

Compliance Guide Pacific Coast Groundfish Trawl Rationalization Program

Changes for 2012 and Beyond

Program Improvement and Enhancement (PIE) Rule , including:

- Pacific halibut trawl bycatch mortality limit
- Moving between limited entry and open access fisheries
- Observer & catch monitor coverage at offload
- Quota share & vessel accounts
- Electronic fish ticket reporting
- First receiver site licenses
- New process to address trucking/transport
- Exemption from processing at sea in the Shorebased IFQ Program
- Adaptive Management Program
- Transferability of MS/CV endorsements

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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. This document is intended to provide a plain-language summary of how small businesses can comply with regulations implementing the program improvement and enhancement rule for the Pacific Coast groundfish fishery (76 FR 74725, December 1, 2011). Any discrepancies between this guide and the *Federal Register* will be resolved in favor of the *Federal Register*.



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Need Help?

Websites:

NMFS, Pacific Coast Groundfish Management, Trawl Rationalization Program :

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

Pacific Fishery Management Council, Groundfish Management:

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

Question regarding the program?

Contact the Groundfish Policy and Regulations Branch at:

Phone: 206-526-6140 Fax: 206-526-6736

Toll-free trawl rationalization hotline: 888-522-0267

Question regarding permits/licenses?

Contact the NMFS, Northwest Region Permits Office at:

Phone: 206-526-4353

Toll-free trawl rationalization hotline: 888-522-0267

Question regarding the observer program?

Contact the West Coast Groundfish Observer Program at:

Phone: 206--302-1777

Question regarding the catch monitor program?

Contact the catch monitor program coordinator at:

Phone: 503-595-3282

Need to contact NMFS law enforcement?

Find an enforcement office nearest you at: <http://www.nmfs.noaa.gov/ole/index.html>

Need to report violations?

Hotline: 800-853-1964

1 ■ Introduction

There are several changes to the groundfish fishery's trawl rationalization program (also called the catch share program) for 2012 and beyond. Some of these changes affect all sectors of the commercial groundfish fishery (limited entry trawl, limited entry fixed gear, and open access). These changes are based on recommendations by the Pacific Fishery Management Council and implemented by the National Marine Fisheries Service (NMFS) through the "Program Improvement and Enhancement," or PIE, final rule (76 FR 74725, December 1, 2011).

These changes will be effective January 1, 2012.

1.1 Who Should Read This Guide?

Fishermen, IFQ first receivers, and shorebased processors participating in the Pacific Coast groundfish fishery should read this guide. This guide will help participants understand the changes made to the regulations for the Pacific Coast Groundfish Trawl Rationalization Program.

This guide will walk you through the changes for each participating sector. If you are a Shorebased IFQ (individual fishing quota) Program participant, or are participating in one of the two at-sea whiting cooperative programs, whether as a mothership (MS), a catcher vessel, or a catcher processor (C/P), this guide is for you. Please review the section that applies to your specific sector, and Sections 2 and 3 which highlight changes applicable to all commercial groundfish fisheries and all trawl programs, respectively.

This guide applies to you if...

- you are a commercial groundfish fisherman
- you are a shorebased processor
- you are a shorebased IFQ first receiver taking deliveries of IFQ species
- you are a catcher vessel that delivers groundfish to either the shorebased or mothership sectors
- you are a mothership participating in the MS Coop Program
- you are a catcher/processor participating in the C/P Coop Program
- you are a catch monitor provider

2 ■ Changes Applicable to All Commercial Groundfish Sectors

The following information identifies requirements for those participating in all commercial groundfish fisheries, including the open access fisheries, the limited entry fixed gear fisheries, and the Trawl Rationalization Program—both the Shorebased IFQ Program and the at-sea cooperative programs.

2.1 Vessels moving between limited entry and open access fisheries

The requirements for declarations, permit actions, and crossover provisions have been revised as it relates to vessels moving between various fisheries. Table 1 below summarizes the requirements for moving between fisheries. If your vessel is registered to a limited entry trawl permit and you are declared into the IFQ fishery, whether or not you have to change the vessel registration from the limited entry trawl permit (i.e. remove the permit from the vessel) depends on: what type of gear you're using, what fishery you're moving into, and in some cases, what allocations you want those fish to come from.

Moving between the limited entry fishery and open access fishery is distinct from “gear switching” under the Shorebased Individual Fishing Quota (IFQ) Program. Under gear switching, all catch is covered by quota pounds regardless of gear used. However, while quota pounds cover catch in the IFQ fishery, trip limits cover catch in the open access fishery.

Previously, groundfish regulations had been interpreted to allow all limited entry fishermen (trawl and fixed gear) to move between limited entry and open access fisheries with no permit action by simply changing their fishery declaration between fishing trips, with 3 exceptions (non-groundfish trawl gear for California halibut, ridgeback prawn, and sea cucumber).

Beginning in 2012, and based on Amendment 20, this provision has been revised. In order for a vessel registered to a limited entry trawl permit to participate in another fishery without being required to cover catch of IFQ species with quota pounds, the vessel owner must remove the limited entry trawl permit from the vessel, unless the vessel is using one of the exempted gears. In other words, only vessels using certain gears can move between the limited entry trawl and open access fisheries by changing their declaration without requiring a corresponding change to remove their limited entry trawl permit so that it is no longer registered to the vessel. These exempted gears are:

- non-groundfish trawl pink shrimp, ridgeback prawn, CA halibut, sea cucumber;
- gear types defined in the coastal pelagic species FMP;
- gear types defined in the highly migratory species FMP;
- salmon troll;
- crab pot; and

- limited entry fixed gear when the vessel also has a limited entry permit endorsed for fixed gear and has declared that they are fishing in the limited entry fixed gear fishery (i.e., a dual-endorsed permit).

EXAMPLE 1:

Let's say your vessel is registered to a limited entry trawl permit and you are declared into the shorebased IFQ fishery. You want to move into the Pacific whiting mothership sector as a mothership catcher vessel. You do not have to remove the limited entry trawl permit from the vessel (i.e. change the vessel registration), but you must change your declaration.

