



National Marine Fisheries Service, Northwest Region
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PUBLIC NOTICE

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FOR IMMEDIATE RELEASE
May 12, 2010

PACIFIC COAST GROUND FISH FISHERY

- 1. Amendments 20 & 21 Available for Public Comment**
- 2. Deadline Extended for Data Reviews & Database Extraction to July 1, 2010**

The National Marine Fisheries Service (NMFS) announces the following: 1) Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan (FMP) are available for public comment, and 2) a change in the date by which potential participants in the trawl rationalization program must review their data and by which NMFS will extract a copy of the databases.

Public Comment Open on Amendments 20 & 21

NMFS announces publication of a notice of availability for Amendments 20 and 21 to the FMP (75 FR 26702, May 12, 2010). The notice of availability is posted on the NMFS website at www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Regulations/index.cfm. The notice of availability opens a public comment period on the amendments.

Public comment must be received no later than 5 p.m. (PST) on July 12, 2010.

You may submit comments, identified by RIN 0648-AY68 by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>
- Fax: 206-526-6736, Attn: Jamie Goen.
- Mail: Barry Thom, Acting Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Jamie Goen.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

The draft FMP language for Amendments 20 & 21 are available electronically through the Council's website (see below) or by calling the Council at 866-806-7204 to request a copy.

Amendment 20 web page, including links to the FMP language

<http://www.pcouncil.org/groundfish/fishery-management-plan/fmp-amendment-20/>

Amendment 21 web page, including links to the FMP language

<http://www.pcouncil.org/groundfish/fishery-management-plan/fmp-amendment-21/>

Background

Amendment 20 would establish a trawl rationalization program for the Pacific Coast groundfish fishery. Amendment 20's trawl rationalization program would consist of: an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting sectors); and cooperative (coop) programs for the at-sea whiting mothership (MS) and catcher/processor (C/P) trawl fleets. The trawl rationalization program is intended to increase net economic benefits, create individual economic stability, provide full utilization of the trawl sector allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch.

Amendment 21 would allocate select groundfish species among sectors within the groundfish fishery, including trawl versus non-trawl, shoreside trawl versus at-sea trawl, and whiting versus non-whiting. These allocations are intended to improve management under the rationalization program by streamlining its administration, providing stability to the fishery, and addressing halibut bycatch.

NMFS is reviewing Amendments 20 and 21 in their entirety. However, due to the complexity of the proposed fishery management measures, the upcoming proposed rule, which is expected to publish in late May 2010, will only propose certain key components that would be necessary to have permits and endorsements issued in time for use in the 2011 fishery and in order to have the 2011 specifications reflect the new allocation scheme. Specifically, the upcoming rule would propose to establish the allocations set forth under Amendment 21 and establish procedures for initial issuance of permits, endorsements, and quota shares under the IFQ and coop programs. In addition, the proposed rule would restructure the entire Pacific Coast groundfish regulations to more closely track the organization of the proposed management measures and to make the total groundfish regulations more clear.

NMFS plans to propose additional program details in future rulemakings. Such additional details would include: program components applicable to IFQ gear switching, observer programs, retention requirements, equipment requirements, catch monitors, catch weighing requirements, coop permits/agreements, first receiver site licenses, quota share accounts, vessel accounts, further tracking and monitoring components, and economic data collection requirements. NMFS is also planning a future rulemaking for cost recovery based on a recommended methodology yet to be developed by the Pacific Fishery Management Council (the Council).

The draft environmental impact statements (DEIS) for Amendments 20 and 21 provide further information on the amendments, including an analysis of the expected impacts of the actions. The DEISs are available on the Council's website.

- The Amendment 20 DEIS is titled, "Rationalization of the Pacific Coast Groundfish Limited Entry Trawl Fishery."
- The Amendment 21 DEIS is titled, "Allocation of Harvest Opportunity between the Sectors of the Pacific Coast Groundfish Fishery."

Deadline Extended to July 1, 2010

NMFS announces a change in the date by which potential participants in the trawl rationalization program must review their data and by which NMFS will extract a copy of the databases. **The deadline has been extended and the new date is July 1, 2010.**

In preparation for potential future implementation of the trawl rationalization program, NMFS published a final rule (75 FR 4684, January 29, 2010) on data collection that included providing notice to the industry to review their catch data for purposes of ensuring that the initial issuance of permits, endorsements, QS, whiting catch history assignments and other calculations undertaken by NMFS would be based on the best available data. The final rule also announced that NMFS would extract a copy of the databases that will be used for initial issuance on the date the proposed rule publishes (expected in late May 2010).

In the February 19, 2010, “Small Entity Compliance Guide” and in the associated January final rule, NMFS provided instructions for who to contact to get your data, and by when the data must be reviewed and, if necessary, corrected.

All potential participants in the trawl rationalization program were requested to check the data that NMFS will use for initial issuance of permits and allocations of harvest privileges. This includes potential QS permit owners in the IFQ fishery, including harvesters and shoreside processors. It also includes potential coop participants that may be issued a MS permit, a MS/CV endorsement with an associated whiting catch history assignment, or a C/P endorsement.

Participants were instructed that this would be the only opportunity for potential participants in the trawl rationalization program to review and, if necessary, correct their fishery data prior to initial issuance of permits and allocations. At that time, NMFS stated that it was very important that this information be reviewed prior to the publication of the proposed rule for the trawl rationalization program, so that when NMFS extracts a copy of the databases for the initial issuance of permits and allocations, the data is correct. Participants were further instructed that NMFS would not allow this data to be corrected during the initial issuance and appeals process. Only NMFS’ extraction, expansion, or aggregation of the data would be subject to appeal, not whether the raw data NMFS used was correct.

Because none of the data is publicly available at the individual level, for confidentiality reasons, NMFS provided instructions and Federal and state contact information for participants to use in requesting and correcting data. (In support of this process, the Pacific State Marine Fisheries Commission developed scripts for the states to use in providing fishermen and processors their data.) NMFS also indicated that if existing data contains a mistake, such as a transcription error,



then the participant may request a correction. However, requests to add new data to the Pacific States Marine Fisheries Commission's Pacific Fisheries Information Network (PacFIN) database or the NMFS' Northwest Fisheries Science Center's Pacific whiting observer data in NORPAC (short for "North Pacific," a database of North Pacific fisheries and Pacific whiting information) will not be considered. For logbooks, only existing logbook information in PacFIN may be corrected (i.e., only transcription errors); no new logbooks dating back to 2003 through 2006 will be accepted. Any revisions to an entity's fish tickets or logbooks will have to be approved by the state in order to be accepted by NMFS.

NMFS previously announced that the agency intended to extract a copy of the PacFIN and NORPAC databases for the purposes of initial issuance on the date of publication of the upcoming proposed rule that is expected to publish in late May. However, upon further consideration, NMFS has chosen to specify the date of extraction as July 1, 2010, in order to give the public more time to verify their data. Potential participants have had notice of the significance of verifying their data, and this extension to July 1, 2010, gives them additional time.