

CLARIFICATIONS, INTERPRETATIONS, AND TRAILING ACTIONS ON THE TRAWL RATIONALIZATION PROGRAM

The proposed modifications to Appendix E to the groundfish FMP, Description of Trawl Rationalization (Catch Shares) Program (Agenda Item F.5, Attachment 3), are based on the compendium of actions listed in this attachment. Since the program was adopted in 2009, there have been approximately 140 clarifications, interpretations, and trailing actions related to the program (action items). Table 1 provides a list of those actions that appear to warrant a change to Appendix E. The item numbers in Table 1 correspond to those in Table 2. Table 2 provides the full list of actions that was considered in developing this update. Based on the following criteria, only a portion of these may require modifying Appendix E to the FMP. The following are the criteria used by staff for whether a modification to the appendix might be appropriate:

Modify the appendix if the action item:

- changed a policy specified in the appendix,
- augmented a policy specified in the appendix in a significant fashion;
- provided a level of detail specified in a parallel section of the appendix (e.g. provides a detail for the MS sector that is specified for the shorebased sector); or
- provided information that will be historically important in understanding the implementation of the program (usually addressed in a footnote)

Do not modify the appendix for

- implementation procedures or
- areas on which the appendix is silent (unless there are substantial policy implications).

Even with these criteria, in some cases the choices on whether or not a modification is needed is a judgement call.

In addition to these modifications, there are proposed changes to the language that reflect that the program has now been implemented (some of the previous language was prospective, describing what *would* happen if the Council's recommendations were adopted). Similarly, references to "status quo" or other alternatives/options considered that are no longer relevant to the program in its current form have been removed, in some cases documented in footnotes. Other changes have been made to increase consistency of language (e.g. consistent use of CHA to reference catch history assignments made to mothership catcher vessel permits).

In the following tables, only final actions/guidances are numbered. Action items that were preliminary or were later reversed are listed but not given an item number. Within the table, hot links are provided to source documents. The trawl trailing action webpage may be another useful source of information: <http://www.pcouncil.org/groundfish/rawl-rationalization-amendment-20-and-intersector-allocation-amendment-21-trailing-actions/>.

Terminology/Acronyms:

ACLs = Annual Catch Limits
AMP = Adaptive Management Program
BO = Biological Opinion
CHA = Mothership catcher vessel permit catch history assignment – permanently linked to the mothership catcher vessel whiting endorsements.
CP or C/P = Catcher-processor
CRC = Cost Recovery Committee
EFP = Exempted Fishing Permit
EM = Electronic Monitoring
FR = First Receivers
GAP = Groundfish Advisory Panel
IBQ = Individual Bycatch Quota
IFQ = Individual Fishing Quota
IPHC = International Pacific Halibut Commission
LE = Limited Entry
LEP = Limited Entry Permit
MS = Mothership processor (e.g. MS Permit or MS co-op)
MS(CV) or MS/CV = Catcher vessel or permit for the mothership sector.
NMFS = National Marine Fisheries Service
ODFW = Oregon Department of Fish and Wildlife
QP = Quota Pounds
QS = Quota Share
QS/IBQ = Quota Shares or Individual Bycatch Quota
RCA = Rockfish Conservation Areas
VMM = Vessel Movement Monitoring

