

ADVISORY PANEL
Motions and Rationale
June 3-4, 7-9, 2021 - Anchorage, AK

D2 Sablefish Overages

The AP recommends the Council develop an expanded discussion paper further considering management tools and accountability measures to mitigate trawl sablefish overages⁽⁴⁾, and expand it to include similar overages in p.cod. The paper should address the following:

- Include options to use a bycatch or incidental catch rate that may reflect the current MRA percentages as a baseline starting point to trigger accountability measures (AM) when a sector exceeds an allocation. These AM could be further refined as the Council determines the parameters of AM.
- Examine incidental or bycatch accrual rates against target catch over a time series, provide the Council data on when incidental rates of catch increase and methods to mitigate.
- ~~⁽²⁾⁽³⁾ Include a more thorough exploration of observer or dockside sampling of the size, volume and percentage of sablefish in comparison to target species landed when the sector in question is over an MRA or allocation. Further data of sablefish catch in the trawl sector could aid in the stock assessment, and inform the authors if there are biological concerns with catches that exceed allocations.~~
- ~~⁽⁴⁾ Examine how these AM could be applied on a sector-specific level to similar overages occurring in incidental catch of p.cod, and how those additional AM would affect directed p.cod fisheries currently impacted by overages.~~
- Examine how these tools could be applied to other species and programs experiencing similar management challenges, and where catch rates become unmanageable at the co-op level and exceed allocations or MRA's.
- An expanded discussion of potential incentives for inter-coop agreements and incentive plans. Additional discussion is needed of management measures that would provide the necessary incentive to reduce sector overages.
- **⁽¹⁾ Consider whether the TAC for sablefish is set at the appropriate level for current sablefish biomass**
- ~~⁽⁵⁾ Expand the discussion paper to describe the causes of interactions with small sablefish in the ⁽⁶⁾ directed sablefish fishery. Provide data on the ⁽⁷⁾ size, and volume, and area of small sablefish both landed and discarded at sea.~~
- ~~⁽⁸⁾ For 2011-2020, a table showing: 1) max ABCs and adopted ABCs for the six sablefish subareas; 2) the fixed 2013 subarea apportionment amounts compared to what the 5-year non-exponential weighted subarea apportionments would have been; and 3) trawl allocation/TAC amounts and overage amounts each year in the trawl sectors.~~
- ~~⁽⁹⁾ In light of recent increases in young sablefish abundance, the expanded discussion paper should also explore intrinsic sablefish catch rates in trawl fisheries and how those compare to current MRAs~~

Amendment 1 (to add bullet 7) passed 9-8

Amendment 2 (to strike bullet 3 in its entirety) failed 7-11

Amendment 3 (to edit bullet 3) passed 10-7

Amendment 4 (to edit first paragraph and strike bullet 4 in its entirety) failed 9-9

Amendment 5 (to add bullet 8) failed 7-11

Amendment 6 (to strike word 'directed' from bullet 8) passed 10-8

Amendment 7 (to add 'and area' to bullet 8) passed 16-2

Amendment 8 (to add bullet 9) failed 8-10

Amendment 9 (to add bullet 10) failed 8-10

Main Motion as Amended passed 11-7

Rationale in Support of Main Motion as Amended

- *The Sablefish Trawl Overages discussion paper provided a rough outline of the measures that are currently in place or potentially available to address trawl fleet when overages occur. The discussion paper highlights a need for further accountability measures to correct or slow overages of the current magnitude the trawl sectors are experiencing in regards to both sablefish and cod.*
- *An expanded discussion paper would help further illuminate potential measures that could incentivize sectors to mitigate large sablefish overages, including measures similar to salmon bycatch management in the pollock fisheries. The Council could allow the cooperative structure to manage sablefish avoidance; however, if the catch rates become too severe the Council should determine further restrictive measures if deemed necessary.*
- *In addition to sablefish, there are also overages occurring with cod that would benefit from incorporation into an expanded discussion paper of the sablefish overage issue. The similarities in overages of the two species could assist the Council in addressing future management measures in regards to these separate but similar issues. This incorporation should also help conserve staff time.*
- *A more thorough understanding of the composition of the sablefish trawl catch is essential for the annual sablefish stock assessment and in determining the potential impacts of the bycatch removals on the population. Data on trawl caught sablefish in the BSAI AFA pollock fishery is lacking.*
- *A time series of seasonal bycatch accrual rates for sablefish are imperative to understanding when and to what extent overages are occurring. For example, in the BSAI pollock fishery the A-season has extremely low sablefish incidental catch and landings while the B-season encompasses the vast majority of incidental catch landings. To this end, the Council could entertain time and area closures during times of historically high sablefish bycatch if the expanded discussion paper could draw this correlation out.*
- *Overages that occur while executing rationalized fisheries that impact other fisheries are difficult for the current Council management structure to address. Applying tools from other species/programs experiencing challenges is important. For example, when a sector reaches an MRA or allocation, accountability measures could be implemented on a cooperative level for rationalized fisheries. The Council may entertain additional accountability measures through a more thorough examination of the issue in order to protect the species experiencing overages.*

