

West Coast Region and Pacific Fishery Management Council Regulations Identified for Review

Title 50 CFR Reference	Short Description	Issue ^{a/}	Rationale	Source
COASTAL PELAGIC SPECIES				
660 Subpart I (660.501-660.520)	Potential regulations that would amend incidental catch allowances in the CPS live bait fishery	Currently, the CPS FMP prescribes a predetermined limit on incidental allowances when a particular stock is in an overfished condition. This could impose economic costs that exceed conservation benefits	Flexibility in setting incidental landings allowances would allow the Council and NMFS to better address conservation needs and socio-economic needs	Council Staff/NMFS Staff
GROUND FISH				
660.140 (h)(1)(i)(A)(3)	Observer requirement/verification offload for bocaccio and canary	Bocaccio and canary are no longer overfished - verification of these two species are no longer necessary	Outdated- reduces regulatory burden on industry and NMFS	Council Staff
660.140(d)(1)(ii)	Eliminating September 1 deadline to transfer all QP and IBQ to vessel accounts	Not effective rule, inefficient	Not needed	Council Staff
660.140(e)(3)(iii)(B)	Under Transfer of QP or IBQ pounds - regulation will be relaxed to allow qp trading after the end of the year	May be done through specifications process - need Council action in Sept	Reduces regulatory burden on industry and NMFS - may provide more economic opportunity within the industry	Council Staff
660.140(e)(3)(iii)(B)	Relief from annual vessel QP limits at end of year	QP limit would not apply at end of year - scheduled for Council final action in September 2018, under Trawl Rationalization Follow-on Action list	Reduces regulatory burden on industry and NMFS, may provide more economic opportunity to industry	Council Staff
660.140(e)(4)	Eliminate daily quota pound limits	May be done through specifications process - need Council action in Sept	Reduces regulatory burden on industry and NMFS, may provide more economic opportunity to industry	Council Staff
660.140(d)(3)(iii)(B)(2)	Transfer of QS or IBQ between QS accounts for widow	No longer needed	Outdated	Council Staff/ NMFS WCR SFD Staff
660.140 (v)(A)	Divestiture and redistribution process in 2016 and beyond; Divestiture and redistribution process for the reallocation of widow rockfish	Outdated in the near future - then remove	Soon to be outdated	Council Staff/ NMFS WCR SFD Staff
660.140(d)(8) through (ix); and 660.150(g)(6); and 660.160((8) Application requirements and initial issuance for QS permit and QS/IBQ	Eliminate any regulatory text associated with Initial Issuance/appeals, etc. because it is no longer needed	Outdated; initial issuance has concluded	Council Staff/ NMFS WCR SFD Staff
660.17, 660.25, 660.115, 660.140, 660.150 (d)(2) etc., 660.160	Initial administrative determinations (IADs) - definitions are similar and repeated in several sections	May or may not be able to be streamlined to reduce duplicity in regs	Reduce duplicity	NMFS WCR SFD Staff
660.140	VMS	Increase precision of monitoring fishing vessel movements - additional option for less expensive VMS units	These are things the Council has taken action on or under EFPs.	Council Staff

