Compliance Guide Pacific Coast Groundfish Trawl Rationalization Program

Covering Program Details, including:

- Observer program
- Catch monitor program for IFQ
- Catch weighing requirements
- First receiver site licenses
- Quota share accounts
- Vessel accounts
- Gear switching
- Coop permits/coop agreements
- Economic data collection program
- Further tracking and monitoring requirements

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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 components of the Pacific Coast groundfish trawl rationalization program (75 FR 78344, December 15, 2010). Any discrepancies between this guide and the *Federal Register* will be resolved in favor of the *Federal Register*.

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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▪ Who Should Read This Guide?

This guide is designed for fishermen, first receivers, and shorebased processors participating in the Pacific Coast groundfish fishery. It provides information to assist participants in understanding the regulations of the West Coast Trawl Catch Share Program and, in particular, the program components implementing Amendments 20 and 21 of the Pacific Coast Groundfish Fishery Management Plan (FMP).

In January 2011, the Trawl Rationalization Program will be implemented and this guide will walk you through the specific compliance measures for each participating sector. If you are a Shorebased IFQ (individual fishing quota) Program participant, or are participating in one of the at-sea cooperative programs, whether as a mothership (MS), catcher vessel, or catcher processor (C/P), this guide is for you.

Please feel free to review the section that applies to your specific sector, but note that Section 2 highlights compliance measures applicable to all programs. It is thus recommended that you review Section 2 in conjunction with the section applicable to your particular program (i.e., Section 3 Shorebased IFQ Program, Section 4 MS Coop Program, or Section 5 C/P Coop Program).

Introduction

On August 9, 2010, the National Marine Fisheries Service (NMFS) made its decision to partially approve Amendments 20 and 21 to the FMP. Amendment 20 establishes a trawl rationalization program for the Pacific Coast groundfish fishery, consisting of: an IFQ program for the shorebased trawl fleet; and cooperative (coop) programs for the at-sea MS and C/P trawl fleets. Amendment 21 establishes fixed allocations for limited entry (LE) trawl participants.

This guide applies to you if...

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

Due to the complexity of these amendments, NMFS pursued implementation through multiple rulemakings. The "Initial Issuance" rule published on October 1, 2010 (75 FR 60868). The Initial Issuance rule restructured and clarified the Pacific Coast groundfish regulations to more closely track the organization of the proposed management measures, established the allocations set forth under Amendment 21, and established procedures for the initial issuance of permits, endorsements, quota shares (QS), and catch history assignments under the IFQ and coop programs. The "Program Components" rule, establishes the program components required for implementation of the rationalized trawl fishery in 2011, including: IFQ gear switching provisions, details of observer requirements and first receiver catch monitor program, first receiver site licenses, equipment requirements, catch weighing requirements, retention requirements, QS accounts, vessel accounts for use of quota pounds (QP), requirements for coop permits and coop agreements, further tracking and monitoring components, and economic data collection requirements (75 FR 78344, December 15, 2010). This guide lays forth compliance measures for the program components rule, implementing the "nuts and bolts" of the Trawl Rationalization Program.

2 ▪ Measures Applicable to All Programs

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

2.1 Recordkeeping & Reporting

What must I record & report?

As part of your participation in the West Coast groundfish fishery, you are *required* to complete and submit the following reports (also note that all records *must* be retained, and made available upon request, for 3 years from the end of the year in which the records were made):

REPORT	DESCRIPTION	HAVE YOU COMPLETED THIS?
New Declarations	Groundfish vessels are *required* to submit declarations, as specified at § 660.13(d)(5), which, in turn, are used to establish the fishery within which a vessel is participating. This is done for the purpose of catch accounting and identifying what other requirements are applicable to that specific vessel. Those participating in the Shorebased IFQ Program will also be *required* to make a declaration for gear switching (please see Section 3 for more information). Declaration requests *must* be made via telephone by calling 888-585-5518 and reports *must* include: the vessel name and/or identification number; and gear type. Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the requirement was met is the responsibility of the vessel owner or operator. Motherships are *not* required to submit declarations. They are exempt because MS do not operate as a catcher vessel, are not subject to any groundfish conservation areas (GCAs), are not required to carry a vessel monitoring system (VMS), and do not switch between various gear types such that a declaration would be necessary.	

Electronic Fish Tickets	Landings in the Shorebased IFQ Program are reported through an electronic fish ticket (e-fish ticket) system. Shorebased IFQ first receivers *must* submit landings information through e-fish tickets as specified at § 660.113(b)(4).	
Scale Reports	Scale reports are *required* for scales used on mothership and catcher processor vessels, as specified at §§ 660.15(b) and 660.113 (c) and (d). Scales used to weigh catch on vessels *must* be inspected annually and tested daily. Records of the scale tests and records of the scale printouts (catch weight and cumulative weight) *must* be maintained onboard the vessel until the end of the year during which the reports were made, and be made available to NMFS upon request. In addition, the vessel owner is *required* to retain printed reports for 3 years after the end of the year during which the printouts were made. Scales used at shorebased IFQ first receivers *must* display a valid sticker indicating that the scale is currently approved in accordance with the laws of the State where the scale is located, as specified at § 660.15(c). IFQ first receivers *must* allow for inseason scale testing. IFQ first receivers are also *required* to ensure that printouts of the scale weight of each delivery or offload are made available to NMFS staff or to authorized officers. An IFQ first receiver is *required* to maintain printouts on site until the end of the fishing year during which the printouts were made and make them available upon request by NMFS staff or authorized officers for 3 years after the end of the fishing year during which the printout was made.	
Economic Data Collection	Economic data, including cost and revenue information, *must* be submitted to NMFS on an annual basis. For specific economic data collection requirements please see Section 2.3 below and in the regulations at § 660.114.	
Annual Coop Reports	This requirement is applicable to MS and C/P Coops only. This report *must* detail the coop allocation, the total catch (both retained and discards) of the coop, monitoring, and other coop activities, as specified at § 660.113 (c) and (d).	
Cease Fishing Reports	This requirement is applicable to MS and C/P Coops only. When a coop has completed fishing for a given year, it *must* submit a cease fishing report to NMFS, as specified at §§ 660.113(c) and (d), at 660.150(c)(4), and at 660.160(c)(5).	

2.2 Permit & Licenses General

How do I apply for a permit & what are the requirements?

The Initial Issuance rule identified the permit and endorsement application requirements for the QS Permit, MS Permit, Mothership Catcher Vessel (MS/CV) endorsement, and C/P Endorsement. The Initial Issuance rule provided a one time opportunity to apply for those permits and endorsements and the application period is now closed. This compliance guide for the Program Components rule, however, provides information about the requirement for a first receiver site license, MS coop permit, and C/P coop permit. Further information on the requirements for these permits and license and how to apply can be found at:

- First receiver site license – section 3.2 of this guide and in the regulations at § 660.140(f)
- MS coop permit – section 4.1 of this guide and in the regulations at § 660.150(d)
- C/P coop permit - section 5.1 of this guide and in the regulations at § 660.160(d)

Additionally, this guide provides information about limits on changes in vessel registration for certain permits, as specified in regulation at § 660.25(b)(4).

What permits and licenses are required as part of the Program Components Rule?

The Program Components Rule includes provisions for the following permits and license: MS Coop Permit, C/P Coop Permit, and First Receiver Site License. These permits and license requirements and application procedures are described in other sections of this compliance guide.

When is a change in vessel registration on a trawl limited entry permit effective?

A change of vessel registration occurs when a new vessel is registered to the limited entry trawl permit. A change of vessel registration for a trawl limited entry permit without an MS/CV endorsement or a C/P endorsement will continue to be effective at the start of the next cumulative trip limit period and will continue to be limited to one per year. This provision will remain in place because trip limits will remain in place in the Shorebased IFQ Program (for non-IFQ species and for Pacific whiting outside the primary whiting season).

For MS/CV-endorsed limited entry trawl permits, the first change of vessel registration in a calendar year will also be effective at the start of the next cumulative limit period because vessels registered to MS/CV-endorsed permits will be eligible to participate in both the Shorebased IFQ Program and the MS Coop Program. A second change in vessel registration during the calendar year may only be to the original vessel for participation in the MS Coop Program (see below), and because there are no trip limits in the MS Coop program, will be effective immediately upon reissuance to the new vessel.

Changes in vessel registration for MS permits and C/P-endorsed limited entry trawl permits will be effective immediately upon reissuance to the new vessel, because neither of these permits will be affected by trip limits.

How many changes in vessel registrations can occur on a limited entry permit if I participate in both the whiting mothership sector and Shorebased IFQ Program?

For most limited entry trawl permits, only one change in vessel registration is allowed per calendar year. Removing a vessel registered to a permit and placing the permit in an unregistered status is not considered a "change in vessel registration" for the purpose of this restriction.

An MS/CV-endorsed permit, however, is allowed to have two changes in vessel registration in the same calendar year, provided that the second change in vessel registration would return the registration to the original vessel assigned to the permit in that year. The original vessel registered to the permit is considered either the vessel that is registered to the permit as of January 1 or, if the permit is given as unidentified, the first vessel registered to the permit after January 1. If the owner of an MS/CV-endorsed permit changes vessel registration on the permit for a second time, the vessel to which the permit is registered would not be eligible to fish in the Shorebased IFQ Program under that permit during the remainder of the year.

Under the Trawl Rationalization Program, will Pacific whiting vessel licenses still be valid?

No, these licenses will no longer be valid under the Trawl Rationalization Program and will be terminated by NMFS effective January 1, 2011. Under the Trawl Rationalization Program, in order to participate in the whiting mothership and catcher processor sectors, a vessel *must* be registered to an MS permit, MS/CV-endorsed limited entry trawl permit, or C/P-endorsed limited entry trawl permit. In addition, a vessel registered to a limited entry trawl permit without an MS/CV endorsement or C/P endorsement may have limited participation in the mothership sector but not in the C/P sector. Vessels fishing for whiting in the Shorebased IFQ Program *must* be registered to a limited entry trawl permit.

2.3 Economic Data Collection Program

What is the economic data collection program?

Trawl rationalization is expected to change the size and distribution of economic benefits generated by the West Coast groundfish trawl fishery. The economic performance of the fishery is likely to be affected by this new program. With this in mind, a mandatory economic data collection (EDC) program will be used to track the trawl rationalization goals and economic performance. The requirements of the EDC program are specified in regulation at § 660.114. In

turn, NMFS' economists and other social scientists will study this data and write papers, reports, and scholarly articles analyzing the results. These analyses will be used by many forums to shape policy, including the fisheries Council process. In particular, the collected data is designed to provide information necessary for the Council to conduct a review of the trawl rationalization program no later than 5 years after implementation of the program. The review will evaluate the progress the trawl rationalization program has made in achieving the goals and objectives of Amendment 20.

What are the economic performance goals?

Economic performance measures will be tracked to assess the effectiveness of the program, these include:

- Profitable and efficient fleets;
- Operational flexibility;
- Minimizing the adverse impacts on fishing communities;
- Promotion of economic and employment benefits; and
- Providing consumers with quality products.

Monitoring the economic performance of the program will allow for a comprehensive understanding of the program's strengths and weaknesses which, in turn, will be used by fisheries managers in making future management decisions.

Must I submit EDC information?

You *must* submit EDC information if you are participating in the Trawl Rationalization Program in any of the following capacities:

- Owner, lessee, and charterer of catcher vessels, catcher processor vessels, and mothership vessels; or are a
- First receiver or shorebased processor.

Each *entity* is required to submit EDC information. This means that multiple owners of one processor, for instance, are *not each* required to submit individual EDC information.

How do I submit my EDC information to NMFS?

NMFS has created mandatory survey questionnaires for catcher vessels (both delivering shoreside and to motherships), catcher processors, motherships, shoreside processors, and first receivers (see OMB Control No. 0648-0618). These surveys are intended to generate a comprehensive source of economic information that can be used to quantify the economic benefits and consequences accruing to each respective sector.

A complete EDC form contains responses to all data fields, including but not limited to:

- Costs
- Labor
- Earnings
- Activity in a fishery
- Value
- Quota, if applicable
- Operational information
- Vessel or plant characteristics
- Location of expenditures and earnings
- Ownership information
- Leasing information

How Do I Receive My EDC Survey & How Often Must It Be Submitted?

Questionnaires will be mailed to permitted and licensed fishery participants, as well as others who are required to complete a survey, around May 1 each year. If, by mistake, you do not receive the questionnaire from NMFS, it is your responsibility to contact NMFS for the survey. **All surveys must be submitted to NMFS no later than September 1 of each year**. Completing this survey is an annual obligation.

Participants must also submit 2009 and 2010 economic baseline information no later than **September 1, 2011**. This is a onetime obligation.

Failure to submit your questionnaire will result in enforcement and/or withholding of permit issuance or other applications authorizing program participation.

It is important for you to retain and collect certain business or personal records to ensure that you are able to complete the EDC form accurately. These materials may include:

- Receipts for sales and purchases
- Receipts Payroll information
- Tax records
- Financial statements
- Appraisals of vessels or processing facilities

Please complete and submit your certified EDC form to ATTN: Economic Data Collection Program (FRAM Division), NMFS, Northwest Fisheries Science Center, 2725 Montlake Boulevard East, Seattle, WA 98112.

EDC information submitted to NMFS may be subject to verification through EDC audit processes. NMFS reserves the right to conduct verification of economic data with the submitter of the form. In such circumstances, the submitter of the EDC form *must* respond to any inquiry by NMFS or a NMFS agent within 20 days of the date of issuance of the inquiry. (S)he *must* provide copies of additional data to facilitate the verification process. These may include, but are not limited to: previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the economic data submitted.

Will my EDC information remain confidential?

Under Federal law, EDC information as well as information and documents submitted to the NMFS auditor will be confidential and, as such, will not be disclosed to the public. In particular, under the Magnuson-Stevens Act (MSA), information that is required to be submitted to NMFS pursuant to the MSA is considered confidential and cannot be disclosed. The EDC information submitted is confidential under 402(b) of the MSA and under NOAA Administrative Order 216-100, which sets forth procedures to protect the confidentiality of fishery statistics. The information submitted through the questionnaires is a *required* submission under the MSA. If a Freedom of Information Act (FOIA) request for EDC were received by NMFS, EDC information would only be released in aggregated form, that is, without identifiers and other information components that, if released, would allow someone to identify the submitter and result in competitive or other harm to the submitter.

