

§660.216 Fixed Gear Fishery - Observer Requirements.

(a) Observer Coverage Requirements. When NMFS notifies the owner, operator, permit holder, or the manager of a catcher vessel, specified at §660.16 (c), Subpart C of any requirement to carry an observer, the catcher vessel may not be used to fish for groundfish without carrying an observer.

(b) Notice of Departure Basic Rule. At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel that has been notified by NMFS that it is required to carry an

observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(1) Optional Notice—Weather Delays. A vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (c)(2)(ii) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(2) Optional Notice—Back-To-Back Fishing Trips. A vessel that intends to make back-to-back fishing trips (i.e., trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in **paragraph (c)(2)(ii) of this section** for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(c) Cease Fishing Report. Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(d) Waiver. The Northwest Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(e) Vessel Responsibilities.

(1) Accommodations and Food. An operator of a vessel required to carry one or more observer(s) must provide accommodations and food that are Equivalent to those provided to the crew.

(2) Safe Conditions. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at **§§600.725 and 600.746** of this chapter.

(3) Observer Communications. Facilitate observer communications by:

(i) Observer Use of Equipment. Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s) or the U.S. or designated agent.

(ii) Functional Equipment. Ensuring that the vessel's communications equipment, used by observers to enter and transmit data, is fully functional and operational.

(4) Vessel Position. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) Access. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) Prior Notification. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) Records. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) Assistance. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

- (i) Measuring decks, codends, and holding bins.
- (ii) Providing the observer(s) with a safe work area.
- (iii) Collecting bycatch when requested by the observer(s).
- (iv) Collecting and carrying baskets of fish when requested by the observer(s).
- (v) Allowing the observer(s) to collect biological data and samples.
- (vi) Providing adequate space for storage of biological samples.

(f) Sample Station.

(1) Observer Sampling Station. This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(i) Accessibility. The observer sampling station must be available to the observer at all times.

(ii) Location. The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

§660.219 Fixed Gear Identification and Marking.

(a) Gear identification.

(1) Limited entry fixed gear (longline, trap or pot) must be marked at the surface and at each terminal end, with a pole, flag, light, radar reflector, and a buoy.

(2) A buoy used to mark fixed gear **under paragraph (b)(2)(i)(A) of this section** must be marked with a number clearly identifying the owner or operator of the vessel. The number may be either:

(i) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or

(ii) The vessel documentation number issued by the USCG, or, for an undocumented vessel, the vessel registration number issued by the state.

(b) [Reserved]

§660.220 Fixed Gear Fishery - Crossover Provisions.

(a) Operating in Both Limited Entry and Open Access Fisheries. See provisions at **§660.60 (X)**, Subpart C.

(b) Operating in North-South Management Areas with Different Trip Limits. NMFS uses different types of management areas for West Coast groundfish management. One type of management area is the north-south management area, a large ocean area with northern and southern boundary lines wherein trip limits, seasons, and conservation areas follow a single theme. Within each north-south management area, there may be one or more conservation areas, detailed in §§660.11, Subpart C and 660.70, Subpart C through 660.74. The provisions within this paragraph apply to vessels operating in different north-south management areas. Trip limits for a species or a species group may differ in different north-south management areas along the coast. The following “crossover” provisions apply to vessels operating in different geographical areas that have different cumulative or “per trip” trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see §660.371).

(1) Going from a more restrictive to a more liberal area. If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(2) Going from a more liberal to a more restrictive area. If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(3) Operating in two different areas where a species or species group is managed with different types of trip limits. During the fishing year, NMFS may implement management measures for a species or species group that set different types of trip limits (for example, per trip limits versus cumulative trip limits) for different areas. If a vessel fishes for a species or species group that is managed with different types of trip limits in two different areas within the same cumulative limit period, then that vessel is subject to the most restrictive overall cumulative limit for that species, regardless of where fishing occurs.

(4) Minor rockfish. Several rockfish species are designated with species-specific limits on one side of the 40°10' N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line. A vessel that takes and retains fish from a minor rockfish complex (nearshore, shelf, or slope) on both sides of a management line during a single cumulative limit period is subject to the more restrictive cumulative limit for that minor rockfish complex during that period.

(i) If a vessel takes and retains minor slope rockfish north of 40°10' N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10' N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10' N. lat.

(ii) If a vessel takes and retains minor slope rockfish south of 40°10' N. lat., that vessel is also permitted to take and retain, possess or land POP up to its cumulative limit north of 40°10' N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10' N. lat.

§660.230 Fixed Gear Fishery - Management Measures.

(a) General. Most species taken in limited entry fixed gear (longline and pot/trap) fisheries will be managed with cumulative trip limits (see trip limits in Tables 1 (North) and 2 (South) of this subpart), size limits (see §660.60(h)(5)), seasons (see trip limits in Tables 1 (North) and 2 (South) of this subpart and primary sablefish season details in §660.372(b)), gear restrictions (see paragraph (b) of this section), and closed areas (see paragraph (c) of this section and §§660.70, Subpart C through 660.79). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph (c)(4) of this section and §660.70, Subpart C). Yelloweye rockfish and canary rockfish retention is prohibited in the limited entry fixed gear fisheries. Regulations governing and tier limits for the limited entry, fixed gear primary sablefish season north of 36° N. lat. are found in §660.372. Vessels not participating in the primary sablefish season are subject to daily or weekly sablefish limits in addition to cumulative limits for each cumulative limit period. Only one sablefish landing per week may be made in excess of the daily trip limit and, if the vessel chooses to make a landing in excess of that daily trip limit, then that is the only sablefish landing permitted for that week. The trip limit for black rockfish caught with hook-and-line gear also applies, see §660.371. The trip limits in Table 1 (North) and Table 2 (South) of this subpart apply to vessels participating in the limited entry groundfish fixed gear fishery and may not be exceeded. Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

(b) Gear Restrictions.

(1) Longline and pot or trap gear are authorized in the limited entry fixed gear fishery, providing the gear is in compliance with the restrictions set forth in this section, and gear marking requirements described in §660.2XX of this subpart.

(2) Vessels participating in the limited entry fixed gear fishery may also fish with open access gear subject to the gear restrictions at §660.383(b), but will be subject to the most restrictive trip limits for the gear used as specified at §660.60(h)(7).

(3) Limited entry fixed gear (longline, trap or pot gear) must be attended at least once every 7 days.

(4) Traps or pots must have biodegradable escape panels constructed with 21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches (20.3 cm) in diameter results when the twine deteriorates.

(c) Sorting Requirements.

(1) Under §660.12(a)(8), Subpart C it is unlawful for any person to “fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is

a trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY applied.” The States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state landing receipts.

(2) For limited entry fixed gear, the following species must be sorted:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, and Pacific whiting;

(ii) North of 40°10' N. lat.—POP, yellowtail rockfish;

(iii) South of 40°10' N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, California scorpionfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish, Pacific sanddabs, cowcod, bronzespotted rockfish and cabezon.

(c) Groundfish Conservation Areas Applicable to Limited Entry Fixed Gear Vessels. A GCA, a type of closed area, is a geographic area defined by coordinates expressed in degrees of latitude and longitude. The latitude and longitude coordinates of the GCA boundaries are specified at §660.70, Subpart C through 660.394. A vessel that is authorized by this paragraph to fish within a GCA (e.g. fishing for “other flatfish” using no more than 12 hooks, “Number 2” or smaller), may not simultaneously have other gear on board the vessel that is unlawful to use for fishing within the GCA. The following GCAs apply to vessels participating in the limited entry fixed gear fishery.

(1) North Coast Recreational Yelloweye Rockfish Conservation Area. The latitude and longitude coordinates of the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at §660.70, Subpart C. The North Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(2) North Coast Commercial Yelloweye Rockfish Conservation Area. The latitude and longitude coordinates of the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at §660.70, Subpart C. Fishing with limited entry fixed gear is prohibited within the North Coast Commercial YRCA. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the North Coast Commercial YRCA. Limited entry fixed gear vessels may transit through the North Coast Commercial YRCA with or without groundfish on board.

(3) South Coast Recreational Yelloweye Rockfish Conservation Area. The latitude and longitude coordinates of the South Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at §660.70, Subpart C. The South Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(4) Westport Offshore Recreational YRCA. The latitude and longitude coordinates that define the Westport Offshore Recreational YRCA boundaries are specified at §660.70, Subpart

C. The Westport Offshore Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(5) Point St. George YRCA. The latitude and longitude coordinates of the Point St. George YRCA boundaries are specified at §660.70, Subpart C. Fishing with limited entry fixed gear is prohibited within the Point St. George YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the Point St. George YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Point St. George YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Point St. George YRCA, at any time, with or without groundfish on board.

(6) South Reef YRCA. The latitude and longitude coordinates of the South Reef YRCA boundaries are specified at §660.70, Subpart C. Fishing with limited entry fixed gear is prohibited within the South Reef YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the South Reef YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the South Reef YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the South Reef YRCA, at any time, with or without groundfish on board.

(7) Reading Rock YRCA. The latitude and longitude coordinates of the Reading Rock YRCA boundaries are specified at §660.70, Subpart C. Fishing with limited entry fixed gear is prohibited within the Reading Rock YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the Reading Rock YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Reading Rock YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Reading Rock YRCA, at any time, with or without groundfish on board.

(8) Point Delgada (North) YRCA. The latitude and longitude coordinates of the Point Delgada (North) YRCA boundaries are specified at §660.70, Subpart C. Fishing with limited entry fixed gear is prohibited within the Point Delgada (North) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the Point Delgada (North) YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Point Delgada (North) YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Point Delgada (North) YRCA, at any time, with or without groundfish on board.

(9) Point Delgada (South) YRCA. The latitude and longitude coordinates of the Point Delgada (South) YRCA boundaries are specified at §660.70, Subpart C. Fishing with limited

entry fixed gear is prohibited within the Point Delgada (South) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the Point Delgada (South) YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Point Delgada (South) YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Point Delgada (South) YRCA, at any time, with or without groundfish on board.

(10) Cowcod Conservation Areas. The latitude and longitude coordinates of the Cowcod Conservation Areas (CCAs) boundaries are specified at §660.70, Subpart C. It is unlawful to take and retain, possess, or land groundfish within the CCAs, except for species authorized in this paragraph caught according to gear requirements in this paragraph, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00.50' N. lat., and bounded on the south by the latitude line at 32°59.50' N. lat. Fishing with limited entry fixed gear is prohibited within the CCAs, except as follows:

(i) Fishing for “other flatfish” is permitted within the CCAs under the following conditions: when using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line; and provided a valid declaration report as required at §660.12(d), Subpart C has been filed with NMFS OLE.

(ii) Fishing for rockfish and lingcod is permitted shoreward of the 20 fm (37 m) depth contour within the CCAs when trip limits authorize such fishing, and provided a valid declaration report as required at §660.12(d), Subpart C has been filed with NMFS OLE.

(11) Nontrawl Rockfish Conservation Areas (RCA). The nontrawl RCAs are closed areas, defined by specific latitude and longitude coordinates (specified at §§660.70, Subpart C through 660.394) designed to approximate specific depth contours, where fishing for groundfish with nontrawl gear is prohibited. Boundaries for the nontrawl RCA throughout the year are provided in the header to Table 1 (North) and Table 2 (South) of this subpart and may be modified by NMFS inseason pursuant to §660.60(c).

(i) It is unlawful to operate a vessel with limited entry nontrawl gear in the nontrawl RCA, except for the purpose of continuous transit, or when the use of limited entry nontrawl gear is authorized in Part 660. It is unlawful to take and retain, possess, or land groundfish taken with limited entry nontrawl gear within the nontrawl RCA, unless otherwise authorized in Part 660.

(ii) Limited entry nontrawl vessels may transit through the nontrawl RCA, with or without groundfish on board, provided all groundfish nontrawl gear is stowed either: below deck; or if the gear cannot readily be moved, in a secured and covered manner, detached from all lines, so that it is rendered unusable for fishing.

(iii) The nontrawl RCA restrictions in this section apply to vessels registered to fixed gear limited entry permits fishing for species other than groundfish with nontrawl gear on trips where

groundfish species are retained. Unless otherwise authorized by [Part 660](#), a vessel may not retain any groundfish taken on a fishing trip for species other than groundfish that occurs within the nontrawl RCA. If a vessel fishes in a non-groundfish fishery in the nontrawl RCA, it may not participate in any fishing for groundfish on that trip that is prohibited within the nontrawl RCA. [For example, if a vessel fishes in the salmon troll fishery within the RCA, the vessel cannot on the same trip fish in the sablefish fishery outside of the RCA.]

(iv) It is lawful to fish within the nontrawl RCA with limited entry fixed gear only under the following conditions: when fishing for “other flatfish” off California (between 42° N. lat. south to the U.S./Mexico border) using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.91 kg) weights per line when trip limits authorize such fishing, provided a valid declaration report as required at [§660.12\(d\)](#), [Subpart C](#) has been filed with NMFS OLE.

(12) [Farallon Islands](#). Under California law, commercial fishing for all groundfish is prohibited between the shoreline and the 10 fm (18 m) depth contour around the Farallon Islands. An exception to this prohibition is that commercial fishing for “other flatfish” is permitted around the Farallon Islands using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45-kg) weights per line. (See [Table 2 \(South\)](#) of this subpart.) For a definition of the Farallon Islands, see [§660.70](#), [Subpart C](#).

(13) [Cordell Banks](#). Commercial fishing for groundfish is prohibited in waters of depths less than 100 fm (183 m) around Cordell Banks, as defined by specific latitude and longitude coordinates at [§660.70](#), [Subpart C](#). An exception to this prohibition is that commercial fishing for “other flatfish” is permitted around Cordell Banks using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45-kg) weights per line.

(14) [Essential Fish Habitat Conservation Areas](#). An EFHCA, a type of closed area, is a geographic area defined by coordinates expressed in degrees of latitude and longitude at [§§660.396 through 660.79](#), where specified types of fishing are prohibited in accordance with [§660.12](#), [Subpart C](#). EFHCAs apply to vessels using “bottom contact gear,” which is defined at [§660.11](#), [Subpart C](#) to include limited entry fixed gear (longline and pot/trap,) among other gear types. Fishing with all bottom contact gear, including longline and pot/trap gear, is prohibited within the following EFHCAs, which are defined by specific latitude and longitude coordinates at [§660.398](#) and [§660.79](#): Thompson Seamount, President Jackson Seamount, Cordell Bank (50 fm (91 m) isobath), Harris Point, Richardson Rock, Scorpion, Painted Cave, Anacapa Island, Carrington Point, Judith Rock, Skunk Point, Footprint, Gull Island, South Point, and Santa Barbara. Fishing with bottom contact gear is also prohibited within the Davidson Seamount EFH Area, which is defined by specific latitude and longitude coordinates at [§660.395](#).

[§660.231 Fixed Gear Sablefish Tier Limit Fishery Management](#).

This section applies to the primary season for the fixed gear limited entry sablefish

fishery north of 36° N. lat., **except for paragraph (c), of this section**, which also applies to the open access fishery north of 36° N. lat. and to both the limited entry and open access fisheries south of 36° N. lat. Limited entry and open access fixed gear sablefish fishing outside of the primary sablefish season north of 36° N. lat. is governed by routine management measures imposed under **§660.240, subpart E**.

(a) **Sablefish Endorsement**. A vessel may not fish in the primary season for the fixed gear limited entry fishery, unless at least one limited entry permit with both a gear endorsement for longline or trap (or pot) gear and a sablefish endorsement is registered for use with that vessel. Permits with sablefish endorsements are assigned to one of three tiers, as described at **§660.334(d)**.

(b) **Primary Season Limited Entry, Fixed Gear Sablefish Fishery**.

(1) **Season Dates**. North of 36° N. lat., the primary sablefish season for the limited entry, fixed gear, sablefish-endorsed vessels begins at 12 noon local time on April 1 and ends at 12 noon local time on October 31, or for an individual permit holder when that permit holder's tier limit has been reached, whichever is earlier, unless otherwise announced by the Regional Administrator through the routine management measures process described **at §660.60, Subpart C**.

(2) **Gear Type**. During the primary season and when fishing against primary season cumulative limits, each vessel authorized to fish in that season under **paragraph (a) of this section** may fish for sablefish with any of the gear types, except trawl gear, endorsed on at least one of the permits registered for use with that vessel.

(3) **Cumulative Limits**.

(i) A vessel participating in the primary season will be constrained by the sablefish cumulative limit associated with each of the permits registered for use with that vessel. During the primary season, each vessel authorized to fish in that season under **paragraph (a) of this section** may take, retain, possess, and land sablefish, up to the cumulative limits for each of the permits registered for use with that vessel (i.e., stacked permits). If multiple limited entry permits with sablefish endorsements are registered for use with a single vessel, that vessel may land up to the total of all cumulative limits announced in this paragraph for the tiers for those permits, except as limited by **paragraph (b)(3)(ii) of this section**. Up to 3 permits may be registered for use with a single vessel during the primary season; thus, a single vessel may not take and retain, possess or land more than 3 primary season sablefish cumulative limits in any one year. A vessel registered for use with multiple limited entry permits is subject to per vessel limits for species other than sablefish, and to per vessel limits when participating in the daily trip limit fishery for sablefish under **paragraph (c) of this section**. In 2009, the following annual limits are in effect: Tier 1 at 61,296-lb (27,803 kg), Tier 2 at 27,862-lb (12,638 kg), and Tier 3 at 15,921-lb (7,221 kg). For 2010 and beyond, the following annual limits are in effect: Tier 1 at 56,081-lb (25,437 kg), Tier 2 at 25,492-lb (11,562 kg), and Tier 3 at 14,567-lb (6,648 kg).

(ii) If a permit is registered to more than one vessel during the primary season in a single year, the second vessel may only take the portion of the cumulative limit for that permit that has

not been harvested by the first vessel to which the permit was registered. The combined primary season sablefish landings for all vessels registered to that permit may not exceed the cumulative limit for the tier associated with that permit.

(iii) A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

(iv) Incidental halibut retention north of Pt. Chehalis, WA (46° 53.30' N. lat.). From May 1 through October 31, vessels authorized to fish in the primary sablefish fishery, licensed by the International Pacific Halibut Commission for commercial fishing in Area 2A (waters off Washington, Oregon, California), and fishing with longline gear north of Pt. Chehalis, WA (46° 53.30' N. lat.) may possess and land up to the following cumulative limits: 100-lb (45 kg) dressed weight, head-on of halibut per fishing trip. "Dressed" halibut in this area means halibut landed eviscerated with their heads on. Halibut taken and retained in the primary sablefish fishery north of Pt. Chehalis may only be landed north of Pt. Chehalis and may not be possessed or landed south of Pt. Chehalis.

(4) Owner-on-board Requirement. Any person who owns or has ownership interest in a limited entry permit with a sablefish endorsement, as described at §660.334(d), must be on board the vessel registered for use with that permit at any time that the vessel has sablefish on board the vessel that count toward that permit's cumulative sablefish landing limit. This person must carry government issued photo identification while aboard the vessel. A permit owner is not obligated to be on board the vessel registered for use with the sablefish-endorsed limited entry permit during the primary sablefish season if:

(i) The person, partnership or corporation had ownership interest in a limited entry permit with a sablefish endorsement prior to November 1, 2000. A person who has ownership interest in a partnership or corporation that owned a sablefish-endorsed permit as of November 1, 2000, but who did not individually own a sablefish-endorsed limited entry permit as of November 1, 2000, is not exempt from the owner-on-board requirement when he/she leaves the partnership or corporation and purchases another permit individually. A person, partnership, or corporation that is exempt from the owner-on-board requirement may sell all of their permits, buy another sablefish-endorsed permit within up to a year from the date the last permit was approved for transfer, and retain their exemption from the owner-on-board requirements. Additionally, a person, partnership, or corporation that qualified for the owner-on-board exemption, but later divested their interest in a permit or permits, may retain rights to an owner-on-board exemption as long as that person, partnership, or corporation purchases another permit by March 2, 2007. A person, partnership or corporation could only purchase a permit if it has not added or changed individuals since November 1, 2000, excluding individuals that have left the partnership or corporation, or that have died.

(ii) The person who owns or who has ownership interest in a sablefish-endorsed limited entry permit is prevented from being on board a fishing vessel because the person died, is ill, or is injured. The person requesting the exemption must send a letter to NMFS requesting an

exemption from the owner-on-board requirements, with appropriate evidence as described at §660.230(b)(4)(ii)(A) or (B). All emergency exemptions for death, injury, or illness will be evaluated by NMFS and a decision will be made in writing to the permit owner within 60 calendar days of receipt of the original exemption request.

(A) Evidence of death of the permit owner shall be provided to NMFS in the form of a copy of a death certificate. In the interim before the estate is settled, if the deceased permit owner was subject to the owner-on-board requirements, the estate of the deceased permit owner may send a letter to NMFS with a copy of the death certificate, requesting an exemption from the owner-on-board requirements. An exemption due to death of the permit owner will be effective only until such time that the estate of the deceased permit owner has transferred the deceased permit owner's permit to a beneficiary or up to three years after the date of death as proven by a death certificate, whichever is earlier. An exemption from the owner-on-board requirements will be conveyed in a letter from NMFS to the estate of the permit owner and is required to be on the vessel during fishing operations.

(B) Evidence of illness or injury that prevents the permit owner from participating in the fishery shall be provided to NMFS in the form of a letter from a certified medical practitioner. This letter must detail the relevant medical conditions of the permit owner and how those conditions prevent the permit owner from being onboard a fishing vessel during the primary season. An exemption due to injury or illness will be effective only for the fishing year of the request for exemption, and will not be granted for more than three consecutive or total years. NMFS will consider any exemption granted for less than 12 months in a year to count as one year against the 3-year cap. In order to extend an emergency medical exemption for a succeeding year, the permit owner must submit a new request and provide documentation from a certified medical practitioner detailing why the permit owner is still unable to be onboard a fishing vessel. An emergency exemption will be conveyed in a letter from NMFS to the permit owner and is required to be on the vessel during fishing operations.

§660.232 Limited Entry Daily Trip Limit (DTL) Fishery for Sablefish.

(a) Limited Entry DTL Fisheries Both North and South of 36° N. lat.

(1) Before the start of the primary season for the sablefish tier limit fishery, all sablefish landings made by a vessel authorized by §660.231 of this subpart to fish in the primary season will be subject to the restrictions and limits of the limited entry daily and/or weekly trip limit (DTL) fishery for sablefish specified in this section and which is governed by routine management measures imposed under §660.60, Subpart C.

(2) Following the start of the primary season, all landings made by a vessel authorized by §660.231 of this subpart to fish in the primary season will count against the primary season cumulative limit(s) associated with the permit(s) registered for use with that vessel. A vessel that is eligible to fish in the primary sablefish season may fish in the DTL fishery for sablefish once that vessels' primary season sablefish limit(s) have been taken, or after the end of the primary season, whichever occurs earlier. Any subsequent sablefish landings by that vessel will be

subject to the restrictions and limits of the limited entry daily and/or trip limit fishery for sablefish for the remainder of the fishing year.

(3) No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily and/or weekly trip limit fishery limits within the same 24 hour period of 0001 hours local time to 2400 hours local time. If a vessel has taken all of its tier limit except for an amount that is smaller than the DTL amount, that vessel's subsequent sablefish landings are automatically subject to daily and/or weekly trip limits.

(4) Vessels registered for use with a limited entry, fixed gear permit that does not have a sablefish endorsement may fish in the limited entry, daily and/or weekly trip limit fishery for as long as that fishery is open during the fishing year, subject to routine management measures imposed under §660.60, Subpart C. Daily and/or weekly trip limits for the limited entry fishery north and south of 36° N. lat. are provided in Tables 1 (North) and 2 (South) of this subpart.

(b) [Reserved]

12. A new Subpart F is added to read as follows:

Subpart F – West Coast Groundfish - Open Access Fisheries

§660.310 Purpose and Scope.

In addition to the purpose and scope listed at §660.10, subpart C, this subpart covers the Pacific Coast Groundfish open access fishery. The open access fishery, as defined at §660.11, Subpart C, is the fishery composed of commercial vessels using open access gear fished pursuant to the harvest guidelines, quotas, and other management measures specified for the harvest of open access allocations or governing the fishing activities of open access vessels.

§660.311 Open Access Fishery - Definitions.

General definitions for the Pacific Coast groundfish fisheries are defined at §660.11, Subpart C. The definitions in this subpart are specific to the open access fishery and are in addition to those specified at §660.11, Subpart C.

Closely tended for the purposes of this subpart means that a vessel is within visual sighting distance or within 0.25 nm (463 m) of the gear as determined by electronic navigational equipment.

§660.312 Open Access Fishery - Prohibitions.

General groundfish prohibitions for the Pacific Coast groundfish fisheries are defined at §660.12, Subpart C. In addition to the general groundfish prohibitions, it is unlawful for any person to:

(a) General.

(1) Take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish.

(2) Black rockfish fisheries. Have onboard a commercial hook-and-line fishing vessel (other than a vessel operated by persons under §660.60 (c)(1)(ii)), more than the amount of the trip limit set for black rockfish by §660.371 while that vessel is fishing between the U.S.-Canada border and Cape Alava (48°09'30" N. lat.), or between Destruction Island (47°40'00" N. lat.) and Leadbetter Point (46°38'10" N. lat.).

(b) Gear.

(1) Possess, deploy, haul, or carry onboard a fishing vessel subject to this subpart a set net, trap or pot, longline, or commercial vertical hook-and-line that is not in compliance with the gear restrictions in §660.XX, Subpart F unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(2) Fish with dredge gear (defined in §660.11) anywhere within EFH within the EEZ, as defined by latitude/longitude coordinates at §660.395.

(3) Fish with beam trawl gear (defined in §660.11) anywhere within EFH within the EEZ, as defined by latitude/longitude coordinates at §660.395.

(4) Fish with bottom trawl gear with a footrope diameter greater than 19 inches (48 cm) (including rollers, bobbins, or other material encircling or tied along the length of the footrope) anywhere in EFH within the EEZ, as defined by latitude/longitude coordinates at §660.395.

(c) Fishing in Conservation Areas With Open Access Gears.

(1) Operate any vessel with non-groundfish trawl gear onboard in any applicable GCA (as defined at §660.383 (c)) except for purposes of continuous transiting, with all trawl gear stowed in accordance with §660.383 (c), or except as authorized in the groundfish management measures published at §660.383.

(2) Operate any vessel in an applicable GCA (as defined at §660.383(c) that has nontrawl gear onboard and is not registered to a limited entry permit on a trip in which the vessel is used to take and retain or possess groundfish in the EEZ, possess or land groundfish taken in the EEZ, except for purposes of continuous transiting, with all groundfish nontrawl gear stowed in accordance with §660.383(c), or except as authorized in the groundfish management measures published at §660.383.

(3) Fish with bottom contact gear (as defined in §660.11, Subpart C) within the EEZ in the following areas (defined in §660.398 and §660.79): Thompson Seamount, President Jackson Seamount, Cordell Bank (50-fm (91-m) isobath), Harris Point, Richardson Rock, Scorpion, Painted Cave, Anacapa Island, Carrington Point, Judith Rock, Skunk Point, Footprint, Gull Island, South Point, and Santa Barbara.

(4) Fish with bottom contact gear (as defined in §660.11, Subpart C), or any other gear that is deployed deeper than 500-fm (914-m), within the Davidson Seamount area (defined in §660.395).

§660.313 Open Access Fishery - Recordkeeping and Reporting.

(a) General. General reporting requirements specified at §660.13 (a) through (c) apply to open access fisheries.

(b) Declaration Reports for Vessels Using Nontrawl Gear. Declaration reporting requirements for open access vessels using nontrawl gear (all types of open access gear other than non-groundfish trawl gear) are specified at §660.13 (d).

(c) VMS Requirements for Open Access Fishery Vessels. VMS requirements for open access fishery vessels are specified at §660.XX, Subpart C.

(d) Retention of Records. Any person landing groundfish must retain on board the vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

§660.316 Open Access Fishery - Observer Requirements.

(a) Observer Coverage Requirements. When NMFS notifies the owner, operator, permit holder, or the manager of a catcher vessel, specified at §660.16 (c), Subpart C of any requirement to carry an observer, the catcher vessel may not be used to fish for groundfish without carrying an observer.

(b) Notice of Departure—Basic Rule. At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(1) Optional Notice—Weather Delays. A vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (c)(2)(ii) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(2) Optional Notice—Back-To-Back Fishing Trips. A vessel that intends to make back-to-back fishing trips (i.e., trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (c)(2)(ii) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(c) Cease Fishing Report. Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(d) Waiver. The Northwest Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(e) Vessel Responsibilities.

(1) Accommodations and Food. An operator of a vessel required to carry one or more observer(s) must provide accommodations and food that are Equivalent to those provided to the crew.

(2) Safe Conditions. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§600.725 and 600.746 of this chapter.

(3) Observer Communications. Facilitate observer communications by:

(i) Observer Use of Equipment. Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s) or the U.S. or designated agent.

(ii) Functional Equipment. Ensuring that the vessel's communications equipment, used by observers to enter and transmit data, is fully functional and operational.

(4) Vessel Position. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) Access. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) Prior Notification. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) Records. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) Assistance. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing the observer(s) with a safe work area.

(iii) Collecting bycatch when requested by the observer(s).

(iv) Collecting and carrying baskets of fish when requested by the observer(s).

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(f) Sample Station.

(1) Observer Sampling Station. This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(i) Accessibility. The observer sampling station must be available to the observer at all times.

(ii) Location. The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

§660.319 Open Access Fishery Gear Identification and Marking.

(a) Gear Identification.

(1) Open access fixed gear (longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be marked at the surface and at each terminal end, with a pole, flag, light, radar reflector, and a buoy.

(2) Open access commercial vertical hook-and-line gear that is closely tended as defined at §660.311 of this subpart, may be marked only with a single buoy of sufficient size to float the gear.

(3) A buoy used to mark fixed gear under paragraph (b)(2)(i)(A) or (b)(2)(ii) of this section must be marked with a number clearly identifying the owner or operator of the vessel. The number may be either:

(i) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or

(ii) The vessel documentation number issued by the USCG, or, for an undocumented vessel, the vessel registration number issued by the state.

(b) [Reserved]

§660.320 Open Access Fishery - Crossover Provisions.

(a) Operating in Both Limited Entry and Open Access Fisheries. See provisions at §660.60 (X), Subpart C.

(b) Operating in North-South Management Areas with Different Trip Limits. NMFS uses different types of management areas for West Coast groundfish management. One type of management area is the north-south management area, a large ocean area with northern and southern boundary lines wherein trip limits, seasons, and conservation areas follow a single theme. Within each north-south management area, there may be one or more conservation areas, detailed in §§660.11, Subpart C and 660.70, Subpart C through 660.394. The provisions within this paragraph apply to vessels operating in different north-south management areas. Trip limits for a species or a species group may differ in different north-south management areas along the coast. The following “crossover” provisions apply to vessels operating in different geographical areas that have different cumulative or “per trip” trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see §660.371).

(1) Going from a more restrictive to a more liberal area. If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that

vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(2) Going from a more liberal to a more restrictive area. If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(3) Operating in two different areas where a species or species group is managed with different types of trip limits. During the fishing year, NMFS may implement management measures for a species or species group that set different types of trip limits (for example, per trip limits versus cumulative trip limits) for different areas. If a vessel fishes for a species or species group that is managed with different types of trip limits in two different areas within the same cumulative limit period, then that vessel is subject to the most restrictive overall cumulative limit for that species, regardless of where fishing occurs.

(4) Minor rockfish. Several rockfish species are designated with species-specific limits on one side of the 40°10' N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line. A vessel that takes and retains fish from a minor rockfish complex (nearshore, shelf, or slope) on both sides of a management line during a single cumulative limit period is subject to the more restrictive cumulative limit for that minor rockfish complex during that period.

(i) If a vessel takes and retains minor slope rockfish north of 40°10' N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10' N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10' N. lat.

(ii) If a vessel takes and retains minor slope rockfish south of 40°10' N. lat., that vessel is also permitted to take and retain, possess or land POP up to its cumulative limit north of 40°10' N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10' N. lat.

(v) “DTS complex.” There are often differential trawl trip limits for the “DTS complex” north and south of latitudinal management lines. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph when making landings that include any one of the four species in the “DTS complex.”

§660.330 Open Access Fishery - Management Measures.

(a) General. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see trip limits in Tables 1 (North) and 2 (South) of this subpart), size limits (see §660.60(h)(5)), seasons (see seasons in Tables 1 (North) and 2 (South) of this subpart), gear restrictions (see paragraph (b) of this section), and closed areas (see paragraph (c) of this section and §§660.70, Subpart C through 660.79). Unless otherwise specified, a vessel operating in the

open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph (c)(5) of this section and §660.70, Subpart C). Retention of yelloweye rockfish and canary rockfish is prohibited in all open access fisheries. For information on the open access daily/weekly trip limit fishery for sablefish, see §660.372(c) and the trip limits in Tables 1 (North) and 2 (South) of this subpart. Open access vessels are subject to daily or weekly sablefish limits in addition to cumulative limits for each cumulative limit period. Only one sablefish landing per week may be made in excess of the daily trip limit and, if the vessel chooses to make a landing in excess of that daily trip limit, then that is the only sablefish landing permitted for that week. The trip limit for black rockfish caught with hook-and-line gear also applies, see §660.371. Non-groundfish trawl XXXXX. Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally managed groundfish.

(b) Gear restrictions. Open access gear includes longline, trap, pot, hook-and-line (fixed or mobile), setnet (anchored gillnet or trammel net, which are permissible south of 38° N. lat. only), spear and non-groundfish trawl gear (trawls used to target non-groundfish species: pink shrimp or ridgeback prawns, and, south of Pt. Arena, CA (38°57.50' N. lat.), California halibut or sea cucumbers). Restrictions for gears used in the open access fisheries are as follows:

(1) Non-groundfish Trawl Gear. Non-groundfish trawl gear is generally trawl gear used to target pink shrimp, ridgeback prawn, California halibut and sea cucumber and is exempt from the limited entry trawl gear restrictions at §660.381(b). The following gear restrictions apply to non-groundfish trawl gear:

(i) Bottom trawl gear with a footrope diameter greater than 19 inches (48 cm) (including rollers, bobbins, or other material encircling ro tied along the length of the footrope) is prohibited anywhere in EFH within the EEZ, as defined by latitude/longitude coordinates at §660.395. unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(ii) [Reserved]

(2) Fixed gear.

(i) Fixed gear (longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be attended at least once every 7 days.

(ii) Set nets. Fishing for groundfish with set nets is prohibited in the fishery management area north of 38°00.00' N. lat.

(iii) Traps or pots. Traps must have biodegradable escape panels constructed with 21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches (20.3 cm) in diameter results when the twine deteriorates.

(iv) Spears. Spears may be propelled by hand or by mechanical means.

(c) Sorting. Under §660.12(a)(8), Subpart C it is unlawful for any person to “fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY applied.” The States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state landing receipts. For open access vessels, the following species must be sorted:

(1) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, longnose skate, other fish, Pacific whiting, and Pacific sanddabs;

(2) North of 40°10' N. lat.—POP, yellowtail rockfish;

(3) South of 40°10' N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish, cowcod, bronzespotted rockfish and cabezon.

(d) Groundfish Conservation Areas Affecting Open Access Vessels. A GCA, a type of closed area, is a geographic area defined by coordinates expressed in degrees of latitude and longitude. A vessel that is authorized by this paragraph to fish within a GCA (e.g. fishing for “other flatfish” using no more than 12 hooks, “Number 2” or smaller), may not simultaneously have other gear on board the vessel that is unlawful to use for fishing within the GCA. The following GCAs apply to vessels participating in the open access groundfish fishery.

(1) North Coast Recreational Yelloweye Rockfish Conservation Area. The latitude and longitude coordinates of the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at §660.70, Subpart C. The North Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(2) North Coast Commercial Yelloweye Rockfish Conservation Area. The latitude and longitude coordinates of the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at §660.70, Subpart C. Fishing with open access gear is prohibited within the North Coast Commercial YRCA. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the North Coast Commercial YRCA. Open access vessels may transit through the North Coast Commercial YRCA with or without groundfish on board.

(3) South Coast Recreational Yelloweye Rockfish Conservation Area. The latitude and longitude coordinates of the South Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at §660.70, Subpart C. The South Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(4) Westport Offshore Recreational YRCA. The latitude and longitude coordinates that define the Westport Offshore Recreational YRCA boundaries are specified at §660.70, Subpart

C. The Westport Offshore Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(5) Point St. George YRCA. The latitude and longitude coordinates of the Point St. George YRCA boundaries are specified at §660.70, Subpart C. Fishing with open access gear is prohibited within the Point St. George YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Point St. George YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Point St. George YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Open access vessels may transit through the Point St. George YRCA, at any time, with or without groundfish on board.

(6) South Reef YRCA. The latitude and longitude coordinates of the South Reef YRCA boundaries are specified at §660.70, Subpart C. Fishing with open access gear is prohibited within the South Reef YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the South Reef YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the South Reef YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the South Reef YRCA, at any time, with or without groundfish on board.

(7) Reading Rock YRCA. The latitude and longitude coordinates of the Reading Rock YRCA boundaries are specified at §660.70, Subpart C. Fishing with open access gear is prohibited within the Reading Rock YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Reading Rock YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Reading Rock YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the Reading Rock YRCA, at any time, with or without groundfish on board.

(8) Point Delgada (North) YRCA. The latitude and longitude coordinates of the Point Delgada (North) YRCA boundaries are specified at §660.70, Subpart C. Fishing with open access gear is prohibited within the Point Delgada (North) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Point Delgada (North) YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Point Delgada (North) YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the Point Delgada (North) YRCA, at any time, with or without groundfish on board.

(9) Point Delgada (South) YRCA. The latitude and longitude coordinates of the Point Delgada (South) YRCA boundaries are specified at §660.70, Subpart C. Fishing with open access gear is prohibited within the Point Delgada (South) YRCA, on dates when the closure is

in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Point Delgada (South) YRCA, on dates when the closure is in effect. The closure is not in effect at this time, and commercial fishing for groundfish is open within the Point Delgada (South) YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the Point Delgada (South) YRCA, at any time, with or without groundfish on board.

(10) Salmon Troll Yelloweye Rockfish Conservation Area. The latitude and longitude coordinates of the Salmon Troll Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified in the groundfish regulations at §660.70, Subpart C and in the salmon regulations at §660.405. Fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish taken with salmon troll gear within the Salmon Troll YRCA. Open access vessels may transit through the Salmon Troll YRCA with or without fish on board.

(11) Cowcod Conservation Areas. The latitude and longitude coordinates of the Cowcod Conservation Areas (CCAs) boundaries are specified at §660.70, Subpart C. It is unlawful to take and retain, possess, or land groundfish within the CCAs, except for species authorized in this paragraph caught according to gear requirements in this paragraph, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00.50' N. lat., and bounded on the south by the latitude line at 32°59.50' N. lat. Fishing with open access gear is prohibited in the CCAs, except as follows:

(i) Fishing for “other flatfish” is permitted within the CCAs under the following conditions: when using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line; and provided a valid declaration report as required at §660.12(d), Subpart C has been filed with NMFS OLE.

(ii) Fishing for rockfish and lingcod is permitted shoreward of the 20 fm (37 m) depth contour within the CCAs when trip limits authorize such fishing, and provided a valid declaration report as required at §660.12(d), Subpart C has been filed with NMFS OLE.

(12) Nontrawl Rockfish Conservation Areas for the Open Access Fisheries. The nontrawl RCAs are closed areas, defined by specific latitude and longitude coordinates (specified at §§660.70, Subpart C through 660.394) designed to approximate specific depth contours, where fishing for groundfish with nontrawl gear is prohibited. Boundaries for the nontrawl RCA throughout the year are provided in the open access trip limit tables, Table 1 (North) and Table 2 (South) of this subpart and may be modified by NMFS inseason pursuant to §660.60(c).

(i) It is unlawful to operate a vessel in the nontrawl RCA that has nontrawl gear onboard and is not registered to a limited entry permit on a trip in which the vessel is used to take and retain or possess groundfish in the EEZ, or land groundfish taken in the EEZ, except for the purpose of continuous transiting, or when the use of nontrawl gear is authorized in part 660.

(ii) On any trip on which a groundfish species is taken with nontrawl open access gear and retained, the open access nontrawl vessel may transit through the nontrawl RCA only if all groundfish nontrawl gear is stowed either: below deck; or if the gear cannot readily be moved, in a secured and covered manner, detached from all lines, so that it is rendered unusable for fishing.

(iii) The nontrawl RCA restrictions in this section apply to vessels taking and retaining or possessing groundfish in the EEZ, or landing groundfish taken in the EEZ. Unless otherwise authorized by Part660, a vessel may not retain any groundfish taken on a fishing trip for species other than groundfish that occurs within the nontrawl RCA. If a vessel fishes in a non-groundfish fishery in the nontrawl RCA, it may not participate in any fishing for groundfish on that trip that is prohibited within the nontrawl RCA. [For example, if a vessel fishes in the salmon troll fishery within the RCA, the vessel cannot on the same trip fish in the sablefish fishery outside of the RCA.]

(iv) Fishing for “other flatfish” off California (between 42° N. lat. south to the U.S./Mexico border) is permitted within the nontrawl RCA with fixed gear only under the following conditions: when using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.91 kg) weights per line when trip limits authorize such fishing; and provided a valid declaration report as required at §660.12(d), Subpart C has been filed with NMFS OLE.

(13) Non-groundfish Trawl Rockfish Conservation Areas for the open access non-groundfish trawl fisheries. The non-groundfish trawl RCAs are closed areas, defined by specific latitude and longitude coordinates (specified at §§660.70, Subpart C through660.394) designed to approximate specific depth contours, where fishing for groundfish with nontrawl gear is prohibited. Boundaries for the nontrawl RCA throughout the year are provided in the open access trip limit tables, Table 1 (North) and Table 2 (South) of this subpart and may be modified by NMFS inseason pursuant to §660.60(c).

(i) It is unlawful to operate in the non-groundfish trawl RCA with non-groundfish trawl gear onboard, except for the purpose of continuous transiting, or when the use of trawl gear is authorized in part660. It is unlawful to take and retain, possess, or land groundfish taken with non-groundfish trawl gear within the nontrawl RCA, unless otherwise authorized in part660.

(ii) Non-groundfish trawl vessels may transit through the non-groundfish trawl RCA, with or without groundfish on board, provided all non-groundfish trawl gear is stowed either: below deck; or if the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or remaining on deck uncovered if the trawl doors are hung from their stanchions and the net is disconnected from the doors.

(iii) The non-groundfish trawl RCA restrictions in this section apply to vessels taking and retaining or possessing groundfish in the EEZ, or landing groundfish taken in the EEZ. Unless otherwise authorized by Part660, it is unlawful for a vessel to retain any groundfish taken on a fishing trip for species other than groundfish that occurs within the non-groundfish trawl RCA. If a vessel fishes in a non-groundfish fishery in the non-groundfish trawl RCA, it may not participate in any fishing on that trip that is prohibited within the non-groundfish trawl RCA.

[For example, if a vessel fishes in the pink shrimp fishery within the RCA, the vessel cannot on the same trip fish in the DTS fishery seaward of the RCA.] Nothing in these Federal regulations supercedes any state regulations that may prohibit trawling shoreward of the fishery management area (3–200 nm).

(iv) It is lawful to fish with non-groundfish trawl gear within the non-groundfish trawl RCA only under the following conditions:

(A) Pink shrimp trawling is permitted in the non-groundfish trawl RCA when a valid declaration report as required at §660.12(d), Subpart C has been filed with NMFS OLE. Groundfish caught with pink shrimp trawl gear may be retained anywhere in the EEZ and are subject to the limits in Table 1 (North) and Table 2 (South) of this subpart.

(B) When the shoreward line of the trawl RCA is shallower than 100 fm (183 m), vessels using ridgeback prawn trawl gear south of 34°27.00' N. lat. may operate out to the 100 fm (183 m) boundary line specified at §660.393 when a valid declaration report as required at §660.12(d), Subpart C has been filed with NMFS OLE. Groundfish caught with ridgeback prawn trawl gear are subject to the limits in Table 1(North) and Table 2 (South) of this subpart.

(14) Farallon Islands. Under California law, commercial fishing for all groundfish is prohibited between the shoreline and the 10 fm (18 m) depth contour around the Farallon Islands. An exception to this prohibition is that commercial fishing for “other flatfish” is permitted around the Farallon Islands using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line.(See Table 2 (South) of this subpart.) For a definition of the Farallon Islands, see §660.70, Subpart C.

(15) Cordell Banks. Commercial fishing for groundfish is prohibited in waters of depths less than 100–fm (183–m) around Cordell Banks, as defined by specific latitude and longitude coordinates at §660.70, Subpart C. An exception to this prohibition is that commercial fishing for “other flatfish” is permitted around Cordell Banks using no more than 12 hooks, “Number 2” or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line.

(16) Essential Fish Habitat Conservation Areas. An EFHCA, a type of closed area, is a geographic area defined by coordinates expressed in degrees of latitude and longitude at §§660.396 through 660.79, where specified types of fishing are prohibited in accordance with §660.12, Subpart C. EFHCAs apply to vessels using bottom trawl gear and or vessels using “bottom contact gear,” which is defined at §660.11, Subpart C and includes, but is not limited to: beam trawl, bottom trawl, dredge, fixed gear, set net, demersal seine, dinglebar gear, and other gear (including experimental gear) designed or modified to make contact with the bottom.

(i) The following EFHCAs apply to vessels operating within the EEZ off the coasts of Washington, Oregon, and California with bottom trawl gear:

(A) Seaward of a boundary line approximating the 700–fm (1280–m) depth contour. Fishing with bottom trawl gear is prohibited in waters of depths greater than 700 fm (1280 m)

within the EFH, as defined by specific latitude and longitude coordinates at §660.395 and §660.396.

(B) Shoreward of a boundary line approximating the 100–fm (183–m) depth contour. Fishing with bottom trawl gear with a footrope diameter greater than 8 inches (20 cm) is prohibited in waters shoreward of a boundary line approximating the 100–fm (183–m) depth contour, as defined by specific latitude and longitude coordinates at §660.393.

(C) EFHCAs for all bottom trawl gear. Fishing with all bottom trawl gear is prohibited within the following EFHCAs, which are defined by specific latitude and longitude coordinates at §§660.397 through 660.398: Olympic 2, Biogenic 1, Biogenic 2, Grays Canyon, Biogenic 3, Astoria Canyon, Nehalem Bank/Shale Pile, Siletz Deepwater, Daisy Bank/Nelson Island, Newport Rockpile/Stonewall Bank, Heceta Bank, Deepwater off Coos Bay, Bandon High Spot, Rogue Canyon.

(D) EFHCAs for all bottom trawl gear, except demersal seine gear. Fishing with all bottom trawl gear except demersal seine gear (defined at §660.11, Subpart C) is prohibited within the following EFHCAs, which are defined by specific latitude and longitude coordinates at §660.79: Eel River Canyon, Blunts Reef, Mendocino Ridge, Delgada Canyon, Tolo Bank, Point Arena North, Point Arena South Biogenic Area, Cordell Bank/Biogenic Area, Farallon Islands/Fanny Shoal, Half Moon Bay, Monterey Bay/Canyon, Point Sur Deep, Big Sur Coast/Port San Luis, East San Lucia Bank, Point Conception, Hidden Reef/Kidney Bank (within Cowcod Conservation Area West), Catalina Island, Potato Bank (within Cowcod Conservation Area West), Cherry Bank (within Cowcod Conservation Area West), and Cowcod EFH Conservation Area East.

(E) EFHCAs for bottom contact gear, which includes bottom trawl gear. Fishing with bottom contact gear is prohibited within the following EFHCAs, which are defined by specific latitude and longitude coordinates at §§660.398–.399: Thompson Seamount, President Jackson Seamount, Cordell Bank (50–fm (91–m) isobath), Harris Point, Richardson Rock, Scorpion, Painted Cave, Anacapa Island, Carrington Point, Judith Rock, Skunk Point, Footprint, Gull Island, South Point, and Santa Barbara. Fishing with bottom contact gear is also prohibited within the Davidson Seamount EFH Area, which is defined by specific latitude and longitude coordinates at §660.395, Subpart C.

§660.331 Black Rockfish Fishery Management.

(a) The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09.50' N. lat.), and between Destruction Island (47°40' N. lat.) and Leadbetter Point (46°38.17' N. lat.), is 100-lbs (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip. These per trip limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures in §§660.382 and 660.383. The crossover provisions in §660.60(h)(8) do not apply to the black rockfish per-trip limits.

§660.332 Open Access Daily Trip Limit (DTL) Fishery for Sablefish.

(a) Open access DTL fisheries both north and south of 36° N. lat. Open access vessels may fish in the open access, daily trip limit fishery for as long as that fishery is open during the year, subject to the routine management measures imposed under §660.60, Subpart C.

(b) Trip limits.

(1) Daily and/or weekly trip limits for the open access fishery north and south of 36° N. lat. are provided in Tables 1 (North) and 2 (South) of this subpart.

(2) Trip and/or frequency limits may be imposed in the limited entry fishery on vessels that are not participating in the primary season under §660.60, Subpart C.

(3) Trip and/or size limits to protect juvenile sablefish in the limited entry or open-access fisheries also may be imposed at any time under §660.60, Subpart C.

(4) Trip limits may be imposed in the open-access fishery at any time under §660.60, Subpart C.

§660.333 Open Access Non-groundfish Trawl Fishery - Management Measures.

(a) General. Groundfish taken with non-groundfish trawl gear by vessels engaged in fishing for pink shrimp, ridgeback prawns, California halibut, or sea cucumbers. Trip limits for groundfish retained in the ridgeback prawn, California halibut, or sea cucumber fisheries are in the open access trip limit table, Table 2 (South) of this subpart. Trip limits for groundfish retained in the pink shrimp fishery are in Tables 1 (North) and 2 (South) of this subpart. The table also generally describes the RCAs for vessels participating in these fisheries.

(b) Participation in the ridgeback prawn fishery. A trawl vessel will be considered participating in the ridgeback prawn fishery if:

(1) It is not registered to a valid Federal limited entry groundfish permit issued under §660.333 for trawl gear; and

(2) The landing includes ridgeback prawns taken in accordance with California Fish and Game Code, section 8595, which states: "Prawns or shrimp may be taken for commercial purposes with a trawl net, subject to Article 10 (commencing with Section 8830) of Chapter 3."

(c) Participation in the California halibut fishery.

(1) A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not registered to a valid Federal limited entry groundfish permit issued under §660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena, CA (38°57.50' N. lat.); and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: "No California halibut may be taken, possessed or sold which measures less than 22 in (56 cm) in total length, unless it weighs 4-lb (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3-lbs (1.3608 kg) or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of

the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.”

(d) Participation in the sea cucumber fishery. A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(1) It is not registered to a valid Federal limited entry groundfish permit issued under §660.333 for trawl gear;

(2) All fishing on the trip takes place south of Pt. Arena, CA (38°57.50' N. lat.); and

(3) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8405, which requires a permit issued by the State of California.

(e) Groundfish taken with non-groundfish trawl gear by vessels engaged in fishing for pink shrimp. Notwithstanding §660.60(h)(7), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the vessel may not retain a separate trip limit for each fishery.

13. In Subpart G, remove §660.301 through §660.385, and revise the subpart to read as follows:

Subpart G – West Coast Groundfish – Recreational Fisheries

§660.350 Purpose and Scope.

In addition to the purpose and scope listed at §660.10, subpart C, this subpart covers the Pacific Coast Groundfish recreational fishery.

§660.351 Recreational Fishery - Definitions.

These definitions are specific to the recreational fisheries. General groundfish definitions are defined at §660.11, Subpart C.

Bag limits means the amount of catch available to an angler.

Boat limits means the amount of catch available to for a vessel or boat.

Hook limits means a limit on the number of hooks on any given fishing line.

§660.352 Recreational Fishery - Prohibitions.

These prohibitions are specific to the recreational fisheries. General groundfish prohibitions are defined at §660.12, Subpart C. In addition to the general groundfish prohibitions specified in §660.12, Subpart C, it is unlawful for any person to:

(a) Sell, offer to sell, or purchase any groundfish taken in the course of recreational groundfish fishing.

(b) Use fishing gear other than hook-and-line or spear for recreational fishing.

(c) To fish in both the recreational and commercial fisheries on the same trip.

§660.353 Recreational Fishery - Recordkeeping and Reporting. Recordkeeping and reporting requirements at §660.13 (a) through (c), Subpart C apply to the recreational fishery.

§660.360 Recreational Fishery - Management Measures.

(a) General. Federal recreational groundfish regulations are not intended to supersede any more restrictive state recreational groundfish regulations relating to federally-managed groundfish. The bag limits include fish taken in both state and Federal waters.

(b) Gear restrictions. The only types of fishing gear authorized for recreational fishing are hook-and-line and spear. Spears may be propelled by hand or by mechanical means. More fishery-specific gear restrictions may be required by state as noted in paragraph (c) of this section (e.g. California's recreational “other flatfish” fishery).

(c) State-specific recreational fishery management measures. Federal recreational groundfish regulations are not intended to supersede any more restrictive State recreational groundfish regulations relating to federally-managed groundfish. Off the coast of Washington, Oregon, and California, boat limits apply, whereby each fisher aboard a vessel may continue to use angling gear until the combined daily limits of groundfish for all licensed and juvenile anglers aboard has been attained (additional state restrictions on boat limits may apply).

(1) Washington. For each person engaged in recreational fishing off the coast of Washington, the groundfish bag limit is 15 groundfish per day, including rockfish and lingcod, and is open year-round (except for lingcod). In the Pacific halibut fisheries, retention of groundfish is governed in part by annual management measures for Pacific halibut fisheries, which are published in the Federal Register. South of Leadbetter Point, WA to the Washington/Oregon border, when Pacific halibut are onboard the vessel, no groundfish may be taken and retained, possessed or landed, except sablefish and Pacific cod. The following sublimits and closed areas apply:

(i) Recreational Groundfish Conservation Areas off Washington.

(A) North Coast Recreational Yelloweye Rockfish Conservation Area. Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing in the North Coast Recreational YRCA may not be in possession of any groundfish. Recreational vessels may transit through the North Coast Recreational YRCA with or without groundfish on board. The North Coast Recreational YRCA is defined by latitude and longitude coordinates specified at §660.70, Subpart C.

(B) South Coast Recreational Yelloweye Rockfish Conservation Area. Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the South Coast Recreational YRCA. A vessel fishing in the South Coast Recreational YRCA may not be in possession of any groundfish. Recreational vessels may

transit through the South Coast Recreational YRCA with or without groundfish on board. The South Coast Recreational YRCA is defined by latitude and longitude coordinates specified at §660.70, Subpart C.

(C) Westport Offshore Recreational Yelloweye Rockfish Conservation Area.

Recreational fishing for groundfish and halibut is prohibited within the Westport Offshore Recreational YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the Westport Offshore Recreational YRCA. A vessel fishing in the Westport Offshore Recreational YRCA may not be in possession of any groundfish. Recreational vessels may transit through the Westport Offshore Recreational YRCA with or without groundfish on board. The Westport Offshore Recreational YRCA is defined by latitude and longitude coordinates specified at §660.70, Subpart C.

(D) Recreational Rockfish Conservation Area. Fishing for groundfish with recreational gear is prohibited within the recreational RCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. A vessel fishing in the recreational RCA may not be in possession of any groundfish. [For example, if a vessel fishes in the recreational salmon fishery within the RCA, the vessel cannot be in possession of groundfish while in the RCA. The vessel may, however, on the same trip fish for and retain groundfish shoreward of the RCA on the return trip to port.]

(1) Between the U.S. border with Canada and the Queets River, recreational fishing for groundfish is prohibited seaward of a boundary line approximating the 20-fm (37-m) depth contour from May 21 through September 30, except on days when the Pacific halibut fishery is open in this area. Days open to Pacific halibut recreational fishing off Washington are announced on the NMFS hotline at (206) 526-6667 or (800) 662-9825. Coordinates for the boundary line approximating the 20-fm (37-m) depth contour are listed in §660.391, Subpart C.

(2) Between the Queets River and Leadbetter Point, recreational fishing for groundfish is prohibited seaward of a boundary line approximating the 30-fm (55-m) depth contour from March 15 through June 15, except that recreational fishing for sablefish and Pacific cod is permitted within the recreational RCA from May 1 through June 15. Retention of lingcod seaward of the boundary line approximating the 30-fm (55-m) depth contour south of 46°58' N. lat. is prohibited on Fridays and Saturdays from July 1 through August 31. For additional regulations regarding the Washington recreational lingcod fishery, see paragraph (c)(1)(iii) of this section. Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in §660.391.

(ii) Rockfish. In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing, there is a 10 rockfish per day bag limit. Taking and retaining canary rockfish and yelloweye rockfish is prohibited.

(iii) Lingcod. In areas of the EEZ seaward of Washington that are open to recreational groundfish fishing and when the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day, which may be no smaller than 22 in (56 cm) total length. The recreational fishing season for lingcod is open as follows:

(A) Between the U.S./Canada border to 48°10' N. lat. (Cape Alava) (Washington Marine Area 4), recreational fishing for lingcod is open, for 2009, from April 16 through October 15, and for 2010, from April 16 through October 15.

(B) Between 48°10' N. lat. (Cape Alava) and 46°16' N. lat. (Washington/Oregon border) (Washington Marine Areas 1–3), recreational fishing for lingcod is open for 2009, from March 14 through October 17, and for 2010, from March 13 through October 16.

(2) Oregon —

(i) Recreational Groundfish Conservation Areas off Oregon.

(A) Stonewall Bank Yelloweye Rockfish Conservation Area. Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not be in possession of any groundfish. Recreational vessels may transit through the Stonewall Bank YRCA with or without groundfish on board. The Stonewall Bank YRCA is defined by latitude and longitude coordinates specified at §660.70, Subpart C.

(B) Recreational Rockfish Conservation Area. Fishing for groundfish with recreational gear is prohibited within the recreational RCA, a type of closed area or GCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. A vessel fishing in the recreational RCA may not be in possession of any groundfish. [For example, if a vessel fishes in the recreational salmon fishery within the RCA, the vessel cannot be in possession of groundfish while in the RCA. The vessel may, however, on the same trip fish for and retain groundfish shoreward of the RCA on the return trip to port.] Off Oregon, from April 1 through September 30, recreational fishing for groundfish is prohibited seaward of a recreational RCA boundary line approximating the 40 fm (73 m) depth contour. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed at §660.391.

(C) Essential Fish Habitat Conservation Areas. The Essential Fish Habitat Conservation Areas (EFHCAs) are closed areas, defined by specific latitude and longitude coordinates at §§660.396 through 660.79, where specified types of fishing are prohibited. Prohibitions applying to specific EFHCAs are found at §660.12.

(ii) Seasons. Recreational fishing for groundfish is open from January 1 through December 31, subject to the closed areas described in paragraph (c)(2) of this section.

(iii) Bag limits, size limits. The bag limits for each person engaged in recreational fishing in the EEZ seaward of Oregon are three lingcod per day, which may be no smaller than 22 in (56 cm) total length; and 10 marine fish per day, which excludes Pacific halibut, salmonids, tuna, perch species, sturgeon, sanddabs, flatfish, lingcod, striped bass, hybrid bass, offshore pelagic species and baitfish (herring, smelt, anchovies and sardines), but which includes rockfish, greenling, cabezon and other groundfish species. The bag limit for all flatfish is 25 fish per day, which excludes Pacific halibut, but which includes all soles, flounders and Pacific sanddabs. In the Pacific halibut fisheries, retention of groundfish is governed in part by annual management measures for Pacific halibut fisheries, which are published in the Federal Register. Between the

Oregon border with Washington and Cape Falcon, when Pacific halibut are onboard the vessel, groundfish may not be taken and retained, possessed or landed, except sablefish and Pacific cod. Between Cape Falcon and Humbug Mountain, during days open to the Oregon Central Coast “all-depth” sport halibut fishery, when Pacific halibut are onboard the vessel, no groundfish may be taken and retained, possessed or landed, except sablefish and Pacific cod. “All-depth” season days are established in the annual management measures for Pacific halibut fisheries, which are published in the Federal Register and are announced on the NMFS halibut hotline, 1-800-662-9825. The minimum size limit for cabezon retained in the recreational fishery is 16-in (41-cm), and for greenling is 10-in (26-cm). Taking and retaining canary rockfish and yelloweye rockfish is prohibited at all times and in all areas.

(3) California. Seaward of California, California law provides that, in times and areas when the recreational fishery is open, there is a 20 fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person. [Note: There are some exceptions to this rule. The following groundfish species are not subject to a bag limit: petrale sole, Pacific sanddab and starry flounder.] For groundfish species not specifically mentioned in this paragraph, fishers are subject to the overall 20-fish bag limit for all species of finfish and the depth restrictions at paragraph (c)(3)(i) of this section. Recreational spearfishing for all federally-managed groundfish, except lingcod during January, February, March, and December, is exempt from closed areas and seasons, consistent with Title 14 of the California Code of Regulations. This exemption applies only to recreational vessels and divers provided no other fishing gear, except spearfishing gear, is on board the vessel. California state law may provide regulations similar to Federal regulations for the following state-managed species: ocean whitefish, California sheephead, and all greenlings of the genus *Hexagrammos*. Kelp greenling is the only federally-managed greenling. Retention of cowcod, yelloweye rockfish, and canary rockfish is prohibited in the recreational fishery seaward of California all year in all areas. For each person engaged in recreational fishing in the EEZ seaward of California, the following closed areas, seasons, bag limits, and size limits apply:

(i) Recreational Groundfish Conservation Areas off California. A Groundfish Conservation Area (GCA), a type of closed area, is a geographic area defined by coordinates expressed in degrees latitude and longitude. The following GCAs apply to participants in California's recreational fishery.

(A) Recreational Rockfish Conservation Areas. The recreational RCAs are areas that are closed to recreational fishing for groundfish. Fishing for groundfish with recreational gear is prohibited within the recreational RCA, except that recreational fishing for “other flatfish” is permitted within the recreational RCA as specified in paragraph (c)(3)(iv) of this section. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA, unless otherwise authorized in this section. A vessel fishing in the recreational RCA may not be in possession of any species prohibited by the restrictions that apply within the recreational RCA. [For example, if a vessel fishes in the recreational salmon fishery within the

RCA, the vessel cannot be in possession of rockfish while in the RCA. The vessel may, however, on the same trip fish for and retain rockfish shoreward of the RCA on the return trip to port.]

(1) Between 42° N. lat. (California/Oregon border) and 40°10.00' N. lat. (North Region), recreational fishing for all groundfish (except “other flatfish” as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of the 20-fm (37-m) depth contour along the mainland coast and along islands and offshore seamounts from May 15 through September 15; and is closed entirely from January 1 through May 14 and from September 16 through December 31 (i.e., prohibited seaward of the shoreline).

(2) Between 40°10' N. lat. and 38°57.50' N. lat. (North-Central North of Point Arena Region), recreational fishing for all groundfish (except “other flatfish” as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of the 20-fm (37-m) depth contour along the mainland coast and along islands and offshore seamounts from May 15 through August 15; and is closed entirely from January 1 through May 14 and from August 16 through December 31 (i.e., prohibited seaward of the shoreline).

(3) Between 38°57.50' N. lat. and 37°11' N. lat. (North-Central South of Point Arena Region), recreational fishing for all groundfish (except “other flatfish” as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of the boundary line approximating the 30-fm (55-m) depth contour along the mainland coast and along islands and offshore seamounts from June 13 through October 31; and is closed entirely from January 1 through June 12 and from November 1 through December 31 (i.e., prohibited seaward of the shoreline). Closures around the Farallon Islands (see paragraph (c)(3)(i)(C) of this section) and Cordell Banks (see paragraph (c)(3)(i)(D) of this section) also apply in this area. Coordinates for the boundary line approximating the 30-fm (55-m) depth contour are listed in §660.391.

(4) Between 37°11' N. lat. and 36° N. lat. (Monterey South-Central Region), recreational fishing for all groundfish (except “other flatfish” as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of a boundary line approximating the 40-fm (73-m) depth contour along the mainland coast and along islands and offshore seamounts from May 1 through November 15; and is closed entirely from January 1 through April 30 and from November 16 through December 31 (i.e., prohibited seaward of the shoreline). Coordinates for the boundary line approximating the 40-fm (73-m) depth contour are specified in §660.391.

(5) Between 36° N. lat. and 34°27' N. lat. (Morro Bay South-Central Region), recreational fishing for all groundfish (except “other flatfish” as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of a boundary line approximating the 40-fm (73-m) depth contour along the mainland coast and along islands and offshore seamounts from May 1 through November 15; and is closed entirely from January 1 through April 30 and from November 16 through December 31 (i.e., prohibited seaward of the shoreline). Coordinates for the boundary line approximating the 40-fm (73-m) depth contour are specified in §660.391.

(6) South of 34°27' N. latitude (South Region), recreational fishing for all groundfish (except California scorpionfish as specified below in this paragraph and in paragraph (v) of this section and “other flatfish” as specified in paragraph (c)(3)(iv) of this section) is prohibited

seaward of a boundary line approximating the 60-fm (110-m) depth contour from March 1 through December 31 along the mainland coast and along islands and offshore seamounts, except in the CCAs where fishing is prohibited seaward of the 20-fm (37-m) depth contour when the fishing season is open (see paragraph (c)(3)(i)(B) of this section). Recreational fishing for all groundfish (except California scorpionfish and “other flatfish”) is closed entirely from January 1 through February 28 (i.e., prohibited seaward of the shoreline). Recreational fishing for California scorpionfish south of 34°27' N. lat. is prohibited seaward of a boundary line approximating the 40-fm (73-m) depth contour from January 1 through February 28, and seaward of the 60-fm (110-m) depth contour from March 1 through December 31, except in the CCAs where fishing is prohibited seaward of the 20-fm (37-m) depth contour when the fishing season is open. Coordinates for the boundary line approximating the 40-fm (73-m) and 60-fm (110-m) depth contours are specified in §§660.391 and 660.392.

(B) Cowcod Conservation Areas. The latitude and longitude coordinates of the Cowcod Conservation Areas (CCAs) boundaries are specified at §660.70, Subpart C. In general, recreational fishing for all groundfish is prohibited within the CCAs, except that fishing for “other flatfish” is permitted within the CCAs as specified in paragraph (c)(3)(iv) of this section. However, recreational fishing for the following species is permitted shoreward of the 20 fm (37 m) depth contour when the season for those species is open south of 34°27' N. lat.: Minor nearshore rockfish, cabezon, kelp greenling, lingcod, California scorpionfish, and “other flatfish” (subject to gear requirements at paragraph (c)(3)(iv) of this section during January–February). [NOTE: California state regulations also permit recreational fishing for California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos* shoreward of the 20 fm (37 m) depth contour in the CCAs when the season for the RCG complex is open south of 34°27' N. lat.] It is unlawful to take and retain, possess, or land groundfish within the CCAs, except for species authorized in this section.

(C) Farallon Islands. Under California state law, recreational fishing for groundfish is prohibited between the shoreline and the 10-fm (18-m) depth contour around the Farallon Islands, except that recreational fishing for “other flatfish” is permitted around the Farallon Islands as specified in paragraph (c)(3)(iv) of this section. (Note: California state regulations also prohibit the retention of other greenlings of the genus *Hexagrammos*, California sheephead and ocean whitefish.) For a definition of the Farallon Islands, see §660.70, Subpart C.

(D) Cordell Banks. Recreational fishing for groundfish is prohibited in waters less than 100 fm (183 m) around Cordell Banks as defined by specific latitude and longitude coordinates at §660.70, Subpart C, except that recreational fishing for “other flatfish” is permitted around Cordell Banks as specified in paragraph (c)(3)(iv) of this section. [Note: California state regulations also prohibit fishing for all greenlings of the genus *Hexagrammos*, California sheephead and ocean whitefish.]

(E) Point St. George Yelloweye Rockfish Conservation Area (YRCA). Recreational fishing for groundfish is prohibited within the Point St. George YRCA, as defined by latitude and longitude coordinates at §660.70, Subpart C, on dates when the closure is in effect. The

closure is not in effect at this time, and recreational fishing for groundfish is open within the Point St. George YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment.

(F) South Reef YRCA. Recreational fishing for groundfish is prohibited within the South Reef YRCA, as defined by latitude and longitude coordinates at §660.70, Subpart C, on dates when the closure is in effect. The closure is not in effect at this time, and recreational fishing for groundfish is open within the South Reef YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment.

(G) Reading Rock YRCA. Recreational fishing for groundfish is prohibited within the Reading Rock YRCA, as defined by latitude and longitude coordinates at §660.70, Subpart C, on dates when the closure is in effect. The closure is not in effect at this time, and recreational fishing for groundfish is open within the Reading Rock YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment.

(H) Point Delgada (North) YRCA. Recreational fishing for groundfish is prohibited within the Point Delgada (North) YRCA, as defined by latitude and longitude coordinates at §660.70, Subpart C, on dates when the closure is in effect. The closure is not in effect at this time, and recreational fishing for groundfish is open within the Point Delgada (North) YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment.

(I) Point Delgada (South) YRCA. Recreational fishing for groundfish is prohibited within the Point Delgada (South) YRCA, as defined by latitude and longitude coordinates at §660.70, Subpart C, on dates when the closure is in effect. The closure is not in effect at this time, and recreational fishing for groundfish is open within the Point Delgada (South) YRCA from January 1 through December 31. This closure may be imposed through inseason adjustment.

(J) Essential Fish Habitat Conservation Areas. The Essential Fish Habitat Conservation Areas (EFHCAs) are closed areas, defined by specific latitude and longitude coordinates at §§660.396 through 660.79, Subpart C where specified types of fishing are prohibited. Prohibitions applying to specific EFHCAs are found at §660.12, Subpart C.

(ii) RCG Complex. The California rockfish, cabezon, greenling complex (RCG Complex), as defined in state regulations (Section 1.91, Title 14, California Code of Regulations), includes all rockfish, kelp greenling, rock greenling, and cabezon. This category does not include California scorpionfish, also known as “sculpin.”

(A) Seasons. When recreational fishing for the RCG Complex is open, it is permitted only outside of the recreational RCAs described in paragraph (c)(3)(i) of this section.

(1) Between 42° N. lat. (California/Oregon border) and 40°10' N. lat. (North Region), recreational fishing for the RCG complex is open from May 15 through September 15 (i.e. it's closed from January 1 through May 14 and from September 16 through December 31).

(2) Between 40°10' N. lat. and 38°57.50' N. lat. (North Central North of Point Arena Region), recreational fishing for the RCG Complex is open from May 15 through August 15 (i.e. it's closed from January 1 through May 14 and May 16 through December 31).

(3) Between 38°57.50' N. lat. and 37°11' N. lat. (North Central South of Point Arena Region), recreational fishing for the RCG Complex is open from June 13 through October 31 (i.e. it's closed from January 1 through June 12 and November 1 through December 31).

(4) Between 37°11' N. lat. and 36° N. lat. (Monterey South-Central Region), recreational fishing for the RCG Complex is open from May 1 through November 15 (i.e. it's closed from January 1 through April 30 and from November 16 through December 31).

(5) Between 36' N. lat. and 34°27' N. lat. (Morro Bay South-Central Region), recreational fishing for the RCG Complex is open from May 1 through November 15 (i.e. it's closed from January 1 through April 30 and from November 16 through December 31).

(6) South of 34°27' N. latitude (South Region), recreational fishing for the RCG Complex is open from March 1 through December 31 (i.e. it's closed from January 1 through February 28).

(B) Bag limits, hook limits. In times and areas when the recreational season for the RCG Complex is open, there is a limit of 2 hooks and 1 line when fishing for rockfish. The bag limit is 10 RCG Complex fish per day coastwide. Retention of canary rockfish, yelloweye rockfish, bronzespotted and cowcod is prohibited. Within the 10 RCG Complex fish per day limit, no more than 2 may be bocaccio, no more than 2 may be greenling (kelp and/or other greenlings) and no more than 2 may be cabezon. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) Size limits. The following size limits apply: bocaccio may be no smaller than 10 in (25 cm) total length; cabezon may be no smaller than 15 in (38 cm) total length; and kelp and other greenling may be no smaller than 12 in (30 cm) total length.

(D) Dressing/Fileting. Cabezon, kelp greenling, and rock greenling taken in the recreational fishery may not be fileted at sea. Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: bocaccio filets may be no smaller than 5 in (12.8 cm) and brown-skinned rockfish fillets may be no smaller than 6.5 in (16.6 cm). "Brown-skinned" rockfish include the following species: brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(iii) Lingcod —

(A) Seasons. When recreational fishing for lingcod is open, it is permitted only outside of the recreational RCAs described in paragraph (c)(3)(i) of this section.

(1) Between 42° N. lat. (California/Oregon border) and 40°10.00' N. lat. (North Region), recreational fishing for lingcod is open from May 15 through September 15 (i.e. it's closed from January 1 through May 14 and from September 16 through December 31).

(2) Between 40°10' N. lat. and 38°57.50' N. lat. (North Central North of Point Arena Region), recreational fishing for lingcod is open from May 15 through August 15 (i.e. it's closed from January 1 through May 14 and May 16 through December 31).

(3) Between 38°57.50' N. lat. and 37°11' N. lat. (North Central South of Point Arena Region), recreational fishing for lingcod is open from June 13 through October 31 (i.e. it's closed from January 1 through June 12 and November 1 through December 31).

(4) Between 37°11' N. lat. and 36° N. lat. (Monterey South-Central Region), recreational fishing for lingcod is open from May 1 through November 15 (i.e. it's closed from January 1 through April 30 and from November 16 through December 31).

(5) Between 36° N. lat. and 34°27' N. lat. (Morro Bay South-Central Region), recreational fishing for lingcod is open from May 1 through November 15 (i.e. it's closed from January 1 through April 30 and from November 16 through December 31).

(6) South of 34°27' N. latitude (South Region), recreational fishing for lingcod is open from April 1 through November 30 (i.e. it's closed from January 1 through March 31 and from December 1 through 31).

(B) Bag limits, hook limits. In times and areas when the recreational season for lingcod is open, there is a limit of 2 hooks and 1 line when fishing for lingcod. The bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) Size limits. Lingcod may be no smaller than 24 in (61 cm) total length.

(D) Dressing/Fileting. Lingcod filets may be no smaller than 16 in (41 cm) in length.

(iv) "Other flatfish". Coastwide off California, recreational fishing for "other flatfish" is permitted both shoreward of and within the closed areas described in paragraph (c)(3)(i) of this section. "Other flatfish" are defined at §660.11, Subpart C and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole. Recreational fishing for "other flatfish" is permitted within the closed areas. "Other flatfish," except Pacific sanddab, are subject to the overall 20-fish bag limit for all species of finfish, of which there may be no more than 10 fish of any one species. There is no season restriction or size limit for "other flatfish," however, it is prohibited to filet "other flatfish" at sea.

(v) California scorpionfish. California scorpionfish predominately occur south of 40°10' N. lat.

(A) Seasons. When recreational fishing for California scorpionfish is open, it is permitted only outside of the recreational RCAs described in paragraph (c)(3)(i) of this section.

(1) Between 40°10' N. lat. and 37°11' N. lat. (North Central Region), recreational fishing for California scorpionfish is open from June 1 through November 30 (i.e., it's closed from January 1 through May 31 and from December 1 through December 31).

(2) Between 37°11' N. lat. and 36° N. lat. (Monterey South Central Region), recreational fishing for California scorpionfish is open from May 1 through November 30 (i.e., it's closed from January 1 through April 30 and from December 1 through December 31).

(3) Between 36° N. lat. and 34°27' N. lat. (Morro Bay South Central Region), recreational fishing for California scorpionfish is open from May 1 through November 30 (i.e., it's closed from January 1 through April 30 and from December 1 through December 31).

(4) South of 34°27' N. lat. (South Region), recreational fishing for California scorpionfish is open from January 1 through December 31.

(B) Bag limits, hook limits. South of 40°10.00' N. lat., in times and areas where the recreational season for California scorpionfish is open, the bag limit is 5 California scorpionfish

per day. California scorpionfish do not count against the 10 RCG Complex fish per day limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) Size limits. California scorpionfish may be no smaller than 10 in (25 cm) total length.

(D) Dressing/Filleting. California scorpionfish filets may be no smaller than 5 in (12.8 cm) and must bear an intact 1 in (2.6 cm) square patch of skin.

ENFORCEMENT CONSULTANTS REPORT ON REGULATORY DEEMING FOR
FISHERY MANAGEMENT PLAN AMENDMENT 20 (TRAWL RATIONALIZATION) AND
AMENDMENT 21 (INTERSECTOR ALLOCATION)

The Enforcement Consultants (EC) have reviewed Agenda Item 1.1.b, Supplemental NMFS Reports 2, and 3, and the supplemental PSMFC Report, and have the following comments.

Report 2: Issues for Further Deliberations

Issue 3: 30-day clock. As outlined at the March Council meeting under Agenda Item E.6.b, Supplemental EC Report, we reiterate our support of Option B (National Marine Fisheries Service [NMFS]-preferred), start the clock when any data/documentation from the trip which caused the overage is available or the vessel account shows there is an overage.

Issue 4: 10 percent Carryover. As with Issue 3, we reiterate our support for Option A (NMFS-preferred for deficit or surplus) The 10 percent carryover is 10 percent of the quota pounds (QPs) in a vessel's account based on the balance as of a certain date early in the year (for example: 45 days after QPs have been initially issued for that year by NMFS).

We recognize the Groundfish Advisory Subpanel's (GAP) endorsement of Option D, and believe Option D to be enforceable, though it causes greater complexity in tracking potential deficits/overages, and erosion of the incentive to load QPs onto vessel accounts created by Option A.

Report 3: NMFS Interpretation of Council Intent

No Split IFQ deliveries:

We believe the interpretation to be consistent with current law. Under current Federal law, once a groundfish landing has commenced, all fish onboard the vessel are accounted as part of the landing. All three west coast states have adopted this Federal requirement. We have reviewed the Federal law and the language of the three corresponding state laws, and believe the three state laws to be consistent with Federal law. What is not consistent are the interpretations of that language and the subsequent application of those laws. In Washington and California, once the offload begins, the offload must proceed at one offload site until completed, and the entire catch must be recorded on a single fish ticket. Oregon's interpretation and application of their law allows fishermen to deliver their catch to more than one receiver and/or offload site during the delivery process. Further, Oregon allows this landing to be recorded on multiple state fish tickets.

Going forward under trawl rationalization the EC notes that Trawl Individual Quota (TIQ) deliveries will be made by vessels which are fully observed, to an offload site that has a site license, state buyers license, and catch monitor plan with the actual delivery monitored by a Catch Monitor and recorded on an electronic fishticket.

Given this level of monitoring, we believe split deliveries can be monitored effectively and are thus enforceable with one additional requirement. The observer must remain with the vessel until that vessel arrives at its final delivery site. This ensures 100 percent monitoring and consistency with the level of oversight already provided in a single offload location scenario.

No Stacking Limited Entry Permits

We believe the interpretation to be correct and consistent with the application of current law. We also believe that if the Council wishes to allow stacking of a single limited entry trawl permit and multiple limited entry tier permits up to the allowable number of tier permits, that proposal program element could be effectively enforced using a declaration system. One noted requirement would be to limit the vessel to a single strategy per trip, e.g. the vessel would be required to declare whether the trip was a TIQ or Tier trip prior to leaving port. Depending on the actions of the Council, additional requirements may be required.

Supplemental Pacific States Marine Fisheries Commission Report

We have been made aware that in the development of this document and all the ancillary issues raised by this document, a concern was once again raised by the NW Science Center that the state of Washington in particular, could not hold Magnuson Act data confidential.

Information collected by Observers is protected by the Magnuson Act under 50 CFR 600.415 and allows state employees to access this information when (1) State employees demonstrate a need for confidential statistics for use in fishery conservation and management. And (2) the state has entered into a written agreement between the Assistant Administrator and the head of the state's agency that manages marine and/or anadromous fisheries. The agreement shall contain a finding by the Assistant Administrator that the state has confidentiality protection authority comparable to the Magnuson-Stevens Act and that the state will exercise this authority to limit subsequent access and use of the data to fishery management and monitoring purposes.

The States of Washington, Oregon and California have entered into agreement with NOAA Office of Law Enforcement (OLE), authorized by the Secretary of Commerce, providing state officers' deputized status as NOAA OLE officers. Please be assured that in addition to these deputization agreements, these states have met the confidentiality requirement as verified by OLE, and have proven that they can ensure the confidentiality of data received from NMFS, including data from the Fisheries Science Center. As an example of this demonstrated confidentiality ability please see the statutory reference: Revised Code of Washington (RCW) 42.56.430 Sub (4).

PFMC
04/12/10

GROUND FISH ADVISORY SUBPANEL REPORT ON
REGULATORY DEEMING FOR FISHERY MANAGEMENT PLAN AMENDMENT 20
(TRAWL RATIONALIZATION) AND AMENDMENT 21 (INTERSECTOR ALLOCATION)

The Groundfish Advisory Subpanel (GAP) received a report from Ms. Jamie Goen and Mr. John DeVore on regulatory deeming for amendments 20 and 21. The GAP wishes to thank National Marine Fisheries Service (NMFS) and Council staff for their hard work to date, and notes that overall the regulations are well drafted. The GAP offers the following comments and points of clarification.

Comments on Supplemental NMFS Report 2 – Issues for Further Deliberation

#3 – 30 day clock – The GAP recommends option B. Fishermen may not know of a potential overage until they are presented with final quota information. Therefore it would be punitive to start the 30 day clock at the time of landing. This is the same option the GAP recommended in March.

#4 – 10 percent carryover – The GAP recommends option D. This option fully credits lessors for what they acquire at any time during the year. In March the GAP recommended option A largely because of the administrative simplicity it offers. The GAP has since decided that option D provides the industry with more flexibility and the calculations are not overly complex. If the Council selects option A the GAP recommends that the date selected be during the middle of the year (e.g. July 1) rather than sometime during the first 2 or 3 months of the year. Selecting a date during the middle of the year would provide fishermen with more flexibility.

#7a – Deadline for MS/CV permit to declare into the co-op or non-co-op fishery – The GAP recommends option B. As we noted in March, we believe the Council intent on this option was clear and the NMFS preferred alternative clearly contradicts it.

#7b – Whether a co-op permit is required – The GAP believes co-op permits should not be required for catcher-processor (CP) or mothership (MS) co-ops. With regard to the CP sector, Council intent and the Draft Environmental Impact Statement (DEIS) are clear that a permit is not required. The Council was not explicit on the issue of MS co-op permits which we interpret as not indicative of an intent to create a MS co-op permit.

Comments on Supplemental NMFS Report 3 - Interpretations of Council Intent

#1 – Interaction of Amendment 21 and Amendment 6 – The GAP is gravely concerned with NMFS' interpretation regarding the interaction of Amendment 21 with Amendment 6. Under NMFS interpretation, the limited entry (LE) fixed-gear sector is adversely impacted, receiving an allocation of zero for some species. The GAP believes that there is substantial implicit evidence that such an outcome is contrary to the Council's intent. For example, that allocation, which results in a major management change with severe economic impacts on one sector, was not analyzed in the Amendment 21 EIS. Had that outcome been what the Council intended it

certainly would have received some, and likely substantial, analysis. Moreover, the purpose of the amendment was to carve out an allocation for the trawl fishery to support trawl rationalization. There was never a stated intent to have such major effects on other sectors. Rather, the Council's intent was to leave them unaffected to the extent possible, except where the Council provided expanded opportunity (e.g. flatfish species, chilipepper etc.). Those actions expanding opportunity for other sectors for some species over historic catch seem to be in direct opposition to NMFS' interpretation. In case that rationale is insufficient, the GAP strongly recommends that the Council clearly express its intent at this meeting that Amendment 21 supersede Amendment 6. Any species not allocated under Amendment 21 should be dealt with during the Spex process.

#6 – Split deliveries – The GAP disagrees with NMFS' interpretation. If fishermen are responsible for the costs of observers, it makes little sense to preclude the opportunity for split deliveries. Allowing split deliveries provides flexibility and ultimately will come at no cost to the government. The GAP highlights that the observer may not even need to stay on the boat. The overfished species will have already been counted by the observer so the skipper has no incentive to discard them, and the targets will be counted (and presumably sold) once landed so the skipper once again has little reason to discard.

#7 – Prohibition on multiple LE permits on a vessel simultaneously – While this issue may be better addressed under the program components rule in June, the GAP believes that its inclusion in our deeming materials requires us to comment at this time. The GAP feels that this regulation results from a mismatch between Council intent under Amendment 14 and the regulations for that amendment, and that Council intent was not to restrict vessels from holding multiple permits at the same time. The GAP believes this issue deserves more thought by NMFS and Council staff, but our general recommendation is that a declaration requirement is a better way to meet management and enforcement needs to know which sector a vessel is fishing in rather than a regulation limiting vessels to holding a single permit. Such a regulation could limit operational flexibility.

#8 – Pacific whiting regarding 5 percent allocation south of 42° - The GAP had a lengthy discussion regarding the continued value of the regulation limiting shore based whiting catch south of 42° to 5 percent prior to the start of the primary season. Some members of the GAP felt that the regulation may no longer be necessary, while others wanted to maintain it to prevent additional impacts on salmon. Ultimately however, the GAP believes the Council never discussed this issue, and as such it is not appropriate to be included in the deeming package. This is an issue, like the issues of halibut individual bycatch quota (IBQ) and overfished species allocations discussed below, that the GAP feels the Council should address soon after implementation of the trawl rationalization program.

Comments on Supplemental NMFS Report 4 – Clarifications Requested of Council

#1 – EFP set asides – The GAP recommends option A. The GAP notes that it is not always clear which sector an exempted fishing permit (EFP) will benefit. Moreover, the GAP believes that requiring EFP fish to come off the sector it is intended to benefit may reduce the number of EFP applications by reducing the risk sharing effect across sectors.

#2 – Whiting primary season – The GAP recommends option A ending the whiting primary season December 31st. The GAP feels option A provides the most flexibility.

Miscellaneous comments

The GAP believes that the trawl rationalization program should go forward in a timely manner, but points out that there are several major issues that the Council should begin addressing immediately upon implementation. These include allocations of halibut IBQ and allocations of overfished species, particularly those for which many participants received zero (or a zero equivalent). The GAP believes that the result of Council decisions in relation to those two issues resulted in unintended severe impacts on certain permit holders and communities.

The GAP also wishes to comment on the issue of absolute versus relative pounds on quota application forms and in the regulations. Council intent was clear that relative pounds were supposed to be used to calculate quota shares. The forms as currently designed, and the regulations in some places, are based on absolute pounds with NMFS intending to calculate drop years based on the lowest absolute values. The application form, and regulations themselves where incorrect, should be modified to reflect Council intent.

The application forms should be modified as follows: One column should show a vessel's absolute pounds for each year during the window period. The next column should be the fleet's total absolute pounds for the year. The following column should calculate the vessel's percentage of the total catch that year. NMFS should strike through the drop years based on those percentages (the previous columns are to offer fishermen the opportunity to check NMFS' work). The remaining years not dropped should be summed and that percentage should be shown. That percentage should then be normalized back to 100 percent.

PFMC
04/12/10

GROUND FISH MANAGEMENT TEAM REPORT ON
REGULATORY DEEMING FOR FISHERY MANAGEMENT PLAN AMENDMENT 20
(TRAWL RATIONALIZATION) AND AMENDMENT 21 (INTERSECTOR ALLOCATION)

The Groundfish Management Team (GMT) received a report from the National Marine Fisheries Service (NMFS) on the draft regulations for implementing Amendment 20: Trawl Rationalization and Amendment 21: Intersector Allocation. The GMT did not have time to review the proposed regulations in any detail, given the workload associated with the 2011-2012 harvest specifications and management measures process (Agenda Items I.2, I.4, and I.6). However, the GMT was made aware of Table 1 within the NMFS Interpretations of Council Intent document (Agenda Item I.1.b Supplemental NMFS Report) that demonstrates the order of operations in applying allocations, as interpreted by NMFS. The issue relates to implementing the Amendment 21 allocations between the trawl sector and the non-trawl sectors and then further applying the Amendment 6 allocations specified between the limited entry and open access non-trawl fleets. The GMT notes that this interpretation would have implications for the non-trawl open access and fixed gear allocations for all species covered under Amendment 21. As an example, the GMT applied the Table 1 order of operations to the 2009 optimal yields (OYs). As shown in Example 1 for the chilipepper rockfish south of 40°10 N. lat. stock, the resulting limited entry fixed gear allocation would be zero pounds, which is problematic.

PFGC
04/12/10

Example 1. Possible implications of applying both the Amendment 21 and Amendment 6 allocations for chilipepper rockfish.

Species/Species Group/Area	2009 OY	Tribal	EFP	Research	Incidental OA	Fishery HG (OY-Tribal/EFP /Research/Inc OA)									Nontrawl		
							Trawl A21%	Non-trawl A21%	Trawl A21 mt	Nontrawl A21 mt	Rec HG (mortality estimates)	Comm HG	LE %	OA %	Rec	LEFG	Directed OA
Chilipepper S. of 40°10' N lat.	2,885					2,885	75%	25%	2,164	721	3	2,882	55.70%	44.30%	3	0	718

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Agenda Item I.1.b
Supplemental NMFS PowerPoint
April 2010



Trawl Rationalization

Regulatory Deeming

April 2010

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1. TRat rulemakings & schedule

2. Discuss BB documents

- *Schedule*
(NMFS Report 1)
- ➔ ***Issues for further Council deliberation***
(NMFS Report 2)
- *NMFS interpretations of Council intent*
(NMFS Report 3)
- *NMFS clarifications requested of Council*
(NMFS Report 4)
- *Draft regulatory outline* (NMFS Report 5)
- ➔ ***Draft Initial Issuance Rule***
(NMFS Report 6)
- *Draft Program Components Rule*
(NMFS Report 7)



TRat progress

NEPA Documents:

1. Both Am 20 & 21 FEISs being drafted
2. Should publish in June

3 or more rulemakings-

1. Data Collection Rule (final rule published 1/29)
 - *Potential participants in TRat program should complete an ownership interest form before May 1, 2010.*
 - *Announces databases NMFS intends to use for initial issuance*
 - *Announces what data potential participants should check now and the contacts for checking that data (LET permit, shoreside processor/first receiver, MS/CV data requests)*



TRat progress

3 or more rulemakings-

1. Data Collection Rule

2. Initial Issuance Rule & FMP Review

- *Will announce NMFS approval or disapproval of FMP AM 20 & 21 and EIS review*
- *If approved, will announce draft regulations for the following:*
 - *Allocations (from Am 21)*
 - *Initial issuance and appeals (IFQ, MS, C/P)*
 - *Reorganized groundfish program regulations (includes existing observer program regulations)*
- *Schedule*
 - *March & April – PFMC meetings – regulatory deeming*
 - *May – proposed rule publishes*
 - *August – final rule publishes*
 - *Sep-Dec – initial issuance & appeals*
 - *1/1/2011 – TRat program implemented*

3. Program Components Rule



TRat progress

1. Data Collection Rule
2. Initial Issuance Rule & FMP Review
3. Program Components Rule

- *Will announce draft regulations for the following:*
 - *Program components*
(IFQ gear switching, new observer program requirements, retention requirements, equipment requirements, catch monitors, catch weighing requirements, coop permits/agreements, first receiver site licenses, vessel accounts, etc.)
 - *Further tracking and monitoring components*
 - *Mandatory economic data collection*
- *Schedule*
 - *April & June – PFMC meetings – regulatory deeming*
 - *Aug – proposed rule publishes*
 - *Nov – final rule publishes*
 - *1/1/2011 – TRat program implemented*

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Draft Initial Issuance Rule

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initial issuance rule

Topics for discussion:

- *Reorganized groundfish program regulations*
(includes existing observer program regulations)
- *Allocations (from Am 21)*
 - ✓ *Am 6 v. Am 21 issue* (NMFS Report 3, #1)
 - ✓ *Estimated research catch off OY* (NMFS Report 3, #2)
 - ✓ *EFP set asides* (NMFS Report 4, #1)
- *Initial issuance and appeals (IFQ, MS, C/P)*
 - ✓ *Review initial issuance formulas*
 - ✓ *Revisions to control language* (NMFS Report 3, #4)
 - ✓ *Revision to appeal decisions* (NMFS Report 3, #9)



initial issuance rule

Allocations (from Am 21)

✓ *Am 6 v. Am 21 issue (NMFS Report 3, #1)*

Multiple interpretations for Am 21 FMP language
regarding trawl/nontrawl allocations
(affects nontrawl sectors)

1. Am 21 in addition to Am 6 allocations for Am 21 species;
Am 6 allocations for all other species
2. Am 21 supersedes Am 6 allocations for Am 21 species;
Am 6 allocations for all other species



Am 6 v. Am 21 allocation structure

**All non-AM 21 spp.
(or non-IFQ?)**

OY

*Reduced by
tribal amounts,
est. research catch,
est. recreational set-asides,
proj. bycatch in non-gf,
EFP set-asides*



Commercial HG



LET & LEFG

Dir.OA

All AM 21 spp.

OY

*Reduced by
tribal amounts,
est. research catch,
proj. bycatch in non-gf,
EFP set-asides*



Fishery HG



LET

LEFG , Dir.OA, REC



NMFS interpretation Am 21 with Am 6

Table 1. Groundfish allocation process and guidance.										
		Optimum Yield								
			Fishery Guideline							
			Commercial Guideline							
			LE Trawl		LE Fixed Gear	Directed Open Access	Recreational			
Step in Process	Policy Guidance	Initial Set-asides								
1. Initial Set-Asides - Reduce OY by tribal amounts, estiamted research catch, pojected bycatch in non-gr, EFP bycatch limits.	Determine During Biennial Specifications Process	Tribal, Resarch, Incidental, EFPs								
2. Determine Limited Entry (LE) Trawl Allocation	A-21 (Fishery Guideline * Trawl %)		Trawl Amt							
3. Determine Recreational (Rec) Allocation	Determine During Biennial Specifications Process								Rec Amt	
4. Determine Directed Open Access (OA) Allocation	A-6 (((Commercial Guideline + Incidental) x open access %) - Incidental)		Incidental					Directed OA Amt		
5. Determine LE Fixed Gear	A-21 + A-6 (Commercial Guideline - Trawl - Dir. OA), Determined During Biennial Specifications Process					Fixed Gear Amt				
6. Subdivide trawl (Shoreside whiting (Wht)/Nonwhiting (NWht) split needed only for QS allocation in first year of program. Shoreside (SS), Motherhship (MS), and catch-processor (CP) splits needed on an ongoing basis.	Split trawl based on A-21 and at-sea set asides (set asides modifiable during biennial specifications process).		SS Nwht	SS Wht	MS	CP				



initial issuance rule

Allocations (from Am 21)

✓ *Estimated research catch off OY (NMFS Report 3, #2)*

2) Deduct all estimated research catch
from the OY, not just for overfished species.



initial issuance rule

Allocations (from Am 21)

- ✓ *EFP set asides (NMFS Report 4, #1)*

Issue 1:

Which EFPs should be deducted from the OY?

- *A: All EFP set asides should be deducted from the OY*
- *B: All non-whiting EFP set asides should be deducted from the OY. Whiting EFP set asides should be deducted from the whiting sector allocation(s).*
- *C: Only EFPs for compensation fishing as specified in current regulations at §660.350 should have set asides deducted from the OY. All other EFP set asides should be deducted from the sector they are intended to benefit.*



initial issuance rule

Initial issuance and appeals (IFQ, MS, C/P)

- ✓ *Revisions to control language (NMFS Report 3, #4)*
- ✓ *Revision to appeal decisions (NMFS Report 3, #9)*

Status of permits pending appeal

(revised from March Council meeting, NMFS Report 2, issue 2)

- 9) *Only QS and MS/CV endorsed catch history assignment amounts approved in an IAD will be available during the first year of the program.*

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Issues for Further Council Deliberation

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issues for deliberation

Council requested that the issues below be brought back for further Council discussion. These items have been expanded from the March NMFS Report 2 to include more history of the Council motion and, for Issues 4 and 7, a new option that directly matches the Council motion.

Issue 3. 30-day clock

Issue 4. 10% carryover

Issue 7a. MS/CV declaration deadline

Issue 7b. Coop permits



issues for deliberation

IFQ Program

Vessel Account

Issue 3:

When does the 30-day clock start for vessel overages?

- *A (matches motion): start clock on landing that caused overage even if all data not available. Assumes vessel operator knows regardless of what vessel account says.*
- *B (NMFS-preferred): clock starts at the time data shows overage (fish tix at time of landing or vessel acct after landing)*



issues for deliberation

Vessel Account

Issue 4:

The 10% carryover provision can be calculated from the vessel account different ways.

- *A (NMFS-preferred): carryover based on balance on certain date early in year (e.g., 45 days after start of the year QP issued to QS accounts).*
- *B (matches motion): carryover based on total cumulative QP (used and unused) over calendar year, minus QP that were transferred out.*
- *C (matches motion): carryover based on balance at end of calendar year.*
- *D (matches motion): carryover for a deficit based on QP in the vessel account at the time of overage (OR at the end of the 30 day period during which a vessel must cover its overage). Carryover for a surplus based on QP at the end of the year.*



MS Coop Program

Issue 7a:

What is an appropriate deadline for a MS/CV endorsed permit to declare in to a MS coop or the non-coop fishery?

- *A (NMFS-preferred): Between September 1-December 31 of the year before the whiting season, the MS/CV endorsed permit must declare to NMFS through the permit renewal process that they are going to participate in the coop or non-coop fishery.*
- *B (matches motion): By September 1 of the year before the whiting season,...*



issues for deliberation

MS & C/P Coop Program

Issue 7b:

What is an appropriate deadline for a coop permit (MS or C/P), assuming a coop permit is required?

- *A: Require a coop permit. Between Sep 1 and Dec 31 of the year before the whiting season, the coop must also apply for a coop permit, which would include the coop agreement.*
- *B (NMFS-preferred): Require a coop permit. Between Feb 1 and Mar 31 before the whiting season, the coop must also apply for a coop permit, which would include the coop agreement.*
- *C: Only require a coop permit for MS coops. Could use the deadlines from either Option A or B.*

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NMFS Clarifications Requested of Council

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NMFS clarifications

Issue 1:

EFP set-asides. (discussed under initial issuance rule)

Issue 2:

When does the whiting primary season end for the IFQ fishery?

- *A (NMFS-preferred): The primary whiting season for the IFQ fishery ends December 31.*
- *B: The primary whiting season for the IFQ fishery ends after a certain percent (e.g., 95%?) of the whiting QP for that year have been harvested, as announced by NMFS.*

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NMFS Interpretations of Council Intent

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NMFS interpretations

Sablefish at-sea processing

- 5) *Processing of sablefish at-sea will be prohibited.*

No Split IFQ deliveries

- 6) *For each IFQ trip, fish cannot be delivered to more than one first receiver.*

No Stacking LE Permits

- 7) *Only one of the following permits may be registered to a vessel at the same time: MS permit, MS/CV endorsed permit, C/P endorsed permit, and a trawl endorsed permit (with no MS/CV or C/P endorsements).*



NMFS interpretations

Pacific Whiting Allocations

- 8) *Remove language referring to 5% of the shorebased whiting allocation south of 42° N. lat.*

Mandatory Baseline Economic Data

- 10) *Baseline economic data is mandatory for harvesters & processors for each year they participated in the LE Trawl industry during 2009 or 2010.*



Questions?

NMFS Rulemaking Schedule

1. DATA COLLECTION RULE (75 FR 4684, January 29, 2010)

Rule includes:

- Requirement for ownership interest forms to be completed by May 1, 2010
- Notice for industry to make data requests & any necessary corrections by late May (when the initial issuance proposed rule publishes)

2. INITIAL ISSUANCE RULE

Rule would go forward with the Amendment 20 & 21 FMP Review (approval/disapproval) package, and would include:

- Allocations (from Am 21)
- Initial issuance/appeals regulations (IFQ, MS, C/P)
- Groundfish program regulation reorganization (necessary because of the trawl rationalization program and must be before spex; includes existing groundfish observer program regulations)

Deeming: March & April Council meetings

PR: May 2010

FR: Aug 2010

Implementation:

Application/initial issuance process: Aug - Dec 2010

Appeals: Sep 2010 – early/mid 2011

3. PROGRAM COMPONENTS RULE

Rule would include:

- Program components (IFQ gear switching, new observer program requirements, retention requirements, equipment requirements, catch monitors, catch weighing requirements, coop permits/agreements, first receiver site licenses, vessel QP accounts, etc.)
- Further tracking & monitoring components
- Mandatory economic data collection requirements

Deeming: April & June Council meetings

PR: Aug 2010

FR: Nov 2010

Implementation: January 1, 2011

Projected Date (2010)	Action
April 10-15	Council meeting (deeming initial issuance rule)
April 30	initial issuance proposed rule submitted to HQ
May 7*	Am 20 & 21 transmitted from Council to NMFS
May 12	NOA for Am 20 & 21 publishes
May 26	June Council meeting briefing book deadline
May 27	initial issuance proposed rule publishes
June 1	NEPA: Am 20 & 21 FEISs sent from Council to NMFS
June 12-17	Council meeting (deeming program components rule)
June 18	NEPA: Am 20 & 21 FEISs submitted to EPA
June 25	NEPA: NOA for Am 20 & 21 FEISs published by EPA
July 12	Public comment period ends for NOA and initial issuance proposed rule
July 19	program components proposed rule submitted to HQ
July 26	NEPA: cooling off period ends for Am 20 & 21 FEISs
July 30	NEPA: Am 20 & 21 RODs signed
August 3	initial issuance final rule submitted to HQ
August 10	NMFS Decision on Am 20 & 21
August 18	program components proposed rule publishes
August 27	initial issuance final rule publishes; Applications available (for initial issuance of QS, MS permit, MS/CV endorsement with catch history assignment, or C/P endorsement)
September 11-16	Council meeting (program components proposed rule open for public comment)
September 17	Public comment period ends for program components proposed rule
September 27	initial issuance final rule effective, 30-day cooling off ends
October 26	Application deadline (for initial issuance of QS, MS permit, MS/CV endorsement with catch history assignment, or C/P endorsement)
November 1	program components final rule submitted to HQ
November 4-9	Council meeting
November 30	program components final rule publishes
December 28	program components final rule effective, 30-day cooling off ends
January 1, 2011	Implementation

* tentative date - must make sure EISs ready to start 95-day Magnuson Act clock.
This date affects rest of initial issuance rule dates.

Key:

C/P: catcher/processor

EPA: Environmental Protection Agency

FEIS: final environmental impact statement

MS: mothership

MS/CV: mothership catcher vessel

NEPA: National Environmental Policy Act

NOA: Notice of Availability

QS: quota share

ROD: record of decision

Issues for Further Deliberation

Disclaimer: Additional issues on the trawl rationalization program will arise as the program is reviewed by NMFS. Amendments 20 & 21 to the Groundfish FMP, have not yet been formally submitted to NMFS or approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments.

At the March 2010 Pacific Council meeting, the Council requested that the issues below (Issues 3, 4, and 7 from the NMFS Clarifications Requested of Council document (Agenda Item E.6.b, NMFS Report 2, March 2010)) be brought back for further discussion at the April Council meeting. These items have been expanded from the March NMFS Report 2 to include more history of the Council motion and, for Issues 4 and 7, a new option that directly matches the Council motion.

Issue 3. 30-day clock

Issue 4. 10% carryover

Issue 7a. MS/CV declaration deadline

Issue 7b. Co-op permits

IFQ FISHERY

Vessel Account

Issue 3: 30-day clock. When does the 30-day clock start for vessel overages?

Option A (*matches motion*):

Start the clock upon completion of the landing that caused the overage even if all data/documentation (observer reported discards and fish ticket reported landings) are not available in the vessel account. Assumes that at the time of landing, the vessel operator knows there was an overage that occurred on that trip.

Option B (*NMFS-preferred*):

If an overage shows on the fish ticket at the time of landing or in the vessel account at any time after the landing, the clock would start when any data/documentation from the trip which caused the overage is available or the vessel account shows there is an overage.

Council motion history:

November 2008 Briefing Book Materials (Agenda Item F.3.c, Attachment 1, Table 2-3, p.53)

A-2.2.1 Permit/IFQ Holding Requirement

... All catch taken on a trip must be covered with QP within 30 days of the landing for that trip unless the overage is within the limits of the carryover provision (Section A-2.2.2.b),...

Note: November 2008 Council motion does not speak directly to 30-day clock for overages.

November 2008 Meeting Minutes

Mr. Anderson moved and Mr. Cedergreen seconded Motion #5 of the WDFW motion package 1 (Motion 24), to adopt as the Council's preferred alternative for the shoreside sector:

Permit Holding Requirement, A-2.2.1

If a vessel has an overage: Element 4 - Allow exceptions for vessel to participate in the fisheries for which IFQ would not be required to cover groundfish catch: exempted trawl; CPS purse seine; HMS fisheries; salmon troll; and crab pot. Element 6 - Alternative compliance options would not apply.

[Amendments to motion unrelated to QP overages.] Main Motion 24 passed as amended. Mr. Lockhart abstained.

From DEIS

Am 20 DEIS, Appendix D (A-2.2.1, p. D-12), states the 30-day clock starts from the landing for the trip that caused the overage. Appendix A of the Am 20 DEIS provides further background (A-2.2.1, p.A-259) and states, "Element 4 prohibits a vessel from engaging in certain fishing activities if it has a deficit in its account (even if that deficit is within the carryover provision, A-2.2.2-c). It is the vessel's responsibility to avoid fishing with a deficit. Therefore, a vessel would not be required to refrain from additional fishing while it waited for an official determination of its QP account balance. Allowing a vessel to take responsibility for ensuring it is not fishing in deficit reduces the pressure to implement a system with extremely rapid account resolution turnaround times. This will allow the

development of a lower cost tracking system while at the same time ensuring full monitoring and detection of violations.”

Discussion: NMFS is concerned about the availability of data confirming the overage. If the language from the Council motion is followed strictly, it could start the 30-day clock before the responsible party could know there is an overage. NMFS prefers Option B because it would ensure all parties have an opportunity to be aware of the overage when the 30-day clock starts. For example: When the fish ticket shows an overage (deficit), the 30-day clock would start. If subsequent observer data creates the deficit, the 30-day clock would start when the observer data is entered into the vessel account. Whenever a data submission creates a negative balance for any species, the 30-day clock would start. In situations where the original fish ticket data created the deficit and the 30-day clock is initiated, and subsequent observer data and/or QA/QC data would be additive to the original deficit balance, it would not "restart" the 30-day clock.

Issue 4: 10% carryover. The 10% carryover provision can be calculated from the vessel account different ways.

Option A (*NMFS-preferred for deficit or surplus*): The 10% carryover is 10% of the QPs in a vessel’s account based on the balance as of a certain date early in the year (e.g., 45 days after QPs have been initially issued for that year by NMFS).

Option B (*matches motion*): The 10% carryover is 10% of the total cumulative QP (used and unused) that have been in the vessel’s account over the calendar year minus any QP that were transferred to another vessel’s account (e.g., if QP pass through the vessel account but aren’t used by the account owner, they don’t contribute to the amount on which the deficit or surplus is calculated).

Option C (*matches motion*): The 10% carryover is 10% of the QPs in a vessel’s account (used and unused) as of the balance at the end of the calendar year (e.g. if QP pass through the vessel account but aren’t used by the account owner, they are still counted as part of the end-of-year account balance for the purpose of calculating the carryover).

Option D (*similar to option B*): The carryover amount for a deficit is determined based on the amount of QP in the vessel account at the end of the 30 day period during which a vessel must cover its overage. The carryover amount for a surplus is determined based on the amount of QP in the vessel account at the end of the year.

Council motion history:

Note: June and November 2008 Council motions do not speak directly to the calculation of the carryover provision.

November 2008 Briefing Book Materials (Agenda Item F.3.c, Attachment 1, Table 2-3, p.54)

A-2.2.2 IFQ Annual Issuance, Carryover (Surplus or Deficit)

Carryover Allowance: Limit of up to 10 percent carryover for each species. This applies to both non-overfished species and overfished species. The percentage is calculated based on the total pounds (used and unused) in a vessel's QP account for the current year.^x

Note: This provision relates only to carryover of what is in the vessel's account.

[^x There has been some GMT discussion of a possible need for the QP surpluses carried over to a following year be adjusted proportionally in the following year if the trawl allocation for the following year changes.]

June 2009 Meeting Minutes

Mr. Anderson moved (Motion 24) the following, seconded by Mr. Myer, again utilizing Agenda Item E.10.d, Supplemental WDFW Motion in Writing, but with an addition: "Carry-Over Provision: Each individual trawl vessel account will be able to carry-over up to 10 percent of the total quota pounds (QP) held in its account during that year. In addition, if the OY goes down substantially carry-over of QP would be reduced by the same percentage as the OY decrease. The 10 percent carryover value may be changed, up or down, through the biennial specifications process."