Rationale in Opposition of Main Motion as Amended

- *A fishery management concern regarding overages of incidentally caught sablefish in the trawl sectors has been identified. To date, the discussion has been focused just on fixing or addressing the issue rather than trying to fully understand why overages are occurring in the first place and then applying management measures as deemed appropriate.*
- *For all groundfish stocks in the North Pacific, the Council operates under a long-standing system of tiers and control rules that has, for the most part, resulted in management that successfully balances the needs of fisheries and fishermen with a sustainable precautionary approach. Unfortunately, with regards to sablefish, this balance has become skewed. Over the course of the last four to five years, the management system has adopted abundant layer of precaution upon abundant layer of precaution upon another layer of precaution (e.g., $TAC < ABC < maxABC$ on the order of 40%-50% buffers combined with static subarea apportionment) in an already precautionary system without fully accounting for or appreciating the effects this would have on all fisheries with a sablefish allocation, especially the trawl sector. The situation currently being faced was predictable and was one of the primary reasons members of industry first went to the SSC and Council requesting clearer documentation/explanation of maxABC buffers when they are adopted, which resulted in development and use of risk tables. When the large year classes of sablefish first started showing up on the grounds in numbers never before seen, the trawl sectors didn't understand and questioned the necessity for such large buffers (never once suggesting the need for zero buffers) citing their concerns this extreme level of precaution would have upon their fishing operations. Since then, the extreme levels of precaution have continued as have the trawl industry's voiced concerns.*
- *While some uncertainties exist regarding sablefish population dynamics, the discussion paper states several times that a conservation concern for the Alaska-wide sablefish stock does not exist; the stock is not overfished nor is overfishing occurring (the Annual Catch Limit, which is set at the stock level, and total catch are significantly below biomass estimates from the annual stock assessments).*
- *The discussion paper makes clear that recent overages in trawl sablefish allocations are not a result in any change to fishing patterns or behavior but are instead coincident with the large increase in the numbers of immature sablefish entering into the population (2014, 2016, and 2017 year classes). Exceeding a subarea ABC is not an ACL issue. Despite statements suggesting that the trawl sectors are not being held accountable for these overages, accountability measures do exist and are currently in place. These include 100% and 200% observer coverage levels; annual cooperative reports provided to the Council; and voluntary weekly summary reports provided to both NMFS and ADF&G detailing catch levels and areas for pollock, Chinook, chum salmon, herring, and sablefish as well as any steps taken to mitigate higher levels of incidental catch for each of these species.*
- *The discussion paper notes that for other groundfish stocks, the spatial apportionment is based on the abundance of the species in each area as determined in the survey. In contrast, area apportionments of sablefish ABCs/TACs, as recommended by the JGPT and adopted by the SSC and Council, have not been adjusted to more accurately reflect the stock distribution of sablefish and instead continue to be based primarily on a fixed apportionment scheme used since 2013. Decisions over the last few years to establish area apportionments at levels not reflective of stock distribution results in the trawl sector's being asked to remain under an unrealistic and artificially low allocation.*

- *Cooperatives are working, as heard in public testimony. Captains are actively communicating on the grounds in real-time to share information on bycatch of all species. Cooperatives will continue to work to balance their bycatch/incidental catch priorities, as established by the Council for the benefit of other directed fisheries and communities, with their ability to successfully harvest their target catch for the benefit of their fishermen, processors, and communities as well as the nation. However, while cooperatives are the best platform the trawl sectors have for addressing the incidental catch of sablefish, they cannot be expected to effectively operate to the best of their abilities under unrealistic conditions and artificially low allocations that do not recognize sablefish population growth and shifting stock distribution.*