2.4 Monitoring & Compliance

How will monitoring & enforcement be conducted?

A variety of monitoring and enforcement measures will be implemented, including:

- Requiring observers aboard catcher vessels, catcher processors, and mothership vessels;
- Requiring catch monitors at all shorebased IFQ first receivers;
- Requiring the weighing of all catch on scales meeting NMFS requirements;
- Requiring that IFQ first receivers, motherships, and catcher processors follow specified procedures when handling catch prior to processing; and
- Requiring that shorebased IFQ first receivers use electronic fish tickets and related computer software, and adopt and comply with catch monitoring plans for each site.

For additional information pertinent to each sector, please see each respective section below.

2.5 Observer Program & Catch Monitoring

The following information gives an overview of the observer and catch monitoring programs. For requirements specific to the Shorebased IFQ Program (§ 660.140(f), (h), through (j)), MS Coop Program (§ 660.150(j)), and C/P Coop Program (§ 660.160(g)) please review this section in conjunction with each respective section in the Program Components rule as well as the sector-specific sections below. For questions on the West Coast Groundfish Observer Program (WCGOP), call 206-302-1777. For questions on the Catch Monitor Program, call 503-595-3282.

What are observers and catch monitors?

Observers in the WCGOP are highly-trained biologists that work independently aboard vessels in difficult at sea environments to quantify discards and mortality estimates of certain bycatch species, collect biological samples and monitor for any fishery interactions with marine mammals, sea turtles, and seabirds. The WCGOP was developed consistent with guidelines for fishery observer programs developed under the MSA (*see* MSA sec. 403, 16 U.S.C. 1881b; 50 CFR 600.746), and as such, the program components rule will retain the WCGOP's existing general framework and add new components specific to the Trawl Rationalization Program. These include collection of accurate estimates of discards of IFQ species that will be used to estimate individual vessels' overall use of QP *and* the requirement for observer coverage until all IFQ species from the trip are offloaded.

> 100 percent observer & catch monitoring coverage is required for ALL program participants

In contrast to observers, catch monitors are land-based at first receiver facilities and will confirm that total landings are accurately recorded on fish tickets (landing receipts). Catch monitors are more akin to a compliance role than that of a biologist.

The key differences between the observer and catch monitor programs include physical location where duties are performed, tracking of discards aboard vessels versus monitoring landings, catch sorting at shoreside facilities, and eligibility requirements for observer and catch monitor candidates.

Is observer coverage & catch monitoring mandatory?

Yes. Under the Trawl Rationalization Program those participating in the Shorebased IFQ Program are *required* to have observer coverage *at all times* the vessel is fishing in the Program and while IFQ species are on board the vessel. In addition, for the Shorebased IFQ Program,

catch monitors must also be present *at all times* when the offloading of landings takes place and for the entire duration of the process.

Those participating in the MS and C/P Coop Programs are *required* to have an observer onboard the vessel *at all times* the vessel is fishing or at sea under the program rules and authority. Though catcher vessels delivering to motherships were not previously required to have observer coverage or carried only government-funded observers provided by NMFS, *all* catcher vessels are now *required* to have observers.

As such, 100 percent observer coverage at sea and 100 percent monitoring of landings is mandatory under trawl rationalization.

Where do I obtain observer & catch monitoring services?

Vessels and first receivers are *required* to procure observer and catch monitor services, respectively, from any one of a number of providers that are currently permitted to deploy observers in the North Pacific fisheries. These include:

- **Alaskan Observer, Inc.**

  Contact: David Edick
  Phone number: (206) 283-7310
  Email: aoistaff@alaskanobservers.com

- **MRAG Americas, Inc.**

  Contact: Brian Belay
  Phone number: (907) 677-8772
  Email: bryan.belay@mragamericas.com

- **NWO, Inc.**

  Contact: Stacey Hanson
  Phone number: (425) 673-6445
  Email: alaska@nwoinc.com

- **Saltwater, Inc.**

  Contact: Tim Carroll or Kathy Robinson
  Phone number: (907) 276-3241
  Email: tim@saltwaterinc.com or kathy@saltwaterinc.com

- **TechSea International, Inc.**

  Contact: Troy Quinlan
  Phone number: (206) 285-1408
  Email: Info@Techsea.com

Observer and catch monitor providers may change in the future.

Do I have to pay for observers or catch monitors?

Yes. However, the cost of procuring observer and catch monitor services may be partially defrayed by the government for the first year of the program (2011 season), subject to appropriations. The industry is responsible for all costs not incurred by the government during the 2011 season, and all costs associated with the observer and catch monitor programs for seasons thereafter.

What are the observer's responsibilities?

Observers *must* be certified by NMFS and *must* meet responsibilities specified in the regulations at § 660.140(h)(6) for the Shorebased IFQ Program, at § 660.150(j)(6) for the MS Coop Program, and at § 660.160(g)(6) for the C/P Coop Program.

Generally, the observers *must*:

1. Successfully perform their assigned duties as described in the Observer Manual or other written instructions from the Observer Program Office including calling into the NMFS deployment hotline upon departing and arriving into port each trip to leave the following information: observer name, phone number, vessel name departing on, date and time of departure and date and time of expected return.;
2. Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment;
3. Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS;
4. Successfully complete NMFS-approved annual briefings as prescribed by the West Coast Groundfish Observer Program for all catcher vessels (IFQ and MS/CV), or for the observers on Mothership or C/P vessels, successfully complete NMFS-approved annual briefings as prescribed by the At-Sea Hake Observer Program;
5. Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program;
6. For all catcher vessels (IFQ and MS/CV), hold current basic cardiopulmonary resuscitation/first aid certification as per American Red Cross Standards;
7. Successfully meet all expectations in all debriefings including reporting for assigned debriefings;
8. Submit all data and information required by the observer program within the program's stated guidelines; and
9. For all catcher vessels (IFQ and MS/CV), meet the minimum annual deployment period of 3 months at least once every 12 months.

What are the responsibilities of observer providers?

Observer providers *must* be certified by NMFS, and *must* meet obligations identified in the regulations at § 660.140(h)(5) for the Shorebased IFQ Program, at § 660.150(j)(5) for the MS Coop Program, and at § 660.160(g)(5) for the C/P Coop Program.

Generally, the observer providers *must*:

1. Provide qualified candidates to serve as observers according to standards in the regulation;
2. Meet specific requirements in hiring observer candidates identified in the regulation, including a written contract or a written contract addendum signed by the observer and observer provider prior to the observer's deployment, and other specific requirements;
3. Ensure that observers complete duties identified in the regulation in a timely manner;
4. Ensure that observers provided to vessels meet certain requirements identified in the regulation, including valid observer certification, endorsements, health standards, and NMFS-required training and briefing;
5. Respond to industry requests for observers pursuant to the terms of the contractual relationship between the observer provider and the vessel;
6. Provide observer salaries, benefits, and personnel services in accordance with the terms of each observer's contract;
7. Provide observer deployment logistical support, as set forth in the rule;
8. Comply with observer deployment and workload limitations;
9. Verify that a vessel has a valid USCG safety decal before an observer may get underway aboard the vessel;
10. Maintain communications with observers, with an employee responsible for observer activities on call 24 hours a day;
11. Maintain communications with the Observer Program Office, as directed in the regulations and consistent with its requirements;
12. Replace all lost or damaged gear and equipment issued by NMFS to an observer under contract to that provider;
13. Maintain confidentiality of certain information, described in the regulation;
14. Comply with limitations on conflicts of interest;
15. Develop and maintain a policy that meets the requirements of the regulation, addressing observer conduct and behavior for their employees that serve as observers; and
16. Observer providers may refuse to deploy an observer on a requesting vessel if the observer provider has determined that the requesting vessel is inadequate or unsafe according to standards identified in the regulation.

What will observer training consist of?

To maintain the flexibility and efficiency of observer deployment, observer training will capitalize on the existing program structure to train and certify qualified observers in the least number of trainings and briefings as possible.

Currently, observers are qualified, trained, and certified separately for the shorebased fleet and at-sea whiting processing fleet. NMFS will continue to design observer training around similar observer duties and deployment logistics. Thus, in the future at-sea whiting fleet, observers deployed aboard the motherships and catcher processors will still be *required* to be certified and in good standing with the North Pacific Groundfish Observer Program (NPGOP) (as data collection, recording and transmission methods are similar) and successfully complete a whiting observer briefing. These existing briefings are expected to incorporate any additional duties aboard motherships and catcher processors due to trawl rationalization.

For observers deploying aboard catcher vessels delivering shoreside or to motherships, a broader training incorporating updated duties is being developed. The shorebased observer training will be 13 days and instruction will include data sampling methodology, data recording, species identification, at sea safety, etc. Briefings, three to seven days, will also be available for observer candidates who observed for the West Coast Groundfish Observer Program in 2010. NMFS will ensure enough qualified observers are available for the fleet.

What are the catch monitor's responsibilities?

Catch monitors are only required for the Shorebased IFQ Program. Catch monitors *must* be certified by NMFS through a catch monitor provider and *must* meet responsibilities specified in the regulations at § 660.17(c).

Generally, the catch monitors *must*:

1. Perform authorized duties as described in training and instructional manuals or other written and oral instructions provided by NMFS;
2. Accurately record and submit required data (e.g., fish species composition, identification, sorting, and weighing information);
3. Write complete reports and report accurately any observations of suspected violations;
4. Keep confidential and do not disclose data and observations collected at the first receiver to any persons except NMFS staff and authorized officers or others as specifically authorized by NMFS; and
5. Be NMFS-certified, according to requirements for certification of catch monitors identified in the rule.

What are the responsibilities of catch monitor providers?

Catch monitor providers *must* be certified by NMFS and *must* meet the requirements specified in regulations at §§ 660.17 and 660.18. Specifically, catch monitor provider responsibilities are specified in the regulations at § 660.17(e), and conflict of interest at § 660.18(d).

Generally, the catch monitor providers *must*:

1. Provide qualified candidates to serve as catch monitors according to standards in the regulation;
2. Provide catch monitors a copy of standards of conduct, responsibilities, conflict of interest standards, and drug and alcohol policy;
3. Provide catch monitors a copy of the written contract, with provisions outlined in the regulations, signed by the catch monitor and the provider;
4. Ensure that catch monitors provided to first receivers meet certain requirements identified in the regulation, including valid catch monitor certification, health standards, and NMFS-required training and briefing;
5. Respond to catch monitor requests from industry pursuant to the terms of their contract with the first receiver;
6. Ensure that catch monitors complete their duties identified in the regulation in a timely manner;
7. Provide catch monitors' salaries, benefits, and personnel services in accordance with the terms of each catch monitor's contract;
8. Provide catch monitor assignment logistical support, as set forth in the rule;
9. Comply with catch monitor assignment and workload limitations;
10. Maintain communications with catch monitors, with an employee responsible for catch monitor activities on call 24 hours a day
11. Maintain communications with NMFS' catch monitor program office, as directed in the regulations and consistent with its requirements;
12. Replace lost or damaged gear and equipment issued by NMFS to a catch monitor under contract to that provider;
13. Maintain confidentiality of certain information, described in the regulation; and
14. Comply with limitations on conflicts of interest.

Can one individual serve as both an observer *and* catch monitor?

Yes, provided the following conditions are met:

- The individual meets the qualifications to serve as both an observer and catch monitor and has been certified by NMFS in both capacities, as the qualifications, roles, and responsibilities differ between the two;
- The time allowed for work activities in either position is not exceeded:
    i. Observers are not permitted to perform sampling duties for more than 16 consecutive hours in each 24 hour period.
    ii. Catch monitors are *not* required or permitted to work more than 16 hours per calendar day with maximum of 14 hours being work other than the summary and submission of catch monitor data. Following monitoring shift of more than 10 hours, each catch monitor *must* be provided with a minimum 6 hours break before they may resume monitoring.

What if observers or catch monitors do not fulfill their duties?

If an observer's performance does not meet the observer program minimum standards outlined in the observer program manuals and other materials, the observer risks being decertified and may become ineligible to observe in any West Coast groundfish fishery.

If a catch monitor fails to meet performance standards while conducting his or her responsibilities and/or fails to abide by standards of conduct, they risk loss of their certification and may become ineligible to continue as a program catch monitor.

2.6 Ownership Information

Why is NMFS collecting ownership information?

Ownership information is necessary for NMFS to determine compliance with accumulation limits adopted under the trawl rationalization program. Accumulation limits vary for different programs, and are discussed in the sections applicable to each.

Who is required to provide ownership interest forms and when?

The following persons are *required* to provide a trawl ownership interest form as part of renewing a permit or vessel account:

- QS permit owner
- Owner of vessel registered to vessel account
- MS/CV-endorsed permit owner
- MS permit owner

In addition, any person who registers for a first receiver site license or vessel account, or obtains a QS permit, MS permit, or MS/CV-endorsed permit *must* submit a complete trawl ownership interest form.

What ownership information does NMFS require?

Persons required to submit a trawl ownership interest form *must* provide the names of all persons who have a 2% or greater ownership interest in the permit, license, and/or vessel, as applicable, and the amount of ownership interest each of those persons own in the permit, license, or vessel (given as a percent). In addition, the permit, license, or vessel owner *must* provide the date of birth and address for each person with a 2% or greater ownership interest.

Why does NMFS require ownership information from me as both a permit owner and vessel owner?

For the Shorebased IFQ Program, NMFS established accumulation limits intended to limit the control of QS. NMFS needs ownership information related to vessel accounts (and thus, for vessels) as well as for permit owners because control of QS is determined on a case by case basis and extensive control of QP in a vessel account may indicate control of overall QS. While in many cases the owner of the trawl limited entry permit is the same person as the owner of the vessel to which the permit is registered, this is not always the case. . Thus, vessel account owners are *required* to submit an ownership identification form in order to collect this information.

