

SABLEFISH PERMIT STACKING PROGRAM REVIEW:
POTENTIAL CHANGES TO CATCH ACCOUNTING

The Issue

Under the current system, when a sablefish fixed gear tier delivery is made, the delivery by regulation is recorded on a state fish ticket. One to three tiers may be delivered and recorded on this one trip ticket. If not specified by the operator, the delivery is apportioned to the individual tiers (up to 3) by an even split until the tiers are reduced to a point where they are equal to or less than the daily-trip limits (DTL). All of this tabulation is done by the state agency(s) and then sent to Pacific States Marine Fisheries Commission (PSMFC) for entry into Pacific Fishery Information Network (PacFIN).

At the September 2013 meeting of the Pacific Fisheries Management Council (Council), the Enforcement Consultants (EC) report outlined several concerns with the existing reporting requirements. Their primary concern was that the opportunity for underreporting is extremely high under the current regulations, which defer to the states to report catch data and permit numbers on paper fish tickets, and enforcement agents often have little access to data that is often times severely outdated. This creates a situation where at sea boarding or dockside inspection can do little besides checking the permit status, because no real time information on the actual status of the tier(s) being fished is available.

Since inception of the tier program, there has been a voluntary request made to the state agencies to list the federal permit number on the state ticket. Washington requires the tier permit number be listed on the state fish ticket and Washington enforcement and management personnel have ready access to the Washington State landing data, for Oregon and California, this is not the case.

Unlike Washington, in Oregon and California there are no state regulatory requirements for the tier permit number to be listed on the state fish ticket.

Although federal or state enforcement personnel may request information from their individual states or from PACFIN, the process is laborious, time consuming, dated, and most importantly, does not lend itself to making information available to an agent or officer working in the field performing patrol related activities.

Draft Range of Alternatives

Alternative 1: Status quo. Under the current system, when a sablefish fixed gear tier delivery is made, by regulation, the delivery is recorded on a state fish ticket. One to three tiers may be delivered and recorded on this one trip ticket. If not specified by the operator, the delivery is apportioned to the individual tiers (up to 3) by an even split until the tiers are reduced to a point where they are equal to or less than the daily-trip limits (DTL). All of this tabulation is done by the state agency(s) and then sent to Pacific States Marine Fisheries Commission (PSMFC) for entry into Pacific Fishery Information Network (PacFIN).

Alternative 2: A Federal requirement that **all tier** deliveries be recorded on an E Fish Ticket. That Tier Permits be loaded into the IFQ Vessel Account System with deductions made as appropriate when a tier delivery is made and recorded on the E Fish Ticket.

As envisioned, the tier permit(s) would be “loaded” with the appropriate pounds within an established corresponding vessel account. When deliveries are made, the operator would be required by rule to designate which tier said pounds should be applied too. As with the corresponding data access that is currently enjoyed by all interested parties, for the IFQ program, the operator, tier owner, science centers, state and federal managers and enforcement would have access to tier delivery information, with no time lag or guessing whether the delivery is a tier delivery, under whose permit, or is in fact not a tier delivery, but a DTL delivery. The PSMFC E Fish Ticket already has the appropriate fields and drop down boxed to accommodate this fishery. Washington, Oregon, and California allow “split deliveries” ergo, a trip being landed on multiple e tickets. This feature will readily accommodate the owner on board requirement where the portion of the trip that is attributed to one or more tier permits would be recorded on separate tickets, with the owner of the permit signing the e ticket as validation that he/she was truly on board during the trip.

Alternative 3: A Federal requirement that **all limited entry permit sablefish deliveries (primary/tier and DTL)** be recorded on an E Fish Ticket. That Tier Permits be loaded into the IFQ Vessel Account System with deductions made as appropriate when a tier delivery is made and recorded on the E Fish Ticket.

Alternative 4: A Federal requirement that **all sablefish deliveries (primary/tier, DTL, and open access)** be recorded on an E Fish Ticket. That Tier Permits be loaded into the IFQ Vessel Account System with deductions made as appropriate when a tier delivery is made and recorded on the E Fish Ticket.

