

Attached is the active trawler alternative with suggested changes. Changes are intended to simplify the alternative itself, simplify analysis and decision making, and also simplify implementation and oversight. The three primary changes designed to simplify the alternative are:

- 1) Remove ownership-based expiration of exemption; Rationale: This leaves only one expiration option of expiration 12 years after implementing provisions. This would eliminate the need for policing, interpreting, and possibly litigating ownership changes for many years into the future. This greatly simplifies the process at Council, during implementation, and for future monitoring. It also gives both trawl & fixed gear stakeholders associated with the fishery a concrete, quantitative expectation of the future. Also, with a 2023 implementation at the earliest, this would give fixed gear only exempted vessels up to 25 years (from 2011 to 2035) in the trawl fishery to decide if they wanted to continue beyond that time by adding trawl gear.
- 2) Exemption is granted to the vessel instead of the permit; Rationale: Not all qualifying vessels owners also owned their permit. The SaMTAAC heard concern in public testimony about this situation, and any attempts to remedy or account for these cases could add complexity at both the regulatory level and for the vessel owners themselves. Attaching the exemption to the vessel removes that complexity. Owners of exempted vessels would be allowed transition of exemption to another owned vessel on a limited basis, thereby mitigating any concerns there could be about the exemption being attached to the vessel.
- 3) Remove exemption qualification option 2; Rationale: For simplification, it makes sense to have one option instead of two, particularly when the difference between the two options comes down to whether or not one boat is added. Option 2 includes dates outside the window period, so option 1 is preferable on the count. If the SaMTAAC prefers elements of option 2, then they could choose to modify option 2 by changing “2018” to “September 15, 2017,” and then discard option 1. Either way, moving forward only one option and keeping it inside the window period is an improvement.
- 4) Remove provision to reduce fixed gear attainment limits under certain future scenarios with southern sable; Rationale: For simplification, the entire last paragraph and its provisions under “Discussion of Intent” is removed. The need for this provision is minimal given exempt group expiration and the fact that there is roughly a 10% cap on the exempt group to begin with. Any possible future management changes could be addressed as needed in the future as need arrives.

Sablefish Management and Trawl Allocation Attainment Committee (SaMTAAC) Alternatives

(Ver: February 12, 2020 – [rev Mar 25 - B](#))

Active Trawler Alternative (Action Alternative 3)

Overview.

~~This alternative requires vessels be active trawlers to use fixed gear to retain sablefish north in the trawl fishery. However, vessels with some minimal amount of gear switching history are exempted from this requirement; and this exemption is attached to the vessel and expires 12 years after the provisions are implemented. Individual fixed gear vessel limits are designed in such a way that the active trawlers cannot exceed more than about 10% as a group, and the exempted vessels cannot exceed more than about 10% as a group. To be eligible for gear switching in a particular year, a vessel would be required to have a certain level of trawl landings earlier in that year or the previous year. Exemptions to this requirement would be provided for vessels that have some minimum amount of gear switching history. These exemptions would be attached to the limited entry permit, not separable from the permit, and expire over time with changes in permit ownership. The level of gear switching allowed by those with exemptions would be tied to the amount of QS owned by the vessel owner but would not be less than some base amount, likely 0.6 percent. Provisions are included for adjustments to the level of gear switching allowed for active trawlers and exempt vessels, in order to keep the fleet within a particular cap (“back stop”).~~

Full Description

Active-Trawler Designation. A vessel must have a current year “active-trawler” designation to use fixed gear to ~~land~~¹⁸ retain northern sablefish (unless it has an exemption).

Active Trawler Gear-Switching Limit. Each active-trawler vessel will be limited to catching 1.0 percent of the northern sablefish allocation with fixed gear.

Active Trawler Qualification. A vessel is designated as an “active trawler” if in the current or prior year it uses trawl gear to ~~make~~ at least six IFQ landings that each meet at least one of the following two criteria (based on area of catch):

- a. in the area north of 40o 10’ N. lat., 18,000 pounds of any IFQ species
- b. in the area between 36o N. lat. and 40o 10’ N. lat., 9,000 lbs of any IFQ species

Exempted Permits Vessels. Vessels may qualify for an exemption to the “active trawler” requirement. ~~The exempted vessel status will be assigned to a trawl permit designated by the vessel owner at time of implementation.~~

Exemption Qualification. To qualify ~~a permit~~ for an exemption, a vessel must have used fixed gear in the trawl catch share program to land a minimum of 30,000 lbs of northern sablefish trawl QPs per year in at least three years between January 1, 2011 and September 15, 2017.