2.7 Cost Recovery

Will industry be required to pay cost recovery fees?

Yes. Amendment 20 provides for the assessment of cost recovery fees up to 3 percent of ex-vessel value, consistent with section 303A(e) of the MSA. Under the MSA (Section 303A(e)(1)(2)) and Public Law 109–479, the Secretary is authorized and shall collect a fee to recover the agency's costs of management, data collection, analysis, and enforcement activities. However, cost recovery will be addressed through a future Council action (Pacific Fishery Management Council) and trailing regulatory amendment.

2.8 Vessel Monitoring System

Who is required to have a vessel monitoring system?

Most vessels registered to a limited entry permit that fishes in State or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon, or California are *required* to use a vessel monitoring system. Please note, however, that unlike vessels registered to other groundfish limited entry permits, a mothership is *not* required to have a vessel monitoring system onboard. VMS provides location data to identify the location of the fishing vessel with groundfish conservation areas, and is not applicable to motherships.

3 ▪ Shorebased IFQ Program Measures

Regulations specific to the Shorebased IFQ Program are specified at § 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 on the program's components.

Let's go Fishing!

You will need:

- A Vessel
- A Limited Entry Trawl Permit assigned to that vessel
- A vessel account for that vessel and vessel owner
- An observer
- An activated VMS
- Fishermen must make proper declaration BEFORE going fishing

IFQ Species

Roundfish

Lingcod
Pacific Cod
Pacific Whiting
Sablefish N. of 36°
Sablefish S. of 36°

Flatfish

Dover Sole
English Sole
Petrale Sole
Arrowtooth Flounder
Starry Flounder
Other Flatfish Stock Complex
Pacific Halibut (IBQ) N. of 40°10'

Rockfish

Pacific Ocean Perch - N. of 40°10
Widow Rockfish
Canary Rockfish
Chilipepper Rockfish - S. of 40°10
Bocaccio - S. of 40°10
Splitnose Rockfish - S. of 40°10
Yellowtail Rockfish - N. of 40°10
Shortspine Thornyhead - N. of 34°27'
Shortspine Thornyhead - S. of 34°27'
Longspine Thornyhead - N. of 34°27
Cowcod - S. of 40°10
Darkblotched Rockfish
Yelloweye Rockfish
Minor Shelf Rockfish Complex - N. of 40°10
Minor Shelf Rockfish Complex - S. of 40°10
Minor Slope Rockfish Complex - N. of 40°10
Minor Slope Rockfish Complex - S. of 40°10

For a list of species included in the complexes, see Section 3.9

Milestones for Shorebased IFQ Program		
Event	**Start**	**Finish**
2010		
QS permit application due		11/1/2010
QS permits issued/QS Account Created/Acct info mailed	Dec 2010	~12/31/2010
Vessel account registration begins	Dec 2010	Ongoing
First receiver site license registration begins	Dec 2010	Ongoing
2011		
Start of the IFQ program	1/1/2011	
Initial QP allocation issued to QS accounts	1/1/2011	
Interim first receiver site licenses expire		6/30/2011
Economic data collection form due (baseline data)		9/1/2011
All QP must be transferred from QS account to vessel accounts	prior to 9/1/2011	
QS permit renewal period - including ownership interest form	10/1/2011	11/30/2011
Vessel account renewal - including ownership interest form	10/1/2011	11/30/2011
QP can no longer be transferred in/out of vessel accounts	12/15/2011	12/31/2011
First receiver site license registration	valid 1 year from issuance	
2012		
QP allocation issued to QS accounts	1/1/2012	
Carryover QP debit/credited to vessel accounts	1/1/2012	
Annual economic data collection form due		9/1/2012
All QP must be transferred from QS account 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 carryover from previous year (2011) expires		12/31/2012
First receiver site license registration	valid 1 year from issuance	
2013 and beyond		
similar to 2012 with some additions		
QS transfers will be allowed between QS accounts	1/1/2013	
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

3.1 Observers & Catch Monitors

Must I have observer & catch monitor coverage?

Yes. To ensure that all catch, including discards, is matched against QP, vessels participating in the Shorebased IFQ Program *must* have an observer onboard the vessel *at all times* the vessel is fishing or has IFQ species onboard the vessel. In addition, catch monitors must be present at an IFQ first receiver *during the duration of an IFQ landing,* to witness the offloading of catch by

IFQ first receivers. As such, 100 percent observer coverage for vessels and 100 percent monitoring of catch by IFQ first receivers is *required*.

What are the vessel's responsibilities to an observer?

Any vessel participating in the Shorebased IFQ Program *must* carry a NMFS-certified observer during any trip until all fish from that trip have been offloaded. If a vessel delivers fish from an IFQ trip to more than one IFQ first receiver, the observer *must* remain onboard the vessel during any transit between delivery points. Vessels *must* meet the following requirements (further specified in regulation at § 660.140(h)), as they pertain to observers:

- If an observer is unable to perform his/her duties for any reason, the vessel is *required* to be in port within 36 hours of the last haul sampled by the observer;
- It is the vessel's responsibility to provide accommodations and food for the observer to the standards in regulation;
- Observers *must* be allowed access to the vessel's navigation equipment and personnel, on request, to determine the vessel's position;
- Observers *must* be allowed free and unobstructed access to the vessel's bridge, trawl or working deck, holding bins, sorting areas, cargo hold, and any other space that may be used to hold, process, weigh, or store fish at any time;
- Observers *must* be notified at least 15 minutes before fish are brought on board to allow sampling the catch.
- Observers *must* be allowed to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

Key Do's and Don'ts for the IFQ Fishery

DO NOT:

- Fish with a QP deficit for any IFQ species
- Fish in two geographic areas on a single fishing trip
- Fish without an observer on your vessel
- Offload without a catch monitor present
- Create a hostile work environment for an observer/catch monitor
- Forget to submit the electronic fish ticket, AND any other document required by the state
- Fail to sort fish prior to first weighing (except in whiting IFQ fishery)
- Switch gear during a fishing trip
- Exceed control requirements

DO:

- Consult with NMFS if you have any questions
- Call in any and all violations to OLE when you become aware of them. Reporting violations is a mitigating factor in the assessment of any penalty
- Make certain your declaration is up to date
- Submit EDC information by September 1st
- Know your rights and responsibilities regarding observer coverage
- Transfer all QP to a vessel account by September 1st

- Observers *must* be provided reasonable assistance, as specified in regulation, to enable them to carry out their duties, including but not limited to,
    - Measuring decks, codends, and holding bins.
    - Providing a designated working area on deck for the observer(s) to collect, sort and store catch samples.
    - Collecting samples of catch.
    - Collecting and carrying baskets of fish.
    - Allowing the observer(s) to collect biological data and samples.
    - Providing adequate space for storage of biological samples.
    - Providing time between hauls to sample and record all catch.
    - Sorting retained and discarded catch into quota pound groupings.
    - Stowing all catch from a haul before the next haul is brought aboard.
- Vessel owner *must* provide an observer sampling station that is to the observer at all times and is free and clear of hazards including, but not limited to, moving fishing gear, stored fishing gear, inclement weather conditions, and open hatches.
- Vessels *must* hold and display a valid USCG safety decal and *must* maintain safe conditions on the vessel for the protection of observers according to regulation.
- Vessels may NOT transfer an observer to another vessel at sea.

What are the IFQ first receivers' responsibilities to catch monitors?

A catch monitor is required be present at each IFQ first receiver whenever an IFQ landing is received (offloaded, sorted, or weighed), unless a waiver has been granted by NMFS. Owners or managers of each IFQ first receiver must arrange for catch monitor services from a certified catch monitor provider prior to accepting IFQ landings. Catch monitoring requirements for IFQ first receivers are specified in regulation at § 660.140(i) and (j).

Generally, IFQ first receivers *must*:

- Adhere to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of a processing and/or receiving facility;
- Ensure that an individual catch monitor does not work more than 16 hours per calendar day, with a maximum of 14 hours being work other than the summary and submission of catch monitor data;
- Provide catch monitor with a minimum of 6 hours break following a monitoring shift of more than 10 hours;
- Allow catch monitors free and unobstructed access, according to the regulation, to the catch throughout the sorting and weighing process, and to any documentation required by regulation (e.g. fish tickets, scale printouts, scale test results);
- Provide a secure, dry, and lockable cabinet or locker with the minimum interior dimensions of two feet wide by two feet tall by two feet deep for the exclusive use the catch monitor and NMFS staff or NMFS-authorized agents;

- Designate a plant liaison responsible for orienting new catch monitors to the facility, assisting in the resolution of catch monitoring concerns, and informing NMFS if changes must be made to the catch monitoring plan;
- Provide reasonable assistance to the catch monitors to enable each catch monitor to carry out his or her duties, including, but is not limited to: informing the monitor when bycatch species will be weighed, and providing a secure place to store equipment and gear;
- Notify catch monitors of the offloading schedule to ensure that they are present for the entire offloading process.

How long can a catch monitor be assigned to the same first receiver?

A catch monitor cannot be assigned to the same first receiver for more than 90 days in a 12 month period.

3.2 First Receiver Site License & Catch Monitoring Plan

Regulations specific to the first receiver site license and catch monitoring plan requirements are at § 660.140(f).

Who is considered to be an IFQ first receiver?

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

Does a first receiver need a site license to receive IFQ species?

Yes. Any IFQ first receiver will need to apply for and obtain a first receiver site license for the specific site of the offload of IFQ species. If a first receiver receives IFQ landings at multiple sites, it needs to obtain individual site licenses for each facility.

Is a vessel owner required to land fish to an IFQ first receiver?

Yes. The Shorebased IFQ Program requires that vessels that harvest IFQ species deliver to an IFQ first receiver holding a first receiver site license. In addition, once offloading of IFQ catch to a first receiver begins, *all* fish *must* be offloaded from the vessel before a new fishing trip begins.

What is required to apply for a first receiver site license?

Persons interested in being licensed as an IFQ first receiver *must* submit a complete application for a first receiver site license to NMFS, Northwest Region, Permits Office, ATTN: Catch Monitor Coordinator, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115. The application *must* include an application fee of $50 (check or money order made payable to U.S. Department

of Commerce/NOAA), a copy of their state buyer's license, a catch monitor plan, and include a written request for a site inspection. Beginning in September 2011, an application for a first receiver site license must also include a completed economic data collection form.

What needs to be included in a catch monitoring plan?

All catch monitor plans *must*:

- Describe the amount and location of all space used for sorting catch, the number of staff assigned to catch sorting, and the maximum rate that catch will flow through the sorting area;
- Detail how IFQ first receiver staff will ensure that sorting is complete; what steps will be taken to prevent unsorted catch from entering the factory or other areas beyond the location where catch sorting and weighing can be monitored from the observation area; and what steps will be taken if unsorted catch enters the factory or other areas beyond the location where catch sorting and weighing can be monitored from the observation area;
- Identify scales used for weighing IFQ landings (identify each scale by type and capacity), describe their location, and what it will be used for (each scale must be appropriate for its intended use);
- Identify all scales that will be used to weigh IFQ landings that cannot produce a complete printed record (as specified at § 660.15(c)) and state how the scale will be used, and how the plant intends to produce a complete and accurate record of the total weight of each delivery;
- Detail how the IFQ first receiver will ensure that all catch is weighed and the process used to meet the catch weighing requirements (If a catch monitoring plan proposes the use of totes in which IFQ species will be weighed, or a deduction for the weight of ice, it must detail how the process will accurately account for the weight of ice and/or totes);
- Identify specific delivery points where catch is removed from an IFQ vessel (The delivery point is the first location where fish removed from a delivering catcher vessel can be sorted or diverted to more than one location. If the catch is pumped from the hold of a catcher vessel or a codend, the delivery point will be the location where the pump first discharges the catch. If catch is removed from a vessel by brailing, the delivery point normally will be the bin or belt where the brailer discharges the catch);
- Designate and describe the observation area (The observation area is a location where a catch monitor may monitor the flow of fish during a delivery, including: access to the observation area, the flow of fish, and lighting used during periods of limited visibility. Standards for the observation area are specified at § 660.140(i)(4)(ii));
- Identify the location of a secure, dry, and lockable cabinet or locker with the minimum interior dimensions of two feet wide by two feet tall by two feet deep for the exclusive use of the catch monitor, NMFS staff, or authorized officers;
- Identify the designated plant liaison (The plant liaison responsibilities are specified at § 660.140(i)(6)); and

- Include a diagram of the first receiver that identifies the delivery point(s), observation area, lockable cabinet, location of each scale used to weigh catch, and each location where catch is sorted.

A template for catch monitoring plans is available on the NMFS Northwest Region trawl website.

The regulations make reference to interim first receiver site license. What is meant by *interim*?

NMFS expects that many first receivers will submit an application for a first receiver site license in December 2010 in order to have their licenses effective by Jan. 1, 2011. NMFS anticipates that it will not have enough time to review all catch monitoring plans and conduct site inspections before the start of the 2011 Shorebased IFQ Program. Therefore, NMFS will issue interim site licenses and continue to review and approve the catch monitoring plans and conduct site inspections during the January to June 2011 period. Interim first receiver site licenses will allow IFQ first receivers to take deliveries of IFQ species during this period. NMFS will issue a (non-interim) first receiver site licenses once a site inspection has been conducted and a catch monitoring plan is accepted.

After NMFS approves my first receiver site license application, how long is it effective?

The license will be effective for one year from the date of NMFS approval.

When the first receiver site license expires, can I renew it?

The first receiver site license is an annual registration. If a first receiver wants to continue to receive IFQ landings on a continual basis, they *must* submit a new application in advance of the expiration of their existing license.

What are the requirements for a first receiver?

In summary, first receivers are *required* to:

1. Hold a NMFS-accepted catch monitoring plan that complies with regulatory requirements (Note: catch monitoring plans *must* be submitted with first receiver site license applications);
2. Complete a site inspection conducted by NMFS-approved personnel (Note: written site inspection requests *must* be submitted to NMFS with first receiver site license applications);
3. Comply with equipment requirements (e.g., scales);
4. Report landings through an electronic fish ticket system;
5. Provide internet access to catch monitors for data submission; and
6. Have a certified catch monitor for the entire duration of an IFQ offload.

