

AMENDMENT 15: PARTICIPATION LIMITATION IN THE PACIFIC WHITING FISHERY

When Congress passed the American Fisheries Act (AFA) in 1998, Congress designated the Pacific Fishery Management Council (Council) to develop conservation and management measures to protect West Coast groundfish fisheries from potential harm caused by the AFA. In September 1999, the Council initiated Amendment 15 to the Pacific Coast Groundfish Fishery Management Plan (FMP) to address this concern. However, because of competing workload and no threatened imminent harm, the Council tabled action on Amendment 15 in 2002.

The Council readdressed Amendment 15 at its September 2006 meeting and voted to move forward expeditiously to complete Amendment 15 for first use in the 2008 fishery with direction to simplify the alternatives brought forward for Council consideration.

As an interim protective mechanism, the Council voted in November 2006 to request that National Marine Fisheries Service (NMFS) enact an emergency rule restricting AFA vessel participation in the whiting fishery without catch history prior to 2006, to be implemented for the 2007 non-tribal season. NMFS did not approve the request. In March 2007, based on concerns of adverse conservation, economic, and safety effects to the 2007 fishery that could result from an unrestricted derby style fishery, the Council broadened its original emergency rule request to prohibit participation in the 2007 non-tribal Pacific whiting fishery by all vessels, including both AFA and non-AFA vessels, without sector-specific history in the fishery prior to January 1, 2007. NMFS implemented the emergency action through temporary rule which became effective May 17, 2007.

At its June meeting, the Council reviewed alternatives to limit participation in the Pacific whiting fishery under Amendment 15 to the Groundfish Fishery Management Plan (FMP) and recommended broadening the scope of the proposed action to address conservation and socioeconomic issues in the non-tribal Pacific whiting fishery by prohibiting sector-specific participation in the fishery by all vessels without historic participation records. The Council's previous range of alternatives focused on potential harm to the whiting fishery by the entry of vessels permitted under the American Fisheries Act (AFA) that have no history in particular sectors. The proposed action alternatives now more closely align with the temporary rule implemented by NMFS in May, which limits participation in this year's whiting fishery.

The Oregon Department of Fish and Wildlife (ODFW) has taken the lead in coordinating the development Amendment 15. In collaboration with an inter-agency workgroup consisting of staff of the Washington Department of Fish and Wildlife, ODFW, and NMFS, ODFW completed a draft Environmental Assessment (EA) (Agenda Item G.5.b., Attachment 1) which provides a description of the proposed action, the purpose and need for such action, and an analysis of the alternatives. Also included for Council review are draft amendatory FMP language (Agenda Item G.5.b, Attachment 2).

The Council is scheduled to take final action on this matter at its September 2007 meeting and hopes to have Amendment 15 implemented in time for the 2008 Pacific whiting fishery. The Council considers this action as an interim step in advance of a possible rationalization of the entire groundfish trawl fishery.

Council Action:

1. Review the draft EA and Adopt a Final Preferred Alternative on Participation Limitation in the Pacific Whiting Fishery.

Reference Materials:

1. Agenda Item G.5.b, Attachment 1: Environmental Assessment of Management Measures to Prevent Harm to the Pacific Whiting Fishery.
2. Agenda Item G.5.b, Attachment 2: Draft Amendment 15 FMP Language.

Agenda Order:

- a. Agenda Item Overview
- b. Alternatives Analysis Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Adopt Final Preferred Alternative

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PFMC
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