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Title 50 CFR Reference	Short Description	Issue ^{a/}	Rationale	Source
GROUNDFISH (continued)				
660.70 - 660.79	EFH/RCA	Modify EFH closures, remove RCA closed areas to allow additional areas for bottom fishing activity, some regs removed, adds economic opportunity	These are things the Council has taken action on or under EFPs.	Council Staff
660.130(b)(1)&(2)	Gear Rule	Cod end changes and mesh size changes, and other changes	These are things the Council has taken action on or under EFPs.	Council Staff
6630.130	Selective flatfish trawl	Changes to applicable areas north of 40.10 and shoreward of 100 fathom contour	These are things the Council has taken action on or under EFPs.	Council Staff
660.130	Global "seaward of the RCA" and "shoreward of the RCA"	Modify text to use depth contour as demarcation when Trawl RCA is removed (for bottom trawl vessels only); shoreward of 100 fathom contour and seaward of the 150 fathom contour	These are things the Council has taken action on or under EFPs.	Council Staff
Several	Salmon mitigation measures	To be finalized under specifications process, some existing regs may be eliminated and/or replaced by more effective regs	These are things the Council has taken action on or under EFPs.	Council Staff
660.60, 660.65, 660.140	Update Specifications of OFL, ABC, ACL, ACT and Fishery HGs starting on Jan 1, 2019	Necessary regulatory changes under 2 yr management cycle for 2019-2020 specifications (update Table 1a through 2d to Part 660 Subpart C and associated footnotes)	These are things the Council has taken action on or under EFPs.	Council Staff
660.18 Observer and catch monitor provider permits and endorsements.	Annual Provider Permits for providers of Observers and Catch Monitors	Provider permit - Consider renewal every 2 years.	Annual renewal unnecessary. Note: the Permits office also recommends some more specific requirements/criteria as a part of the application, which would add a small burden in exchange for the savings provided by a bi-annual permit renewal.	NMFS WCR Permits Staff
660.18 Observer and catch monitor provider permits and endorsements.	Annual First Receiver Site License (FRSL) applications.	Also consider renewal of the FRSL every other year. Alternate years with Provider permits. Or even every 3 years. Permit office receives the same info every year. There is no longer a need for an annual review panel.	Same info every year, no need for annual review panel. Would still have to update Catch Monitoring Plan, like the Vessel Monitoring Plan (VMP).	NMFS WCR Permits Staff
660.25 Permits.	Initial Administrative Decisions (IADs) - do not issue IADs for approvals of permits	Current policy is to issue Initial Administrative Decisions, even for things like approval of Cooperative Permits.	Only issue IADs for denials. The IAD is an extra step of letters, reviews, and signatures that delays actions. It does offer protection for both sides in the event of a dispute and notification of the permit applicant's right to appeal. The rationale is that who is going to appeal an approval?	NMFS WCR Permits Staff

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Title 50 CFR Reference	Short Description	Issue ^{a/}	Rationale	Source
GROUNDFISH (continued)				
660.140 Shorebased IFQ Program. QP and IBQ pounds transfer by September 1	All QP and IBQ pounds in a QS account must be transferred to a vessel account by September 1 of each year in order to be fished.	Get rid of the Sept. 1 deadline to transfer all QP to Vessel accounts	Probably designed to discourage stranding of QP in QS accounts. Stranding still happens anyway. If fishermen don't plan to fish it, and don't plan to transfer or sell QP, they aren't particularly motivated to move the QP. Also, there are exceptions to this "no transfer" rule for additional allocations of Pacific Whiting that may happen after Sept. 1. The QP will expire anyway in a few more months. For those who missed a Sept. 1 deadline and desire to transfer QP from their QS between Sept and the end of the year, they are obviously upset. Thus, the Permits office feels obligated to broadcast and remind QS owners about the Sept. 1 deadline, because it is in the best interests of both the fishermen and the Permits staff to avoid being surprised by the "disappearance" of the QP in their Qs accounts in September.	NMFS WCR Permits Staff
660.140 Shorebased IFQ Program. (C) Any vessel account for which SFD does not receive a vessel account renewal request by November 30 will have its vessel account inactivated by NMFS at the end of the calendar year. NMFS will not issue QP or IBQ pounds to the inactivated vessel account. Any QP or IBQ pounds in the vessel account will expire and surplus QP or IBQ pounds will not be available for carryover. A non-renewed vessel account may be renewed in a subsequent year by submission of a complete vessel account renewal package.	Revisit penalties for not submitting complete applications for renewals of quota share and vessel accounts, with associated Economic Data Collection forms, by the annual deadline.	Currently all quota pounds are frozen for the year and could be reallocated amongst eligible vessel accounts. Consider instead freezing the applicant's ability to fish or trade until resolving their eligibility. This is deterrent enough. Complete loss of annual quota pounds is quite punitive, and would be time-consuming for NMFS staff to reallocate quota pounds.	Complete loss of annual quota pounds could be quite punitive, and it is also time-consuming for NMFS staff to reallocate quota pounds. Also, because of the annual threat of such a potentially very expensive penalty, the permits staff spends quite a bit of time before each deadline reminding applicants of the renewal deadline and potential ramifications if they miss it.	NMFS WCR Permits Staff
660.140 Shorebased IFQ Program. and §660.150 Mothership (MS) Coop Program.	Get rid of notary requirement for permit applications	Not necessary. Permits forms no longer say that notarization is required.	Pursue online renewal forms. PDF certified signatures, etc. The requirement of a notary in regs is inconsistent with the instructions on the forms, is time-consuming, and unnecessary.	NMFS WCR Permits Staff
§660.16 Groundfish observer program.	Faster updating of Priority Species List (see bocaccio and canary above).	Observers and Catch Monitors may devote too much time and resources counting species which are still on NMFS IFQ Priority Species Tracking Form, but are no longer overfished or subject to overfishing.	Focus monitoring resources on the species that most need it. Perhaps re-write the such that, if a species is declared rebuilt by NMFS, it is no longer considered a priority species. NMFS WCR could notify WCGOP with a simple letter saying that "you no longer have to sort bocaccio as a priority species, per regulations at 660.16xxx"	WCR Permits Staff; WCR (GH)