Those persons holding a first receiver site license are also *required* to comply with equipment and reporting measures as detailed in below.

Can I sell my IFQ fish off my boat?

Yes, but to do so, you must comply with all state and Federal requirements including having a first receiver site license. Requirements for a first receiver site license are listed above. You will also need a computer and web access. Before selling your fish off your boat, the catch must be first:

- weighted on a certified scale (State Certification);
- sorted to Federal specifications (status quo);
- recorded on the Federal electronic fish ticket; and
- accurate weights required.

3.3 Equipment & Reporting Requirements

Regulations specify equipment requirements at § 660.15 and reporting requirements at §§ 660.13 and 660.113.

How must catch be sorted?

All fish landed in an IFQ landing at an IFQ first receiver (including shoreside processing facilities and buying stations that intend to transport catch for processing elsewhere) *must* be sorted, prior to first weighing after offloading from the vessel and prior to transport away from the point of landing (as specified at § 660.130). This applies to all vessels participating in the Shorebased IFQ Program except those declared into the limited entry midwater trawl, Pacific whiting shorebased IFQ, which may weigh catch on a bulk scale before sorting.

What are the scale requirements for IFQ first receivers?

In addition to the requirements set forth by the State in which the scale is located, scales used to weigh catch *must* meet the following requirements:

- Verification of approval: The scale *must* display a valid sticker indicating that the scale is currently approved in accordance with the laws of the State where the scale is located.
- Visibility: NMFS staff, NMFS authorized personnel, or authorized officers *must* be allowed to observe the weighing of catch on the scale and be allowed to read the scale display at all times.
- Printed scale weights: An IFQ first receiver *must* ensure that printouts of the scale weight of each delivery or offload are made available to NMFS staff, to NMFS-authorized personnel, or to authorized officers at the time printouts are generated. An IFQ first

receiver *must* maintain printouts on site until the end of the fishing year during which the printouts were made and make them available upon request by NMFS staff, NMFS-authorized personnel, or authorized officers for 3 years after the end of the fishing year during which the printout was made. In addition, all scales identified in a catch monitoring plan *must* produce a printed record for each delivery, or portion of a delivery, weighed on that scale, unless specifically exempted by NMFS.

If automatic weighing systems, or hopper scales, are used, the following criteria *must* be met:

- No catch may enter or leave a weighing hopper until the weighing cycle is complete;
- No product may be cycled and weighed if the weight recording element is not operational; and
- No product may enter a weighing hopper until the prior weighing cycle has been completed and the scale indicator has returned to zero.

What must be included in a printed scale record?

For scales that *must* produce a printed record, the printed record *must* include:

1. The IFQ first receiver's name;
2. The weight of each load in the weighing cycle;
3. The total weight of fish in each landing, or portion of the landing that was weighed on that scale;
4. The date the information is printed; and
5. The name and vessel registration or documentation number of the vessel making the delivery.

For IFQ first receivers that use totes and platform scales to weigh catch, the following scale printing requirements apply:

> IFQ species or species groups may be weighed in totes on a platform scale capable of printing a label or tag and recording the label or tag information to memory for printing a report as specified in § 660.15. The label or tag must remain affixed to the tote until the tote is emptied. The label or tag must show the following information:
>
> 1. The species or species group name;
> 2. The weight of the fish in the tote;
> 3. The date the label or tag was printed; and
> 4. The vessel name.

How can an IFQ first receiver be exempt from the scale printout requirements?

An IFQ first receiver that receives no more than 200,000 pounds of groundfish in any calendar month will be exempt from the requirement to produce a printed record, provided that:

1. The IFQ first receiver has not previously operated under a catch monitoring plan where a printed record was required;
2. The IFQ first receiver ensures that all catch is weighed; and
3. The catch monitor, NMFS staff, or authorized officer can verify that all catch is weighed.

How must inseason scale testing be conducted?

IFQ first receivers *must* allow, and provide reasonable assistance to NMFS staff, NMFS-authorized personnel, and authorized officers to test scales used to weigh IFQ catch. A scale that does not pass an in-season test may not be used to weigh IFQ catch until the scale passes an in-season test or is approved for continued use by the weights and measures authorities of the State in which the scale is located. To pass an in-season test, NMFS staff or authorized officers *must* be able to verify that:

- The scale display and printed information are clear and easily read under all conditions of normal operation;
- Weight values are visible on the display until the value is printed; and
- The scale does not exceed the maximum permissible errors (MPE).

What are the maximum permissible error allowances for scales?

The maximum permissible errors are as follows:

TEST LOAD IN SCALE DIVISIONS	MAXIMUM ERROR IN SCALE DIVISIONS
0-500	1
501-2,000	2
2,001-4,000	3
>4,000	4

What are the hardware and software requirements for electronic fish tickets?

IFQ first receivers using the electronic fish ticket software provided by Pacific States Marine Fisheries Commission are *required* to meet hardware and software requirements, including:

- A personal computer with Pentium 75-MHz or higher;
- Random Access Memory (RAM) *must* have sufficient megabyte (MB) space to run the operating system, plus an additional 8 MB for the software application and available hard disk space of 217 MB or greater;
- A CD–ROM drive with a Video Graphics Adapter (VGA) or higher resolution monitor (super VGA is recommended);
- Microsoft Windows 2000 (64 MB or greater RAM *required*), Windows XP (128 MB or greater RAM *required*), or later operating system; and
- Microsoft Access 2003 or newer.

Those IFQ first receivers who have NMFS-approved software compatible with the standards specified by Pacific States Marine Fisheries Commission for electronic fish tickets are not subject to any specific hardware or software requirements.

What must IFQ first receivers include in each electronic fish ticket?

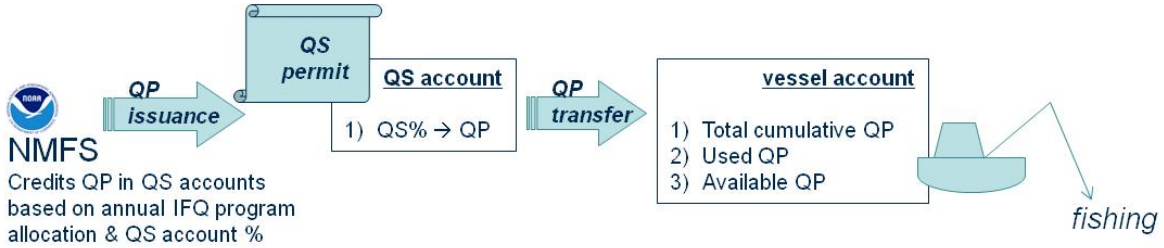
All IFQ first receivers *must* provide the following information in each submission:

- Date of landing;
- Vessel making the delivery;
- Vessel account number;
- Gear type used;
- Catch area;
- First receiver;
- Actual weights of *all* species landed listed by species or species group including species with no value;
- Condition of species landed;
- Number of salmon by species (in the case of the whiting IFQ fishery);
- Number of Pacific halibut (in the case of the whiting IFQ fishery); and
- Any other information deemed necessary by the Regional Administrator as specified on the appropriate electronic fish ticket form

IFQ first receivers are *required* to submit a completed electronic fish ticket for every IFQ landing no later than 24 hours after the fish are received. In the event that a data error occurs, electronic fish ticket submissions may be revised by resubmitting the revised form. Electronic fish tickets are to be used for the submission of final data. Preliminary data, including estimates of fish weights or species composition, must not be submitted on electronic fish tickets.

3.4 Quota Share Permits, Quota Share Accounts, Vessel Accounts

Sections 660.140(d) and (e) of the regulations provide the requirements for QS permits and QS accounts and for vessel accounts, respectively.



How can I obtain a quota share (QS) permit?

The application period to obtain a QS permit ended on November 1, 2010. NMFS will not issue additional QS permits for the first 2 years of the program, unless directed by a court decision (e.g., due to the death of QS permit owner, divorce, or dissolution). A person can apply for a QS permit after year 2 of the program (i.e., for the 2012 fishery and thereafter). After the second year of the program, persons may apply for a QS permit by submitting an application to NMFS.

Can I transfer my QS permit?

No. A QS permit is not transferrable to another person.

Can I transfer QS or IBQ during the first two years of the IFQ program?

No. QS and IBQ are not transferable during the first 2 years of the program. The only exception is if a court decision directs the conveyance of QS to another person (e.g., due to death, divorce, dissolution).

Beginning in year three of the program, QS permit owners may transfer QS or IBQ to another QS permit owner, subject to accumulation limits. QS or IBQ will be transferred as a percent, divisible to one-thousandth of a percent (i.e., greater than or equal to 0.001%). QS or IBQ may not be transferred between December 1 through December 31 each year. QS or IBQ may not be transferred to a vessel account.

When am I required to renew my QS permit?

QS permits *must* be renewed annually, between October 1 and November 30. In order for NMFS to renew a QS permit, the permit owner *must* also submit a complete economic data collection survey and ownership interest form.

What if I fail to renew my QS permit by November 30?

If a QS permit owner fails to renew his/her QS permit by November 30, the QS permit will not be renewed for the following year and the QS permit owner will not have access to his/her quota pounds for that year. The QP associated with the QS permit will be redistributed among all of the QS permit owners that renew their permits on time, in proportion to the amount of QS they each own for each IFQ species. A QS permit owner who does not renew the permit by the deadline date will have the opportunity to renew the QS permit at the next renewal period.

What is a QS account?

A QS account is an online accounting system much like an online banking account. A QS permit owner's QS and IBQ allocation amounts (expressed as a percent) for each species will appear in a QS account as well as the associated quota pounds (QP) and IBQ pounds. QS permit owners will be able to see their QS and IBQ balances, and their QP and IBQ pound balances, and will be able to initiate transfers of QP and IBQ pounds to vessel accounts using this system.

How do I establish a QS account?

Upon issuance of a QS permit, NMFS will establish a QS account in the name of the QS permit owner.

What equipment and software do I need to access my QS account?

The QS account is a web based system. Therefore, participants *must* have access to a computer with internet access and *must* set up online access to their QS account to participate. The computer *must* have internet browser software installed (e.g., Internet Explorer, Netscape, Mozilla Firefox), as well as the Adobe Flash Player software version 9.0 or greater.

How can I access my QS account?

QS owners can access their QS accounts through the use of a unique ID and personal identification number (PIN). NMFS will mail the user ID and password to QS permit owners or account managers. The QS permit owner may authorize any individual access to their QS account information simply by sharing their ID and PIN. NMFS will use the QS account to send messages to QS permit owners. It is very important for QS permit owners to monitor their online QS account and all associated messages. In addition, NMFS may require QS permit owners that are business entities to designate an account manager (and provide their contact information) to act on behalf of the entity.

What is a vessel account and why does a vessel need to be registered to a vessel account?

A vessel account is registered to a specific vessel and a specific vessel owner. A vessel account is an online accounting system much like an online banking account which will allow vessel owners and other designated parties to view current balances of the QP and IBQ pounds assigned

to the vessel. A vessel *must* have QP (or, as applicable, IBQ pounds) to cover all catch of IFQ species. The vessel account allows a vessel owner to obtain QP or IBQ pounds from either a QS account or from another vessel account through electronic transfers. Every IFQ landing will have an electronic fish ticket reflecting the species and amount (in whole pounds) of IFQ fish landed. The amount of the landing will be debited against the vessel account. Similarly, any discards recorded by an observer will be debited from the vessel account.

Do I have to have QP or IBQ pounds in my vessel account to go fishing?

No. Each vessel participating in the Shorebased IFQ Program would have a vessel account, and all vessel accounts start with a zero balance, unless there has been carryover of a surplus or deficit. Having a zero balance for QP or IBQ pounds for any one IFQ species does not automatically result in noncompliance.

Under the rationalized fishery, fishermen have several options to plan their fishing strategies. A QS owner may choose to transfer the resulting QP and IBQ pounds to the owner's own vessel account, or may elect to lease the QP and IBQ pounds and transfer them to another vessel account entirely. A vessel owner that chooses to go fishing can obtain QP and IBQ pounds before the vessel goes fishing, whether from the vessel owner's own QS account or by transfer from another owner of QP or IBQ pounds, for IFQ species that the vessel intends to harvest or anticipates harvesting, and may go fishing with a zero balance for IFQ species which it intends to avoid. Moreover, if a vessel fishing with a zero balance for an IFQ species were to catch that species, the vessel would have 30 days after that occurrence within which to obtain sufficient QP and IBQ pounds to cover the deficit, and if the deficit is within the carryover limit, the vessel owner has the option to opt out of the IFQ fishery for the remainder of the year and cover the deficit with QP and IBQ pounds issued in the following year. A vessel that opts out of the IFQ fishery to use the carryover provision may still fish in other fisheries during the remainder of the year, and may transfer unused QP and IBQ pounds from the vessel account to another vessel account. Under none of these scenarios would the fisherman be in a "position of noncompliance," despite having started with a zero balance of QP.

How do I establish a vessel account?

A vessel account may be established at any time during the year. In order to establish a vessel account, a vessel owner *must* make a request in writing (letter or email) to NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115 or email: Sarah.Towne@noaa.gov. The vessel *must* be registered to a valid trawl limited entry permit at the time the vessel owner requests the account. The request *must* detail the following: all vessel owner names (as given on USCG Form 1270, or on state registration, as applicable), name of the vessel, USCG or state vessel registration number, vessel owner business contact information (address, phone number, fax number, and email), and vessel account manager (if different from vessel owner) and their contact information (address, phone number, fax number, and email).

Requests for a vessel account must also include a complete Trawl Identification of Ownership Interest Form and, beginning in September 2011, a complete economic data collection form.

Is my vessel account permanent, once established?

No. Vessel accounts will expire at the end of each calendar year. Your vessel account *must* be renewed annually between October 1 and November 30 each year to access the fishery on January 1 of the following year. Similar to the renewal requirement for the QS permit, the vessel owner *must* provide both economic data collection surveys and ownership interest forms in order for the account to be renewed.