EXAMPLE 2:

Let's say your vessel is registered to a limited entry trawl permit and you are declared into the shorebased IFQ fishery. You want to move into the open access fishery for groundfish using longline gear so that your groundfish catch is subject to trip limits instead of quota pounds. You must remove the limited entry trawl permit from being registered to the vessel (i.e., change the vessel registration), and you must change your declaration.

EXAMPLE 3:

Let's say your vessel is registered to a limited entry trawl permit and you are declared into the shorebased IFQ fishery. You want to move into the open access fishery for California halibut, sea cucumber, ridgeback prawn, or pink shrimp using non-groundfish trawl gear. You do not have to remove the limited entry trawl permit from the vessel (i.e. change the vessel registration), but you must change your declaration.

These changes are more restrictive than previous regulations and only allow a subset of vessels to move between limited entry and open access fisheries without taking a permit action (i.e., those subject to the gear exception listed above and those in the limited entry fixed gear fishery). These changes do not affect the limited entry fixed gear fisheries.

Any limited entry vessel (trawl or fixed gear) could move to the open access fishery by removing the limited entry permit from the vessel and then declaring in to the open access fishery.

Table 1 on the following page provides a guide to the declarations and necessary permit actions for moving between fisheries.

Crossover provisions apply to two activities: (1) fishing on different sides of a management line, or (2) fishing in both the limited entry and open access fisheries during a two-month cumulative limit period.

West Coast Groundfish Catch Share Program: Program Improvement and Enhancement Rule

Table 1. Guide to moving between the Shorebased IFQ Program and other fisheries.

NOTE: The following are gears that can be used to fish in the Shorebased IFQ Program and the associated fishery declaration:

| GEAR | DECLARATION |
|---|---|
| Legal commercial groundfish gear other than trawl gear | → Limited entry groundfish non-trawl, shorebased IFQ |
| Midwater trawl not targeting whiting | → Limited entry midwater trawl gear, non-whiting shorebased IFQ |
| Midwater trawl targeting whiting | → Limited entry midwater trawl gear, Pacific whiting shorebased IFQ |
| Groundfish bottom trawl gear (except demersal trawl/seine gear) | → Limited entry bottom trawl gear, shorebased IFQ, not including demersal trawl |
| Non-groundfish trawl gear for CA halibut, ridgeback prawn, sea cucumber, pink shrimp | → Limited entry bottom trawl gear, shorebased IFQ, not including demersal trawl |
| Demersal trawl/seine gear | → Limited entry demersal trawl, shorebased IFQ (i.e. sanddab) |

| Vessel's Current Fishery- Gear/Permit Registration | Which Fishery do I want to declare into? | Permit Action Required of permit owner/vessel owner | OLE Declaration Action |
|---|--|---|---|
| Shorebased IFQ Program / Registered to trawl limited entry permit (LEP) | Open Access (OA) for crab pot, salmon troll, HMS, CPS, or non-groundfish trawl gear for pink shrimp, California (CA) halibut, ridgeback prawn, or sea cucumber Groundfish catch subject to OA trip limits | No permit action required. | Vessel owner declares into one of the following open access fisheries: <ul style="list-style-type: none"> • Open access Dungeness crab pot/trap gear • Open access salmon troll gear • Open access HMS line gear • Open access CPS net gear • Non-groundfish trawl gear for pink shrimp • Non-groundfish trawl gear for ridgeback prawn • Non-groundfish trawl gear CA halibut • Non-groundfish trawl for sea cucumber |
| Shorebased IFQ Program / Registered to trawl LEP (see footnote 2) | OA fishery for groundfish with line or pot gear, prawn pots, Pacific halibut longline, CA halibut line gear, sheephead pots, CA gillnet complex | Permit owner/Vessel owner <i>must</i> make a change in vessel registration either moving the LEP to "unidentified" (i.e., not registered to a vessel) or moving the LEP to another vessel before making OA declaration to Office of Law Enforcement (OLE). (see footnote 1) | Vessel owner declares into one of the following open access fisheries: <ul style="list-style-type: none"> • Open access longline gear for groundfish • Open access groundfish pot/trap gear • Open access line gear for groundfish • Open access prawn pot/trap gear • Open access Pacific halibut longline gear • Open access CA halibut line gear • Open access sheephead pot/trap gear • Open access CA gillnet complex gear <p>OLE will check to see that vessel is not registered to trawl LEP prior to issuing confirmation code.</p> |

West Coast Groundfish Catch Share Program: Program Improvement and Enhancement Rule

| | | | |
|--|---|---|--|
| <p>Shorebased IFQ Program / Registered to trawl LEP</p> | <p>Limited entry midwater trawl Pacific whiting mothership sector</p> | <p>No permit action required.</p> | <p>Declares into midwater trawl, mothership sector. Must have an MS/CV endorsement or permission of a coop. OLE will check to see that vessel is registered to trawl LEP prior to issuing confirmation code.</p> |
| <p>Open Access (any gear)/ Vessel is not registered to LEP</p> | <p>Shorebased IFQ Program (any gear)</p> | <p>Vessel owner <i>must</i> register vessel to trawl LEP (effective at beginning of next cumulative limit period). This is a change in vessel registration. For the IFQ fishery and LEP without MS/CV endorsements, only one LEP change in vessel registration allowed in a calendar year. (see footnote 1)</p> | <p>Vessel owner declares into Shorebased IFQ Program (any gear). OLE will check to see that vessel is registered to trawl LEP prior to issuing confirmation code.</p> |
| <p>Limited entry fixed gear fishery/ Registered to fixed gear LEP</p> | <p>Shorebased IFQ Program</p> | <p>Permit owner/Vessel owner <i>must</i> make a change in vessel registration either moving the LEP to “unidentified” (i.e., not registered to a vessel) or moving the LEP to another vessel, and register trawl LEP to vessel. The trawl LEP would NOT be effective until the beginning of the next cumulative limit period. (see footnote 1)</p> <p>[Note: vessel owner must also open a vessel account to fish in the Shorebased IFQ Program]</p> <p>For dual-endorsed permits (i.e., LET and LEFG), no permit action is required, just a change in fishery declaration.</p> | <p>Vessel owner declares into Shorebased IFQ Program (any gear). OLE will check to see that vessel is registered to trawl LEP prior to issuing confirmation code.</p> |
| <p>Limited entry fixed gear fishery/ Registered to fixed gear LEP</p> | <p>Open Access (any gear)</p> | <p>No permit action required.</p> | <p>Vessel owner declares into an open access fishery.</p> |

(1) Only one change in vessel registration (back to the same vessel or to another vessel) is allowed after January 1 on an LEP without an MS/CV endorsement or participating in the Shorebased IFQ Program. Placing an LEP in an inactive status (permit is registered as “unidentified”) is not considered a change in vessel registration for purpose of this restriction. If a vessel starts in the Shorebased IFQ Program and then switches to OA, it can return to the Shorebased IFQ Program in the same year subject to the restrictions on changes in vessel registration on an LEP.

