



Pacific Fishery Management Council

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Philip Anderson, Chair | Charles A. Tracy, Executive Director

August 13, 2018

Mr. Barry Thom
Regional Administrator, West Coast Region
National Marine Fisheries Service
1201 NE Lloyd Blvd., Suite 1100
Portland, OR 97232-1274

Re: Council Recommendations for Trawl Gear Rule

Dear ^{Barry}Mr. Thom:

At its March and June 2016 meetings, the Pacific Fishery Management Council (Council) adopted final recommendations to update the trawl gear related regulations to reflect the individual accountability provided by the trawl catch share program. Specifically, the Council recommended:

1. allowing vessels to carry and use multiple trawl gears types on a single trip (fish caught using different gears must be stowed separately);
2. eliminating minimum mesh size regulations for the codend and body of the net;
3. eliminating restrictions on codends;
4. eliminating chafing gear restrictions;
5. allowing a new haul to be brought onboard and dumped before all catch from previous haul has been stowed;
6. changing the selective flatfish trawl gear definition and restrictions; and
7. allowing a vessel to fish in multiple management areas on the same trip and assign catch to management areas in proportion to the vessel's effort in each area on that trip, as described in the [Agenda Item G.9.a, NMFS Report, June 2016](#).

The Council's discussion and analysis of the use of multiple trawl gear types (bottom or midwater) on the same trip focused primarily on midwater trawl targeting non-whiting species; midwater trawl gear is also used to target Pacific whiting. While there was no mention of excluding whiting targeting from the multiple gear use provision, either during advisory body or public testimony and Council discussion or in the alternatives and language of the Council motion, neither was there mention of its inclusion. However, at this time the attached regulations exclude whiting targeting from the multiple gear use provision. Inclusion of whiting targeted tows along with other trawl gear target strategies would require addressing a number of other potentially complex regulatory matters that could potentially delay the rule. For example, the definition of a whiting trip would have to be reconsidered as well as other provisions which relate to such trips, such as application of maximum retention rules and monitoring requirements. In September 2015, when the Council provided its direction on the range of alternatives to be considered in this package, it directed that the analysis should exclude any issue that might potentially delay the target implementation date

(at that time, 2017). In November 2015, in order to avoid delaying progress on the gear rule, the Council excluded options that would have required reworking the distinction between whiting and other target strategies (excluded options to allow the targeting of whiting with any trawl gear and excluded elimination of the whiting/nonwhiting trip distinction). Given the potential delay that could be entailed by the inclusion of whiting targeted tows on what would otherwise be nonwhiting trips and the uncertainty regarding the Council's intent with respect to inclusion of whiting targeting tows on multi-gear trips, I have determined that at this time the attached regulations are appropriate to implement the Council's final action, leaving open the possibility for future regulatory revisions related to this issue.

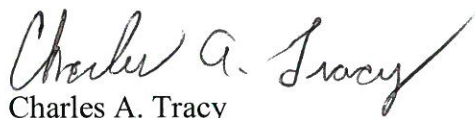
The selective flatfish trawl gear definition would be changed to allow the use of four seam nets and the restriction that requires use of selective flatfish trawl gear shoreward of the trawl Rockfish Conservation Area in the area north of 40° 10' N. Latitude would be replaced by a restriction that requires use of small footrope trawl in that area. The Council also recommended a revised procedure for measuring mesh size in the body of the net. The current regulations reference measuring between knots, which does not take into account that some nets are now made with knotless mesh.

This letter transmits the proposed regulations to implement Council-recommended gear configuration and use provisions. These regulations represent substantial progress in reducing the regulatory burden on the West Coast trawl fishery and allowing industry the flexibility to find creative solutions to gear issues while ensuring our conservation mandates are met through the individual responsibility incentives of the trawl catch share program.

Council staff has worked closely with your staff in developing the proposed regulations such that the language is consistent with final action taken at the March and June 2016 Council meetings. By this letter, I deem the attached regulations as necessary or appropriate to implement the Council final action taken at that time.

Please let me know if our staff can be of any further assistance on this important matter.

Sincerely,



Charles A. Tracy
Executive Director

JLS:rdd

Enclosure: Gear Rule Regulation Text Necessary to Implement the Council's Recommendation.

Cc: Mr. Chris Oliver
Council Members
Groundfish Advisory Subpanel
Groundfish Management Team

Ms. Karen Palmigiano
Dr. Jim Seger