

*April 2020*  
*SaMTAAC*

## **NATIONAL MARINE FISHERIES SERVICE REPORT**

### **Handling Gear-Switching Limit Overages**

We are concerned with some of the options for handling gear-switching limit overages under Action Alternative 2, and we note that these concerns would carry over similarly to the elements of Action Alternative 3 that are gear switching limits based on vessel or permit activity rather than on quota share use. We provide the following information for Committee consideration.

In our October 2019 report to the Committee, we noted our concerns with an alternative (that has since been removed from consideration) that would have required discarding of fixed-gear caught sablefish by vessels that were determined to be ineligible, but that could gear switch for other species. Specifically, we stated that a provision like that would reduce the consistency of the Shorebased Individual Fishing Quota (IFQ) Program with National Standard 9 - minimize bycatch to the extent practicable and Objective 3 of the Trawl Rationalization Program - promote practices that reduce bycatch, discard mortality, and minimize ecological impacts. While that Alternative is no longer being considered, we would like to highlight similar concerns about discards under the gear-switching limit overage options under Alternative 2. Our recommendations carry over to Alternative 3 as well and how catch beyond a gear switching limit is addressed.

Under Alternative 2, overage option 1 (that sablefish caught in excess of the limit must be discarded) has the potential to undo the positive work of the IFQ Program in reducing discards. Overage option 2 (sablefish in excess of the limit could be retained but would be treated as prohibited species) also creates some concerns. The current Option 2 language proposed for committee discussion focuses on the regulatory approach currently used with respect to prohibited species. Prohibited species include those for which a vessel has reached its cumulative trip limit. From an administrative perspective, no part of any prohibited species may be allowed to reach commercial markets (§ 660.140(g)(3)(i)(B)). Prohibited species may be donated to surplus food collection and distribution systems operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purpose of reducing hunger and meeting nutritional needs under § 660.140(g)(3)(i)(C). However, over the last few years, the Office of Law Enforcement has needed to restrict this avenue due to difficulties ensuring food safety. Alternatively, if fish in excess of a gear switching limit could not be donated, vessels would need to take the fish back out to sea to be discarded. Similar to option 1, NMFS is concerned about creating provisions that increase discarding under the IFQ Program.

As we stated in our October 2019 report, all actions require a balancing act of sometimes conflicting goals, however, those tradeoffs should be made explicit. If these two options that could increase discarding under this Program are put forward, we would expect that the tradeoff is that they better address another objective, which should be stated explicitly.

Due to our concerns about discarding, we propose a new option that would reduce the likelihood of discards and ensure that any catch above a gear switching limit did not further impact the trawl allocation of sablefish. This option would offer flexibility for a gear switching overage in the same way that the Sablefish Primary Fishery offers flexibility; allowing the overage to account to a cumulative limit under the fixed gear allocation. Under our proposal, vessels that have joint registration to a trawl-endorsed and a fixed-gear endorsed LEP could cover catch over the gear switching limit under their limited entry fixed gear permit. This could be achieved by accounting the overage to either their tier limit (if that fishery is open for them) or to the applicable daily trip limit (DTL).

NMFS would apply this flexibility similar to how this provision is administered under the primary sablefish fishery. Under the primary sablefish program, all catch from the final trip up to the vessel's tier limit is accounted for under the tier limit, and the remainder is accounted for under the daily trip limit system. After catch from that trip is landed, the tier limits are exhausted and the fishery is considered closed for that vessel, and the vessel can move on to other fisheries.

Under this proposal, the additional catch beyond the gear switching limit would be subject to the same monitoring requirements as the IFQ Program; which would function similar to the cross-over provisions that the primary fishery is subject to in the case of a trip being both a primary and a DTL trip. After the vessel has landed the catch from that trip, they would cease gear switching under the Shorebased IFQ Program and then could participate in other fisheries similar to the status quo.

### **Updated Estimate of Relative Implementation and Administration Burden of Alternatives**

At the October SaMTAAC meeting, NMFS provided the Committee with a comparison table of the relative implementation and on-going administration burden/cost by alternative. We provide below an updated table (Table 1) reflecting the changes in the alternatives that have occurred since then.

**Table 1. Comparison of implementation and on-going administration tasks/burden across alternatives.**

	<b>Alt 1 (QP designation)</b>	<b>Alt 2 (Permit endorsement)</b>	<b>Alt 3 (Active trawler)</b>
<b>Relative implementation &amp; administrative burden &amp; cost (low to high)</b>	<i>LOW to MEDIUM (depending on selection of options)</i>	<i>LOW</i>	<i>HIGH</i>
<b>Implementation tasks (cost recoverable)</b>	<ul style="list-style-type: none"> <li>-creation &amp; issuance of gear specific QP in IFQ/permit databases</li> <li>-creation of gear-specific QP tracking on fish tickets; observer data; EM data</li> <li>-New database rules for deficit carryover allowance or surplus carry-over allowance</li> <li><i>Opt-out option:</i></li> <li>- initial eligibility determination for opt out provision (including PRA approval; potential appeals)</li> <li>- creation of opt-out designation in QS account system;</li> </ul>	<ul style="list-style-type: none"> <li>-initial eligibility determination (including PRA approval; potential appeals)</li> <li>-issuance of endorsements</li> <li>- creation of system to monitor gear switching limits by permit</li> </ul>	<ul style="list-style-type: none"> <li>- initial eligibility determination for exempt vessels/permits (including PRA approval; potential appeals)</li> <li>-determination of gear switching limit for exempt vessels based on common ownership</li> <li>-creation of system to monitor gear switching limits by vessel</li> </ul>

	<b>Alt 1 (QP designation)</b>	<b>Alt 2 (Permit endorsement)</b>	<b>Alt 3 (Active trawler)</b>
	different rules for QP issuance		
<b>Ongoing administration tasks (cost recoverable)</b>	<p><i>Conversion date option:</i></p> <ul style="list-style-type: none"> <li>- NMFS converts remaining trawl-specific QP in accounts to unrestricted</li> </ul>	<ul style="list-style-type: none"> <li>-tracking permit ownership changes relative to potential expiration of endorsement</li> </ul>	<ul style="list-style-type: none"> <li>- on-going requirement to monitor trawl landings to determine active trawler eligibility</li> <li>-on-going monitoring of common ownership between vessel and QS account to determine gear switching limit for exempt vessels</li> <li>-tracking permit ownership changes relative to potential expiration of exemption</li> <li>-annual adjustment of active trawler gear switching limit to keep under 10% cap</li> </ul>