

7.0 REFERENCES

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8.0 PUBLIC NOTICE AND COMMENT

Fixed gear permit stacking has been discussed frequently at Council meetings since 1998 and is a policy recommended for consideration in the Groundfish Strategic Plan sent out for public review in June 2000 and adopted by the Council at its September 2000 meeting. At its June 2000 meeting, the Council made consideration of permit stacking a high priority and, at its September 2000 meeting, approved the draft options and analysis for public review. Final action was taken at the Council's November 2000 meeting. A public hearing on the issue and analysis was held during the Council meeting. (Also see Section 2.2 on decision procedures.)

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TABLE 1. Fixed-gear sablefish vessels **best year of harvest** during 3-year time-periods, 1985-99, by vessels currently assigned to permits with sablefish tier endorsements.

	Sablefish Tier					
	Tier 1		Tier 2		Tier 3	
	# of ves.	Avg. mt for group	# of ves.	Avg. mt for group	# of ves.	Avg. mt for group
Total sablefish permits	27		43		94	
All currently permitted vessels with some landings, 1985-99	26		37		87	
Best year, 1985-87						
<= 5 mt	1	0.3			9	1.4
>5 to 10 mt					4	6.0
>10 to 25 mt	1	10.5	1	12.7	5	19.4
>25 to 50 mt	1	45.0	5	36.9	9	34.2
>50 to 100 mt	3	78.9	12	74.8	3	69.8
>100 mt	10	197.9	4	126.6		
All participants, 1985-87	16	142.0	22	72.8	30	21.7
Best year, 1988-90						
<= 5 mt			1	0.6	12	1.0
>5 to 10 mt			3	7.0	3	7.4
>10 to 25 mt			7	16.8	14	17.6
>25 to 50 mt	2	34.2	7	38.1	5	30.8
>50 to 100 mt	4	71.7	5	67.6		
>100 mt	7	160.7	1	127.3		
All participants, 1988-90	13	113.9	24	36.3	34	12.8
Best year, 1991-93						
<= 5 mt	3	1.3	2	1.5	15	1.4
>5 to 10 mt	2	7.0			8	7.9
>10 to 25 mt			8	18.2	29	15.9
>25 to 50 mt	5	35.5	15	37.0	6	35.4
>50 to 100 mt	6	68.2	3	72.8		
>100 mt	2	111.5				
All participants, 1991-93	18	46.0	28	32.9	58	13.1
Best year, 1994-96						
<= 5 mt	2	0.1			10	2.0
>5 to 10 mt	1	9.7	3	7.3	18	7.7
>10 to 25 mt	2	14.9	18	17.7	35	17.0
>25 to 50 mt	10	35.1	12	34.6	9	31.4
>50 to 100 mt	5	71.5	1	57.0	2	61.2
>100 mt	3	117.3				
All participants, 1994-96	23	47.8	34	23.9	74	15.7
Best year, 1997-99						
<= 5 mt					3	2.6
>5 to 10 mt	1	6.9	2	7.4	20	7.9
>10 to 25 mt	4	21.1	32	19.0	56	16.2
>25 to 50 mt	19	34.8	2	30.3	6	28.1
>50 to 100 mt	1	69.4				
All participants, 1997-99	25	32.9	36	19.0	85	14.6

TABLE 2. Distribution of permits by gear endorsement and among tiers for sablefish-endorsed fixed gear permits.

Fixed Gear Sablefish Tier Endorsements	Permit length group	Gear endorsements						Total
		Trawl total	Trawl / Longline	Longline total	Pot / Longline	Pot total	Trawl / Pot	
NUMBER OF PERMITS, AS OF MID-2000								
Permits WITH a fixed-gear endorsement								
No Sablefish Endorsement	All	3	3	66				66
Tier 1	All	1		13	3	17	1	27
Tier 2	All			37		6		43
Tier 3	All	1	1	86	1	9		94
Total	All	5	4	202	4	32	1	230
Permits WITHOUT a fixed-gear endorsement								
(Trawl-only permits)	All	269						269
LEASED PERMITS, AS OF MID-2000								
Permits WITH a fixed-gear endorsement								
No Sablefish Endorsement	All			11				11
Tier 1	All			3	1	9		11
Tier 2	All			13		3		16
Tier 3	All	1	1	36		2		38
Permits WITHOUT a fixed-gear endorsement								
(Trawl-only permits)	All	45						45
NUMBER OF PERMITS, BY LENGTH , AS OF MID-2000								
All	< 30 ft			22				22
All	30-<35 ft	1		20		2		23
All	35-<40 ft	2		35		3		40
All	40-<45 ft	7		37	1	5		48
All	45-<50 ft	16		20	1	3		38
All	50-<55 ft	25		13	1	4		41
All	55-<60 ft	42	1	22	1	5		67
All	60-<65 ft	23	2	13		3		37
All	65-<70 ft	27	1	12		1		39
All	70-<75 ft	30		6				36
All	75-<80 ft	39						39
All	80-<85 ft	18						18
All	85-<90 ft	8		1				9
All	90-<100 ft	12		1		5	1	17
All	100-<200 ft	14				1		15
All	>200 ft	10						10
All	Total	274	4	202	4	32	1	499

TABLE 4. Estimated exvessel value of landings (\$ millions) and prices in the limited entry fixed gear sablefish primary fishery.

	Modified Derby	Mop-up	Total	\$/Lb
Longline Gear				
1999	4.3	0.1	4.4	1.35
1998	2.3	0.4	2.7	1.26
1997	6.1	1.8	7.9	1.93
1996	5.3	0.7	6.0	1.66
Fishpot Gear				
1999	2.0	0.0	1.9	1.33
1998	1.0	0.1	1.0	1.21
1997	1.2	0.5	1.7	1.84
1996	1.8	0.1	1.9	1.70
Total				
1999	6.4	0.1	6.5	
1998	3.2	0.5	3.7	
1997	7.3	2.2	9.5	
1996	7.1	0.8	7.9	

Note: Values are not adjusted for inflation.

TABLE 5. Distribution of permits by gear endorsement and among tiers for sablefish-endorsed fixed gear permits by permit group length.

Fixed Gear Sablefish Tier Endorsements	Permit length group	Gear endorsements					Trawl / Pot	Total
		Trawl total	Trawl / Longline	Longline total	Pot / Longline	Pot total		
Permits with a fixed-gear endorsement								
No Sablefish Endorsement								
	< 30 ft			19				19
	30-<35 ft			11				11
	35-<40 ft			18				18
	40-<45 ft			8				8
	45-<50 ft			4				4
	50-<55 ft			2				2
	55-<60 ft	1	1	2				2
	60-<65 ft	2	2	2				2
	Total	3	3	66				66
Tier 1								
	40-<45 ft			1	1	2		2
	45-<50 ft			1		2		3
	50-<55 ft			1	1	2		2
	55-<60 ft			4	1	2		5
	60-<65 ft			4		2		6
	65-<70 ft			1		1		2
	85-<90 ft			1				1
	90-<100 ft	1				5	1	5
	100-<200 ft					1		1
	Total	1		13	3	17	1	27
Tier 2								
	30-<35 ft			1		1		2
	35-<40 ft			4		1		5
	40-<45 ft			7		2		9
	45-<50 ft			4				4
	50-<55 ft			4				4
	55-<60 ft			3		2		5
	60-<65 ft			4				4
	65-<70 ft			5				5
	70-<75 ft			5				5
	Total			37		6		43
Tier 3								
	< 30 ft			3				3
	30-<35 ft			8		1		9
	35-<40 ft			13		2		15
	40-<45 ft			21		1		22
	45-<50 ft			11	1	1		11
	50-<55 ft			6		2		8
	55-<60 ft			13		1		14
	60-<65 ft			3		1		4
	65-<70 ft	1	1	6				6
	70-<75 ft			1				1
	90-<100 ft			1				1
	Total	1	1	86	1	9		94

TABLE 6. Gear and state stratified landings (in \$1000s) of various species for vessels with a limited groundfish limited entry permit endorsed for longline or pot gear and some sablefish landings during the year.

Year Species group	Gear type							State			Total
	Hook & line	Misc.	Net	Pot	Troll	Trawl	Shrimp Trawl	CA	OR	WA	
1999											
Groundfish	7,049	1	0	2,226	4	588	15	2,648	4,733	2,501	9,883
Prawns/shrimp	0			179			349	343	182	4	530
Crab		1		10,192	1			1,888	7,283	1,022	10,193
Salmon	2				370			273	94	4	371
Tuna	65		1		234			110	130	61	300
P. Halibut	206				0			5	174	27	206
Squid	0		292				0	293	0		293
Other	22	4	86	14			8	57	26	50	134
1998											
Groundfish	5,081	5	1	1,212	27	756	16	2,491	2,778	1,830	7,098
Prawns/shrimp				5			471	393	36	48	477
Crab	0			5,801				2,401	2,994	406	5,801
Salmon	3				171	0		85	87	1	174
Tuna	17	0	1		462			43	390	47	480
P. Halibut	138							10	111	17	138
Squid	0		3				2	3	2	0	5
Other	28	15	16	20	0	13	1	63	29	1	92
1997											
Groundfish	12,712	2	29	2,023	17	979	19	5,971	5,524	4,286	15,781
Prawns/shrimp				11		40	658	576	132	1	709
Crab			1	6,792				2,323	3,715	755	6,793
Salmon	0				289	0		224	65	0	289
Tuna	15		7		561			180	352	51	583
P. Halibut	163							24	121	19	163
Squid	0		807	0	0	0		795	13		808
Other	36	20	147	29	0	17	0	202	43	5	249

TABLE 7. Gear and state stratified landings (mts) of various species for vessels with a limited groundfish limited entry permit endorsed for longline or pot gear and some sablefish landings during the year.