(2) Prawn, CA halibut, and sheephead may also be caught incidentally with legal commercial groundfish gear while declared into the Shorebased IFQ Program and may be subject to more restrictive state regulations.

2.2 Changes in Ownership

NMFS clarified regulations regarding what constitutes a change in ownership for all limited entry permits (limited entry trawl, limited entry fixed gear and MS permits), for owners of vessels registered to limited entry permits (i.e. permit holder), for quota share (QS) permits, and for vessel accounts. A change in ownership for these permits and accounts is further described as follows:

- *Limited entry permits (permit owner or permit holder/vessel owner):*
To change the legal name of the owner of a limited entry permit, the existing permit owner must submit a form to change the permit owner registered to the limited entry permit. Any changes in the legal name of the owner of a vessel registered to a limited entry permit must also be reported to NMFS. Any change in ownership for limited entry permits must be reported to NMFS in a timely manner.
- *QS permits:*
Quota share permits are not transferrable, and can never change the legal name given on the QS permit. Any change in ownership of a QS permit requires the new owner(s) to apply for a new QS permit and account. NMFS is not accepting new applications for QS permits until QS trading is allowed beginning in January 2013.
- *Vessel account:*
In the Shorebased IFQ Program, vessel accounts are not transferable, and can never change the legal name given on the vessel account. Any change in ownership of a vessel registered to vessel account, including the legal name of an entity, requires the new vessel owner(s) to apply for a new vessel account and submit a vessel ownership interest form. The new vessel owner cannot fish using a vessel account established under the prior vessel owner's name.

If you have any questions, please call the Fisheries Permit Office at (206) 526-4353.

3 ■ Changes Applicable to All Trawl Programs

The following information identifies requirements for those participating in all trawl programs within the Trawl Rationalization Program—both the Shorebased IFQ Program and the at-sea cooperative programs, including the mothership and catcher processor sectors.

3.1 Amendment 21 supersedes limited entry/open access allocations

Amendment 21 to the Pacific Coast Groundfish Fishery Management Plan (FMP) established allocations to the limited entry trawl fishery participants. As part of Amendment 21, allocations were established between the trawl and non-trawl sectors for certain groundfish species (called Amendment 21 species). NMFS approved Amendment 21-1 on November 10, 2011, and implemented corresponding regulations through the PIE rule. Regulations are revised to state that, for Amendment 21 species, allocations decided under Amendment 21 supersede allocations previously decided between limited entry and open access fisheries.

3.2 Halibut trawl bycatch mortality limit

NMFS and the Council have revised the calculation of the halibut bycatch mortality limit for the trawl rationalization program to be more consistent with the Council's intent of reducing trawl bycatch levels to 50 percent of historical levels. For 2012 and beyond, the FMP and regulations state (1) that the trawl bycatch mortality limit will be calculated by converting to total round weight of legal and sublegal sized halibut, (2) that the trawl bycatch mortality limit will be based on the best estimate of total constant exploitation yield (TCEY) from the International Pacific Halibut Commission (IPHC) (i.e., preliminary IPHC estimate from their interim meeting of TCEY), and (3) that the 10 mt set aside for the at-sea trawl sectors and the shorebased sector south of 40°10' N. lat is for legal and sublegal sized halibut, round weight.

3.3 Process to issue interim allocations

The process of setting the annual specifications for the Pacific coast groundfish fishery is a lengthy and complex process. There is a potential for this process to not be completed by on January 1 of each year. This was the case in 2011 where emergency rulemaking was done for 2011 in order for the Shorebased IFQ program and other fisheries to proceed. Should this event occur in the future, the regulations now provide NMFS the implementation authority to issue interim allocations for any of the trawl rationalization program sectors (Shorebased IFQ Program, MS Coop Program, and C/P Coop Program), until the final allocations are set.

3.4 Threshold rules for annual issuance of allocation—getting as close to 100% as possible

During the annual issuance of individual allocations of quota pounds to QS permit owners in the Shorebased IFQ Program or to MS coops or the non-coop fishery in the MS Coop Program, NMFS endeavors to ensure that the individual allocations total 100 percent of the sector allocation. However, because of rounding rules, calculations may not add up to 100 percent. For example, if several QS permits have similar percentages, the rounding rules may cause the calculation to never quite reach 100 percent, especially since quota pound distributions must be made in one pound increments. Therefore, NMFS implemented regulations stating that NMFS will distribute such allocations to the maximum extent practicable, not to exceed the total allocation. NMFS will still endeavor to distribute as much of the allocation as possible.

3.5 New fishery declarations categories

NMFS replaced the “open access net gear” with the following two declarations: (1) open access CPS net gear; (2) open access CA gillnet complex gear. This change is consistent with the reporting categories previously available on the declaration worksheet.

4 ■ Changes Applicable to the Shorebased IFQ Program

Regulations specific to the Shorebased IFQ Program are specified at 50 CFR 660.140. The Shorebased IFQ Program is also subject to additional regulations, including, but not limited to, prohibitions and reporting requirements, specified at 50 CFR part 660, subparts C and D.

The Shorebased IFQ Program consists of the following:

1. Vessels registered to limited entry trawl permits that harvest IFQ species for delivery to shorebased first receivers;
2. Owners of limited entry trawl permits;
3. Owners of QS permits; and
4. Shorebased IFQ first receivers with a first receiver site license eligible to receive IFQ landings.