~~**Exempted Vessel Option 2:** 30,000 lbs of northern sablefish trawl QPs per year in at least three years between January 1, 2011 and September 15, 2017 or 90,000 lbs cumulatively~~

~~across three years from 2014 to 2018, with at least one gear-switched landing in each of the three years.~~

Exempted Vessel Permit Gear-Switching Limit. ~~Vessels with exempted permits An exempted vessel will be allowed to use fish with fixed gear to catch/catch the greater of 0.6 percent of the northern sablefish allocation OR an amount proportional to the percent of northern sablefish QS in a QS account for which there is a 50 percent common ownership between the vessel and the QS account as of the control date.~~

~~In order to qualify for the larger limit, the ownership that meets the common ownership requirement must have owned the northern sablefish QS as of continuously since the control date and must have owned the vessel as of and continuously since the control date, with the following exception. Further, after the program is implemented, divestment of sablefish QS will reduce the amount allowed for the larger limit.~~

QS Account Expiration Exception. ~~If before or after program implementation a QS Account³ expires^{4,5} and the common ownership that meets the 50 percent requirement acquires another QS Account, transfers the sablefish QS to the new account, and maintains ownership in the vessel, then the common ownership linkage between the new QS Account and the previous vessel will qualify the vessel for the larger limit (provided the exempted permit continues to be registered to the vessel).~~

Vessel Replacement Exception. ~~After implementation, once per year the owners of an exempted vessel can transfer the exemption and associated gear switching limit (or remaining limit if transferred mid-year) to another vessel that also has a common owner with the original vessel. If after implementation, the common ownership that meets the 50 percent requirement acquires another vessel, divests itself of the previous vessel, and maintains ownership in the QS Account, then the common ownership linkage between the new QS Account and the previous vessel will qualify the new vessel for the larger limit (provided the exempted permit continues to be registered to the vessel).~~

Exemption Expiration. ~~Exemptions will expire upon transfer of the limited entry permit to a new owner...^{16,17}~~

Expiration Suboption: ~~... or 12 years after any fishing under the regulations start, whichever comes earlier. provisions are implemented.~~

Handling Gear-Switching Limit Overages. ~~*THE COMMITTEE IS CONTINUING TO DELIBERATE* on how to handle overages. See discussion in relation to Alternative 2 and consider how to apply for the active trawler and exempted vessels (vessels with exempted permits). The active trawler and exemption provisions only apply to sablefish, therefore, this discussion should also include rules for handling sablefish catch for trips targeted on non-sablefish species by vessels not operating under either of these provisions.~~

Other Species Gear-Switching Limit. For all trawl permitted vessels there will not be any gear-switching limits for other IFQ species.

Back Stop Percentages. Set back-stop percentages of the active trawler group and exempt group to 10 percent and 10 percent, respectively, of northern sablefish trawl allocation. Vessel gear-switching limits for active trawlers would be adjusted from year-to-year to keep the active trawler group below the 10 percent back stop amount. Prior to final adoption, the 0.6 percent limit for vessels with exemptions may be reduced if it appears necessary to ensure that vessels in this category do not take more than 10 percent of the northern sablefish with fixed gear.

Discussion of Intent

The goals of this alternative are to:

- 1) Provide groundfish processors the certainty that at least 80% of the trawl allocation of sablefish north can only be harvested with trawl gear so investments in infrastructure and market development for other species can be facilitated to increase utilization.
- 2) Allow fixed gear use for active trawlers.
- 3) Allow fixed gear use for approximately the first 25 years of the trawl rationalization program by non-trawl vessels that met participation requirements before the 2017 control date, and during such time authorize the owners of such vessels to catch the sablefish quota they owned on the control date.

The intent of the active trawler backstop percentage is to ensure that the active trawler group does not collectively take more than approximately 10 percent of the northern sablefish quota with fixed gear in a year. If the collective fixed gear use of northern sablefish quota by the active trawler group does exceed 10 percent in any year, then in the following year, the active trawler vessel limit will be reduced from 1.0 percent to 0.8 percent of the northern sable trawl allocation.

~~The intent of the exempt group backstop percentage is to aid development and analysis of the alternative. It is expected that the sum of exempt vessel fixed gear limits will sum to approximately 10 percent. If the sum is significantly greater than 10 percent, consider lowering the 0.6 percent value prior to finalizing this alternative.~~

~~If management changes allow any or all of the 2017 control date southern portion of sable (approximately 24.42 percent) to be harvested north of 36° N. lat., this will trigger a reduction in the fixed gear vessel limit and backstop limit percentages such that the poundage limits are unchanged compared to what the poundage limits would have been without any management changes. This is intended to apply only in the case of management changes intended specifically to address the underattainment and gear switching issues, or conversion to a coastwide Annual Catch Limit (ACL) for sablefish. It will not apply in the case of other changes to the N/S apportionment, such as could occur if the Scientific and Statistical Committee (SSC) recommends revising the basis for apportionment (currently under review by the SSC with a recommendation to the Council expected in November 2019).~~