



Pacific Fishery Management Council

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David W. Ortmann, Chairman Donald O. McIsaac, Executive Director

May 7, 2010

Mr. Barry Thom, Acting Regional Administrator
National Marine Fisheries Service, Northwest Region
7600 Sand Point Way NE, BIN C15700
Seattle, WA 98115-0700

Re: Council Recommendations for Pacific Coast Groundfish Fishery Management Plan
Amendments 20 and 21: Trawl Rationalization (Limited Access Privilege Program) and
Intersector Allocation

Dear Mr. Thom:

This letter transmits the Pacific Fishery Management Council's (Council's) recommendations for Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan (FMP). These amendments would create a rationalization program for the trawl sector (Amendment 20) and establish long-term trawl and non-trawl allocations for certain species and species groups (Amendment 21). Also included with this transmittal are proposed regulations on initial allocation and sector allocation. As authorized by the Council, I deem these regulations to be necessary or appropriate for the purpose of implementing the plan amendments in a manner consistent with the Council policy intent, with the understanding that refinements may be needed prior to their publication. The Council staff will continue to work with your staff, and if necessary, I could deem any resulting edits as within the scope of the authority provided to me in April or the Council could deem the revised portions at the June meeting.

At its June 2010 meeting, the Council is scheduled to review draft regulations for the remaining components of the Amendment 20 trawl rationalization program. Final draft regulations are to be submitted as a proposed rule by July 19, 2010. The Council understands that this schedule will allow National Marine Fisheries Service (NMFS) to implement the program by January 1, 2011, assuming it is approved by the U.S. Secretary of Commerce.

In the fall of 2003, the Council began work on Amendment 20 and in November 2008 adopted a preferred alternative for a report to Congress which was required under section 302(f) of Public Law 109-479. In that report the Council noted that, while its November 2008 action entailed decisions on the essential major elements of at-sea co-operative and shoreside individual fishing quota (IFQ) programs, a number of elements had been left for further refinement

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including: IFQ ownership and use caps, ownership eligibility, and mechanisms for the use of an “adaptive management” set-aside. The Council concluded its work on these issues and adopted Amendment 20 FMP amendment language at its June 2009 meeting. From June 2009 through April 2010 the Council worked with NMFS on completing the Environmental Impact Statement (EIS) and the proposed regulations enclosed herein. During that time, and after providing advance public notice, the Council modified its June 2009 action by adding an equal allocation element to the initial issuance of canary rockfish IFQ, modifying the time period vessels would have to cover catch overages with IFQ, changing annual declaration dates for the mothership co-op program, and specifying that co-op permits would be required in the mothership and catcher-processor fisheries. At its April 2010 meeting, the Council authorized Council staff to review and formally deem refined regulations, enclosed herein, as necessary or appropriate to implement Amendment 20 and consistent with final Council action taken at the various Council meetings. The Council has also identified important trailing FMP amendments that it will be considering as the program moves forward. Topics for the trailing amendments are expected to include, but not be limited to: community fishing associations, the development of criteria for the distribution of the quota set aside for adaptive management, and cost recovery.

For Amendment 20, the Council published a draft EIS in November 2009, which was available for a public comment period that ran from December 4, 2009 through January 19, 2010. We refer you to this document for the required analyses of Amendment 20 impacts (www.pcouncil.org/wp-content/uploads/0911_TRatEIS_DEISPortfolio.pdf). A final EIS is scheduled to be submitted to the Environmental Protection Agency (EPA) on June 18, 2010. The full Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) will be made available concurrently with the publication of the proposed rule on initial allocation, scheduled for May 27, 2010.

In June 2004, the Council began work on Amendment 21 and took final action at its April 2009 meeting. As with Amendment 20, from June 2009 through April 2010 the Council worked with NMFS on completing the EIS and the proposed regulations enclosed herein. During that time, and after providing advance public notice, the Council modified its April 2009 action by specifying that the long-term allocation of Pacific halibut be modifiable either upward or downward during any future biennial groundfish specifications process. At its March 2010 meeting, the Council adopted the plan amendment language required to implement Amendment 21, and at its April 2010 meeting, the Council authorized Council staff to review and formally deem refined regulations, enclosed herein, as necessary or appropriate to implement Amendment 21 and consistent with final Council action taken at the various Council meetings. At that time, the Council also authorized the staff to make modifications to the FMP amendment language as necessary to clarify Council intent that Amendment 21 allocations would supersede the limited entry and open access allocations for these species originally established under Amendment 6.

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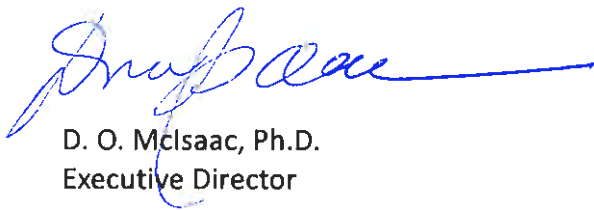
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For Amendment 21, the Council published a draft EIS in January 2009, which was available for a public comment period that ran from January 29, 2010 through March 15, 2010. We refer you to this document for the required analyses of Amendment 21 impacts (www.pcouncil.org/wp-content/uploads/ISA_DEIS_Jan10.pdf). A final EIS is scheduled to be submitted to the EPA on June 18, 2010, concurrent with the submission of the final EIS for Amendment 20. As will be done for Amendment 20, the RIR/IRFA for Amendment 21 will be made available concurrently with the publication of the proposed rule on initial allocation, scheduled for May 27, 2010.

Should your staff have any questions regarding the Council's recommendations, please have them contact Mr. Jim Seger at the Council office.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. O. McIsaac", with a long horizontal flourish extending to the right.

D. O. McIsaac, Ph.D.
Executive Director

JLS:rd

Enclosures:

Pacific Coast Groundfish Management Plan Amendment 20
Pacific Coast Groundfish Management Plan Amendment 21
Proposed Implementing Regulations

c: Mr. Rod McInnis
Mr. Frank Lockhart
Ms. Eileen Cooney
Ms. Mariam McCall
Dr. John Coon
Mr. David Ortmann
Mr. Mark Cedergreen
Mr. Dan Wolford
Mr. James Seger
Dr. Christopher Dahl
Mr. John DeVore
Ms. Kelly Ames
Mr. Kevin Duffy
Ms. Jamie Goen