



Pacific Fishery Management Council

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Herbert A. Pollard II, Chair | Charles A. Tracy, Executive Director

November 23, 2016

Mr. Barry A. Thom
Regional Administrator
NOAA National Marine Fisheries Service
West Coast Region
1201 Northeast Lloyd Boulevard, Suite 1100
Portland, OR 97232

Dear  Mr. Thom:

The Pacific Fishery Management Council (Council) and its advisors met November 13-21, 2016, in Garden Grove, California to consider, among other matters, inseason management issues. Under that item, the Council recommended correcting an error recently discovered with respect to the apportionment of sablefish annual catch limits (ACLs) proposed for 2017 and 2018, as well as groundfish fishery management measures consistent with correcting that error. This letter transmits the Council's recommendations for revising the apportionment of sablefish ACLs and management measures responsive to that reapportionment.

Reapportionment of 2017 and 2018 Sablefish Annual Catch Limits

The National Marine Fisheries Service (NMFS) recently published the proposed rule for 2017 and 2018 groundfish harvest specifications and management measures ([Agenda Item F.1.a, Supplemental NMFS Report 3, November 2016](#)) proposing the Council's preferred alternatives. The proposed rule apportioned the coastwide 2017 and 2018 ACLs of sablefish north and south of 36° N. lat. according to the relative biomass reported in the [2015 sablefish update assessment](#) of 15.1 percent in the south and 84.9 percent in the north to determine ACLs north and south. However, that apportionment represented the estimated relative biomass north and south of Pt. Conception at 34° 27' N. lat. rather than 36° N. lat., the sablefish management line. The recalculated relative sablefish biomass north and south of 36° N. lat. according to the status quo methodology, as described in the [2011 sablefish assessment](#), resulted in 26.2 percent of the biomass in the south and 73.8 percent in the north.

The 2003-2014 average swept-area estimates of abundance for the survey stratum extending from 34° 27' N. lat. to 40° 10' N. lat. were recalculated using two strata, divided at 36° N. lat. The swept-area estimates were used because the current General Linear Mixed Model (GLMM) software was unable to reliably estimate abundance for the small stratum between 34° 27' N. lat. and 36° N. lat. Over this period, 15.1 percent of the biomass was estimated to be south of 34° 27' N. lat. and another 32.9 percent in the stratum between 34° 27' N. lat. and 40° 10' N. lat. Of that, 33.8 percent of the swept-area biomass was found to be south of 36° N. lat. This means that on average over the period 2003-2014, 26.2 percent of the coast-wide sablefish biomass is estimated to have been located south of 36° N. lat. ($15.1\% + (32.9\% \times 33.8\%) = 15.1\% + 11.1\% = 26.2\%$).

The Council received input from industry representatives on their Groundfish Advisory Subpanel ([Agenda Item F.1.c, Supplemental GAP Report, November 2016](#)), as well as input through public comment, to correct this error as quickly as possible. It is noteworthy there was not one comment recommending against fixing this error expeditiously, even from those fishermen and processors targeting sablefish north of 36° N. lat. who would have benefitted from implementing the higher ACLs based on the incorrect apportionment. The Council therefore requests the apportionment in the proposed rule be corrected as quickly as possible. The rationale for this request is further detailed as follows.

Sablefish is the most valuable stock in the west coast groundfish fishery on a per-pound basis, and an unintentional reallocation is highly problematic. Fisheries targeting sablefish have long been managed using the 36° N. lat. management line, and the management system is quite different north and south of that line. As described in the Pacific Coast Groundfish Fishery Management Plan (FMP) and regulations, formal sector allocations of sablefish vary north and south of 36° N. lat. This error represents a potential shift worth millions of dollars in ex-vessel value from south to north. The disruption to the fishery associated with an unintentional reallocation of sablefish is significant. The methodology of using trawl survey swept-area biomass estimates and the ensuing apportionment resulting from these biomass estimates has been in place since 2009. The sector allocations and tier limits north and south of the 36° N. lat. management line under the two apportionment scenarios are detailed in [Agenda Item F.1, Supplemental Attachment 1, November 2016](#).

