

FISHERY MANAGEMENT PLAN AMENDMENT 22 (OPEN ACCESS FISHERY): REVIEW MARCH COUNCIL ACTION

Concerns were raised at the April 2009 Council meeting regarding the open access fishery preseason registration alternative adopted by the Council at its March 2009 meeting. The March 2009 decision came after a lengthy Council process initially aimed at capping or limiting access to the directed fishery sector of the open access fishery for B species groundfish (Federal groundfish not including nearshore species). There were concerns expressed by the National Marine Fisheries (NMFS) seat about the efficiency and efficacy of the alternative selected and there were concerns from the Washington Department of Fish and Wildlife seat about the clarity of motion adopted, including inclusion in the registration program of (a) target groundfishing vessels, (b) vessels incidentally catching groundfish (e.g., salmon troll vessels, pink shrimp trawl vessels) and (c) vessels fishing in or possessing B species groundfish in state waters (e.g., nearshore vessels in Oregon and California). To advance further consideration of this matter, the Council asked that NMFS meet with Council staff to put together information on relevant concerns expressed at the April 2009 Council meeting. The Council indicated it would consider this information at the June 2009 Council meeting towards a decision on whether or not to schedule a reconsideration of the March 2009 decision at some point in the future.

The final vote adopted a preseason registration process that was a slightly modified version of Alternative 2 contained in the March 2009 Preliminary Draft Environmental Assessment (EA). The motion and Council discussion at the time of action is contained in Agenda Item E.3.a, Attachment 1. The original unmodified Alternative 2 and analysis excerpts from the March 2009 Preliminary Draft Environmental Assessment are contained in Agenda Item E.3.a, Attachment 2. NMFS clarification about the March 2009 Council action is contained in Agenda Item E.3.b, NMFS Report. Relevant preliminary draft minutes from two portions of the April 2009 Council meeting dealing with this issue (the NMFS Groundfish Report and Future Council Meeting Agenda and Workload Planning) are provided in Agenda Item E.3.a, Attachment 3.

Council Action:

- 1. Review final action from March 2009.**
- 2. Consider noticing the possibility of rescinding or affirming the March 2009 action at a future Council meeting.**
- 3. Provide guidance to staff (e.g., additional analysis, new alternatives, new control date, draft EA revisions, etc.).**

Reference Materials:

1. Agenda Item E.3.a, Attachment 1: March 2009 Draft Meeting Minutes: Council Action on Open Access License Limitation.
2. Agenda Item E.3.a., Attachment 2: EA Description and Analysis of Alternative 2.

3. Agenda Item E.3.a, Attachment 3: April 2009 Preliminary Initial Draft Meeting Minutes: Open Access Fishery Discussion.
4. Agenda Item E.3.b: NMFS Report on March 2009 Adopted Motion on Fishery Management Plan Amendment 22: Open Access License Limitation.
5. Agenda Item E.3.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview LB Boydston
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Review March Council Action on Limiting the Open Access Fishery

PFMC
06/01/09