Table 1. Trawl rationalization clarifications, interpretations and trailing actions for which it is proposed that Appendix E be modified.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
5	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 8	Council Motion: Two changes in vessel registration in a year for MS/CV endorsed permits, if participating in both the shorebased IFQ fishery and the MS fishery – resolving conflict between the two changes allowed in the MS sector and the one change allowed in the shorebased sector. “...require that any second change in vessel registration on a MS/CV permit would require that the permit owner declare that the vessel being assigned to the permit will operate in the MS whiting fishery...”	Yes - update Appendix E language.
6	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 9	Council Motion: Criteria for failure of the CP co-op. Failure criteria: The co-op agreement fails to include all C/P endorsed limited entry permits during the co-op permitting process or if a permit withdraws from the co-op at any time during the year; if the designated co-op manager contacts NMFS regarding a failure; or if the co-op fails to meet its defined responsibilities.	Yes – Update Appendix E, this is an important element of the policy.
10	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 4	Council Implied Concurrence: MS and CP sector permit transfers. For MS permit the first vessel is the vessel as of January 1 or the first date on which an MS permit is registered with a vessel. Permit transfers will be effective upon NMSF approval and issuance of the transferred permit.	Yes – add as a footnote to clarify existing language on MS permit transfers. Effective date of transfers is an administrative detail that does not need to be documented in the FMP.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
14	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 9	<p>Council Implied Concurrence: Interpretation of the use of permits (including):</p> <ul style="list-style-type: none"> • C/P endorsed permit can be used by a catcher/processor in the C/P sector • a MS permit can be used by a mothership in the mothership sector • A vessel may be registered to both a C/P endorsed permit and a MS permit, but cannot fish in both sectors in the same year • MS/CV endorsed permit can be used by a catcher vessel in the MS sector and IFQ sector if QP are available for use by the vessel. • A trawl endorsed permit with no at-sea endorsements can be used by a vessel in the IFQ sector if QP are available for use by the vessel. and in the MS sector if it participates in a MS co-op. 	Yes – modify B-2.1-a, B-2.1-c, and B-4.1- to reflect the last three of these clarifications (the first two require no changes to existing language).
17	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 12	<p>Council Implied Concurrence: Some status quo management measures will remain in place, including trip limits. Trip limits will remain for some non-IFQ species while set-asides will be used for others.</p>	Yes – add some language to clarify the use of set asides.
19	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 14	<p>Council Implied Concurrence: 30 days to cover all catch from an IFQ trip. NMSF proposed 30 days as the reasonable period of time, changing the Council motion language as follows: “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.”</p>	Yes – update Section A-2.2.1.
20	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 15	<p>Council Implied Concurrence: Change term from <i>shoreside site licenses</i> to <i>first receiver site license</i>.</p>	Yes – modify terminology in A-2.3.1 to be consistent with regulations.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
23	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 18	Council Implied Concurrence: The exemption for processing at-sea by shoreside whiting vessels will remain in place and a factor for conversion to round weight established.	Yes – include as part of the clarification that at-sea processing of shoreside allocations is generally prohibited (see Item 46).
25	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 20	Council Implied Concurrence: Non-whiting groundfish species with formal allocations may be reapportioned within the MS Co-op Program or between the MS and C/P Co-op Programs.	Yes – modify Section B-1.3.2. Appendix E already covers rollovers between sectors in Section B-1.3.2 but covers movement of bycatch between co-ops in a different section B-2.3.3-b and only if an inter-co-op agreement is in place.
27	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 22	Council Implied Concurrence: Additional information in MS co-op agreement.	Yes – since the list in Appendix E is specific, it should be updated to reflect what is in regulation (Section B-2.3.3-e).
29	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 24	Council Implied Concurrence: MS co-op failure or dissolution	Yes – this aspect of the program has important implications and should be documented in Appendix E.
32	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 27	Council Implied Concurrence: The catch history of permits that are not renewed or not declared into the co-op fishery would initially go into the non-co-op fishery.	Yes – clarifies what is allocated to the non-co-op fishery (modify B-2.5.3-b).
34	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 29	Council Implied Concurrence: Section B-1.1 states: NMFS will close each segment of the fishery based on <i>projected</i> attainment of whiting catch. This is interpreted as not applying to co-ops since they are responsible for managing their own harvest.	Yes – this is an important clarification with respect to how the program functions.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
37	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 32	Council Implied Concurrence: C/P Co-op Program only allows for the formation of a single voluntary co-op	Yes – the reference to co-ops plural should be singular.
39	April 2010	I.1.b Sup NMFS Rep 2 – Issue 4	Council Motion: Base carryover amount for a deficit on amount in vessel account at the end of the 30-day clock for covering an overage.	Yes – clarifies intent of language in Appendix E.
45	April 2010	I.1.b Sup NMFS Rep 3 – Item 4	Council Implied Concurrence: QP in a vessel account subject to an accumulation limit will be excluded from evidence of QS control. Similar language was implemented for MS catch history allocation control limits.	Yes – for the IFQ fishery Appendix E covers this topic in detail and should be updated to reflect this adjustment (Section A-2.2.3-e). This is not a detail that is covered for the mothership fishery, therefore no changes are required in the mothership section.
46	April 2010	I.1.b Sup NMFS Rep 3 – Item 5	Council Motion: Prohibit all processing at-sea for shorebased QS unless specifically authorized.	Yes – modify Section A-1.3.
47	April 2010	I.1.b Sup NMFS Rep 3 – Item 6	Council Motion: Allow split deliveries on shorebased IFQ trips as long as they are observed (see item 61).	Yes – modify Section A-2.3.1.
51	April 2010	I.1.b Sup NMFS Rep 3 – Item 10	Council Implied Concurrence: Baseline (2009-2010) economic data will be mandatory.	Yes –modify Section 2.3.2 with this detail, which may be historically important.
54	June 2010	B.6.b Sup NMFS Rep 3 – Clarification Issue 3	Council Motion: Halibut IBQ will be subject to QS trading moratorium but IBQ-QP will be transferable as soon as it is issued.	Yes – add some clarifying language that IBQ and IBQ-QP are treated the same as QS and QP, unless specified otherwise.
55	June 2010	B.6.b Sup NMFS Rep 3 – Clarification Issue 4	Council Motion: The individual and collective rule should apply to the mothership catcher vessel catch history control limits.	Yes – this is covered in the shorebased IFQ section but not in the MS section.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
61	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 6	Council Implied Concurrence: Deliveries can be delivered to more than one first receiver if an observer remains on the vessel.	Yes – this issue has arisen in a number of different contexts and is important to the flexibility provided by the program.
63	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 8	Council Implied Concurrence: IBQ-QP will be issued to holders of IBQ-QS	Yes – this is specified for QS and should also be specified for IBQ.
68	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 13	Council Implied Concurrence: The annually required final co-op reports will be submitted to NMFS by March 31 of each year and made available for the April Council meeting. See Item 102 for further changes on report submission.	Yes – Appendix E contains recommendations on the annual filing of co-op reports.
70	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 15	Council Implied Concurrence: NMFS highlighted a number of changes to draft regulatory language on MS and CP co-op failure (changes relative to the April 2010 draft). (Also, see Items 6 and 29 in this list)	Yes – provide some general description on co-op failure since this is an important provision, particularly for the CP sector.
71	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 16	Council Implied Concurrence: NMFS highlighted a number of changes to draft regulatory language on the elements of co-op agreements (changes relative to the April 2010 draft, see Item 27 in this list).	Yes – description of the co-op agreements in the appendix should be adjusted to comport with the provisions included in regulation.
75	Sept 2010	I. 6.a Attachment 1 List of existing regulatory amendment processes.	Council Motion: Use existing regulatory amendment processes for modifications to Appendix E.	Yes – since the FMP language says that these processes will be specified by the Council it would be good to memorialize the Council decision by listing it in Appendix E.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
76	October 2010	Final Initial Allocation Rule	NMFS Final Rule Changes from Proposed Rule: Apply the aggregate nonwhiting control limit first when enforcing compliance with control rules.	Yes- Appendix E is silent on this issue but it is an important element of the accumulation limits and would be good to include in Appendix E.
77	Nov 2010	Nov, 2010 Council Minutes	Council Action: Clarification of intent on Amendment 21 intersector allocation of halibut and related requirements for the Amendment 20 program.	Yes – In section A-4, add “round weight” to language that says all legal and sublegal halibut will be covered by IBQ.
78	Dec 2010	Final components rule	NMFS Final Rule Changes from Proposed Rule: Adjust description of maximized retention to allow for “minor operational discards” and allow discard of IFQ species once an observer has documented and estimated the discards. Eliminate all references to filing contracts with the Council.	Yes. In A-2.3.1 change the description of maximum retention and change B-2.3.3 so that it does not require that material changes or amendments to a contract be filed with the Council.
83	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 1	Council Motion: Concur with NMFS proposals to provide an exemption to the observer coverage requirement when weights and counts of certain overfished species are recorded prior to observer departure (Items 1, 2, and 5 of the NMFS recommendation but strike “removing the posting on the vessel,)”	Yes – Appendix E was updated to specify that observer coverage must be maintained so the exception to this requirement needs to be included.
84	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 2	Council Motion: Concur with NMFS on the application of open access trip limit regulations for vessel with limited entry trawl permits that are not participating in the shorebased IFQ fishery.	Yes – add language indicating applicability of open access trip limits. While the appendix is silent on this issue it is a useful clarification on how the program works to meet conservation objectives.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
85	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 3	Council Motion: Concur with NMFS on clarifying language for non-groundfish trawl fisheries.	Yes – update language referencing “exempted trawl gear” to match current regulatory language and describe the gear types in this category.
95	June 2011	Agenda Item E.6.a, Attachment 5; Agenda Item E.6.b, Supplemental NMFS Report 5; Agenda Item E.6. c, Revised Sup GAP Report	Council Motion: Recommend that mothership sector CHAs be servable from limited entry permits, and respond to NMFS questions based GAP recommendations, including revisions to rules to allow the combination of permits without combining the CHAs.	Yes – language in Section B.2.2.1 prohibiting severability needs to be changed as well as language describing the effect of combining permits on the resulting endorsements.
96	June 2011	Agenda Item E.6.b, ODFW Letter (Excerpt)	Council Motion: Recommend a grandfather clause to allow vessels with permits that were processing for delivery shoreside before July 20, 2010 to continue to do so.	Yes – modify section A-1.3.
97	Sept 2011	Agenda Item G.6.a, Attachment 1 and Agenda item G.6.b, GAP Report	Council Motion: Adopt risk pools as described in Attachment 1 and the options recommended in the GAP report.	No – Implementation of this action was deferred pending the 5-year review. No regulatory action has yet been taken.
98	Sept 2011	Agenda Item G.6.b, CRC Report and Agenda Item G.6.b, Supplemental NMFS Report 2	Council Motion: Adopted the cost recovery structure from page 4, Appendix A of the CRC Report, and Option 4 from page 2 of Supplemental NMFS Report 2 with implementation starting January 1, 2013.	Yes – while the Appendix E is silent on this implementation detail this is an important enough issue that it might be worth documenting the Council policy in the appendix.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
99	Sept 2011	Agenda Item G.6.b, CRC Report	Council Motion: Adopted the Cost Recovery Committee recommendations from pages 2 and three of their report (Items 1 through 9, except in the third item replace “September Council meeting with “as soon as available”)	Yes – same rationale as previous item.
103 102	April 2012	Agenda Item I.4.a, Attachment 1 Item 3 (p. 8)	Council Motion: Recommend eliminate the requirement for the filing of a draft co-op report (select PPA as FPA) (also see Item 68).	Yes – modify the annual reporting requirement in section B-4.2.
108	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 6	Council Motion: Concur with NMFS that MS/CV permits with multiple CHAs may obligate each CHA to a different MS permit.	Yes – Section B-2.4 should be clarify to indicate the permits with multiple CHAs can obligate to more than one mothership.
112	June 2012	Agenda Item D.7.b, NMFS Report 2	Council Action: The Council concurred with NMFS on a number of actions to facilitate its consideration whiting catch share reallocation. Among these was a delay in the end of the two year QS trading moratorium that started the program, a delay in implementing the severability of CHAs, and delays in the divestiture deadlines for meeting shoreside quota and mothership sector control limits.	Yes – update appendix language for historical accuracy (these provisions are no longer operative). Delete sections no longer relevant.
115	Sept 2012	September 2012 Minutes	Council Motion: Allow QS transfers beginning January 1, 2014 and extend the divestiture deadline to December 31, 2015 (effectively November 30, 2015 because there is no QS trading allowed in December). Begin MS/CV CHA endorsement severability on September 1, 2014 and set a divestiture deadline of August 31, 2016.	Yes – update appendix language for historical accuracy (these provisions are no longer operative). Delete sections no longer relevant but note history of implementation in a footnote
117	Nov 2012	Agenda Item I.5.a, Attachment 5	Council Motion: Augment safe harbor from control limits for lenders by specifying the nature of a “lender.”	Yes – Appendix E does not mention exceptions to control limits and since one has been created it should be noted.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
120	Nov 2012	Nov 2012 Minutes	Council Guidance: Suspend whiting surplus carry-over until 5-year review. ⁱ	Yes – provide a note on this suspension.
121	June 2014	June 2014 Minutes and Agenda Item F.3.b, Sup GMT Report	Council Motion: Extend AMP pass-thru until implementation of regulations resulting from the 5-year review.	Yes – amend Section A-3
122	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: An allowance for prohibited and protected species to be retained until landing on “maximized retention” trips.	Yes – Appendix E mentions discard and retention requirements.
123	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Add disposition procedures for salmon landed at IFQ first receivers on “maximized retention” trips consistent with the groundfish and salmon FMPs.	Yes – Appendix E mentions discard and retention requirements.
131	April 2015	Agenda Item E.6, Sup Att 4	Council Motion: Widow reallocation – adopt Alt 2, midpoints between suboptions a and b. (Same allocation method used for target species but a different weighting between whiting and nonwhiting trips).	Yes (anticipatory) – Amend Section A-2.1.3-a
132	April 2015	Agenda Item E.6, Att 1 and Council Minutes	Council Motion: Change the divestiture deadline for widow rockfish to a date 12 months after implementation of the QS reallocation (recognizing that since there is no trading in November there may only be 11 calendar months of trading).	Yes (anticipatory) – Amend Section A-2.2.3-e
133	April 2015	Council Minutes	Council Motion: No change to the Nov 30 divestiture deadline for widow but if widow reallocation puts any quota share (QS) holder above the aggregate limit, the QS holder has up to the date by which widow divestiture is required to comply with the aggregate limit.	Yes (anticipatory) – Amend Section A-2.2.3-e
134	April 2015	Agenda Item E.6.a, NMFS Report	Council Motion: Allow QS owns to divest by abandoning QS (as per pages 7-8 of the NMSF Report).	Yes – Amend Section A-2.2.3-b
135	April 2016	Agenda Item F.1.a, NMFS Report 3	NMFS advised the Council of its intent to take this action: Eliminate widow rockfish vessel daily QP limit.	Yes (anticipatory) – rule is in proposed stage(?)

