

# F.4 Sablefish Gear Switching – Final Action and Fishery Management Plan (FMP) Amendment

## Council Action:

Adopt a Final Preferred Alternative and FMP  
Amendment Language, Provide Other Guidance as  
Appropriate

DRAFT - NOT FOR ADMINISTRATIVE PURPOSES

## **Anderson Motion 1 (“Original Motion”):**

I move that the Council adopt the Preferred Preliminary Alternative (PPA) as its Final Preferred Alternative, as identified in Agenda Item F.4., including the following modifications and clarifications.

Restrictions on gear switching will be implemented North of 36 degrees North Latitude consistent with the PPA when the N. of 36° ACL is below 7,000 metric tons. In years when the N. of 36° ACL is equal to or greater than 7,000 metric tons no gear-switching restrictions will be placed on vessels using non-trawl gear that are otherwise legally participating in the trawl sector.

**Description of the restrictions placed on vessel engaged in gear switching when the northern sablefish ACL is less than 7,000 mts.**

### **Gear Switching Control: Trawl-Only and Any-Gear (Unrestricted)**

**QP.** Northern sablefish QP will be issued as trawl-only QP and any-gear QP (unrestricted QP).

### **Procedure for Determining the Amount and Distribution of Any-Gear**

**QP.** Upon implementation, NMFS will identify legacy participants, their eligible QS, and the standard ratio which will apply to QP issued for all other QS, based on the qualification criteria listed in the following section.

**Legacy participants and eligible QS.** Legacy participants will receive any-gear QP for their eligible northern sablefish QS (eligible QS is any QS owned by a legacy participant that does not exceed what the participant owned on the control date or the implementation date of this action, whichever is less).

For situations in which more than one individual owns a QS account, a legacy participant’s QS ownership is determined based on their share of ownership, as reported to NMFS.

**For QS owned by non-legacy participants (and a legacy participant’s QS that is not eligible).** Constant proportion of any-gear QP in the IFQ sector. – At implementation, a standard any-gear and trawl-only QP ratio will be determined such that the total amount of any-gear QP will equal 29% (including that issued to legacy participants). As legacy participants divest of their QS, the standard any-gear/trawl-only QP ratio will be applied to that QS when QP are issued to the new owner. The standard QP ratio will be adjusted, such that the total amount of any-gear QP remains 29%.

**Legacy Participants (Definition and Qualification).** Legacy participants are individuals or legal entities for which individual ownership interests cannot be identified (e.g. trusts, nongovernmental entities) that meet the qualifying criteria provided below. The designation as a legacy participant stays with the individual or entity and is not transferable.

**To qualify as a legacy participant,** as of and since the control date, an individual must have some ownership interest in a trawl limited entry permit (or permits) that landed northern sablefish QPs with non-trawl gear totaling at least 30,000 pounds 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).

**Transferability and Accumulation Limits.** As under status quo, all QS and QP would remain fully transferable and the existing QS control limit (3.0 percent) and annual vessel QP use limit (4.5 percent) will continue to be applied for northern sablefish quota as a whole (without distinction by gear type).

### **Legacy Participant Status Holder Terms and Conditions**

- Legacy status cannot be transferred to another individual or entity, e.g. trust, estate, corporation.
- The legacy status for an individual or an entity will not extend beyond the life-time of the individual or 15 years after the implementation date, whichever comes first.
- Any new QS acquisition by a legacy participant over their eligible QS level will be treated as non-eligible QS.
- After implementation, as legacy participants divest themselves of QS, the total legacy participant holdings of eligible QS will decline. Any new QS acquisition by a legacy participant will be treated as non-eligible QS.
- If a legacy participant divests all their northern sablefish QS their legacy status would expire.
- If an estate or trust is established for an individual who dies between the control date and implementation, then that estate or trust would be treated as a continuation of the individual for the purpose of determining the trust's qualification as a legacy or non-legacy participant.
- If an individual passes away and their trawl LEP and QS are passed to another person prior to implementation, the person receiving those assets will retain the status of the deceased individual and QS ownership level with respect to ownership as of and since the control date.

- An individual who inherits northern sablefish QS and/or a qualified trawl LEP from an individual that passed away between the control date and implementation will be treated as if they owned that LEP and QS as of and since the control date.
- For purposes of keeping family-owned corporations whole, any ownership interest in QS or a trawl LEP as of the control date that is transferred to another family member by the time of Council action will be considered to have been owned by the family member as of the control date.

Moved by Phil Anderson

Seconded by Bob Dooley

### **Amendment #1 to the original motion**

Amend the 7,000 metric tons to 6,000 metric tons within this motion.

Restrictions on gear switching will be implemented North of 36 degrees North Latitude consistent with the PPA when the N. of 36° ACL is below ~~7,000 mt~~ **6,000** metric tons. In years when the N. of 36° ACL is equal to or greater than ~~7,000 mt~~ **6,000** metric tons no gear-switching restrictions will be placed on vessels using non-trawl gear that are otherwise legally participating in the trawl sector.

Moved by Christa Svensson

Seconded by Corey Niles

Roll call vote: 6 yes, 6 no

Mattes, Oatman, Svensson, Anderson, Niles, Gorelnik voted yes

Kiefer, Smith, Ridings, Hassemer, Dooley, Pettinger voted no

Motion fails

### **Amendment #2 to the original motion**

I move this portion of the original motion be amended to read as the following:

I move that the Council adopt the Preferred Preliminary Alternative (PPA) as its Final Preferred Alternative, as identified in Agenda Item F.4., including the following modifications and clarifications.

