

ADVISORY PANEL Motions and Rationale April 2025 - Teleconference

C2 - Small Sablefish Release

The following changes and additions are in bold.

The AP recommends the Council revise the purpose and need and adopt the following preferred alternative for final action.

All aspects should apply to both the IFQ and CDQ fixed gear sablefish regulations.

Purpose and Need

Beginning with the 2014 age class, a continuing series of large year classes of sablefish are resulting in significant catches of small sablefish in the IFQ and CDQ fixed gear fisheries and current regulations require retention of all sablefish **for catcher vessels**. Small sablefish have low commercial value under current market conditions. Action is needed to reduce the harvest of small sablefish **and to align the current regulations for CP's releasing small sablefish while fishing both IFQ and CDQ**. Although no scientific studies are available to estimate survival rates for Alaska sablefish, information from other areas suggests that survival rates for carefully released sablefish may be high enough to warrant consideration of relaxing full retention requirements **for catcher vessels**. Limited operational flexibility to carefully release sablefish may increase the value of the commercial harvest and allow small fish to contribute to the overall biomass

Alternative 2: Allow Release of Sablefish in the IFQ Fishery

This alternative would modify the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ **catcher** vessels as well as the FMP provision prohibiting discarding.

Require retention of sablefish 22 inches total body length or longer (provides for voluntary release of sablefish under 22 inches total body length) **for catcher vessels**.

Option B: All CPs using fixed gear to fish sablefish IFQ/CDQ could discard any sablefish, regardless of size.

Element 1: DMRs

The SSC recommends the DMR be identified and regularly adjusted through the stock assessment process.

Element 2: Catch and Release Mortality Accounting

Sablefish catch and release mortality associated with the IFQ fishery will be accounted for in the stock assessment. **The AP recommends that the term ICA be changed to Sablefish Discard Allowance (SDA).** For in season management, an **SDA** must be established to account for sablefish discards:

Option 1: As part of the annual harvest specification process, fixed gear **SDA's** will be established separately for the CP and CV categories.

The AP recommends no SDA be established for the first year of this action

The AP also recommends the Council establish in season management authority to allow NMFS to prohibit discarding in the sablefish IFQ /CDQ fisheries in the situation that if continuation of discarding were to continue it could result in exceeding a TAC or ABC.

Element 3: Monitoring and Enforcement

The AP recommends that NMFS utilize existing observer programs and vessel logbooks to monitor compliance and estimate discard amounts utilizing current infrastructure to ensure effective enforcement without additional regulatory burden. Observer protocol should be created for documenting released sablefish on both CP and CV's fishing IFQ/CDQ sablefish.

For this action, a CP shall be considered a vessel which is actively fishing as a CP or a "freezer longliner" and participating in full coverage monitoring.

Element 4: Review

Option 1: The ability to release sablefish will be reviewed in 5 years following implementation **or during the IFQ program review, whichever comes first.**

Element 5 Careful Release

The AP recommends the development of a careful release requirement for all fixed gear sablefish that states, "sablefish shall be carefully released immediately and with a minimum of injury while ensuring observers, when present, have access to fish for biological sampling and catch accounting. For hook-and-line fishing, discards must follow the careful release procedures implemented in the Pacific halibut fishery (e.g., 50 CFR 679.21(f)(13)). For vessels fishing with pot gear, sablefish must be released in a timely manner with minimal injury or harm."

The AP recommends the Council not specify the requirement for escape mechanisms at this time to allow for continued innovation of sablefish pot gear.

Main Motion passed 17-3

Rationale in Support of Main Motion

- *For the last 6 years, many fishermen in the fixed gear sablefish fishery have advocated for this action and while allowing fixed gear fishermen to release sablefish under 22 inches will not on its own recover markets, it will improve the socioeconomics of the fishery.*
- *Table 6-19 in the analysis places this potential benefit to the fleet at \$4.3 million, and goes on to note potential benefits to processors and communities reliant on sablefish landings. Increasing the value of the sablefish catch may also contribute to the viability of the sablefish survey and the observer program since cost recovery programs are based on the value of the catch.*
- *The stock assessment includes fish age 2 and older. Requiring fishermen to retain > 22 inch fish results in age 3 and older sablefish being retained. As a result, only a very small component of currently assessed spawning biomass can be released, having minimal impact on the stock assessment process.*
- *The AP has made the recommended edits to the purpose and need statement to clarify that this action is specific to catcher vessels, while including the NMFS recommendation to revise current regulations to align retention requirements for CPs fishing sablefish CDQ and CPs fishing sablefish IFQ, per requirements under the Magnuson-Stevens Fishery Conservation and Management Act. It is appropriate at this time to align sablefish retention regulations for CDQ fished on a CP with those that apply to a CP fishing IFQ.*
- *Sablefish are a long-lived species, not reaching sexual maturity until they are 10 years old, yet there has been an increase in the deliveries of sub 22-inch (1-2 lb) fish, of which, only 2% of which are likely sexually mature. The fishery has shifted its harvest to largely sexually immature sablefish that have relatively low market value in recent years. Some AP members believe that giving the fishermen the tools to let those fish grow up is not just responsible, but necessary. The CP fleet currently has no restrictions on releasing sablefish and can release fish of any size. There is no ICA/SDA or DMR in place and never has been.*

