

## SABLEFISH PERMIT STACKING PROGRAM REVIEW

The limited entry fixed gear (longline and fishpot) sablefish permit stacking program is a type of catch share program, was developed as Amendment 14 to the groundfish fishery management plan (FMP), and was first implemented for the latter part of the 2001 fishery. Under the permit stacking program, each limited entry permit endorsed for fixed gear sablefish is assigned to one of three tiers. The permit's tier level determines the poundage of sablefish which can be landed by that permit each year while participating in the primary sablefish fishery. Up to three permits can be stacked cumulatively onto a single vessel, allowing that vessel to land up to three tier limits in a single season. The program also included other provisions including a prohibition on the ownership of permits by corporations, a permit owner-on-board requirement, a limit on the number of permits any individual or entity (individually and collectively) can own or hold, and a prohibition on at-sea processing. A grandfather clause was provided for each of these provisions, allowing the continuation of situations in place prior to Council action.

The reauthorization of the Magnuson-Stevens Act (MSA), signed into law in 2007, included provisions which required periodic review for catch share programs:

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.— (1) IN GENERAL.— Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—... (G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years).” MSA 303A(c)(1)(G)

Applicability of 303A to pre-existing and recently-approved programs was addressed in MSA 303A(i)(1)(B). A program review of the sablefish requirements is consistent with the requirement for periodic reviews of limited access privilege programs.

This agenda item has been scheduled to begin in 2013, and dedicated funding has been provided to conduct this review. Included in the Council advance briefing materials are four documents: (1) a draft calendar for the review process (Agenda Item G.2.a, Attachment 1); (2) a draft advisory body structure, should the Council wish to establish such (Agenda Item G.2.a, Attachment 2); (3) a draft outline for the review document (Agenda Item G.2.a, Attachment 3); and (4) NOAA catch share performance indicators on the Pacific Coast sablefish permit stacking program (Agenda Item G.2.a, Attachment 4).

This process is intended to provide a review of the program and allow public input regarding potential changes. The draft schedule and document outline anticipate that the issues identified in the review and through public input will be summarized in a final report. Upon accepting the final report, the Council would select and prioritize identified issues for action, or consider these

issues as part of its overall prioritization of new groundfish management measures scheduled for June 2014 (Agenda Item G.7, Attachment 4).

At this time, there are at least two issues that have been identified for possible listing and description in the program review. First, since shortly after the implementation of the sablefish permit stacking program, the Council has had on its workload list reconsideration of the sablefish stacking program's limits on the way the limit on the number of permits that may be owned and/or held by an individual or entity is specified. Second, under 303A of the MSA this program is subject to cost recovery and it is anticipated that this would be included in any subsequent rulemaking following the program review. The draft schedule provided here anticipates that these and other issues identified during the review would be prioritized for action at the end of the review process.

**Council Action:**

- 1. Provide guidance on a calendar for the review process.**
- 2. Provide guidance on the establishment of a specialized advisory body or bodies.**
- 3. Provide guidance on content for the review.**

Reference Materials:

1. Agenda Item G.2.a, Attachment 1: Draft Sablefish Permit Stacking Review Calendar.
2. Agenda Item G.2.a, Attachment 2: Possible Advisory Body Structure and Composition.
3. Agenda Item G.2.a, Attachment 3: Draft Outline For The Pacific Coast Groundfish Limited Entry Fixed Gear Sablefish Permit Stacking Program Review.
4. Agenda item G.2.a, Attachment 4: NOAA Catch Share Performance Indicator Series: Pacific Coast Sablefish Permit Stacking Program.

Agenda Order:

- a. Agenda Item Overview
  - b. Reports and Comments of Advisory Bodies and Management Entities
  - c. Public Comment
  - d. **Council Action:** Provide Guidance on Calendar, Process, and Content of Program Review.
- Jim Seger

PFMC  
08/21/13