

**TRAWL RATIONALIZATION TRAILING ACTIONS
 AND ALLOCATION AMENDMENTS**

The groundfish trawl catch share program has been implemented and fishing under the program began on January 11, 2011. The catch share program was approved under Amendment 20 to the groundfish fishery management plan (FMP). Many of the trawl allocations which are managed through the catch share program were established through Amendment 21. Both of these amendments were approved by National Marine Fisheries Service (NMFS) in August 2010 and implemented for the 2011 fishery through the laudable and diligent efforts of the NMFS regional and science center staffs.

At its September 2010 meeting the Council prioritized a number of trawl rationalization issues for immediate consideration as trailing regulatory actions or FMP amendments. For one issue of particular importance, community fishing associations, the Council held a number of hearings in October. At its November 2010 meeting, the Council provided direction for moving forward on priority issues. A tentative calendar for the Council process on these issues is provided (Agenda Item H.5.a, Attachment 1). The following is a general summary of the direction provided by the Council on these issues.

Issue	Council Direction in November 2010	Urgency (Implementation by)
1 A-21 Supersedence of A-6	Move ahead: Highest Priority	2013 (needed for/with biennial spex)
2 Halibut Allocation	Move ahead: Alternatives provided	2012 (emergency rule expires at end of 2011)
3 Cost Recovery	Move ahead with NMFS lead. Requested transparency of cost information used to determine fees. Cost assessments should be sector specific.	2012 (stated Council objective)
4 QS/QP Control Rule Safe Harbor		
4a CFAs	Move ahead: general guidance on alternatives and analysis provided in Council motion.	2013 (QS trading starts)
4b Risk Pools	Move ahead with alternatives provided in staff document. Request NMFS/General Counsel participation and meetings with constituents regarding need for action by the Council and type of action needed. NMFS report requested for April.	Not specified
4c Lenders	Move ahead: Included in 4b (verbal clarification of motion)	Not specified
5 Severability of Catch History/ Endorsement From Mothership/Catcher Vessel Permit	Move ahead: Alternatives provided	2012 (stated Council objective)
6 Adaptive Management Program Quota Pound Pass Thru	Move ahead: A range of alternatives provided.	2013 (needed in lieu of other direction for using AMP pounds)

At this meeting, the Council is scheduled to identify preliminary preferred alternatives on the first three issues: (1) superseding Amendment 6 allocations with those decided under Amendment 21; (2) halibut trawl bycatch mortality allocation; and (3) severability of catch history/endorsements from the mothership catch vessel permits. The remaining five other trailing action issues are scheduled for consideration at the April Council meeting. Additionally, the Council may need to respond to any policy issues which have arisen over the course of the first

months of implementation of the program. These issues may show up in a NMFS report under this agenda item or Agenda Item H.1, or as public comment. Issues that appear to warrant immediate attention may require reconsideration and reprioritization of the current schedule with public notice as to when they would be scheduled for Council action. Appropriate issues that are not urgent in requiring immediate action should be scheduled for consideration at the September 2011 Council meeting, together with issues considered in September 2010 but postponed for further action.

With respect to Amendment 21 superseding Amendment 6, the Council's Amendment 21 recommendation proposed that the Amendment 21 trawl/nontrawl allocations specifically replace the Amendment 6 (license limitation) limited entry/open access allocations in place since 1994 (Agenda Item H.5.a, Attachment 2). NMFS disapproved the Council recommendation on superseding Amendment 6 because it believed the public had not been provided adequate notice that this was a feature of the Council's Amendment 21 recommendations. The analysis on this issue was included in the Amendment 21 and 2011-2012 biennial specifications environmental impact statements. A related issue has been identified with respect to the interpretation of the Council action on set-asides and flexibility for inseason modifications. In Agenda Item H.5.a, Attachment 2, this issue is discussed and identified for possible inclusion in the alternatives. The task for the Council at this meeting is to identify a preliminary referred alternative. The final action on this issue will be an FMP amendment.

With respect to the Pacific halibut allocations, in the fall of 2010, after reviewing new information on Pacific halibut historic trawl bycatch mortality, the Council determined that there was a substantial risk that the Amendment 21 trawl halibut allocations may have been overly restrictive. On that basis, the Council recommended an emergency action to provide a larger amount for trawl halibut bycatch mortality. That action was put into place by NMFS via emergency rule at the start of the year and will run 185 days. The action can be renewed for an additional 186 day period (covering the remainder of 2011), so long as the Council is working on a plan amendment to permanently resolve the problem. At this meeting, a draft Environmental Assessment (EA) has been provided to support the Council consideration of a preliminary preferred alternative (Agenda Item H.5.a, Attachment 3). In order to have a revised allocation in place for the 2012 fishery, the Council needs to make a final recommendation to change the Amendment 21 halibut allocation by its June 2011 meeting. The final Council action on this issue will be an FMP amendment, currently scheduled for the June 2011 Council meeting.

With respect to the severability of the mothership whiting catcher vessel endorsement/catch history from the permit, the issue is one that was covered in the Amendment 20 Environmental Impact Statement (EIS) and an extensive analysis does not appear to be required to make a modification. The concern to be addressed is that there are some permits that were allocated very small amounts of mothership sector Pacific whiting history but are used primarily in the shoreside fishery. In order for their small amounts to be harvested, those permits would need to join a co-op. "Severability" would allow the holders of such permits to transfer the endorsements/catch history to a permit more fully engaged in the mothership whiting sector. Control limits already in place would prevent excess aggregation. A brief analysis is provided in Agenda Item H.5.a, Attachment 4. The final action on this issue will be a regulatory action, not an FMP amendment.

Council Action:

1. **Select preliminary preferred alternatives on:**
 - a. **Superseding Amendment 6 Allocations with Amendment 21 Allocations.**
 - b. **Trawl halibut bycatch allocation.**
 - c. **Severability of catch history/endorsements from the mothership catch vessel permits.**
2. **Provide guidance on other April trailing amendment issues as may be requested or appropriate.**
3. **Respond, as appropriate, to any new implementation issues identified by NMFS and the public, as appropriate.**

Reference Materials:

1. Agenda Item H.5.a, Attachment 1: Calendar for Trailing Amendments on Catch Shares.
2. Agenda Item H.5.a, Attachment 2: Superseding Amendment 6 Allocations With Those Decided Under Amendment 21.
3. Agenda Item H.5.a, Attachment 3: Trawl Catch Shares and Intersector Allocation Amendments, Issue: Groundfish Trawl Halibut Bycatch Mortality Allocation.
4. Agenda Item H.5.a, Attachment 4: Trawl Catch Shares and Intersector Allocation Amendments, Issue: Severability of Whiting Mothership Catcher Vessel Endorsements/ Catch History.
5. Agenda Item H.5.b, Oregon Governor's Letter.
6. Agenda Item H.5.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview Jim Seger
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt Appropriate Actions as needed and Preliminary Preferred Alternatives for Prioritized Trailing Issues (i.e., Amendment 21 versus Amendment 6; Pacific Halibut Bycatch Allocation; and Whiting Endorsement Severability Issues)

PFMC
02/11/11