What equipment and software do I need to access my vessel account?

The vessel account is a web based system. Therefore, participants *must* have access to a computer with internet access and *must* set up online access to their vessel account. The computer *must* have internet browser software installed (e.g., Internet Explorer, Netscape, Mozilla Firefox), as well as the Adobe Flash Player software version 9.0 or greater.

How can I access my vessel account?

Vessel account owners can access their accounts through the use of a unique ID and personal identification number. NMFS will mail the user ID and password to vessel owners or vessel account managers. The vessel owner may authorize any individual access to their account information simply by sharing their ID and PIN. NMFS will use the vessel account to send messages to vessel account owners. It is very important for vessel account owners to monitor their online vessel account and all associated messages. In addition, NMFS may require vessel owners that are business entities to designate an account manager to act on behalf of the entity and their contact information.

Are QS permit owners required to transfer their associated QP or IBQ pounds to vessel accounts?

Yes. Each year, in order for QP or IBQ pounds to be used, QS permit owners *must* transfer their associated QP and IBQ pounds from their QS account to a vessel account by September 1.

How do you transfer QP or IBQ pounds from a QS account to a vessel account?

All transfers of QP or IBQ pounds *must* be transacted using the online QS account and vessel account system. A QS permit owner or designated person may initiate a transfer by identifying the species and the amount of QP or IBQ pounds (whole pounds) that will be transferred. A single transfer can include multiple species. The QS permit owner *must* also select a vessel that will receive the QP or IBQ pounds. Once the transfer is submitted to the online system, the system will determine if the transfer will exceed the vessel limits (annual and daily). If the transfer does not exceed the vessel limits for any of the species named in the transfer, a pending

transfer will be displayed in the vessel account. The vessel owner *must* either accept or decline the transfer to complete the transaction. The vessel owner may only accept the entire transaction as initiated, and will not have the option to accept certain species and amounts and not others offered in the transfer. Once the transaction is completed (either accepted or not accepted), the system will provide a transaction confirmation number and describe the nature of transaction (approved/disapproved). If the transaction is accepted by the vessel owner, the designated species/amounts of QP or IBQ pounds will be debited from the QS account and credited into the vessel account.

Are there limits on the amount of QP or IBQ pounds one may have in a vessel account?

Yes. Vessel accounts may not have QP or IBQ pounds in excess of an annual limit or a daily limit. The annual limit includes both used and unused QP and IBQ pounds and applies to all IFQ species. The daily limit pertains only to unused QP for certain overfished species and IBQ pounds for Pacific halibut. Below is a table that provides the vessel account annual and daily limits by species, expressed as a percent of the shoreside trawl allocation for that species (actual poundage amounts will vary year by year).

Species Category	QP Vessel Limit (Annual Limit)	Unused QP Vessel Limit (at any point in time)
Non-whiting groundfish species	3.2%	
Lingcod – coastwide	3.8%	
Pacific cod	20.0%	
Pacific whiting (shoreside)	15.0%	
Sablefish		
N. of 36° (Monterey north)	4.5%	
S. of 36° (Conception area)	15.0%	
Pacific ocean perch N. of 40°10'	6.0%	4.0%
Widow rockfish	8.5%	5.1%
Canary rockfish	10.0%	4.4%
Chilipepper rockfish S. of 40°10'	15.0%	
Bocaccio S. of 40°10'	15.4%	13.2%
Splitnose rockfish S. of 40°10'	15.0%	
Yellowtail rockfish N. of 40°10'	7.5%	
Shortspine thornyhead		
N. of 34°27'	9.0%	
S. of 34°27'	9.0%	
Longspine thornyhead		
N. of 34°27'	9.0%	
Cowcod S. of 40°10'	17.7%	17.7%
Darkblotched rockfish	6.8%	4.5%
Yelloweye rockfish	11.4%	5.7%
Minor rockfish complex N. of 40°10'		
Shelf species	7.5%	
Slope species	7.5%	
Minor rockfish complex S. of 40°10'		
Shelf species	13.5%	
Slope species	9.0%	
Dover sole	3.9%	
English sole	7.5%	
Petrale sole	4.5%	
Arrowtooth flounder	20.0%	
Starry flounder	20.0%	
Other flatfish stock complex	15.0%	
Pacific halibut (IBQ) N. of 40°10'	14.4%	5.4%

Do QP or IBQ pounds that I transfer into my vessel account and subsequently transfer out of the vessel account count against these limits?

No. The online system will not allow transfers that would cause the vessel account to exceed the daily limit, and such transfers are not counted in the calculation of cumulative amounts for compliance with the annual limits.

How do you transfer QP or IBQ pounds from one vessel account to another vessel account?

The process is nearly the same as described above for transferring QP or IBQ pounds from a QS account to a vessel account. However, it involves QP or IBQ pounds being transferred between two vessel accounts.

Once I transfer QP or IBQ pounds from a QS account to a vessel account, can those QP or IBQ pounds be transferred back to the QS account?

No. Once QP or IBQ pounds are transferred from a QS account to a vessel account, the QP or IBQ pounds cannot be returned to the QS account.

Are there any limitations as to when I can transfer QP or IBQ pounds?

Yes. QP or IBQ pounds may not be transferred to vessel accounts after December 15 each year. This allows NMFS time to reconcile accounts for the following year.

3.5 IFQ Carryover Provisions

What is meant by carryover?

The carryover provision allows a limited amount of surplus QP or IBQ pounds in a vessel account to be carried over from one year to the next, or allows a deficit (negative balance) in a vessel account in one year to be covered with QP or IBQ pounds from a subsequent year, up to a carryover limit.

If I don't use all of my QP or IBQ pounds in my vessel account by December 31, can my QP or IBQ pounds carry over to the following year?

Yes, if the vessel account is renewed and active, up to a carryover limit. The surplus carryover limit is calculated as 10 percent of the cumulative total QP or IBQ pounds (used and unused, less any transfers or any previous carryover amounts) in the vessel account at the end of the year. NMFS will credit the carryover amount to the vessel account in the following year.

If an IFQ species' optimal yield is reduced in the following year, will that impact the amount of QP or IBQ pounds that may be carried over to the next year?

Yes. If the optimal yield for an IFQ species is reduced in the following year, the amount of surplus QP or IBQ pounds that was subject to carryover from one year to the next will be reduced accordingly.

What happens if my vessel account incurs a deficit?

A deficit occurs when a debit of an amount of QP or IBQ pounds for an IFQ species results in a negative balance for that species. If your vessel account incurs a deficit (a negative balance for any IFQ species), you have two alternatives to reconcile the deficit:

1. Transfer sufficient amounts of QP or IBQ pounds into the vessel account within 30 days to cover the deficit (30 days will begin from the *day and time* the poundage is debited from the vessel account, thereby creating a QP deficit); or
2. For deficits of 10 percent or less, the vessel may choose not to participate in the Shorebased IFQ Program for the remainder of the year *and* cover the deficit with QP issued the following year. If choosing this second option, the vessel owner *must* declare out of the fishery by submitting a signed, dated, and notarized letter to the NMFS Office of Law Enforcement, Northwest Region, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115, declaring the vessel owner's intent to declare out of the Shorebased IFQ Program and invoke the carryover provision to cover the deficit. The vessel owner may still

Example: Surplus

Example 1:

- 1000 lbs of used pounds (harvested or discarded)
- 500 lbs of unused pounds (balance in vessel account)
- Total of 1500 pounds X 10% = 150
- Up to 10% of the unused pounds can be carried over to the next year
- 150 lbs of the 500 pounds remaining in the vessel account can be carried over

Example 2:

- 1400 lbs of used pounds (harvested or discarded)
- 100 lbs of unused pounds (balance in vessel account)
- Total of 1500 pounds X 10% = 150
- Up to 10% of the unused pounds can be carried over to the next year
- All of the remaining 100 pounds in the vessel account can be carried over

Example: Deficit

- 1000 lbs harvested, with 200 lbs balance in vessel account at start of a fishing trip.
- Vessel harvests an additional 500 lbs for a total of 1500 lbs harvested
- Balance in vessel account is now negative 300lbs
- Deficits of 10% or less of used lbs can be carried over to the next year
- 10% of 1500 = 150, balance is negative 300, which equals 20% of 1500
- 10% deficit option not available unless an additional 150 is transferred to vessel account to bring the vessel account balance to negative 150, which is 10% or less of used (harvested) lbs.

transfer the remaining QP or IBQ pounds in the vessel account (species for which there is no deficit) to another vessel account.

Can I participate in the Shorebased IFQ Program if I cover my QP or IBQ pound deficit in the same year?

Yes. A vessel registered to a limited entry trawl permit with a vessel account that has no deficits may participate in the Shorebased IFQ Program. A vessel that declares out of the Shorebased IFQ Program under the carryover provision can also declare back into the fishery if it is able to obtain sufficient QP or IBQ pounds later in the year. However, if a vessel chooses to do so, it would no longer meet the requirements for the carryover provision (see question "What happens if my vessel account incurs a deficit?" above). Instead, the vessel will be subject to enforcement for a violation of the requirement to cure a deficit within 30 days of the date the deficit is documented. However, other fishing opportunities may be available to those who incur a deficit, for more information please see Section 3.11 entitled "Moving from the IFQ Fishery to Other Fishing Opportunities" below.

3.6 Discard in the IFQ Fishery

Are minor amounts of operational discard allowed in the Pacific whiting IFQ fishery under trawl rationalization?

It is permissible to discard minor amounts of catch at sea, provided the observer accounts for the discard (i.e., a maximum retention fishery).

Is discard allowed in the non-whiting IFQ fishery under trawl rationalization?

Vessels participating in the non-whiting IFQ fishery may discard IFQ species/species groups, provided such discards are accounted for and deducted from QP in the vessel account. Non-whiting vessels *must* discard Pacific halibut and the discard mortality *must* be accounted for and deducted from IBQ pounds in the vessel account. Non-whiting vessels may discard non-IFQ species and non-groundfish species.

3.7 IFQ Program Management

What are the prohibitions for processing groundfish at sea?

Vessels in the Shorebased IFQ Program are not allowed to process groundfish at sea, regardless of the type of gear used. However, two exceptions apply:

1. A vessel that is 75-ft (23-m) or less LOA that harvests whiting and, in addition to heading and gutting, cuts the tail off and freezes the whiting; and
2. A vessel that has a sablefish at-sea processing exemption may process sablefish at sea.

3.8 Weight Limits & Conversions

How is the weight of landed fish derived?

Groundfish allocations, harvest guidelines, and quotas are expressed in round weight. The electronic fish ticket records the actual weight and condition of the fish landed. In cases where fish are landed dressed (headed and gutted, or in the case of Pacific whiting, headed and gutted with tails removed), catch weight conversions factors are applied to the electronic fish ticket to determine actual round weight of the harvested fish.

Why is NMFS implementing coastwide conversion factors?

Under trawl rationalization, landings of groundfish in the Shorebased IFQ Program are reported through a Federal electronic fish ticket system in addition to the State paper fish ticket system. NMFS requires a consistent, accurate round weight to be used to determine total catch in the Shorebased IFQ Program. NMFS believes that the use of consistent coastwide conversion factors in the Shorebased IFQ Program will provide consistency in catch estimates between States, prevent artificial influences on individual landings choices, and benefit NMFS's ability to track landings.

Under trawl rationalization, consistent use of weight conversion factors, as specified in regulation at § 660.60(h)(5)(ii)(B), will be implemented coastwide for the Shorebased IFQ Program. Currently, some discrepancies exist between the weight conversions used by the States of Washington, Oregon, and California; however, State weight conversions will remain in place for the limited entry fixed gear and open access fisheries because they continue to be managed under sector allocations (rather than individual quotas) and will continue to be tracked under the State paper fish ticket system. It is important also to note that Federal commercial groundfish regulations do not supersede more restrictive state commercial groundfish regulations, including landings requirements regarding groundfish species or the condition in which they may be landed.

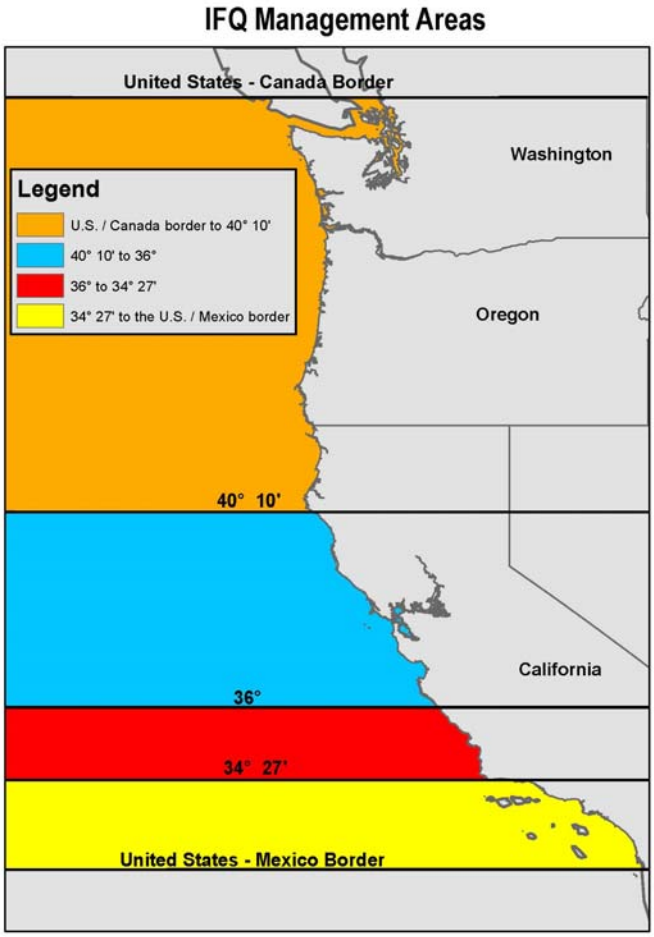
3.9 Area Management

Where are the IFQ species management areas?

