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## PUBLIC NOTICE

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NMFS-SEA-12-12  
FOR IMMEDIATE RELEASE  
August 1, 2012

### PACIFIC COAST GROUND FISH FISHERY

#### *Trawl Rationalization Program:*

#### **Reconsideration of the Allocation of Whiting,**

#### **Delay of Relevant Regulations Final Emergency Rule**

The National Marine Fisheries Service (NMFS) announces the publication of a *Federal Register* notice related to the trawl rationalization program, a catch share program. A final emergency rule which delays some and revises other portions of the regulations potentially impacted by the reconsideration of allocation of whiting (RAW 1) published on August 1, 2012 (77FR45508), and will be **effective September 1, 2012**.

This rule is available on the NMFS Northwest Region website at <http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Regulations/Index.cfm>.

More information on this rule follows.

#### **RAW 1 Final Emergency Rule**

NMFS announces publication of a final, temporary rule done through emergency action authority under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) 305(c)(1) in response to decisions issued by the U.S. District Court for the Northern District of California in the case *Pacific Dawn v. Bryson*, No. C10-4829 TEH (2012). This action delays some and revises other portions of the Pacific Coast Groundfish Fishery Trawl Rationalization Program (program) regulations. These changes are necessary to enable NMFS to implement new regulations for the program to comply with a court order requiring NMFS to reconsider

#### NOTE:

**Beginning October 1, 2012, NMFS will no longer mail paper copies of public notices.**

Public notices will continue to be available through our groundfish email group or on our website (links below).



#### *Groundfish E-mail Group*

Subscribe to “wgroundfish” by visiting the following website:

<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Public-Notices/Index.cfm>  
and clicking “sign up”.

#### *NMFS Trawl Program Website*

<http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/Trawl-Program/index.cfm>

the initial allocation of Pacific whiting (whiting) to the shorebased Individual Fishing Quota (IFQ) fishery and the at-sea mothership fishery. The rule delays the ability to transfer of Quota Share (QS) and Incidental Bycatch Quota (IBQ) between QS accounts in the shorebased individual IFQ fishery, and severability in the mothership fishery, both of which will be delayed until NMFS can implement any necessary new allocation regulations required by the court's order. This rule also delays divestiture requirements for the shorebased IFQ and mothership fisheries until the ability to transfer QS is reinstated. Furthermore, the rule modifies issuance provisions for quota pounds (QP) for the beginning of fishing year 2013 to preserve NMFS' ability to deposit the appropriate final amounts into IFQ accounts based on any recalculation of QS allocations. In the meantime, NMFS will deposit into accounts an interim amount of QP based on the shorebased trawl allocation, as reduced by the amount of QP for whiting trips for whiting, and for species caught incidentally in the whiting fishery (including lingcod, Pacific cod, canary, bocaccio, cowcod, yelloweye, Pacific ocean perch, widow, English sole, darkblotched, sablefish N. of 36°N lat., yellowtail N. of 40°10' N. lat., shortspine N. of 34°27' N. lat., minor slope rockfish N. of 40°10' N. lat., minor slope rockfish S. of 40°10' N. lat., minor shelf rockfish N. of 40°10' N. lat., minor shelf rockfish S. of 40°10' N. lat., and other flatfish). The remainder of the interim QP will be deposited in accounts at the start of the whiting primary season.

NMFS is also advising the at-sea mothership fishery that the response to the court order may impact processor obligations and cooperative (coop) formation if whiting catch history assignments are recalculated.

The process for reviewing and correcting landings data (since this data may be used for reallocation) will be announced via a public notice following the Council's selection of a Final Preferred Alternative (FPA) at the September 13-18, 2012 Council meeting.

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This Public Notice serves as a Small Entity Compliance Guide for the final, emergency rule which delays some and revises other portions of the Pacific Coast Groundfish Fishery Trawl Rationalization Program regulations.

Any discrepancies between this Public Notice and the *Federal Register* will be resolved in favor of the *Federal Register*.

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