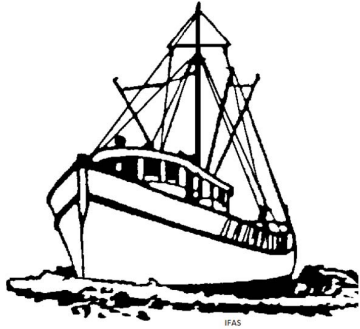


# General Provisions Affecting the Pacific Whiting IFQ Fishery

(CFR 660 Subpart C and D)

*This bulletin serves as a Small Entity Compliance Guide, complying with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.*



*This guide explains the regulations most relevant to vessels fishing in the Pacific Whiting Shorebased IFQ Fishery, but does not include all applicable regulations. Regulatory changes through 80 FR 77267 (December 14, 2015) are included.*

## Acronyms used in this guide:

- E-Fish Ticket** - Electronic Fish Ticket
- IBQ** – Individual Bycatch Quota
- IFQ** – Individual Fishing Quota
- LOA** – Length Overall
- NMFS** – National Marine Fisheries Service
- OLE** – Office for Law Enforcement
- USFWS**- U.S. Fish and Wildlife Service

## The Pacific Whiting Fishery

**The Pacific whiting fishery** is composed of vessels participating in the Catcher/Processor Cooperative Program, the Mothership Cooperative Program, and the Shorebased IFQ Program. The Washington coast Indian treaty tribes also fish for Pacific whiting.

**Pacific whiting IFQ fishery** is composed of vessels on Pacific whiting IFQ trips.

### Pacific whiting IFQ trips:

- Occur during the Pacific whiting primary season.
- Vessel has a declaration for limited entry midwater trawl, Pacific whiting shorebased IFQ.
- Vessel uses midwater groundfish trawl gear. a/
- Vessel targets Pacific whiting and Pacific whiting is 50% or more of the total catch weight at landing.

### Pacific Whiting Primary Season

The primary season is the period after the primary season start date when the large-scale midwater trawl target fishery for Pacific whiting is conducted. Fishing before the opening date is not allowed. Midwater trawl is prohibited outside the Pacific whiting primary season.<sup>1/</sup>

### Pacific Whiting IFQ Fishery Primary Season Start Dates

North of 42° N. lat.	May 15
Between 42° - 40°30' N. lat.	May 15
South of 40°30' N. lat.	April 15

<sup>1/</sup> Year round Pacific whiting trip limits are in place for bottom trawl gear.

## Midwater Groundfish Trawl Gear

Midwater trawl gear must have unprotected footropes at the trawl mouth, but cannot include rollers, bobbins, tires, wheels, rubber discs, or any similar device anywhere on any part of the net. The footrope of midwater gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or any other materials. Sweep lines, including the bottom leg of the bridle, must be bare. For at least 20 ft (6.15 m) immediately behind the footrope or headrope, bare ropes or mesh of 16-inch (40.6-cm) minimum mesh size must completely encircle the net.

## Chafing Gear on Midwater Trawl

Chafing gear may cover the bottom and sides of the codend in either one or more sections. Only the front edge (edge closest to the open end of the codend) and sides of each section of chafing gear may be attached to the codend; except at the corners, the terminal edge (edge closest to the closed end of the codend) of each section of chafing gear must not be attached to the net. Chafing gear is not permitted on the top codend panel except that a band of mesh (a "skirt") may encircle the net under or over transfer cables, lifting or splitting straps (chokers), riblines, and restraining straps, but must be the same mesh size and coincide knot-to-knot with the net to which it is attached and be no wider than 16 meshes.

**North of 40°10' N. lat.:** only midwater trawl gear may be on board during a Pacific whiting IFQ trip. The vessel may have more than one type of midwater trawl gear.

*For further information on gear, including diagrams, see: the small entity compliance guide for Groundfish Trawl Gear.*



## Groundfish Terms

**Maximized retention:** vessel retains all catch from a trip until landing, with some specified exceptions such as minor operational discards that have been accounted for by the observer.