The FMP provides an expeditious pathway for fixing computational errors. Section 5.5.1 in the FMP stipulates, "...OFLs, ABCs, ACLs, OYs, ACTs, HGs, and quotas may only be modified in cases where a harvest specification announced at the beginning of the biennial fishing period is found to have resulted from incorrect data or from computational errors. If the Council finds that such an error has occurred, it may recommend the Secretary publish a notice in the Federal Register revising the incorrect harvest specification at the earliest possible date." An expeditious correction of the sablefish ACL apportionment is particularly important, given that any downward adjustment of ACLs inseason cannot be done equitably since yield cannot be withdrawn from trawl individual fishing quota accounts inseason. Nor can tier limits be lowered inseason after the start of the primary sablefish fishery on April 1, 2017. Industry representatives further emphasized the need for quick resolution of this matter in order for them to make business plans.

Adjustments to Proposed 2017 Management Measures

The Council is also recommending adjustments to 2017 cumulative landing limits for sablefish that are responsive to the recommended reapportionment of proposed sablefish ACLs. The recommended cumulative landing limits are as follows:

Limited Entry Fixed Gear North of 36° N. lat.: 1,100 lbs./week, not to exceed 3,300 lbs. bimonthly;

Open Access Fixed Gear North of 36° N. lat.: 300 lbs./day or 1 landing per week up to 900 lbs., not to exceed 1,800 lbs. bimonthly;

Limited Entry Fixed Gear South of 36° N. lat.: 2,000 lbs./week.

The Council recommends these cumulative landing limits be implemented by January 1, 2017.

Should your staff have any questions regarding the Council's recommendations, please have them contact Mr. John DeVore or Ms. Kelly Ames at the Council office.

Sincerely,

A handwritten signature in cursive script, reading "Charles A. Tracy".

Charles A. Tracy
Executive Director

JDD:kma

Enclosure: Agenda Item F.1.a, Supplemental Attachment 1, November 2016

Cc: Pacific Council Members

Mr. Steve Freese
Mr. Frank Lockhart
Mr. Benjamin Mann
Ms. Gretchen Hanshew
Ms. Mariam McCall
Ms. Sheila Lynch
GAP Members
GMT Members

POTENTIAL REVISION TO SABLEFISH APPORTIONMENT OF 2017 AND 2018
ANNUAL CATCH LIMITS

The National Marine Fisheries Service (NMFS) recently published the proposed rule for 2017 and 2018 groundfish harvest specifications and management measures ([Agenda Item F.1.a, Supplemental NMFS Report 3, November 2016](#)) proposing the Council's final preferred alternative (FPA). The Council's FPA and the proposed rule apportioned the coastwide 2017 and 2018 annual catch limits (ACLs) of sablefish north and south of 36° N lat. according to the relative biomass reported in the [2015 sablefish update assessment](#) of 15.1% in the south and 84.9% in the north to determine ACLs north and south. However, that apportionment represented the estimated relative biomass north and south of Pt. Conception at 34°27' N lat. rather than 36° N lat. Upon discovering that error, Dr. Owen Hamel recalculated the relative sablefish biomass north and south of 36° N lat. according to the status quo methodology, as described in the [2011 sablefish assessment](#), resulting in 26.2% in the south and 73.8% in the north.

Table 1 compares the 2017 and 2018 ACLs north of 36° N lat. under the two apportionment scenarios and Table 2 compares the 2017 and 2018 ACLs south of 36° N lat. under the two apportionment scenarios. Table 3 provides the limited entry fixed gear allocations for the sablefish fishery north of 36° N lat. under the two ACL apportionment scenarios and Table 4 provides the same comparison for the northern open access fishery. Table 5 provides the non-trawl sector allocations for the sablefish fishery south of 36° N lat. under the two ACL apportionment scenarios; both scenarios allocate the non-trawl harvest guideline 70% to the LE fixed gear sector and 30% to the OA fixed gear sector as per the Council's FPA. Table 6 and Table 7 provide the sablefish trip limits for the fixed gear fisheries north and south of 36° N lat., respectively under the apportionment in the proposed rule. The GMT will provide alternative trip limits under the revised ACL apportionment scenario in a supplemental report under Agenda Item F.3 – Inseason Management. Table 8 and Table 9 show the values for the trawl sectors under the two ACL apportionment scenarios.