If you participate in the West Coast groundfish fishery in any of these capacities, please read the following section for more information, including:

- Observer and catch monitor coverage at offload
- New e-fish ticket processes to address trucking/transport
- Additional mandatory e-ticket fields
- Updated e-ticket hardware/software requirements
- First receiver site license requirements
- Conflict of interest regulations for catch monitor and catch monitor providers
- Sorting/weighing requirements for non-whiting IFQ species
- QS permits/accounts and vessel accounts
- Adaptive Management Program – current allocation processes extended through 2014
- Any size halibut counts against IBQ
- Exemption from prohibition on processing at sea and application process

| Major Dates and Events for Shorebased IFQ Program | | |
|---|----------------------------|-------------------|
| Event | Start | Finish |
| 2012 | | |
| Applications accepted for processing at-sea exemption | 1/1/2012 | 2/15/2012 |
| Interim QP allocation issued to QS accounts | 1/1/2012 | |
| Deficit carryover QP debited from vessel accounts | 1/1/2012 | |
| Final QP allocation issued to QS accounts (QP top-up) | spring 2012 | |
| Surplus carryover QP credited to vessel accounts, if approved by NMFS | spring 2012 | |
| Annual economic data collection form due | | 9/1/2012 |
| All QP must be transferred from QS accounts to vessel accounts | | prior to 9/1/2012 |
| QS permit renewal period - including ownership interest form | 10/1/2012 | 11/30/2012 |
| Vessel account renewal - including ownership interest form | 10/1/2012 | 11/30/2012 |
| QP can no longer be transferred in/out of vessel accounts | 12/15/2012 | 12/31/2012 |
| Unused surplus carryover QP from previous year (2011) expires | | 12/31/2012 |
| First receiver site license renewal (most expire 6/30/2012) | valid 1 year from issuance | |
| New vessel account & first receiver site license registration | | Ongoing |
| 2013 and beyond | | |
| <i>similar to 2012 with some additions</i> | | |
| QS transfers will be allowed between QS accounts | 1/1/2013 | |
| New QS permit and account registration | 1/1/2013 | Ongoing |
| QS can no longer be transferred in/out of QS accounts | 12/1 | 12/31 |
| Required to divest of amounts of QS in excess of limits | | 11/30/2014 |

4.1 Observer and catch monitor coverage at offload

For 2011, NMFS implemented a requirement for the observer to remain onboard the vessel until all IFQ species are offloaded. In response to industry feedback, NMFS has revised the offload regulations. The regulations have been changed to allow the observer to depart the vessel upon return to port and for the catch monitor to conduct the hold inspection at the end of the offload, if certain requirements are met. To allow this and in order to ensure catch accountability (especially for overfished species), the observer will document certain information on a form, called the IFQ Priority Species Tracking Form, that will be provided to the catch monitor.

For vessels that want to take advantage of the provision to allow the observer to depart the vessel once in port, the observer will document on a form the weight and number of bocaccio, yelloweye rockfish, canary rockfish, and cowcod. If there is a discrepancy between the vessel operator and the observer regarding the weight and/or number of those species, the discrepancy will be noted on the form. A copy of the form must be retained by the observer and the vessel operator, and made available to the catch monitor. If the vessel moves between delivery points (within a port or between ports), the vessel must maintain observer coverage onboard the vessel during transit.

For vessels participating in the maximized retention shorebased whiting fishery or for vessels where the observer does not document these species on a form, the vessel must maintain observer or catch monitor coverage while in port until all IFQ species from that trip have been offloaded.

If upon offload the number of species recorded on the catch monitor's form and observed by the catch monitor is less than that recorded by the observer on the observer form, the catch monitor will use the number and weight of the species recorded by the observer in the catch monitor's offload report submitted for catch account.

The list of IFQ species recorded on the observer's form may change. The list of IFQ species required to be documented on the form can be changed inseason through publication of a *Federal Register* notice. Publications of inseason actions generally follow a Council meeting.

4.2 New e-fish ticket processes for IFQ first receivers and catch monitors to address trucking/transport

NMFS added some additional regulations to outline the reporting requirements for IFQ first receivers and catch monitors whether transporting fish away from the offload site or not. These changes should better align the regulations with industry business practices while at the same time maintaining accurate catch accounting and supporting implementation of the trawl rationalization program. In addition, these changes should further facilitate state adoption of the Pacific States Marine Fisheries Commission's (PSMFC) e-ticket format.

The additional reporting requirements for IFQ first receivers and catch monitors are outlined below and differ depending on whether the catch is being processed at the offload site or whether it is being trucked or transported away for processing at a different location. All existing e-ticket recording and submittal regulations would remain in place with the modifications outlined below.

For offloading at an IFQ first receiver where the fish will be processed at the offload site or if an electronic fish ticket is recorded prior to transport, the following process applies:

1. The first receiver will communicate the e-ticket number to the catch monitor.
2. After completing the offload, the e-ticket information will be recorded immediately.
3. Prior to submittal of the e-ticket, the information recorded for the e-ticket will be reviewed by the catch monitor and the vessel operator who delivered the fish.
4. After review, the first receiver and the vessel operator will sign a printed hard copy of the e-ticket or the original dock ticket if the delivery occurs outside of business hours.
5. Three copies of the signed e-ticket will then be produced by the first receiver with the following distribution: one copy retained by the vessel operator, one copy retained by the first receiver, and one copy sent to the state of origin if required by state regulations.
6. After review and signature, the e-ticket will be submitted within 24 hours of the completion of the offload.

