

AMENDMENT 14 (PERMIT STACKING) IMPLEMENTATION ISSUES FOR 2002 AND BEYOND

NMFS Northwest Region is drafting a Proposed Rule to implement those Amendment 14 management measures that were not implemented through the 2001 season final rule, published on August 7, 2001. Proposed regulatory changes for 2002 and beyond would include: a primary season framework so that the season may be of any duration within the period April 1 through October 31; permit owners would be required to document their ownership interests in their permits to ensure that no person holds more than three permits; vessels that do not meet minimum frozen sablefish historic landing requirements would not be allowed to process sablefish at sea; an owner-on-board requirement for permit owners who did not own sablefish endorsed permits on November 1, 2000; and the definition of the term "base permit."

When the Council adopted regulatory recommendations to implement Amendment 14, it recommended that NMFS require vessels to provide six hours' notice when making sablefish landings during the primary season. This provision was included in the regulatory recommendations because a similar provision is in place for the Alaska halibut/sablefish individual fishing quota (IFQ) fishery. For the Alaska fisheries, the hail-in requirement was part of the original IFQ/CDQ program first proposed at 57 FR 57130, on December 3, 1992. In that proposed rule, NMFS wrote:

"A capability to monitor an IFQ landing and enforce provisions of the IFQ rules is necessary to all IFQ landings. A requirement to give prior notice of an IFQ landing is proposed to satisfy this need. The operator of any vessel making an IFQ landing would be required to give NMFS notice of the landing no less than 6 hours before landing IFQ species...The intent of this requirement is to give monitoring and enforcement personnel an option of observing the landing and inspecting the vessel making the landing. The real potential of such monitoring is expected to inspire most fishermen to comply with reporting and landing requirements..."

NMFS discussed the merits of requiring hail-in for West Coast sablefish landings internally between its Northwest, Southwest, and Alaska Regions, and between the management and enforcement branches of the agency. The agency has determined that this hail-in requirement would be unnecessarily burdensome for fishers and less useful in enforcing West Coast fisheries regulations than it may be in Alaska waters. Over 1,000 vessels participate in the sablefish/halibut IFQ fisheries off Alaska, each landing a vessel-specific amount of fish based on that vessel's particular quota shares. In the West Coast primary sablefish fishery, there are only 164 sablefish-endorsed permits, which means that no more than 164 vessels could participate in the fishery. Additionally, each permit is assigned to one of three tiers, which means that there is a limited number of possible landings amounts available to the vessels participating in the primary fishery. This relatively simple cumulative limit system and the small number of vessels involved make a hail-in requirement unnecessary. NMFS does not now have hail-in requirements for any other West Coast groundfish species or fishery and does not believe that primary sablefish season cumulative limit management differs significantly enough from the rest of the groundfish fishery's cumulative limit management to warrant this additional enforcement and reporting burden.

NMFS would be pleased to hear any comments the Council and its advisory entities may have on this issue, and would incorporate those comments into the preamble text of the Proposed Rule to implement additional Amendment 14 regulatory measures for 2002 and beyond.