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
136	April 2016	Agenda Item F.4, Attachment 1 and Agenda Item F.4.a, Supplemental GEMPAC Report	Council Motion: The Council finalized its recommendations for rules for the use of EM by whiting and fixed gear catcher vessels participating in the trawl rationalization program.	Yes (anticipatory) – rule is in proposed stage(?)
137	April 2016	Agenda Item D.2, Attachment 1	Council Motion: provide an observer exemption process for groundfish trawl vessels that want to test trawl gear..	Yes – (anticipatory) soon to be published as a part of a VMM proposed rule.
Modifications to the List of IFQ Species				
138	June 2012	Agenda Item D.5.a, Attachment 2 and Agenda Item D.9.b, Supplemental GAP Report	Council Motion: In adopting the 2013-2014 groundfish specifications the Council divided lingcod management north and south of 40°10' N. Lat.	Yes – Modify Table D-2.
139	Nov 2015	Agenda Item I.6, Attachment 1	Council Motion: "adopt Alternative 1 as the Final Preferred Alternative for Blackgill rockfish and slope rockfish south of 40° 10' N. latitude" (split out Blackgill from slope complex).	Yes - (anticipatory) – wait for rules

ⁱ In the same motion, the Council also extended the prohibition on transferability of widow rockfish QS but this was addressed further in a later action.

Table 2. Trawl rationalization, clarifications, interpretations and trailing actions.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
	March 2010		At its March 2010 meeting the Council was presented with two reports from NMFS, the first providing NMFS interpretations of Council actions and the second requesting Council guidance. The Council took up the questions of the second report in a number of motions and implicitly concurred with the interpretations in the first report.	
1	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 1	Council Motion: Limit permit transfers during application process. “No limited entry permit with a trawl endorsement associated with an application for a QS permit, or MS/CV or C/P endorsement could be transferred to a different permit owner during the application process.” (Option C)	No – implementation procedure.
2	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 2	Council Motion: Permit status pending appeal. “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 NMFS Clarifications 3 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.” (Option A)	No – implementation procedure.
	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 3	Council Motion: When does the 30-day clock start for vessel overages? – Address at April Council meeting.	N/A
	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 4	Council Motion: The 10% carryover provision can be calculated from the vessel account different ways. – Address at April Council meeting.	N/A