For offloading at a first receiver where the fish will be transported or trucked for processing at a different location if an electronic fish ticket is not recorded prior to transport, the following process applies:

1. The first receiver will communicate the e-ticket number to the catch monitor at the beginning of the offload.
2. The vessel name and the e-ticket number will be recorded on each dock ticket related to that delivery. The term “dock ticket,” as used here, means a form generally accepted by the state to record the landing, receipt, purchase, or transfer of fish.
3. Upon completion of the dock ticket, but prior to transfer of the offload to another location, the dock ticket information that will be used to complete the e-ticket will be reviewed by the catch monitor and the vessel operator who delivered the fish.
4. After review, the first receiver and the vessel operator will sign the original copy of each dock ticket related to that delivery.
5. Three copies of the signed dock ticket will then be produced by the first receiver with the following distribution: one copy retained by the vessel operator, one copy retained by the first receiver, and one copy sent to the state of origin if required by state regulations.
6. Based on the information contained in the signed dock ticket, the e-ticket will be completed and submitted within 24 hours of the completion of the offload.
7. To facilitate monitoring and catch tracking, original dock tickets must be retained by the first receiver submitting the e-ticket as required by state and Federal regulations.
8. Upon submittal of the e-ticket, three copies of the e-ticket will be produced by the first receiver with the following distribution: one copy retained by the vessel operator, one

copy retained by the first receiver, and one copy sent to the state of origin if required by state regulations.

It is NMFS' understanding that transport requires supporting documentation per state regulations and that this process would support the state regulation by allowing dock tickets with e-ticket numbers or printed e-tickets to accompany the transported catch. The term "dock ticket" means a form accepted by the state to record the landing, receipt, purchase, or transfer of fish. In some cases, the states use different terms for this document.

The States of Washington, Oregon, and California retain the option to address areas of Federal regulations with more specific and restrictive state regulations. For example, it is NMFS' understanding that the state of Washington may require the e-ticket or state fish receiving ticket to be submitted before the catch is transported out of the state of Washington.

4.3 Additional mandatory e-ticket fields

NMFS required several new fields to be added to electronic fish tickets and is making it mandatory to complete the existing ex-vessel value field on e-tickets. Many of these new fields were added to further facilitate state adoption of the PSMFC's e-ticket format. These new fields include:

1. a field to type the name of the vessel operator;
2. a signature block for the vessel operator's written signature for printed documents;
3. a signature block for first receiver's written signature for printed documents; and
4. a drop down box titled "Inside/Outside State Waters," containing the following: caught outside 3 miles, caught inside 3 miles, or both.

While a field for ex-vessel value already existed on the e-ticket, NMFS has had mixed reporting of the ex-vessel value on the e-ticket because it was not listed as "required information" in the regulations. NMFS has added the ex-vessel value of the landing as a mandatory field to be completed on the e-ticket through an April 4, 2011 memo and corresponding public notice. In addition, the regulations were revised to reflect this mandatory requirement.

NMFS expects and requires that the information reported by IFQ first receivers on the e-ticket is true and accurate. If any of the information on the e-ticket changes after it has been submitted, including the ex-vessel value of the landing, then the e-ticket should be revised. For example, if the price of Pacific whiting is not known until after the e-ticket has been submitted, then the initial e-ticket would report the best estimate of the ex-vessel value and would be revised once the ex-vessel value is known. Because ex-vessel value as reported on the e-ticket may change after sorting or marketing, the first receiver or processor must either edit the e-ticket or submit a revised e-ticket according to state requirements. Similarly, other information on an e-ticket, such as the species and weight in an offload, may change after the original e-ticket has been submitted due to new information.

State requirements for editing and revising fish tickets vary (e.g. up to 6 years for Oregon versus California which doesn't allow edits but allows tickets to be voided and new tickets entered). In addition, the state regulations can be more restrictive than Federal regulation. Because state requirements vary and state regulation can be more restrictive, NMFS decided a timeframe for editing or revising e-tickets would be more appropriate in state regulation and is not necessary in Federal regulation.

4.4 Updated e-ticket hardware/software requirements

NMFS updated the hardware and software requirements for e-tickets to reflect more current computer operating systems and the minimum requirements necessary to run the software for e-tickets. These requirements are described in the box to the right.

4.5 First receiver site license

NMFS made several changes to the first receiver site license requirements, including:

- who is required to have a first receiver site license;
- the application process for a first receiver site license no longer requires a separate written request for a site inspection;
- the catch monitoring plan must detail how the new e-ticket submittal requirements for trucking/transport will be met.

There has been some confusion regarding the state licensed buyer, as reported on the e-ticket, and the associated first receiver, which is not specifically designated on the e-ticket. Previously in some cases, the buyer did not hold a first receiver site license.

The regulations now require all buyers of fish to have a first receiver site license for each physical location at which they receive, purchase, or take custody, control, or possession of an IFQ landing.

e-ticket hardware/software requirements

A personal computer system with the following minimum requirements:

- (i) Processor: 500 megahertz (MHz) or higher processor;
- (ii) Random Access Memory (RAM): 256 megabytes (MB) or higher;
- (iii) Hard disk space:
 - (A) If already have MS Access 2007 or 2010, 200 MB available disk size.
 - (B) If loading the MS Access 2007 runtime, then 700 MB available disk size.
- (iv) Monitor: 1024 × 768 or higher display resolution;
- (v) Operating system: Microsoft Windows XP with Service Pack (SP) 2, Windows Server 2003 with SP1, or later operating system such as Windows Vista or Windows 2007;
- (vi) Software: Microsoft Access 2007 or Microsoft Access 2010, or a runtime version provided by the Pacific States Marine Fisheries Commission.

The IFQ first receiver is responsible for obtaining, installing, and updating electronic fish tickets software either provided by Pacific States Marine Fisheries Commission, or compatible with the data export specifications specified by Pacific States Marine Fisheries Commission and for maintaining internet access sufficient to transmit data files. Requests for data export specifications can be submitted to:

*Attn: Electronic Fish Ticket Monitoring,
National Marine Fisheries Service, Northwest
Region, Sustainable Fisheries Division, 7600
Sand Point Way NE., Seattle, WA 98115*

The IFQ first receiver is responsible for ensuring that all hardware and software required under this subsection are fully operational and functional whenever they receive, purchase, or take custody, control, or possession of an IFQ landing.

The buyer, as represented on the e-ticket, is required to be the first receiver in all cases. This requirement helps to align the state paper fish ticket system with the Federal e-ticket system. It continues to allow the state buyer to be reported on the ticket for revenue and tax purposes as required by the states. Even though the first receiver site license number does not appear on the e-ticket, the Federal requirement associates a buyer on an e-ticket as the buyer registered to a Federal first receiver site license.

