



## Enforcement Committee C2 SMALL SABLEFISH ANALYSIS REPORT

March 27, 2025; Zoom

*The North Pacific Fishery Management Council's Enforcement Committee met on March 27, 2025, virtually. The Enforcement Committee met to provide feedback on the Committee Draft Terms of Reference, the Small Sablefish Release Analysis Draft for Final Action, and the Maximum Retainable Amount Adjustment Analysis Draft for Initial Review. **This report details only the Committee's discussion on the Small Sablefish Release Analysis;** reports on the other agenda items taken up by the Committee can be found on the eAgenda for the April 2025 Council meeting.*

### Committee Members in attendance:

Steve Williams (co-Chair), Ben Cheeseman (co-Chair), Alex Perry, Josh Keaton, Karla Bush, Andrea Hattan, Brian McTague, Captain Derek DeGraaf AWT, Lieutenant Ivan Davis USCG

### Others in attendance:

Jon McCracken, Taylor Holman, Andrew Olson, Sara Cleaver, Danielle Merculief, Krista Milani, Erik Peterson, Phillip Null, Alex Hildebrand, Alicia Miller, Anne Vanderhoeven, Brian Mason, Chris Woodley, Glenn Merrill, Glenn Charles, Gretchen Harrington, Heather Mann, Joel Kraski, Julie Bonney, M. Rickett, Mary Beth Tooley, Mike Vechter, Nicole Kimball, Rachel Baker, Ruth Christiansen, Scott Miller, Todd Loomis, Marlon Concepcion, Chelsae Radell

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## C2 Small Sablefish Release Analysis

Sara Cleaver, Council staff, and Andrew Olson, NMFS SF, presented the Small Sablefish Release Analysis EA/RIR. The analysis will be presented to the Council for final action at the April 2025 meeting. This action under consideration by the Council was last seen by the Enforcement Committee in January 2021. A description of the Committee's discussion and recommendations on this item are included in the EA/RIR analysis on pages 90 & 91. The Council has made changes to the measures under consideration since the Enforcement Committee last saw this item, and the Enforcement Committee reviewed and discussed these changes at this meeting.

Ms. Cleaver and Mr. Olson provided background on the action, the alternatives selected for analysis, the enforcement considerations of the action, and discussed the key Council decision points. In their presentation, they emphasized Element 5 of Alternative 2, summarized in Section 2 of the analysis (page 25). Element 5 details the Council recommendation to develop, in conjunction with industry, careful release requirements for all fixed gear sablefish fisheries. In this recommendation, the Council requested that the analysis describe gear modification options (voluntary and regulatory) used to improve size-selectivity for pot and hook-and-line gear fisheries. Within the discussion of Element 5, Mr. Olson provided a summary of the careful release provisions described in Table 2-1 of the analysis, the enforcement limitations of having careful release requirements for all fixed gear sablefish fisheries (Section 4.5 of the analysis), and specific gear modifications, including escape rings.

Mr. Olson provided the following summary of NMFS recommendations:

- **Alternatives 1 & 2: A)** align sablefish retention requirements for fixed gear CPs fishing in the IFQ and CDQ fisheries to comply with section 305(i)(1)(B)(iv) of the MSA, **and B)** implement technical revisions to the BSAI and GOA Groundfish FMPs to align with Federal regulations by:
  - Changing FMP reference to “freezer longliners” to “catcher/processors (CPs)”
  - Matching FMP language to regulations on sablefish retention requirements.
- **Alternative 2, Element 2 & 3: A)** Establish inseason management authority to prohibit discarding in the sablefish IFQ/CDQ fisheries when an area-wide SDA is reached to prevent exceeding a TAC or ABC, **and B)** Establish new terminology “sablefish discard allowance (SDA)” rather than “ICA”.
- **Alternative 2, Element 5: A)** Careful release requirements to include language similar to existing regulations for halibut and sablefish such that sablefish are released immediately and with a minimum of injury while ensuring observers are able to collect necessary biological information.

Mr. Olson also provided a summary of the following NMFS recommendation with respect to Alternative 2, Element 5, noting that discarding of any size is not in the current motion, but has been analyzed in the past as a path forward due to the prevalence of pot gear.

- **Alternative 2, Element 5, if discarding of any size sablefish for CPs and CVs is allowed: A)** Careful release requirements to include language similar to existing regulations for halibut and sablefish such that sablefish are released immediately and with a minimum of injury while ensuring observers are able to collect necessary biological information, **and B)** escape ring requirement for pot gear in the sablefish IFQ/CDQ fisheries to reduce capture of small sablefish.

### *Committee discussion and recommendations*

The Committee expressed appreciation to the authors for all the work that went into the document. The Committee had comments or recommendations on the following specific issues:

- The Committee noted that the Enforcement Committee met on this topic in January of 2021, and at that time put forward a recommendation that, if the Council opted to allow for release of sablefish, allowing release of any size sablefish would be the most enforceable option, requiring no enforcement for discards apart from noncompliance with careful release requirements. At this meeting, the Committee reiterated that, from an enforcement perspective, this would be the simplest and most enforceable option. The Committee noted that if only small sablefish were allowed to be released, enforcing illegal discard of  $\geq 22$ ” sablefish would likely require changes and training of observers and EM data reviewers to allow them to evaluate potential discard violations.
- The Committee discussed different options for regulatory language regarding retention or discard requirements.
  - State of Alaska regulations at 5AAC 28.170(f) mandate a vessel retain any visibly injured or dead sablefish. Based on their experience Alaska Wildlife Troopers provided input that this is essentially unenforceable unless an observer is aboard a vessel at the time of harvest. Furthermore, the language “visibly injured” is problematic to enforce due to the requirement of physical examination of fish, examiner subjectivity, and the lack of a scientifically and methodically developed injury or viability key. Due to these enforceability concerns with 5AAC 28.170(f), mirroring that State regulation is not something that the Committee would recommend.
  - The Committee recommended that the regulatory language for this action closely align with the language in halibut regulations, which mandates that discards be released immediately and with minimum of injury.

- The Committee noted that mandating escape rings, or other gear modifications or restrictions, would be enforceable. Gear restrictions can easily be inspected and measured both at-sea and dockside.