Rationale Specific to Element 2 - Catch and Release Mortality Accounting

- *The AP has included the NMFS recommendation of creating a new term Sablefish Discard Allowance, to account for this action. The SDA should be set alongside the DMR by the SSC and we have adopted the recommendation to set separate SDA's for CPs and CV's.*
- *At this time there is no available data on fleet behavior, in either sector to set an SDA. For this reason, there is a recommendation to not set an SDA in the first year of this action to allow time to gather data. Usually, when a catch share program is newly implemented, NMFS sets a conservative ICA and adjusts it over time as more information becomes available. Setting the ICA annually allows NMFS to make adjustments each year depending on the most recent information. Recent sablefish harvests are significantly below TAC and the stock is buffered against underestimation while data can be collected. Sablefish is considered a coastwide stock which further allows room for this data collection without an SDA in the first year of implementation.*
- *Catcher vessels and catcher processors have different business models and different observer coverage rates. The motion does its best to balance these differences by maintaining the historic regulatory flexibility that the fixed gear catcher processor fleet has had with the ability to discard sablefish of any size. For the same reasons, separate SDAs for CV and CP fleets makes sense.*

Rationale Specific to Element 3 - Monitoring and Enforcement

- *Current observer protocol does not account for sablefish release and will need to be amended to include accounting and sampling of released fish. There was a need to clarify the definition of a CP in this fishery as there are subsets of vessels, which have a Federal CP permit but operate as a CP and a CV. The recommendation to clarify stresses the importance of the 100% or full coverage monitoring which would be the basis of data collection for setting separate SDA's for the CP and CV sectors.*

Rationale Specific to Element 4 - Review

- *There is a high likelihood of the next IFQ Review lining up within 5 years of implementation of this action and we acknowledge that the next IFQ review could be a more appropriate place to conduct a review of this action.*

Rationale Specific to Element 5 - Careful release:

- *The AP suggested mirroring the language currently used for regulatory release of halibut in the hook and line fishery. The other recommended language is consistent with the State of Alaska regulations for sablefish release in the state water sablefish fishery as well as the NMFS recommendation. The intent is to release lively fish with a high rate of survival– not discard injured or dead fish.*
- *It is not expected that every vessel in the CV fleet will take advantage of careful release. Increased TAC and low prices have shifted some CV fishing behavior to a volume model and some have stated that they have no interest in releasing fish and just want to get their quota out of the water. But for many vessels with small amounts of quota, this flexibility allows them to create more value from their catch. The IFQ report to the fleet shows 255 vessels fishing IFQ sablefish and a total of 600 permits. Fleet behavior is extremely variable but overall, the low value of sablefish under 22 inches has affected all of them.*

Rationale in Opposition to Main Motion

- *There was concern from AP members that there was not enough data collection or monitoring to provide accountability or enforcement. Given the level of uncertainty in implementing this action it did not feel ready for Final Action at this meeting.*
- *While AP members appreciated that stakeholders had been working on this action for six years, it was noted that many of the unknowns (observer bias in discard data, effects of low monitoring rates on enforcement, how discard data with low monitoring will extrapolate, how to set an SDA, what gear modifications could be used to reduce the amount of sablefish discards) could have been addressed in through the Exempted Fishing Permit (EFP) process. An AP member noted that it did not feel like good practice to take Final Action on an action this complex and then figure out additional protocols and implementation after the fact.*
- *The analysis noted that stock assessment authors are already lacking and losing data sources, so an AP member felt this motion was creating more uncertainty without increasing adequate levels of data collection.*
- *The review period did not seem adequate since the motion lacked metrics to determine whether careful release of small sablefish is a conservation benefit or will have created unintended impacts.*