Speaking to the motion, Mr. Anderson said this issue is laid out in Agenda Item E.10.a, Attachment 4, page 2 under #1. This feature is important to add to the program for the reasons identified by industry and discussed at the Groundfish Allocation Committee (GAC). There is uncertainty about the appropriate percent that should be used for the carryover and the Council should have the flexibility to change the carryover allowance in the future as experience is gained.

Ms. Vojkovich agreed with Mr. Anderson's rationale, but was concerned that in the motion the word "substantially" is not defined and, is subject to interpretation. Mr. Lockhart then made an amendment to Motion #24 (Amendment to Motion 24): Add "It is the intent of the Council that the carryover provision, to the extent possible, be implemented consistent with conservation requirements of the

Magnuson Stevens Fishery Conservation and Management Act (MSA).” and strike the word “substantially.” Ms. Vojkovich seconded the motion.

Speaking to his motion to amend, Mr. Lockhart identified the potential conflict between the TIQ program and the new requirements of the MSA, in particular with respect to the ACLs. This would clarify that it is the Council’s intent to implement the carryover provision as much as possible up to the 10 percent but still allow NMFS the flexibility to design this. NMFS would come back to the Council under the TIQ program as well as under the harvest specifications process with specific language for review. By striking the word “substantially” it removes uncertainty. Quota pounds (QP) will need to be tracked and making the change for small reductions is as easy as making the change for more substantial reductions. Amendment to Motion 24 passed unanimously.

Main motion 24 passed unanimously.

From DEIS

Am 20 DEIS, Appendix D (A-2.2.2 b, p. D-13), states there is a limit of up to 10% carryover for each species. The 10% is calculated on the total pounds (used and unused) in a vessel QP account for the current year.

Discussion: There is some room for interpretation of the Council’s motion as to when the 10% is calculated.

NMFS prefers Option A for both deficit and surplus carryover of up to 10% because it allows for the flexibility the industry seeks in managing the QPs in its vessel accounts, provides certainty of information for vessel account managers, simplifies tracking and monitoring, and furthers the Council intent to have all QPs assigned to a vessel account early in the year. QP deficits in a vessel account must be covered within 30 days to avoid investigation/prosecution for quota busting. The industry recognized early on that with the 10% carryover provision, an overage (account deficit) occurring after December 2 of a given year could potentially be "covered" by the annual issuance of QPs in the next year, i.e. January 1. This understanding lead to creation of a option where, if a vessel incurs a QP deficit of up to 10% of any species in its vessel account, that vessel may opt out of the fishery for the remainder of the year and avoid investigation/prosecution for incurring a QP deficit in its vessel account. Given that the deficit and desire to opt out could occur at any time of the year, it is important to identify what the 10% value is, early in the year. By identifying the 10% carryover value early in the year, account managers will know what the 10% carryover provision is for QP

accounting for any given species in that year, and can plan accordingly. The industry will have an incentive to load QP in to their vessel accounts by mid-February thus furthering Council intent, and tracking and monitoring will be greatly simplified with a fixed number identified early on.

The account surplus carryover will be carried over to the vessel account from which it was derived for the following year and will be held (controlled) by the vessel account owner. For end of the year deficits, the account deficit must be covered by the vessel account owner within 30 days after QPs have been initially issued for that year by NMFS based upon the IFQ fishery allocation.

Council staff notes on effects of Option A:

- While providing some flexibility the NMFS proposal reduces flexibility compared to other options.
- Anyone entering the fishery or increasing the scale of their operations at anytime other than at the start of the fishing year will be disadvantaged in their opportunity to carryover both surpluses and deficits.
- Crew members, communities, processors, and others who would prefer to maintain options for the assignment of QP in their own accounts until later in the year might experience some disadvantage.

Option D was developed by Council staff and overcomes the uncertainty concerns expressed by NMFS because it makes it more apparent that a vessel and enforcement need not wait until the end of the year to determine the amount of an overage it can carry over to the following year. Vessels and enforcement will have the needed information as soon it is needed (at the time of the overage). For example, if a vessel had 1,000 pounds in its account on June 17 and on that day catches 1,100 pounds, it would have to stop fishing. It would have 1,000 used pounds in its account and would calculate its carryover amount based on that number ($10\% \times 1,000 \text{ pounds} = 100 \text{ pounds}$). It would not be able to resume fishing until it covered the overage. Option D performs similarly to Option B because the amount in the account when the overage occurs will not vary substantially from the amount in the vessel account at the end of the year, unless the vessel has covered its overage and resumed fishing (in which case the overage provision does not apply).

**NOTE: ISSUE 7 HAS BEEN BROKEN IN TO TWO ISSUES,
7A (MS/CV declaration) AND 7B (Co-op permits).**

Deadline for Co-op fishery declarations & permits

Issue 7a: What is an appropriate deadline for a MS/CV endorsed permit to declare in to a MS Co-op or the non-Co-op fishery?

Option A (*NMFS-preferred*):

September 1-December 31 of the year before the whiting season the MS/CV endorsed permit must declare through the permit renewal process that they are going to participate in the Co-op or non-coop fishery.

Option B (*matches motion*):

By September 1 of the year before the whiting season, the MS/CV endorsed permit must declare that they are going to participate in the co-op or non-co-op fishery.

Council motion history:

From DEIS

The Council motion as captured in Appendix D of the Am 20 DEIS (B-2.4.1, p. D-38), states “By September 1 of the year prior to implementation and every year thereafter, each CV(MS) permit is required to contact NMFS and indicate whether CV(MS) permit will be participating in the co-op or non-co-op fishery in the following year. If participating in the co-op fishery, then CV(MS) permit must also provide the name of the MS permit that CV(MS) permit will be linked to in the following year.”

(From DEIS, App. B, p. B-82)

Processor Declaration (Annual Obligations)

Annual declarations are intended to help motherships develop business plans for the coming season. The declaration procedure allows a mothership to develop expectations of catch volume that the mothership will handle during the upcoming season. From this expectation the mothership company can find markets, purchase adequate supplies (such as packaging), and hire labor that is appropriate for the upcoming fishery.

The Council and several advisory bodies spent a noteworthy amount of time deliberating over whether to have processor ties and in what form. The Council heard substantial amounts of testimony and considered

analysis which indicated that rationalization would tend to benefit harvesters, but without a provision to specifically address the interest of the processors, opportunities existed to shift the balance of power in the industry toward the harvesters' favor at the expense of processors. A processor tie was viewed as one mechanism which may work at striking a balance between the harvester and the processor when a fishery moves to rationalization.

During deliberation and consideration over processor ties NOAA GC indicated that the ongoing processor tie provision raised some issues that may make it difficult for NOAA Fisheries to approve of such a provision. The Council and its advisory bodies considered the appropriateness of other types of tools that may provide an opportunity for motherships to benefit from rationalization, or at least minimize some potentially adverse impacts on motherships that may occur as a result of rationalization. During public testimony over this matter, the Council heard that the lack of any type of tie in the BSAI Pollock fishery nearly led to the bankruptcy of one mothership company involved in that fishery after the fishery was rationalized. The reason for this near bankruptcy was the sudden departure of several catcher vessels from that mothership company after that company had made plans and purchased supplies for that upcoming year. The mothership company was unable to attract deliveries from other catcher vessels and thus was unable to cover the up-front costs that had been assumed by that company prior to the start of the year. Following this testimony the Council considered an alternative to an ongoing obligation that would come in the form of an annual declaration. This declaration would act in a manner that would tend to avoid the scenario that occurred in the BSAI mothership Pollock fishery by providing both the mothership and the catcher vessel several months of advance time with which to develop business plans. The Council adopted this annual declaration provision as its preferred alternative.

Discussion: Both Options A and B are a modification of the Council motion for when a MS/CV endorsed permit should declare their intent to participate in the MS co-op (but not which co-op) or non-co-op fishery. Because the MS/CV endorsed permit is an endorsement on the limited entry permit, NMFS believes it reduces paperwork for MS/CV endorsed permit owners to have that declaration of intent be part of the limited entry permit renewal process which happens from September 1 through December 31 each year.

Option C is consistent with the Council motion, but would require additional paperwork burden (i.e., a form to NMFS) for MS/CV endorsed permit owners.

Under the Paperwork Reduction Act, NMFS is required to consider ways to reduce the reporting burden on the affected public, where possible. It is not clear to NMFS the necessity of this additional paperwork burden on the MS/CV endorsed permit owners. NMFS understands that, for planning purposes, the mothership processors need to know which MS/CV endorsed permits will be part of a co-op or in the non-co-op fishery. However, NMFS believes this could be handled through private contract agreements and is not certain NMFS involvement is necessary. If MS/CV endorsed permits are required to inform NMFS through the permit renewal process (Options A and B), it could reinforce any private agreements made prior to September 1 between motherships and catcher vessels.

Issue 7b: What is an appropriate deadline for a co-op permit (MS or C/P), assuming a co-op permit is required?

Option A:

Require a co-op permit for MS and C/P co-ops. Between September 1 and December 31 of the year before the whiting season the co-op must also apply for a co-op permit, which would include the co-op agreement.

Option B (*NMFS-preferred*):

Require a co-op permit for MS and C/P co-ops. Between February 1 and March 31 before the whiting season the co-op must also apply for a co-op permit, which would include the co-op agreement.

Option C:

Only require a co-op permit for MS co-ops. Could use the deadlines from either Option A (Sep 1-Dec 31) or Option B (Feb 1-Mar 31).

Council motion history:

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Mr. Lockhart stated that there was question as to whether the catcher-processor co-op proposal is a LAP and subject to the 3% maximum fee. Under the proposed Amendment #2, if they break up they will be a LAP but as the motion is written now they would not be. Ms. Cooney indicated that if the allocation is issued to the co-op and the co-op is required to

have a permit then the program would be a LAP but if the co-op is not required to hold a co-op permit then it would not be a LAP. Amendment #2 passed.

Mr. Lockhart said that under the program, as currently designed, the catcher-processor sector would not be under a LAP, unless it broke up, and therefore not subject to a fee. He has heard argument that the catcher-processor sector voluntary co-op costs much less to manage and therefore should not be subject to the fee. However, they gain the benefit of the LAPs of the other whiting sectors. It is fair for them to be subject to the fee because they are part of the overall LAP system. They are being granted a privilege and access to a public resource. Therefore, Mr. Lockhart moved to amend the motion to specify that permits would be issued to co-ops (Amendment #3 to Motion 41). Ms. Vojkovich seconded the motion.

Mr. Moore asked about the benefits the catcher-processor co-op would receive. Mr. Lockhart stated that under current management, bycatch of other sectors affects the catcher processor co-op. Under the new system, that effect is reduced substantially, therefore they are getting a benefit from the program but they are not subject to the 3% fee. Mr. Anderson noted that they are being asked to pay for the cost of government regulations to clean up another sector. Mr. Lockhart stated he viewed it as they are gaining dedicated access to a public resource not just the costs of running the system. Mr. Myer said that the catcher-processor co-op has been doing fine on its own and that they would gain very little for a fee that he does not believe is warranted. Mr. Lockhart responded that they are not running fine citing the large bycatch tow that occurred recently, in part, because of the current system. The new system will allow them to fish at different times. Mr. Anderson commented that there are many people gaining access to a public resource that are not paying a 3% fee. If there is a fee it should be proportional to the costs of their participation in the program.

Amendment #3 failed (Messrs. Lockhart and Williams voted yes; Ms. Vojkovich abstained). Motion 41 passed as amended.

November 2008 Meeting Minutes

Following completion of the Council motion on MS and C/P Programs (motions 20 and 21, respectively):

Mr. Lockhart noted that NMFS has made a preliminary determination that both the mothership (MS) sector and catcher-processor (CP) sector will be defined as a LAPP under the MSA. As part of that, in order to monitor and enforce the system, NMFS would be issuing a permit to the co-ops. This would mean that the cost recovery provisions would apply to these two sectors.

[There was no Council member response to Mr. Lockhart's statement.]

From DEIS

(From DEIS Ch.2, p. 61)

For the catcher-processor co-op program one of the most controversial design elements was the decision on whether or not the catcher-processor co-op would be issued a permit. When the Council developed its preliminary preferred alternative on this issue there was an extensive debate on the question of whether or not the catcher-processor co-op would be designated as a LAPP and subject to a 3 percent fee. Some Council members opposed such a designation on the grounds that the Council's preferred alternative would not generate substantial new administrative costs or fleet benefits for the catcher-processor fleet. On the other hand, it was argued that the catcher-processor fleet would benefit from the bycatch control mechanisms that were being implemented for other trawl sectors as part of the trawl rationalization program, that they would benefit from being part of the overall LAPP system, that they were being given exclusive access to a public resource, and that their exclusive access is what enabled them to develop their own co op. With respect to the argument that the catcher-processor sector would benefit from bycatch control provided by rationalization in other trawl sectors, other Council members felt that the catcher-processor sector should not be required to pay the cost for regulations needed to clean up a problem in another sector. The Council was advised that if it provided an allocation for the co-op and required a permit for the co-op then the program would be a LAPP. On this basis, in June 2008 the Council voted not to require permits for co-ops. This intent was carried through when adopting the final preferred alternative in November 2008 and June 2009.

[NOTE: It is NMFS position that permitting the co-op and allocating the entire sector quota to that co-op as an exclusive harvest privilege is a LAPP. Further, if the [catcher-processor] co-op dissolves, each individual permit holder would be allocated QS under an IFQ program. Therefore, NMFS position is that the catcher processor co-op sector of the trawl

rationalization program is a LAPP, similar to the other sectors in the trawl rationalization program.]

(From DEIS Ch. 4, p.480)

Catcher processors may be affected by whether QS is issued to them or whether a limited entry system is put in place as a means of maintaining the voluntary cooperative. While establishing a limited entry system for catcher-processors is expected to result in a continuation of the voluntary cooperative, it is not readily apparent that this system could be defined as a LAPP program. This is because in the view of some there is no specific action being taken by the Council to issue harvest privileges to individual entities under the catcher-processor cooperative (limited entry) alternative. However, the option to issue QS to catcher-processors is certainly a LAPP program. If the cooperative alternative is not a LAPP program, cost recovery for funding a rationalization program may not apply to the catcher-processor sector. Therefore, costs associated with the cooperative alternative may be less for catcher-processors than if an IFQ system is put in place. ...

(From DEIS App.B, p. B-35)

With respect to a catcher-processor voluntary co-op, it is not clear that the sector as it currently operates is a LAPP as the management alternatives developed by the Council do not include a special permit or endorsement. In the MSA, the term "limited access privilege:"

(A) means a Federal permit, issued as part of a limited access system under Section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

(B) includes an individual fishing quota; but

(C) does not include community development quotas as described in Section 305(i).

However, under the tracking and monitoring provisions vessels are to be certified and under the catcher-processor provisions, there are fall-back ITQ processes in case the voluntary co-op breaks up. It is not clear if these requirements can be deemed a limited access privilege. In addition, NMFS is in the process of developing formal LAPP guidance which may affect this determination. (See

<http://www.nmfs.noaa.gov/sfa/PartnershipsCommunications/lapp/LAPPguidance.htm>)

Discussion: *Requirement for a co-op permit*

NMFS outlined its determination that MS and C/P co-ops would be required to have a co-op permit in the NMFS Interpretations of Council Intent document from the March Council meeting (Agenda Item E.6.b, NMFS Report 1, March 2010, number 21). That description is captured below:

The Council motion as stated in Appendix D regarding the MS and C/P co-op programs does not mention the requirement for a co-op permit. In addition, Appendix D (p. D-42) of the Am 20 DEIS states that the C/P co-op will not be required to have an annual registration or make annual declarations. However, NMFS has determined that there is a management need to require a permit at the co-op level for both the MS and the C/P Co-op Programs.

While both the MS and C/P sectors will be adequately managed by the co-ops, NMFS has determined that there is a need to require a permit at the co-op level for any co-op participating in the MS and the C/P Co-op Program. The co-op agreement establishes the terms and conditions for the co-op. The co-op permit formally registers the co-op and its associated members to harvest and process whiting in the sector. The co-op agreement, plus the specification of the co-op managers, provides a mechanism for NMFS to track and to communicate with the co-op. In NMFS's view, this is an appropriate element of the trawl rationalization program. In addition, the permit provides important accountability measures at the co-op level instead of at the individual level, this is also an important element of the trawl rationalization program. The co-op permit also provides NMFS a mechanism to take enforcement or administrative action at the co-op level if any of the conditions of the permit and its associated co-op agreement are not met. The co-op permit may be revised by NMFS to reflect changes in the membership or participating vessels and other material changes to the co-op.

Deadline for co-op permit

The Council motion as captured in Appendix D of the Am 20 DEIS (B-2.3.3, p. D-36) states that the co-op agreement must be submitted to

NMFS for approval before the co-op is authorized to engage in fishing activities. However, it does not set a firm date. As discussed in the NMFS Interpretations document, NMFS determined the need for a co-op permit for both the MS and C/P fisheries.

Option A requires the co-op (MS or C/P) to register for a co-op permit between September 1 and December 31 each year. However, a list of co-op member permits and vessels is required as part of the co-op agreement that must be included with the permit application that is sent to NMFS. The September 1, timing may be difficult for co-ops if all MS/CV endorsed or C/P endorsed limited entry permits have not yet been renewed.

Option B allows time for the MS/CV endorsed or C/P endorsed limited entry permits to be renewed between September 1 and December 31. The co-op (MS or C/P) would register for a co-op permit between February 1 and March 31, which would include a list of co-op member permits and vessels that are less likely to change. The co-op permit application deadline is before the whiting OY for the year is announced and before the season starts. NMFS prefers Option B. Applications for the inter-co-op agreements in the MS fishery would be accepted by NMFS any time during the year.

Option C is consistent with the Council policy on this issue and only requires a co-op permit for MS co-ops with the deadlines from either Option A (Sep 1-Dec 31) or Option B (Feb 1-Mar 31). Unlike the C/P co-op, the Council history on this issue shows no disagreement from Council members that the Mothership co-ops may be considered LAPPs and there was never a vote that there would not be a co-op permit for Mothership co-ops.

NMFS believes that the rationale for requiring a co-op permit, as explained above, is the same for any co-op whether in the mothership fishery or the catcher/processor fishery. In other words, a co-op permit should either be required for both fisheries or neither. Therefore, NMFS is interested in exploring the Council's rationale on the reasons a catcher-processor co-op should be treated differently from mothership co-ops with regard to a co-op permit requirement.

NMFS Interpretations of Council Intent

Disclaimer: Additional interpretations of the Council intent on the trawl rationalization program will arise as the program is reviewed by NMFS. Amendments 20 & 21 to the Groundfish FMP, have not yet been formally submitted to NMFS, or approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments.

Allocations

(revised from March Council meeting (Agenda item E.6.b, NMFS Report 1, March 2010, number 2)

1) The amendment 21 allocation structure is in addition to existing groundfish allocation structures.

Background:

The Council motion on Am 21 from the April 2009 meeting states, “[Am 21] Allocations for all other species, except those for which IFQ would not be assigned through the trawl rationalization program as well as those species for which allocations would be decided through the biennial specifications process (actual species included listed in Table 2-10 on p. 23 of Preliminary Draft EIS). Note: longspine thornyhead south of 34°27' N. latitude would not be included.” In other words, Am 21 allocations do not apply to non-IFQ species and species with allocations decided through the biennial specifications process.

Rationale:

NMFS interpretation of the Council’s intent is that the Am 21(trawl/nontrawl) allocation structure is in addition to the existing groundfish allocation structure which is based on Am 6 (limited entry (LE)/open access (OA)) (See Table 1). A process for allocating between the limited entry and open access fisheries was developed with the limited entry program under Am 6 (see section 11.2.2 of the FMP). The Am 21 allocation structure (trawl/nontrawl) applies to Am 21 species (which differs from the set of IFQ species which also includes whiting, sablefish N of 36, canary, bocaccio, cowcod, yelloweye rockfish, and minor shelf rockfish N & S). Note that while Am 21 does formally allocate some overfished species in the FMP (darkblotched, POP, and widow), it states that it does not remove the FMP provision at 4.6.1(5) where formal limited entry, open access allocations may be suspended for overfished species for the duration of rebuilding. For trawl rationalization, canary, bocaccio, cowcod, yelloweye, and minor shelf rockfish N & S would be allocated through the biennial specifications process. The Am 6 allocation structure (LE/OA) applies to remaining groundfish species.

Table 1. Groundfish allocation process and guidance.									
		Optimum Yield							
		Fishery Guideline							
		Commercial Guideline							
Step in Process	Policy Guidance	Initial Set-asides	LE Trawl		LE Fixed Gear		Directed Open Access	Recreational	
1. Initial Set-Asides - Reduce OY by tribal amounts, estimated research catch, projected bycatch in non-gr, EFP bycatch limits.	Determine During Biennial Specifications Process	Tribal, Research, Incidental, EFPs							
2. Determine Limited Entry (LE) Trawl Allocation	A-21 (Fishery Guideline * Trawl		Trawl Amt						
3. Determine Recreational (Rec) Allocation	Determine During Biennial Specifications Process								Rec Amt
4. Determine Directed Open Access (OA) Allocation	A-6 (((Commercial Guideline + Incidental) x open access %) - Incidental)	Incidental					Directed OA Amt		
5. Determine LE Fixed Gear	A-21 + A-6 (Commercial Guideline - Trawl - Dir. OA), Determined During Biennial Specifications Process				Fixed Gear Amt				
6. Subdivide trawl (Shoreside whiting (Wht)/Nonwhiting (NWht) split needed only for QS allocation in first year of program. Shoreside (SS), Mothership (MS), and catch-processor (CP) splits needed on an ongoing basis.	Split trawl based on A-21 and at-sea set asides (set asides modifiable during biennial specifications process).		SS Nwht	SS Wht	MS	CP			

Currently, the allocations between limited entry and open access are calculated from the commercial harvest guideline after certain amounts of fish are “taken off the top” as OY reductions. That process has been modified over time, and is currently as follows:

The OY is reduced by tribal amounts, estimated research catch, projected bycatch in non-groundfish fisheries, EFP set-asides, and estimated recreational set-asides (defined in existing regulation at 660.302 under the definition for “commercial harvest guideline”). The result is the commercial harvest guideline. The commercial harvest guideline is then allocated between the LE fishery (both trawl and fixed gear) and the directed OA fishery.

After implementation of Am 21, if approved, the allocations for species will be a mix of trawl/nontrawl and LE/OA allocations for Am 21 species and LE/OA allocations for the remaining groundfish species. That process is interpreted as follows:

For Am 21 species:

The OY is reduced by tribal amounts, estimated research catch, projected bycatch in non-groundfish fisheries, and EFP set-asides (note: recreational estimates are not deducted here). The result is the fishery harvest guideline. The fishery harvest guideline is then allocated between the trawl and nontrawl fisheries. Here the nontrawl fisheries are defined as LE fixed gear, directed OA, and the recreational fishery. From the fishery harvest guideline, the estimated recreational set asides would be deducted. This leaves the commercial harvest guideline. The directed OA amount would be calculated according to the Am 6 LE/OA split where the LE amount is the amount for all of LE (i.e., LE trawl plus LE fixed gear) and the OA amount is the amount for all OA fisheries (i.e.,

directed and incidental OA fisheries). The OA allocation is calculated by multiplying the OA percentage by the sum of the commercial harvest guideline and the estimate (from the initial set asides) of the projected bycatch in non-groundfish fisheries (i.e., the incidental OA fishery). This results in the OA allocation. Subtract the incidental OA fishery amount from the OA allocation, and the remainder is the directed OA allocation. The LE fixed gear amount is the remainder after the trawl amount and the directed OA amount is subtracted from the commercial harvest guideline.

For remaining groundfish species:

The OY is reduced by tribal amounts, estimated research catch, projected bycatch in non-groundfish fisheries, EFP set-asides, and estimated recreational set-asides. The result is the commercial harvest guideline. The OA allocation percentage is multiplied by the sum of the commercial harvest guideline and the estimate (from the initial set asides) of the projected bycatch in non-groundfish fisheries (i.e., the incidental OA fishery). This results in the OA allocation. Then subtract the incidental OA fishery amount from the OA allocation, and the remainder is the directed OA allocation. The commercial harvest guideline minus the directed OA allocation results in the amount for the LE fishery – both trawl and fixed gear.

The differences between these two allocation structures are: (a) where the recreational catch estimates are deducted and (b) whether the limited entry fixed gear fleet shares an allotment of fish with the limited entry trawlers or with the directed open access and recreational fleet.

To accommodate this blending of allocation structures, NMFS has developed a definition for a “fishery harvest guideline” and has revised the “commercial harvest guideline” definition in the draft regulations.

Estimated research catch off OY

2) Deduct all estimated research catch from the OY.

Background:

In the past all estimated research catch was deducted from the OY. In recent year harvest specifications processes, the estimated research catch for non-overfished species was deducted from the ABC while overfished species were still deducted from the OY.

Rationale:

The National Standard 1 guidelines at 50 CFR 600.310(e)(3)(v)(C) under Specification of OY state, “All catch must be counted against OY, including that resulting from bycatch, scientific research, and all fishing activities.” For Amendment 21 species, the Groundfish FMP language, as adopted by the Council in March 2010, states, “The OYs are then reduced by deducting the estimated total mortality of these species in research...” Therefore, NMFS has interpreted this to mean that research catch should be deducted from the OY for all groundfish species, not just for overfished species.

Initial Issuance Formulas – illegal/EFP landings

3) NMFS will make reasonable effort given time constraints to remove illegal or non-whiting EFP landings from initial issuance calculations.

Background:

Appendix D of the Amendment 20 DEIS (A-2.1.4, p. D-10), which reflects the Council motion on the trawl rationalization program, states that “History for illegal landings will not count toward an allocation of QS. Landings made under non-whiting Experimental Fishing Permits (EFPs) that are in excess of the cumulative limits in place for the non-EFP fishery will not count toward an allocation of QS. Compensation fish will not count toward an allocation of QS.” It is NMFS’ understanding that these numbers were not explicitly reviewed and removed in the Council analysis for the DEIS. Rather, an assumption was made that the PacFIN and NORPAC databases did not include these numbers.

Rationale:

NMFS may not have time for additional analysis of illegal or non-whiting EFP landings beyond what was done for the Council analysis. If NMFS needs to further refine the extracted PacFIN or NORPAC databases or create new datasets to capture illegal or non-whiting EFP landings, NMFS will make reasonable effort given time constraints to remove illegal or non-whiting EFP landings from initial issuance calculations.

Currently, there isn’t a method of determining catch by limited entry permit broken out by species coastwide where the trip limit for a given species is exceeded. From NMFS staff conversations with PSMFC staff concerning coding of fish tickets, each state has different processes and terminology. For example, WDFW and ODFW report catch that is confiscated, but not for an overage where the permit holder would be "compensated" for the overage. WDFW used the PacFIN disposition code "S" for landings that are "seized (illegal)" and has many separate tickets for seized landings. ODFW uses a PacFIN disposition code "W" which flags landings as "confiscated 'overage' catch that was sold (revenues forwarded to the state)" and defines overages by creating a separate ticket. In California, we only know that the ticket was held by enforcement and cannot determine overages or partial illegal landings.

It is possible that NMFS could build a dataset using historical trip limit data to identify landings by permit that exceed trip limits. That task would require some development, based on the complexity of the trip limit regulations. NMFS would need advice and assistance from Council staff, PSMFC, the states, and the Enforcement Consultants to develop an approach to accomplish this task.

Illegal landings- Can be interpreted to mean only those landings for which NMFS or States successfully prosecuted cases or it can be interpreted as all landings not in

compliance with Federal or state requirements in effect at the time (e.g., above trip limits). Over the qualifying period, the linkage between PacFIN data and enforcement data is unclear. To capture the intent that no individual benefits from landings not in compliance with Federal or state requirements in effect at the time, NMFS may be able to remove the following data from a permit's qualifying catch history:

- Landings in excess of trip limits
- Landings during closed periods
- Landings made when a permit was not current/valid in the NMFS permits database

Non-whiting EFPs - Over the qualifying period, the ability to identify EFP records in PacFIN is unclear. During the qualifying period, there are no fish ticket or logbook fields identifying EFP trips. To capture the intent that no individual benefits from landings above what was allowed at the time, NMFS may be able to use the same data queries used to identify illegal landings to remove the following data from a permit's qualifying catch history:

- Landings in excess of trip limits
- Landings during closed periods

Own & Control

4) Accumulation limit language regarding control has been revised.

Background:

During the March 2010 meeting, the Council instructed NMFS to revise the language regarding control to avoid any circumstances in which someone could control QS by controlling QP. Therefore, regulatory language regarding control has to be written to set the boundaries around QS control limits, including QP but excluding QP in a vessel account if subject to separate accumulation limits.

If control of QP is not subject to the QS control limits, a person could use control over QP to control a percentage of the harvest from the fishery in excess of that intended under the QS control limit percentage. In other words, if the QS control limits are not extended to QP, there is no assurance that QS control limits will perform their intended function. At some point QP control amounts to the functional equivalent of QS control.

The following examples illustrate undesirable forms of control:

1. A QS holder enters into a multi-year agreement under which another person has the right to direct how the QS holder's QP is used. The person controlling the QP has essentially gained control of the QS even beyond the duration of the QP issued during the first year of the agreement.

2. Vessel financing arrangements under which a lender who is engaged in the seafood business exercises control over the catch delivered by a fisherman-borrower are not uncommon. These arrangements sometimes require that the fisherman deliver his catch as the lender directs, and provide for a method of calculating “market value” of the catch. In other cases, the lender may hold a right of first refusal (“ROFR”) over the catch. While the ROFR does not in and of itself require that the fisherman deliver to the lender, it provides the lender with the authority to decide on a delivery-by-delivery basis whether the catch will be delivered to a third party or the lender, and thereby effectively gives the lender control over catch. If a single lender entered into arrangements of this type with a number of fishermen, the lender could potentially control a percentage of QP for the fishery in excess of the QS control limit percentage through those arrangements, without having asserted direct control over the fishermen’s QS.
3. Crew assign QP to a vessel, or fishermen transfer QP to a vessel but do not grant control over QS. This would not count toward QS control limits; however, it would indicate control if disposition of QP from QS were granted.

While the Council spoke to the IFQ fishery and QS, similar regulatory language regarding control applies to the MS permits and MS/CV endorsed permits with catch history assignments.

Rationale:

In response to the Council’s request, NMFS has revised language regarding control in the following sections:

- For IFQ QS in the draft initial issuance regulations at 660.140(d)(4),
- For MS permits in the draft initial issuance regulations at 660.150(f)(3), and
- For MS/CV endorsed permits with catch history assignments in the draft initial issuance regulations at 660.140(g)(3).

Sablefish at-sea processing

5) Processing of sablefish at-sea will be prohibited.

Background:

Processing is any activity other than heading and gutting (H&G) and icing. For example, freezing an H&G product at-sea is considered processing. In the current regulations, processing is defined at 50 CFR §660.302 as follows:

Processing or to process means the preparation or packaging of groundfish to render it suitable for human consumption, retail sale, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying,

filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done. (Also see an exception to certain requirements at §660.373 (a)(iii) pertaining to Pacific whiting shoreside vessels 75-ft (23-m) or less LOA that, in addition to heading and gutting, remove the tails and freeze catch at sea.)

In the current regulations under prohibitions at §660.306(e)(3), it is unlawful for any person to:

(3) Beginning January 1, 2007, process sablefish taken at-sea in the limited entry primary sablefish fishery defined at §660.372(b), from a vessel that does not have a sablefish at-sea processing exemption, defined at §660.334(e).

This prohibition on at-sea processing of sablefish applies to participants of the limited entry primary sablefish fishery. The sablefish at-sea processing exemption is specific to a particular vessel and permit and/or vessel owner. It is not part of the limited entry permit and is not transferable. Only one vessel received the exemption and NMFS is no longer accepting applications for the exemption.

Under the trawl rationalization program, vessels participating in the Shorebased IFQ Program may fish for groundfish with any legal groundfish gear under the gear switching provisions. Therefore, some vessels with sablefish QP may choose to use groundfish longline or pot gear to target sablefish.

Rationale:

Because at-sea processing is prohibited for participants of the limited entry primary sablefish fishery and in order to maintain fairness between this fishery and the shorebased IFQ fishery, sablefish processing at-sea will also be prohibited for participants in the shorebased IFQ fishery.

No Split IFQ deliveries

6) For each IFQ trip, deliveries of fish caught as part of the Shorebased IFQ Program cannot be delivered to more than one IFQ first receiver (i.e., no split deliveries).

Background:

In the past, some vessels have delivered fish caught on a trip to more than one processor. A state landing receipt (i.e., fish ticket) would be started with one processor and then completed and submitted by another processor.

Rationale:

Under the trawl rationalization program, there is a 100% observer coverage requirement.

An at-sea observer will cover all IFQ trips while the vessel is at-sea; and once the vessel is at the dock, a catch monitor will observe the offload. Once at the dock, the observer can disembark from the vessel. A vessel would not be permitted to move from one licensed first receiver to another. If NMFS required the observer to remain on the vessel until the offload is complete, the vessel could split a delivery (but could not fish on another trip until all fish is offloaded). This would increase operational flexibility, but would also increase vessel costs of paying for the observer. In addition, a catch monitor would have to be available at both first receivers. Under the trawl rationalization program, split deliveries will not be permitted at least during the initial implementation of the program. All fish from a trip must be offloaded to one licensed IFQ first receiver and reported on the electronic fish ticket.

No Stacking LE Permits

7) Only one of the following permits may be registered to a single vessel at the same time: MS permit, MS/CV endorsed permit, C/P endorsed permit, and a trawl endorsed permit (with no MS/CV or C/P endorsements). Also, these permits may not be registered to a single vessel at the same time with any limited entry permit with a fixed gear endorsement.

Background:

Under current groundfish regulations, no more than one limited entry permit may be registered to a vessel at any given time, referred to as permit stacking. In the current regulations, stacking is defined at §660.302 as follows:

Stacking is the practice of registering more than one limited entry permit for use with a single vessel (See §660.335(c)).

In the groundfish fishery, only limited entry sablefish endorsed permits may be stacked (§660.335(c)).

(c) Stacking limited entry permits. “Stacking” limited entry permits, as defined at §660.302, refers to the practice of registering more than one permit for use with a single vessel. Only limited entry permits with sablefish endorsements may be stacked. Up to 3 limited entry permits with sablefish endorsements may be registered for use with a single vessel during the primary sablefish season described at §660.372. Privileges, responsibilities, and restrictions associated with stacking permits to participate in the primary sablefish fishery are described at §660.372 and at §660.334(d).

Rationale:

For the trawl rationalization program, NMFS interprets these stacking regulations to mean that no more than one limited entry permit (with the exception of sablefish endorsed permits) may be registered to a vessel at any given time. For example, a vessel cannot be registered to both a MS permit and a C/P endorsed permit at the same time.

Pacific Whiting Allocations

8) Remove language referring to 5% of the shorebased whiting allocation south of 42° N. lat.

Background:

Under the new trawl rationalization regulations at §660.55 (i)(2), the program components rulemaking will remove the following language:

(2) The non-tribal commercial harvest guideline for Pacific whiting is allocated among three sectors, as follows: 34 percent for the catcher/processor sector; 24 percent for the mothership sector; and 42 percent for the Shorebased IFQ Program. ~~Prior to trawl rationalization, no more than 5 percent of the shore-based allocation may be taken and retained south of 42° N. lat. before the start of the primary Pacific whiting season north of 42° N. lat.~~ Specific sector allocations for a given calendar year are found in Tables 1a and 2a of this subpart.

Rationale:

It is NMFS understanding that this language is no longer needed under the trawl rationalization program because there will no longer be whiting trip limits and IFQ QS for whiting will not be allocated by area.

Status of QS and MS/CV endorsed permits pending appeal

(revised from March Council meeting (Agenda item E.6.b, NMFS Report 2, March 2010, issue 2)

9) Only QS and MS/CV endorsed catch history assignments amounts approved in an Initial Administrative Determination (IAD) will be available during the first year of the trawl rationalization program.

Background:

At the March 2010 Council meeting under Issue 2 of the document “Clarifications of Requested of Council” (Agenda item E.6.b, NMFS Report 2, March 2010), the Council chose the NMFS preferred option, Option A, which stated:

Option A (NMFS-preferred):

While under appeal, the QS amount assigned for an IFQ management unit species will remain as previously assigned to the associated QS permit before the appeals

process. The QS permit may participate in the Pacific Coast groundfish fishery with the QS amounts assigned to the QS permit before the appeal. Once a final decision on the appeal has been made and if a revised QS amount for a specific IFQ species will be assigned to the QS permit, the QS amount associated with the QS permit will be effective at the start of the next calendar year. This same process would be followed for a whiting catch history assignment associated with MS/CV endorsed permit under appeal.

The draft proposed regulations in the initial issuance rule (§660.25(g)(7)(ii)) describe that QS amounts or whiting catch history assignments under appeal after December 31, 2010, would not be issued any revised amounts until the following year.

The draft QS language states:

(B) For a QS amount for specific IFQ management unit species under appeal after December 31, 2010, the QS amount for the IFQ species under appeal will remain as that previously assigned to the associated QS permit before the appeals process (i.e., at the time of the IAD). The QS permit may be used to fish in the Pacific Coast groundfish fishery with the QS amounts assigned to the QS permit before the appeal. Once a final decision on the appeal has been made and if a revised QS amount for a specific IFQ species will be assigned to the QS permit, the QS amount associated with the QS permit will be effective at the start of the next calendar year.

Rationale:

Since the March Council meeting, NMFS has realized that the December 31, 2010, date will not work. NMFS needs to have all appeals resolved in order to issue QS or catch history assignments to all qualified applicants. If appeals are completed sequentially right up to the end of the year, NMFS cannot issue QS or catch history assignments because certain outcomes will impact all other qualified applicants QS or catch history assignment amounts. NMFS cannot project, at this time, whether all appeals will be resolved early enough for NMFS to issue QS or catch history assignments where final decisions (post appeal) have been made on every application. Given that the application period will extend into the fall, and the probability that some will appeal one or more of the QS or catch history assignment amounts given in the IAD, there is a strong likelihood that resolution of many appeals will fall in the late November-December time period. Between December 31, 2010 and January 1, 2011, there is not enough time to reissue all permits with revised amounts of QS or catch history assignments. Therefore, NMFS will revise the draft initial issuance regulations to state that only QS and catch history assignments as given on the IAD will be used for the first year of the trawl rationalization program.

Example of possible QS language after revision:

(B) For a QS amount for specific IFQ management unit species under appeal ~~after December 31, 2010~~, the QS amount for the IFQ species under appeal will remain as that previously assigned to the associated QS permit before the appeals process (i.e., at the time of the IAD). The QS permit may be used to fish in the Pacific Coast groundfish fishery with the QS amounts assigned to the QS permit before the appeal. Once a final decision on the appeal has been made and if a revised QS amount for a specific IFQ species will be assigned to the QS permit, the QS amount associated with the QS permit will be effective at the start of the ~~next calendar year~~ second year after the trawl rationalization program is implemented. If any QS permits are still under appeal after year two of the trawl rationalization program and if a revised QS amount for a specific IFQ species will be assigned to the QS permit, the QS amount associated with the QS permit will be effective at the start of the next calendar year following the final decision.

Mandatory Baseline Economic Data

10) The reporting of baseline economic data is mandatory for harvesters and processors for each year they participated in the LE Trawl industry during 2009 or 2010.

Background:

The Council's statement regarding mandatory economic data collection (see footnote bb in Appendix D to The Rationalization of the Pacific Coast Groundfish Limited Entry Trawl Fishery Draft Environmental Impact Statement, November 2009) does not specify whether baseline economic data should be mandatory.

Rationale:

A major intent of mandatory economic data collection is to monitor the effects of rationalization and determine to what degree the goals and objectives of rationalization have been met. Without sufficient baseline data, the ability to analyze the effects of rationalization would be severely limited. The importance of this data is compounded by the expectation that industry consolidation may occur fairly soon after rationalization is implemented, and without baseline data, it will not be possible to capture those effects.

Clarifications Requested of Council

Disclaimer: Additional issues for clarification on the trawl rationalization program will arise as the program is reviewed by NMFS. Amendments 20 & 21 to the Groundfish FMP, have not yet been formally submitted to NMFS or approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments.

Issue 1: EFP set-asides. Which EFPs should be deducted from the OY?

Option A:

All EFP set asides will be deducted from the OY.

Option B:

All non-whiting EFP set asides will be deducted from the OY. Whiting EFP set asides will be deducted from the whiting sector allocation(s).

Option C:

Only EFPs for compensation fishing as specified in current regulations at §660.350 will have set asides deducted from the OY. All other EFP set asides will be deducted from the sector they are intended to benefit.

Discussion: For Amendment 21 (Am 21) species, the Groundfish FMP language, as adopted by the Council in March 2010 states: "...The OYs are then reduced by deducting the estimated total mortality of these species in research, tribal, and non-groundfish fisheries, and the bycatch limits specified in adopted exempted fishing permits..."

NMFS has the following questions about the Am 21 language, "the bycatch limits specified in adopted exempted fishing permits."

1. How are 'the bycatch limits specified in adopted EFPs' deducted from the OY when the EFPs and their associated limits have not been finalized for the next biennial cycle?

It is NMFS understanding that EFP projects and their associated catch limits for the following year are tentatively adopted at the June Council meeting. The final catch limits for EFPs are adopted in November and are sometimes different than the tentative catch limits from June. The June meeting (in even numbered years) is also when the Council takes final action on OYs and harvest guidelines for the next biennium. It is NMFS interpretation that the deduction to the OY for the next biennium

are reduced by the estimated mortality from EFPs that may occur in the next biennium. The mortality from future EFPs is estimated assuming that similar catch limits are adopted as were adopted in the current year (i.e. the catch limits that are specified in the adopted EFPs).

2. Did Am 21 intend to deduct the catch limits for all groundfish species in the EFP or only overfished species?
The terms and conditions of EFPs can contain aggregate “catch limits” (or catch caps) for any groundfish species for which the Council determines there is a need to limit catch, and have included non-overfished species. The term “bycatch limit” is used in the whiting fishery with regard to overfished species, but is not used in EFPs.
3. Did Am 21 intend to deduct all EFPs from the OY or only EFPs for compensation fishing as stated in current regulation?
Under the definition of “commercial harvest guideline” in current groundfish regulations (§660.302), only EFPs for compensation fishing are deducted off the OY. The regulations do not speak to deductions for other EFPs. In addition, current groundfish regulations at §660.320 (allocations), only speak to tribal and recreational fisheries estimates being deducted from the OY and do not reference EFPs.

Under the draft proposed regulations in the initial issuance rule, NMFS has separated EFPs in to compensation EFPs and all other EFPs as follows:

§660.60 Specifications and Management Measures.

(f) Exempted Fishing Permits (EFP).

(1) The Regional Administrator may issue EFPs under regulations at §660.30, Subpart C, for compensation with fish for collecting resource information. Such EFPs may include the collecting of scientific samples of groundfish species that would otherwise be prohibited for retention.

(2) The Regional Administrator may also issue EFPs under regulations at 50 CFR part §600.745 for limited testing, public display, data collection, exploratory, health and safety, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited.

(3) U.S. vessels operating under an EFP are subject to restrictions in §§660.XXX through §660.XXX, unless otherwise provided in the permit.

In addition, the draft proposed regulations in the initial issuance rule describe the allocation or set aside of EFPs as follows:

§660.55 Allocations.

...

(b) Fishery Harvest Guidelines and Reductions Made Prior to Fishery Allocations. Prior to the setting of fishery allocations, the OY is reduced by the Pacific Coast treaty Indian tribal harvest (allocations, set-asides, and estimated harvest under regulations at §660.50); projected scientific research catch of all groundfish species, estimates of fishing mortality in non-groundfish fisheries and, as necessary, set-asides for EFPs specified at §660.30. The remaining amount after these deductions is the fishery harvest guideline or quota. (note: recreational estimates are not deducted here).

(1) Pacific Coast treaty Indian tribal allocations, set-asides, and regulations are specified during the biennial harvest specifications process and are found at §660.50 and in Tables 1a and 2a of this subpart.

(2) Scientific research catch results from scientific research activity as defined in regulations at 50 CFR 600.10.

(3) Estimates of fishing mortality in non-groundfish fisheries are based on historical catch and projected fishing activities.

(4) EFPs specified at §660.30 are for the compensation with fish for collecting resource information.

...

(k) Exempted Fishing Permits. Annual set-asides for EFPs described at 660.60 (f)(2) and issued under regulations at 50 CFR 600.745 for purposes other than the compensation with fish for collecting resource information, will be deducted from the appropriate fishery allocation (trawl, nontrawl limited entry, nontrawl open access, recreational) for which the EFP work is being conducted.

The result of deducting EFPs in this manner (off the OY for compensation fishing and off the sector for all other EFPs) is that the fish set aside for the EFP are set aside only from the groups which may benefit from the findings of the EFP.

Issue 2: Whiting Primary Season. When does the whiting primary season end for the IFQ fishery?

Option A (*NMFS-preferred*):

The primary whiting season for the IFQ fishery ends December 31.

Option B:

The primary whiting season for the IFQ fishery ends after a certain percent (e.g., 95%?) of the whiting QP for that year have been harvested, as announced by NMFS.

Discussion: Under the Shorebased IFQ Program and during the primary whiting season, participants in the Pacific whiting fishery that have made the appropriate VMS declarations may fish in the trawl RCAs with midwater trawl gear. NMFS is unclear whether there is a need for NMFS to make determination and announce that the primary whiting season has ended.

Draft Regulatory Outline

Disclaimer: The trawl rationalization program is under review by NMFS. Amendments 20 & 21 to the Groundfish FMP, have not yet been formally submitted to NMFS, or approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments.

This is a working draft and has not been through full NMFS review.

This outline will continue to change before a proposed rule is published, including numbering, organization, section headings and contents.

Subpart C – West Coast Groundfish Fisheries – General (660.10-660.99)

- 660.10 Purpose and Scope
- 660.11 General Definitions
- 660.12 General Groundfish Prohibitions
- 660.13 Recordkeeping and reporting
- 660.14 Vessel Monitoring System (VMS) Requirements
- 660.15 Equipment Requirements
- 660.16 Groundfish Observer Program
- 660.17 Catch Monitors and Catch Monitor Service Providers
- 660.18 Certification and Decertification Procedures for Observers,
Catch Monitors, Catch Monitor Providers and Observer Providers
- 660.20 Vessel and Gear Identification
- 660.24 Limited Entry and Open Access Fisheries
- 660.25 Permits
 - (a) General.
 - (b) limited entry permit
 - (1) eligibility and registration.
 - (2) Mothership (MS) permit.
 - (3) Endorsements.
 - (i) “A” endorsements
 - (ii) gear endorsements
 - (iii) vessel size endorsements
 - (iv) sablefish endorsement and tier assignment
 - (v) MS/CV endorsement
 - (vi) C/P endorsement
 - (vii) endorsement and exemption restrictions

- (4) Limited entry permit actions- renewal, combination, stacking, change of permit ownership or permit holdership, and transfer.
 - (5) small fleet.
- (c) Quota Share (QS) Permit
- (d) First Receiver Site License
- (e) Coop Permit
 - (1) MS coop permit
 - (2) C/P coop permit
- (f) Permit fees
- (g) permit appeals process
 - (1) General.
 - (2) Who may appeal.
 - (3) Submission of appeals.
 - (4) Timing of appeals.
 - (5) Address of record.
 - (6) Decisions on appeals.
 - (7) Status of permits pending appeal
- (h) Permit sanctions
- 660.26 Pacific Whiting Vessel Licenses
- 660.30 Compensation with fish for collecting resource information – EFPs
- 660.40 Overfished Species Rebuilding Plans
- 660.50 Pacific Coast Treaty Indian Fisheries
- 660.55 Allocations
 - (a) General
 - (b) Fishery Harvest Guidelines and Reductions Made Prior to Fishery Allocations.
 - (c) Trawl/Nontrawl Allocations
 - (d) Commercial harvest guidelines for remaining groundfish species
 - (e) Limited Entry/Open Access Allocations
 - (f) Catch Accounting Between the Limited Entry and Open Access Fisheries
 - (g) Recreational fisheries
 - (h) Sablefish Allocations (north of 36° N. lat.)
 - (i) Pacific Whiting Allocation
 - (j) Fishery Set-Asides
 - (k) Exempted Fishing Permits
 - (l) Black Rockfish Harvest Guideline
 - (m) Pacific Halibut Bycatch Allocation
- 660.60 Specifications and Management Measures
- 660.65 Groundfish Harvest Specifications
- 660.70-99 Closed Area - GCA's and EFH

* ABC/OY Tables –Tables (1a), OY tables (1b), Allocation tables (1c), Tables 2a, 2b, and 2c

* Vessel Capacity Rating Table - Table 2 to Part 660

Subpart D – West Coast Groundfish – Limited Entry Trawl Fisheries (660.100-660.199)

660.100 Purpose and Scope

660.111 Trawl Fishery-Definitions

660.112 Trawl Fishery-Prohibitions

660.113 Trawl Fishery-Recordkeeping and Reporting

660.116 Trawl Fishery-Observer Requirements

660.120 Trawl Fishery-Crossover provisions

660.130 Trawl Fishery-Management Measures

660.131 Pacific Whiting Fishery Management Measures

660.140 Shorebased IFQ Program

(a) General.

(b) Participation requirements.

(1) QS Permit Owners

(2) IFQ Vessels

(c) IFQ Species and Allocations.

(1) IFQ Species.

(2) IFQ Program Allocations.

(d) QS permits and QS accounts.

(1) General.

(2) Eligibility and registration.

(3) Renewal, change of permit ownership, and transfer.

(4) Accumulation limits.

(i) QS control limits

(ii) Ownership-Individual and Collective Rule.

(iii) Control

(iv) Trawl Identification of Ownership Interest Form

(v) Divestiture.

(5) Appeals.

(6) Fees.

(7) [Reserved]

(8) Application Requirements and Initial Issuance for QS Permit and QS.

(i) Eligibility Criteria for QS Permit and QS.

(ii) Steps for QS Allocation Formula.

(iii) Allocation Formula for Specific QS Amounts

(A) Allocation Formula Rules

(B) Preliminary QS allocation for non-whiting trips

(C) Preliminary QS allocation for whiting trips

(D) QS from all Limited Entry Permits for Whiting Trips and Non-whiting Trips Separately

(E) QS for each Limited Entry Trawl Permit

(F) Adjust for AMP Set-Aside and First Receiver Allocations

(G) Allocation of Whiting QS for Whiting First Receivers

(H) Allocation of Pacific Halibut IBQ for Each Limited Entry Trawl Permit

- (iv) QS Application.
 - (A) Prequalified Application
 - (B) Requests for an Application
 - (v) Corrections to the Application
 - (vi) Submission of the Application and Application Deadline
 - (vii) Permit Transfer during Application Period
 - (viii) Initial Administrative Determination (IAD)
 - (ix) Appeals
 - (e) Vessel Accounts.
 - (f) First Receiver Site License.
 - (g) Retention requirements (whiting and non-whiting vessels).
 - (h) Observer Requirements.
 - (i) [Reserved]
 - (j) Shoreside Catch Monitor requirements for IFQ first receivers.
 - (k) Catch weighing requirements.
 - (l) Gear Switching.
 - (m) Adaptive Management Program.
- 660.150 Mothership (MS) Coop Program
 - (a) General.
 - (b) Participation requirements
 - (1) Mothership vessels
 - (2) Mothership Catcher Vessels
 - (3) MS Coop Formation and Failure.
 - (c) Inter-coop Agreement.
 - (d) MS Coop Program Species and Allocations
 - (1) MS Coop Program Species.
 - (2) Annual Mothership Sector Sub-allocations.
 - (i) Mothership Catcher Vessel whiting Catch History Assignments.
 - (ii) Annual Coop Allocations
 - (iii) Annual Non-Coop Allocation.
 - (3) Reaching an Allocation or Sub-allocation.
 - (4) Non-whiting Groundfish Species Reapportionment.
 - (5) Announcements.
 - (6) Redistribution of Annual Allocation.
 - (7) Processor Obligation
 - (8) Allocation Accumulation Limits
 - (e) MS Coop Permit and Agreement.
 - (f) Mothership (MS) Permit.
 - (1) General.
 - (i) Eligibility to Own or Hold a MS Permit.
 - (ii) Vessel Size Endorsement.
 - (iii) Restriction on C/P Vessels Operating as Motherships.
 - (2) Renewal, Change of permit ownership, or vessel registration.
 - (3) Accumulation Limits.
 - (i) MS Permit Usage Limit.
 - (ii) Ownership - Individual and Collective Rule.

- (iii) Control
 - (iv) Trawl Identification of Ownership Interest Form
 - (4) Appeals.
 - (5) Fees.
 - (6) Application Requirements and Initial Issuance for MS Permit.
 - (i) Eligible Applicant.
 - (ii) Qualifying Criteria for MS Permit.
 - (iii) Prequalified Application.
 - (iv) Applicants Not Prequalified.
 - (v) Corrections to the Application.
 - (vi) Submission of the Application and Application Deadline.
 - (vii) Initial Administrative Determination.
 - (viii) Appeals.
- (g) Mothership Catcher Vessel (MS/CV) Endorsed Permit.
 - (1) General.
 - (i) Catch History Assignment.
 - (ii) Pacific Whiting Mothership Sector Allocation.
 - (iii) Non-Severable .
 - (iv) Vessel Size Endorsement.
 - (v) Renewal.
 - (vi) Restrictions on Processing by MS/CV Endorsed Permit.
 - (2) Change of Permit owner, vessel registration, vessel owner, or combination.
 - (3) Accumulation Limits.
 - (i) MS/CV Permit Ownership and Control Limit.
 - (A) Ownership - Individual and Collective Rule.
 - (B) Control
 - (C) Trawl Identification of Ownership Interest Form
 - (D) Divestiture.
 - (ii) Catcher Vessel Usage Limit.
 - (4) Appeals.
 - (5) Fees.
 - (6) Application Requirements and Initial Issuance for MS/CV Endorsement.
 - (i) Eligible Applicant.
 - (ii) Qualifying Criteria for MS/CV Endorsement.
 - (iii) Qualifying Criteria for Catch History Assignment.
 - (iv) Prequalified Application.
 - (v) Applicants Not Prequalified.
 - (vi) Corrections to the Application.
 - (vii) Submission of the Application and Application Deadline.
 - (viii) Permit Transfer during Application Period
 - (ix) Initial Administrative Determination.
 - (x) Appeals.
- (h) Non-Coop Fishery
- (i) Retention requirements.
- (j) Observer Requirements.
- (k) Catch weighing requirements.

- (l) [Reserved.]
- 660.160 Catcher-Processor (C/P) Coop Program
 - (a) General.
 - (b) C/P Coop Program Species and Allocations
 - (1) C/P Coop Program Species
 - (2) [Reserved]
 - (c) C/P Coop Permit and Agreement
 - (d) C/P endorsed permit
 - (1) General.
 - (i) Non-Severable.
 - (ii) Vessel Size Endorsement.
 - (iii) Restriction on C/P Vessel operating as CV in the MS Sector.
 - (iv) Restriction on C/P Vessel Operating as MS.
 - (2) Eligibility and Renewal for C/P Endorsed Permit
 - (3) Change in permit ownership, vessel registration, vessel owner, transfer or combination.
 - (4) Appeals.
 - (5) Fees.
 - (6) [Reserved]
 - (7) Application Requirements and Initial Issuance for C/P endorsement.
 - (i) Eligible Applicant.
 - (ii) Qualifying Criteria for C/P Endorsement.
 - (iii) Prequalified Application.
 - (iv) Applicants Not Prequalified.
 - (v) Corrections to the Application.
 - (vi) Submission of the Application and Application Deadline.
 - (vii) Permit Transfer During Application Period
 - (viii) Initial Administrative Determination.
 - (ix) Appeal.
 - (e) Retention requirements.
 - (f) Observers Requirements.
 - (g) [Reserved]
 - (h) Catch weighting requirements.
 - (i) C/P Coop failure.

* Figure 1

* Trip Limit Tables - Table 3 North and South

Subpart E – West Coast Groundfish – Limited Entry Fixed Gear Fisheries

(660.200-660.299)

660.210 Purpose and Scope

660.211 Fixed Gear Fishery - Definitions

660.212 Fixed Gear Fishery - Prohibitions

660.213 Fixed Gear Fishery - Recordkeeping and Reporting

660.216 Fixed Gear Fishery - Observer Requirements

660.219 Fixed Gear Identification and Marking
660.220 Fixed Gear Fishery - Crossover Provisions
660.230 Fixed Gear Fishery - Management Measures
660.231 Fixed Gear Sablefish Tier Limit Fishery Management
660.232 Limited Entry Daily Trip Limit (DTL) Fishery for Sablefish

* Trip Limit Tables - Table 4 North and South

Subpart F – West Coast Groundfish - Open Access Fisheries (660.300-.349)

660.310 Purpose and Scope
660.311 Open Access Fishery - Definitions
660.312 Open Access Fishery - Prohibitions
660.313 Open Access Fishery - Recordkeeping and Reporting
660.316 Open Access Fishery - Observer Requirements
660.319 Open Access Fishery Gear Identification and Marking
660.320 Open Access Fishery - Crossover Provisions
660.330 Open Access Fishery - Management Measures
660.331 Black Rockfish Fishery Management
660.332 Open Access Daily Trip Limit (DTL) Fishery for Sablefish
660.333 Open Access Non-groundfish Trawl Fishery - Management Measures

* Trip Limit Tables - Table 5 North and South

Subpart G – West Coast Groundfish – Recreational Fisheries (660.350-.399)

660.350 Purpose and Scope
660.351 Recreational Fishery - Definitions
660.352 Recreational Fishery - Prohibitions
660.353 Recreational Fishery - Recordkeeping and Reporting
660.360 Recreational Fishery - Management Measures

Draft Proposed Regulations for Am 20 & 21

PROGRAM COMPONENTS RULE

This rule will include:

- **Program components**
(IFQ gear switching, new observer program requirements, retention requirements, equipment requirements, catch monitors, catch weighing requirements, coop permits/agreements, first receiver site licenses, vessel accounts, etc.)
- **Further tracking and monitoring components**
- **Mandatory economic data collection**

Below are the page numbers for certain sections of this draft rule:

660.140 Shorebased IFQ Program (p. 34)
660.150 Mothership Coop Program (p. 56)
660.160 Catcher/Processor Coop Program (p. 80)

Note: Cross references to other sections within the regulations are highlighted in yellow and have not yet been updated.

Disclaimer: These draft regulations will be reorganized and/or revised as they go through the agency review process. Additional issues may arise as the program is reviewed by NMFS. Amendments 20 & 21 to the Groundfish FMP, have not yet been formally submitted to NMFS or approved or implemented by NMFS. NMFS and the Council staff are currently clarifying issues raised by these amendments and working on implementation issues.

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2.[INSTRUCTION – In section 660.12, General Groundfish Prohibitions, paragraph (e) is revised to read as follows:]

§660.12 General Groundfish Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to:

(a) General. * * * * *

(b) Reporting and Recordkeeping. * * * * *

(c) Limited Entry Fisheries. * * * * *

(d) Limited Entry Permits. * * * * *

(e) Groundfish Fishery Observers and Monitors.

(1) Forcibly assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with an observer or catch monitor.

(2) Interfere with or bias the sampling procedure employed by an observer or catch monitor, including either mechanically or manually sorting or discarding catch before sampling.

(3) Tamper with, destroy, or discard an observer's or catch monitor's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer or catch monitor.

(4) Harass an observer or catch monitor by conduct that:

(i) Has sexual connotations,

(ii) Has the purpose or effect of interfering with the observer's or catch monitor's work performance, and/or

(iii) Otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(5) Fish for, land, or process fish without observer coverage when a vessel is required to carry an observer under Subparts D through F, or receive, purchase, or take custody, control, or possession of a delivery without catch monitor coverage when such coverage is required under § 660.XXX, Subpart D.

(6) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

(7) Fail to provide departure or cease fishing reports specified at §660.116, Subpart D, §660.216, Subpart E, or §660.315, Subpart F.

(8) Fail to meet the vessel responsibilities specified at §660.116, Subpart D, §660.216, Subpart E, or §660.315, Subpart F.

(9) Fail to allow the catch monitor unobstructed access to catch sorting, processing, catch counting, catch weighing, or electronic or paper fish tickets.

(10) Fail to provide reasonable assistance to the catch monitor.

(11) Fail to provide notification of a delivery in person, by personal communications radio, or by telephone of planned facility operations, including the receipt of fish, at least 30 minutes and not more than 2 hours prior to the start of the planned operation, unless the catch monitor specifically requests other arrangements.

(12) Require, pressure, coerce, or threaten a catch monitor to perform duties normally performed by employees of the first receiver, including, but not limited to duties associated with the receiving of landing, processing of fish, sorting of catch, or the storage of the finished product.

(f) Vessel Monitoring Systems. * * * * *

3.[INSTRUCTION - Section 660.13, Recordkeeping and reporting, paragraph

(d)(5)(iv)(A)(7) and (8) are revised to read as follows:]

§660.13 Recordkeeping and Reporting.

(a) * * *

(b) * * *

(c) * * *

(d) Declaration Reporting Requirements. * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) Declaration reports.

(i) * * *

(ii) * * *

(iii) * * *

(iv) * * *

(A) One of the following gear types must be declared:

(1) Limited entry fixed gear,

(2) [Reserved] – XXShorebased IFQ Program gear switchingXX

(3) Limited entry midwater trawl, non-whiting IFQ,

(4) Limited entry midwater trawl, Pacific whiting IFQ.

(5) Limited entry midwater trawl, Pacific whiting catcher/processor sector,

(6) Limited entry midwater trawl, Pacific whiting mothership sector,

(7) Limited entry IFQ bottom trawl, not including demersal trawl,

(8) Limited entry IFQ demersal trawl, * * *

(B) [Reserved]

§660.14 Vessel Monitoring System (VMS) requirements. * * * * *

4.[INSTRUCTION – In section 660.15, Equipment requirements paragraphs (b), (c), and (d) are revised to read as follows:]

§660.15 Equipment Requirements.

(a) Applicability. This section contains the equipment and operational requirements for scales used to weigh catch at sea, scales used to weigh catch at IFQ first receivers, computer hardware for electronic fish ticket software and computer hardware for electronic logbook software. All records described in this section must be retained as specified at §660.113, and made available upon request of NMFS staff or NMFS authorized personnel.

(1) Scales Approved by NMFS for Mothership and Catcher/processors. A scale used to weigh catch in the mothership and catcher/processor coop programs must meet the type evaluation and initial inspection requirements set forth in § 679.28(b)(1) and (2).

(2) Annual Inspection. Once a scale is installed on a vessel and approved by NMFS for use, it must be inspected annually as described in §679.28(b).

(3) Daily Testing. Each scale must be tested daily and meet the maximum permissible error (MPE) requirements described at described at XX660.150 in MP catch weighing section 660.160 CP catch weighing sections.

(4) At-sea Scale Tests. To verify that the scale meets the maximum permissible errors (MPEs) specified in this paragraph, the vessel operator must ensure that vessel crew test each scale used to weigh catch at least one time during each 24-hour period when use of the scale is required. The vessel owner must ensure that these tests are performed in an accurate and timely manner.

(i) Belt Scales. The MPE for the daily at-sea scale test is plus or minus 3 percent of the known weight of the test material. The scale must be tested by weighing at least 400 kg (882 lb) of fish or an alternative material supplied by the scale manufacturer on the scale under test. The known weight of the fish or test material must be determined by weighing it on a platform scale approved for use under § 679.28 (b)(7).

(ii) Platform Scales Used for Observer Sampling on Motherships and Catcher/processors. A platform scale used for observer sampling must be tested at 10, 25, and 50 kg (or 20, 50, and 100 lb if the scale is denominated in pounds) using approved test weights. The MPE for the daily at-sea scale test is plus or minus 0.5 percent.

(iii) Approved Test Weights. Each test weight must have its weight stamped on or otherwise permanently affixed to it. The weight of each test weight must be annually certified by a National Institute of Standards and Technology approved metrology laboratory or approved for continued use by the NMFS authorized inspector at the time of the annual scale inspection.

(c) Performance and Technical Requirements for Scales Used to Weigh Catch at IFQ First Receivers. Scale requirements in this paragraph are in addition to those requirements set forth by the State in which the scale is located, and nothing in this paragraph may be construed to reduce or supersede the authority of the State to regulate, test, or approve scales within the State. Scales used to weigh catch that are also required to be approved by the State must meet the following requirements:

(1) Verification of Approval. The scale must display a valid State sticker indicating that the scale is currently approved in accordance with the laws of the state where the scale is located.

(2) Visibility. A first receiver must ensure that the scale and scale display are visible simultaneously.

(3) Printed Scale Weights. All scales must produce a printed record for each delivery, or portion of a delivery, weighed on that scale. During the catch monitoring plan approval process NMFS may determine that a scale not designed for automatic bulk weighing) be exempted from part or all of the printed record requirements. The printed record must include:

(i) The first receiver's name;

(ii) The weight of each load in the weighing cycle;

(iii) The total weight of fish in each landing, or portion of the landing that was weighed on that scale;

(iv) The date and time the information is printed; and

(v) The name and registration or documentation number of the vessel making the landing.

The scale operator may write this information on the scale printout in ink at the time of printing.

(4) Inseason Scale Testing. Scales used to weigh Shorebased IFQ Program catch must meet inseason testing criteria specified at 660.140(k).

(5) Inseason Testing Criteria. To pass an inseason test, a catch monitor, NMFS staff or a NMFS-authorized agent must be able to verify the following:

(i) the scale display and printed information are clear and easily read under all conditions of normal operation;

(ii) the weight values are visible on the display until the value is printed; and

(iii) the scale does not exceed the maximum permissible errors specified in the following table:

Test Load in Scale Divisions	Maximum Error in Scale Divisions
(A) 0-500	1
(B) 501-2,000	2
(C) 2,001-4,000	3
(D) >4,000	4

(6) Automatic Weighing Systems. The automatic weighing system must prevent catch from passing over the scale or entering any weighing hopper unless the following criteria are met:

(i) No catch may enter a weighing hopper until the weighing cycle is complete and no catch can leave the hopper;

(ii) No catch may be cycled and weighed until if the weight recording element is operational;

(iii) No catch may enter a weighing hopper until the prior weighing cycle has been completed and the scale indicator has returned to a zero.

(d) Electronic Fish Tickets. IFQ first receivers using the electronic fish ticket software provided by Pacific States Marine Fish Commission are required to meet the hardware and software requirements below. Those IFQ receivers who have NMFS-approved software compatible with the standards specified by Pacific States Marine Fish Commission for electronic fish tickets are not subject to any specific hardware or software requirements.

(1) Hardware and software requirements. * * * * *

(2) NMFS Approved Software Standards and Internet Access.

* * *

(3) Maintenance. The IFQ first receiver is responsible for ensuring that all hardware and software required under this subsection are fully operational and functional whenever they receive, purchase, or take custody, control, or possession of an IFQ landing.

(4) Improving Data Quality. Vessel owners and operators, IFQ first receivers, or shoreside processor owners, or managers may contact NMFS in writing to request assistance in improving data quality and resolving issues. Requests may be submitted to: Attn: Electronic Fish Ticket Monitoring, National Marine Fisheries Service, Northwest Region Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115.

5.[INSTRUCTION – In section 660.16, Groundfish Observer program, paragraphs (c) and (e) are removed. Paragraph (d) is renumbered as paragraph (c). The new paragraph (c) is revised to read as follows:]

§660.16 Groundfish Observer Program.

(a) General. Vessel owners and operators are jointly and severally responsible for their vessel's compliance with observer requirements specified in this section and within §660.116, Subpart D, §660.216, Subpart E, §660.315, Subpart F, or Subpart G.

(b) Purpose. The purpose of the Groundfish Observer Program is to collect fisheries data deemed by the Northwest Regional Administrator, NMFS, to be necessary and appropriate for management, compliance monitoring, and research in the groundfish fisheries and for the conservation of living marine resources.

(c) Requirements. The following table provides references to the paragraphs in the Pacific coast groundfish subparts that contain fishery specific requirements. Observer coverage

required for the shorebased IFQ Program or Mothership Coop program or Catcher/processor Coop Program shall not be used to comply with observer coverage requirements for any other Pacific coast groundfish fishery in which that the vessel may also participate.

West Coast Groundfish Fishery/Program	Regulation section
(1) Shorebased IFQ Program- Trawl Fishery	Subpart D, 660.140
(2) Mothership Coop Program- Whiting At-sea Trawl Fishery	Subpart D, 660.150
(3) Catcher/processor Coop Program- Whiting At-sea Trawl Fishery	Subpart D, 660.160
(4) Fixed Gear Fisheries	Subpart E, 660.216
(5) Open Access Fisheries	Subpart F, 660.316
(6) Recreational Fisheries	Subpart G, 660.366

6.[INSTRUCTION – Section 660.17, Catch Monitors and Catch Monitor Service Providers, is revised to read as follows:]

§660.17 Catch Monitors and Catch Monitor Service Providers.

(a) Catch Monitor Certification. Catch monitor certification authorizes an individual to fulfill duties as specified in writing by the NMFS while under the employ of a certified catch monitor provider

(b) Certification Requirements. NMFS may certify individuals who:

(1) are employed by a catch monitor certified provider at the time of the issuance of the certification and qualified, as described at §660.315 (e)(1)(i) through (viii) and have provided proof of qualifications to NMFS, through the catch monitor certified provider.

(2) have successfully completed NMFS-approved training.

(i) Successful completion of training by an applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by NMFS.

(ii) If a candidate fails training, he or she will be notified in writing on or before the last day of training. The notification will indicate: the reasons the candidate failed the training; whether the candidate can retake the training, and under what conditions. If a determination is made that the candidate may not pursue further training, notification will be in the form of an IAD denying certification, as specified under §XXXX of this section.

(3) Have not been decertified as an observer or catch monitor under provisions in §660.XXX.

(c) Catch Monitor Standards Of Behavior.

(1) Catch monitors must avoid any behavior that could adversely affect the confidence of the public in NMFS, the Observer Program or the government, including but not limited to the following:

(i) Catch monitors must perform their assigned duties as described in manuals or other written instructions provided by NMFS.

(ii) Catch monitors must accurately record the required data, write complete reports, and report accurately any observations of suspected violations of regulations.

(iii) Catch monitors must not disclose data and observations collected at the processing facility to any person except, NMFS OLE, or authorized officers or others as specifically authorized by NMFS.

(iv) Catch monitors must not engage in any illegal actions or any other activities that would reflect negatively on their image as professionals, on other catch monitors, or on NMFS as a whole. This includes, but is not limited to:

(A) Violating the drug and alcohol policy;

(B) Engaging in the use, possession, or distribution of illegal drugs; or

(C) Engaging in physical sexual contact with personnel of any delivery vessel or processing facility to which the catch monitor is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the catch monitors duties.

(d) Catch Monitor Provider Certification. Persons seeking to provide catch monitor services under this section must obtain a catch monitor provider certification from NMFS.

(1) Applications. Persons seeking to provide catch monitor services must submit a completed application by mail to the NMFS Northwest Region, Permits Office at 7600 Sand Point Way NE, Seattle, WA 98115. An application for a catch monitor provider permit shall consist of a narrative that contains the following:

(i) Identification of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and staff. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(ii) Contact information.

(A) The owner's permanent mailing address, telephone, and fax numbers.

(B) The business mailing address, including the physical location, email address, telephone and fax numbers.

(C) Any authorized agent's mailing address, physical location, email address, telephone and fax numbers. An authorized agent means a person appointed and maintained within the United States who is authorized to receive and respond to any legal process issued in the United States to an owner or employee of a catch monitor provider.

(iii) Prior experience. A statement identifying prior experience including proven success of recruiting, hiring, deploying, and providing support for individuals in marine work environments in the groundfish fishery or other fisheries of similar scale.

(iv) Ability to perform or carry out responsibilities of a catch monitor provider. A description of the applicant's ability to carry out the responsibilities of a catch monitor provider is set out under **paragraph § XXXX**

(v) A statement signed under penalty of perjury describing any criminal convictions of each owner and board member, officer, authorized agent, and staff; a list of Federal contracts held and related performance ratings; and, a description of any previous decertification actions that may have been taken while working as an observer or observer provider.

(vi) A statement signed under penalty of perjury describing each owner and board member, officer, authorized agent, and staff indicating that they are free from conflict of interest as described under **§660.316 (c)**

(2) Application Review.

(i) The certification official, described in **§660.XXX**, will issue catch monitor provider certifications upon determination that the application submitted by the candidate meets all requirements specified in **§660.XXX**.

(ii) Issuance of the certification will be based on the completeness of the application, as well as the following criteria:

- (A) The applicant's ability to carry out the responsibilities and relevant experience;
- (B) Satisfactory performance ratings on any Federal contracts held by the applicant.
- (C) Absence of a conflict of interest.
- (D) Absence of relevant criminal convictions.

(3) Agency Determination. The certification official will make a determination to approve or deny the application and notify the applicant by letter via certified return receipt mail, within 60 days of receipt of the application. Certification and decertification procedures that apply to catch monitor providers are specified in **§660.016**.

(e) Catch Monitor Provider Responsibilities.

(1) Provide Qualified Candidates to Serve as Catch Monitors. To be qualified a candidate must:

- (i) Be a U.S. citizen or have authorization to work in the United States;
- (ii) Be at least 18 years of age;
- (iii) Have a high school diploma and;

(A) At least two years of study from an accredited college with a major study in natural resource management, natural sciences, earth sciences, natural resource anthropology, law enforcement/police science, criminal justice, public administration, behavioral sciences, environmental sociology, or other closely related subjects pertinent to the management and protection of natural resources, or;

(B) One year of specialized experience performing duties which involved communicating effectively and obtaining cooperation, identifying and reporting problems or apparent violations

Comment [b1]: These qualifications for CMS are similar to what has been in the 08-10 whiting EFPs. They were based on the skills for enforcement techs and port biologists and are different from observers who do sub-sampling & who collect biological data.

of regulations concerning the use of protected or public land areas, and carrying out policies and procedures within a recreational area or natural resource site.

(iv) Have a current and valid driver's license.

(v) Have had a background investigation and been found to have had no criminal or civil convictions that would affect their performance or credibility as a catch monitor.

(vi) Have had health and physical fitness exams and been found to be fit for the job duties and work conditions;

(A) Physical fitness exams shall be conducted by a medical doctor who has been provided with a description of the job duties and work conditions and who provides a written conclusion regarding the candidate's fitness relative to the required duties and work conditions;

(B) Physical exams may include testing for illegal drugs;

(C) Candidates must have a minimum visual acuity of 20/100 corrected to 20/20 in at least one eye.

(vii) Have signed a statement under penalty of perjury indicating that they are free from conflict of interest as described under §660.316 (c)

(viii) Priority shall be given to qualified candidates who have and show proof of their knowledge of West Coast marine fish species, ability to effectively communicate in writing and orally, and have technical expertise in weights and measures.

(2) Standards. Provide to the candidate a copy of the standards of conduct, responsibilities, conflict of interest standards and drug and alcohol policy.

(3) Contract. Provide to the candidate a copy of a written contract signed by the catch monitor and catch monitor provider that shows among other factors the following provisions for employment:

(i) Compliance with the standards of conduct, responsibilities, conflict of interest standards and drug and alcohol policy;

(ii) Willingness to complete all responsibilities of current deployment prior to performing jobs or duties which are not part of the catch monitor responsibilities.

(iii) Commitment to return all sampling or safety equipment issued for the deployment.

7. [INSTRUCTION – Section 660.18, is renamed Certification and Decertification Procedures for NMS-certified catch Monitors and Catch Monitor Providers, paragraph (b) through (e) are revised to read as follows:]

§660.18 Certification and Decertification Procedures for Catch Monitors and Catch Monitor Providers.

(a) Certification Official. * * *

(b) Agency Determinations on Certifications.

(1) Issuance of Certifications. Certification will be issued upon determination by the certification official that the candidate has successfully met all requirements for certification as specified in:

- (A) §660.17XX for catch monitors; and
- (B) §660.17 XXX for catch monitor providers

(2) Denial of a Certification. The NMFS certification official will issue a written IAD identifying the reasons certification was denied and what requirements were deficient when the certification official determines that a candidate has irresolvable deficiencies in meeting the requirements for certification as specified in:

- (A) §660.17XX for catch monitors; and
- (B) §660.17 XXX for catch monitor providers

(3) Appeals. A candidate or applicant who receives an IAD that denies his or her certification may appeal pursuant to §660.XXX. A candidate or applicant who appeals the IAD will not be issued an interim certification, and will not receive a certification unless the final resolution of that appeal is in the candidate's favor.

(c) Limitations on Conflict Of Interest for Catch Monitors.

(1) Catch monitors must not have a direct financial interest, other than the provision of observer or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(i) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(ii) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(iii) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(2) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the catch monitor' official duties.

(3) May not serve as a catch monitors on any vessel or at any shoreside or floating stationary processing facility owned or operated where a person was previously employed.

(4) May not solicit or accept employment as a crew member or an employee of a vessel, or shoreside processor while employed by a catch monitor provider.

(5) Provisions for remuneration of catch monitors under this section do not constitute a conflict of interest.

(d) Limitations on Conflict of Interest for Catch Monitor Providers. Catch monitor providers must not have a direct financial interest, other than the provision of observer or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(1) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(2) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(3) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(d) Limitations on conflict of interest for catch monitors.

(1) catch monitors must not have a direct financial interest, other than the provision of observer or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(i) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(ii) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(iii) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(2) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(3) May not serve as a catch monitors at any shoreside or floating stationary processing facility owned or operated where a person was previously employed.

(4) May not solicit or accept employment as a crew member or an employee of a vessel or shoreside processor while employed by a catch monitor provider.

(5) Provisions for remuneration of catch monitors under this section do not constitute a conflict of interest.

(e) Limitations on conflict of interest for catch monitors providers. Catch monitor providers must not have a direct financial interest, other than the provision of observer or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(1) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(2) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(3) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(f) Decertification.

(1) Decertification review official. The Regional Administrator (or a designee) will designate a decertification review official(s), who will have the authority to review certifications and issue initial administrative determinations of decertification.

(2) Causes for decertification. The decertification official may initiate decertification proceedings when it is alleged that any of the following acts or omissions have been committed:

(i) Failed to satisfactorily perform the specified duties and responsibilities;

(ii) Failed to abide by the specified standards of conduct; (iii) Upon conviction of a crime or upon entry of a civil judgment for:

(A) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties and responsibilities specified in this section;

(B) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(C) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of catch monitors.

(3) Issuance of initial administrative determination. Upon determination that decertification is warranted under § 660.316(c) or (d), the decertification official will issue a written IAD and send it via certified mail to the subject's current address as provided to NMFS. The IAD will identify the specific reasons for the action taken. Decertification is effective immediately as of the date of issuance, unless the Decertification official notes a compelling reason for maintaining certification for a specified period and under specified conditions.

(4) Appeals. A catch monitor or catch monitor provider who receives an IAD that revokes certification may appeal pursuant to paragraph (e)(4)(i) of this section.

(i) Appeals. Decisions on appeals of initial administrative decisions denying certification or decertifying, will be made by the Regional Administrator (or designated official).

(ii) Appeals decisions shall be in writing and shall state the reasons therefore.

(iii) An appeal must be filed with the Regional Administrator within 30 days of the initial administrative decision denying, or revoking the certification.

(iv) The appeal must be in writing, and must allege facts or circumstances to show why the certification should be granted, or revoked, under the criteria in this section.

(v) Absent good cause for further delay, the Regional Administrator (or designated official) will issue a written decision on the appeal within 45 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department as of the date of the decision.

§660.20 Vessel and Gear Identification. * * * * *

§660.24 Limited Entry and Open Access Fisheries. * * * * *

8.[INSTRUCTION – In Section 660.25, Permits, Paragraph (b)(1)(i) and paragraph (e) are revised to read as follows:]

§660.25 Permits.

(a) General. * * * * *

(b) Limited Entry Permit. * * *

(1) Eligibility and Registration.

(i) General. In order for a vessel to be used to fish (see 600.10 definition) in the limited entry fishery, the vessel owner must hold a limited entry permit and, through SFD, must register that vessel for use with a limited entry permit. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel, except that the MS permit does not have a gear endorsement. There are three types of gear endorsements: trawl, longline, and pot (or trap). All limited entry permits, except the MS permit, have size endorsements and a vessel registered for use with a limited entry permit must comply with the vessel size requirements of this subpart. A sablefish endorsement is

also required for a vessel to be used to fish in the primary season for the limited entry fixed gear sablefish fishery, north of 36° N. lat. Certain limited entry permits will also have endorsements to participate in a specific fishery, such as the MS/CV endorsement and the C/P endorsement.

(2) Mothership (MS) Permit. * * *

(3) Endorsements. * * *

(4) Limited entry permit actions- renewal, combination, stacking, change of permit ownership or permit holdership, and transfer. * * * * *

(5) Small fleet. * * * * *

(d) First Receiver Site License. * * *

(e) Coop Permits. [Reserved]

(1) MS coop permit. [Reserved]

(2) C/P coop permit. [Reserved]

(f) Permit Fees. * * *

(g) Permit Appeals Process. * * *

(1) General. * * *

(2) Who May Appeal? * * *

(3) Submission of Appeals. * * *

(4) Timing of Appeals. * * *

(5) Address of Record. * * *

(6) Decisions on Appeals. * * *

(7) Status of Permits Pending Appeal. * * *

(h) Permit Sanctions. * * *

9. [INSTRUCTION – Section 660.26, Pacific Whiting Vessel License is removed]

§660.30 Compensation With Fish for Collecting Resource Information – EFPs. * * * * *

§660.40 Overfished species rebuilding plans. * * * * *

§660.50 Pacific Coast Treaty Indian Fisheries. * * * * *

§660.55 Allocations. * * *

(a) General. * * *

(b) Fishery Harvest Guidelines and Reductions Made Prior to Fishery Allocations. * * *

(c) Trawl/Nontrawl Allocations. * * *

(d) Commercial harvest guidelines for remaining groundfish species. * * *

(e) Limited Entry/Open Access Allocations. * * *

(f) Catch Accounting Between the Limited Entry and Open Access Fisheries. * * *

(g) Recreational fisheries.

(h) Sablefish Allocations (north of 36° N. lat.)

(i) Pacific Whiting Allocation. * * *

(1) * * *

(2) The non-tribal commercial harvest guideline for Pacific whiting is allocated among three sectors, as follows: 34 percent for the catcher/processor sector; 24 percent for the mothership sector; and 42 percent for the Shorebased IFQ Program. ~~Prior to trawl rationalization, no more than 5 percent of the shore-based allocation may be taken and retained south of 42° N. lat. before the start of the primary Pacific whiting season north of 42° N. lat.~~ Specific sector allocations for a given calendar year are found in Tables 1a and 2a of this subpart.

Comment [blr2]: Does this go away under IFQ?

(j) Fishery Set-Asides. * * *

(k) Exempted Fishing Permits. * * *

(l) Black Rockfish Harvest Guideline. * * *

(m) Pacific halibut Bycatch Allocation. * * *

10.[INSTRUCTION – In Section 660.60, Specifications and Management Measures, paragraph (d) is revised to read as follows:]

§660.60 Specifications and Management Measures.

(a) General. * * *

(b) Biennial Actions. * * *

(c) Routine Management Measures. * * *

(d) Automatic Actions. * * *

(1) Automatic actions are used in the Pacific whiting mothership and catcher/processor fisheries to:

(i) Close at-sectors of the fishery when a sector's Pacific whiting or non-whiting species with allocation is reached, or is projected to be reached;

(ii) Close all at-sea sectors or a single sector of the fishery when a bycatch limit is reached or projected to be reached;

(iii) Reapportion unused allocations of non-whiting species to other sectors of the Pacific whiting fishery.

* * * * *

(e) Prohibited Species. * * *

(f) Exempted Fishing Permits (EFP). * * *

(g) Applicability. * * *

(h) Fishery Restrictions. * * *

(1) * * *

(2) Landing. As stated at 50 CFR 660.11, Subpart C (in the definition of “Landing”), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing and must be reported as such. Transfer of fish at sea is prohibited under §660.306(a)(12) unless a vessel is mothership or catcher/processor sectors, as described at §660.373(a). Catcher vessels in the mothership sector must transfer catch to a vessel registered to a limited entry MS

processor permit with all catch from a haul being transferred to the same mothership prior to the gear being set for a subsequent haul. Catch may not be transferred to a tender vessel.

* * * * *

(5) * * *

(i) * * *

(ii) Weight limits and conversions. For species other than Pacific whiting and rockfish, the weight limit conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. Weight conversions provided herein are those conversions currently in use by the States of Washington, Oregon and California and may be subject to change by those states. Fishery participants should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor. To determine the round weight, multiply the processed weight times the conversion factor.

* * * * *

(v) Pacific whiting. The following conversion applies to vessels landing sorted catch in the Shorebased IFQ Program: for headed and gutted Pacific whiting (head removed just in front of the collar bone and viscera removed,) the conversion factor is 1.67; for headed and gutted Pacific whiting with the tail removed the conversion factor is 2.0.

(vi) Rockfish. The following conversion applies to vessels landing sorted catch in the Shorebased IFQ Program: for headed and gutted, western cut (head removed just in front of the collar bone and viscera removed,) the conversion factor is 1.66; for headed and gutted, eastern cut (head removed just in behind the collar bone and viscera removed,) the conversion factor is 2.0.

* * * * *

§660.65 Groundfish Harvest Specifications. * * * * *

§660.70-99 Closed Area - GCA's and EFH. * * * * *

Subpart D – West Coast Groundfish – Trawl Fisheries

§660.100 Purpose and Scope. * * *

11. [INSTRUCTION – In section 660.111, the following definitions are removed: “Pacific whiting shoreside or shore-based fishery”, “Pacific whiting shoreside first receivers”, “Pacific whiting shoreside vessel”. A new definitions are added in alphabetical order for, “Pacific whiting IFQ trip”.]

§660.111 Trawl Fishery Definitions. * * * * *

Accumulation limit (relative to permits or IFQ quota share) means XXXXXX

Covered (relative to a QP account) means XXXXXXXXX

IFQ Trip means a trip in which the vessel has a valid fishing declaration for any of the following: Limited entry midwater trawl, non-whiting IFQ; Limited entry midwater trawl,

Pacific whiting IFQ; Limited entry IFQ bottom trawl, not including demersal trawl; Limited entry IFQ demersal trawl; or XXgear switchersXX. Fishing without a valid declaration is prohibited.

Pacific whiting IFQ Fishery means the Shorebased IFQ Program fishery composed of vessels making Pacific whiting IFQ trips pursuant to the requirements at §660.131 during the primary season fishery dates for the Shorebased IFQ Program.

Pacific Whiting IFQ Trip means a trip in which a vessel registered to a limited entry permit uses legal midwater groundfish trawl gear with a valid declaration for limited entry midwater trawl, Pacific whiting IFQ, as specified at 660.13 (d)(5) during the dates that the Pacific whiting IFQ fishery primary season.

Usage limit (relative to vessel QP or processed catch) means XXXXXXXXXXXX

Vessel QP account means XXXXXXXXXXXXXXXXXXXX

Vessel QP limit means XXXXXXXXXXXXXXXXXXXX

* * * * *

12. [INSTRUCTION – In section 660.112, Limited Entry Trawl Fishery Prohibitions, paragraph (f) is removed; paragraph (a)(4) is renumbered as (a)(5), and a new (a)(4) is added; paragraphs (b) through (e) are revised to read as follows:]

§660.112 Limited Entry Trawl Fishery Prohibitions. * * *

(a) General.

(1) Trawl Gear Endorsement. * * *

(i) * * *

(ii) * * *

(2) Sorting. It is unlawful for any person to fail to sort catch consistent with the requirements specified at §660.130 (d).

(3) Recordkeeping and Reporting.

(i) * * *

(ii) * * *

(4) Observers.

(i) Fish (including processing, as defined at 600.10) in the Shorebased IFQ Program, the Mothership Coop Program, or the Catcher/processor Coop Program if NMFS determines the vessel is unsafe for an observer.

(ii) Fish in an Shorebased IFQ Program, the Mothership Coop Program, or the Catcher/processor Coop Program without observer coverage.

(5) Fishing in Conservation Areas With Trawl Gear.

(i) * * *

(ii) * * *

(iii) * * *

(iv) * * *

(v) * * *

(vi) * * *

(vii) * * *

(viii) * * *

(b) Shorebased IFQ fishery.

(1) General.

(i) Own or control by any means whatsoever an amount of QS that exceeds the shorebased IFQ program accumulation limits.

(ii) Fish in the Shorebased IFQ Program with a vessel that does not have a valid vessel QP account and has no deficits (negative balance) for any species/species group.

(iii) Have any IFQ species/species group catch (landings and discards) from an IFQ trip not covered by QP for greater than 30 days from the date of landing for that trip unless the overage is within the limits of the carryover provision specified at XXX.XXX, in which case the vessel has 30 days after the QP for the following year are issued, whichever is greater.

(iv) Participate in fishing that is within the scope of the Shorebased IFQ Program from any vessel with an overage (catch not covered by QP) until the overage is covered, regardless of the amount of the overage.

(v) Use QP by vessels not registered to a limited entry trawl permit with a valid vessel QP account.

(vi) Use QP in an area or for species/species groups other than that for which it is designated.

(vii) Fish on a Pacific whiting IFQ trip with a gear other than legal midwater groundfish trawl gear.

(viii) Fish on a Pacific whiting IFQ trip without a valid declaration for Limited entry midwater trawl, Pacific whiting IFQ, as specified at 660.13 (d)(5).

(ix) Use midwater trawl gear to fish for Pacific whiting within an RCA outside the Pacific whiting IFQ fishery primary season as specified at 660.XXX.

(xi) Dumping catch from a new haul until all catch from the previous haul is removed from the deck or stored in a location isolated from the new haul's catch.

(2) IFQ First receivers.

(i) Accept an IFQ landing without a valid first receiver site license.

(ii) Fail to sort fish received from a IFQ landing prior to first weighing after offloading as specified at §660.0XXX for the Shorebased IFQ Program.

(iii) Process, sell, or discard any groundfish received from an IFQ landing that has not been weighed on a scale that is in compliance with requirements at §660.15 (c).

(iv) Transport catch away from the point of landing before that catch has been sorted and weighed by federal groundfish species or species group, and recorded for submission on an electronic fish ticket. (If fish will be trucked to a different location for processing, all sorting and weighing to federal groundfish species groups must occur before transporting the catch away from the point of landing).

(v) Receive for transport or processing, an IFQ landing without first obtaining verification from vessel personnel that the vessel had an observer on the vessel as required by Federal regulation.

(vi) Process and IFQ landing without coverage of a catch monitor when one is required by regulations, unless NMFS has granted a written waiver specifically exempting the IFQ first receiver from the catch monitor coverage requirements.

(vii) Process catch without a NMFS accepted monitoring plan.

(viii) Mix catch from more than one IFQ landing prior to the catch being sorted and weighed.

(ix) Fail to comply with the IFQ first receiver responsibilities specified at §660.140.

(x) Process, sell, or discard any groundfish received from an IFQ landing that has not been accounted for on an electronic fish ticket with the identification number for the vessel that delivered the fish.

(xi) Fail to submit, or submit incomplete or inaccurate information on, any report, application, or statement required under this part.

(c) Mothership and Catcher/Processor Sectors.

(1) Process Pacific whiting in the fishery management area during times or in areas where at-sea processing is prohibited for the sector in which the vessel fishes, unless:

(2) The fish are received from a member of a Pacific Coast treaty Indian tribe fishing under §660.50, Subpart C;

(3) The fish are processed by a waste-processing vessel according to §660.131(j), Subpart D; or

(4) The vessel is completing processing of Pacific whiting taken on board during that vessel's primary season.

(5) During times or in areas where at-sea processing is prohibited, take and retain or receive Pacific whiting, except as cargo or fish waste, on a vessel in the fishery management area that already has processed Pacific whiting on board. An exception to this prohibition is provided if the fish are received within the tribal U&A from a member of a Pacific Coast treaty Indian tribe fishing under §660.50, Subpart C.

(6) Operate as a waste-processing vessel within 48 hours of a primary season for Pacific whiting in which that vessel operates as a catcher/processor or mothership, according to §660.131(j), Subpart D.

(7) On a vessel used to fish for Pacific whiting, fail to keep the trawl doors on board the vessel, when taking and retention is prohibited under §660.131(f), Subpart D.

(8) Sort or discard any portion of the catch taken by a catcher vessel in the mothership sector before the catcher vessel observer completes sampling of the catch, with the exception of minor amounts of catch that are lost when the codend is separated from the net and prepared for transfer.

(d) Mothership Coop Program (Coop And Non-Coop Fisheries).

- (1) Fish with a vessel in the mothership non-coop fishery that is not registered to a current MS/CV permit.
 - (2) Receive catch, process catch, or otherwise fish as a mothership vessel if that is not registered to a current MS permit
 - (3) Fish with a vessel in the mothership sector, if that vessel was used to fish in the catcher/processor coop fishery in the same calendar year.
 - (4) Transfer catch to a vessel that is not registered to a MS permit. (i.e. a tender vessel)
 - (5) Use a vessel registered to a limited entry permit with a trawl endorsement (with or without a MS/CV endorsement) to catch more than 30 percent of the Pacific whiting allocation for the mothership sector
 - (6) Fish before all catch from a haul has been transferred to a single vessel registered to an MS permit.
 - (7) Transfer catch from a single haul to more than one permitted MS vessel.
 - (8) Fish for a mothership coop with a vessel that is not identified on the Coop permit.
 - (9) Take deliveries without a valid scale inspection report signed by an authorized scale inspector on board the vessel.
 - (10) Sort, process, or discard catch before the catch is weighed on a scale that meets the requirements of §679.15(b), including the daily test requirements.
 - (11) Discard any catch from the codend or net (i.e. bleeding) before the observer has completed their data collection.
 - (12) Mix catch from more than a one haul before the observer complete their collection of catch for sampling.
- (e) Catcher/Processor Coop Program.
- (1) Fish with a vessel in the catcher/processor sector that is not registered to a current C/P permit.
 - (2) Fish as a catcher/processor vessel in the same year that the vessel fishes as a catcher vessel in the mothership coop fishery
 - (3) Fish in the catcher/processor coop fishery with a vessel that does not have has a valid VMS declaration for limited entry midwater trawl, Pacific whiting catcher/processor sector, as specified at §660.13(d).
 - (4) Fish in the catcher/processor coop fishery with a vessel that is not identified on the C/P Coop permit.
 - (5) To Fish in the catcher/processor coop fishery without a valid scale inspection report signed by an authorized scale inspector on board the vessel.
 - (6) Sort, process, or discard catch before the catch is weighed on a scale that meets the requirements of § 679.15(b), including the daily test requirements.
 - (7) Discard any catch from the codend or net (i.e. bleeding) before the observer has completed their data collection.
 - (8) Mix catch from more than one haul before the observer completes their collection of catch for sampling.

13. [INSTRUCTION – In section 660.113, Trawl Fishery Recordkeeping and Reporting, paragraph (d) is removed; paragraphs (a) through (c) is revised to read as follows:]

§660.113 Trawl Fishery Recordkeeping and Reporting. * * *

(a) General requirements.

(i) All records or reports required by this paragraph must: be maintained in English, be accurate, be legible, be based on local time, and be submitted in a timely manner as required **in paragraph (e)(1)(iv) of this section.**

(ii) Retention of Records. All records used in the preparation of records or reports specified in this section or corrections to these reports must be maintained XXwhereXX for a period of not less than three years after the date of landing and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS. Records used in the preparation of required reports specified in this section or corrections to these reports that are required to be kept include, but are not limited to, any written, recorded, graphic, electronic, or digital materials as well as other information stored in or accessible through a computer or other information retrieval system; worksheets; weight slips; preliminary, interim, and final tally sheets; receipts; checks; ledgers; notebooks; diaries; spreadsheets; diagrams; graphs; charts; tapes; disks; or computer printouts. All relevant records used in the preparation of electronic fish ticket reports or corrections to these reports must be maintained XXwhereXX for a period of not less than three years after the date and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS.

(b) Shorebased IFQ Program.

(1) General.

(i) Any person with a XXXXXXXXXXXXXXXX participating in the Shorebased IFQ Program must complete the mandatory economic data collection form.

(ii) Reporting requirements defined in the following section are in addition to reporting requirements under applicable state law and requirements described at §660.XXX.

(iii) Any person catching groundfish in the Shorebased IFQ Program must report their landings and discards through the electronic “XXXXXX” report.

(2) Electronic Vessel Logbook. [Reserved]

(3) Gear Switching Declaration. [Reserved]

(4) Electronic Fish Ticket. The IFQ first receiver is responsible for compliance with all reporting requirements described in this paragraph.

(i) Required information. All IFQ first receivers must provide the following types of information: date of landing, vessel that made the delivery, gear type used, first receiver, round weights of species landed listed by species or species group including species with no value, number of salmon by species, number of Pacific halibut, and any other information deemed

necessary by the Regional Administrator as specified on the appropriate electronic fish ticket form.

(ii) Submissions. The IFQ first receiver must:

(A) Sort all fish, prior to first weighing, by species or species groups as specified at §660.370 (h)(6)(iii).

(B) Include as part of each electronic fish ticket submission, the actual scale weight for each groundfish species as specified by requirements at §660.XXX and the vessel identification number.

(C) Use for the purpose of submitting electronic fish tickets, and maintain in good working order, computer equipment as specified at §660.XXX;

(D) Install, use, and update as necessary, any NMFS-approved software described at §660.XXX;

(E) Submit a completed electronic fish ticket for every IFQ landing no later than 24 hours after the date the fish are received, unless a waiver of this requirement has been granted under provisions specified at paragraph (e)(1) (vii) of this section.

(iii) Revising a Submitted Submission. In the event that a data error is found, electronic fish ticket submissions may be revised by resubmitting the revised form. Electronic fish tickets are to be used for the submission of final data. Preliminary data, including estimates of fish weights or species composition, shall not be submitted on electronic fish tickets.

(iv) Retention of Records. All records used in the preparation of electronic fish tickets or corrections to these reports must be maintained in the first receiver's office for a period of not less than three years after the date of landing and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS. Records used in the preparation of electronic fish tickets or corrections to these reports that are required to be kept include, but are not limited to, any written, recorded, graphic, electronic, or digital materials as well as other information stored in or accessible through a computer or other information retrieval system; worksheets; weight slips; preliminary, interim, and final tally sheets; receipts; checks; ledgers; notebooks; diaries; spreadsheets; diagrams; graphs; charts; tapes; disks; or computer printouts. All relevant records used in the preparation of electronic fish ticket reports or corrections to these reports must be maintained in the first receiver's office for a period of not less than three years after the date and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS.

(v) Waivers for Submission. On a case-by-case basis, a temporary written waiver of the requirement to submit electronic fish tickets may be granted by the Assistant Regional Administrator or designee if he/she determines that circumstances beyond the control of a first receiver would result in inadequate data submissions using the electronic fish ticket system. The duration of the waiver will be determined on a case-by-case basis.

(vi) Reporting Requirements When a Temporary Waiver has Been Granted. IFQ First receivers that have been granted a temporary waiver from the requirement to submit electronic fish tickets must submit on paper the same data as is required on electronic fish tickets within 24

hours of the date received during the period that the waiver is in effect. Paper fish tickets must be sent by facsimile to NMFS, Northwest Region, Sustainable Fisheries Division, 206–526– 6736 or by delivering it in person to 7600 Sand Point Way NE, Seattle, WA 98115. The requirements for submissions of paper tickets in this paragraph are separate from, and in addition to existing state requirements for landing receipts or fish receiving tickets.

(c) Mothership Coop Program (coop and non-coop fisheries).

(1) Economic Data Collection. [Reserved]

(2) NMFS-approved Scales.

(i) Scale Test Report Form. Mothership and catcher/processor vessel operator are responsible for conducting scale tests and for recording the scale test information on the at-sea scale test report form as specified at §660.150(X) for mothership vessels and §660.160(X) for catcher/processor vessels.

(ii) Printed Scale Reports. Specific requirements pertaining to printed scale reports and scale weight print outs are specified at §660.150(X) for mothership vessels and §660.160(X) for catcher/processor vessels.

(iii) Retention of Scale Records and Reports. The vessel must maintain the test report form on board until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or NMFS authorized personnel. In addition, the vessel owner must retain the scale test report forms for 3 years after the end of the crab fishing year during which the tests were performed. All scale test report forms must be signed by the vessel operator.

(3) Annual Coop Report.

(i) The designated coop manager for the mothership coop must submit an annual report. The complete annual coop report will contain information about the current year's fishery, including:

(A) the mothership sector's annual allocation of Pacific whiting and the permitted mothership coop allocation;

(B) the mothership coop's actual retained and discarded catch of Pacific whiting, salmon, Pacific halibut, rockfish, groundfish, and other species on a vessel-by-vessel basis;

(C) a description of the method used by the mothership coop to monitor performance of coop vessels that participated in the fishery;

(D) a description of any actions taken by the mothership coop in response to any vessels that exceed their allowed catch and bycatch; and

(E) plans for the next year's mothership coop fishery, including the companies participating in the cooperative, the harvest agreement, and catch monitoring and reporting requirements.

(ii) XXXsubmission scheduleXXX

(4) Cease Fishing Report. [Reserved]

(5) Mandatory Logbook. XXproduction report, transfer logXX [Reserved]

(e) Catcher/Processor Coop Program.

(1) Economic Data Collection. [Reserved]

(2) Scale Test Records. Mothership and catcher/processor vessel operator are responsible for conducting scale tests as specified at 660.XXX and for recording the scale test information on the at-sea scale test report form as specified at 660.XXX and 660.XXX. Specific requirements pertaining to test reports and scale weight print outs are specified at XXX for catcher/processors.

(3) Annual Coop Report.

(i) The designated coop manager for the catcher/processor coop must submit an annual report for the current fishing year to the Pacific Fishery Management Council at their November meeting. The annual coop report will contain information about the current year's fishery, including:

(A) the catcher/processor sector's annual allocation of Pacific whiting;

(B) the catcher/processor coop's actual retained and discarded catch of Pacific whiting, salmon, Pacific halibut, rockfish, groundfish, and other species on a vessel-by-vessel basis;

(C) a description of the method used by the catcher/processor coop to monitor performance of cooperative vessels that participated in the fishery;

(D) a description of any actions taken by the catcher/processor coop in response to any vessels that exceed their allowed catch and bycatch; and

(E) plans for the next year's catcher/processor coop fishery, including the companies participating in the cooperative, the harvest agreement, and catch monitoring and reporting requirements.

(ii) XXXsubmission scheduleXXX

(4) Cease Fishing Report. [Reserved]

(5) Mandatory logbook. XXproduction report, transfer logXX [Reserved]

14. [INSTRUCTION –Section 660.116, Trawl Fishery Observer Requirements, is removed]

§660.116 Trawl Fishery Observer Requirements.

§660.120 Trawl Fishery Crossover provisions. * * * * *

15. [INSTRUCTION -XXXXXXXXXXXXXX

§660.130 Limited Entry Trawl Fishery Management Measures.

(a) General. * * *

(b) Trawl Gear Requirements and Restrictions. * * *

(c) Cumulative Trip Limits And Prohibitions By Limited Entry Trawl Gear Type.

Management measures may vary depending on the type of trawl gear (i.e., large footrope, small footrope, selective flatfish, or midwater trawl gear) used and/or on board a vessel during a fishing trip, cumulative limit period, and the area fished. Trawl nets may be used on and off the

seabed. For some species or species groups, [Table 1 \(North\)](#) and [Table 2 \(South\)](#) of this subpart provide cumulative and/or trip limits that are specific to different types of trawl gear: large footrope, small footrope (including selective flatfish), selective flatfish, midwater, and multiple types. If [Table 1 \(North\)](#) and [Table 2 \(South\)](#) of this subpart provide gear specific limits for a particular species or species group, it is unlawful to take and retain, possess or land that species or species group with limited entry trawl gears other than those listed.

(1) Fishing With Large Footrope Trawl Gear. It is unlawful for any vessel using large footrope gear to fish for groundfish shoreward of the RCAs defined at paragraph (d) of this section and at [§§660.70 through 660.74](#), Subpart C. The use of large footrope gear is permitted seaward of the RCAs coastwide.

(2) Fishing With Small Footrope Trawl Gear. North of 40°10' N. lat., it is unlawful for any vessel using small footrope gear (except selective flatfish gear) to fish for groundfish or have small footrope trawl gear (except selective flatfish gear) onboard while fishing shoreward of the RCA defined at paragraph (d) of this section and at [§§660.70 through 660.74](#), Subpart C. South of 40°10' N. lat., small footrope gear is required shoreward of the RCA. Small footrope gear is permitted seaward of the RCA coastwide.

(i) North of 40°10' N. lat., selective flatfish gear is required shoreward of the RCA defined at paragraph (d) of this section and at [§§660.70 through 660.74](#), Subpart C. South of 40°10' N. lat., selective flatfish gear is permitted, but not required, shoreward of the RCA. The use of selective flatfish trawl gear is permitted seaward of the RCA coastwide.

(ii) [Reserved]

(3) Fishing With Midwater Trawl Gear. North of 40°10' N. lat., midwater trawl gear is permitted only for vessels participating in the primary Pacific whiting fishery (for details on the Pacific whiting fishery see [§660.131, Subpart D](#).) South of 40°10' N. lat., the use of midwater trawl gear is prohibited shoreward of the RCA and permitted seaward of the RCA.

(4) More Than One Type of Trawl Gear on Board. The cumulative trip limits in [Table 1 \(North\)](#) or [Table 2 \(South\)](#) of this subpart must not be exceeded.

(i) The following restrictions apply to vessels operating north of 40°10' N. lat.:

(A) A vessel may not have both groundfish trawl gear and non-groundfish trawl gear onboard simultaneously. A vessel may not have both bottom trawl gear and midwater trawl gear onboard simultaneously. A vessel may have more than one type of limited entry bottom trawl gear on board, either simultaneously or successively, during a cumulative limit period.

(B) If a vessel fishes exclusively with large or small footrope trawl gear during an entire cumulative limit period, the vessel is subject to the small or large footrope trawl gear cumulative limits and that vessel must fish seaward of the RCA during that limit period.

(C) If a vessel fishes exclusively with selective flatfish trawl gear during an entire cumulative limit period, then the vessel is subject to the selective flatfish trawl gear-cumulative limits during that limit period, regardless of whether the vessel is fishing shoreward or seaward of the RCA.

(D) If more than one type of bottom trawl gear (selective flatfish, large footrope, or small footrope) is on board, either simultaneously or successively, at any time during a cumulative limit period, then the most restrictive cumulative limit associated with the bottom trawl gear on board during that cumulative limit period applies for the entire cumulative limit period, regardless of whether the vessel is fishing shoreward or seaward of the RCA.

(E) If a vessel fishes both north and south of 40°10' N. lat. with any type of small footrope gear onboard the vessel at any time during the cumulative limit period, the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear (See crossover provisions at §660.120, Subpart D.)

(F) Midwater trawl gear is allowed only for vessels participating in a Pacific whiting primary season.

(ii) The following restrictions apply to vessels operating south of 40°10' N. lat.:

(A) A vessel may not have both groundfish trawl gear and non-groundfish trawl gear onboard simultaneously. A vessel may not have both bottom trawl gear and midwater trawl gear onboard simultaneously. A vessel may not have small footrope trawl gear and any other type of bottom trawl gear onboard simultaneously.

(B) For vessels using more than one type of trawl gear during a cumulative limit period, limits are additive up to the largest limit for the type of gear used during that period. (Example: If a vessel harvests 300-lb (136 kg) of chilipepper rockfish with small footrope-gear, it may harvest up to 11,700--lb (5,209 kg) of chilipepper rockfish with large footrope gear during the July and August cumulative period, because the largest cumulative limit for chilipepper rockfish during that period is 12,000-lb (5,443 kg) for large footrope gear.)

(C) If a vessel fishes both north and south of 40°10' N. lat. with any type of small footrope gear onboard the vessel at any time during the cumulative limit period, the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear (See crossover provisions at §660.120, Subpart D.)

(d) Sorting. Under §660.12 (a)(8), Subpart C it is unlawful for any person to “fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, scientific sorting designation, quota, harvest guideline, or OY applied.” The States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state land.

(1) Coastwide. Widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, and Pacific whiting;

(2) North of 40°10' N. lat. POP, yellowtail rockfish;

(3) South of 40°10' N. lat. Minor shallow nearshore rockfish, minor deeper nearshore rockfish, California scorpionfish, chilipepper rockfish, bocaccio rockfish, splitnose rockfish, Pacific sanddabs, cowcod, bronzespotted rockfish and cabezon.

(4) General sorting requirements for vessels in the Shorebased IFQ Program:

(i) Fish landed at IFQ first receivers (including shoreside processing facilities and buying stations that intend to transport catch for processing elsewhere) must be sorted, prior to first weighing after offloading from the vessel and prior to transport away from the point of landing, except as allowed in §660.140(k) for the midwater Pacific whiting fishery.

