

NATIONAL MARINE FISHERIES SERVICE REPORT ON GEAR SWITCHING
ALTERNATIVES AND OPTIONS WORKLOAD

In specifying a preliminary preferred alternative for gear switching limitation, the Pacific Fishery Management Council (Council) needs to choose between multiple options within the current action alternatives. The purpose of this report is to provide the National Marine Fisheries Service's (NMFS') estimates of one-time and recurring workload for each option (Tables 1-4).

This report does not present comprehensive information on workload related to the fundamental mechanisms of each alternative's approach to limiting gear switching, or to the administrative and rulemaking requirements; this was discussed in H.3.a NMFS Report 1 November 2022, and is under further evaluation within NMFS at this time.

The format of the tables below is based on those in H.3 Attachment 2 November 2020, Gear Switching Alternatives and Options List. Page references are to H.3 Attachment 1 November 2020, Range of Gear Switching Alternatives Adopted for Analysis by the Council at Its September 2021 and June 2022 Meetings.

Please note that because the rows in the tables below reflect sets of options from which only one will be selected (except where noted), the workload estimates in a table should not be "summed".

Acronyms:

CD: Control Date

EM: Electronic Monitoring

IFQ: Individual Fishing Quota

LEP: [Trawl] Limited Entry Permit

QP, QS, QSA: Quota Pounds, Quota Share, Quota Share Account

WCGOP: West Coast Groundfish Observer Program (NMFS/NWFSC)

Alternative 1 - Gear-Specific Quota Share

Table 1. Estimated Workload of Alternative 1 Options

Alt. 1 Options		Estimated One-Time Workload	Estimated Recurring Workload
QP Allocation Split Options			
	Option 1: 71/29	High	None
	Option 2: 71/29 but not > 1.8 million lbs.	High	None
Gear-Switching Participation Criteria (2011-CD)			
	Option 1: Single landing	Medium, slightly < Option 2	None
	Option 2: 30,000 lbs in at least three years	Medium, slightly > Option 1	None
Non-Gear-Switching Participant Criteria			
	Option 1: Does not qualify as gear switcher	Medium, slightly < Option 2	None
	Option 2: Owned a vessel that made two years of bottom trawl landings prior to implementation.	Medium, slightly > Option 1	None

Comments on Alternative 1 workload:

At this time, NMFS does not see the Council’s choice of options within Alternative 1 as likely to have a significant impact on overall workload estimates. Alternative 1 is expected to have a high initial one-time workload for applying the qualification criteria, programming and testing changes to the IFQ database and web application, e-ticket system, and reporting systems and processes (WCGOP, PacFIN, etc.). This is indicated by the “high” estimate for the QP Allocation Split at the top of Table 1, although the actual values of the split are expected to make no difference.

Little or no recurring workload is anticipated with Alternative 1.

Alternative 2 – Gear-Specific Quota Pounds

Table 2. Estimated Workload of Alternative 2 Options

Alt. 2 Options		Estimated One-Time Workload	Estimated Recurring Workload
QP Allocation Split Options			
	Option 1: 71/29	High	None
	Option 2: 71/29 but not > 1.8 million lbs.	High	None
QS Account Ownership Changes and Replacement (opts. not mutually exclusive)			
	Option: Expiration of QSA’s Connection to Gear-Switching History	None	Medium
	Option: Expired QSA Replacement	None	Medium
Gear-Switching Participation Criteria (2011-CD)			
	Option 1: Single landing	High, Slightly < Opt. 2	None
	Option 2: 30,000 lbs in three years	High, Slightly > Opt. 1	None

Comments on Alternative 2 workload:

At this time, NMFS does not see the Council’s choice of options within Alternative 2 as likely to have a significant impact on overall workload estimates. As noted for Alternative 1, we anticipate a high initial one-time workload to implement the changes necessary to apply qualification criteria and the QP allocation split, and for the database and process changes necessary to establish, account for, and track gear-specific quota pounds.

Determining adjustments to the standard ratio over time

Based on NMFS’ understanding at this time, Alternative 2 would present a high recurring workload. A substantial amount of the recurring workload for Alternative 2 would stem from the need to review and adjust the standard ratio and at least some individualized QSA ratios over time, and to the potential for appeals of expiration of a QSA or its gear-switching connection. This recurring workload would involve the NWFSC’s Scientific Data Management program, the West Coast Region’s Sustainable Fisheries Division Permits and Monitoring Branch, the Groundfish Branch, and potentially NOAA’s Office of General Counsel.