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
3	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 5	Council Motion: All QP in a QS account must go in to a Vessel Account each year. “All QP in a QS account must go in to a Vessel Account by a specified date each year, for example, September 1.”	No – date adds specificity to A-2.2.3(b). Does not need to be added to Appendix E.
4	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 6	Council Motion: At least 5 mt minimum set-aside for any species [that is caught in the at-sea fisheries]. (Inconsistency in the Council’s motion from April 2009 on at-sea whiting trawl sector set-asides).	No – pertains to intersector allocation.
	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 7	Council Motion: ... deadline...to declare in to a MS co-op or the non-co-op fishery – Reconsider at the April Council meeting.	N/A
5	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 8	Council Motion: Two changes in vessel registration in a year for MS/CV endorsed permits, if participating in both the shorebased IFQ fishery and the MS fishery – resolving conflict between the two changes allowed in the MS sector and the one change allowed in the shorebased sector. “...require that any second change in vessel registration on a MS/CV permit would require that the permit owner declare that the vessel being assigned to the permit will operate in the MS whiting fishery...”	Yes - update Appendix E language.
6	March 2010	E.6.b Sup REV NMFS Rep 2 – Issue 9	Council Motion: Criteria for failure of the CP co-op. Failure criteria: The co-op agreement fails to include all C/P endorsed limited entry permits during the co-op permitting process or if a permit withdraws from the co-op at any time during the year; if the designated co-op manager contacts NMFS regarding a failure; or if the co-op fails to meet its defined responsibilities.	Yes – Update Appendix E, this is an important element of the policy.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
7	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 1	Council Implied Concurrence: Ownership Declaration - Only require individuals with greater than two percent interest to declare their ownership interest.	No - Does not change the basic control requirements, only the flow of information for enforcement and monitoring.
8	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 2	Council Implied Concurrence: Amendment 21 allocation structure is in addition to existing groundfish allocation structures.	No – pertains to Amendment 21.
9	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 3	Council Implied Concurrence: Renewal. All permits etc. subject to annual renewal.	No – Appendix E is silent on renewal.
10	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 4	Council Implied Concurrence: MS and CP sector permit transfers. For MS permit the first vessel is the vessel as of January 1 or the first date on which an MS permit is registered with a vessel. Permit transfers will be effective upon NMSF approval and issuance of the transferred permit.	Yes – add as a footnote to clarify existing language on MS permit transfers. Effective date of transfers is an administrative detail that does not need to be documented in the FMP.
11	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 5	Council Implied Concurrence: Frequency of transfer for permits <u>not</u> endorsed for an at-sea fishery. Maintain current limit of 1x per year.	No – Appendix E is silent on and did not change the existing limit on transfers for permits that are not endorsed for an at-sea fishery.
12	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 6	Council Implied Concurrence: QS permits, First Receiver Site Licenses, and Co-op Permits are non-transferable.	No – Appendix E is silent on transferability of these permits.
13	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 7	Council Implied Concurrence: New VMS declaration categories. Provide 6 new categories	No – Appendix E is silent on this implementation detail.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 8	<p>Council Implied Concurrence: Defining a whiting trip for the shoreside IFQ fishery. Elimination of the 50% whiting criteria for whiting trips.</p> <p>The Council initially concurred with this change but later the Council and NMFS to regulatory action reinstated the 50% definition – see Item 125.</p>	N/A
14	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 9	<p>Council Implied Concurrence: Interpretation of the use of permits (including):</p> <ul style="list-style-type: none"> • C/P endorsed permit can be used by a catcher/processor in the C/P sector • a MS permit can be used by a mothership in the mothership sector • A vessel may be registered to both a C/P endorsed permit and a MS permit, but cannot fish in both sectors in the same year • MS/CV endorsed permit can be used by a catcher vessel in the MS sector and IFQ sector if QP are available for use by the vessel. • A trawl endorsed permit with no at-sea endorsements can be used by a vessel in the IFQ sector if QP are available for use by the vessel.and in the MS sector if it participates in a MS co-op. 	Yes – modify B-2.1-a, B-2.1-c, and B-4.1- to reflect the last three of these clarifications (the first two require no changes to existing language).
15	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 10	<p>Council Implied Concurrence: Current vessel observer data collection duties would incorporate, not be replaced by, IFQ species data collection needs.</p>	No – Appendix E is silent on this implementation detail.
16	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 11	<p>Council Implied Concurrence: No observer coverage waivers will be granted.</p>	No – Appendix E is silent on this implementation detail. The Appendix has been updated to reflect anticipated EM options for at-sea coverage (see Item 135).