(ii) All catch must be sorted to the species groups specified in paragraph (h)(6)(i)(A) of this section for vessels with limited entry permits. Prohibited species must be sorted according to the following species groups: Dungeness crab, Pacific halibut, Chinook salmon, other salmon. Non-groundfish species must be sorted as required by the state of landing.

(5) At-sea sectors of the Pacific whiting fishery sorting requirements.

(i) Pacific whiting at-sea processing vessels may use an accurate in-line conveyor or hopper type scale to derive an accurate total catch weight prior to sorting. Immediately following weighing of the total catch the catch must be sorted to the species groups specified in paragraph (h)(6)(i)(A) and all incidental catch (groundfish and non groundfish species) must be accurately weighed and the weight of incidental catch deducted from the total catch weight to derive the weight of target species.

(ii) Catcher Vessels in the Mothership Sector. If sorting occurs on the catcher vessel, the catch must not be discarded from the vessel and the vessel must not resume fishing until the catcher vessel observer has obtained an accurate weight by species for the sorted catch.

(e) Groundfish Conservation Areas (GCAs) Applicable To Trawl Vessels. * * * * *

XX. [INSTRUCTION-XXXXX]

§660.131 Pacific Whiting Fishery Management Measures.

(a) Sectors. (1) The catcher/processor sector is composed of catcher/processers, which are vessels registered to a limited entry permit with a C/P endorsement.

(2) The mothership sector is composed of motherships and catcher vessels that harvest Pacific whiting for delivery to motherships. Motherships are vessels registered to a MS a limited entry permit, and catcher vessels are vessels registered to a limited entry permit with a MS/CV endorsement of vessels registered to a limited entry permit without a MS/CV endorsement if the vessel is identified as a member vessel of a permitted mothership coop.

(b) Pacific Whiting IFQ fishery is composed of vessels that harvest Pacific whiting for delivery to IFQ first receivers during the primary season. Notwithstanding the other provisions of 50 CFR Part 660, subpart C or D, a vessel that is 75 feet or less LOA that harvests Pacific whiting and, in addition to heading and gutting, cuts the tail off and freezes the Pacific whiting, is not considered to be processing fish. Such a vessel is subject to regulations and allocations for the Shoreside IFQ Program.

(c) Pacific Whiting Seasons.

(1) Primary Seasons. The primary seasons for the Pacific whiting fishery are:

(i) For the Shorebased IFQ Program the Pacific whiting IFQ fishery, is the period(s) of the large-scale target fishery is conducted after the season start date and ends when ;

(ii) for catcher/processors, the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector; and

(iii) for vessels delivering to motherships, the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector.

(2) Before and After the Primary Seasons. Before and after the primary seasons
XXXXXXXXXX.

(3) Different Primary Season Start Dates. North of 40°30' N. lat. Different starting dates may be established for the catcher/processor sector, the mothership sector, and in the shorebased IFQ program, Pacific whiting IFQ fishery delivering to processors north of 42° N. lat., and catcher vessels delivering to shoreside processors between 42°-40°30' N. lat.

(i) Procedures. The primary seasons for the Pacific whiting fishery north of 40°30' N. lat. generally will be established according to the procedures of the PCGFMP for developing and implementing harvest specifications and apportionments. The season opening dates remain in effect unless changed, generally with the harvest specifications and management measures.

(ii) Criteria. The start of a primary season may be changed based on a recommendation from the Council and consideration of the following factors, if applicable: Size of the harvest guidelines for Pacific whiting and bycatch species; age/size structure of the Pacific whiting population; expected harvest of bycatch and prohibited species; availability and stock status of prohibited species;; environmental conditions; timing of alternate or competing fisheries; industry agreement; fishing or processing rates; and other relevant information.

(iii) Primary Pacific whiting season start dates and duration. After the start of a primary season for a sector of the Pacific whiting fishery, the season remains open for that sector until the quota is taken or a bycatch limit is reached and the fishery season for that sector is closed by NMFS. The starting dates for the primary seasons for the Pacific whiting fishery are as follows:

(A) Catcher/processor sector—May 15.

(B) Mothership sector—May 15.

(C) Shorebased IFQ program, Pacific whiting IFQ fishery

(1) North of 42° N. lat.— June 15;

(2) Between 42°-40°30' N. lat.— April 1; and

(3) South of 40°30' N. lat.— April 15.

. (B) Shorebased IFQ Program – Pacific Whiting IFQ Fishery. Vessels fishing in the Pacific whiting IFQ fishery, with a valid declaration for Limited entry midwater trawl, Pacific whiting IFQ may not fish in the Pacific whiting IFQ fishery unless they have a valid vessel QP account for the vessel. (iv) The Regional Administrator will announce in the Federal Register when a bycatch limit is reached, or is projected to be reached, specifying the action being taken as specified under paragraph (b)(4) of this section. The Regional Administrator will announce in the Federal Register any reapportionment of bycatch limit species. In order to prevent exceeding

Comment [blr4]: Do we ever close it? How do we prevent undesirable fishing with midwater gear in the RCAs.

Comment [b5]: What goes here? May only fish for groundfish on IFQ trips ?

the bycatch limits prohibitions against further taking and retaining, receiving, or at-sea processing of whiting, or reapportionment of bycatch limits species may be made effective immediately by actual notice to fishers and processors, by e-mail, Internet (<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Whiting-Management/index.cfm>), phone, fax, letter, press release, and/or USCG Notice to Mariners (monitor channel 16 VHF), followed by publication in the Federal Register.

(d) Closed areas. Vessels fishing in the Pacific whiting primary seasons for the Shorebased IFQ Program, Mothership coop Program or Catcher/processor Coop Program shall not target Pacific whiting with midwater trawl gear in the following portions of the fishery management area:

(1) Klamath River Salmon Conservation Zone. The ocean area surrounding the Klamath River mouth bounded on the north by 41°38.80' N. lat. (approximately 6 nm north of the Klamath River mouth), on the west by 124°23' W. long. (approximately 12 nm from shore), and on the south by 41°26.80' N. lat. (approximately 6 nm south of the Klamath River mouth).

(2) Columbia River Salmon Conservation Zone. The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46°18' N. lat. to 124°13.30' W. long., then southerly along a line of 167 True to 46°11.10' N. lat. and 124°11' W. long. (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty.

(3) Ocean Salmon Conservation Zone. All waters shoreward of a boundary line approximating the 100 fm (183 m) depth contour. Latitude and longitude coordinates defining the boundary line approximating the 100 fm (183 m) depth contour are provided at §660.73, Subpart C. This closure will be implemented through automatic action, defined at §660.60, Subpart C, when NMFS projects the Pacific whiting fishery may take in excess of 11,000 Chinook within a calendar year.

(4) Pacific Whiting Bycatch Reduction Areas (BRAs). Vessels using limited entry midwater trawl gear during the primary whiting season may be prohibited from fishing shoreward of a boundary line approximating the 75-fm (137-m), 100-fm (183-m) or 150-fm (274-m) depth contours. Latitude and longitude coordinates for the boundary lines approximating the depth contours are provided at §660.393(a). Closures may be implemented inseason for a sector(s) through automatic action, defined at §660.60(d), when NMFS projects that a sector will exceed a bycatch limit specified for that sector before the sector's whiting allocation is projected to be reached.

(e) Eureka Area Trip Limits. Trip landing or frequency limits may be established, modified, or removed under §660.60, Subpart C or §660.321, Subpart D, specifying the amount of Pacific whiting that may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area (from 43 00' to 40 30' N. lat.). Unless otherwise specified, no more than 10,000-lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a

fishing trip, fished in the fishery management area shoreward of the 100 fm (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka management area (defined at §660.11, Subpart C).

(f) At-sea processing. Whiting may not be processed at sea south of 42°00' N. lat. (Oregon-California border), unless by a waste-processing vessel as authorized under paragraph (i) of this section.

(g) Time of Day. Vessels fishing in the Pacific whiting primary seasons for the Shorebased IFQ Program, Mothership coop Program or Catcher/processor Coop Program shall not target Pacific whiting with midwater trawl gear in the fishery management area south of 42°00' N. lat. between 0001 hours to one-half hour after official sunrise (local time). During this time south of 42°00' N. lat., trawl doors must be on board any vessel used to fish for whiting and the trawl must be attached to the trawl doors. Official sunrise is determined, to the nearest 5° lat., in The Nautical Almanac issued annually by the Nautical Almanac Office, U.S. Naval Observatory, and available from the U.S. Government Printing Office.

(h) Additional Restrictions on Catcher/Processors.

(i) Bycatch Reduction And Full Utilization Program For At-Sea Processors (Optional). If a catcher/processor or mothership in the whiting fishery carries more than one NMFS-approved observer for at least 90 percent of the fishing days during a cumulative trip limit period, then groundfish trip limits may be exceeded without penalty for that cumulative trip limit period, if the conditions in paragraph (h)(2) of this section are met. For purposes of this program, “fishing day” means a 24-hour period, from 0001 hours through 2400 hours, local time, in which fishing gear is retrieved or catch is received by the vessel, and will be determined from the vessel's observer data, if available. Changes to the number of observers required for a vessel to fish under in the bycatch reduction program will be announced prior to the start of the fishery, generally concurrent with the harvest specifications and management measures. Groundfish consumed on board the vessel must be within any applicable trip limit and recorded as retained catch in any applicable logbook or report. [Note: For a mothership, non-whiting groundfish landings are limited by the cumulative landings limits of the catcher vessels delivering to that mothership.]

(2) Conditions. Conditions for participating in the voluntary full utilization program are as follows:

(i) All catch must be made available to the observers for sampling before it is sorted by the crew.

(ii) Any retained catch in excess of cumulative trip limits must either be: Converted to meal, mince, or oil products, which may then be sold; or donated to a bona fide tax-exempt hunger relief organization (including food banks, food bank networks or food bank distributors), and the vessel operator must be able to provide a receipt for the donation of groundfish landed under this program from a tax-exempt hunger relief organization immediately upon the request of an authorized officer.

(iii) No processor or catcher vessel may receive compensation or otherwise benefit from any amount in excess of a cumulative trip limit unless the overage is converted to meal, mince,

Comment [b6]: Much of this is not longer applicable since trip limits no longer exist and all CPs and MPs will be required to carry 2 obs.

or oil products. Amounts of fish in excess of cumulative trip limits may only be sold as meal, mince, or oil products.

(iv) The vessel operator must contact the NMFS enforcement office nearest to the place of landing at least 24 hours before landing groundfish in excess of cumulative trip limits for distribution to a hunger relief agency. Cumulative trip limits and a list of NMFS enforcement offices are found on the NMFS, Northwest Region homepage at www.nwr.noaa.gov.

(v) If the meal plant on board the whiting processing vessel breaks down, then no further overages may be retained for the rest of the cumulative trip limit period unless the overage is donated to a hunger relief organization.

(vi) Prohibited species may not be retained.

(vii) Donation of fish to a hunger relief organization must be noted in the transfer log (Product Transfer/Offloading Log (PTOL)), in the column for total value, by entering a value of "0" or "donation," followed by the name of the hunger relief organization receiving the fish. Any fish or fish product that is retained in excess of trip limits under this rule, whether donated to a hunger relief organization or converted to meal, must be entered separately on the PTOL so that it is distinguishable from fish or fish products that are retained under trip limits. The information on the Mate's Receipt for any fish or fish product in excess of trip limits must be consistent with the information on the PTOL. The Mate's Receipt is an official document that states who takes possession of offloaded fish, and may be a Bill of Lading, Warehouse Receipt, or other official document that tracks the transfer of offloaded fish or fish product. The Mate's Receipt and PTOL must be made available for inspection upon request of an authorized officer throughout the cumulative limit period during which such landings occurred and for 15 days thereafter.

(j) Processing fish waste at sea. A vessel that processes only fish waste (a "waste-processing vessel") is not considered a whiting processor and therefore is not subject to the allocations, seasons, or restrictions for catcher/processors or motherships while it operates as a waste-processing vessel. However, no vessel may operate as a waste-processing vessel 48 hours immediately before and after a primary season for whiting in which the vessel operates as a catcher/processor or mothership. A vessel must meet the following conditions to qualify as a waste-processing vessel:

(1) The vessel makes meal (ground dried fish), oil, or minced (ground flesh) product, but does not make, and does not have on board, surimi (fish paste with additives), fillets (meat from the side of the fish, behind the head and in front of the tail), or headed and gutted fish (head and viscera removed).

(2) The amount of whole whiting on board does not exceed the trip limit (if any) allowed under [§660.60\(c\), Subpart C or Table 1 or 2 in Subpart D](#).

(3) Any trawl net and doors on board are stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing.

(4) The vessel does not receive codends containing fish.

(5) The vessel's operations are consistent with applicable state and Federal law, including those governing disposal of fish waste at sea.

XX. [INSTRUCTION-XXXXXXXXXX]

§660.140 Shorebased IFQ Program.

(a) General. * * *

(b) Participation Requirements.

(1) QS Permit Owners. [Reserved]

(2) Shorebased IFQ Program Vessels

(i) Vessels must be registered to a groundfish limited entry permit, endorsed for trawl gear.

(ii) Vessels must be registered to a vessel QP account.

(iii) To fish in the Shorebased IFQ Program any vessel must have a valid vessel account.

A valid vessel account is an account established for the vessel for a specific calendar year with at least one pound of QS for any species and has no deficits (negative balance) for any species/species group.

(iv) All IFQ species/species group catch (landings and discards) must be covered by QP within 30 days of the date of landing for that IFQ trip unless the overage (catch not covered by QP) is within the limits of the carryover provision at XXX.XXX, in which case the vessel may declare out of the IFQ fishery for the year in which the overage occurred and has 30 days after the QP for the following year are issued.

(v) Any vessel with an overage (catch not covered by QP) is prohibited from fishing that is within the scope of the Shorebased IFQ Program until the overage is covered, regardless of the amount of the overage.

(vi) Vessels are subject to limits on the amount of QP that may be registered to a single vessel during the year (QP Vessel Limit) and, for some species, on the amount of unused QP registered to a vessel QP account at any one time (Unused QP Vessel Limit). These amounts are specified at 660.XXX.

(vii) Vessel must use one of the groundfish gears listed at XXgear switching sectionXXX.

(viii) Vessels that are registered to MS/CV endorsed permits may be used to fish in the Shorebased IFQ program if the vessel has a valid vessel QP account.

(ix) In the same calendar year, a vessel registered to a trawl endorsed limited entry permit with no MS/CV or C/P endorsements may be used to fish in the shorebased IFQ program if the vessel has a valid vessel account, and to fish in the mothership sector within a permitted MS coop if the vessel is identified as a participating vessel in a MS coop agreement.

(c) IFQ Species and Allocations. * * *

(1) IFQ Species. * * *

(2) Shorebased IFQ Program Allocations. Allocations for the IFQ Program are described in the PCGFMP at XXXX for all IFQ species, except XXXXXX. Those remaining IFQ species are allocated through the biennial specifications and management measures process. Sub-allocations of IFQ species to individual QS permits are described below in paragraph XXXX.

Comment [jg7]: Need to add IFQ management areas. See March 2010, E.6.b, NMFS Report 1, #16.

(i) * * *

(d) QS permits and QS Accounts. * * *

(1) General. * * *

(2) Eligibility and Registration.

(i) Eligibility. Only the following persons are eligible to own QS permits:

(A) a United States citizen,

(B) a permanent resident alien, or

(C) a corporation, partnership, or other entity established under the laws of the United States or any State, that is eligible to own and control a U.S. fishing vessel with a fishery endorsement pursuant to 46 USC 12113 (general fishery endorsement requirements and 75 percent citizenship requirement for entities). However, there is an exception for any entity that owns a mothership that participated in the west coast groundfish fishery during the allocation period and is eligible to own or control that U.S. fishing vessel with a fishery endorsement pursuant to sections 203(g) and 213(g) of the AFA.

(ii) Registration. A QS account must be registered with the NMFS SFD Permits Office. A QS account will be established with the issuance of a QS permit. The QS permit owner may designate other persons that can access the QS account by submitting a request in writing to NMFS.

(3) Renewal, Change of Permit Ownership, and Transfer.

(i) Renewal. The holder of a QS Permit must renew the QS Permit by December 31 of each year. Failure to renew a QS Permit will result in the suspension of the associated QS account until such time that the permit is renewed. A completed ownership interest form is required as part of renewal of a QS Permit.

(ii) Change of Permit Ownership and Transfer.

(A) Restriction on the Transfer of Ownership for QS Permits. A QS Permit cannot be transferred to another individual or entity. The QS Permit owner cannot change or add additional individuals or entities as owners of the permit. Any change to the owner of the QS permit requires the new owner to apply for a QS permit.

(B) Restriction on the Transfer of QS between QS Permits/QS Accounts. After the second year of the trawl rationalization program, QS permit owners may transfer QS to another QS permit owner. For the purposes of transfer, QS is transferred as a percent and is highly divisible. During the first 2 years after implementation of the program, QS cannot be transferred to another QS Permit owner. However, NMFS will allow for the transfer of QS during the first two years on a limited basis and only when the action is directed by a U.S. court that directs the reassignment of QS as part of a legal proceeding.

(iii) Effective Date. A QS permit is effective on the date approved by NMFS and remains in effective until the end of the calendar year, unless XXXX

(4) Accumulation Limits.

(i) QS Control Limits. * * *

(ii) Ownership - Individual and Collective Rule. * * *

(iii) Control. * * *

(iv) Trawl Identification of Ownership Interest Form. * * *

(v) Divestiture. * * *

(5) Appeals. The general permit appeals process is defined at § 660.20(g), subpart C.

(6) * * *

(7) Cost Recovery. A QS permit owner will not be responsible to pay cost recovery fees.

Vessel account owners will be required to pay all cost recovery fees based on the annual usage of QPs as specified at 660.XXX.

(8) Application Requirements and Initial Issuance for QS Permit and QS. * * *

(e) Vessel accounts.

(1) General. QP will have the same species/species groups and area designations as the QS from which it was issued. Annually, QS (expressed as a percent) are converted to QP (expressed as a weight). QPs are required to cover catch of all groundfish (landings and discards) by limited entry trawl vessels, except for:

(i) Gear Exception. Vessels with a limited entry trawl permit using the following gears would not be required to cover groundfish catch with QP: open access exempted trawl, gear types defined in the coastal pelagic species PCGFMP, gear types defined in the highly migratory species PCGFMP, salmon troll, crab pot, and limited entry fixed gear when the vessel also has a limited entry permit endorsed for fixed gear and has declared that they are fishing in the limited entry fixed gear fishery.

(ii) Species Exception. QP are not required for the following species, longspine thornyheads south of 34°27 N. lat., minor nearshore rockfish (north and south), black rockfish (coastwide), California scorpionfish, cabezon, kelp greenling, shortbelly rockfish, and “other fish” (as defined at 660.XXX). For these species, trip limits remain in place as specified in the trip limit tables at 660.XXX.

(2) Eligibility and Registration.

(i) Eligibility. To be registered a vessel account, a person must own a vessel and that vessel must be registered to a groundfish limited entry permit endorsed for trawl gear.

(ii) Registration. A vessel account must be registered with the NMFS SFD Permits Office. A vessel account may be established at any time during the year. An eligible vessel owner must request in writing that NMFS establish a vessel account. The request must include the vessel name; USCG vessel registration number (as given on USCG Form 1270); the vessel owner name; if the vessel owner is a business entity, then include the name of the authorized representative that may act on behalf of the entity; business address, phone number, fax number, and email. Any change in the legal name of the vessel owner will require the new owner to register with NMFS for a vessel account. In addition, the vessel owner may designate other persons that can access the vessel account by submitting a request in writing to NMFS.

(3) Renewal, change of account ownership, and transfer of QP. [Reserved]

(4) Accumulation limits. As described at § 660.120(b)(2)(vi), vessels are subject to limits on the amount of QP that may be registered to a single vessel during the year (QP Vessel Limit)

and, for some species, on the amount of unused QP registered to a vessel account at any one time (Unused QP Vessel Limit). These amounts are as follows:

Species Category	QP Vessel Limit (Vessel Use Annual Limit)	Unused QP Vessel Limit (Daily Limit)
Nonwhiting Groundfish Species	3.2%	
Lingcod - coastwide	3.8%	
Pacific Cod	20.0%	
Pacific whiting (shoreside)	15.0%	
Sablefish		
N. of 36° (Monterey north)	4.5%	
S. of 36° (Conception area)	15.0%	
PACIFIC OCEAN PERCH	6.0%	4.0%
WIDOW ROCKFISH *	8.5%	5.1%
CANARY ROCKFISH	10.0%	4.4%
Chilipepper Rockfish	15.0%	
BOCACCIO	15.4%	13.2%
Splitnose Rockfish	15.0%	
Yellowtail Rockfish	7.5%	
Shortspine Thornyhead		
N. of 34°27'	9.0%	
S. of 34°27'	9.0%	
Longspine Thornyhead		
N. of 34°27'	9.0%	
COWCOD	17.7%	17.7%
DARKBLOTCHED	6.8%	4.5%
YELLOWEYE	11.4%	5.7%
Minor Rockfish North		
Shelf Species	7.5%	
Slope Species	7.5%	
Minor Rockfish South		
Shelf Species	13.5%	
Slope Species	9.0%	
Dover sole	3.9%	
English Sole	7.5%	
Petrale Sole	4.5%	
Arrowtooth Flounder	20.0%	
Starry Flounder	20.0%	
Other Flatfish	15.0%	
Other Fish	7.5%	
Pacific Halibut	14.4%	5.4%

* If widow rockfish is rebuilt before initial allocation of QS, the vessel limit will be set at limit will be 1.5 times the control limit.

(5) Carryover. [Reserved]

(6) Appeals. An appeal related to a vessel account follows the same process as the general permit appeals process defined at § 660.20(g), subpart C.

(7) Fees. The Regional Administrator is authorized to charge fees for administrative costs associated with the vessel accounts consistent with the provisions given at §660.25(f), Subpart C.

(8) Cost Recovery. Vessel account owners will be required to pay all cost recovery fees based on the annual usage of QPs.

(f) First Receiver Site License.

(1) General. Any IFQ first receiver that receives IFQ landings must have been issued a valid first receiver site license. The first receiver site license authorizes the holder to receive purchase, or takes custody, control, or possession of an IFQ landing at a specific physical site onshore directly from a vessel.

(2) Issuance.

(i) First receiver site licenses will only be issued to a person registered to a valid fish buyer's license issued by the state of Washington, Oregon, or California.

(ii) A first receiver may apply for a first receiver site license at any time during the calendar year.

(iii) A first receiver site license is valid until the end of the calendar year. IFQ first receivers must reapply for a first receiver site license each year and whenever a change in the ownership occurs.

(3) Application Process. Persons interested in being licensed as an IFQ first receiver must submit a complete application for a first receiver site license. NMFS will only consider complete applications for approval. A complete application includes:

(i) State Fish Buyer's License. A copy of the valid fish buyer's license issued by the state in which they operate.

(ii) Contact Information.

(A) The name of the first receiver,

(B) The physical location of the first receiver, including the street address where the IFQ landings will be received and/or processed.

(C) The name and phone number of the plant manager and any other authorized representative who will serve as a point of contact with NMFS.

(iii) A NMFS-Approved Catch Monitoring Plan. All first receivers must prepare and operate under a NMFS-approved catch monitoring plan. NMFS will not issue a site license to a processor that does not have a current, NMFS approved catch monitoring plan.

(A) Catch Monitoring Plan Approval. NMFS will approve a catch monitoring plan if it meets all the requirements specified in paragraph (C) of this section. The site must be inspected by NMFS staff or a NMFS authorized representative prior to approval to ensure that the processor conforms to the elements addressed in the monitoring plan. NMFS will complete its review of the monitoring plan within 14 working days of receiving a complete monitoring plan

and conducting a monitoring plan inspection. If NMFS disapproves catch monitoring plan for any reason, a new or revised catch monitoring plan may be submitted.

(B) Arranging an inspection. The time and place of a monitoring plan inspection must be arranged by submitting a written request for an inspection to NMFS, Northwest Region at NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115. NMFS will schedule an inspection within ten working days after receiving a complete application for an inspection. The inspection request must include:

- (1) Name and signature of the person submitting the application and the date of the application;
- (2) Address, telephone number, fax number, and email address (if available) of the person submitting the application;
- (3) A proposed monitoring plan detailing how the processor will meet each of the performance standards in paragraph (d)(3) of this section.

(C) Contents of a Monitoring Plan.

(1) Catch Sorting. Describe the amount and location of all space used for sorting catch, the number of staff assigned to catch sorting and the maximum rate that catch will flow through the sorting area.

(2) Monitoring for Complete Sorting. Detail how processor staff will ensure that sorting is complete and what steps will be taken to prevent unsorted catch from entering the factory or other areas beyond the location where catch sorting and weighing can be monitored from the observation area.

(3) Scales Used for Weighing IFQ Landings. Identify each scale that will be used to weigh IFQ landings by serial number and describe where it is located and what it will be used.

(4) Scale Testing Procedures. For each scale identified in the monitoring plan, describe the procedures the plant will use to test the scale; list the test weights and equipment required to test the scale; list where the test weights and equipment will be stored; and list the plant personnel responsible for conducting the scale testing.

(5) Printed record. Identify all scales that will be used to weigh IFQ landings that cannot produce a complete printed record as specified at §660.140 (X)(X). State how the scale will be used, and how the plant intends to produce a complete record of the total weight of each delivery.

(6) Weight Monitoring. The monitoring plan must detail how it will ensure that all catch is weighed and the process will meet the catch weighing requirements specified at §660.140(X). If a monitoring plan proposes the use of totes in which IFQ species will be weighed, or a deduction for the weight of ice, the monitoring plan must detail how the process will be accurately accounted for the weight of ice and/or totes.

(7) Delivery point. Each monitoring plan must identify a specific delivery points where catch is removed from an IFQ vessel. If the catch is pumped from the hold of a catcher vessel or

a codend, the delivery point will be the location where the pump first discharges the catch. If catch is removed from a vessel by brailing, the delivery point normally will be the bin or belt where the brailer discharges the catch.

(8) Observation Area. A description of the observation area, where a catch monitor may monitor the flow of fish during a delivery, including: access to the observation area, the flow of fish, and lighting used during periods of limited visibility.

(9) Lockable Cabinet. The location of a secure, dry, and lockable cabinet or locker for the exclusive use of the catch monitor, NMFS staff or NMFS authorized personnel.

(10) Plant Liaison. The monitoring plan must identify the designate a plant liaison.

(11) First Receiver Diagram. The monitoring plan must be accompanied by a scale drawing of the plant showing:

- (i) The delivery point;
- (ii) The observation area;
- (iii) The lockable cabinet;
- (iv) The location of each scale used to weigh catch; and
- (v) Each location where catch is sorted.

(D) Catch Monitoring Plan Approval Period. NMFS will approve a monitoring plan the calendar year if it meets the performance standards specified in **paragraph (C) of this section**. For the site license to remain in effect through the calendar year, an owner or manager must notify NMFS in writing of any and all changes made in IFQ first receiver operations or layout that do not conform to the monitoring plan.

(E) Changing an Approved Catch Monitoring Plan. An owner and manager may change an approved monitoring plan by submitting a plan addendum to NMFS. NMFS will approve the modified catch monitoring plan if it continues to meet the specified in requirements of **§660.140 (X)(X)**. Depending on the nature and magnitude of the change requested, NMFS may require an additional monitoring plan inspections. A monitoring plan addendum must contain:

- (1) Name and signature of the person submitting the addendum;
- (2) Address, telephone number, fax number and email address (if available) of the person submitting the addendum;
- (3) A complete description of the proposed catch monitoring plan change.

(4) Initial Administrative Determination. For all complete applications, NMFS will issue an IAD that either approves or disapproves the application. If approved, the IAD will include a first receiver site license. If disapproved, the IAD will provide the reasons for this determination.

(5) Effective Date. The first receiver site license is effective upon approval by NMFS and will be effective until December 31 of the same year.

(6) Reissuance in Subsequent Years. Existing license holders must reapply by December 31. If the existing license holder fails to reapply by December 31, the first receiver's site license

will expire and they will not be authorized to receive or process groundfish IFQ species. Any applications received after November 30 may not be approved for a first receiver site license by January 1 of the following year. If a first receiver applies for and is issued a first receiver site license after September 1 in a given year, NMFS will send an application form for the subsequent year when issuing the site license for the current year.

(7) Change in ownership of a IFQ First Receiver. If there are any changes to the owner of a first receiver registered to a first receiver site license during a calendar year, the first receiver site license is void. The new owner of the first receiver must apply to NMFS for a first receiver site license. A first receiver site license is not transferrable by the license holder to any other person.

(8) Fees. The Regional Administrator will charge a fee for the administrative cost of processing the application as provided for in Section 660.339.

(9) Appeals. If NMFS disapproves the Processor Site License application through an IAD, the applicant may appeal the IAD consistent with the general permit appeals process is defined at § 660.25(g), subpart C.

(g) Retention Requirements (Whiting and Non-Whiting Vessels).

(1) IFQ species. [Reserved]

(2) Pacific halibut IBQ. [Reserved]

(3) Pacific whiting IFQ fishery. [Reserved]

(h) Observer Requirements.

(1) General.

(2) Coverage Requirements.

(i) Any vessel fishing in the Shorebased IFQ Program is required to carry a NMFS-certified observer including any trip.

(ii) The Observer Deployment Limitations and Workload. The time required for the observer to complete sampling duties aboard a vessel must not exceed 16 consecutive hours in each 24-hour period. An observer must not be deployed for more than 22 calendar days in a calendar month and given the time necessary to enter data as per observer program protocol.

(iii) Any boarding refusal on the part of the observer or vessel is reported to the observer program and NMFS OLE observer compliance coordinator by the observer provider and observer. Observer must be available for an interview with the observer program or OLE if necessary.

(3) Vessel Responsibilities.

(i) Accommodations and Food.

(A) Accommodations and food for trips less than 24 hours must be equivalent to those provided for the crew.

(B) Accommodations and food for trips of 24 hours or more must be equivalent to those provided for the crew and must include berthing space, a space that is intended to be used for sleeping and is provided with installed bunks and mattresses. A mattress or futon on the floor or

a cot is not acceptable if a regular bunk is provided to any crew member, unless other arrangements are approved in advance by the Regional Administrator of designate.

(ii) Safe Conditions.

(A) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, statutes, and guidelines pertaining to safe operation of the vessel, including, but not limited to rules of the road, vessel stability, emergency drills, emergency equipment, vessel maintenance, vessel general condition and port bar crossings. An observer may refuse boarding or reboarding a vessel and may request a vessel to return to port if operated in an unsafe manner or if unsafe conditions are identified

(B) Have on board: a valid Commercial Fishing Vessel Safety Decal issued within the past 2 years or at a time interval consistent with current USCG regulations or policy that certifies compliance with regulations found in 33 CFR Chapter I and 46 CFR Chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(3) Computer Hardware and Software. [Reserved]

(iv) Vessel Position. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(v) Access. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working deck, holding bins, sorting areas, cargo hold, and any other space that may be used to hold, process, weigh, or store fish at any time.

(vi) Prior Notification. Notify observer(s) at least 15 minutes before fish are brought on board to allow sampling the catch.

(vii) Records. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(viii) Assistance. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(A) Measuring decks, codends, and holding bins.

(B) Providing a designated working area on deck for the observer(s) to collect, sort and store catch samples. As much as possible, the area should be free and clear of hazards including, but not limited to moving fishing gear, stored fishing gear, inclement weather conditions, and open hatches.

(C) Collecting samples of catch.

(D) Collecting and carrying baskets of fish.

(E) Allowing the observer(s) to collect biological data and samples.

(F) Providing adequate space for storage of biological samples.

(G) Providing time between hauls to sample and record all catch.

(H) Sorting retained and discarded catch into quota pound groupings.

(I) Stowing all catch from a haul before the next haul is brought aboard.

(3) Procurement of observer services.

(i) Owners of vessels required to carry observers under paragraph (a)(1) of this section must arrange for observer services from an observer provider permitted by the North Pacific Groundfish Observer Program under 50 CFR 679.50 i, except that:

(A) Vessels are required to procure observer services directly from NMFS when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by a permitted observer provider.

(B) Vessels are required to procure observer services directly from NMFS and a permitted observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by a permitted observer provider.

(4) Observer provider responsibilities. Observer providers must:

(i) Provide Qualified Candidates to Serve As Observers.

(A) To be qualified, a candidate must have:

(1) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(2) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(3) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(4) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(ii) Prior to Hiring an Observer Candidate, the Observer Provider Must:

(A) Provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties, for example, the West Coast Groundfish Observer Program's sampling manual. Observer job information is available from the Observer Program Office's web site at <http://www.nwfsc.noaa.gov/research/divisions/fram/observer/index.cfm>

(B) For each observer employed by an observer provider, either a written contract or a written contract addendum must exist that is signed by the observer and observer provider prior to the observer's deployment and that contains the following provisions for continued employment:

(1) That all the observer's in-season catch messages between the observer and NMFS are delivered to the Observer Program Office as specified by the Observer Program instructions;

(2) The observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that would prevent him or her from performing their assigned duties;

(3) Ensure that every observer completes a basic cardiopulmonary resuscitation/first aid course prior to the end of the NMFS West Coast Groundfish Observer Training class.

(4) NMFS may reject a candidate for training if the candidate does not meet the minimum qualification requirements as outlined by NMFS Minimum Eligibility Standards for observers listed above in paragraph XX.

(iii) Ensure That Observers Complete Duties in a Timely Manner. An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(A) Submit to NMFS all data, logbooks and reports and biological samples as required under the observer program policy deadlines.

(B) Report for his or her scheduled debriefing and complete all debriefing responsibilities; and

(C) Return all sampling and safety gear to the Observer Program Office at the termination of their contract.

(iv) Provide Vessels Only Observers:

(A) With a valid West Coast Groundfish observer certification to provide observer services;

(B) Who have not informed the provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in paragraph XX of this section that would prevent him or her from performing his or her assigned duties; and

(C) Who have successfully completed all NMFS required training and briefing before deployment.

(v) Respond To Industry Requests For Observers. An observer provider must provide an observer for deployment as requested by vessels to fulfill vessel requirements for observer coverage under **sections XX of this section**. An alternate observer must be supplied in each case where injury or illness prevents the observer from performing his or her duties or where the observer resigns prior to completion of his or her duties. If the observer provider is unable to respond to an industry request for observer coverage due to the lack of available observers by the estimated embarking time of the vessel, the provider must report it to NMFS, at minimum, 4 hours prior to the vessel's estimated embarking time.

(vi) Provide Observer Salaries And Benefits. An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract. The provider must also confirm that its observers are compensated with salaries that meet or exceed the U.S. Department of Labor guidelines for marine fishery observers. Observers shall be compensated as Fair Labor Standards Act non-exempt employees. Observer providers shall provide any other benefits and personnel services in accordance with the terms of each observer's contract or employment status.

(vii) Provide Observer Deployment Logistics.

(A) An observer provider must ensure each of its observers under contract:

(1) Has an individually assigned mobile or cell phones, in working order, for all necessary communication. An observer provider may alternatively compensate observers for the

use of the observer's personal cell phone or pager for communications made in support of, or necessary for, the observer's duties.

(2) Calls into the NMFS deployment hotline upon departing and arriving into port for each trip to leave the following information: observer name, phone number, vessel departing on, expected trip end date and time.

(3) Remains available to NMFS, including NMFS Office for Law Enforcement, for debriefing for at least two weeks following the end of their contract.

(4) Receive all necessary transportation, including arrangements and logistics, of observers to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to the debriefing location when a deployment ends for any reason; and

(5) Receive lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(B) An observer under contract may be housed on a vessel to which he or she is assigned:

(1) Prior to their vessel's initial departure from port;

(2) For a period not to exceed twenty-four hours following the completion of an offload when the observer has duties and is scheduled to disembark; or

(3) For a period not to exceed twenty-four hours following the vessel's arrival in port when the observer is scheduled to disembark.

(C) During all periods an observer is housed on a vessel, the observer provider must ensure that the vessel operator or at least one crew member is aboard.

(D) Otherwise, each observer between vessels, while still under contract with a permitted observer provider, shall be provided with accommodations at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations for the duration of each period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be assigned that bed for the duration of that observer's stay.

Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(viii) Observer Deployment Limitations and Workload. Not deploy an observer on the same vessel more than 45 calendar days in a 12-month period. Not exceed observer deployment limitations and workload as outlined in [paragraph \(h\)\(ii\)](#) above.

(ix) Verify Vessel's Safety Decal. An observer provider must verify that a vessel has a valid USCG safety decal as required under paragraph XX of this section before an observer may get underway aboard the vessel. One of the following acceptable means of verification must be used to verify the decal validity:

(A) An employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(x) Maintain Communications with Observers. An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, in transit, or in port awaiting vessel reassignment.

(xi) Maintain Communications With the Observer Program Office. An observer provider must provide all of the following information by electronic transmission (e-mail), fax, or other method specified by NMFS.

(A) Observer training and briefing registration materials. This information must be submitted to the Observer Program Office at least 7 business days prior to the beginning of a scheduled West Coast groundfish observer certification training or briefing session.

(1) Training registration materials consist of the following:

(i) Date of requested training;

(ii) A list of observer candidates. The list must include each candidate's full name (i.e., first, middle and last names), date of birth, and sex;

(iii) A copy of each candidate's academic transcripts and resume; and

(iv) A statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions.

(2) Briefing registration materials consist of the following:

(i) Date and type of requested briefing session and briefing location; and

(ii) List of observers to attend the briefing session. Each observer's full name (first, middle, and last names) must be included.

(iii) Projected observer assignments. Prior to the observer's completion of the training or briefing session, the observer provider must submit to the Observer Program Office a statement of projected observer assignments that includes each observer's name, current mailing address, e-mail address, phone numbers and port of embarkation ("home port").

(B) Physical examination. A signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared information. The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement will expire 12 months after the physical exam occurred. A new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(C) Certificates of Insurance. Copies of "certificates of insurance", that names the NMFS Observer Program leader as the "certificate holder", shall be submitted to the Observer Program

Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(1) Maritime Liability to cover “seamen’s” claims under the Merchant Marine Act (Jones Act) and General Maritime Law (\$1 million minimum).

(2) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act (\$1 million minimum).

(3) States Worker's Compensation as required.

(4) Commercial General Liability.

(D) Observer provider contracts. If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph XX of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. Said copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request for the contract at the address or fax number listed in paragraph (e)(3) of this section. Signed and valid contracts include the contracts an observer provider has with:

(1) Vessels required to have observer coverage as specified at [paragraph XX of this section](#); and

(2) Observers.

(E) Change in observer provider management and contact information. Except for changes in ownership addressed under paragraph XX) of this section, an observer provider must submit notification of any other change to the information submitted on the provider's permit application under paragraphs XX of this section. Within 30 days of the effective date of such change, this information must be submitted by fax or mail to the Observer Program Office at the address listed in paragraph XX of this section.

(F) Boarding Refusals. The observer service provider must report to NMFS any trip that has been refused by an observer within 24 hours of the refusal.

(G) Biological samples. The observer service provider must ensure that biological samples, including whole marine mammals, sea turtles, and sea birds, are stored/handled properly and transported to NMFS within 7 days of landing.

(H) Observer status report. Each week, observer providers must provide NMFS with an updated list of contact information for all observers that includes the observer’s name, mailing address, e-mail address, phone numbers, port of embarkation (“home port”), fishery deployed the

previous week and whether or not the observer is “in service”, indicating when the observer has requested leave and/or is not currently working for the provider.

(I) Providers must submit to NMFS, if requested, copies of any information developed and used by the observer providers distributed to vessels, such as informational pamphlets, payment notification, description of observer duties, etc.

(J) Other reports. Reports of the following must be submitted in writing to the West Coast Groundfish Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(1) Any information regarding possible observer harassment;

(2) Any information regarding any action prohibited under XX or §600.725(o), (t) and (u);

(3) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1 (a)(1) through (7),;

(4) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(5) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(xii) Replace Lost or Damaged Gear. An observer provider must replace all lost or damaged gear and equipment issued by NMFS to an observer under contract to that provider. All replacements must be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) Maintain Confidentiality of Information. An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act remain confidential and are not further released to anyone outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(ivx) Must Meet Limitations on Conflict of Interest. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer services, in the West Coast Groundfish fishery managed under an FMP for the waters off the coasts of Washington, Oregon, and California, including, but not limited to,

(1) Any ownership, mortgage holder, or other secured interest in a vessel, or shoreside processors facility involved in the catching, taking, harvesting or processing of fish,

(2) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of California, Oregon, and Washington, or

(3) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(vx) Must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers.

(A) The policy shall address the following behavior and conduct regarding:

(1) Observer use of alcohol;

(2) Observer use, possession, or distribution of illegal drugs and;

(3) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(B) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to observers, observer candidates and the Observer Program Office.

(vix) Refuse to deploy an observer on a requesting vessel if the observer service provider has determined that the requesting vessel is inadequate or unsafe pursuant to those described at §600.746 or U.S. Coast Guard and other applicable rules, regulations, statutes, or guidelines pertaining to safe operation of the vessel.

(5) Observer Certification and Responsibilities.

(i) Applicability. Observer certification authorizes an individual to fulfill duties as specified in writing by the NMFS Observer Program Office while under the employ of a NMFS-permitted observer provider and according to certification requirements as designated under paragraph XX of this section.

(ii) Observer Certification Official. The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certification.

(iii) Certification Requirements.

(A) Initial certification. NMFS will certify individuals who, in addition to any other relevant considerations:

(1) Are employed by an observer provider company permitted pursuant to 50 CFR 660.120 at the time of the issuance of the certification;

(2) Have provided, through their observer provider:

(i) Information identified by NMFS at 50 CFR 660.120 regarding an observer candidate's health and physical fitness for the job;

(ii) Meet all observer candidate education and health standards as specified in 50 CFR 660.120 and

(iii) Have successfully completed NMFS-approved training as prescribed by the West Coast Groundfish Observer Program.

(B) Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(C) Have not been decertified under paragraph XX of this section, or pursuant to 50 CFR 660.120.

(iv) Denial of an Initial Observer Certification. The NMFS observer certification official will issue a written determination denying observer certification if the candidate fails to successfully complete training, or does not meet the qualifications for certification for any other relevant reason.

(v) Issuance of an Initial Observer Certification. An observer certification will be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification.

(vi) Maintaining the Validity of an Observer Certification. After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(A) Successfully perform their assigned duties as described in the Observer Manual or other written instructions from the Observer Program Office including calling into the NMFS deployment hotline upon departing and arriving into port each trip to leave the following information: observer name, phone number, vessel name departing on, date and time of departure and date and time of expected return.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(D) Successfully complete NMFS-approved annual briefings as prescribed by the West Coast Groundfish Observer Program.

(E) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(F) Hold current basic cardiopulmonary resuscitation/first aid certification as per American Red Cross Standards.

(G) Successfully meet all expectations in all debriefings including reporting for assigned debriefings.

(H) Submit all data and information required by the observer program within the program's stated guidelines.

(I) Meet the minimum annual deployment period of 3 months at least once every 12 months.

(J) Limitations on Conflict of Interest. Observers:

(1) Must not have a direct financial interest, other than the provision of observer services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(i) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(ii) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(iii) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(2) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(3) May not serve as observers on any vessel or at any shore-based or floating stationary processing facility owned or operated by a person who previously employed the observers.

(4) May not solicit or accept employment as a crew member or an employee of a vessel or shore-based processor while employed by an observer provider.

(5) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(vii) Probation and Decertification. NMFS has the authority to review observer certifications and issue observer certification probation and/or decertification as described in NMFS policy found on the NMFS website specified in paragraph XX of this section.

(viii) Issuance of decertification. Upon determination that decertification is warranted under paragraph XX of this section, NMFS shall issue a written decision to decertify the observer to the observer and approved observer providers via certified mail at the observer's most current address provided to NMFS. The decision shall identify whether a certification is revoked and shall identify the specific reasons for the action taken. Decertification is effective immediately as of the date of issuance, unless the decertification official notes a compelling reason for maintaining certification for a specified period and under specified conditions. Decertification is the final decision of NMFS and the Department of Commerce and may not be appealed.

(j) Shoreside Catch Monitor Requirements for IFQ First Receivers.

(1) Catch Monitor Coverage Requirements. A catch monitor is required be present at each IFQ first receiver whenever an IFQ landing is received, unless the first receiver has been granted a written waiver from the catch monitor requirements by NMFS.

(2) Procurement of Catch Monitor Services. Owners or managers of each IFQ first receiver must arrange for catch monitor services from a certified catch monitor provider prior to accepting IFQ landings. IFQ first receivers are responsible for all associated costs including training time, debriefing time, and lodging while deployed.

(3) Catch Monitor Safety.

(i) Each IFQ first receiver must adhere to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of a processing and/or receiving facility.

(ii) The working hours of each individual catch monitor will be limited as follows:

(A) An individual catch monitor shall not be required or permitted to work more than 16 hours per calendar day, with maximum of 14 hours being work other than the summary and submission of catch monitor data.

(B) Following monitoring shift of more than 10 hours, each catch monitor must be provided with a minimum 6 hours break before they may resume monitoring.

(4) IFQ Landing Notification Requirements. Each IFQ first receiver must provide the catch monitor notification in person, by personal communications radio, or by telephone of the offloading schedule for each IFQ landing at least 30 minutes prior to, but not more than two hours before, offloading begins.

(5) Catch Monitor Access.

(i) Each IFQ first receiver must allow catch monitors free and unobstructed access to the catch throughout the sorting process and the weighing process.

(ii) The IFQ first receiver must ensure that there is an observation area available to the catch monitor that meets the following standards:

(A) Accessible to catch monitors, NMFS staff or NMFS-authorized agents at any time.

(B) The catch monitor must have an unobstructed view or otherwise be able to monitor the entire flow of fish between the delivery point and a location where all sorting has takes place and each species has been weighed. Adequate lighting must be provided during periods of limited visibility.

(iii) Each IFQ first receiver must allow catch monitors free and unobstructed access to any documentation required by regulation including fish tickets, scale printouts and scale test results.

(iv) Each IFQ first receiver must provide the catch monitors free and unobstructed access to a telephone line during the hours that Pacific whiting is being processed at the facility and 30 minutes after the processing of the last delivery each day.

(6) Lockable cabinet. Each IFQ first receiver must provide a secure, dry, and lockable cabinet or locker with the minimum dimensions of two feet wide by two feet tall by two feet deep for the exclusive use the catch monitor and NMFS staff or NMFS-authorized agents.

(7) Compliance Monitor Liaison. Each IFQ first receiver must designate a plant liaison. The catch monitor liaison who is responsible for:

- (A) Orienting new catch monitors to the facility;
- (B) Assisting in the resolution of catch monitoring concerns; and
- (C) Informing NMFS if changes must be made to the Monitoring Plan.

(8) Reasonable assistance. Each IFQ first receiver must provide reasonable assistance to the catch monitors to enable each catch monitor to carry out his or her duties. Reasonable assistance includes, but is not limited to: informing the monitor when bycatch species will be weighed, and providing a secure place to store equipment and gear.

(k) Catch weighing requirements.

(1) Catch Monitoring Plan. All first receivers must operate under a NMFS-approved catch monitoring plan.

(2) Sorting and weighing IFQ landings.

(i) Approved Scales. The owner of an IFQ first receiver must ensure that all IFQ species received from a vessel making an IFQ landing are weighed on a scale(s) that meets the requirements specified at [§660.15\(c\)](#).

(ii) Printed Record. All scales identified in the catch monitoring plan approved by NMFS during the first receiver site license application process, must produce a printed record for each delivery, or portion of a delivery, weighed on that scale, with the following exception: If approved by NMFS as part of the monitoring plan, scales not designed for automatic bulk weighing may be exempted from part or all of the printed record requirements. The printed record must include:

- (A) The first receiver's name;
- (B) The weight of each load in the weighing cycle;
- (C) The total weight of fish in each landing, or portion of the landing that was weighed on that scale;
- (D) The date the information is printed; and
- (E) The name and vessel registration or documentation number of the vessel making the delivery. The scale operator may write this information on the scale printout in ink at the time of printing.

(iii) Scales That May Be Exempt From Printed Report. A First Receiver that received no more than 200,000 pounds of groundfish in any calendar month during the prior calendar year will be exempted from the requirement to produce a printed record provided that:

- (A) The first receiver has not previously operated under a monitoring plan where a printed record was required; and
- (B) The First Receiver is able to ensure that all catch is weighed and that it is possible for a catch monitor, NMFS staff or NMFS-authorized agent to ensure that all catch is weighed.

(iv) Retention of Printed Records. A first receiver must maintain printouts on site until the end of the fishing year during which the printouts were made and make them available upon

request by NMFS staff or NMFS authorized personnel for 3 years after the end of the fishing year during which the printout was made.

(v) Weight Monitoring. A First Receiver must ensure that it is possible for the catch monitor, NMFS staff or NMFS-authorized agents to verify the weighing of all catch.

(vi) Catch sorting. All fish delivered to the plant must be sorted and weighed by species as specified at §660.130 (X).

(vii) Complete Sorting. Sorting and weighing must be completed prior to catch leaving the area that can be monitored from the catch monitor's observation area.

(viii) Pacific Whiting. For Pacific Whiting taken with midwater trawl gear, IFQ first receivers may use a in-line conveyor or hopper type scale to derive an accurate total catch weight prior to sorting. Immediately following weighing of the total catch and prior to processing or transport away from the point of landing, the catch must be sorted to the species groups specified in paragraph (h)(6)(i)(A) and all incidental catch (groundfish and non groundfish species) must be accurately weighed and the weight of incidental catch deducted from the total catch weight to derive the weight of target species.

(iX) For all other IFQ landings the following weighing standards apply:

(A) An in-line conveyor or automatic hopper scale may be used to weigh the predominant species after catch has been sorted. Other species must be weighed in a manner that facilitates tracking of the weights of those species.

(B) IFQ species or species group may be weighed in totes on a platform scale capable of printing a label or tag and recording the label or tag information to memory for printing a report as **specified XXXXXX**. The label or tag must remain affixed to the tote until the tote is emptied. The label or tag must show the following information:

- (1) The species or species group;
- (2) The weight of the fish in the tote;
- (3) The date the label or tag was printed.

(C) Totes and ice. No deduction may be made for the perceived weight of water or slime. This standard may be met by:

- (1) Taring the empty or pre iced tote on the scale prior to filling with fish;
- (2) Labeling each tote with an individual tare weight. This weight must be accurate within 500 grams (1 pound if scale is denominated in pounds) for any given tote and the average error for all totes may not exceed 200 grams (8 ounces for scales denominated in pounds);

(3) An alternate approach approved by NMFS. NMFS will only approve approaches that do not involve the estimation of the weight of ice or the weight of totes and allow NMFS staff or NMFS authorized personnel to verify that the deduction or tare weight is accurate.

(2) IFQ First Receiver Responsibilities Relative to Catch Weighing and Monitoring of Catch Weighing. The owner of an IFQ first receiver must:

(i) General.

(A) Ensure that all IFQ landings are sorted, and weighed as specified at §660.XXX and in accordance with an approved catch monitoring plan.

(ii) Catch Monitors, NMFS Staff, and NMFS-authorized agents.

(A) Have a Catch Monitor on site the entire time an IFQ landing is being offloaded, sorted, or weighed.

(B) Notify the catch monitor of the offloading schedule as specified at §660.140(j)(4).

(C) Provide catch monitors, NMFS staff, or a NMFS-authorized agent with unobstructed access to any areas where IFQ species are or may be sorted or weighed at any time IFQ species are being landed or processed.

(D) Allow catch monitors, NMFS personnel or a NMFS-authorized agent to observe the weighing of catch on the scale and to read the scale display at any time.

(E) Ensure that printouts of the scale weight of each delivery or offload are made available to catch monitors, NMFS staff or to NMFS-authorized agent at the time printouts are generated.

(3) Scale tests.

(i) All testing must meet the scale test standards specified at §660.15(c).

(ii) Inseason scale testing. First receivers must allow, and provide reasonable assistance to a catch monitor, NMFS personnel or a NMFS-authorized agent to test scales used to weigh IFQ catch. A scale that does not pass an inseason test may not be used to weigh IFQ catch until the scale passes an inseason test or is approved for continued use by the weights and measures authorities of the state in which the scale is located. XXTHERE

(iv) Equipment failure. [Reserved]

(i) Any vessel registered to a trawl endorsed limited entry permit fishing for shorebased IFQ Program QP is exempt from the gear endorsement restrictions specified at 660.334 (b) if the following gears are used to harvest QP provided all fishing is conducted pursuant to the management measures specified of the gear:

(A) Limited entry longline gear, consistent with the provisions in Subpart E.

(B) Limited entry pot or trap gear, consistent with the provisions in Subpart E.

(ii) Any vessel registered to a trawl endorsed limited entry permit that fishes in the Shorebased IFQ Program would not be required to cover their groundfish catch with QP if the groundfish are caught with non-groundfish trawl gear; legal gear defined for the harvest of species managed under the coastal pelagic species FMP; legal gear defined for the harvest of species managed under the highly migratory species FMP; salmon troll; crab pot; or and LE fixed gear if the vessel also has a LE permit endorsed for fixed-gear (longline or fish pot) AND has a valid declaration as specified at 660.XXXX for the Limited Entry fixed-gear fishery.

(iii) The following species would be accepted from the QP requirement:

(A) longspine thornyheads south of 34°27' N latitude,

(B) minor nearshore rockfish (north and south),

(C) black rockfish (WOC),

- (D) California scorpionfish,
- (E) cabezon, kelp greenling,
- (F) shortbelly rockfish, and
- (G) spiny dogfish.
- (m) Adaptive Management Program. [Reserved]

§660.150 Mothership (MS) Coop Program.

(a) General. * * *

(b) Participation Requirements and Responsibilities.

(1) Mothership Vessels.

(i) Mothership Vessel Participation Requirements. A vessel is eligible to receive and process catch as a mothership in the MS coop program if:

(A) The vessel is registered to a MS permit.

(B) The vessel is not used to fish as a catcher vessel in the mothership sector of the Pacific whiting fishery in the same calendar year.

(C) The vessel is not used to fish as a catcher/processor in the Pacific whiting fishery in the same calendar year.

(D) If the vessel is a bareboat charter XXXXXX

(E) ~~The vessel has not been under foreign registry and fished in the territorial waters or exclusive economic zones of other countries, as per Section 12102(e)(6) of the AFA.~~

(ii) Mothership Vessel Responsibilities. The owner and operator of a mothership vessel must:

(A) Recordkeeping. Maintain a valid declaration as specified at §660.13(d); and, maintain and submit all records and reports specified at §660.113(c) including, scale tests records, and cease fishing declarations.

(B) Observers. Procure observer services as specified at §660.XXX, maintain the appropriate level of coverage as specified at §660.XXX, and meet the vessel responsibilities specified at §660.XXX.

(C) Catch Weighing Requirements.

(1) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in section §660.15 (b), is tested as is required at §660.XXX, and is operated as required at §660.XXX;

(2) Provide a NMFS-approved platform scale and test weights that meet the requirements of described in section §660.15 (b) and that is tested as is required at 660.XXX.

(B) Centralized Registry Of Ownership. [Reserved]

(2) Mothership Catcher Vessels.

(i) Mothership Catcher Vessel Participation Requirements. (A) A vessel is eligible to harvest in the MS coop program if the following conditions are met:

(1) If the vessel is used to fish as a mothership catcher vessel for a permitted MS coop, the vessel is registered to a limited entry permit with a trawl endorsement and is listed on the MS coop permit.

(2) If the vessel is used to harvest fish in the non-coop fishery, the vessel is registered to a MS/CV endorsed limited entry permit.

(3) The vessel is not used to harvest fish or process as a mothership or catcher/processor vessel in the same calendar year.

(4) The vessel does not catch more than 30 percent of the Pacific whiting allocation for the mothership sector.

(ii) Mothership Catcher Vessel Responsibilities.

(A) Observers. Procure observer services as specified at 660.XXX, maintain the appropriate level of coverage as specified at 660.XXX, and meet the vessel responsibilities specified at 660.XXX.

(B) Recordkeeping and reporting. Provide a valid declarations for the XXXfisheryXXX as specified at 660.XX; maintain all required logbooks as specified at XXXXXX; Centralized registry of ownership.

(C) [Reserved]

(3) MS Coops.

(i) MS Coop Formation. For a MS coop to participate in the Pacific whiting mothership sector fishery it must:

(A) be issued a MS coop permit;

(B) be owned and operated by MS/CV endorsed limited entry permit owners;

(C) be formed voluntarily;

(D) be a legally recognized entity that represents its members and employs a designated coop manager;

(E) have at least 20 percent of all MS/CV permits as members. The coop membership percentage will be interpreted by rounding to the nearest whole permit (i.e. 0.1 through 0.4 rounds down and 0.5 through 0.9 rounds up).

(ii) MS Coop.

(A) MS Coop Responsibilities. A MS coop is responsible for:

(1) Applying for and receive a MS Coop Permit;

(2) Organizing and coordinating harvest activities of vessels registered to member permits;

(3) Reassigning catch history assignments for use by coop members;

(4) Organizing and coordinating the transfer and leasing of catch allocations with other permitted coops through inter-coop agreements;

(5) Monitoring harvest activities and enforcing the catch limits of coop members;

(6) Submitting an annual report.

(B) Designated Coop Manager. The designated coop manager must:

(1) Serve as the contact person between NMFS, the Council and other coops;

- (2) Organize the annual distribution of catch and bycatch between coop members;
- (3) Oversee reassignment of catch within the coop;
- (4) Oversee inter-coop catch reassignments;
- (5) Prepare and submit an annual reports on behalf of the coop; and,
- (6) Be authorized to receive or respond to any legal process in which the coop is involved.

(iii) Liability for violations. A MS coop must comply with the provisions of this section. The permit owners, and vessels owners and operators registered to the member permits, including vessels under contract, are responsible for the fishery cooperative comply with the provisions of this section. XXX

(iv) MS Coop Failure.

(A) A permitted MS coop is considered to have failed if:

- (1) the coop members voluntarily dissolve the coop, or
- (2) the coop membership falls below 20 percent of the MS/CV endorsed limited entry permits, or

(3) the coop agreement is no longer valid, or

(4) the coop fails to meet the MS coop responsibilities specified at 660.XXX.

(B) If a permitted MS coop dissolves, the designated coop manager must notify NMFS SFD in writing of the dissolution of the coop.

(C) The Regional Administrator may make an independent determination of a permitted coop failure based on factual information collected by or provided to NMFS.

(D) In the event of a NMFS determined coop failure, or reported failure, the designated coop manager will be notified in writing about NMFS' determination. Upon notification of a coop failure, the MS coop permit will no longer be in effect. Should a coop failure determination be made during the Pacific whiting primary season for the mothership sector, unused allocation associated with the catch history will not be available for harvest by the coop that failed or any other MS coop.

(c) Inter-coop Agreements.

(1) Permitted MS coops may voluntarily enter into inter-coop agreements for the purpose of sharing permitted MS coop allocations of Pacific whiting and allocated non-whiting groundfish.

(2) If two or more permitted MS coops enter into an inter-coop agreement, the inter-coop agreement must incorporate and honor the provisions of each permitted MS coop. Changes or modifications to the existing permitted MS coop agreements must be submitted to NMFS and accepted by NMFS prior to the permitted MS coop entering in to an inter-coop agreement.

(d) MS Coop Program Species and Allocations. * * *

(1) MS Coop Program Species. * * *

(2) Annual Mothership Sector Sub-Allocations. Annual allocation amount(s) will be determined using the following procedure:

(i) Mothership Catcher Vessel Catch History Assignments. Catch history assignments will be based on catch history using the following methodology.

(A) Pacific whiting Catch History Assignment. For each MS/CV endorsed limited entry permit, the entire catch history assignment of Pacific whiting will be annually allocated to a single permitted MS coop or to the non-coop fishery. A MS/CV permit owner cannot divide the catch history assignment to more than one MS coop or to the non-coop fishery for that year. Once assigned to a permitted MS coop or the non-coop fishery, it remains with that permitted MS coop or non-coop fishery for that calendar year. When the mothership sector allocation is established through the final Pacific whiting specifications, the information for the conversion of catch history assignment to pounds will be made available to the public through a Federal Register announcement and/or public notice and/or the NMFS website.

(B) Non-whiting Groundfish Species Catch.

(1) Groundfish species with a mothership sector allocation established in regulation at § 660.55(X), including overfished species, will be divided annually between the permitted coops and the non-coop fisheries. The pounds associated with each permitted MS coop will be provided when the coop permit is issued.

(2) Groundfish species with at-sea sector set-asides, will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on another fisheries, or conservation concerns in which case inseason action may be taken. Set asides may be adjusted through the biennial specifications and management measures process as necessary.

(3) Groundfish species not addressed in paragraph (1) or (4) above, will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on another fisheries, or conservation concerns in which case inseason action may be taken.

(5) Halibut set-asides. Annually a specified amount of the Pacific halibut will be held in reserve as a set-aside for the Pacific whiting mothership sector.

(ii) Annual Coop Allocations.

(A) Pacific whiting. Each permitted MS coop is authorized to harvest a quantity of Pacific whiting that is based on the sum of the catch history assignments for each MS/CV endorsed permit identified in the accepted coop agreement for a given calendar year. Eligible vessels registered to limited entry permits without a MS/CV endorsement do not bring catch allocation to a permitted MS coop.

(B) Non-whiting Groundfish with allocations. Sub-allocations of non-whiting groundfish species with allocations to permitted MS coops will be in proportion to the Pacific whiting catch history assignments assigned to each permitted MS coop.

(iii) Annual Non-Coop Allocation.

(A) Pacific whiting. The non-coop whiting fishery is authorized to harvest a quantity of Pacific whiting that is remaining in the mothership sector annual allocation after the deduction of all coop allocations.

(B) Non-whiting Groundfish With Allocations. The sub-allocation to the non-coop fishery will be in proportion to the mothership catcher vessel Pacific whiting catch history assignments for the non-coop fishery.

(C) Announcement of the Non-coop Fishery Allocations. Information on the amount of Pacific whiting and non-whiting groundfish with allocations that will be made available to the non-coop fishery when the final Pacific whiting specifications for the mothership sector is established and will be announced to the public through a Federal Register announcement and/or public notice and/or the NMFS website.

(3) Reaching an allocation or Sub-allocation. When the mothership sector Pacific whiting allocation, Pacific whiting sub-allocation, or non-whiting groundfish catch allocation is reached or is projected to be reached, the following action may be taken:

(i) Further harvesting, receiving or at-sea processing of by a mothership or catcher vessel in the mothership sector is prohibited when the mothership sector Pacific whiting allocation is projected to be reached. No additional unprocessed groundfish may be brought on board after at-sea processing is prohibited, but a mothership may continue to process catch that was on board before at-sea processing was prohibited. Pacific whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

(ii) When a permitted MS coop sub-allocation of Pacific whiting or non-whiting groundfish species is projected to be reached, further harvesting or receiving of groundfish by vessels fishing in the permitted MS coop must cease, unless the permitted MS coop is operating under an accepted inter-coop agreement. No additional unprocessed groundfish may be brought on board a mothership, but a mothership may continue to process catch that was on board before at-sea processing was prohibited.

(iii) When the non-coop fishery sub-allocation of Pacific whiting or non-whiting groundfish species is projected to be reached, further harvesting or receiving of groundfish by vessels fishing in under the non-coop fishery must cease. No additional unprocessed groundfish may be brought on board a mothership, but a mothership may continue to process catch that was on board before at-sea processing was prohibited.

(4) Non-whiting Groundfish Species Reapportionment. This paragraph describes the process for reapportioning non-whiting groundfish species with allocations between permitted MS coops and the catcher/processor sector. Reapportionment of mothership sector allocations to the catcher/processor will not occur until all permitted MS coops and the non-coop fishery have been closed by NMFS or have informed NMFS that they have ceased operations for the remainder of the calendar year.

(i) Within the Mothership Sector. The Regional Administrator may make available for harvest to permitted coops and the non-coop fishery that have not notified NMFS that they have ceased fishing for the year, the amounts of a permitted MS coop's non-whiting catch allocation remaining when a coop reaches its Pacific whiting allocation or when the designated coop manager notifies NMFS that a permitted coop has ceased fishing for the year. The reapportioned allocations will be in proportion to their original allocations.

(ii) Between the Mothership and Catcher/Processor Sectors. The Regional Administrator may make available for harvest to the catcher/processor sector of the Pacific whiting fishery identified in §660.373, the amounts of the mothership sector's non-whiting catch allocation remaining when the Pacific whiting allocation is reached or participants in the sector do not intend to harvest the remaining allocation. The designated coop manager, or in the case of an inter-coop, all of the designated coop managers must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year. At any time after greater than 80 percent of the Mothership sector Pacific whiting allocation has been harvested, the Regional Administrator may contact designated coop managers to determine whether they intend to continue fishing. When considering redistribution of non-whiting catch allocation, the Regional Administrator will take in to consideration the best available data on total projected fishing impacts. Reapportionment between permitted MS coops and the non-coop fishery within the mothership sector will be in proportion to their original coop allocations for the calendar year.

(iii) Set-aside species No inseason management actions are associated with set asides

(5) Announcements. The Regional Administrator will announce in the Federal Register when the mothership sector or the allocation of Pacific whiting or non-whiting groundfish with an allocation is reached, or is projected to be reached, and specify the appropriate action. In order to prevent exceeding an allocation and to avoid underutilizing the resource, prohibitions against further taking and retaining, receiving, or at-sea processing of Pacific whiting, or reapportionment of non-whiting groundfish with allocations may be made effective immediately by actual notice to fishers and processors, by e-mail, internet (www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Whiting-Management/index.cfm), phone, fax, letter, press release, and/or USCG Notice to Mariners (monitor channel 16 VHF), followed by publication in the Federal Register, in which instance public comment will be sought for a reasonable period of time thereafter.

(6) Redistribution of Annual Allocation.

(i) Between Members of a permitted MS Coop. The owners of MS/CV endorsed limited entry permits may lease or otherwise redistribute Pacific whiting catch shares between catcher vessels identified on the same MS coop permit through a private agreement, providing the processor obligation (§660.150 (d)(7)) has been met or a mutual agreement exception (§660.150 (d)(7)(i)) has been submitted to NMFS.

(ii) Between Permitted MS Coops (inter-coop). Through an inter-coop agreement, the designated coop managers of permitted MS coops may distribute Pacific whiting and non-whiting groundfish allocations among one or more permitted MS coops, providing the processor obligations (§660.150 (d)(7)) have been met or a mutual agreement exception (§660.150 (d)(7)(i)) has been submitted to NMFS.

(iii) Between Pacific Whiting Sectors. Pacific whiting may not be redistributed between the mothership sector and catcher/processor sector. Whiting may not be redistributed to the Shorebased IFQ Program.

(7) Processor Obligation and Mutual Agreement Exceptions.

(i) Processor Obligation. Through the annual MS Coop permit application process, the MS/CV endorsed permit owner must identify to NMFS to which MS permit the MS/CV permit owner intends to have the vessel registered to the MS/CV endorsed permit deliver its catch.

(ii) Expiration of a Processor Obligation. Processor obligations expire at the end of each calendar year when the MS Coop Permit expires. A processor obligation from the prior year may be changed for the following the calendar year through a new application for a MS Coop Permit.

(iii) The Processor Obligation When MS Coop Allocation is Redistributed. When a permitted MS coop redistributes Pacific whiting allocation within the permitted MS coop or from one permitted MS coop to another permitted MS coop through an inter-coop agreement, such allocations must be delivered to the mothership registered to the MS permit to which the allocation was obligated to through the processor obligation submitted to NMFS, unless a mutual agreement exception has been submitted to NMFS.

(iii) Mutual Agreement Exception. A catcher vessel can be released from a processor obligation through a mutual agreement exception. The MS/CV endorsed permit owner must submit a copy to NMFS of the written agreement that includes the initial MS permit owner's acknowledgment of the termination of the MS/CV endorsed permit owner's processor obligation and the MS/CV endorsed permit owner must identify a processor obligation for a new MS permit.

(ii) MS Permit Withdrawal. If a MS Permit withdraws from the mothership fishery XXX before catch shares have been and announced by NMFSXXX the MS/CV endorsed permit that is obligated to the MS permit is free to participate in the coop or non-coop fishery. In such an event, the MS/CV endorsed permit owner must provide to NMFS a written notification of the withdrawal of the MS permit that includes the initial MS permit owner's acknowledgment of the withdrawal along with a request to revise the processor obligation for a new MS permit or the non-coop fishery.

(iii) Submission of a Mutual Agreement Exception or MS Permit Withdrawal. Written notification of a mutual exception agreement or MS permit withdrawal must be submitted to NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115.

(e) MS Coop Permit And Agreement.

(1) Eligibility and Application Requirements to Register for a MS Coop Permit.

(i) Eligibility. To be an eligible coop entity a group of MS/CV endorsed permit owners (coop members) must be a recognized entity under the laws of the United States or the laws of a State and that represents all of the coop members .

(ii) Annual Registration and Deadline. A coop entity intending to participate as a coop under the MS Coop Program must submit an application for a MS coop permit by XXMarch 31XX of the year in which they intend to participate. NMFS will not consider any applications received after XXDATEXX. A MS coop permit expires on XXDecember 31XX of the year in which it was issued.

(iii) Application for a MS Coop Permit. The coop entity must submit a complete application form and each of the items listed in paragraphs (e)(2)(iii)(A) through (B). Only complete applications will be considered for issuance of a MS coop permit. NMFS may request additional supplemental documentation as necessary to make a determination of whether to approve or disapprove the application. Application forms and instruction are available on the NMFS NWR website (www.nwr.noaa.gov) or by request from NMFS.

(A) Coop Agreement. A coop agreement must include all of the information listed in this paragraph to be considered a complete coop agreement. NMFS will only review complete coop agreements. Coop agreements will not be accepted when the agreement unless it includes all of the required information; the descriptive items listed in this paragraph appear to meet the stated purpose; and information is submitted is correct and accurate.

(1) Coop Agreement Contents. Each coop agreement must be signed by all of the coop members (MS/CV endorsed permit owners) and include the following information:

(i) A listing of all vessels, including those registered to a MS/CV endorsed limited entry permit or a trawl-endorsed limited entry permit without a MS/CV endorsement that the member permit owners intend to use for fishing under the requested coop permit.

(ii) All MS/CV endorsed limited entry member permits identified by permit number.

(iii) The mothership sector catch history assignment associated with each member MS/CV endorsed limited entry permit.

(iv) All MS permits obligated to coop member permits by MS permit number and vessel registered to each MS permit.

(v) A processor obligation clause indicating that each MS/CV permit was obligated to a specific MS permit by July 1 of the previous year.

(vi) A clause indicting that each member MS/CV endorsed permit's catch history assignment is based on the catch history assignment that the member permit brings to the coop.

(vii) A description of the coop's plan to adequately monitor and account for the catch of Pacific whiting and non-whiting groundfish allocations, and to monitor and account for the catch of prohibited species.

(viii) A new member permit owner clause that requires new owners of member permit's to comply with membership restrictions in the coop agreements.

(ix) A description of the coop's enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations.

(x) A description of measures to reduce catch of overfished species.

(xi) A description of how the responsibility to manage inter-coop reassignment of catch history assignments will be met, should any occur.

(xii) A description of how the responsibility to produce an annual report documenting the coop's catch, bycatch data, inseason catch history reassignments and any other significant activities undertaken by the coop during the year will be met by XXdue dateXX.

(xiii) Identification of the designated coop manager.

Comment [blr9]: is this is correct?

APRIL MOTION LANGUAGE: Catch History Distributions Among Permits

Co-op agreements must stipulate that catch allocations to members of the co-op be based on their catch history calculation by NMFS used for distribution to the co-op.

(xiv) A signed clause by the designated coop manager acknowledging the responsibilities of a designated coop manager defined in §660.XXX.

(xv) A description for how the coop will be dissolved.

(xvi) ~~Provisions that prohibit members permit owners that have incurred legal sanctions from fishing in the coop.~~

(2) Department of Justice Correspondence. Each coop must submit a letter to the Department of Justice requesting a business review letter on the fishery coop. Copies of the letter and any correspondence with the Department of Justice regarding the request must be included in the application to NMFS for a MS Coop Permit.

(3) Inter-coop Agreement. The coop entity must provide, at the time of annual application, copies of any inter-coop agreement(s) into which the coop has entered. Such agreements must incorporate and honor the provisions of the individual coop agreements for each coop that is a party to the inter-coop agreement.

(B) Acceptance of a Coop Agreement.

(1) If NMFS does not accept the coop agreement, the coop permit application will be returned to the applicant with a letter stating the reasons the coop agreement was not accepted by NMFS.

(2) Coop agreements that are not accepted may be resubmitted for review by sufficiently addressing the deficiencies identified in the letter of rejection and resubmitting the entire coop permit application by the date specified in the letter of rejection.

(3) An approved coop agreement that was submitted with the MS coop permit application and for which a MS permit was issued will remain in place through the end of the calendar year. The designated coop manager must resubmit a complete coop agreement to NMFS consistent with the coop agreement contents described in this paragraph if there is a material change to the coop agreement.

(4) Within 3 days following a material change, a revised coop agreement must be submitted to NMFS with a letter that describes such changes. NMFS will review the material changes and provide a letter to the coop manager that either accepts the changes as given or does not accept the revised coop agreement with a letter stating the reasons that it was not accepted by NMFS. The coop may resubmit the coop agreement with further revisions to the material changes responding to NMFS concerns.

(iv) Effective Date of MS Coop Permit. A MS coop permit will be effective upon the date approved by NMFS and remain in effect until the end of the calendar year or until one or more of the following events occur, whichever comes first:

(A) NMFS closes the fishing season for the mothership sector or a specific MS coop or the designated coop manager notifies NMFS that the coop has completed fishing for the calendar year,

(B) the coop has reached its Pacific whiting allocation,

(C) a material change to the coop agreement has occurred and the designated coop manager failed to provide a revised coop agreement to NMFS within three calendar days of the material change, or

(D) NMFS has determined that a coop failure occurred.

(2) Initial Administrative Determination. For all complete applications, NMFS will issue an Initial Administrative Determination (IAD) that either approves or disapproves the application. If approved, the IAD will include a MS coop permit. If disapproved, the IAD will provide the reasons for this determination. An application will be disapproved if any required fees and annual reports have not been received by NMFS.

(2) Submission of Inter-Coop Agreements. Inter-coop agreements must be submitted to NMFS for acceptance.

(3) Inter-coop Agreement Review Process. Each designated coop manager must submit a copy of the inter-coop agreement signed by both designated coop managers for review. Complete coop agreements containing all items listed under **paragraph (C)** below will be reviewed by NMFS.

(4) Fees. The Regional Administrator will charge fees for administrative costs associated with the issuance of a MS permit consistent with the provisions given at **§660.XXX**.

(5) Appeals. The general permit appeals process is defined at **§660.25(g), subpart C**. If the application for a MS coop permit is disapproved, the applicant may either resubmit the MS Coop Permit application consistent with the provisions at **(e)(2)(iii)** or the applicant may appeal the IAD consistent with the provisions at **§ 660.20(g), subpart C**.

(6) Cost Recovery. The owner of a MS coop permit (coop entity) is required to pay all cost recovery fees associated with the harvest of Pacific whiting (bycatch species?) by the coop members in a given year. If the holder of a MS coop permit fails to pay in full the cost recovery fees by the deadline date, NMFS will not approve any future MS coop application from that coop.

(f) Mothership (MS) Permit.

(1) General. * * *

(2) Renewal, Change Of Permit Ownership, Or Vessel Registration. [Reserved]

(i) During the annual limited entry permit renewal processes all MS/CV limited entry permit owners must make a preliminary declaration regarding their intent to participate in the coop or non-coop portion of the MS coop program. MS/CV permits non-obligated to a permitted MS coop by XX the annual deadline date to register as a MS coopXX, will be assigned to the non coop fishery.

(3) Accumulation Limit. * * *

(4) Appeals. [Reserved]

(5) Fees. * * *

(6) Application Requirements and Initial Issuance for MS Permit. * * *

(g) Mothership Catcher Vessel (MS/CV) Endorsed Permit.

(1) General. * * *

(2) Change of Permit owner, vessel registration, vessel owner, or combination.

(v) Combination. An action by NMFS to combine two or more permits results on one permit with an increased size endorsement. If a MS/CV endorsed permit is combined with another limited entry permit, the resulting permit will be MS/CV endorsed. If a MS/CV endorsed permit is combined with a C/P endorsed permit, the resulting permit will be a C/P endorsed permit. If a MS/CV endorsed permit is combined with another MS/CV endorsed permit, the combined catch history assignment of the permit(s) will be added to the active permit (the permit remaining after combination) and the other permit will be retired. NMFS will not approve a permit combination if it results in a person exceeding the accumulation limits specified at §660.XXX. Any request to combine permits is subject to the provision provided at 660.335(b) and 660.334(C)(2)(iii).

(vi) Non-Coop Fishery

(3) Accumulation Limits. * * *

(i) MS/CV Permit Ownership Limit. * * *

(ii) Catcher Vessel Usage Limit. * * *

(4) Appeals. [Reserved]

(5) Fees. * * *

(6) Application Requirements and Initial Issuance for MS/CV Endorsement.

(i) Eligible Applicant. * * *

(ii) Qualifying Criteria for MS/CV Endorsement. * * *

(iii) Qualifying Criteria for Catch History Assignment. * * *

(iv) Prequalified Application. * * *

(v) Applicants Not Prequalified. * * *

(vi) Corrections to the Application. * * *

(vii) Submission of the Application and Application Deadline. * * *

(viii) Initial Administrative Determination. * * *

(ix) Appeals. * * *

(h) Non-Coop Fishery.

(A) Catch History Assignments: The owner of MS vessel must submit in writing to NMFS a letter indicating if it will participate in the non-coop fishery and which vessels are obligated to it.

(B) Access to Non-coop Fishery Allocation. All vessels registered to the MS/CV permits assigned to the non-coop fishery will have access to harvest and deliver the aggregate catch history assignment of all MS/CV permits assigned to the non coop fishery.

(C) Non-Coop Fishery Processor Obligation. Permits opting to participate in a non-coop are tied to the mothership until the end of the calendar year. Permits opting to participate in a non-coop are tied to the mothership until the end of the calendar year.

(D) Non-Coop Fishery Closure. The non-coop fishery will be closed by automatic action as specified at §660.XXX when the Pacific whiting or non-whiting allocations to the non-coop fishery have been reached or are projected to be reached.

Comment [blr10]: True??? If so, by when does it need to be submitted?

(i) [RESERVED].

(j) Observer Requirements.

(1) Observer coverage requirements.

(i) Coverage. Any vessel registered to a MS permit 125 ft (38.1 m) LOA or longer must carry two NMFS-certified observers, and any vessel registered to a MS permit mothership shorter than 125 ft (38.1 m) LOA must carry one NMFS-certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(ii) Any vessel delivering catch to any mothership must carry one NMFS-certified observer each day that the vessel is used to take groundfish.

(iii) Refusal to Board. Any boarding refusal on the part of the observer or vessel is reported to the observer program and NMFS OLE observer compliance coordinator by the observer provider and observer. Observer must be available for an interview with the observer program or OLE if necessary.

(iv) Observer Workload. For observers deployed on mothership vessels, the time required for the observer to complete sampling duties must not exceed 12 consecutive hours in each 24-hour period. For observers deployed aboard mothership catcher vessels, not exceed observer deployment limitations and workload as outlined in §660.140 (h)(ii).

(2) Vessel Responsibilities. An operator and/or crew of a vessel required to carry an observer must provide:

(i) Accommodations and food.

(A) Motherships. Provide accommodations and food that are equivalent to those provided for officers, engineers, foremen, deck-bosses or other management level personnel of the vessel.

(B) Catcher vessels. Provide accommodations and food that are equivalent to those provided to the crew.

(ii) Safe Conditions.

(1) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

(C) Have on board: a valid Commercial Fishing Vessel Safety Decal issued at a time interval consistent with current USCG regulations or policy that certifies compliance with regulations found in 33 CFR Chapter I and 46 CFR Chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(D) Computer hardware and software. Motherships vessels must:

(1) provide hardware and software pursuant to regulations at 50 CFR 679.50(g)(1)(iii)(B)(1) through 50 CFR 679.50(g)(1)(iii)(B)(3), as follows:

(2) provide the observer(s) access to a computer required under paragraph XXX of this section, and that is connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(3) Ensure that the mothership has installed the most recent release of NMFS data entry software provided by the Regional Administrator, or other approved software prior to the vessel receiving, catching or processing IFQ species.

(iii) Ensure that the communication equipment required in this paragraph (g)(1)(iii)(B) of this section and that is used by observers to enter and transmit data, is fully functional and operational. "Functional" means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph (g)(1)(iii)(B)(2) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

(2) Catcher vessels. [Reserved]

(E) Vessel position. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(F) Access. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(G) Prior notification. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(H) Records. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(I) Assistance. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

- (1) Measuring decks, codends, and holding bins.
- (2) Providing the observer(s) with a safe work area.
- (3) Collecting samples of catch.
- (4) Collecting and carrying baskets of fish.
- (5) Allowing the observer(s) to collect biological data and samples.
- (6) Providing adequate space for storage of biological samples.

(J) Sample Station and Operational Requirements For Mothership and Mothership

Catcher Vessels.

(1) Observer sampling station on Motherships. This paragraph contains the requirements for observer sampling stations on mothership vessels. To allow the observer to carry out required duties, the vessel owner must provide an observer sampling station that meets the requirements of paragraph (X)(X) (i) through (viii) of this section.

(i) Accessibility. The observer sampling station must be available to the observer at all times.

(ii) Location. The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch.

(iii) Access. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(iv) Minimum work space. The observer must have a working area of at least 4.5 square meters, including the observer's sampling table, for sampling and storage of fish to be sampled. The observer must be able to stand upright and have a work area at least 0.9 m deep in the area in front of the table and scale.

(v) Table. The observer sampling station must include a table at least 0.6 m deep, 1.2 m wide and 0.9 m high and no more than 1.1 m high. The entire surface area of the table must be available for use by the observer. Any area for the observer sampling scale is in addition to the minimum space requirements for the table. The observer's sampling table must be secured to the floor or wall.

(vi) Diverter Board. The conveyor belt conveying unsorted catch must have a removable board ("diverter board") to allow all fish to be diverted from the belt directly into the observer's sampling baskets. The diverter board must be located downstream of the scale used to weigh total catch. At least 1 m of accessible belt space, located downstream of the scale used to weigh total catch, must be available for the observer's use when sampling.

(vii) Other Requirements. The sampling station must be in a well-drained area that includes floor grating (or other material that prevents slipping), lighting adequate for day or night sampling, and a hose that supplies fresh or sea water to the observer.

(viii) Observer Sampling Scale. The observer sample station must include a NMFS-approved platform scale (pursuant to requirements at §679.28(j)(2)) with a capacity of at least 50 kg located within 1 m of the observer's sampling table. The scale must be mounted so that the weighing surface is no more than 0.7 m above the floor.

(2) Sampling Stations on Catcher Vessels Delivering To Motherships. This paragraph contains the requirements for observer sampling stations on mothership catcher vessels. To allow the observer to carry out the required duties, the vessel owner must provide an observer sampling station that meets the requirements of paragraphs (i) through (XX) of this section.

(i) Accessibility. The observer sampling station must be available to the observer at all times.

(ii) Hazards. As much as possible, the area should be free and clear of hazards including, but not limited to: moving fishing gear, stored fishing gear, inclement weather conditions, and open hatches.

(v) Transfer at-sea: Motherships must:

(A) Ensure that transfers of observers at sea via small boat under its own power are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(B) Notify observers at least 3 hours before observers are transferred, such that the observers can finish any sampling work, collect personal belongings, equipment, and scientific samples.

(C) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(D) Provide an experienced crew member to assist observers in the small boat in which any transfer is made.

(3) Procurement of observer services.

(i) Owners of vessels required to carry observers under paragraph XXXXX of this section must arrange for observer services from an observer provider permitted by the North Pacific Groundfish Observer Program under 50 CFR 679.50(i), except that:

(A) Vessels are required to procure observer services directly from NMFS when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by a permitted observer provider.

(B) Vessels are required to procure observer services directly from NMFS and a permitted observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by a permitted observer provider.

(4) Observer provider responsibilities.

(i) Qualifies Candidates. Observer providers must provide qualified candidates to serve as observers. To be qualified, a candidate must have:

(A) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(B) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(C) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(D) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(ii) Description of Observer Duties. The observer provider must provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties (i.e. The At-Sea Hake Observer Program's Observer Manual) prior to hiring the candidate. Observer job information is available from the Observer Program Office's web site at www.nwfs.noaa.gov/research/divisions/fram/observer/atseahake.cfm

(iii) Observer Contracts. The observer provider must provide for each observer, either a written contract or a written contract addendum that is signed by the observer and observer provider prior to the observer's deployment and that contains the following provisions for continued employment:

(A) That all the observer's catch reports required to be sent during the season are delivered to the Observer Program Office as specified by written Observer Program instructions;

(B) Prior to the time of embarkation, disclosure of any mental illness or physical ailments or injury that would prevent the candidate from performing their assigned duties of an observer

and which were not documented in the physician's statement submitted by the candidate as required in **paragraph XX** of this section;

(C) Requirement that ensures the observers complete duties in a timely manner. An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(1) Once an observer is scheduled for a final deployment debriefing under **paragraph XX of this section**, submit to NMFS all data, reports required by the Observer Manual, and biological samples from the observer's deployment by the completion of the electronic vessel and/or processor survey(s);

(2) Report for the scheduled debriefing and complete all debriefing responsibilities;

(3) Report to the observer program office and the NMFS OLE observer compliance coordinator any refusal to board an assigned vessel.

(4) Return all sampling and safety gear to the Observer Program Office.

(iv) Providing NMFS-certified Observers to Motherships. The observer provider must only provide observers to mothership vessels that have:

(A) a valid North Pacific groundfish observer certification endorsements and an At-Sea Hake Observer Program certification to provide observer services;

(B) not informed the provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in **paragraph XX** of this section that would prevent him or her from performing his or her assigned duties; and

(C) successfully completed all NMFS required training and briefing before deployment.

(v) Providing NMFS-certified Observers to Motherships. Observer providers must only provide observers to mothership catcher vessels that meet the certification and training requirements specified at **660.140 (h)** for vessels in the shorebased IFQ Program.

(vi) Respond to industry requests for observers. An observer provider must provide an observer for deployment as requested by vessels to fulfill vessel requirements for observer coverage specified at **sections XX**. An alternate observer must be supplied in each case where injury or illness prevents the observer from performing his or her duties or where the observer resigns prior to completion of his or her duties.

(vii) Provide Observer Salaries and Benefits. An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.

(viii) Provide Observer Deployment Logistics. An observer provider must provide to each of its observers under contract:

(A) All necessary transportation, including arrangements and logistics, of observers to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to the debriefing location when a deployment ends for any reason; and

(B) Lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(C) An observer under contract may be housed on a vessel to which he or she is assigned:

- (1) Prior to their vessel's initial departure from port;
- (2) For a period not to exceed twenty-four hours following the completion of an offload when the observer has duties and is scheduled to disembark; or
- (3) For a period not to exceed twenty-four hours following the vessel's arrival in port when the observer is scheduled to disembark.

(4) During all periods an observer is housed on a vessel, the observer provider must ensure that the vessel operator or at least one crew member is aboard.

(5) An observer under contract who is between vessel assignments must be provided with shoreside accommodations at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations for the duration of each period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be assigned that bed for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(ix) Not Exceed Observer Deployment Limitations. Unless alternative arrangements are approved by the Observer Program Office, an observer provider must not:

- (A) Deploy an observer on the same vessel more than 90 days in a 12-month period;
- (B) Deploy an observer for more than 90 days in a single deployment;
- (C) Include more than four vessels assignments in a single deployment, or
- (D) Disembark an observer from a vessel before that observer has completed his or her sampling or data transmission duties.

(x) Verify vessel's safety decal. An observer provider must verify that a vessel has a valid USCG safety decal as required under **paragraph XX** of this section before an observer may get underway aboard the vessel. One of the following acceptable means of verification must be used to verify the decal validity:

(A) The observer provider or employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(xi) Maintain communications with observers. An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, in transit, or in port awaiting vessel reassignment.

(xii) Maintain Communications With The Observer Program Office. An observer provider must provide all of the following information by electronic transmission (e-mail), fax, or other method specified by NMFS.

(A) Training and Briefing Registration Materials. The observer provider must submit training and briefing registration materials to the Observer Program Office at least 5 business

days prior to the beginning of a scheduled observer at-sea hake training or briefing session. Registration materials consist of the date of requested training or briefing with a list of observers. Each observer's full name (i.e., first, middle and last names).

(B) Projected Observer Assignments. Prior to the observer's completion of the training or briefing session, the observer provider must submit to the Observer Program Office a statement of projected observer assignments that include the observer's name; vessel, gear type, and vessel/processor code; port of embarkation; and area of fishing.

(C) Observer Debriefing Registration. The observer provider must contact the At-Sea Hake Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel name(s) and code(s), and requested debriefing date.

(D) Other Reports. Reports of the following must be submitted in writing to the At-Sea Hake Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(1) Any information regarding possible observer harassment;

(i) Any information regarding any action prohibited under section XX (660.12 Prohibitions section) or §600.725(o), (t) and (u);

(ii) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1 (X)(X) through (X);

(iii) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(iv) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described at paragraph XX of this section.

(vx) Replace lost or damaged gear. An observer provider must replace all lost or damaged gear and equipment issued by NMFS to an observer under contract to that provider. All replacements must be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(vix) Maintain Confidentiality of Information. An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act remain confidential and are not further released to anyone outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(viix) Limitations on Conflict of Interest. Observer providers must meet limitations on conflict of interest. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer services, in the West Coast Groundfish fishery managed under an FMP for the waters off the coasts of Washington, Oregon, and California, including, but not limited to,

(1) Any ownership, mortgage holder, or other secured interest in a vessel, or shoreside processor facility involved in the catching, taking, harvesting or processing of fish,

(2) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of California, Oregon, and Washington, or

(3) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(viii) Observer Conduct and Behavior. Observer providers must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers. The policy shall address the following behavior and conduct regarding:

(A) Observer use of alcohol;

(B) Observer use, possession, or distribution of illegal drugs and;

(C) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(D) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to: Observers, observer candidates and; the Observer Program Office.

(5) Observer certification and responsibilities.

(i) Observer Certification for Observers deployed on motherships:

(A) Applicability. Observer certification authorizes an individual to fulfill duties as specified in writing by the NMFS Observer Program Office while under the employ of a NMFS-permitted observer provider and according to certification endorsements as designated under paragraph XX of this section.

(B) Observer certification official. The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certification.

(C) Certification requirements. NMFS will certify individuals who, in addition to any other relevant considerations:

(1) Are employed by an observer provider company permitted pursuant to 50 CFR 679.50 at the time of the issuance of the certification;

(2) Have provided, through their observer provider:

(i) Information identified by NMFS at 50 CFR 679.50 regarding an observer candidate's health and physical fitness for the job;

(ii) Meet all observer education and health standards as specified in 50 CFR 679.50 and
(iii) Have successfully completed NMFS-approved training as prescribed by the At-Sea Hake Observer Program.

(A) Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training;

(B) meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(D) Have not been decertified under paragraph (X)(X) of this section, or pursuant to 50 CFR 679.50.

(E) Agency determinations on observer certification

(1) Denial of a certification. The NMFS observer certification official will issue a written determination denying observer certification if the candidate fails to successfully complete training, or does not meet the qualifications for certification for any other relevant reason.

(2) Issuance of an observer certification. An observer certification will be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified XXXXX.

(i) Endorsements. The following endorsements must be obtained, in addition to observer certification, in order for an observer to deploy.

(A) North Pacific Groundfish Observer Program certification training endorsement. A certification training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing certification training once more.

(B) North Pacific Groundfish Observer Program annual general endorsements. Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(C) North Pacific Groundfish Observer Program deployment endorsements. Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to their certification prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified in writing by the Observer Program during the observer's most recent debriefing.

(D) At-Sea Hake Observer Program endorsements. A Pacific hake fishery endorsement is required for purposes of performing observer duties aboard vessels that process groundfish at sea

in the Pacific whiting fishery. A Pacific whiting fishery endorsement to an observer's certification may be obtained by meeting the following requirements:

(2) Be a prior NMFS-certified observer in the groundfish fisheries off Alaska or the Pacific Coast;

(3) Receive an evaluation by NMFS for his or her most recent deployment (if any) that indicated that the observer's performance met Observer Program expectations for that deployment;

(a) Successfully complete a NMFS-approved observer training and/or Pacific whiting briefing as prescribed by the Observer Program; and

(b) Comply with all of the other requirements of this section.

(F) Limitations on conflict of interest.

(1) Observers: Must not have a direct financial interest, other than the provision of observer services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(i) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(ii) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(iii) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(2) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(3) May not serve as observers on any vessel or at any shore-based or floating stationary processing facility owned or operated by a person who previously employed the observers.

(4) May not solicit or accept employment as a crew member or an employee of a vessel or shoreside processor while employed by an observer provider.

(5) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(G) Standards of behavior.

(1) Observers must avoid any behavior that could adversely affect the confidence of the public in the integrity of the Observer Program or of the government, including but not limited to the following:

(i) Observers must:

(A) perform their assigned duties as described in the Observer Manual or other written instructions from the Observer Program Office.

(B) report to the observer program office and the NMFS OLE any time they refuse to board.

(C) accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(D) not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or processing facility, an authorized officer, or NMFS.

(H) Suspension and decertification—

(1) Suspension and decertification review official. The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue initial administrative determinations of observer certification suspension and/or decertification.

(2) Causes for suspension or decertification. The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

(i) When it is alleged that the observer has committed any acts or omissions of any of the following:

(A) Failed to satisfactorily perform the duties of observers as specified in writing by the NMFS Observer Program; or

(B) Failed to abide by the standards of conduct for observers as prescribed under paragraph XX of this section;

(ii) Upon conviction of a crime or upon entry of a civil judgment for:

(A) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program;

(B) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(C) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(3) Issuance of initial administrative determination. Upon determination that suspension or decertification is warranted under paragraph XX of this section, the suspension/decertification official will issue a written Initial Agency Determination (IAD) to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. If the IAD issues a suspension for an observer certification, the terms of the suspension will be specified. Suspension or decertification is effective immediately as of the date of issuance, unless the suspension/decertification official notes a compelling reason for maintaining certification for a specified period and under specified conditions.

(4) Appeals. A certified observer who receives an IAD that suspends or revokes his or her observer certification may appeal pursuant to paragraph XX of this section.

(i) Decisions on appeals of initial administrative decisions denying certification to, or suspending, or decertifying, an observer, will be made by the Regional Administrator (or designated official).

(ii) Appeals decisions shall be in writing and shall state the reasons therefore.

(iii) An appeal must be filed with the Regional Administrator within 30 days of the initial administrative decision denying, suspending, or revoking the observer's certification.

(iv) The appeal must be in writing, and must allege facts or circumstances to show why the certification should be granted, or should not be suspended or revoked, under the criteria in this section.

(v) Absent good cause for further delay, the Regional Administrator (or designated official) will issue a written decision on the appeal within 45 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department as of the date of the decision.

(B) Observers deployed on mothership catcher vessels. Certifications and responsibilities for observers deployed aboard mothership catcher vessels are found in 660.140 XXX.

(j) [Reserved]

(k) Catch Weighing Requirements.

(1) Approved Scales. The owner and operator of a mothership vessel must:

(i) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements specified at §660.15(b);

(ii) Provide a NMFS-approved platform scale and test weights to the observer that meet the requirements specified at §660.15(b) and §660.150 (j)(2)(J).

(2) At-sea Scale Tests. To verify that the scale meets the maximum permissible errors (MPEs) specified in this paragraph, the vessel operator must ensure that vessel crew test each scale used to weigh catch at least one time during each 24-hour period when use of the scale is required. The vessel owner must ensure that these tests are performed in an accurate and timely manner.

(i) Belt Scales. The MPE for the daily at-sea scale test is plus or minus 3 percent of the known weight of the test material. The scale must be tested by weighing at least 400 kg (882 lb) of fish or an alternative material supplied by the scale manufacturer on the scale under test. The known weight of the fish or test material must be determined by weighing it on a platform scale approved for use under § 679.28 (b)(7).

(ii) Platform Scales Used for Observer Sampling. A platform scale used for observer sampling must be tested at 10, 25, and 50 kg (or 20, 50, and 100 lb if the scale is denominated in pounds) using approved test weights. The MPE for the daily at-sea scale test is plus or minus 0.5 percent.

(iii) Approved Test Weights. Each test weight must have its weight stamped on or otherwise permanently affixed to it. The weight of each test weight must be annually certified by a National Institute of Standards and Technology approved metrology laboratory or approved for continued use by the NMFS authorized inspector at the time of the annual scale inspection.

(iv) Requirements for All Scale Tests.

(A) Notify the observer at least 15 minutes before the time that the test will be conducted, and conduct the test while the observer is present.

(B) Conduct the scale test and record the following information on the at-sea scale test report form:

(1) Vessel name;

(2) Month, day, and year of test;

(3) Time test started to the nearest minute;

(4) Known weight of test weights;

(5) Weight of test weights recorded by scale;

(6) Percent error as determined by subtracting the known weight of the test weights from the weight recorded on the scale, dividing that amount by the known weight of the test weights, and multiplying by 100; and

(7) Sea conditions at the time of the scale test.

(C) Maintain the test report form on board the vessel until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or NMFS authorized personnel. In addition, the vessel owner must retain the scale test report forms for 3 years after the end of the crab fishing year during which the tests were performed. All scale test report forms must be signed by the vessel operator.

(3) Scale Maintenance. The vessel owner must ensure that the vessel operator maintains the scale in proper operating condition throughout its use, that adjustments made to the scale are made so as to bring the performance errors as close as practicable to a zero value, and that no adjustment is made that will cause the scale to weigh inaccurately.

(4) Printed Reports From the Scale. The vessel owner must ensure that the printed reports are provided as required by this paragraph. Printed reports from the scale must be maintained on board the vessel until the end of the year during which the reports were made, and be made available to NMFS staff or NMFS authorized personnel. In addition, the vessel owner must retain printed reports for 3 years after the end of the year during which the printouts were made.

(i) Reports of Catch Weight and Cumulative Weight. Reports must be printed at least once every 24 hours **prior to submitting a landing report as described in § XXXX**. Reports must also be printed before any information stored in the scale computer memory is replaced. Scale weights must not be adjusted by the scale operator to account for the perceived weight of water, mud, debris, or other materials. Scale printouts must show:

(A) The vessel name and **Federal vessel permit number**;

(B) The date and time the information was printed;

(C) The haul number as recorded in the processors DCPL

(D) The Total weight of the haul; and

(E) The total cumulative weight of all fish and other material weighed on the scale since the last annual inspection

(ii) Printed Report From the Audit Trail. The printed report must include the information specified in sections 2.3.1.8, 3.3.1.7, and 4.3.1.8 of appendix A to 50 CFR part 679. The printed report must be provided to the authorized scale inspector at each scale inspection and must also be printed at any time upon request of NMFS staff or other NMFS-authorized personnel.

(iii) Platform scales used for observer sampling. A platform scale used for observer sampling is not required to produce a printed record.

(4) Equipment failure. [Reserved]

XX. [INSTRUCTION]

§660.160 Catcher/processor (C/P) Coop Program

(a) General. * * *

(b) Participation Requirements and Responsibilities.

(1) Catcher/Processor Vessels Participation Requirements. A vessel is eligible to fish as a catcher/processor in the C/P coop program if:

(i) The vessel is registered to a C/P permit.

(ii) The vessel is not used to harvest fish as a catcher vessel in the mothership coop program in the same calendar year.

(iii) The vessel is not used to fish as a mothership in the mothership coop program in the same calendar year.

(iv) ~~The vessel has not been under foreign registry and fished in the territorial waters or exclusive economic zones of other countries, as per Section 12102(e)(6) of the AFA.~~

(2) Catcher/Processor Responsibilities. The owner and operator of a catcher/processor vessel must:

(i) Recordkeeping and reporting. Maintain a valid declaration as specified at §660.13(d); and maintain and submit all records and reports specified at §660.113(d) including, scale tests records, and cease fishing declarations.

(ii) Observers. Procure observer services as specified at §660.XXX, maintain the appropriate level of coverage as specified at §660.XXX, and meet the vessel responsibilities specified at §660.XXX.

(ii) Catch Weighing requirements.

(A) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in section §660.15 (b), is tested as is required at §660.XXX, and is operated as required at §660.XXX;

(B) Provide a NMFS-approved platform scale and test weights that meet the requirements of described in section §660.15 (b) and that is tested as is required at 660.XXX.

(C) Centralized Registry Of Ownership. [Reserved]

(3) C/P Coops.

(i) C/P Coop Formation. For a C/P coop to participate in the catcher/processor sector of the Pacific whiting fishery, the C/P coop must:

(A) be issued a MS coop permit;

- (B) be owned and operated by C/P endorsed limited entry permit owners;
- (C) be formed voluntarily;
- (D) be a legally recognized entity that represents its members and employs a designated coop manager; and
- (E) have all C/P permit owners as coop members.

(ii) C/P Coop Responsibilities. A C/PS coop is responsible for:

- (A) applying for and being registered to a C/P Coop Permit;
- (B) organizing and coordinating harvest activities of vessels registered to member permits;
- (C) allocating catch for use by specific coop members;
- (D) monitoring harvest activities and enforcing the catch limits of coop members;
- (E) submitting an annual report.

(iii) Designated Coop Manager. The designated coop manager must:

- (A) serve as the contact person with NMFS and the Council;
- (B) organize the annual distribution of catch and bycatch between coop members;
- (C) prepare and submit an annual reports on behalf of the coop; and,
- (D) be authorized to receive or respond to any legal process in which the coop is involved.

(iv) Liability for Violations. A C/P coop must comply with the provisions of this section. The permit owners, and vessels owners and operators of vessels registered to the member permits, including vessels under contract, are responsible for the fishery cooperative complying with the provisions of this section. XXX

(v) Catcher/processor Coop Failure.

- (A) A coop failure results when:
 - (1) any vessel registered to a current C/P endorsed permit fishes without being identified in the C/P coop agreement submitted to NMFS during the coop permit application process;
 - (2) any vessel registered to a current C/P endorsed permit withdraws from the C/P coop agreement;
 - (3) the coop members voluntarily dissolve the coop;
 - (4) the coop agreement is no longer valid; or
 - (5) the coop fails to meet the C/P coop responsibilities specified at 660.XXX.
- (B) If the C/P coop dissolves, the designated coop manager must notify NMFS SFD in writing of the dissolution of the coop.
- (C) The Regional Administrator may make an independent determination of a coop failure based on factual information collected by or provided to NMFS.
- (D) In the event of a NMFS determined coop failure:
 - (1) The catcher/processor sector will convert to an IFQ-based fishery beginning the following calendar year after a coop failure, or as soon as practicable thereafter. NMFS will develop additional regulations, as necessary to implement an IFQ fishery for the C/P sector.
 - (2) each C/P endorsed permit would receive an equal percent (10 percent) of IFQ QS.

(c) C/P Coop Program Species. * * *

(1) C/P Coop Program Annual Allocations. The C/P Coop Program allocation is equal to the catcher/processor sector allocation. Only a single coop, comprised of all C/P endorsed permits, may be formed in the catcher/processor sector with the one permitted coop receiving the catcher/processor sector allocation.

(2) Non-whiting Groundfish Species.

(i) Non-whiting groundfish species with a catcher/processor sector allocation are established in accordance with regulation at §660.55(X). The XXpoundsXX associated with each species will be allocated to the coop permit is issued.

(ii) Groundfish species with at-sea sector set-asides, will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on another fisheries, or conservation concerns in which case inseason action may be taken. Set asides may be adjusted through the biennial specifications and management measures process as necessary.

(iii) Groundfish species not covered under paragraph (i) or (ii) above, will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on another fisheries, or conservation concerns in which case inseason action may be taken.

(3) Halibut Set-Asides. Annually a specified amount of the Pacific halibut will be held in reserve as a set-aside for the Pacific whiting catcher/processor sector.

(4) Non-Whiting Groundfish Species Reapportionment. The Regional Administrator may make available for harvest to the mothership sector of the Pacific whiting fishery as identified in §660.131(a), the amounts of a sector's non-whiting catch allocation remaining when a sector reaches its Pacific whiting allocation or participants in the sector do not intend to harvest the remaining sector allocation. The designated coop managers, must notify NMFS in writing when harvesting has concluded for the year. At any time after greater than 80 percent of the catcher/processor sector Pacific whiting allocation has been harvested, the Regional Administrator may contact designated coop managers to determine whether they intend to continue fishing. When considering redistribution of non-whiting catch allocation, the Regional Administrator will take into consideration the best available data on total projected fishing impacts.

(5) Reaching the Catcher/Processor Allocation. When the catcher/processor sector allocation of Pacific whiting is reached or is projected to be reached, the following action, may be taken:

(i) Pacific whiting. Further taking and retaining, receiving, or at-sea processing of Pacific whiting by a catcher/processor is prohibited when the catcher/processor sector Pacific whiting allocation is reached or projected to be reached. No additional unprocessed Pacific whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process Pacific whiting that was on board before at-sea processing was prohibited.

(ii) Non-whiting Groundfish With Allocations. The Catcher/processor sector will close when the allocation of any one species is reached or projected to be reached.

(6) Announcements. The Regional Administrator will announce in the Federal Register when the catcher/processor sector or the allocation of non-whiting groundfish with an allocation is reached, or is projected to be reached, and specify the appropriate action. In order to prevent exceeding an allocation and to avoid underutilizing the resource, prohibitions against further taking and retaining, receiving, or at-sea processing of Pacific whiting, or reapportionment of non-whiting groundfish with allocations may be made effective immediately by actual notice to fishers and processors, by e-mail, internet (www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Whiting-Management/index.cfm), phone, fax, letter, press release, and/or USCG Notice to Mariners (monitor channel 16 VHF), followed by publication in the Federal Register, in which instance public comment will be sought for a reasonable period of time thereafter.

(d) C/P Coop Permit and Agreement.

(1) Eligibility and Application Requirements to Register for a C/P Coop Permit.

(i) Eligibility. Only an entity that is a recognized entity under the laws of the United States or the laws of a State and that represents all of the coop members can apply for and obtain a C/P coop permit. ~~The only person that can hold a permit must be: 1) a United States citizen; or 2) a permanent resident alien; or 3) a corporation, partnership or other entity established under the laws of the United States or any State.~~

(ii) Annual Registration and Deadline. Each year, the coop entity must submit a complete application to NMFS for a C/P coop permit. The application must be submitted to NMFS by XXFebruary 1XX of the year in which they intend to participate. NMFS will not consider any applications received after XXDATEXX. A C/P coop permit expires on December 31 of the year in which it was issued.

(iii) Application for a C/P Coop Permit. The coop entity must submit a complete application form and include each of the items listed in paragraphs (e)(2)(iii)(A) through (B). Only complete applications will be considered for issuance of a C/P coop permit. NMFS may request additional supplemental documentation as necessary to make a determination of whether to approve or disapprove the application. Application forms and instruction are available on the NMFS NWR website (www.nwr.noaa.gov) or by request from NMFS.

(A) Coop agreement. A coop agreement must include all of the information listed in this paragraph to be considered a complete coop agreement. NMFS will only review complete coop agreements. Coop agreements will not be accepted when the agreement unless it includes all of the required information; the descriptive items listed in this paragraph appear to meet the stated purpose; and information is submitted is correct and accurate.

(1) Coop agreements contents. Each agreement must be signed by the coop members and include the following information:

(i) A listing of all vessels registered to C/P endorsed permits that the member permit owners intend to use for fishing under the C/P coop permit.

(ii) A listing of all C/P endorsed limited entry member permits identified by permit number.

(iii) A description of the coop's plan to adequately monitor and account for the catch of Pacific whiting and non-whiting groundfish allocations, and to monitor and account for the catch of prohibited species.

(iv) A new member permit owner clause that requires new owners of member permit's to comply with membership restrictions in the coop agreements.

(v) A description of the coop's plan for enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations and that Pacific halibut set-aside overages do not occur.

(vi) A description of measures to reduce catch of overfished species.

(vii) A description of how the coop's responsibility to produce an annual report documenting the coop's catch, bycatch data, and any other significant activities undertaken by the coop during the year will be met by XXdue dateXX.

(viii) Identification of the designated coop manager.

(ivx) A signed clause by the designated coop manager acknowledging the responsibilities of a designated coop manager defined in 660.XXXX.

(vx) A description for how the coop will be dissolved.

(vix) ~~Provisions that prohibit member permit owners that have incurred legal sanctions from fishing groundfish in the Council region~~

(2) Department of Justice Correspondence. Each coop must submit a letter to the Department of Justice requesting a business review letter on the fishery coop. Copies of the letter and any correspondence with the Department of Justice regarding the request must be included in the application to NMFS for a MS Coop Permit.

(B) Acceptance of a Coop Agreement.