History Behind the Current Catch Accounting Process

At the time of implementation of Amendment 14, no federal regulations requiring fish ticket documentation of the groundfish permit number associated with sablefish landings in the primary (tier) sablefish fishery were enacted. Documentation of catch against tier limits and documentation of permit numbers was left to the states to implement.

The following is taken from the Amendment 14b final rule (71 FR 10614, 3/2/2006), comment & response section:

Comment 1: The Washington Department of Fish and Wildlife (WDFW) is in the process of a comprehensive, agency-wide review of potential changes to their state fish ticket system. In the interim, to respond to new regulations for the primary sablefish fishery, beginning in 2007, WDFW will require the Federal permit number to be entered into the state fish ticket field currently reserved for dealer’s use. This information, along with appropriate identifiers, would be captured separately from WDFW’s routine state fish ticket data entry, and subsequently, entered into Pacific Fisheries Information Network (PacFIN). WDFW will also require a separate state fish ticket to be filled out for sablefish catch attributed to each permit. The Oregon Department of Fish and Wildlife (ODFW) will record Federal permit numbers on state fish tickets, but is not able to modify their data system to enter and transfer that data into PacFIN at this time.

Response: As stated in the proposed rule (70 FR 59296, October 12, 2005), WDFW, ODFW and California Department of Fish and Game (CDFG) should require that Federal sablefish-endorsed permit numbers be written somewhere on the state fish ticket, as appropriate. It is beneficial to have these Federal limited entry sablefish-endorsed permit numbers entered into the PacFIN database so that enforcement agents could query a given Federal permit number and their

associated state fish ticket landings. However, until such time, having the Federal sablefish-endorsed permit number on the paper state fish ticket would allow hand searching by enforcement agents of paper state fish tickets for investigations.

NMFS is requesting this change to aid in enforcement of the owner-on-board provision and mid-season transfers. Adding a Federal sablefish-endorsed permit number to the state fish ticket is expected to aid enforcement agents by creating a record of which sablefish permit was being fished on a given fishing trip. Thus, if enforcement agents boarded a vessel at sea, they could record which owners were on board the vessel. At a later time, they could then verify which permit the sablefish landings were credited to on the state fish ticket and double-check that the owner of that permit was on board if the owner was not exempt from the owner-on-board provisions.

For mid-season transfers, a mid-season certification is required on the permit office form for enforcement purposes, because it is a means to associate specific amounts of landings to date with an aggregate amount reported on state fish tickets for a particular permit owner. If during a post-season audit of landings associated with a permit, the landings exceed the amount available to be landed on the permit, NMFS may begin enforcement proceedings against any party that had an ownership interest in the permit during the calendar year, including the vessel owner or operator.

Adding a Federal sablefish-endorsed permit number to the state fish ticket is expected to aid enforcement agents by creating a record of which sablefish permit is attributed to which state fish ticket. This system will allow enforcement agents to attribute overages of sablefish landings to the appropriate party.

Currently, only the CDFG has added a line for Federal permit information on their state fish tickets and enters that information into the PacFIN database. In the proposed rule, NMFS provided alternative ways to implement the owner-on-board and mid-season transfer provisions depending on whether or not WDFW and ODFW would require the Federal sablefish-endorsed permit number to be written on the state fish ticket and whether that information would be entered into PacFIN. NMFS understands that system and funding constraints make it difficult to change the state fish ticket system to provide information to PacFIN and to reprint the state fish tickets with a line for the Federal permit number. While the ability to pull state fish ticket data and permit information directly from PacFIN is ideal, it is not necessary to implement the owner-on-board requirement or mid-season transfers. As long as the Federal sablefish-endorsed permit number is required to be written somewhere on the state fish ticket, NMFS enforcement can audit state fish tickets, as needed, to determine whether the appropriate permit owner was on board the vessel or to determine a particular permit's catch. NMFS appreciates that WDFW and CDFG will provide Federal permit information into the PacFIN database. Because CDFG already requires the Federal permit number on the state fish ticket and because WDFW and ODFW will require it beginning in 2007, NMFS will implement the provisions of the sablefish permit stacking program that allows for mid-season transfers and requires only the owner of the sablefish endorsed permit being fished to be onboard the vessel while that permit is being fished. NMFS acknowledges that WDFW and ODFW will continue to work towards an improved state fish ticket system to meet the growing needs of fisheries management and enforcement.