Year/ Species group	Gear type						State			Total	
	Hook & line	Misc.	Net	Pot	Troll	Trawl	Shrimp Trawl	CA	OR		WA
1999											
Groundfish	2,552	0	0	724	2	572	12	1,091	1,848	923	3,863
Prawns/shrimp	0			11		0	212	31	189	3	224
Crab		0		2,447	0			420	1,777	249	2,447
Salmon	0				104			79	24	1	104
Tuna	35		0		125			60	66	35	161
P. Halibut	52				0			1	44	6	52
Squid	0		838				0	838	0		838
Other	16	2	56	8			12	47	23	25	95
1998											
Groundfish	2,227	5	1	430	22	4,222	10	1,166	3,762	1,986	6,915
Prawns/shrimp				0		0	68	30	32	7	69
Crab	0			1,474				560	805	109	1,474
Salmon	1				53	0		28	25	1	54
Tuna	10	0	0		298			23	245	41	308
P. Halibut	45							3	36	6	45
Squid	0		4				2	2	4	0	6
Other	18	13	7	4	0	133	0	28	143	6	176
1997											
Groundfish	3,727	3	27	461	12	2,376	10	2,484	1,621	2,511	6,616
Prawns/shrimp				1		51	269	171	150	0	321
Crab			0	1,671				558	920	192	1,671
Salmon	0				108	0		87	21	0	108
Tuna	6		2		321			97	202	30	329
P. Halibut	40							5	30	4	40
Squid	0		2,928	0	0	1		2,895	34		2,929
Other	28	22	196	4	0	80	0	232	57	41	329

TABLE 8. Landed catch, revenue, and number of landings by vessels with longline or pot 'A' permits, by year, species group, and month, 1997-1999. (Page 1 of 3)

	Month												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
1999													
Metric tons													
Groundfish	67	17	109	198	212	223	293	2,313	168	184	42	37	3,862
Prawns/shrimp		4	1	34	36	68	66	6	5	4	0		224
Crab	333	61	111	66	45	20	8	3	1	0	15	1,783	2,447
Salmon			0	0	11	61	17	6	2	3	4	0	104
Tuna	0						13	79	40	24	4	0	161
P. Halibut						0	52						52
Squid			7	26	119	164	47	0		45	252	178	838
Other	22	8	2	4	3	6	8	9	14	16	1	2	95
Revenue (\$1,000s)													
Groundfish	167	69	207	368	385	361	533	6,775	432	320	123	142	9,883
Prawns/shrimp		61	12	75	53	76	95	38	86	34	0		530
Crab	1,345	347	622	388	283	125	38	15	6	1	94	6,928	10,193
Salmon			1	2	54	187	62	18	9	18	21	0	372
Tuna	0						29	148	73	44	6	0	300
P. Halibut						0	206						206
Squid			4	14	59	87	23	0		10	56	39	293
Other	25	8	2	3	4	6	6	4	30	41	2	2	134
Number of landings													
Groundfish	61	36	60	114	114	139	125	153	109	123	70	47	1,151
Prawns/shrimp		6	4	14	11	15	17	11	15	12	1		106
Crab	66	41	66	72	62	64	50	25	14	9	13	72	554
Salmon			1	5	30	41	29	21	12	21	14	1	175
Tuna	5						11	39	24	17	1	1	98
P. Halibut						2	18						20
Squid			3	3	9	15	6	1		1	10	4	52
Other	47	15	41	53	39	48	61	45	37	48	18	16	488

TABLE 8. Landed catch, revenue, and number of landings by vessels with longline or pot 'A' permits, by year, species group, and month, 1997-1999. (Page 2 of 3)

	Month												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
1998													
Metric tons													
Groundfish	57	18	97	152	208	583	1,108	1,904	1,873	733	105	77	6,915
Prawns/shrimp	2	4	2	10	26	6	5	4	4	0	3	3	69
Crab	159	55	87	46	16	5	28	24	1	0	34	1,018	1,474
Salmon				4	26	11	7	2	1	3	1		54
Tuna				0	0	110	41	60	50	47	1	0	309
P. Halibut							23	18	4				45
Squid				1	3	0	0		0	2	0	0	6
Other	1	2	2	1	2	3	6	15	120	9	7	7	176
Revenue (\$1,000s)													
Groundfish	120	52	203	272	372	364	449	3,601	820	450	206	188	7,098
Prawns/shrimp	36	54	32	46	70	52	30	31	35	5	42	45	477
Crab	785	330	460	254	98	31	88	71	1	1	169	3,513	5,801
Salmon				15	81	31	21	6	2	12	6		174
Tuna				0	0	194	64	90	72	57	2	0	480
P. Halibut							63	58	16				138
Squid				0	1	0	0		0	2	1	0	5
Other	4	5	3	1	2	2	3	4	22	13	21	12	92
Number of landings													
Groundfish	47	41	84	109	140	147	157	147	153	135	75	62	1,297
Prawns/shrimp	3	5	4	9	9	6	7	8	10	3	4	3	71
Crab	51	42	69	60	46	35	40	23	14	13	20	78	491
Salmon				6	42	24	15	11	13	22	10		143
Tuna				1	1	13	14	38	28	13	4	1	113
P. Halibut							9	16	6				31
Squid				1	2	1	1		3	4	1	1	14
Other	20	14	36	37	48	52	59	61	83	60	46	50	566

TABLE 8. Landed catch, revenue, and number of landings by vessels with longline or pot 'A' permits, by year, species group, and month, 1997-1999. (Page 3 of 3)

	Month												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
1997													
Metric tons													
Groundfish	155	172	232	302	353	787	1,300	1,442	924	716	114	121	6,616
Prawns/shrimp	2	2	3	39	134	61	58	5	2	11	3	2	321
Crab	211	52	19	19	19	11	6	10	0	0	52	1,271	1,671
Salmon				8	53	19	22	3	2	0	1		108
Tuna	0				0	3	56	176	73	20	2	0	329
P. Halibut							40			0			40
Squid	1,171	676	744	120	14	24	1	58	120	0	0	0	2,929
Other	59	14	7	24	114	4	33	29	14	15	13	3	329
Revenue (\$1,000s)													
Groundfish	345	359	467	581	701	708	520	5,133	3,822	2,693	229	224	15,781
Prawns/shrimp	37	24	40	57	141	87	91	49	30	93	38	24	709
Crab	1,008	306	134	146	140	80	37	44	1	0	229	4,667	6,793
Salmon				33	146	44	47	8	6	1	4		289
Tuna	0				0	8	98	313	116	42	6	0	584
P. Halibut							164			0			164
Squid	310	184	198	37	5	10	0	21	41	0	0	0	808
Other	99	23	6	7	9	3	8	4	11	41	34	3	249
Number of landings													
Groundfish	93	93	114	171	175	172	137	135	110	134	88	76	1,498
Prawns/shrimp	3	3	5	11	21	13	16	5	2	6	8	10	103
Crab	76	56	46	53	51	43	26	14	1	1	9	85	461
Salmon				12	37	21	24	6	9	6	9		124
Tuna	1				2	24	41	59	55	26	11	1	220
P. Halibut							9			1			10
Squid	22	12	19	5	2	8	1	6	4	4	1	1	85
Other	74	45	53	70	79	78	65	50	49	63	36	42	704

TABLE 9. Number of buyers of fixed gear sablefish and percent of purchases that are fixed gear sablefish.

Sablefish as a % of total purchases	Buyers' exvessel value of fixed gear sablefish					Total # buyers	# buyers of Ind. sablefish
	<= \$10K # buyers	> \$10K - 100K # buyers	> \$100K - \$400K # buyers	> \$750K # buyers			
<= 5%	37					37	
> 5 - 20%	13	2				15	1
> 20% - 50%	12	8	1			21	1
> 50% - 90%	10	7	2	7		26	3
> 90%	15	11	5	1		32	2
Total	87	28	8	8		131	7
# buyers of Ind. sablefish	1	2		4		7	7

NOTES:

Only buyers with sablefish revenue >\$0 were included

Y axis= ratio of buyer's total sablefish revenue to buyer's total revenue for ALL species

Includes open access sablefish value

TABLE 10. Sablefish landings during 1999 primary fishery (3-tiered+mopup), by port group.

Port Group/State	Mt	Exvessel Value	Landings	Buyers
Northern Puget Sound	303	1,018,099	51	5
Southern Puget Sound	124	430,506	7	2
Washington Coast	168	517,202	50	3
Ilwaco	3	7,984	1	1
Astoria	361	1,132,321	50	4
Newport	373	1,238,740	49	4
Coos Bay	281	868,573	56	4
Brookings	150	431,337	76	4
Crescent City	69	126,937	39	4
Eureka	68	208,773	31	3
Fort Bragg	69	135,629	17	3
Bodega Bay	38	94,523	3	1
San Francisco	72	154,793	25	5
Monterey	77	165,038	47	5
Los Angeles	2	6,932	22	8
San Diego	1	3,145	10	2
	2,158	6,540,531	534	58
State totals for primary season				
Washington	598	1,973,791		10
Oregon	1,165	3,670,971		12
California	395	895,769		28
	2,158	6,540,531		50
State totals for all limited-entry fixed-gear sablefish				
Washington	667	2,189,437		13
Oregon	1,242	3,881,890		22
California	583	1,427,624		57
	2,491	7,498,951		92

TABLE 11. Number of sablefish endorsements by primary port of delivery and tier level (1999).

	Tier 1	Tier 2	Tier 3	Total
Washington				
Bellingham	1	8	4	13
Everett		1	1	2
Seattle	3	3	2	8
Pt Angeles	1	3	8	12
Neah Bay			1	1
La Push		1	4	5
Westport	1	6	10	17
State Total	6	22	30	58
Oregon				
Astoria	7	4	8	19
Newport	8	2	8	18
Florence	2	1	2	5
Winchester			2	2
Coos Bay	2	2	5	9
Port Orford		5	7	12
Brookings			1	1
State Total	19	14	33	66
California				
Crescent City		3	3	6
Eureka		1	5	6
Fields Ldg			1	1
Fort Bragg	1	1	2	4
Bodega Bay	1			1
Berkeley			1	1
San Francisco		2	4	6
Princeton			2	2
Santa Cruz			1	1
Moss Lndg			8	8
Monterey			2	2
Oxnard			1	1
Other Los Angles/Orange County			1	1
State Total	2	7	31	40
Coastal Total	27	43	94	164

TABLE 12. Distribution of sablefish landings, by year, gear group, fishery, and the percentage of total pounds in the landing contributed by sablefish (excludes Conception), 1996-99
(Page 1 of 4)