NMFS acknowledges that this will require some additional buyers to apply for a first receiver site license(s), possibly for multiple locations. It also requires some existing buyers to apply for a first receiver site licenses at additional locations, and to pay the application fee(s). For buyers sharing a physical location, keep in mind that the catch monitoring plan can be shared among the applicants, reducing the paperwork burden.

Another change for IFQ first receivers is that NMFS will no longer require a separate written request for a site inspection as part of a first receiver site license application. After an applicant submits a license application, NMFS will contact applicants to arrange an inspection after receiving a complete first receiver site license application, including the proposed catch monitoring plan (with facility diagram). NMFS will strive to conduct site inspections within 60 days from the date NMFS receives the application.

Finally, NMFS added a requirement to the catch monitoring plan as part of the first receiver site license application to require the IFQ first receiver to detail in the catch monitoring plan how the e-ticket submittal requirements will be met. This change is a result of the new process for IFQ first receivers and catch monitors to address trucking/transport (described above in section 4.2).

4.6 Conflict of interest regulations for catch monitor and catch monitor providers

The conflict of interest regulations for catch monitors and catch monitor providers apply to any interest in a business involving vessels and shorebased or floating stationary processor facility. These regulations were revised to also include “first receivers” for the same reason it includes processors.

In other words, in addition to the other conflict of interest regulations for catch monitor providers and catch monitors that have been effective since 2011, catch monitor providers and catch monitors are also prohibited from:

- Any ownership, mortgage holder or other secured interest in a first receiver involved in the catching, taking, harvesting or processing of fish;
- Any business involved with selling supplies or services to any first receiver; or
- Any business involved with purchasing raw or processed products from any first receiver.

4.7 Sorting/weighing requirements for non-whiting IFQ species

The groundfish regulations for the sorting and weighing requirements for non-whiting IFQ species were revised to make them consistent. Previously, some regulations made it unlawful to fail to sort fish received from an IFQ landing prior to first weighing after offloading, except the vessels declared in to the limited entry midwater trawl, Pacific whiting shorebased IFQ may weigh catch on a bulk scale before sorting. Other regulations allowed groundfish to be weighed in a hopper scale, then sorted by species, and each species (or group) weighed back and deducted from original total weight, if it was allowed by state law. This activity was also previously allowed under an exempted fishing permit for both whiting and non-whiting groundfish. The regulations on catch weighing requirements were revised to state that for all other IFQ landings (except for Pacific whiting as mentioned in regulation) a belt or automatic hopper scale may be used to weigh all of the catch prior to sorting. All but the predominant species must then be reweighed.

4.8 QS permits/accounts and vessel accounts

NMFS made several changes that affect QS permits and their corresponding QS accounts and vessel accounts, including:

- a process for end-of-the-year account reconciliation;
- removal of an optional requirement for business entities to designate an account manager; and
- clarification on the annual and daily vessel limits.

First, NMFS implemented a process for end-of-the-year vessel account reconciliation, especially with regard to the carryover provision for a surplus in a vessel account (unused quota pounds at the end of the year). This is a database and accounting issue to address a fishery that is open year round and setting up a time to reconcile vessel accounts. In 2012, vessel account holders will continue to see both their 2011 vessel account's quota pound balance and catch data in the 2012 vessel account. 2011 catch data will continue to be debited against the 2011 vessel account. If a vessel incurs a deficit in their 2011 vessel account after January 1, 2012, the deficit will be recorded in their 2012 vessel account. The vessel owner will be required to cure the deficit with 2012 quota pounds.

NMFS will populate QS accounts with the next year's available quota pounds or IBQ pounds on or near January 1. After populating QS accounts, quota pounds or IBQ pounds could then be transferred to vessel accounts and any quota pounds or IBQ pound deductions made to vessel accounts for using the carryover provision to cover a deficit in the previous year. Vessel accounts must be cleared of any deficit from the previous year within 30 days of NMFS issuance of quota pounds or IBQ pounds to QS accounts. Then, later in the year once data are available and are deemed final for purposes of calculating carryover surplus amounts, NMFS will calculate any surplus carryover in each vessel account from the previous year and, subject to the requirements of the Magnuson-Stevens Act, will add that amount to the vessel account.

Second, in an effort to reduce the paperwork and regulatory burden, NMFS removed the optional requirement for business entities to designate an account manager for QS and vessel accounts. In the future, account owners will have the capability to designate individuals to have certain roles and associated privileges within their online IFQ account system under an "account information" tab. For example, account owners would be able to designate whether an individual can initiate or accept/reject transfers, while others would be designated to only view account balances.

Third, NMFS revised the regulations regarding annual and daily vessel limits to describe what values in a vessel account contribute to the calculation of a vessel limit. The Quota Pound Vessel Limit (Annual Limit) is calculated as unused available quota pounds plus used quota pounds (landings and discards) plus any pending outgoing transfer of quota pounds. The Unused Quota Pound Vessel Limits (Daily Limit) is calculated as unused available quota pounds plus any pending outgoing transfer of quota pounds.

4.9 Adaptive Management Program – current allocation processes extended through 2014

The trawl catch share program allocated 10 percent of the nonwhiting QS for an adaptive management program (AMP). Through 2014, the annually issued quota pounds derived from AMP may be allocated to existing QS permit owners in proportion to their QS. The catch share program specifies that the Council will develop alternative criteria for distribution of the AMP quota pounds by 2015 or sooner.

4.10 Any size halibut counts against IBQ

For Pacific halibut caught north of 40°10' N. latitude, halibut of any size (greater than, equal to, or less than 32 inches) counts against the individual bycatch quota (IBQ) pounds. This is not a change from previous regulations, but is further clarified in regulation.

4.11 Exemption from prohibition on processing at sea and application process

In January 2011, NMFS implemented a prohibition on processing at-sea for the IFQ fishery with some exceptions. Processing is defined in groundfish regulations as "...the preparation or packaging of groundfish to render it suitable for human consumption, retail sale, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done. ...(1) At-sea processing means processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another, whether shore-based or on the water..."

