



**NOAA  
FISHERIES**

National Marine Fisheries Service, West Coast Region  
7600 Sand Point Way NE, Seattle, WA 98115  
[www.westcoast.fisheries.noaa.gov/index.html](http://www.westcoast.fisheries.noaa.gov/index.html)



## **PUBLIC NOTICE**

For Information Contact:  
Groundfish Branch (206) 526-6140  
Fisheries Permit Office (206) 526-4353

NMFS-SEA-14-12  
FOR IMMEDIATE RELEASE  
March 20, 2014

### **PACIFIC COAST GROUND FISH FISHERY**

#### ***Trawl Rationalization Program: Cost Recovery Clarifications Annual Report Available***

As announced in a December 11, 2013, public notice (NMFS-SEA-13-22), the National Marine Fisheries Service (NMFS) implemented cost recovery for the Pacific coast groundfish trawl rationalization program (78 FR 75268, December 11, 2013). Beginning January 10, 2014, cost recovery fees must be paid on groundfish retained in the trawl rationalization program.

This public notice announces several clarifications and availability of NMFS Annual Report providing more details on the cost recovery calculations. Since implementation, several issues have been raised that warrant clarification, including:

1. Fish buyer's use of principal from a deposit account in cases of credit card payment to Pay.gov (Individual Fishing Quota (IFQ), Mothership (MS))
2. For the C/P sector, only retained groundfish are subject to the cost recovery fee.
3. MS Cost Recovery Annual Report form available

NMFS has revised the compliance guide based on these clarifications. A revised compliance guide is available on NMFS Trawl Program website (see box for address).

#### **Credit Card Payments – Deposit Principal**

Fish buyers may use a credit card to pay cost recovery fees due to NMFS through Pay.gov. Regulations at §660.115(d)(1)(ii), state that the principal in the deposit account must be paid directly to NMFS each month through Pay.gov. However, in the case of a credit card payment, the deposit principal would be used to pay back the credit card in the same amount that was paid to NMFS through Pay.gov. NMFS would be able to track these payments from deposit account to the credit card to NMFS to verify compliance with the regulations. NMFS clarifies that using a credit card complies with the deposit principal requirements in regulation.

#### **C/P Fee on Retained Catch**

For the C/P Coop Program, NMFS clarifies that the cost recovery fee is on retained groundfish. Several places in the regulations, including the definition of

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#### ***NMFS Trawl Program Website***

[http://www.westcoast.fisheries.noaa.gov/fisheries/  
groundfish\\_catch\\_shares/index.html](http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish_catch_shares/index.html)



## National Marine Fisheries Service, West Coast Region

ex-vessel value, refer to the aggregate pounds of all groundfish *harvested* by the C/P vessel. However, the C/P fleet should only pay cost recovery fees on the weight of all groundfish species *retained* and not on any discards. The preamble to the final rule supports this conclusion in the response to comment 9. In addition, it is consistent with the IFQ and MS sectors which do not pay cost recovery fees on discarded fish. NMFS has clarified this in the revised compliance guide and will likely clarify regulations through a future rulemaking.

For 2014, the formula for the C/P cost recovery fee amount due is:

$$1.1\% \times (\text{retained pounds of all groundfish species} \times \$0.14/\text{lb}) = \text{fee amount}$$

### **MS Cost Recovery Annual Report Form Available**

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For the MS Coop Program, each mothership must provide an annual report on the previous year's cost recovery collections by March 31, as specified in the final rule. The first form reporting on 2014 will be due by March 31, 2015. NMFS is providing an MS Cost Recovery Annual Report Form (attached). The form is also available on the NMFS Trawl Program website.

### **NMFS Annual Report**

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As announced in the rulemaking, NMFS intends to publish an annual report in the spring of each year that would provide information on the fees collected from the previous calendar year and further detail on the current year's cost recovery calculations. Because 2014 is the first year of cost recovery, NMFS does not yet have information on the previous year's fee collection to report.

NMFS had intended to provide this first year's annual report sooner than spring because NMFS did not have to wait for previous year's data to be available. However, NMFS was not able to do so because of other priority workload. NMFS Cost Recovery Annual Report is now available on the NMFS Trawl Program website.

<p><b>MS COOP PROGRAM</b>  <b>COST RECOVERY</b>  <b>ANNUAL REPORT</b>  <b>PACIFIC COAST GROUND FISH</b>  <b>TRAWL RATIONALIZATION PROGRAM</b></p>	<p>UNITED STATES DEPARTMENT OF COMMERCE                  National Oceanic and Atmospheric Administration                  National Marine Fisheries Service, West Coast Region  <i>Fisheries Permits Office</i>                  7600 Sand Point Way NE, Bldg. 1                  Seattle, WA 98115-0070</p>	
<p>Phone (206) 526-4353 Fax (206) 526-4461 www.nwr.noaa.gov</p>		

**INSTRUCTIONS:** Each fish buyer, as defined at 50 CFR 660.111 for the Mothership (MS) Coop Program, must submit this annual report containing the information listed below for the fishing year for all groundfish each fish buyer purchased from fish sellers in that year. This form must be completed in its entirety and submitted to the National Marine Fisheries Service (NMFS) at the address given above by **March 31** each year.

**Fish Buyer Name(s)**

Owner of vessel registered to MS permit: \_\_\_\_\_

Operator of vessel registered to MS permit: \_\_\_\_\_

Owner of the MS permit registered to that vessel: \_\_\_\_\_

**MS Permit Number:** \_\_\_\_\_

Total Weight Bought (in lbs) =

Total Ex-vessel Value Paid =

Total Fee Amount Collected =

Month	Year	Weight Bought (lbs)	Ex-vessel Value	Fee Amount Collected	Date Disbursed to NMFS
May					
June					
July					
August					
September					
October					
November					
December					
Total:			\$	\$	

**WARNING STATEMENT:** A false statement on this form is punishable by permit sanctions (revocation, suspension, or modification) under 15 CFR Part 904, a civil penalty up to \$100,000 under 16 USC 1858, and/or criminal penalties including, but not limited to, fines or imprisonment or both under 18 USC 1001.

**PRIVACY ACT STATEMENT:** Some of the information collection described above is confidential under section 402(b) of the Magnuson-Stevens Act and under NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics. Business phone number, fax number, and email are not released to the public. The information collected is part of a Privacy Act System of Records, COMMERCE/NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries. A notice was published in the Federal Register on April 17, 2008 (73 FR 20914) and became effective on June 11, 2008 (73 FR 33065).

**PRA STATEMENT:** The trawl cost recovery program is required by the Magnuson-Stevens Act [16 USC §§ 1853a(e), 1854(d)(2)]. This collection of information is mandatory as specified at 50 CFR 660.115. This collection of information accompanies and documents payment of fees due for that program. Public reporting burden for this form is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to NOAA/National Marine Fisheries Service, West Coast Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA 98115. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.