



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-14-19  
FOR IMMEDIATE RELEASE  
May 20, 2014

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

#### **Additions to Quota Share Accounts and Vessel Accounts: Pacific Whiting Top-Up; Correction to 2014 Shorebased Trawl Allocations; and Surplus Carryover**

Quota pounds (QP) for the actions listed in this Public Notice will be issued to the accounts of each affected permit owner or vessel owner on or before May 30, 2014. To view each NMFS transfer, participants may log into their quota share (QS) or vessel account and click on the 'Transfer Summary' tab.

#### **Pacific Whiting Top-Up**

---

In January 2014, NMFS issued interim allocations to the Shorebased IFQ Program and to QS permit owners through their QS accounts. The interim value for Pacific whiting was a conservative allocation to remain in place until the final harvest specifications for the whiting fishery were implemented. NMFS will credit QS accounts with additional Pacific whiting QP (i.e., "topped-up") based on the final harvest specifications.

#### **Correction to 2014 Shorebased Trawl Allocations for Certain Groundfish Species**

---

A rule published in the Federal Register May 16, 2014 that corrects inadvertently misreported 2014 shorebased trawl allocations for certain groundfish species in the harvest specifications originally published in the Federal Register on January 3, 2013. These species include English sole, lingcod, minor slope rockfish north of 40°10' N. latitude, Other Flatfish, Pacific cod, shortspine thornyhead N. of 34°27' N. latitude, and yellowtail rockfish north of 40°10' N latitude. The correcting rule results in a very minor increase in QP for these species. The correcting rule can be found online at: <http://www.westcoast.fisheries.noaa.gov/publications/frn/2014/79fr28455.pdf>.

The corrected shorebased trawl allocation table at § 660.140 (d)(1)(ii)(D) reads as follows:

IFQ Species	Management Area	2013 Shorebased Trawl Allocation (mt)	2014 Shorebased Trawl Allocation (mt)
Arrowtooth flounder		3,846.13	3,467.08
BOCACCIO	South of 40°10' N. lat.	74.90	79.00
CANARY ROCKFISH		39.90	41.10
Chilipepper	South of 40°10' N. lat.	1,099.50	1,067.25
COWCOD	South of 40°10' N. lat.	1.00	1.00
DARKBLOTCHED ROCKFISH		266.70	278.41
Dover sole		22,234.50	22,234.50
English sole		6,365.03	5,260.85
Lingcod	North of 40°10' N. lat.	1,222.57	1,155.15
Lingcod	South of 40°10' N. lat.	494.41	474.30
Longspine thornyhead	North of 34°27' N. lat.	1,859.85	1,811.40
Minor shelf rockfish complex	North of 40°10' N. lat.	508.00	508.00
Minor shelf rockfish complex	South of 40°10' N. lat.	81.00	81.00
Minor slope rockfish complex	North of 40°10' N. lat.	776.93	789.38
Minor slope rockfish complex	South of 40°10' N. lat.	376.11	378.63
Other flatfish complex		4,189.61	4,193.80
Pacific cod		1,125.29	1,126.41
PACIFIC OCEAN PERCH	North of 40°10' N. lat.	109.43	112.28
Pacific Whiting		85,679	108,935
PETRALE SOLE		2,318.00	2,378.00
Sablefish	North of 36° N. lat.	1,828.00	1,988.00
Sablefish	South of 36° N. lat.	602.28	653.10
Shortspine thornyhead	North of 34°27' N. lat.	1,385.35	1,372.49
Shortspine thornyhead	South of 34°27' N. lat.	50.00	50.00
Splitnose rockfish	South of 40°10' N. lat.	1,518.10	1,575.10
Starry flounder		751.50	755.50
Widow rockfish		993.83	993.83
YELLOWEYE ROCKFISH		1.00	1.00
Yellowtail rockfish	North of 40°10' N. lat.	2,635.33	2,938.85

## Surplus Carryover – Vessel Accounts

---

In the Shorebased IFQ Program, NMFS will issue surplus carryover for 19 IFQ species that have 2014 Annual Catch Limits (ACLs) established at a level lower than their corresponding 2014 Acceptable Biological Catches (ABCs). NMFS will not issue surplus carryover for the remaining IFQ species that have 2014 ACLs established equal to their 2014 ABCs. This decision is the result of a recent court decision discussed below.

On April 4, 2014, the D.C. District Court issued its decision in Conservation Law Foundation's (CLF's) challenge to Framework 50 to the New England Groundfish Fishery Management Plan (FMP), *Conservation Law Foundation v. Pritzker*, No. 13-00821 (D.D.C. Apr. 4, 2014). The court held that carryover is inconsistent with the Magnuson-Stevens Act if it results in a total potential catch level that exceeds the ABCs recommended by the SSC. In light of the court's holding, NMFS West Coast Region has decided that 2014 ACLs, including carryover from 2013, should not exceed the ABCs recommended by the SSC. Thus we will not be issuing carryover for any IFQ species where adding 2013 carryover onto the 2014 ACL would result in exceeding an IFQ species' ABC.

There are 19 IFQ species for which the ACL is smaller than the corresponding ABC and NMFS will issue surplus carryover in 2014 for all of them: Bocaccio rockfish south of 40°10' N., Canary rockfish, Cowcod south of 40°10' N., Darkblotched rockfish, Dover sole, Longspine thornyheads north of 34°27' N., Minor shelf rockfish north of 40°10' N., Minor shelf rockfish south of 40°10' N., Minor slope rockfish north of 40°10' N., Other flatfish, Pacific cod, Pacific halibut (IBQ) north of 40°10' N., Pacific ocean perch north of 40°10' N., Sablefish north of 36° N., Sablefish south of 36° N., Shortspine thornyheads north of 34°27' N., Shortspine thornyheads south of 34°27' N., Widow rockfish, and Yelloweye rockfish.

Consistent with the PFMC March 2013 recommendation, NMFS will not issue surplus carryover for Pacific whiting to adhere to the international whiting treaty agreement, where a method for addressing the fact that carryover of unused Pacific whiting already exists. Since the Pacific halibut Total Constant Exploitation Yield for area 2A (Washington, Oregon and California) is set by international agreement, and there is no ACL, the court's holding is not applicable to this species, and NMFS will continue with its past practice.

NMFS will issue surplus carryover to be consistent with daily or annual vessel limits and any surplus carryover above vessel limits will be permanently expired. NMFS has also posted surplus carryover frequently asked questions to the West Coast Region website vessel account page, under "Manage an Existing Vessel Account". Note that these surplus carryover pounds are issued as "Other QP" and need to be transferred separately from "Current Year QP" in vessel accounts.