The Council had not intended to negatively impact any at-sea non-whiting processing operations that existed prior to the announcement of the prohibition on processing at sea in the Shorebased IFQ Program. Therefore, NMFS is implementing an exemption from the prohibition on processing at sea.

NMFS will provide a one-time opportunity to make an application for this exemption (see the box at right for details). Applications must be postmarked or hand-delivered by close of business on February 15, 2012. To qualify for this exemption, vessels registered to a limited entry trawl permit must have legally processed groundfish other than Pacific whiting at sea prior to August 31, 2010, as verified by fish tickets, dock receiving tickets, landing receipts, or other official documents. This exemption would only apply to the vessel while operating under the Shorebased IFQ Program regardless of the type of gear used.







Any exemptions issued will be issued to the particular vessel and the permit and/or vessel owner who requests the exemption and meets the qualifying requirements. The exemption will not be part of the limited entry permit and will not be transferable to any other vessel, vessel owner, or permit owner for any reason. The non-whiting at-sea processing exemption will expire upon registration of the vessel to a new owner or if the vessel is totally lost. After NMFS conducts the application and appeals process (expected to be finished in spring/summer of 2012) and issues any resulting exemptions, processing at sea by qualified participants would be allowed.

For vessels that qualify for the exemption and are landing glazed non-whiting groundfish,

ONE TIME OPPORTUNITY

Exemption Application Requirements

Deadline: February 15, 2012

-  **In January 2012**, NMFS will mail non whiting at sea processing exemption applications to all current trawl permit holders and will make the application available online at http://www.nwr.noaa.gov/Groundfish_Halibut/Groundfish_Permits/index.cfm.
-  **Qualifying criteria**
The qualifying criteria for a non whiting at sea processing exemption are that the vessel must have been registered to a limited entry trawl permit, the vessel must have legally processed non whiting groundfish at sea prior to August 31, 2010, and that the vessel landed that processed catch at a shorebased processor or buyer. The best evidence of a vessel having met these qualifying criteria will be receipts of processed product from shorebased processors, buyers, or exporters, accompanied by the state fish tickets or landings receipts appropriate to the processed product. Documentation showing investment in freezer equipment without also showing evidence of landing processed product is not sufficient evidence to qualify a vessel for a non whiting at sea processing exemption. All landings of processed non whiting groundfish must have been harvested in waters managed under 50 CFR part 660 (3 200 nm off of Washington, Oregon or California). Non whiting groundfish taken in tribal fisheries or taken outside of the fishery management area, as defined at § 660.10, does not meet the qualifying criteria.
-  **By February 15, 2012**, applications must be postmarked or hand delivered by close of business to NMFS at: NMFS Northwest Region, Sustainable Fisheries Division, ATTN: Fisheries Permit Office Processing Exemption, 7600 Sand Point Way NE., Seattle, WA 98115.
-  NMFS will review the application and make an initial administrative determination (IAD) on the application.
-  Those who qualify will be issued a letter from NMFS to carry onboard their vessel.
-  There is an appeals process if you disagree with NMFS determination. For more details on the appeals process, please contact NMFS.

there is no conversion factor applied to the electronic fish ticket to convert glazed product to round weight. The weight reported on the electronic fish ticket for glazed non-whiting groundfish should be the actual scale weight with no conversion factor applied. The states may continue to have a state weight conversion factor for freezing and glazing on their state fish ticket.

5 ■ Changes Applicable to the At-Sea Whiting Fisheries (MS Coop Program and C/P Coop Program)

Regulations specific to the MS Coop Program are specified at 50 CFR 660.150. Regulations specific to the C/P Coop Program are specified at 50 CFR 660.160. These Programs are also subject to additional regulations, including, but not limited to, prohibitions and reporting requirements, specified at 50 CFR part 660, subparts C and D.

The MS Coop Program consists of one or more coops and the non-coop fishery. The coop fishery consists of the following:

1. Owners of MS/CV-endorsed limited entry trawl permits that are members of a coop, and harvesting vessels registered to those permits;
2. Owners of MS permits and processing vessels registered to those permits; and
3. Vessels authorized to fish for the coop that are not members and are registered to a limited entry trawl permit (but not necessarily one with an MS/CV endorsement).

The non-coop fishery consists of the following:

1. Owners of MS/CV-endorsed limited entry trawl permits that are not members of a coop, and harvesting vessels registered to those permits; and
2. Owners of MS permits and vessels registered to those permits.

The catcher processor sector is comprised of catcher processors, which are vessels that both harvest and process whiting during a calendar year. Under the C/P Coop Program, the catcher processor sector will continue to operate under a single voluntary cooperative, much like it has for many years. The coop fishery consists of members of the coop (C/P-endorsed limited entry trawl permit owners) and the vessels registered to member permits.

If you participate in the West Coast groundfish fishery in any of these capacities, please read the following section for more information.

5.1 Transferability of MS/CV endorsements and catch history assignments (MS Coop Program only)

In 2011, MS/CV endorsements and whiting catch history assignments (CHA) were permanently affixed to the limited entry trawl permit they were originally issued to. Beginning in 2012, NMFS will allow permit owners to transfer MS/CV endorsements and associated CHA from one limited entry trawl permit to another limited entry trawl permit and to register more than one MS/CV endorsement and associated CHA to a single limited entry trawl permit.

Transferability of MS/CV-endorsements and associated CHA

Permit owners of MS/CV endorsed permits can request a transfer of their MS/CV endorsement and associated CHA to a different limited entry trawl permit during the permit renewal period from September 1 through December 31 each year.

Each MS/CV endorsement and CHA amount will have a unique identifier. MS/CV endorsements and CHA will be transferrable only as a single unit (no splitting of endorsement from CHA) and ownership of the MS/CV endorsement and CHA will be attributed to the owner of the limited entry trawl permit. In the case of registering multiple MS/CV endorsements on a single limited entry trawl permit, NMFS will not allow multiple CHA amounts to be aggregated into a single amount.

In order to change the registration of an MS/CV endorsement and CHA from permit to another, the permit owner must complete and submit a form during September 1 through December 31 each year. Any changes in MS/CV endorsement registration will be registered on a following year's limited entry trawl permit and effective January 1 of the next year.