Under the Shorebased IFQ Program, IFQ species will be managed in four distinct geographic areas:

1. U.S./Canada border to ≥ 40°10′;
2. 40°10′ to ≥ 36°;
3. 36° to ≥ 34°27′; and
4. 34°27′ to the U.S./Mexico border.

These management areas will have different management measures for different species. Some IFQ species will be managed as either a single species with different QS by area; some will be managed as a single species in one area and as a component of a species group in another area (e.g., minor shelf rockfish or minor slope rockfish north or south of 40°10′ N. lat.).



What IFQ species are included in the complexes and what are their area designations?

IFQ species and area designations

Species Name	North of 40°10'N latitude	40°10'N to 36° latitude	36°N to 34°27'N latitude	South of 34°27'N latitude
Arrowtooth flounder	Arrowtooth flounder			
Aurora rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Bank rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Blackgill rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Bocaccio rockfish	Minor Shelf North of 40°10'N	Boccacio rockfish South of 40°10'N - OVERFISHED		
Bronzespotted rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Butter sole	Other Flatfish			
Canary rockfish	Canary rockfish - OVERFISHED			
Chameleon rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Chilipepper rockfish	Minor Shelf North of 40°10'N	Chilipepper rockfish South of 40°10'N		
Cowcod rockfish	Minor Shelf North of 40°10'N	Cowcod rockfish South of 40°10'N - OVERFISHED		
Curlfin sole	Other Flatfish			
Darkblotched rockfish	Darkblotched rockfish - OVERFISHED			
Dover sole	Dover sole			
Dusky rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Dwarf-red rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
English sole	English sole			
Flag rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Flathead sole	Other Flatfish			
Freckled rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Greenblotched rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Greenspotted rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Greenstriped rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Halfbanded rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Harlequin rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Honeycomb rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Lingcod	Lingcod			
Longspine Thornyhead	Longspine thornyhead North of 34°27'N			LSPN South of 34°27'N (No IFQ)
Mexican rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Pacific cod	Pacific cod			
Pacific halibut	Pacific halibut North of 40°10'N (IBQ)	Pacific halibut South of 40°10'N (set-asides, No IBQ)		
Pacific Ocean Perch	POP North of 40°10'N - OVERFISHED	Minor Slope South of 40°10'N		
Pacific sanddab	Other Flatfish			
Pacific whiting	Pacific whiting			
Petrale sole	Petrale sole			
Pink rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Pinkrose rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Pygmy rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Redbanded rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Redstripe rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Rex sole	Other Flatfish			
Rock sole	Other Flatfish			
Rosethorn rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Rosy rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Rougheye rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Sablefish	Sablefish North of 36°N		Sablefish South of 36°N	
Sand sole	Other Flatfish			
Sharpchin rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Shortraker rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Shortspine thornyhead	Shortspine thornyhead North of 34°27'N			SSPN South of 34°27'N
Silvergray rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Speckled rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Splitnose rockfish	Minor Slope North of 40°10'N	Splitnose rockfish South of 40°10'N		
Squarespot rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Starry flounder	Starry flounder			
Starry rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Stripetail rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Swordspine rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Tiger rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Vermilion rockfish	Minor Shelf North of 40°10'N	Minor Shelf South of 40°10'N		
Widow rockfish	Widow rockfish - OVERFISHED			
Yelloweye rockfish	Yelloweye rockfish - OVERFISHED			
Yellowmouth rockfish	Minor Slope North of 40°10'N	Minor Slope South of 40°10'N		
Yellowtail rockfish	Yellowtail rockfish North of 40°10'N	Minor Shelf South of 40°10'N		

Am I allowed to fish in different management areas during the same trip?

No. To address the different management measures in the different areas, in the Shorebased IFQ Program, vessels are prohibited from fishing in different areas during the same trip. Because landings in the Shorebased IFQ Program will include a mix of all hauls taken during a single trip, a vessel will be *required* to fish entirely in one management area during any trip to address sorting requirements, at-sea observation, and enforcement of IFQ limits.

Are there primary season start dates for the whiting IFQ shoreside sector?

Yes. The starting dates for the whiting IFQ fishery are as follows:

- North of 42° N. lat., June 15
- Between 42° and 40°30′ N. lat., April 1
- South of 40°30′ N. lat., April 15.

No more than 5 percent of the Shorebased IFQ Program allocation may be taken and retained south of 42° N. lat. before the start of the primary Pacific whiting season north of 42° N. lat. In addition, a "per trip" limit for whiting applies before the primary season for the Shorebased IFQ Program and is announced in Table 1 of subpart D. This trip limit includes any whiting caught shoreward of 100–fm (183–m) in the Eureka, CA area. The "per trip" limit for other groundfish species for the Shorebased IFQ Program are announced in Table 1 (North) and Table 1 (South) of subpart D.

3.10 Gear Switching Provisions

The provisions for gear switching are specified in regulation at § 660.140(k).

What is gear switching?

Vessels participating in the Shorebased IFQ Program may elect to use trawl gear or non-trawl gear. A vessel that elects to use non-trawl gear would still be required to have a limited entry trawl permit registered to the vessel, and would still be required to follow all of the rules of the Shorebased IFQ Program, including having a vessel account with sufficient QP and IBQ pounds to cover its catch and 100 percent observer coverage. A vessel that elects to use non-trawl gear would be subject to the limited entry trawl trip limits for species not covered under the Shorebased IFQ Program or whiting trip limits outside the primary season, must comply with recordkeeping and reporting requirements applicable to limited entry trawl gear, and must comply with the observer requirements. However, a vessel that elects to use non-trawl gear in the Shorebased IFQ Program would be subject to the closed areas, prohibitions, gear restrictions, and some management measures for the fixed gear fisheries as described at § 660.140(k). The practice of using non-trawl gear to harvest IFQ species is known as "gear switching."

What gear is permissible to use in the IFQ fishery?

In the Shorebased IFQ Program, permissible gear includes:

- Limited entry groundfish non-trawl;
- Limited entry midwater trawl, non-whiting;
- Limited entry midwater trawl, Pacific whiting;
- Limited entry bottom trawl, not including demersal trawl; and
- Limited entry demersal trawl.

How will NMFS manage gear switching?

In order to account for when a vessel participating in the Shorebased IFQ Program elects to use gear other than trawl gear, the vessel declaration process will include a new designation that identifies the vessel as "Limited entry groundfish non-trawl, shorebased IFQ." A vessel will be required to elect gear switching in the declaration before the trip begins, and will not be able to use trawl gear on that trip.

Am I allowed to switch gear during the same trip?

No. Vessels are prohibited from carrying both trawl gear and non-trawl gear onboard the vessel at the same time. A vessel is only allowed to fish with trawl gear *or* non-trawl gear on the same trip.

3.11 Moving from the IFQ Fishery to other Fishing Opportunities

If I fish in the Shorebased IFQ Program, can I fish in other fisheries during the same year?

Vessels participating in the Shorebased IFQ Program may find they want to fish in other fisheries during the year, either because their vessel account is in deficit or because they want to pursue other fishing opportunities. The status of the vessel's registration to a limited entry trawl permit may have to be changed in order to be eligible to participate in some West Coast fisheries. The matrix below provides information on various options fishermen may want to consider. Prior to making a decision on changing any fishing strategy, it is always advisable to consult your local Office of Law Enforcement Special Agent or call the NMFS Northwest Region Permit Office (206-526-4353) to explore your options (and restrictions) fully.

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 LEP	Open Access (any gear)	Permit Owner/Vessel owner *must* make a change in vessel registration removing LEP before making OA declaration to OLE.	Vessel Owner declares into OA fishery, OLE will check to see that vessel is not registered to any LEP and issue confirmation.
Open Access (any gear)/ Vessel is not registered to LEP	Shorebased IFQ Program (any gear)	Vessel Owner *must* register vessel to trawl LEP (effective at beginning of next cumulative limited period). By rule 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.	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 (1)
Limited entry fixed gear fishery/ Registered to fixed gear LEP	Shorebased IFQ Program	Permit Owner/Vessel Owner *must* make a change in vessel registration removing fixed gear LEP, and register trawl LEP to vessel	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
Shorebased IFQ Program/ Registered to trawl LEP	Limited entry midwater trawl Pacific whiting mothership sector	No permit action required	Declares into midwater trawl / MS Sector, OLE will check to see that vessel is registered to trawl LEP prior to issuing confirmation code

(1) If a vessel starts in the Shorebased IFQ Program and then goes to OA, it can return to the Shorebased IFQ Program in the same year. Only one change in vessel registration (to a new vessel) is allowed after January 1 on an LEP permit. Placing a LEP permit in an inactive status (permit is registered as "unidentified") is not considered a change in vessel registration for purpose of this restriction.

4 ▪ MS Coop Program Measures

Regulations specific to the MS Coop Program are specified at § 660.150. The MS Coop 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.

At-sea Program Species

- Pacific Whiting
- Pacific Ocean Perch (POP)
- Widow Rockfish
- Canary Rockfish
- Darkblotched Rockfish

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.

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

4.1 MS Coop Permits & Coop Agreements

What are the requirements to form an MS coop?

A coop is a voluntarily formed, legally recognized entity that is owned and operated by and representative of its members. Members of the coop *must* own at least 20 percent of all MS/CV-endorsed permits, *must* designate a coop manager, and *must* obtain an MS coop permit from NMFS. As specified at § 660.150(b)(3)(ii), the coop is responsible for:

- Applying for and being registered to an MS coop permit including the submission of coop agreement;

- Organizing and coordinating harvest activities of vessels authorized to fish for the coop;
- Reassigning catch history assignments for use by coop members;
- Organizing and coordinating the transfer and leasing of catch allocations with other permitted coops through inter-coop agreements;
- Monitoring harvest activities and enforcing the catch limits of coop members;
- Submitting an annual report; and
- Identifying a designated coop manager who serves as the contact person for the coop and is responsible for the annual distribution of catch and bycatch, oversees reassignments of catch allocations (both within coop and inter-coop), prepares annual reports, and is authorized to receive and respond to any legal process against the coop. The designated coop manager is also *required* to notify NMFS if the coop dissolves.

Is a coop required to obtain a permit to participate in the MS Coop Program?

Yes. Each year an MS coop *must* apply for and receive an MS coop permit from NMFS. An MS coop permit registers the coop with NMFS and authorizes the coop and its associated members to harvest and process whiting in the sector.

What is required to apply for an MS coop permit?

The designated coop manager *must* submit a complete MS coop permit application form between February 1 and March 31 of the year in which it intends to fish. A complete application includes a copy of the coop agreement and/or inter-coop agreement (if applicable), and an application fee. In addition, NMFS must have received the previous year's annual coop report, if applicable. Application forms and instruction are available on the NMFS NWR website (www.nwr.noaa.gov) or by request from NMFS, Northwest Region, Permits Office (206-526-4353).

On what date does an MS coop permit become effective?

An MS coop permit will be effective on the date approved by NMFS and will allow fishing from the start of the mothership sector primary whiting season on May 15 until the end of the calendar year, or until one or more of the following events occur, whichever comes first:

- NMFS permanently closes the mothership sector fishing season for the year or a specific MS coop or the designated coop manager notifies NMFS that the coop has completed fishing for the calendar year;
- The coop has reached its Pacific whiting allocation;
- A material change to the coop agreement has occurred and the designated coop manager failed to notify NMFS within 7 calendar days of the material change and submit to NMFS the revised coop agreement with a letter that describes such changes within 30 calendar days; or
- NMFS determined that a coop failure occurred.

What must be included in a coop agreement?

In order to obtain an MS coop permit, the coop *must* submit a coop agreement that is signed and dated by all coop members (MS/CV-endorsed limited entry trawl permit owners), which establishes the terms and conditions for the coop. As specified in regulation at § 660.150(d)(1)(iii)(A), the agreement *must* include:

- A list of all vessels, and permit holders participating in the coop and their share of the allocated catch which must match the amount distributed to individual permit owners by NMFS;
- All member MS/CV-endorsed limited entry trawl permits identified by permit number;
- A processor obligation clause indicating that each MS/CV-endorsed permit has notified a specific MS permit by September 1 of the previous year of that MS/CV-endorsed permit's intent to obligate its catch history assignment to that MS permit. In 2011, such notification *must* have been made prior to submission of the MS coop permit application;
- A clause indicting that each member MS/CV-endorsed permit's catch history assignment is based on the catch history assignment calculation by NMFS used for distribution to the coop;
- A description of the coop's plan to adequately monitor and account for the catch of Pacific whiting and non-whiting groundfish allocations, and to monitor and account for the catch of prohibited species;
- A clause stating that if a permit is transferred during the effective period of the coop agreement, any new owners of that member permit would be coop members *required* to comply with membership restrictions in the coop agreement;
- A description of the coop's enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations;
- A description of measures to reduce catch of overfished species;
- A clause describing the coop manager's responsibility for managing inter-coop reassignments of catch history assignment, should any occur;
- A clause describing how the annual report will be produced to document the coop's catch, bycatch data, inseason catch history reassignments and any other significant activities undertaken by the coop during the year, and the submission deadlines for that report;
- Identification of the designated coop manager; and
- Provisions that prohibit member permit owners who have incurred legal sanctions that prevent them from fishing groundfish in the Council region from fishing in the coop.

What if I own an MS/CV-endorsed limited entry trawl permit and do not want to join an MS coop?

MS coops are formed voluntarily; owners of MS/CV-endorsed limited entry trawl permits are not required to join a coop. If you own an MS/CV-endorsed limited entry trawl permit and choose not to participate in a coop, you *must* declare to NMFS your intention to participate in the

non-coop fishery during the annual limited entry permit renewal process, October 1 through November 30 each year.

Can an MS coop permit be revised?

Yes. If any material changes to the coop agreement occur during the year, the designated coop manager is *required* to notify NMFS within 7 calendar days and will be *required* to submit a revised coop agreement within 30 calendar days. A material change refers to any change in the *required* components of the coop agreement, including changes in membership.

Is an MS coop required to submit an annual report?