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
17	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 12	Council Implied Concurrence: Some status quo management measures will remain in place, including trip limits. Trip limits will remain for some non-IFQ species while set-asides will be used for others.	Yes – add some language to clarify the use of set asides.
18	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 13	Council Implied Concurrence: Holder of the vessel account and responsible party. Vessel owner(s) account manager(s) and/or vessel operator(s) will have joint and severable liability.	No – Appendix E is silent on this implementation detail.
19	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 14	Council Implied Concurrence: 30 days to cover all catch from an IFQ trip. NMSF proposed 30 days as the reasonable period of time, changing the Council motion language as follows: “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.”	Yes – update Section A-2.2.1.
20	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 15	Council Implied Concurrence: Change term from <i>shoreside site licenses</i> to <i>first receiver site license</i> .	Yes – modify terminology in A-2.3.1 to be consistent with regulations.
21	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 16	Council Implied Concurrence: A vessel will be prohibited from fishing in different areas during the same trip.	No – Appendix E is silent on this implementation detail (additionally, this regulation has been proposed for deletion as part of the recent gear rule).
22	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 17	Council Implied Concurrence: Use individual vessel rather than fleetwide mortality rates for determining a the halibut mortality in a vessel’s catch.	No – this is already in the Appendix E program description in Section A-4.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
23	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 18	Council Implied Concurrence: The exemption for processing at-sea by shoreside whiting vessels will remain in place and a factor for conversion to round weight established.	Yes – include as part of the clarification that at-sea processing of shoreside allocations is generally prohibited (see Item 46).
24	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 19	Council Implied Concurrence: All catch in the at-sea whiting fleet will be required to be weighed by a NMFS certified flow scale that meets the testing requirements.	No – Appendix E is silent on this.
25	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 20	Council Implied Concurrence: Non-whiting groundfish species with formal allocations may be reapportioned within the MS Co-op Program or between the MS and C/P Co-op Programs.	Yes – modify Section B-1.3.2. Appendix E already covers rollovers between sectors in Section B-1.3.2 but covers movement of bycatch between co-ops in a different section B-2.3.3-b and only if an inter-co-op agreement is in place.
26	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 21	Council Implied Concurrence: A co-op permit approved by NMFS will be required of any co-op participating in the MS or C/P Co-op Program.	No – requirements for a co-op permit have already been added to Appendix E language.
27	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 22	Council Implied Concurrence: Additional information in MS co-op agreement.	Yes – since the list in Appendix E is specific, it should be updated to reflect what is in regulation (Section B-2.3.3-e).
28	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 23	Council Implied Concurrence: A co-op agreement will also be required of the C/P Co-op. [Redundant with item 21]	No – requirements for a co-op permit have already been added to the Appendix E language.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
29	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 24	Council Implied Concurrence: MS co-op failure or dissolution	Yes – this aspect of the program has important implications and should be documented in Appendix E.
30	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 25	Council Implied Concurrence: The MS/CV fleet will only be allowed to discard minor operational amounts of catch at sea after the observer has accounted for the catch (i.e., a maximized retention fishery) – dumping or bleeding from the codend must be prevented and deliveries may not be made to tender vessels.	No – Appendix E is silent on this with respect to the MS/CV fleet.
31	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 26	Council Implied Concurrence: Years dropped in MS/CV catch history assignments. Drop the word “worst.”	No – The NMFS correction had already been addressed in the June 2009 motion and was reflected in Appendix E.
32	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 27	Council Implied Concurrence: The catch history of permits that are not renewed or not declared into the co-op fishery would initially go into the non-co-op fishery.	Yes – clarifies what is allocated to the non-co-op fishery (modify B-2.5.3-b).
33	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 28	Council Implied Concurrence: Species that are not allocated to the mothership fishery would be managed on an annual basis according to the sector allocation, the species specific ACLs, and any other accountability measures.	No – this interpretation is in line with language already in Appendix E and pertains to an interpretation of Amendment 21.
34	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 29	Council Implied Concurrence: Section B-1.1 states: NMFS will close each segment of the fishery based on <u>projected</u> attainment of whiting catch. This is interpreted as not applying to co-ops since they are responsible for managing their own harvest.	Yes – this is an important clarification with respect to how the program functions.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
35	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 30	Council Implied Concurrence: Mutual agreement exceptions for catch history assignments for a MS/CV endorsed permit exiting a MS co-op are written private agreements and must be submitted to NMFS as notification of the change.	No – Appendix E is silent on this and it is an administrative detail that does not need to be incorporated in the policy document.
36	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 31	Council Implied Concurrence: New definition for the term “material change” as it applies to the MS fishery.	No – Appendix E is silent on this and the definition, while important, is an administrative detail.
37	March 2010	E.6.b Sup REV NMFS Rep 1 – Item 32	Council Implied Concurrence: C/P Co-op Program only allows for the formation of a single voluntary co-op	Yes – the reference to co-ops plural should be singular.
	April 2010	I.1.b Sup NMFS Rep 2 – Issues 1, 2, 5, 6	The number system for this report is held over from the March Council meeting. Only issues, 3, 4, and 7 are included in the April 2010 report.	N/A
38	April 2010	I.1.b Sup NMFS Rep 2 – Issue 3	Council Motion: 30-day clock for vessels to cover overage starts from time data on the overage is available or shows in the vessel account.	No – change is already in Appendix E.
39	April 2010	I.1.b Sup NMFS Rep 2 – Issue 4	Council Motion: Base carryover amount for a deficit on amount in vessel account at the end of the 30-day clock for covering an overage.	Yes – clarifies intent of language in Appendix E.
40	April 2010	I.1.b Sup NMFS Rep 2 – Issue 7a	Council Motion: Set Sept 1 as the date by which a change in the MS permit to which a vessel will deliver is declared and set Sept 1 through Dec 31 as the period for declaring participation in the co-op or non-co-op fishery.	No – change is already in Appendix E.
41	April 2010	I.1.b Sup NMFS Rep 2 – Issue 7a	Council Motion: Require a co-op permit for MS and CP co-ops.	No – change is already in Appendix E.
42	April 2010	I.1.b Sup NMFS Rep 3 – Item 1	Council Motion: Amendment 21 supersedes allocations prior to Amendment 21.	No – change pertains to Amendment 21 and does not affect Appendix E.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
43	April 2010	I.1.b Sup NMFS Rep 3 – Item 2	Council Implied Concurrence: Deduct all estimated research catch from the OY.	No – this clarification pertains to Amendment 21 and does not affect Appendix E.
44	April 2010	I.1.b Sup NMFS Rep 3 – Item 3	Council Implied Concurrence: NMFS will make a reasonable effort to remove illegal and nonwhiting EFP landings from the initial issuance data set but may not have the time.	No – NMFS had time to make these adjustments.
45	April 2010	I.1.b Sup NMFS Rep 3 – Item 4	Council Implied Concurrence: QP in a vessel account subject to an accumulation limit will be excluded from evidence of QS control. Similar language was implemented for MS catch history allocation control limits.	Yes – for the IFQ fishery Appendix E covers this topic in detail and should be updated to reflect this adjustment (Section A-2.2.3-e). This is not a detail that is covered for the mothership fishery, therefore no changes are required in the mothership section.
46	April 2010	I.1.b Sup NMFS Rep 3 – Item 5	Council Motion: Prohibit all processing at-sea for shorebased QS unless specifically authorized.	Yes – modify Section A-1.3.
47	April 2010	I.1.b Sup NMFS Rep 3 – Item 6	Council Motion: Allow split deliveries on shorebased IFQ trips as long as they are observed (see item 61).	Yes – modify Section A-2.3.1.
48	April 2010	I.1.b Sup NMFS Rep 3 – Item 7	Council Implied Concurrence: No stacking of trawl LE permits (including MS permit) or joint registration with fixed gear LE permits (the prohibition on joint registration with fixed gear permits was reversed by a later action for which a proposed rule has been published).	No – Appendix E is silent on this implementation detail
49	April 2010	I.1.b Sup NMFS Rep 3 – Item 8	Council Motion: Do NOT remove the 5 percent limit on early season harvest in the whiting fishery.	No – Appendix E is silent on specifics of the whiting seasons.
50	April 2010	I.1.b Sup NMFS Rep 3 – Item 9	Council Implied Concurrence: QS and catch history assignments under appeal will not be changed from the initial determination until the appeal is resolved.	No – Appendix E is silent on this implementation detail.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
51	April 2010	I.1.b Sup NMFS Rep 3 – Item 10	Council Implied Concurrence: Baseline (2009-2010) economic data will be mandatory.	Yes –modify Section 2.3.2 with this detail, which may be historically important.
	April 2010	I.1.b Sup NMFS Rep 4 –	NMFS announced that the two issues covered in this report had been resolved.	N/A
52	June 2010	B.6.b Sup NMFS Rep 3 – Clarification Issue 1	Council Motion: The QP for QS that is not renewed between September 15 and November 30 will be distributed among other QS owners. QS not renewed on time may still be renewed for a subsequent year.	No – Appendix E is silent on renewal issues.
53	June 2010	B.6.b Sup NMFS Rep 3 – Clarification Issue 2	Council Motion: QS will be divisible to the 1/1000 th percent and QP will be rounded to nearest whole pound.	No – Appendix E provides general guidance on this implementation detail.
54	June 2010	B.6.b Sup NMFS Rep 3 – Clarification Issue 3	Council Motion: Halibut IBQ will be subject to QS trading moratorium but IBQ-QP will be transferable as soon as it is issued.	Yes – add some clarifying language that IBQ and IBQ-QP are treated the same as QS and QP, unless specified otherwise.
55	June 2010	B.6.b Sup NMFS Rep 3 – Clarification Issue 4	Council Motion: The individual and collective rule should apply to the mothership catcher vessel catch history control limits.	Yes – this is covered in the shorebased IFQ section but not in the MS section.
56	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 1	Council Implied Concurrence: The 5 percent limit on early season whiting catch in the south will be maintained.	No – Appendix E is silent on specifics of the whiting seasons.
57	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 2	Item 2 was not included in this report.	N/A
58	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 3	Council Implied Concurrence: Fishery declarations will be expanded to help with catch monitoring and gear switching provisions.	No – Appendix E is silent on this implementation detail
59	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 4	Council Implied Concurrence: NMFS will work with states to explore use of state employees as catch monitors.	No – Appendix E is silent on this implementation detail
60	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 5	Item 5 was not included in this report.	N/A