**Prohibited species:** include any species of salmonid, Pacific halibut, Dungeness crab caught seaward of Washington or Oregon.

**Protected species:** marine mammals, seabirds, and Endangered Species Act listed species (eulachon & green sturgeon), except salmon.

## Vessels That Sort Catch At Sea

Vessels on Pacific whiting IFQ trips that sort catch at sea must discard all prohibited and protected species after the observer accounts for them.

The weight of any discarded IFQ species or Pacific Halibut must be deducted from IFQ or IBQ pounds.

Vessels on Pacific whiting IFQ trips that are 75-ft or less may head and gut, cut the tail off and freeze Pacific whiting, without being considered a catcher/processor vessel or processing at sea.

Fish that are headed and gutted at sea must be reported in round weight using NMFS conversion values.

### Pacific Whiting Weight Conversions

Headed & gutted (with tail removed)	1.56
Headed & gutted (with head removed just in front of the collar bone and viscera removed)	2.0

## Maximized Retention Trips

- Vessels on Pacific whiting IFQ trips may engage in maximized retention.
- All minor operational discards must be accounted for by the observer.
- All prohibited species must be retained until landing.
- The weight of Pacific whiting may be determined by reweighing of all other species in the catch and deducting it from the total weight of the landing.
- All Pacific halibut must be accounted for and deducted from IBQ pounds.
- Prohibited and protected species must be reported and disposed of as specified by NMFS.

## Prohibited Species

### Reporting requirements

- All prohibited species must be reported on the E-fish ticket.
- Records on catch disposition must be maintained for 3 years and provided to OLE upon request.

**Handling** - The first receiver is responsible for all handling and disposition of prohibited species in maximized retention landings, consistent with the following requirements:

- Prohibited species must not be transferred, processed, or mixed with another landing until the catch monitor has completed their work.
- Prohibited species suitable for human consumption must be handled and stored to preserve the quality.

### Disposition

- Non-commercial donation to nonprofit charitable organizations and individuals for the purpose of reducing hunger must be given priority.
- Prohibited species not suitable for human consumption must not reach commercial markets.
- Prohibited species must not be retained for personal use.

## Protected Species

### Handling

- Whole animals must be labeled with the vessel name, E-fish ticket number, and landing date.
- Whole animals must be kept frozen or iced until transferred or disposal instructions are given.

### Reporting requirements

- **All albatross** must be reported to the USFWS (503-231-6179) as soon as possible.
- **Marine mammals and sea turtles** must be reported to NMFS as soon as possible (206-526-6550).
- **Green sturgeon** must be reported on the E-fish ticket and to NMFS within 72 hours after the completion of the offload (831) 420-3903.
- **Eulachon** must be recorded on E-fish ticket.
- **Remaining seabirds** must be reported to catch monitor before disposal.

**Disposition** - Disposition will vary by species.

- **All Albatross:** transfer to USFWS
- **Sea turtles:** transfer to NMFS
- **Green sturgeon:** transfer to NMFS
- **Marine mammals:** instructions given when reported.
- After reporting, protected species that you are instructed to dispose of may be incinerated, rendered, composted, returned to sea, or removed by local waste management.
- No part of a protected species may be retained for personal use.
- No part of a protected species may reach commercial markets.

### Q: Who will take prohibited species not fit for humans?

**A:** There are numerous aquariums, zoos, bird and wildlife sanctuaries, and wildlife rescue centers on the west coast that accept donations for feeding fish, large predators, and birds.

## Area Management

**Trawl Rockfish Conservation Areas North of 40°10' N. lat.:** Midwater groundfish trawl gear may be used within the RCAs north of 40°10' N. lat. by vessels targeting Pacific whiting or non-whiting during the applicable Pacific whiting primary season.

