

## **California Department of Fish and Game (CDFG) Request for June Agenda Item on Permitting the Groundfish Open Access (OA) Fishery**

### **Background**

Conversion of the current open access groundfish fishery to a limited entry management system has been a Council priority since development of the groundfish Strategic Plan, adopted in 2000. While a federal limited entry groundfish program was established in 1994, it did not include all vessels that landed groundfish. Participation in the open access portion of the fishery was left unlimited to ensure that vessels active in state-managed fisheries and/or landing groundfish incidentally, would continue to have access to that resource. Since 1994, any vessel without a federal limited entry permit has been allowed to directly target and land groundfish under OA fishery regulations and limits.

The fleet quickly became overcapitalized, and a control date for the open access fishery was set as November 5, 1999 to put fishermen on notice that the Council was considering permitting the open access fleet. In November 2003, the Council agenda included "Open Access Limitation Discussion and Planning;" however, as with many management issues needing Council attention, work on this issue has been repeatedly delayed due to other high priority issues.

In September 2006, the discussion of the OA fishery again surfaced as the Council dealt with extremely low overfished species Optimum Yields and the challenge of crafting meaningful fishing seasons. The Council reviewed the original control date for the OA fishery and determined that it was "stale" because significant time had elapsed since adopting that date. The Council therefore adopted a new control date of September 13, 2006. NMFS announced the new control date in the *Federal Register* on November 1, 2006 (71 FR 64216.)

California has the greatest number of vessels participating in the OA fishery and accounts for approximately 61% of coastwide OA participation. Oregon also has an OA fleet and contributes approximately 31% of vessels making OA landings, while WA vessels contribute the remainder. The OA fishery is characterized by variability in the number of participating vessels and by variability in which particular vessels participate from year to year. This variability contributes to difficulty in accurately estimating bycatch of overfished species for inseason management and results in additional difficulties in predicting effort for developing management measures. The CDFG is concerned that continued allowance of an unrestricted open access fishery may interfere with bycatch reduction goals and continue to add instability to the groundfish fishery.

## Planning

To facilitate the consideration of permitting the groundfish open access fishery, the CDFG worked with the National Marine Fisheries Service to develop a draft timeline and approach to “closing” the OA fishery. The CDFG intends to provide an informational report to the Council in June, characterizing historical and current open access fishery landings. In addition, we intend to identify issues that will need to be considered as we move forward in the discussion.

The scope of the OA permitting discussion should include a range from simply establishing a moratorium permit to establishing qualifying criteria that significantly reduce effort in the fishery. The potential timelines and responsibilities necessary to develop and adopt a license limitation program for open access groundfish fisheries are displayed below. The Council will need to discuss how to integrate an OA permitting timeline with the timeline for the 2009-2010 specifications and management measures. For implementation during the 2009/2010 management cycle, the following abbreviated timeline is provided for purposes of future Council agenda planning:

| <b>Step</b>   | <b>Dates</b>               |
|---|----------------------------|
| Initial Overview and Council Direction for Development of Alternatives  | June 2007                  |
| Identification of Alternatives and CDFG/NMFS Document Development   | June – September 2007      |
| Council meeting: adopt preliminary range of alternatives and preliminary preferred alternative (optional) for public review | November 2007              |
| Council meeting: final adoption of preferred alternative  | April 2008                 |
| Implementation phase and initial permit issuance  | April 2008 thru April 2009 |
| Permits required  | May 2009                   |