(1) If NMFS does not accept the coop agreement, the coop permit application will be returned to the applicant with a letter stating the reasons the coop agreement was not accepted by NMFS.

(2) Coop agreements that are not accepted may be resubmitted for review by sufficiently addressing the deficiencies identified in the letter of rejection and resubmitting the entire coop permit application by the date specified in the letter of rejection.

(3) An approved coop agreement that was submitted with the C/P coop permit application and for which a C/P permit was issued will remain in place through the end of the calendar year. The designated coop manager must resubmit a complete coop agreement to NMFS consistent with the coop agreement contents described in this paragraph if there is a material change to the coop agreement.

(4) Within 3 days following a material change, a revised coop agreement must be submitted to NMFS. NMFS will review the material changes and provide a letter to the coop manager that either accepts the changes as given or does not accept the revised coop agreement with a letter stating the reasons that it was not accepted by NMFS. The coop may resubmit the coop agreement with further revisions to the material changes responding to NMFS concerns.

(iv) Effective Date of C/P Coop Permit. A C/P coop permit will be effective on the date approved by NMFS and remain in effect until the end of the calendar year or until one or more of the following events occur, whichever comes first:

(A) NMFS closes the fishing season for the catcher/processor sector or the designated coop manager notifies NMFS that the coop has completed fishing for the calendar year,

(B) the C/P coop has reached the catcher/processor sector Pacific whiting allocation,

(C) a material change to the coop agreement has occurred and the designated coop manager failed to provide a revised coop agreement to NMFS within three calendar days of the material change.

(D) NMFS has determined that a coop failure occurred.

(2) Initial Administrative Determination. For all complete applications, NMFS will issue an Initial Administrative Determination (IAD) that either approves or disapproves the application. If approved, the IAD will include a C/P coop permit. If disapproved, the IAD will provide the reasons for this determination. An application will be disapproved if any required fees and annual reports have not been received by NMFS.

(3) Fees. The Regional Administrator will charge fees for administrative costs associated with the issuance of a C/P Coop permit consistent with the provisions given at §660.XXX.XXXXX

(4) Appeals. The general permit appeals process is defined at § 660.25(g), subpart C. If the application for a C/P coop permit is disapproved, the applicant may either resubmit the C/P Coop Permit application consistent with the provisions at (d)(2)(iii) or the applicant may appeal the IAD consistent with the provisions at § 660.25(g), subpart C.

(5) Cost Recovery. The holder of a C/P coop permit (coop entity) is required to pay all cost recovery fees associated with the harvest of Pacific whiting (bycatch species?) by the coop members in a given year. If the holder of C/P coop permit fails to pay in full the cost recovery fees by the deadline date, NMFS will not reissue a C/P coop permit in a subsequent year.

(d) Catcher/Processor Endorsed Permit.

(1) General. * * *

(i) C/P Endorsement Not Separable from Permit. * * *

(ii) Vessel Size Endorsement. * * *

(iii) Restriction on Catcher/Processor Vessel Operating as a Catcher Vessel in the Mothership Sector. * * *

(iv) Restriction on C/P Vessel Operating as Mothership. * * *

(1) Operating as a Mothership. * * *

(2) Eligibility and Renewal for C/P endorsed permit.

(i) Eligibility. An owner of C/P endorsed limited entry permit must be eligible to own a U.S. documented vessel as given at 660.333(b).

(ii) Renewal of C/P endorsed limited entry permit. A C/P endorsed permit must be renewed consistent with the regulations given at 660.335(a). If a vessel registered to the C/P

endorsed permit will operate as a mothership, the permit owner must make a declaration as part of the C/P endorsed permit renewal consistent with the regulations at 660.373(h) (3)

(iii) Effective Date of the C/P endorsed permit. XXX

(3) Change in Permit Ownership, Vessel Registration, Vessel Owner, Transfer Or Combination.

(i) Changes in permit or vessel owner of C/P endorsed permit. The requirements for making a change in the permit owner or vessel owner found at 660.335(d) remain in effect with for the exception listed in paragraph (ii).

(ii) Frequency of Changes in Vessel Registration to a C/P Endorsed Limited Entry Permit. A limited entry permit with a catcher/processor endorsement may be registered to another vessel only once during a fishing season, except that it may be registered to another vessel two times during the fishing season as long as the second transfer is back to the original vessel. NMFS deems the original vessel to mean either the vessel registered to the permit as of January 1 or if no vessel is registered to the permit as of January 1, the original vessel is considered the first registration of a vessel after January 1. The frequency of transfer provisions at 660.20(b)(3)(x) does not apply to C/P endorsed permit.

(iii) Effective Date of Transfer of a C/P Endorsed Limited Entry Permit. A change in vessel registration to a C/P endorsed permit will be effective upon NMFS approval and not subject to provisions at 660.20(b)(3)(x).

(iv) Combination. A C/P endorsed permit that is combined with other trawl endorsed limited entry permits that do not have a C/P endorsement will result in a single trawl limited entry permit with a C/P endorsement with a larger size endorsement. The resulting size endorsement from a combination involving a C/P endorsed limited entry permit will be determined based on the existing combination formula given at 660.20(b)(2)(iii).

(4) Appeals. If NMFS disapproves an application for a C/P endorsement, the applicant may appeal the IAD. The appeal of the IAD shall be limited to whether NMFS made an accurate determination of eligibility based on the NORPAC Pacific whiting data and NMFS trawl limited entry permit data, as given at the time of publication of the proposed Grand Rule. The applicant must conform to the appeals procedures given at 50 CFR 660.

(5) Fees. * * *

(6) [Reserved]

(7) Appeals. The general permit appeals process is defined at § 660.25(g), subpart C.

The following permit appeals process is in addition to those and is specific to the C/P endorsements.

(i) Pacific whiting C/P endorsement. An applicant may appeals the denial of a catcher/processor endorsement. An applicant may not appeal the extrapolation method used to determine catch assignment to each permit but may appeal the data that is used as the basis for one or more specific catch assignment to its own permits.

(6) Cost Recovery. See Cost Recovery section for the C/P Coop Permit Section. If the C/P Coop fails, the owner of C/P endorsed permit or the owner of a vessel registered to C/P

endorsed permit in a given year may be required to pay cost recovery fees associated with QPs used by the vessel.

(7) Application Requirements and Initial Issuance for C/P endorsement.

(i) Eligible Applicant. * * *

(ii) Qualifying Criteria for C/P Endorsement. * * *

(iii) Prequalified Application. * * *

(iv) Applicants Not Prequalified. * * *

(v) Corrections to the Application.

(vi) Submission of the Application and Application Deadline.

(vii) Initial Administrative Determination. * * *

(viii) Appeal. * * *

(e) [Reserved]

(f) Observer Requirements.

(1) Observer Coverage Requirements.

(2) Coverage. Any vessel registered to a C/P permit that is 125 ft (38.1 m) LOA or longer must carry two NMFS-certified observers, and any vessel registered to a C/P permit that is shorter than 125 ft (38.1 m) LOA must carry one NMFS-certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(3) Refusal to board. Any boarding refusal on the part of the observer or vessel is reported to the observer program and NMFS OLE observer compliance coordinator by the observer provider and observer. Observer must be available for an interview with the observer program or OLE if necessary.

(4) Observer Workload. The time required for the observer to complete sampling duties must not exceed 12 consecutive hours in each 24-hour period.

(5) Vessel Responsibilities. An operator and/or crew of a vessel required to carry an observer must provide:

(i) Accommodations and Food. Provide accommodations and food that are equivalent to those provided for officers, engineers, foremen, deck-bosses or other management level personnel of the vessel.

(ii) Safe Conditions.

(A) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel.

(B) Have On Board: a valid Commercial Fishing Vessel Safety Decal issued within the past or at a time interval consistent with current USCG regulations or policy that certifies compliance with regulations found in 33 CFR Chapter I and 46 CFR Chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(iii) Computer Hardware and Software. Catcher/processors vessels must:

(A) provide hardware and software pursuant to regulations at 50 CFR 679.50(g)(1)(iii)(B)(1) through 50 CFR 679.50(g)(1)(iii)(B)(3).

(B) provide the observer(s) access to a computer required under paragraph (b)(3)(i) of this section that is connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(C) ensure that the catcher/processor has installed the most recent release of NMFS data entry software provided by the Regional Administrator, or other approved software prior to the vessel receiving, catching or processing IFQ species.

(D). Ensure that the communication equipment required in paragraph (g)(1)(iii)(B) of this section and used by observers to enter and transmit data, is fully functional and operational. “Functional” means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph (g)(1)(iii)(B)(2) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

(iv) Vessel Position. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(v) Access. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(vi) Prior Notification. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(vii) Records. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(viii) Assistance. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(A) Measuring decks, codends, and holding bins.

(B) Providing the observer(s) with a safe work area.

(C) Collecting samples of catch when requested by the observer(s).

(D) Collecting and carrying baskets of fish when requested by the observer(s).

(E) Allowing the observer(s) to collect biological data and samples.

(F) Providing adequate space for storage of biological samples.

(ix) Sample Station and Operational Requirements for catcher/processor vessels.

This paragraph contains the requirements for observer sampling stations. To allow the observer to carry out the required duties, the vessel owner must provide an observer sampling station that meets the requirements of paragraph (b)(9) (i) through (viii) of this section.

(A) Accessibility. The observer sampling station must be available to the observer at all times.

(B) Location. The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch.

(C) Access. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(D) Minimum Work Space. The observer must have a working area of at least 4.5 square meters, including the observer's sampling table, for sampling and storage of fish to be sampled. The observer must be able to stand upright and have a work area at least 0.9 m deep in the area in front of the table and scale.

(E) Table. The observer sampling station must include a table at least 0.6 m deep, 1.2 m wide and 0.9 m high and no more than 1.1 m high. The entire surface area of the table must be available for use by the observer. Any area for the observer sampling scale is in addition to the minimum space requirements for the table. The observer's sampling table must be secured to the floor or wall.

(F) Diverter board. The conveyor belt conveying unsorted catch must have a removable board ("diverter board") to allow all fish to be diverted from the belt directly into the observer's sampling baskets. The diverter board must be located downstream of the scale used to weigh total catch. At least 1 m of accessible belt space, located downstream of the scale used to weigh total catch, must be available for the observer's use when sampling.

(G) Other Requirements. The sampling station must be in a well-drained area that includes floor grating (or other material that prevents slipping), lighting adequate for day or night sampling, and a hose that supplies fresh or sea water to the observer.

(H) Observer Sampling Scale. The observer sample station must include a NMFS-approved platform scale (pursuant to requirements at [50 CFR 679.28\(d\)\(5\)](#)) with a capacity of at least 50 kg located within 1 m of the observer's sampling table. The scale must be mounted so that the weighing surface is no more than 0.7 m above the floor.

(I) Transfer At-sea. To ensure observer safety during at-sea transfers, vessels must:

(1) Ensure that transfers of observers at sea via small boat under its own power are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(2) Notify observers at least 3 hours before observers are transferred, such that the observers can finish any sampling work, collect personal belongings, equipment, and scientific samples.

(3) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(4) Provide an experienced crew member to assist observers in the small boat in which any transfer is made.

(3) Procurement of Observer Services.

(i) Owners of vessels required to carry observers under [paragraph \(a\)\(1\)](#) of this section must arrange for observer services from an observer provider permitted by the North Pacific Groundfish Observer Program under [50 CFR 679.50\(i\)](#), except that:

(A) Vessels are required to procure observer services directly from NMFS when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by a permitted observer provider.

(B) Vessels are required to procure observer services directly from NMFS and a permitted observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by a permitted observer provider.

(4) Observer provider responsibilities.

(i) Qualified Candidates. Observer providers must provide qualified candidates to serve as observers.

(A) To be qualified, a candidate must have:

(1) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(2) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(3) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(4) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(ii) Description of Observer Duties. The observer provider must provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties (i.e. The At-Sea Hake Observer Program's Observer Manual) prior to hiring an observer candidate. Observer job information is available from the Observer Program Office's web site at www.nwfsc.noaa.gov/research/divisions/fram/observer/atseahake.cfm

(iii) Observer Contracts. The observer provider must provide for each observer either a written contract or a written contract addendum that is signed by the observer and observer provider prior to the observer's deployment and that contains the following provisions for continued employment:

(A) That all the observer's catch reports required to be sent during the season are delivered to the Observer Program Office as specified by written Observer Program instructions;

(B) Prior to the time of embarkation, disclosure of any mental illness or physical ailment or injury that would prevent the candidate from performing the assigned duties of an observer and which were not documented in the physician's statement submitted by the candidate as required in [paragraph XX](#) of this section;

(C) Requirement that ensures the observers complete duties in a timely manner. An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(1) Once an observer is scheduled for a final deployment debriefing under [paragraph XX](#) of this section, submit to NMFS all data, reports required by the Observer Manual, and biological

samples from the observer's deployment by the completion of the electronic vessel and/or processor survey(s);

(2) Report for the scheduled debriefing and complete all debriefing responsibilities;

(3) Report to the observer program office and the NMFS OLE observer compliance coordinator any refusal to board an assigned vessel, and

(4) Return all sampling and safety gear to the Observer Program Office.

(iv) Providing NMFS-Certified Observers. The observer provider must only provide observers to vessels that have:

(A) a valid North Pacific groundfish observer certification endorsements and an At-Sea Hake Observer Program certification to provide observer services;

(B) not informed the provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in paragraph XX of this section that would prevent him or her from performing his or her assigned duties; and

(C) successfully completed all NMFS required training and briefing before deployment.

(v) Respond to Industry Requests for Observers. An observer provider must provide an observer for deployment as requested by vessels to fulfill vessel requirements for observer coverage specified under sections XX of this section. An alternate observer must be supplied in each case where injury or illness prevents the observer from performing his or her duties or where the observer resigns prior to completion of his or her duties.

(vi) Provide Observer Salaries And Benefits. An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.

(vii) Provide Observer Deployment Logistics. An observer provider must provide to each of its observers under contract:

(A) All necessary transportation, including arrangements and logistics, of observers to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to the debriefing location when a deployment ends for any reason; and

(B) Lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(1) An observer under contract may be housed on a vessel to which he or she is assigned:

(i) Prior to their vessel's initial departure from port;

(ii) For a period not to exceed twenty-four hours following the completion of an offload when the observer has duties and is scheduled to disembark; or

(iii) For a period not to exceed twenty-four hours following the vessel's arrival in port when the observer is scheduled to disembark.

(C) During all periods an observer is housed on a vessel, the observer provider must ensure that the vessel operator or at least one crew member is aboard.

(D) An observer under contract who is between vessel assignments, must be provided with shoreside accommodations including a licensed hotel, motel, bed and breakfast, or other

shoreside accommodations for the duration of each period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be assigned that bed for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(viii) Deployment Limitations. An observer provider must not exceed observer deployment limitations specified in this paragraph unless alternative arrangements are approved by the Observer Program Office. An observer provider must not:

- (A) Deploy an observer on the same vessel for more than 90 days in a 12-month period;
- (B) Deploy an observer for more than 90 days in a single deployment;
- (C) Include more than four vessel assignments in a single deployment, or
- (D) Disembark an observer from a vessel before that observer has completed his or her sampling or data transmission duties.

(ix) Verify Vessel's Safety Decal. An observer provider must verify that a vessel has a valid USCG safety decal as required under paragraph XX of this section before an observer may get underway aboard the vessel. One of the following acceptable means of verification must be used to verify the decal validity:

- (A) The observer provider or employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or
- (B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(x) Maintain Communications With Observers. An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, in transit, or in port awaiting vessel reassignment.

(xi) Maintain Communications With the Observer Program. An observer provider must provide all of the following information by electronic transmission (e-mail), fax, or other method specified by NMFS.

(A) Observer Training and Briefing. Observer training and briefing registration materials must be submitted to the Observer Program Office at least 5 business days prior to the beginning of a scheduled observer at-sea hake training or briefing session. Registration materials consist of the following: the date of requested training or briefing with a list of observers. Each observer's full name (i.e., first, middle and last names) must be included.

(B) Projected Observer Assignments. Prior to the observer's completion of the training or briefing session, the observer provider must submit to the Observer Program Office a statement of projected observer assignments that include the observer's name; vessel, gear type, and vessel/processor code; port of embarkation; and area of fishing.

(C) Observer Debriefing Registration. The observer provider must contact the At-Sea Hake Observer Program within 5 business days after the completion of an observer's deployment

to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel name(s) and code(s), and requested debriefing date.

(D) Other Reports. Reports of the following must be submitted in writing to the At-Sea Hake Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(1) Any information regarding possible observer harassment;

(2) Any information regarding any action prohibited under section XX (660.12 Prohibitions section) or §600.725(o), (t) and (u);

(3) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1 (a)(1) through (7),;

(4) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(5) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described at paragraph XX of this section.

(xii) Replace Lost or Damaged Gear. An observer provider must replace all lost or damaged gear and equipment issued by NMFS to an observer under contract to that provider. All replacements must be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) Maintain Confidentiality of Information. An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act remain confidential and are not further released to anyone outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(xiv) Conflict of Interest. An observer provider must meet limitations on conflict of interest. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer services, in the West Coast Groundfish fishery managed under an FMP for the waters off the coasts of Washington, Oregon, and California, including, but not limited to,

(1) Any ownership, mortgage holder, or other secured interest in a vessel or shoreside processor facility involved in the catching, taking, harvesting or processing of fish,

(2) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of California, Oregon, and Washington, or

(3) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(xv) Observer Conduct and Behavior. An observer provider must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers. The policy shall address the following behavior and conduct regarding:

(A) Observer use of alcohol;

(B) Observer use, possession, or distribution of illegal drugs and;

(C) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(D) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to:

Observers, observer candidates and;
the Observer Program Office.

(5) Observer Certification and Responsibilities.

(i) Observer Certification.

(A) Applicability. Observer certification authorizes an individual to fulfill duties as specified in writing by the NMFS Observer Program Office while under the employ of a NMFS-permitted observer provider and according to certification endorsements as designated under **paragraph XX** of this section.

(B) Observer Certification Official. The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certification.

(C) Certification Requirements. NMFS will certify individuals who, in addition to any other relevant considerations:

(1) Are employed by an observer provider company permitted pursuant to **50 CFR 679.50** at the time of the issuance of the certification;

(2) Have provided, through their observer provider:

(i) Information identified by NMFS at **50 CFR 679.50** regarding an observer candidate's health and physical fitness for the job;

(ii) Meet all observer education and health standards as specified in **50 CFR 679.50** and

(iii) Have successfully completed NMFS-approved training as prescribed by the At-Sea Hake Observer Program. Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(3) Have not been decertified under paragraph (f)(3) of this section, or pursuant to 50 CFR 679.50.

(D) Agency Determinations on Observer Certification.

(1) Denial of a Certification. The NMFS observer certification official will issue a written determination denying observer certification if the candidate fails to successfully complete training, or does not meet the qualifications for certification for any other relevant reason.

(2) Issuance of an Observer Certification. An observer certification will be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified in paragraph XX of this section. The following endorsements must be obtained, in addition to observer certification, in order for an observer to deploy.

(i) North Pacific Groundfish Observer Program certification training endorsement. A certification training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing certification training once more.

(ii) North Pacific Groundfish Observer Program annual general endorsements. Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(iii) North Pacific Groundfish Observer Program deployment endorsements. Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to their certification prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified in writing by the Observer Program during the observer's most recent debriefing.

(iv) At-Sea Hake Observer Program endorsements. A Pacific hake fishery endorsement is required for purposes of performing observer duties aboard vessels that process groundfish at sea in the Pacific whiting fishery. A Pacific whiting fishery endorsement to an observer's certification may be obtained by meeting the following requirements: Be a prior NMFS-certified observer in the groundfish fisheries off Alaska or the Pacific Coast, unless an individual with this qualification is not available; Receive an evaluation by NMFS for his or her most recent deployment (if any) that indicated that the observer's performance met Observer Program expectations for that deployment; Successfully complete a NMFS-approved observer training and/or Pacific whiting briefing as prescribed by the Observer Program; and Comply with all of the other requirements of this section.

(E) Limitations on Conflict of Interest. Observers:

(1) Must not have a direct financial interest, other than the provision of observer services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, or in a Pacific Coast fishery managed by either the state or Federal governments in waters off Washington, Oregon, or California, including but not limited to:

(i) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(ii) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(iii) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(2) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(3) May not serve as observers on any vessel or at any shore-based or floating stationary processing facility owned or operated by a person who previously employed the observers.

(4) May not solicit or accept employment as a crew member or an employee of a vessel or shore-based processor while employed by an observer provider.

(5) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(F) Standards of Behavior.

(1) Observers must avoid any behavior that could adversely affect the confidence of the public in the integrity of the Observer Program or of the government, including but not limited to the following:

Observers must:

(i) perform their assigned duties as described in the Observer Manual or other written instructions from the Observer Program Office.

(ii) report to the observer program office and the NMFS Office of Law Enforcement any time they refuse to board a vessel.

(iii) accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(iv) not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or processing facility, an authorized officer, or NMFS.

(G) Suspension and Decertification.

(1) Suspension and decertification review official. The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will

have the authority to review observer certifications and issue initial administrative determinations of observer certification suspension and/or decertification.

(2) Causes for suspension or decertification. The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

(i) When it is alleged that the observer has committed any acts or omissions of any of the following: Failed to satisfactorily perform the duties of observers as specified in writing by the NMFS Observer Program; or Failed to abide by the standards of conduct for observers as prescribed under paragraph XX of this section;

(ii) Upon conviction of a crime or upon entry of a civil judgment for: commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(3) Issuance of Initial Administrative Determination. Upon determination that suspension or decertification is warranted under paragraph XX of this section, the suspension/decertification official will issue a written Initial Agency Determination (IAD) to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. If the IAD issues a suspension for an observer certification, the terms of the suspension will be specified. Suspension or decertification is effective immediately as of the date of issuance, unless the suspension/decertification official notes a compelling reason for maintaining certification for a specified period and under specified conditions.

(4) Appeals. A certified observer who receives an IAD that suspends or revokes his or her observer certification may appeal pursuant to paragraph XX of this section.

(i) Decisions on appeals of initial administrative decisions denying certification to, or suspending, or decertifying, an observer, will be made by the Regional Administrator (or designated official).

(ii) Appeals decisions shall be in writing and shall state the reasons therefore.

(iii) An appeal must be filed with the Regional Administrator within 30 days of the initial administrative decision denying, suspending, or revoking the observer's certification.

(iv) The appeal must be in writing, and must allege facts or circumstances to show why the certification should be granted, or should not be suspended or revoked, under the criteria in this section.

(v) Absent good cause for further delay, the Regional Administrator (or designated official) will issue a written decision on the appeal within 45 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department as of the date of the decision.

(g) [Reserved]

(h) Catch Weighting Requirements.

(1) Approved Scales. The owner and operator of a catcher/processor vessel must:

(i) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements specified at §660.15(b);

(ii) Provide a NMFS-approved platform scale and test weights to the observer that meet the requirements specified at §660.15(b) and §660.160 (f)(2)(ix).

(2) At-sea scale tests. To verify that the scale meets the maximum permissible errors (MPEs) specified in this paragraph, the vessel operator must ensure that vessel crew test each scale used to weigh catch at least one time during each 24-hour period when use of the scale is required. The vessel owner must ensure that these tests are performed in an accurate and timely manner.

(i) Belt scales. The MPE for the daily at-sea scale test is plus or minus 3 percent of the known weight of the test material. The scale must be tested by weighing at least 400 kg (882 lb) of fish or an alternative material supplied by the scale manufacturer on the scale under test. The known weight of the fish or test material must be determined by weighing it on a platform scale approved for use under § 679.28 (b)(7).

(ii) Platform scales used for observer sampling. A platform scale used for observer sampling must be tested at 10, 25, and 50 kg (or 20, 50, and 100 lb if the scale is denominated in pounds) using approved test weights. The MPE for the daily at-sea scale test is plus or minus 0.5 percent.

(iii) Approved test weights. Each test weight must have its weight stamped on or otherwise permanently affixed to it. The weight of each test weight must be annually certified by a National Institute of Standards and Technology approved metrology laboratory or approved for continued use by the NMFS authorized inspector at the time of the annual scale inspection.

(iv) Requirements for all scale tests.

(A) Notify the observer at least 15 minutes before the time that the test will be conducted, and conduct the test while the observer is present.

(B) Conduct the scale test and record the following information on the at-sea scale test report form:

(1) Vessel name;

(2) Month, day, and year of test;

(3) Time test started to the nearest minute;

(4) Known weight of test weights;

(5) Weight of test weights recorded by scale;

(6) Percent error as determined by subtracting the known weight of the test weights from the weight recorded on the scale, dividing that amount by the known weight of the test weights, and multiplying by 100; and

(7) Sea conditions at the time of the scale test.

(C) Maintain the test report form on board the vessel until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or NMFS authorized personnel. In addition, the vessel owner must retain the scale test

report forms for 3 years after the end of the crab fishing year during which the tests were performed. All scale test report forms must be signed by the vessel operator.

(3) Scale maintenance. The vessel owner must ensure that the vessel operator maintains the scale in proper operating condition throughout its use, that adjustments made to the scale are made so as to bring the performance errors as close as practicable to a zero value, and that no adjustment is made that will cause the scale to weigh inaccurately.

(4) Printed reports from the scale. The vessel owner must ensure that the printed reports are provided as required by this paragraph. Printed reports from the scale must be maintained on board the vessel until the end of the year during which the reports were made, and be made available to NMFS staff or NMFS authorized personnel. In addition, the vessel owner must retain printed reports for 3 years after the end of the year during which the printouts were made.

(i) Reports of Catch Weight and Cumulative Weight. Reports must be printed at least once every 24 hours prior to submitting a landing report as described in § XXXX. Reports must also be printed before any information stored in the scale computer memory is replaced. Scale weights must not be adjusted by the scale operator to account for the perceived weight of water, mud, debris, or other materials. Scale printouts must show:

(A) The vessel name and Federal vessel permit number;

(B) The date and time the information was printed;

(C) The haul number as recorded in the processors DCPL

(D) The Total weight of the haul; and

(E) The total cumulative weight of all fish and other material weighed on the scale since the last annual inspection

(ii) Printed Report From the Audit Trail. The printed report must include the information specified in sections 2.3.1.8, 3.3.1.7, and 4.3.1.8 of appendix A to 50 CFR part 679. The printed report must be provided to the authorized scale inspector at each scale inspection and must also be printed at any time upon request of NMFS staff or other NMFS-authorized personnel.

(iii) Platform scales used for observer sampling. A platform scale used for observer sampling is not required to produce a printed record.

Subpart E – West Coast Groundfish - Fixed Gear Fisheries

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Subpart F – West Coast Groundfish - Open Access Fisheries

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Subpart G – West Coast Groundfish – Recreational Fisheries

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Groundfish Trawl Catch Share Tracking and Implementation Plan

Current	Catch shares
	Observers

Tasks

Record fishing effort and estimate total, retained and discard catch weight by species	Same
Determine species composition of retained and discarded catch (trawlers) and document reasons for discard	Same
Record interactions and sightings of protected species (marine mammals, turtles, seabirds, salmon)	Same
Take biological samples from tagged fish and discards and viability of Pacific halibut	Same

Equipment

Laptop computer, cell phone, cell plan, internet plan, safety equipment, sampling equipment	Same
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Training

1 training per year	Up to 4 trainings per year with training to start in 2010
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Debriefing

Every 2 months	Same
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Paperwork

Paper data forms	New systems to improve speed of data turnaround (e.g. scannable forms)
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Employer/contract

PSMFC contracts w/AOI	PSMFC contracts w/N Pacific certified observer providers in 2010; Industry contracts w/providers in out years
100% Federal funding	The intent is that industry will pay 10% of observer cost in 2011 The intent is to have industry pay 100% of observer costs by 2014 w/ramp down rates to be determined (subject ot available Federal funding)
Approx. 20% trawl coverage	100% catch share coverage

<i>Current</i>	<i>Catch shares</i>
<i>Compliance monitors</i>	

Tasks

Verify all shoreside deliveries of <u>EFP whiting</u> , ensure species are sorted to federal species or species groups, record and submit catch data daily	Verify all shoreside deliveries of <u>catch share species</u> , ensure species are sorted to federal species or species groups, record and submit catch data daily
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Equipment

CWT wands, laptops, database, salmon snout collection supplies, digital camera, fish id references, safety gear	CWT wands (<u>whiting only</u>), laptops, database, salmon snout collection supplies, digital camera, fish id references, safety gear
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Training

1 full week including fish identification and classroom for approximately 20 CMs	1 full week including fish identification and classroom
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Debriefing

CM's are debriefed at the end of the season by Lori Jesse/PSMFC	CM contract length to be determined, CM's debriefed by PSMFC during or at end of contract, depending on length of contract
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Paperwork

CM's record data on paper forms and enter/submit at least once a day	Same
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Employer

NMFS certified observer provider contracted by first receiver	PSMFC contracts w/N Pacific compliance monitor providers in 2010; Industry contracts w/providers in out years
100% Industry funding	The intent is that industry will pay 10% of observer cost in 2011
	The intent is to have industry pay 100% of compliance monitoring costs by 2014 w/ramp down rates to be determined (subject to available Federal funding)
100% whiting EFP coverage	100% shoreside catch share coverage

Current	Catch shares
NMFS Enforcement	

Tasks

Tracking cumulative trip limits using paper tickets	Ensure catch is being accounted for on near real-time data on fishtickets
Reliance on paper reports	Increased amount of available data (Observers, CMs, E-tix) w/in 48-72 hours
	Enforcement focus moving toward increased audit functions (e.g. tracking amount of quota share controlled by individuals)

State Enforcement	
Enforce State/Federal landing laws	State enforcement emphasis directed at new Catch Share program supported by increased JEA funding in 2010
Contract w/NMFS for approximately 250 dock hours per State	Provide increased dockside enforcement hours

State Management	
PSMFC provides support to States for port samplers, fishticket data entry and associated tasks	Federal one-time funding of \$200k per State in 2010 to augment support of catch share program, e-tickets and associated tasks

E-tickets	
E-tickets mandatory for whiting only; voluntary for all other fisheries	E-tickets mandatory for all ITQ landings; costs covered by PSMFC/NMFS for e-ticket software and integrated database support and maintenance
OR accepts printed paper tickets; WA & CA require handwritten paper ticket	Same
PSMFC provides Microsoft Access e-ticket application at no cost to industry	Same
E-tickets submitted via e-mail attachment	E-tickets submitted via web services

<i>Current</i>	<i>Catch shares</i>
<i>Integrated database</i>	
<p>States QA/QC paper tickets; submit final data to PacFIN w/in 4-6 weeks</p> <p>CM reports - <u>whiting only</u> (24-48 hours)</p> <p>Obs discarded/retained catch into NMFS database</p>	<p>PSMFC database will maintain database with: Buyer submitted e-fishtickets of catch share landings (24-48 hours)</p> <p>CM reports <u>catch share</u> landings (24-48 hours)</p> <p>Obs discarded/retained catch of catch share species at trip level (48 hours)</p> <p>Observer estimates of retained ITQ overfished species, discarded ITQ species, and P. halibut mortality on a trip basis with an area designation to PSMFC integrated database</p> <p>Larger of Raw fishticket and CM retained landings will be used initially as estimate of catch; revised when final data submitted to PacFIN</p> <p>Integrated database will include species allocations w/fishing activity</p> <p>State submitted fishtickets into PacFIN will be final accounting of retained catch (4-8 weeks)</p>
<i>Vessel Account / Quota Account System</i>	
	<p>Vessel account will include species allocations and debit/credit accounts w/fishing activity and quota pound (QP) transfers</p> <p>Account balances adjusted based on landings given in E-</p> <p>Accounts will be refreshed with available updated data every 24 hours</p> <p>Provide balance of QS (%) and associated QPs (lbs) for each species group/by year issuance</p> <p>Provide transaction reports on all accounts</p> <p>Provide registry reports on all accounts</p>

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON REGULATORY
DEEMING FOR FISHERY MANAGEMENT PLAN AMENDMENT 20

The Washington Department of Fish and Wildlife (WDFW) would like to provide clarification on an action previously taken by the Council through the Amendment 20 process relative to the Mothership sector and the transferability of the whiting endorsement. The following are excerpts from the June 2008 and November 2008 Council meeting minutes for reference:

June 2008 Meeting Minutes

Mr. Anderson moved to adopt the following (Motion 38) as part of the Council's preliminary preferred alternative, (the eleventh motion in the Supplemental WDFW Motion):

Whiting Endorsement Transferability and Endorsement Severability: Transfer Option 2 – the CV whiting endorsement may be severed from the permit

...Mr. Cedergreen seconded Motion 38...Motion 38 passed. Mr. Lockhart abstained.

November 2008 Meeting Minutes

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 20) to adopt as the Council's preferred alternative for the mothership sector:

Whiting Endorsement Transferability	B-2.2b	Transfer Option 1 – The CV whiting endorsement may not be severed from the permit
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...Motion 20 passed. Mr. Myer recused himself.

In Appendix B: Analysis of Components, Elements and Options for the Harvest Cooperative Alternative (Agenda Item F.3.c, Attachment 3, November 2008), the options for B-2.2b include a parenthetical phrase (underlined):

Transfer Option 1 – The CV whiting endorsement (together with the associated catch history) may not be severed from the groundfish LE trawl permit.

However, the parenthetical phrase was deliberately not included in the motions adopted by the Council in June 2008 and November 2008. The reason for the omission was to prohibit severability of the endorsement, but to allow severability of the quota share (or, as it is referred to here as the “catch history”) from the permit.

Given the initial allocation structure of the Mothership and Shoreside sectors, all Mothership-endorsed CV permits will receive quota or catch history for both sectors. We viewed the endorsement as being separate from the catch history and we intended to allow the quota for these sectors to be separated from the permit and transferred to other permits.

Specifically, it was the intent of this action to allow:

1. Ownership transferability of Shoreside quota share from the Mothership-endorsed permit to another LE permit, regardless of whether the permit acquiring the quota has a Mothership endorsement.
2. Ownership transferability of Mothership catch history from one Mothership-endorsed permit to another Mothership-endorsed permit.
3. Ownership transferability of Mothership catch history from a Mothership-endorsed permit to another LE permit provided the Mothership-endorsed permit was also sold and combined with the LE permit.
4. Temporary leasing of Mothership catch history to an LE permit without a Mothership endorsement provided that the party leasing the catch history agrees to be bound by the obligations and enforcement provisions of the Mothership co-op agreements.



Da Yang Seafood Inc.

Seafood Processing & Trading

March 10th, 2010

Dear Council Members,

Thank you for the opportunity to provide our perspective on the groundfish rationalization process. We are writing to object to any proposed alterations that include processor shares or processing rights granted through historical landings.

I am writing on behalf of Da Yang Seafood, a small processing plant in Astoria. We started participating in the shore-side hake program in 2006. We are a small hake processor in Astoria. Our products include frozen HGT and whole round whiting and our markets are based upon exports to China, Europe and Russia.

As a small processor, we must be creative in our marketing and production techniques to ensure our niche market for hake overseas. It has given us an opportunity to continue our investment and our operation in Astoria and help promote the local economy.

The addition of the whiting production has extended our plant season from 3 months to 4 months out of a year, including our sardine production. Two whiting vessels deliver to our plant and we employ over a hundred workers in our processing plant. In early 2007, we continued investing in our plant and upgrading our production capacity to meet the needs of our global customers.

Fisherman benefit when new processors enter the market participating against the bigger players and competition between processors to buy fish from fishermen is an essential component to the success of our fishery – at all levels. Any exclusive grant to a processor to buy hake will stifle competition, limit advancements in technology and product forms and drive down the price to the fisherman - as such an arrangement have done in the Alaska crab fishery after implementation of a “two pie system.” We strongly oppose any plan which includes such an element.

However, in the event that the Council includes some type of processor allocations or rights as a component of the alternatives, we request that (1) a significant portion of the allocation (>25%) be available on the open market without restrictions allowing new processors to enter

Da Yang Seafood Inc. p. 206 281 7200 f. 206 281 7206 www.dayangseafoods.com

Seattle Office
2148 Westlake Ave N.
Seattle WA 98109

Sardine Processing Plant
45 Portway, Pier#2,
Astoria OR 97103

Kaohsiung Office
Yu Kang East 2nd Road
Chien Chen Kaohsiung
803 R.O.C Taiwan

the fishery and buy hake, and (2) that any qualifying period for shore based processing include the years 2006, 2007, and 2008.

Thank you for your consideration of these issues.

Sincerely Yours,

Chih Yuan, Wang

President and CEO



NATURAL RESOURCES CONSULTANTS, INC.

4039 21st Ave West, Suite 404

Seattle, WA 98199

Phone: (206) 285-3480

Fax: (206) 283-8263

Email: shughes@nrccorp.com

March 24, 2010

Mr. David Ortmann, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Re: Clarifications Requested of Council, Deadline for co-op fishery declarations & permits, Issue #7

Dear Chairman Ortmann and Members of the PFMC:

On behalf of the whiting mothership *Golden Alaska* and the whiting catcher vessels *Pacific Challenger*, *American Beauty*, *Ocean Leader* and *Aleutian Challenger*, we write this letter in support of Option B (NMFS preferred) which establishes the most appropriate deadline for a co-op permit and for a MS/CV endorsed permit to declare into a MS co-op or the non co-op fishery.

As provided in both option A and B and consistent with Council action, it is reasonable for whiting catcher vessels in the MS/CV sector to declare their intent to participate in either the co-op or non co-op fishery during the period of September 1 to December 31 of each year for the following season's fishery. However, for reasons stated below, it is not reasonable to require CVs to register for a co-op permit during the same September-December time period. The timing is much better for both management and CVs to register during the NMFS preferred period of February 1-March 31:

- Under rationalization, the fall season will be increasingly important as a time period to conduct the CV/MS whiting fishery. As we all know, the fall season of September-December is the period of highest whiting quality and meat yield which provides maximum economic return per fish caught and processed. The fall season is also most favorable for low rockfish and salmon bycatch rates. The important fall season fishery should be concluded before CVs are required to register for the next season's co-op.
- The February 1-March 31 registration period will provide CVs an opportunity to evaluate the past season's results and make proper arrangements for the next season. This timing will not cut short planning and will result in a minimum of problems that will occur if CVs are forced into making market choices for the next year before the current season is concluded.
- The February 1-March 31 co-op permit registration period provides plenty of lead time prior to the May 15 start of the fishery and also provides the industry with more information on the upcoming season's OY than would be available during the prior September-December period.

We thank you for the opportunity to provide these comments in support of Option B.

Sincerely,

NATURAL RESOURCES CONSULTANTS, INC.

A handwritten signature in cursive script that reads "Steve Hughes".

Steve Hughes
President

April 9, 2010

Mr. David Ortman
Chair, Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Re: Agenda Item I, Regulatory Deeming for Fishery Management Plan Amendment 20:
Trawl Rationalization and

Dear Mr. Ortman:

As you know, we are a group of long-time vessel owners operating out of Fort Bragg, California. Between us, we own eight trawl vessels that have fished for groundfish between Moss Landing to Cape Mendocino for over 25 years. We have been submitting comments and presenting testimony to the Council on Amendment 20 since October 2009. Our primary concerns with the program are set forth in those letters. They include: 1) inadequate individual fishing quotas to actual fishery participants, particularly of incidental catch species, such that we will not be able to make a living by fishing under Amendment 20; and 2) inadequate information about the costs that we will be responsible for, other than assurances that they will be very high.

We won't detail our specific concerns with Amendment 20 and its IFQs again here. We are instead writing to make two basic points:

1) Amendment 20 will violate National Standards 4, 6, 7 and 8.

We have not seen significant attempts by the Council to analyze or mitigate the potentially devastating economic consequences of Amendment 20 on small fishing communities like ours. This could be done by reducing the costs for fishing vessels to implement the program and providing current fishery participants with adequate quota shares of incidentally caught species to allow us to pursue our target species. If Amendment 20 is intended to put trawl operators out of business, then the Council and NOAA should say so.

As written, the allocations under the amendment will not be fair and equitable. Amendment 20 does not consider or allow for variations among and contingencies in fisheries, fishery resources, and catches. It fails to minimize costs and avoid duplications. And it does not reflect meaningful consideration by the Council of the importance of fishery resources to fishing communities to provide for the sustained participation of, and minimize adverse impacts to, those communities. These failures constitute serious violations of the Magnuson Act.

2) Catch shares are not a "one size fits all" solution to fisheries management, and Amendment 20 will devastate fishing communities.

In appropriate circumstances, catch share programs can help rebuild depleted fish stocks and achieve economic efficiencies. They are one of several options in NOAA's tool box to manage

fisheries in an environmentally, socially, and economically sustainable manner. But as NOAA has explained, catch shares are not a universal management solution. They should not be implemented in fisheries where doing so would not make sense from a conservation standpoint or benefit the local fishing community. They should also not be implemented illogically – through disproportionate IFQs that are not based on actual fishing practices – to the benefit of those who have chosen not to participate in the fishery, and the detriment of those who have.

We understand that NOAA is encouraging a shift to catch share programs in fisheries management nationwide, and appreciate the Council's efforts to evaluate whether Amendment 20 would implement that policy in the West Coast groundfish fishery consistently with the Magnuson Act. So far, we haven't seen proposals for modifications to Amendment 20 that would allow fishing communities like ours to survive in the face of blanket catch share programs, including trawl rationalization in Fort Bragg and along the West Coast. Unless and until the Council or NOAA mitigates the practical consequences that Amendment 20 will have, the trawl rationalization program will not comply with the Magnuson Act, and it will devastate long-time fishing communities.

We ask the Council to reconsider Amendment 20 in light of our concerns that we've expressed over the past seven months. If Amendment 20 is pushed through the Council, in a very short period of time small fishermen such as ourselves will be gone, and only big vessels and big companies will remain. Please take action to avoid that consequence, and work with fishermen to design the best solutions for our fisheries.

Sincerely,

Michelle Tarantino-Norvell
20501 Nottingham Court
Fort Bragg, CA 95437
(707) 272-2817

Bernard Norvell, Sr
F/V Donna J
622 S. Franklin St.
Ft. Bragg, CA 95437

Vince Doyle
F/V Verna Jean 3
Ft. Bragg, CA 95437

Tom and Shelley Estes
F/V Tara Dawn
Ft. Bragg, CA 95437

Brian Jourdain
F/V Blue Pacific
32196 Pudding Creek Road
Ft. Bragg, CA 95437

Randall Schlect
F/V Northern Light
820 Woodward St.
Ft. Bragg, CA 95437

Richard Kelley
F/V Miss Hailee, F/V Miss Kelley, F/V Miss Kelley II
Ft. Bragg, CA 95437

Mr. David Ortman
Chair, Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

April 12, 2010

Re: Agenda Item I, Regulatory Deeming for Fishery Management Plan Amendment 20:
Trawl Rationalization and

Subject: Request for Regulatory Amendment to the Initial Allocation Formula for Yellow
Eye Quota Shares for the Shore-side Trawl Fishery

Dear Mr. Chairman and Council Members:

My name is Michelle Norvell and I represent a group of seven vessel owners operating out of Fort Bragg California. Thank you for opportunity to address you Mr. Chairman and Council Members regarding my concerns over the current proposed allocation of yellow eye for the shore side trawl fishery.


I have a few concerns with Amendment 20 but none more pressing than the unequal allocation of yellow eye. What I mean by that is every vessel in Fort Bragg received a zero allocation of yellow eye under the current proposal – Fort Bragg is not alone, the same is true for other vessels in other ports along the California coast. However, the same is not true for Washington and Oregon (which received an allocation of yellow eye that far exceeded California's zero allocation).

As you know, it is incumbent upon you to ensure that each State is treated equally under Amendment 20. It would be remiss of you to turn a blind-eye, as new problems with Amendment 20 are brought to your attention. I know that you have taken final action on the allocation of overfished species but I also know that a remedy exists and protocol established to amend regulatory language as issues arise.

The Council has been on notice for nine months that California vessels do not have adequate quota shares of incidentally caught species (i.e. the yellow eye) to pursue their target catch – yet you have shown little concern nor have you made any substantial attempt to analyze or mitigate its consequences. The only rational conclusion I can come up with is that the Council is in fact planning to make a motion to take action for a regulatory amendment.

To that end, I urge the Council today to make a motion to take action for a regulatory amendment to Amendment 20 - West Coast Groundfish Fishery Management Plan to revise and/or modify the initial allocation formula for yellow-eye quota shares for the shoreside trawl fishery to establish that the portion of the yellow eye quota share associated with the buyback permits will be distributed equally among all permits, instead of proportionally based on target species, quota shares and bycatch rates.

Sincerely,



Michelle Tarantino-Norvell
20501 Nottingham Court
Fort Bragg, CA 95437
(707) 272-2817

April 11, 2010

Pacific Fisheries Management Council

Dear Council Members,

I am a non-whiting traditional groundfish trawler. I recently discovered the method used for determining Pacific Halibut bycatch. I feel there are significant flaws in the assumptions made in this calculation. Three major discrepancies jump out at me.

1. I feel it is inaccurate to pick two out of eight major shelf flatfish target species to base halibut bycatch. i.e. Arrowtooth Flounder and Petrale, when Rex, English, Dover, Sand Dabs, Sand Sole, and Starry Flounder could just as easily be used.
2. Arrowtooth Flounder probably has one of the lowest bycatch rates of retained weight vs halibut bycatch weight as compared to other shelf species.
3. The years analyzed for bycatch weights of target species are '94-'03 when the years used to model the area specific fishing behavior are '04- and after. Bycatch doesn't match the allocation.
4. Many boats do not target Arrowtooth Flounder. Furthermore, many boats do not retain Arrowtooth Flounder when caught.

I was able to receive my observer bycatch rate data for 2002 and it shows a roughly 5% halibut weight to retained weight ratio. 69,288 lbs. retained weight for 3594 lbs. Pacific Halibut while fishing on the shelf. Only 450 lbs. of Arrowtooth were retained during this period. I am not privy to other boats information, but would expect that targeted Arrowtooth tows do not average this high a percentage of halibut bycatch. In 2002, 21% of NSM target tows contained halibut. 47% of Petrale target tows contained halibut.

For these reasons amongst others, I would strongly urge the council to readdress the Pacific Halibut bycatch allocations.

Thank you for your consideration,

Paul Kujala
F/V Cape Windy

Also in agreement

Blair Miner	Gary Sjolstrom	David Vandercovering	Thomas Morrison
F/V Columbian Star	F/V Home Brew	F/V Chelissa Michelle	F/V Capt Ryan

Brian Salo
F/V Lily Marlene

Donna Parker. Arctic Storm Management Group.

Council Testimony. April 12, 2010

Agenda Item I.1.b Trawl Rationalization

Deeming of Amendment 20 & 21 Regulations

1) NMFS request for Clarification on Deadline for Co-op Declarations. Issue #7.

Section B-2.4.1 Formation and Modification of Processor Tie Obligations which describes the Council action from the Council Preferred Trawl Rationalization Programs reads as follows:

"By September 1 of the year prior to implementation and every year thereafter, each CV(MS) permit is required to contact NMFS and indicate whether CV(MS) permit will be participating in the co-op or non-co-op fishery in the following year. If participating in the co-op fishery, then CV(MS) permit must also provide the name of the MS permit that CV(MS) will be linked to in the following year (i.e., annual catcher vessel, mothership linkage that may be changed each year without requirement to go into the non-coop fishery.) Once established, the catcher vessel, mothership linkage shall remain in place until changed by CV(MS) permit. By July 1 of the year prior to implementation and every year thereafter, if CV permit would be participating in the co-op fishery in the following year, then CV permit must notify the MS permit that the CV permit QP will be linked to in the following year."

The purpose of this action was to replace catcher vessel and processor linkage. The dates chosen were central to the issue rather than a paperwork filing deadline.

2) MS/CV Severability and Coop participation:

Issue #4. NMFS Interpretation of Council Intent and. Issue #9 Endorsements.

Initial Issuance Rule MS Coop Program. Page 120. 660.150 (1)General and (iii) Non-severable .

The severability and transferability of catch history from a MS/CV endorsement and MS coop needs clarification because some of the language the description of these issues seems confusing. **We support the WDF&W Supplemental Report on this agenda item in your briefing book. It does an excellent job of sorting out this issue and clarifying the intent.**

The Initial Issuance Rule at (1) on page 120 read: *"(1) General. After January 1, 2011, any vessel that delivers whiting to a mothership processor in the Pacific whiting fishery mothership sector must be registered to a MS/CV endorsed permit, except that a vessel registered to a limited entry trawl permit without a MS/CV or C/P endorsement may fish in a coop with permission of a coop. Within the MS Coop Program, a MS/CV endorsed permit may participate in a MS coop or in the non-coop fishery. "* and at *"(iii) Non-severable. The MS/CV endorsement and its catch history*

assignment are not severable from the limited entry trawl permit. A MS/CV endorsement and its catch history assignment are permanently affixed to the original qualifying limited entry permit, and cannot be transferred separately from the original qualifying limited entry permit."

This is a critical issue that, because of its complexity, would benefit from Council clarification at this meeting.

Clarification of MS/CV Severability and Coop Participation Rules

- 1) A MS/CV endorsement is not severable from its LE permit.
- 2) However, MS/CV catch history is severable from the endorsement.
- 3) MS/CV shoreside sector catch history can be transferred for ownership to a CV(SS) LE permit without a MS/CV endorsement.
- 4) MS/CV mothership sector catch history can be transferred for ownership to a LE Permit with a MS/CV endorsement.
- 5) If MS/CV mothership catch history is transferred for ownership to a L.E. permit without a MS/CV endorsement, the MS/CV endorsement and permit would have to be transferred with the catch history.
- 6) Only MS/CV endorsed permit holders can be party to a MS sector coop.
- 7) Only MS/CV endorsed permit holders can participate in the MS sector non-coop fishery.
- 8) MS/CV catch history can be leased to any west coast LE Permit holder as long as the harvester agrees to abide by the processor obligations and terms and conditions of the coop to which the catch history is assigned even though it is not a member of the coop.

The intent language drafted by WDF&W in its supplemental report on Agenda Item I.1.b. clarifies these issues.

3) Sector Specific Rationalization Programs.

During its development of Amendment 20, the Council deliberated at length whether the Amendment 20 action should be a single trawl rationalization program or three or four programs. It was decided that the character and traits of the sectors was significantly different and would require the development of three separate programs. Specifically, the Council has a long and detailed record that the rationalization program be sector specific. This is discussed on page 28 of Appendix A to the Amendment 20 EIS and in much more detail in TIQ documents.

The Council should express its intent in this regard.

- 4) **At-Sea Observers/ Monitoring** . We strongly support the purpose and goals of these rationalization programs including accurate catch accounting which we believe can be achieved without observers placed on MS/CV.

Current groundfish regulations at 660,306(i)(2) prohibit interfering with or biasing the sampling employed by an observer aboard the MS. This language was intended to include the dumping of catch at sea by mothership catcher vessels. In addition, a prohibition was added to the Maximized Retention Rule that prohibits the sorting and discarding of any portion of the catch taken by a catcher vessel in the mothership sector prior to the catch being received on a mothership, and prior to the MS observer being provided access to the unsorted catch, with the exception of minor amounts of catch that are lost when the cod end is separated from the net and prepared for transfer.

Council action has not directed the agency to implement an observer coverage requirement aboard MS catcher vessels. Specifically, Council action on this issue has included the following language as included in the Council Preferred Trawl Rationalization Alternative.

D.5.1 At-sea whiting sector management under coop. (page 26: *"Given the high level of monitoring already in place in the whiting fishery, only moderate changes in monitoring are needed to implement this program for the at sea whiting fishery. For the at-sea segment of the fishery, 100 percent coverage aboard mothership and catcher processors will continue."*

B-1.4 At-sea Whiting Fishery: (page 30) *"100 percent observer coverage aboard mothership and catcher processors will continue. Observers would be required in addition to or as a replacement for video monitoring. For some coverage, cameras may be used in place of observers (feasibility to be determined). It is the Council intent to provide NMFS flexibility sufficient to design and implementation a tracking and monitoring program that will achieve the goals and objectives of the trawl rationalization program."*

DRAFT Proposed Regulations. Initial Issuance Rule. Trawl Fishery – Observer Requirements (page 85-89).

Page 85: **"Catcher Vessels.** When NMFS notifies the owner, operator, permit holder, or manager of a catcher vessel, specified 660.16 © of any requirement to carry an observer, the catcher vessel may not be used to fish for groundfish without carrying an observer."

In its description of observer coverage at 660-116 (2) (d) vessel responsibilities, an operator of a vessel required to carry one or more observers must provide; Page 85 of the proposed Initial Issuance Rule:

A long list follows for three pages including hardware and software most catcher vessels do not carry, requirements for an observer sampling station including minimum space to sort catch and observer flow scales to weigh fish that are prohibited from coming aboard an at-sea catcher vessel by the Maximized

Retention Rule for MS/CV which requires a CV to transfer its codend directly from the water to the Mothership.

Regulations on Page 83 of Initial Issuance Rule as currently drafted are also in conflict with proposed observer coverage aboard MS/CV. : “Prohibitions: (7) Sort or discard any portion of the catch taken by a catcher vessel in the mothership sector prior to the catch being received on a mothership, and prior to the observer being provided access to the unsorted catch, with the exception of minor amounts of catch that are lost when the codend is separated from the net and prepared for transfer.”

Observer Monitoring aboard a Mothership Catcher Vessel should reconcile contradictory regulations and provide for the flexibility to require the use of cameras or observers aboard catcher vessels.

- With the exception of some language on “flexibility” and “moderate changes” in the use of cameras and observers, the Council action describes only 100 percent observer coverage aboard motherships, catcher-processors and vessels that sort at sea in the at-sea whiting coop fisheries.
- The draft initial issuance regulations in NMFS Report #6 that address at-sea observer regulations for motherships, catcher-processors and whiting vessels that sort at sea do not translate for use aboard catcher vessels. Observer duties to sort, sample and weigh catch are in conflict with the maximized retention regulations that require transfer of a codend to a mothership. Observers cannot sort, sample and weigh fish that are prohibited from coming aboard a MS catcher vessel.
- Observers are highly trained technicians requiring a four-year BS college degree. They are not enforcement officers. Observers aboard a MS/CV cannot do the sampling, sorting and weighing job they were trained for and are required to do. Cameras aboard a MC/CV catcher vessel can best confirm logbook recorded estimates of a minor loss of fish when the codend is separated and transferred to the mothership. Cameras can also easily record illegal dumping of fish at sea.
- **At a minimum, the proposed NMFS regulations should reconcile contradictory regulations.**
- **To best accommodate the Council intent for “moderate changes” and “flexibility” in the design of a monitoring program as reflected in the above described language, the regulations should allow the agency flexibility to require the use either cameras or observers aboard catcher vessels. Regulations should be drafted for both options.**

HARVEST SPECIFICATIONS FOR 2011-2012 FISHERIES

The Council decided a schedule and process for developing an Environmental Impact Statement (EIS) to determine 2011-2012 groundfish harvest specifications last June. It was also decided to use the proposed Amendment 23 harvest specification framework, which contemplates setting an overfishing limit (OFL), an acceptable biological catch (ABC) that incorporates a scientific uncertainty buffer, and an annual catch limit (ACL) for each groundfish stock and stock complex. The adopted schedule and process calls for the Council to decide 2011 and 2012 groundfish harvest specifications, as well as a range of 2011-2012 management measures (see Agenda Items I.4 and I.6) at this meeting. Final decisions on 2011-12 harvest specifications and management measures are scheduled for the June Council meeting.

Setting biennial harvest specifications under the new Amendment 23 framework has many similarities to the old framework since the Pacific Coast Groundfish Fishery Management Plan (FMP) was the template for new National Standard 1 guidelines that compelled Amendment 23. For instance, the new OFL is defined exactly the same as the existing ABC and the new ACL is analogous to a total catch optimum yield (OY), which has been the specified harvest limit in west coast groundfish management since 1999. However, the new ABC is somewhat different in that scientific uncertainty is explicitly incorporated in that level of harvest. Under the old framework, scientific uncertainty, as well as management uncertainty, socioeconomic concerns, and other factors were considered when setting the OY. Under the new Amendment 23 framework, scientific uncertainty is incorporated in the ABC specification and the other considerations are taken into account in setting the ACL.

Information relevant to setting OFLs and ABCs are provided in Agenda Item I.2.a, Attachment 1. Table 2-1a in Attachment 1 provides the projected 2011-12 OFLs and proposed species categories for stocks and stock complexes. The Scientific and Statistical Committee (SSC) will review the recommended OFLs and species categorizations in Table 2-1a and provide their recommendations on these two science-based decisions at this meeting. The OFLs recommended by the SSC will be the starting point for deciding the other harvest specifications that will limit the available yield of stocks and stock complexes. The species categories (i.e., category 1, 2, and 3) are based on the amount of data available to inform a harvest specification with a category 1 stock being a relatively data-rich stock and category 3 being a relatively data-poor stock. The significance of these species categories is that the size of the scientific uncertainty buffer that determines the ABC is predicated on the species category with relatively smaller buffers for category 1 stocks and progressively larger buffers for category 2 and 3 stocks. The recommended approach for setting category 1 ABCs is to decide an overfishing probability (P^*) for each category 1 stock. Table 2-1b depicts what the 2010 ABCs would be if an Amendment 23/ P^* approach was used to decide 2010 ABCs (denoted ABC* in the table) across a range of P^* values. Likewise the projected 2011 and 2012 ABCs under the range of P^* values for category 1 stocks are provided in Tables 2-1c and 2-1d, respectively. Table 2-1a also provides the presumptive ABCs for category 2 and 3 stocks if a 25 percent reduction from the OFL for category 2 stocks and a 50 percent reduction from the OFL for category 3 stocks were chosen. The category 2 and 3 buffer amounts are based on the status quo OY reductions

typically recommended by the Groundfish Management Team (GMT) to account for the greater scientific uncertainty of these relatively data-poor stocks. However, the actual buffer amounts are a policy decision the Council must make. Council guidance to date has been to endorse the SSC recommendations to specify progressively larger scientific uncertainty buffers for category 1, 2, and 3 stocks, respectively.

Information relevant to setting ACLs and optimum yields (OYs) is provided in Attachment 2. The range of 2011 and 2012 ACLs for analysis decided last November are provided in Tables 2-2a and 2-2b, respectively. Table 2-2c provides the basis for each ACL alternative. Those ACL alternatives with a scientific uncertainty adjustment built into the alternative are highlighted since the ABC decision explicitly takes scientific uncertainty into account. Table 2-3 provides ACL alternatives for the two stocks in the precautionary zone (i.e., sablefish and blue rockfish—stocks with an estimated spawning biomass above the minimum stock size threshold yet below the biomass target) where the 40-10 control rule applies. Two options for the 40-10 control rule were provided under Amendment 23: option 1 where the 40-10 adjustment is made from the OFL and the preliminary-preferred option 2 where the 40-10 adjustment is made from the ABC (see Figure 1 for a graphic depiction of these options). Table 2-4 and Figure 2 provide the estimated median time to rebuild each overfished species under the ACL alternatives analyzed. This information will be useful in developing a petrale sole rebuilding plan and in consideration of modifying the existing rebuilding plans for canary rockfish and Pacific ocean perch as recommended by the SSC (also see Agenda Item I.4).

The criteria for setting OYs under the new Amendment 23 framework are somewhat ambiguous at this point. A National Marine Fisheries Service (NMFS) national working group is deliberating the context of OY management under the new NS1 guidelines. Pending clarification of the OY concept, the Council may want to consider setting all OYs equal to ACLs for the 2011-12 management period.

The Council is tasked with specifying SSC-recommended OFLs and deciding preliminary-preferred ABCs for each stock and stock complex in the FMP under this agenda item. The Council is also tasked with deciding preliminary-preferred ACLs and OYs for the non-overfished stocks under this agenda item. While information relevant to deciding a preliminary-preferred ACL/OY for the overfished stocks is provided in Attachment 2, the Council is scheduled to defer ACL decisions for the overfished species to Agenda Items I.4 and I.6, where more information and analysis for these decisions are provided.

Council Action:

- 1. Adopt SSC-recommended 2011 and 2012 OFLs for all groundfish stocks and stock complexes.**
- 2. Adopt preferred 2011 and 2012 ABCs that incorporate scientific uncertainty buffers for all groundfish stocks and stock complexes.**
- 3. Adopt preferred 2011 and 2012 ACLs for all non-overfished groundfish stocks and stock complexes.**

Reference Materials:

1. Agenda Item I.2.a, Attachment 1: Tables and Other Information Relevant to Deciding 2011-2012 Groundfish Overfishing Limits and Acceptable Biological Catches.
2. Agenda Item I.2.a, Attachment 2: Tables and Graphics Relevant to Deciding 2011-2012 Groundfish Annual Catch Limits.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt Preferred Overfishing Limits and Acceptable Biological Catches for all Groundfish Stocks, and Annual Catch Limits and Optimum Yields for all Non-Overfished Groundfish Stocks

John DeVore

PFMC
03/29/10

Tables and Other Information Relevant to Deciding 2011-2012 Groundfish Overfishing Limits and Acceptable Biological Catches

- Proposed Definitions of Species Categories.
- Table 2-1a. Specified 2010 ABCs (mt), projected 2011 and 2012 OFLs (mt) for assessed stocks, proposed OFLs for unassessed stocks, proposed FMP species categorizations, and preliminary 2011 and 2012 ABCs.
- Table 2-1b. Specified 2010 acceptable biological catches (ABCs in mt) and presumed ABC values if Amendment 23 were in place for deciding scientific uncertainty buffers in 2010 (ABC*) of assessed category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).
- Table 2-1c. Projected 2011 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of assessed category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).
- Table 2-1d. Projected 2012 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of assessed category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).

Proposed Definitions of Species Categories

Category 3: Data poor. OFL derived from historical catch.

Category 3a. No reliable catch history. No basis for establishing OFL.

Category 3b. Reliable catches estimates only for recent years. OFL is average catch during a period when stock is considered to be stable and close to B_{MSY} equilibrium on the basis of expert judgment.

Category 3c. Reliable aggregate catches during period of fishery development and approximate values for natural mortality. Default analytical approach DCAC.

Category 3d. Reliable annual historical catches and approximate values for natural mortality and age at 50% maturity. Default analytical approach DB-SRA.

Category 2: Data moderate. OFL derived from model output (or natural mortality).

Category 2a. M *survey biomass assessment (as in Rogers 1996).

Category 2b. Historical catches, fishery-dependent trend information only. An aggregate population model is fit to the available information.

Category 2c. Historical catches, survey trend information, or at least one absolute abundance estimate. An aggregate population model is fit to the available information.

Category 2d. Full age-structured assessment, but results are substantially more uncertain than assessments used in the calculation of the P^* buffer. The SSC will provide a rationale for each stock placed in this category. Reasons could include that assessment results are very sensitive to model and data assumptions, or that the assessment has not been updated for many years.

Category 1: Data rich. OFL based on F_{MSY} or F_{MSY} proxy from model output. ABC based on P^* buffer.

Category 1a. Reliable compositional (age and/or size) data sufficient to resolve year-class strength and growth characteristics. Only fishery-dependent trend information available. Age/size structured assessment model.

Category 1b. As in 3a, but trend information also available from surveys. Age/size structured assessment model.

Category 1c. Age/size structured assessment model with reliable estimation of the stock-recruit relationship.

Table 2-1a. Specified 2010 ABCs (mt), projected 2011 and 2012 OFLs (mt) for assessed stocks, proposed OFLs for unassessed stocks, proposed FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in <i>italics</i>).									
Stock	No Action Alternative	Action Alternatives		Proposed Species Category a/		Preliminary Action Alternatives b/		Comments	
		2010 ABC	2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC	
Lingcod - coastwide	4,829		4,961	4,848					
Lingcod N. of 42° N latitude (OR & WA)			2,438	2,251	1		TBD c/	TBD c/	Council may choose coastwide specifications or area-specific specifications (e.g., OR-WA and CA) for 2011-12.
Lingcod S. of 42° N latitude (CA)			2,523	2,597					
Pacific Cod	3,200		3,200	3,200	3	b	1,600	1,600	Max historical catch- new cat. 3 category?
Pacific Whiting (U.S. + Canada)	455,550		TBD in 2011	TBD in 2012	1		NA	NA	Not to be managed under Am. 23 framework under the Council's preliminary preferred alt. No P* or scientific uncertainty buffer decision required.
Sablefish - coastwide	9,217		8,808	8,623	1		TBD c/	TBD c/	
PACIFIC OCEAN PERCH	1,173		1,026	1,007	1		TBD c/	TBD c/	
Shortbelly	6,950				2	d	0	0	Determine OFL from assessment (use F50%)
WIDOW	6,937		5,097	4,923	1		TBD c/	TBD c/	
CANARY	940		614	622	1		TBD c/	TBD c/	
Chilipepper d/	2,576		2,229	2,013	1		TBD c/	TBD c/	
BOCACCIO S. of 40°10' N latitude	793		737	732	1		TBD c/	TBD c/	
Splitnose e/	615		2,381	2,507	1		TBD c/	TBD c/	Need to decide whether this stock will be managed with stock-specific specifications or under the minor slope rockfish complexes
Yellowtail N. of 40°10' N latitude	4,562		4,566	4,573	1		TBD c/	TBD c/	Need to address for long term as assessment becomes obsolete
Shortspine Thornyhead - coastwide	2,411		2,384	2,358	1		TBD c/	TBD c/	
Longspine Thornyhead - coastwide	3,671		3,577	3,483	1		TBD c/	TBD c/	
COWCOD (Con + Mon)	14		13	13	2	d	10	10	
DARKBLOTTED	440		508	497	1		TBD c/	TBD c/	
YELLOWWEYE	32		48	48	1		TBD c/	TBD c/	
Black Rockfish (WA)	464		445	435	1		TBD c/	TBD c/	
Black Rockfish (OR-CA)	1,317		1,217	1,169	1		TBD c/	TBD c/	
Greenstriped f/	NA - Managed in complexes		1,429	1,458	1		TBD c/	TBD c/	Need to decide whether this stock will be managed with stock-specific specifications or under the minor shelf rockfish complexes
Minor Rockfish North	3,678		3,556	3,625			755	755	
Minor Nearshore Rockfish North	NA						NA	NA	
Black and yellow			0.0	0.0	3	d	0.0	0.0	
Blue	28.0		27.7	27.5	2	d	20.8	20.6	
Brown			2.2	2.2	3	d	1.1	1.1	
Calico			0.0	0.0	3	a	0.0	0.0	
China			11.4	11.4	3	d	5.7	5.7	
Copper			22.3	22.3	3	d	11.2	11.2	
Gopher	0.0		0.0	0.0	3	a	0.0	0.0	

Table 2-1a (continued). Specified 2010 ABCs (mt), projected 2011 and 2012 OFLs (mt) for assessed stocks, proposed OFLs for unassessed stocks, proposed FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in *italics*).

Stock	No Action Alternative	Action Alternatives		Proposed Species Category a/		Preliminary Action Alternatives b/		Comments
		2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC	
Grass		1.2	1.2	3	d	0.6	0.6	
Kelp		0.0	0.0	3	d	0.0	0.0	
Olive		0.6	0.6	3	d	0.3	0.3	
Outback		7.2	7.2	3	d	3.6	3.6	
Treesfish		0.0	0.0	3	d	0.0	0.0	
Minor Shelf Rockfish North	NA					NA	NA	
Bronzespotted		0.0	0.0	3	d	0.0	0.0	
Bocaccio	318.0	268.2	268.2	3	d	134.1	134.1	
Chameleon		0.0	0.0	3	a	0.0	0.0	
Chilipepper		TBD	TBD	1		TBD c/	TBD c/	
Cowcod		0.0	0.0	3	a	0.0	0.0	
Dusky		NA	NA	Not in Fishery		NA	NA	Remove from FMP
Dwarf-red		0.0	0.0	3	d	0.0	0.0	Remove from FMP
Flag		0.0	0.0	3	a	0.0	0.0	
Freckled		1.3	1.3	3	c	0.7	0.7	
Greenblotched		12.9	12.9	3	d	6.4	6.4	
Greenspotted		1,208.0	1,322.0	1		TBD c/	TBD c/	
Halfbanded		0.0	0.0	3	b	0.0	0.0	
Harlequin		0.0	0.0	3	a	0.0	0.0	Remove from complex?
Honeycomb		0.0	0.0	3	c	0.0	0.0	Remove from complex?
Mexican		0.0	0.0	3	d	0.0	0.0	Remove from complex?
Pink		0.0	0.0	3	b	0.1	0.1	
Pinkrose		0.0	0.0	3	a	0.0	0.0	
Puget Sound		0.0	0.0	3	a	0.0	0.0	
Pygmy		0.0	0.0	3	a	0.0	0.0	
Redstripe	576.0	287.6	287.6	3	d	143.8	143.8	
Rosethorn		14.6	14.6	3	d	7.3	7.3	
Rosy		1.5	1.5	3	d	0.8	0.8	
Silvergray	38.0	179.8	179.8	3	d	89.9	89.9	
Speckled		0.1	0.1	3	d	0.0	0.0	
Squarespot		0.1	0.1	3	c	0.0	0.0	Remove from complex?
Starry		0.0	0.0	3	d	0.0	0.0	
Stripetail		32.5	32.5	3	d	16.3	16.3	
Swordspine		0.0	0.0	3	d	0.0	0.0	Remove from complex?
Tiger		1.1	1.1	3	d	0.5	0.5	
Vermilion		15.0	15.0	3	c	7.5	7.5	

Table 2-1a (continued). Specified 2010 ABCs (mt), projected 2011 and 2012 OFLs (mt) for assessed stocks, proposed OFLs for unassessed stocks, proposed FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in *italics*).

Stock	No Action Alternative	Action Alternatives		Proposed Species Category a/		Preliminary Action Alternatives b/		Comments	
		2010 ABC	2011 OFL	2012 OFL	Category	Sub-category	2011 ABC		2012 ABC
Minor Slope Rockfish North	NA						NA	NA	
<i>Aurora</i>		13.4		13.4	3	d	6.7	6.7	
<i>Bank</i>		34.4		34.4	3	d	17.2	17.2	
<i>Blackgill</i>	0.0	0.0	0.0	0.0	3	a	0.0	0.0	Remove from complex?
<i>Redbanded</i>		54.6		54.6	3	d	27.3	27.3	
<i>Rougheye</i>		78.3		78.3	3	d	39.2	39.2	
<i>Sharpchin</i>	307.0	221.0		221.0	3	d	110.5	110.5	
<i>Shortraker</i>		21.8		21.8	3	d	10.9	10.9	
<i>Splitnose e/</i>	242.0	852.2		897.3	1		TBD c/	TBD c/	
<i>Yellowmouth</i>	99.0	184.5		184.5	3	d	92.3	92.3	
Minor Rockfish South	3,382	4,241		4,230			2,107	2,098	
Minor Nearshore Rockfish South	NA						NA	NA	
<i>Shallow Nearshore Species</i>	NA						NA	NA	
<i>Black and yellow</i>		26.7		26.7	3	c	13.4	13.4	
<i>China</i>		20.1		20.1	3	c	10.1	10.1	
<i>Gopher</i>	193.0	175.0		165.0	2	d	131.3	123.8	
<i>Grass</i>		55.0		55.0	3	d	27.5	27.5	
<i>Kelp</i>		25.9		25.9	3	d	12.9	12.9	
<i>Deeper Nearshore Species</i>	NA						NA	NA	
<i>Blue</i>	211.0	209.3		207.5	2	d	156.9	155.6	
<i>Brown</i>		200.5		200.5	3	d	100.2	100.2	
<i>Calico</i>		2.0		2.0	3	b	1.0	1.0	
<i>Copper</i>		162.2		162.2	3	d	81.1	81.1	
<i>Olive</i>		189.2		189.2	3	d	94.6	94.6	
<i>Quillback</i>		7.8		7.8	3	d	3.9	3.9	
<i>Treenish</i>		13.2		13.2	3	d	6.6	6.6	
Minor Shelf Rockfish South	NA						NA	NA	
<i>Bronzespotted</i>		6.7		6.7	3	c	3.3	3.3	
<i>Chameleon</i>		0.0		0.0	3	a	0.0	0.0	
<i>Dusky</i>	0.0	NA		NA	Not in Fisherv		NA	NA	Remove from FMP
<i>Dwarf-red</i>	0.0	NA		NA	Not in Fisherv		NA	NA	Remove from FMP
<i>Flag</i>		26.7		26.7	3	c	13.4	13.4	
<i>Freckled</i>		0.0		0.0	3	a	0.0	0.0	
<i>Greenblotched</i>		24.6		24.6	3	d	12.3	12.3	
<i>Greenspotted</i>		203.2		203.2	3	d	101.6	101.6	
<i>Greenshaded f/</i>		221.0		226.0	1		TBD c/	TBD c/	
<i>Halfbanded</i>		0.0		0.0	3	b	0.0	0.0	
<i>Harlequin</i>		0.0		0.0	3	a	0.0	0.0	
<i>Honeycomb</i>		7.8		7.8	3	c	3.9	3.9	
<i>Mexican</i>		2.8		2.8	3	c	1.4	1.4	

Table 2-1a (continued). Specified 2010 ABCs (mt), projected 2011 and 2012 OFLs (mt) for assessed stocks, proposed OFLs for unassessed stocks, proposed FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in *italics*).

Stock	No Action Alternative	Action Alternatives		Proposed Species Category a/		Preliminary Action Alternatives b/		Comments
		2010 ABC	2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC
<i>Pink</i>			2.8	2.8	3	d	1.4	1.4
<i>Pinkrose</i>			1.9	1.9	3	b	0.9	0.9
<i>Pygmy</i>			0.0	0.0	3	a	0.0	0.0
<i>Redstripe</i>			1.2	1.2	3	d	0.6	0.6
<i>Rosethorn</i>			3.1	3.1	3	d	1.5	1.5
<i>Rosy</i>			37.9	37.9	3	d	19.0	19.0
<i>Silvergray</i>			0.7	0.7	3	d	0.4	0.4
<i>Speckled</i>			43.0	43.0	3	d	21.5	21.5
<i>Squarespot</i>			5.8	5.8	3	c	2.9	2.9
<i>Starry</i>			70.5	70.5	3	d	35.3	35.3
<i>Stripetail</i>			23.3	23.3	3	d	11.7	11.7
<i>Swordspine</i>			12.9	12.9	3	d	6.5	6.5
<i>Tiger</i>			0.1	0.1	3	d	0.0	0.0
<i>Vermilion</i>			304.5	304.5	3	d	152.2	152.2
<i>Yellowtail</i>	116.0		1,248.9	1,248.9	3	d	624.5	624.5
Minor Slope Rockfish South	NA						NA	NA
<i>Aurora</i>			33.4	33.4	3	c	16.7	16.7
<i>Bank</i>	350.0		560.1	560.1	2	a	420.1	420.1
<i>Blackgill</i>	282.0		279.0	275.0	1		TBD c/	TBD c/
<i>Pacific ocean perch</i>			0.0	0.0	3	a	0.0	0.0
<i>Redbanded</i>			9.0	9.0	3	d	4.5	4.5
<i>Rougheye</i>			0.4	0.4	3	d	0.2	0.2
<i>Sharpchin</i>	45.0		21.5	21.5	3	d	10.7	10.7
<i>Short-traker</i>			0.2	0.2	3	d	0.1	0.1
<i>Yellowmouth</i>			0.9	0.9	3	d	0.5	0.5
California scorpionfish	155		141	132	1		TBD c/	TBD c/
Cabazon (CA)	111		187	176	1		TBD c/	TBD c/
Cabazon (OR)			52	50	1		TBD c/	TBD c/
Dover Sole	28,582		44,400	44,826	1		TBD c/	TBD c/
English Sole	9,745		20,675	10,620	1		TBD c/	TBD c/
PETRALE SOLE (1,200 mt 2010 OY)	2,751		1,021	1,279	1		TBD c/	TBD c/
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	2,751		1,170	1,369	1		TBD c/	TBD c/
Arrowtooth Flounder	10,112		18,211	14,460	1		TBD c/	TBD c/
Starry Flounder	1,578		1,802	1,813	2	d	1,352	1,360
Longnose skate	3,269		3,128	3,006	1		TBD c/	TBD c/

Table 2-1a (continued). Specified 2010 ABCs (mt), projected 2011 and 2012 OFLs (mt) for assessed stocks, proposed OFLs for unassessed stocks, proposed FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in *italics*).

Stock	No Action Alternative	Action Alternatives		Proposed Species Category a/		Preliminary Action Alternatives b/		Comments
		2010 ABC	2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC
Other Flatfish	6,731	10,146	10,146				5,073	5,073
Butter sole	5	5	5	3	b	b	2	2
Curlfin sole	8	8	8	3	b	b	4	4
Flathead sole	123	35	35	3	b	b	18	18
Pacific sanddab	3,172	4,943	4,943	3	d	d	2,471	2,471
Rex sole	2,902	4,309	4,309	3	d	d	2,154	2,154
Rock sole	46	66	66	3	c	c	33	33
Sand sole	376	781	781	3	c	c	390	390
Other Fish	11,200						NA	NA
Big skate				3			0	0
California skate				3			0	0
Leopard shark		164	164	3	d	d	82	82
Southern shark		62	62	3	c	c	31	31
Spiny dogfish		2,200	2,200	3	d	d	1,100	1,100
Finescale codling				3			0	0
Pacific rattail		4,178	1,178	3	c	c	589	589
Raffish				3			0	0
Cabezon (OR in 2009-10)				1			TBD c/	TBD c/
Cabezon (WA)				3			0	0
Kelp greenling (CA)		111	111	3	d	d	55	55
Kelp greenling (OR & WA)				3			0	0

a/ Proposed Species Category is the initial categorization made by the SSC Groundfish Subcommittee for consideration by the SSC.

b/ Preliminary action alternatives for 2011 and 2012 ABCs assume a decision on an overfishing probability (P*) for category 1 stocks, a 25% reduction from the OFL for category 2 stocks, and a 50% reduction from the OFL for category 3 stocks.

c/ The ABCs for category 1 stocks are a reduction from the OFL using an assessment coefficient of variation coupled with an overfishing probability (P*). See Tables 2-1 c and d for the ABCs under a range of P* values using the assessment CV of $\sigma = 0.36$.

d/ Chilipepper rockfish are projected from the 2007 assessment based on the population occurring in waters off CA and OR. They were specified for south of 40°10' N latitude in 2009-10, but should have been applied for the waters off CA and OR.

e/ Splinose rockfish specifications in 2009-10 were for south of 40°10' N latitude. The 2011-12 specifications are projected from the 2009 assessment and apply coastwide. The Council needs to decide whether to manage this stock with stock-specific specifications or to manage this stock within the minor slope rockfish complexes.

f/ The Council needs to decide whether the greenstriped stock will be managed under stock-specific specifications or whether to continue managing the stock within the minor shelf rockfish complexes.

Table 2-1b. Specified 2010 acceptable biological catches (ABCs in mt) and presumed ABC values if Amendment 23 were in place for deciding scientific uncertainty buffers in 2010 (ABC*) of assessed category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).

Stock	No Action Alternative									
	2010 ABC	2010 ABC*								
		Overfishing Probability (P*)								
		0.45	0.40	0.35	0.30	0.25	0.20	0.15		
Lingcod - coastwide	4,829	4,615	4,408	4,204	3,998	3,788	3,567	3,325		
Pacific Whiting (U.S. + Canada)	455,550	435,401	415,840	396,545	377,180	357,341	336,474	313,685		
Sablefish - coastwide	9,217	8,809	8,414	8,023	7,631	7,230	6,808	6,347		
PACIFIC OCEAN PERCH	1,173	1,121	1,071	1,021	971	920	866	808		
WIDOW	6,937	6,630	6,332	6,038	5,744	5,441	5,124	4,777		
CANARY	940	898	858	818	778	737	694	647		
Chillipepper	2,576	2,462	2,351	2,242	2,133	2,021	1,903	1,774		
BOCACCCIO S. of 40°10' N latitude	793	758	724	690	657	622	586	546		
Spitnose	615	588	561	535	509	482	454	423		
Yellowtail N. of 40°10' N latitude	4,562	4,360	4,164	3,971	3,777	3,579	3,370	3,141		
Shortspine Thornyhead - coastwide	2,411	2,304	2,201	2,099	1,996	1,891	1,781	1,660		
Longspine Thornyhead - coastwide	3,671	3,509	3,351	3,196	3,039	2,880	2,711	2,528		
DARKBLOTCHED	440	421	402	383	364	345	325	303		
YELLOWWEYE	32	31	29	28	26	25	24	22		
Black Rockfish (WA)	464	443	423	404	384	364	342	319		
Black Rockfish (OR-CA)	1,317	1,259	1,202	1,146	1,090	1,033	973	907		
California scorpionfish	155	148	141	135	128	122	114	107		
Cabazon (CA)	111	106	101	97	92	87	82	76		
Cabazon (OR)	NA	NA	NA	NA	NA	NA	NA	NA		
Dover Sole	28,582	27,318	26,091	24,880	23,665	22,420	21,111	19,681		
English Sole	9,745	9,314	8,896	8,483	8,069	7,644	7,198	6,710		
PETRALE SOLE (1,200 mt 2010 OY)	2,751	2,629	2,511	2,395	2,278	2,158	2,032	1,894		
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	2,751	2,629	2,511	2,395	2,278	2,158	2,032	1,894		
Arrowtooth Flounder	10,112	9,665	9,231	8,802	8,372	7,932	7,469	6,963		
Longnose skate	3,269	3,124	2,984	2,846	2,707	2,564	2,415	2,251		

Table 2-1c. Projected 2011 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of assessed category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).

Stock	Action Alternatives										
	2011 OFL	2011 ABC									
		Overfishing Probability (P*)									
		0.45	0.40	0.35	0.30	0.25	0.20	0.15			
Lingcod - coastwide	4,961	4,742	4,529	4,318	4,108	3,891	3,664	3,416			
Lingcod N. of 42° N latitude (OR & WA)	2,438	2,330	2,225	2,122	2,019	1,912	1,801	1,679			
Lingcod S. of 42° N latitude (CA)	2,523	2,411	2,303	2,196	2,089	1,979	1,864	1,737			
Sablefish - coastwide	8,808	8,418	8,040	7,667	7,293	6,909	6,506	6,065			
PACIFIC OCEAN PERCH	1,026	981	937	893	849	805	758	706			
WIDOW	5,097	4,872	4,653	4,437	4,220	3,998	3,765	3,510			
CANARY	614	586	560	534	508	481	453	422			
Chilipepper c/	2,229	2,130	2,035	1,940	1,846	1,748	1,646	1,535			
BOCACCIO S. of 40°10' N latitude	737	704	673	642	610	578	544	507			
Splitnose d/	2,381	2,276	2,173	2,073	1,971	1,868	1,759	1,640			
Yellowtail N. of 40°10' N latitude	4,566	4,364	4,168	3,975	3,780	3,582	3,372	3,144			
Shortspine Thornyhead - coastwide	2,384	2,279	2,176	2,075	1,974	1,870	1,761	1,642			
Longspine Thornyhead - coastwide	3,577	3,419	3,265	3,114	2,962	2,806	2,642	2,463			
DARKBLOTCHED	508	485	464	442	420	398	375	350			
YELLOWWEYE	48	46	44	42	40	37	35	33			
Black Rockfish (WA)	445	426	406	388	369	349	329	307			
Black Rockfish (OR-CA)	1,217	1,163	1,111	1,059	1,008	955	899	838			
Greenstriped	1,429										
California scorpionfish	141	135	129	123	117	111	104	97			
Cabazon (CA)	187	179	171	163	155	147	138	129			
Cabazon (OR)	52	50	47	45	43	41	38	36			
Dover Sole	44,400	42,436	40,530	38,649	36,762	34,828	32,794	30,573			
English Sole	20,675	19,761	18,873	17,997	17,118	16,218	15,271	14,237			
PETRALE SOLE (1,200 mt 2010 OY)	1,021	976	932	889	845	801	754	703			
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	1,170	1,118	1,068	1,018	969	918	864	806			
Arrowtooth Flounder	18,211	17,406	16,624	15,852	15,078	14,285	13,451	12,540			
Longnose skate	3,128	2,990	2,855	2,723	2,590	2,454	2,310	2,154			

Table 2-1d. Projected 2012 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of assessed category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).

Stock	Action Alternatives										
	2012 OFL	2012 ABC									
		Overfishing Probability (P*)									
		0.45	0.40	0.35	0.30	0.25	0.20	0.15			
Lingcod - coastwide	4,848	4,634	4,425	4,220	4,014	3,803	3,581	3,338			
Lingcod N. of 42° N latitude (OR & WA)	2,251	2,151	2,055	1,959	1,864	1,766	1,663	1,550			
Lingcod S. of 42° N latitude (CA)	2,597	2,482	2,371	2,261	2,150	2,037	1,918	1,788			
Sablefish - coastwide	8,623	8,242	7,871	7,506	7,140	6,764	6,369	5,938			
PACIFIC OCEAN PERCH	1,007	962	919	877	834	790	744	693			
WIDOW	4,923	4,705	4,494	4,285	4,076	3,862	3,636	3,390			
CANARY	622	594	567	541	515	488	459	428			
Chilipepper c/	2,013	1,924	1,838	1,752	1,667	1,579	1,487	1,386			
BOCACCIO S. of 40°10' N latitude	732	700	668	637	606	574	541	504			
Splintnose d/	2,507	2,396	2,288	2,182	2,076	1,967	1,852	1,726			
Yellowtail N. of 40°10' N latitude	4,573	4,371	4,174	3,981	3,786	3,587	3,378	3,149			
Shortspine Thornyhead - coastwide	2,358	2,254	2,152	2,053	1,952	1,850	1,742	1,624			
Longspine Thornyhead - coastwide	3,483	3,329	3,179	3,032	2,884	2,732	2,573	2,398			
DARKBLOTCHED	497	475	454	433	411	390	367	342			
YELLOWWEYE	48	46	44	42	40	38	35	33			
Black Rockfish (WA)	435	415	397	378	360	341	321	299			
Black Rockfish (OR-CA)	1,169	1,117	1,067	1,018	968	917	863	805			
Greenstriped	1,458	1,394	1,331	1,269	1,207	1,144	1,077	1,004			
California scorpionfish	132	126	120	115	109	103	97	91			
Cabezon (CA)	176	168	161	153	146	138	130	121			
Cabezon (OR)	50	48	46	44	41	39	37	34			
Dover Sole	44,826	42,843	40,919	39,020	37,114	35,162	33,109	30,867			
English Sole	10,620	10,150	9,694	9,244	8,793	8,330	7,844	7,313			
PETRALE SOLE (1,200 mt 2010 OY)	1,279	1,222	1,168	1,113	1,059	1,003	945	881			
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	1,369	1,308	1,250	1,192	1,133	1,074	1,011	943			
Arrowtooth Flounder	14,460	13,820	13,200	12,587	11,972	11,343	10,680	9,957			
Longnose skate	3,006	2,873	2,744	2,617	2,489	2,358	2,220	2,070			

Tables and Graphics Relevant to Deciding 2011-2012 Groundfish Annual Catch Limits

- Table 2-2a. Range of 2011 annual catch limit (ACL) alternatives (mt) adopted for analysis.
- Table 2-2b. Range of 2012 annual catch limit (ACL) alternatives (mt) adopted for analysis.
- Table 2-2c. Basis for the 2011-2012 annual catch limit alternatives adopted for analysis.
- Figure 2-1. Options for defining the 40-10 control rule under the Amendment 23 framework.
- Table 2-3a. Coastwide sablefish OFL, ABC, and ACL projections under two 40-10 control rule options for 2011 and 2012.
- Table 2-3b. Blue rockfish OFL, ABC, and ACL projections under two 40-10 control rule options for 2011 and 2012.
- Table 2-4. Estimated time to rebuild and SPR harvest rate relative to alternative 2011-2012 ACLs for depleted west coast groundfish species.
- Figure 2-2a. 2011 annual catch limits (mt) vs. predicted rebuilding times for seven overfished rockfish species.
- Figure 2-2b. 2011 annual catch limits (mt) vs. predicted rebuilding times for petrale sole.

Table 2-2a. Range of 2011 annual catch limit (ACL) alternatives (mt) adopted for analysis. NOTE the range of ACL alternatives will be limited by the specified ABC since an ACL cannot exceed the ABC (highlighted cells equal projected OFLs). ABC specifications have yet to be decided; therefore, some of the higher ACLs may not be legally viable. Also, the GMT has yet to determine their recommendations for the minor rockfish, Other Flatfish, and Other Fish complexes, so those values are missing. (Overfished stocks in CAPS; Stocks with new assessments in bold; ACL alternatives with a scientific uncertainty adjustment incorporated are in *bold italic* with a bold border around the cell).

Stock	No Action Alternative	Status Quo Alternative a/	2011 Action Alternatives					
	2010 OY	2011 ACL	Alt 1 ACL	Alt 2 ACL	Alt 3 ACL	Alt 4 ACL	Alt 5 ACL	Alt 6 ACL
Lingcod - coastwide	4,829		2,481	3,593	4,961			
Lingcod N. of 42° N latitude (OR & WA)			1,219	2,172	2,438			
Lingcod S. of 42° N latitude (CA)			1,262	1,421	2,523			
Pacific Cod	1,600		1,600					
Pacific Whiting (U.S.)	193,935		67,970	135,939	404,318			
Sablefish - coastwide								
Sablefish N. of 36° N latitude	6,471		4,343	4,599	5,770	5,770	6,109	
Sablefish S. of 36° N latitude	1,258		1,022	894	1,358	2,715	1,188	
PACIFIC OCEAN PERCH	200	180	0	180	204	265		
Shorbelly	6,950		6,950					
WIDOW	509	352	0	200	400	600	1,000	3,000
CANARY	105	102	0	49	69	102	128	155
Chilipepper b/	2,447		2,229					
BOCACCIIO S. of 40°10' N latitude	288	263	0	53	109	263	373	
Spltnose c/	461		145	291	618	1,236	Manage in Complex	
Yellowtail N. of 40°10' N latitude	4,562		4,566					
Shortspine Thornyhead - N. of 34°27' N latitude	1,591		1,573	1,573				
Shortspine Thornyhead - S. of 34°27' N latitude	410		405	811				
Longspine Thornyhead - N. of 34°27' N latitude	2,175		2,119	2,825				
Longspine Thornyhead - S. of 34°27' N latitude	385		375	751				
COWCOD (Con + Mon)	4	4	0	2	3	4	9	
DARKBLOTCHED	291	332	0	130	222	298	332	461
YELLOWWEYE	17	20	0	9	13	17	20	20
Black Rockfish (WA)	464		445					
Black Rockfish (OR-CA)	1,000		1,000					
California scorpionfish	155		133	144				
Cabezon (CA)	79		102	160				
Cabezon (OR)			29	50				
Dover Sole	16,500		16,500	44,400				
English Sole	9,745		7,158					
PETRALE SOLE (1,200 mt 2010 OY)	1,200		0	459	695	1,021		
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	1,200		0	586	810	1,170		
Arrowtooth Flounder	10,112		9,109					
Starry Flounder	1,077		1,130	1,507				
Longnose skate	1,349		1,349					

a/ The status quo alternative are the ACLs under the current SPR harvest rates prescribed in rebuilding plans as applied to the estimated biomass for the stock. This alternative applies only to the overfished species with adopted rebuilding plans and differs from the No Action alternative, which is based on the 2010 OYs in regulation.

b/ Chilipepper rockfish are projected from the 2007 assessment based on the population occurring in waters off CA and OR. They were specified for south of 40°10' N latitude in 2009-10, but should have been applied for the waters off CA and OR.

c/ Spltnose rockfish specifications in 2009-10 were for south of 40°10' N latitude. The 2011-12 specifications are projected from the 2009 assessment and apply coastwide.

Table 2-2b. Range of 2012 annual catch limit (ACL) alternatives (mt) adopted for analysis. NOTE the range of ACL alternatives will be limited by the specified ABC since an ACL cannot exceed the ABC (highlighted cells equal projected OFLs). ABC specifications have yet to be decided; therefore, some of the higher ACLs may not be legally viable. Also, the GMT has yet to determine their recommendations for the minor rockfish, Other Flatfish, and Other Fish complexes, so those values are missing. (Overfished stocks in CAPS; Stocks with new assessments in bold; ACL alternatives with a scientific uncertainty adjustment incorporated are in <i>bold italic</i> with a bold border around the cell).														
Stock	No Action Alternative	Status Quo Alternative a/	2012 Action Alternatives											
	2010 OY	2012 ACL	Alt 1 ACL	Alt 2 ACL	Alt 3 ACL	Alt 4 ACL	Alt 5 ACL	Alt 6 ACL						
Lingcod - coastwide	4,829		2,424	3,551	4,848									
Lingcod N. of 42° N latitude (OR & WA)			1,126	2,020	2,251									
Lingcod S. of 42° N latitude (CA)			1,299	1,531	2,597									
Pacific Cod	1,600		1,600											
Pacific Whiting (U.S.)	193,935		67,970	135,939	404,318									
Sablefish - coastwide														
Sablefish N. of 36° N latitude	6,471		4,240	4,490	5,594	5,594	5,923							
Sablefish S. of 36° N latitude	1,258		998	873	1,316	2,632	1,152							
PACIFIC OCEAN PERCH	200	183	0	183	208	269								
Shortbelly	6,950		6,950											
WIDOW	509	339	0	200	400	600	1,000	3,000						
CANARY	105	107	0	51	72	107	134	162						
Chilipepper b/	2,447		2,013											
BOCACCIO S. of 40°10' N latitude	288	274	0	56	115	274	384							
Splintnose c/	461		145	291	618	1,236	Manage in complex							
Yellowtail N. of 40°10' N latitude	4,562		4,573											
Shortspine Thornyhead - N. of 34°27' N latitude	1,591		1,556	1,556										
Shortspine Thornyhead - S. of 34°27' N latitude	410		401	802										
Longspine Thornyhead - N. of 34°27' N latitude	2,175		2,063	2,751										
Longspine Thornyhead - S. of 34°27' N latitude	385		366	731										
COWCOD (Con + Mon)	4	4	0	2	3	4	9							
DARKBLOTCHED	291	329	0	131	222	296	329	453						
YELLOWWEYE	17	21	0	9	13	17	20	21						
Black Rockfish (WA)	464		435											
Black Rockfish (OR-CA)	1,000		1,000											
California scorpionfish	155		124	132										
Cabezon (CA)	79		105	156										
Cabezon (OR)			29	48										
Dover Sole	16,500		16,500	44,826										
English Sole	9,745		5,790											
PETRALE SOLE (1,200 mt 2010 OY)	1,200		0	624	1,125	1,279								
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	1,200		0	732	1,192	1,369								
Arrowtooth Flounder	10,112		8,241											
Starry Flounder	1,077		1,166											
Longnose skate	1,349		1,349											
a/ The status quo alternative is informed by the ACLs under the current SPR harvest rates prescribed in rebuilding plans as applied to the estimated biomass for the stock. This alternative applies only to the overfished species with adopted rebuilding plans and differs from the No Action alternative, which is based on the 2010 OYs in regulation.														
b/ Chilipepper rockfish are projected from the 2007 assessment based on the population occurring in waters off CA and OR. They were specified for south of 40°10' N latitude in 2009-10, but should have been applied for the waters off CA and OR.														
c/ Splintnose rockfish specifications in 2009-10 were for south of 40°10' N latitude. The 2011-12 specifications are projected from the 2009 assessment and apply coastwide.														

a/ The status quo alternative is informed by the ACLs under the current SPR harvest rates prescribed in rebuilding plans as applied to the estimated biomass for the stock. This alternative applies only to the overfished species with adopted rebuilding plans and differs from the No Action alternative, which is based on the 2010 OYs in regulation.

b/ Chilipepper rockfish are projected from the 2007 assessment based on the population occurring in waters off CA and OR. They were specified for south of 40°10' N latitude in 2009-10, but should have been applied for the waters off CA and OR.

c/ Splintnose rockfish specifications in 2009-10 were for south of 40°10' N latitude. The 2011-12 specifications are projected from the 2009 assessment and apply coastwide.

Table 2-2c. Basis for the 2011-2012 annual catch limit alternatives adopted for analysis.						
Stock	2011-12 Action Alternatives					
	Alt 1 ACL Sum of N & S ACLs	Alt 2 ACL Sum of N & S ACLs	Alt 3 ACL Sum of N & S OFLs	Alt 4 ACL	Alt 5 ACL	Alt 6 ACL
Lingcod - coastwide	Projected OFL from the base case model in the 2009 assessment with a 50% precautionary reduction due to assessment uncertainty and overfished species bycatch concerns.	Low catch from low M model in the 2009 assessment.	Base catch from base model in the 2009 assessment.			
Lingcod N. of 42° N latitude (OR & WA)						
Lingcod S. of 42° N latitude (CA)	Base case catch from the base case model in the 2009 assessment with a 50% precautionary reduction due to assessment uncertainty and overfished species bycatch concerns.	Low catch from low M model in the 2009 assessment.	Base catch from base model in the 2009 assessment.			
Pacific Cod	OY/ACL = 50% of the ABC/OFL since this an unassessed stock.					
Pacific Whiting (U.S.)	Half the 2009 OY.	2009 OY.	150% of the 2008 OY of 269,545 mt.			
Sablefish N. of 36° N latitude	68% of coastwide OY/ACL projected from the low stock size and low catch case in the 2007 assessment. 68% is the 2003-08 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	72% of coastwide OY/ACL projected from the low stock size and low catch case in the 2007 assessment. 72% is the 2003-06 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	68% of coastwide OY/ACL projected from the base case in the 2007 assessment. 68% is the 2003-08 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	68% of coastwide OY/ACL projected from the base case in the 2007 assessment. 68% is the 2003-08 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	72% of coastwide OY/ACL projected from the base case in the 2007 assessment. 72% is the 2003-06 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	
Sablefish S. of 36° N latitude	32% of the coastwide OY/ACL projected from the low stock size and low catch case in the 2007 assessment with a 50% precautionary adjustment due to assessment uncertainty. 32% is the 2003-08 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	28% of the coastwide OY/ACL projected from the low stock size and low catch case in the 2007 assessment with a 50% precautionary adjustment due to assessment uncertainty. 28% is the 2003-06 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	32% of the coastwide OY/ACL projected from the base case in the 2007 assessment with a 50% precautionary adjustment due to assessment uncertainty. 32% is the 2003-08 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	32% of the coastwide OY/ACL projected from the base case in the 2007 assessment without a precautionary adjustment due to assessment uncertainty. 32% is the 2003-08 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	28% of the coastwide OY/ACL projected from the base case in the 2007 assessment with a 50% precautionary adjustment due to assessment uncertainty. 28% is the 2003-06 ave. proportion of the estimated swept-area biomass from the NWFSC shelf-slope survey.	
PACIFIC OCEAN PERCH	SPR = F100%; T (@ F=0) = 2018; Pmax = 95.8%.	Status quo SPR = F86.4%; Target = 2020; Pmax = 89.7%.	SPR = F84.8% (HR that produces the 2009 and 2010 OYs); Target = 2021; Pmax = 88.7%.	SPR = F81.1%; Target = 2021; Pmax = 85.6%.		
Shortbelly	50% of status quo ABC/OY.					

Table 2-2c (continued). Basis for the 2011-2012 annual catch limit alternatives adopted for analysis.						
Stock	2011-12 Action Alternatives					
	Alt 1 ACL	Alt 2 ACL	Alt 3 ACL	Alt 4 ACL	Alt 5 ACL	Alt 6 ACL
WIDOW	T (@ F=0) = 2010; Projected spawning outputs in 2011 and 2012 are 2% and 4% above the B40% target, respectively.	Target = 2010; Projected spawning outputs in 2011 and 2012 are 2% and 4% above the B40% target, respectively.	Target = 2010; Projected spawning outputs in 2011 and 2012 are 2% and 4% above the B40% target, respectively.	Target = 2010; Projected spawning outputs in 2011 and 2012 are 2% and 3% above the B40% target, respectively.	Target = 2010; Projected spawning outputs in 2011 and 2012 are 2% and 3% above the B40% target, respectively.	Target = 2010; Projected spawning output in 2011 is 2% above the B40% target and at the B40% target in 2012.
CANARY	SPR=F100%; T(@F=0) = 2024; Pmax = 75%.	SPR = F94.4%; Target = 2025; Pmax = 75%.	SPR = F92.2%; Target = 2026; Pmax = 75%.	SPR = F88.7% (SQ SPR from rebuilding plan); Target = 2027; Pmax = 75%.	SPR = F86%; Target = 2027; Pmax = 75%.	SPR = F83.4%; Target = 2028; Pmax = 75%.
Chilipepper	ACL = ABC from base model in the 2007 assessment. The projected (and status quo) ABCs + ACLs (OYs) should have been for waters off CA + OR, not just S. of 40°10' N latitude.					
BOCACCIO S. of 40°10' N latitude	SPR=F100%; T(@F=0) = 2019.	SPR = F95%; Target = 2019. ACL projected from the 2009 assessment, which assessed the stock south of 43° N latitude, but reduced by 6% to represent the proportion of the stock south of 40°10' N latitude (based on proportion on historical catch).	SPR = F90%; Target = 2020. ACL projected from the 2009 assessment, which assessed the stock south of 43° N latitude, but reduced by 6% to represent the proportion of the stock south of 40°10' N latitude (based on proportion on historical catch).	SPR = F77.7% (SQ SPR in rebuilding plan); Target = 2022. ACL projected from the 2009 assessment, which assessed the stock south of 43° N latitude, but reduced by 6% to represent the proportion of the stock south of 40°10' N latitude (based on proportion on historical catch).	SPR = F70%; Target = 2024. ACL projected from the 2009 assessment, which assessed the stock south of 43° N latitude, but reduced by 6% to represent the proportion of the stock south of 40°10' N latitude (based on proportion on historical catch).	
Splitnose	Coastwide ACL based on 50% of average removals in the last ten years. SQ specifications were for south of 40°10' N latitude.	Coastwide ACL based on the average removals in the last ten years. SQ specifications were for south of 40°10' N latitude.	Coastwide ACL = 50% of the MSY at the proxy biomass target of B40% (estimated from the 2009 assessment). SQ specifications were for south of 40°10' N latitude.	Coastwide ACL = the MSY at the proxy biomass target of B40% (estimated from the 2009 assessment). SQ specifications were for south of 40°10' N latitude.		
Yellowtail N. of 40°10' N latitude	ACL projected from the 2005 assessment, based on the F50% catch.					

Table 2-2c (continued). Basis for the 2011-2012 annual catch limit alternatives adopted for analysis.

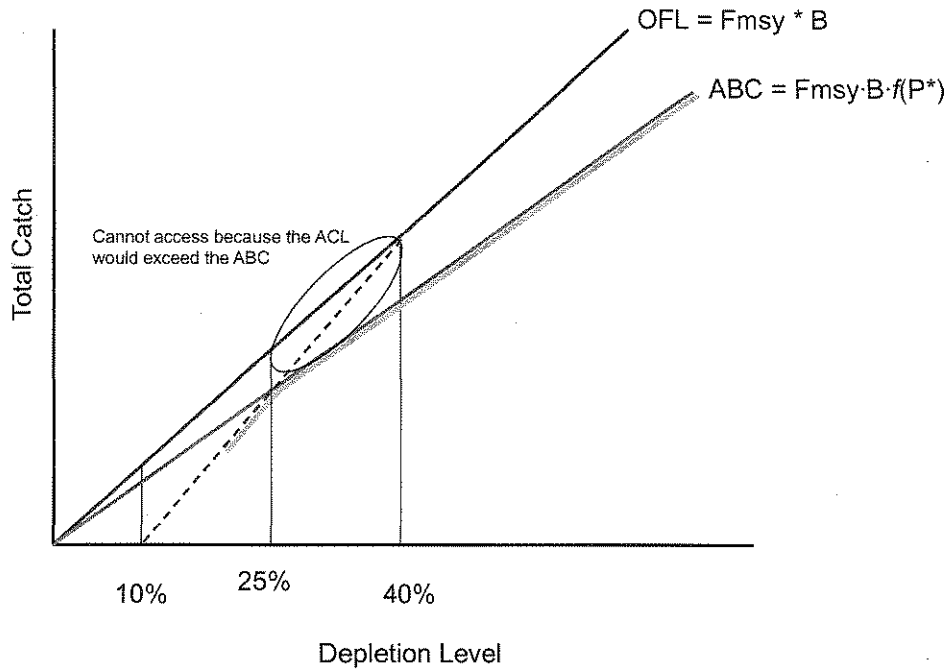
Stock	2011-12 Action Alternatives					
	Alt 1 ACL	Alt 2 ACL	Alt 3 ACL	Alt 4 ACL	Alt 5 ACL	Alt 6 ACL
Shortspine Thornyhead - N. of 34°27' N latitude	ACL = 66% of the projected coastwide ABC/OY since the 2005 assessment indicated 66% of the biomass occurs N. of Pt. Conception (status quo methodology).	ACL = 66% of the projected coastwide ABC/OY since the 2005 assessment indicated 66% of the biomass occurs N. of Pt. Conception (status quo methodology).				
Shortspine Thornyhead - S. of 34°27' N latitude	ACL = 34% of the projected coastwide ABC/OY since the 2005 assessment indicated 34% of the biomass occurs S of Pt. Conception with an additional 50% precautionary reduction to account for the paucity of survey data S of Pt. Conception (status quo methodology).	ACL = 34% of the projected coastwide ABC/OY since the 2005 assessment indicated 34% of the biomass occurs S of Pt. Conception without a precautionary reduction for scientific uncertainty.				
Longspine Thornyhead - N. of 34°27' N latitude	Coastwide ACL projected from the 2005 assessment was apportioned N & S of Pt. Conception as follows: Assumed constant density throughout the Conception area and estimated 79% of the assessed coastwide biomass occurs N of Pt. Conception, with a 25% precautionary reduction to account for relatively higher assessment uncertainty (status quo methodology).	Coastwide ACL projected from the 2005 assessment was apportioned N & S of Pt. Conception as follows: Assumed constant density throughout the Conception area and estimated 79% of the assessed coastwide biomass occurs N of Pt. Conception, without a precautionary reduction for scientific uncertainty.				
Longspine Thornyhead - S. of 34°27' N latitude	Coastwide ACL projected from the 2005 assessment was apportioned N & S of Pt. Conception as follows: Assumed constant density throughout the Conception area and estimated 21% of the assessed coastwide biomass occurs S of Pt. Conception, with a 50% precautionary reduction to account for relatively higher assessment uncertainty and a paucity of survey data for the Conception area (status quo methodology).	Coastwide ACL projected from the 2005 assessment was apportioned N & S of Pt. Conception as follows: Assumed constant density throughout the Conception area and estimated 21% of the assessed coastwide biomass occurs S of Pt. Conception, without a precautionary reduction for scientific uncertainty.				

Table 2-2c (continued). Basis for the 2011-2012 annual catch limit alternatives adopted for analysis.						
Stock	2011-12 Action Alternatives					
	Alt 1 ACL	Alt 2 ACL	Alt 3 ACL	Alt 4 ACL	Alt 5 ACL	Alt 6 ACL
COWCOD (Con + Mon)	SPR=F100%; T(@F=0) = 2060; Pmax = 78.4%.	SPR = F90%; Target = 2064; Pmax = 72.4%. ACLs projected from the 2009 rebuilding analysis, which pertains to the Concepcion area, are doubled to account for the Monterey area.	SPR = F79.0% (SPR HR in current rebuilding plan); Target = 2071; Pmax = 66.2%. ACLs projected from the 2009 rebuilding analysis, which pertains to the Concepcion area, are doubled to account for the Monterey area.	SPR = F59.7%; Target = Tmax = 2097; Pmax = 50%. ACLs projected from the 2009 rebuilding analysis, which pertains to the Concepcion area, are doubled to account for the Monterey area.		
DARKBLOTTCHED	SPR=F100%; T(@F=0) = 2016; Pmax = 100%.	SPR = F81.8%; Target = 2018; Pmax = 99.7%.	SPR = F71.9%; Target = 2022; Pmax = 95.1%.	SPR = F64.9%; Target = 2025; Pmax = 85.2%.	SPR (SPR HR in current rebuilding plan) = F62.1%; Target = 2027; Pmax = 78.8%.	SPR = F52.8%; Target = Tmax = 2037; Pmax = 50%.
YELLOWWEYE	SPR=F100%; T(@F=0) = 2047; Pmax = 99.3%.	SPR = F86%; Target = 2058; Pmax = 82.5%.	SPR = F80.7%; Target = 2065; Pmax = 75.6%.	SPR = F76%; Target = 2074; Pmax = 68.9%.	SPR (SPR HR in current rebuilding plan) = F71.9%; Target = 2087; Pmax = 54.9%.	SPR = F70.9%; Target = Tmax = 2092; Pmax = 50%.
Black Rockfish (WA)	ACL projected under the base model (M=0.16 males, M=0.24 females) in the 2007 assessment with a 3% reduction to account for the portion of the stock estimated between Cape Falcon and the Columbia River.					
Black Rockfish (OR-CA)	Constant catch scenario (status quo) evaluated in the 2009-10 specifications FEIS (evaluated from results of the 2007 assessment).					
California scorpionfish	ACL projected from the 2005 assessment under the CA 60:20 precautionary adjustment.	ACL projected from the 2005 assessment under the 40:10 precautionary adjustment.				
Cabezon (CA)	Based on the low M scenario in the 2009 assessment with the 40:10 precautionary reduction.	Based on the base case scenario in the 2009 assessment with the 40:10 precautionary reduction.				
Cabezon (OR)	Based on the low M scenario in the 2009 assessment with the 40:10 precautionary reduction.	Based on the base case scenario in the 2009 assessment with the 40:10 precautionary reduction.				