When combining two limited entry trawl permits for the purpose of increasing the vessel size endorsement of the remaining permit, the permit owner will have the following two options:

1. **Option 1:** The resultant permit will have one MS/CV endorsement and the CHA amount will be the sum of the two CHA amounts from each of the two original permits. The aggregation of the CHA amount will be permanent and cannot be divided later.
2. **Option 2:** The resultant permit will have two MS/CV endorsements each with a unique CHA amount.


For MS/CV endorsed permit owners that have already combined permits before January 1, 2012, they will have until February 29, 2012 to send a letter to NMFS requesting that NMFS undo their permit combination (see details in box).

MS/CV-endorsed limited entry trawl permits remain subject to the existing accumulation limits and ownership requirements previously specified, including the requirement that no person shall own MS/CV-endorsed permits for which the collective Pacific whiting allocation total is greater than 20 percent of the total mothership sector allocation.

ONE TIME OPPORTUNITY

Undo an MS/CV-endorsed limited entry permit combination

Deadline: February 29, 2012

 If two or more MS/CV endorsed permits have been combined before January 1, 2012 for purposes of increasing the vessel's size endorsement, a permit owner of the resulting combined permit will have until February 29, 2012 to undo that permit combination. The permit owner must submit a letter to NMFS requesting such action. The letter must be postmarked or hand delivered to NMFS by the deadline.

NMFS Northwest Region, Sustainable Fisheries Division,
ATTN: Fisheries Permit Office,
7600 Sand Point Way NE., Seattle, WA 98115.

With this new provision, a limited entry trawl permit owner with more than one MS/CV endorsement may join more than one coop, or join both a coop and the non-coop fishery; however, each endorsement and its associated CHA may only be assigned to one coop or the non-coop fishery. Additionally, each coop will continue to be required to include at least 20 percent of all MS/CV-endorsed permits as members.

5.2 Responsibility for daily testing of at-sea scales *(MS Coop Program and C/P Coop Program)*

The vessel operator is required to ensure that the vessel crew performs the daily testing of at-sea scales, including both belt scales and platform scales. NMFS made this requirement more explicit in regulations.

Glossary

Allocation - The direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals.

At-sea processing - processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another, whether shorebased or on the water.

Catch history assignment – The percentage of allocation of the Pacific whiting for the mothership sector based on a limited entry permit’s qualifying history, which is specified on the MS/CV-endorsed limited entry trawl permit.

Catcher Processor Coop or C/P Coop - A harvester group that includes all eligible C/P-endorsed limited entry trawl permit owners as members that voluntarily form a coop and manage the catcher processor-specified allocations through private agreements and contracts.

Individual bycatch quota (IBQ) - The amount of bycatch quota for an individual species/species group and area expressed as a percentage of the annual allocation of allowable bycatch mortality to the Shorebased IFQ Program. IBQ is used as the basis for the annual calculation and allocation of a QS permit owner’s IBQ pounds in the Shorebased IFQ Program. Both IBQ and QS may be listed on a QS permit and in the associated QS account. Pacific halibut N 40°10’ is currently the only species for which IBQ will be issued.

Individual fishing quota (IFQ) - A federal permit to harvest a quantity of fish, expressed as a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. An IFQ is a harvest privilege that may be revoked at any time with in accordance with the Magnuson-Stevens Act.

IFQ first receiver - A person who receives, purchases, or takes custody, control, or possession of catch onshore directly from a vessel that harvested the catch while fishing under the Shorebased IFQ Program.

IFQ landing - An offload of fish harvested under the Shorebased IFQ Program.

MS/CV endorsement – An endorsement on a limited entry trawl permit that conveys a conditional privilege that allows a vessel registered to the permit to fish either in a coop or in the non-coop fishery in the MS Coop Program.

Processing (or to process) – The preparation or packaging of groundfish to render it suitable for human consumption, retail sale, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done.

Processor – A person, vessel, or facility that engages in commercial processing; or receives live groundfish directly from a fishing vessel for retail sale without further processing. For the purposes of economic data collection in the Shorebased IFQ Program, shorebased processor

means a person that engages in commercial processing, that is an operation working on U.S. soil or permanently fixed to land, that takes delivery of fish that has not been subject to at-sea processing or shorebased processing; and that thereafter engages that particular fish in shorebased processing; and excludes retailers, such as grocery stores and markets, which receive whole or headed and gutted fish that are then filleted and packaged for retail sale.

Quota pounds (QP) – The quotas, expressed in round weight of fish, that are issued annually to QS permit owners in the Shorebased IFQ Program based on the amount of QS they own and the amount of fish allocated to the Shorebased IFQ Program. QP have the same species/species group and area as the QS from which they are issued.

Quota share (QS) - The amount of fishing quota for an individual species/species group and area, expressed as a percentage of annual allocation of fish to Shorebased IFQ Program. The QS is used as the basis for the annual calculation and allocation of the QS permit owner's QP in the Shorebased IFQ program. Both QS and IBQ may be listed on a QS permit and in the associated QS account.

QS Account – an account established by NMFS for each QS permit owner to track the balances of QS or IBQ and QP or IBQ pounds for all IFQ species owned by that owner. NMFS will issue QP or IBQ pounds to QS permit owners, expressed in pounds, on an annual basis, to be deposited in the corresponding QS account.

QS permit - Conveys a conditional privilege to a person to own QS or IBQ in the Shorebased IFQ program.

Vessel account - an account established by NMFS upon request by an owner of a vessel registered to an eligible limited entry trawl permit in order to track QP and IBQ pounds. Vessel accounts are independent of the QS permit and QS account. Vessel accounts may only contain QP or IBQ pounds. Catch (landings and discards) in the Shorebased IFQ Program is deducted from vessel accounts.

Vessel limits – The maximum amount of QP a vessel can hold, acquire, and/or use during a calendar year and specify the maximum amount of QP that may be registered to a single vessel during the year (QP Vessel Limit) and, for some species, the maximum amount of unused QP registered to a vessel account at any one time (Unused QP Vessel Limit).