

IMPLEMENTATION UPDATE FOR AMENDMENT 20 (TRAWL RATIONALIZATION)
AND AMENDMENT 21 (INTERSECTOR ALLOCATION) AS WELL AS SCOPING OF
PRIORITIZED TRAILING AMENDMENTS

At its September 2010 meeting the Council prioritized four main trailing action issues for immediate consideration:

- Supersedeance of the limited entry-open access allocations from Amendment 6 (implemented in 1994) by the trawl non-trawl allocations from Amendment 21;
- cost recovery;
- quota share (QS) control rule safe harbor exceptions for community fishing associations (CFAs), bycatch risk pools, and loan collateral financing; and
- severability of the mothership catcher-vessel catch history/endorsements from permits.

In conjunction with the above issues, the Council may also consider specifying a pass through of the Adaptive Management Program quota pounds in the third year of the program (currently the pass through is scheduled only for years 1 and 2). A scoping information document on these issues was prepared and is provided as Agenda Item H.5.a, Attachment 1. At this meeting, the Council is scheduled to continue its scoping process on those four issues. Scoping involves identification of options and impacts that should be considered in the analysis supporting the Council decision process.

In support of the Council scoping process on trailing actions, hearings were held on the issue of CFAs in Eureka, California (October 25), Portland, Oregon (October 27), and Monterey, California (October 28). During the public hearing, comment was solicited on the control limit exception for CFAs as well as other CFA provisions that might be added to the trawl rationalization program. While comment was solicited on the broad topic of CFAs, the public was informed that the immediate priority for the Council is limited to the issue of whether or not CFAs should be provided a safe harbor exception to the control limits (along with subsidiary issues such as the size of the exception, criteria CFAs must meet for the exception, etc.). Summaries of the hearings are provided as Agenda Item H.5.a, Supplemental Attachment 2.

In September, the Council requested review of historic data on trawl bycatch of Pacific halibut in order to consider whether a change to the halibut bycatch allocation to the groundfish trawl fishery should become a priority for trailing action. These data are provided as Agenda Item H.5.a, Attachment 3. Washington Department of Fish and Wildlife has provided a report on this issue (Agenda Item H.5.c, WDFW Report).

In determining how to move forward, the Council may wish to consider an expected schedule for completion of action on these issues (Agenda Item H.5.a, Attachment 4). In that regard, as a process efficiency measure, the value of appointing a group on some of the topics selected for immediate priority might be considered. If the Council appoints a workgroup, it should consider both constituent membership and agency support. Workgroups are able to operate most effectively when agency expertise is available during the workgroup meetings. Presence of

agency personnel at workgroup meetings may also benefit the decision process at Council meetings.

The catch share program fishery management plan amendments (Amendments 20 and 21) were approved in August and implementing regulations are in the process of being finalized. The public comment period on the trawl catch shares components rule closed September 30 and final NMFS decision on this rule is expected later this fall. The final rule on initial allocation was published on October 1, 2010. By the time of the November Council meeting, the deadline for entities to apply for an initial allocation of QS (November 1, 2010) will have passed and any entity not having met that deadline will not receive an initial allocation (there are no hardship or other exceptions to this deadline). NMFS will provide a status report on implementation under this agenda item (Agenda Item H.5.b).

Council Action:

- 1. Provide guidance on moving forward on those issues that the Council has identified as an immediate priority for trailing action. Guidance should address:**
 - a. options to be developed for analysis,**
 - b. any particular impacts or information that should be prioritized in the analysis,**
 - c. the calendar for consideration of trailing actions and need for workgroups to support option development, and**
 - d. other guidance as appropriate.**
- 2. Respond to implementation issues identified by NMFS, as appropriate.**

Reference Materials:

1. Agenda Item H.5.a, Attachment 1: Fall 2010 Scoping Information on Trailing Actions for the Groundfish Trawl Catch Share Program.
2. Agenda Item H.5.a, Supplemental Attachment 2: Community Fishing Association Hearing Summaries.
3. Agenda Item H.5.a, Attachment 3: Historic Data on Trawl Bycatch of Pacifica Halibut and Hindcast Allocations.
4. Agenda Item H.5.a, Attachment 4: Calendar for Trailing Actions on Trawl Catch Shares.
5. Agenda Item H.5.c, WDFW Report, Washington Department of Fish and Wildlife Report on the Calculation of Halibut Individual Bycatch Quota for the Trawl Rationalization Program.
6. Agenda Item I.5.d, Public Comment.

Agenda Order:

- a. Agenda Item Overview
 - b. National Marine Fisheries Service Report on Implementation
 - c. Reports and Comments of Advisory Bodies and Management Entities
 - d. Public Comment
 - e. **Council Action:** Refine Trailing Amendments for Further Development and Respond to Implementation Issues as Needed
- Jim Seger**
Frank Lockhart

PFMC
08/19/10