Yes. An MS coop *must* submit an annual report to the Pacific Fishery Management Council for its November meeting, and it *must* submit an annual report to NMFS by March 31 of the following year. NMFS will not issue the coop an MS coop permit in the following year if it has not received a required annual report.

What information must be provided in an MS coop annual report?

An MS coop annual report *must* contain:

- The mothership sector's annual allocation of Pacific whiting and the permitted MS coop's allocation;
- The MS coop's actual retained and discarded catch of Pacific whiting, salmon, Pacific halibut, rockfish, groundfish, and other species on a vessel-by-vessel basis;
- A description of the method used by the MS coop to monitor performance of coop vessels that participated in the fishery;
- A description of any actions taken by the MS coop in response to any vessels that exceed their allowed catch and bycatch; and
- Plans for the next year's MS coop fishery, including the companies participating in the coop, the harvest agreement, and catch monitoring and reporting requirements.

4.2 MS Permit Requirements

Is a mothership required to be registered to an MS permit to participate in the MS Coop program?

Yes. In order to receive and process fish, a mothership *must* hold an MS permit. Under the initial issuance rule, a limited number of MS permits were issued based on vessels meeting qualifying criteria. In 2010, NMFS provided a one time opportunity to obtain an MS permit. NMFS will not issue additional MS permits; however, MS permits are transferrable, which means that they can be sold to a new owner and/or registered to different vessels subject to annual limits.

What are the conditions of the MS permit?

A vessel registered to an MS permit is *required* to:

- Declare its intent to operate as a mothership in the annual MS permit renewal process;
- Adhere to a usage limit in that no person who owns an MS permit(s) may register the MS permit(s) to vessels that cumulatively process more than 45 percent of the annual mothership sector Pacific whiting allocation; and
- Submit and maintain required records and reports, including, but not limited to: economic data collection forms, scale test records, and cease fishing reports.

4.3 Observer Requirements

Is observer coverage mandatory?

Yes. To ensure that all catch, including discards, is matched against allocations to the coop or non-coop fishery, catcher vessels and processing vessels participating in the MS Coop Program *must* have an observer onboard the vessel *at all times* the vessel is fishing or at sea under the program rules and authority. As such, 100 percent at-sea observer coverage is *required* in the MS Coop Program.

What are my observer responsibilities?

Any vessel registered to a MS permit 125 ft (38.1 m) LOA or longer *must* carry two NMFS-certified observers, and any vessel registered to a MS permit shorter than 125 ft (38.1 m) LOA *must* carry one NMFS-certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish in the MS Coop Program. In addition, any vessel delivering catch to any mothership must carry one NMFS-certified observer each day that the vessel is used to take groundfish. Motherships and catcher vessels *must* meet the following requirements (further specified in regulation at § 660.150(j)), as they pertain to observers:

- For motherships, the time required for the observer to complete sampling duties must not exceed 12 consecutive hours in each 24-hour period;
- For catcher vessels, if an observer is unable to perform his/her duties for any reason, the catcher vessel is *required* to be in port within 36 hours of the last haul sampled by the observer;
- It is the mothership and catcher vessel's responsibility to provide accommodations and food for the observer to the standards in regulation;
- Vessels *must* hold and display a valid USCG safety decal and *must* maintain safe conditions on the vessel for the protection of observers according to regulation;
- Motherships *must* provide the observer(s) with access to requisite computer hardware and software equipment according to regulation;

- Observers *must* be allowed access to the vessel's navigation equipment and personnel, on request, to determine the vessel's position;
- Observers *must* be allowed free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time;
- Observers *must* be notified at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer;
- Observers *must* be allowed to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation;
- Observers *must* be provided reasonable assistance to enable them to carry out their duties, including, but not limited to:
    - Measuring decks, codends, and holding bins.
    - Providing the observer(s) with a safe work area.
    - Collecting samples of catch.
    - Collecting and carrying baskets of fish.
    - Allowing the observer(s) to collect biological data and samples.
    - Providing adequate space for storage of biological samples.
- Observers *must* be provided a sampling station available at all times and consistent with regulations; and
- Observers may be transferred at-sea, subject to additional requirements in regulation, between motherships, between motherships and catcher-processors, or between a mothership and a catcher vessel. Transfers at sea between catcher vessels is prohibited.

How long can an observer be deployed to a single vessel?

An observer cannot be deployed on the same vessel for more than 90 calendar days in a 12 month period.

4.4 Retention Requirements

Will a maximized retention fishery continue under rationalization?

Yes, a maximized retention fishery will be allowed to continue under rationalization. Catcher vessels will be able to operate as a maximized retention fishery where vessels transfer all of their catch to the mothership prior to sorting the catch. However, discards *must* be accounted for and applied against allocations.

4.5 Catcher Vessel Participation in an MS Coop

Can a catcher vessel not registered to an MS/CV-endorsed limited entry trawl permit fish for an MS coop?

Yes, provided the vessel is registered to a trawl-endorsed limited entry permit and the MS coop manager notifies NMFS. If, however, the catcher vessel is registered to a MS/CV-endorsed permit then it is eligible to participate in *either* an MS coop or the non-coop fishery, but not both in the same year. A vessel is not eligible to participate as a catcher vessel in the MS Coop Program if it operated as a mothership in the MS Coop Program or as a catcher processor in the C/P Coop Program during the same year.

What catch restrictions apply to catcher vessels participating in the MS Coop Program?

Catcher vessels (with or without an MS/CV endorsement) are not allowed to catch more than 30 percent of the Pacific whiting allocation for the mothership sector.

4.6 MS Coop Program Allocations

How will NMFS allocate whiting in the mothership sector?

The whiting catch history assignment associated with each MS/CV-endorsed limited entry trawl permit will be allocated annually to an MS coop or to the non-coop fishery, and will remain with that coop or non-coop fishery for that year. Each permitted MS coop will be authorized to harvest a quantity of Pacific whiting that is based on the sum of the catch history assignments for each MS/CV-endorsed permit identified in the accepted coop agreement for a given calendar year.

Can whiting allocations available to an MS coop be transferred to another MS coop?

Yes, but provisions apply. Designated coop managers may redistribute Pacific whiting sub-allocations between permitted MS coops through an inter-coop agreement, subject to processor obligations. However, Pacific whiting cannot be redistributed from a permitted MS coop to the non-coop fishery, nor from the MS Coop Program to either the Shorebased IFQ Program or the C/P Coop Program.

How is catch allocated if an MS/CV-endorsed permit is not renewed?

If the owner of an MS/CV-endorsed limited entry trawl permit fails to renew the permit for the following year, the catch history assignment for that permit will be assigned to the non-coop fishery. In the second year after the permit is not renewed, the MS/CV-endorsed limited entry trawl permit is permanently expired by NMFS due to failure to renew the permit by the deadline and the associated whiting catch history assignment will be redistributed proportionally to all valid MS/CV-endorsed permits.

What is the season start date for the at-sea mothership fishery?

The mothership sector whiting fishery will begin on May 15. After the start of a primary season for the whiting fishery, the season will remain open until the sector allocation of whiting or non-whiting groundfish (with allocations) is reached or projected to be reached and the fishery season for that sector is closed by NMFS.

When must fishing cease?

When a mothership sector allocation is reached or is projected to be reached, vessels *must* cease fishing and a mothership is prohibited from receiving further deliveries. Likewise, if a sub-allocation to the non-coop fishery is reached or is projected to be reached, all fishing is *required* to cease in the non-coop fishery. In a permitted MS coop, fishing is *required* to cease once the annual sub-allocation is reached, unless the coop is operating under an inter-coop agreement. Requirements for a cease fishing report are specified at § 660.150(c)(4)(ii).

4.7 Equipment & Reporting Requirements

How must catch be sorted?

As specified at § 660.130(d)(3), Pacific whiting at-sea processing vessels must use an accurate in-line conveyor or hopper type scale to derive an accurate total catch weight prior to sorting. Immediately following weighing of the catch, but prior to the catch being sorted, the observer must be allowed to sample the catch. If sorting occurs on the catcher vessel, the catch must not be discarded from the vessel and the vessel must not mix catch from hauls until the observer has sampled the catch.

Which scales are approved for use in the mothership sector?

As specified at § 660.15(b), a scale used to weigh catch in the MS Coop Program *must* meet the type evaluation and initial inspection requirements set forth in 50 CFR 679.28(b)(1) and (2), and *must* be approved by NMFS. These include:

- Belt scales; and
- Platform scales used for observer sampling on motherships.

How must scale testing be conducted?

As specified at § 660.15(b), the vessel operator *must* ensure that the vessel's crew:

- Notify the observer at least 15 minutes before the time that the test will be conducted;
- Conduct the test while the observer is present; and
- Conduct the scale test and record appropriate information according to regulation.

What must be included in an at-sea scale test report?

As specified at § 660.15(b), the following information *must* be reported on the at-sea scale test report form:

1. Vessel name;
2. Month, day, and year of test;
3. Time test started to the nearest minute;
4. Known weight of test weights;
5. Weight of test weights recorded by scale;
6. Percent error as determined by subtracting the known weight of the test weights from the weight recorded on the scale, dividing that amount by the known weight of the test weights, and multiplying by 100; and
7. Sea conditions at the time of the scale test.

Testing report forms *must* be maintained onboard the vessel until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the vessel owner *must* retain the scale test report forms for 3 years after the end of the fishing year during which the tests were performed. Each scale test report form *must* be signed by the vessel operator immediately following completion of each scale test.

How often must scales be tested and inspected?

Once a scale is installed on a vessel and approved by NMFS for use, it *must* be inspected annually. Each scale *must* also be tested daily (defined as testing the scale at least one time during each 24 hour period) and meet the maximum permissible error requirements.

What must be included in scale printouts?

Scale printouts *must* show:

1. The vessel name and Federal vessel permit number;
2. The date and time the information was printed;
3. The haul number;
4. The total weight of the haul; and

5. The total cumulative weight of all fish and other material weighed on the scale since the last annual inspection.

What are the maximum permissible error requirements for scales?

For belt scales, the MPE for the daily at-sea scale test is plus or minus 3 percent of the known weight of the test material. The scale *must* be tested by weighing at least 400 kg (882 lb) of fish or an alternative material supplied by the scale manufacturer on the scale under test. The known weight of the fish or test material *must* be determined by weighing it on a platform scale approved for use under 50 CFR 679.28 (b)(7).
For platform scales used for observer sampling on motherships, the MPE for the daily at-sea scale test is plus or minus 0.5 percent. A platform scale used for observer sampling *must* be tested at 10, 25, and 50 kg (or 20, 50, and 100 lb if the scale is denominated in pounds) using approved test weights.

What are the requirements for test weights?

Each test approved weight *must* have its weight stamped on or otherwise permanently affixed to it. The weight of each test weight *must* be certified annually by a National Institute of Standards and Technology approved metrology laboratory or approved for continued use by the NMFS authorized inspector at the time of the annual scale inspection.

What are the requirements for catch weight and cumulative weight reports?

Reports of catch weight and cumulative weight *must* be printed at least once every 24 hours. Reports *must* also be printed before any information stored in the scale computer memory is replaced.

4.8 Processor Obligations

What is the processor obligation provision?

Each year on the limited entry permit renewal form, an owner of a MS/CV-endorsed limited entry trawl permit must identify which MS permit the MS/CV permit owner intends to obligate the catch history assignment associated with that permit if they are participating in the MS coop fishery. The processor obligation *must* also be disclosed on the MS coop permit application in the following year.

An MS coop is *required* to honor the processor obligation of each permit with respect to any distribution of Pacific whiting sub-allocation within the coop or between permitted coops through an inter-coop agreement, unless it obtains a mutual agreement with the processor to release the processor obligation of the MS/CV-endorsed permit's catch history assignment and

the MS/CV-endorsed permit owner identifies a processor obligation to another MS permit for its catch history assignment.

There is not a processor obligation for those participating in the non-coop fishery.

4.9 Failure of an MS Coop

What constitutes failure of an MS coop?

An MS coop is considered to have failed if any one of the following occurs:

- The coop members dissolve the coop;
- The coop membership falls below 20 percent of the MS/CV-endorsed limited entry trawl permits; or
- The coop agreement is no longer valid.

What happens to the unharvested catch of a failed MS coop?

In the event of a coop failure in the mothership sector, unused allocation to that MS coop will not be available for harvest by the failed coop, by any former members of the failed coop, any other MS coop, or the non-coop fishery for the remainder of that calendar year.

5 ▪ C/P Coop Program Measures

Regulations specific to the C/P Coop Program are specified at § 660.160. The C/P Coop 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 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.

At-sea Program Species

- Pacific Whiting
- Pacific Ocean Perch (POP)
- Widow Rockfish
- Canary Rockfish
- Darkblotched Rockfish

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

5.1 C/P Coop Permit & Coop Agreement

How does the C/P sector continue to participate as a coop?

A single C/P coop *must* be formed and the C/P coop *must* apply for and obtain a C/P coop permit. Further, the C/P coop *must* be comprised of all C/P-endorsed limited entry trawl permits, be formed voluntarily, be a legally recognized entity that represents its members, and designate an individual as a coop manager.

Does the coop need to apply for and obtain a C/P coop permit each year?

Yes. Each year the C/P coop *must* apply for and receive a C/P coop permit from NMFS. A C/P coop permit registers the coop with NMFS and authorizes the coop and its associated members to harvest and process whiting in the sector. A C/P coop permit expires on December 31 of the year in which it was issued.

What is required to apply for a C/P coop permit?

The designated coop manager *must* submit a complete C/P coop permit application form between February 1 and March 31 of the year in which it intends to fish. A complete application includes a copy of the coop agreement and an application fee. In addition, NMFS must have received the previous year's annual coop report. Application forms and instruction are available on the NMFS

NWR website (www.nwr.noaa.gov) or by request from NMFS, Northwest Region, Permits Office (206-526-4353).

What must be included in a coop agreement?

