

LIMITED ENTRY FIXED GEAR SABLEFISH
PERMIT STACKING AND SEASON FOR 2001 AND BEYOND

Situation: The NMFS report under this agenda item will cover three areas: (1) progress on the implementation of Amendment 14 (fixed gear sablefish permit stacking and season extension), (2) season opening date and cumulative limits for the 2001 fishery, and (3) aspects of Amendment 14 requiring clarification with respect to Council intent.

At its November 2001 meeting, the Council adopted permit stacking and a lengthened season for the primary fixed gear sablefish fishery. For 2001, the fishery is to open as soon as possible after April 1 and close on October 31. The Council's November 2001 newsletter announced an intent to open the season by August 1, 2001 but warned the need to address numerous other matters of higher priority could delay implementation. The first day of the NMFS process for considering Amendment 14 was April 30, 2001. This process generally takes a minimum of just over 90 days. Based on the required minimum times necessary to implement a plan amendment, an August 1 opening may be difficult.

Under the new management system, cumulative limits for the fishery are a straight forward calculation based on the number of permits in each tier and the total sablefish available for harvest. At the November Council meeting, the Groundfish Management Team advised the Council that if the primary fixed gear sablefish season were to be extended the assumed discard mortality rate should be raised to 8% of landed catch. As a consequence, landed catch will be reduced to keep the fishery within the total fishing mortality target. The cumulative limits developed by NMFS will be based on the 8% discard mortality rate.

NMFS will be asking for guidance on Council intent with respect to a number of Amendment 14 provisions. One area that will require careful consideration is determining what constitutes participation in the primary fixed gear sablefish fishery. This interpretation is key for the application of at least three provisions: (1) allowing vessels with stacked permits for different gears to switch freely between gears even if the permit for one of the fixed gears has a size endorsement too small for the vessel (Provision 2 in Amendment 14); (2) requiring vessels owners to be on board during sablefish operations (Provision 5); and (3) requiring advance declaration of intent to land (Provision 11).

Options for specifying when the provisions apply include: (1) to apply for any landing of sablefish during the primary season (regardless of how few pounds are landed); (2) to apply for any landing of sablefish made against the vessels cumulative limit (this would include landings of only a few pounds, if the landing is made prior to the time the vessel exhausts its cumulative limit); (3) to apply for any landing made in excess of the allowance for small directed and incidental harvest (under the proposed regulatory scheme this would be the daily-trip-limit regulations). Selection of any one of these options will have advantages and disadvantages for vessel operations. For example, defining participation to occur any time sablefish are landed during the primary sablefish season (April 1-October 1) would allow vessels with permits for longline and fishpot gear to switch freely between gears regardless of the groundfish species targeted, so long as the vessel took at least a few pounds of sablefish. However, under this definition of participation, any time a few pounds of sablefish were harvested, the permit owner would have to be on board the vessel, otherwise the sablefish would have to be discarded; and any landing with sablefish in it would require the fisher provide advance notice of landing.

The specification of when requirements apply need not be the same for each provision and there are likely more options than are listed here. For example, provisions allowing the switching of gears might apply only when more than half the fish on board are sablefish. The owner-on-board and advance notice requirements might apply for any landing in excess of that allowed under the daily-trip-limit provisions. Additional information on this and other issues requiring clarification will be provided in the NMFS report.

Council Action:

1. **Provide additional comment on regulations for the 2001 season, if needed.**
2. **Provide guidance on interpretation of Council intent with respect to provisions of Amendment 14.**

Reference Materials:

1. Exhibit C.7.b, Supplemental NMFS Report.

PFMC
05/25/01