Year/Fishery group % sablefish	Longline				Pot				
	Number of landings	Percent Sablefish	Total Sablefish Poundage	Total Non-Sablefish Poundage	Number of landings	Percent Sablefish	Total Sablefish Poundage	Total Non-Sablefish Poundage	Percent Non-Sablefish
1999									
Daily Trip Limit									
>0 - 10%	162	5.6	30,306	576,206		94.5	606,512		
>10 - 20%	172	14.7	31,269	192,237		85.3	223,506		
>20 - 30%	150	24.4	24,654	78,193	2	23.8	103	455	76.2
>30 - 40%	160	35.4	31,651	58,892	6	34.5	715	1,339	65.6
>40 - 50%	171	45.2	40,797	49,917	5	47.4	918	1,025	52.6
>50 - 60%	194	55.4	49,053	39,763	2	52.8	408	371	47.2
>60 - 70%	190	64.9	46,084	25,004	1	69.7	244	106	30.3
>70 - 80%	200	75.3	54,618	17,965	5	77.3	1,423	419	22.7
>80 - 90%	252	85.5	70,248	11,811	7	86.7	1,857	282	13.3
>90 - 100%	864	98.2	253,503	5,264	107	98.9	92,259	334	1.1
Total	2,515	65.6	632,185	1,055,252	135	90.7	97,927	4,228	9.3
Modified Derby									
>10 - 20%	1	18.8	587	2,534		81.2	3,121		
>20 - 30%	1	22.2	18	63	1	14.3	40	239	85.7
>30 - 40%	1	32.8	61	125	1	29.4	150	361	70.7
>40 - 50%	1	45.6	110	131	1	30.1	120	279	69.9
>50 - 60%	6	54.3	9,427	7,620	1	45.5	155	186	54.6
>60 - 70%	7	65.4	11,692	5,409					
>70 - 80%	8	75.7	30,075	8,850					
>80 - 90%	47	86.2	376,661	59,949					
>90 - 100%	244	97.3	2,785,092	82,590	108	99.7	1,438,708	6,636	0.3
Total	316	92.7	3,213,722	167,271	112	97.2	1,439,173	7,701	2.8
Mop-up									
>0 - 10%	1	2.9	151	5,134		97.1	5,285		
>10 - 20%	5	14.0	2,862	16,987		86.0	19,849		
>20 - 30%	2	23.5	1,128	3,272	1	25.5	268	784	74.5
>30 - 40%	6	34.8	3,175	5,820					
>40 - 50%	1	49.1	811	842					
>50 - 60%	7	56.7	7,338	5,644					
>60 - 70%	3	62.1	3,294	2,013					
>70 - 80%	5	75.0	3,790	1,240					
>80 - 90%	14	84.3	13,115	2,466					
>90 - 100%	34	98.0	33,407	671	18	99.8	15,798	39	0.2
Total	78	75.0	69,072	44,089	19	95.8	16,066	823	4.2

TABLE 12. Distribution of sablefish landings, by year, gear group, fishery, and the percentage of total pounds in the landing contributed by sablefish (excludes Conception), 1996-99
(Page 2 of 4)

Year/Fishery group % sablefish	1998									
	Longline					Pot				
	Number of landings	Percent Sablefish	Total Sablefish Poundage	Total Non-Sablefish Poundage	Total Poundage	Number of landings	Percent Sablefish	Total Sablefish Poundage	Total Non-Sablefish Poundage	Total Poundage
Daily Trip Limit										
>0 - 10%	222	5.3	36,883	741,122	778,004	3	2.9	45	1,483	1,528
>10 - 20%	216	14.7	37,364	228,943	266,307	1	19.9	89	357	446
>20 - 30%	187	24.7	33,515	104,229	137,744					
>30 - 40%	170	35.4	28,893	53,577	82,470	3	44.1	598	753	1,351
>40 - 50%	176	45.4	29,359	35,426	64,785	3	56.2	489	386	875
>50 - 60%	204	54.7	41,732	34,644	76,376	4	62.7	683	418	1,101
>60 - 70%	158	65.1	34,100	18,148	52,249	3	76.5	572	168	740
>70 - 80%	173	75.3	42,477	13,967	56,444	7	84.8	14,951	1,895	16,846
>80 - 90%	218	85.5	56,727	9,498	66,225	103	99.7	25,869	68	25,937
>90 - 100%	691	98.2	192,604	4,059	196,663	127	91.9	43,295	5,528	48,824
Total	2,415	59.6	533,654	1,243,613	1,777,267					
Modified Derby										
>10 - 20%	4	15.9	156	797	953					
>20 - 30%	3	24.7	111	344	455					
>30 - 40%	4	34.5	1,300	2,575	3,875					
>40 - 50%	6	47.5	9,750	10,538	20,288					
>50 - 60%	4	56.8	5,418	4,045	9,463					
>60 - 70%	12	64.7	26,160	13,811	39,971					
>70 - 80%	16	75.2	67,114	21,426	88,540					
>80 - 90%	29	86.4	211,666	32,689	244,355	1	88.8	1,806	227	2,033
>90 - 100%	161	97.3	1,484,558	43,574	1,528,132	58	99.1	784,582	6,814	791,396
Total	239	87.6	1,806,233	129,799	1,936,032	59	99.0	786,387	7,041	793,428
Mop-up										
>0 - 10%	8	3.9	1,907	46,355	48,262					
>10 - 20%	10	15.6	6,380	37,077	43,457					
>20 - 30%	14	25.5	8,030	23,687	31,717					
>30 - 40%	12	35.6	15,142	28,246	43,388	1	37.2	159	269	428
>40 - 50%	13	45.9	10,715	12,402	23,117					
>50 - 60%	11	53.7	7,945	6,584	14,529					
>60 - 70%	19	66.0	20,337	11,051	31,388	1	61.0	385	246	631
>70 - 80%	20	75.7	31,058	10,447	41,505					
>80 - 90%	28	85.2	30,119	4,957	35,076	1	87.2	963	141	1,104
>90 - 100%	101	97.9	165,628	3,435	169,064	35	98.8	63,923	888	64,811
Total	236	72.9	297,261	184,242	481,503	38	95.9	65,430	1,544	66,974

TABLE 12. Distribution of sablefish landings, by year, gear group, fishery, and the percentage of total pounds in the landing contributed by sablefish (excludes Conception), 1996-99 (Page 3 of 4)

Year/Fishery group % sablefish	Number of landings	Longline				Pot														
		Total Sablefish Poundage	Total Non-Sablefish Poundage	Total Poundage	Percent Sablefish	Number of landings	Total Sablefish Poundage	Total Non-Sablefish Poundage	Total Poundage	Percent Non-Sablefish										
		1997	1997	1997	1997	1997	1997	1997	1997	1997										
Daily Trip Limit																				
>0 - 10%	268	5.1	45,026	931,712	976,738	94.9														
>10 - 20%	267	15.2	50,501	293,818	344,319	84.8														
>20 - 30%	264	25.0	53,791	165,325	219,117	75.0														
>30 - 40%	345	35.2	75,139	139,903	215,042	64.8	1	36.7	98	63.3										
>40 - 50%	344	44.8	77,034	95,643	172,677	55.2	1	42.3	589	57.7										
>50 - 60%	362	55.1	87,495	71,653	159,148	44.9	1	55.3	212	44.7										
>60 - 70%	403	64.8	97,891	53,704	151,596	35.3	4	65.8	405	34.2										
>70 - 80%	444	74.9	109,711	36,907	146,618	25.1	10	75.7	972	24.3										
>80 - 90%	470	85.0	124,405	22,089	146,494	15.0	32	86.9	1,256	13.1										
>90 - 100%	1,978	98.6	551,189	8,627	559,816	1.5	324	99.1	872	0.9										
Total	5,145	68.8	1,272,183	1,819,381	3,091,564	31.2	373	96.6	4,119	3.4										
Modified Derby																				
>0 - 10%	1	2.8	11	379	390	97.2														
>10 - 20%	1	16.1	194	1,010	1,204	83.9														
>20 - 30%	1	21.0	37	139	176	79.0														
>30 - 40%	2	32.2	1,999	4,059	6,058	67.8														
>40 - 50%	4	47.7	2,295	2,557	4,852	52.3														
>50 - 60%	3	56.1	1,037	727	1,764	43.9														
>60 - 70%	13	65.5	17,095	9,301	26,396	34.5														
>70 - 80%	13	77.7	63,771	18,264	82,035	22.3														
>80 - 90%	46	86.0	384,757	64,141	448,898	14.0	1	87.2	2,314	12.8										
>90 - 100%	287	96.9	2,692,972	87,501	2,780,473	3.1	79	98.8	8,029	1.2										
Total	371	91.9	3,164,169	188,077	3,352,246	8.1	80	98.7	8,326	1.3										
Mop-up																				
>0 - 10%	3	8.2	597	7,082	7,679	91.8														
>10 - 20%	7	16.1	481	2,287	2,768	83.9														
>20 - 30%	13	25.6	3,026	9,773	12,799	74.4														
>30 - 40%	6	35.8	1,287	2,339	3,626	64.2														
>40 - 50%	19	43.5	5,620	7,158	12,778	56.5														
>50 - 60%	16	53.7	8,588	7,096	15,684	46.3														
>60 - 70%	12	66.8	9,877	5,293	15,170	33.2														
>70 - 80%	21	75.7	16,964	6,166	23,130	24.3	1	79.7	196	20.3										
>80 - 90%	34	85.7	97,846	15,635	113,481	14.3	1	88.6	8,354	11.4										
>90 - 100%	183	97.5	766,282	21,031	787,313	2.5	69	99.5	252,715	0.5										

Total 314 81.3 910,569 83,860 994,429 18.7 71 99.1 261,164 2,899 264,164 0.9
 TABLE 12. Distribution of sablefish landings, by year, gear group, fishery, and the percentage of total pounds in the landing contributed by sablefish (excludes Conception), 1996-99.
 (Page 4 of 4)