In order to obtain a C/P coop permit, the coop *must* submit a coop agreement that is signed and dated by all members (owners of C/P-endorsed limited entry trawl permits), which establishes the terms and conditions for the coop. As specified in regulation at § 660.160(d)(1)(iii)(A), the agreement *must* include:

- A list of all vessels registered to C/P-endorsed permits that the member permit owners intend to use for fishing under the C/P coop permit.
- All C/P-endorsed limited entry member permits identified by permit number.
- A description of the coop's plan to adequately monitor and account for the catch of Pacific whiting and non-whiting groundfish allocations, and to monitor and account for the catch of prohibited species.
- A clause stating that if a permit is transferred during the effective period of the co-op agreement, any new owners of that member permit would be coop members and are required to comply with membership restrictions in the coop agreement.
- A description of the coop's enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations.
- A description of measures to reduce catch of overfished species.
- A clause describing how the annual report will be produced to document the coop's catch, bycatch data, and any other significant activities undertaken by the coop during the year, and the submission deadlines for that report.
- Identification of the designated coop manager.

On what date will the C/P coop permit become effective?

A C/P coop permit will be effective on the date approved by NMFS and will allow fishing from the start of the C/P sector primary whiting season on May 15 until the end of the calendar year or until one or more of the following events occur, whichever comes first:

- NMFS closes the C/P sector fishing season for the year or the designated coop manager notifies NMFS that the coop has completed fishing for the calendar year;
- The C/P coop has reached its Pacific whiting allocation;
- A material change to the coop agreement has occurred and the designated coop manager failed to notify NMFS within 7 calendar days of the material change and submit to NMFS the revised coop agreement with a letter that describes such changes within 30 calendar days; or
- NMFS has determined that a coop failure occurred.

Under what circumstances must a C/P coop permit be revised?

If a C/P coop changes membership (change in permit owner) or participating vessels, or makes other material changes to the coop, it *must* request a revision to the C/P coop permit. If any material changes to the coop agreement occur during the year, the designated coop manager is *required* to notify NMFS within 7 calendar days and will be *required* to submit a revised cooperative agreement within 30 calendar days (a material change refers to any change in the required components of the coop agreement).

Is the C/P coop required to submit an annual report?

Yes. A C/P coop *must* submit an annual report to the Pacific Fishery Management Council for its November meeting and it *must* submit an annual report to NMFS by March 31 of the following year. NMFS will not issue the coop a C/P coop permit in the following year if it has not received a required annual report.

What information must be provided in an annual report from the C/P coop?

A C/P coop annual report must contain:

- The C/P sector's annual allocation of Pacific whiting;
- The C/P coop's actual retained and discarded catch of Pacific whiting, salmon, Pacific halibut, rockfish, groundfish, and other species on a vessel-by-vessel basis;
- A description of the method used by the C/P coop to monitor performance of cooperative vessels that participated in the fishery;
- A description of any actions taken by the C/P coop in response to any vessels that exceed their allowed catch and bycatch; and
- Plans for the next year's C/P coop fishery, including the companies participating in the cooperative, the harvest agreement, and catch monitoring and reporting requirements.

5.2 Observer Requirements

Is observer coverage mandatory?

Yes. Catcher processors participating in the C/P Coop Program *must* have an observer onboard the vessel *at all times* the vessel is fishing or at sea under the program rules and authority. As such, 100 percent at-sea observer coverage is *required* in the C/P Coop Program.

What are the vessel's observer responsibilities?

Any vessel registered to a C/P-endorsed limited entry trawl permit that is 125 ft (38.1 m) LOA or longer *must* carry two NMFS-certified observers, and any vessel registered to a C/P-endorsed limited entry trawl permit that is shorter than 125 ft (38.1 m) LOA *must* carry one NMFS-certified observer, each day that the vessel is used to take, retain, receive, land, process, or

transport groundfish. C/Ps *must* meet the following requirements (further specified in regulation at § 660.160(g)), as they pertain to observers:

- It is the C/P's responsibility to provide accommodations and food for the observer to the standards in regulation;
- Vessels *must* hold and display a valid USCG safety decal and *must* maintain safe conditions on the vessel for the protection of observers according to regulation;
- Vessels *must* provide the observer(s) with access to requisite computer hardware and software equipment according to regulation;
- Observers *must* be allowed access to the vessel's navigation equipment and personnel, on request, to determine the vessel's position;
- Observers *must* be allowed free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time;
- Observers *must* be notified at least 15 minutes before fish are brought onboard, or fish and fish products are transferred from the vessel, to allow for sampling the catch or observing the transfer;
- Observers *must* be allowed to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation;
- Observers *must* be provided reasonable assistance to enable them to carry out their duties, including, but not limited to:
    - Measuring decks, codends, and holding bins.
    - Providing the observer(s) with a safe work area.
    - Collecting samples of catch.
    - Collecting and carrying baskets of fish.
    - Allowing the observer(s) to collect biological data and samples.
    - Providing adequate space for storage of biological samples.
- Observers *must* be provided a sampling station available at all times and consistent with regulations; and
- Observers may be transferred at-sea, subject to additional requirements in regulation, between catcher-processors, between catcher-processors and motherships, or between a catcher-processor and a catcher vessel. Transfers at sea between catcher vessels is prohibited.

How long can an observer be deployed to a single vessel?

An observer cannot be deployed on the same vessel for more than 90 days in a 12 month period.

5.3 C/P Coop Program Allocations

How will catch be allocated?

Because there is only one cooperative, the allocation of Pacific whiting to the C/P Coop Program in a given year will be equal to the entire catcher processor sector allocation. The annual amount of non-whiting groundfish species with allocations (canary rockfish, darkblotched rockfish, POP, and widow rockfish) will be allocated to the C/P Coop Program in proportion to its allocation of Pacific whiting (i.e., the same percent as the catcher processor sector whiting allocation). Pacific halibut and groundfish species that are not allocated (e.g., those with at-sea sector set-asides and those with no set-asides) will not be divided as such, but will be managed annually.

What is the primary season start date for the catcher processor sector?

The C/P sector whiting fishery will begin on May 15. After the start of a primary season for the whiting fishery, the season will remain open until the sector allocation of whiting or non-whiting groundfish (with allocations) is reached or projected to be reached and the fishery season for that sector is closed by NMFS.

When must fishing cease?

When the catcher processor sector whiting allocation is reached or is projected to be reached, fishing within the sector *must* cease. If the catcher processor sector's whiting allocation is reached, or if participants in the sector do not intend to harvest the remaining whiting allocation, unused non-whiting allocations that remain after the C/P coop ceases fishing may be reapportioned to the mothership sector. Requirements for a cease fishing report are specified at § 660.160(c)(5).

5.4 Equipment & Reporting Requirements

How must catch be sorted?

As specified at § 660.130(d)(3), Pacific whiting at-sea processing vessels must use an accurate in-line conveyor or hopper type scale to derive an accurate total catch weight prior to sorting. Immediately following weighing of the catch, but prior to the catch being sorted, the observer must be allowed to sample the catch.

Which scales are approved for use in the C/P coop?

As specified at § 660.15(b), a scale used to weigh catch in the C/P Coop Program *must* meet the type evaluation and initial inspection requirements set forth in 50 CFR 679.28(b)(1) and (2), and *must* be approved by NMFS. These include:

- Belt scales; and
- Platform scales used for observer sampling on catcher processors.

How must scale testing be conducted?

As specified at § 660.15(b), the vessel operator *must* ensure that the vessel's crew:

- Notify the observer at least 15 minutes before the time that the test will be conducted;
- Conduct the test while the observer is present; and
- Conduct the scale test and record appropriate information according to regulation.

What must be included in an at-sea scale test report?

As specified at § 660.15(b), the following information *must* be reported on the at-sea scale test report form:

1. Vessel name;
2. Month, day, and year of test;
3. Time test started to the nearest minute;
4. Known weight of test weights;
5. Weight of test weights recorded by scale;
6. Percent error as determined by subtracting the known weight of the test weights from the weight recorded on the scale, dividing that amount by the known weight of the test weights, and multiplying by 100; and
7. Sea conditions at the time of the scale test.

Testing report forms *must* be maintained onboard the vessel until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the vessel owner *must* retain the scale test report forms for 3 years after the end of the fishing year during which the tests were performed. Each scale test report form *must* be signed by the vessel operator immediately following completion of each scale test.

How often must scales be tested and inspected?

Once a scale is installed on a vessel and approved by NMFS for use, it *must* be inspected annually. Each scale *must* also be tested daily (defined as testing the scale at least one time during each 24 hour period) and meet the maximum permissible error requirements.

What must be included in scale printouts?

Scale printouts *must* show:

1. The vessel name and Federal vessel permit number;
2. The date and time the information was printed;

3. The haul number;
4. The total weight of the haul; and
5. The total cumulative weight of all fish and other material weighed on the scale since the last annual inspection.

What are the maximum permissible error requirements for scales?

For belt scales, the MPE for the daily at-sea scale test is plus or minus 3 percent of the known weight of the test material. The scale *must* be tested by weighing at least 400 kg (882 lb) of fish or an alternative material supplied by the scale manufacturer on the scale under test. The known weight of the fish or test material *must* be determined by weighing it on a platform scale approved for use under 50 CFR 679.28 (b)(7).

For platform scales used for observer sampling on C/Ps, the MPE for the daily at-sea scale test is plus or minus 0.5 percent. A platform scale used for observer sampling *must* be tested at 10, 25, and 50 kg (or 20, 50, and 100 lb if the scale is denominated in pounds) using approved test weights.

What are the requirements for test weights?

Each test approved weight *must* have its weight stamped on or otherwise permanently affixed to it. The weight of each test weight *must* be certified annually by a National Institute of Standards and Technology approved metrology laboratory or approved for continued use by the NMFS authorized inspector at the time of the annual scale inspection.

What are the requirements for catch weight and cumulative weight reports?

Reports of catch weight and cumulative weight *must* be printed at least once every 24 hours. Reports *must* also be printed before any information stored in the scale computer memory is replaced.

5.5 Failure of the C/P Coop

What constitutes failure of the C/P coop?

The C/P coop is considered to have failed if any one of the following occurs:

- Any current C/P-endorsed limited entry trawl permit is not identified as a C/P coop member in the coop agreement submitted to NMFS during the C/P coop permit application process;
- Any current C/P-endorsed limited entry trawl permit withdraws from the C/P coop agreement;

- The coop members voluntarily dissolve the coop; or
- The coop agreement is no longer valid.

What happens if the C/P coop fails?

If the voluntary coop were to fail, it would be replaced with an IFQ program beginning the following calendar year after a coop failure, or a soon as practicable thereafter. NMFS would issue IFQ equally to each owner of a C/P-endorsed limited entry trawl permit.

Glossary

Accumulation limits – The maximum extent of permissible ownership, control or use of a privilege within the trawl rationalization program.

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.

Catcher vessel usage limit – The maximum amount of the annual mothership sector Pacific whiting allocation that a vessel in the MS Coop Program may catch, no more than 30 percent.

Charterer - For the purpose of the economic data collection program, a person, other than the owner of the vessel, who: Entered in to any agreement or commitment by which the possession or services of the vessel are secured for a period of time for the purposes of commercially harvesting or processing fish. A long-term or exclusive contract for the sale of all or a portion of the vessel's catch or processed products is not considered a charter.

Complete economic data collection (EDC) form – Ensures that a response is supplied for each question, subquestion, and answer-table cell. If particular question or sub-question is not applicable, ''NA'', *must* be entered in the appropriate space on the form. The form *must* also be signed and dated to certify that the information is true and complete to the best of the signatory's knowledge.

C/P endorsement - A C/P endorsement on a trawl limited entry permit conveys a conditional privilege that allows a vessel registered to it to harvest and process fish in the C/P Coop Program.

Control limits – The maximum amount of quota share that a person may own or control.

Coop member - A permit owner of an MS/CV-endorsed limited entry trawl permit for the MS Coop Program that is a party to an MS coop agreement, or a permit owner of a C/P-endorsed limited entry trawl permit that is legally obligated to the CP coop.

IFQ trip - A trip in which the vessel has a valid fishing declaration for any of the following: Limited entry midwater trawl, non-whiting shorebased IFQ; Limited entry midwater trawl,

Pacific whiting shorebased IFQ; Limited entry bottom trawl, shorebased IFQ, not including demersal trawl; Limited entry demersal trawl, shorebased IFQ; or Limited entry groundfish non-trawl, shorebased IFQ.

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. At initial issuance, Pacific halibut N 40°10' will be 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.

Lessee - For the purpose of the economic data collection program, a person, other than the owner of the vessel or facility, who: Was identified as the leaseholder, in a written lease, of the vessel or facility, or paid expenses of the vessel or facility, or claimed expenses for the vessel or facility as a business expense on a Federal income tax return, or on a State income tax return.

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.

MS/CV permit ownership limit – The maximum amount of catch history assignment that a person may own, no more than 20 percent of the MS sector's allocation of Pacific whiting.

MS permit usage limit – The maximum amount of the annual mothership sector Pacific whiting allocation that a person may cumulatively process, no more than 45 percent.

Ownership interest– Participation in ownership of a corporation, partnership, or other entity.

Pacific whiting IFQ fishery – The Shorebased IFQ Program fishery composed of vessels making Pacific whiting IFQ trips during the primary whiting season fishery dates for the Shorebased IFQ Program.

Pacific whiting IFQ trip - A trip in which a vessel registered to a limited entry permit uses legal midwater groundfish trawl gear with a valid declaration for limited entry midwater trawl, Pacific whiting shorebased IFQ, during the dates of the Pacific whiting IFQ fishery primary season.

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.

Shoreside processing – Processing that takes place at a facility that is permanently fixed to land. For the purpose of economic data collection in the Shorebased IFQ Program, shorebased processing means: (i) Any activity that takes place shoreside and involves: cutting groundfish into smaller portions; or freezing, cooking, smoking, drying groundfish; or packaging that groundfish for resale into 100 pound units or smaller; for sale or distribution into a wholesale or retail market. (ii) The purchase and redistribution into a wholesale or retail market of live groundfish from a harvesting vessel.

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 quota poundage a vessel can hold, acquire, and/or use during a calendar year and specify the maximum amount of quota poundage 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).