

Sablefish Permit Stacking Regulations - Amendment 14b

(4/04)

Through Amendment 14 to the groundfish FMP, a basic permit stacking program for the limited entry fixed gear sablefish fishery participants was implemented in August 2001 (regulatory amendment 14a). Initially, only the basic provisions of the permit stacking program were implemented to get the program started and allow time to get clarification on some of the more complex provisions. NMFS intends to propose 2 additional regulatory amendments, Amendments 14b&c, that would implement the remaining provisions of the permit stacking program. The provisions left to be implemented and the amendments they will be associated with are listed in the table below. The second regulatory amendment, 14b, will implement the ownership interest, certification for mid-season transfers and base permit provisions. The remaining provisions, to be implemented through the third regulatory amendment, 14c, require further analysis to determine the need for the provision or, for the fee program, the appropriate fees to charge. A schedule for these additional regulatory amendments is provided at the bottom of this sheet.

Provision	Regulatory Amendment
1) Ownership interest: Permit owners would be required to document their ownership interests in their permits to ensure that no person holds or has ownership interest in more than three permits	14b
2) Certification for mid-season transfers: Permit transferors would be required to certify sablefish landings during mid-season transfers	14b
3) Base Permit: A definition of the term "base permit"	14b
4) Owner-on-board: An owner-on-board requirement for permit owners who did not own sablefish-endorsed permits as of November 1, 2000	14c
5) Add spouse to permit: An opportunity for individual permit owners who owned a sablefish-endorsed permit as of November 1, 2000 to add their spouse as co-owner on the permit	14c
6) At-sea processing: Vessels that do not meet minimum frozen sablefish historic landing requirements would not be allowed to process sablefish at sea	14c
7) Fee Program: required under section 304(d)(2) of the Magnuson-Stevens Act to cover IFQ program costs	14c

Further possible requirements of the permit stacking program that could be implemented through regulatory amendment 14c include:

1. % ownership interest which triggers owner-on-board requirement for individuals in partnerships or corporations who did not own a permit as an individual before November 1, 2000. (additional NEPA analysis required)
2. cap on number of permits that can be leased (GAP to revisit)

SCHEDULE:

Move forward through proposed and final rule on those items in table above selected for the second regulatory amendment, 14b, then consider implementation of further permit stacking requirements mentioned in table above.

Timeline

April 2004	Provide briefing at April Council meeting during NMFS Report
April-Sept 2004	Draft proposed rule and PRA package for second regulatory amendment, 14b
September 2004	Bring proposed rule for 14b to Council in September and discuss 14c plans
Fall 2004	New ownership interest forms would go out to fleet with permit renewal package