Year/Fishery group % sablefish	Number of landings	Longline				Pot														
		Percent Sablefish	Total Sablefish Poundage	Non-Sablefish Poundage	Total Poundage	Percent Sablefish	Total Sablefish Poundage	Non-Sablefish Poundage	Total Poundage											
Daily Trip Limit																				
>0 - 10%	481	5.6	102,639	1,888,885	1,991,524	94.4	1	2.7	2	72	74	97.3								
>10 - 20%	327	14.3	71,959	464,045	536,004	85.7														
>20 - 30%	310	25.0	65,695	199,903	265,598	75.0	2	24.6	237	737	974	75.4								
>30 - 40%	254	34.8	56,656	106,992	163,647	65.2	1	35.5	199	361	560	64.5								
>40 - 50%	269	45.0	64,060	78,469	142,528	55.0														
>50 - 60%	293	55.1	69,796	57,303	127,100	44.9	2	58.2	534	383	917	41.8								
>60 - 70%	304	65.2	73,301	39,452	112,753	34.8														
>70 - 80%	357	75.0	85,037	28,596	113,633	25.0	4	76.1	1,181	379	1,560	24.0								
>80 - 90%	376	84.8	93,691	16,760	110,451	15.2	13	88.3	3,686	492	4,178	11.7								
>90 - 100%	1,110	98.3	296,929	5,759	302,689	1.7	299	99.3	97,128	1,119	98,247	0.7								
Total	4,081	58.8	979,763	2,886,163	3,865,927	41.2	322	97.3	102,967	3,543	106,510	2.7								
Modified Derby																				
>0 - 10%	1	9.3	41	398	439	90.7														
>10 - 20%	1	11.7	96	725	821	88.3														
>20 - 30%	2	25.3	401	1,187	1,588	74.7														
>30 - 40%																				
>40 - 50%	3	41.2	739	1,058	1,797	58.8														
>50 - 60%	2	55.4	1,566	1,233	2,799	44.6														
>60 - 70%	5	65.5	4,311	2,284	6,595	34.5														
>70 - 80%	10	73.7	30,274	10,256	40,530	26.3														
>80 - 90%	54	86.4	470,856	69,344	540,200	13.6														
>90 - 100%	244	97.2	2,683,975	92,372	2,776,347	2.8	48	99.1	1,052,664	6,321	1,058,985	1.0								
Total	322	92.4	3,192,259	178,857	3,371,116	7.6	48	99.1	1,052,664	6,321	1,058,985	1.0								
Mop-up																				
>0 - 10%	6	2.7	183	21,026	21,209	97.3														
>10 - 20%	10	15.5	1,460	7,482	8,942	84.5														
>20 - 30%	11	25.8	3,838	11,120	14,958	74.2														
>30 - 40%	19	34.9	15,971	29,544	45,515	65.1														
>40 - 50%	9	45.5	9,128	10,996	20,123	54.6	1	45.0	139	170	309	55.0								
>50 - 60%	13	56.8	15,773	11,885	27,658	43.2														
>60 - 70%	21	65.1	12,575	6,808	19,383	34.9														
>70 - 80%	33	76.4	38,983	11,428	50,411	23.6														
>80 - 90%	33	86.4	65,426	10,101	75,527	13.6	2	86.5	986	156	1,142	13.5								
>90 - 100%	121	97.4	247,397	7,277	254,674	2.6	47	99.5	68,950	399	69,349	0.5								
Total	276	75.3	410,733	127,667	538,399	24.7	50	97.9	70,075	725	70,800	2.1								

TABLE 13. Potential concentration of harvest by number of stacked permits for each tier level.

Tier Levels	Total Permits	Number of Permits Stacked (Owned)							
		1	2	3	4	5	7	13	
Concentration of Harvest Opportunity with Extended Season									
1	27	1.4%	2.8%	4.2%	5.6%	7.0%	9.8%	18.2%	
2	43	0.6%	1.3%	1.9%	2.6%	3.2%	4.5%	8.3%	
3	94	0.4%	0.7%	1.1%	1.5%	1.8%	2.6%	4.8%	
Concentration of Harvest Opportunity with Short Season (Potential Harvest = 125% of Allocation)									
1	27	1.8%	3.5%	5.3%	7.0%	8.8%	12.3%	22.8%	
2	43	0.8%	1.6%	2.4%	3.2%	4.0%	5.6%	10.4%	
3	94	0.5%	0.9%	1.4%	1.8%	2.3%	3.2%	5.9%	

TABLE 14. Number of owners with multiple permits and the tier levels associated with the permits (based on review of permit owners listed addresses).

Number of Owners	Cumulative Number of Owners	Tier Levels			Number of Permits Per Owner	Percent of Total Harvest		
		Tier 1	Tier 2	Tier 3		Per Owner	For the Row	Cumulative Row Percent
1	1	3	1	1	5	5.2%	5.2%	5.2%
1	2	2	1		3	3.5%	3.5%	8.7%
1	3	2			2	2.8%	2.8%	11.5%
1	4	1	1	3	5	3.1%	3.1%	14.7%
5	9	1	1		2	2.0%	10.2%	24.9%
1	10	1		2	3	2.1%	2.1%	27.0%
1	11		2		2	1.3%	1.3%	28.3%
2	13		1	1	2	1.0%	2.0%	30.3%
1	14			3	3	1.1%	1.1%	31.4%
5	19			2	2	0.7%	3.7%	35.1%

Note: Percents with no overhead (assumes an extended season, percents would be higher with a shortened season).

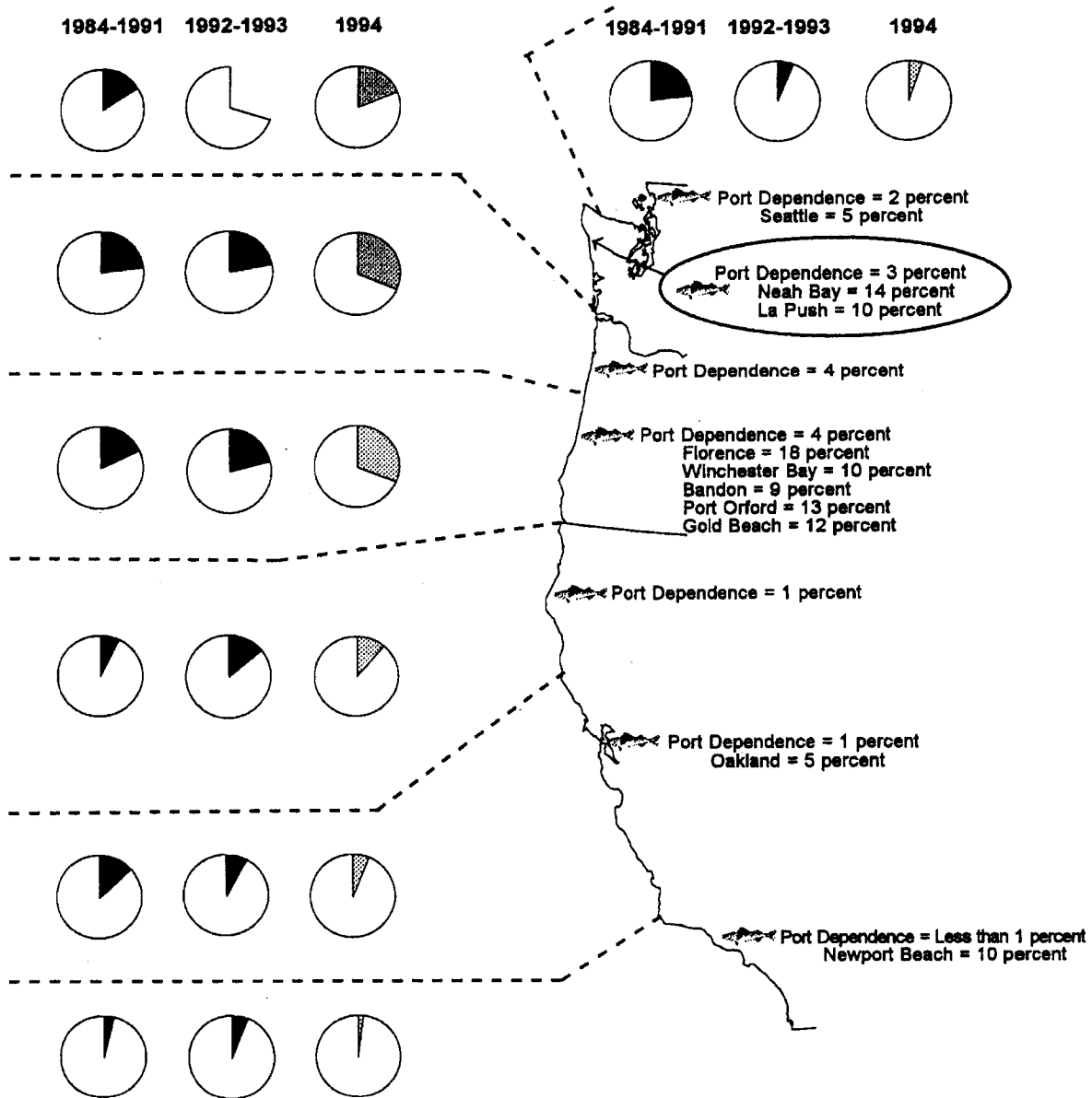
TABLE 15. Amounts of 1996 fixed gear sablefish catch by condition and size category for the daily-trip-limit, derby, and mop-up fishery.^{a/}

	Daily-Trip-Limit	Derby	Mop-Up
Dressed Condition			
(percent of all dressed condition fish, excluding unspecified size)			
Large	7%	3%	8%
Medium	27%	20%	27%
Small	64%	57%	54%
Extra-Small	3%	20%	10%
Pounds of Dressed Condition and Specified Size	237	2,077	244
Unspecified Size as a Percent of Total Dressed Pounds	4%	3%	4%
Round Condition			
(percent of all round condition fish, excluding unspecified size)			
Large	39%	1%	17%
Medium	26%	3%	50%
Small	29%	91%	33%
Extra-Small	6%	4%	0%
Pounds of Round Condition and Specified Size	31	143	18
Unspecified Size as a Percent of Total Round Pounds	49%	85%	68%
Unspecified Condition			
(percent of all unspecified condition fish, excluding unspecified size)			
Large	15%	16%	0%
Medium	54%	71%	83%
Small	31%	13%	17%
Pounds of Unspecified Condition and Specified Size	123	408	53
Unspecified Size as a Percent of Total Unspecified Condition Pounds	70%	60%	64%
Dressed, Round, and Unspecified Combined			
Pounds			
Large and Medium	184	830	143
Small and Extra-Small	190	1,798	172
Percent of Total (excluding unspecified sizes)			
Large and Medium	49%	32%	45%
Small and Extra-Small	51%	68%	55%

a/ All poundages are expressed in round pound equivalents.

TABLE 16. Amounts of 1996 limited entry fixed gear sablefish catch, by condition category for the daily- trip-limit, derby, and mop-up fishery.

	Daily-Trip-Limit	Derby	Mop-Up
Total Pounds Landed, by Condition Category		Thousands of Pounds	
Dressed	248	2,150	254
Round	80	970	57
Unspecified	496	1,016	148
Total	824	4,136	459
Portion of Specified Condition Pounds Landed, by Condition Category		Portions	
Dressed	0.76	0.69	0.82
Round	0.24	0.31	0.18
Portion of Total Pounds Landed, by Condition Category			
Dressed	0.30	0.52	0.33
Round	0.10	0.23	0.70
Unspecified	0.60	0.25	0.60



The dependence percentages are based on total shoreside landings of marine and anadromous fish and do not take into account fish transported to the area which were reported as being landed in other areas, e.g., Alaska landings transported to Seattle.



-  Similarly shaded areas indicate the relative shares of total pounds of West Coast ocean non-Indian fishpot and line gear sablefish harvest landed in each area for the indicated time period.
-  Port Dependence = non-Indian fishpot and line gear sablefish exvessel revenue as a percentage of the exvessel revenue of all fish landed in all fishpot and line gear sablefish ports in the area (1984-1993 average). Individual ports for which this value is greater than 5 percent are listed separately.

