

OPEN ACCESS LIMITATION DISCUSSION AND PLANNING

Situation: 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. As with many management issues needing Council attention, work on this issue has been delayed due to other high priority issues in front of the Council.

Recent Progress: This summer, based on the groundwork laid by the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) Open Access Conversion Subcommittee, National Marine Fisheries Service (NMFS) staff lead a joint Council/NMFS working session to identify key issues and concerns that would need to be addressed in developing a plan amendment for conversion of the open access fishery. Based on these discussions, the NMFS staff began initial drafting of an Environmental Impact Statement (EIS) to support deliberations on this issue. The first chapter of that document is provided here as background information (Exhibit D.15, Attachment 1 - Purpose and Need).

Origin of the Open Access Fleet: In 1994, when the license limitation program was implemented for vessels using groundfish trawl, longline, and fishpot gear; vessels not qualifying for permits were allowed to continue fishing in an “open access” segment of the fishery. This open access fishery was allocated a small portion of the groundfish quota. Nonlicensed vessels are allowed to fish against that quota with any gear except groundfish trawl gear. Vessels with limited entry permits are allowed to use any nontrawl gear for which they are not licensed, however, their catch counts against the limited entry quota and they are restricted to trip limits that apply for vessels using the gear in the open access fishery.

Control Dates: Control dates put fishermen on notice that landings after the control date may not be counted toward qualification for a limited entry program. Control dates for license limitation programs are intended to discourage increased participation during deliberation on the new program. Increased participation during deliberations can deteriorate conditions in the fishery. Additionally, if new entrants must be given permits, the effectiveness of the license limitation program would be decreased. By announcing a control date, it is easier to justify not including new entrants among those receiving a permit in the initial allocation. If the Council begins to establish a pattern of announcing but not using control dates, the value of control dates in discouraging future entry may be diminished. In the extreme, the first announcement of a control date could start to have the opposite of the intended effect, becoming a signal to start fishing harder. Control dates do not require the Council to not consider landings after the date, but provide the Council with a more defensible position if it should decide to do so. The current control date for the open access fishery is November 5, 1999 (Exhibit D.15, Attachment 2 - Control Date).

Scope: The SPOC Open Access Subcommittee has recommended the open access fleet be divided into a directed segment and an incidental harvest segment. For the purpose of analysis, the directed landings have been identified as those landings in which the majority of trip revenue is from

groundfish. Another approach has been to use 50% of weight. Early on in the development of this program, it will be important to decide if one of these criteria or some other criteria should be used to determine which vessels must hold a limited entry permit when making a landing with groundfish in it.

Council Task:

- 1. Discuss priority and possible next steps for conversion of the open access fishery to limited entry.**

Reference Materials:

1. Exhibit D.15, Attachment 1 - Purpose and Need: Preliminary Draft Chapter 1 for Open Access EIS.
2. Exhibit D.15, Attachment 2 - Control Date: *Federal Register* notice on control date for the open access fishery, 65(28)6577-6578.

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion and Guidance in Planning Future Open Access Limitation Actions

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10/22/03