The Council should consider whether they would rather maintain the original proposed apportionment and ACLs in the proposed rule or revise the ACLs according to the revised apportionment. There may also be consideration for inseason adjustments to 2017 sablefish management measures under Agenda Item F.3 if the Council signals a desire to revise the ACL apportionment.

Table 1. Estimates of tribal, research, recreational (Rec), and EFP mortality (in mt), used to calculate the fishery sablefish commercial harvest guidelines north of 36° N. latitude for 2017 and 2018 under two ACL apportionment scenarios.

Stock	Year	ACL (mt)	Tribal Share (mt) a/	Research (mt)	Rec. (mt)	EFP (mt)	Commercial HG (mt)
Sablefish N. of 36° N. lat.	Apportionment under the proposed rule (i.e., 15.1% S, 84.9% N)						
	2017	6,041	604	26	6.1	1	5,404
	2018	6,299	630	26	6.1	1	5,636
	Revised apportionment (i.e., 26.2% S, 73.8% N)						
	2017	5,252	525	26	6.1	1	4,694
	2018	5,475	548	26	6.1	1	4,894

^{a/} The sablefish allocation to Pacific coast treaty Indian Tribes would be 10 percent of the sablefish ACL for the area north of 36° N. lat. This allocation represents the total amount available to the treaty Indian fisheries before deductions for discard mortality.

Table 2. Estimates of tribal, research, incidental open access, and EFP mortality (in mt), used to calculate the fishery sablefish commercial harvest guidelines south of 36° N. latitude for 2017 and 2018 under two ACL apportionment scenarios.

Stock	Year	ACL (mt)	Research (mt)	Inc. OA (mt)	EFP (mt)	Commercial HG (mt)
Sablefish S. of 36° N. lat.	Apportionment under the proposed rule (i.e., 15.1% S, 84.9% N)					
	2017	1,075	3	2	0	1,070
	2018	1,120	3	2	0	1,115
	Revised apportionment (i.e., 26.2% S, 73.8% N)					
	2017	1,864	3	2	0	1,859
	2018	1,944	3	2	0	1,939

Table 3. FMP allocations of sablefish north of 36° N. latitude for the limited entry fixed gear fishery under two ACL apportionment scenarios.

Year	Com. HG	LE Share	LEFG Share (mt)				Estimated Tier Limits (lbs)		
			LE FG Total Catch Share	Landed Catch Share a/	Primary Season Landed Share	LEFG DTL Landed Share	Tier 1	Tier 2	Tier 3
Apportionment under the proposed rule (i.e., 15.1% S, 84.9% N)									
2017	5,404	4,896	2,056	1,982	1,685	297	51,947	23,612	13,493
2018	5,636	5,106	2,145	2,067	1,757	310	54,179	24,627	14,072
Revised apportionment (i.e., 26.2% S, 73.8% N)									
2017	4,694	4,252	1,786	1,722	1,463	258	45,120	20,509	11,720
2018	4,894	4,434	1,862	1,795	1,526	269	47,050	21,386	12,221

^{a/} The limited entry and open access fixed gear total catch shares are reduced by the anticipated discard mortality of sablefish, based on WCGOP data from 2002 to 2013. In 2017-2018, 18 percent of the sablefish caught are anticipated to be discarded and 20 percent are expected to die.

Table 4. FMP allocations of sablefish north of 36° N. latitude for the open access fixed gear fishery under two ACL apportionment scenarios.