### Areas Closed to Vessels Targeting Pacific Whiting

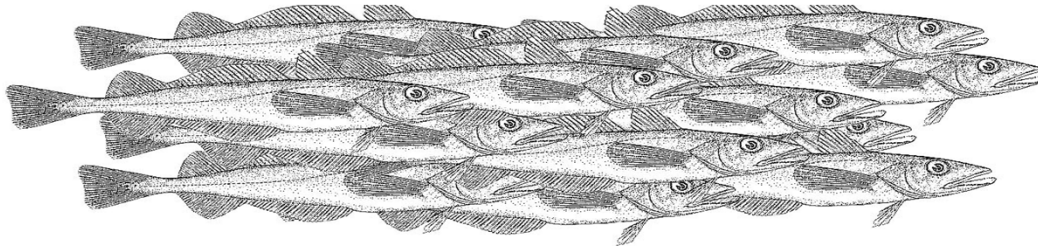
**Klamath River Conservation Zone:** The area at the mouth of the Klamath River that is bounded on the north by 41°38.80' N. lat., on the west by 124°23' W. long., and on the south by 41°26.80' N. lat.

**Columbia River Conservation Zone:** The area at the mouth of the Columbia River that is bounded by a line extending for 6 nm due west from North Head along 46°18' N. lat. to 124°13.30' W. long., then southerly along a line of 167 True to 46°11.10' N. lat. and 124°11' W. long., then northeast along Red Buoy Line to the tip of the south jetty.

**Ocean Salmon Conservation Zone:** This is a depth-based closure that is announced inseason when NMFS projects the Pacific whiting fishery may take in excess of 11,000 Chinook. All waters shoreward of the 100 fm depth contour would be closed for vessels targeting Pacific whiting. The 100 fm depth contour coordinates can be found at 660.73.

**Bycatch Reduction Areas:** This depth-based closure is announced inseason. Vessels using midwater trawl gear may be prohibited from fishing shoreward of the 75-fm, 100-fm, or 150-fm depth contours. The depth contour coordinates can be found at 660.73.

**Additional closed areas** that affect midwater trawl are described at 660.130 and include: Cowcod Conservation Areas, Farallon Islands, and Cordell Banks.



## Fishing Restrictions

**Eureka management area** midwater trawl trip limits. No more than 10,000-lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished with midwater trawl gear in the fishery management area shoreward of the 100-fm (183-m) depth contour in the Eureka management area.

**Time of day.** Vessels may not use midwater trawl gear to target Pacific whiting south of 42°00' N. lat. between 0001 hours to one-half hour after official sunrise (local time). During this time trawl doors must be on board any vessel and the trawl must be attached to the trawl doors.

*This small entity compliance guide was prepared pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. 104-121. The statements in this document are intended solely as guidance. Any discrepancies between this guide and the Code of Federal Regulations will be resolved in favor of the Code of Federal Regulations.*

## Trip Limit Species

- Before and after the Pacific whiting primary season, vessels may use either small or large footrope gear, but are subject to the more restrictive trip limits for the cumulative periods.
- If a vessel harvests a groundfish species with a midwater trip limit on a Pacific whiting IFQ trip, then that vessel may also harvest up to another footrope-specific limit for that species during the cumulative period that overlaps the start or close of the Pacific whiting primary season.

## Additional Prohibitions

It is unlawful for any person to:

- Fish on a Pacific whiting IFQ trip with gear other than midwater groundfish trawl.
- Fish on a Pacific whiting IFQ trip without a valid declaration for "limited entry midwater trawl, Pacific whiting shorebased IFQ."
- Retain any prohibited or protected species unless authorized; prohibited and protected species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought on board.
- Transfer catch at-sea.
- Fail to remove all catch from the vessel at landing.
- Fail to sort prohibited and protected species from maximized retention landings.
- Use midwater trawl gear to fish for Pacific whiting within an RCA outside the Pacific whiting IFQ fishery primary season.