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Title 50 CFR Reference	Short Description	Issue ^{a/}	Rationale	Source
	HIGHLY MIGRATORY SPECIES			
300.21 (definition of IATTC Convention Area)	Regulation of the Overlap Area between the Inter-American Tropical Tuna Commission (IATTC) Convention Area and the Western Pacific Fisheries Commission (WCPFC) Convention Area	Possibly induces costs that exceed benefits	<p>NMFS regulations that implement IATTC measures do not apply in the Area of Overlap between the IATTC and WCPFC with the exception of the Regional Vessel Register measures. WCPFC measures apply in the Area of Overlap--a scenario that the U.S. purse seine fleet has reported as unnecessarily costly. NMFS intends to open public comment about the potential to streamline or apply measures from the IATTC instead of the WCPFC, how fishing effort by United States vessels fishing under the IATTC and WCPFC convention areas has changed since the 2016 final rule was issued, how fishing effort might change in the foreseeable future, impacts of the 2016 final rule on the fishing patterns of U.S.-flagged fishing vessels, their costs of fishing, the expected locations of fishing grounds in the foreseeable future, particularly with respect to the WCPO versus the EPO, and the expected costs to United States fishing businesses of IATTC versus WCPFC management measures applied to the overlap area.</p>	NMFS staff
660.712	Regulations pertaining to longline fishing West of 150W longitude.	Unnecessary or out-of-date regulations	<p>Questionable if it is necessary to specify regulations (in many cases duplicative regulations) for vessels that fish in this area as they hold Pelagics FEP permits and must comply with regulations under 50 CFR 665 Subpart F, which also apply to longline fishing in this area. [which fisheries, in practice, are already all regulated under the WPFMC's Pelagics FMP, never solely under the PFMC's HMS FMP. Perhaps if these regulations were eliminated, LL vessels fishing under PFMC HMS permits could de-link from WesPac permits, and fish west of 150 without any regulation; unclear whether that is economically or practically conceivable.]</p>	NMFS staff

