

ENFORCEMENT CONSULTANTS REPORT ON TRAWL RATIONALIZATION TRAILING
ACTIONS AND ALLOCATION AMENDMENTS AND ACTION

The Enforcement Consultants (EC) have reviewed the documents pertaining to Agenda Item F.8 Trawl Rationalization Trailing Actions and Allocation Amendments and Actions, Agenda Items F.8.a Attachments 1,2, 3, and 4, and Agenda Item F.8.b NMFS Reports 1,2, and 3.

Attachment 1

No. 5, *Allow a fixed gear permit and a trawl permit to be registered to the same vessel at the same time.*

The EC endorses Alternative 2, which was recommended by the Trawl Rationalization Regulatory Evaluation Committee and endorsed by the Council in November 2011. We believe the current requirements and restrictions on permit stacking and transfers are not appropriate in this period of catch share management, and add unwarranted complexity to the management scheme. Further, we believe there are cost savings for the industry and NOAA Fisheries that could be realized under this proposal. The noted staff recommendation is an important clarification point that should be included if this option is adopted by the Council.

No. 6, *Change the opt-out requirement for quota pound (QP) deficits.*

The EC endorses the alternative that will allow vessels that have carried a known deficit for more than 30 days to avoid a violation by opting out of the fishery (so long as the deficit is less than the carryover allowance (10 percent)). Such vessels may opt back in once they have cured their deficit. This action represents a relaxing of the opt out rule currently in place which requires a vessel to remain out of the fishery until the next calendar year.

In the first year of Trawl Rationalization (TRat), there were over 3000 individual fishing quota deliveries with hundreds of landings where vessels accounts went into deficit, but there were no violations of the requirement to cover those deficits in 30 days. There were three vessels that opted out of the fishery. These opt-out declarations took place in mid-December and were part of a strategy employed by the vessel account holders where the deficits were covered with QP issued after January 1, 2012, thus avoiding the need to lease QP in 2011.

Given this level of activity, the robust tracking capability of the TRat vessel account system and the demonstrated compliance by the industry, we believe a relaxation of the opt-out rules is warranted.

Attachment 4:

The EC recognizes the importance of the Council doing a comprehensive review of its gear regulations as they apply in the TRat program. The gear regulations currently in place address risk placed upon the species rather than upon the fishermen. Rationalization has reversed the risk equation, placing risk upon the fisherman. Correspondingly, regulations should be developed that reflect this change.

The gear issues analyzed in Attachment 4 are a positive first step, but a number of issues raised within this package will need review and analysis. The EC would like to convene its June 2012 meeting one day early and invite participation by interested members of the Groundfish Management Team and Groundfish Advisory Subpanel. In addition, NW Region and Science Center staff should be encouraged to attend. The proposed agenda will evaluate the alternatives contained in Attachment 4 and bring recommendations forward for Council consideration, with the understanding that these recommendations may be acted upon in 2013, as the Council schedule allows.

No. 2 Chafing Gear

Notwithstanding the statement above, the EC strongly encourages the Council to move forward with Strawdog Alternative 2 as outlined in Agenda Item F.8.a, Attachment 4.

As noted in previous EC statements, the whiting fishery is generally out of compliance with the current chafing gear requirements at 660.130(b)(3). This is an untenable position for industry, state, and Federal enforcement programs, which needs to be addressed. Having consulted with industry, the EC believes Strawdog Alternative 2 meets the needs of the whiting industry in regards to bringing their nets as currently configured into compliance. Alternative 1 may be too broad in its potential application and was therefore rejected.

PFMC
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11:59 a.m.