Table 2-2c (continued). Basis for the 2011-2012 annual catch limit alternatives adopted for analysis.

Stock	2011-12 Action Alternatives					
	Alt 1 ACL	Alt 2 ACL	Alt 3 ACL	Alt 4 ACL	Alt 5 ACL	Alt 6 ACL
Dover Sole	Estimated MSY from the 2005 assessment based on an F40% harvest rate. This is the SQ specification.	Projected ABC/OFL from the 2005 assessment based on a new SPR harvest rate of F30% (new proxy F_{MSY} harvest rate for federally managed flatfish).				
English Sole	Projected ACL from base model in the 2007 updated assessment using an F40% harvest rate.					
Petrale Sole (under 1,200 mt 2010 OY)	Run 3 in the 2009 rebuilding analysis: rebuilding under a zero-harvest strategy assuming a 2010 OY of 1,200 mt; Target ($=T_{min}$) is predicted by 2014.	Run 1d from the 2009 rebuilding analysis: projected ACL assuming a 2010 OY of 1,200 mt, the 2009 fleet allocation, and an SPR of 0.5. Predicted time to rebuild = 2014 or the same as T_{min} .	Run 4 from the 2009 rebuilding analysis: projected ACL assuming a 2010 OY of 1,200 mt, the 2009 fleet allocation, and the 25:6:25 control rule. Predicted time to rebuild = 2016 or 2 years longer than T_{min} .	Run 5 from the 2009 rebuilding analysis: projected OFL assuming a 2010 OY of 1,200 mt, the 2009 fleet allocation, and an SPR of 0.3. Predicted time to rebuild = 2017 or 3 years longer than T_{min} .		
Petrale Sole (under 1,200 mt 2010 OY; no winter fishery)	Run 3 in the 2009 rebuilding analysis: rebuilding under a zero-harvest strategy assuming a 2010 OY of 1,200 mt and no winter fishery. Target ($=T_{min}$) is predicted by 2014.	Run 1d from the 2009 rebuilding analysis: projected ACL assuming a 2010 OY of 1,200 mt, no winter fishery, and an SPR of 0.5. Predicted time to rebuild = 2014 or the same as T_{min} .	Run 4 from the 2009 rebuilding analysis: projected ACL assuming a 2010 OY of 1,200 mt, no winter fishery, and the 25:6:25 control rule. Predicted time to rebuild = 2017 or 3 years longer than T_{min} .	Run 5 from the 2009 rebuilding analysis: projected OFL assuming a 2010 OY of 1,200 mt, no winter fishery, and an SPR of 0.3 (i.e., OFL control rule). Predicted time to rebuild = 2018 or 4 years longer than T_{min} .		
Arrowtooth Flounder	Projected ACL from the base model in the 2007 assessment using an F40% harvest rate.					
Starry Flounder	Projected ACL from the 2005 assessment using a F40% harvest rate and with a 25% precautionary reduction (data-poor assessment).					
Longnose skate	Based on a 50% increase in the average 2004-06 landings and discard mortality.					

Option 1: Application of the 40/10 control rule to OFL



Option 2: more precautionary approach to application of the 40/10 control rule

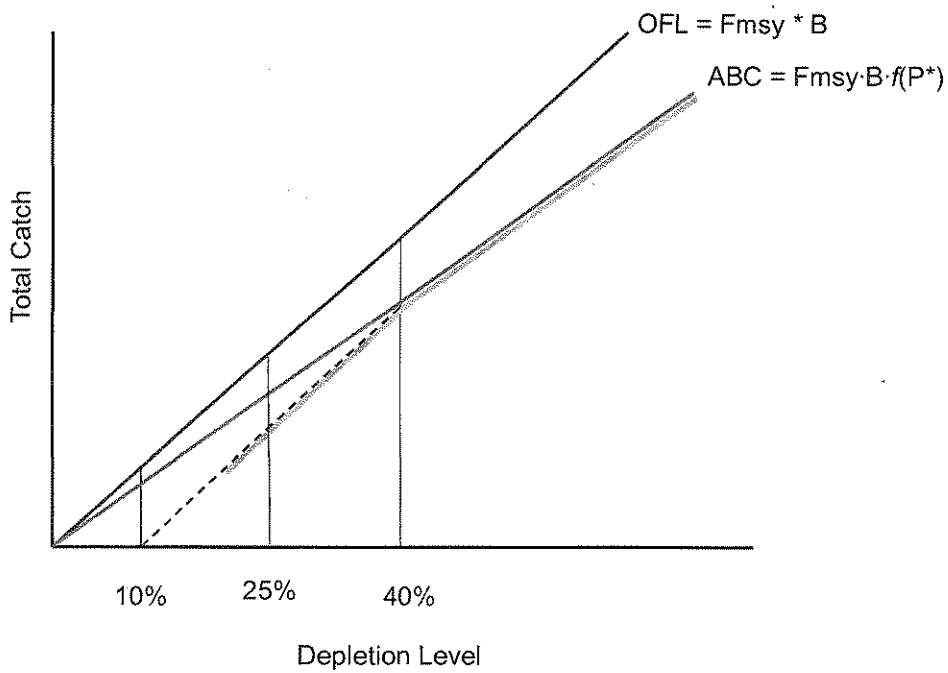


Figure 2-1. Options for defining the 40-10 control rule under the Amendment 23 framework.

Table 2-3a. Coastwide sablefish OFL, ABC, and ACL projections under two 40-10 control rule options for 2011 and 2012.

2011 OFL (mt)	8,808						
2012 OFL (mt)	8,623						
2011 depletion	36.0%						
2012 depletion	35.1%						
	Overfishing Probability (P*)						
	0.45	0.40	0.35	0.30	0.25	0.20	0.15
2011 ABC (mt)	8,418	8,040	7,667	7,293	6,909	6,506	6,065
2011 ACL under option 1 40-10 adj				8,485			
2011 ACL under option 2 40-10 adj	7,296	6,968	6,645	6,321	5,988	5,639	5,256
2012 ABC (mt)	8,242	7,871	7,506	7,140	6,764	6,369	5,938
2012 ACL under option 1 40-10 adj				8,227			
2012 ACL under option 2 40-10 adj	6,896	6,585	6,280	5,974	5,659	4,492	4,968

Table 2-3b. Blue rockfish OFL, ABC, and ACL projections under two 40-10 control rule options for 2011 and 2012.

a/

2011 OFL (mt) b/	219
2012 OFL (mt) b/	217
2011 depletion	30.4%
2012 depletion	30.2%
2011 ABC (mt) c/	164
2011 ACL under option 1 40-10 adj	196
2011 ACL under option 2 40-10 adj	147
2012 ABC (mt) c/	163
2012 ACL under option 1 40-10 adj	193
2012 ACL under option 2 40-10 adj	145

a/ All specifications are for the stock occurring in the area assessed in 2007, which extends north of Pt. Conception at 34°27' N latitude to the OR-CA border at 42° N latitude.

b/ OFLs for blue rockfish, which are managed under the minor nearshore rockfish complexes north and south of 40°10' N latitude, are apportioned 12.7% to the north and 87.3% to the south with an additional 18 mt contribution for the Conception area based on historical catches.

c/ Preliminary ABCs are based on a presumptive 25% scientific uncertainty buffer since this is a proposed category 2 stock. Area apportionment of ABCs would be the same as described for OFLs (see footnote b/).

Table 2-4. Estimated time to rebuild and SPR harvest rate relative to alternative 2011-2012 ACLs for depleted west coast groundfish species.

Species	Current Target	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR	Basis
Bocaccio (S of 40°10' N lat.) a/	2026	1	2019	0	0	F100%	Varying the range of SPR harvest rates
		2	2019	53	56	F95%	Varying the range of SPR harvest rates
		3	2020	109	115	F90%	SPR harvest rate in the current rebuilding plan
		4	2022	263	274	F77.7%	Varying the range of SPR harvest rates
		5	2024	373	384	F70%	Highest ACL that meets legal requirement for 50% probability of rebuilding by T _{max}
Canary	2021		2028	539	545	F60%	
			2031	605	609	F56%	
		1	2024	0	0	F100%	The SPR rate that results from a 2010 OY of 44 mt (possible reduction under interim analysis)
		2	2025	49	51	F94.4%	The SPR rate that results from a 2009/2010 OY of 105 mt
		3	2026	69	72	F92.2%	SPR harvest rate in the current rebuilding plan, 2027 is also the Target from the 2009 rebuilding analysis
		4	2027	102	107	F88.7%	50% probability to recover by 2027, which is a year that occurs between TF=0 and T _{max} , given a 2010 OY of 105 mt
		5	2027	129	135	F86%	OY resulting from applying an SPR harvest rate of 88.7% to the 2007 assessment results
		6	2028	155	162	F83.4%	50% probability to recover by 2031, which is a year that occurs between TF=0 and T _{max} , given a 2010 OY of 105 mt
			2031	253	263	F74.4%	50% probability to recover by 2035, which is a year that occurs between TF=0 and T _{max} , given a 2010 OY of 105 mt
			2035	308	318	F70%	50% probability to recover by 2043, which is a year that occurs between TF=0 and T _{max} , given a 2010 OY of 105 mt
			2043	396	408	F63.4%	Highest ACL that meets legal requirement for 50% probability of rebuilding by T _{max} , given a 2010 OY of 105 mt
Cowcod	2072	1	2060	0	0	F100%	Amendment 16-4 SPR harvest rate
		2	2064	2	2	F90%	
		3	2068	3	3	F82.7%	SPR harvest rate in the current rebuilding plan; also the 2009/2010 OY of 4 mt
		4	2071	4	4	F79%	Highest ACL that meets legal requirement for 50% probability of rebuilding by T _{max}
		5	2097	9	9	F59.7%	
Darkblotched	2028	1	2016	0	0	F100%	Varying the range of ACLs for analysis
		2	2018	130	131	F81.8%	SPR harvest rate that results in a 50% probability of rebuilding by 2022, a year between TF=0 and T _{max}
		3	2022	222	222	F71.9%	The SPR rate that results from a 2009/2010 OY of 285 and 291 mt, respectively
		4	2025	298	296	F64.9%	SPR harvest rate in the current rebuilding plan
		5	2027	332	329	F62.1%	Highest ACL that meets legal requirement for 50% probability of rebuilding by T _{max}
POP	2017		2037	461	453	F52.8%	
		1	2018	0	0	F100%	SPR harvest rate in the current rebuilding plan
		2	2020	180	183	F86.4%	The SPR rate that results from a 2009/2010 OY (189, 200 mt respectively)
		3	2021	204	208	F84.8%	SPR harvest rate that results in a 50% probability of rebuilding by 2021, a year between TF=0 and T _{max}
		4	2021	265	269	F81.1%	SPR harvest rate that results in a 50% probability of rebuilding by 2024, a year between TF=0 and T _{max}
			2024	404	408	F73.6%	SPR harvest rate that results in a 50% probability of rebuilding by 2031, a year between TF=0 and T _{max}
			2031	635	635	F63.6%	SPR harvest rate that results in a 50% probability of rebuilding by 2038, a year between TF=0 and T _{max}
			2038	751	747	F59.5%	Highest ACL that meets legal requirement for 50% probability of rebuilding by T _{max}
			2045	836	829	F56.8%	

Table 2-4 (continued). Estimated time to rebuild and SPR harvest rate relative to alternative 2011-2012 ACLs for depleted west coast groundfish species.

Species	Current Target	ACL Alt.	Median Time to Rebuild	ACLs (mt) 2011 2012	SPR HR	Basis	
Widow	2015	1	2010	0	0	Constant catch scenarios	
		2	2010	200	200		
		3	2010	400	400		
		4	2010	600	600		
		5	2010	1,000	1,000		
		6	2010	3,000	3,000		
Yelloweye	2084	1	2047	0	0	Apply the harvest rate that generated the 2009/2010 OY of 17 mt SPR harvest rate that results in a 50% probability of rebuilding by 2065, a year between TF=0 and Tmax SPR harvest rate that results in a 50% probability of rebuilding by 2074, a year between TF=0 and Tmax, also the 2009/2010 OY SPR harvest rate that results in a 50% probability of rebuilding by 2084, the Target in the current rebuilding plan SPR harvest rate in the current rebuilding plan under constant harvest rate strategy SPR harvest rate that results in a 50% probability of rebuilding by 2092, which is Tmax	
		2	2058	9	9		F100%
		3	2065	13	13		F86%
		4	2074	17	17		F80.7%
		5	2084	20	20		F76%
		6	2087	20	21		F72.8%
Petrale (with a winter fishery) c/	NA	1	2014	0	0	F71.9%	
		2	2014	459	624	F70.9%	
		3	2016	695	1,125	F100%	
		4	2017	1,021	1,279	F50%	
Petrale (without a winter fishery) c/	NA	1	2014	0	0	25:6.25 rule	
		2	2014	586	732	F30%	
		3	2016	810	1,192	F100%	
		4	2017	1,170	1,369	F50%	
Actual harvest control rule for flatfish is 25:5. This needs to be recalculated Projected OFL under the F30% Frmsy proxy							
Actual harvest control rule for flatfish is 25:5. This needs to be recalculated Projected OFL under the F30% Frmsy proxy							
Actual harvest control rule for flatfish is 25:5. This needs to be recalculated Projected OFL under the F30% Frmsy proxy							
a/ All bocaccio alternatives have been reduced from the rebuilding analysis results by 6% to represent the portion of the stock south of 40°10' N. Latitude (Agenda Item E.2.c, Supplemental SSC Report, September 2009).							
b/ All cowcod alternatives have been doubled from the rebuilding analysis to account for the Monterey contribution (see the 2009-2010 Spex FEIS).							
c/ Projected ACLs for petrale sole differ whether winter fishing on spawning aggregations is allowed or not due to differences in fishery selectivity (i.e., larger, more mature fish are caught in the winter).							

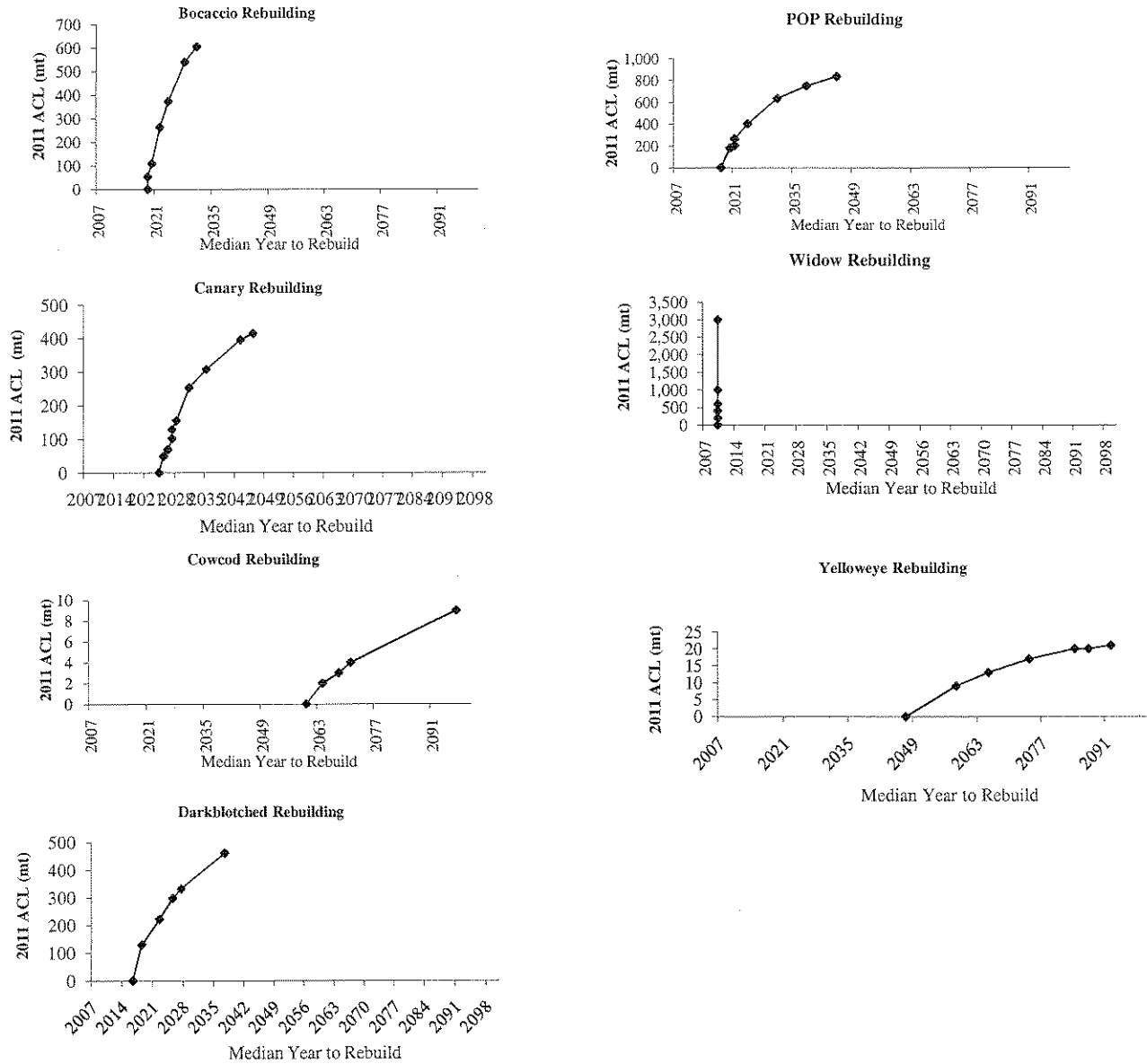


Figure 2-2a. 2011 annual catch limits (mt) vs. predicted rebuilding times for seven overfished rockfish species.

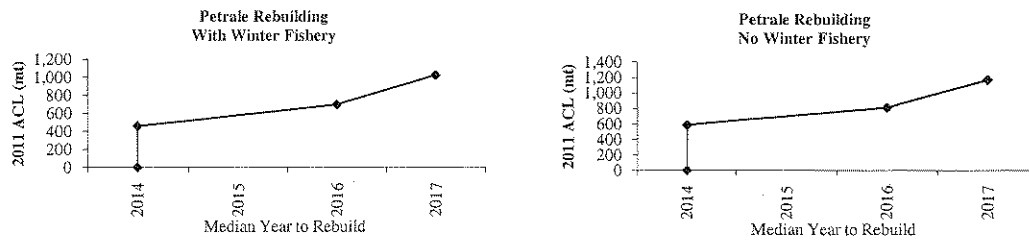


Figure 2-2b. 2011 annual catch limits (mt) vs. predicted rebuilding times for petrale sole.

Tables Relevant to Deciding 2011-2012 Groundfish Overfishing Limits and Acceptable Biological Catches

- REVISED Table 2-1a. Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in italics).
- REVISED Table 2-1c. Projected 2011 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of assessed category 1 FMP species under a range of overfishing probability (P^*) values (assuming an assessment CV of $\sigma = 0.36$).
- REVISED Table 2-1d. Projected 2012 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of category 1 FMP species under a range of overfishing probability (P^*) values (assuming an assessment CV of $\sigma = 0.36$).
- Table 2-1e. Scientific uncertainty buffers used to specify ABC buffers under an overfishing probability (P^*) approach for category 1, 2, and 3 stocks in 2011-12.

REVISED Table 2-1a. Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in <i>italics</i>).									
Stock	No Action Alternative	Action Alternatives		Species Category a/		Preliminary Action Alternatives b/		Comments	
		2010 ABC	2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC	
Lingcod - coastwide	4,829	NA	NA	NA	NA	NA	NA	NA	Council may choose coastwide specifications or area-specific specifications (e.g., OR-WA and CA) for 2011-12. Max historical catch- new cat. 3 category?
Lingcod N. of 42° N latitude (OR & WA)		2,438	2,251		1		TBD c/	TBD c/	
Lingcod S. of 42° N latitude (CA)		2,523	2,597		2	d	1,892	1,948	
Pacific Cod	3,200	3,200	3,200		3	b	1,600	1,600	
Pacific Whiting (U.S. + Canada)	455,550	TBD in 2011	TBD in 2012		1		NA	NA	Not to be managed under Am. 23 framework under the Council's preliminary preferred alt. No P* or scientific uncertainty buffer decision required.
Sablefish - coastwide	9,217	8,808	8,623		1		TBD c/	TBD c/	
PACIFIC OCEAN PERCH	1,173	1,026	1,007		1		TBD c/	TBD c/	
Shorthelly	6,950	TBD	TBD		2	d	#VALUE!	#VALUE!	Determine OFL from assessment (use F50%)
WIDOW	6,937	5,097	4,923		1		TBD c/	TBD c/	
CANARY	940	614	622		1		TBD c/	TBD c/	
Chilepepper d/	2,576	2,229	2,013		1		TBD c/	TBD c/	
Chilepepper S. of 40°10' N latitude d/		2,073	1,872		1		TBD c/	TBD c/	
BOCACIO S. of 40°10' N latitude	793	737	732		1		TBD c/	TBD c/	
Splitnose (coastwide) e/	NA	2,381	2,507		1		TBD c/	TBD c/	Need to decide whether this stock will be managed with stock specific specifications or under the minor slope rockfish complexes
Splitnose S. of 40°10' N latitude e/	615	1,529	1,610		1				
Yellowtail N. of 40°10' N latitude	4,562	4,566	4,573		1		TBD c/	TBD c/	Need to address for long term as assessment becomes obsolete
Shortspine Thornyhead - coastwide	2,411	2,384	2,358		1		TBD c/	TBD c/	
Longspine Thornyhead - coastwide	3,671	3,577	3,483		2	d	2,683	2,612	
COWCOD S. of 40°10' N latitude	14	13	13		2	c	8	8	
COWCOD (Conception)		6	6		2		5	5	Assessed portion of stock in rebuilding plan
COWCOD (Monterey)		7	7		3	d	3	3	Unassessed portion of stock in rebuilding plan
DARKBLOTTED	440	508	497		1		TBD c/	TBD c/	
YELLOW EYE	32	48	48		1		TBD c/	TBD c/	
Black Rockfish (WA)	464	445	435		1		TBD c/	TBD c/	
Black Rockfish (OR-CA)	1,317	1,217	1,169		1		TBD c/	TBD c/	
Greenstriped fl	NA - Managed	1,429	1,458		2	d	1,072	1,094	Need to decide whether this stock will be managed with stock
Minor Rockfish North	3,678	3,767	3,821				1,688	1,706	
Minor Nearshore Rockfish North	NA						NA	NA	
Black and yellow		0.0	0.0		3	d	0.0	0.0	
Blue (CA)	28.0	27.7	27.5		2	d	20.8	20.6	
Blue (OR & WA)		33.1	33.1		3	d	16.6	16.6	
Brown		5.3	5.3		3	d	2.7	2.7	
Calico		0.0	0.0		3	a	0.0	0.0	
China		11.7	11.7		3	d	5.9	5.9	
Copper		28.6	28.6		3	d	14.3	14.3	
Gopher	0.0	0.0	0.0		3	a	0.0	0.0	

REVISED Table 2-1a (continued). Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in <i>italics</i>).									
Stock	No Action Alternative	Action Alternatives		Species Category a/		Preliminary Action Alternatives b/		Comments	
		2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC		
Grass		0.6	0.6	3	d	0.3	0.3		
Kelp		0.0	0.0	3	d	0.0	0.0		
Olive		0.3	0.3	3	d	0.1	0.1		
Quillback		8.7	8.7	3	d	4.3	4.3		
Treefish		0.2	0.2	3	d	0.1	0.1		
Minor Shelf Rockfish North	NA					NA	NA		
Bronzespotted		0.0	0.0	3	d	0.0	0.0		
Bocaccio	318.0	268.2	268.2	3	d	134.1	134.1		
Chumleyon		0.0	0.0	3	a	0.0	0.0		
Chilipepper		156.0	140.9	1		TBD c/	TBD c/		
Cowcod		0.0	0.0	3	a	0.0	0.0		
Dusky		NA	NA	Not in Fishery		NA	NA	Remove from FMP	
Dwarf-red		NA	NA	Not in Fishery		NA	NA	Remove from FMP	
Flag		0.1	0.1	3	d	0.0	0.0		
Freckled		0.0	0.0	3	a	0.0	0.0		
Greenblotched		1.4	1.4	3	c	0.7	0.7		
Greenspotted		20.9	20.9	3	d	10.4	10.4		
Greenstriped fl		1,208.0	1,232.0	2	d	906.0	924.0		
Halibanded		0.0	0.0	3	b	0.0	0.0		
Harlequin		0.0	0.0	3	a	0.0	0.0		
Honeycomb		0.0	0.0	3	c	0.0	0.0	Remove from complex?	
Mexican		0.0	0.0	3	c	0.0	0.0	Remove from complex?	
Pink		0.0	0.0	3	d	0.0	0.0	Remove from complex?	
Pinkrose		0.0	0.0	3	b	0.0	0.0		
Puget Sound		0.0	0.0	3	a	0.0	0.0		
Pygmy		0.0	0.0	3	a	0.0	0.0		
Redstripe	576.0	288.3	288.3	3	d	144.2	144.2		
Rosethorn		15.2	15.2	3	d	7.6	7.6		
Rosy		2.5	2.5	3	d	1.3	1.3		
Silvergray	38.0	180.0	180.0	3	d	90.0	90.0		
Speckled		0.2	0.2	3	d	0.1	0.1		
Squarespot		0.1	0.1	3	c	0.0	0.0		
Starry		0.0	0.0	3	d	0.0	0.0	Remove from complex?	
Stripetail		35.3	35.3	3	d	17.6	17.6		
Swordspine		0.0	0.0	3	d	0.0	0.0	Remove from complex?	
Tiger		1.1	1.1	3	d	0.5	0.5		
Vermilion		11.1	11.1	3	c	5.6	5.6		

REVISED Table 2-1a (continued). Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in *italics*).

Stock	No Action Alternative	Action Alternatives		Species Category a/		Preliminary Action Alternatives b/		Comments
		2010 ABC	2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC
Minor Slope Rockfish North	NA						NA	NA
<i>Aurora</i>			17.3	17.3	3	d	8.7	8.7
<i>Bank</i>			19.7	19.7	3	d	9.8	9.8
<i>Blackgill</i>	0.0		4.7	4.7	3	c	2.3	2.3
<i>Redbanded</i>			51.7	51.7	3	d	25.8	25.8
<i>Rougheye</i>			78.3	78.3	3	d	39.1	39.1
<i>Sharpchin</i>	307.0		231.9	231.9	3	d	115.9	115.9
<i>Shorrfaker</i>			21.8	21.8	3	d	10.9	10.9
<i>Spitnose e/</i>	242.0		852.2	897.3	1		TBD c/	TBD c/
<i>Yellowmouth</i>	99.0		184.7	184.7	3	d	92.3	92.3
Minor Rockfish South	3,382		4,302	4,291			2,302	2,297
Minor Nearshore Rockfish South	NA						NA	NA
<i>Shallow Nearshore Species</i>	NA						NA	NA
<i>Black and yellow</i>			26.8	26.8	3	c	13.4	13.4
<i>China</i>			19.8	19.8	3	c	9.9	9.9
<i>Gopher (N of Pt. Conception)</i>	193.0		175.0	165.0	2	d	131.3	123.8
<i>Gopher (S of Pt. Conception)</i>			26.0	26.0	3	c	13.0	13.0
<i>Grass</i>			55.6	55.6	3	d	27.8	27.8
<i>Kelp</i>			25.9	25.9	3	d	12.9	12.9
<i>Deeper Nearshore Species</i>	NA						NA	NA
<i>Blue (assessed area)</i>	211.0		191.3	189.5	2	d	143.4	142.1
<i>Blue (S of 34°27' N latitude)</i>			74.0	74.0	3	c	37.0	37.0
<i>Brown</i>			197.4	197.4	3	d	98.7	98.7
<i>Calico</i>			0.0	0.0	3	b	0.0	0.0
<i>Copper</i>			156.0	156.0	3	d	78.0	78.0
<i>Olive</i>			189.5	189.5	3	d	94.8	94.8
<i>Quillback</i>			6.3	6.3	3	d	3.2	3.2
<i>Treefish</i>			12.9	12.9	3	d	6.5	6.5
Minor Shelf Rockfish South	NA						NA	NA
<i>Bronzespotted</i>			6.7	6.7	3	c	3.3	3.3
<i>Chumelton</i>			0.0	0.0	3	a	0.0	0.0
<i>Dusky</i>	0.0		NA	NA	Not in Fishery		NA	NA
<i>Dwarf-red</i>	0.0		NA	NA	Not in Fishery		NA	NA
<i>Flag</i>			26.6	26.6	3	c	13.3	13.3
<i>Freckled</i>			0.0	0.0	3	a	0.0	0.0
<i>Greenblotched</i>			24.6	24.6	3	d	12.3	12.3
<i>Greenspotted</i>			195.3	195.3	3	d	97.6	97.6
<i>Greenstriped fl</i>			221.0	226.0	2	d	165.8	169.5
<i>Halfbanded</i>			0.0	0.0	3	b	0.0	0.0
<i>Harlequin</i>			0.0	0.0	3	a	0.0	0.0
<i>Honeycomb</i>			7.8	7.8	3	c	3.9	3.9
<i>Mexican</i>			2.8	2.8	3	c	1.4	1.4

REVISED Table 2-1a (continued). Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in *italics*).

Stock	No Action Alternative	Action Alternatives		Species Category a/		Preliminary Action Alternatives b/		Comments
		2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC	
Pink		2.8	2.8	3	d	1.4	1.4	
Pinkrose		0.0	0.0	3	a	0.0	0.0	
Pygmy		0.0	0.0	3	a	0.0	0.0	
Redstripe		0.5	0.5	3	d	0.3	0.3	
Rosethorn		2.5	2.5	3	d	1.3	1.3	
Rosy		36.9	36.9	3	d	18.5	18.5	
Silvergray		0.6	0.6	3	d	0.3	0.3	
Speckled		42.9	42.9	3	d	21.5	21.5	
Squarespot		5.8	5.8	3	c	2.9	2.9	
Starry		70.5	70.5	3	d	35.3	35.3	
Stripetail		20.6	20.6	3	d	10.3	10.3	
Swordspine		12.9	12.9	3	d	6.5	6.5	
Tiger		0.0	0.0	3	d	0.0	0.0	
Vermilion		308.4	308.4	3	d	154.2	154.2	
Yellowtail	116.0	1,248.9	1,248.9	3	d	624.5	624.5	
Minor Slope Rockfish South	NA					NA	NA	
Aurora		29.4	29.4	3	c	14.7	14.7	
Bank	350.0	574.8	574.8	2	a	431.1	431.1	Anomalous cat.?
Blackgill	282.0	279.0	275.0	1		TBD c/	TBD c/	Not clear why this stock is managed within the complex
Pacific ocean perch		0.0	0.0	3	a	0.0	0.0	
Redbanded		11.9	11.9	3	d	5.9	5.9	
Rougheye		0.5	0.5	3	d	0.2	0.2	
Sharpchin	45.0	10.6	10.6	3	d	5.3	5.3	
Shortraker		0.1	0.1	3	d	0.1	0.1	
Yellowmouth		0.8	0.8	3	d	0.4	0.4	
California scorpionfish	155	141	132	1		TBD c/	TBD c/	
Cabazon (CA)	111	187	176	1		TBD c/	TBD c/	
Cabazon (OR)		52	50	1		TBD c/	TBD c/	
Dover Sole	28,582	44,400	44,826	1		TBD c/	TBD c/	
English Sole	9,745	20,675	10,620	1		TBD c/	TBD c/	
PETRALE SOLE (1,200 mt 2010 OY)	2,751	1,021	1,279	1		TBD c/	TBD c/	
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	2,751	1,170	1,369	1		TBD c/	TBD c/	
Arrowtooth Flounder	10,112	18,211	14,460	2	d	13,658	10,845	
Starry Flounder	1,578	1,802	1,813	2	d	1,352	1,360	
Longnose skate	3,269	3,128	3,006	1		TBD c/	TBD c/	

REVISED Table 2-1a (continued). Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), FMP species categorizations, and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold; Species contributions to a stock complex specification in *italics*).

Stock	No Action Alternative	Action Alternatives		Species Category a/		Preliminary Action Alternatives b/		Comments
		2011 OFL	2012 OFL	Category	Sub-category	2011 ABC	2012 ABC	
Other Flatfish	6,731	10,146	10,146			5,073	5,073	
Butter sole	5	5	5	3	b	2	2	
Curlfin sole	8	8	8	3	b	4	4	
Flanthead sole	123	35	35	3	b	18	18	
Pacific sanddab	3,172	4,943	4,943	3	d	2,471	2,471	
Rex sole	2,902	4,309	4,309	3	d	2,154	2,154	
Rock sole	46	66	66	3	c	33	33	
Sand sole	376	781	781	3	c	390	390	
Other Fish	11,200	11,148	11,150	3		5,574	5,575	Consider analysis of skates as a complex?
Big skate				3		0	0	Use longnose as an indicator species?
California skate				3		0	0	Use longnose as an indicator species?
Leopard shark		164	164	3	d	82	82	
Southern shark		62	62	3	c	31	31	
Spiny dogfish		2,200	2,200	3	d	1,100	1,100	
Finescale codling				3		0	0	
Pacific rattail		1,178	1,178	3	c	589	589	OFL point estimate is for all grenadiers using a DCAC approach
Ratfish				3		0	0	
Cabezon (OR in 2009-10)				1		TBD c/	TBD c/	Presumably will be removed from complex in 2011-12
Cabezon (WA)				3		0	0	
Kelp greenling (CA)		111	111	3	d	55	55	
Kelp greenling (OR & WA)				3		0	0	

a/ Species Category is decided by the SSC.

b/ Preliminary action alternatives for 2011 and 2012 ABCs assume a decision on an overfishing probability (P*) for category 1 stocks, a 25% reduction from the OFL for category 2 stocks, and a 50% reduction from the OFL for category 3 stocks.

c/ The ABCs for category 1 stocks are a reduction from the OFL using an assessment coefficient of variation coupled with an overfishing probability (P*). See Tables 2-1 c and d for the ABCs under a range of P* values using the assessment CV of $\sigma = 0.36$.

d/ Chilipepper rockfish are projected from the 2007 assessment based on the population occurring in waters off CA and OR. They were specified for south of 40°10' N latitude in 2009-10, but should have been applied for the waters off CA and OR.

e/ Splinose rockfish specifications in 2009-10 were for south of 40°10' N latitude. The 2011-12 specifications are projected from the 2009 assessment and apply coastwide. The Council needs to decide whether to manage this stock with stock-specific specifications or to manage this stock within the minor slope rockfish complexes.

f/ The Council needs to decide whether the greenstriped stock will be managed under stock-specific specifications or whether to continue managing the stock within the minor shelf rockfish complexes.

REVISED Table 2-1c. Projected 2011 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of assessed category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).

Stock	Action Alternatives								
	2011 OFL	2011 ABC							
		Overfishing Probability (P*)							
		0.45	0.40	0.35	0.30	0.25	0.20	0.15	
Lingcod N. of 42° N latitude (OR & WA)	2,438	2,330	2,225	2,122	2,019	1,912	1,801	1,679	
Sablefish - coastwide	8,808	8,418	8,040	7,667	7,293	6,909	6,506	6,065	
PACIFIC OCEAN PERCH	1,026	981	937	893	849	805	758	706	
WIDOW	5,097	4,872	4,653	4,437	4,220	3,998	3,765	3,510	
CANARY	614	586	560	534	508	481	453	422	
Chilipepper (coastwide)	2,229	2,130	2,035	1,940	1,846	1,748	1,646	1,535	
Chilipepper S. of 40°10' N latitude	2,073	1,981	1,892	1,804	1,716	1,626	1,531	1,427	
BOCACCIO S. of 40°10' N latitude	737	704	673	642	610	578	544	507	
Splitnose (coastwide)	2,381	2,276	2,173	2,073	1,971	1,868	1,759	1,640	
Splitnose S. of 40°10' N latitude	1,529	1,461	1,396	1,331	1,266	1,199	1,129	1,053	
Yellowtail N. of 40°10' N latitude	4,566	4,364	4,168	3,975	3,780	3,582	3,372	3,144	
Shortspine Thornyhead - coastwide	2,384	2,279	2,176	2,075	1,974	1,870	1,761	1,642	
Longspine Thornyhead - coastwide	3,577	3,419	3,265	3,114	2,962	2,806	2,642	2,463	
DARKBLOTCHED	508	485	464	442	420	398	375	350	
YELLOWWEYE	48	46	44	42	40	37	35	33	
Black Rockfish (WA)	445	426	406	388	369	349	329	307	
Black Rockfish (OR-CA)	1,217	1,163	1,111	1,059	1,008	955	899	838	
California scorpionfish	141	135	129	123	117	111	104	97	
Cabazon (CA)	187	179	171	163	155	147	138	129	
Cabazon (OR)	52	50	47	45	43	41	38	36	
Dover Sole	44,400	42,436	40,530	38,649	36,762	34,828	32,794	30,573	
English Sole	20,675	19,761	18,873	17,997	17,118	16,218	15,271	14,237	
PETRALE SOLE (1,200 mt 2010 OY)	1,021	976	932	889	845	801	754	703	
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	1,170	1,118	1,068	1,018	969	918	864	806	
Arrowtooth Flounder	18,211	17,406	16,624	15,852	15,078	14,285	13,451	12,540	
Longnose skate	3,128	2,990	2,855	2,723	2,590	2,454	2,310	2,154	

REVISED Table 2-1d. Projected 2012 overfishing limits (OFLs in mt) and acceptable biological catches (ABCs in mt) of category 1 FMP species under a range of overfishing probability (P*) values (assuming an assessment CV of $\sigma = 0.36$).

Stock	Action Alternatives										
	2012 OFL	2012 ABC									
		Overfishing Probability (P*)									
		0.45	0.40	0.35	0.30	0.25	0.20	0.15			
Lingcod N. of 42° N latitude (OR & WA)	2,251	2,055	1,959	1,864	1,766	1,663	1,550				
Sablefish - coastwide	8,623	7,871	7,506	7,140	6,764	6,369	5,938				
PACIFIC OCEAN PERCH	1,007	919	877	834	790	744	693				
WIDOW	4,923	4,494	4,285	4,076	3,862	3,636	3,390				
CANARY	622	567	541	515	488	459	428				
Chilipepper (coastwide)	2,013	1,838	1,752	1,667	1,579	1,487	1,386				
Chilipepper S. of 40°10' N latitude	1,872	1,709	1,630	1,550	1,468	1,383	1,289				
BOCACCCIO S. of 40°10' N latitude	732	668	637	606	574	541	504				
Splitnose (coastwide)	2,507	2,288	2,182	2,076	1,967	1,852	1,726				
Splitnose S. of 40°10' N latitude	1,610	1,469	1,401	1,333	1,263	1,189	1,108				
Yellowtail N. of 40°10' N latitude	4,573	4,174	3,981	3,786	3,587	3,378	3,149				
Shortspine Thornyhead - coastwide	2,358	2,152	2,053	1,952	1,850	1,742	1,624				
Longspine Thornyhead - coastwide	3,483	3,179	3,032	2,884	2,732	2,573	2,398				
DARKBLOTCHED	497	454	433	411	390	367	342				
YELLOWWEYE	48	44	42	40	38	35	33				
Black Rockfish (WA)	435	397	378	360	341	321	299				
Black Rockfish (OR-CA)	1,169	1,067	1,018	968	917	863	805				
California scorpionfish	132	126	115	109	103	97	91				
Cabezon (CA)	176	161	153	146	138	130	121				
Cabezon (OR)	50	46	44	41	39	37	34				
Dover Sole	44,826	40,919	39,020	37,114	35,162	33,109	30,867				
English Sole	10,620	9,694	9,244	8,793	8,330	7,844	7,313				
PETRALE SOLE (1,200 mt 2010 OY)	1,279	1,168	1,113	1,059	1,003	945	881				
PETRALE SOLE (1,200 mt 2010 OY; no winter fishery)	1,369	1,250	1,192	1,133	1,074	1,011	943				
Arrowtooth Flounder	14,460	13,200	12,587	11,972	11,343	10,680	9,957				
Longnose skate	3,006	2,744	2,617	2,489	2,358	2,220	2,070				

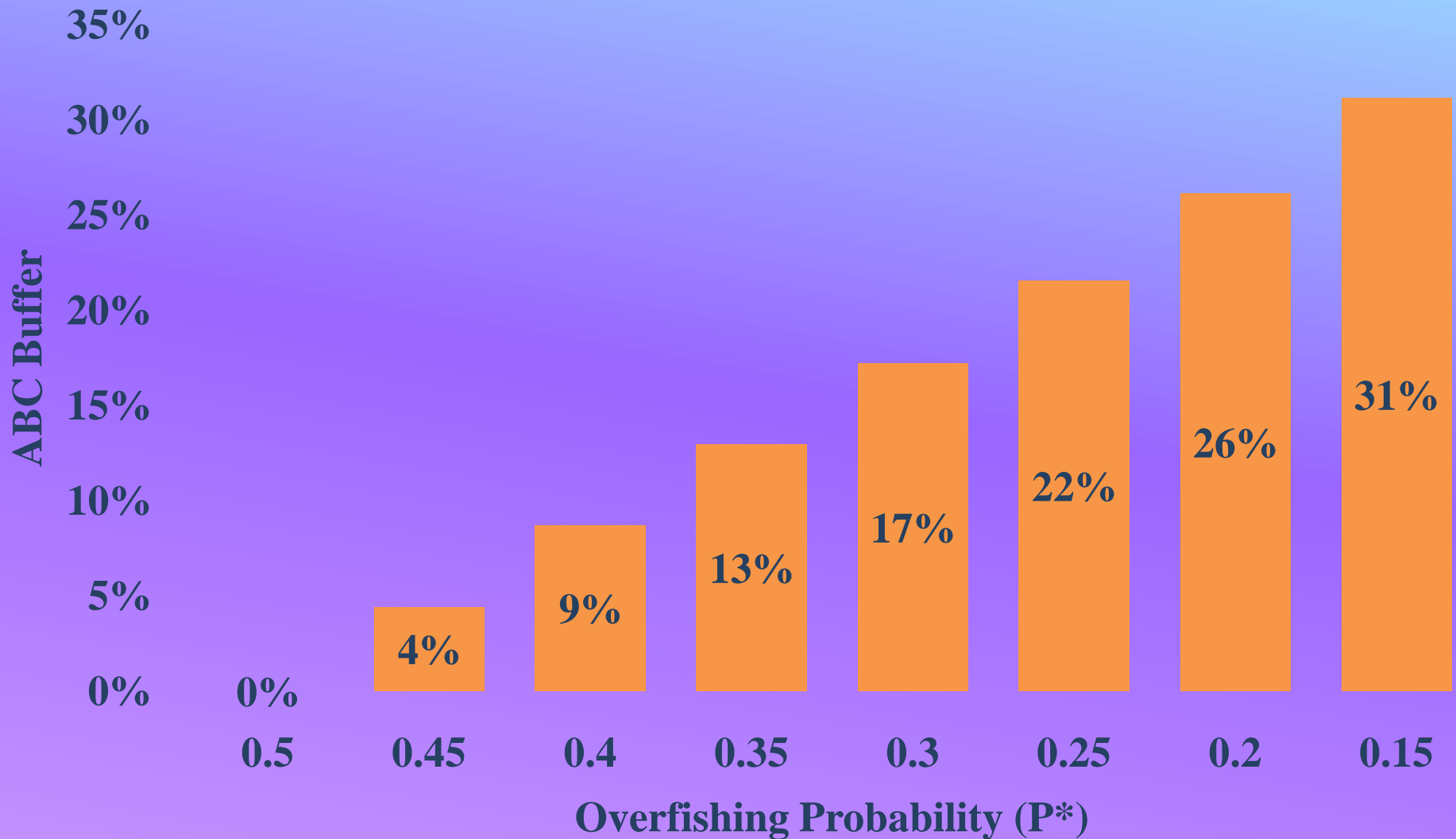
Table 2-1e. Scientific uncertainty buffers used to specify ABC buffers under an overfishing probability (P^*) approach for category 1, 2, and 3 stocks in 2011-12.

P^*	Cat. 1	Cat. 2	Cat. 3
	$\sigma = 0.36$	$\sigma = 0.72$	$\sigma = 1.44$
0.5	0%	0%	0%
0.45	4%	9%	17%
0.4	9%	17%	31%
0.35	13%	24%	43%
0.3	17%	31%	53%
0.25	22%	38%	62%
0.2	26%	45%	70%
0.15	31%	53%	78%

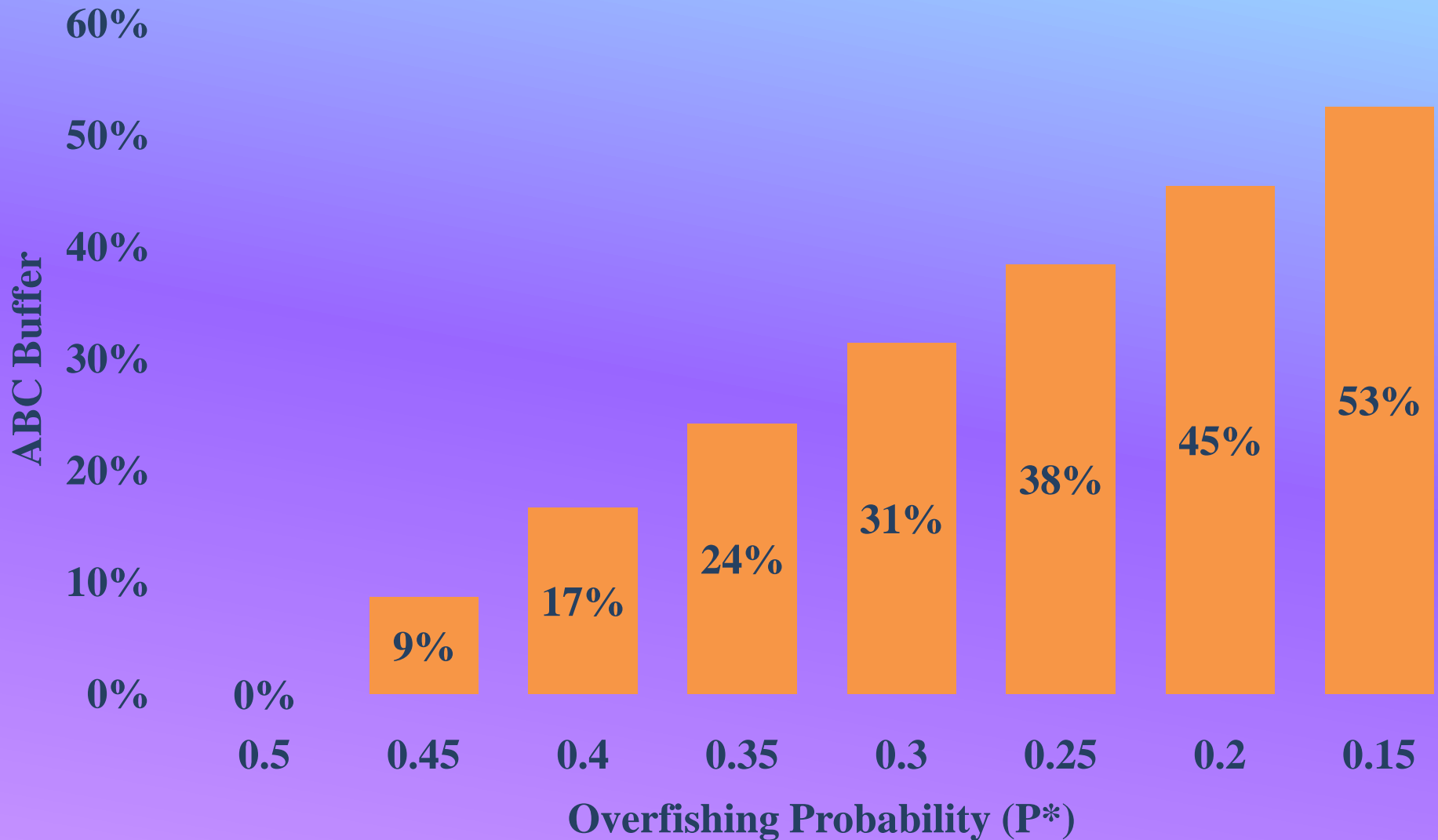
HARVEST SPECIFICATIONS FOR 2011-2012 FISHERIES

Agenda Item I.2
April 2010

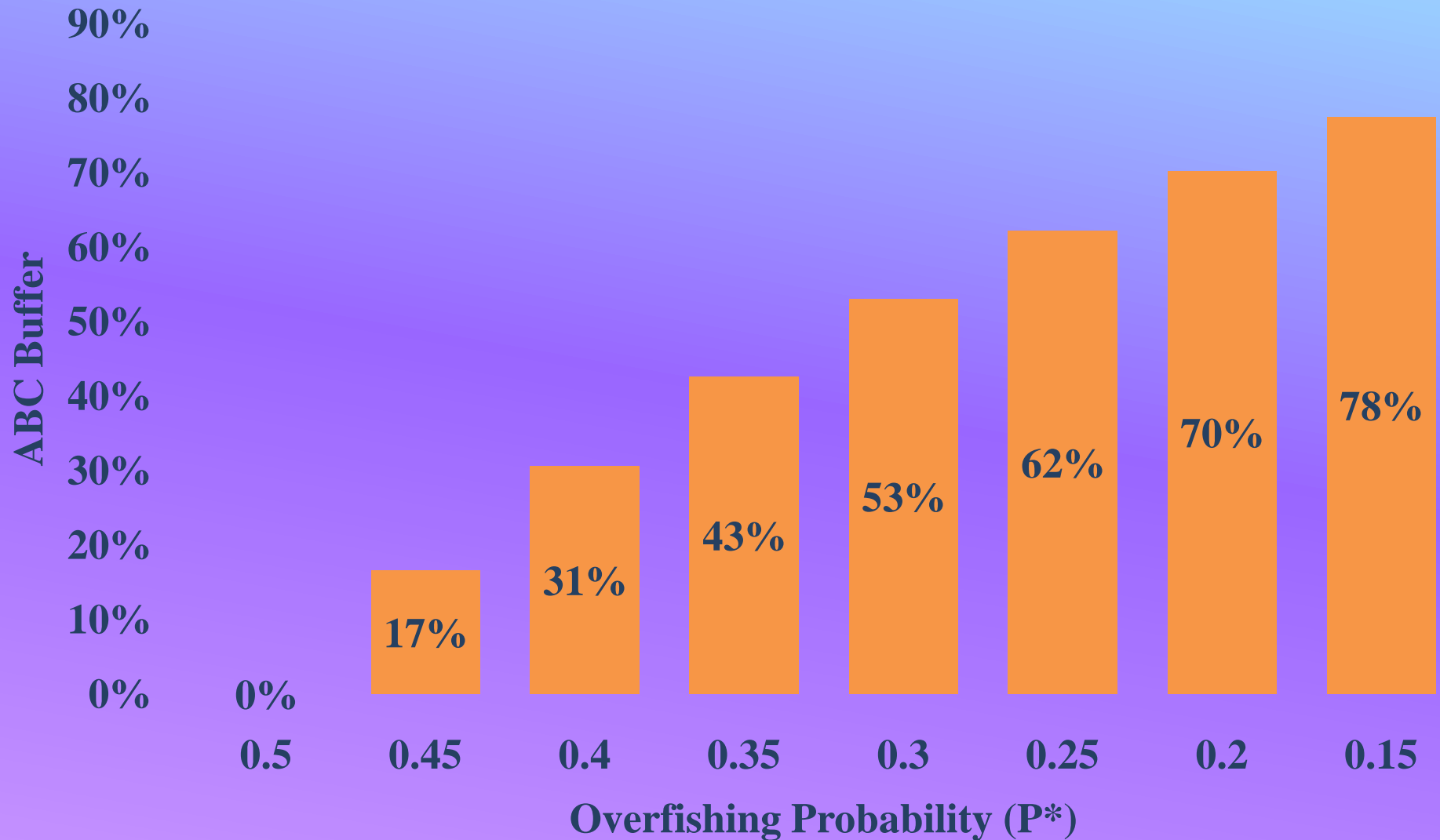
ABC Buffers for Category 1 Stocks



ABC Buffers for Category 2 Stocks



ABC Buffers for Category 3 Stocks



Tasks Under Agenda Item I.2

- **Adopt SSC-recommended 2011 and 2012 OFLs for all groundfish stocks and stock complexes (REVISED Table 2-1a in Supp. Att. 3).**
- **Adopt preferred 2011 and 2012 ABCs that incorporate scientific uncertainty buffers for all groundfish stocks and stock complexes (Tables in Supp. Att. 3).**
- **Adopt preferred 2011 and 2012 ACLs for all non-overfished groundfish stocks and stock complexes (Tables and Graphics in Attachment 2).**

REVISED Table 2-1f. Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold).

Stock	Council-Preferred Alternatives				Basis	Comments
	2011 ABC	2012 ABC	2011 ACL	2012 ACL		
Lingcod N. of 42° N latitude (OR & WA)	2,330	2,151				
Lingcod S. of 42° N latitude (CA)	2,102	2,164				
Pacific Cod	2,222	2,222	1,600	1,600	50% of OFL	
Sablefish (coastwide)	8,418	8,242	NA	NA	see Table 2-1g	Consider 40-10 control rule option, coastwide apportionment, and scientific uncertainty adj. in south
Sablefish N. of 36° N latitude	NA	NA				
Sablefish S. of 36° N latitude	NA	NA				
PACIFIC OCEAN PERCH	981	962				Set ACLs under I.4 and I.6
WIDOW	4,872	4,705				Set ACLs under I.4 and I.6
CANARY	586	594				Set ACLs under I.4 and I.6
Chilipepper (coastwide)	2,130	1,924				Assumes chilipepper removed from north shelf complex
Chilipepper S. of 40°10' N latitude	1,981	1,789	1,882	1,700	5% of ABC	
BOCACCIO S. of 40°10' N latitude	704	700				Set ACLs under I.4 and I.6
Splitnose (coastwide)	2,276	2,396				Assumes management outside the slope complexes
Splitnose S. of 40°10' N latitude	1,461	1,538				Assumes the N substock managed in the north slope complex
Yellowtail N. of 40°10' N latitude	4,364	4,371	4,364	4,371	ACL = ABC	
Shortspine Thornyhead (coastwide)	2,279	2,254	NA	NA	NA	Use 66/34 N/S apportionment and consider scientific uncertainty adj. in south
Shortspine Thornyhead - N. of 34°27' N latitude	NA	NA	1,573	1,556	66% in N	
Shortspine Thornyhead - S. of 34°27' N latitude	NA	NA	405	401	34% in S (*.5)	
Longspine Thornyhead (coastwide)	2,981	2,902	NA	NA	NA	Use 79/21 N/S apportionment and consider scientific uncertainty adj. in south
Longspine Thornyhead - N. of 34°27' N latitude	NA	NA	2,119	2,064	79% in N (*.75)	
Longspine Thornyhead - S. of 34°27' N latitude	NA	NA	376	366	21% in S (*.5)	
COWCOD S. of 40°10' N latitude	10	10				Set ACLs under I.4 and I.6
DARKBLOTCHED	485	475				Set ACLs under I.4 and I.6
YELLOW EYE	46	46				Set ACLs under I.4 and I.6
Black Rockfish (WA)	426	415	426	415	ACL = ABC	
Black Rockfish (OR-CA)	1,163	1,117	1,000	1,000	Constant C	
Greenstriped f/	1,191	1,215				Assumes greenstriped removed from the shelf complexes
Minor Rockfish North	2,615	2,653				
Minor Nearshore Rockfish North	NA	NA				
Minor Shelf Rockfish North	NA	NA				Assumes greenstriped and chilipepper managed in the complex
Minor Slope Rockfish North	NA	NA				Assumes splitnose managed in complex
Minor Rockfish South	2,987	2,979				
Minor Nearshore Rockfish South	NA	NA				
Minor Shelf Rockfish South	NA	NA				Assumes greenstriped managed in complex
Minor Slope Rockfish South	NA	NA				
California scorpionfish	135	126	135	126	ACL = ABC	
Cabezon (CA)	179	168				
Cabezon (OR)	50	48				Assumes cabezon (OR) removed from Other Fish complex
Dover Sole	42,436	42,843	17,560	17,560	F30% MSY	
English Sole	19,761	10,150	19,761	10,150	ACL = ABC	
PETRALE SOLE	976	1,222				Assumes winter fishery: set ACLs under I.4 and I.6
PETRALE SOLE (no winter fishery)	1,118	1,308				Assumes no winter fishery: set ACLs under I.4 and I.6
Arrowtooth Flounder	15,174	12,049	15,174	12,049	ACL = ABC	
Starry Flounder	1,502	1,511	1,352	1,360	75% of ABC	
Longnose skate	2,990	2,873	1,349	1,349	150% ave. C	
Other Flatfish	7,044	7,044				
Other Fish	7,742	7,742	5,575	5,575	50% of OFL	Assumes cabezon (OR) removed from complex

Table 2-1g. Sablefish ACL Options

2011 ABC = 8,418							
Apportionment Method		40-10 (Opt. 1)			40-10 (Opt. 2)		
North/South Proportions	Basis	8,485			7,296		
		N ACL	S ACL	S ACL *.5	N ACL	S ACL	S ACL *.5
72/28	2003-06 survey	6,061	2,357	1,179	5,253	2,043	1,021
68/32	2003-08 survey	5,724	2,694	1,347	4,961	2,335	1,167
64/36	2003-08 survey (Variance weighted)	5,388	3,030	1,515	4,669	2,627	1,313
2012 ABC = 8,242							
Apportionment Method		40-10 (Opt. 1)			40-10 (Opt. 2)		
North/South Proportions	Basis	8,227			6,896		
		N ACL	S ACL	S ACL *.5	N ACL	S ACL	S ACL *.5
72/28	2003-06 survey	5,923	2,304	1,152	4,965	1,931	965
68/32	2003-08 survey	5,594	2,633	1,316	4,689	2,207	1,103
64/36	2003-08 survey (Variance weighted)	5,265	2,962	1,481	4,413	2,483	1,241

Table 2-1f. Specified 2010 ABCs (mt), 2011 and 2012 OFLs (mt), and preliminary 2011 and 2012 ABCs. (Overfished stocks in CAPS; Stocks with new assessments in bold).

Stock	No Action Alternative	Action Alternatives		Council-Preferred Alternatives				Comments
	2010 ABC	2011 OFL	2012 OFL	2011 ABC	2012 ABC	2011 ACL	2012 ACL	
Lingcod N. of 42° N latitude (OR & WA)		2,438	2,251	2,330	2,151			
Lingcod S. of 42° N latitude (CA)		2,523	2,597	2,102	2,164			
Pacific Cod	3,200	3,200	3,200	2,222	2,222			
Sablefish - coastwide	9,217	8,808	8,623	8,418	8,242	NA	NA	Consider 40-10 control rule option, coastwide apportionment, and scientific uncertainty adj. in south
Sablefish N. of 36° N latitude				NA	NA			
Sablefish S. of 36° N latitude				NA	NA			
PACIFIC OCEAN PERCH	1,173	1,026	1,007	981	962			Set ACLs under I.4 and I.6
WIDOW	6,937	5,097	4,923	4,872	4,705			Set ACLs under I.4 and I.6
CANARY	940	614	622	586	594			Set ACLs under I.4 and I.6
Chilipepper (Coastwide)	2,576	2,229	2,013	2,130	1,924			Assumes chilipepper removed from north shelf complex
Chilipepper S. of 40°10' N latitude		2,073	1,872	1,981	1,789			
BOCACIO S. of 40°10' N latitude	793	737	732	704	700			Set ACLs under I.4 and I.6
Splitnose (coastwide)	NA	2,381	2,507	2,276	2,396			Assumes management outside the slope complexes
Splitnose S. of 40°10' N latitude e/	615	1,529	1,610	1,461	1,538			Assumes the N substock managed in the north slope complex
Yellowtail N. of 40°10' N latitude	4,562	4,566	4,573	4,364	4,371			
Shortspine Thornyhead - coastwide	2,411	2,384	2,358	2,279	2,254	NA	NA	Use 66/34 N/S apportionment and consider scientific uncertainty adj. in south
Shortspine Thornyhead - N. of 34°27' N latitude				NA	NA			
Shortspine Thornyhead - S. of 34°27' N latitude				NA	NA			
Longspine Thornyhead - coastwide	3,671	3,577	3,483	2,981	2,902	NA	NA	Use 79/21 N/S apportionment and consider scientific uncertainty adj. in south
Longspine Thornyhead - N. of 34°27' N latitude				NA	NA			
Longspine Thornyhead - S. of 34°27' N latitude				NA	NA			
COWCOD S. of 40°10' N latitude	14	13	13	10	10			Set ACLs under I.4 and I.6
DARKBLOTCHED	440	508	497	485	475			Set ACLs under I.4 and I.6
YELLOWEYE	32	48	48	46	46			Set ACLs under I.4 and I.6
Black Rockfish (WA)	464	445	435	426	415			
Black Rockfish (OR-CA)	1,317	1,217	1,169	1,163	1,117			
Greenstriped f/	NA -	1,429	1,458	1,191	1,215			Assumes greenstriped removed from the shelf complexes
Minor Rockfish North	3,678	3,767	3,821	2,615	2,653			
Minor Nearshore Rockfish North	NA	NA	NA	NA	NA			
Minor Shelf Rockfish North	NA	NA	NA	NA	NA			Assumes greenstriped and chilipepper managed in the complex
Minor Slope Rockfish North	NA	NA	NA	NA	NA			Assumes splitnose managed in complex
Minor Rockfish South	3,382	4,302	4,291	2,987	2,979			
Minor Nearshore Rockfish South	NA	NA	NA	NA	NA			
Minor Shelf Rockfish South	NA	NA	NA	NA	NA			Assumes greenstriped managed in complex
Minor Slope Rockfish South	NA	NA	NA	NA	NA			
California scorpionfish	155	141	132	135	126			
Cabezon (CA)	111	187	176	179	168			
Cabezon (OR)		52	50	50	48			Assumes cabezon (OR) removed from Other Fish complex
Dover Sole	28,582	44,400	44,826	42,436	42,843			
English Sole	9,745	20,675	10,620	19,761	10,150			
PETRALE SOLE	2,751	1,021	1,279	976	1,222			Assumes winter fishery; set ACLs under I.4 and I.6
PETRALE SOLE (no winter fishery)	2,751	1,170	1,369	1,118	1,308			Assumes no winter fishery; set ACLs under I.4 and I.6
Arrowtooth Flounder	10,112	18,211	14,460	15,174	12,049			
Starry Flounder	1,578	1,802	1,813	1,502	1,511			
Longnose skate	3,269	3,128	3,006	2,990	2,873			
Other Flatfish	6,731	10,146	10,146	7,044	7,044			
Other Fish	11,200	11,150	11,150	7,742	7,742			Assumes cabezon (OR) removed from complex

GROUND FISH ADVISORY SUBPANEL REPORT ON HARVEST SPECIFICATIONS FOR 2011-2012 FISHERIES

The Groundfish Advisory Subpanel (GAP) worked from Agenda Item I.2.a, Attachment 2 and Supplemental Attachment 3 to consider guidance for setting acceptable biological catch (ABCs) and annual catch limits (ACLs) for non-overfished species for 2011-12.

After much discussion about the change to using P* values for category 1 species and whether to use P* values or the existing 25 percent reduction for category 2 species and 50 percent reduction for category 3 species, the GAP suggests the following:

The GAP recommends using a P* value of 0.45 for all non-overfished species. This would result in a buffer of 4 percent for category 1 species, 9 percent for category 2 species, and 17 percent for category 3 species. This addresses scientific uncertainty to a higher degree than present. The Council would still have the option of selecting lower annual catch limits (ACLs) which accommodate other uncertainties.

ACLs and ABCs

Set all ACLs equal to ABCs, with the following exceptions:

Splitnose: This species should remain in the minor slope rockfish north complex. However, the GAP recommends a lower ACL value for the splitnose contribution to the complex. This species is a major contributor to that complex and fishing to a higher ACL runs the risk of overharvest of rougheye and shortraker, two of the most vulnerable species within the complex.

Greenstriped: This species should continue to be managed in the minor shelf rockfish complexes. It is not a species targeted by any fishery sector.

Sablefish: The GAP considered both the apportionment to north and south of 36° and respective ACL's. The GAP recommends a north/south split of 68/32 percent and using alternative #3 for an ACL. Although this strands an additional 170 mt it accommodates fishery needs in both areas and is close to status quo.

Chilipepper: The GAP recommends setting an ACL equal to the ABC and retaining the stock split at 40°10'. A recommended ACL is 1981 mt for the south. It is recommended chilipepper remain in the minor shelf rockfish north complex.

Shortspine and Longspine: It is recommended using a scientific uncertainty adjustment to the southern ACLs for both these species to address the greater scientific uncertainty in the assessments of the southern portion of these stocks.

Dover sole: The recommendation for Dover sole is to set an ACL equal to 26,000 mt. This is not a stated alternative but is recommended because it accommodates the maximum historic landing for this species and well below the ABC.

GAP-recommended OFLs, ABCs and ACLs for non-overfished species for 2011 and 2012.

Stock	2011			2012		
	OFL	ABC	ACL	OFL	ABC	ACL
Lingcod - coastwide	4,961	4,742	same as ABC	4,848	4,634	same as ABC
Lingcod N. of 42° N latitude (OR & WA)	2,438	2,330	same as ABC	2,251	2,151	same as ABC
Lingcod S. of 42° N latitude (CA)	2,523	2,411	same as ABC	2,597	2,482	same as ABC
Sablefish - coastwide	8,808	8,418	(Alt. 3)	8,623	8,242	(Alt. 3)
Sablefish – north			5,770			5,594
Sablefish – south			1,358			1,316
PACIFIC OCEAN PERCH	See overfished species recommendation, Agenda Item I.4.a, Supplemental GAP Report					
WIDOW						
CANARY						
Chilipepper	2,229	2,130	same as ABC	2,013	1,924	same as ABC
Chilipepper south of 40°10'	2,073	1,981	same as ABC	1,872	1,789	same as ABC
BOCACCIO S. of 40°10' N latitude	See overfished species recommendation, item I.4.a, supplemental GAP report					
Splitnose	2,381	2,276	same as ABC	2,507	2,396	same as ABC
Splitnose south of 40°10'	1,529	1,461	same as ABC	1,610	1,538	same as ABC
Yellowtail N. of 40°10' N latitude	4,566	4,364	same as ABC	4,573	4,371	same as ABC
Shortspine Thornyhead - coastwide	2,384	2,279	same as ABC	2,358	2,254	same as ABC
Shortspine Thornyhead – north of 34°27'			1,573			1,556
Shortspine Thornyhead – south of 34°27'			405			401
Longspine Thornyhead - coastwide	3,577	3,419	same as ABC	3,483	3,329	same as ABC
Longspine Thornyhead – north of 34°27'			2,119			2,063
Longspine Thornyhead – south of 34°27'			375			366
DARKBLOTCHED	See overfished species recommendation, Agenda Item I.4.a, Supplemental GAP Report					
YELLOWEYE						
Black Rockfish (WA)	445	426	same as ABC	435	415	same as ABC
Black Rockfish (OR-CA)	1,217	1,163	same as ABC	1,169	1,117	same as ABC
Greenstriped	remains in minor shelf rockfish complex					
California scorpionfish	141	135	same as ABC	132	126	same as ABC
Cabazon (CA)	187	179	160 (Alt. 2)	176	168	156 (Alt. 2).
Cabazon (OR)	52	50	50 (Alt. 2)	50	48	48 (Alt. 2)
Dover Sole	44,440	42,436	26,000	44,826	42,843	26,000
English Sole	20,675	19,761	same as ABC	10,620	10,150	same as ABC
PETRALE SOLE (1,200 mt 2010 OY)	1,021	976	same as ABC	1,279	1,222	same as ABC
Arrowtooth Flounder	18,211	17,406	same as ABC	14,460	13,820	same as ABC
Longnose skate	2,128	2,990	same as ABC	3,006	2,873	same as ABC

HARVEST SPECIFICATIONS FOR 2011-2012 FISHERIES

The Groundfish Management Team (GMT) reviewed and discussed the documents provided under Agenda Item I.2 and offers the following considerations.

Relationship to Optimum Yield

The GMT has noted some confusion relating to the relationship between Amendment 23 and the concept of optimum yield (OY). OY is the key conservation objective of the MSA and the central concept of national standard 1 (NS1). The legal definition of OY, as summarized in the NS1 guidelines, is:

the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems; that is prescribed on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, that provides for rebuilding to a level consistent with producing the MSY in such fishery.¹

Under this definition, NS1 requires the Council to set catches that, at a minimum, maintain the stock at the abundance that produces MSY (i.e., B_{MSY}). Adjustments can be made to keep stocks at higher abundance for ecological, social, or economic factors, but the Councils do not have to make such adjustments. Note also that the definition implies that preventing overfishing is a prerequisite of achieving OY.²

¹ 50 C.F.R. § 600.310. This NS1 guideline provisions simply restates the definition of “optimum” found in section 3(33) of the MSA.

² By definition, OY cannot be achieved if overfishing occurs over the long-term. To explain, the definition of OY states that OY is “prescribed on the basis of MSY.” Overfishing, in turn, is defined to occur “whenever a stock or stock complex is subjected to a level of fishing mortality or annual total catch that jeopardizes the capacity of a stock or stock complex to produce MSY on a continuing basis.” 50 C.F.R. § 600.310(e)(2)(i) (B). Therefore, OY cannot be achieved if catch is set at a level that jeopardizes the stock’s capacity to produce MSY. In addition, this logic explains why the MSA defines OY for overfished stocks as the level of harvest expected to rebuild the stock back to the abundance that produces MSY.

The groundfish FMP was set up to achieve OY—that is, to provide the greatest overall benefit to the Nation—by employing harvest control rules designed to prevent overfishing and maintain stocks at the best estimate of abundance that produces MSY. This is why the Council chose to use the very term “OY” for identifying the annual harvest limit. For category 1 stocks, the Council has sought to set OY at the harvest projected to maintain stocks at the best estimate of B_{MSY} .³ For category 2 and 3 stocks, the Council recognizes there is insufficient information to identify B_{MSY} , and has set precautionary OYs at a level that has a high probability of preventing overfishing. Adjustments have not been made for ecological, social, or economic reasons.⁴ This approach is consistent with the Council’s other three FMPs.

As the GMT understands it, the Council does not intend to change this approach with Amendment 23. And nothing in the 2006 ACL amendments would require changing this approach. The ACL amendments did not alter the MSA definition of OY, but rather, focused on methods for preventing overfishing. The major change devised by the NS1 guidelines for preventing overfishing is the incorporation of a scientific uncertainty buffer between the OFL and the ABC. The NS1 guidelines concluded that the Councils must take scientific uncertainty into account to effectively prevent overfishing.

In sum, although the Council will use “ACL” instead of “OY” starting with the 2011-12 biennial cycle, the ACL is still set at the level expected to produce MSY for category 1 or to prevent overfishing for category 2 and 3 stocks. The acronym used to represent the annual limit on harvest has changed but the intent is still to set that limit at the level the Council expects to achieve OY. Therefore, for 2011-2012 the GMT recommends the Council establish the ACL as equal to the OY for all stocks and complexes.

Considerations for P* - Category 1

The revised NS1 guidelines state the buffer between the OFL and the ABC (i.e., the “ABC control rule”) is built on two considerations: (1) scientific uncertainty in estimation of the OFL; and, (2) the acceptable level of risk resulting from that uncertainty. The NS1 guidelines state the first component of the control—the scientific uncertainty—is a technical matter for the SSC. The second—the “risk call”—is a policy issue for the Council and refers to the probability of overfishing. As a general principle, the SSC and the NS1 guidelines also state that

³ On the advice of the SSC, the Council has attempted to maintain stocks at $B_{40\%}$ (i.e., at 40 percent of the unfished biomass) because the best scientific information available has identified it as a reliable (or “robust”) proxy of MSY. The Council recently recommended a new harvest target for flatfish at $B_{25\%}$.

⁴ The Council may wish to revisit how to best achieve OY by considering additional social, ecological, and economic factors at a later date. Considering social, ecological, and economic factors, is meant by ecosystem based fisheries management. The required analyses are something the Council may wish to look at during development of the Ecosystem FMP.

“Control rules should be designed so that management actions become more conservative [...] as science and management uncertainty increases.” To this end, the SSC has designated three stock categories to characterize the differences in data and model types that may lead to greater reductions when uncertainty is greatest.

For category 1 stocks the GMT recommends using a default P^* that could then be modified if the Council wanted to be more risk averse in setting the probability that the ABC would in fact be greater than the “true” OFL. Criteria for diverging from this default P^* would be based on the cost of overfishing in terms of achieving OY over the long term. Cost can be thought of in terms of the magnitude of overfishing – where the OFL were relatively small and the ability of the fleet to harvest above that OFL is significant. It can also be thought of in terms of the potential length of overfishing – there is less risk of continually exceeding the OFL for stocks that are assessed on a more frequent basis. Other considerations include the potential for a stock ending up in a precautionary or overfished state or the desire to limit the ABC contribution of a discard species managed within a species complex. Any or all of these considerations could lead the Council to choose a lower P^* . As such the choice of P^* will be somewhat arbitrary until an objective method for applying it can be developed.

Considerations for P^* - Category 2 and 3

Currently, the category 1 species (‘data-rich’) define the ABC buffer via P^* (as assigned by the Council) and scientific uncertainty (as quantified by the SSC). Status quo ABC control rules for category 2 and 3 stocks would be flat reductions from the OFL of 25% and 50%, respectively. These reductions are based on the work of Restrepo et al. (1998), who defined their categories based on assumptions about current stock status and recent catch.

The GMT recognizes several reasons why category 2 (‘data moderate’) and 3 (‘data poor’) stocks should also adopt the P^* approach to defining ABCs: 1) neither stock status or recent catch are used to define category 2 and 3 stocks, and thus have no real relation to the Restrepo et al. (1998) guidelines; 2) to provide a consistent framework with category 1 that allows the SSC to determine scientific uncertainty and the Council to define risk. Status quo does not decouple the two; 3) this approach is flexible and allows a mechanism for future improvements on estimating uncertainty in these stocks and does not constrain the Council’s choice of P^* .

Given stock category tiers are meant to address increasing uncertainty, complications may arise when specifying absolute relationships among tiers. One option is to ensure that the resultant ABC buffers are greatest for category 3 stocks and least for category 1 stocks. The GMT strongly advises against this approach because it could constrain the Council’s choice of P^* . For instance, a category 1 species that exhibits scientific uncertainty greater than expected would place a hard ceiling on the amount of risk the Council can specify for category 2 and 3 stocks. Additionally, if the Council wanted to be more conservative with a category 1 stock (thus implementing a small P^*), this could also place an undesirably low ceiling on buffers for

category 2 and 3 stocks. A more appropriate approach would be for the scientific uncertainty (as specified by the SSC) to be greatest for category 3 species and least for category 1, freeing the Council to choose any $P^* \leq 0.45$ (the preferred ceiling for all P^*).

The status quo reductions for category 2 and 3 species can be achieved within this P^* -based ABC buffer framework. Given the scientific uncertainty for each category (as proposed by the SSC), there exists a P^* value that will result in buffers of 25% and 50%, respectively. The Council could therefore choose those P^* levels for this biennium to maintain status quo reductions for category 2 and 3 species.

Considering Scientific Uncertainty

This Council has long recognized that scientific uncertainty creates challenges to preventing overfishing and achieving OY. In the past, the Council has addressed different sources of scientific uncertainty by adjusting the OY downward from the ABC (e.g., uncertainty in alternative states of nature presented in a stock assessment decision table, uncertainty involved with apportioning OYs between areas like with sablefish). In addition, the Council has adjusted OYs down from ABC for other purposes like the 40-10 control rule.

With Amendment 23, the Council is developing a more structured approach for considering scientific uncertainty, centered on the P^* approach. The P^* approach is intended to account for uncertainty in the estimate of the overfishing level (OFL) and characterize the probability that a given ABC would exceed the “true” OFL. The P^* adjustment may not capture all of the adjustments the Council has made in the past between ABC and OY.

Table 1 is intended to illustrate this point. A wide range of P^* equivalents are shown to get to the status quo harvest levels from 2010.

Table 1. 2010 ABCs, OYs, and the P* value that would have been necessary to reach the OY. The P* equivalent assumes that the difference between ABC and OY was analogous to the scientific uncertainty buffer under Amendment 23 with a sigma of 0.36.

	2010 ABC (mt)	2010 OY (mt)	P*	2011 OFL	2011 ABC based on 2010 methodology	% reduction
Lingcod - coastwide	4,829	4,829	0.50	4,961	4,961	0%
Sablefish - coastwide	9,217	7,729	0.31	8,808	7,390	16%
Chilipepper	2,576	2,447	0.44	2,229	2,118	5%
Splitnose	615	461	0.21	2,381	1,786	25%
Yellowtail N. of 40°10' N latitude	4,562	4,562	0.50	4,566	4,566	0%
Shortspine Thornyhead - coastwide	2,411	2,001	0.30	2,384	1,979	17%
Longspine Thornyhead - coastwide	3,671	2,560	0.16	3,577	2,504	30%
Black Rockfish (WA)	464	464	0.50	445	445	0%
Black Rockfish (OR-CA)	1,317	1,000	0.22	1,217	925	24%
California scorpionfish	155	155	0.50	141	141	0%
Cabazon (CA)	111	79	0.17	187	133	29%
Dover Sole	28,582	16,500	0.06	44,400	25,752	42%
English Sole	9,745	9,745	0.50	20,675	20,675	0%
Arrowtooth Flounder	10,112	10,112	0.50	44,400	44,400	0%
Longnose skate	3,269	1,349	0.01	20,675	8,477	59%

Given that a number of types of scientific uncertainty may be contained in the risk call that the Council considers for setting P* and the ability to further reduce the harvest by setting ACL lower than ABC, the GMT recommends using the aforementioned P* approach in conjunction with the considerations outlined below for setting ACL to achieve OY.

Annual Catch Limit Considerations

For the majority of category 1 stocks that are healthy stocks (e.g. above $B_{40\%}$) the GMT recommends setting the ACL equal to the ABC. The Council should consider exceptions to this to account for management uncertainty and in other instances as outlined below (e.g. setting area specific ACLs in relation to a coastwide OFL/ABC).

Sablefish

The 2007 coastwide sablefish stock assessment indicates the stock is in the precautionary zone, with depletion levels at 36%. The strength of the stock is reliant upon the strong 1999 and 2000 year classes, with the possibility of a strong incoming 2004 year class. The 2010 OY was previously set by applying a 40-10 harvest control rule to a coastwide ABC. The coastwide yield was then apportioned north and south of 36° N lat. using the average 2003-06 proportions of the swept-area biomass estimates of sablefish from the NWFSC shelf-slope trawl survey (72% north; 28% south. The OY south of 36° N latitude was then adjusted by 50% to account for greater assessment and survey uncertainty in that area.

Sablefish is arguably one of the most important species to the trawl fishery and as such the choice of sablefish harvest specifications for 2011-12 will be extremely important, especially as this fishery transitions into the trawl rationalization program. In deciding the 2011-12 ABC and ACL, the Council will need to consider management and scientific uncertainty. Management uncertainty for sablefish is low. The trawl fishery will be rationalized (with 100% observer coverage) and the limited entry fixed gear sector is traditionally underharvested; so the risk of overharvesting is low based solely on management. Therefore, the Council may want to focus more on scientific uncertainty and stock status (e.g., trajectory of stock biomass).

In determining the 2011-12 specifications for sablefish, the Council will need to consider the following items: (1) how to apply the 40-10 control rule since this stock is in the precautionary zone; (2) how to apportion the stock north and south of 36° N lat.; and (3) whether to precautionary reductions are needed to the southern ACL to account for greater scientific uncertainty.

40-10 Control Rule

Under option 1, the 40-10 reduction is taken directly off the OFL, whereas under option 2 the 40-10 adjustment is taken off the ABC. At the March 2010 meeting, the Council adopted Option 2 as the preliminary preferred alternative for the 40-10 control rule. The GMT recommends that the Council consider the 40-10 reduction for sablefish in terms of its management implications for all groundfish species that are now or may be in the precautionary zone in the future such that it is applied consistently (i.e. the same as it will be under Amendment 23). Table 2 summarizes the various options given numerous P* options for sablefish in 2011.

Table 2. Options for 2011 sablefish ACLs under proposed 40-10 control rule options

2010 ABC (mt)	9,217						
2010 OY (mt)	7,729						
2011 OFL (mt)	8,808						
Depletion	36.0%						
	Probability of Overfishing						
	0.45	0.40	0.35	0.30	0.25	0.20	0.15
2011 ABC	8,418	8,040	7,667	7,293	6,909	6,506	6,065
Opt 1 ACL	8,485 (<i>exceeds ABC</i>)						
Opt 2 ACL	7,296	6,968	6,645	6,321	5,988	5,639	5,256

Option 1

In Table 2 the proposed ACL under Option 1 (8,485 mt) exceeds the ABCs under the range of proposed P* and is not viable since the ACL cannot exceed the ABC. If Option 1 is chosen the ACL will be determined by P* under the assumed scientific uncertainty of 0.36. As previously demonstrated in Agenda Item E.4.b, Supplemental GMT Report, March 2010, any ABC buffer values greater than 0.20 will automatically eliminate all catch reductions due to the 40-10 control rule. Additional analysis indicates the point at which, for a given depletion rate, the ABC buffer subsumes the 40-10 adjustment. For a depletion of 36%, this level is <5.3%. The reduction under the option 1 is only 3.7%, thus the P*-based ABC buffer is always greater than option one under all P* values. Therefore under Option 1, the ACL would be set equal to the ABC.

Option 2

The ACL alternatives under option 2 are always more precautionary than the ABC buffer reduction because 40-10 reductions are taken from the ABC. These reductions are reflected in Table 2.

Apportionment and scientific uncertainty

In 2009-2010 the Council used swept area biomass from the trawl survey from 2003-2006 to apportion the stock north and south of 36 degrees. A precautionary adjustment of 50% was then applied to harvest in the southern area to account for uncertainty based on historic harvest and lack of survey samples within the Cowcod Conservation Area (CCA) (i.e. biomass estimates are assumed to be the same within the CCA as those sampled outside it). The GMT has updated swept area biomass and variance estimates by INPFC area. In addition to the ACL alternatives presented in Tables 2-2a and 2-2b, the Council may want to consider an alternative using a variance weighted swept area biomass (i.e. 2003-2008) as being representative of current abundance north and south. This would be equivalent to 5,431 mt in the north and 3,055 mt in the south for 2012 and 5,265 mt in the north and 2,961 mt in the south. Applying the precautionary 50% reduction to the southern area would result in ACL alternatives of 1,527 mt and 1,481 mt for 2011 and 2012 respectively.

Chilipepper Rockfish

For chilipepper rockfish 7% of the biomass from the last assessment are located north of 40° 10' N. lat. This northern portion of the stock is currently managed as part of the minor shelf rockfish complex. The GMT recommends that the Council continue managing this species within the complex north of 40° 10' N. lat. while managing it separately in the south. This results in OFLs of 2,073 mt for 2011 and 1,872 mt for 2012 (i.e. the coastwide OFL minus the OFL contribution to minor shelf rockfish in the north).

Shortspine Thornyhead

Shortspine thornyhead has a single coastwide assessment, but the authors noted a paucity of survey data south of Pt. Conception which led to greater uncertainty about biomass estimates for that area. In the past the Council has set area specific OYs to account for these differential levels of scientific uncertainty (i.e. split 66% north and 34% south). However with a single OFL and ABC using the Amendment 23 framework and advice from the SSC, the GMT recommends using the area specific ACL south of Pt. Conception to accomplish the same end (i.e. applying a 50 % reduction to the southern portion).

Longspine Thornyhead

The GMT notes that a similar situation exists for longspine thornyhead, except that the SSC has characterized this as a category 2 stock. In the past the Council has applied a 25% reduction to the ABC (equivalent to the OFL under Amendment 23) to arrive at a harvest level for category 2 stocks. If that same approach were taken this management cycle, whether through a simple 25% reduction or through application of the proposed P* method for category 2 stocks, the Council may still want to apply even greater catch reduction south of Pt. Conception due to less survey data in that area. As such the GMT recommends that the Council use area specific ACLs where the area north of Pt. Conception is set equal to a 25% reduction from the proportional OFL (i.e. equal to the proportion of the ABC for the area) while the southern area is reduced further due to greater scientific uncertainty (i.e. reduced 25 % from the proportion of the ABC south of Pt. Conception).

Black Rockfish (OR-CA)

The status quo harvest specification for black rockfish in the south is a 1,000 mt constant catch level. This was chosen by the Council to provide stability in fishing opportunity while maintaining projected stock depletion above B_{40%}. Under Amendment 23 there are two potential paths to maintaining this status quo harvest level. The first is to choose a P* that results in a 1,000 mt ABC each year and then setting the ACL equal to ABC. However, given that the constant catch harvest level is not based solely on scientific uncertainty, the GMT recommends applying an appropriate P* and then reducing the ACL to 1,000 mt.

Blue Rockfish (California)

The status quo methodology for estimating the blue rockfish contribution to the minor nearshore rockfish complex was based on setting the statewide harvest guideline equal to the ABC for the assessed areas (42° N lat. to 34°27' N lat) with the addition of 18 mt added to account for the unassessed portion of the stock south of 34°27' N lat based on catch from 1994-1999. The

statewide harvest guideline was further divided north and south of north of 40°10' N lat (12.7% north; 87.3% south). This harvest guideline does not include a 40-10 adjustment, but was reduced from the estimated ABC by 10 mt.

The decision to manage blue rockfish within the minor nearshore complex was based on both scientific uncertainty and ease of management due to its interactions with other species. This species is covered by a state nearshore permit with mandatory sorting requirements. Landings are routinely tracked and monitored, so management uncertainty is low

In determining the 2011-12 specifications for blue rockfish, the Council may want to consider whether to apply the 40-10 control rule to achieve a precautionary reduction from the OFL similar to what was done in the last cycle (i.e. since it is in the precautionary zone). Management of this stock within the minor nearshore rockfish complex will be discussed later in this document.

Table 3 shows the projected OFLs for 2011 for blue rockfish. The portion of the assessed stock was listed as a category 2 stock and the unassessed portion was listed as category 3. As such the ABC will be reduced depending on the reductions decided for category 2 and 3 stocks.

Table 3. Options for blue rockfish ACLs under proposed 40-10 control rule options

2010 ABC (mt)	239
2010 HG (mt)	220
2011 OFL (mt)	219
Depletion	30.4%
2011 ABC	164*
Opt 1 ACL	196 (exceeds ABC)
Opt 2 ACL	147*

* based on a preliminary 25% reduction for category 2 stocks

Option 1

In Table 3 the proposed ACL under Option 1 (196 mt) exceeds the ABCs under the range of proposed P* and is not viable since the ACL cannot exceed the ABC. If Option 1 is chosen the ACL will be constrained by P*. Under Option 1, the ACL would be set equal to the ABC (as typically done for healthy stocks) and there would be no reduction based on the precautionary stock status. Alternatively the Council could also choose to set a more conservative P*star under Option 1 to set an ACL lower than the ABC.

Option 2

The ACL alternative under option 2 is more precautionary and includes a reduction for scientific uncertainty and the 40-10 control rule. This option takes into account the precautionary nature of this stock and the ACL is not equal to the ABC as it is for healthy stocks.

Dover Sole

Dover is currently above B25%. In 2009-2010 the Council chose to set the OY at the estimated MSY proxy from the last assessment. The GMT recommends continuing setting our ACL at the MSY proxy level, however the change from F40% to F30% for flatfishes requires a change from status quo. The MSY proxy at F30% is 17,560 mt. Therefore the GMT recommends including this as an ACL alternative.

Longnose Skate

The 2009-2010 OY was based on 2004-2006 catch history and then increased by 50%. Total mortality will be updated for longnose skate in the 2009 report. Therefore the GMT recommends the same approach (i.e. based on catch in 2004-2006) this biennium for setting the ACL at a level lower than the ABC.

Unavailable ACL Alternatives

The GMT also discussed ACL alternatives that are greater than the maximum allowable ABC given a P^* of 0.45 in Tables 2-1c and 2-1d. Those alternatives could still be viable if the ACL is reduced to the ABC level under a P^* of 0.45 (Tables 4 and 5), as such the GMT recommends reducing the maximum ACL alternatives to be equal to ABC for these species.

Table 4. 2011 ACL alternatives that are greater than the maximum allowable ABC, given a P* of 0.45.

Species/Complex		Alternative ^a	2011 ACL under this alternative ^a	Maximum ABC under a P* of 0.45 ^b
Lingcod	Coastwide	3	4,961	4,742
	North of 42 deg.	3	2,438	2,330
	South of 42 deg.	3	2,523	2,411
Sablefish	North of 36 deg.	4	5,770	8,418
	South of 36 deg.	4	2,715	
Chilipepper		1	2,229	2,130
Yellowtail	N of 40° 10' N Lat.	1	4,566	4,364
Shortspine	North of 34 27' N. lat.	2	1,573	2,279
	South of 34 27' N. lat.	2	811	
Longspine	North of 34 27' N. lat.	2	2,825	3,419
	South of 34 27' N. lat.	2	751	
Black Rockfish	WA	1	445	426
California Scorpionfish		2	144	135
Dover Sole		2	44,400	42,436
Petrable Sole	(1,200 mt 2010 OY)	4	1,021	976
	(1,200 mt 2010 OY; no winter fishery)	4	1,170	1,118

^a in Table 2-2a in Agenda Item I.2.a. Attachment 2

^b in Table 2-1c in Agenda Item I.2.a. Attachment 1

Table 5. 2012 ACL alternatives that are greater than the maximum allowable ABC, given a P* of 0.45.

Species/Complex		Alternative ^a	2012 ACL under this alternative ^a	Maximum ABC under a P* of 0.45 ^b
Lingcod	Coastwide	3	4,848	4,634
	North of 42 deg.	3	2,251	2,151
	South of 42 deg.	3	2,597	2,482
Chilipepper		1	2,013	1,924
Yellowtail	N of 40° 10' N Lat.	1	4,573	4,371
Shortspine	North of 34 27' N. lat.	2	1,556	2,254
	South of 34 27' N. lat.	2	802	
Longspine	North of 34 27' N. lat.	2	2,751	3,329
	South of 34 27' N. lat.	2	731	
Black Rockfish	WA	1	435	415
California Scorpionfish		2	132	126
Dover Sole		2	44,826	42,843
Petrale Sole	(1,200 mt 2010 OY)	4	1,279	1,222
	(1,200 mt 2010 OY; no winter fishery)	4	1,369	1,308

^a in Table 2-2a in Agenda Item I.2.b. Attachment 2

^b in Table 2-1c in Agenda Item I.2.a. Attachment 1

Management Implications Resulting from New Methodologies for OFL Determination and Apportionment North and South of 40°10' N lat

The Council will adopt preliminary preferred alternative OFLs and ABCs for the minor Rockfish North and minor Rockfish South complexes at this meeting. ACLs will also be adopted for rockfish sub-complexes. In 2010, the complex ABCs were the sum of their component subcomplexes (i.e. complex OYs were equal to the ABC). The SSC has recommended OFLs based on depletion-based stock reduction analysis (DB-SRA) and depletion-corrected average

catch (DCAC) for the 2011-2012 cycle. The Council will adopt an ABC control rule for stocks in categories 2 and 3. Application of this control rule will generate ABCs based on the SSC-recommended OFLs. If ACLs are set equal to ABCs (similar to 2010), species- and area-specific contributions to the subcomplex ACLs will sum to the complex ABC. The GMT notes that some subcomplex ACLs differ significantly from the 2010 OYs, particularly minor nearshore north, minor shelf north, and minor shelf south (Table 6).

Table 6. Comparison of harvest specifications from 2010 and possible 2011 specifications assuming ABC=ACL. The ACL for minor shelf north includes 150 mt for chilipepper and the ACL for minor slope north includes 818 mt for splitnose.

	2010		2011		
	ABC	OY	OFL	ABC*	ACL
Minor Rockfish North	3,678	2,283	3,767	2,656	2,656
Nearshore North	--	155	--	--	65
Shelf North	--	968	--	--	1,468
Slope North	--	1,160	--	--	1,123
Minor Rockfish South	3,382	1,990	4,302	2,570	2,570
Nearshore South	--	650	--	--	670
Shelf South	--	714	--	--	1,174
Slope South	--	626	--	--	726

* assuming status quo reductions of 25% and 50% for stocks in categories 2 and 3, respectively and P* of 0.45 for category 1 stocks (4% buffer given sigma = 0.36)

The ACL for nearshore rockfish subcomplexes (north and south) depends, in part, on whether the Council chooses a 40-10 rule for category 1 stocks in the complex (i.e. blue rockfish). Although the differences in ACLs are minor for the complex as a whole, the Council's choice of ACL control rule could affect state management if this control rule supplanted the status quo California harvest guideline.

The ACL contribution in 2011 for minor shelf rockfish north is 52% larger than the 2010 OY (Table 6). The recent assessment for greenstriped rockfish estimates an OFL contribution that is 55% of the complex. This is an example of the issues discussed below, specifically, the possibility that non-target species within complexes might inflate landings of other targeted species.

The increase in minor shelf rockfish south (a possible 64% increase from the 2010 OY) is largely driven by an increased contribution from yellowtail rockfish. This species makes up 56% of the complex, but access to shelf rockfish is currently limited by the RCAs, and should prevent overexploitation of these species.

Concerns Arising from OFLs Estimated for Unassessed Components of the minor nearshore rockfish Complex North and South of 40°10' N lat

Application of DCAC or DB-SRA methods was used to determine OFLs for unassessed stocks. The apportionment of catch north and south of 40°10' N lat to derive component species OFLs as well as application of status quo scientific uncertainty buffers result in a ~58% reduction in ACL of minor nearshore rockfish north of 40°10' N lat relative to the 2010 OY. An assumed 25% scientific uncertainty buffer is applied to category 2 species to derive the values in Table 6. The potentially severe reduction in the ACL of minor nearshore rockfish north will adversely affect fishing opportunity for this complex in the region and potentially constrain the take of other species.

While the magnitudes of the OFLs determined using DCAC/DB-SRA methods were approved by the SSC, and are considered the best available science, using catch data to decide how to apportion coastwide OFLs is questionable. The SSC approved use of the input data from 1983 to 1989 and 1993 to 1999 for use in apportioning catch north and south of 40°10' N lat in the 2011-2012 management cycle, while improved methods for apportioning catch using available survey indices of abundance and habitat maps are developed.

In previous years, the 155 mt OY for minor nearshore rockfish north of 40°10' N lat was high enough to prevent concerns over the allocation of catch between states. With the potential for a greatly reduced 2011 ACL, the considerations regarding the portion of the component species available to each state will need to be considered (i.e. under Agenda Item I.4). Division of catch between the states is complicated by the lack of either a formal or informal catch sharing agreement.

The area included in the blue rockfish stock assessment is between Point Conception and 42° N lat. At present, 13% of the OFL for blue rockfish is estimated to occur north of 40°10' N lat. The OFLs for blue rockfish outside the assessed area south of Point Conception and north of 42° N lat (74.0 mt and 33.1 mt respectively) have been determined using DCAC methods. These OFLs have been added to the OFL from the stock assessment with preliminary estimates of scientific uncertainty buffers applied to derive ABCs within and outside the assessed area.

The GMT also discussed estimating the ABCs for component species such that the ACL for minor nearshore rockfish is less constraining. Using the P* approach for category 2 and 3 species discussed earlier in this report, the Council could choose values that result in scientific uncertainty buffers that are less than 25% for category 2 stocks and 50% for category 3 stocks.

Should the Council choose the least risk averse P^* for all of the component species of the minor nearshore rockfish north complex (i.e. 0.45), the resultant ACL would be 91 mt. This is still a substantial reduction from the 2010 OY of 155 mt (i.e. 41%). It also may not reflect the level of risk the Council is comfortable with in the long term, but would provide a tool for reducing the short term impacts to the fishing community until the composition of stock complexes, OFL estimations, and quantification of scientific uncertainty can be more thoroughly reviewed prior to the next management cycle.

The GMT would appreciate guidance from the Council on how to set the ACL for the minor nearshore rockfish complex based on the ABC control rule applied to component species.

Managing Stocks within Complexes

Splitnose rockfish, greenstriped rockfish, and the cabezon (OR) stocks were newly assessed this cycle. Splitnose is currently managed as part of the minor slope rockfish complex; greenstriped as part of the minor shelf rockfish, and cabezon (OR) as part of the other fish. The Council should consider whether to continue managing these stocks as part of their respective stock complexes.

Based on the following reasoning, **the GMT recommends removing the cabezon (OR) stock from the Other Fish complex; yet recommends keeping splitnose and greenstriped in their respective stock complexes for this management cycle.**

First, we would like to highlight the risks associated with managing stocks within a complex. Stock complex management works if stocks are caught in proportion to their component harvest specifications (OFLs and ABCs). If stocks are not caught in such proportions, then it is possible that the catch of certain component species could exceed their respective OFL/ABCs, even when catch is kept within the aggregate stock complex ACL. This is more likely to occur with stocks that only contribute a small proportion of the overall OFL.

Splitnose rockfish and the minor Slope Rockfish North complex provide an example. This complex consists of nine species with a proposed 2011 OFL of 1,462 mt. The proposed contribution of splitnose rockfish to that OFL is 852 mt or 58% of the total. In contrast, blackgill rockfish contributes only 4.7 mt (0.3%), aurora 17.3 mt (1.2%), and shortraker 21.8 mt (1.5%). The remaining stocks contribute between 3.5%–12.6% of the stock complex OFL. To look at extremes, there is a 182:1 ratio between splitnose and blackgill.

Rougheye and shortraker are species for which the recent DB-SRA analysis has flagged overfishing as a potential concern. The situation is similar with splitnose and minor Slope Rockfish South, with blackgill and aurora being the stocks where overfishing is of most concern.

The GMT fully expects that catch does deviate from the proportional OFL contributions. For one, the OFL contributions are based on estimates of allowable harvest, not on estimates of

actual catch. Actual catch depends on the susceptibility of the stocks to the groundfish fisheries, which include such things as marketability and the portion of the stock protected by the RCAs. Susceptibility undoubtedly differs among species in these complexes. Initial looks at reports on total catch have confirmed as much.⁵

Greenstriped and the minor Shelf Rockfish North Complex would present a similar example. Yet, instead, we use it here to illustrate the other set of considerations involved when removing a stock from a complex: complications for the management system. These complications range from sorting requirements for industry to additional monitoring and reporting requirements for the states and the NWFSC. The major complication here, however, is the pending implementation of the trawl individual quota (TIQ) program. Species pulled out of complex must be converted into an IFQ management unit. An initial allocation of quota share for greenstriped would be less than straightforward given the unreliable catch history.

The same management complexities are not present for cabezon (OR) stock. Cabezon will not be part of the TIQ fishery, but are part of the nearshore fishery. It is also currently managed via harvest caps and species specific trip limits set by the state of Oregon. In addition, as we have pointed out multiple times, the Other Fish complex has no quantitative basis for its harvest specification. The species in the Other Fish are also very dissimilar in their vulnerability to the fishery and there seems little reason to keep the cabezon (OR) stock lumped in with such species as finescale codling and the skate species.

Another option for the Council to consider is to set P^* at exceptionally low values for greenstriped and splitnose. This could be done such that it accommodates recent catch, but is low enough to reduce the contributions of these species to the stock complex and reduce the risk to more vulnerable stocks. While the analysis is not available now, P^* values that accomplish this could be provided by the June meeting for final action.

As stated in March in our report on Amendment 23, the team would like to begin a thorough examination of all the groundfish stock complexes under the revised NS1 guidelines as soon as necessary for implementation in the 2013-14 management cycle.⁶ We are concerned about the

⁵ Marketability is one factor of susceptibility, and splitnose have much different susceptibility than some species in the complex. Splitnose rockfish are caught and discarded at sea because sizes are too small to market, whereas almost all rougheye, blackgill, shortaker, and yellowmouth caught by trawl are retained and sold. Splitnose also differs in its life history characteristics from the other species in the complex, the other side of the “vulnerability” equation.

⁶ Again, the NS1 guidelines recommend that managing multiple species with a complex requires (a) that species within the complex demonstrate similar life history traits (e.g., age/growth, longevity, (b) species within the complex exhibit similar vulnerabilities to fishing mortality (i.e., selectivity to fishing gears) and (c) species within the complex can withstand similar levels of harvest.

impact of leaving splitnose and greenstriped rockfish in their current complexes long term. We have discussed methods for better tracking of catch of component stocks in the 2011-12 cycle that could inform our deliberations for 2013-14 implementation. Currently, total mortality is reported only at the stock complex level.

GMT Recommendations:

1. Establish the ACL as equal to the OY for all stocks and complexes for 2011-2012.
2. Use a default P* for category 1 species unless circumstances call for reduced risk of overfishing.
3. Consider using the P* approach for category 2 and 3 species.
4. Set the ACL equal to ABC for healthy stocks unless otherwise noted.
5. For the preliminary preferred alternative, apply the 40-10 reduction for sablefish using the option anticipated under Amendment 23.
6. Consider sablefish ACL options based on apportionment north and south of 36° N. lat and consider applying a 50% reduction to the southern area ACL.
7. Adopt a preliminary preferred alternative that continues managing chilipepper within the minor shelf rockfish complex north of 40° 10' N. lat. and with OFLs of 2,073 mt for 2011 and 1,872 mt for 2012 south of 40° 10' N. lat.
8. For shortspine thornyhead adopt area specific ACLs with a 50% precautionary reduction in the south as the preliminary preferred alternative.
9. For longspine thornyhead use area specific ACLs where the area north of Pt. Conception is set equal to a 25% reduction from the proportional OFL (i.e. equal to the proportion of the ABC for the area) while the southern area is reduced further due to greater scientific uncertainty (i.e. reduced 25 % from the proportion of the ABC south of Pt. Conception).
10. Use the status quo harvest decision to set an ACL for black rockfish off Oregon and California at 1,000 mt.
11. Blue rockfish consider applying the 40-10 reduction to the assessed portion of the stock to reduce the risk of overfishing.
12. Include an ACL alternative of 17,560 mt for Dover sole to reflect the MSY proxy under an F30% harvest level.
13. Use the status quo methodology for determining longnose skate harvest to set ACL.
14. Reduce the maximum ACL alternatives to be equal to ABC for lingcod, sablefish, chilipepper, yellowtail, shortspine and longspine thornyhead, black rockfish in Washington, California scorpionfish, Dover sole, and petrale sole (both with and without a winter fishery).
15. Consider choosing a higher P* value for component species in the minor nearshore rockfish north complex to prevent short term disruption to the fishing community.
16. Remove cabezon in Oregon from the other fish complex.
17. Continue to manage greenstriped in the minor shelf rockfish north complex and splitnose in the minor slope rockfish north complex.

- 18.** Consider setting P^* lower for greenstriped and splitnose rockfish to prevent overfishing of vulnerable stocks within the same complex.

PFMC
04/14/10

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON HARVEST SPECIFICATIONS FOR 2011-2012 FISHERIES

Mr John DeVore briefed the Scientific and Statistical Committee (SSC) on the proposed list of overfishing limits (OFLs) and acceptable biological catch (ABCs) developed by the Groundfish Management Team (GMT). Drs E.J. Dick and Jason Cope outlined a proposed approach for calculating buffers for category 2 and 3 stocks. The SSC also reviewed the outcomes from a conference call among members of the SSC Groundfish Subcommittee, the Groundfish Management Team (GMT), and Council staff on March 17, 2010, which discussed how species can be assigned to categories, as well as control rules and approaches to determining OFLs for category 2 and 3 species.

Assigning stocks to categories

The SSC endorsed the recommendations of the Groundfish Subcommittee regarding species categories. These categories are category 1: data-rich stocks; category 2: data-moderate stocks; and category 3: data-poor stocks (Table 1). The SSC noted that the Council has decided not to use the Ecosystem Component (EC) category at this time.

The categories are divided into several subcategories that reflect various approaches to estimate OFLs. The SSC notes that the categories and subcategories reflect differences in data availability, analytical techniques, and the robustness of assessment outcomes, factors which all relate to the amount of scientific uncertainty and hence the size of the scientific uncertainty buffer to offset ABCs from OFLs. The SSC expects to refine the list of categories and subcategories along with their definitions when new methods for conducting assessments and computing OFLs become available.

The SSC agreed that stocks whose OFLs are estimated using DCAC and DB-SRA methods should be placed into categories 3c and 3d respectively because these methods do not utilize trend data, but are rather based on historical catch information (coupled with a basic understanding of life history parameters, such as natural mortality and age at maturity). The SSC also agreed that stocks assessed using age/size-based models that were endorsed by a Council Stock Assessment Review (STAR) panel and the SSC would generally be assigned to category 1. However, stocks with category 1 assessment models whose input data and/or model results are highly uncertain should be assigned to category 2d.

The SSC agreed that, in the future, stocks should be assigned to categories and subcategories during the SSC review of assessments endorsed by STAR panels. However, since this is not possible for the present cycle, the SSC reviewed the proposed species categorization. Each stock in the Fishery Management Plan (FMP) was therefore assigned to a category and, where appropriate, a subcategory in Table 2-1a of Attachment 1 of Agenda Item I.2.a.

Review of the proposed OFLs

The SSC recognized the considerable work undertaken this year by the GMT to provide more objective bases for the OFLs. The current list of OFLs is much more clearly linked to an analytical (and replicable) basis which makes technical review of the work much more straightforward. While work still remains, the GMT should be acknowledged for their efforts.

The SSC reviewed the proposed OFLs for each stock in Table 2-1a of Attachment 1 of Agenda Item I.2.a, in particular whether stocks should be assigned to category 1 (data-rich stock) or category 2d (a stock with an age-structured stock assessment that is highly uncertain). The SSC made the following changes to the table.

- (1) Lingcod south of 42°N. This stock is assigned to category 2d because the assessment for this area was based on data sets (length distributions and indices) that are in conflict.
- (2) Shortbelly. The SSC agrees that shortbelly is in category 2d because the stock assessment for this species was not reviewed by a Council STAR panel, unlike those for all of the species in category 1. The value for the OFL for this species is currently 50 percent of the ABC/optimum yield (OY). The GMT should contact Dr John Field and attempt to obtain the correct value for the 2011 & 2012 OFLs.
- (3) Cowcod. There are separate entries for cowcod in the Conception and the Monterey areas. Cowcod in the Conception area is in category 2c and not category 2d because the assessment for this area did not estimate annual recruitments. The OFL for the component of the population in Monterey will be based on DCAC or DB-SRA and it will be placed in categories 3c / 3d.
- (4) Greenstriped. This stock is moved from category 1 to category 2d owing to considerable uncertainty regarding the estimate of B_0 and current biomass and extreme sensitivity to assumptions about discard.
- (5) Longspine thornyhead. This stock is moved from category 1 to category 2d because the stock assessment was highly uncertain, a substantial fraction of the stock occurs outside of the survey area, and because there were no survey data for the area south of 34°30'N when the assessment was conducted in 2005.
- (6) Blue rockfish. There are separate entries for blue rockfish off California and Oregon. The population off California is in category 2d, while the OFL for the population off Oregon will have to be determined using historical catches and will be in category 3.
- (7) Gopher rockfish. The population in the south is further sub-divided at Point Conception. The component of the population north of Point Conception is assigned to category 1, while an OFL for the component south of Point Conception will be based on the application of DCAC or DB-SRA and this component placed in category 3c / 3d.
- (8) Arrowtooth flounder. This stock is moved from category 1 to category 2d owing to the sensitivity of the estimate of OFL to changes to assumptions of the assessment.
- (9) Kelp greenling. Separate entries are provided for kelp greenling off Oregon and Washington. An OFL for the Oregon component of the population will be based on the most recent assessment.

In relation to the “Other Fish” complex, the SSC notes that this complex consists of species with different life history characteristics and depth distribution, many with poor information on historical catches. It was noted that finescale codling in the “Other fish” complex does not have any record of landings on the west coast. It was also noted that there are species of grenadiers and skates that are not included in the Groundfish FMP, but are landed in groundfish fisheries. The GMT has assigned OFLs to some of the species in this complex, but was unable to do so for all of them, including some species which are caught in significant quantities. The SSC recommends re-evaluating the logic for the formation of this complex for the next management cycle and that the OFL for the 2011-2012 management cycle be set to 11,150 (the current OFL for this complex minus the OFL for cabezon off Oregon, which should be removed from the complex).

