

## NMFS Items for Correction

This document includes items NMFS will implement through a correcting amendment in 2012 for the Pacific Coast groundfish fishery. These items are technical edits and corrections and NMFS is not expecting the Council to take action on these items.

These items are still in development and additional items may be added as the rulemaking progresses. Some of these items are a result of the trawl rationalization program actions but affect others sectors as well (i.e., limited entry fixed gear and open access). Item 1 was initially available at the September 2011 Council meeting under Agenda Item G.8.b, Supplemental NMFS Report 1: Additional Potential Trailing Actions from NMFS.

1. Correct regulations to require observer coverage for all vessels processing groundfish at sea (unless a waiver has been issued by NMFS).

*Before implementation of Amendment 20, any vessel that processed at sea in the groundfish fishery was required to have observer coverage (unless a waiver has been issued by NMFS). The regulations implementing Amendment 20, which also restructured the entire groundfish regulations, erroneously removed a portion of the groundfish regulations pre-Amendment 20. The requirement that any vessel processing at sea in the groundfish fishery must have observer coverage was erroneously applied to only the at-sea whiting fishery (MS & C/P). It should apply to all commercial groundfish fisheries (trawl, fixed gear, open access). See 68 FR 53334 (9/10/2003) for the history on this provision.*

### **NEW ITEMS since September 2011 Council meeting:**

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2. Correction to the observer/offload regulations.

*Regulations are corrected to make it clear the observer must be on the vessel while in port unless the observer provides a form to the catch monitor documenting the specified IFQ species. The regulations were unclear on the requirements for documenting IFQ fish (all IFQ fish versus the 4 overfished species) between the prohibitions at 660.112 and the management measures at 660.140. In addition, revisions to this paragraph would clarify whether a vessel must carry an observer in port at any time the vessel is underway in port, not just between delivery points.*

*660.112 Trawl fishery—prohibitions.*

*(b) Shorebased IFQ Program —*

*(1) General.*

*(xiii) Retain any IFQ species/species group onboard a vessel unless the vessel has observer coverage during the entire trip and observer or catch monitor coverage while in port until all IFQ species from the trip are offloaded, ~~except for the following IFQ species: Bocaccio, yelloweye rockfish, canary rockfish, and cowcod.~~ A vessel is exempted from this requirement*

*while remaining docked in port, ~~if~~ the observer makes available to the catch monitor an observer program form reporting the weight and number of ~~each of the IFQ species bocaccio, yelloweye rockfish, canary rockfish, and cowcod~~ that were retained onboard the vessel during that trip and noting any discrepancy in those species between the vessel operator and observer; ~~the vessel would not need to maintain observer or catch monitor coverage on the vessel while in port and until the offload is complete.~~ A vessel must maintain observer coverage while underway in port. A vessel may deliver IFQ species/species groups to more than one IFQ first receiver, but must maintain observer coverage onboard the vessel during any transit between delivery points. Once transfer of fish begins, all fish aboard the vessel are counted as part of the same landing as defined at §660.11. Modifying the list of IFQ species to which this exception applies has been designated as a “routine management measure” and may be modified through an inseason action, as specified at §660.60(c)(1)(iv).*

660.140

*(h) Observer requirements —*

*(1) Observer coverage requirements.*

*(i) Any vessel participating in the Shorebased IFQ Program must carry a NMFS-certified observer during any trip and must maintain observer or catch monitor coverage while in port until all fish from that trip have been offloaded. ~~with the following exception. A vessel is exempted from this requirement while remaining docked in port, if~~ the observer makes available to the catch monitor an observer program form reporting the weight and number of those overfished species identified in §660.112(b)(1)(xiii) that were retained onboard the vessel during that trip and noting any discrepancy in those species between the vessel operator and observer; ~~the vessel would not need to maintain observer or catch monitor coverage on the vessel while in port and until the offload is complete.~~ If a vessel gets underway in port or delivers fish from an IFQ trip to more than one IFQ first receiver, ~~the~~an observer must remain onboard the vessel during any transit between delivery points.*

3. Correct coop permit initial administrative determination (IAD) regulations to reference 660.25(g) (i.e., the permit appeals process).
4. Correct regulations at 660.150(g)(2)(i) to on MS/CV permit renewal to say that the processor obligation to an MS permit must be declared on the form rather than an MS vessel.
  - (2) *Renewal, change of permit owner, vessel registration, or combination —*
    - (i) *Renewal. An MS/CV-endorsed permit must be renewed annually consistent with the limited entry permit regulations given at §660.25(b)(4), subpart C. During renewal, all MS/CV-endorsed limited entry permit owners must make a preliminary declaration regarding their intent to participate in the coop or non-coop portion of the MS Coop Program for the following year. If the owner of the MS/CV-endorsed permit intends to participate in the coop portion of the MS Coop Program, they must also declare which ~~MS vessel~~ MS permit to which they intend to obligate the permit's catch history assignment. MS/CV-endorsed permits not obligated to a permitted MS coop by March 31 of the fishing year will be assigned to the non-coop fishery. For an MS/CV-endorsed permit that is not renewed, the following occurs: \* \* \**

5. Correct regulations at §660.150(g)(2)(iv)(B) to state the proper form used to transfer an MS/CV endorsement.

*A request to change the registration of an MS/CV endorsement is a unique form from the Fisheries Permit Office and is not the permit ownership form. Therefore, regulations should be revised to read as follows:*

*(B) Application. A request for a change in MS/CV endorsement registration must be made between September 1 and December 31 of each year. Any transfer of MS/CV endorsement and its associated CHA to another limited entry trawl permit must be requested using the appropriate & change in permit ownership form from the Fisheries Permits Office and the permit owner or an authorized representative of the permit owner must certify that the application is true and correct by signing and dating the form. In addition, the form must be notarized, and the permit owner selling the MS/CV endorsement and CHA must provide the sale price of the MS/CV endorsement and its associated CHA. If any assets in addition to the MS/CV endorsement and its associated CHA are included in the sale price, those assets must be itemized and described.*

6. Correct the software requirements for electronic fish tickets at §660.15(d)(1)(v).

*The regulations erroneously state that an operating system such as Windows 2007 may be used. There is no such operating system. The regulations should read Windows 7 instead, as follows:*

*(v) Operating system: Microsoft Windows XP with Service Pack (SP) 2, Windows Server 2003 with SP1, or later operating system such as Windows Vista or Windows 7 ~~2007~~;*