Figure 1. Fishpot and line gear sablefish landings with geographic distribution and port dependence.

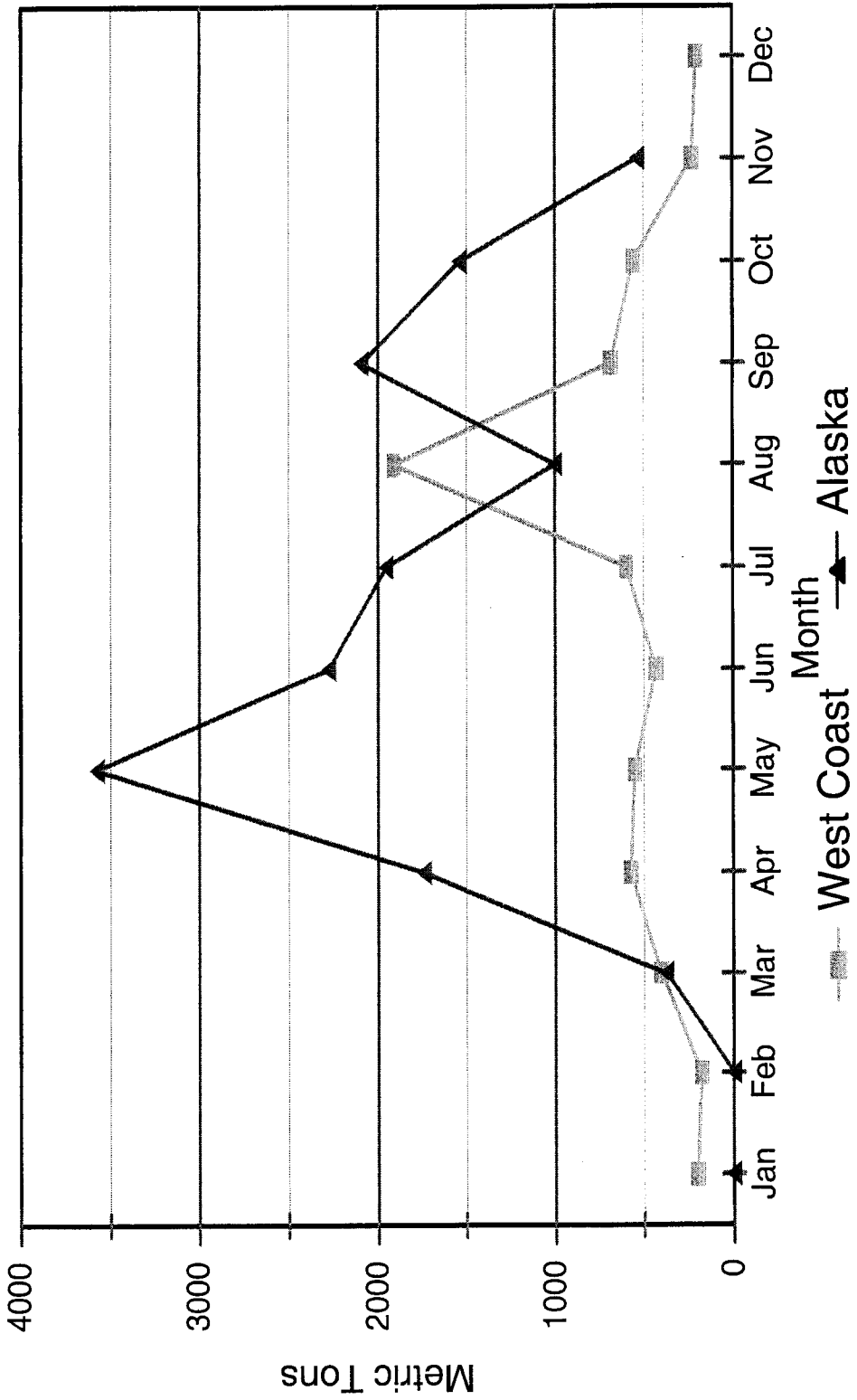


Figure 2. Fixed gear sablefish landings (average for 1997-1999).

APPENDIX A: ANALYSIS OF PERMIT STACKING AND SEASON LENGTH FOR THE MODIFIED DERBY

Supplemental GMT Report D.15.
June 2000

PRELIMINARY EVALUATION OF THE EFFECTS OF PERMIT STACKING ON SEASON LENGTH AND LIMITS IN THE THREE-TIERED, LIMITED ENTRY, FIXED GEAR FISHERY FOR SABLEFISH

Prepared by Dr. James Hastie
of the National Marine Fisheries Service Northwest Fisheries Science Center

The draft version of the Strategic Plan presented to the Council at this meeting identifies the development of a voluntary stacking program for the three-tiered sablefish fishery as a high priority. In support of that discussion, this document summarizes the results of a modeling exercise intended to provide insight into the changes in season length and cumulative limits that would be required to maintain the desired level of "overhead" in the fishery. As such, this analysis is predicated on the assumption that the moratorium on new IQ programs remains in force.

If the moratorium were to lapse in 2000, a season length of at least two months would be anticipated in 2001. Since season length would be far less constraining under those circumstances, the number of permits that might reasonably be used for stacking would be higher and the distribution of stacked permits would be quite different than portrayed in this analysis. Without the need for overhead, cumulative limits would fall to the point where the cumulative limits times the number of endorsed permits in each tier equaled the target poundage for the fishery. Given the current target, the Tier 1 limit would be 66,510 pounds, with limits for Tiers 2 and 3 roughly 30,000 pounds and 17,000 pounds, respectively. A conservative expansion of the currently estimated permit catching capacities to reflect a 2-month season suggests that at least 62 permits could catch at least 200,000 pounds--about three Tier-1 limits--in that amount of time. Of course, this represents the ability of these 62 permits to catch the equivalent of 186 Tier-1 limits, and there are only 164 sablefish-endorsed permits, and just 27 of those are Tier 1. Given this circumstance, the ultimate disposition of stacked permits in a two-month fishery without overhead considerations would be highly uncertain.

In the modeling scenario developed for this analysis, 30 permits are assumed to be stacked in a fishery with the same target poundage as in 2000. The primary criterion used in determining which permits would add an additional permit was the poundage difference between the estimated catching capacity of the permit and the amount of its current cumulative limit. The degree to which that catching capacity has actually be utilized in recent fisheries was also considered. Determining which permits would be included in the group providing the stacked permits was more complicated. Factors included in developing a ranking permits according to their likelihood of being stacked included 1) the difference between a permit's current limit and its projected landings; 2) the difference between a permit's current limit and its recent sablefish landings; 3) the value of its sablefish limit poundage relative to recent earnings from other groundfish and non-groundfish species; and 4) ownership of multiple permits and whether any such permits are currently leased.

To simplify the modeling, no more than one permit was stacked on any other, and the original permit attached to a vessel was always retained by that vessel if it remained in the fishery. In other words, a vessel currently having a Tier-2 permit was only evaluated with regard to adding another permit, not with regard to selling it and buying two Tier-3 permits. The analysis does not evaluate how many permits would be stacked if the opportunity were available. No consideration of the cost of obtaining permits or the effects of doing so on vessel profitability was included. Permits selected to add another permit were assigned a permit from a tier having a limit poundage that was less than, or near, the estimated difference between their catching capacities and existing limit poundages.

The number of 30 stacked permits was selected, during the evaluations described above, because it did not appear that many more permits would have an ability to make full use of an additional limit, given the time constraints placed on the fishery. Therefore, 30 probably represents a reasonable estimate of the largest

number of permits that would be stacked under a voluntary program subject to existing overhead considerations. Uncertainties regarding the limit poundage that would be realized through stacking, as well as the time that would be available to catch it, could discourage some potential stackers from doing so. Additionally, market conditions might be such that the expected financial benefits from stacking would not exceed the costs of permit acquisition for many vessels that have the physical capability of landing additional limits. Because those who acquire additional permits to stack will be buying permits conveying access to a suite of groundfish species--not just sablefish--the status of rockfish allocation, fixed gear rockfish endorsements, changes in groundfish limits for 2001 (and beyond), and the ability to obtain higher rockfish limits through stacking will also affect the willingness of individuals to purchase permits for stacking. On the basis of current ownership of multiple permits and permits that have few or no landings in recent fisheries, a reasonable estimate for the minimum number of stacked permits would be in the 7-10 range.

Table 1 provides a summary of permit shifts used in this scenario. The pool of 30 stacked permits is drawn from all three tiers: three from Tier 1, nine from Tier 2, and 18 from Tier 3. This represents about 11% of the Tier-1 permits, and about 20% of the permits in each of the other tiers. The stacked Tier-1 permits were distributed to one permit in each of the three tiers. Of the 9 stacked Tier-2 permits, three went to Tier-1 permits, two to Tier-2 permits, and four to Tier-3 permits. Of the 18 stacked Tier-3 permits, three were assigned to Tier-1 permits, seven to Tier-2 permits and eight to Tier-3 permits.

Each of the two models used to provide recommendations for the 2000 fishery (Attachment D.6.a.) was used to project limit size and season length under this assumed distribution of permits. Table 2 summarizes the overhead results using these model configurations, with the addition of stacking. Also, the last row shown for each model indicates the estimated amount of overhead if this stacked fleet were provided with the season length and limits recommended for the 2000 fishery (with that model). The right-hand columns illustrate the difference in the contribution to estimated overhead between the group of permits fishing a single limit and those fishing two.

Table 3 provides a more detailed summary of limit amounts, season lengths and overhead for the two model configurations. For each case, the 2000 model results without stacking are provided first, for comparative purposes. With stacking, an 8-day fishery, under Model 1, would meet the worst-case overhead goal of exceeding 15%, however the expected overhead is slightly below the current minimum target of 25%. As a result, both models indicate that in order to meet both overhead standards, the fishery would need to be constrained to seven days. This would represent a reduction of two days from the 2000 Model-1 recommendation and one day from the Model-2 recommendation. Due to the greater reduction in length under Model 1, the limits available for a seven-day fishery with 30 stacked permits would be about 6% higher than recommended for a nine-day fishery in 2000. Because the eight-day scenario is so close to achieving the overhead objectives, reduction of another full day produces much higher overhead than necessary (41%). Projected limits for seven days under the more conservative Model 2 are lower than the Model-2 recommendations for 2000, but the estimated overhead is closer to the minimum standards.

Assuming that sufficient overhead will continue to be a concern, the difference between these results and projections for the 2000 fishery underscores the need for a management structure which will allow final parameters for the fishery to be determined after a deadline has passed marking the close of permit stacking that can be utilized during that year's fishery.