ABC Control rules for category 2 and 3 (data moderate and data poor) stocks

The buffer defines the difference between the OFL and the ABC. The size of the buffer is determined by two factors, the extent of scientific uncertainty and the Council's level of risk. Higher levels of stock assessment uncertainty (σ) or greater levels of risk avoidance (P^*) lead to larger buffers between the OFL and the ABC.

The extent of scientific uncertainty for each stock is determined by the SSC while the level of risk (quantified by P^* , the probability of overfishing occurring) is a policy decision which will be made by the Council. Previously, the Council decided that P^* would not be greater than 0.45 and the SSC recommended that the extent of scientific uncertainty for each category 1 (data-rich) stock be quantified using a value for σ which is the greater of 0.36 (the result of a meta-analysis) and the coefficient of variation of the most recent estimate of abundance. The SSC notes that this approach divides the scientific aspects related to setting the ABC (specifying the extent of scientific uncertainty, σ) from the policy decision (specifying the value of P^*). It also notes that $\sigma=0.36$ is the current best estimate of scientific uncertainty, but that it likely underestimates the true extent of uncertainty by an unknown amount. The SSC will continue to refine this estimate.

The SSC agrees that ideally the approach recommended for setting ABCs for category 1 stocks should also be applied to category 2 and 3 stocks. However, there is at present no analysis available for determining the appropriate value of σ to represent scientific uncertainty for stocks in these categories, unlike the situation for category 1 stocks. In the absence of an analysis for category 2 and 3 stocks, the SSC suggests two interim approaches for computing ABCs from OFLs.

- (1) Continue to apply a buffer of 0.25 for category 2 stocks and of 0.5 for category 3 stocks for consistency with current practice until the SSC has developed and applied an appropriate analytical framework. Use of this approach means that the SSC does not specify a value for σ and the Council does not express its view on risk aversion.
- (2) Set the value of σ for category 2 and 3 stocks to 0.72 and 1.44 respectively, i.e. two and four times the CV for category 1 stocks. The difference between 0.72 and 1.44 corresponds fairly closely to the difference between the current buffers for category 2 and 3 stocks (0.25 versus 0.5) when P^* is in the range 0.3 ~ 0.35. Table 2 shows the relationship between the proposed values for σ and the buffer for a range of values for P^* . Exploration of the results from decision tables for some of the stocks in category 2d also indicates values for σ of approximately 0.72. However, the specific values of 0.72 and 1.44 are not based on a formal analysis of assessment outcomes and could change substantially when the SSC reviews additional analyses.

Irrespective of how ABCs are determined from OFL for 2011-2012, the SSC intends to further examine this issue for the next management cycle.

Partitioning coastwide OFLs north and south of 40°10'N latitude

Dr. E.J. Dick and Mr. John Budrick presented results from different ways of partitioning coastwide OFLs north and south of 40°10' North latitude. Two basic approaches were outlined: (a) using the current split of the OYs and (b) using information on catch by area. There is no recorded basis for the current split of the OYs between areas so the SSC recommends the splits be based on historical catches north and south of 40°10'N. The SSC was presented with three options related to the years to be used to split OFLs: (a) 1983-89, (b) 1993-99, and (c) 1983-89 & 1993-99. There are concerns with all three of the choices given changes over time in fishing practices. For the current management cycle, the SSC

recommends using the longer time period. Although this is not the ideal approach (since catches do not necessarily reflect spatial distribution of species), it is considered a reasonable starting point and appropriate for the current management cycle. The use of survey data and/or Essential Fish Habitat suitability maps may provide more reliable information to partition coastwide OFLs. The SSC recommends exploring these approaches for the 2013-2014 management cycle.

Table 1. Proposed definitions of species categories

Category 3: Data poor. OFL derived from historical catch.

- Category 3a. No reliable catch history. No basis for establishing OFL.
- Category 3b. Reliable catches estimates only for recent years. OFL is average catch during a period when stock is considered to be stable and close to BMSY equilibrium on the basis of expert judgment.
- Category 3c. Reliable aggregate catches during period of fishery development and approximate values for natural mortality. Default analytical approach DCAC.
- Category 3d. Reliable annual historical catches and approximate values for natural mortality and age at 50 percent maturity. Default analytical approach DB-SRA.

Category 2: Data moderate. OFL derived from model output (or natural mortality).

- Category 2a. M*survey biomass assessment (as in Rogers 1996).
- Category 2b. Historical catches, fishery-dependent trend information only. An aggregate population model is fit to the available information.
- Category 2c. Historical catches, survey trend information, or at least one absolute abundance estimate. An aggregate population model is fit to the available information.
- Category 2d. Full age-structured assessment, but results are substantially more uncertain than assessments used in the calculation of the P* buffer. The SSC will provide a rationale for each stock placed in this category. Reasons could include that assessment results are very sensitive to model and data assumptions, or that the assessment has not been updated for many years.

Category 1: Data rich. OFL based on FMSY or FMSY proxy from model output. ABC based on P* buffer.

- Category 1a. Reliable compositional (age and/or size) data sufficient to resolve year-class strength and growth characteristics. Only fishery-dependent trend information available. Age/size structured assessment model.
- Category 1b. As in 1a, but trend information also available from surveys. Age/size structured assessment model.
- Category 1c. Age/size structured assessment model with reliable estimation of the stock-recruit relationship.

Table 2. Relationship between P* and the proportion of OFL for category 1, 2, and 3 stocks based on σ values for 0.36, 0.72 and 1.44.

P*	0.36	0.72	1.44
0.45	95.6%	91.3%	83.4%
0.44	94.7%	89.7%	80.5%
0.43	93.8%	88.1%	77.6%
0.42	93.0%	86.5%	74.8%
0.41	92.1%	84.9%	72.1%
0.40	91.3%	83.3%	69.4%
0.39	90.4%	81.8%	66.9%
0.38	89.6%	80.3%	64.4%
0.37	88.7%	78.7%	62.0%
0.36	87.9%	77.3%	59.7%
0.35	87.0%	75.8%	57.4%
0.34	86.2%	74.3%	55.2%
0.33	85.4%	72.9%	53.1%
0.32	84.5%	71.4%	51.0%
0.31	83.7%	70.0%	49.0%
0.30	82.8%	68.6%	47.0%
0.29	81.9%	67.1%	45.1%
0.28	81.1%	65.7%	43.2%
0.27	80.2%	64.3%	41.4%
0.26	79.3%	62.9%	39.6%
0.25	78.4%	61.5%	37.9%
0.24	77.5%	60.1%	36.2%
0.23	76.6%	58.7%	34.5%
0.22	75.7%	57.4%	32.9%
0.21	74.8%	56.0%	31.3%
0.20	73.9%	54.6%	29.8%
0.19	72.9%	53.1%	28.2%
0.18	71.9%	51.7%	26.8%
0.17	70.9%	50.3%	25.3%
0.16	69.9%	48.9%	23.9%
0.15	68.9%	47.4%	22.5%
0.14	67.8%	45.9%	21.1%
0.13	66.7%	44.4%	19.8%
0.12	65.5%	42.9%	18.4%
0.11	64.3%	41.3%	17.1%
0.10	63.0%	39.7%	15.8%
0.09	61.7%	38.1%	14.5%
0.08	60.3%	36.4%	13.2%
0.07	58.8%	34.6%	11.9%
0.06	57.1%	32.6%	10.7%
0.05	55.3%	30.6%	9.4%

NATIONAL MARINE FISHERIES SERVICE REPORT

National Marine Fisheries Service (NMFS) Northwest Region will briefly report on recent regulatory developments relevant to groundfish fisheries and issues of interest to the Pacific Fishery Management Council (Council).

NMFS Northwest Fisheries Science Center (NWFSC) will also briefly report on groundfish-related science and research activities.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item I.3.a, Attachment 1: *Federal Register Notices* Published Since the Last Council Meeting.

Agenda Order:

- a. Regulatory Activities
- b. Fisheries Science Center Activities
- c. Reports and Comments of Management Entities and Advisory Bodies
- d. Public Comment
- e. Council Discussion

Frank Lockhart
Elizabeth Clarke

PFMC
03/23/10

FEDERAL REGISTER NOTICES

**Groundfish and Halibut Notices
2/17/2010 through 3/24/2010**

Documents available at NMFS Sustainable Fisheries Website

<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management> Groundfish
<http://www.nwr.noaa.gov/Groundfish-Halibut/Pacific-Halibut> Halibut

75 FR 8820. Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments. This final rule announces inseason changes to management measures in the commercial, recreational, and tribal fisheries - 2/26/10

75 FR 11118. Fisheries of the Pacific Region. NMFS has determined that in the Pacific Region, the Petrale Sole stock has been determined to be in an overfished condition - 03/10/10

75 FR 11515. Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit. NMFS announces the intent to issue Exempted Fishing Permits to Pacific Whiting shoreside vessels and first receivers - 3/11/10

75 FR 11829. Pacific Coast Groundfish Fishery; 2010 Tribal Fishery for Pacific Whiting - 3/12/10

75 FR 12729. Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit. NMFS announces the receipt of exempted fishing permit applications, and is considering issuance of EFPs for vessels participating in the EFP Fisheries - 3/17/10

PFMC
03/23/10

PART 1 OF MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

The Council's November 2009 meeting marked the initiation of the harvest specifications and management measures decision-making process for 2011-2012 fisheries. The Council adopted a preliminary range of annual catch limits (ACLs) for each stock and stock complex as well as a preliminary range of management measures designed to stay within the harvest specifications. At this meeting under Agenda Item I.6, the Council is scheduled to adopt a range of 2011-2012 alternatives, including overfished species ACLs and management measures and, if possible, preliminary preferred ACL alternatives for formal analysis and public review.

Under this Agenda Item, the Council is scheduled to make preliminary decisions on these matters and, if necessary, assign further analysis to the Groundfish Management Team (GMT) and Groundfish Advisory Subpanel (GAP) to facilitate Council tasks under Agenda Item I.6.

A key element for the 2011-2012 process has been restructuring the alternatives to better understand the implications of decisions on overfished species ACLs, which, like in past management cycles, will constrain fishing opportunity in 2011-2012. Agenda Item I.4.a Attachment 1 contains background information on the restructuring and a draft set of alternatives, including strategic combinations and ranges of overfished rockfish species ACLs and considerations for developing management measures. Attachment 2 contains the preliminary preferred range of management measures adopted by the Council in November 2009.

The management measures are intended to meet, but not exceed the preferred non-overfished species ACLs adopted under Agenda Item I.2 and the overfished species ACLs contained within each alternative. The management measures are also designed to keep the fisheries within allocations, including the non-treaty trawl and non-treaty non-trawl allocations adopted by the Council under Amendment 21: Intersector Allocation, which is scheduled for implementation on January 1, 2011. Included in this amendment are allocations for trawl dominant overfished species (darkblotched rockfish, Pacific ocean perch, and widow rockfish) for the non-treaty trawl and non-treaty non-trawl sectors, as well as for each non-treaty trawl sector (i.e., shoreside non-whiting, shoreside whiting, catcher-processor, and mothership).

Two-year allocations for yelloweye rockfish, canary rockfish, bocaccio, and cowcod need to be determined for the non-treaty trawl and non-treaty non-trawl sectors. The Council guidance in November, 2009 was to assume the canary and yelloweye rockfish catch proportions by sector and state as provided in the GMT's March 2009 scorecard. Under this agenda item, the Council should provide guidance on two-year allocations for bocaccio and cowcod as well. Agenda Item I.4.a, Attachment 3 provides supplemental recent year catch estimates and other information to aid the Council in determining a preliminary preferred two-year allocation for yelloweye rockfish, canary rockfish, bocaccio, and cowcod.

In order to determine the amount of the ACL that is available for harvest, yield set-asides to accommodate expected catches in the tribal fishery, incidental open access fishery, scientific research, and exempted fishing permit must be subtracted. Under this agenda item, the GMT is expected to make overfished species set-aside recommendations for the 2011-2012 fisheries. Set-asides for non-overfished species will be brought forward at the June Council meeting. After the set-asides are accommodated, sector allocations are applied.

The Council also needs to adopt revised rebuilding plans for at least two species (canary rockfish and Pacific ocean perch) and develop a new petrale sole rebuilding plan, which will be implemented through Amendment 16-5 to the Groundfish Fishery Management Plan. The Magnuson-Stevens Act mandates the rebuilding periods “be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem” (Section 304(e)). Agenda Item I.2.a, Attachment 2 contains materials that inform the estimated time to rebuild given varying spawning biomass per recruit (SPR) harvest rates and ACLs.

Revised rebuilding plans for canary rockfish and Pacific ocean perch are necessary because of fundamental changes in our understanding of the stocks’ productivity, via adoption of new stock assessments in 2009. The new stock assessments show it very unlikely the stocks will rebuild by their respective Target Rebuilding Times (T_{TARGET}). The 2009 petrale sole assessment indicated an overfished condition, for the first time, and as such the Council must develop a new rebuilding plan which should include a rebuilding SPR harvest rate (which is the basis for the ACLs), a T_{TARGET} , and a harvest strategy. With regard to the harvest strategy, the Council should provide guidance on two-year allocations of petrale sole to all sectors, including the treaty sector. The Council should also provide general guidance on whether constraints should be imposed on sectors other than the non-treaty non-whiting trawl sector and whether to pursue a year-round or summer only fishery.

Other attachments useful for developing a range of 2011-2012 alternatives include a proposed range of management measures for the Oregon and Washington recreational groundfish fisheries (Agenda Item I.4.b, ODFW Report 1 and Agenda Item I.4.b, Supplemental WDFW Report), the Oregon nearshore commercial fisheries (Agenda Item I.4.b, ODFW Report 2), and public comment received by the April briefing book deadline (Agenda Item I.4.d, Public Comment). The Council should consider these proposals, as well as advice from advisory bodies and the public before adopting a preliminary range of alternatives for further analysis.

It is expected the Council should also carefully consider the intended scope of action and workload on the GMT, constituent agencies, and Council staff when deciding which alternatives and management measures are the highest priority for analysis. Some management measures may be particularly labor-intensive and others may not be as closely linked to the decisions typically considered in the biennial harvest specifications and management measures process.

The Council may want to request additional analysis by the GMT and GAP under this agenda item. Results for any requested analyses can be provided on Thursday under Agenda Item I.6, when the Council is scheduled to adopt a final refined range of 2011-2012 alternatives for analysis in the DEIS. If possible, the Council should adopt a preliminary preferred alternative under Agenda Item I.6 to allow intensified analysis between the April and June Council meetings.

Final Council action on a preferred 2011-2012 alternative including management measures and overfished species ACLs is scheduled for the June Council meeting.

Council Action:

- 1. Adopt preliminary revised rebuilding plans for at least two overfished species (canary rockfish and Pacific ocean perch), including a rebuilding SPR harvest rate (basis for the ACLs) and target rebuilding time (T_{TARGET}).**
- 2. Adopt a preliminary rebuilding plan for petrale sole, including a rebuilding SPR harvest rate, target rebuilding time (T_{TARGET}), and a harvest strategy.**
- 3. Adopt a preliminary range of refined alternatives including overfished species ACLs and management measures for 2011-2012 fisheries.**
- 4. Provide guidance for two-year allocations for bocaccio, and cowcod.**
- 5. Provide guidance to the GMT and GAP for further analysis of alternatives (if necessary).**

Reference Materials:

1. Agenda Item I.4.a, Attachment 1: Considerations for Draft Alternatives Including Overfished Species Annual Catch Limits and Management Measures.
2. Agenda Item I.4.a, Attachment 2: Preliminary Range of Management Measures for 2011-2012 Groundfish Fisheries.
3. Agenda Item I.4.a, Attachment 3: Recent Year Catch Estimates Relevant to Deciding a Range of 2011-2012 Allocations.
4. Agenda Item I.2.a, Attachment 2: Tables and Graphics Relevant to Deciding 2011-2012 Groundfish Annual Catch Limits.
5. Agenda Item I.4.b, ODFW Report 1: Oregon Department of Fish and Wildlife Report on Preliminary Management Measure Alternatives for the 2011-2012 Oregon Recreational Groundfish Fisheries.
6. Agenda Item I.4.b, ODFW Report 2: Oregon Department of Fish and Wildlife Report on Management Measures for the 2011-2012 Commercial Nearshore Groundfish Fishery.
7. Agenda Item I.4.b, Supplemental WDFW Report: Washington Department of Fish and Wildlife Report on Preliminary Management Measure Alternatives for the 2011-2012 Washington Recreational Groundfish Fisheries.
8. Agenda Item I.4.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview **Kelly Ames and John DeVore**
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt a Preliminary Range of Alternatives including Overfished Species Annual Catch Limits and Management Measures for Analysis

PFMC
03/26/10

CONSIDERATIONS FOR DRAFT 2011-2012 ALTERNATIVES INCLUDING OVERFISHED SPECIES ANNUAL CATCH LIMITS AND MANAGEMENT MEASURES

This paper describes the proposed structure of the alternatives that will be analyzed in the 2011-2012 harvest specifications Environmental Impact Statement (EIS). At this meeting, Council decision-making is needed to allow the analysts to move forward with constructing and analyzing the alternatives. The following topics are covered:

- Process for adopting alternatives
- Proposed alternative structure and key components for consideration
- Example alternatives (no action, status quo, practical F=0)

Process for adopting alternatives

The proposed process for adopting the 2011-2012 harvest specifications and management measures is slightly different than the approach used in recent cycles (Table 1). In the new approach, under the harvest specifications agenda item, Council action is to adopt preferred overfishing limits (OFLs) and acceptable biological catches (ABCs) for all groundfish species and species complexes, but to only adopt ACLs and optimal yields (OYs) for non-overfished groundfish species and complexes. Under this agenda item and Agenda Item I.6, the Council will consider the overfished species ACLs in coordination with the rebuilding plans and management measures in order to better understand the implications of decisions on overfished species ACLs.

Table 1. Historical and Proposed Process for Adopting the Biennial Specifications.

Historical Process	Proposed Process
Harvest Specifications -Adopt ABCs -Adopt OYs Adopt and/or revise rebuilding plans	Harvest Specifications -Adopt OFLs for all species & complexes -Adopt ABCs for all species & complexes -Adopt OYs/ACLs for only non- overfished species & complexes
Management Measures Part I and II -Adopt management measures -Confirm or adjust overfished species OY	Part I and Part II Alternatives Adopt alternatives that contain -Overfished species ACLs -Management measures necessary to achieve the overfished species ACLs Adopt and/or revise rebuilding plans

Proposed Alternative Structure and Key Components

The alternatives for the 2011-2012 fisheries have been restructured such they are composed of the following elements

- an analytical scenario that explains how the alternative is structured,
- strategic combinations of overfished rockfish species ACLs,
- ranges of petrale sole ACLs,
- estimates of the overall harvest of non-overfished species, given the overfished species constraints,
- sector allocations of overfished species, and
- management measures necessary to stay within the sector allocations or ACLs (e.g., alternative seasons, size and bag limits, specific areas closed or open to fishing, trip limits, gear restrictions, etc.).

Analytical Scenario

The analytical scenario explains the purpose of the alternative. For example, the no action alternative analyzes the impacts if no action were taken by the Council and the 2010 OYs and management measures currently specified in Federal regulations prevailed for the 2011-2012 fisheries. Examples of the no action alternative, status quo alternative, and Alternative 1, including a preview of the new alternative structure, are found at the end of this document.

Overfished Rockfish Species ACLs

The remaining alternatives represent combinations of overfished rockfish species ACLs that were developed by arranging the range of depleted species' ACLs in various combinations in order to understand how rebuilding plans for different species interact to constrain fishing opportunities (Tables 2 and 3). In previous cycles, these arrangements were known as the strategic rebuilding alternatives. In the current proposed structure of the alternatives, these harvest limits for overfished species are integrated into the more comprehensive alternatives described here, which should improve comparative analysis of the alternatives. The overfished species ACLs are strategically arrayed to illuminate how each species might differentially constrain fishing opportunities by sector (or gear type) and region along the west coast, depending on the amount of allowable harvest of each species.

Under this agenda item, the Council is asked to refine these overfished species harvest specifications and if possible, under Agenda Item I.6, choose preliminary preferred ACL alternatives for public review. Once refined, the overfished species ACLs will be placed into the alternatives template (see examples at the end of the document) and paired with the management measures necessary to constrain catch within sector allocations and the ACLs.

Petrale Sole ACLs

The declaration that the petrale sole stock is overfished provides additional considerations for the 2011-2012 fisheries. Like the overfished rockfish stocks, the Council must consider the shortest time to rebuild, given the needs of the fishing community. However, unlike the rockfish stocks, petrale sole are highly productive and under all rebuilding runs the stock is expected to be rebuilt within 10 years. Further, the overfished rockfish are highly intermixed and co-occur with more abundant stocks; therefore merely eliminating targeting is usually insufficient to meet rebuilding goals. The petrale sole stock is more aggregated, relative to rockfish stocks, and eliminating

targeting is a potential rebuilding strategy that the Council may wish to consider. Petrale sole are found in the winter in spawning aggregations and can be easily targeted, while the summer trawl fishery is a mixed stock fishery. As stated in the petrale sole rebuilding analysis, harvesting petrale in different seasons (winter vs. summer) will result in different rebuilding times and probabilities.

In developing the management measures to keep petrale catches within the ACL, the Council should provide guidance on the 2-year allocations of petrale sole to all sectors, including the treaty sector. The Makah tribe estimates that given the current bimonthly limit for petrale (50,000 lbs./vessel) annual harvest is not expected to exceed 100,000 lbs. (~45 mt) (Agenda Item G.4.b Supplemental Tribal Comment November 2009). The Council should also provide general guidance on whether constraints should be imposed on sectors other than the non-treaty non-whiting trawl sector. For example, under the 2009-2010 widow rockfish rebuilding plan, all non-whiting fisheries are held harmless and the remaining available yield of widow rockfish is allocated to the whiting fisheries.

Projected Harvest of Selected Non-Overfished Species

With regard to the projected total harvest of selected non-overfished species under each alternative, the analyses performed by the GMT will estimate how much target species could be accessed, given the overfished species constraints within the alternative. The Council should not consider these point estimates of target species catch but rather an approximation given the assumptions and changing variables. For example, estimates of target species catch is heavily influenced by the West Coast Groundfish Observer Program (WCGOP) bycatch rates, which are updated with the latest available data between the time in which the biennial cycle decisions are made (i.e., June) and the first month of the biennial cycle (i.e., January). The overfished species bycatch rates (generated from WCGOP and state recreational sampling data) vary as a result of changing fishery behaviors as well as differences in stock distributions (e.g., rebuilding, ecosystem dynamics, etc.). For both the commercial and recreational fisheries, complex dynamics relative to other fishing opportunities (e.g., salmon and tuna) affect effort estimates and thus total groundfish take. Additionally, the estimates are generated by imprecise modeling platforms which contain assumptions of how the sectors perform under the variables contained within the action alternative. In summary, the estimates are useful for conceptually understanding how the overfished species ACLs affect access to target stocks but should not be considered point estimates.

Sector Allocations for Overfished Species

As referenced in the situation summary, Under Amendment 21, formal allocations of the trawl-dominant non-overfished species and overfished species (darkblotched rockfish, Pacific ocean perch, and widow rockfish) were decided for the non-treaty trawl (hereinafter trawl sector) and non-treaty non-trawl sectors (hereinafter non-trawl sector), as well as for each non-treaty trawl sector (i.e., shoreside non-whiting, shoreside whiting, catcher-processor, and mothership). Since Amendment 21 is scheduled to be implemented January 1, 2011, these allocations will be used in the analysis of the alternatives.

The Council must decide two-year allocations for the non-Amendment 21 overfished species (yelloweye, canary, cowcod, and bocaccio) during the harvest specifications and management

measures process. Historically, these allocations were flexible such that the Council had the ability to move fish between sectors through inseason action as needed. For example, the sector projections of estimated bycatch are frequently updated with new WCGOP data, which often changes the sector allocations relative to the decision made under the harvest specifications and management measures process. In these situations, the Council had the option of constraining the sector to within the initial allocation, implementing inseason action if there was concern for exceeding the OY, or accommodating the increased overfished species interactions by moving fish between sectors within the balance of the OY.

The consideration of a rationalized trawl fishery for 2011-2012 reduces the inseason flexibility to move fish between the trawl and non-trawl sectors since the trawl allocation will be converted into quota pounds and co-op allocations. It would be very difficult, if not impossible, to reduce the trawl allocation mid-year if need arises or an overage occurs in the non-trawl sector. As such, it is anticipated that the two-year allocation between the trawl and non-trawl sectors for yelloweye, canary, cowcod, and bocaccio will be a very difficult and complex decision. Within the non-trawl sector, it is still anticipated that the Council will have inseason flexibility to move fish between sectors (e.g., recreational and fixed gear commercial) as need arises.

The Council must strike a delicate balance when considering the trawl allocation in a rationalized fishery. First, the trawl sector has not yet operated under a rationalized system and it is difficult to precisely estimate the predicted overfished species impacts. While one objective of the rationalized fishery is to promote practices that reduce bycatch and discard mortality, it is expected that there will be a learning curve as the fleet adjusts to this new management regime. Further, while rationalized fisheries have a worldwide history of success, the west coast groundfish trawl fishery has the unique challenge of interacting with eight overfished stocks. The quota pounds and co-op allocations for the overfished species are expected to be scarce, especially for yelloweye and canary rockfish. The Council may consider that the two-year trawl allocation is somewhat of a performance standard and thus the fleet should be given an allocation to reasonably accommodate fishing operations.

The overfished species allocations to the trawl sector cannot flow into the non-trawl sector if need arises or if excess should become available (e.g., the at-sea whiting sector harvests all of their whiting allocation and has remaining overfished species quota). If unused, the allocation will remain stranded in the trawl sector. As such, the Council should ensure that the non-trawl sector also has sufficient allocation to reasonably accommodate fishing operations.

Management Measures

In a parallel process to the 2011-2012 harvest specifications and management measures action, the Council is working on Amendment 23: Annual Catch Limits (ACLs), which is creating a new framework for deciding groundfish harvest specifications consistent with new National Standard 1 (NS1) guidelines. Decisions made under Amendment 23 provide the foundation upon which the 2011-2012 harvest specifications and management measures action will be made. Essentially, the Council is writing the “rules” under Amendment 23 and, at the same time, applying those rules for the first time through this harvest specifications and management measures process.

The new NS1 guidelines identify two primary sources of management uncertainty: 1) uncertainty in the ability of managers to constrain catch so the ACL is not exceeded; and, 2) uncertainty in quantifying the true catch amounts. In other words, management uncertainty involves consideration of the effectiveness of management measures at stopping catch at desired levels, and at the same time, an examination of the accuracy and precision of the estimates used to quantify catch. The new NS1 guidelines recommend consideration of the annual catch target (ACT), which can be set below the ACL if there is uncertainty in the ability of the management system to effectively keep total fishing mortality below the prescribed ACL.

Under the status quo, the Council uses harvest guidelines for some sectors (e.g., recreational) as a tool to constrain catch below the OY. The regulatory definition of a harvest guideline is “a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require closure of a fishery.” The Council also uses sector specific bycatch limits in the whiting fishery to constrain catches of overfished species. As specified in regulation, the National Marine Fisheries Service has the authority to close the whiting fishery upon projected attainment of a bycatch limit. In defining use of an ACT, the Council should consider whether action is required to prevent catches exceeding the ACL or if the tool is intended to be more of a guideline.

At its March 2010 meeting, the Council adopted draft Groundfish Fishery Management Plan (GFMP) amendatory language which included the ACT concept. A report on the performance of the current management system was prepared in March 2010 (Agenda Item E.4.a Attachment 4) and should assist the Council in determining whether ACTs or other management measures should be used to ensure catches stay within the ACLs and the Amendment 21 sector allocations. The Groundfish Management Team (GMT) may also provide the Council with additional advice on the use of ACTs in the 2011-2012 management cycle.

With regard to uncertainty in quantifying the true catch amounts, the GMT is aware of the estimation error inherent in the modeling platforms and estimation process and has begun some initial scoping to address estimation error within the model platforms. However, given workload and the complexities in resolving this issue it is unlikely that uncertainty will be fully evaluated in this cycle. Rather, it is a consideration that should be continually evaluated and improved upon during every biennial cycle.

At this meeting, the GMT will conduct preliminary analysis on the draft overfished species ACL alternatives to inform the types of management measures (e.g., alternative seasons, size and bag limits, specific areas closed or open to fishing, trip limits, gear restrictions, etc.) necessary under each alternative. Additionally, the GMT will provide guidance to the Council regarding potential prioritization of management measures for analysis, given workload.

Results of the Analysis

After the Council adopts refined overfished species ACL alternatives and the list of new management measures for analysis under Agenda Item I.6, more intensive analysis will occur and the 2011-2012 alternatives will be completed, as part of the preliminary DEIS available in June. The results of the analysis will be presented in a format similar to the alternative examples provided at the end of the document. Further, the results of the will include estimates of

- total harvest of non-overfished species
- total mortality of overfished species,
- geographic distribution of effort,
- revenues by sector,
- personal income impacts by port,
- community impacts, and
- ecosystem impacts (e.g., protected resources, habitat, etc.).

After reviewing the results between the alternatives, the Council is scheduled to adopt a final preferred 2011-2012 alternative including management measures and overfished species ACLs in June 2010.

Table 2. 2011 Overfished Species Annual Catch Limits

		2010			Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Alt. 7	Alt. 8	Alt. 9
Species	Association	Scorecard Est.	No Action 2010 OY	Status Quo SQ SPR	Low Slope Low Shelf	Low Slope High Shelf	High Slope Low Shelf	High Slope Low Shelf	High Slope High Shelf	Mix 1	Mix 2	Mix 3
Widow	Midwater	375	509	352	200	400	600	200	3,000	600	1,000	3,000
Canary	Shelf, north	102	105	102	49	155	49	69	155	[102]	128	155
YE	Shelf, north	17	17	20	9	20	9	13	20	17	20	[20]
Bocaccio	Shelf, south	104	288	263	53	373	53	109	373	[263]	373	109
Cowcod	Shelf, south	2	4	4	2	9	2	3	9	3	[4]	[4]
Darkblotched	Slope, north	273	291	332	130	130	461	332	461	222	298	332
POP	Slope, north	120	200	180	180	[180]	265	204	265	204	265	265

Table 3. 2012 Overfished Species Annual Catch Limits

		2010			Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Alt. 7	Alt. 8	Alt. 9
Species	Association	Scorecard Est.	No Action 2010 OY	Status Quo SQ SPR	Low Slope Low Shelf	Low Slope High Shelf	High Slope Low Shelf	High Slope Low Shelf	High Slope High Shelf	Mix 1	Mix 2	Mix 3
Widow	Midwater	375	509	352	200	400	600	200	3,000	600	1,000	3,000
Canary	Shelf, north	102	105	102	51	162	51	72	162	107	134	162
YE	Shelf, north	17	17	20	9	21	9	13	21	17	20	[21]
Bocaccio	Shelf, south	104	288	263	56	384	56	115	384	274	384	115
Cowcod	Shelf, south	2	4	4	2	9	2	3	9	3	4	4
Darkblotched	Slope, north	273	291	332	131	131	453	329	453	222	296	329
POP	Slope, north	120	200	180	183	183	269	208	269	208	269	269

Key

Brackets: [Status Quo - SPR]

*Italics: lower than 2010 estimated impacts***Bold: lower than 2010 OY**

TBD: To be determined

DRAFT
2011-2012
ALTERNATIVES

Status Quo

Analytical scenario Biological strategy is to follow the process outlined in the Groundfish Fishery Management Plan and continue with a constant spawning biomass per recruit (SPR) harvest rate for all overfished species. This alternative is an artifact of how the rebuilding plans are specified in regulation and the ACLs under this alternative may not reflect the Council's decision on how much to weigh delays in rebuilding to meet the short-term needs of the fishing communities because SPR harvest rates translate into different harvest amounts (i.e., OY or ACL) based on updated estimates of stock biomass.

Harvest Specifications

1. **Overfished Species:** ACL determined by the SPR currently specified applied to the 2009 full and updated stock assessments and rebuilding analysis.

Status Quo Alternative: 2011, 2012 Overfished Species Harvest Specifications

Species	ACL alternative 2011 ^a	ACL Alternative 2012 ^a	Median time to rebuild given ACL ^b	T _{target} in FMP
Canary	Alt 4 (102 mt)	Alt 4 (107 mt)	[2027]	2021
Yelloweye	Alt 6 (20 mt)	Alt 6 (21 mt)	[2087]	2084
Bocaccio	Alt 4 (263 mt)	Alt 4 (274 mt)	2022	2026
Cowcod	Alt 4 (4 mt)	Alt 4 (4 mt)	2071	2072
Darkblotched	Alt 5 (332 mt)	Alt 5 (329 mt)	2027	2028
POP	Alt 2 (180 mt)	Alt 2 (183 mt)	[2020]	2017
Widow	SQ column (352 mt)	SQ column (339 mt)	2010	2015

^aValues taken from the status quo column in Tables 2-2 a and b (Agenda Item I.2.a Attachment 1).

^bBrackets indicate times to rebuild that are longer than the T_{target} specified in the FMP.

2. **Selected Non-Overfished Species:** List selected target species and the 2010 OY, provided in Federal regulation, as well as estimated total harvest, given the overfished species constraints. *[To be completed by the GMT]*

Status Quo: 2011, 2012 Non-Overfished Species Harvest Specifications

Species	2010 OY	Estimated Total Harvest

Management Measures

1. 2-year overfished species allocations as decided in 2009-2010, updated with most recent data (i.e., March 2010 scorecard)

2. Management measures currently specified in regulation (i.e., 2010 regulations, no new measures allowed)
 - a. Trawl Sector Management: status quo

No Action

Analytical scenario If no action were taken by the Council, the 2010 OYs and management measures currently specified in Federal regulations would prevail for the 2011-2012 fisheries.

Harvest Specifications

1. **Overfished Species:** List the OYs specified in the 2010 Federal regulations

No Action Alternative: 2011, 2012 Overfished Species Harvest Specifications

Species	ACL alternatives 2011, 2012 ^a	Median time to rebuild given ACL ^b	TTarget FMP
Petrale	1,200 mt	TBD	N/A
Canary	105 mt	[2027]	2021
Yelloweye	17 mt	2074	2084
Bocaccio	288 mt	2022	2026
Cowcod	4 mt	2071	2072
Darkblotched	291 mt	2022	2028
POP	200 mt	[2020]	2017
Widow	509 mt	2010	2015

^aValues taken from the status quo column in Tables 2-2 a and b (Agenda Item I.2.a Attachment 1).

^bBrackets indicate times to rebuild that are longer than the Ttarget specified in the FMP.

3. **Selected Non- Overfished Species:** 2010 OY listed in Federal regulation. as well as estimated total harvest, given the overfished species constraints. *[To be completed by the GMT]*

No Action Alternative: 2011, 2012 Non- Overfished Harvest Specifications

Species	2010 OY	Estimated Total Harvest

Management Measures

1. 2-year overfished species allocations as decided in 2009-2010, updated with most recent data (i.e., March 2010 scorecard)
2. Management measures currently specified in Federal regulation
 - a. Trawl Sector Management: status quo

Alternative 1 – Quickest, practicable time to rebuild

Analytical scenario Prioritize the rebuilding of overfished species which eventually provides for community benefits when the stocks are rebuilt and fisheries are no longer constrained. This alternative is as close to $F=0$, given the authority within the GFMP and the speed at which action could be taken to prohibit groundfish landings for the 2011-2012 fisheries. Stopping all fishing mortality would involve shutting down fisheries managed under other FMPs and by the states. Prohibiting retention does not prohibit catch and overfished rockfish would continue to be caught in other non-groundfish fisheries. Therefore, under this alternative, groundfish mortality would still occur as a result of incidental catch of groundfish in non-groundfish fisheries (i.e., discarded catch that dies) and in research.

Harvest Specifications

1. **Overfished Species:** ACLs amounts to accommodate discard mortality as a result of incidental catches of groundfish in non-groundfish fisheries and research.

Action Alternative 1: 2011, 2012 Overfished Species Harvest Specifications

Species	ACL alternative	Median time to rebuild given ACL	TTarget FMP
Petrale	[List GMT recommended set-aside values]	[Request from assessors]	N/A
Canary			2021
Yelloweye			2084
Bocaccio			2026
Cowcod			2072
Darkblotched			2028
POP			2017
Widow			2015

4. **Selected Non-overfished Species:** ACLs amounts to accommodate discard mortality as a result of incidental catches of groundfish in non-groundfish fisheries and research. *[To be completed by the GMT]*

Action Alternative 1: 2011, 2012 Non-overfished Species Harvest Specifications

Species	2010 ACL	2011 ACL	Estimated Total Mortality

Management Measures

1. 2-year overfished species allocations: N/A – no directed fishing occurs

2. Management measures would prohibit landings of groundfish in all directed and incidental fisheries.
 - a. Trawl Sector Management: N/A – no directed fishing occurs

PRELIMINARY RANGE OF MANAGEMENT MEASURES FOR 2011-2012 GROUND FISH FISHERIES

At its November 2009 meeting, the Council adopted the following preliminary range of management measures for the 2011-2012 Groundfish Fisheries:

Overarching

- Ensure consistency with Amendment 23: Annual Catch Limits and Accountability Measures
- Develop a petrale sole rebuilding plan and corresponding management measures
- Analyze impacts to protected resources using best available science
- Revise selected coordinates of rockfish conservation area (RCA) boundaries for trawl and fixed gear to more closely approximate depth contours
- Conduct hot spot/cold spot analyses for canary and yelloweye rockfish for potential groundfish fishing areas (GFAs) or closures (e.g., RCAs) for both commercial and recreational fisheries
- Include in the definitions section, the sablefish dressed weight definition
- Implement sorting requirements for species that have management targets

Vessel Monitoring Systems (VMS)

- Evaluate gear stowage requirements for fixed gear vessels transiting closed areas
- Evaluate VMS technologies to allow drifting by limited entry and open access vessels
- Reconvene the Ad Hoc Vessel Monitoring System Committee to discuss VMS issues related to the trawl rationalization program

Pacific Whiting

- For the new tribal Pacific whiting fisheries, analyze projected impacts to overfished species and the associated management implications in coordination with the tribes
- Analyze non-treaty midwater trawl trip limits within the primary season for non-whiting species, which would allow vessel payment up to a species-specific trip limit

Limited Entry Non-whiting Trawl

- Analyze management measures for the limited entry trawl fishery as a contingency plan in the event trawl rationalization is implemented later than January 1, 2011
- Compare current trawl gear regulations with the specifications used during applicable trawl bycatch reduction studies. Determine whether regulatory flexibility can be provided to allow the trawl fleet to develop bycatch reduction modifications necessary to succeed in a rationalized fishery

- Analyze new limited entry trawl latitudinal management lines south of 40°10' N. latitude, which may reduce overfished species impacts, while increasing fishing opportunities in other areas
- Analyze size limits for lingcod

Fixed Gear Fisheries

- Examine size limits and removing the spawning closure for lingcod
- For Oregon, analyze management measures for cabezon
- For California, modify the gear description for other flatfish hook and line gear to align with recreational regulations
- For California, analyze the impacts of allowing fishing within 100 fm of Catalina Island
- For the limited entry fixed gear sablefish program, analyze changes to the ownership and control calculation similar to those proposed under the Amendment 20: Trawl Rationalization

Recreational Fisheries

- Analyze lingcod size limits
- Develop a long leader recreational fishery seaward of 150 fm in California, similar to activities conducted under the Recreational Fishing Alliance and Golden Gate Fishermen's Association exempted fishing permit
- Analyze the impacts of groundfish retention in the Oregon all-depth Pacific halibut fishery
- For Oregon, analyze management measures for cabezon
- For California, analyze removing the lingcod spawning closure
- For California, consider exempting flatfish from the groundfish depth and season closures
- For California, modify regulations regarding filleting at sea and fillet lengths for federal groundfish species, which would assist dockside species identification
- For California, analyze the impacts of allowing fishing within 100 fm of Catalina Island (west end of the island because cowcod is on east side)
- For California recreational, analyze changes to the depth restriction as well as retention of shelf and slope rockfish in the Cowcod Conservation Areas

The Council recommended that the following items be considered as lower priority. Depending on workload these items may not be analyzed in the 2011-2012 specifications process

- Modify, if necessary, the definition for dressed weight as well as ice and slime deductions for Pacific halibut to ensure consistency with the International Pacific Halibut Commission
- Generate midwater trawl trip limits for Pacific whiting during the primary season south of 42° N. latitude (the California early season) to prevent early attainment of the southern Pacific whiting allocation

- For California commercial fisheries, analyze retention of shelf and slope rockfish retention in the Cowcod Conservation Areas
- Analyze removal or modification of the Period 2 closure for limited entry and open access non-trawl fisheries south of 34°27' N. lat to align fishery regulations
- Develop additional management lines for California and Oregon recreational fisheries
- Consider mandatory logbooks for recreational charter/for hire vessels

The Council also stated that initial analyses of management impacts should assume the same catch sharing for canary and yelloweye rockfish between sectors and states as depicted in the 2009 bycatch scorecard, prior to the start of the season.

PFMC
03/26/10

RECENT YEAR CATCH ESTIMATES RELVANT TO DECIDING A RANGE OF 2011-2012
ALLOCATIONS

1. March 2009 Groundfish Management Team Scorecard for Overfished Species. This is the first scorecard under the 2009-2010 management cycle updated with the latest West Coast Groundfish Observer Data (at that time), tribal impacts, non-whiting exempted fishing permits caps, estimated research impacts, and the 2009 non-treaty whiting bycatch limits for widow, darkblotched, and Pacific ocean perch. The yelloweye rockfish and canary rockfish shares by sector and state were recommended by the Council as the preliminary basis for the 2-year allocations for the 2011-2012 cycle.
2. March 2010 Groundfish Management Team Scorecard for Overfished Species. This is the most recent scorecard and it has been updated with the latest West Coast Groundfish Observer Data, tribal impacts, non-whiting exempted fishing permits caps, estimated research impacts, and the 2010 whiting bycatch limits for widow, darkblotched, and Pacific ocean perch.
3. Historical Scorecard Percentages for Overfished Species, After Removing Set-Asides. These are the percentages adopted by the Council during the 2005-2006, 2007-2008, and 2009-2010 cycles. Percentages for the limited entry whiting trawl fishery are based on bycatch limits analyzed in the Environmental Impact Statement and may not represent the actual values specified in Federal regulation. The canary and yelloweye rockfish percentages for the California recreational fishery are based on the harvest guidelines for specified in regulation for each biennium. The canary and yelloweye rockfish percentages for the Washington and Oregon recreational fisheries represent the informal sharing agreements between the states in order to stay within the federally specified harvest guidelines north of 42° N. lat. In 2005-2006, values for the fixed gear nearshore values, sablefish daily trip limit are included in the open access groundfish directed row.
4. Table 17. Estimated total fishing mortality (mt) of major west coast groundfish species in 2008 by sector. Excerpt from the Estimated Discard and Total Catch of Selected Groundfish Species in the 2008 U.S. West Coast Fisheries (October 2009).
5. Table 17. Estimated total fishing mortality (mt) of major west coast groundfish species in 2007 by sector. Excerpt from the Estimated Discard and Total Catch of Selected Groundfish Species in the 2008 U.S. West Coast Fisheries (October 2008).
6. Estimated Total Mortality of Overfished Species in the Recreational Fisheries from 2005-2009. These data were provided by state staff and represent updates and corrections that occurred since the publication of the 2007 & 2008 Estimated Discard and Total Catch of Selected Groundfish Species in the U.S. West Coast Fisheries reports.

Attachment 1. Updated Bycatch Scorecard

Projected mortality impacts (mt) of overfished groundfish species updated with most recent West Coast Groundfish Observer data for LE trawl, nearshore, OA DTL, LE FG.

Fishery	Bocaccio b/	Canary	Cowcod	Dkbl	POP	Widow	Yelloweye
Limited Entry Trawl- Non-whiting	15.1	16.2	1.3	214.4	82.1	18.1	0.3
Limited Entry Trawl- Whiting							
At-sea whiting motherships a/		4.3		6.0	0.5	60.0	0.0
At-sea whiting cat-proc a/		6.1		8.5	0.5	85.0	0.0
Shoreside whiting a/		7.6		10.5	0.1	105.0	0.0
Tribal whiting		1.4		0.0	0.7	3.7	0.0
Tribal							
Midwater Trawl		3.6		0.0	0.0	40.0	0.0
Bottom Trawl		0.8		0.0	3.7	0.0	0.0
Troll		0.5		0.0	0.0		0.0
Fixed gear		0.3		0.0	0.0	0.0	2.3
Fixed Gear Sablefish	0.0	0.3	0.0	1.0	0.2	0.3	1.1
Fixed Gear Nearshore	0.0	2.9	0.0	0.0	0.0	0.1	0.9
Fixed Gear Other	5.0	0.0	0.0	9.0	0.0	0.7	0.0
Open Access: Incidental Groundfish	2.0	0.9	0.0	0.0	0.0	4.0	0.3
Recreational Groundfish c/							
WA		20.9					5.2
OR						1.0	
CA	67.3	22.9	0.1			6.2	2.8
EFPs	13.7	2.7	0.3	1.3	0.0	5.5	0.3
Research: Includes NMFS trawl shelf-slope surveys, the IPHC halibut survey, and expected impacts from SRPs and LOAs.							
	2.0	8.0	0.2	2.0	2.0	1.1	2.4
TOTAL	105.1	99.4	1.9	252.7	89.8	330.7	15.6
2009 OY d/	288	105	4.0	285	189	522	17
Difference	182.9	5.6	2.1	32.3	99.2	191.4	1.4
Percent of OY	36.5%	94.6%	47.5%	88.7%	47.5%	63.3%	91.9%
Key		= either not applicable; trace amount (<0.01 mt); or not reported in available data					
a/ Non-tribal whiting values for canary, darkblotched, and widow reflect bycatch limits for the non-tribal whiting sectors. The widow bycatch limit is the difference between the OY and the projected impacts in all non-whiting fisheries. All other species' impacts are projected from the GMT's whiting impact projection model. The Council may elect to change these bycatch limits when setting final whiting management measures in March of 2009 or 2010 or under any inseason action at any of their future meetings.							
b/ South of 40°10' N. lat.							
c/ Values in scorecard represent projected impacts for all species except canary and yelloweye rockfish, which are the prescribed harvest guidelines.							
d/ 2009 and 2010 OYs are the same except for darkblotched (291 mt in 2010), POP (200 mt in 2010), and widow (509 mt in 2010).							

Projected mortality (mt) of overfished groundfish species updated with Council action on non-tribal whiting bycatch limits for canary rockfish and widow rockfish in March 2010.

Fishery	Bocaccio a/	Canary	Cow cod	Dkbl	POP	Widow	Yelloweye
Limited Entry Trawl - Non-whiting	16.1	21.3	1.5	230.6	100.8	21.6	0.6
Limited Entry Trawl - Whiting							
At-sea w hiting motherships b/		3.3		6.0	0.5	67	0.0
At-sea w hiting cat-proc b/		4.8		8.5	0.5	95	0.0
Shoreside w hiting b/		5.9		10.5	4.7	117	0.0
Tribal w hiting		4.3		0.0	7.2	5.0	0.0
Tribal							
Midw ater Trawl		3.6		0.0	0.0	40.0	0.0
Bottom Trawl		0.8		0.0	3.7	0.0	0.0
Troll		0.5		0.0	0.0		0.0
Fixed gear		0.3		0.0	0.0	0.0	2.3
Fixed Gear Sablefish	0.0	2.5	0.0	4.5	0.4	0.0	0.9
Fixed Gear Nearshore	0.3	3.6	0.0	0.0	0.0	0.3	1.3
Fixed Gear Other	5.0	0.0	0.0	9.0	0.0	0.7	0.0
Open Access: Incidental Groundfish	2.0	0.9	0.0	0.0	0.0	4.0	0.3
Recreational Groundfish c/							
WA		20.9					5.1
OR						1.0	
CA	67.3	22.9	0.3			6.2	2.8
EFPs	11.0	1.3	0.2	1.5	0.1	11.0	0.4
Research: Includes NMFS trawl shelf-slope surveys, the IPHC halibut survey, and expected impacts from SRPs and LOAs.							
	2.0	4.5	0.2	2.0	2.0	5.7	3.3
TOTAL	103.7	101.3	2.2	272.6	119.9	374.5	17.0
2010 OY	288	105	4.0	291	200	509	17
Difference	184.3	3.7	1.8	18.4	80.1	134.5	0.0
Percent of OY	36.0%	96.5%	55.0%	93.7%	60.0%	73.6%	100.0%
Key		= either not applicable; trace amount (<0.01 mt); or not reported in available					

a/ South of 40°10' N. lat.

b/ Non-tribal whiting values for canary, darkblotched, and widow reflect Council recommended bycatch limits for the non-tribal whiting sectors. All other species' impacts are projected from the GMT's whiting impact projection model. The Council may elect to change these bycatch limits under any inseason action at any of their future meetings.

c/ Values in scorecard represent projected impacts for all species except canary and yellow eye rockfish, which are the prescribed harvest guidelines.

Historical Scorecard Percentages for Overfished Species, After Removing Set-Asides.

Fishery	Year	Bocaccio	Canary	Cowcod	Yelloweye
Limited Entry Trawl- Non-whiting	2005-2006	42.3%	24.0%	38.5%	2.4%
	2007-2008	34.7%	24.1%	87.5%	0.7%
	2009-2010	11.8%	19.1%	81.3%	5.6%
Limited Entry Trawl - Whiting	2005-2006	0.0%	21.9%	0.0%	2.4%
	2007-2008	0.0%	14.3%	0.0%	0.0%
	2009-2010	0.0%	22.2%	0.0%	0.0%
Limited Entry Fixed Gear	2005-2006	11.5%	2.7%	7.7%	14.8%
	2007-2008	9.7%	2.7%	3.1%	16.8%
	2009-2010	12.9%	1.2%	6.3%	12.1%
Open access Groundfish Directed*	2005-2006	9.1%	3.0%	7.7%	3.6%
Sablefish DTL + Other	2007-2008	7.7%	0.3%	0.0%	2.2%
	2009-2010	10.2%	0.1%	6.3%	2.8%
Fixed Gear Nearshore	2007-2008	0.0%	6.1%	0.0%	15.3%
	2009-2010	0.2%	3.3%	0.0%	5.6%
WA - Rec	2005-2006	0.0%	5.7%	0.0%	30.8%
	2007-2008	0.0%	5.2%	0.0%	25.5%
	2009-2010	0.0%	6.0%	0.0%	25.2%
OR - Rec	2005-2006	0.0%	14.7%	0.0%	24.3%
	2007-2008	0.0%	19.8%	0.0%	24.1%
	2009-2010	0.0%	19.7%	0.0%	22.4%
CA - Rec	2005-2006	37.0%	27.9%	46.2%	21.9%
	2007-2008	47.9%	27.4%	9.4%	15.3%
	2009-2010	64.8%	28.2%	6.3%	26.2%

*Contains sablefish DTL, other, and fixed gear nearshore.

Table 17. Estimated total fishing mortality (mt) of major west coast groundfish species in 2008 by sector.

	LE bottom trawl	Shoreside commercial fisheries					WA tribal landings	All at-sea hake fisheries	Total recreational fishing mortality			Remaining incidental fisheries landings	Estimated total fishing mortality
		CA halibut	Pink shrimp	Non-nearshore fixed gear	Nearshore fixed gear	Shoreside hake mid-water trawl			WA	OR	CA		
Rebuilding species													
Bocaccio (South of 40°10' N. lat.)	6	--	NA	0	1	NA	NA	NA	NA	NA	35	--	45
Canary rockfish	15	--	0	2	2	2	5	4	1	3	6	--	39
Cowcod (South of 40°10' N. lat.)	0	--	NA	--	--	NA	NA	NA	NA	NA	0	0	1
Darkblotched rockfish	223	--	11	11	0	1	0	6	--	--	--	1	253
Pacific ocean perch (North of 40°10' N. lat.)	106	NA	0	0	--	0	7	16	--	--	--	1	131
Widow rockfish	6	--	--	0	0	101	9	115	--	0	5	0	238
Yelloweye rockfish	0	--	--	1	2	0	0	0	2	3	2	1	12
Non-rebuilding species													
Arrowtooth flounder	3245	--	30	95	--	2	25	6	--	0	--	5	3409
Black rockfish (North of 46°16' N. lat.)	--	NA	--	--	--	0	0	0	156	NA	NA	0	156
Black rockfish (South of 46°16' N. lat.)	0	--	0	--	183	--	NA	NA	NA	255	155	--	593
Cabezon (South of 42° N. lat.)	--	--	--	--	23	NA	NA	NA	NA	NA	15	0	39
California scorpionfish (South of 36° N. lat.)	--	1	NA	1	2	NA	NA	NA	NA	NA	60	--	65
Chilipepper rockfish (South of 40°10' N. lat.)	138	0	NA	--	0	NA	NA	NA	NA	NA	3	5	151
Dover sole	11523	0	13	11	0	0	238	1	--	--	0	33	11820
English sole	395	2	1	--	--	0	36	0	--	--	--	2	436
Lingcod (North of 42° N. lat.)	107	NA	0	29	33	3	68	5	46	88	--	3	398
Lingcod (South of 42° N. lat.)	38	0	0	5	27	0	--	--	--	--	99	0	176
Other flatfish	898	5	33	0	1	0	43	0	0	0	34	12	1040
Other groundfish	3567	56	6	550	26	60	356	514	6	22	41	30	5339
Kelp greenling	0	--	--	--	24	--	--	--	1	22	9	0	57
Skates*	2055	50	1	139	0	0	53	1	2	--	--	--	2314
Spiny dogfish	1023	3	4	332	1	59	303	673	--	0	3	14	2497
Unspecified grenadiers	303	--	--	77	--	--	--	0	--	--	--	--	379
Other	186	4	1	2	26	0	0	1	3	--	29	16	277
Minor rockfish (North of 40°10' N. lat.)	275	NA	26	105	60	6	28	79	9	38	12	13	651
Nearshore	0	NA	0	--	51	0	0	0	7	31	8	0	97
Shelf	14	NA	12	4	9	4	2	2	1	7	4	14	75
Bocaccio	1	NA	--	0	--	0	1	1	1	0	0	0	4
Chilipepper rockfish	1	NA	0	0	--	4	--	1	--	0	0	0	6

Table 17 (continued).

	Shoreside commercial fisheries											All at-sea hake fisheries	Research	Remaining incidental fisheries landings	Estimated total fishing mortality	
	LE bottom trawl	C/A halibut	Pink shrimp	Non-nearshore fixed gear	Nearshore fixed gear	Shoreside hake mid-water trawl										
Minor rockfish (North of 40°10' N. lat.)																
Shelf (continued)																
Redstripe rockfish	1	NA	0	0	--	--	1				0			--	2	
Silvergray rockfish	2	NA	--	1	--	--	0				0			--	3	
Remaining shelf rockfish	9	NA	12	3	9	0	1				0			4	47	
Slope	261	NA	13	101	0	2	25				77			--	484	
Sharpchin rockfish	5	NA	0	0	--	0	0				0			--	7	
Splitnose rockfish	82	NA	13	0	--	0	2				1			--	99	
Yellowmouth rockfish	1	NA	--	1	--	0	1				0			--	3	
Remaining slope rockfish	173	NA	0	100	0	1	23				76			--	375	
Minor rockfish (South of 40°10' N. lat.)	167	0	NA	28	98	NA	--				NA			8	802	
Nearshore	0	0	NA	0	89	NA	--				NA			--	394	
Gopher rockfish	--	--	NA	0	25	NA	NA				NA			--	0	
Remaining nearshore rockfish	0	0	NA	--	65	NA	NA				NA			--	327	
Shelf	24	0	NA	0	8	NA	--				NA			0	212	
Yellowtail rockfish	1	--	NA	--	0	NA	NA				NA			0	18	
Remaining shelf rockfish	23	0	NA	0	8	NA	NA				NA			--	7	
Slope	143	--	NA	28	0	NA	--				NA			0	17	
Bank rockfish	92	--	NA	0	0	NA	NA				NA			0	1	
Blackgill rockfish	36	--	NA	21	0	NA	NA				NA			0	15	
Sharpchin rockfish	--	--	NA	--	--	NA	NA				NA			0	--	
Remaining slope rockfish	15	--	NA	6	0	NA	NA				NA			--	1	
Pacific cod (North of 43° N. lat.)	12	NA	--	0	--	0	26				0			0	0	
Pacific hake	1251	0	684	2	--	50788	16972				180496			0	250205	
Petrale sole	2212	0	1	1	0	0	44				--			0	1	
Sablefish	2963	--	2	2536	4	0	525				2			2	0	
Shortbelly rockfish	8	--	0	0	--	0	--				--			--	1	
Splitnose rockfish (South of 40°10' N. lat.)	174	--	NA	0	--	NA	NA				NA			3	0	
Starry flounder	14	3	--	--	0	0	--				--			3	0	
Thornyheads	2689	--	0	175	1	0	37				7			--	45	
Longspine thornyhead (North of 34° 27' N. lat.)	1429	--	--	2	--	0	0				0			--	0	
Longspine thornyhead (South of 34° 27' N. lat.)	--	--	NA	14	0	--	--				NA			--	2	
Shortspine thornyhead (North of 34° 27' N. lat.)	1243	--	0	24	0	0	36				5			--	4	
Shortspine thornyhead (South of 34° 27' N. lat.)	--	--	NA	130	0	--	--				NA			--	1	
Mixed thornyheads	18	--	--	5	--	--	--				1			--	--	
Yellowtail rockfish (North of 40°10' N. lat.)	8	--	0	0	1	43	214				184			15	0	

Table 17 (continued).

	Shoreside commercial fisheries							All at-sea hake fisheries	Total recreational fishing mortality			Remaining incidental fisheries landings	Estimated total fishing mortality
	LE bottom trawl	CA halibut	Pink shrimp	Non-nearshore fixed gear	Nearshore fixed gear	Shoreside hake mid-water trawl	WA tribal landings		WA	OR	CA		
Non-groundfish species													
California halibut	39	78	--	0	1	--	--	0	--	--	235	124	478
Dungeness crab	222	165	1	6	11	0	1148	0	--	--	--	15602	17155
Eulachon	--	--	12	--	--	--	--	0	--	--	--	--	12
Other non-FMP flatfish	52	1	147	--	--	--	--	--	--	--	0	--	202
Pacific halibut **	(265**)	0	0	(68**)	0	0	202	4	--	--	12	27	589
Tanner crab	555	--	--	4	0	--	--	--	--	--	--	--	559

** Discard estimates for Pacific halibut in the Non-nearshore fixed gear (Heery and Bellman 2009) and LE bottom trawl (Wallace and Hastie 2009) sectors were computed in separate reports.

Table 17. Estimated total fishing mortality (mt) of major west coast groundfish species in 2007 by sector.

	Shoreside commercial fisheries											All at-sea hake fisheries	Total recreational fishing mortality			Research	Remaining incidental OA fisheries landings	Estimated total fishing mortality
	LE bottom trawl	CA halibut	Pink shrimp	Non-nearshore fixed-gear	Nearshore fixed-gear	Shoreside hake mid-water trawl	WA tribal landings	Total recreational fishing mortality										
								WA	OR	CA								
Rebuilding species																		
Bocaccio (South of 40°10' N. lat.)	5	--	NA	5	1	NA	NA	NA	NA	NA	NA	54	1	2	67			
Canary rockfish	19	0	0	0	4	2	1	2	1	2	11	3		--	46			
Cowcod (South of 40°10' N. lat.)	3	--	NA	0	0	NA	NA	NA	NA	NA	NA	0	0	0	3			
Darkblotched rockfish	242	--	18	10	0	1	0	12	0	0	0	1	1	0	285			
Pacific ocean perch (North of 40°10' N. lat.)	126	--	0	0	0	23	2	4	0	0	0	0	0	1	0	157		
Widow rockfish	16	--	0	1	1	82	1	146	0	0	8	0	0	4	259			
Yelloweye rockfish	0	--	--	1	3	0	0	0	0	2	3	8	2	0	19			
Non-rebuilding species																		
Arrowtooth flounder	2769	--	11	77	0	3	225	3	0	0	0	0	7	4	3099			
Black rockfish (North of 46°16' N. lat.)	3	NA	--	--	NA	1	--	0	256	NA	NA	NA	0	--	260			
Black rockfish (South of 46°16' N. lat.)	0	--	--	--	162	0	NA	0	NA	271	143	0	0	0	577			
Cabezon (South of 42°N. lat.)	--	0	--	--	26	NA	NA	NA	NA	NA	NA	16	0	0	42			
California scorpionfish (South of 36°N. lat.)	--	1	NA	--	2	NA	NA	NA	NA	NA	NA	64	0	1	68			
Chilipepper rockfish (South of 40°10' N. lat.)	109	--	NA	4	0	NA	NA	NA	NA	NA	NA	8	6	2	128			
Dover sole	9824	0	32	7	0	0	303	0	0	0	0	0	38	23	10227			
English sole	839	2	1	0	--	0	66	0	0	0	0	0	5	1	914			
Lingcod	189	0	1	29	56	5	48	6	66	102	174	4	4	26	706			
Other flatfish	1443	7	103	0	0	1	48	0	0	0	19	12	12	15	1649			
Other groundfish	3174	55	5	683	44	52	170	157	0	7	22	42	61	43	4516			
Kelp greenling	0	--	--	--	20	--	--	0	0	1	22	10	0	0	53			
Skates*	1939	50	2	123	0	1	56	2	2	2	0	0	6	13	2192			
Spiny dogfish	652	3	1	509	0	51	113	155	0	0	5	13	1	1	1504			
Unspecified grenadiers	359	--	--	48	--	--	--	0	0	0	0	0	5	2	414			
Other	225	2	1	3	24	0	1	1	1	4	0	27	36	27	352			
Minor rockfish (North of 40°10' N. lat.)	418	NA	44	77	86	24	35	0	10	41	27	11	1	1	774			
Nearshore	0	NA	0	--	74	0	0	0	8	33	17	0	0	0	133			
Shelf	77	NA	25	5	11	6	1	3	2	8	10	6	6	1	153			
Bocaccio	2	NA	0	0	0	0	--	1	1	1	0	0	0	--	4			
Chilipepper rockfish	2	NA	0	0	--	6	--	0	0	0	0	0	2	--	11			

* Skates include big skate, longnose skate, and unspecified skate. Individual total mortality values are not presented for these species because all skates are typically landed as 'unspecified skate' and the mortality from landings for big skate and longnose skate cannot be accurately summarized.

Table 17 (cont). Estimated total fishing mortality (mt) of major west coast groundfish species in 2007 by sector.

	Shoreside commercial fisheries												All at-sea hake fisheries	Total recreational fishing mortality			Research	Remaining incidental OA fisheries landings	Estimated total fishing mortality
	LE bottom trawl	CA halibut	Pink shrimp	Non-nearshore fixed-gear	Nearshore fixed-gear	Shoreside hake mid-water trawl	WA tribal landings	WA	Total recreational fishing mortality										
									WA	OR	CA								
Non-rebuilding species (cont.)																			
Minor rockfish (North of 40°10' N. lat.)	418	NA	44	77	86	24			35	10	41	27	11		1	774			
Redstripe rockfish	1	NA	--	0	--	--	--	--	1	0	0	0	0		--	2			
Silvergray rockfish	43	NA	--	0	--	--	--	--	0	0	0	0	0		--	43			
Remaining shelf rockfish	29	NA	25	4	11	0	1	0	0	1	7	9	4		1	93			
Slope	342	NA	18	72	1	18	32	33	33	0	0	0	5		1	522			
Sharpchin rockfish	9	NA	1	0	--	0	0	1	0	0	0	0	0		--	11			
Splitnose rockfish	145	NA	14	0	0	9	0	2	0	0	0	0	5		0	175			
Yellowmouth rockfish	11	NA	--	0	--	0	0	0	0	0	0	0	0		--	11			
Remaining slope rockfish	177	NA	3	72	1	9	32	29	29	0	0	0	0		1	324			
Minor rockfish (South of 40°10' N. lat.)	147	0	NA	27	78	NA	NA	NA	NA	NA	NA	703	4		21	981			
Nearshore	1	0	NA	--	69	NA	NA	NA	NA	NA	NA	396	0		1	466			
Gopher rockfish	--	0	NA	--	21	NA	NA	NA	NA	NA	NA	34	0		0	55			
Remaining nearshore rockfish	1	0	NA	--	48	NA	NA	NA	NA	NA	NA	361	0		1	411			
Shelf	35	0	NA	2	9	NA	NA	NA	NA	NA	NA	308	3		9	365			
Yellowtail rockfish	2	--	NA	0	2	NA	NA	NA	NA	NA	NA	55	0		1	60			
Remaining shelf rockfish	33	0	NA	2	7	NA	NA	NA	NA	NA	NA	252	3		7	305			
Slope	112	0	NA	25	0	NA	NA	NA	NA	NA	NA	0	1		11	149			
Bank rockfish	27	--	NA	1	--	NA	NA	NA	NA	NA	NA	0	0		8	36			
Blackgill rockfish	29	--	NA	19	--	NA	NA	NA	NA	NA	NA	0	0		3	51			
Sharpchin rockfish	0	--	NA	0	--	NA	NA	NA	NA	NA	NA	0	0		--	0			
Remaining slope rockfish	56	0	NA	5	0	NA	NA	NA	NA	NA	NA	0	0		0	62			
Pacific cod (North of 43°N. lat.)	55	NA	0	0	--	0	45	0	0	0	0	0	0		0	101			
Pacific hake	1155	--	2808	3	0	73300	11789	126237	0	0	0	0	49		0	215340			
Petrale sole	2286	0	2	0	0	0	45	0	0	0	0	1	5		0	2340			
Sablefish	2607	--	0	2374	6	9	515	3	3	0	4	0	9		17	5545			
Shortbelly rockfish	0	--	0	0	--	--	--	0	0	0	0	0	0		--	1			
Splitnose rockfish (South of 40°10' N. lat.)	140	--	NA	0	--	NA	NA	NA	NA	NA	NA	0	3		0	143			
Starry flounder	21	5	--	--	0	--	0	0	0	0	3	0	0		0	30			
Thornyheads	1876	--	1	193	0	1	38	3	3						2	2114			
Longspine thornyhead	890	--	0	23	0	1	0	0	0	0	0	0	12		1	928			
Shortspine thornyhead	980	--	0	166	0	0	38	3	3	0	0	0	5		1	1194			
Mixed thornyheads	5	--	--	4	--	--	--	0	0	0	0	0	0		--	9			
Yellowtail rockfish (North of 40°10' N. lat.)	17	NA	0	1	4	186	74	79	79	14	7	0	4		3	389			

Table 17 (cont). Estimated total fishing mortality (mt) of major west coast groundfish species in 2007 by sector.

	Shoreside commercial fisheries										All at-sea hake fisheries	Total recreational fishing mortality			Research	Remaining incidental OA fisheries landings	Estimated total fishing mortality
	LE bottom trawl	CA halibut	Pink shrimp	Non-nearshore fixed-gear	Nearshore fixed-gear	Shoreside hake mid-water trawl	WA tribal landings	WA	OR	CA		WA	OR	CA			
Non-groundfish species																	
California halibut	42	69	--	0	1	--	--	--	--	--	0	--	--	--	--	94	208
Dungeness crab	246	38	0	4	16	0	1622	0	--	--	0	--	--	--	--	18410.4 *	20337
Eulachon	0	--	5	--	--	--	--	--	--	--	0	--	--	--	--	--	5
Green sturgeon	0	1	--	--	--	--	0	0	--	--	0	--	--	--	--	--	1
Other non-FMP flatfish	60	2	222	0	--	--	--	--	--	--	--	--	--	--	--	--	284
Pacific halibut	216	0	0	178	0	0	170	1	--	--	1	--	--	--	--	31	597
Tanner crab	451	--	--	1	--	--	--	--	--	--	0	--	--	--	--	--	452

* Remaining incidental OA fisheries landings includes retained weights from the Dungeness crab fishery.

Table 3. 2005 to 2009 Estimated Total Mortality of Overfished Species in the Recreational Fisheries.

Species	Year	State	Mortality (mt)	Harvest Guideline*	% of Harvest Guideline
Bocaccio south 40°10 N. Lat	2005	CA	39.1	N/A	N/A
	2006	CA	42.5		
	2007	CA	53.6		
	2008	CA	34.8		
	2009	CA	50.0		
Canary	2005	CA	3.9	9.3	42%
		OR	4.9	6.7	73%
		WA	1.9	1.8	108%
	2006	CA	12.5	9.3	134%
		OR	2.9	6.7	43%
		WA	1.1	1.8	62%
	2007	CA	10.9	9	121%
		OR	2.5	6.5	38%
		WA	1.2	1.7	71%
	2008	CA	5.6	9	62%
		OR	3.0	6.5	46%
		WA	0.7	1.7	41%
	2009	CA	12.0	22.9	52%
		OR	3.0	16	19%
		WA	0.5	4.9	10%
Cowcod south 40°10 N. Lat	2005	CA	0.2	N/A	N/A
	2006	CA	0.2		
	2007	CA	0.3		
	2008	CA	0.3		
	2009	CA	0.3		
Yelloweye	2005	CA	1.9	N/A	N/A
		OR	4.1	N/A	N/A
		WA	5.2		
	2006	CA	3.5	3.7	95%
		OR	2.5	3.3	77%
		WA	1.7	3.4	49%
	2007	CA	8.0	2.1	381%
		OR	2.8	3.3	85%
		WA	2.5	3.5	71%
	2008	CA	1.7	2.1	81%
		OR	3.2	3.3	97%
		WA	2.4	3.5	69%
	2009	CA	3.9	2.8	139%
		OR	2.0	2.4	83%
		WA	1.6	2.7	59%

*There is one HG Federally specified for WA and OR. Values in the table represent the state's informal agreement for sharing of the Federal HG.

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PRELIMINARY
MANAGEMENT MEASURE ALTERNATIVES FOR THE 2011-2012 OREGON
RECREATIONAL GROUNDFISH FISHERIES

The Oregon Department of Fish and Wildlife (ODFW) met with their Sport Advisory Committee (SAC) to develop and discuss preliminary recreational groundfish fishery proposals for 2011 and 2012. The alternatives proposed in this report are based on SAC input and preliminary impact modeling, and vary based on the allowable impact of yelloweye rockfish. These options are in addition to the no fishery scenario.

Season*

- Option 1. Open all year at all-depths except open only shoreward of the 40-fathom line from April 1 through September 30 (status quo)
- Option 2. Open all year at all depths except open only shoreward of the 40-fathom line from May 1 through September 30.
- Option 3. Open all year at all-depths except open only shoreward of the 30-fathom line April 1 through September 30
- Option 4. Open all year at all-depths except open only shoreward of the 25-fathom line April 1 through September 30
- Option 5. Open all year shoreward of the 40-fathom line.
- Option 6. Open all year shoreward of the 30-fathom line.

Figure 1. Season structure for 2011-2012 sport groundfish fishery options.

Option	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	Open all depths			Open < 40 fm						Open all depths		
2	Open all depths				Open < 40 fm					Open all depths		
3	Open all depths			Open < 30 fm						Open all depths		
4	Open all depths			Open < 25 fm						Open all depths		
5	Open < 40 fm											
6	Open < 30 fm											

*All options: Stonewall Bank Yelloweye Rockfish Conservation Area (YCRA) closed to fishing for, taking, or retaining groundfish and Pacific halibut; recreational vessels in possession of groundfish and halibut may transit the YCRA without fishing gear in the water, groundfish prohibited if a halibut is on the vessel on days open to all-depth Pacific halibut fishing in the area north of Humbug Mountain, sablefish and Pacific cod are allowed to be retained north of Cape Falcon to Humbug Mountain. Shore based fisheries targeting or incidentally encountering groundfish are allowed year round.

Daily Bag Limits (all options)

Marine fish** = 10

Marine sub-bag limit for cabezon = range of 1 to 2

Lingcod = 2

Flatfish (excluding Pacific halibut) = 25

** Marine fish bag limit includes rockfish, greenling, cabezon, and other marine species excluding lingcod, flatfish, Pacific halibut, salmon, trout, steelhead, perch, sturgeon, striped bass, offshore pelagic species, and bait fish (herring, smelt, anchovies, and sardines). Retention of yelloweye rockfish and canary rockfish are prohibited.

Minimum Length limits (all-options)

Lingcod: 22-inches

Cabezon: 16-inches

Greenling species: 10-inches

Potential Inseason Management Measures

Oregon has a responsive port based monitoring program through the Ocean Recreational Boat Survey (ORBS) and regulatory processes in place to track harvest and take actions inseason if necessary. The following are suggested management measures that could be implemented inseason if the 2011 (or 2012) fishery does not proceed as expected.

Inseason management tools include changes to depth and area closures, bag limits (including non-retention), size limits, seasons, closing days per week, and gear restrictions. The fishery is managed to not exceed state or federal harvest guidelines or hard caps on any species where these exist.

Overfished Species

Depth management will be the main inseason tool for controlling yelloweye rockfish and canary rockfish catch. Offshore closures may be implemented inseason at 40, 30, 25, or 20 fathoms as the presence of these two species is reduced nearshore and release survival increases at shallower depths. Other options include latitudinal area closures based on established management lines for salmon and Pacific halibut fisheries. Duration of offshore closures and area affected may be adjusted dependent on the allowable catch

limit of Pacific halibut (increase or decrease from the 2010 level). Additionally, the duration and size of offshore closure periods may be adjusted if the total season length is modified due to inseason management actions addressing harvest guidelines of non-overfished groundfish.

Although retention of yelloweye rockfish and canary rockfish in recreational fisheries is currently prohibited, bycatch mortality of released fish is large enough to constrain the fishery for other groundfish species. The large offshore rockfish conservation area (RCA) closure is an example of how recreational fisheries are affected by bycatch of these overfished species. To help alleviate this constraint without increasing bycatch mortality, the large offshore RCA closures may be modified inseason to close areas of known yelloweye rockfish and canary rockfish concentrations or open areas known to have no or low concentrations of yelloweye rockfish or canary rockfish. Currently, there is one Yelloweye Rockfish Conservation Area (YRCA) located off Newport, Oregon, referred to as the Stonewall Bank YRCA (coordinates below). Work is currently being conducted on identification of additional areas to be included for analysis. Specific area proposals may be available at the April Council meeting, or included in the final Environmental Impact Statement.

The Stonewall Bank YRCA was implemented through the 2007-2008 biennial management process. Multiple alternatives for size of the YRCA were analyzed at that time, which allows for expansion of the area inseason. For the 2011-2012 fisheries, the same alternatives are proposed for use. The location of the status quo YRCA is:

ID	Longitude	Latitude
1	124°24.92	44°37.46
2	124°23.63	44°37.46
3	124°21.80	44°28.71
4	124°24.10	44°28.71
5	124°25.47	44°31.42
Returning to the first point		

Stonewall Bank YRCA alternatives under consideration:

Alternative 1.

ID	Longitude	Latitude
1	124°29.99	44°41.71
2	124°21.60	44°41.68
3	124°17.01	44°27.66
4	124°17.01	44°25.22
5	124°30.11	44°25.27
Returning to the first point		

Alternative 2.

ID	Longitude	Latitude
1	124°30.00	44°41.68
2	124°15.38	44°41.68
3	124°15.80	44°34.87
4	124°14.43	44°33.74
5	124°16.99	44°27.66
6	124°30.00	44°27.66
Returning to the first point		

Similarly, other means to reduce bycatch mortality, especially of overfished species, may include gear restrictions and/or release devices. One example that could possibly alleviate the current constraints on recreational fisheries from bycatch mortality is modification of terminal gear. ODFW is currently studying the effects of using long leader gear designed to target pelagic yellowtail rockfish while avoiding the more benthic yelloweye rockfish.

Non-overfished Species

Bag limits changes may be implemented to adjust expected catch of non-overfished species to achieve season duration goals. Non-retention and size restrictions are inseason tools to reduce catch for species such as cabezon and greenling, as release survival is very high. These tools may also be used to reduce harvest on other nearshore species due to improved survival of released fish in shallow depths. In addition to inseason options, total closure of the groundfish recreational fishery may be implemented to stay within harvest guidelines.

Cabezon was assessed in Oregon for the first time in 2009. Based on that assessment the maximum possible ACL (OY) is 50 mt for all impacts. Currently cabezon is managed under a state landing cap of 48.3 mt for commercial and ocean-boat recreational fisheries. Under federal harvest guidelines, discards and shore and estuary impacts will also need to be accounted for. Therefore, additional management measures, such as a sub-bag limit, non-retention, seasonal closure, or minimum size limit change, may be implemented in the recreational ocean-boat and/or shore and estuary fishery to stay within harvest guidelines.

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON MANAGEMENT
MEASURES FOR THE 2011-2012 COMMERCIAL NEARSHORE GROUND FISH
FISHERY

Nearshore

Since 2004, the Oregon Department of Fish and Wildlife (ODFW) has managed the commercial nearshore groundfish fishery under a state limited entry program. State management of this fishery is specific to black rockfish and blue rockfish plus 21 species of other nearshore fish (which includes vermillion rockfish and tiger rockfish) that live predominately in the Oregon territorial sea. Qualified participants are required to hold a black and blue rockfish limited entry permit and may also hold a nearshore endorsement, which provides for the directed harvesting of the remaining nearshore species.

The following management measures are utilized for both pre-season and in-season structuring of the fishery:

- Limited entry program
- State harvest guidelines and landings caps
- Daily, weekly, and cumulative period limits
- Length restrictions (e.g., cabezon, greenling, China rockfish, copper rockfish, grass rockfish, etc.)
- Season duration
- Gear restrictions
- Area closures (RCA boundaries)
- Area or depth restrictions
- Black rockfish areas which have small trip limits
- Mandatory logbooks

There is a responsive in-season management program for the nearshore fishery. Landings are monitored on a weekly basis to determine progression of the fishery and project potential attainment of harvest guidelines or landing caps. Upon approaching a harvest guideline or landing cap, a “soft data” system may be implemented to provide daily monitoring of the fishery. If it is deemed necessary to slow or close the fishery, action may be taken, and rules implemented within 48 hours. ODFW will continue to implement these management measures through state regulations in 2011-2012 in order to ensure that harvest is at or below levels specified in regulation.

Preliminary Practical Range of Management Specification Options for California's 2011-2012 Commercial and Recreational Groundfish Fisheries

COMMERCIAL AND RECREATIONAL

The California Department of Fish and Game is proposing changes to the 2011-2012 groundfish regulations with the intent of remaining within harvest limits, particularly for overfished species. Regulations not specifically referenced in this report will remain status quo from 2009-2010.

Changes to Rockfish Conservation Area (RCA) lines

Proposals from Industry to modify RCA lines to more closely approximate depth contours are being reviewed by CDFG and Enforcement staff.

COMMERCIAL

Most commercial groundfish fishery options will be covered under the general range of federal commercial options. For the nearshore fishery and cabezon, greenlings, and California sheephead, regional allocation or setting of regional TACs will not be considered for 2011-2012. Commercial management options will implement regional needs where possible and include the following considerations:

Cabezon, Greenlings, and California Sheephead

- Cabezon: consider even distribution of trip limits throughout the year
- Greenlings and Sheephead: Status quo trip limits

Lingcod

Size Limit

- Maintain status quo size limit of 24 inches TL

Spawning Closure

- Status quo: statewide spawning closure December – April
- Option: consider modification of spawning closure when nearshore is open (i.e., allow lingcod retention year round north of 40°10' N lat.; allow retention all months except March-April south of 40°10' N lat.)

North of 40°10' N lat.

Minor Nearshore Rockfish options

- Consider status quo trip limits of *"7,000 lb/2 months, no more than 1,200 lb of which may be species other than black rockfish"*; effective year round
- Consider lowering limits as necessary to stay within harvest limits

South of 40°10' N lat.

Shallow and Deeper Nearshore

- Consider status quo trip limits
- Consider lowering limits as necessary to stay within harvest limits

California Scorpionfish

- Consider status quo trip limit of “1,200 lb/2 months” effective year round
- Consider increasing trip limit

Removal of Other Flatfish Gear Restriction

- Status quo: “*when fishing for ‘other flatfish,’ vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than ‘Number 2’ hooks, which measure 11 mm point to shank, and up to two 1 lb weights per line are not subject to the RCA*”
- Option: no hook or weight restriction for “other flatfish”

Commercial Analyses Removed from Consideration

- Modification of lingcod size limit from 24 inches TL to 22 inches TL

RECREATIONAL

The California Department of Fish and Game is proposing the following options for the 2011-2012 recreational groundfish management cycle:

Changes in Management Area Season Lengths

Season lengths may be changed within each Groundfish Management Area as needed to remain within the harvest guidelines, while providing as much fishing opportunity as possible.

Changes in Depth Restrictions in Groundfish Management Areas

Depth restrictions may be changed within each Groundfish Management Area as needed to remain within the harvest guidelines, while providing access to as much habitat as possible. The following change is proposed for California Scorpionfish in the Southern Management Area:

- Status quo: Open 10 months at <60 fm, 2 months at <40 fm
- Option: Open 12 months at <60 fm

Elimination of the 10 fm Depth Closure around the Farallon Islands and Noonday Rock

- Status Quo: Waters less than 10 fm (60 ft.) in depth around the Farallon Islands and Noonday Rock are closed at all times for all groundfish species.
- Option: The 10 fm depth restriction around the Farallon Islands and Noonday rock would be eliminated, allowing fishing in areas within 10 fms where fishing is not otherwise prohibited under the MPA designations.

Combine the South-Central Morro Bay and South-Central Monterey Bay Management Areas

- Status quo: There are currently 6 management areas, including the South-Central Morro Bay and South-Central Monterey Bay Management Areas.
- Option: Combine South-Central Morro Bay and Monterey Bay Areas between 37°11' N lat. and 34°27' N lat to simplify regulations since catch rates are very similar in the two areas. The existing management line at Lopez Point separating

the two management areas may be used to implement inseason area-specific management measures, if needed.

Additional Management Line at Cape Vizcaino

- Status quo: Currently, there are no management lines identified between Fort Bragg and Shelter Cove, both of which are included in the North-Central North of Point Arena Management Area.
- Option: An additional management line will be established at Cape Vizcaino in the North-Central North of Point Arena Management Area. As an inseason action, this management area could be divided at Cape Vizcaino in order to close the northern portion (Shelter Cove) to groundfish fishing if yelloweye rockfish catch accrues more rapidly than expected, but leave the southern portion (Fort Bragg) open.

Lingcod Spawning Closure in the Southern Management Area

- Status Quo: Closed 4 months (January, February, March and December)
- Option: Closed 2 months (for the spawning period in January, February) in the Southern Management Area and open depth of the CCA.

2011-2012 Rockfish, Cabezon and Greenlings (RCG) Bag Limits Under Consideration

- Status quo: 10 fish (not including lingcod)
- Options: RCG complex limit (all rockfish, cabezon, and greenlings) 6–10 fish, and include lingcod as a sub-bag limit within the RCG complex (2-4 lingcod within the total RCG bag limit)

RCG Sub-bag limits:

Cabezon (statewide):

- Status quo: 2 fish
- Option: 2–3 fish

Lingcod (statewide):

- Status quo: 2 fish
- Option: 2–4 fish

2011-2012 Lingcod Size Limit Under Consideration

- Status quo: 24 inches
- Option: 22 inches; this will necessitate a reduced fillet length restriction

Revision of Depth Restrictions in the Cowcod Conservation Area (CCA)

- Status quo: Currently, only Nearshore rockfish and a few associated groundfish species may be retained in the CCA in depths shallower than 20 fm.
- Option: Increase the maximum depth restriction from 20 fm to a depth between 30 and 40 fm.

Revision of Species Retention Restrictions in the Cowcod Conservation Area (CCA)

- Status quo: Currently, only Nearshore rockfish and a few associated groundfish species may be retained in the open depths within the CCA

- Option: Prohibition on the retention and possession of shelf rockfish while fishing at open depths within the CCA will be eliminated.

Catalina Island 100 fm Depth Closure

- Status quo: The current depth restriction is 60 fm.
- Option: The maximum depth restriction will increase to 100 fm around Catalina Island to provide additional fishing opportunity.

Rockfish Fishery in Waters Deeper than 150 fms

- Status quo: Take and possession of groundfish besides the other flatfish is prohibited seaward of the recreational depth restriction in each management area.
- Option: Establish a recreational fishery for rockfish seaward of the 150 fm RCA line using bottom contact gear or float and long leader fishing gear or traditional fishing gear.

Recreational Analyses Removed from Consideration

Exempting Federally Managed Flatfish from Recreational Groundfish Depth and Season Closures

- Exemption of federally managed flatfish, including petrale sole, from depth and season closures may be not be prudent at this time given the depleted status of petrale sole. This management option may be reconsidered once the petrale sole stock has rebuilt.

Modification Regulations Regarding Filleting Federal Groundfish Species at Sea

- Feedback from the public has identified a number of potentially adverse effects from prohibition of filleting at sea. Deck hands make a considerable portion of their income from filleting the catch of patrons on the way back to port. A prohibition on filleting at sea would result in reduction in much needed income. Party boat operators are required to allow California Recreational Fisheries Survey (CRFS) samplers to collect data onboard their vessels at sea, providing access to fish before being filleted.

The fish reported by the angler as a destined for a purpose that would be included in the "plan to eat" disposition code make up less than 9% of unidentified rockfish. Filleted fish make up an unknown but likely a small fraction of this percentage since anglers are required to leave the entire skin attached allowing identification of filleted fish. Given the limited potential for reduction of unidentified rockfish in the recreational catch, filleting regulations will not be changed in the 2011-2012 season.

ENFORCEMENT CONSULTANTS REPORT ON PART 1 OF MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

The Enforcement Consultants (EC) considered the full list of proposed analyses for 2011 and 2012 management measures and provides the following comments for Council consideration. Only those issues that had a nexus with an enforcement concern are addressed in this document.

Overarching

Revise selective coordinates of rockfish conservation area (RCA) boundaries for trawl and fixed gear to more appropriately approximate depth contours.

The EC's reaction is that this could be a major undertaking, requiring law enforcement input and design changes with the Vessel Monitoring System (VMS). Because of competing workload that rises to a higher priority, our recommendation is that this item should be addressed as inferred by the issue title, surgically. Identify areas where a specific problem(s) exists, and fix only that.

Conduct hot spot/cold spot analysis for canary and yelloweye rockfish for potential groundfish fishing areas or closures for both commercial and recreational fisheries. While the EC is not saying "don't move this forward as part of the range of management measures for consideration," we are saying, the concept makes us nervous as it relates to recreational fisheries; i.e. increased complexity for anglers, lack of technology.

Include in the definitions section, the sablefish dressed weight definition. We support defining this since a conversion rate already exists, and that weight is based upon a particular interpretation of what dressed means with this species.

Vessel Monitoring Systems

Evaluate VMS gear storage for fixed-gear vessels transiting closed areas: The EC supports evaluating this, and is prepared to go to work with the Groundfish Advisory Subpanel at any time to capture and present proposals.

Evaluate VMS technologies to allow drifting by limiting entry and open access vessels: The EC has serious concern over any blanket change allowing drifting in the RCA, which could have the potential to degrade the enforceability of the RCA landscape and negatively affect vessel safety. Instead, the EC recommends that industry design an exempted fishing permit (EFP) as a mechanism to evaluate any proposals related to drifting allowances.

Reconvene Ad Hoc VMS Committee: The committee was designed to act as a deeming session of sorts, and an issue list has already been generated as a result of the meeting that occurred last year. We are not advocating another VMS committee discussion. A better strategy in our view would be for the council to provide advisory bodies direction to address specific issues already identified.

Fixed-Gear Fisheries

Analyze the impacts of allowing fishing within 100fm of Catalina Island for California: The EC does not support any change to the current 60 fathom closure due to the location of an expanded area near proposed marine protected areas. The increased regulatory complexity potential associated with small fishing opportunity in this area does not seem to justify the change and investment in resources to evaluate it.

Recreational Fisheries

Develop a long leader recreational fishery seaward of 150fm in California, similar to the Golden Gate Fisherman's Association EFP: Pending analysis of the EFP data and development of regulatory language the EC remains cautious concerning the proposed fishery.

For California, analyze the impacts of allowing fishing within 100 fm of Catalina Island:

As with the fixed-gear proposal, this will create additional regulatory complexity for relatively small benefit. This would be even more evident for recreational fishers who may not have the same level of technology as the commercial fleet.

Addition to the list.

Catch Accounting: For the most part, National Oceanic and Atmospheric Administration relies on the individual states catch accounting systems in order to document fish harvest from the Exclusive Economic Zone (EEZ). However, those state rules do not apply until a landing occurs. The EC is concerned about U.S. vessels fishing (to include processing) exclusively in the EEZ and transporting catch to another country, such as Canada and Mexico, thereby circumnavigating catch accounting. Given direction from the Council, the EC is willing to conduct an analysis and develop if necessary, suggested regulatory language to ensure that Federal regulations provide for full catch accounting before catch leaves the United States.

Ice and Slime deduction: Where quotas or other catch limit constraints exist, accurate fish weight is paramount and can be compromised by arbitrary deductions for ice and slime. Given this, the West Coast enforcers have maintained a strong stance on total catch accounting. In the trawl rationalization program, this issue will be partially resolved as recommended catch monitoring plans will describe the methodology for accurately weighing fish. The EC recommends that a consistent approach to ice and slime reductions for other fisheries be considered for adoption in the Federal Register.

PFCM
04/14/10

GROUNDFISH ADVISORY SUBPANEL REPORT ON PART 1 OF MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

The Groundfish Advisory Subpanel (GAP) considered options for 2011-2012 acceptable biological catches (ABCs) and associated annual catch limits (ACLs) for groundfish species. There are two parts to this statement: the first contains general comments; the second covers ACL recommendations for overfished species (OFS) under rebuilding plans.

For this report, the GAP referenced Agenda Item I.2.a, Attachment 2, “Tables and Graphics Relevant to Deciding 2011-2012 Groundfish Annual Catch Limits,” table 2-4: Estimated time to rebuild and SPR harvest rate relative to alternative 2011-2012 ACLs for depleted west coast groundfish species. (Attached)

Regarding management measures, the GAP referenced Agenda Item I.4.a, Attachment 2, “Preliminary Range of Management Measures for 2011-12 Groundfish Fisheries.”

GENERAL COMMENTS

Needs of Fishing Communities

Status quo harvest levels are not meeting the needs of fishing communities. In the past, optimum yields (OYs) for overfished species have been set extremely low, which greatly affects fishing opportunity for healthier stocks that are caught in association with less abundant species. As noted in the April 8, 2008, GAP statement, Neah Bay is an example of this worst-case scenario: Neah Bay’s trawl fleet no longer exists due to management measures associated with extremely low harvest guidelines for some species. Westport's traditional groundfish trawl fleet, once active in significant numbers, now has only two vessels whose total catch is trucked away from Westport for processing.

The GAP understands the need to endure short-term consequences for long-term gain, but the two are linked. Short-term management measures must allow the opportunity for recreational and commercial businesses to survive the immediate future and prosper in the years to come.

Most all the rebuilding stocks have come in under their respective OYs for most of the last 10 years, with the exception of canary. Six of the other overfished species went over their respective OYs only once or twice between 1999 and 2008, according to their 2009 stock assessments: POP in 2001 and 2007; petrale in 2005; darkblotched in 1999 and 2000; bocaccio in 2000 and 2001; and yelloweye in 2002 (cowcod was difficult determine because it was managed as part of a mixed stock for some years). Widow has not exceeded its OY during this time. This performance demonstrates that current management measures are working and that we know how those management measures will affect fishing behavior.

TIQ program uncertainty

As everyone is well aware, the trawl individual quota program (TIQ) is scheduled to go into effect on Jan. 1, 2011. With it comes unanticipated changes, despite the council's and advisory bodies' best efforts to account for everything. Higher ACLs, especially on overfished species, will add more flexibility overall to a system that is a radical change from status quo and make the switch easier for fishermen and processors.

Higher ACLs will help alleviate the zero allocation problem coastwide. An example of this has recently become apparent when fishermen from Fort Bragg notified the council they had no allocation of yelloweye – or effectively not enough yelloweye to accommodate targeted fisheries on healthy stock.

The zero-allocation issue is a two-part problem: 1) Limited ACLs of overfished species and 2) an inadequate initial allocation formula in the TIQ program.

Rebuilding paradox

Much has been made about the need to justify even the smallest increases in OYs of depleted species. It's expected that recent and current levels of exploitation are somehow adequate – that people have been able to “make-it” on these low levels, so increases that result in slightly longer rebuilding periods are not justified.

This is not the case.

We know that people have not been able to “make it,” as is apparent in Neah Bay and Westport, Wash. We also know that all species currently under rebuilding plans are in fact rebuilding – some at a much faster pace than anticipated. Higher ACLs of overfished species are primarily justified based on this rebuilding paradox. As stocks are rebuilding at accelerated rates, the incidence of interactions with these stocks also increases.

Closed areas

When most if not all of a depleted species' habitat is off limits to fishing through rockfish conservation areas (RCAs), it is unclear why further restrictions on catch outside of these sensitive habitats are warranted. For example, the Cowcod Conservation Area is more than 4,600 square miles and protects the majority of cowcod habitat. However, we still need to press for even a status quo harvest outside of this massive protected area. The addition of MPAs to existing closed areas – the RCA, the CCA, the Yelloweye Conservation Area, etc. – are further reducing the fishing opportunity for both recreational and commercial fishermen.

There is going to be a huge economic impact due to the Marine Life Protection Act process in California – and with similar plans in Oregon and Washington. Raising of the ACLs will help offset any of the economic impacts, particularly to nearshore recreational fishermen.

We need to remember that the RCA was a quick and simple approach to capture the minimum and maximum depths at which most of the overfished species occurred. This wide swath was created at a time when we did not have enough information to capture species' specific hot spots. In short, we've taken a shotgun approach to a target shooting event.

It is time to readdress the rebuilding plans based on the effectiveness of those closed areas.

Cumulative effects

As noted in the comments below related to the overfished species, the cumulative effects of closed areas, gear changes, bag limits, seasonal closures, trip limits and other management measures for individual species have created a cumulative effect that has depressed the economic potential of the recreational and commercial fleets. It's the "death by a thousand cuts" syndrome: Over a period of time, each change eliminates another person or business from the community.

Data collection

Higher ACLs would result in fewer regulatory discards and make more fish available for biological data collection in both the recreational and commercial sectors. This is data that is needed for continued management.

General economic conditions

Commercial fishery

Generally, for the period from 1981 through 1997, the ex-vessel value of the commercial non-whiting groundfish fishery was very good. The average annual value, when adjusted for inflation, was \$110 million during those 16 years.

Then things changed. The Sustainable Fisheries Act of 1996, amendments to the Magnuson Act, came into play. By 1998, management changed to include consideration of depleted species and plans to rebuild those species. Nine species were declared overfished in 2000 and the council and National Marine Fisheries Service instituted rebuilding plans that effectively reduced harvests to protect those species. The effects of those changes became readily apparent during the last 12 years, starting in 1998.

During the second time period, from 1998 through 2009, the annual average ex-vessel value of the fishery was \$54 million, in figures adjusted for inflation. This is roughly half the average value of the pre-1998 fishery. (See the attached "West Coast Groundfish values, 1981-2009" table.)

We are not taking advantage of the cumulative success at improving fisheries management through rebuilding programs. The council, NMFS, fishermen, processors – the industry – has made great strides in the last 20 years, the time during which rebuilding plans were instituted. The annual value of groundfish has slowly been improving since 2004, when the lowest non-whiting groundfish value was only \$45 million, but they are still at levels drastically reduced

from historical highs that sustained boats and crews, processors and crews, and related businesses.

Recreational fishery

It is difficult to estimate the social and economic value of recreational fishing. All West Coast communities are suffering heavy economic losses from increasing closures and management restrictions. While we agree that a sustainable fishery is in the public best interest, we implore the Council to consider the needs of communities when implementing management measures to rebuild groundfish stocks. Whenever possible, longer periods to rebuild the stocks should be considered when these devastating effects of heavy regulations are placed upon the groundfish industry.

California

In California, management changes and restrictions are having serious impacts to the coastal fisheries and the local communities. The smaller communities that rely upon fisheries for economic health are being stressed to the breaking point. To illustrate, the groundfish draft environmental impact statement (DEIS) from June 2006 notes that the values calculated were drawn from the dollars anglers spent pursuing the fishery. In 2005, California Recreational Survey data in northern California recorded almost 57,000 angler trips for the months of September and October. To develop the economic value of these trips, local businesses, harbor masters, restaurants, motels, sports shops, marine mechanics and suppliers, fuel docks, harbors, and businesses that support the fishing community have all been affected and must be considered.

Loss of time on the water due to restrictions, closures, bag limit reductions and effort shift to other areas by tourists have resulted in the loss of tens of millions of dollars to the coastal communities. At a time when all areas within the state are under economic pressure from revenue losses due to the recession, it is particularly hard on these small coastal communities.

An illustration of these effects is the early closure of the groundfish season in 2008 to the northern coastal California region due to yelloweye impacts. In September and October of 2008, the season was closed in an emergency action. That specific closure resulted in the direct loss of more than \$3.7 million per month to the Humboldt County area alone.

Using the ports of Shelter Cove, Eureka and Trinidad, the number of local boats, number of anglers, mooring, launch fees, equipment, gear, ice, food, fuel, lodging, mileage and vehicle and boat costs and other related expenses are factored in as supporting information (see attached table, "Recreational Fishing Expenses for Humboldt County.") Using the information supplied by businesses such as Englund Marine, Trinidad Harbor, RecFIN survey information, Humboldt Bay Harbor District, local marine mechanics such as Redwood Marine and Full-on Marine, estimates of losses to the local community were developed. Local suppliers experience large capital costs when they cannot sell inventory and materials. Local mechanics have lost as much as 90% of their marine income due to season closures.

Daily trip costs per angler were conservatively estimated to be \$105 per day with an additional \$25 per day per angler for annual vehicle, boat, license fees and maintenance costs. Using \$130

per day per angler and using the California Survey Data as corroboration, more than \$3.7 million were lost per month for the closure in 2008. With the subsequent loss of the salmon season in 2009, more than \$14.8 million was lost to Humboldt County. That is devastating to the region and is symptomatic of small communities from Crescent City to the Southern California area. California is showing a long downward trend of fishing license sales and tourist visits due to restrictions and loss of fishing opportunities.

Oregon

The recreational charter fleet in Oregon has been reduced from 232 boats in 2001 to 76 in 2008. About 25% of the boats are not full-time operators – many are small 6-pack boats that are on trailers and may operate only on weekends. Management measures implemented since 2001 have greatly reduced and changed the make-up of the fleet. Many of the full-time operators have already gone out of business, especially when combined with the devastating salmon closures of recent years. The few full-time operators that are left are barely holding on. As management continues to tighten it takes fewer restrictions to break the remaining participants.

Under low OY conditions, the Oregon recreational fleet stands to lose even more small businesses and private recreational opportunity – and these also are essential to the health and economy of our coastal communities.

Washington

For the Washington recreational fleet, both private and charter operations are operating under restrictions that are difficult to quantify. Businesses in all sectors (hotel/motel, bait and tackle shops, charter offices, etc.) are showing a downturn in revenues from the same time the previous year. This is a cumulative effect of short halibut seasons, fathom restrictions, fuel prices, and a poor economy.

GAP RECOMMENDATIONS FOR ACLs FOR SPECIES UNDER REBUILDING PLANS

In general, the GAP would like to remind the Council that any liberalization of OYs – or ACLs, as they are now called – on overfished species does not present new fishing opportunities. We are looking to reinstate significant lost opportunities and ease constraints for some existing fisheries. In the last five years, some of the commercial and recreational participants have been permanently lost, shoreside infrastructure and facilities have closed, ice machines have had to be subsidized in some ports and buyers have stopped buying product due to reduced availability. This has led to increased competition of imported and aquaculture products to fill traditional market demands.

Summary of GAP Recommendations:

Species	2010 OY (for reference)	Alternative	2011 ACL	2012 ACL
Bocaccio	288	5	373	384
Canary rockfish	105	6	155	162
Cowcod	4	modified*	5	5
Darkblotched rockfish	291	modified*	364	360
Pacific Ocean perch	200	4	265	269
Widow rockfish	509	6	3000	3000
Yelloweye rockfish	17	6	20	21
Petrale – w/winter fishery	1,200	4	976	1,222

* The GAP consulted the rebuilding analyses for these species to find higher ACLs to afford more flexibility while still meeting rebuilding targets

Bocaccio

The GAP recommends an ACL of 373 mt in 2011 and 384 mt in 2012.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR	Basis
Bocaccio (S of 40°10' N lat.) a/		1	2019	0	0	F100%	
		2	2019	53	56	F95%	Varying the range of SPR harvest rates
		3	2020	109	115	F90%	Varying the range of SPR harvest rates
		4	2022	263	274	F77.7%	SPR harvest rate in the current rebuilding plan
		5	2024	373	384	F70%	Varying the range of SPR harvest rates
			2028	539	545	F60%	
			2031	605	609	F56%	Highest ACL that meets legal requirement for 50% probability of rebuilding by Tmax

Justification for recommendation

- The 373 and 284 mt ACLs equate to an SPR harvest rate of F70% and result in rebuilding by 2024 – two years earlier than the Ttarget.

Regained opportunities:

- Recreational: There is a significant benefit to charter boat operations when retention of more bocaccios is made available (current retention is two fish). Increasing this could reduce regulatory discards. It is also well documented that passenger counts have decreased due to the severe restrictions currently in place.
- Recreational: Bocaccio is of more importance to recreational fisheries in central and southern California.
- Fixed-gear and open access: A 373 mt ACL combined with increased ACL for canary could allow open access fishermen to capture their deeper nearshore and shelf trip limits as well as their lingcod trip limits.
- Trawl: Under the new TIQ program, boats have substantial opportunity to catch chilipepper, however, that opportunity is constrained by low ACLs in the rebuilding plan.

Canary rockfish

The GAP recommends an ACL of 155 mt in 2011 and 162 mt in 2012.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR
				2011	2012	
Canary	2021	1	2024	0	0	F100%
		2	2025	49	51	F94.4%
		3	2026	69	72	F92.2%
		4	2027	102	107	F88.7%
		5	2027	129	135	F86%
		6	2028	155	162	F83.4%
			2031	253	263	F74.4%
			2035	308	318	F70%
			2043	396	408	F63.4%
			2046	415	426	F62.1%

The SPR rate that results from a 2010 OY of 44 mt (possible reduction under interim)
The SPR rate that results from a 2009/2010 OY of 105 mt
SPR harvest rate in the current rebuilding plan, 2027 is also the Ttarget from the 2009
50% probability to recover by 2027, which is a year that occurs between TF=0 and Tm
OY resulting from applying an SPR harvest rate of 88.7% to the 2007 assessment resul
50% probability to recover by 2031, which is a year that occurs between TF=0 and Tm
50% probability to recover by 2035, which is a year that occurs between TF=0 and Tm
50% probability to recover by 2043, which is a year that occurs between TF=0 and Tm
Highest ACL that meets legal requirement for 50% probability of rebuilding by Tmax,

Justification for Recommendation

- The 155 and 162 mt ACLs are achieved by applying an SPR harvest rate of 88.7% to the 2007 assessment results. Rebuilding should be achieved by 2028, seven years later than the Ttarget of 2021.
- Alternatives 4 and 5 have a rebuilding Ttarget of 2027. Our recommendation pushes the rebuilding time back by only one year, to 2028. This is an increase of about 50 mt from the option that would rebuild the stock by 2027. However, canary is a very critical species. This increase will afford much greater flexibility for bycatch in all sectors and slow the loss of our valuable fishing heritage.
- The new Ttarget date is not a result of management failure, but rather reflects revised estimates of productivity in the new assessment. Because of the unrealistic Ttarget date, OYs were set excessively low, resulting in severe negative repercussions for fishermen and fishing communities.
- Several cumulative management measures are already in place to support rebuilding of canary. As cited on page 12 of the updated 2009 canary stock assessment:

“Managers employed several tools in an effort to constrain catches These included: reductions in trip/bag limits for canary and co-occurring species, the institution of spatial closures and new gear restrictions intended to reduce trawling in rocky shelf habitats and the coincident catch of rockfish in shelf flatfish trawls.”

The most recent stock assessment suggests that, based on the biology of the stock, rebuilding will not be possible by the previous Ttarget date of 2021. These measures do lend themselves to a more realistic Ttarget of 2028. This new Ttarget takes into account the needs of the communities and community infrastructure.

Regained opportunities:

- Trawl whiting: A higher ACL for canary rockfish will increase flexibility for the whiting fishery, which has been constrained by canary bycatch.
- Trawl: A higher ACL is expected to provide some yellowtail opportunity for the mid-water trawl fishery whose yellowtail fishery has been completely eliminated in recent years due to imposed restrictions. The TIQ plan has provided ample yellowtail opportunity north of 40° 10', but it is constrained by canary bycatch.
- Recreational, open access, fixed-gear: A higher ACL could move the shoreward RCA boundary above 40°10' from 20 fathoms out to 30 fathoms. This presents reinstated opportunities for shelf rockfish for commercial fishermen as well as potentially longer seasons for recreational fishermen.
- Recreational: A higher ACL could lead to a one-fish bag limit that would help achieve bag limits more quickly, resulting in boats spending less time on the water, which in turn would have fewer impacts on yelloweye and nearshore species. In short, regulatory discards would be reduced.
- Recreational: One fish equates to a 14.28% reduction of impacts to other fish in Oregon and a 10% reduction in both California and Washington.
- Trawl: The directed fishery for arrowtooth in Washington waters was eliminated in 2005 due to a lack of canary to accommodate bycatch.
- Trawl: A higher ACL would provide more opportunities both inside and outside of the RCA boundaries for prosecution of the chilipepper fishery south of 40°10', and a yellowtail north of 40°10'.
- Trawl: For the non-whiting trawl fleet, canary reductions have resulted in forgone opportunities for lingcod, a fishery for sanddabs, a shallow fishery for English sole and the arrowtooth fishery. Large areas have been closed inshore of the RCA, such as between Port Orford and Coos Bay, and a virtual elimination of the inshore trawl fishery off of Neah Bay. While a higher canary ACL does not bring all of these fisheries back, it is a step in the direction toward reinstating some of this lost opportunity.
- Trawl: In many instances, the trawl fleet still does not have access to enough canary to prosecute a fishery on target species. The council and staff recognized this problem in September 2009 and realized the problem warranted reconsideration of initial allocations of canary during the November 2009 council meeting. It also should be noted that this problem exists for other overfished species.
- Trawl: 2010 was the first year for a 105-mt OY. The most recent scorecard shows canary fully subscribed (97.3%).
- Fixed-gear: With canary and yelloweye limits somewhat higher, allowing the fixed-gear fleet inside the 125-fm and 150-fm RCA is justified. Historical catches of sablefish in the

fall typically yielded a larger, more valuable fish in waters shallower than 125 or 150 fm with a catch of lingcod. Being able to fish shallower would benefit the smaller vessels and enhance at-sea safety. Smaller vessels can be limited due to the increased gear that is required when fishing in deeper waters.

Cowcod

The GAP recommends a 5 mt ACL in 2011 and a 5 mt ACL in 2012.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR
				2011	2012	
Cowcod	2072	1	2060	0	0	F100%
		2	2064	2	2	F90%
		3	2068	3	3	F82.7%
		4	2071	4	4	F79%
		5	2097	9	9	F59.7%
Amendment 16-4 SPR harvest rate						
SPR harvest rate in the current rebuilding plan; also the 2009/2010 OY of 4 mt						
Highest ACL that meets legal requirement for 50% probability of rebuilding by Tmax						

Justification for recommendation

- The 5-mt ACLs are taken from the 2009 Cowcod Rebuilding Analysis, Table 5 (attached) run No. 5. The 2.4 mt should be doubled, which, when rounded up, results in a 5-mt ACL that equates to a 74.2% SPR harvest rate and a 50% probability of recovery by 2074, only two years later than the current Ttarget of 2072. (*Note: the 2.4 mt should be doubled to take into account the **entire range** of the cowcod stock, not just the Conception area, per GMT recommendations.*)
- The cowcod conservation area covers 4,600 square miles of essential cowcod habitat.
- The majority of cowcod habitat is protected by this area and harvesting up to 5 mt outside of this area should not be an issue.

Regained opportunities

- Trawl, fixed-gear, open access, recreational: Cowcod, like canary, is a cross-cutting species that constrains all these sectors in California below 40°10'. Even a 25% increase that barely extends the rebuilding time would help at least 31 ports and communities in California survive. A 5-mt ACL is not opening up any new opportunity or regaining any old opportunity; it is simply maintaining current limited opportunity to catch other, targeted species.

