

JUNE 2001 COUNCIL MINUTES, EXCERPT

C.7. Limited Entry Fixed Gear Sablefish Permit Stacking and Season for 2001 and Beyond

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C.7.b. NMFS Report on Implementation Status, Needed Clarifications, and Cumulative Limits

[Exhibit E.3.a, Attachment 4, April 2002]

C.7.c. Comments of Advisory Bodies

GAP

Mr. Frank Warrens read the report of the GAP.

The Groundfish Advisory Subpanel (GAP) met with NMFS staff to discuss implementation issues for nontrawl sablefish permit stacking. The GAP used Exhibit C.7.b, "Supplemental NMFS Report" as the basis for its discussions, and this statement reflects comments made on that document.

Requirements for Permit Holders

Issue 1 (Owner on Board) - the GAP believes a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.

Issue 2 (Gear Use for Permits with Different Size Endorsements) - the GAP believes option (a) makes the most sense, and notes NMFS's concerns with enforceability of other options.

Issue 3 (Advance Notice of Landings) - the GAP agrees with NMFS that option (b) is the best choice, again citing the problems with enforcement. The GAP further suggests a maximum time for notification of 24 hours be established. The GAP appreciates the input provided by the Enforcement Consultants in resolving this issue.

Owner on Board Exemption

The GAP believes a modified option (b) would be the best choice. The modification consists of removing the language regarding "for at least one half of the primary season." GAP members note that vessels are engaged in a variety of fisheries and permit holders may choose to conduct their sablefish fishery late in the season. If an injury occurs just before a vessel begins fishing in September, for example, most of the primary season will have been exhausted and an exemption would not be allowed.

Ownership versus "Holdership"

The GAP believes the intent of this language was to grandfather ownership of permits, but a person cannot hold more than 3 permits for the purposes of stacking.

Mid-Season Transfers

The GAP notes that both the Alaska individual transferable quota longline fishery and the Canadian groundfish fishery have moved to use of a "card-swipe" system to track landings. The GAP believes a similar system would have benefits for management of all groundfish fisheries in this region and urges NMFS to invest the necessary funds to establish such a system. Given the work now being done on electronic logbooks by NMFS Northwest Fisheries Science Center, such a system might have even greater benefits for enforcement and data collection.

At-sea Processing

In supporting an exemption window, the GAP intended to recognize investments in freezing equipment made by fishermen prior to approval of Amendment 14. The GAP believes evidence of such investments can be clearly demonstrated through receipts from buyers or exporters purchasing frozen product, receipts from equipment and packaging suppliers, and invoices from shipyards where freezer equipment has been installed.

EC

Sgt. Dave Cleary read the report of the Enforcement Consultants.

The Enforcement Consultants (EC) discussed the issues outlined in Exhibit C.7.b, Supplemental NMFS Report.

Issue 1 - Owner on Board

The three options are policy decisions and language could be adopted to enforce all three.

The EC spoke with the Groundfish Advisory Subpanel (GAP), and they have an option that states:

...a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.

The EC supports that option.

The EC would ask that the permits, when issued, simply state whether owner on board is required.

Issue 2 - Gear Use for Permits with Different Size Endorsements

The EC sees this again as a policy issue. The EC does not have the capability to monitor the fishing activities of the fleet for six months at sea as well as dockside (on a trip-by-trip basis). Our recommendation is that as the permits are stacked, the vessel would be endorsed for both gears and would be limited only by the limited entry limits when using any of the listed gears.

If the boat then went to another fishery using open access gear (hook-and-line), the boat would be required to abide by the most restrictive limit.

Issue 3 - Advance Notice of Landings

The EC had a short discussion with the GAP and NMFS on this issue. We need to look at the logistics of maintaining a call-in system for six months.

In the past, call-in systems have been used for short durations or for small numbers of vessels, rather than for a longer season with many vessels. We would like to explore what is being done in Alaska.

Owner on Board Exemption

The EC asks that NMFS look at requiring documentation from a doctor in the event of an illness, or possibly limiting the ability to use an exemption to once in a three-year period.

C.7.e. **Council Action:** Consider Implementation of Limited Entry Fixed Gear Sablefish Permit Stacking and Season for 2001 and Beyond (Advice to NMFS)

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Mr. Brown, commented that the notification requirement does not go into effect until 2002, this will give the enforcement consultants time to talk about it how best to apply it.

VOTING LOG

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MOTION 6: On the issue of implementing the limited entry fixed gear sablefish permit stacking and season for 2001 and beyond (as advice to NMFS), accept the GAP recommendations as outlined in their report (Exhibit C.7.c), except under Issue 2, choose option (b). For clarification, include the conversion of round weight for freezing and the start date would be August 15 as recommended by NMFS .

Moved by: Donald Hansen
Motion 6 passed.

Seconded by: LB Boydston

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