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Title 50 CFR Reference	Short Description	Issue ^{a/}	Rationale	Source
HIGHLY MIGRATORY SPECIES (continued)				
660.712(a)(2) and (11)	Prohibition of Shallow-set longline (SLL) fishing east of 150W. Long.	Inhibit job creation	Vessel owner and operators cannot fish with SLL gear on the high seas in the EPO (east of the 150W longitude) under HMS FMP permits, due to NMFS disapproval of a portion of the original FMP recommended by the Council. However, since NMFS disapproval: (1) mitigation measures have been designed and evaluated as effective means of addressing many of NMFS concerns at the time of its disapproval, and (2) vessel owner/operators that have obtained limited entry permits under the Pelagics FEP are permitted to fish with SLL gear in both the EPO, outside of the exclusive economic zone (EEZ), and the western and central Pacific Ocean (WCPO). West Coast-based vessel owner/operators claim to be disadvantaged by the regional discrepancies in Federal regulations that apply to SLL fishing for HMS. Interested stakeholders have requested that the Council reconsider disapproved portions of the HMS FMP--an action that is listed on the Council's Year-At-A-Glance agenda.	Public comment at Council meetings
660.712(d)	Longline VMS Requirement	Outdated, unnecessary, create inconsistencies among Federal regulations	VMS is required for longline vessels with HMS FMP permits under these HMS regulations as well as High Seas Fishing Compliance Act regulations. (The HMS regulations also prohibit any longline fishing in the U.S. West Coast EEZ, so all longline fishing is on the high seas.) The regulations are duplicative in that vessels operating on the high seas are required to operate VMS. Further, these regulations state that NMFS will pay for the VMS units, and no such funding exists.	NMFS staff
660.708(a)	Logbook requirements for HMS Fishing	Eliminate jobs; create inconsistencies between state and Federal logbook requirements	These regulations were intended to be flexible by allowing the submission of other official logbooks (e.g., state logbooks) in lieu of a Federal logbook. However, in many cases, logbook content is specific to fishing gear and management needs; thus, sometimes official logbooks for a particular gear type do not exist and cannot be issued (e.g., charter boats fishing off of Oregon, need to transition from state of California to Federal logbooks for drift gillnet and harpoon fishing). Fishing without a logbook is in contravention of regulations. This section could be revised to accommodate alternative means to submit required content when no authorized logbook is available. Additionally, some portions of these regulations are simply out-of-date (e.g., old URLs).	NMFS staff

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HIGHLY MIGRATORY SPECIES (continued)				
660.705(c) and 660.707(a) (and several other paragraphs)	Requirements for landing HMS to Pacific Coast ports	Interfere with regulatory reform initiatives	Technically, only vessel owner/operators with a permit under the HMS FMP can land fish to Pacific coast ports, despite authorization of Federal fishing activities resulting in the catch of these species under other FMPs or authorities. Therefore, many vessel owner/operators that are fishing in non-HMS fisheries but catch small/incidental quantities of HMS species, must obtain HMS permits to land these species; the same issue applies to Hawaii longline vessels that are fishing under the WestPac Pelagic regulations and landing HMS species into West Coast ports. This has led to inflated estimates of "potential effort" since the HMS FMP permit program is open access and many vessels that are not actually fishing under the HMS Plan are compelled to register under HMS permits. Additionally, this scenario creates confusion in interpreting fishery dependent data and whether marketable HMS that have been legally and incidentally caught can be landed to Pacific Coast ports.	NMFS staff
SALMON				
660.408 Annual actions (d)(2)	Coho allocation south of Cape Falcon	Outdated	The allocation formula is based on total (marked and unmarked) coho abundance and doesn't account for mark selective fisheries management, which is currently used to set quotas and allocate among sectors. [NMFS and Council attempted to address this under Amendment 17, but it was dropped from that amendment.]	Council Staff/NMFS Staff
660.402 Definitions	Fishery Management Area	Outdated	This term and its definition appear to originally pre-date the establishment of the EEZ and the Pacific Salmon Treaty. We do not use it in our regulations. The term "fishery management area" occurs in multiple locations in Subpart H--West Coast Salmon Fisheries.	NMFS Staff/GCNW Staff

a/ Eliminate jobs, or inhibit job creation; are outdated, unnecessary, or ineffective; impose costs that exceed benefits; create a serious inconsistency or interfere with regulatory reform initiatives and policies.