

## GROUND FISH MANAGEMENT TEAM REPORT ON SABLEFISH GEAR SWITCHING

The Groundfish Management Team (GMT) reviewed the briefing book materials and public comments and held a discussion with Dr. Jim Seger and Ms. Jessi Doerpinghaus of Pacific Fishery Management Council (Council) staff. As noted in the past, the team largely views the gear switching action item as a Council policy call, but the team offers the following comments with a focus on management implications of the action alternatives presented in the briefing book, recommendations for revisions to the range of alternatives (ROA), and general suggestions for selecting a preliminary preferred alternative (PPA) if the Council does so at this time.

### **Management Implications**

Under all alternatives presented in the briefing book, the GMT does not anticipate any impacts to the catch accounting of sablefish north of 36° N. lat. (i.e., “northern sablefish”), other than necessary changes to the individual fishing quota (IFQ) database outlined in [Agenda Item H.3.a, NMFS Report 1, November 2022](#). Northern sablefish catch by vessels permitted in the IFQ fishery will still be debited from the IFQ allocation for northern sablefish, regardless of gear type. However, utilization of northern sablefish quota pounds (QPs) by each gear type will need to be tracked and monitored at the gear-specific fleet level if Alternatives 1 or 2 are chosen. Additionally, adjustments to the IFQ impact projection model used during the biennial harvest specifications and management measures process may be necessary if changes are made to QPs in the IFQ database.

If gear switching is limiting trawl attainment, mortality of non-sablefish trawl-caught species may increase under reduced gear switching levels. If trawl vessels are able to increase their Dover sole attainment, catches of shortspine thornyhead will likely also increase given that they are caught in the same target strategy, along with sablefish (i.e., Dover sole-thornyhead-sablefish [DTS]). Shortspine thornyhead north of 34° 27' N. lat. annual catch limits (ACLs) have been declining since 2015, and although attainments have been below 60 percent since at least 2016, shortspine thornyhead could potentially become a constraint to IFQ vessels in the future if a reduction in gear switching leads to higher DTS attainment by the trawl fleet.

Other species caught as trawl bycatch do not have formal allocations, such as Pacific spiny dogfish, and may require inseason management to minimize incidental catches if trawl attainment increases from a reduction in gear switching and the species' ACL is exceeded or at risk of being exceeded. Some non-IFQ stocks have trip limits that can be adjusted inseason, or the Council may choose to implement a Bycatch Reduction Area or Block Area Closure(s) inseason, potentially for a specific gear type. Given the likelihood for variations in sablefish harvest limits, market dynamics, IFQ participation, and other external drivers of IFQ attainment, management actions may be necessary in the future to respond to any unintended consequences resulting from more restricted opportunity in the fishery.

## Range of Alternatives

As Alternative 2 is currently written and interpreted, the National Marine Fisheries Service (NMFS) has stated that it is the most complex and burdensome in terms of regulations, cost, and analysis, so the Council could consider removing this alternative from further consideration, which would allow the analysts and Council to better focus on any remaining alternatives. Additionally, the GMT notes that Alternative 4, Qualification Options 2 and 3 tie an endorsement to ownership of a qualifying vessel as of the control date. This means that if an otherwise qualifying entity purchased a new vessel (either for operational capacity, safety reasons, or some other reason) after the control date, they would not qualify for a gear switching endorsement. The GMT encourages the Council to prioritize alternatives that account for current business practices, such as owning quota shares while leasing a vessel or upgrading vessels. While Alternative 3 includes a vessel replacement exception that would account for such business choices and investments, including a similar provision under Alternative 4 would be overly complex due to its tie to a vessel rather than a permit. **Therefore, the GMT recommends not including Alternative 4 for further consideration, because we believe that Alternative 4 would not sufficiently meet the Purpose and Need.**

The GMT notes that under Alternatives 3 and 4 there is a possibility of one entity owning all gear switching endorsed permits, and therefore, the Council may want to consider a permit limit or a limit on the total gear switching opportunity that could be held by one entity to avoid excessive shares. Alternatives 3 and 4 also currently include a gear switching limit overage option that would deduct any overage of the gear switching endorsement limit from the following year's endorsement limit by the overage amount. The GMT agrees with [Agenda Item H.3.a, NMFS Report 1, November 2022](#) that adding this overage provision to Alternatives 3 and 4 would “not prevent future overages from occurring” and would be more complicated to track with the transfer of permits. **The GMT notes that this overage provision is overly complex and burdensome and recommends not including for further consideration an option or provision that would reduce the following year's gear switching limit by the amount of any prior year's overage.** A permit or vessel that exceeds its gear switching limit would still be required to cease gear switching activity for the remainder of the year, and the Council could consider a threshold violation as outlined in [Agenda Item H.3, Supplemental NMFS Report 2, November 2022](#) without needing to reduce the following year's opportunity to gear switch. All northern sablefish QP overages would still need to be covered with QPs as currently required, and therefore, an endorsement limit overage reduction would not provide any additional conservation benefits.

## PPA Selection

The GMT is generally supportive of alternatives and options that promote management flexibility and are the least restrictive while still meeting the Purpose and Need. Given that there is still a large amount of uncertainty as to how the changes implemented under this action could impact the future of the IFQ fishery, the GMT encourages the Council to minimize the extent to which managers will need to respond to any unintended consequences of any added restrictions. The GMT also encourages the Council to consider, during final action, identifying the mechanism by which adjustments would be made if unexpected outcomes lead the Council to want to further decrease or increase the amount of gear switching allowed (see Table 25 on page 73 of Attachment 3). Additionally, participants in all groundfish fisheries have expressed the need for management flexibility as climate change impacts fish stocks and marine resources in the future.

The GMT recognizes that operational flexibility is tied to business decisions and therefore is defined differently for each individual operation and cannot be grouped simply as trawler flexibility and gear switcher flexibility. Nonetheless, as part of this action, providing additional sablefish harvesting opportunity for one group of participants would generally be expected to reduce opportunity for another group of participants. National Standard 4 guidelines point out that,

“An allocation of fishing privileges may impose a hardship on one group if it is outweighed by the total benefits received by another group or groups. An allocation need not preserve the status quo in the fishery to qualify as “fair and equitable,” if a restructuring of fishing privileges would maximize overall benefits.” ([50 CFR 600.325\(c\)\(3\)\(i\)\(B\)](#))

For any action the Council takes, there should be strong rationale indicating why potential costs to some user groups would be outweighed by uncertain benefits. Lastly, when selecting a PPA, the Council should consider the tradeoffs between providing gear switching opportunity and flexibility to a broader fleet of vessels versus providing a larger proportion of gear switching opportunity to a smaller suite of vessels. The Council should weigh this tradeoff through the lens of the overall objectives of this action.

PFMC  
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