TABLE 1. Distribution of three-tiered sablefish endorsements in the hypothetical modeling of 30 stacked permits.

	Original tier assignment			Total
	1	2	3	
# of Tier 1 endorsements after stacking	25	1	1	27
# of Tier 2 endorsements after stacking	3	36	4	43
# of Tier 3 endorsements after stacking	3	7	84	94
Total endorsements after stacking	31	44	89	164
# of stacked permits	3	9	18	30
Tier 1 only	17			17
Tier 2 only		24		24
Tier 3 only			63	63
Tier 1+1	1			1
Tier 1+2	3	1		4
Tier 1+3	3		1	4
Tier 2+2		2		2
Tier 2+3		7	4	11
Tier 3+3			8	8

TABLE 2. Comparison of estimated overhead for the entire fleet with values for vessels stacking permits or fishing a single permit in the hypothetical stacking scenario.

	Fleet Overhead	Overhead among Vessels With:	
		Stacked Permits	Single Permits
Model 1 configuration			
8 days	22%	9%	33%
7 days	41%	18%	61%
9 days and 2000 limits	19%	8%	26%
Model 2 configuration			
7 days	30%	10%	46%
8 days and 2000 limits	25%	8%	38%

TABLE 3.--Comparison of recommendations for the duration and cumulative limits for the 2000 primary fishery with projections for a fishery in which 30 underutilized permits were stacked.

	Tier 1	Tier 2	Tier 3	Total	Worst Case (1-day differential)
# of permits	27	43	94		
Model 1: (less conservative)					
with a general landings reduction of 1% and landings reductions for permits not fishing in [1999:1998:1997] of (30%:20%:10%) and/or landings reductions for achieving less than [50%:70%] of their available 1999 limit (20%:10%)					
Tier-specific capacity reductions	2%	13%	33%		
Model results for the 2000 fishery					
Duration				9 days	
Cumulative Limit	81,278	36,731	21,101	5,757,435	5,757,435
Expected landings	68,009	29,664	14,774	4,500,524	4,711,315
Overhead	20%	24%	43%	28%	22%
Model results with 30 stacked permits					
Duration				8 days	
Cumulative Limit	77,753	35,139	20,186	5,507,774	5,507,774
Expected landings				4,496,899	4,711,315
Overhead				22%	17%
Duration				7 days	
Cumulative Limit	86,054	38,890	22,341	6,095,734	6,095,734
Expected landings				4,309,769	4,711,315
Overhead				41%	29%
Model 2: (more conservative)					
with a general landings reduction of 2% but smaller landings reductions for permits not fishing in [1999:1998:1997] of (20%:10%:10%)					
Tier-specific capacity reductions	4%	15%	35%		
Model results for the 2000 fishery					
Duration				8 days	
Cumulative Limit	85,712	38,735	22,252	6,071,510	6,071,510
Expected landings	64,706	29,083	14,817	4,390,424	4,711,315
Overhead	32%	33%	50%	38%	29%
Model results with 30 stacked permits					
Duration				7 days	
Cumulative Limit	80,095	36,197	20,794	5,673,622	5,673,622
Expected landings				4,355,905	4,711,315
Overhead				30%	20%

APPENDIX B: PROPOSED CHANGES TO GROUND FISH FMP LANGUAGE (AMENDMENT 14)

This Appendix outlines changes to the FMP text that would constitute Amendment 14 to the groundfish FMP and implement those aspects of the stacking alternative that would require an FMP amendment (see Section 2.3). Text to be added is highlighted in ***bold italics*** and text to be deleted is struck through.

Existing FMP Language Authorizing Permit Stacking

Section 14.2.4 of the FMP authorizes the stacking of permits and reads as follows (**bolded text** added as part of Amendment 13):

14.2.4 Ownership Restriction and Changes in Ownership

1. Only entities (human beings, corporations, etc.) qualified to own a US fishing vessel may be issued or may hold (by ownership or otherwise) an LE permit. (Foreign ownership of LE permits should be limited to the maximum degree possible given what is allowed under the law.)
2. Ownership of a permit will be considered to change when there is an ownership change on US Coast Guard documents, however, an owner can submit documents to demonstrate that the controlling interest has not changed and therefore the change in documentation is not a change in ownership.
3. **An entity qualified to hold an LE permit may hold more than one LE permit. If the Council authorizes a LE permit stacking program, in which a vessel could use more than one permit simultaneously, each LE fishery participant would be required to hold at least one LE "base" permit. An LE base permit is the initial permit necessary to participate in the LE fishery, and subject to all of the requirements described herein for LE permit ownership qualifications, and gear and length endorsements. Requirements and additional priorities for permits "stacked" on to base permits may be authorized in a federal rulemaking.**

Any Provision 2 Stacking Option Combined with Option 4a of the Stacking Alternative [ADOPTED]

Section 14.2.4 gives the Council the authority to create a permit stacking program, however, Provision 2 of the stacking alternative specifies that where a trawl endorsement is involved in permit stacking (i.e. a permit has both a trawl endorsement and at least one fixed gear endorsement), if permits can be unstacked (Option 4a), the downsizing requirement for trawl permits will be waived. The following are the changes to the FMP needed to implement any Provision 2 option combined with Option 4a.

14.2.7 Size Endorsement Will Specify the Vessel Length

The LE permit will be endorsed with the length overall (as defined for purposes of US Coast Guard documentation) of the vessel for which the LE permit is initially issued. The length for which the LE permit is endorsed will be changed only when LE permits are combined, as per Section 14.2.10, or, in the case of LE permits endorsed for trawl gear, when the size of the vessel used with the permit is more than five feet less than the originally endorsed length. In the latter case, the LE permit will be reissued with a size endorsement for the length of the smaller vessel. ***Regulations may be promulgated to waive this downsizing requirement if the permit was transferred to a smaller vessel for the purpose of stacking (See Section 14.2.4 paragraph 3).*** Vessels which do not have documents stating their length overall will have to be measured by a marine surveyor or the US Coast Guard and certified for that length.

14.2.9 Transfer of an LE Permit to Different Owners or Vessels of the Same Owner

3. LE permits may be used with vessels greater in length than the endorsed length provided the increase does not exceed five feet of the endorsed length. Original size endorsements will change only when LE permits are combined as per Section 14.2.10, or when an LE permit with a trawl endorsement is transferred to a vessel five feet less in length than the endorsed length. In the latter case, the LE permit will be reissued with a size endorsement for the length of the smaller vessel. **Regulations may be promulgated to waive this downsizing requirement if the permit was transferred to a smaller vessel for the purpose of stacking (See Section 14.2.4 paragraph 3).**

Option 4c of the Stacking Alternative [NOT ADOPTED]

Section 14.2.4 gives the Council the authority to create a permit stacking program and require that once permits are stacked they cannot be unstacked. However, tier limits are associated with the sablefish endorsement. In order to allow tier limits to be transferred separately from the sablefish endorsements, as specified in Option 4c, Section 14.2.6 paragraph 4 of the FMP would be amended to read:

14.2.6 Fixed Gear Sablefish Endorsements

4. ***If permits are stacked such that a single permit has multiple sablefish endorsements, sablefish endorsements and associated cumulative limits may be transferred to other sablefish-endorsed permits so long as at least one sablefish endorsement and associated tier limit remains with the permit. Fixed gear sablefish endorsements may not be transferred from permits on which there is only one fixed gear sablefish endorsement.*** ~~are not separable from the LE permit and therefore may not be transferred separately from the LE permit.~~

Options 7a and 7c of the Stacking Alternative [OPTION 7A ADOPTED]

Section 14.2.4 gives the Council the authority to create a permit stacking program and require that permit owners be on board the vessel when permits are stacked. However, Option 7a would require all permit owners to be on board while a vessel is participating in the primary fixed gear sablefish fishery, even when permits are not stacked. Additionally, for the purpose of implementing a grandfather clause, Options 7a and 7c would create a definition of change in ownership different from that in the FMP. To implement the grandfather clause Section 14.2.4 of the FMP would need to be modified as follows.

14.2.4 Ownership Restriction and Changes in Ownership

....

4. ***For the purpose of provisions specifically identified by the Council, NMFS may promulgate regulations which define a change in ownership of a permit as a change in the identity or ownership interest of a corporation or partnership owning a permit.***

To implement the owner-on-board requirement for permits that are not stacked (Option 7a), a new section (Section 14.2.12) would be added to the FMP:

14.2.12 Owner-on-board Requirements

In order to preserve the social and historic characteristics and practices in the fishery or to encourage the flow of fishery benefits into fishing communities, on the Council's recommendation, as it deems appropriate and consistent with the goals of the groundfish FMP and National Standards, NMFS may require permit owners to be on-board a vessel during fishing operations.

Option 9b of the Stacking Alternative [ADOPTED]

Under the extended season specified in Option 5a, vessels with fixed gear limited entry permits that do not have sablefish endorsements would not be able to operate for a substantial portion of the season.

If these vessels are to be provided a fixed gear sablefish opportunity during the primary fixed gear fishery, the following changes would be needed in the FMP language.

14.2.6 Fixed Gear Sablefish Endorsements

1. The permit and gear endorsement requirements of the license limitation program limit the number of vessels which may participate in the groundfish fishery, however, there is still substantial opportunity for vessels to shift between segments of the groundfish fishery. One of the segments of the limited entry fishery subject to an increase in the number of vessels participating is the limited entry fixed gear sablefish fishery. To prevent the movement of vessels from nonsablefish segments of the limited entry fixed gear groundfish fishery to the sablefish segment of the fishery, a fixed gear sablefish endorsement for limited entry permits is required for longline and fishpot gear limited entry vessels to take sablefish against the fixed gear limited entry allocation **and as part of the primary fishery, the major limited entry fixed gear sablefish harvest opportunities north of 36°N latitude. Such endorsements are not required to harvest under fixed gear limited entry daily-trip-limit or other regulations intended to allow low level or incidental harvest.** during periods of time specified in the regulations. The general intent is to require an endorsement to take part in the major limited entry fixed gear sablefish harvest opportunities north of 36°N latitude, but not when management measures are intended to allow only small or incidental sablefish harvests.

