

ADVISORY PANEL
Motions and Rationale
June 4; 7-9, 2024 - Kodiak, AK

C4 Small Sablefish Release

Motion

The AP recommends this amendment advance to final action with the following alternatives and options. *All aspects should apply to both the IFQ and CDQ fixed gear sablefish regulations.* Preliminary preferred alternatives are in bold.

Alternatives

Alternative 1: No Action, status quo

Under the No Action alternative, all regulations and FMP language related to a prohibition on discarding sablefish would remain intact. Those regulations include 50 CFR 679.7(d)(4)(ii) and 50 CFR 679.7(f)(11). Additionally, discarding is prohibited in both the BSAI and GOA Groundfish FMPs in the fourth provision under General Provisions section 3.7.1.7, prohibiting discarding of sablefish.

Alternative 2: Allow Release of Sablefish in the IFQ Fishery

This alternative would ~~eliminate (Option 1) or modify (Option 2)~~ the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ vessels as well as the FMP provision prohibiting discarding.

~~Option 1: Eliminate the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ vessels as well as the FMP provision prohibiting discarding.~~

~~Option 2: Require retention of sablefish 22 inches total body length or longer (provides for voluntary release of sablefish under 22 inches total body length).~~

Elements of the Alternatives

Element 1: DMRs

Apply a DMR to released sablefish of:

- ~~1. 5%~~
- ~~2. 12%~~
- ~~3. 16%~~
- ~~4. 20%~~
- ~~5. 25%~~

6. SSC recommends the DMR through the stock assessment process.

Sub-option: Select different DMRs for pot gear and hook and line gear.

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 analysis should describe the potential implications of voluntary discards on the sablefish stock assessment, specifications process and catch accounting in the context of other uncertainties.~~

Option 1: As part of the annual harvest specification process, the application of fixed gear ICAs would be different for full and partial coverage observer categories.

Option 2: As part of the annual harvest specification process, the application of fixed gear ICAs would be limited to sablefish IFQ fishing that occurs in the partial coverage observer category.

Element 3: Monitoring and Enforcement

The analysis should describe potential monitoring and enforcement provisions that could improve estimates of voluntary and regulatory discards *release and bring it into alignment with other regions that allow release of small sablefish (ADFG, DFO,PFMC).*

Element 4: Review

Option 1: The ability to release sablefish will be reviewed in

a) 3 years b) **5 years** c) 7 years following implementation.

~~**Option 2:** The ability to release sablefish will sunset after 5 years following implementation.~~

Element 5 Careful Release

The AP recommends the development of a careful release requirement for all fixed gear sablefish.

~~The analysis should include a discussion of selectivity in sablefish pots and whether requiring escape mechanisms meets the objectives of this action.~~ *The AP recommends the Council not specify the requirement for escape mechanisms at this time to allow for continued innovation of sablefish pot gear.*

Motion Passed: 19/2

Rationale in favor of motion:

- *Small sablefish release has been a consistent priority of the IFQ sector and the IFQ committee for over 5 years, and p. 168 of the analysis states “Implementing a minimum size limit for Alaska sablefish has been considered as a management option for at least the last 40 years.” Many participants in the fixed gear IFQ sablefish fishery would like to see this moved to final action.*
- *Page 6 of the reports states that Alternative 2, Option 2 would have negligible impacts on the sablefish stock. Many fishermen and fishing communities are highly dependent on the economic value of the sablefish fishery and any action to help improve the current situation is warranted, especially with the possibility of continued strong year classes and small sablefish presence in the fishery in future years.*
- *Striking Alternative 2 option 1 creates efficiencies for the analysis and is responsive to public comment.*
- *Including CDQ in this action is appropriate regarding the requirement to manage fixed gear CDQ sablefish consistently with the IFQ fishery.*
- *It is generally understood that the SSC would recommend the sablefish DMR during the annual harvest specifications process. However, some AP members thought it important to point out that the majority of the IFQ sablefish fleet has been moving towards utilization of pot gear, and that staff noted that a 12% DMR may be more characteristic of pots and the 35% may be more characteristic of hook and line fishing. As we continue to see up to 90% of the harvest from pots, some AP members hope the differential DMR for each gear type is taken into consideration.*
- *The application of an ICA is needed to account for sablefish discards in the fishery. Since discards on 100% observed vessels would be directly observed instead of being “estimated”, the adjustment for expected discards would not be necessary. Structuring the ICA options as shown in the motion could allow for discards on 100% observed vessels to reflect the observed data on those vessels.*
- *There is wide support for the adoption of careful release language similar to that used for halibut; p. 29 of the analysis cites regulations which could be used as a template for sablefish careful release. Language for pot gear should be adopted as well, and there are other sablefish pot fisheries with regulatory discards that could be used as examples when drafting that language.*
- *Appendix 4 describes how other regulatory bodies account for the release of sablefish; there are logbook and monitoring requirements that differ across all of these bodies that could be examples for implementation. The IFQ fleet is working on implementing and growing the use of E-logbooks, which would be a good mechanism for release accounting, and all sablefish pot vessels are currently required to use the Daily Fishing Logbook.*
- *The AP does not support specifying the requirement for escape mechanisms at this time because pot gear usage in the IFQ sablefish fishery is in a constant state of adaptation to best suit the fishing practices of each vessel. Larger vessels using coffin style pots are tending to use larger mesh as an escape mechanism, slinky pot users have incorporated a range of escape ring sizes, and some are exploring other options. As this is a newer gear type, it is important not to restrict innovation for best fishing practices. Escape mechanisms could be considered as part of the review process.*
- *The AP supports a 5-year review of this action. Review is a necessary component of any new action and this period of time is sufficient to consider any potential changes that may be needed.*

Rationale in opposition of motion:

- *AP members noted reservations about moving to a policy of high-grading fish that the analysis states has no conservation benefit, and could negatively impact the spawning stock biomass (SSB).*
- *Moving to a system of high-grading allows for, and will increase, regulatory/economic discards when fishery policy should be evolving management systems to incentivize full utilization and decreasing discards.*
- *AP members noted that this action may have been better tested as an Exempted Fishing Permit (EFP) to address a lot of the data gaps mentioned by the analysts, including things like gear modification (e.g., escape rings and mesh size variation to test small fish escape prior to being brought to the surface), whale predation, survivability, discard mortality, careful release methods, whether the 22" size is the right number, etc.*
- *Some AP members expressed concern with "catch and release mortality" accounting and enforcement in this action, given the current low observer and EM coverage, and especially since there is no coverage on under-40 foot vessels. Specifically: the tradeoffs required to account for size-selective discards, and potentially biased data collection due to presence/absence of an observer or EM.*
- *Some AP members noted that logbook reporting requirements differ among participants affected by this action, and that voluntary reporting of discards in logbooks may be unreliable without adequate monitoring and enforcement. This causes even more concerns in regards to a voluntary program, and how impacts will be identified and assessed. An expanded monitoring and enforcement section that compares requirements in other regions that release small sablefish may help to improve understanding of the trade-offs.*
- *Some AP members noted the minimal impact that fishery management actions have on the sablefish market, given the complex and global market conditions that exist currently for all seafood, sablefish included. As an example, public comment noted that the sablefish TAC on the Pacific coast will increase to 24,000 mt in 2025, which exceeds the recent retained amounts of sablefish Alaska-wide.*
- *This action may not result in more catch of larger fish, judging from catch in the GOA trawl fishery. Based on Trawl sablefish fishing in the Rockfish program where the average is 2-3lb or 3-4 lb, trawlers are seeing very little larger fish on the grounds.*