Darkblotched rockfish

The GAP recommends 364 mt for 2011 and 360 mt for 2012.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR
				2011	2012	
Darkblotched	2028	1	2016	0	0	F100%
		2	2018	130	131	F81.8%
		3	2022	222	222	F71.9%
		4	2025	298	296	F64.9%
		5	2027	332	329	F62.1%
			2037	461	453	F52.8%

Varying the range of ACLs for analysis
 SPR harvest rate that results in a 50% probability of rebuilding by 2022 a year between
 The SPR rate that results from a 2009/2010 OY of 285 and 291 mt, respectively
 SPR harvest rate in the current rebuilding plan
 Highest ACL that meets legal requirement for 50% probability of rebuilding by Tmax

Justification for recommendation

- The 364-mt and 360-mt ACLs are taken from the 2009 Darkblotched Rebuilding Analysis¹, Table 2 (attached), with the column for a Ttarget year of 2028. The 364-mt and 360-mt ACLs equate to a 60% SPR harvest rate and a 50% probability of recovery by 2028, the same year as the current rebuilding Ttarget.

Regained opportunities

- Trawl, open access (shrimp): Currently, darkblotched constrains slope rock, sablefish, whiting, short and longspines, Dover and all other fisheries seaward of the RCA.
- Whiting trawl: An increase in darkblotched could ease the already restrictive bycatch caps in the whiting fishery.
- Open access: Here again, darkblotched is another rebuilding species that turns up more frequently due to the rebuilding paradox in the fishery. A current example of this is with the open access fishery, in the shrimp fleet. Shrimpers, during good years, encounter more darkblotched. A higher ACL would accommodate this while not constraining other fisheries.

Pacific Ocean perch (POP)

The GAP recommends a 265 mt ACL for 2011 and 269 mt for 2012.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR
				2011	2012	
POP	2017	1	2018	0	0	F100%
		2	2020	180	183	F86.4%
		3	2021	204	208	F84.8%
		4	2021	265	269	F81.1%
			2024	404	408	F73.6%
			2031	635	635	F63.6%
			2038	751	747	F59.5%
			2045	836	829	F56.8%
						Highest ACL that meets legal requirement for 50% probability of rebuilding by Tmax

SPR harvest rate in the current rebuilding plan
 The SPR rate that results from a 2009/2010 OY (189, 200 mt respectively)
 SPR harvest rate that results in a 50% probability of rebuilding by 2021, a year between
 SPR harvest rate that results in a 50% probability of rebuilding by 2024, a year between
 SPR harvest rate that results in a 50% probability of rebuilding by 2031, a year between
 SPR harvest rate that results in a 50% probability of rebuilding by 2038, a year between
 Highest ACL that meets legal requirement for 50% probability of rebuilding by Tmax

¹ Darkblotched Rebuilding Analysis, p. 6

Justification for recommendation

- The 265-mt and 269-mt ACLs equate to an F81.1% SPR harvest rate that results in a 50% probability of rebuilding by 2021, only four years beyond the current Ttarget of 2017. This species is similar to canary in that the rebuilding plan clearly isn't meeting the goals: even under a no-fishing alternative, the rebuilding date would be beyond the Ttarget. At the same time, it is needlessly constraining primarily trawl fisheries. The 2021 Ttarget is more realistic while regaining lost opportunity in the trawl fishery.
- In reality, this is a mid-range alternative; however, it's the highest one in the list of GMT-analyzed alternatives requested by the council.

Regained opportunities

- Trawl: This would provide greater access to the slope complex, especially during summer months on the north coast.
- Whiting trawl: POP is a constraining factor in both the tribal and non-tribal whiting fisheries.

Widow rockfish

The GAP recommends a 3,000 mt ACL for 2011 and 2012.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR
				2011	2012	
Widow	2015	1	2010	0	0	Constant catch scenarios
		2	2010	200	200	
		3	2010	400	400	
		4	2010	600	600	
		5	2010	1,000	1,000	
		6	2010	3,000	3,000	

Justification for recommendation

- A 3,000 mt ACL represents a constant catch scenario under the rebuilding plan. In other words, widow rockfish is already rebuilt and that level can be maintained without diminishing the stock.
- An in-season correction could be accommodated through the use of annual catch targets (ACTs).

Regained opportunities

- Trawl: Higher ACLs for widow would eventually allow a targeted mid-water yellowtail fishery to be pursued, which has been constrained by both canary and widow.
- Whiting trawl: A higher ACL for widow allows the whiting fishery additional flexibility as widow rockfish has affected fishing behavior and constrained the tribal and non-tribal whiting fishery in the past.

Yelloweye rockfish

The GAP recommends an ACL of 20 mt in 2011 and 21 mt in 2012.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR
				2011	2012	
Yelloweye	2084	1	2047	0	0	F100%
		2	2058	9	9	F86%
		3	2065	13	13	F80.7%
		4	2074	17	17	F76%
		5	2084	20	20	F72.8%
		6	2087	20	21	F71.9%
			2092	21	22	F70.9%

Apply the harvest rate that generated the 2009/2010 OY of 17 mt
 SPR harvest rate that results in a 50% probability of rebuilding by 2065, a year between
 SPR harvest rate that results in a 50% probability of rebuilding by 2074, a year between
 SPR harvest rate that results in a 50% probability of rebuilding by 2084, the Ttarget in
 SPR harvest rate in the current rebuilding plan under constant harvest rate strategy
 SPR harvest rate that results in a 50% probability of rebuilding by 2092, which is Tma

Justification for recommendation

- The 20-mt and 21-mt ACLs represent an SPR harvest rate (71.9%), that is in the current rebuilding plan under the constant harvest rate strategy with a rebuilding date of 2087, only three years beyond the current Ttarget of 2084.
- Increasing the ACLs for yelloweye is the only way to maintain current opportunities for recreational and commercial fisheries north of 40°10', given increased International Pacific Halibut Commission research fisheries bycatch and uncertainty in the trawl IQ program.
- Without an ACL increase, allowing continued effort on other fisheries relying on yelloweye as bycatch is precarious at best.
- The higher ACL will allow for some exempted fishing permit (EFP) opportunity so we can still obtain valuable research and data on this species. The authors of the 2009 yelloweye stock assessment noted that, "Data for yelloweye rockfish are sparse and relatively uninformative, especially regarding current trend."² Continuing EFPs that gather data about this species should continue to be supported as the stock rebuilds.
- Yelloweye total catch has consistently been below limits set by managers since 2003 due to cumulative effects of management changes – and it is increasingly difficult to do so. Yelloweye harvest is at a fraction of its historic levels. This was noted in the 2009 stock assessment:

"Since then (2002), there has been species-specific management and total catch has been below both the ABC and OY for yelloweye each year. These catch levels represent a 95% reduction from average catches observed in the 1980s and 1990s. Managers have constrained catches by eliminating all retention of yelloweye rockfish in both commercial and recreational fisheries, instituting broad spatial closures (some specifically for moving fixed-gear fleets away from known areas of yelloweye abundance) and creating new gear restrictions intended to reduce trawling in rocky shelf habitats and the coincident catch of rockfish in shelf

² Yelloweye rockfish assessment, 2009; p. 13

flatfish trawls. ... The total 2008 catch (16.7 mt) is estimated to be just 4% of the peak annual catch that occurred in the early 1980s.”³

- Yelloweye is another example of a species with a Ttarget date that doesn't take into consideration the needs of the community.
- The 2010 OY of 17 mt is already fully subscribed in the scorecard and is constraining fisheries across the board. Staying below the 17 mt-ton limit is clearly a burden on the management system.

Regained opportunities

- Data needs: A few current EFPs are designed to take minimal amounts of yelloweye while obtaining valuable information for a data-poor species and these efforts should lead to increased opportunity in the future.
- Recreational: An increased ACL for yelloweye could open some closed areas, enabling recreational fleets to access other popular groundfish stocks, such as lingcod and yellowtail.
- Trawl, fixed-gear, open access: This is very similar to cowcod: We are not gaining new opportunities or reinstating old ones. It is simply maintaining current limited opportunity to catch targeted species. In addition, this could help alleviate the zero initial allocations to some vessels under the proposed TIQ system.

Petrale sole

The GAP recommends an ACL of 976 mt in 2011 and 1,222 mt in 2012 that include the winter petrale fishery.

Species	Current Ttarget	ACL Alt.	Median Time to Rebuild	ACLs (mt)		SPR HR
				2011	2012	
Petrale (with a winter fishery) <i>cf</i>	NA	1	2014	0	0	F100%
		2	2014	459	624	F50%
		3	2016	695	1,125	25:6.25 rule
		4	2017	1,021	1,279	F30%
Actual harvest control rule for flatfish is 25:5. This needs to be recalculated Projected OFL under the F30% Frmsy proxy						

Justification for recommendation

- The ACLs of 976 mt in 2011 and 1,222 mt in 2012 represent a 25:5 harvest control rule that results in a rebuilding date of 2017.
- Trawl: Petrale is a main driver for much of the trawl fleet coastwide and for keeping a year-round fishery going. Inshore, offshore, north and south.

³ Yelloweye rockfish assessment, 2009; p. 13

- Processors: To the processing sector, petrale is a critical component of processors' abilities to sell other products. Furthermore, petrale has a significant place in the market. Interrupting that year-round flow of product to the market makes it possible for competing products -- including imported fish, competing protein products, or farmed fish -- to gain a foothold.
- All sectors: This is a prime case in which the council can devise a rebuilding plan in the quickest time possible, less than 10 years, while considering the economic needs of the communities and fleet. All of the rebuilding scenarios are less than 10 years. This is an instance in which the council could deviate from the shortest rebuilding time because the economic needs of communities are paramount -- yet at the same time the fish will be protected and will be rebuilt.
- Trawl ports: Petrale is caught by large boats and smaller boats, in all three states. The value to ports from Washington to California is very important, as is noted on Table 5-13, "Revenues 2007," (attached) from the 2008 groundfish Stock Assessment and Fishery Evaluation.

Management Measures

The GAP considered Agenda Item I.4.a, Attachment 2, and agrees that the overarching measures are high-priority items that need to be analyzed. The GMT confirmed these measures already are in the process of analysis.

Members of the GAP appreciate the heavy workload these management measures demand of NMFS and state staff and carefully considered the benefits that would be gained from these measures vs. the time and work needed to accomplish these tasks.

The GAP also requests that management measures associated with higher ACLs (GAP recommendations for ACLs will be presented as a separate item) should be on the high priority list, especially given the uncertainty resulting from a transition to a rationalized fishery in the trawl sector.

For the other categories, the GAP has the following recommendations:

Vessel monitoring systems (VMS)

The first bullet point, evaluate gear stowage requirements for fixed-gear vessels transiting closed areas, should remain on the high-priority list. Furthermore, the third measure, reconvening the Ad Hoc Vessel Monitoring System Committee to analyze VMS issues related to both limited entry and open access, also should remain on the list.

The second bullet point can be dropped, since reconvening the VMS committee will address any other VMS issues such as drifting.

Limited Entry Non-whiting trawl

The first two bullet points, 1) analyzing management measures for the LE trawl fishery as a contingency plan if TIQ is implemented later than Jan. 1, 2011; and 2) comparing current trawl gear regulations with specifications used during trawl bycatch reduction studies, should remain as high-priority items.

The third measure, analyzing trawl latitudinal management lines south of 40° 10', can be dropped.

The fourth, analyzing size limits for lingcod, can be dropped.

Fixed-gear fisheries

All five measures in this category are important and should remain on the high-priority list.

Bullet point No. 4, analyzing the impacts of allowing fishing inside the 100 fm line around Catalina Island, is especially important to fishermen in southern California.

Similarly, bullet No. 5, ownership and control issues, are important to the fishermen in the Pacific Northwest.

Recreational fisheries

Bullet points 1, 4, 5, 6 and 9 are the most important and should stay on the high-priority list (these are: 1) analyzing lingcod size limits; 4) analyzing management measures for cabezon in Oregon; 5) analyzing removing the lingcod spawning closure in California; 6) consideration of exempting flatfish from the groundfish depth and season closures in California and; 9) analyzing changes to the depth restriction and retention of shelf and slope rockfish in the Cowcod Conservation Area).

No. 9, pertaining to the depth restriction and retention of shelf and slope rock in the CCA, is of major importance to fishermen south of Pt. Conception.

The second measure, developing a long-leader fishery, can be dropped altogether.

Low-priority issues

Of the six bullet points, three can be removed: Nos. 3, 4 and 6 – 3) analyzing retention of shelf and slope rockfish in the CCA for California commercial fisheries; 4) analyzing removal of the Period 2 closure for limited entry and open access non-trawl fisheries south of 34°27' N; and 6) consideration of mandatory logbooks for recreational charter/hire vessels in Oregon and Washington. The charter logbook measure can be removed because a high level of shoreside sampling that already occurs would create redundant information.

Of the remaining three – 1) modifying the definition of dressed weight for halibut (if necessary); 2) generating midwater trawl trip limits for Pacific whiting during the primary

season south of 42° N; and 5) developing additional management lines for California and Oregon recreational fisheries – can remain on the low priority list.

However, the trip limits for Pacific whiting south of 42° N should be considered *only* if the TIQ program is not implemented in 2011.

PFMC
04/14/10

Table 2-4. Estimated time to rebuild and SPR harvest rate relative to alternative 2011-2012 ACLs for depleted west coast groundfish species.

Species	Current Target	ACL Alt.	Median Time to Rebuild	ACLs (mt)	SPR HR	Basis
Bocaccio (S of 40°10' N lat.) a/	2026	1	2019	0	0	F100%
		2	2019	53	56	F95%
		3	2020	109	115	F90%
		4	2022	263	274	F77.7%
		5	2024	373	384	F70%
Canary			2028	539	545	F60%
			2031	605	609	F56%
	2021	1	2024	0	0	F100%
		2	2025	49	51	F94.4%
		3	2026	69	72	F92.2%
Cowcod		4	2027	102	107	F88.7%
		5	2027	129	135	F86%
		6	2028	155	162	F83.4%
			2031	253	263	F74.4%
			2035	308	318	F70%
Darkblotched			2043	396	408	F63.4%
			2046	415	426	F62.1%
	2072	1	2060	0	0	F100%
		2	2064	2	2	F90%
		3	2068	3	3	F82.7%
POP		4	2071	4	4	F79%
		5	2097	9	9	F59.7%
	2028	1	2016	0	0	F100%
		2	2018	130	131	F81.8%
		3	2022	222	222	F71.9%
		4	2025	298	296	F64.9%
		5	2027	332	329	F62.1%
			2037	461	453	F52.8%
	2017	1	2018	0	0	F100%
		2	2020	180	183	F86.4%
		3	2021	204	208	F84.8%
		4	2021	265	269	F81.1%
			2024	404	408	F73.6%
			2031	635	635	F63.6%
			2038	751	747	F59.5%
			2045	836	829	F56.8%

Table 2-4 (continued). Estimated time to rebuild and SPR harvest rate relative to alternative 2011-2012 ACLs for depleted west coast groundfish species.

Species	Current Target	ACL Alt.	Median Time to Rebuild	ACLs (mt) 2011 2012	SPR HR	Basis
Widow	2015	1	2010	0	0	Constant catch scenarios
		2	2010	200	200	
		3	2010	400	400	
		4	2010	600	600	
		5	2010	1,000	1,000	
		6	2010	3,000	3,000	
Yelloweye	2084	1	2047	0	0	Apply the harvest rate that generated the 2009/2010 OY of 17 mt SPR harvest rate that results in a 50% probability of rebuilding by 2065, a year between TF=0 and Tmax SPR harvest rate that results in a 50% probability of rebuilding by 2074, a year between TF=0 and Tmax, also the 2009/2010 OY SPR harvest rate that results in a 50% probability of rebuilding by 2084, the Target in the current rebuilding plan SPR harvest rate in the current rebuilding plan under constant harvest rate strategy SPR harvest rate that results in a 50% probability of rebuilding by 2092, which is Tmax
		2	2058	9	9	
		3	2065	13	13	
		4	2074	17	17	
		5	2084	20	20	
		6	2087	20	21	
Petrale (with a winter fishery) c/	NA	1	2014	0	0	Actual harvest control rule for flatfish is 25:5. This needs to be recalculated Projected OFL under the F30% Frmsy proxy
		2	2014	459	624	
		3	2016	695	1,125	
		4	2017	1,021	1,279	
Petrale (without a winter fishery) c/	NA	1	2014	0	0	Actual harvest control rule for flatfish is 25:5. This needs to be recalculated Projected OFL under the F30% Frmsy proxy
		2	2014	586	732	
		3	2016	810	1,192	
		4	2017	1,170	1,369	
a/ All bocaccio alternatives have been reduced from the rebuilding analysis results by 6% to represent the portion of the stock south of 40°10' N. Latitude (Agenda Item E.2.c. Supplemental SSC Report, September 2009).						
b/ All cowcod alternatives have been doubled from the rebuilding analysis to account for the Monterey contribution (see the 2009-2010 Spex FEIS).						
c/ Projected ACLs for petrale sole differ whether winter fishing on spawning aggregations is allowed or not due to differences in fishery selectivity (i.e., larger, more mature fish are caught in the winter).						

West Coast Groundfish values, 1981-2009

raw data and annual values adjusted for inflation

Dotted line represents a marked change in management after the implementation of the Sustainable Fisheries Act of 1996, at which point rebuilding plans began to take effect.

year	all groundfish (in \$1,000) ¹	non-whiting groundfish (in \$1,000) ¹	inflation rate (as of Dec. 2009) ²	all groundfish in 2009 dollars (in \$1,000)	non-whiting groundfish in 2009 dollars (in \$1,000)
2009	73,653.30	59,611.80	--	73,653.30	59,611.80
2008	113,342.60	54,846.10	-0.36%	112,939.35	54,650.97
2007	77,620.40	45,017.00	3.47%	80,313.91	46,579.14
2006	79,250.30	44,824.30	6.42%	84,335.92	47,700.75
2005	71,865.50	43,076.80	9.85%	78,944.23	47,319.85
2004	61,054.30	39,373.40	13.57%	69,340.43	44,717.05
2003	58,944.30	41,696.70	16.60%	68,726.81	48,616.77
2002	52,222.00	38,598.30	19.25%	62,276.55	46,029.81
2001	59,835.90	45,815.30	21.14%	72,484.55	55,500.15
2000	75,311.80	54,364.20	24.59%	93,827.92	67,730.15
1999	69,147.70	50,795.00	28.77%	89,044.06	65,410.61
1998	61,837.30	48,749.90	31.62%	81,388.89	64,163.54
1997	99,445.00	72,731.00	33.67%	132,926.06	97,218.01
1996	88,630.50	77,008.60	36.73%	121,188.79	105,297.60
1995	96,982.70	78,956.30	40.77%	136,524.79	111,148.61
1994	79,438.10	62,903.90	44.76%	114,996.03	91,060.82
1993	70,314.20	60,942.30	48.47%	104,394.45	90,480.13
1992	88,692.50	65,396.50	52.91%	135,622.40	99,999.78
1991	94,377.80	69,126.60	57.52%	148,660.28	108,885.56
1990	65,030.50	62,793.50	64.14%	106,744.06	103,072.14
1989	68,752.80	67,695.40	73.01%	118,951.77	117,122.32
1988	68,377.90	67,254.80	81.35%	124,003.29	121,966.55
1987	71,696.40	71,031.50	88.85%	135,400.80	134,145.11
1986	56,449.70	56,000.20	95.75%	110,497.71	109,617.84
1985	55,927.10	55,345.50	99.38%	111,509.59	110,349.98
1984	48,574.50	48,169.10	106.48%	100,298.63	99,461.54
1983	52,317.80	52,122.30	115.40%	112,691.81	112,270.70
1982	59,998.20	59,816.60	122.32%	133,386.88	132,983.15
1981	49,463.00	49,322.20	136.01%	116,739.75	116,407.45

¹ Taken from PacFIN GMT reports: "PFMC INPFC Area Report: Estimated Ex-vessel Revenue (\$1,000) of Groundfish Landed-catch for All Gears," extracted 4/2/2010

² Data taken from U.S. Bureau of Labor Statistics Consumer Price index table on which the inflation rate is based: <ftp://ftp.bls.gov/pub/special.requests/cpi/cpi.txt> and BoLS inflation

Recreational Fishing Expenses For Humboldt County

Trip Expenditures:	Residents	Non Residents	Totals
Transportation	\$225,000	\$810,000	\$1,035,000
Rental/Mooring	\$116,000	\$0	\$116,000
Launch Fees	\$51,000	\$110,000	\$161,000
Charter Fees	\$247,000	\$576,000	\$823,000
Food	\$450,000	\$1,350,000	\$1,800,000
Lodging	\$0	\$1,150,000	\$1,150,000
Boat Fuel	\$685,000	\$457,000	\$1,142,000
Bait and Ice	\$180,000	\$108,000	\$288,000
Subtotal	\$1,954,000	\$4,561,000	\$6,515,000
Annual Expenditures			
Tackle	\$300,000		\$300,000
Club Dues	\$6,000		\$6,000
Vehicle License Fees	\$20,000		\$20,000
Boat Maintenance Exp	\$400,000		\$400,000
Fishing Vehicle	\$800,000		\$800,000
Fishing License	\$52,000		\$52,000
Subtotal	\$1,578,000		\$1,578,000
Totals	\$3,532,000	\$6,139,000	
Total Expenditures			\$9,671,000

Estimate 1000 anglers times 62 days = 62,000 angler days.

Trip Expenditure: \$6,515,000 / 62,000 angler days = \$105 /angler/day

Annual Expenditure: \$1,578,000 / 62,000 anglers = \$25 /angler/day

Total angler day cost is \$105 + \$25 = \$130 per angler per day.

57,000 anglers per month from the CA Rec. Survey = 28,500 anglers/month

28,500 anglers per month X \$130 per day = \$3,705,000 per month

\$3,705,000 X 4 months = \$14,820,000 lost revenue.

COWCOD

Table 5. Rebuilding reference points for requested model runs (see text for run descriptions).

	Run								
	1	2	3	4	5	6	7 (ABC)	7 (40:10)	8
SPR in 2011	90.0%	77.9%	79.0%	n/a	74.2%	59.7%	50%	100%	100%
50% prob. recovery by:	2064	2072	2071	n/a	2074	2097	2283	2215	2060
2011 OY (mt)	0.8	2	1.9	n/a	2.4	4.4	0	0	0
2011 ABC (mt)	6.2	6.2	6.2	n/a	6.2	6.2	6.2	6.2	6.2
2012 OY (mt)	0.9	2.1	2.0	n/a	2.5	4.5	0	0	0
2012 ABC (mt)	6.4	6.4	6.4	n/a	6.4	6.4	6.4	6.4	6.4
Probability of recovery by									
2059 (new Tmin)	46.7%	40.2%	40.2%	n/a	33.8%	27.6%	15.9%	21.6%	46.7%
2060 (old Tmin)	46.7%	40.2%	40.2%	n/a	40.2%	27.6%	15.9%	21.6%	52.5%
2072 (current Ttarget)	59.8%	53.3%	53.3%	n/a	46.7%	33.8%	22.2%	27.6%	59.8%
2097 (new Tmax)	72.4%	66.2%	66.2%	n/a	66.2%	50.0%	33.8%	40.2%	78.4%
2098 (old Tmax)	72.4%	66.2%	66.2%	n/a	66.2%	53.3%	33.8%	40.2%	78.4%

Cowcod Rebuilding Analysis, Sept. 29, 2009
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DARKBLOTCHED

Table 2. Darkblotched projections. The vertical double lines demarcate the evenly spaced quartile increments. Note that if an integer year is wanted for the year in which 50% probability is achieved, then, given the yearly nature of fishery management, that number should only be "rounded up" to the next highest integer.

2009-2010		2011-2012		2013-2014		2015-2016		2017-2018		2019-2020		2021-2022		2023-2024		2025-2026		2027-2028		2029-2030		2031-2032		2033-2034		2035-2036		2037-2038		2039-2040		2041-2042		2043-2044		2045-2046		2047-2048		2049-2050		2051-2052		2053-2054		2055-2056		2057-2058		2059-2060		2061-2062		2063-2064		2065-2066		2067-2068		2069-2070		2071-2072		2073-2074		2075-2076		2077-2078		2079-2080		2081-2082		2083-2084		2085-2086		2087-2088		2089-2090		2091-2092		2093-2094		2095-2096		2097-2098		2099-2100		2101-2102		2103-2104		2105-2106		2107-2108		2109-2110		2111-2112		2113-2114		2115-2116		2117-2118		2119-2120		2121-2122		2123-2124		2125-2126		2127-2128		2129-2130		2131-2132		2133-2134		2135-2136		2137-2138		2139-2140		2141-2142		2143-2144		2145-2146		2147-2148		2149-2150		2151-2152		2153-2154		2155-2156		2157-2158		2159-2160		2161-2162		2163-2164		2165-2166		2167-2168		2169-2170		2171-2172		2173-2174		2175-2176		2177-2178		2179-2180		2181-2182		2183-2184		2185-2186		2187-2188		2189-2190		2191-2192		2193-2194		2195-2196		2197-2198		2199-2200		2201-2202		2203-2204		2205-2206		2207-2208		2209-2210		2211-2212		2213-2214		2215-2216		2217-2218		2219-2220		2221-2222		2223-2224		2225-2226		2227-2228		2229-2230		2231-2232		2233-2234		2235-2236		2237-2238		2239-2240		2241-2242		2243-2244		2245-2246		2247-2248		2249-2250		2251-2252		2253-2254		2255-2256		2257-2258		2259-2260		2261-2262		2263-2264		2265-2266		2267-2268		2269-2270		2271-2272		2273-2274		2275-2276		2277-2278		2279-2280		2281-2282		2283-2284		2285-2286		2287-2288		2289-2290		2291-2292		2293-2294		2295-2296		2297-2298		2299-2300		2301-2302		2303-2304		2305-2306		2307-2308		2309-2310		2311-2312		2313-2314		2315-2316		2317-2318		2319-2320		2321-2322		2323-2324		2325-2326		2327-2328		2329-2330		2331-2332		2333-2334		2335-2336		2337-2338		2339-2340		2341-2342		2343-2344		2345-2346		2347-2348		2349-2350		2351-2352		2353-2354		2355-2356		2357-2358		2359-2360		2361-2362		2363-2364		2365-2366		2367-2368		2369-2370		2371-2372		2373-2374		2375-2376		2377-2378		2379-2380		2381-2382		2383-2384		2385-2386		2387-2388		2389-2390		2391-2392		2393-2394		2395-2396		2397-2398		2399-2400		2401-2402		2403-2404		2405-2406		2407-2408		2409-2410		2411-2412		2413-2414		2415-2416		2417-2418		2419-2420		2421-2422		2423-2424		2425-2426		2427-2428		2429-2430		2431-2432		2433-2434		2435-2436		2437-2438		2439-2440		2441-2442		2443-2444		2445-2446		2447-2448		2449-2450		2451-2452		2453-2454		2455-2456		2457-2458		2459-2460		2461-2462		2463-2464		2465-2466		2467-2468		2469-2470		2471-2472		2473-2474		2475-2476		2477-2478		2479-2480		2481-2482		2483-2484		2485-2486		2487-2488		2489-2490		2491-2492		2493-2494		2495-2496		2497-2498		2499-2500		2501-2502		2503-2504		2505-2506		2507-2508		2509-2510		2511-2512		2513-2514		2515-2516		2517-2518		2519-2520		2521-2522		2523-2524		2525-2526		2527-2528		2529-2530		2531-2532		2533-2534		2535-2536		2537-2538		2539-2540		2541-2542		2543-2544		2545-2546		2547-2548		2549-2550		2551-2552		2553-2554		2555-2556		2557-2558		2559-2560		2561-2562		2563-2564		2565-2566		2567-2568		2569-2570		2571-2572		2573-2574		2575-2576		2577-2578		2579-2580		2581-2582		2583-2584		2585-2586		2587-2588		2589-2590		2591-2592		2593-2594		2595-2596		2597-2598		2599-2600		2601-2602		2603-2604		2605-2606		2607-2608		2609-2610		2611-2612		2613-2614		2615-2616		2617-2618		2619-2620		2621-2622		2623-2624		2625-2626		2627-2628		2629-2630		2631-2632		2633-2634		2635-2636		2637-2638		2639-2640		2641-2642		2643-2644		2645-2646		2647-2648		2649-2650		2651-2652		2653-2654		2655-2656		2657-2658		2659-2660		2661-2662		2663-2664		2665-2666		2667-2668		2669-2670		2671-2672		2673-2674		2675-2676		2677-2678		2679-2680		2681-2682		2683-2684		2685-2686		2687-2688		2689-2690		2691-2692		2693-2694		2695-2696		2697-2698		2699-2700		2701-2702		2703-2704		2705-2706		2707-2708		2709-2710		2711-2712		2713-2714		2715-2716		2717-2718		2719-2720		2721-2722		2723-2724		2725-2726		2727-2728		2729-2730		2731-2732		2733-2734		2735-2736		2737-2738		2739-2740		2741-2742		2743-2744		2745-2746		2747-2748		2749-2750		2751-2752		2753-2754		2755-2756		2757-2758		2759-2760		2761-2762		2763-2764		2765-2766		2767-2768		2769-2770	
OLD FMP SPR	2010 OY SPR	2011 OY SPR	2012 OY SPR	2013 OY SPR	2014 OY SPR	2015 OY SPR	2016 OY SPR	2017 OY SPR	2018 OY SPR	2019 OY SPR	2020 OY SPR	2021 OY SPR	2022 OY SPR	2023 OY SPR	2024 OY SPR	2025 OY SPR	2026 OY SPR	2027 OY SPR	2028 OY SPR	2029 OY SPR	2030 OY SPR	2031 OY SPR	2032 OY SPR	2033 OY SPR	2034 OY SPR	2035 OY SPR	2036 OY SPR	2037 OY SPR	2038 OY SPR	2039 OY SPR	2040 OY SPR	2041 OY SPR	2042 OY SPR	2043 OY SPR	2044 OY SPR	2045 OY SPR	2046 OY SPR	2047 OY SPR	2048 OY SPR	2049 OY SPR	2050 OY SPR	2051 OY SPR	2052 OY SPR	2053 OY SPR	2054 OY SPR	2055 OY SPR	2056 OY SPR	2057 OY SPR	2058 OY SPR	2059 OY SPR	2060 OY SPR	2061 OY SPR	2062 OY SPR	2063 OY SPR	2064 OY SPR	2065 OY SPR	2066 OY SPR	2067 OY SPR	2068 OY SPR	2069 OY SPR	2070 OY SPR	2071 OY SPR	2072 OY SPR	2073 OY SPR	2074 OY SPR	2075 OY SPR	2076 OY SPR	2077 OY SPR	2078 OY SPR	2079 OY SPR	2080 OY SPR	2081 OY SPR	2082 OY SPR	2083 OY SPR	2084 OY SPR	2085 OY SPR	2086 OY SPR	2087 OY SPR	2088 OY SPR	2089 OY SPR	2090 OY SPR	2091 OY SPR	2092 OY SPR	2093 OY SPR	2094 OY SPR	2095 OY SPR	2096 OY SPR	2097 OY SPR	2098 OY SPR	2099 OY SPR	2100 OY SPR	2101 OY SPR	2102 OY SPR	2103 OY SPR	2104 OY SPR	2105 OY SPR	2106 OY SPR	2107 OY SPR	2108 OY SPR	2109 OY SPR	2110 OY SPR	2111 OY SPR	2112 OY SPR	2113 OY SPR	2114 OY SPR	2115 OY SPR	2116 OY SPR	2117 OY SPR	2118 OY SPR	2119 OY SPR	2120 OY SPR	2121 OY SPR	2122 OY SPR	2123 OY SPR	2124 OY SPR	2125 OY SPR	2126 OY SPR	2127 OY SPR	2128 OY SPR	2129 OY SPR	2130 OY SPR	2131 OY SPR	2132 OY SPR	2133 OY SPR	2134 OY SPR	2135 OY SPR	2136 OY SPR	2137 OY SPR	2138 OY SPR	2139 OY SPR	2140 OY SPR	2141 OY SPR	2142 OY SPR	2143 OY SPR	2144 OY SPR	2145 OY SPR	2146 OY SPR	2147 OY SPR	2148 OY SPR	2149 OY SPR	2150 OY SPR	2151 OY SPR	2152 OY SPR	2153 OY SPR	2154 OY SPR	2155 OY SPR	2156 OY SPR	2157 OY SPR	2158 OY SPR	2159 OY SPR	2160 OY SPR	2161 OY SPR	2162 OY SPR	2163 OY SPR	2164 OY SPR	2165 OY SPR	2166 OY SPR	2167 OY SPR	2168 OY SPR	2169 OY SPR	2170 OY SPR	2171 OY SPR	2172 OY SPR	2173 OY SPR	2174 OY SPR	2175 OY SPR	2176 OY SPR	2177 OY SPR	2178 OY SPR	2179 OY SPR	2180 OY SPR	2181 OY SPR	2182 OY SPR	2183 OY SPR	2184 OY SPR	2185 OY SPR	2186 OY SPR	2187 OY SPR	2188 OY SPR	2189 OY SPR	2190 OY SPR	2191 OY SPR	2192 OY SPR	2193 OY SPR	2194 OY SPR	2195 OY SPR	2196 OY SPR	2197 OY SPR	2198 OY SPR	2199 OY SPR	2200 OY SPR	2201 OY SPR	2202 OY SPR	2203 OY SPR	2204 OY SPR	2205 OY SPR	2206 OY SPR	2207 OY SPR	2208 OY SPR	2209 OY SPR	2210 OY SPR	2211 OY SPR	2212 OY SPR	2213 OY SPR	2214 OY SPR	2215 OY SPR	2216 OY SPR	2217 OY SPR	2218 OY SPR	2219 OY SPR	2220 OY SPR	2221 OY SPR	2222 OY SPR	2223 OY SPR	2224 OY SPR	2225 OY SPR	2226 OY SPR	2227 OY SPR	2228 OY SPR	2229 OY SPR	2230 OY SPR	2231 OY SPR	2232 OY SPR	2233 OY SPR	2234 OY SPR	2235 OY SPR	2236 OY SPR	2237 OY SPR	2238 OY SPR	2239 OY SPR	2240 OY SPR	2241 OY SPR	2242 OY SPR	2243 OY SPR	2244 OY SPR	2245 OY SPR	2246 OY SPR	2247 OY SPR	2248 OY SPR	2249 OY SPR	2250 OY SPR	2251 OY SPR	2252 OY SPR	2253 OY SPR	2254 OY SPR	2255 OY SPR	2256 OY SPR	2257 OY SPR	2258 OY SPR	2259 OY SPR	2260 OY SPR	2261 OY SPR	2262 OY SPR	2263 OY SPR	2264 OY SPR	2265 OY SPR	2266 OY SPR	2267 OY SPR	2268 OY SPR	2269 OY SPR	2270 OY SPR	2271 OY SPR	2272 OY SPR	2273 OY SPR	2274 OY SPR	2275 OY SPR	2276 OY SPR	2277 OY SPR	2278 OY SPR	2279 OY SPR	2280 OY SPR	2281 OY SPR	2282 OY SPR	2283 OY SPR	2284 OY SPR	2285 OY SPR	2286 OY SPR	2287 OY SPR	2288 OY SPR	2289 OY SPR	2290 OY SPR	2291 OY SPR	2292 OY SPR	2293 OY SPR	2294 OY SPR	2295 OY SPR	2296 OY SPR	2297 OY SPR	2298 OY SPR	2299 OY SPR	2300 OY SPR	2301 OY SPR	2302 OY SPR	2303 OY SPR	2304 OY SPR	2305 OY SPR	2306 OY SPR	2307 OY SPR	2308 OY SPR	2309 OY SPR	2310 OY SPR	2311 OY SPR	2312 OY SPR	2313 OY SPR	2314 OY SPR	2315 OY SPR	2316 OY SPR	2317 OY SPR	2318 OY SPR	2319 OY SPR	2320 OY SPR	2321 OY SPR	2322 OY SPR	2323 OY SPR	2324 OY SPR	2325 OY SPR	2326 OY SPR	2327 OY SPR	2328 OY SPR	2329 OY SPR	2330 OY SPR	2331 OY SPR	2332 OY SPR	2333 OY SPR	2334 OY SPR	2335 OY SPR	2336 OY SPR	2337 OY SPR	2338 OY SPR	2339 OY SPR	2340 OY SPR	2341 OY SPR	2342 OY SPR	2343 OY SPR	2344 OY SPR	2345 OY SPR	2346 OY SPR	2347 OY SPR	2348 OY SPR	2349 OY SPR	2350 OY SPR	2351 OY SPR	2352 OY SPR	2353 OY SPR	2354 OY SPR	2355 OY SPR	2356 OY SPR	2357 OY SPR	2358 OY SPR	2359 OY SPR	2360 OY SPR	2361 OY SPR	2362 OY SPR	2363 OY SPR	2364 OY SPR	2365 OY SPR	2366 OY SPR	2367 OY SPR	2368 OY SPR	2369 OY SPR	2370 OY SPR	2371 OY SPR	2372 OY SPR	2373 OY SPR	2374 OY SPR	2375 OY SPR	2376 OY SPR	2377 OY SPR	2378 OY SPR	2379 OY SPR	2380 OY SPR	2381 OY SPR	2382 OY SPR	2383 OY SPR	2384 OY SPR	2385 OY SPR	2386 OY SPR	2387 OY SPR	2388 OY SPR	2389 OY SPR	2390 OY SPR	2391 OY SPR	2392 OY SPR	2393 OY SPR	2394 OY SPR	2395 OY SPR	2396 OY SPR	2397 OY SPR	2398 OY SPR	2399 OY SPR	2400 OY SPR	2401 OY SPR	2402 OY SPR	2403 OY SPR	2404 OY SPR	2405 OY SPR	2406 OY SPR	2407 OY SPR	2408 OY SPR	2409 OY SPR	2410 OY SPR	2411 OY SPR	2412 OY SPR	2413 OY SPR	2414 OY SPR	2415 OY SPR	2416 OY SPR	2417 OY SPR	2418 OY SPR	2419 OY SPR	2420 OY SPR	2421 OY SPR	2422 OY SPR	2423 OY SPR	2424 OY SPR	2425 OY SPR	2426 OY SPR	2427 OY SPR	2428 OY SPR	2429 OY SPR	2430 OY SPR	2431 OY SPR	2432 OY SPR	2433 OY SPR	2434 OY SPR	2435 OY SPR	2436 OY SPR	2437 OY SPR	2438 OY SPR	2439 OY SPR	2440 OY SPR	2441 OY SPR	2442 OY SPR	2443 OY SPR	2444 OY SPR	2445 OY SPR	2446 OY SPR	2447 OY SPR	2448 OY SPR	2449 OY SPR	2450 OY SPR	2451 OY SPR	2452 OY SPR	2453 OY SPR	2454 OY SPR	2455 OY SPR	2456 OY SPR	2457 OY SPR	2458 OY SPR	2459 OY SPR	2460 OY SPR	2461 OY SPR	2462 OY SPR	2463 OY SPR	2464 OY SPR	2465 OY SPR	2466 OY SPR	2467 OY SPR	2468 OY SPR	2469 OY SPR	2470 OY SPR	2471 OY SPR	2472 OY SPR	2473 OY SPR	2474 OY SPR	2475 OY SPR	2476 OY SPR	2477 OY SPR	2478 OY SPR	2479 OY SPR	2480 OY SPR	2481 OY SPR	2482 OY SPR	2483 OY SPR	2484 OY SPR	2485 OY SPR	2486 OY SPR	2487 OY SPR	2488 OY SPR	2489 OY SPR	2490 OY SPR	2491 OY SPR	2492 OY SPR	2493 OY SPR	2494 OY SPR	2495 OY SPR	2496 OY SPR	2497 OY SPR	2498 OY SPR	2499 OY SPR	2500 OY SPR</																																																																																																																																																																																																																																																																														

PETRALE VALUE

Table 5-13. Revenues 2007 (in dollars)

Stock or Complex	Washington State Ports	Astoria, OR	Brookings, OR	Charleston/ Coco Bay, OR	Newport, OR	Bodega Bay, CA	Crescent City, CA	Eureka, CA	Fort Bragg, CA	Monterey, CA	Morro Bay, CA	Moss Landing, CA	Petaluma/ Half Moon Bay, CA	San Francisco, CA	Grand Total
Lingcod	17,794	56,753	5,520	20,439	7,346										107,852
Pacific Halibut	42,241	25,884													68,125
Pacific Whiting	4,661,350	3,392,616	274	502,434	3,629,798						34				12,613,831
Sablefish	37,864	1,775,555	475,608	1,124,655	1,124,655						11,337	22,018	7,895	229,693	7,245,558
PACIFIC OCEAN															
PERCH	19,216	63,715	-	2,651	18,750			19							104,351
WIDOW	25,775	46,163	-	178	5,483			826	97					4	78,598
CANARY	1,280	661		118	671			2	461	122			33	756	4,104
Chilipepper								5,051	16,571	11,523	588		5,818	19,920	62,411
BOCACIO								11	263		14		311	58	657
Sprinkles Rockfish								4	10,716	28,447	285			14,356	53,808
Yellowtail Rockfish	94,641	48,931		395	4,987			100	608				97	2,132	151,894
Shortfin Mako	35,428	329,908	46,915	132,145	252,274			175,537	79,717	488	1,043	11,991	1	48,573	1,145,903
Longspine															
Thornyhead	9,925	99,933	79,615	147,824	45,653			255,830	110,393	382	788	14,145		54,441	855,270
Other thornyheads															
DARKBLOTCHED	2,688	25,722	5,953	30,535	15,512			4,682	11,772	31,451	1,753	420		8,631	132,621
YELLOWTILE	22	67		25	4							122		265	118
Black Rockfish	794	332		9	4								3		1,138
Morone chrysops															
Rockfish	20	15		4					72						438
Minor Shelf Rockfish	759	1,820	13	634	42			18	89	723	3,969	57	23,838	5,181	38,117
Minor Spotted Rockfish	15,006	57,850	4,395	5,238	25,931			3,742	8,713	47,650	241	15,773	14,553	1,150,331	205,801
Cabezon		23													
Dover Sole	1,452,272	1,988,618	462,987	1,110,520	851,921			326,960	1,183,718	425,210	331	10,859	247,793	247,437	7,074,539
English Sole	58,322	167,676	7,784	40,991	7,193			13,254	62,575	16,992	67	2,053	15,263	11,955	437,115
Petalite Sole	258,394	1,203,671	194,173	609,958	206,508			113,021	450,328	423,091	602	1,172	187,545	230,217	4,153,689
Arrowtooth Flounder	73,040	277,442	1,852	41,444	29,422			922	11,696	550					436,478
Starry Flounder	17,879	5,871		10				8	488						
Other Flatfish	20,826	237,127	40,790	102,745	25,539			42,221	79,052	18,168	12		10,558	5,399	39,690
Other Fish	25,773	2,345		3	137					11,608	14		89,472	31,419	699,526
Spiny Dogfish	41,181	135,843	12,913	169,794	67,515					3,429		1,860			37,844
Total	6,385,129	9,981,052	1,338,792	4,092,789	6,671,834	70,743	979,576	3,515,498	1,628,547	172,165	15,560	70,122	363,210	974,144	36,269,261

From: Status of the Pacific Coast Groundfish Fishery
 Stock Assessment and Fishery Evaluation, Volume I
 Prepared by the Pacific Fishery Management Council
 March 2008

GROUNDFISH MANAGEMENT TEAM REPORT ON PART I MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

In preparation for the Council's preliminary preferred groundfish harvest specifications for 2011-2012, the Groundfish Management Team (GMT) discussed the continued use of set asides to account for species impacts in specific fisheries, exempted fishing permits (EFPs) or research activities. Currently, the GMT has discussed only overfished species set aside amounts and plans to discuss and make recommendations for non-overfished species set aside amounts as needed when analyzing management measures.

Set aside amounts are an important consideration for the Council to make before deciding on final harvest specifications. The Council does not have direct management control over some of these fisheries or the research activities, nevertheless, the bycatch must be considered in the accounting of total mortality. Likewise, for some fisheries (e.g. salmon troll) further action is not being considered at this time to reduce impacts to groundfish because changes to the current management measures are unlikely to result in appreciable reductions in overfished species impacts. As such, the Council must make a best estimate of the bycatch and take it "off the top." With this "off the top" adjustment in place, the Council then determines how to best control the fisheries it does manage in a way that maintains total catch below each rebuilding annual catch limit (ACL).

Tribal

The following description of set-asides for the tribal fisheries gives some of the rationale behind the numbers found in the GMT scorecard to estimate bycatch by fishery and sector. The methods used to estimate these impacts represent the best judgment of tribal fishery managers based on both past performance and anticipated potential impacts in the coming season(s). Though the impact estimates are divided by fishery for the sake of precision in estimating overfished species impacts, tribal managers typically manage to stay within overall projected impacts (i.e., across fisheries).

Whiting Fishery

The GMT updated the 2010 set-asides for the tribal whiting fishery at the March 2010 Pacific Council meeting. This was based on the whiting set aside amounts described in the proposed rule for 2010 Tribal Fishery for Pacific Whiting (75 FR 11829, March 12, 2010). Using the methodology described in the 2009-2010 harvest specifications and management measures Environmental Impact Statement (EIS), the GMT calculated 4.3 mt for canary, 0.1 mt for darkblotched, 7.2 mt for Pacific ocean perch (POP), 5 mt for widow, and 0 mt for yelloweye rockfish (Table 1). This methodology used a weighted average approach for calculating Makah's bycatch rate assuming recent years are more representative of bycatch. Those rates are tripled to provide a conservative estimate of potential bycatch for the Quileute Tribe's developing fishery.

Table 1. Estimated bycatch (mt) in the tribal whiting fisheries for 2010.

Sector	Canary	Darkblotched	POP	Widow	Yelloweye
Makah	1.78	0.02	2.99	2.06	0.00
Quileute	2.52	0.03	4.22	2.92	0.00
Total Tribal	4.30	0.05	7.21	4.99	0.00

Non-Whiting Midwater Trawl Fishery

The Makah Tribe is the only tribe that conducts a midwater trawl fishery. The fishery targets yellowtail rockfish and the combined fleet is subject to a limit of 180,000 lbs/2 months. Overfished species bycatch in this fishery consists of widow and canary rockfish. Widow rockfish are subject to an annual limit of 10 percent of the weight of yellowtail landed and may be changed inseason to stay within projected impacts. This was changed from a per-landing limit in 2010 in response to increasing encounters of widow rockfish on some trips. The set-aside of 40 mt is based on the maximum expected catch of yellowtail (490 mt) as well as recent bycatch in the fishery (Table 2). Canary rockfish is subject to a limit of 300 lbs/trip. As reflected in Agenda Item F.9.c, Supplemental GMT Report, June 2008 the canary set-aside was changed beginning in 2009:

The GMT notes that one change in the set-asides for overfished species from these fisheries compared to status quo is the increased estimate of canary rockfish in the Makah midwater trawl fishery targeting yellowtail rockfish. Due to higher encounters of canary bycatch in recent years, particularly 2007 and 2008, the Tribe has been unable to successfully prosecute the fishery while remaining within the canary estimate provided in the scorecard. The Makah Tribe is proposing a doubling of those estimated impacts (from 1.8 mt to 3.6 mt) to allow for resumption of the fishery given increased availability of canary rockfish yield in 2009-2010.

Table 2. Catch in metric tons of canary, widow, and yellowtail rockfish in the Makah midwater trawl fishery for 2005-2009.

Species	2005	2006	2007	2008	2009
canary	1.9	0.9	0.0	0.6	1.3
widow	25.6	9.2	0.5	13.0	35.1
yellowtail	480.0	111.2	7.3	155.5	429.1

Bottom Trawl Fishery

The Makah Tribe is also the only tribe conducting a bottom trawl fishery. Overfished species bycatch is primarily canary rockfish and Pacific ocean perch (POP). The canary set aside of 0.8 mt is based on recent average catch which has remained fairly consistent (Table 3). The high

catch in 2009 was the result of increased encounters associated with Pacific cod availability (as well as commensurate lower impacts from other Makah fisheries). POP bycatch is more variable in recent years. The set-aside for POP is 3.7 mt based on the highest year of landings (2006).

Table 3. Catch in metric tons of canary rockfish and Pacific ocean perch in the Makah bottom trawl fishery for 2005-2009.

Species	2005	2006	2007	2008	2009
canary	0.8	0.5	0.8	0.6	1.5
POP	3.2	3.7	1.8	0.6	0.2

Salmon Troll Fishery

These estimates include catch from all tribes participating in the treaty troll fishery. The canary set aside of 0.5 mt is based on the highest recent landings from 2004-2005 (Table 4). Using a similar approach for yelloweye would lead to a set-aside of 0.2 mt while using the average of recent years would result in 0.1 mt. The tribes are not recommending a set-aside specific to the treaty troll fishery as the scorecard currently contains a conservative estimate of yelloweye impacts (see below) for the long line fisheries for Pacific halibut and sablefish and tribes will manage all fisheries to stay within that estimate.

Table 4. Catch in metric tons of canary and yelloweye rockfish in the treaty troll fishery for 2005-2009.

Species	2005	2006	2007	2008	2009
canary	0.6	0.2	0.1	0.1	0.0
yelloweye	0.2	0.1	0.1	0.1	0.0

Fixed Gear Fishery

The coastal tribes participate in longline fisheries for Pacific halibut and sablefish. Set asides for these fisheries are based on combined past performance of these closely related fisheries (Table 5). The set aside for canary is 0.3 mt and is based on average historical catch from 2001-2009. An average is used for canary given they are not predictably associated with target species and the trend across this time period is generally decreasing. For yelloweye, bycatch is more strongly associated with target species, especially when they are located on the shelf. Another factor in estimating bycatch is the lack of a trip limit during open competition halibut fisheries. The set-aside for yelloweye is 2.3 mt, representing the highest amount of bycatch from a year when yelloweye were classified as overfished and when the status quo halibut plan under a recent court ruling in *U.S. v Washington* was in place (i.e. 2002). The status quo halibut plan that was in place for 2001-2003, and includes an open competition fishery, is the same plan that is in effect for the 2010 fishery and likely to be in place for 2011-2012.

Table 5. Catch in metric tons of canary and yelloweye rockfish in treaty longline fisheries for 2001-2009.

Species	2001	2002	2003	2004	2005	2006	2007	2008	2009
canary	1.1	0.3	0.5	0.5	0.2	0.2	0.0	0.1	0.1
yelloweye	2.9	2.3	0.2	0.7	0.6	0.4	0.3	0.1	0.1

Non-treaty Incidental Open Access

California Halibut trawl fishery

The California halibut trawl fishery is a state permitted fishery that operates in southern California. Commercial trawling is prohibited in all state waters except for the California halibut trawl grounds located south of Point Conception. Conservation measures such as minimum mesh sizes, minimum poundage limits, closed seasons, and Federal observer coverage have been implemented to reduce bycatch of species other than California halibut.

The GMT reviewed the 2008 total mortality report and examined state landing receipts to determine the best estimate of overfished species impacts from this fishery. Observer data from the limited entry and open access fisheries indicate no discards of any overfished species in this fishery except canary rockfish, which was miniscule. State landing receipts from 2004 -2008 indicate trace landings of bocaccio rockfish. Impacts to overfished species are not expected in this fishery because it occurs in an area with low overfished species encounters because it takes place and over sandy bottom habitat. The best estimates of impacts to this fishery have been updated in Table 6.

California Gillnet Fishery

The California gillnet fishery is a state permitted fishery that occurs in California. This fishery is not observed under the federal groundfish observer program. State landing receipts from 2004-2008 indicate small landings of bocaccio (0.3 mt) and widow rockfish (2.9 mt) in this fishery. Minimal impacts to overfished species are expected in this fishery because this gear is not allowed inside the Rockfish Conservation Areas (RCAs) and is subject to depth restrictions which preclude them from fishing in nearshore waters. The best estimates of impacts to this fishery based on state landing receipts have been updated in Table 6.

California Sheephead Fishery

The California sheephead fishery is a state permitted fishery that is primarily taken by trap gear in southern California. This fishery is not observed under the federal groundfish observer program. State landing receipts from 2004-2008 indicate trace amounts of bocaccio rockfish in this fishery. Impacts to overfished species are not expected in this fishery because it occurs in an area of low overall bycatch of overfished species.

Coastal Pelagic Species (CPS) – Wetfish Fishery

The CPS fishery for wetfish is a limited entry fishery that occurs coastwide. In California, this fishery primarily occurs in Monterey and southern California. CPS (sardine, anchovy, jack mackerel, Pacific mackerel) are targeted with “round-haul” gear including purse and drum seines.

In the sardine fishery, 2009 landings data indicate no catch of overfished species (however groundfish species are not required to be landed). In California, state landing receipts from 2004-2008 indicate trace landings of bocaccio rockfish in this fishery. In Oregon reported logbook and observed catches of non-target species caught in the Oregon sardine fishery showed no catch of rockfish (Table 13 of the 2008 SAFE document). Washington at-sea observer data also indicates miniscule amounts of bycatch. Impacts to overfished species are not expected in this fishery because it occurs in an area of low overall bycatch of overfished species

Coastal Pelagic Species – Squid Fishery

The CPS fishery for squid is a limited entry fishery that is focused around two major fishery areas in California: northern California (Monterey Bay) and southern California (ports of Ventura, Port Hueneme, San Pedro, and Terminal Island). Targeting occurs on shallow-water spawning aggregations with “round-haul” gear similar to the CPS wetfish fishery. This fishery is not observed under the federal groundfish observer program. State landing receipts from 2004-2008 indicate trace amounts of bocaccio rockfish in this fishery. Impacts to overfished species are not expected in this fishery, because targeting occurs over sandy bottom habitat. Rocky reef areas (where many overfished groundfish species occur) are avoided due to gear conflicts. The Council’s SAFE reports also have bycatch information for some of the other CPS fisheries (based on Observer or logbook information). For example, the report showed that the frequency of bycatch in observed loads of California market squid (2003-2007) was less than 1 percent for bocaccio rockfish (the highest annual incidence rate was 0.8 percent).

Dungeness Crab Fishery

The Dungeness crab fishery is a restricted access fishery that occurs on the west coast. This fishery targets Dungeness crab using trap gear in shallow waters. Conservation measures such as gear modifications have been implemented to reduce bycatch, specifically crab pots are constructed with escape rings designed to let small fish and small crab escape and pots are made with a release mechanism to allow escapement of all animals that are caught by lost pots. These measures have been implemented to reduce bycatch of species other than crab. Fishermen in this fishery are not permitted to land incidental species except for octopus, so information on groundfish species is limited.

This fishery is not observed under the federal groundfish observer program. California state landing receipts from 2004-2008 indicate trace landings of bocaccio and darkblotched rockfish in this fishery. Impacts to overfished species are not expected in this fishery due to the selectivity of the gear.

Highly Migratory Species (HMS) Fishery

The fishery for HMS is an open access fishery on the West Coast, with the exception of the swordfish drift gillnet fishery off California. Targeting of tunas, sharks, billfish/swordfish, and other pelagic species occurs with a variety of gears (troll gear, drift gillnets, pelagic longline, purse seines) and in waters ranging from the nearshore to outside the 200-mile zone. This fishery is not observed under the federal groundfish observer program. State landing receipts from 2004-2008 indicate small landings of bocaccio rockfish and trace landings of darkblotched rockfish in this fishery. Impacts to overfished species are not expected in this fishery, because most of the targeting occurs in the offshore, in the open ocean where few overfished rockfish species are expected to occur.

Ridgeback prawn Fishery

The ridgeback prawn trawl fishery is a state permitted fishery that primarily occurs in southern California within the California halibut trawl grounds. This fishery is not observed under the federal groundfish observer program. State landing receipts from 2004-2008 indicate no landings of overfished species in this fishery. Impacts to overfished species are not expected in this fishery because it occurs in an area of low overall bycatch of overfished species and over sandy bottom habitat. The best estimates of impacts to this fishery have been updated in Table 6.

Sea Cucumber Trawl Fishery

The Sea cucumber trawl fishery is a state permitted fishery that primarily occurs in southern California within the California halibut trawl grounds. This fishery is not observed under the federal groundfish observer program. State landing receipts from 2004-2008 indicate trace landings of bocaccio rockfish in this fishery. Impacts to overfished species are not expected in this fishery because it occurs in an area of low overall bycatch of overfished species and over sandy bottom habitat.

Spot Prawn Fishery

The spot prawn fishery is a state permitted fishery that is taken by trap gear in California. The fishery occurs from just north of Monterey Bay to southern California. This fishery is not observed under the federal groundfish observer program. State landing receipts from 2004-2008 indicate no landings of overfished species in this fishery. Impacts to overfished species are not expected in this fishery because it occurs in an area of low overall bycatch of overfished species.

Pink Shrimp trawl fishery

The pink shrimp trawl fishery is not restricted by an RCA, but approved bycatch reduction devices or fish excluders in shrimp trawls are mandated to minimize incidental groundfish bycatch. 2007 was the first year that observer discard ratios from the pink shrimp fishery were used to estimate fleet-wide amounts of groundfish discards. The West Coast Groundfish Observer Program (WCGOP) observer reports show total mortality for darkblotched rockfish at 18 mt (2007) and 11 mt (2008), therefore for 2011-2012 the GMT recommends using a yearly set aside amount of 15 mt for darkblotched rockfish which is the mean of the 2007 and 2008 observed catch rounded to the nearest whole metric ton. Given the results of the 2007 and 2008 total mortality reports, the GMT recommends yearly set asides for POP of 0.1 mt because this is the amount landed in both 2007 and 2008 and 0.4 for canary rockfish, there was 0.4 mt landed in 2007 and 0.3 mt in 2008, 0.4 is the average rounded up accordingly. The best estimates of impacts to this fishery have been updated in Table 6.

Salmon Troll Fishery

The salmon troll fishery operates all along the west coast, however in recent years the fishery has been severely restricted because of salmon abundance and the set asides recommended by the GMT have been reduced accordingly. Currently the salmon troll fishery is exempted from RCA restrictions, but groundfish species, including lingcod, are not allowed to be retained while fishing in the non-trawl RCA. Salmon trollers are required to have VMS on their vessels and there are two mandatory yelloweye rockfish conservation areas (YRCAs) and two voluntary YRCAs that apply to salmon trollers. Currently there are set aside amounts in the salmon troll fishery for canary, bocaccio, widow and yelloweye rockfish. The canary impacts that the GMT accounts for in the salmon troll fishery changed after 2005 because the salmon fishery was

shifting from one with higher Chinook quotas to higher coho quotas, and canary bycatch in that fishery was most associated with Chinook targeting. The yield set asides were 1.6 mt (2005), 2 mt (2007/2008) and 0.8 mt (2009/2010). Because of the possible higher Chinook opportunities in the north for 2011-2012 the GMT recommends using 1.6 mt as the canary yield set aside in the salmon troll fishery. The other overfished species set aside amounts should remain the same as 2009/2010 because the GMT does not have any new information which would indicate a change in impacts. The best estimates of impacts to this fishery have been updated in Table 6.

Directed Pacific Halibut Fishery

The directed commercial fishery for Pacific halibut is managed and monitored by the International Pacific Halibut Commission (IPHC) and occurs south of Pt. Chehalis, WA. The fishery has bi-weekly ten hour openings, during which IPHC registered vessels have halibut trips limits varying on the vessel size. During directed commercial halibut openings, the non-trawl RCA is moved to 100 fm from 125 fm. However, due the 100-fm RCA being defined by waypoints rather than exactly following the bathymetric curve, there are some areas as shallow as 75 fm that are open during the halibut fishery. The GMT discussed the availability of data from the IPHC annual setline stock assessment survey stations south of Pt. Chehalis and outside of 100 fm, fish tickets, and logbooks, as well as the anticipated quota and number of openings for 2011 and 2012, and had conversations with Pacific halibut harvesters. While the Team believes that the impacts from the directed commercial halibut fishery are greater than zero for yelloweye and canary rockfish, we do not have the ability to quantify what that impact would be, given current data. Therefore, 0.0 mt is in Table 6 as a place holder to indicate that there is some level of yelloweye and canary rockfish impact from the directed commercial halibut fishery, even though the Team cannot quantify what those impacts are.

Table 6. Updated incidental Open Access impacts by fishery

GMT Scorecard - amounts updated April 1, 2010							
	Bocaccio b/	Canary	Cowcod	Dkbl	POP	Widow	Yelloweye
Open Access: Incidental Groundfish TOTAL	0.8	1.7	0.0	15.0	0.0	3.3	0.3
CA Halibut	0.0						
CA Gillnet c/	0.3					2.9	
CA Sheephead c/	0.0						
CPS- wtfish c/	0.1					0.0	
CPS- squid d/	0.0						
Dungeness crab c/	0.0			0.0			
HMS b/	0.1			0.0			
Pacific Halibut c/	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Pink shrimp	0.1	0.1	0.0	15.0	0.0	0.1	0.1
Ridgeback prawn							
Salmon troll	0.2	1.6				0.3	0.2
Sea Cucumber	0.0						
Spot Prawn (trap)							

Research

Overfished groundfish species are caught in scientific research projects off the West Coast. Annually, in the total mortality reports, NMFS NWR provides the NWFSC with the best available estimates of groundfish species mortality in scientific research. These best estimates of research are deducted “off the top” before any allocations are made to groundfish fisheries. Table 8 summarizes overfished groundfish species mortality in scientific research from 2005-2008.

Given the variation in the research catches the GMT recommends using the maximum amounts seen for each species from 2005-2008, except for yelloweye which is discussed below. For example, canary rockfish impacts are highly variable and the Council might want to be more precautionary in establishing the set aside given that “lightning strikes” have forced the Council to restrict other fisheries in the past and canary rockfish is a constraining species; however, the Council may also want to weigh the likelihood of similar high impact events in calculating the set aside (i.e. as in the 2010 scorecard). Additionally, darkblotched catches in research have been close to 1 mt from 2005-2008 (except for 2005), however the GMT currently has a remainder of 18.4 mt in the scorecard for darkblotched. If the Council chooses to leave some residual in the scorecard for 2011-2012, then keeping the research set aside at 1.0 will most likely accommodate fisheries; whereas if the research were to take twice that much and the rest of the darkblotched ACL were fully subscribed, then it might be best to establish the set aside as the maximum that is currently in the scorecard.

At the March 2010 meeting the Council chose to use 1.1 mt for yelloweye in the IPHC survey (see Agenda Item E.5.b, Supplemental GMT Report), which along with other yelloweye research catches results in a research set aside for yelloweye of 3.3 mt. Therefore the GMT recommends using a yelloweye set aside in research of 3.3 mt, rather than the highest amount from the 2005-2008 Total Mortality Reports, which is reflected in the GMT recommendations in Table 8.

Table 7. Research Catches in metric tons from 2005-2008 and the median, average, maximum and minimum by species.

Year	Bocaccio	Canary	Cowcod	Dkbl	POP	Widow	Yelloweye
2008	1.2	1.8	0	1	1	1	1
2007	1	3	0	1	1	0	2
2006	0.2	7.2	0	0.9	1.2	0.2	0.1
2005	1.7	2.3	0.1	2.1	1.8	1.6	0.6
Median	1.1	2.7	0.0	1.0	1.1	0.6	0.8
Average	1.0	3.6	0.0	1.3	1.3	0.7	0.9
Max	1.7	7.2	0.1	2.1	1.8	1.6	2.0
Min	0.2	1.8	0.0	0.9	1.0	0.0	0.1

EFPs (non-whiting)

In November 2009, the Council recommended catch limits for overfished species in five non-whiting EFPs that would operate in 2010 and, in some cases, continue for a 12-month period that may extend into 2011. The set asides for non-whiting EFPs may change for 2011-2012, depending on projected impacts to overfished species in non-EFP fisheries, the number and type of EFP projects that are recommended, etc. For analytical purposes, we assume the same catch limits are adopted in 2011-2012 as were adopted for the 2010 EFP (Table 8).

Table 8. GMT Recommended 2011-2012 Set Aside for overfished species.

DRAFT GMT Recommended Set-Asides for Use in 2011-2012 SPEX Analysis							
	Bocaccio	Canary	Cowcod	Darkblotched	POP	Widow	Yelloweye
Category	South 40°10 N. Lat.		South 40°10 N. Lat.				
Tribal Whiting Trawl		4.3		0.1	7.2	5.0	0.0
Tribal Midwater trawl		3.6		0.0	0.0	40.0	0.0
Tribal Bottom Trawl		0.8		0.0	3.7	0.0	0.0
Tribal Troll		0.5		0.0	0.0		0.0
Tribal Fixed Gear		0.3		0.0	0.0	0.0	2.3
Open Access: Incidental	0.8	1.7	0.0	15.0	0.0	3.3	0.3
Research	1.7	7.2	0.1	2.1	1.8	1.6	3.3
EFP	11.0	1.3	0.2	1.5	0.1	11.0	0.4
Subtotal	13.5	19.7	0.3	18.7	12.8	60.9	6.3

GMT Recommendations

1. Use the values in Table 8 as the set asides for 2011-2012.

GROUND FISH MANAGEMENT TEAM REPORT ON PART 1 OF MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

The Groundfish Management Team (GMT) considered the preliminary range of management measures for 2011-2012 fisheries adopted by the Council in November 2009 (Agenda Item I.4.a Attachment 2) and provides the following comments for Council consideration. This list does not cover all the necessary analysis required of the GMT but does represent items that were adopted by the Council at its November 2009 meeting.

Overarching

- Ensure consistency with Amendment 23: Annual Catch Limits and Accountability measures
- Develop a petrale sole building plan and corresponding management measures
- Analyze impacts to protected resources using best available science
- Implement sorting requirements for species that have management targets
- For new tribal Pacific whiting fisheries, analyze projected impacts to overfished species and the associated management implications in coordination with the tribes
- Analyze management measures for the limited entry trawl fishery as a contingency place in the event that trawl rationalization is implemented later than January 1, 2011 (see page 8).

Analyses to Remove from Consideration

The GMT recommends removing the following analyses from the list of proposed management measures in the 2011 and 2012 cycle.

Overarching

Modify commercial size limits for lingcod in Oregon and California

This analysis was originally requested to increase commercial retention of lingcod, which is currently harvested well below the optimum yield (OY). Recent assessments show that both the northern and southern stocks have rebounded to healthy levels with depletions exceeding 60 percent. However, the take of lingcod in the commercial nearshore fishery will continue to be restricted by bycatch of yelloweye rockfish. Since there will not likely be any appreciable increase to yelloweye rockfish specifications, modifying the size limit could increase overall landings of lingcod resulting in early fishery closure.

The GMT received an update from Oregon Department of Fish and Wildlife (ODFW) and California Department of Fish and Game (CDFG) staff indicating lack of public support and recommend removing this analysis from consideration. **The GMT agrees and recommends removing it from the list of analyses.**

Pacific Whiting

Analyze Pacific whiting trip limits south of 42° N lat.

Industry requested Pacific whiting trip limits for the early season in California as a way to discourage larger vessels from moving south to participate in the fishery and causing early attainment of the allocation (5 percent of the shoreside allocation). The GMT notes that trip limits may be unnecessary once the fishery becomes rationalized. The GMT also recognizes that fully understanding the implications of limiting participation indirectly via trip limits represents a significant workload for a management measure that will be in place for at most only one year. The Council recommended that this be considered a lower priority therefore the **GMT recommends it be removed from consideration.**

Limited Entry Non-whiting Trawl

Analyze additional trawl lines south of 40°10' N lat.

This analysis was originally suggested as a way to reduce bycatch (of bocaccio and cowcod) in one area by further restricting the Rockfish Conservation Area (RCA), while liberalizing opportunities in other areas. Limited bycatch data in this area exists to inform the impacts of this analysis. During final decisions on the trawl rationalization program, the Council chose to use a broad scale division of overfished species in this area (as opposed to a fine scale division) due to the limited information in this area. Under trawl rationalization, the requirement of 100% observer coverage could provide more informative data on bycatch rates which could be used to refine trawl lines in the future, if necessary.

Therefore the GMT recommends this analysis be removed from the list of 2011-12 management measures. The GMT will continue to work with the West Coast Groundfish Observer Program (WCGOP) to investigate other “natural breaks” in bycatch rates which may be more informative to reduce overfished species impacts.

Fixed Gear Fisheries

Modify Cowcod Conservation Area (CCA) boundaries to increase slope rockfish opportunities

This analysis was originally requested as a way to provide increased slope rockfish opportunities (particularly blackgill rockfish) in specific locations within the CCA. A very similar request to modify some of the western boundaries of the CCA from 200 fm to 175 fm to allow increased harvest of blackgill rockfish was recommended by the Council during the 2007-08 management cycle. It was ultimately rejected by NMFS due to concerns of the potential for increased harvest of cowcod and an increased risk in exceeding the rebuilding OY and was not adopted into federal regulations.

The GMT recommends removing this from the list of 2011-12 management measures for analysis for the following reasons: (1) the GMT is concerned that any new surveys in a CCA with modified boundaries will not be directly comparable to previous studies; (2) under the new Amendment 23 requirements, the blackgill contribution to the minor shelf complex south of 40°10' N lat may decrease resulting in less available yield; and (3) the Council assigned this analysis a low priority in November 2009.

Remove shelf closure in March/April, South of 34°27' N Lat.

Industry requested this analysis in an attempt to align the commercial and recreational fishing seasons south of 34°27' N. lat. and provide increased fishing opportunities. Fishing opportunities were greatly restricted for recreational and commercial fisheries on the shelf in 2000 due to the overfished declarations of many groundfish stocks. In 2000, the Council adopted differential season closures north and south of 34°27' N. lat. to reduce projected impacts to overfished species in the recreational fisheries. The same closures were also adopted for the commercial fishery for ease of enforcement.

The Council unlinked the recreational and commercial shelf closures in 2003; the commercial closures still in effect today prohibit fishing on the shelf from March through April. The recreational fishery is closed in January and February. Closures on the shelf are meant to provide protection for overfished rockfish stocks.

The GMT recommends removing this analysis from 2011-12 management measures. Removing the shelf closure in March and April would not protect bocaccio, as originally intended, and could potentially increase impacts to overfished species like bocaccio.

Recreational Fisheries

Exempt federally managed flatfish from recreational depth and season closures in California

The intention of this analysis is to determine whether depth and season restrictions for federal flatfish could be eliminated without increased impacts to overfished species or excessive impacts to the target species. Exemption of federally managed flatfish, including petrale sole, from depth and season closures may be not be prudent at this time given the depleted status of petrale sole. This management option may be reconsidered once the petrale sole stock has rebuilt. **The GMT recommends removing this from the analysis.**

Modify California recreational regulations regarding filleting at sea

The intention of this management measure was to disallow filleting of groundfish species at sea to minimize the number of fish that are unavailable for identification by anglers. Current regulations require the full skin to remain attached to the fillet to facilitate identification of filleted fish. Feedback from the public has identified a number of potentially adverse effects from prohibition of filleting at sea. Deck hands make a considerable portion of their income from filleting the catch of patrons on the way back to port. A prohibition on filleting at sea would result in reduction in much needed income.

The fish reported by the in the "plan to eat" disposition code make up less than 9 percent of unidentified rockfish. Filleted fish make up an unknown but likely a small fraction of this percentage since anglers are required to leave the entire skin attached allowing identification of filleted fish. Given the limited potential for reduction of unidentified rockfish in the recreational catch, **the GMT does not recommend changing filleting at sea regulations in the 2011-2012 season.**

The GMT further notes that, at the March RecFIN Technical Committee meeting, they recommended pursuing Marine Recreational Information Program funds to address unidentified fish in all recreational fisheries.

Recreational rockfish fishery seaward of 150 fm off California

Currently, take and possession of groundfish besides ‘other flatfish’ is prohibited seaward of the recreational depth restriction in each management area. This management measure would establish a recreational fishery for rockfish seaward of the 150 fm RCA line using bottom contact gear, float and long leader fishing gear, or traditional fishing gear. This would provide increased opportunities and remove pressure on nearshore waters. Consideration of this management measure was dependent on the availability of sufficient data from the Recreational Fishing Alliance exempted fishing permit (EFP) for chilipepper to evaluate bycatch rates for overfished species. In the last two years of the EFP, the timing of permitting and issuance for a given annum rather than a year from the date of issuance has prevented the EFP participants from having the permit in January through April when there is likely to be sufficient demand for EFP fishing trips due to the lack of the alternative fishing opportunities during this period. As a result there is not sufficient catch data to analyze the potential impacts management measure at this time. This management measure may be considered in the next management cycle if sufficient data from the EFP is available. **The GMT recommends removing this from the analysis.**

Modify recreational size limits for lingcod in Oregon and Washington

The lingcod size limit could be modified to allow additional catch since the northern lingcod stock has been rebuilt. In recent years the lingcod harvest has been well below the harvest guideline for the northern stock. Currently both Washington and Oregon have a 22-inch minimum size. Advisors were hesitant to change the minimum size limit, since the current regulations are consistent between Oregon and Washington. There were also concerns over changing behavior of anglers and increased impacts to canary or yelloweye rockfish. Therefore, since there is not a conservation concern, **the GMT recommends removing modification of lingcod size limits in recreational fisheries in Oregon.**

Mandatory logbooks for recreational charter vessels in Oregon and Washington

Consideration of a logbook program is mandated under the Magnuson-Stevens Act Reauthorization, though implementation is not required. This action is consistent with the Purpose and Need of ensuring that rebuilding plans are met because logbooks could provide data needed to monitor catch inseason and assess stocks of recreational caught species. Logbooks could provide effort estimates for this fishing mode with greater accuracy than current estimation methods, although depending on the program infrastructure, the information may not be as timely as needed for inseason management. Logbooks may also provide additional information that is not currently being collected through the state recreational sampling and survey programs (e.g., location data, catch per unit of effort [CPUE], and data useful for economic analysis). This data may help identify areas to be avoided to protect overfished species and may also provide valuable information for stock assessments. There may be other methods for collecting additional information from this harvest sector that are more accurate (e.g., observers). The workload associated with the Environmental Impact Statement (EIS) analysis would not be high, yet design, implementation, and funding of a mandatory coastwide logbook program, that meets state and Federal requirements, would require coordination between NMFS and the states.

The GMT recommends removing this from the list of management measures for 2011 and 2012. Catch and effort information is currently available via existing state programs, logbooks from the California recreational for-hire vessels, the Oregon Recreational Boat Survey (ORBS), and the Washington Ocean Sampling Program (OSP). There is also the issue of funding both at the state and federal levels to create, implement, analyze, and enforce a mandatory logbook program.

Cold spot analysis for canary and yelloweye rockfish for potential groundfish fishing areas (GFAs)

There is considerable uncertainty, complexity, and workload associated with analyzing cold spots (as part of the hot spot/cold spot analysis for canary and yelloweye rockfish described in more detail below). **The GMT recommends that the cold spot analysis is not analyzed for the 2011-2012 EIS.**

Status of Ongoing Analyses:

Overarching

Federal Landings Requirement

The GMT was apprised of a Washington Department of Fish and Wildlife (WDFW) request to change to the federal groundfish regulations that would require groundfish caught in the west coast Exclusive Economic Zone to be landed in one of the three west coast states unless specifically exempted. Rules on landing groundfish are currently a matter of state regulation. Nothing in Washington state law would prohibit the landing of U.S. groundfish into Canada or the at sea processing of most groundfish species. In recent years, the states and NMFS have received interest in at-sea processing of species like grenadier and dogfish. This presents some risk to our ability to track landings and enforce trip limits; however, the GMT has no information that the present regulations present any major concerns for tracking of landings. **The GMT recommends including this in the analysis for 2011-2012.**

Redefine ownership and control of the limited entry sablefish tiered program

The Region informed the GMT that this request would not be analyzed as part of the 2011-12 harvest specifications and management measures process. The requested change would seek to conform ownership rules in the sablefish tier fishery to the ownership and control rule being developed as part of Amendment 20. The change might require a regulatory amendment, an amendment to Chapter 11 of the Fishery Management Plan (FMP), or both. The GMT believes the relevant provision can be found at 50 C.F.R. § 660.334 (d)(4)(ii), which states:

No individual person, partnership, or corporation in combination may have ownership interest in or hold more than 3 permits with sablefish endorsements either simultaneously or cumulatively over the primary season,

The GMT has not fully scoped the issue but we understand the request arises from how NMFS has interpreted this regulation in terms of vessel and permit ownership. To analyze this request, the Council would want to know how many individuals are currently affected by the limit and how the change might affect consolidation in ownership. Vessel consolidation would not be

expected given the limit of permit stacking in the fishery. **The GMT recommends including this in the analysis for 2011-2012.**

Revise coordinates for Rockfish Conservation Area (RCA) boundaries as necessary for trawl and non-trawl gears

These analyses would more closely approximate the RCA with depth contours resulting in better estimates of overfished species bycatch and provide improved and more efficient access to target species while protecting overfished species. Potential modifications in California include the 200 fm line at Cape Mendocino and the 150 and 200 fm lines from Hueneme Canyon to Point Mugu. Potential RCA modifications may also be analyzed in Oregon. For example, at the southwest corner of Hecate Bank, the 100 fm line may actually allow fishing as shallow as 70 fm, where yelloweye impacts occur. NMFS staff will also work with NMFS office of law enforcement to make non-substantive corrections to lines to improve enforceability.

The GMT will consult with Enforcement and verify all changes do not conflict with Essential Fish Habitat Areas or Marine Protected Areas.

Hot spot analysis for canary and yelloweye rockfish for potential area closures

Yelloweye Rockfish: A hot spot analysis is directly consistent with the Purpose and Need from the last biennial analysis, “to rebuild depleted groundfish stocks...”. Identifying areas where yelloweye rockfish are consistently captured by various gear types (hot spots) and strategies will provide a means to significantly reduce the catch (or potential catch) of yelloweye rockfish (i.e., through area closures), which will not only benefit individual fishermen and the yelloweye rockfish stock, but also the fishing fleet as a whole. For example, under the assumption that gear switching will be allowed under trawl rationalization, trawl fishermen that switch to fixed gear may be unaccustomed to operating in fixed-gear areas. In these cases, this analysis will provide a tool to prevent inadvertent high catches of yelloweye rockfish due to the exploration of new fishing grounds by trawl fishers that switch to fixed gear. This analysis will also minimize the inadvertent catch of yelloweye rockfish by new entrants or by experienced fishermen exploring new grounds.

The GMT has acquired numerous data bases to identify areas with frequent yelloweye rockfish catches (research, survey, observer, and logbook data bases) and analyzed those data using ArcGIS to assess the potential of identifying hot spots and cold spots. Preliminary analyses suggest that this method clearly delineates specific areas that repeatedly provide yelloweye rockfish catch both inside and outside the current RCAs.

The anticipated workload for this analysis is high. Even though a subset of the data bases acquired thus far have been analyzed, additional data bases need to be evaluated and included in the GIS analysis. Some of these sources have not yet been acquired. Preliminarily, it appears that most useful data are available only off Oregon. Hence, a great deal of additional work is required before the GMT can provide clear recommendations; however, the GMT notes that this analysis might provide data for consideration of RCA adjustments. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

Canary Rockfish: due to time constraints and workload, the GMT has not compiled data necessary to inform or even scope a similar analysis for canary rockfish. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

Analyze management tools for Oregon recreational and commercial cabezon fisheries

Cabezon was assessed in Oregon for the first time in 2009 and the predicted maximum ACL is 50 mt of total impacts from commercial and recreational fisheries combined. Currently, the Oregon commercial and ocean boat recreational fisheries have a state landing cap of 48.3 mt. That landing cap does not include the recreational shore and estuary fishery or discard mortality from recreational fisheries. The addition of the shore and estuary fishery and discard mortality results in cabezon impacts that exceed 50 mt. Therefore, it will be necessary to implement additional management measures to the commercial and recreational fisheries to reduce impacts below current levels.

ODFW staff has begun to examine the management tools available for use, however, until the ACL for cabezon in Oregon is established, it is difficult to determine the appropriate management measures to analyze. For recreational fisheries, management tools include: seasonal closure, depth restrictions, area closures, increased size limit, and a sub-bag limit. Members of the recreational advisory group requested that ODFW examine a sub-bag limit first. For commercial fisheries, management tools include: bi-monthly trip limits, area and/or depth closures, and seasonal closures. **The GMT recommends that this analysis move forward as it is essential for keeping projected impacts below 2011-2012 ACL alternatives.**

Add a definition for dressed weight for sablefish

This item was raised by NMFS Northwest Region and involves modifying current groundfish regulations to include a definition of dressed weight for sablefish. Proposed regulatory language is not available at this time. NMFS will continue to work with the Council process and the public to scope this issue. **The GMT recommends that this analysis move forward.**

Review definition regarding ice and slime

This item was raised during the 2009-2010 cycle. The IPHC regulations establish deductions for ice and slime for recording landed halibut weights. There were differential payments occurring by buyer because of the way ice and slime deductions were treated for many other species. The GMT notes that the time necessary to fully scope this issue, along with concerns over the potential impacts to operations from implementation, make this likely not feasible for this management cycle. The Council recommended this to be a lower priority for this analysis. **The GMT agrees that this is a lower priority given other analyses, but requests guidance from the Council on whether to move forward.**

Pacific Whiting

Non-whiting trip limits for the primary whiting season

Non-treaty midwater trawl trip limits north of 40°10 N. lat. for the primary whiting season have already been analyzed for inclusion in the 2010 EFP and include:

- Lingcod: 600 lb per calendar month
- Minor slope rockfish, including darkblotched rockfish: 1,000 lb per calendar month

- Pacific ocean perch: 600 lb per calendar month
- Pacific cod: 600 lb per calendar month
- Sablefish: 1,000 lb per calendar month

The accompanying analysis could easily be included in the EIS, specified in Federal Regulation, and implemented under a status quo fishery (i.e., assuming that trawl rationalization is not in place for 2011). **The GMT recommends that this management measure move forward.**

Limited Entry Trawl

Analyze management measures as a contingency plan

In the event that the trawl rationalization program is delayed the GMT will be analyzing status quo types of management measures for the trawl fisheries (e.g., trip limits, RCAs, etc.) relative to the new annual catch limits (ACLs) for both non-overfished and overfished species as well as any 2-year allocations accomplished in the 2011-2012 management measures process (e.g., canary rockfish). **The GMT recommends that this analysis move forward as it is essential for keeping projected impacts below 2011-2012 ACL alternatives in the event that trawl rationalization is delayed.**

Management measures under a rationalized fishery:

Review current trawl gear regulations

Maximizing flexibility for bycatch-reduction modifications in trawl gear and trawl-fishing operations is imperative for achieving the purpose and need of management measures during both pre- and post-trawl rationalization. At the fleet level, this flexibility is required to rebuild depleted groundfish stocks while ensuring that groundfish are harvested at the OY or ACL. The objective of this management measure is to ensure trawl-gear regulations allow flexibility for individual fishermen to maximize the catch of target species, for which they will own quota share, while minimizing or eliminating the catch of non-target species that are either overfished or for which they own little quota share. Although this flexibility and understanding of trawl-gear regulations would be beneficial under current management, it will likely be necessary for the successful application of the trawl rationalization program. The requirement of 100% observer coverage under trawl rationalization provides the opportunity to permit increased flexibility in trawl gear modifications and trawl-fishing operations relative to status quo.

The GMT has reviewed current trawl regulations, discussed options and priorities with members of the trawl industry, and examined concerns and interpretations with state enforcement. The GMT also notes that mesh size studies were conducted on the U.S. west coast from 1988-1990, for which selectivity curves were derived for west coast flatfish and roundfish (e.g., flatfish, rockfish, and sablefish; see ¹Perez-Comas et al., 1998; ²Wallace et al., 1995; ³Erickson et al.,

¹ Perez-Comas, J.A., D. Erickson and E. Pikitch. 1998. Cod-end mesh size selection for rockfish and flatfish of the US West coast. *Fisheries Research* 34:247-268.

² Wallace, J.R., E.K. Pikitch, and D.L. Erickson. 1995. Can changing codend mesh size or mesh shape affect the nearshore fishery? *North American Journal of Fisheries Management* 16(3):530-539.

1994). The GMT feels that results of this mesh size study, combined with the needs of the fishing industry under trawl rationalization, will provide the basis for fishermen to develop and apply different combinations of mesh sizes and shapes (i.e., diamond and square mesh configurations) that will promote the species-selective requirements necessary for maximizing the use of individual quota shares. The GMT also notes, however, that other trawl-gear regulations besides mesh size and shape should be reviewed to further enhance species selection. Some examples include:

- detachable codends that are quickly and easily interchangeable,
- more than one type of trawl during a single trip (large and small footrope),
- more than one type of gear during a single trip (fixed and trawl gear),
- fish seaward and shoreward of the RCA with different trawl configurations during a single trip, and
- use of panels or grids that force “unwanted” species out of the trawl before reaching the codend

The anticipated workload associated with analyzing this proposal is moderate, but logistical coordination could be considerable (i.e. scoping this through state processes after developing proposals with NMFS and enforcement). Additional work required includes further evaluation of current regulations and additional review of other gear-selectivity studies. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

Fixed-Gear Fisheries

VMS

Various considerations for vessel monitoring systems (VMS), including gear stowage on limited access and open access fixed gear vessels and drifting in the RCA were included on the preliminary list of management measures for 2011-2012. **The GMT defers to the Enforcement Consultants and the Ad Hoc VMS Committee relative to these issues and offers no additional considerations at this time.**

Modification of commercial lingcod spawning closure in all three states

Current commercial-lingcod regulations for open access and limited entry fixed-gear fisheries north and south of 40°10' N lat. includes a spawning closure for the months December through April. Note that lingcod may be retained year around by the bottom trawl fishery north and south of 40°10' N lat. The open access and limited entry fixed-gear seasonal closures were implemented to protect lingcod which was assessed as over fished during the late 1990s and early 2000s (i.e., estimated depletion < 25 percent). Recent assessments show that the northern stock has rebounded to an average depletion level of 61.9 percent for 2009 and the southern stock is 74 percent. Based on this information, the GMT is considering whether it is appropriate to reduce or eliminate the lingcod spawning closure for the open access and limited entry fixed gear fisheries north and south of 40°10', because the need for this restrictive management measure (i.e., rebuild depleted groundfish stocks) has been satisfied. Staff from ODFW and

³ Erickson, D.L, E.K. Pikitch, and J.R. Wallace. 1994. Effect of codend mesh size and shape to catches of the U.S. west coast bottom rockfish trawl fishery. Unpublished manuscript. Oregon Department of Fish and Wildlife, Marine Resources Program, Newport, OR. 38 pp.

CDFG are currently engaged in this analysis to evaluate the costs and benefits of various options. Preliminary scoping looks promising, so **the GMT recommends analyzing this in the EIS.**

Remove gear restriction for 'Other Flatfish' in the California commercial fishery

In 2003, the limited entry and open access fixed gear fisheries south of 40°10' N lat were constrained by management measures to protect bocaccio. The current commercial gear restriction is “no more than 12 #2 hooks, up to 2-1lb weights, not subject to the RCA”. During the 2009-2010 management cycle, the recreational fishery removed their flatfish gear restriction because it was not effective in restricting the bycatch of overfished species. The commercial fishery is interested in pursuing a similar removal to have conforming regulations. CDFG does not anticipate that removing the gear restriction will increase impacts to overfished species because this fishery operates over sandy bottom habitats where overfished species are less likely to occur.

CDFG staff consulted Enforcement to determine there are no additional enforcement issues resulting from removal of this gear requirement. Staff will compare bycatch rates of rockfish in years with no gear restriction to years with a gear restriction to determine whether regulations have been effective in reducing take or interactions with overfished species. The GMT has concerns over the comparability of commercial fixed gear with recreational fisheries, where different suites of management measures are in place to control overall impacts as well as the potential to impact petrale. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

Modify the non-trawl RCA line at Catalina Island from 60 fm to 100 fm

The original request for analysis was for fixed gear fishing within 100 fm of Catalina Island to provide fishing opportunities after establishment of Marine Protected Areas (MPAs). Since November, industry amended the proposal to modify the RCA line at the west end of Catalina Island only. Liberalizing the RCA boundary will provide increased access for the commercial sector (specifically for chilipepper) that would otherwise be lost due to MPAs.

This proposal is predicated on adoption of the Bird Rock State Marine Conservation Area/Blue Cavern State Marine Area and the Farnsworth Onshore and Offshore State Marine Conservation into state regulations since area between the western boundaries of these MPAs is the area to be liberated under this proposal

CDFG staff will consult with Enforcement to verify whether or not this request is enforceable, verify the proposed modification does not conflict with Essential Fish Habitat Areas, and verify the proposed implementation date of the MPAs into state regulation. Staff will also conduct an analysis to determine effect on bocaccio and cowcod in the areas around Catalina Island left open to fishing. The GMT notes that the level of complexity for this RCA could create significant enforcement and monitoring concerns as well as our ability to project impacts. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

Recreational Fisheries

Change depth restriction and species retention regulations in the CCA

Currently, only nearshore rockfish and a few associated groundfish species may be retained in the open depths within the CCA. This action would increase the maximum depth restriction from 20 fm to a depth between 30 and 40 fm and eliminate the prohibition on the retention and possession of shelf and slope rockfish while fishing at open depths within the CCA. This would provide additional opportunity to compensate for fishing grounds closed by implementation of MPAs under the Marine Life Protection Act (MLPA) and reduce regulatory discarding of shelf and slope rockfish within the CCA. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

Reduce the California Recreational Lingcod Size Limit from 24 Inches to 22 Inches

The lingcod size limit can be decreased to allow additional catch since the southern lingcod stock has been rebuilt. This action would reduce the size limit from the status quo of 24 inches to 22 inches as in Washington and Oregon. This may also necessitate a reduced fillet length restriction. The recreational lingcod catch has been close to half of the recreational harvest guideline (HG) in 2004–2009 (except in 2006) and this would help achieve the HG. **The GMT recommends that this size limit change be considered for the 2011-2012.**

Analyze groundfish retention in the Oregon recreational all-depth Pacific halibut fishery

This action is consistent with the Purpose and Need because it takes into account the rebuilding of yelloweye rockfish while potentially allowing for increased harvest opportunity for an underutilized species. Anglers have expressed a desire to retain incidentally caught groundfish, specifically lingcod, while participating in the Central Oregon coast all-depth Pacific halibut fishery. Currently, retention of groundfish is prohibited when Pacific halibut are onboard recreational vessels, except for Pacific cod and sablefish, during all-depth Pacific halibut days. The Pacific halibut quota in Area 2A (Washington and Oregon) has decreased from 1.22 million pounds in 2008 to 0.95 million pounds in 2009 and 0.81 million pounds in 2010, drastically decreasing the number of days open to the all-depth fishery (Table 1). It is anticipated that the Pacific halibut quota will continue to decrease, along with the number of open days, as the fishery transitions to more of a derby-style fishery. The current bag limit in Oregon for Pacific halibut is 1 fish per angler per day with an annual limit of 6 fish and for lingcod is 2 fish per angler per day.

Table 1. Area 2A Pacific Halibut Quota in millions of pounds and days open to the Central Oregon all-depth Pacific halibut fishery, 2005-2010.

Year	2A Halibut Quota (million)	Central Oregon All- Depth Open Days
2005	1.33	60
2006	1.38	36
2007	1.34	45
2008	1.22	44
2009	0.95	15
2010	0.81	11-16*

* projected number of days open in 2010

During the 2010 Pacific halibut Catch Sharing Plan (CSP) process, a regulation was added allowing the retention of lingcod in one halibut management area in Washington. The first season under that regulation will not be completed prior to the final adoption of management measures for 2011 and 2012; therefore, those data will not be available for this analysis. ODFW staff has completed some preliminary analysis on the impacts to yelloweye and canary rockfish from allowing retention of groundfish during all-depth Pacific halibut days. Yelloweye and canary rockfish impacts during years when groundfish retention was allowed was compared to recent years when groundfish retention has been prohibited. Preliminary analysis suggests that there were fewer yelloweye rockfish interactions per day when groundfish retention was allowed, than when it was not allowed. The preliminary-preferred yelloweye rockfish ACL will determine how ODFW staff will proceed with analysis of this management measure. **The GMT recommends that this incidental groundfish retention be considered for the 2011-2012.**

Modification of recreational lingcod spawning closure in the southern management area in California

This action would decrease the lingcod spawning closure from four months (December - March) to two months (January-February). The spawning closure currently affects the Southern Management Area and Cowcod Conservation Area as other management areas are closed during these months due to other constraints. Eliminating the December - March spawning closure will make the lingcod season consistent with the groundfish season in the Southern Management Area (March 1-December 31). This would simplify regulations and provide improved fishing opportunity. Given the recovery of the southern stock and implementation of no take state marine protected areas MPAs in the preferred spawning habitat and depth of lingcod, concern regarding the potential for increased predation on nests due to removal of guarding males is greatly reduced. **The GMT recommends that this season change be considered for the 2011-2012.**

Analyze latitudinal management lines for California and Oregon recreational fisheries

This action is expected to reduce overfished species impacts and provide greater access to target species.

California: Currently, there are no management lines identified between Fort Bragg and Shelter Cove, both of which are included in the North-Central North of Point Arena Management Area. An additional management line will be established at Cape Vizcaino in the North-Central North of Point Arena Management Area. As an inseason action, this management area could be

divided at Cape Vizcaino in order to close the northern portion (Shelter Cove) to groundfish fishing if yelloweye rockfish catch accrues more rapidly than expected, leaving the southern portion (Fort Bragg) open.

Oregon: ODFW staff is just beginning analysis of this management measure. Recreational groundfish fisheries off Oregon do not currently separate the fishery into different management areas (managed state-wide with no sub-area management lines). The GMT supports the use of management lines as it allows for additional management flexibility but also acknowledges the complexity and workload associated with development and use of these lines. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

Modify the Recreational RCA line at Catalina Island from 60 fm to 100 fm

The original request for analysis was to allow recreational fishing within 100 fm of Catalina Island to provide fishing opportunities after establishment of MPAs. Since November, industry amended the proposal to modify the RCA line at the west end of Catalina Island only. Liberalizing the RCA boundary will provide increased access for the recreational sector (specifically for chilipepper) that would otherwise be lost due to MPAs.

This proposal is predicated on adoption of the Bird Rock State Marine Conservation Area/Blue Cavern State Marine Area and the Farnsworth Onshore and Offshore State Marine Conservation into state regulations since area between the western boundaries of these MPAs is the area to be liberated under this proposal

CDFG staff will consult with Enforcement to verify whether or not this request is enforceable, verify the proposed modification does not conflict with Essential Fish Habitat Areas, and verify the proposed implementation date of the MPAs into state regulation. Staff will also conduct an analysis to determine effect on bocaccio and cowcod in the areas around Catalina Island left open to fishing. Staff will also conduct an analysis to determine effect on bocaccio and cowcod in the areas around Catalina Island left open to fishing. The GMT notes that the level of complexity for this RCA could create significant enforcement and monitoring concerns as well as our ability to project impacts. **The GMT requests Council guidance on whether or not to prioritize this analysis for 2011-2012.**

GMT Recommendations

The GMT recommends removing the following analyses from the list of proposed management measures in the 2011 and 2012 cycle.

Pacific Whiting

1. **Remove:** Analyze Pacific whiting trip limits south of 42° N lat.

Limited Entry Non-whiting Trawl

2. **Remove:** Analyze additional trawl lines south of 40°10' N lat.
3. **Remove:** Modify commercial size limits for lingcod in Oregon and California

Fixed-Gear Fisheries

4. **Remove:** Modify commercial size limits for lingcod in Oregon and California

5. **Remove:** Modify Cowcod Conservation Area (CCA) boundaries to increase slope rockfish opportunities
6. **Remove:** Analyze removal of shelf closure in March/April, South of 34°27' N Lat

Recreational Fisheries

7. **Remove:** Modify recreational size limits for lingcod in Oregon and Washington
8. **Remove:** Exempt federally managed flatfish from recreational depth and season closures in California
9. **Remove:** Modify California recreational regulations regarding filleting at sea
10. **Remove:** Mandatory logbooks for recreational charter fishing vessels in Oregon and Washington
11. **Remove:** Analyze recreational rockfish fishery seaward of 150 fm off California
12. **Remove:** Cold spot analysis for canary and yelloweye rockfish for potential groundfish fishing areas (GFAs)

The GMT requests Council guidance on whether or not to prioritize the following analyses from the list of proposed management measures in the 2011 and 2012 cycle.

Overarching

13. **Guidance on prioritizing:** Hot spot analysis for yelloweye rockfish for potential area closures
14. **Guidance on prioritizing:** Hot spot analysis for canary rockfish for potential area closures
15. **Guidance on prioritizing:** Review definitions regarding ice and slime

Limited Entry Non-whiting Trawl

16. **Guidance on prioritizing:** Review current trawl gear regulations under a rationalized fishery

Fixed Gear Fisheries

17. **Guidance on prioritizing:** VMS Considerations
18. **Guidance on prioritizing:** Limited entry fixed-gear sablefish primary fishery – ownership interest
19. **Guidance on prioritizing:** Remove gear restriction for ‘Other Flatfish’ in the California commercial fishery
20. **Guidance on prioritizing:** Modify the non-trawl RCA line at Catalina Island from 60 fm to 100 fm

Recreational Fisheries

21. **Guidance on prioritizing:** Change depth restriction and species retention regulations in the CCA
22. **Guidance on prioritizing:** Modify the Recreational RCA line at Catalina Island from 60 fm to 100 fm

The GMT recommends prioritizing the following analyses based on the rationale described above.

Overarching

- 23. **Prioritize:** Landing requirements for deliveries into Canada and/or Mexico.
- 24. **Prioritize:** Revise coordinates for Rockfish Conservation Area (RCA) boundaries as necessary for trawl and non-trawl gears
- 25. **Prioritize:** Analyze management tools for Oregon recreational and commercial cabezon fisheries
- 26. **Prioritize:** Add a definition for dressed weight for sablefish

Pacific Whiting

- 27. **Prioritize:** Non-whiting trip limits for the primary whiting season

Limited Entry Non-whiting Trawl

- 28. **Prioritize:** Analyze management measures as a contingency plan

Fixed-Gear Fisheries

- 29. **Prioritize:** Modification of commercial lingcod spawning closure in all three states

Recreational Fisheries

- 30. **Prioritize:** Analyze groundfish retention in the Oregon recreational all-depth Pacific halibut fishery
- 31. **Prioritize:** Modification of recreational lingcod spawning closure in the southern management area in California
- 32. **Prioritize:** Analyze latitudinal management lines for California and Oregon recreational fisheries
- 33. **Prioritize:** Analyze California Recreational Lingcod Size Limit from 24 Inches to 22 Inches

PFMC

04/14/10

GROUND FISH MANAGEMENT TEAM REPORT ON 2011-2012 MANAGEMENT MEASURES CONSIDERATION FOR OVERFISHED SPECIES ANNUAL CATCH LIMITS

Each biennial management cycle, the Council reviews existing rebuilding plans for their performance in times to rebuild, the performance of our management measures at keeping total mortality within the annual rebuilding limits, and the impact of management measures on the sectors managed under and affected by the groundfish FMP.

This management cycle, the Council faces a few required revisions to rebuilding plans based on our understanding of times to rebuild and a new rebuilding plan for petrale. The Council may wish to revise other rebuilding plans based on new understanding of the tradeoff in times to rebuild and the impact to fishing communities.

In addition, the Council is looking at a significant change to the management system in 2011-12 with the pending implementation of the trawl rationalization program. The Amendment 20 analysis details the importance of improved bycatch performance to the three trawl catch share programs, although the analysis admitted considerable uncertainty in the bycatch encounter rates we will see after the transition. Individual accountability creates an incentive to reduce bycatch, yet learning and change within the fleets should be expected in the early years of the program. The Council will gain much better certainty about bycatch on account of the program's improved at sea and shoreside monitoring.

With this brief overview, we provide stock by stock discussion on the rebuilding species and discussion of the draft rebuilding alternatives proposed by Council staff (Agenda Item I.4.a, Attachment 1). We have opportunity at this meeting, albeit limited opportunity, to provide the Council with additional information on rebuilding considerations during Agenda Item I.6.

New Rebuilding Plans

Petrale Sole

The GMT offers the following summary of the rebuilding analysis for the petrale, including both "year-round fishery" and "no winter fishery" scenarios.¹ As with the other rebuilding stocks, the Council will consider the contrast between rebuilding times and the needs of the fishing communities when choosing a rebuilding plan for petrale. As the Council is aware, the petrale rebuilding plan must attempt to rebuild the stock within the ten year period allowed by the Magnuson-Stevens Act (MSA).²

¹ Catch projections for alternatives 1, 2, and 4 are from the petrale sole rebuilding analysis (PFMC Briefing Book, November 2009). Catch projections for alternative 3 were updated by the rebuilding analysis author at the request of Council staff and received by the GMT on April 12. to reflect the Council's 25-5 control rule instead of the (25-6.25 control rule).

² Section 304(e)(4) requires the Council to rebuild stocks in "'as short [a time] as possible' and, if biologically possible, in less than 10 years.'" NRDC vs. NMFS, 421 F.3d 872 (2005).

As a reminder, the four alternatives in both the “year-round” and “no winter” scenarios represent the following harvest strategies:

- **Alt1:** $F=0$ (“no fishing”);
- **Alt2:** Harvesting at SPR harvest rate = 0.500;
- **Alt3:** Harvesting at the proxy F_{MSY} proxy harvest rate with 25:5 precautionary adjustment;
- **Alt4:** Harvesting at the OFL (F_{MSY} proxy harvest rate (SPR= 0.300)).

The projections for alternatives 3 and 4 will potentially be altered by the Council’s ABC control rule decision and the method for applying the 25:5 control rule for petrale.

To compare the four alternatives and two scenarios, the GMT summed projected rebuilding yields over the rebuilding period to contrast how alternatives might meet the short- and long-term needs of fishing communities. The rebuilding projections—reflecting the status and biology of the stock—do not show a tradeoff between expected yield in the short-term yield and yield over the long-term. In fact, the rebuilding analysis projects that the alternative that would be expected to produce the most yield over the rebuilding period is also the alternative that causes the most delay in rebuilding under both scenarios. However, the rebuilding analysis does show some contrast between the alternatives in terms in their probabilities of recovery.

The following tables and figures help illustrate these points.

Table 1. Comparison of “Year Round Fishery” and “No Winter Fishery Scenarios” for all four rebuilding alternatives

	<i>Alt 1</i>	<i>Alt 2</i>	<i>Alt 3</i>	<i>Alt 4</i>
<i>"Year Round" Total Yield (mt), 2011-2021</i>	14,000	16,819	19,020	19,224
<i>"No Winter" Total Yield (mt), 2011-2021</i>	16,000	18,183	18,929	19,147
<i>"Year Round" Ttarget</i>	2014	2014	2015	2017
<i>"No Winter" Ttarget</i>	2013	2013	2016	2017
<i>"Year Round" P(recovery) >= 75%</i>	2014	2015	2019	2021
<i>"No Winter" P(recovery) >= 75%</i>	2014	2014	2020	2021

Table 2. "Year-Round Fishery" – Differences (column to row) in Expected Yield (mt) over 10-year Rebuilding Period

	Alt 1	Alt 2	Alt 3	Alt 4
Alt 1	--	2,819	5,020	5,224
Alt 2	--	--	2,201	2,405
Alt 3	--	--	--	204
Alt 4	--	--	--	--

Table 3. “Year Round Fishery” – Difference in Years to Rebuild to T_{Target} (column to row)

	Alt 1	Alt 2	Alt 3	Alt 4
Alt 1	--	0	1	3
Alt 2	--	--	1	2
Alt 3	--	--	--	2
Alt 4	--	--	--	--

Table 4. "No Winter Fishery" Scenario – Differences (column to row) in Expected Yield (mt) over 10-year Rebuilding Period

	Alt 1	Alt 2	Alt 3	Alt 4
Alt 1	--	2,183	2,929	3,147
Alt 2	--	--	746	964
Alt 3	--	--	--	219
Alt 4	--	--	--	--

Table 5. "No Winter Fishery" Scenario – Difference in Years to Rebuild to T_{Target} (column to row)

	Alt 1	Alt 2	Alt 3	Alt 4
Alt 1	--	0	3	4
Alt 2	--	--	3	4
Alt 3	--	--	--	1
Alt 4	--	--	--	--

Table 6. Projected probabilities of recovery for petrale rebuilding alternatives in the “no winter fishery” and “year round fishery” scenarios.

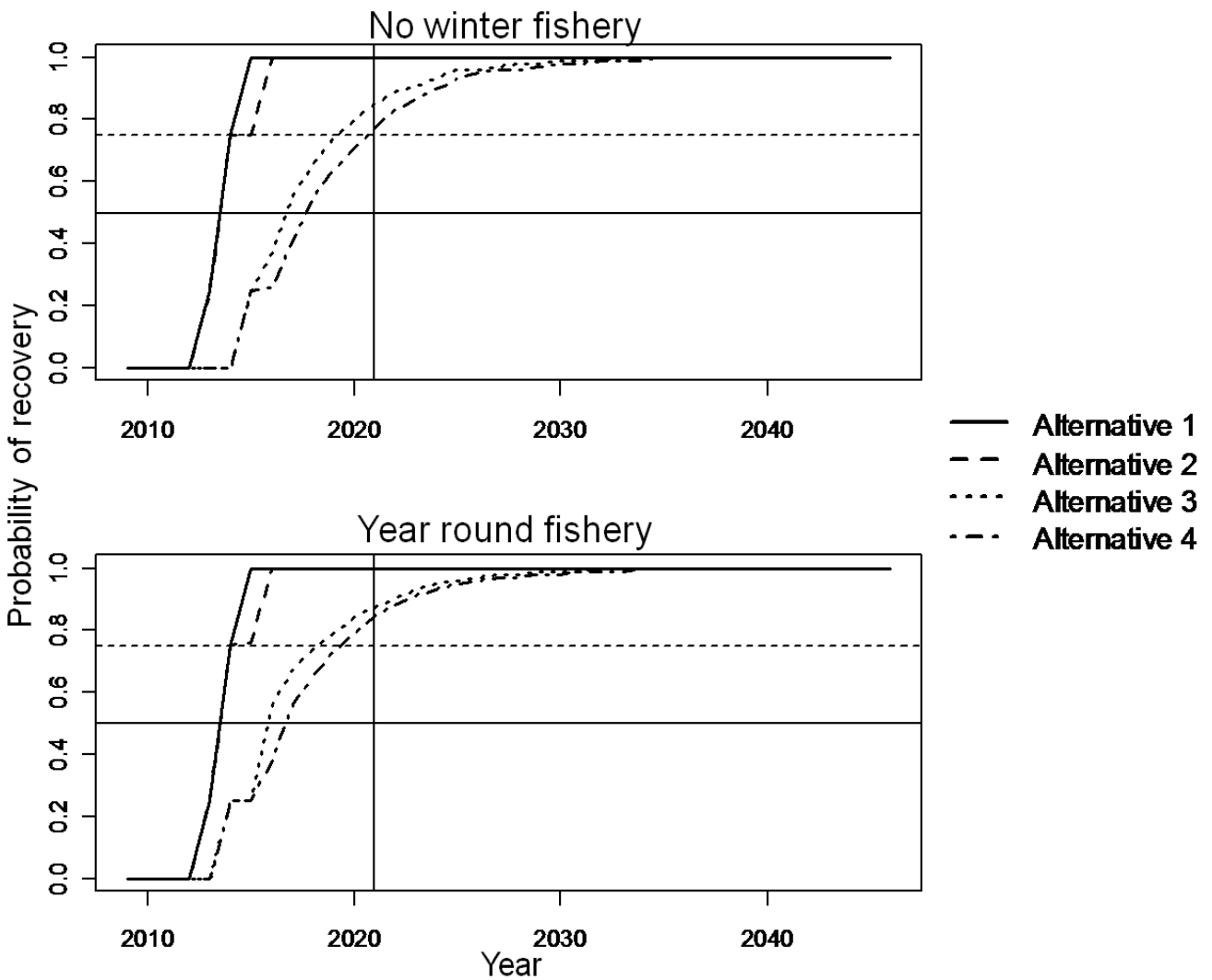


Table 7. Projected Catch Streams for Petrale Rebuilding Alternatives, cumulative probability of recovery “P(recovery)” and ex-vessel value (based on \$1.14 coastwide average \$ per lb, 2006-09). Ex-vessel value is not discounted. Approximate equilibrium yield held constant in year after stock hits T_{Target}.