14.2.8 An LE Permit and Necessary Gear and Sablefish Fixed Gear Endorsements Will Be Held by the Owner of Record of the Vessel

6. A vessel owner may not use a vessel, or allow a vessel to be used, to catch any Council-managed sablefish with longline or fishpot gear against the LE fixed gear sablefish allocation ~~and under LE fixed gear sablefish regulations during fishing periods~~ **as part of the primary fixed gear sablefish fishery** specified in the regulations and north of 36°N latitude, unless the vessel owner holds an LE permit with a longline or fishpot gear endorsement and a fixed gear sablefish endorsement, and the LE permit has been registered with National Marine Fisheries Service (NMFS) for use with that vessel. **Sablefish endorsements are not required to harvest under fixed gear limited entry daily-trip-limit or other regulations intended to allow low level or incidental harvest.**

Option 10a of the Stacking Alternative [NOT ADOPTED]

14.2.4 Ownership Restriction and Changes in Ownership

1. Only entities (human beings, corporations, etc.) qualified to own a US fishing vessel may be issued or may hold (by ownership or otherwise) an LE permit **with the exception of limited entry longline and fishpot permits endorsed for sablefish. Longline and fishpot permits endorsed for sablefish maybe owned only by US citizens.** (Foreign ownership of LE permits should be limited to the maximum degree possible given what is allowed under the law.)

APPENDIX C: NATIONAL STANDARDS AND GROUND FISH FMP GOALS AND OBJECTIVES

National Standards

The following are the national standards that must be met by any action recommended by the Council. The national standards most relevant to permit stacking are italicized.

- (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
- (2) Conservation and management measures shall be based upon the best scientific information available.
- (3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
- (4) *Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*
- (5) *Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.*
- (6) *Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.*
- (7) *Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.*
- (8) *Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.*
- (9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.
- (10) *Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.*

Groundfish Fishery Management Plan

The following are the goals and objectives of the groundfish FMP. The goals and objectives most relevant to permit stacking are italicized.

Management Goals.

Goal 1 - Conservation. Prevent overfishing by managing for appropriate harvest levels and prevent any net loss of the habitat of living marine resources.

Goal 2 - Economics. Maximize the value of the groundfish resource as a whole.

Goal 3 - Utilization. Achieve the maximum biological yield of the overall groundfish fishery, promote year-round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

Objectives. To accomplish these management goals, a number of objectives will be considered and followed as closely as practicable:

Conservation.

Objective 1. Maintain an information flow on the status of the fishery and the fishery resource which allows for informed management decisions as the fishery occurs.

Objective 2. Adopt harvest specifications and management measures consistent with resource stewardship responsibilities for each groundfish species or species group.

Objective 3. For species or species groups which are below the level necessary to produce maximum sustainable yield (MSY), consider rebuilding the stock to the MSY level and, if necessary, develop a plan to rebuild the stock.

Objective 4. Where conservation problems have been identified for nongroundfish species and the best scientific information shows that the groundfish fishery has a direct impact on the ability of that species to maintain its long-term reproductive health, the Council may consider establishing management measures to control the impacts of groundfish fishing on those species. Management measures may be imposed on the groundfish fishery to reduce fishing mortality of a nongroundfish species for documented conservation reasons. The action will be designed to minimize disruption of the groundfish fishery, in so far as consistent with the goal to minimize the bycatch of nongroundfish species, and will not preclude achievement of a quota, harvest guideline, or allocation of groundfish, if any, unless such action is required by other applicable law.

Objective 5. Describe and identify essential fish habitat (EFH), adverse impacts on EFH, and other actions to conserve and enhance EFH, and adopt management measures that minimize, to the extent practicable, adverse impacts from fishing on EFH.

Economics.

Objective 6. *Attempt to achieve the greatest possible net economic benefit to the nation from the managed fisheries.*

Objective 7. Identify those sectors of the groundfish fishery for which it is beneficial to promote year-round marketing opportunities and establish management policies that extend those sectors fishing and marketing opportunities as long as practicable during the fishing year.

Objective 8. Gear restrictions to minimize the necessity for other management measures will be used whenever practicable.

Utilization.

Objective 9. Develop management measures and policies that foster and encourage full utilization (harvesting and processing) of the Pacific coast groundfish resources by domestic fisheries.

Objective 10. Recognizing the multispecies nature of the fishery and establish a concept of managing by species and gear or by groups of interrelated species.

Objective 11. Strive to reduce the economic incentives and regulatory measures that lead to wastage of fish. Develop management measures that minimize bycatch to the extent practicable and, to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. Promote and support monitoring programs to improve estimates of total fishing-related mortality and bycatch, as well as those to improve other information necessary to determine the extent to which it is practicable to reduce bycatch and bycatch mortality.

Objective 12. Provide for foreign participation in the fishery, consistent with the other goals to take that portion of the optimum yield (OY) not utilized by domestic fisheries while minimizing conflict with domestic fisheries.

Social Factors.

Objective 13. *When conservation actions are necessary to protect a stock or stock assemblage, attempt to develop management measures that will affect users equitably.*

Objective 14. Minimize gear conflicts among resource users.

Objective 15. *When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and environment.*

Objective 16. *Avoid unnecessary adverse impacts on small entities.*

Objective 17. *Consider the importance of groundfish resources to fishing communities, provide for the sustained participation of fishing communities, and minimize adverse economic impacts on fishing communities to the extent practicable.*

Objective 18. *Promote the safety of human life at sea.*

APPENDIX D: GROUND FISH FMP FRAMEWORK FOR REGULATORY PROCEDURES

Actions to amend the regulations without amending the groundfish FMP (regulatory amendments) would be taken under the authority of the following framework provision of the FMP.

6.2 General Procedures for Establishing and Adjusting Management Measures

Management measures are normally imposed, adjusted, or removed at the beginning of the fishing year, but may, if the Council determines it necessary, be imposed, adjusted, or removed at any time during the year. Management measures may be imposed for resource conservation, social or economic reasons consistent with the criteria, procedures, goals, and objectives set forth in the FMP.

Because the potential actions which may be taken under the two frameworks established by the FMP cover a wide range analyses of biological, social, and economic impacts will be considered at the time a particular change is proposed. As a result, the time required to take action under either framework will vary depending on the nature of the action, its impacts on the fishing industry, resource, environment, and review of these impacts by interested parties. Satisfaction of the legal requirements of other applicable law (e.g., the Administrative Procedure Act, Regulatory Flexibility Act, Executive Order 12291, etc.) for actions taken under this framework requires analysis and public comment before measures may be implemented by the Secretary.

Four different categories of management actions are authorized by this FMP, each of which requires a slightly different process. Management measures may be established, adjusted, or removed using any of the four procedures. The four basic categories of management actions are as follows:

A. Automatic Actions - Automatic management actions may be initiated by the NMFS Regional Administrator without prior public notice, opportunity to comment, or a Council meeting. These actions are nondiscretionary, and the impacts previously must have been taken into account. Examples include fishery, season, or gear type closures when a quota has been projected to have been attained. The Secretary will publish a single "notice" in the *Federal Register* making the action effective.

B. "Notice" Actions Requiring at Least One Council Meeting and One *Federal Register* Notice - These include all management actions other than "automatic" actions that are either nondiscretionary or for which the scope of probable impacts has been previously analyzed.

These actions are intended to have temporary effect, and the expectation is that they will need frequent adjustment. They may be recommended at a single Council meeting (usually November), although the Council will provide as much advance information to the public as possible concerning the issues it will be considering at its decision meeting. The primary examples are those management actions defined as "routine" according to the criteria in Section 6.2.1. These include trip landing and frequency limits for all gear types for widow rockfish, sablefish (including size limits), Pacific ocean perch, the *Sebastes* complex, nontrawl year-end trip limits for sablefish, and recreational bag limits for rockfish and lingcod. Previous analysis must have been specific as to species and gear type before a management measure can be defined as "routine" and acted upon at a single Council meeting. If the recommendations are approved, the Secretary will waive for good cause the requirement for prior notice and comment in the *Federal Register* and will publish a single "notice" in the *Federal Register* making the action effective. This category of actions presumes the Secretary will find that the extensive notice and opportunity for comment on these types of measures along with the scope of their impacts already provided by the Council will serve as good cause to waive the need for additional prior notice and comment in the *Federal Register*.

C. Abbreviated Rulemaking Actions Normally Requiring at Least Two Council Meetings and One *Federal Register* "Rule" - These include all management actions (1) being classified as "routine", or (2) intended to have permanent effect and are discretionary, and for which the impacts have not been previously analyzed. Examples include changes to or imposition of gear regulations, or imposition of landing or frequency limits for the first time on any species or species group, or gear type. The Council will develop and analyze the proposed

management actions over the span of at least two Council meetings (usually September and November) and provide the public advance notice and opportunity to comment on both the proposals and the analysis prior to and at the second Council meeting. If the Regional Administrator approves the Council's recommendation, the Secretary will waive for good cause the requirement for prior notice and comment in the *Federal Register* and publish a "final rule" in the *Federal Register* which will remain in effect until amended. If a management measure is designated as "routine" by "final rule" under this procedure, specific adjustments of that measure can subsequently be announced in the *Federal Register* by "notice" as described in the previous paragraphs. Nothing in this section prevents the Secretary from exercising the right not to waive the opportunity for prior notice and comment in the *Federal Register*, if appropriate, but presumes the Council process will adequately satisfy that requirement.

The primary purpose of the previous two categories of abbreviated notice and rulemaking procedures is to accommodate the Council's September-November meeting schedule for developing annual management recommendations, to satisfy the Secretary's responsibilities under the Administrative Procedures Act, and to address the need to implement management measures by January 1 of each fishing year.

It should be noted the two Council meeting process refers to two decision meetings. The first meeting to develop proposed management measures and their alternatives, the second meeting to make a final recommendation to the Secretary. For the Council to have adequate information to identify proposed management measures for public comment at the first meeting, the identification of issues and the development of proposals normally must begin at a prior Council meeting, usually the July Council meeting.

D. Full Rulemaking Actions Normally Requiring at Least Two Council Meetings and Two *Federal Register* Rules (Regulatory Amendment) - These include any proposed management measure that is highly controversial or any measure which directly allocates the resource. The Council normally will follow the two meeting procedure described for the abbreviated rulemaking category. The Secretary will publish a "proposed rule" in the *Federal Register* with an appropriate period for public comment followed by publication of a "final rule" in the *Federal Register*.

Management measures recommended to address a resource conservation issue must be based upon the establishment of a "point of concern" and consistent with the specific procedures and criteria listed in Section 6.2.2.

Management measures recommended to address social or economic issues must be consistent with the specific procedures and criteria described in Section 6.2.3.

6.2.1 Routine Management Measures

"Routine" management measures are those the Council determines are likely to be adjusted on an annual or more frequent basis. Measures are classified as "routine" by the Council through either the full or abbreviated rulemaking process (C. or D. above). In order for a measure to be classified as "routine", the Council will determine that the measure is of the type normally used to address the issue at hand and may require further adjustment to achieve its purpose with accuracy.

