

CONSIDERING AN OPEN ACCESS MORATORIUM

Open Access Participation Trends

No clear trend

May be increasing participation in a segment

May be increasing effort in a segment

Neither of these trends will be controlled by a moratorium alone

Past trends don't tell about the future.

Moratorium Criticism:

They are not implemented until it is too late.

Control Date Considerations

Effective Control Dates Create Uncertainty

Uncertainty is their intended effect

Dampen transactions for those trying to exit and enter

Limit speculative entry

Limit nonspeculative entry

When control dates slip

Those that heed are penalized

Those who ignore are rewarded

When control dates frequently slip

They can become a notice that starts a rush to entry

Accommodating Entry and Exit

Groundfish License System:

Ability to enter and exit the fishery during program development was cited in the court decision supporting a control date that preceded the implementation date by 6 years.

Entry and exit was accommodated by specifying in the control date an intent to consider vessel history.

Vessel History vs. Personal History: A Contentious Issue

GF Limited Entry:

Initial notice allowed either vessel or personal history

1988 notice specified vessel history (result of committee recommendations)

Other Council control dates have not specified vessel/permit/personal history

Programs since that time have been based either on vessel or permit history rather than personal history