"Year-Round" Fishery

<u>Alternative 1</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	0	0	0	0	2,000	2,000	2,000	2,000	2,000	2,000	2,000	14,000
P(recovery)	0%	0%	25%	75%	100%	100%	100%	100%	100%	100%	100%	--
Ex-vessel \$ (thous.)	\$0	\$0	\$0	\$0	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$15,960
<u>Alternative 2</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	459	624	791	945	2,000	2,000	2,000	2,000	2,000	2,000	2,000	16,819
P(recovery)	0%	0%	25%	75%	76%	100%	100%	100%	100%	100%	100%	--
Ex-vessel \$ (thous.)	\$523	\$711	\$902	\$1,077	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$19,174
<u>Alternative 3</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	776	1,160	1,481	1,720	1,883	2,000	2,000	2,000	2,000	2,000	2,000	19,020
P(recovery)	0%	0%	0%	25%	25%	56%	67%	74%	79%	84%	87%	--
Ex-vessel \$ (thous.)	\$885	\$1,323	\$1,689	\$1,960	\$2,146	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$21,683
<u>Alternative 4</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	1,021	1,279	1,507	1,690	1,824	1,919	1,984	2,000	2,000	2,000	2,000	19,224
P(recovery)	0%	0%	0%	25%	25%	38%	56%	65%	73%	79%	84%	--
Ex-vessel \$ (thous.)	\$1,164	\$1,458	\$1,718	\$1,927	\$2,079	\$2,188	\$2,262	\$2,280	\$2,280	\$2,280	\$2,280	\$21,915

"No Winter" Fishery

<u>Alternative 1</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	0	0	0	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	16,000
P(recovery)	0%	0%	25%	75%	100%	100%	100%	100%	100%	100%	100%	--
Ex-vessel \$ (thous.)	\$0	\$0	\$0	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$18,240
<u>Alternative 2</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	586	732	866	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	18,183
P(recovery)	0%	0%	25%	75%	75%	100%	100%	100%	100%	100%	100%	--
Ex-vessel \$ (thous.)	\$667	\$834	\$987	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$20,729
<u>Alternative 3</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	900	1,232	1,482	1,662	1,784	1,869	2,000	2,000	2,000	2,000	2,000	18,929
P(recovery)	0%	0%	0%	0%	25%	37%	55%	66%	74%	80%	85%	--
Ex-vessel \$ (thous.)	\$1,026	\$1,404	\$1,689	\$1,895	\$2,034	\$2,131	\$2,280	\$2,280	\$2,280	\$2,280	\$2,280	\$21,579
<u>Alternative 4</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Total</u>
ACL	1,170	1,369	1,528	1,653	1,744	1,816	1,868	2,000	2,000	2,000	2,000	19,147
P(recovery)	0%	0%	0%	0%	25%	26%	41%	55%	64%	71%	77%	--
Ex-vessel \$ (thous.)	\$1,334	\$1,560	\$1,742	\$1,884	\$1,988	\$2,070	\$2,130	\$2,280	\$2,280	\$2,280	\$2,280	\$21,828

The GMT recommends narrowing the range of petrale rebuilding alternatives for analysis.

We expect our analysis for petrale to be more straightforward than for the rebuilding rockfish stocks because petrale is a fishery target and predominantly taken by trawl gear. As the Council well knows, petrale sole is one of the most economically important target stocks in the non-whiting trawl fishery.

The GMT request guidance on how to analyze allocations between sectors (i.e., trawl, and non-trawl).

In addition to guidance on whether to have a winter only, or year round fishery, the GMT would like preliminary guidance on allocations among sectors. The GMT understands that Amendment 21 allocations are suspended under rebuilding, as such any guidance on how to allocate between trawl and non-trawl would be appreciated. The GMT notes that the relative proportion of take for the non-trawl sectors prior to rebuilding has been less than 1% (Table 8). We can provide more information to help the Council develop these allocations under I.6 as needed.

Table 8. 1995-2005 average percentage of annual non-treaty landed catch in directed groundfish fisheries.

Percent petrale	Whiting		Non-whiting		Total	Total
	CP	MS	SS	trawl	trawl	non-trawl
	0.0%	0.0%	0.0%	99.0%	99.0%	1.0%

Revised Rebuilding Plans

In November 2009, the Scientific and Statistical Committee (SSC) recommended that the Council revise the rebuilding plans (target rebuilding years and harvest rates) for canary and Pacific Ocean perch because the best scientific information available resulted in “fundamental revisions to our understanding of the biology” of these stocks. These revisions to the best estimates of “as quick as possible” rebuilding times are substantially different than those use to set 2009-2010 harvest specifications and the Amendment 16-4 rebuilding plans.

Canary rockfish

The 2009-10 canary OY was based on a SPR harvest rate of F92.2%, which is lower than the status quo SPR harvest rate of F88.7% in the current canary rebuilding plan. The Council decided to specify a target rebuilding year of 2021, which is one year longer than the median rebuilding time and two years longer than TF=0. The 2007 assessment and rebuilding analysis provided a different picture of the status and biology of the canary stock than the previous assessment and analyses that were used to develop the Amendment 16-4 canary rockfish rebuilding plan.

The updated (2009) canary rockfish assessment indicated a more depleted stock status than the previous assessment. As a result, none of the ACL alternatives will meet the current T_{target} (2021) in the rebuilding plan. As a reminder, this change in stock perception is attributable to the inclusion of a revised historical catch time series in California. The current rebuilding plan for canary rockfish specifies a T_{target} of 2021, with a status quo SPR harvest rate of 88.7% ($F_{88.7\% SPR}$). The revised rebuilding analysis suggests that the no fishing alternative ($F_{100\% SPR}$) results in a minimum time to recovery of 2024 (T_{min}), thereby requiring a revision to the rebuilding plan.

In its November 2009 report to the Council, the SSC stated that the canary rockfish cumulative OY was exceeded by 14% over the period 2000-2007 which was due primarily to an excess harvest of 40 mt in 2001, when constraints on the groundfish fishery were first being imposed (Agenda Item G.2.b, Supplemental SSC Report, November 2009). Management of this stock has tended to constrain more west coast fisheries than any other groundfish stock since canary rockfish are distributed coastwide, are found in a variety of habitats, and are caught by a variety of different fishing gears.

Canary rockfish will be an extremely important species under the trawl rationalization program. Since trawl rationalization has yet to be implemented, the exact needs of the fishery are unknown. It is anticipated that the needs may be greater than in previous years as the fleet adjusts to the new program. Likewise, canary rockfish are an extremely important species for the fixed gear and recreational fisheries. Despite more restrictive management measures, canary bycatch has been increasing in recent years, possibly due in part to rebuilding of the stock.

In its choice of a 2011-12 ACL, the Council could choose to deviate from the rationale used in 2009-10 and maintain the status quo SPR harvest rate. Although the new assessment indicated a change overall stock depletion level, the productivity of the stock remained unchanged. The Council's preliminary range of canary ACL alternatives includes 0 mt, 49 mt, 69 mt, 102 mt (the ACL under the status quo harvest rate), 129 mt, and 155 mt. These alternatives predict a range of rebuilding periods from 2024 under a zero harvest strategy to 2028 under the 155 mt alternative. The GMT analysis in the 2008-2009 Harvest Specifications and Management Measures Environmental Impact Statement (EIS) showed substantial adverse socioeconomic impacts associated with OYs less than or equal to 44 mt. Since it is anticipated that there will be increased need for canary (especially as we transition into trawl rationalization and as canary interactions increase due to rebuilding) some of the low ACL alternatives (49 mt and 69 mt) may require more drastic management measures to stay within the ACL. Also, for the same level of harvest in 2009, you are going to have greater canary interactions than you would have in previous years based solely on rebuilding (i.e., the rebuilding paradox).

Pacific ocean perch

The 2007-2008 OY of 150 mt, the 2009 OY of 189 mt and the 2010 OY of 200 mt for Pacific ocean perch (POP) are based on a rebuilding plan with a target year to rebuild of 2017 and an SPR harvest rate of 86.4 percent. The 2009-2010 OYs for POP are consistent with the existing rebuilding plan, last revised in 2007. The Council initially selected a preliminary preferred OY of 100 mt for 2007-2008 based on status quo catches in the commercial slope fisheries. The Council also considered that POP and darkblotched co-occur, and then increased the POP OY to accommodate increasing bycatch rates that were presumed to be due to rebuilding and to allow additional slope opportunities that would take both POP and darkblotched. This in turn would take some fishing pressure off of sensitive shelf species. The hope was to increase fishery stability during the season and decrease the need for inseason management actions without a significant increase in rebuilding times (increase the POP rebuilding time by about 1 year from the F=0 alternative).

The 2009 stock assessment for POP incorporates a lower estimate of biomass from the NWFSC trawl survey in 2007 and a correction to a small data error in the 2007 assessment update. The current rebuilding plan for (POP) specifies a T_{target} of 2017, with a status quo SPR harvest rate of 86.4% ($F_{86.4\% SPR}$). The revised rebuilding analysis suggests that the no fishing alternative ($F_{100\%SPR}$) results in a minimum time to recovery of 2018 (T_{min}), thereby requiring a revision to the rebuilding plan.

POP is predominantly caught in the trawl fishery, and is subject to the allocations adopted under Amendment 21. POP and darkblotched rockfish should be considered together, as they co-occur on the slope. It is also still likely that canary rockfish will be constraining for shelf opportunities in the northern trawl fisheries, so providing slope opportunities with a relatively higher impact on POP and darkblotched would provide the fishing opportunities needed to sustain the fishing community. If the Council chooses a preliminary preferred ACL alternative for darkblotched consistent with the current SPR harvest rate (332 mt) then the Council may want to consider maintaining the 2011-2012 POP ACL at a level similar to status quo (e.g. 204 and 208 mt for 2011 and 2012 respectively based on the current harvest rate), to allow for slope opportunities that would take both POP and darkblotched.

In 2007, the OY of 150 mt was exceeded by 4% (157 mt). It is likely that the severe nearshore restrictions in the northern trawl fishery to protect canary rockfish contributed to exceeding the 2007 OY. Also, higher bycatch rates than anticipated may have contributed to underestimating projected impacts in 2007. The current 2010 scorecard estimates that 120 mt of POP will be caught out of the 200 mt OY.

Considerations for revisions to other rebuilding plans

Yelloweye rockfish

The 2009 yelloweye assessment contains many changes to the 2007 assessment (e.g. sex-specific modeling, estimation of natural mortality, growth, and steepness parameters, area-specific treatments of population dynamics, and a new specified fecundity function). The current rebuilding plan for yelloweye rockfish specifies a T_{target} of 2084, with a status quo SPR harvest rate of 71.9% ($F_{71.9\% SPR}$). The revised rebuilding analysis suggests that the no fishing alternative ($F_{100\%SPR}$) results in a minimum time to recovery of 2047 (T_{min}). The status quo SPR harvest rate results in a median time to rebuild of 2087, 3 years after the current T_{target} . To rebuild with 50% probability by the current T_{target} , harvest rates could be reduced to a SPR harvest rate of 72.8%. The 2009-10 OY of 17 mt corresponds to a SPR harvest rate of 86% ($F_{86\% SPR}$) under the revised rebuilding analysis.

As the Council is well aware, yelloweye affects many fisheries, mainly recreational and fixed gear fisheries but also the non-whiting trawl fishery as well. This current year, 2010, is the final year of the ramp-down strategy. The Council's intention for 2011-12 is to pick a constant SPR harvest rate.

The Council's preliminary range of yelloweye ACL alternatives includes 0 mt, 9 mt, 13 mt, 17 mt (the ACL under the status quo harvest rate), 20 mt, and 21 mt.

Bocaccio

The 2007-2008 OY of 218 and the 2009-2010 OY of 288 is based on a rebuilding plan with a target year to rebuild of 2026 and a SPR harvest rate of 77.7 percent. The 2009 and 2010 OYs for bocaccio are consistent with the existing rebuilding plan, last revised in 2007. The Council considered setting the 2007-2008 bocaccio OY at 190 mt, but decided to recommend a higher OY of 218 mt because bocaccio recruitment is highly variable and there was evidence in the stock assessment of a strong 2003 year class, as well as anecdotal information of a strong year class entering the fishery. A 218 mt OY increased the bocaccio rebuilding time by 5 years from the $F=0$ alternative.

The current rebuilding plan for bocaccio specifies a T_{target} of 2026, with a status quo SPR harvest rate of 77.7% ($F_{77.7\% SPR}$). The revised rebuilding analysis suggests that maintaining the status quo SPR harvest rate of 77.7% ($F_{77.7\% SPR}$) results in a new T_{target} of 2022, which is four years ahead of schedule.

Total mortality reports for bocaccio indicate that the OY has not been exceeded since 2001. In 2007, 31% of the OY was taken. The GMT notes that the 2008 year-end scorecard (November 2008) estimated that 40% of the bocaccio OY would be taken through the end of 2008, but in 2008, only 21% of the OY was taken (2008 Total Mortality Report). The current 2010 scorecard estimates that 104 mt of bocaccio will be caught out of the 288 mt OY.

Bocaccio is rebuilding ahead of the current T_{target} of 2026. However, bocaccio still show strong variability in recruitment increasing the amount of uncertainty in rebuilding trajectories. In 2007 and 2008, mortality of bocaccio was well below the OYs for those years. The GMT notes that as bocaccio rebuilds, bycatch rates may increase.

The Council may want to consider using similar rationale to set the 2011-2012 rebuilding ACLs as was used in 2007 through 2010, where the projected impacts for this year (2010) are used as a basis, and then increased to provide enough buffer to prevent exceeding the 2011-2012 ACL due to recruitment variability. The 2011 ACL under a status quo SPR harvest rate of 77.7% ($F_{77.7\% SPR}$) is 263 mt and the rebuilding analysis indicates that, with this harvest rate, the stock is projected to be rebuilt ahead of schedule.

Cowcod

The 2009 rebuilding analysis indicates the shortest possible time to rebuild under a zero harvest strategy is 2060. The status quo 2009-10 OY of 4 mt corresponds to the SPR harvest rate of $F_{79\%}$ in the current rebuilding plan (Table 9). Maintaining the status quo OY of 4 mt, which corresponding to an SPR of 79% will prolong rebuilding until 2071, or 11 years longer than the shortest possible rebuilding time under the zero harvest option. A lower OY for cowcod such as the 2 mt OY (SPR = $F_{90\%}$) under Amendment 16-4 could adversely impact recreational and trawl fisheries off California. An ACL of 9 mt is the highest harvest that meets legal requirement for 50% probability of rebuilding by the T_{max} of 2097, though harvesting at this level will prolong rebuilding until 2097, 37 years after the zero harvest option, contradictory to the priority of rebuilding in the quickest time possible taking into account the needs of fishing communities.

Table 9. Cowcod Rockfish Alternatives under Revised Rebuilding Plans (summarized from Agenda Item I.2.a Attachment 2).

Cowcod	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5
2011 ACL (mt)	0	2	3	4	9
Ttarget	2060	2064	2068	2071	2097
SPR	F100%	F90%	F82.7%	F79%	F59.7%
Tmax	2097	2097	2097	2097	2097
Pmax	78.4%	72.4%	66.2%	66.2%	50%

Darkblotched Rockfish

The latest assessment update for darkblotched shows that darkblotched rockfish biomass is increasing, providing more optimistic perception of the stock than in the 2007 assessment. The 2010 OY was set at 291 mt and the current T_{target} in the rebuilding plan is 2028. The status quo SPR harvest rate would result in an ACL of 332 mt.

Annual Catch Limits (ACLs) for darkblotched rockfish in the integrated alternatives presented under this Agenda Item range from 130 to 461 mt (Tables 2-3, Agenda Item I.4.a, Attachment 1). The total mortality for darkblotched rockfish in the bottom trawl fleet exceeded 220 mt during 2008 (Bellman et al., 2009). As such alternatives less than 240 mt would likely require more conservative management measures (e.g. lower cumulative limits, deeper RCA boundaries). The current 2010 scorecard shows projected impacts of 287.6 mt. Hence, only alternative 4 (461 mt), 5 (332 mt), or 6 (461 mt) would not further constrain fisheries in the north. The high slope-low shelf (alternatives 4 and 5) or high slope-high shelf (alternative 6) from Tables 2 and 3, Agenda Item I.4.a, Attachment 1 are the two alternatives with an ACL larger than current projected impacts.

There are tradeoffs to consider as the ACL for darkblotched is increased or decreased. For example, because trawl fishery opportunities are heavily influenced by the darkblotched ACL, it may constrain the most valuable target species caught with trawl gear including sablefish, Dover sole, and thornyheads (DTS). Other overfished species (i.e. petrale sole and POP) will constrain catches of this slope complex as well. Previous GMT reports have noted that a reduction in the darkblotched OY results in less trawl activity seaward of the RCA in the north. More restrictive RCA boundaries may have a distinct geographic effect by limiting opportunities for vessels off central and northern Oregon and Washington because target species are less available at deeper depths as one moves north. A reduction in the darkblotched ACL can result in a fairly dramatic shift in trawl opportunity for DTS species from north to south.

The management framework for darkblotched rockfish will likely change considerably under trawl rationalization compared to previous years. Darkblotched is one of the species for which there will be a formal allocation to the trawl sector under Amendment 21. Although the RCAs will remain in effect, fishermen will be operating under TIQs instead of trip limits. Hence, trip limit management, which may result in high levels of discarding, will no longer exist for the bottom trawl fishery. Currently, approximately half of the darkblotched caught by bottom trawl is discarded.³

Other fisheries besides the bottom trawl also encounter darkblotched rockfish. The open access pink shrimp fishery was shown to take 11.3 mt of darkblotched rockfish during 2008.⁴ Most darkblotched rockfish taken by pink shrimp trawls are juveniles and range in lengths of 5 to 30 cm (Data Report and Summary Analyses of the California and Oregon Pink Shrimp Fisheries, WCGOP, Seattle, WA, December 2008). Darkblotched rockfish are also caught by non-nearshore fixed gear fisheries (10.5 mt; Bellman et al., 2009) and whiting fisheries (1.22 mt during 2009; NMFS).

Widow rockfish

The 2009 OY of 522 mt and the 2010 OY of 509 mt was based on a rebuilding plan with a target year to rebuild of 2015 and an SPR harvest rate of 95 percent (a constant harvest rate strategy).

In contrast to darkblotched, the rebuilding analysis projects that this ACL decision will not affect the probability or time to rebuild given that the stock is estimated to be on the verge of rebuilding and all ACLs remain below the F_{MSY} proxy harvest rate for rockfish. Based on the 2009 assessment, the median time to rebuild is constant at 2010 regardless of ACL level, ranging from 0 to 3,000 mt (Agenda Item G.2.a Attachment 6, November 2009). The Council was faced with a similar projection last cycle, where the rebuilding projections were between 0 and 4,000 mt (Agenda Item D.3.a Attachment 11, November 2007).

Like last cycle, the rebuilding year for widow rockfish is less sensitive to changes in harvest level than darkblotched, so the Council may also recommend an increasing the widow rockfish ACL relative to the darkblotched rockfish OY to allow flexibility in whiting targeting while rebuilding darkblotched rockfish faster.

The 2009 widow rockfish assessment estimated the population is at 38.9% depletion and is approaching target spawning output. The 2009 widow rockfish rebuilding plan indicates that the Ttarget is 2010 under the status quo SPR harvest rate of 95% (Agenda Item G.2.b Supplemental SSC Report, November 2009).

The majority of harvest of widow rockfish is in the non-tribal whiting trawl fishery. Widow will have a formal allocation between the trawl and non-trawl sectors under Amendment 21. The

³ Bellman, Marlene A., Eliza Heery, and Janell Majewski. 2009. Estimated discard and total catch of selected groundfish species in the 2008 U.S. West Coast Fisheries. West Coast Groundfish Observer Program, National Marine Fisheries Service, Seattle, WA. October.

⁴ (Bellman et al., 2009)

widow rockfish OYs have not been exceeded in recent years as reflected in the total mortality reports from 2007 and 2008. In 2007, 70% of the 368 mt OY was taken and in 2008 65% of the 368 mt OY was taken. The current 2010 scorecard estimates projected impacts to be 375 mt out of the 509 mt 2010 OY. If the Council chooses to maintain the status quo SPR harvest rate of 95%, the resulting harvest specification would be 352 mt, 23 mt lower than the 2010 projected impacts. The GMT notes that the 2010 projected impacts assume that the entire 2010 widow rockfish bycatch limit in the non-tribal whiting trawl fishery is caught.

The Council may choose to increase the 2011 ACL from 352 mt, the tonnage resulting by maintaining the SPR harvest rate of 95%, in order to prevent constraining fisheries that take widow rockfish since the population is anticipated to be rebuilt by 2010 under any harvest level between 0 mt and 3,000 mt. Also setting widow harvest levels higher than recent catch amounts provides flexibility to the whiting fleet to harvest their entire whiting allocation while avoiding more vulnerable overfished species.

Consideration of Fishery Impacts

Washington, Oregon, and California Recreational Fisheries

In all options, yelloweye rockfish is the constraining species for recreational fisheries. Recreational fisheries south of approximately San Francisco may be the exception. Management measures taken to reduce yelloweye rockfish catch in the recreational fisheries include reductions in season length, depth closures, bag limits, and yelloweye rockfish conservation areas (YRCAs). More state specific detail is provided below.

California Recreational Fisheries

The California Department of Fish and Game (CDFG) is proposing a range of management measures for its recreational fisheries in 2011 and 2012 to meet the constraints of the high and low ACL options for constraining species in each management area. The Northern and North Central North of Pt. Arena Management Areas will continue to be constrained by yelloweye rockfish as reflected by the 20 fm depth restriction and 4 and 3 month seasons in these respective areas required to keep yelloweye rockfish impacts within the 2.8 mt statewide HG. In the North-Central South of Point Arena and South-Central Management Areas, blue rockfish and minor Nearshore rockfish are potential constraints on the season length, while yelloweye and canary rockfish have constrained the maximum allowable depth restrictions to 30 and 40 fathoms respectively. The Southern Management Area is constrained by cowcod and bocaccio impacts. Proposed management measures will be designed to remain within the recreational harvest guidelines resulting from the Councils preferred ACLs and biennial catch apportionments for these species.

Oregon Recreational Fisheries

The Oregon Department of Fish and Wildlife (ODFW) is proposing a range of management measures for its recreational fisheries in 2011 and 2012 to fall within the constraints of the range of ACL options for limiting species. As in previous biennial management cycles, yelloweye rockfish will be the most constraining species to Oregon recreational fisheries, as evidenced by the current April through September depth restriction. An ACL option lower than status quo (17 mt) will require the examination of further seasonal depth restrictions, reduced bag limits, or other management measures. The Stonewall Bank YRCA will have to remain in place, as will restrictions on retention of groundfish during all-depth halibut fisheries. Proposed management measures will be set up to remain within the recreational harvest guideline for resulting the Council's preferred ACLs and biennial catch apportionments for the overfished species.

Washington Recreational Fisheries

The Washington Department of Fish and Wildlife (WDFW) is proposing a range of management measures for its recreational fisheries in 2011 and 2012. Yelloweye rockfish continues to be the species that is the most constraining to recreational fisheries. It will be necessary to maintain the use of depth restrictions that limit recreational fishing in waters deeper than 20 or 30 fathoms and Yelloweye Rockfish Conservation Areas (YRCAs) in both the northern and central management areas where yelloweye rockfish impacts are the greatest. Proposed management measures will be structured to keep impacts within the recreational harvest guidelines resulting from the Council's preferred ACLs and biennial catch apportionments for overfished species.

Open Access Nearshore Commercial Groundfish Fishery

As in the recreational fisheries, the nearshore commercial fishery is primarily constrained by yelloweye rockfish. West Coast Groundfish Observer Program (WCGOP) data indicate that yelloweye impacts were relatively high in the area between Cape Mendocino (40°10' N. lat.) and Cape Blanco (43° N. lat.), as such a 20 fm depth restriction was implemented in that area in 2009 to restrict yelloweye impacts. Impacts south of 40°10' N lat. are negligible and do not result in any appreciable yelloweye savings, therefore, no changes have been proposed in that area. Further depth restrictions are not viable between 40°10' N. lat. and 43° N. lat. due to vessel safety concerns; therefore, the remaining option for depth restrictions in that area is total fishery closure. Reductions in overall trip limits can reduce fishery activity in the aggregate, while closures of areas with relatively high encounters of yelloweye may maintain the aggregate catch level while adversely impacting select communities adjacent to those closures.

Slope Fixed Gear Commercial Groundfish Fisheries

In all options, yelloweye rockfish is the primary species that constrains opportunities in this fishery. Currently, the seaward boundary of the fixed gear RCA north of 40 10 N. Lat. is 100 fm for all areas except the area between 40°10' to 45°03.83' N lat., where the seaward boundary is 125 fm. Further reductions in catch of yelloweye rockfish could be enabled by moving the seaward boundary for other areas to 125 fm (e.g., if the ACL for yelloweye rockfish was reduced below 17 mt). The first year of the 125 fm RCA line was 2009. The effectiveness of moving this seaward RCA is uncertain until the release of the 2009 Total Mortality Report by the WCGOP.

Non-Whiting Trawl Fisheries

Until recently, darkblotched rockfish had been the principal overfished species encountered by bottom trawlers fishing on the slope. Although POP is also caught on the slope, darkblotched continues to have more of a constraint on harvest opportunities, which was described in the 2009-2010 harvest specifications statement. The addition of petrale sole to the suite of species under rebuilding plans, however, may overshadow the constraints of darkblotched rockfish for the bottom trawl fishery. Nonetheless, all three species will be encountered by trawl fishermen while targeting other slope species (e.g., Dover sole, sablefish, thornyheads, and slope rockfish), and all will constrain fishing opportunities on the slope.

Integrated Alternatives

Based on these considerations for overfished rockfish species the GMT recommends narrowing the suite of integrated alternatives for analysis in the 2011-2012 harvest specifications and management measures EIS. The GMT will come back under Agenda Item I.6 with model results to illustrate the management measures necessary to meet the integrated ACL alternatives. Also under I.6, the GMT will provide further considerations for two-year sector allocations based on preliminary Council guidance.

The GMT and the Council will want to consider which ACL alternatives (and sector allocations under those alternatives), would be necessary to sustain current fishing opportunities (i.e., account for the needs of fishing communities, rebuild in as short a time as possible given, consider stock biology and the ecosystem, etc.).

Recommendations

1. Provide guidance on a narrower range on a petrale rebuilding plan and specify a range of Ttargets. Consider providing guidance on how to treat sectors (e.g., trawl, non-trawl, treaty) under rebuilding or request information to help the Council do so under Agenda Item I.6.
2. Provide guidance on a narrower range of integrated alternatives as well as a preliminary preferred alternative to analyze.
3. Provide preliminary guidance on sector allocations.

PFMC
04/14/10

Tribal Proposal Regarding Groundfish Fisheries for 2011 and 2012

Black Rockfish - The 2011 and 2012 tribal harvest guidelines will be set at 30,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. No tribal harvest restrictions are proposed for the management area between Cape Alava and Destruction Island.

Sablefish - The 2011 and 2012 tribal set asides for sablefish will be set at 10 percent of the Monterey through Vancouver area OY minus 1.7 percent to account for estimated discard mortality. Allocations among tribes and among gear types, if any, will be determined by the tribes.

Pacific cod - The tribes will be subject to a 400 mt harvest guideline for 2011 and 2012.

For all other tribal groundfish fisheries the following trip limits will apply:

Thornyheads - Tribal fisheries will be restricted to the Limited Entry trip limits in place at the beginning of the year for both shortspine and longspine thornyheads. Those limits would be accumulated across vessels into a cumulative fleetwide harvest target for the year. The limits available to individual fishermen will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species

Canary Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit.

Other Minor Nearshore, Shelf and Slope Rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for each species group, or the Limited Entry trip limits if they are less restrictive than the 300 pound per trip limit.

Yelloweye Rockfish - The tribes will continue developing depth, area, and time restrictions in their directed Pacific halibut fishery to minimize impacts on yelloweye rockfish. Tribal fisheries will be restricted to 100 pounds per trip.

Lingcod - Tribal fisheries will be subject to a 250 mt harvest guideline for 2011 and 2012.

Full Retention - The tribes will require full retention of all overfished rockfish species as well as all other marketable rockfishes during treaty fisheries.

Tribal Proposals Regarding Makah Trawl fisheries for 2011 and 2012

Midwater Trawl Fishery - Treaty midwater trawl fishermen will be restricted to a cumulative limit of yellowtail rockfish, based on the number of vessels participating, not to exceed 180,000 pounds per two month period for the entire fleet. Their landings of widow rockfish for an individual vessel must not exceed 10 percent of the poundage of yellowtail rockfish landed for the year. The tribe may adjust the cumulative limit for any two-month period to minimize the incidental catch of canary and widow rockfish, provided the average cumulative limit does not exceed 180,000 pounds for the fleet.

Bottom Trawl Fishery - Treaty fishermen using bottom trawl gear will be subject to the trip limits applicable to the limited entry fishery for shortspine and longspine thornyhead, Dover sole, English sole, rex sole, arrowtooth flounder, and other flatfish. For Dover sole, thornyheads (both shortspine and longspine), and arrowtooth flounder, the limited entry trip limits in place at the beginning of the season will be combined across periods and the fleet to create a cumulative harvest target. The limits available to individual fishermen will then be adjusted inseason to stay within the overall harvest target as well as estimated impacts to overfished species. For petrale sole, fishermen would be restricted to 50,000 pounds per two month period for the entire year. Because of the relatively modest expected harvest, all other trip limits for the tribal fishery will be those in place at the beginning of the season in the limited entry fishery and will not be adjusted downward, nor will time restrictions or closures be imposed, unless in-season catch statistics demonstrate that the tribe has taken $\frac{1}{2}$ of the harvest in the tribal area. Fishermen will be restricted to small footrope (≤ 8 inches) trawl gear. Exploration of the use of more selective trawl gears will continue to be explored.

Observer Program - The Makah Tribe has an observer program in place to monitor and enforce the limits proposed above.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PRELIMINARY
MANAGEMENT MEASURE ALTERNATIVES FOR THE 2011-2012 WASHINGTON
RECREATIONAL GROUND FISH FISHERIES

The Washington Department of Fish and Wildlife (WDFW) held public meetings on December 10, 2009; February 11, 2010; and March 31, 2010 to develop and discuss recreational bottomfish proposals for 2011 and 2012. The intent of the proposed preliminary alternatives is to maintain low levels of incidental catch of overfished rockfish, primarily yelloweye, when anglers are targeting halibut and lingcod, while providing for quality recreational fishing experiences.

Depth restrictions have been used for several years to keep the fishery focused in shallower water, which is expected to increase survivability of released rockfish. There is also expected to be a reduced encounter rate of yelloweye rockfish in shallower depths (i.e., 30 fathoms or less).

We are considering reducing the bottomfish aggregate bag limit of 15, which includes a sublimit of 10 rockfish and 2 lingcod, but does not include halibut (which has a daily bag limit of 1). Retention of canary and yelloweye rockfish would continue to be prohibited, regardless of area caught, and all of the current recreational yelloweye rockfish conservation areas (YRCAs) would remain in place.

Based on the input provided, WDFW supports the following preliminary management measure alternatives for the recreational fishery to be approved for public review by the Pacific Fishery Management Council.

Coastwide (Marine Catch Areas 1-4)

Status quo seasons and bag limits for lingcod and rockfish would remain in place. There would be two options for the bottomfish aggregate bag limit:

Option 1 – (*status quo*) – Bottomfish aggregate bag limit of 15 fish.

Option 2 – Reduce bag limit to 12 fish, which would accommodate rockfish limit plus two.

and two options for a sublimit for cabezon:

Option 1 – (*status quo*) – Cabezon are subject to the aggregate bottomfish limit, but do not have a separate sublimit.

Option 2 – Specify a sublimit of one cabezon per angler per day.

For these items, WDFW does not have a preferred option at this time.

North Coast (Marine Catch Areas 3 and 4)

Option 1 (*status quo*) – Prohibit retention of bottomfish seaward of 20 fms from May 21 through September 30, and seaward of 20 fms in Area 4B year-round, except on days halibut fishing is open; cannot fish for, retain, or possess bottomfish or halibut in C-shaped YRCA.

Option 2 (*preferred*) – Prohibit retention of bottomfish seaward of 20 fms from June 1 through September 30 in Areas 3 and 4A, and seaward of 20 fms in Area 4B year-round, except on days halibut fishing is open; cannot fish for, retain, or possess bottomfish or halibut in YRCA.

South Coast (Marine Catch Area 2)

Option 1 (*status quo*) – Prohibit retention of all bottomfish seaward of 30 fms from March 15 through June 15, except sablefish and Pacific cod retention is allowed May 1 through June 15; no retention of bottomfish, except lingcod, during primary halibut season; no retention of lingcod south of 46 deg. 58' and seaward of 30 fms on Fridays and Saturdays from July 1 through August 31; and cannot fish for, retain, or possess bottomfish or halibut in South Coast YRCA and Westport Offshore YRCA.

Option 2 (*preferred*) – Same as Option 1, except allow rockfish retention seaward of 30 fms from March 15 through June 15.

Columbia Area (Marine Catch Area 1)

Minimal amounts (i.e., less than 0.1 mt) of yelloweye and canary rockfish are caught in Marine Catch Area 1; therefore, WDFW proposes to keep the status quo bottomfish fishing regulations in place through 2011 and 2012.

WDFW believes that the range of management measure alternatives presented above is sufficient to stay within the state harvest targets for yelloweye and canary. Regardless of which options are chosen, we are committed to monitoring our catch inseason and will take action as appropriate. In the event that we are projected to exceed our state harvest target, we will consult with the Oregon Department of Fish and Wildlife regarding our inseason harvest estimates to compare our projected catches with our joint harvest guidelines for yelloweye and canary rockfish. We will have another public meeting in early May to review and solicit input on the proposed alternatives.



KEN FRANKE
PRESIDENT

SPORTFISHING ASSOCIATION OF CALIFORNIA

5000 N. Harbor Drive, Suite 100
San Diego, CA 92106
(619) 307-5834
Email: kfranke2@san.rr.com

March 5, 2010

Mr. David Ortmann, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Dear Chairman Ortmann,

The Sportfishing Association of California represents over 130 commercial passenger fishing vessels in Southern California. Many of these small businesses rely on fishing for rock fish in the waters of the Southern California Bight. This fleet was directly impacted when the Cow Cod Conservation Area (CCA) was created in 2001. Current available science, including extensive ROV work in the CCA, would indicate the 4600 square miles of the CCA encompassed a great deal of shallow water habitat not common to Cow Cod. Access to these shallow areas could significantly restore some of the loss the sportfishing public experienced after the initial closure.

We have been in contact with Dr. John Butler, NOAA/NMFS, an expert in Cow Cod, and asked if this request was reasonable based on the information that has been developed since the CCA was established. We explained our desire to fish in less than 30 fathoms in the CCA. From a factual standpoint, Dr. Butler said fishing in less than 30-fathoms would not be a threat to Cow Cod as they live in deeper water.

We have also been in contact with the enforcement side of the Department of Fish and Game and advised them of the desire to engage in fishing this area again. Our discussion revealed enforcement would be a challenge. We agreed we would welcome the opportunity to partner with the DFG to come up with a plan to help them solve this challenge.

The purpose of this letter is therefore to respectfully request that the Council consider two items.

1. Staff consideration be given to study the viability of opening those areas of the CCA less than 30 fathoms to ground fishing.

2. To permit retention of slope rockfish when fishing in less than 30 fathoms in the CCA.

In closing, the purpose of the CCA was to protect Cow Cod. The best available science indicates much more area was closed than necessary. Opening the area shallower than 30-fathoms, and permitting the lawful take of slope rockfish, would restore a critical fishing area to the sportfishing community at large.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Franke". The signature is fluid and cursive, with the first name "Ken" and last name "Franke" clearly distinguishable.

Ken Franke
President
Sportfishing Association of California

----- Original Message -----

Subject:Fair and equitable

Date:Wed, 17 Mar 2010 07:35:29 -0700

From:Josh Churchman <josh.churchman@gmail.com>

To:'John DeVore' <John.DeVore@noaa.gov>

I am writing you about the inequities in the access to chillie pepper rock fish in central California. (34-40/10).

The landings for the trawl fleet are increasing while the landings for the hook and line boats has fallen to near zero.

The RCA boundaries are vastly different for the two sectors. The council has created an exclusive "trawl only" zone from 30 fathoms to 100 fathoms, allowing access to the chillie pepper that the hook and line boats do not have.

In the interest of fairness, and to restore a fishery that was once vibrant, I request a change.

Here are three options for your consideration,

- 1..Make the RCA lines the same for both sectors.
- 2..Make a "hook and line only" zone from 100 fathoms out. Giving the hook boats the piece of water the trawl is now banned from.
- 3..Eliminate the RCA's for hook and line boats and make the world a better place. All hook boats drift when retrieving their gear. Enforcement is not friendly or forgiving. This means that every set must be far from any RCA line. This alone eliminates access to the chillie pepper because they do not live in water deeper than 150 fathoms.

Thus the paradox...The council gives me a quota for chillie pepper but I have to fish for them where they do not live,

Josh Churchman



KEN FRANKE
PRESIDENT

SPORTFISHING ASSOCIATION OF CALIFORNIA

5000 N. Harbor Drive, Suite 100
San Diego, CA 92106
(619) 307-5834
Email: kfranke2@san.rr.com

March 5, 2010

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We have been in contact with Dr. John Butler, NOAA/NMFS, an expert in Cow Cod, and asked if this request was reasonable based on the information that has been developed since the CCA was established. We explained our desire to fish in less than 30 fathoms in the CCA. From a factual standpoint, Dr. Butler said fishing in less than 30-fathoms would not be a threat to Cow Cod as they live in deeper water.

We have also been in contact with the enforcement side of the Department of Fish and Game and advised them of the desire to engage in fishing this area again. Our discussion revealed enforcement would be a challenge. We agreed we would welcome the opportunity to partner with the DFG to come up with a plan to help them solve this challenge.

The purpose of this letter is therefore to respectfully request that the Council consider two items.

1. Staff consideration be given to study the viability of opening those areas of the CCA less than 30 fathoms to ground fishing.

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In closing, the purpose of the CCA was to protect Cow Cod. The best available science indicates much more area was closed than necessary. Opening the area shallower than 30-fathoms, and permitting the lawful take of slope rockfish, would restore a critical fishing area to the sportfishing community at large.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Franke". The signature is fluid and cursive, with the first name "Ken" and last name "Franke" clearly distinguishable.

Ken Franke
President
Sportfishing Association of California

RECEIVED

March 19 2010

MAR 22 2010

To Mr David Ortmann Chairman
PFMC

PFMC

My name is Robert Valney, I own and operate the F/V Seabiscuit. It is a commercial passenger fishing vessel out of Oxnard harbor. Since the Cow Cod conservation closure has been in regulation the sport fishing fleet has been severely impacted. This law has restricted opportunity to work and fish, especially when weather conditions are marginal. The 20 fathom depth line in the CCA is unreasonable when cow cod are rarely caught in less than 50 fathoms! In my opinion pushing the depth line back to 40 or 50 fathoms is a reasonable request. This would create a lot of opportunity without harming any cow cod. I also believe that shelf rockfish should be allowed to be retained within the CCA because the true intent of this law was to protect cow cod. The restriction of shelf rockfish in these areas once again takes away opportunity and in my opinion is completely unjust. To consider these request is greatly appreciated ! This might help the sport fishing fleet survive and keep people out of the unemployment line.

Thank You for your time in this matter.

Robert Valney owner / operator F/V SEABISCUIT



March 19, 2010

Mr. David Ortmann, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

RECEIVED

MAR 22 2010

PFMC

Dear Chairman Ortmann,

I own a charter fishing vessel in Oxnard California.

In 2001 the Council closed 4600 square miles of ocean. This was done to protect the Cow Cod in this area (Cow Cod Conservation area.... CCA). Several years after the closure was implemented the California Department of Fish and Game restricted any retention of shelf rockfish in the CCA. We have been negatively impacted by the restricted take of the shelf rockfish in the CCA. It has cost us business. It has made it difficult to fish the CCA for other species. Also it has forced us to rely on other areas to fish and put excess pressure on those areas.

Current available science, including extensive ROV work in the CCA, would indicate the 4600 square miles of the CCA encompassed a great deal of shallow water habitat not native to Cow Cod. Access to these shallow areas could significantly restore some of the loss the sportfishing public experienced after the initial closure. It would also relieve pressure on other areas in Southern California bight

The purpose of this letter is therefore to respectfully request that the Council consider two items.

1. Staff consideration be given to study the viability of opening those areas of the CCA less than 30 fathoms to ground fishing.
2. To permit retention of shelf rockfish when fishing in less than 30 fathoms in the CCA.

Sincerely,



John Fuqua
Owner

Agenda Item I.4

Overfished Species Harvest Specifications: Rebuilding Plans and Overfished Rockfish Species ACLs

Guidance on revising the rebuilding plans for POP and canary

- T_{target}
- SPR harvest rates (basis for the ACLs)

Guidance on revisions to other rebuilding plans

Guidance on the range of overfished species ACLs, as well as a preliminary preferred, if possible.

Agenda Item I.4 cont

- Set asides: Adopt or modify the GMT recommendations for set-asides to be used in the 2011-2012 SPEX analysis (Agenda Item I.4.b Supplemental GMT Report).
- Management Measures : Adopt a list of management measures for further analysis

CONSIDERATION OF INSEASON ADJUSTMENTS

Management measures for the 2010 groundfish season were set by the Council with the understanding these measures would likely need to be adjusted throughout the biennial period to attain, but not exceed, the optimum yields. This agenda item will consider inseason adjustments to ongoing 2010 fisheries.

Potential inseason adjustments under this agenda item include adjustments to Rockfish Conservation Area boundaries, adjustments to commercial and recreational catch limits, and catch estimate revisions based on the latest information from the West Coast Groundfish Observer Program.

The Groundfish Management Team and the Groundfish Advisory Subpanel will meet prior to this agenda item to discuss and recommend inseason adjustments to 2010 groundfish fisheries. After hearing this advisory body advice and public comments, the Council will consider final inseason adjustments.

Council Action:

Consider information on the status of 2010 fisheries and adopt final inseason adjustments as necessary.

Reference Materials:

None.

Agenda Order:

- a. Agenda Item Overview
 - b. Reports and Comments of Management Entities and Advisory Bodies
 - c. Public Comment
 - d. **Council Action:** Adopt Final Recommendations for Adjustments to 2010 Groundfish Fisheries
- Kelly Ames**

PFMC
03/22/10

GROUND FISH MANAGEMENT TEAM REPORT ON CONSIDERATION OF INSEASON ADJUSTMENTS

The Groundfish Management Team (GMT) considered requests from industry and the most recent information on the status of ongoing fisheries and provides the following recommendation for 2010 inseason adjustments.

The GMT received guidance from National Marine Fisheries Service Northwest Region (NMFS NWR) regarding timing of implementation of inseason recommendations from this meeting. Given the short amount of time between the March and April Council meetings, NMFS will combine the change in the incidental halibut retention regulations for the limited entry fixed-gear primary sablefish fishery (Council action at the March 2010 meeting) with the recommended adjustments from this meeting and will try to get those inseason adjustments to fishery management measures implemented by May 1, 2010.

Incidental Open Access Fishery Scorecard Updates

The GMT considered new information from the Estimated Discard and Total Catch of Selected Groundfish Species in the 2008 U.S. West Coast Fisheries 2008 (i.e., Total Mortality Report) for observed incidental open access fisheries (e.g., pink shrimp trawl and California halibut trawl) as well as the best available data necessary to estimate other incidental open access fishery impacts (Agenda Item I.4.b Supplemental GMT Report). Updated catch projections for 2010 “Open Access: Incidental Fisheries” are included in the first scorecard appended at the end of this statement.

The GMT considered new information and analyses and updated the projected impacts to darkblotched rockfish in the limited entry trawl fishery from 230.6 mt to 321 mt, the increase was a result of catches north of 40°10' N. lat. See inseason discussion for the limited entry non-whiting trawl fishery below for more details.

This update is also reflected in the first scorecard.

Commercial Fisheries

Limited Entry non-whiting trawl fishery North of 40°10' N. lat.

In November 2009, the GMT projected catch of darkblotched rockfish in the limited entry trawl fishery for 2010 to be 230.6 mt through the end of the year, and a total projected catch from all sectors through the end of the year to be 272.3 mt, or 93.6 percent of the 2010 darkblotched rockfish optimum yield (OY) (Agenda Item G.10.b Supplemental GMT Report, November 2009).

After reviewing preliminary data from 2010, the GMT is concerned that catches of darkblotched rockfish may be higher than previously projected. Further, beginning February 26, 2010, the slope rockfish and darkblotched cumulative trip limits in the limited entry trawl fishery north of 40°10' N. lat. increased from 1,500 lb per two months to 6,000 lb per two months. Without an

inseason adjustment, the GMT estimates that the catch of darkblotched rockfish (combined for both north and south of 40°10' N. lat.) would be 321 mt, which would exceed the darkblotched OY (see scorecard 1 below). The GMT notes that the projected catch of darkblotched rockfish south of 40°10' N. lat. comprises 40 mt of the total projected catch in the limited entry trawl fishery line in the scorecard, which is unchanged from November 2009 (Agenda Item G. 10.b Supplemental GMT Report, November 2009).

The GMT analyzed a range of cumulative limits for “minor slope rockfish and darkblotched rockfish” under a range of possible discard rates and success rates of the fleet attaining the cumulative limit, based on a year with similar cumulative limits and rockfish conservation areas (RCA) configurations. Given the results of the analysis, the GMT recommends a 2,000 lbs/2 months cumulative limit for minor slope rockfish and darkblotched rockfish beginning on May 1, 2010 through the end of the year (Periods 3-6). With this trip limit reduction, the projected impacts to darkblotched rockfish (both north and south of 40°10' N. lat.) in the limited entry non-whiting trawl fishery would be 228 mt. This is reflected in the second scorecard appended to the end of this statement.

The GMT notes that reducing the cumulative limit for minor slope and darkblotched rockfish, to keep projected impacts of darkblotched rockfish below the 2010 OY, will reduce landings of other minor slope rockfish (excluding darkblotched). Prior to inseason action, the GMT projects impacts to slope rockfish (excluding darkblotched) will be 417 mt and the total projected impacts to minor slope and darkblotched rockfish would be 729 mt. Assuming that the changes in trip limits do not affect the species composition of the landed catch, then the GMT anticipates that under the new trip limits the projected impacts to slope rockfish (excluding darkblotched) will be 262 mt and the total projected impacts to minor slope and darkblotched rockfish would be 490 mt, and the darkblotched rockfish OY would not be projected to be exceeded. Additional refinements to cumulative limits may be considered, along with new fishery information, in June 2010.

GMT Recommendation

1. Reduce the limited entry non-whiting trawl fishery north of 40°10' N. lat. trip limit for “minor slope and darkblotched rockfish” from “6,000 lb/2 months” to “2,000 lb./2 months”, starting May 1, 2010 through the rest of the year (e.g. Periods 3-6).

Projected mortality impacts (mt) of overfished groundfish species for 2010 updated with most recent EFP caps and 2008 WCGOP data for the nearshore and non-nearshore fixed gear fisheries and estimates of tribal whiting impacts. Non-tribal bycatch limits are those adopted through Council action in March 2010.

in March 2010.

Fishery	Bocaccio b/	Canary	Cow cod	Dkbl	POP	Widow	Yelloweye
Limited Entry Trawl - Non-whiting	16.1	21.3	1.5	312.0	100.8	21.6	0.6
Limited Entry Trawl - Whiting							
At-sea whiting motherships a/		3.3		6.0	0.5	67.0	0.0
At-sea whiting cat-proc a/		4.8		8.5	0.5	95.0	0.0
Shoreside whiting a/		5.9		10.5	4.7	117.0	0.0
Tribal whiting		4.3		0.0	7.2	5.0	0.0
Tribal							
Midwater Trawl		3.6		0.0	0.0	40.0	0.0
Bottom Trawl		0.8		0.0	3.7	0.0	0.0
Troll		0.5		0.0	0.0		0.0
Fixed gear		0.3		0.0	0.0	0.0	2.3
Fixed Gear Sablefish	0.0	2.5	0.0	4.5	0.4	0.0	0.9
Fixed Gear Nearshore	0.3	3.6	0.0	0.0	0.0	0.3	1.3
Fixed Gear Other	5.0	0.0	0.0	9.0	0.0	0.7	0.0
Open Access: Incidental Groundfish	0.8	1.7	0.0	15.0	0.0	3.3	0.3
Recreational Groundfish e/							
WA		20.9					5.1
OR						1.0	
CA	67.3	22.9	0.3			6.2	2.8
EFPs	11.0	1.3	0.2	1.5	0.1	11.0	0.4
Research: Includes NMFS trawl shelf-slope surveys, the IPHC halibut survey, and expected impacts from SRPs and LOAs.							
	2.0	4.5	0.2	2.0	2.0	5.7	3.3
TOTAL	102.5	102.1	2.2	369.0	119.9	373.8	17.0
2010 OY f/	288	105	4.0	291	200	509	17
Difference	185.5	2.9	1.8	-78.0	80.1	135.2	0.0
Percent of OY	35.6%	97.3%	55.0%	126.8%	60.0%	73.4%	100.0%
Key		= either not applicable; trace amount (<0.01 mt); or not reported in available					
a/ Non-tribal whiting values for canary, darkblotched, and widow reflect bycatch limits for the non-tribal whiting sectors. All other							
b/ South of 40°10' N. lat.							
e/ Values in scorecard represent projected impacts for all species except canary and yellow eye rockfish, which are the prescribed harvest guidelines.							
f/ 2009 and 2010 OYs are the same except for darkblotched (291 mt in 2010), POP (200 mt in 2010), and widow (509 mt in 2010).							

Projected mortality impacts (mt) of overfished groundfish species for 2010 updated with the proposed inseason action for minor slope rockfish.

Fishery	Bocaccio b/	Canary	Cow cod	Dkbl	POP	Widow	Yelloweye
Limited Entry Trawl - Non-whiting	16.1	21.3	1.5	228.0	100.8	21.6	0.6
Limited Entry Trawl - Whiting							
At-sea whiting motherships a/		3.3		6.0	0.5	67.0	0.0
At-sea whiting cat-proc a/		4.8		8.5	0.5	95.0	0.0
Shoreside whiting a/		5.9		10.5	4.7	117.0	0.0
Tribal whiting		4.3		0.0	7.2	5.0	0.0
Tribal							
Midwater Trawl		3.6		0.0	0.0	40.0	0.0
Bottom Trawl		0.8		0.0	3.7	0.0	0.0
Troll		0.5		0.0	0.0		0.0
Fixed gear		0.3		0.0	0.0	0.0	2.3
Fixed Gear Sablefish	0.0	2.5	0.0	4.5	0.4	0.0	0.9
Fixed Gear Nearshore	0.3	3.6	0.0	0.0	0.0	0.3	1.3
Fixed Gear Other	5.0	0.0	0.0	9.0	0.0	0.7	0.0
Open Access: Incidental Groundfish	0.8	1.7	0.0	15.0	0.0	3.3	0.3
Recreational Groundfish e/							
WA		20.9					5.1
OR						1.0	
CA	67.3	22.9	0.3			6.2	2.8
FFPs	11.0	1.3	0.2	1.5	0.1	11.0	0.4
Research: Includes NMFS trawl shelf-slope surveys, the IPHC halibut survey, and expected impacts from SRPs and LOAs.							
	2.0	4.5	0.2	2.0	2.0	5.7	3.3
TOTAL	102.5	102.1	2.2	285.0	119.9	373.8	17.0
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Percent of OY	35.6%	97.3%	55.0%	97.9%	60.0%	73.4%	100.0%
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a/ Non-tribal whiting values for canary, darkblotched, and widow reflect bycatch limits for the non-tribal whiting sectors. All other							
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PFMC
04/14/10

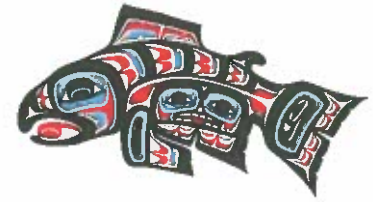


Quileute Natural Resources

QUILEUTE INDIAN TRIBE

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April 2, 2010

Mr. Dave Ortmann, Chair
Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Re: Quileute Whiting Fishery

Dear Chair Ortmann:

The Quileute Tribe recently conducted an analysis of its developing Whiting fishery for 2010. At this time, the Tribe believes that the Tribe will likely have no more than 1 vessel participating in the 2010 whiting fishery. As we have expressed to the Council in the past, the Tribe believes that at least 8,000 mt. of whiting is necessary to make it economically viable for a vessel to participate in the fishery. Nonetheless, the Tribe believes that the total tribal whiting allocation as set forth in the proposed regulations should not be altered as that amount is clearly within the range of tribal treaty rights and it remains to be seen how much whiting tribal fishers are capable of catching in 2010.

This past season proposals to reallocate whiting catch allocations from treaty to non-treaty fisheries were brought to the Council for consideration. However, we strongly believe that any reapportionment of whiting should not be considered or implemented absent prior consultation with and agreement of the affected tribes. That said, we continue to work with NOAA to develop a process whereby fish allocations can be moved from treaty to non-treaty as well as non-treaty to treaty. Absent such a process, Quileute assert that fish allocated to the tribes are only accessible to treaty fisheries.

The Quileute Tribe will continue to keep the Council apprised of any changes in our whiting fishery as information becomes available.

Sincerely,

Lonnie Foster,
Vice Chair Quileute Tribal Council
Policy Representative of Quileute Natural Resources Committee

Cc: Frank Lockhart, NOAA Fisheries
Dave Hudson, Hoh Indian Tribe
Ed Johnstone, Quinault Indian Nation
Russell Svec, Makah Indian Tribe

PART II OF MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

This is the final step at this meeting in the process to adopt a range of 2011-2012 groundfish alternatives, rebuilding plans for at least two species (canary rockfish and Pacific ocean perch), and a new rebuilding plan for petrale sole, which will be fully analyzed in a Draft Environmental Impact Statement (DEIS). The adopted process and schedule for finalizing 2011-2012 alternatives and rebuilding plans calls for a preliminary DEIS to be distributed in the June briefing book for public review and used to base final Council decision-making at the June Council meeting.

The Council is scheduled to take incremental steps earlier in this meeting towards completion of this Agenda Item under I.4. The states, tribes, advisory bodies, and public are expected to have recommended alternatives and rebuilding plans to be analyzed in the DEIS. The objective of these alternatives is to meet, but not exceed the overfished species harvest levels contained within these alternatives and the preferred harvest levels for non-overfished species decided under Agenda Item I.2. The objective of the rebuilding plans is to take into account the status and biology of the stock while taking into consideration the needs of the fishing community. The Council is expected to give guidance to the Groundfish Management Team (GMT) and Groundfish Advisory Subpanel (GAP) on Wednesday, April 14 during Council action under Agenda Item I.4 for further refinement and analysis of proposed 2011-2012 alternatives and rebuilding plans.

The Council task under this agenda item is to adopt rebuilding plans and a refined range of 2011-2012 alternatives and, if possible, a tentative preferred alternative for formal analysis and public review.

Council Action:

- 1. Adopt preliminary preferred revised rebuilding plans for at least two overfished species (canary rockfish and Pacific ocean perch), including a rebuilding SPR harvest rate (basis for the ACLs) and target rebuilding time (T_{TARGET}).**
- 2. Adopt a preliminary preferred rebuilding plan for petrale sole, including a rebuilding SPR harvest rate, target rebuilding time (T_{TARGET}), and a rebuilding strategy.**
- 3. Adopt a preliminary range of refined alternatives including overfished species ACLs and management measures for 2011-2012 fisheries, and if possible, a preliminary preferred alternative for public review.**

Reference Materials:

None.

Agenda Order:

- a. Agenda Item Overview **Kelly Ames and John DeVore**
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt a Refined Range of Alternatives including Overfished Species
Annual Catch Limits and Management Measures and, if Possible, a Preferred Alternative for
Public Review

PFMC
03/26/10

GROUND FISH MANAGEMENT TEAM REPORT ON PART II MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

The GMT had to discuss Part II of Management Measures for 2011-2012 Fisheries, prior to the completion of agenda items for Harvest Specifications and Part I of Management Measures by the Council. Therefore, our comments are somewhat generalized and based on status quo (2010) overfished species OYs (Annual Catch Limits (ACLs)) and Council guidance from November 2009 to use the March 2009 scorecard (Agenda Item G.7.b. Supplemental GMT Report, March 2009) as the preliminary preferred option for the sector-specific catch sharing of the ACL alternatives. Other catch sharing options are shown in the series of tables appended to the end of this report.

Petrals Rebuilding

Under this agenda item the Council is scheduled to adopt a range of ACLs designed to rebuild petrale as required under the Magnuson-Stevens Act. The GMT presented the trade offs of the various Alternatives under consideration under Agenda Item I.4. In addition to the range of ACLs and any preliminary preferred ACL for petrale, the Council will need to specify set aside amounts that will be taken off the top (i.e. based on expected tribal, research, exempted fishing permits, etc.), guidance on allocations between the trawl and non-trawl sectors, and guidance on whether to assume a year round or winter-only fishery.

The Makah Tribe has indicated that their expected catch of petrale in 2011-2012 is 45.4 mt based on effort projections and recent catch. The GMT also examined recent research catches of petrale sole. Those are provided in Table 1 below. Estimates of all impacts that would contribute to a set-aside are in Table 2. Estimates of EFP catch are based on the Council action in November 2009. In other words, the numbers reflect the two EFPs (TNC and whiting) that are expected to have petrale impacts continuing for 2011-2012. The GMT notes that the TNC EFP is expected to take 6 mt, unless a proportional reduction is applied, in which case the impacts would be 2 mt. The whiting EFP is estimated to take trace amounts (0.02 mt in 2009). Petrale impacts from incidental fisheries including California gillnet, cucumber trawl, and California halibut is about 43.2 mt. This number includes the maximum estimated impact from the California halibut fishery from 2004-2006 of 43 mt.

Table 1. Research Catches (mt) for Petrale Sole from 2001-2008, including maximum, minimum and average catches.

2008	2007	2006	2005	Max	Min	Avg
2.00	17.00	2.30	1.73	17.0	1.73	5.8

Table 2. Estimates for petrale sole set asides need for 2010 in various fisheries (mt)

	2010 Estimate (mt)
Incidental landings	43.2
EFP ^{/1}	6.0
Tribal	45.4
Research (average 2005-2008)	17.0
Total Impacts	111.6

/1 EFP Estimate includes estimate for 2010 for TNC and shoreside whiting average from 2007-2009

Discussion of Trawl Effects under Strategic Rebuilding Alternatives

The expected effects of the rebuilding alternatives on the trawl fishery are relatively more difficult to predict for 2011 and 2012 fisheries than in the past due to the movement of the fishery from the status quo regime to a rationalization regime. One of the primary effects expected of this shift in management will be changes to individual fishing behavior, and with those changes will come variations in the way individual vessels choose to prosecute fishery opportunities. Nevertheless, reasonable expectations about fishing opportunity – and their effects – can still be drawn from the strategic rebuilding alternatives.

Alternative 2

Alternative 2 is generally described as an alternative that results in relatively small opportunities on both the slope and shelf areas. In this alternative, midwater opportunities are also restricted.

On the shelf, trawl opportunities are highly restricted by canary rockfish, yelloweye rockfish, cowcod, and bocaccio. While past canary rockfish OYs have been set at similar levels, more recent observer data indicates that keeping the fishery to a level that is less than 50 mt would require substantial restrictions on opportunities shoreward of the RCA in the north under the existing management framework. Under the existing regime, this would translate into restrictive RCA boundaries (perhaps 60 fm restrictions with some areas off Washington and Oregon closed to the shore) and a reduction in trip limits. Under an IFQ regime, this equates to individual harvesters facing difficulty in prosecuting shelf activity, and in the process, underutilizing many shelf target species. Smaller vessels that are not able to fish in deeper waters may lease their quota to larger vessels and tie up. A similar outcome can be expected in the south due to the size of the cowcod and bocaccio ACLs.

On the slope, darkblotched becomes a limiting factor, though perhaps to a lesser degree than canary and yelloweye in the north. Under the existing management framework, perhaps the best way of reducing darkblotched catch levels is to eliminate petrale opportunities in the winter months, to implement a 200 fathom depth restriction in the north for the entire year, and to reduce trip limits for co-occurring species (i.e. slope rockfish, Dover sole, and sablefish). In addition, trip limits for slope rockfish in the area between 40° 10' and 38° N. lat. may need to be reduced.

The Pacific whiting fisheries face difficulties under this alternative due to the small widow rockfish ACL. Under the existing management structure, one or more sectors of the Pacific whiting fishery may be prematurely closed due to attainment of a bycatch limit. However, under a rationalized fishery the widow rockfish ACL may be more manageable due to the ability of harvesters to fish later in the year when bycatch is lower, rather than fishing earlier due to race-for-fish incentives. It may still be reasonable to expect that Pacific whiting would be underutilized due to the constraints posed by the widow ACL under a rationalized fishery, though perhaps to a lesser degree than under the existing management framework.

Alternative 3

This alternative is designed to provide low slope opportunities, high shelf opportunities, and midwater opportunities that are similar to status quo. The ACLs for canary, bocaccio, and cowcod allow for increased opportunities on the shelf in the south. Under the existing management framework, this may very likely lead to increased opportunities for species such as chilipepper rockfish. In the north, shelf opportunities are greater than in Alternative 2, but yelloweye continues to limit opportunities (as it does under any of the scenarios) in spite of the larger canary ACL. For this reason, trip limits and RCA boundaries in the north are likely to be similar to status quo.

Slope opportunities are largely the same between this alternative and Alternative 2. Opportunities for the Pacific whiting fishery are greater under Alternative 3 compared to Alternative 2, but determining the degree to which the fishery might be constrained is made difficult based on the uncertainty regarding the increase in widow interaction within the fishery due to increasing abundance. Expectations regarding the constraint on the whiting fishery are further confounded by the ability of the fishery to adjust timing to avoid bycatch under a rationalized fishery. In general, while the constraint upon the whiting fishery under Alternative 3 may be less than the constraint upon the fishery under Alternative 2, widow rockfish is bound to be problematic for the fishery nevertheless. It is unknown whether a rationalized fishery will be able to successfully avoid widow rockfish, but under the existing management framework, one or more sectors of the whiting fishery may be closed prematurely under this alternative.

Alternative 4

Alternative 4 is described as providing relatively high slope opportunities, midwater opportunities that are more constrained than status quo, and higher shelf opportunities. Midwater opportunities are constrained in this case because of canary rockfish rather than widow rockfish. Slope opportunities are greatest in this alternative compared to all other alternatives. Under the existing management framework, slope opportunities are likely to be liberalized through a seaward RCA boundary in the north that is set at 150 fathoms for part of the year and trip limits on slope rockfish that allow for some targeting. Shelf opportunities would be similar to those in Alternative 2.

Alternative 5

Under Alternative 5 midwater opportunities would be similar to Alternative 2. Shelf rockfish in the north would be slightly more relaxed than Alternatives 2 and 4, but just barely due to yelloweye. Minor shelf rockfish in the south is similar to status quo fishing opportunities under

the existing management framework. Slope is similar to status quo, with perhaps a slight liberalization compared to the existing management framework.

Alternative 6

Alternative 6 would provide increased opportunities for both shelf and slope species. Under this scenario not only would whiting be relatively unconstrained, but a target fishery could be developed on widow and yellowtail, though it would be constrained by canary to some degree. Shelf opportunities are liberalized compared to status quo, but yelloweye continues to be a limiting factor in the north. Slope rockfish opportunities are liberalized compared to status quo.

Alternative 7

Alternative 7 is basically status quo, but with some limitations placed on slope opportunities due to darkblotched.

Alternative 8

This alternative is essentially the same as status quo with some opportunities for a small midwater fishery on widow and yellowtail and greater opportunities on the shelf in the south (i.e. there could be some chilipepper opportunity).

Alternative 9

Alternative 9 is similar to status quo on the shelf, but with slightly greater opportunities in the north. The higher availability of widow and canary would provide opportunities for a directed midwater fishery on widow and yellowtail. Increased access to POP and darkblotched would allow for slightly greater opportunities on the slope in the north compared to status quo. Opportunities on the shelf in the south would be essentially the same as in Alternative 5.

Considerations and guidance on accountability measures

Annual Catch Targets

In March 2009, the Council considered an evaluation of the effectiveness of the current groundfish management system to prevent overfishing in consideration of the annual catch target (ACT) specifications under the Groundfish Fishery Management Plan (FMP) Amendment 23 (Agenda Item 3.4.a Attachment 4, March 2009). This is reflected in Table 3 below. This document presented considerations for how to manage fisheries consistent with new National Standard 1 guidelines, relative to implementing accountability measures (AMs) that will be designed to help prevent fisheries from attaining or exceeding the annual catch limits (ACLs). The guidelines recommend consideration for a further yield buffer, termed the annual catch target (ACT), which can be set equal to or below the ACL if there is great uncertainty in the ability of the management system to effectively keep total fishing mortality below the prescribed ACL. An ACT does not need to be specified if there are effective AMs, such as an inseason monitoring program, that can be demonstrated to keep harvest below the ACL. In March 2009, the Council recommended having ACTs in the FMP as an accountability measure that could be considered during the biennial harvest specifications and management measures.

The performance standard recommended in the new NS1 guidelines for AMs is ACLs cannot be exceeded more often than once in four years. In the March 2009 considerations document, total

catch estimates of stocks and stock complexes with specified OYs were compared with the specified OY during 1999-2007 to evaluate the effectiveness of the current management system to stay within specified OYs.

Table 3. Instances when groundfish OYs have been exceeded in the recent management period, 1999-2007.

Species	Year OY was exceeded	Specified total catch OY (mt)	Estimated total catch (mt)	Percent of OY overage
Bocaccio	2000	100	112.0	12.0%
	2001	100	109.0	9.0%
Cabezon (CA)	2004	69	101.8	47.5%
	2005	69	85.4	23.8%
Canary	2001	93	133.0	43.0%
	2002	93	98.1	5.5%
	2003	44	59.9	36.1%
	2004	47	50.3	6.3%
	2005	47	60.4	29.1%
	2006	47	62.0	31.9%
	2007	44	44.7	1.6%
Darkblotched	2001	130	274.0	110.8%
	2002	168	179.0	6.5%
	2004	240	252.0	5.0%
Dover sole	2005	7,476	7,507.0	0.4%
	2006	7,564	7,730.0	2.2%
Petrale sole	2005	2,762	2,960.0	7.2%
POP	2001	303	307.0	1.3%
	2007	150	156.0	4.0%
Sablefish	2008	5934	6078	0.3%
Shortspine	1999	805	1,001.0	24.3%
	2000	970	1,037.0	6.9%
	2002	955	960.0	0.5%
	2003	955	1,014.0	6.2%

The canary rockfish management challenge has been extreme. This species is caught in all groundfish fisheries by a variety of gears and has therefore been one of the most constraining stocks limiting fishing opportunities since it was declared overfished in 2000. It is also apparent that the patterns of canary rockfish distribution, both seasonally and from year to year, are relatively unpredictable. **The GMT recommends that the Council consider setting an ACT for all of the canary rockfish ACL alternatives in the 2011-2012 analyses.**

Other species' OY overages are a little more easily explained and the result of either human error (e.g., petrale sole in 2005), poor catch monitoring systems that have since been improved (e.g., bocaccio in 2000 and 2001), or a relatively rare and unexpected bycatch event (e.g., POP in 2007). Considerations for these species are presented in Agenda Item 3.4.a Attachment 4, March

2009. The GMT also described that the OY overage for sablefish reported for 2008 were due to a coding error in the Pacific Fishery Information Network (PacFIN) Quota Species Monitoring (QSM) system that resulted in approximately 400 mt of catch going unreported inseason (Agenda Item G.4.b Supplemental GMT Report, November 2009).

Harvest Guidelines and/or ACTs

The GMT considered NS1 guidelines that describe ACTs as tool to keep catch at or below the ACL if there is uncertainty in the ability of the management system to effectively keep total fishing mortality below the prescribed ACL or if there is uncertainty in quantifying the true catch amounts. The GMT considered how the use of ACTs under FMP Amendment 23 might interact or overlap with the use of harvest guidelines (HGs). In recent years, the Council has chosen to set HGs for many species, including those that are managed most directly by the three west coast states, for set asides and for region specific specifications. The Council could choose to recommend that the definition of ACTs (under FMP Amendment 23) that would fold in the functionality of HGs. The GMT considered the potential complication with the ability of California to take automatic action when something is called an HG but that they may not have that option if it's an ACT. The GMT defers to California delegates to clarify this potential issue for the record.

The GMT requests clarification on whether or not NS1 guidelines indicate that some management action **MUST** be taken (i.e. fishery closure) if an ACT is projected to be exceeded, or whether it is more similar to the way HGs are used now, where it is a guideline and does not function as a hard cap that cannot be exceeded.

The GMT requests Council guidance on how they would like to use ACTs and HGs for 2011-2012.

Implications of ACL and Catch Sharing Options for 2011-2012 Fisheries

Recreational Fisheries

California Recreational Fisheries

The Northern and North-Central North of Pt. Arena Management Areas will continue to be constrained by yelloweye rockfish. In the North-Central South of Point Arena and South-Central Management Areas, blue rockfish and minor Nearshore rockfish are potential constraints on the season length, while yelloweye and canary rockfish have constrained the maximum allowable depth restrictions. The Southern Management Area is constrained by cowcod and bocaccio impacts. Proposed management measures will be designed to remain within the recreational harvest guidelines resulting from the Councils preferred ACLs and biennial catch apportionments for these species.

The following is an analysis of recreational fishing opportunity in the California recreational fishery relative to each of the ACL and catch sharing options for each overfished species impacted by the recreational fishery (Tables 4-7). The current depth and season restrictions in the California recreational fishery are provided in Figure 1. below. For each catch sharing alternative, the implications of each ACL alternative relative to the 2010 depth and season is

provided. Since the harvest limits for 2011 and 2012 do not differ substantially for a given pair of ACL option and catch sharing options, the implications for future fishing opportunity in the tables below apply to both years.

At any yelloweye rockfish ACL level, selection of the 2005-2006 specifications and management measures EIS or 2007-2008 EIS catch sharing would result in severe season length reductions in the North-Central North of Point Arena Management Area and may also require a reduction in the season length in the Northern or North-Central South of Point Arena Management Areas to remain within the yelloweye rockfish harvest guidelines. With the March 2009 scorecard, 2009-2010 EIS or 2005-2006 EIS catch sharing, selection of yelloweye rockfish ACLs less than 20 mt would also require severe reductions in the season length in the North-Central South of Point Arena and potential reductions in the other management areas. Under the 2007 catch sharing option, selection of an ACL less than 13 mt would necessitate similar reductions in season lengths.

Though the canary rockfish impacts for the California recreational fishery in 2009 were far below the 22.9 mt HG, the catch of Canary rockfish in the recreational fishery are variable and this residual buffer between projected impacts and the HG should be maintained to prevent the need for inseason action to close the season early. Such early closures are disruptive to vacation plans of fishery participants and the economic interests of local communities and charter boat operators. Any canary rockfish ACL and catch sharing combination that results in a recreational HG less than 15 mt may necessitate proactive reduction of depth restriction in the South-Central and North-Central South of Point Arena Management Area. More severe reductions will require reductions in season lengths in these areas.

Any bocaccio ACL alternative and catch sharing combination that results in a recreational HG less than the current HG of 67.3 mt may necessitate reduction of the current 2 fish bocaccio bag limit, resulting in wastage through increased discard mortality. At lower HGs, reduction of depth restriction in the Southern, South-Central and North-Central South of Point Arena Management Areas may be necessary. At the most conservative ACL options under the 2007-2008 EIS Scorecard and 2005-2006 EIS catch sharing catch sharing options, season lengths may have to be reduced in these areas.

The current cowcod harvest guideline of .3 mt was based on projected impacts from the RecFISH model in a past biennial management cycle and though the recreational fishery has been able to remain below this harvest guideline with status quo regulations, it constrains the depth restriction in the Southern Management Area. If an ACL alternative and catch sharing option resulting in a lower HG was selected by the Council for 2011-2012, the depth restriction or season length in the Southern management area may need to be reduced to remain within the HG.

Figure 1. 2010 Recreational Groundfish Seasons by Management Area

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Northern	CLOSED				Open May 15–Sep 15 < 20 fm.					CLOSED			
North-Central N. of Pt. Arena	CLOSED				Open May 15–Aug 15 < 20 fm.			CLOSED					
North-Central S. of Pt. Arena	CLOSED					Open Jun 13–Oct 31 < 30 fm.				CLOSED			
Monterey South-Central Morro Bay South-Central	CLOSED				Open May 1–Nov 15 < 40 fm.							CLOSED	
Southern	CLOSED		Open Mar 1–Dec 31 < 60 fm.										

Table 4. Constraints on the California recreational fishery posed by various ACL and catch sharing options for Yelloweye Rockfish in the 2011 and 2012 season.

Alt	Action
5, 6	Maintain status quo season lengths in the North-Central North of Point Arena Management Area, while allowing a considerable increase in fishing opportunity in the Northern, North-Central South and South-Central Management Areas.
4	Two week reduction in the season length north in the North-Central North of Point Arena or a further decrease in the North-Central North of Point Arena to increase season lengths south of point Arena.
3	One to two month reduction in season lengths in the North-Central South of Point Arena.
2	One to two month reduction in season lengths in the North-Central South of Point Arena and reduced season lengths in the Northern and North-Central Management Area.
1	Total closure of fisheries Coastwide.

Table 5. Constraints on the California recreational fishery posed by various ACL and catch sharing options for Canary Rockfish in the 2011 and 2012 season.

Alt	Action
3,4,5,6	No constraint relative to current season lengths and depths.
2	Potential reduction of depth restrictions in the North-Central South of Point Arena Management Area.
1	Total closure of fisheries Coastwide.

Table 6. Constraints on the California recreational fishery posed by various ACL and catch sharing options for bocaccio in the 2011 and 2012 season.

Alt	Action
3, 4, 5	No constraint relative to current season lengths and depths.
2	Potential reduction of depth bag limits Coastwide and depth restrictions in the Southern or South Central Management Area.
1	Total closure of fisheries Coastwide.

Table 7. Constraints on the California recreational fishery posed by various ACL and catch sharing options for cowcod in the 2011 and 2012 season.

Alt	Action
5	No constraint relative to current season lengths and depths.
2, 3, 4	Potential reduction of depth restrictions in the Southern Management Area.
1	Total closure of fisheries coastwide.

Oregon Recreational

Currently the Oregon recreational fisheries operate under a 2.4 mt harvest cap for yelloweye rockfish, the most limiting of the overfished species. In the Oregon recreational fishery model changes to the seasonal depth restrictions have more influence on the level of yelloweye rockfish impacts than other management measures. Figure 1 in Agenda Item I.4.b. ODFW Report 1 shows seasonal-depth closures options that will result in a range of yelloweye impacts. In all options, the halibut quota is assumed to be similar to the 2010 level, the Stonewall Bank YRCA, bag limit and non-retention of groundfish in the all-depth halibut fishery all remain status quo. Any yelloweye allocation that is lower than status quo will require further restrictions to the seasonal depth restrictions. Any allocation that is higher than status quo might allow for liberalization of the seasonal depth restrictions, or allow for retention of lingcod in the all-depth halibut fishery. Table 8 shows management actions based on the yelloweye ACL alternatives, and sector catch sharing based on the March 2009 scorecard (Council guidance at the November 2009 meeting).

Table 8. Management actions necessary for the yelloweye ACL alternatives.

Alt	Oregon Recreational Management Actions
1	Total closure of groundfish and halibut fisheries
2	Extremely limited (or no) groundfish or halibut fisheries
3	Restrictions to the seasonal depth restrictions (move inside 30, 25 or 20 fm)
4	Status quo
5, 6	Minor liberalization of the seasonal depth restrictions (more all-depth months), or lingcod retention in the all-depth halibut fishery

Washington Recreational Catch Share Alternatives

Limited yelloweye rockfish harvest amounts are the primary factor that constrains the Washington recreational fishery. The constraints are most significant in Washington's central and northern areas where yelloweye encounter rates are the highest. Management measures that limit the fishery to the area shoreward of 20 or 30 fathoms and complete area closures (YRCAs) have been necessary to keep yelloweye impacts below Washington's harvest guideline amounts. ACL alternative 1 would result in complete closure of recreational fisheries. ACL alternative 2 would eliminate the directed bottomfish fishing as the yelloweye harvest guideline would only be sufficient to allow for incidental catch in the recreational salmon fishery. ACL alternative 3 would allow the fishery to operate under status quo management measures with the possibility of inseason management action if catches were higher than estimated. Alternatives 4, 5 and 6 would allow for some liberalization of status quo management measures in the central and northern management areas.

Commercial Fisheries

Limited Entry and Open Access ("Non-Nearshore") Fisheries

We examined the impacts of various combinations of over-fished species ACLs with three RCA strategies to help assist with the determination of the most appropriate ACLs needed to prosecute the limited entry and open access non-nearshore fisheries. Limited entry and open access fisheries were combined for this analysis. All analyses were conducted with a 150 fathom line 36° - 40°10' N. Potential overfished-species ACLs were therefore evaluated by modeling the 150 fathom line¹ (seaward-RCA line) for the area south of 40°10' N and using various combinations of 100, 125, or 150 fathom lines¹ for the following areas north of 40°10' N:

- 40°10' N. - Columbia/Eureka line (43° - 45.064° N.)
- Columbia/Eureka line - Cascade Head (43° - 45.064° N.)
- Cascade Head - Pt. Chehalis (45.064° - 46.888° N.)
- North of Pt. Chehalis (46.888° N.)

¹ This is the same area stratification we are using in the 2009-10 management cycle. We project effort among areas based on the observed distribution of sablefish landings north of 40°10' N. lat. (2002-2008). Bycatch encounter rates are based on average bycatch rate over 2002-2008. Bycatch projections assume the full sablefish allocation is harvested.

To analyze the integrated alternatives, we applied the Council's preliminary preferred ABC assuming a P^* of 0.45 and applying Option 1 for the 40-10 control rule, resulting in an ABC of 8,418. This ABC was then apportioned north and south of 36° N by assuming status quo (72% north and 28 % south).

Six RCA options were examined. The status quo RCA configuration includes all areas north of $40^\circ 10'$ N. at 100 fm except for the area between Columbia/Eureka line and Cascade Head, which is at 125 fm.

Yelloweye has been the major constraint on the non-nearshore fixed gear fisheries. Under current bycatch projections, an additional 0.1 mt would be needed to move the RCA line off the Columbia/Eureka line - Cascade Head area to 100 fm. To reduce yelloweye bycatch below 0.9 mt, the area north of Pt. Chehalis would need to be moved to 125 fm (reduction of 0.2 mt). As the Council is aware, moving this line would eliminate dogfish opportunity off of Washington. Moving all areas to 150 fm ("the minimum yelloweye" scenario) would reduce the projected yelloweye impact to 0.3 mt.

In addition, the Council's November 2009 preliminary preferred sector allocation would not provide sufficient canary rockfish bycatch impact for the limited entry portion of this non-nearshore fixed gear fishery. In 2010, the Council increased canary rockfish to 2.5 mt to reflect the increased bycatch rate in the fishery. The Council would have to push the RCAs deeper to reduce canary impacts. With all areas at 150 fm, the canary impact would drop to 1.6 mt.

Provide guidance on trawl/nontrawl allocations for species not covered under Amendment 21 necessary for rationalization

Under this agenda item, the Council will need to consider two year allocations for those species not formally allocated under Amendment-23. The GMT analyzed potential alternatives for informing two-year allocations, including using similar percentages to those used in the Council's final alternative for Amendment-21 and the WCGOP Total Mortality Reports.

In its final alternative, the Council chose long term allocations for trawl dominant species based on the years 2003-2005. The GMT used this as a starting place relative to informing a decision on two-year allocations for those Amendment-21 species which are not trawl dominant (i.e., minor shelf rockfish north and south of $40^\circ 10'$ N lat). Table 9 shows a range of percentages the Council could consider. In addition, the Council will need to make a one time allocation between the non-whiting and whiting trawl sectors for initial issuance of IQ. Table 10 shows some various percentages that could help inform a Council decision (unless they already chose a time period, but I can't remember right now)

Table 9. Summary of shelf catches in 2003-2007 based on Intersector Allocation

	2003	2004	2005	2006	2007	03-05 avg	05-07 avg
Other shelf rockfish N							
trawl	9.2%	27.7%	31.5%	66.1%	88.1%	22.8%	61.9%
non-trawl	90.8%	72.3%	68.5%	33.9%	11.9%	77.2%	68.5%
Other shelf rockfish S							
trawl	1.3%	4.1%	3.7%	0.0%	80.1%	3.0%	27.9%
non-trawl	98.7%	95.9%	96.3%	100.0%	19.9%	97.0%	72.1%

Table 10. Percent of total shoreside trawl catches caught by the whiting and non-whiting sectors, 1995-2005 (Intersector Allocation EIS??)

Stocks and Stock Complexes	Shoreside Trawl Sectors			
	1995-05 %		2003-05 %	
	Non- whiting	Whiting	Non- whiting	Whiting
Minor Shelf RF North	96.5%	3.5%	81.7%	18.3%
Minor Shelf RF South	100.0%	0.0%	100.0%	0.0%

The GMT also examined total catch using the total mortality reports as another way to inform two year allocations for those species not formally allocated under Amendment-21. Table 11 shows these results as well as possible percentages to inform non-whiting and whiting trawl sectors allocations for initial issuance of IQ.

Table 11. Summary of total mortality of shelf rockfish based on Total Mortality Reports

	2005	2006	2007	2008	Average
Other shelf rockfish N					
trawl	59.8%	66.1%	70.5%	44.4%	60.2%
non-whiting	74.0%	96.8%	89.5%	70.0%	82.6%
whiting	26.0%	3.2%	10.5%	30.0%	17.4%
non-trawl	40.2%	33.9%	29.5%	55.6%	39.8%
Other shelf rockfish S					
trawl	20.6%	6.6%	9.9%	11.8%	12.2%
non-trawl	79.4%	93.4%	90.1%	88.2%	87.8%

Longnose skate

Longnose skate has not been routinely sorted to species due to the lack of specified sorting requirement and many were landed as unspecified skate, making reconstructing historical landings more difficult. Longnose skate is caught primarily as bycatch in trawl fisheries, where most are discarded. In deciding two-year allocations for this species, the GMT scoped the availability of data to inform a decision but was unable to use the total mortality reports as a basis to inform a decision due to the lack of species specific sorting. For trawl dominant species

under Amendment-21, trawl:non-trawl allocations were set at 95%:5%. The Council could choose to employ a similar methodology for longnose skate.

Guidance on two year non-trawl limited entry and open access allocations

Sablefish south of 36° N lat has not been formally allocated to the limited entry and open access fisheries under Amendment 6 (unlike north of 36° N lat.). Generally speaking, limited entry sectors have higher trip limits than open access sectors. For sablefish in the Conception Area, the weekly trip limits in the limited entry and open access sectors have been set at similar levels. In 2009-10, the sablefish OY in the Conception Area increased significantly, which led to an increased volume of inseason requests for higher trip limits. The GMT requests Council guidance on whether or not it would like the limited entry sector to have greater access than open access (i.e, differential trip limits for the sector). This would facilitate future inseason requests for trip limit modifications.

GMT Recommendations:

1. Establish a petrale sole set aside and provide guidance on a range of ACLs (including any preliminary preferred), and any other considerations for analyzing rebuilding.
2. Consider setting an ACT for all of the canary rockfish ACL alternatives in the 2011-2012 analyses.
3. Provide guidance on how to use ACTs and HGs for 2011-2012.
4. Provide guidance on trawl/nontrawl allocations for species not covered under Amendment 21 necessary for rationalization.
5. Provide any guidance on trip limit structure for sablefish in the south.

Yelloweye

		March 2009 Scorecard											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (17 mt)	2011 (0 mt)	2012 (0 mt)	2011 (9 mt)	2012 (9mt)	2011 (13 mt)	2012 (13 mt)	2011 (17 mt)	2012 (17 mt)	2011 (20 mt)	2012 (20 mt)	2011 (20 mt)	2012 (21 mt)
LE Trawl- Non-Whiting	0.6	0	0	0.1	0.1	0.2	0.2	0.3	0.3	0.4	0.4	0.4	0.4
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	1.3	0	0	0.2	0.2	0.6	0.6	0.9	0.9	1.2	1.2	1.2	1.3
LE Fixed Gear	0.9	0	0	0.3	0.3	0.7	0.7	1.1	1.1	1.5	1.5	1.5	1.6
Rec: WA	2.7	0	0	0.7	0.7	1.8	1.8	2.8	2.8	3.6	3.6	3.6	3.9
Rec: OR	2.4	0	0	0.7	0.7	1.6	1.6	2.6	2.6	3.3	3.3	3.3	3.6
Rec: CA	2.8	0	0	0.7	0.7	1.8	1.8	2.9	2.9	3.7	3.7	3.7	4.0

		2009-2010 SPEX EIS											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (17 mt)	2011 (0 mt)	2012 (0 mt)	2011 (9 mt)	2012 (9mt)	2011 (13 mt)	2012 (13 mt)	2011 (17 mt)	2012 (17 mt)	2011 (20 mt)	2012 (20 mt)	2011 (20 mt)	2012 (21 mt)
LE Trawl- Non-Whiting	0.6	0	0	0.2	0.2	0.4	0.4	0.6	0.6	0.8	0.8	0.8	0.8
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	1.3	0	0	0.2	0.2	0.6	0.6	0.9	0.9	1.1	1.1	1.1	1.2
LE Fixed Gear	0.9	0	0	0.3	0.3	0.8	0.8	1.3	1.3	1.7	1.7	1.7	1.8
Rec: WA	2.7	0	0	0.7	0.7	1.7	1.7	2.7	2.7	3.4	3.4	3.4	3.7
Rec: OR	2.4	0	0	0.6	0.6	1.6	1.6	2.5	2.5	3.2	3.2	3.2	3.4
Rec: CA	2.8	0	0	0.7	0.7	1.7	1.7	2.8	2.8	3.6	3.6	3.6	3.8

		2007-2008 SPEX EIS											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (17 mt)	2011 (0 mt)	2012 (0 mt)	2011 (9 mt)	2012 (9mt)	2011 (13 mt)	2012 (13 mt)	2011 (17 mt)	2012 (17 mt)	2011 (20 mt)	2012 (20 mt)	2011 (20 mt)	2012 (21 mt)
LE Trawl- Non-Whiting	0.6	0	0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	1.3	0	0	0.5	0.5	1.2	1.2	1.9	1.9	2.4	2.4	2.4	2.6
LE Fixed Gear	0.9	0	0	0.5	0.5	1.1	1.1	1.8	1.8	2.3	2.3	2.3	2.5
Rec: WA	2.7	0	0	0.7	0.7	1.7	1.7	2.7	2.7	3.5	3.5	3.5	3.8
Rec: OR	2.4	0	0	0.7	0.7	1.6	1.6	2.6	2.6	3.3	3.3	3.3	3.6
Rec: CA	2.8	0	0	0.4	0.4	1.0	1.0	1.6	1.6	2.1	2.1	2.1	2.3

		2005-2006 SPEX EIS											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (17 mt)	2011 (0 mt)	2012 (0 mt)	2011 (9 mt)	2012 (9mt)	2011 (13 mt)	2012 (13 mt)	2011 (17 mt)	2012 (17 mt)	2011 (20 mt)	2012 (20 mt)	2011 (20 mt)	2012 (21 mt)
LE Trawl- Non-Whiting	0.6	0	0	0.1	0.1	0.2	0.2	0.3	0.3	0.4	0.4	0.4	0.4
LE Trawl- Whiting	0.0	0	0	0.1	0.1	0.2	0.2	0.3	0.3	0.4	0.4	0.4	0.4
OA: Directed	1.3	0	0	0.1	0.1	0.3	0.3	0.5	0.5	0.6	0.6	0.6	0.6
LE Fixed Gear	0.9	0	0	0.5	0.5	1.2	1.2	1.9	1.9	2.4	2.4	2.4	2.6
Rec: WA	2.7	0	0	0.7	0.7	1.7	1.7	2.6	2.6	3.4	3.4	3.4	3.6
Rec: OR	2.4	0	0	0.6	0.6	1.5	1.5	2.4	2.4	3.1	3.1	3.1	3.3
Rec: CA	2.8	0	0	0.7	0.7	1.7	1.7	2.8	2.8	3.6	3.6	3.6	3.8

		2008 Total Mortality Report											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (17 mt)	2011 (0 mt)	2012 (0 mt)	2011 (9 mt)	2012 (9mt)	2011 (13 mt)	2012 (13 mt)	2011 (17 mt)	2012 (17 mt)	2011 (20 mt)	2012 (20 mt)	2011 (20 mt)	2012 (21 mt)
LE Trawl- Non-Whiting	0.6	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
LE Trawl- Whiting	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
OA: Directed	1.3	0.0	0.0	0.5	0.5	1.3	1.3	2.0	2.0	2.6	2.6	2.6	2.8
LE Fixed Gear	0.9	0.0	0.0	0.2	0.2	0.5	0.5	0.7	0.7	1.0	1.0	1.0	1.0
Rec: WA	2.7	0.0	0.0	0.7	0.7	1.6	1.6	2.6	2.6	3.3	3.3	3.3	3.5
Rec: OR	2.4	0.0	0.0	0.9	0.9	2.1	2.1	3.4	3.4	4.4	4.4	4.4	4.7
Rec: CA	2.8	0.0	0.0	0.5	0.5	1.1	1.1	1.8	1.8	2.3	2.3	2.3	2.5

		2007 Total Mortality Report											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (17 mt)	2011 (0 mt)	2012 (0 mt)	2011 (9 mt)	2012 (9mt)	2011 (13 mt)	2012 (13 mt)	2011 (17 mt)	2012 (17 mt)	2011 (20 mt)	2012 (20 mt)	2011 (20 mt)	2012 (21 mt)
LE Trawl- Non-Whiting	0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LE Trawl- Whiting	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	1.3	0.0	0.0	0.4	0.4	1.1	1.1	1.7	1.7	2.2	2.2	2.2	2.3
LE Fixed Gear	0.9	0.0	0.0	0.1	0.1	0.2	0.2	0.3	0.3	0.4	0.4	0.4	0.4
Rec: WA	2.7	0.0	0.0	0.4	0.4	1.0	1.0	1.6	1.6	2.1	2.1	2.1	2.2
Rec: OR	2.4	0.0	0.0	0.5	0.5	1.2	1.2	1.9	1.9	2.4	2.4	2.4	2.6
Rec: CA	2.8	0.0	0.0	1.3	1.3	3.3	3.3	5.2	5.2	6.7	6.7	6.7	7.1

shaded cells = lower than the status quo

Canary		March 2009 Scorecard											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (105 mt)	2011 (0 mt)	2012 (0 mt)	2011 (49 mt)	2012 (51 mt)	2011 (69 mt)	2012 (72 mt)	2011 (102 mt)	2012 (107 mt)	2011 (128 mt)	2012 (134 mt)	2011 (155 mt)	2012 (162 mt)
LE Trawl- Non-Whiting	21.3	0	0	5.8	6.2	9.8	10.4	16.4	17.4	21.6	22.8	27.0	28.4
LE Trawl- Whiting	13.0	0	0	6.5	6.9	10.9	11.6	18.2	19.4	24.0	25.3	30.0	31.5
OA: Directed	3.6	0	0	1.0	1.1	1.8	1.9	2.9	3.1	3.9	4.1	4.8	5.1
LE Fixed Gear	2.5	0	0	0.1	0.1	0.2	0.2	0.3	0.3	0.4	0.4	0.5	0.5
Rec: WA	4.9	0	0	1.8	1.9	3.0	3.2	5.0	5.3	6.5	6.9	8.2	8.6
Rec: OR	16.0	0	0	5.8	6.2	9.7	10.3	16.2	17.2	21.3	22.5	26.7	28.0
Rec: CA	22.9	0	0	8.3	8.8	13.9	14.7	23.2	24.6	30.5	32.2	38.2	40.1

		2009-2010 SPEX EIS											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (105 mt)	2011 (0 mt)	2012 (0 mt)	2011 (49 mt)	2012 (51 mt)	2011 (69 mt)	2012 (72 mt)	2011 (102 mt)	2012 (107 mt)	2011 (128 mt)	2012 (134 mt)	2011 (155 mt)	2012 (162 mt)
LE Trawl- Non-Whiting	21.3	0	0	5.6	6.0	9.4	10.0	15.7	16.7	20.7	21.8	25.9	27.2
LE Trawl- Whiting	13.0	0	0	6.5	6.9	10.9	11.6	18.3	19.4	24.0	25.4	30.0	31.6
OA: Directed	3.6	0	0	1.0	1.1	1.7	1.8	2.8	3.0	3.7	3.9	4.7	4.9
LE Fixed Gear	2.5	0	0	0.4	0.4	0.6	0.6	1.0	1.1	1.3	1.4	1.7	1.8
Rec: WA	4.9	0	0	1.8	1.9	3.0	3.2	5.0	5.3	6.5	6.9	8.2	8.6
Rec: OR	16.0	0	0	5.8	6.2	9.7	10.3	16.2	17.2	21.4	22.5	26.7	28.1
Rec: CA	22.9	0	0	8.3	8.8	13.9	14.8	23.2	24.7	30.6	32.3	38.2	40.2

		2007-2008 SPEX EIS Scorecard											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (105 mt)	2011 (0 mt)	2012 (0 mt)	2011 (49 mt)	2012 (51 mt)	2011 (69 mt)	2012 (72 mt)	2011 (102 mt)	2012 (107 mt)	2011 (128 mt)	2012 (134 mt)	2011 (155 mt)	2012 (162 mt)
LE Trawl- Non-Whiting	21.3	0	0	7.1	7.5	11.9	12.6	19.8	21.0	26.1	27.5	32.6	34.3
LE Trawl- Whiting	13.0	0	0	4.2	4.5	7.1	7.5	11.8	12.5	15.5	16.4	19.4	20.4
OA: Directed	3.6	0	0	1.9	2.0	3.2	3.3	5.3	5.6	6.9	7.3	8.7	9.1
LE Fixed Gear	2.5	0	0	0.8	0.9	1.4	1.4	2.3	2.4	3.0	3.1	3.7	3.9
Rec: WA	4.9	0	0	1.5	1.6	2.6	2.7	4.3	4.5	5.6	5.9	7.0	7.4
Rec: OR	16.0	0	0	5.8	6.2	9.8	10.4	16.3	17.3	21.5	22.7	26.8	28.2
Rec: CA	22.9	0	0	8.0	8.6	13.5	14.4	22.6	24.0	29.7	31.4	37.1	39.0

		2005-2006 SPEX EIS											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (105 mt)	2011 (0 mt)	2012 (0 mt)	2011 (49 mt)	2012 (51 mt)	2011 (69 mt)	2012 (72 mt)	2011 (102 mt)	2012 (107 mt)	2011 (128 mt)	2012 (134 mt)	2011 (155 mt)	2012 (162 mt)
LE Trawl- Non-Whiting	21.3	0	0	6.7	7.2	11.3	12.0	18.8	20.0	24.8	26.1	30.9	32.5
LE Trawl- Whiting	13.0	0	0	6.1	6.5	10.3	10.9	17.2	18.2	22.6	23.8	28.2	29.7
OA: Directed	3.6	0	0	0.8	0.9	1.4	1.5	2.4	2.5	3.1	3.3	3.9	4.1
LE Fixed Gear	2.5	0	0	0.8	0.8	1.3	1.3	2.1	2.2	2.8	2.9	3.5	3.7
Rec: WA	4.9	0	0	1.7	1.8	2.8	3.0	4.7	5.0	6.2	6.5	7.7	8.1
Rec: OR	16.0	0	0	5.4	5.8	9.2	9.7	15.3	16.2	20.1	21.2	25.1	26.4
Rec: CA	22.9	0	0	7.8	8.3	13.1	13.9	21.9	23.2	28.8	30.4	36.0	37.8

		2008 Total Mortality Report											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (105 mt)	2011 (0 mt)	2012 (0 mt)	2011 (49 mt)	2012 (51 mt)	2011 (69 mt)	2012 (72 mt)	2011 (102 mt)	2012 (107 mt)	2011 (128 mt)	2012 (134 mt)	2011 (155 mt)	2012 (162 mt)
LE Trawl- Non-Whiting	21.3	0.0	0.0	12.9	13.7	21.7	23.0	36.1	38.3	47.6	50.2	59.4	62.5
LE Trawl- Whiting	13.0	0.0	0.0	4.7	5.0	7.9	8.4	13.2	14.0	17.4	18.3	21.7	22.8
OA: Directed	3.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LE Fixed Gear	2.5	0.0	0.0	1.7	1.8	2.8	2.9	4.6	4.9	6.1	6.4	7.6	8.0
Rec: WA	4.9	0.0	0.0	0.6	0.7	1.0	1.1	1.7	1.8	2.2	2.4	2.8	3.0
Rec: OR	16.0	0.0	0.0	2.6	2.8	4.4	4.7	7.3	7.8	9.6	10.2	12.0	12.7
Rec: CA	22.9	0.0	0.0	5.0	5.3	8.3	8.8	13.9	14.8	18.3	19.3	22.9	24.1

		2007 Total Mortality Report											
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5		Alt. 6	
	April 2010 (105 mt)	2011 (0 mt)	2012 (0 mt)	2011 (49 mt)	2012 (51 mt)	2011 (69 mt)	2012 (72 mt)	2011 (102 mt)	2012 (107 mt)	2011 (128 mt)	2012 (134 mt)	2011 (155 mt)	2012 (162 mt)
LE Trawl- Non-Whiting	21.3	0.0	0.0	13.3	14.3	22.5	23.8	37.5	39.8	49.3	52.1	61.6	64.8
LE Trawl- Whiting	13.0	0.0	0.0	2.8	3.0	4.8	5.0	7.9	8.4	10.4	11.0	13.0	13.7
OA: Directed	3.6	0.0	0.0	2.8	3.0	4.8	5.0	7.9	8.4	10.4	11.0	13.0	13.7
LE Fixed Gear	2.5	0.0	0.0	0.1	0.1	0.1	0.1	0.2	0.2	0.3	0.3	0.3	0.3
Rec: WA	4.9	0.0	0.0	0.8	0.8	1.3	1.4	2.2	2.3	2.9	3.0	3.6	3.8
Rec: OR	16.0	0.0	0.0	1.8	1.9	3.0	3.2	5.0	5.3	6.5	6.9	8.2	8.6
Rec: CA	22.9	0.0	0.0	7.7	8.2	12.9	13.7	21.6	22.9	28.4	30.0	35.5	37.4

shaded cells = lower than the status quo

Bocaccio		March 2009 Scorecard									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (288 mt)	2011 (0 Mt)	2012 (0 mt)	2011 (53 mt)	2012 (56 mt)	2011 (109 mt)	2012 (115 mt)	2011 (263 mt)	2012 (274 mt)	2011 (272 mt)	2012 (384 mt)
Year (mt)											
LE Trawl- Non-Whiting	16.1	0	0	6.8	7.3	16.5	17.5	43.1	45.0	64.4	64.0
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	5.3	0	0	2.3	2.4	5.5	5.8	14.3	14.9	21.3	21.2
LE Fixed Gear	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: WA	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	67.3	0	0	30.4	32.7	73.5	78.2	192.1	200.6	287.2	285.3

		2009-2010 SPEX EIS									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (288 mt)	2011 (0 Mt)	2012 (0 mt)	2011 (53 mt)	2012 (56 mt)	2011 (109 mt)	2012 (115 mt)	2011 (263 mt)	2012 (274 mt)	2011 (272 mt)	2012 (384 mt)
Year (mt)											
LE Trawl- Non-Whiting	16.1	0	0	4.7	5.0	11.3	12.0	29.6	30.9	42.6	43.9
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	5.3	0	0	4.1	4.4	9.9	10.6	26.0	27.1	37.4	38.5
LE Fixed Gear	0.0	0	0	5.1	5.5	12.3	13.1	32.2	33.6	46.4	47.8
Rec: WA	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	67.3	0	0	25.6	27.6	61.9	65.8	161.8	168.9	233.1	240.2

		2007-2008 SPEX EIS Scorecard									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (288 mt)	2011 (0 Mt)	2012 (0 mt)	2011 (53 mt)	2012 (56 mt)	2011 (109 mt)	2012 (115 mt)	2011 (263 mt)	2012 (274 mt)	2011 (272 mt)	2012 (384 mt)
Year (mt)											
LE Trawl- Non-Whiting	16.1	0	0	9.5	10.2	23.0	24.4	60.1	62.7	86.6	89.2
LE Trawl- Whiting	0.0	0	0	5.7	6.1	13.7	14.5	35.8	37.3	51.5	53.1
OA: Directed	5.3	0	0	2.5	2.7	6.1	6.5	16.0	16.7	23.0	23.7
LE Fixed Gear	0.0	0	0	1.1	1.2	2.6	2.8	6.8	7.1	9.9	10.2
Rec: WA	0.0	0	0	2.0	2.2	4.9	5.3	12.9	13.5	18.6	19.2
Rec: OR	0.0	0	0	7.8	8.4	18.9	20.1	49.4	51.6	71.2	73.4
Rec: CA	67.3	0	0	10.8	11.7	26.2	27.9	68.5	71.5	98.6	101.7

		2005-2006 SPEX EIS									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (288 mt)	2011 (0 Mt)	2012 (0 mt)	2011 (53 mt)	2012 (56 mt)	2011 (109 mt)	2012 (115 mt)	2011 (263 mt)	2012 (274 mt)	2011 (272 mt)	2012 (384 mt)
Year (mt)											
LE Trawl- Non-Whiting	16.1	0	0	9.0	9.7	21.8	23.2	57.0	59.5	82.2	84.7
LE Trawl- Whiting	0.0	0	0	8.2	8.9	19.9	21.2	52.0	54.3	75.0	77.3
OA: Directed	5.3	0	0	1.1	1.2	2.7	2.9	7.1	7.4	10.3	10.6
LE Fixed Gear	0.0	0	0	1.0	1.1	2.5	2.6	6.4	6.7	9.2	9.5
Rec: WA	0.0	0	0	2.3	2.4	5.5	5.8	14.3	14.9	20.5	21.2
Rec: OR	0.0	0	0	7.3	7.9	17.7	18.9	46.3	48.4	66.8	68.8
Rec: CA	67.3	0	0	10.5	11.3	25.4	27.0	66.3	69.2	95.5	98.4

		2008 Total Mortality Report									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (288 mt)	2011 (0 Mt)	2012 (0 mt)	2011 (53 mt)	2012 (56 mt)	2011 (109 mt)	2012 (115 mt)	2011 (263 mt)	2012 (274 mt)	2011 (272 mt)	2012 (384 mt)
Year (mt)											
LE Trawl- Non-Whiting	16.1	0.0	0.0	5.8	6.2	14.0	14.8	36.5	38.1	52.6	54.2
LE Trawl- Whiting	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	5.3	0.0	0.0	0.8	0.9	2.0	2.2	5.3	5.5	7.6	7.9
LE Fixed Gear	0.0	0.0	0.0	0.3	0.3	0.7	0.7	1.8	1.8	2.5	2.6
Rec: WA	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	67.3	0.0	0.0	32.6	35.1	78.8	83.8	206.0	215.0	296.8	305.8

		2007 Total Mortality Report									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (288 mt)	2011 (0 Mt)	2012 (0 mt)	2011 (53 mt)	2012 (56 mt)	2011 (109 mt)	2012 (115 mt)	2011 (263 mt)	2012 (274 mt)	2011 (272 mt)	2012 (384 mt)
Year (mt)											
LE Trawl- Non-Whiting	16.1	0.0	0.0	2.8	3.1	6.9	7.3	17.9	18.7	25.8	26.6
LE Trawl- Whiting	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	5.3	0.0	0.0	0.7	0.7	1.6	1.7	4.3	4.5	6.2	6.4
LE Fixed Gear	0.0	0.0	0.0	2.9	3.1	7.0	7.5	18.3	19.1	26.4	27.2
Rec: WA	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	67.3	0.0	0.0	33.1	35.6	80.0	85.0	209.0	218.2	301.1	310.3

shaded cells = lower than the status quo

Cowcod		March 2009 Scorecard									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (4 mt)	2011 (0 mt)	2012 (0 mt)	2011 (2 mt)	2012 (2 mt)	2011 (3 mt)	2012 (3 mt)	2011 (4 mt)	2012 (4 mt)	2011 (9 mt)	2012 (9 mt)
LE Trawl- Non-Whiting	1.5	0	0	1.6	1.6	2.5	2.5	3.4	3.4	8.1	8.1
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LE Fixed Gear	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: WA	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	0.3	0	0	0.1	0.1	0.2	0.2	0.3	0.3	0.6	0.6

		2009-2010 SPEX EIS									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (4 mt)	2011 (0 mt)	2012 (0 mt)	2011 (2 mt)	2012 (2 mt)	2011 (3 mt)	2012 (3 mt)	2011 (4 mt)	2012 (4 mt)	2011 (9 mt)	2012 (9 mt)
LE Trawl- Non-Whiting	1.5	0	0	1.5	1.5	2.3	2.3	3.2	3.2	7.5	7.5
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LE Fixed Gear	0.0	0	0	0.1	0.1	0.2	0.2	0.2	0.2	0.6	0.6
Rec: WA	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	0.3	0	0	0.1	0.1	0.2	0.2	0.2	0.2	0.6	0.6

		2007-2008 SPEX EIS Scorecard									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (4 mt)	2011 (0 mt)	2012 (0 mt)	2011 (2 mt)	2012 (2 mt)	2011 (3 mt)	2012 (3 mt)	2011 (4 mt)	2012 (4 mt)	2011 (9 mt)	2012 (9 mt)
LE Trawl- Non-Whiting	1.5	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	0.0	0	0	0.3	0.3	0.5	0.5	0.6	0.6	1.5	1.5
LE Fixed Gear	0.0	0	0	0.3	0.3	0.5	0.5	0.6	0.6	1.5	1.5
Rec: WA	0.0	0	0	0.4	0.4	0.7	0.7	0.9	0.9	2.2	2.2
Rec: OR	0.0	0	0	0.4	0.4	0.7	0.7	0.9	0.9	2.1	2.1
Rec: CA	0.3	0	0	0.3	0.3	0.4	0.4	0.6	0.6	1.3	1.3

		2005-2006 SPEX EIS									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (4 mt)	2011 (0 mt)	2012 (0 mt)	2011 (2 mt)	2012 (2 mt)	2011 (3 mt)	2012 (3 mt)	2011 (4 mt)	2012 (4 mt)	2011 (9 mt)	2012 (9 mt)
LE Trawl- Non-Whiting	1.5	0	0	0.0	0.0	0.1	0.1	0.1	0.1	0.2	0.2
LE Trawl- Whiting	0.0	0	0	0.0	0.0	0.1	0.1	0.1	0.1	0.2	0.2
OA: Directed	0.0	0	0	0.1	0.1	0.1	0.1	0.2	0.2	0.4	0.4
LE Fixed Gear	0.0	0	0	0.3	0.3	0.5	0.5	0.6	0.6	1.5	1.5
Rec: WA	0.0	0	0	0.4	0.4	0.7	0.7	0.9	0.9	2.1	2.1
Rec: OR	0.0	0	0	0.4	0.4	0.6	0.6	0.8	0.8	1.9	1.9
Rec: CA	0.3	0	0	0.4	0.4	0.7	0.7	1.0	1.0	2.3	2.3

		2008 Total Mortality Report									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (4 mt)	2011 (0 mt)	2012 (0 mt)	2011 (2 mt)	2012 (2 mt)	2011 (3 mt)	2012 (3 mt)	2011 (4 mt)	2012 (4 mt)	2011 (9 mt)	2012 (9 mt)
LE Trawl- Non-Whiting	1.5	0.0	0.0	0.9	0.9	1.4	1.4	1.9	1.9	4.4	4.4
LE Trawl- Whiting	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LE Fixed Gear	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: WA	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	0.3	0.0	0.0	0.9	0.9	1.4	1.4	1.9	1.9	4.4	4.4

		2007 Total Mortality Report									
Alternative	Status Quo	Alt. 1		Alt. 2		Alt. 3		Alt. 4		Alt. 5	
	April 2010 (4 mt)	2011 (0 mt)	2012 (0 mt)	2011 (2 mt)	2012 (2 mt)	2011 (3 mt)	2012 (3 mt)	2011 (4 mt)	2012 (4 mt)	2011 (9 mt)	2012 (9 mt)
LE Trawl- Non-Whiting	1.5	0.0	0.0	1.5	1.5	2.4	2.4	3.4	3.4	7.9	7.9
LE Trawl- Whiting	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OA: Directed	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
LE Fixed Gear	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: WA	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: OR	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rec: CA	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

shaded cells = lower than the status quo

Agenda Item I.6

- Set asides: Adopt or modify the GMT recommendations for petrale sole set-asides to be used in the 2011-2012 SPEX analysis (Agenda Item I.6.b Supplemental GMT Report).

Petrale Sole Rebuilding

- Guidance for developing a petrale sole rebuilding plan
 - T_{target}
 - SPR harvest rate (basis for the ACLs)
 - Range of ACLs, preliminary preferred if possible
- Harvest strategy
 - Which sectors to affect?
 - How should the non-treaty trawl fishery be structured? Options: year-round or summer only fishery

Agenda Item I.6

Provide guidance on the use of accountability measures including, but not limited to

- Buffers
- Harvest guidelines
- Annual catch targets

Sector Allocations

Guidance on two year allocations for yelloweye, canary, bocaccio, and cowcod for all sectors.

- Trawl considerations: For canary and YE the shoreside trawl sector should be allocated to the whiting and non-whiting sectors separately, in order to complete the trawl rationalization initial allocation process (one time event).

Sector Allocations (cont)

Provide guidance on trawl/nontrawl allocations for species not covered under Amendment 21, necessary for rationalization

- Minor shelf rockfish north
 - Shoreside trawl: whiting/nonwhiting
- Minor shelf rockfish south
 - Longnose skate:
 - Shoreside trawl: whiting/nonwhiting