Restrictions on gear switching will be implemented and remain in effect North of 36 degrees North Latitude consistent with the PPA ~~if when~~ the N. of 36° ACL is below 7,000 metric tons and the rolling three-year average of fixed gear usage of QP is greater than 29% with the calculation of the average beginning 2023-2025. The evaluation of the ACL component must be evaluated based on a new assessment or catch only update. ~~In years when the N. of 36° ACL is equal to or greater than 7,000 metric tons no additional restrictions will be placed on vessels using non-trawl gear that are otherwise legally participating in the trawl sector.~~

Moved by Corey Niles

Seconded by Christa Svensson

### **1<sup>st</sup> Amendment to Amendment #2 to the original motion**

I move we change the word “if” to “when” in the second line of the paragraph.

I move this portion of the original motion be amended to read as the following:

I move that the Council adopt the Preferred Preliminary Alternative (PPA) as its Final Preferred Alternative, as identified in Agenda Item F.4., including the following modifications and clarifications.

Restrictions on gear switching will be implemented and remain in effect North of 36 degrees North Latitude consistent with the PPA **if when** the N. of 36° ACL is below 7,000 metric tons and the rolling three-year average of fixed gear usage of QP is greater than 29% with the calculation of the average beginning 2023-2025. The evaluation of the ACL component must be evaluated based on a new assessment or catch only update. ~~In years when the N. of 36° ACL is equal to or greater than 7,000 metric tons no additional restrictions will be placed on vessels using non-trawl gear that are otherwise legally participating in the trawl sector.~~

Moved by Christa Svensson

Seconded by

1<sup>st</sup> Amendment to the Amendment #2 withdrawn

## 2<sup>nd</sup> Amendment to Amendment #2 to the original motion

I move, we strike the words “and remain in effect” and un-strike the last line.

I move that the Council adopt the Preferred Preliminary Alternative (PPA) as its Final Preferred Alternative, as identified in Agenda Item F.4., including the following modifications and clarifications.

Restrictions on gear switching will be implemented ~~and remain in effect~~ North of 36 degrees North Latitude consistent with the PPA ~~if when~~ the N. of 36° ACL is below 7,000 metric tons and the rolling three-year average of fixed gear usage of QP is greater than 29% with the calculation of the average beginning 2023-2025. The evaluation of the ACL component must be evaluated based on a new assessment or catch only update. ~~In years when the N. of 36° ACL is equal to or greater than 7,000 metric tons no additional restrictions will be placed on vessels using non-trawl gear that are otherwise legally participating in the trawl sector.~~

Moved by Christa Svensson

Seconded by Marc Gorelnik

Roll call vote: 7 yes, 4 no

Gorelnik, Ridings, Niles, Svensson, Oatman, Mattes, Kiefer votes yes

Dooley, Smith, Hassemer, Anderson voted no

2<sup>nd</sup> Amendment to the Amendment #2 passes

## 3<sup>rd</sup> Amendment to the Amendment #2 of the original motion

I move to strike out 7,000 and replace with 6,000. Also strike out the last part of the paragraph starting with “The evaluation of the ACL.”

Restrictions on gear switching will be implemented ~~and remain in effect~~ North of 36 degrees North Latitude consistent with the PPA ~~if when~~ the N. of 36° ACL is below ~~7,000~~ 6,000 metric tons and the rolling three-year average of

fixed gear usage of QP is greater than 29% with the calculation of the average beginning 2023-2025. The evaluation of the ACL component must be evaluated based on a new assessment or catch only update. In years when the N. of 36° ACL is equal to or greater than 7,000 metric tons no additional restrictions will be placed on vessels using non-trawl gear that are otherwise legally participating in the trawl sector.

Moved by Phil Anderson

Seconded by Marc Gorelnik

3<sup>rd</sup> Amendment to the Amendment #2 passes

voted no. Maggie Sommers

**Amendment #2 as amended to the original motion**

Roll call vote: 6 yes, 7 no

Twice Amended Amendment #2 to the original motion fails

**Motion to reconsider Amendment #1 to the original motion**

Moved by Pete Hassemmer

Seconded by Sharon Kiefer

Motion to reconsidered Amendment #1 passes

Yaremko abstained

**Amendment #1 to the original motion**

Moved by Christa Svensson

Seconded by Corey Niles

Amendment #1 to the original motion passes

Ridings, no Yaremko abstained

**Substitute to original motion**

I move, that the Council adopt no action as the final preferred alternative.

Moved by Corey Ridings

Seconded by Marci Yaremko

Roll call vote: 4 yes, 7 no

Motion fails

Original Motion, as once amended, passes

Ridings, Yaremko vote no, Sommer abstained

### **Anderson Motion 2:**

Agenda Item F.4 (c)

Motion Groundfish FMP Gear Switching and House Keeping Amendment

I move that the Council adopt the Groundfish Fishery Management Plan amendatory language, updated with the trigger value approved by the council in the Final Preferred Alternative, consistent with the preliminary preferred alternative on gear switching as presented in Agenda Item F.4 Attachment 4 April 2024, with FMP Amendment language Option 2 except do not include the phrase “or gear switching has used an average of 29 percent or less of the annual trawl allocation of northern sablefish over the three most recent full years for which data is available”.

Moved by Phil Anderson

Seconded by Corey Niles

Motion passes

Ridings voted no, Sommer abstained