INTERPRETATION OF FIXED GEAR SABLEFISH PERMIT STACKING PROVISIONS
(AMENDMENT 14)

Situation: At the March 2002 Council meeting, NMFS presented the Council with a number of questions regarding interpretation of the owner-on-board provision of the fixed gear sablefish permit stacking program (Exhibit E.3.a, Attachment 1). Additionally, a letter from Mr. Michael Pettis has raised questions about the interpretation of the permit accumulation cap and the definition of the term “hold” (Exhibit E.3.c, Public Comment). The Council placed both of these issues on the April Council agenda in order to receive advice and comment on how to proceed.

On August 6, 2001, NMFS approved (Exhibit E.3.a, Attachment 2) the permit stacking program recommended by the Council at the November 2000 Council meeting (Exhibit E.3.a, Attachment 3) and implemented key provisions for the 2001 and 2002 fixed gear sablefish fisheries. In a letter dated February 14, 2002 to fixed gear permit holders, NMFS identified several provisions on which it would be soliciting advice from the Council before moving to final implementation:

- An owner-on-board requirement for permit owners who did not own sablefish endorsed permits on November 1, 2000.
- A requirement that permit owners document their ownership interests in their permits, so the agency can ensure that no person holds more than three permits.
- A prohibition against processing sablefish at sea by vessels that do not meet minimum frozen sablefish historic landing requirements.

Two other provisions in Amendment 14 that NMFS approved but have not yet been implemented are:

- a requirement that permit owners transferring a permit part way through the sablefish season provide copies of all fishtickets (landings receipts), and
- a requirement that vessels provide advance notice of their intent to land fixed gear sablefish.

The advance notice requirement was addressed at the June 2001 Council meeting (prior to NMFS approval of the Council recommendations) and at the November 2001 Council meeting (after NMFS approval of the Council recommendation). At the June Council meeting, the Council adopted Groundfish Advisory Subpanel recommendations on interpretation of the advance notice of landing provisions (Exhibit E.3.a, Attachments 4 and 5). At the November Council meeting, NMFS presented Council members with a proposal to drop the advance notice of landings provisions (Exhibit E.3.a, Attachment 6). At that time, no Council members raised objection to the proposal.

The permit stacking program the Council has approved was based on the central elements of a fixed gear sablefish individual quota program developed by the Council in the early 1990s. Before it was released for public comment, the West Coast individual trip quota program, including owner-on-board, advance notice of landing requirements and caps on ownership concentration went through a number of committee processes. Among the committee’s reviewing the proposal was a NMFS, industry, enforcement group appointed to develop a workable low cost monitoring and enforcement system. Designs were based on a system in which any landing made would be credited against a particular individual fishing quota. Several of the problems identified in the NMFS letter may be resolved if sablefish landings were associated with a particular groundfish limited entry permit. A similar potential need has been identified for the trawl permit stacking program (Agenda Item E.2). When trawl permits are stacked, members of industry are interested in clear specification of the landings associated with a particular permit. This interest arises in anticipation the likely use of catch history for future modifications of the limited entry permit system (such as the issuance of species endorsements).

Council Action:

1. Provide Guidance to NMFS on further implementation of Amendment 14.
Reference Materials:

1. February 20, 2002 letter from the National Marine Fisheries Service to Dr. Hans Radtke, Chairman, Pacific Fishery Management Council (Exhibit E.3.a, Attachment 1).
2. August 2, 2001 letter from the National Marine Fisheries Service to Mr. Jim Lone, Chairman, Pacific Fishery Management Council (Exhibit E.3.a, Attachment 2).
3. Excerpts from the Decision Package for Amendment 14 to the Groundfish FMP (Exhibit E.3.a, Attachment 3).
5. June 2001 Council Minutes, Excerpt (Exhibit E.3.a, Attachment 5).

Agenda Order:

a. Agendum Overview
b. Reports and Comments of Advisory Bodies
   Jim Seger
c. Public Comment
d. **Council Action:** Provide Guidance to NMFS

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**Groundfish Fishery Strategic Plan (GFSP) Consistency Analysis**

The GFSP calls for the development of a permit stacking program for the limited entry fixed gear fishery. The main provisions of the stacking program have been implemented. The issues of this agenda item pertain to clarification of Council intent with respect to some of the provisions that have yet to be implemented.

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**PFMC**

03/27/02

**Supplemental Reference Materials**

8. Exhibit E.3.a, Supplemental Attachment 7.