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
61	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 6	Council Implied Concurrence: Deliveries can be delivered to more than one first receiver if an observer remains on the vessel.	Yes – this issue has arisen in a number of different contexts and is important to the flexibility provided by the program.
62	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 7	Item 7 was not included in this report.	N/A
63	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 8	Council Implied Concurrence: IBQ-QP will be issued to holders of IBQ-QS	Yes – this is specified for QS and should also be specified for IBQ.
64	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 9	Council Implied Concurrence: There will be a QS/IBQ transfer moratorium in the month of December of each year.	No – Appendix E specifies that NMFS may implement temporary transfer prohibitions for administrative purposes but is silent on this implementation detail
65	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 10	Council Implied Concurrence: Unique identifications and PINs will be used to allow quota owners to control who has access to their accounts.	No – Appendix E is silent on this implementation detail
66	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 11	Council Implied Concurrence: MS permits and CP permit transfers will be effective immediately (effectiveness will not be delayed to the start of the next cumulative limit period).	No – Appendix E is silent on this implementation detail
67	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 12	Council Implied Concurrence: MS permits are limited entry permits but MS vessels are not required to have VMS.	No – Appendix E is silent on this implementation detail
68	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 13	Council Implied Concurrence: The annually required final co-op reports will be submitted to NMFS by March 31 of each year and made available for the April Council meeting. See Item 102 for further changes on report submission.	Yes – Appendix E contains recommendations on the annual filing of co-op reports.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
69	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 14	Council Implied Concurrence: NMFS must be notified of material changes to co-op reports within 3 calendar days of the change and receive copies within 30 days.	No – Appendix E is silent on this implementation detail.
70	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 15	Council Implied Concurrence: NMFS highlighted a number of changes to draft regulatory language on MS and CP co-op failure (changes relative to the April 2010 draft). (Also, see Items 6 and 29 in this list)	Yes – provide some general description on co-op failure since this is an important provision, particularly for the CP sector.
71	June 2010	B.6.b Sup NMFS Rep 3 – Interpretation Item 16	Council Implied Concurrence: NMFS highlighted a number of changes to draft regulatory language on the elements of co-op agreements (changes relative to the April 2010 draft, see Item 27 in this list).	Yes – description of the co-op agreements in the appendix should be adjusted to comport with the provisions included in regulation.
72	Sept 2010	I.5.a Attachment 6 Permits [transfers and cumulative limits], and At-sea Sector Donation Program	Council Motion: Eliminate bi-monthly cumulative trip limits for mothership and catcher processor sectors such that permits transfers for the at-sea sector may become effective immediately, rather than waiting for the next bimonthly cumulative limit period. Eliminating the cumulative limits also eliminates the need for the by-catch utilization and reduction program for the at-sea processors.	No - Appendix E is silent on these implementation details.
73	Sept 2010	I.5.a Attachment 6 Conflict of Interest Regulations in the Observer or Catch Monitor Programs	Council Motion: Recommend the NMFS proposed conflict of interest regulations, which differs from those in the proposed rule deemed by the Council.	No – Appendix E is silent on this implementation detail.
74	Sept 2010	I.5.a Attachment 6 Weight Limits and Conversions	Council Motion: Recommended conversion factors based on page 3 of the I.5.c. Supplemental GMT report (use the ODFW column for sablefish, lingcod, Pacific whiting and skates and the IFQ column for all other species).	No – Appendix E is silent on this implementation detail

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
75	Sept 2010	I. 6.a Attachment 1 List of existing regulatory amendment processes.	Council Motion: Use existing regulatory amendment processes for modifications to Appendix E.	Yes – since the FMP language says that these processes will be specified by the Council it would be good to memorialize the Council decision by listing it in Appendix E.
76	October 2010	Final Initial Allocation Rule	NMFS Final Rule Changes from Proposed Rule: Apply the aggregate nonwhiting control limit first when enforcing compliance with control rules.	Yes- Appendix E is silent on this issue but it is an important element of the accumulation limits and would be good to include in Appendix E.
77	Nov 2010	Nov, 2010 Council Minutes	Council Action: Clarification of intent on Amendment 21 intersector allocation of halibut and related requirements for the Amendment 20 program.	Yes – In section A-4, add “round weight” to language that says all legal and sublegal halibut will be covered by IBQ.
78	Dec 2010	Final components rule	NMFS Final Rule Changes from Proposed Rule: Adjust description of maximized retention to allow for “minor operational discards” and allow discard of IFQ species once an observer has documented and estimated the discards. Eliminate all references to filing contracts with the Council.	Yes. In A-2.3.1 change the description of maximum retention and change B-2.3.3 so that it does not require that material changes or amendments to a contract be filed with the Council.
		Agenda Item E.6.b NMFS Report 1 Items 1, 2, 3, and 4 were addressed in NMFS Report 2		N/A

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
79	June 2011	Agenda Item E.6.b NMFS Report 1 Item 5	Council Motion: Concur with NMFS to review and revise cross over provisions (originally structured for trip limit fisheries) to match with Catch Share Program (e.g. more management areas to consider under the IFQ Program and IFQ program does not allow vessels to fish in more than one management area on a single trip).	No – Appendix E is silent on this implementation detail.
80	June 2011	Agenda Item E.6.b NMFS Report 1 Item 6	Council Motion: Concur with NMFS to not prohibit end-of-year fishing as part of the process for end of year account resolution and instead issue carryover part way into the following year (Option 2).	No – Appendix E is silent on this implementation detail.
	June 2011	Agenda Item E.6.b NMFS Report 1 Items 7, 8, and 9 were addressed in NMFS Report 2		N/A
81	June 2011	Agenda Item E.6.b NMFS Report 1 Item 10	Council Motion: Concur with NMFS to add business relations with a first receiver as a conflict of interest provision for the regulations governing catch monitors and catch monitor providers.	No – Appendix E is silent on these implementation details.
	June 2011	Agenda Item E.6.b NMFS Report 1 Item 11, 12, and 13 were rule corrections		N/A