Year	OA Total Catch Share (mt)	Directed OA Landed Catch Share (mt) a/
Apportionment under the proposed rule (i.e., 15.1% S, 84.9% N)		
2017	508	490
2018	530	511
Revised apportionment (i.e., 26.2% S, 73.8% N)		
2017	441	425
2018	460	444

a/ The limited entry and open access fixed gear total catch shares are reduced by the anticipated discard mortality of sablefish, based on WCGOP data from 2002 to 2013. In 2017-2018, 18 percent of the sablefish caught are anticipated to be discarded and 20 percent are expected to die.

Table 5. Two-year sablefish allocations south of 36° N. latitude for the non-trawl sector, with 70 percent to limited entry and 30 percent to open access under two ACL apportionment scenarios.

Year	Fishery HG	Non-Trawl Allocation	LE FG Total Catch Share	Directed OA Total Catch Share	LE FG Landed Catch Share a/	Directed OA Landed Catch Share a/
Apportionment under the proposed rule (i.e., 15.1% S, 84.9% N)						
2017	1,070	621	434	186	419	179
2018	1,115	647	453	194	436	187
Revised apportionment (i.e., 26.2% S, 73.8% N)						
2017	1,859	1,078	755	323	728	312
2018	1,939	1,125	787	337	759	325

Table 6. Sablefish trip limits (lbs.) north of 36° N. latitude for limited entry and open access fixed gears with estimated mortality (mt) and percent attainment of the landed catch share under the ACL apportionment in the proposed rule. LE estimated mortality is based on a range of price assumptions.

Fishery	Jan-Feb	Mar-Apr	May-Jun	July-Aug	Sept-Oct	Nov-Dec	Est. Mort. (mt)	Percent Attainment
Limited Entry	1,125 lbs./week, not to exceed 3,375 lbs. bimonthly						217-254	73.1-85.7
Open Access a/	300 lbs./day, or one landing per week up to 1,200 lbs., not to exceed 2,400 lbs. bimonthly						426	86.9

a/ Council selected 300 lbs./day, or one landing per week up to 1,400 lbs., not to exceed 2,800 lbs. bimonthly as their initial Alternative 3; however, updated model suggests that those limits would result in 586 mt or 119 percent of the landing share.

Table 7. Sablefish trip limits (lbs.) south of 36° N. latitude for limited entry and open access fixed gears with estimated mortality (mt) and percent attainment of the landed catch share under the ACL apportionment in the proposed rule. LE estimated mortality is based on a range of price assumptions.

Fishery	Jan-Feb	Mar-Apr	May-Jun	July-Aug	Sept-Oct	Nov-Dec	Est. Mort. (mt)	Percent Attainment
Limited Entry	1,700/week						273-386	65.2-92.2
Open Access	300 lbs./day, or one landing per week up to 1,600 lbs., not to exceed 3,200 lbs. bimonthly						34.9	18.7

Table 8. FMP allocations of sablefish north of 36° N. latitude for limited entry trawl, at-sea whiting, and shorebased IFQ for 2017 and 2018 under two ACL apportionment scenarios.

Year	Commercial HG	LE Allocation	LE Trawl a/	At-Sea	SB IFQ
Apportionment under the proposed rule (i.e., 15.1% S, 84.9% N)					
2017	5,404	4,896	2,840	50	2,790
2018	5,636	5,106	2,962	50	2,912
Revised apportionment (i.e., 26.2% S, 73.8% N)					
2017	4,694	4,252	2,466	50	2,416
2018	4,894	4,434	2,572	50	2,522

a/ The trawl allocation is 58 percent of the limited entry HG.

Table 9. FMP allocations of sablefish south of 36° N. latitude for the shorebased IFQ program for 2017 and 2018 under two ACL apportionment scenarios.

Year	Fishery HG	SB IFQ
Apportionment under the proposed rule (i.e., 15.1% S, 84.9% N)		
2017	1,070	449
2018	1,115	468
Revised apportionment (i.e., 26.2% S, 73.8% N)		
2017	1,859	781
2018	1,939	814