

H.3 Sablefish Gear Switching

Council Action:

1. Review new Alternative 2 and provide guidance, as needed.
2. Review the analysis of individual vs. collective approach and provide guidance, as needed.
3. Select PPA.
4. Eliminate options that are not viable, if possible.
5. Provide other guidance, as needed.

DRAFT-NOT FOR ADMINISTRATIVE PURPOSES

I move the Council remove Alternatives 2 and 4 from further consideration as it moves forward to define a preliminary preferred alternative regarding sablefish gear switching.

Moved by Pete Hassemer

Seconded by Jessica Watson

Amendment: strike the phrase “as it moves forward. . . .” So it will read “I move the Council remove Alternatives 2 and 4 from further consideration.” Moved by Marci Yaremko; Seconded by Christa M. Svensson

Vote on Ms. Yaremko’s amendment to Mr. Hassemer’s motion. Amendment failed.

Vote on main motion. Ms. Yaremko voted no. Motion passed.

DRAFT-NOT FOR ADMINISTRATIVE PURPOSES

I move to select the No Action Alternative as the Preliminary Preferred Alternative.

Moved by Corey Ridings

Seconded by Christa M. Svensson

Motion roll call: 4 yes, 9 no. Motion failed

DRAFT-NOT FOR ADMINISTRATIVE PURPOSES

I move that the Council (Moved by Corey Niles/Christa M. Svensson. Ms. Corey Ridings voted no; Ms. Marci Yaremko and Mr. Butch Smith abstained – motion passed.)

Consideration for First Receivers

- For the “Gear-switching Participation Criteria”:

A first receiver that owns Sablefish North QS and purchased a minimum of 30,000 pounds of Sablefish North from fixed gear vessels in at least three years (subject to the control date).

- For “Non-Gear-Switching Participant Option 2”:

A first receiver that owns Sablefish North QS and purchased Dover sole, Thornyheads, and Sablefish North from bottom trawl vessels in the IFQ fishery in any of the two years prior to the year in which the above QS conversions to gear-specific QS are conducted.

Participation Criteria – Individual vs Collective and Cooperatives

- Change the “Participation Criteria for Use in QS Conversion Procedure” (p. 14 of Attachment 3) to read:

have owned northern sablefish QS as of September 15, 2017; and for some criteria, have used a vessel or vessels under their ownership, or have been part of a QSA ownership group when at least one member of the group owned a vessel or vessels when it met the participation criteria listed below.

- Add language to the Participation Criteria that has the effect of qualifying members of a Fishermen’s Collective Marketing Act (FCMA) registered cooperative that transferred their sablefish QP to gear switching vessels owned by members of the co-operative.
- Continue to explore the consequences of the “individual vs. collective” approach.

QS transfers and the Control date

- Create exemptions from the Control Date for transfers of QS between accounts that resulted because of changes to accounts that are administrative in nature, result from business reorganizations, and for transfers to family members including via inheritance (e.g. probate, estate planning). These exemptions would be only for transfers and not acquisitions (i.e. there would be no net increase in the overall amount of any gear QS).

Intermediary Gear-switching qualification

- Add a Gear-switching Participant Option 3 that has the following effect:

Those that meet Option 2 criteria keep 100% of their QS as any gear quota. Those that only meet the Option 1 criteria keep 50% of their QS as any gear quota.

ODFW Motion: Sablefish Gear Switching

Moved by Jessica Watson Seconded by Pete Hassemer

Ms. Corey Ridings voted no. Ms. Marci Yaremko and Ms. Christa M. Svensson abstained. Motion carried.

I move the Council modify Alternative 3 as follows:

- Remove Option 1 under the Endorsement Qualification Options
- Remove the allowance for low levels of sablefish gear switching landings by vessels that are not fishing under gear-switching endorsed permits.
- Develop a relatively small amount in lbs or percentage of catch over the endorsement's limit to designate as an allowable overage with the exceedance of this amount being considered a violation
- Leave both expiration options available for further consideration (no expiration and expiration on transfer to new owner or owner added)
- Evaluate restricting the number of gear-switched endorsed permits an individual could own.
- Use the collective approach for the endorsement qualification and limit options.

DRAFT NOT FOR ADMINISTRATIVE PURPOSES

Moved by Phil Anderson/Bob Dooley.

Ms. Corey Ridings voted no. Ms. Marci Yaremko and Ms. Christa M. Svensson abstained.

Motion passed.

I move to add the following alternative for sablefish gear switching:

Trawl-Only and Any-Gear Quota Share (QS)

The current northern sablefish QS (valid for use with any gear) will be converted to trawl-only QS and any-gear QS (see procedure below).

Procedure for Converting Northern Sablefish QS holdings to Trawl-Only and Any- Gear QS:

NMFS will categorize current individual owners of sablefish north QS based on the participation criteria listed below and convert QS based on the steps listed below. The end result will be that each QS holder would receive the same percentage of the total sablefish QP after the conversion that they would have if the conversion had not been carried out, except designated as trawl-only or any-gear QP.

- QS owners **meeting the gear switching participation criteria** will have their eligible QS converted to any-gear QS (QS in amounts up to their control date holdings).
- QS owned by those **meeting the gear switching participation criteria but in excess of what they owned on the control date** will be converted to trawl- only QS.
- QS owners that **do not meet the gear switching criteria** will have 100 percent of their QS converted to trawl-only QS.
- AMP QP will be distributed to each QS account as any-gear and trawl-only QP in proportion to the any-gear and trawl-only QS in the account.

Individual Approach to Allocation:

In general, these criteria will be applied to individuals (taking into account their ownership interest in QS accounts as reported to NMFS), including individuals within ownership group. For this purpose, trusts, non-governmental entities, and governments will be treated as individuals.

Accumulation Limits: The existing QS control limit (3.0 percent) and annual vessel use limit (4.5 percent) will continue to be applied for northern sablefish quota as a whole (without distinction by gear type).

Gear Switching Participation Criteria:

To qualify as a gear switching participant:

As of and since the control date, an entity must have owned a permit (or permits) that landed northern sablefish QPs with non-trawl gear totaling at least 30,000 lbs. per year in at least 3 years between January 1, 2011 and September 15, 2017 (the control date) and had some ownership interest in northern sablefish quota shares (any amount).

DRAFT-NOT FOR ADMINISTRATIVE PURPOSES

(Actions taken Tuesday, 8 November 2022)

I move to reconsider the action previously taken by the Council under agenda item H.3, part 2, specifically the motion made by Mr. Corey Niles relative to Gear Switching Alternative 1.

Moved by Christa M. Svensson

Roll call vote. Mr. Wulff, Ms. Ridings abstained.

Chair voted yes. 7 yes, 5 no, 2 abstained. Motion to reconsider **failed**.

Moved by Christa M. Svensson / Second by Corey Niles

Amendment to original Niles motion:

I move that the Council add an option to Alternative 1 that drops all qualification criteria but would involve maintaining Sablefish North QP as eligible to fish with any gear throughout the year until 29% of the Sablefish North QP is taken or is projected to be

taken by fixed gear vessels. This does not involve the quota conversion step but would only require inseason prohibition of fixed gear use of Sablefish North QP.

(This amendment to the Niles original motion was not voted on after discussion on whether or not the motion to reconsider failed or passed. It was determined that the motion to reconsider failed.)

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