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
82	June 2011	Agenda Item E.6.b NMFS Report 1 Items 14-27	<p>Council Motion: Concur with NMFS recommendations on the following</p> <ul style="list-style-type: none"> 14. Electronic fish ticket hardware and software requirements 15. Sorting requirements and electronic fish ticket requirements. 16. Daily testing of at-sea scales 17. Regulatory title related to weight and size conversions 18. First receiver application process. 19. Move paragraph on training and certification responsibility. 20. Repeat AMP allocation paragraph so that all allocation steps are in one place. 21. Clarify that halibut under the size limit count against IBQ. 22. Revise fishery declaration categories. 23. In trip limit tables clarify applicability of the RCAs. 24. Review the use of term “transfer” and adjust. 25. Delete old effective date language from regs. 26. Make sorting/weighing requirements consistent. 27. Consistently use the term <i>deficit</i>. <p>Items 28 through 32 were listed as items for potential future Council action.</p>	No – Appendix E is silent on these implementation details (except for item number 21 which is already covered in Section A-4).
83	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 1	<p>Council Motion: Concur with NMFS proposals to provide an exemption to the observer coverage requirement when weights and counts of certain overfished species are recorded prior to observer departure (Items 1, 2, and 5 of the NMFS recommendation but strike “removing the posting on the vessel,)”</p>	Yes – Appendix E was updated to specify that observer coverage must be maintained so the exception to this requirement needs to be included.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
84	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 2	Council Motion: Concur with NMFS on the application of open access trip limit regulations for vessel with limited entry trawl permits that are not participating in the shorebased IFQ fishery.	Yes – add language indicating applicability of open access trip limits. While the appendix is silent on this issue it is a useful clarification on how the program works to meet conservation objectives.
85	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 3	Council Motion: Concur with NMFS on clarifying language for non-groundfish trawl fisheries.	Yes – update language referencing “exempted trawl gear” to match current regulatory language and describe the gear types in this category.
86	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 4	Council Motion: Review and, as necessary, revise catch accounting regulations. Assigned to Council and agency staff for further work.	No – this issue still needs to be resolved.
	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Items 5 and 6 were addressed in NMFS Report 1		N/A
87	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 7	Council Motion: Concur with NMFS on additional fields for e-tickets, requirements for first receiver monitoring plans, and process requirements for first receivers and catch monitors.	No – Appendix E is silent on these implementation details.
88	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 8	Council Motion: Concur with NMFS to require mandatory reporting of exvessel value on e-fishtickets.	No – Appendix E is silent on this implementation detail.
89	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 9	Council Motion: Concur with NMFS on requirements and limits for changing ownership of QS permits and accounts and on vessel accounts.	No – Appendix E is silent on this implementation detail.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 10 thru 32 were addressed in NMFS Report 1		N/A
90	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 33	Council Motion: Concur with NMFS on revisions to require that fish buyers have first receiver licenses for each physical location through which they receive, purchase, or take custody, control or possession of an IFQ landings.	No – Appendix E is silent on this implementation detail.
91	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 34	Council Motion: Concur with NMFS on removing references to the designation of QS account and vessel account managers.	No – Appendix E is silent on this implementation detail.
92	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 35	Council Motion: Concur with NMFS adding provisions to address situations in which harvest specifications are not in place at the start of the fishing season.	No – Appendix E is silent on this implementation detail.
93	June 2011	Agenda Item E.6.b, Sup NMFS Report 2 Item 36	Council Motion: Concur with NMFS on rounding rules for annual issuance of allocations.	No – Appendix E is silent on this implementation detail.
94	June 2011	Agenda Item E.6.b, Supplemental IPHC Letter	Council Motion: Concur with IPHC recommendation on conversion from legal to all sized of halibut.	No – Appendix E is silent on this implementation detail.
95	June 2011	Agenda Item E.6.a, Attachment 5; Agenda Item E.6.b, Supplemental NMFS Report 5; Agenda Item E.6. c, Revised Sup GAP Report	Council Motion: Recommend that mothership sector catch history allocations (CHA) be servable from limited entry permits, and respond to NMFS questions based GAP recommendations, including revisions to rules to allow the combination of permits without combining the CHAs.	Yes – language in Section B.2.2.1 prohibiting severability needs to be changed as well as language describing the effect of combining permits on the resulting endorsements.
96	June 2011	Agenda Item E.6.b, ODFW Letter (Excerpt)	Council Motion: Recommend a grandfather clause to allow vessels with permits that were processing for delivery shoreside before July 20, 2010 to continue to do so.	Yes – modify section A-1.3.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
97	Sept 2011	Agenda Item G.6.a, Attachment 1 and Agenda item G.6.b, GAP Report	Council Motion: Adopt risk pools as described in Attachment 1 and the options recommended in the GAP report.	No – Implementation of this action was deferred pending the 5-year review. No regulatory action has yet been taken.
98	Sept 2011	Agenda Item G.6.b, CRC Report and Agenda Item G.6.b, Supplemental NMFS Report 2	Council Motion: Adopted the cost recovery structure from page 4, Apppendix A of the CRC Report, and Option 4 from page 2 of Supplemental NMFS Report 2 with implementation starting January 1, 2013.	Yes – while the Appendix E is silent on this implementation detail this is an important enough issue that it might be worth documenting the Council policy in the appendix.
99	Sept 2011	Agenda Item G.6.b, CRC Report	Council Motion: Adopted the Cost Recovery Committee recommendations from pages 2 and three of their report (Items 1 through 9, except in the third item replace “September Council meeting with “as soon as available”)	Yes – same rationale as previous item.
100	April 2012	Agenda Item I.4.a, Attachment 1 Item 1 (p. 3)	Council Motion: Recommend joint registration of trawl and fixed gear permits (select PPA as FPA)	No – this regulatory revision is consistent with the language in Appendix E.
101	April 2012	Agenda Item I.4.a, Attachment 1 Item 2 (p. 7)	Council Motion: Recommend changing the opt-out requirement to allow vessels to re-enter the fishery as soon as deficits are covered (select PPA as FPA)	No – this regulatory revision is consistent with the language in Appendix E.
103 102	April 2012	Agenda Item I.4.a, Attachment 1 Item 3 (p. 8)	Council Motion: Recommend eliminate the requirement for the filing of a draft co-op report (select PPA as FPA) (also see Item 68).	Yes – modify the annual reporting requirement in section B-4.2.
	April 2012	Agenda Item I.4.a, Attachment 1 Item 4 (p. 9)	This issue pertained to the whiting season opening date and southern allocation and was revisited later – see Item 119	N/A
	April 2012	Agenda Item I.4.a, Attachment 1 Item 5 (p. 10)	This issue was revisited later – see item 116 Council Motion: Recommend amending midwater trawl gear restrictions to allow for greater chafing gear coverage on the codend (select PPA as FPA).	N/A

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
103	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 1	Council Motion: Concur with NMFS on changes to first receiver site license on matters regarding site inspections and dates.	No – Appendix E is silent on this implementation detail.
104	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 2	Council Motion: Concur with NMFS on changes to broaden the requirements for catch monitor debriefings.	No – Appendix E is silent on this implementation detail.
105	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 3	Council Motion: Concur with NMFS to move renewal date from Sept 1 to Sept 15 of each year.	No – this is consistent with current language in the FMP.
106	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 4	Council Motion: Concur with NMFS to remove the end of year ban on QP transfers between vessel accounts.	No – Appendix E is silent on this implementation detail but allows NMFS to restrict transferability as needed for program administration.
107	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 5	Council Motion: Concur with NMFS to provide an observer certification/decertification process for companies that would serve the West Coast without necessarily being certified for Alaska fisheries.	No – Appendix E is silent on this but generally authorizes NMFS to take needed actions to create an adequate monitoring regime.
108	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 6	Council Motion: Concur with NMFS that MS/CV permits with multiple CHAs may obligate each CHA to a different MS permit.	Yes – Section B-2.4 should be clarify to indicate the permits with multiple CHAs can obligate to more than one mothership.
109	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 7	Council Motion: Concur with NMFS on reviewing and revising the observer program regulations.	No – Appendix E is silent on these implementation details.
110	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 8	Council Motion: Concur with NMFS on the change of the term “permit holder” to “vessel owner” in the regulations.	No – Appendix E is silent on these implementation details.
111	April 2012	Agenda Item I.4.c, NMFS Trailing Actions Item 9	Council Motion: Concur with NMFS on revision to the process by which a permit holder (vessel owner) would request a change in vessel ownership.	No – Appendix E is silent on these implementation details.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
112	June 2012	Agenda Item D.7.b, NMFS Report 2	Council Action: The Council concurred with NMFS on a number of actions to facilitate its consideration whiting catch share reallocation. Among these was a delay in the end of the two year QS trading moratorium that started the program, a delay in implementing the severability of CHAs, and delays in the divestiture deadlines for meeting shoreside quota and mothership sector control limits.	Yes – update appendix language for historical accuracy (these provisions are no longer operative). Delete sections no longer relevant.
113	Sept 2012	Final Rule; Correcting Amendment	Regulatory Correction: Change of renewal dates from September 1 to September 15.	No - This rule corrects an error in the regulations to make them consistent with the groundfish FMP.
114	Sept 2012	Agenda Item H.2.b, Supplemental NMFS Report and September 2012 Minutes	Council Concurrence: While encouraging NMFS to strive for efficiencies on the cost recovery fee form (Item 1) the Council implicitly agreed with the NMFS recommendation if there were not another solution. The Council also concurred with the inclusion of all groundfish species in determine exvessel values (Item 2). The Council concurred with NMFS on allowing renewal of CP and MS permits in situations where the vessel owner and permit owner are not the same and the vessel is found to be the party responsible for not paying the fees (Item 3). Items 4, 5 and 6 in the NMFS report were informational.	No – Appendix E is silent on these implementation details.
115	Sept 2012	September 2012 Minutes	Council Motion: Allow QS transfers beginning January 1, 2014 and extend the divestiture deadline to December 31, 2015 (effectively November 30, 2015 because there is no QS trading allowed in December). Begin MS/CV CHA endorsement severability on September 1, 2014 and set a divestiture deadline of August 31, 2016.	Yes – update appendix language for historical accuracy (these provisions are no longer operative). Delete sections no longer relevant but note history of implementation in a footnote