The anticipated need for adjustment of the ratios over time is based on an assumption that Council intent is for the specified sector-wide allocation split—e.g., 71/29—to be held constant over time (i.e., fix the allocation split at implementation and allow the standard ratio to fluctuate in order to maintain the same split, as gear-switching QSAs expire or quota is sold and transferred to an account with a lower ratio).

If instead, the Council chose to fix the standard ratio at implementation and allow the sector-wide

split to trend toward less any-gear QP as gear-switching QSAs expire (i.e., allow attrition of any-gear QP as the gear-switching status associated with those accounts expire), then there would be no need for annual review/recalculation of the standard ratios and the associated recurring high workload. NMFS is not recommending one approach over the other; simply suggesting consideration of the idea.

Alternatives 3 and 4 – Gear-Switching Endorsement, Permit Qualifier (Alt. 3) or Vessel Qualifier (Alt. 4)

These two alternatives are addressed together here as the options are very similar and little difference in workload is expected.

Table 3. Estimated Workload of Alternative 3 Options

Alt. 3 and Alt. 4 Options		Estimated One-Time Workload	Estimated Recurring Workload
Endorsement Qualification Options			
	Option 1: Permit (Alt. 3) or vessel (Alt. 4) with 30,000 lbs in three years (2011-CD)	Medium	None
	Option 2: Option 1 plus ownership of the permit (Alt. 3) or vessel (Alt. 4) and QS as of and since the control date	High, slightly < Opt. 3	None
	Option 3: Option 2, plus ownership of a vessel that gear switched (Alt. 3) or of a trawl LEP (Alt. 4) as of and since the control date.	High, > Opt. 2	None
Endorsement Limit Option			
	Option 1: Permit's (Alt. 3) or Vessel's (Alt 4) average gear switching for years fished. (2011-CD)	Medium high	None
	Option 2: QS owned plus an amount based on average gear switching for years fished (Option 1).	High	None
	Option 3: QS owned	High	None
Gear Switching Without Endorsement			
	Years to use in calculation a percent limit (TBD).	Medium (years selected will not affect workload)	None
Gear-Switching Limit Overages (p. 26)			
	Current alternative: Overages reduce following year's limit	None	Medium
	Option: Overages will not reduce following year's limit.	None	None

Alt. 3 and Alt. 4 Options		Estimated One-Time Workload	Estimated Recurring Workload
Endorsement Expiration			
	Option 1: Expire on transfer to new owner or owner added.	None	Medium ¹
	Option 2: No expiration.	None	None

Comments on workload for Alternatives 3 and 4:

These alternatives would have a high initial one-time workload to apply the criteria for qualification and endorsement limits, and for the database and process changes necessary to accomplish the necessary gear-specific tracking.

Differences between the alternatives

NMFS sees no significant difference between Alternatives 3 and 4 in terms of workload related to the options. Associating gear-switching history with a vessel (Alt. 4) is easier than with a trawl LEP (Alt. 3); however, the necessary permit-history approach has already been developed by Council staff.

Non-endorsed gear switching

The provision for an annual gear-switching limit of 10,000 lbs or a TBD percent of the trawl allocation of northern sablefish by vessels when registered to a non-endorsed trawl permit adds ongoing high workload due to the need to track catch by permit and by vessel when registered to non-endorsed permits, including when permits are transferred between vessels during a year. The Council should consider the potential need for and/or benefit of this provision and whether it is worth retaining.

Overages

Regarding overages, we first point out that all catch, regardless of how gear-switching overages are treated, must be covered with northern sablefish QP, as with every other IFQ species. None of the options would change that requirement. That individual accountability and the harvest specifications are the mechanism for ensuring conservation objectives are met.

NMFS recommends that the Council establish an overage provision that presents sufficient deterrence without excess burden/cost. If the intent is for some amount of exceedance of an endorsement’s GS limit not to be considered a violation, then the Council should clearly specify that.

In addition to the existing options, the Council could consider a variation such as: If an overage is not more than a certain amount (e.g., 10% of the endorsement’s annual limit, a flat poundage, or a combination such as 10% of the endorsement limit but not more than 1,000 lbs), then it is not a violation. If the overage is larger than that, then it is referred to law enforcement as a suspected violation and if confirmed, would result in a fine.

Allowing for a relatively small amount of catch over the endorsement’s limit without a violation accommodates the difficulty in precisely estimating catch while at-sea, but includes an enforceable

¹ Would be to None if/when all endorsements expire.

threshold that is a meaningful deterrent against catching far more than the limit.

NMFS considers the potential impacts of this approach to be similar enough to the existing overage provision and option that it could be included without formally revising the range of alternatives.

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