

## GROUND FISH ADVISORY SUBPANEL REPORT ON SABLEFISH ELECTRONIC TICKET REPORTING REQUIREMENTS

The Groundfish Advisory Subpanel (GAP) received an update from Mr. Jim Seger, Council staff, and Mr. Kevin Duffy, National Marine Fisheries Service (NMFS), on sablefish e-ticketing requirements. Members of the Enforcement Consultants also joined the GAP to discuss the sablefish electronic ticket reporting requirement.

The issue is real. Some first receivers and processors have had to alter their purchasing behaviors in reaction to regulations at CFR 50 §660.213 (e)(2)(ii) (and subsequent sections) that were implemented beginning January 1, 2017. That is, that electronic fish tickets (e-tickets) must be entered into the e-ticket program within 24 hours of landing. When vessels make landings on Fridays or Saturdays, staff may be unavailable to enter the e-tickets within 24 hours on weekends. While the Enforcement Consultants explained to the GAP they are using discretion on this regulation, the GAP has concerns this discretion may not cover all situations, and no one wants to be out of compliance.

To comply with Federal regulations, processors have dealt with this in several ways. Some have stopped buying on weekends. Some have, on a case-by-case basis, required employees to be on call or come in on weekends to issue or enter e-tickets for landings that may be delivered on Fridays or Saturdays.

These situations limit the fishermen's ability to maximize economic opportunities, resulting in an incentive, depending on circumstances, to fish rougher weather or lose economic opportunity if the weekend is at the end of a trip limit or bimonthly period.

Although NMFS Office of Law Enforcement (OLE) representatives have said they are more concerned with the outlier e-tickets that break routine with a business' typical reporting record, processors and first receivers are committed to complying with the published regulations and are uncomfortable doing business under vague and potentially inconsistent enforcement discretion. A regulation clearly written, understood, and consistently enforced in all ports is better for all stakeholders.

The GAP considered the following options to deal with the 24-hour reporting requirements during our discussion and prefers Alternative 1. For the following alternatives, the generally accepted definition of "next business day" is a measurement of time that typically refers to any day in which normal business is conducted. This is considered to be Monday through Friday from 9 a.m. to 5 p.m. local time and excludes weekends and public holidays.

### **Alternative 1: (GAP Preferred) Change the regulation for both the fixed gear (open access and limited entry) and trawl (IFQ) sectors**

The GAP supports this option for changing the regulations from "within 24 hours" to "the next

business day” for both the trawl IFQ and the non-trawl fixed gear sectors (limited entry and open access) at the same time. This correction could be handled as a minor clarification attached to an existing rulemaking, similar to what was done in PIE 2. An example of the proposed regulation change is at the end of this statement. The GAP believes, based on the limited amount of regulations that address the 24-hour requirement, that if NMFS is able to make this clarification to address the fixed gear and open access sectors, it would make sense to do the trawl regulations at the same time instead of splitting them up.

**Alternative 2: Change the regulation for the fixed gear (limited entry and open access) sector only**

Same as above, but only for the fixed gear sector. Change the regulation from “within 24 hours” to “the next business day.”

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Example of regulations changes. These are the existing regulations for the fixed gear fishery but the language is similar for open access and trawl; the changes would similarly apply to those fisheries. Proposed additions are in **bold**; deletions in ~~strikethrough~~.

§660.213 Fixed gear fishery—recordkeeping and reporting.

§660.213 (e)(2)(ii): Submit a completed electronic fish ticket(s) no later than **the next business day** ~~24 hours~~ after the date of landing, unless a waiver of this requirement has been granted under provisions specified at paragraph (e)(4) of this section.

§660.213 (e)(2)(iv)(E): After review and signature, the electronic fish ticket must be submitted no later **than the next business day** ~~within 24 hours~~ after the date of landing, as specified in paragraph (e)(2)(ii) of this section.

§660.213 (e)(2)(v)(E): Based on the information contained in the signed dock ticket, the electronic fish ticket must be completed and submitted **no later than the next business day** ~~after within 24 hours~~ of the completion of the landing, as specified in paragraph (e)(2)(ii) of this section.

§660.213 (e)(5): Reporting requirements when a temporary waiver has been granted. Receivers that have been granted a temporary waiver from the requirement to submit electronic fish tickets must submit on paper the same data as is required on electronic fish tickets **no later than the next business day** ~~after within 24 hours~~ of the date received during the period that the waiver is in effect. Paper fish tickets must be sent by facsimile to NMFS, West Coast Region, Sustainable Fisheries Division, 206-526-6736 or by delivering it in person to 7600 Sand Point Way NE., Seattle, WA 98115. The requirements for submissions of paper tickets in this paragraph are separate from, and in addition to existing state requirements for landing receipts or fish receiving tickets.

PFMC  
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