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
116	Nov 2012	Agenda Item I.5.a, Attachment 2 and Agenda Item I.5.b, Supplemental GAP Report	Council Motion: Chafing Gear Alternative 1, modified by the GAP report recommendation.	No – Appendix E does not address gear configuration.
117	Nov 2012	Agenda Item I.5.a, Attachment 5	Council Motion: Augment safe harbor from control limits for lenders by specifying the nature of a “lender.”	Yes – Appendix E does not mention exceptions to control limits and since one has been created it should be noted.
118	Nov 2012	Agenda Item I.5.a, Attachment 5 and Agenda Item I.5.b, Supplemental GAP Report	Council Motion: Change the scope of activities for which a lender exception is provided (Alternative 2 as modified by the GAP report).	No – noting that the exception exists and its general nature is sufficient detail for the policy document.
119	Nov 2012	Agenda Item I.5.a, Attachment 6	Council Motion: Change the shorebased whiting fishery season start date to May 15 and eliminate early season whiting fishery cap to the extent that an FMP amendment is not required.	No – Appendix E does not address whiting season start dates.
120	Nov 2012	Nov 2012 Minutes	Council Guidance: Suspend whiting surplus carry-over until 5-year review. ⁱⁱ	Yes – provide a note on this suspension.
121	June 2014	June 2014 Minutes and Agenda Item F.3.b, Sup GMT Report	Council Motion: Extend AMP pass-thru until implementation of regulations resulting from the 5-year review.	Yes – amend Section A-3
122	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: An allowance for prohibited and protected species to be retained until landing on “maximized retention” trips.	Yes – Appendix E mentions discard and retention requirements.
123	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Add disposition procedures for salmon landed at IFQ first receivers on “maximized retention” trips consistent with the groundfish and salmon FMPs.	Yes – Appendix E mentions discard and retention requirements.

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
124	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Add disposition procedures for protected species landed at IFQ first receivers on “maximized retention” trips consistent with the 2012 BOs.	No – Appendix E is silent on fish disposition at first receivers.
125	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Add a definition for Pacific whiting trips (50% or more whiting by weight)	No – this is the definition of a whiting trip already specified the Appendix E.
126	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Add separate declarations for whiting and nonwhiting midwater trawl (both to be used only after the whiting season start date).	No – Appendix E is silent on this implementation detail.
127	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Remove restrictions that allow midwater trawl only for vessels participating in the primary whiting season.	No – Appendix E was interpreted to already allow for this participation.
128	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Allow fishing within the RCAs for both midwater trawl declarations.	No – Appendix E was interpreted to already allow for this participation.
129	Nov 2014	Agenda Item J.4.a, Attachment 1	Council Concurrence: Other changes to address unclear language and inconsistencies between sections (8 issues to be addressed)	No – Appendix E is silent on these implementation details.
130	Nov 2014	Agenda Item J.2.b, Sup NMFS Report 2	Council Motion: Apply a proportional method for dealing with situations where a single entity that is over a control limit controls a number of QS accounts or is over for the aggregate nonwhiting control limit.	No – Appendix E is silent on this implementation detail.
131	April 2015	Agenda Item E.6, Sup Att 4	Council Motion: Widow reallocation – adopt Alt 2, midpoints between suboptions a and b. (Same allocation method used for target species but a different weighting between whiting and nonwhiting trips).	Yes (anticipatory) – Amend Section A-2.1.3-a
132	April 2015	Agenda Item E.6, Att 1 and Council Minutes	Council Motion: Change the divestiture deadline for widow rockfish to a date 12 months after implementation of the QS reallocation (recognizing that since there is no trading in November there may only be 11 calendar months of trading).	Yes (anticipatory) – Amend Section A-2.2.3-e

Item	Date	Related Document	Action	Modifies A-20 Appendix E?
133	April 2015	Council Minutes	Council Motion: No change to the Nov 30 divestiture deadline for widow but if widow reallocation puts any quota share (QS) holder above the aggregate limit, the QS holder has up to the date by which widow divestiture is required to comply with the aggregate limit.	Yes (anticipatory) – Amend Section A-2.2.3-e
134	April 2015	Agenda Item E.6.a, NMFS Report	Council Motion: Allow QS owns to divest by abandoning QS (as per pages 7-8 of the NMSF Report).	Yes – Amend Section A-2.2.3-b
135	April 2016	Agenda Item F.1.a, NMFS Report 3	NMFS advised the Council of its intent to take this action: Eliminate widow rockfish vessel daily QP limit.	Yes (anticipatory) – rule is in proposed stage
136	April 2016	Agenda Item F.4, Attachment 1 and Agenda Item F.4.a, Supplemental GEMPAC Report	Council Motion: The Council finalized its recommendations for rules for the use of EM by whiting and fixed gear catcher vessels participating in the trawl rationalization program.	Yes (anticipatory) –soon to be published as a EM proposed rule.
137	April 2016	Agenda Item D.2, Attachment 1	Council Motion: provide an observer exemption process for groundfish trawl vessels that want to test trawl gear..	Yes – (anticipatory) soon to be published as a part of a VMM proposed rule.
Modifications to the List of IFQ Species				
138	June 2012	Agenda Item D.5.a, Attachment 2 and Agenda Item D.9.b, Supplemental GAP Report	Council Motion: In adopting the 2013-2014 groundfish specifications the Council divided lingcod management north and south of 40°10' N. Lat.	Yes – Modify Table D-2.
139	Nov 2015	Agenda Item I.6, Attachment 1	Council Motion: "adopt Alternative 1 as the Final Preferred Alternative for Blackgill rockfish and slope rockfish south of 40° 10' N. latitude" (split out Blackgill from slope complex).	Yes - (anticipatory) – wait for rules

ⁱⁱ In the same motion, the Council also extended the prohibition on transferability of widow rockfish QS but this was addressed further in a later action.