The Groundfish Management Team (GMT) reviewed Council guidance under Agenda Item G.7, Inseason Adjustments Part I, and provides the following considerations relative to the limited entry fixed gear (LEFG) sablefish fishery north of 36° N. latitude.

As per Council discussion, the GMT is addressing the subject of finding a remedy to the unforeseen complications in the LEFG primary sablefish fishery north of 36° N. latitude of elimination of the daily-trip-limit (DTL) in the LEFG sablefish DTL fishery, north of 36° N. latitude. It recently came to the attention of NMFS, enforcement, the GMT, and the Council that elimination of the daily trip limit in the LEFG sablefish DTL fishery, north of 36° N. latitude, at the request of the Groundfish Advisory Subpanel (GAP) and analysis of the GMT in 2009, caused the unintended consequences of impacting the amount of sablefish that LEFG primary fishery participants north of 36° N. latitude are allowed to land as they conclude fishing on their tier limits.

BACKGROUND

Some clarifications may be in order on this somewhat complex regulatory topic. While the DTL was in effect, it served as the poundage threshold, where if after a delivery they have something less than the daily limit remaining in their aggregate vessel tier than this threshold amount, then all subsequent deliveries would be attributed to the DTL fishery. Any amount of sablefish remaining in the aggregate tier limit after this time would be forfeited. The daily limit has most often historically been 300 to 500 pounds. In this case, in the absence of a DTL, “an amount that is smaller than the DTL amount” is interpreted to mean the weekly limit, which is currently 2,000 pounds. This is a significant complication for the primary fishery participants, and means that they must make their final landing within 2,000 lbs rather than 300-500 lbs. For instance, if 2,200 pounds were remaining on one’s tier limit, the fisherman might land 1,800 pounds in one trip, and be required to essentially forfeit 400 lbs of the tier limit as that vessel’s primary fishery would then be closed. Then any subsequent landings would be subject to the DTL fishery regulations and once a primary fishery permit holder makes the switch into the DTL fishery, they cannot return to the primary fishery. If they were unaware of the enforcement of the weekly-limit threshold however, or didn’t plan carefully for it, they could unintentionally forfeit close to

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1Federal regulations at 50 CFR 660.232(a)(3) state: “No vessel may land sablefish against both its primary season cumulative sablefish limits and against the DTL fishery limits within the same 24 hour period of 0001 hours local time to 2400 hours local time. If a vessel has taken all of its tier limit except for an amount that is smaller than the DTL amount, that vessel’s subsequent sablefish landings are automatically subject to DTL limits [emphasis added].”

2 Federal regulations at 50 CFR 660.232(a)(2) states: “A vessel that is eligible to fish in the sablefish primary season may fish in the DTL fishery for sablefish once that vessel’s primary season sablefish limit(s) have been taken, or after the close of the primary season, whichever occurs earlier. Any subsequent sablefish landings by that vessel will be subject to the restrictions and limits of the limited entry DTL fishery for sablefish for the remainder of the fishing year [emphasis added].”
the 2,000-pound weekly limit when their primary season “closes”. At current sablefish ex-vessel prices, this would represent significant lost revenue by the participant.

MOVING FORWARD

A couple of solutions for 2012 may be possible, and would likely involve cleanup of regulations in order to facilitate a switch from the LEFG primary tier fishery to the DTL fishery in a similar manner that occurred when a daily trip limit was in place for the LEFG DTL fishery. The GMT recommends that NMFS pursue a solution for the 2012 primary sablefish fishery to resolve the unintended consequences described above to primary fishery participants that resulted from removal of the daily limit in the LEFG fishery north of 36° N. latitude.

PFMC
09/18/11