Rationale in Support of Amendment 1

- *During the last specifications process, the sablefish TAC was set well below maxABC due to economic concerns cited by directed fishery stakeholders. However, because the trawl portion of the sablefish TAC is managed as an ICA (amount too small for a directed trawl fishery), there is concern that the trawl TAC may be set too low for actual conditions on the trawl grounds while large year classes of juvenile sablefish are maturing and migrating to deeper waters where there are then targeted by the fixed gear fleet. Unlike ICAs established for other species, which are generally based on an intrinsic rate of catch compared to the target species, this does not occur for sablefish since the trawl sector has an allocation of the TAC.*

Rationale in Opposition of Amendment 2

- *Regardless of timeframe, it is necessary to understand the composition of the sablefish trawl catch by providing information on where and how the current data informing sablefish overages is being collected.*

Rationale in Support of Amendment 2

- *The type/level of data requested has not previously been collected by the observer program for incidentally caught sablefish, nor is there currently a dockside sampling program for groundfish to accommodate such data collection. It is unknown whether the observer program would be able to accommodate such sampling protocols, but likely wouldn't be able to start collecting data until 2022 and several years of data collection would be needed for statistically robust samples to provide meaningful information. Given the statement that the sablefish overage issue is time sensitive and action should be taken sooner rather than later, the time required to collect and integrate the data requested is not in line with the perceived need for urgent action.*
- *An assumption was made that the data requested could inform the stock assessment for sablefish. However, it is unknown/unconfirmed whether such a data request has been made by the stock assessment authors, the Joint Groundfish Plan Team, or the SSC.*

Rationale in Support of Amendment 3

- *Amending the language of this bullet is intended to better capture the intent of the request, which is to provide information on where and how the current data informing sablefish overages is being collected and to more thoroughly explore the data available. It is not the intent of the request to evaluate or recommend any changes to observer sampling protocols.*

Rationale in Opposition of Amendment 3

- *The amended language does not accurately reflect the intent of the data request as clarified, especially given the retained reference to use by the stock assessment authors for informing biological concerns.*

Rationale in Opposition to Amendment 4

- *Given the similarities in overages of both sablefish and cod occurring in the trawl sector, it seems most appropriate to address the two species in a single paper in order to assist the Council in addressing potential future management measures.*

Rationale in Support of Amendment 4

- *The scope of the concern as it relates to incidental catches of Pacific cod is unknown at this time as is the extent of the similarities in overages between cod and sablefish. Given the multiple sectors that harvest cod both directly and incidentally, in order to best explore the potential scope of concern heard in public testimony, it would be more appropriate for a separate discussion paper to be initiated that is specific to cod.*
- *The addition of Pacific cod to an expanded discussion paper or any future analyses would add significant complexities and time to an analytical package, which is not in line with the statement that the sablefish overage issue is time sensitive and action should be taken sooner rather than later.*

Rationale in Opposition to Amendment 5

- *The current discussion paper and request for an expanded discussion paper are focused on overages occurring specifically in the trawl sectors; therefore, it is not appropriate to include information related to the directed sablefish fishery within this scope.*

Rationale in Support of Amendment 5

- *The issue of interactions with the unprecedented abundance of small sablefish on the grounds is not just limited to the trawl fleets, but also encompasses the directed sablefish fishery as evidenced by action taken to allow for the careful release of small sablefish in the directed fishery. In order to best understand the full extent and impacts encounters with small sablefish are having across multiple sectors, it is necessary to include similar incidental catch information/data from the directed sablefish fishery.*

Rationale in Support of Amendment 6

- *The intent of this amended language is to remove the focus from just the directed fishery so that the data/information being requested encompasses all fleets/sectors that may be encountering small sablefish.*

Rationale in Support of Amendment 8

- *Given continued use of a fixed apportionment approach for distributing subarea ABCs through 2020, the purpose of the table is to demonstrate whether trawl overages would have occurred if the subarea ABC apportionment methodology more accurately reflected the distribution of the growing and shifting sablefish population as would have been done under the previously used 5-year non-exponential weighted scheme.*

Rationale in Support of Amendment 9

- *The trawl sectors are limited by sablefish MRA levels before being required to discard, and the rate of sablefish to directed target catch will change depending on the abundance of sablefish present in the water. Given the extraordinary increase in sablefish biomass in the last five years, reviewing the intrinsic catch rate for trawl sablefish and determining whether the current MRA is appropriate is warranted.*