As in the case of all proposed management measures, prior to initial implementation as "routine" measures, the Council will analyze the need for the measures, their impacts, and the rationale for their use. Once a management measure has been classified as "routine" through one of the two rulemaking procedures outlined above, it may be modified thereafter through the single meeting "notice" procedure (B. above) only if (1) the modification is proposed for the same purpose as the original measure, and (2) the impacts of the modification are within the scope of the impacts analyzed when the measure was originally classified as "routine." The analysis of impacts need not be repeated when the measure is subsequently modified if the Council determines that they do not differ substantially from those contained in the original analysis. The Council may also recommend removing a "routine" classification.

Experience gained from management of the Pacific coast groundfish fishery indicates that certain measures usually require modification on a frequent basis to ensure that they meet their stated purpose with accuracy. These measures are commercial trip landing limits and trip frequency limits, including landing frequency and

notification requirements and recreational bag limits as they have been applied to specific species, species groups, sizes of fish, and gear types. Their purpose in application to the commercial fishery has consistently been either to stretch the duration of the fishery so as not to disturb traditional fishing and marketing patterns, to reduce discards and wastage, or to discourage targeted fishing while allowing small incidental catches when attainment of a harvest guideline or quota is imminent. For the recreational fishery, bag and size limits have been imposed to spread the available catch over a large number of anglers, to avoid waste, and to provide consistency with state regulations.

As of October 1998, the measures listed below by species and gear type had been classified as "routine" measures through the rulemaking process. Recreational bag and size limits have also been designated as "routine."

Limited Entry Trip Landing and Frequency Limits

Widow rockfish - all gear
Sebastes complex - all gear
Yellowtail rockfish - all gear
Canary rockfish - all gear
Bocaccio - all gear
Pacific ocean perch - all gear
Sablefish (including size limits)
 trawl gear
 nontrawl gear
Dover sole - all gear
Thornyhead rockfish (separately or combined) - all gear
Pacific whiting - all gear
Lingcod (including size limits) - all gear

Open Access Trip Landing and Frequency Limits

All groundfish species, separately or in any combination - all gear types

Recreational Bag and Size Limits

Lingcod
Rockfish

Any measure designated as "routine" for one specific species, species group, or gear type may not be treated as "routine" for a different species, species group, or gear type without first having been classified as "routine" through the rulemaking process.

The Council will conduct a continuing review of landings of those species for which harvest guidelines, quotas, optimum yields (OYs) or specific "routine" management measures have been implemented and will make projections of the landings at various times throughout the year. If in the course of this review it becomes apparent the rate of landings is substantially different than anticipated and that the current "routine" management measures will not achieve the annual management objectives, the Council may recommend inseason adjustments to those measures. Such adjustments may be implemented through the single meeting "notice" procedure.

6.2.2 Resource Conservation Issues - The "Points of Concern" Framework

The "points of concern" process is the Council's second major tool (along with setting harvest levels) in exercising its resource stewardship responsibilities. The process is intended to foster a continuous and vigilant review of the Pacific coast groundfish stocks and fishery to prevent unintended overfishing or other resource damage. To facilitate this process a Council-appointed management team (the Groundfish Management Team [GMT] or other entity) will monitor the fishery throughout the year, taking into account any new information on the status of each species or species group to determine whether a resource conservation issue exists that

requires a management response. The Council developed the "points of concern" criteria to assist it in determining when a focused review on a specific species or species group is warranted which might result in the need to recommend the implementation of specific management measures to address the resource conservation issue. The FMP authorizes the Council to act based solely on the "points of concern," which allows the Council to respond quickly and directly to a resource conservation issue. In conducting this review, the GMT or other entity will utilize the most current catch, effort, and other relevant data from the fishery.

In the course of the continuing review, a "point of concern" occurs when any one or more of the following is found or expected:

1. Catch for the calendar year is projected to exceed the best current estimate of acceptable biological catch (ABC) for those species for which a harvest guideline or quota is not specified.
2. Catch for the calendar year is projected to exceed the current harvest guideline or quota.
3. Any change in the biological characteristics of the species/species complex is discovered such as changes in age composition, size composition, and age at maturity.
4. Exploitable biomass or spawning biomass is below a level expected to produce MSY for the species/species complex under consideration.
5. Recruitment is substantially below replacement level.
6. Estimated bycatch of a species or species group increases substantially above previous estimates, or there is information that abundance of a bycatch species has declined substantially.
7. Impacts of fishing gear on EFH are discovered and modification to gear or fishing regulations could reduce those impacts.

Once a "point of concern" is identified, the GMT will evaluate current data to determine if a resource conservation issue exists and will provide its findings in writing at the next scheduled Council meeting. If the GMT determines a resource conservation issue exists, it will provide its recommendation, rationale, and analysis for the appropriate management measures that will address the issue.

In developing its recommendation for management action, the Council will choose an action from one or more of the following categories which include the types of management measures most commonly used to address resource conservation issues.

- Harvest guidelines
- Quotas
- Cessation of directed fishing (foreign, domestic or both) on the identified species or species group with appropriate allowances for incidental harvest of that species or species group
- Size limits
- Landing limits
- Trip frequency limits
- Area or subarea closures
- Time closures
- Seasons
- Gear limitations, which include, but are not limited to, definitions of legal gear, mesh size specifications, codend specifications, marking requirements, and other gear specifications as necessary.
- Observer coverage
- Reporting requirements
- Permits
- Other necessary measures

Direct allocation of the resource between different segments of the fishery is, in most cases, not the preferred response to a resource conservation issue. Council recommendations to directly allocate the resource will be developed according to the criteria and process described in Section 6.2.3, the socioeconomic framework.

After receiving the GMT's report, the Council will take public testimony and, if appropriate, will recommend management measures to the NMFS Regional Administrator accompanied by supporting rationale and analysis of impacts. The Council's analysis will include a description of (a) how the action will address the resource conservation issue consistent with the objectives of the FMP; (b) likely impacts on other management measures,

other fisheries and bycatch; (c) economic impacts, particularly the cost to the commercial and recreational segments of the fishing industry; and (d) impacts on fishing communities.

The NMFS Regional Administrator will review the Council's recommendation and supporting information and will follow the appropriate implementation process described in Section 6.2 depending on the amount of public notice and comment provided by the Council and the intended permanence of the management action. If the Council contemplates the need for frequent adjustments to the recommended measures, it may classify them as "routine" through the appropriate process described in Section 6.2.1.

If the NMFS Regional Administrator does not concur with the Council's recommendation, the Council will be notified in writing of the reasons for the rejection.

Nothing in this section is meant to derogate from the authority of the Secretary to take emergency action under Section 305(c) of the Magnuson-Stevens Act.

6.2.3 Nonbiological Issues--The Socioeconomic Framework

From time to time non-biological issues may arise which require the Council to recommend management actions to address certain social or economic issues in the fishery. Resource allocation, seasons, or landing limits based on market quality and timing, safety measures, and prevention of gear conflicts make up only a few examples of possible management issues with a social or economic basis. In general, there may be any number of situations where the Council determines that management measures are necessary to achieve the stated social and/or economic objectives of the FMP.

Either on its own initiative or by request, the Council may evaluate current information and issues to determine if social or economic factors warrant imposition of management measures to achieve the Council's established management objectives. Actions that are permitted under this framework include all of the categories of actions authorized under the "points of concern" framework with the addition of direct resource allocation.

If the Council concludes that a management action is necessary to address a social or economic issue, it will prepare a report containing the rationale in support of its conclusion. The report will include the proposed management measure, a description of other viable alternatives considered, and an analysis that addresses the following criteria (a) how the action is expected to promote achievement of the goals and objectives of the FMP; (b) likely impacts on other management measures, other fisheries and bycatch; (c) biological impacts; (d) economic impacts, particularly the cost to the fishing industry; (e) impacts on fishing communities; and (f) how the action is expected to accomplish at least one of the following:

1. Enable a quota, harvest guideline, or allocation to be achieved.
2. Avoid exceeding a quota, harvest guideline, or allocation.
3. Extend domestic fishing and marketing opportunities as long as practicable during the fishing year, for those sectors for which the Council has established this policy.
4. Maintain stability in the fishery by continuing management measures for species that previously were managed under the points of concern mechanism.
5. Maintain or improve product volume and flow to the consumer.
6. Increase economic yield.
7. Improve product quality.
8. Reduce anticipated bycatch and bycatch mortality.
9. Reduce gear conflicts, or conflicts between competing user groups.
10. Develop fisheries for underutilized species with minimal impacts on existing domestic fisheries.
11. Increase sustainable landings.
12. Increase fishing efficiency.
13. Maintain data collection and means for verification.
14. Maintain or improve the recreational fishery.
15. Any other measurable benefit to the fishery.

The Council, following review of the report, supporting data, public comment and other relevant information, may recommend management measures to the NMFS Regional Administrator accompanied by relevant background

data, information, and public comment. The recommendation will explain the urgency in implementation of the measure(s), if any, and reasons therefore.

The NMFS Regional Administrator will review the Council's recommendation, supporting rationale, public comments, and other relevant information, and, if it is approved, will undertake the appropriate method of implementation. Rejection of the recommendation will be explained in writing.

The procedures specified in this chapter do not affect the authority of the Secretary to take emergency regulatory action as provided for in Section 305(c) of the Magnuson-Stevens Act if an emergency exists involving any groundfish resource, or to take such other regulatory action as may be necessary to discharge the Secretary's responsibilities under Section 305(d) of the Magnuson-Stevens Act.

If conditions warrant, the Council may designate a management measure developed and recommended to address social and economic issues as a "routine" management measure provided that the criteria and procedures in Section 6.2.1 are followed.

Quotas, including allocations, implemented through this framework will be set annually and may be modified inseason only to reflect technical corrections of acceptable biological catch (ABC). (In contrast, quotas may be imposed at any time of year for resource conservation reasons under the points of concern mechanism.)

6.2.3.1 Allocation

In addition to the requirements described in Section 6.2.3, the Council will consider the following factors when intending to recommend direct allocation of the resource.

1. Present participation in and dependence on the fishery, including alternative fisheries.
2. Historical fishing practices in, and historical dependence on, the fishery.
3. The economics of the fishery.
4. Any consensus harvest sharing agreement or negotiated settlement between the affected participants in the fishery.
5. Potential biological yield of any species or species complex affected by the allocation.
6. Consistency with the Magnuson-Stevens Act national standards.
7. Consistency with the goals and objectives of this FMP.

The modification of a direct allocation cannot be designated as "routine" unless the specific criteria for the modification have been established in the regulations.