

AMENDMENT 22: LIMITING ENTRY IN THE OPEN ACCESS GROUNDFISH FISHERY

Conversion of the current open access groundfish fishery to limited entry management has been discussed several times in Council meetings since April 1998 (71 FR 64216) and was established as a Council priority with the adoption of the Groundfish Strategic Plan in 2000. The groundfish federal limited entry program was established in 1994 and did not include all vessels and their catch histories that landed groundfish during the qualification period. Participation in the “open access” (OA) portion of the fishery was left unlimited to ensure that vessels active in state-managed fisheries and/or landing groundfish incidentally in federally-managed fisheries, 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 landing limits. The fleet quickly expanded and a control date for the OA fishery was set as November 5, 1999 to put fishermen on notice that the Council was considering permitting the OA 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 optimum yields for overfished species and the challenge of crafting meaningful fishing seasons. The Council reviewed the original control date for the OA fishery and, because significant time had elapsed since adopting that date, therefore adopted a new control date of September 13, 2006 and agreed to proceed with the development of a groundfish fishery management plan amendment to convert the open access fishery to limited entry management. NMFS announced the new control date and the Council intent to implement limited entry in the OA groundfish fishery 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 vessels. The Oregon fleet contributes approximately 31% of vessels making OA landings, and WA vessels contribute the remaining 8% of vessels. The OA fishery is characterized by high annual variability in the number of participating vessels, a low number of vessels that participate each and every year, and a relatively small number of vessels that harvest most of the fish. The annual variability in the number of participating vessels contributes to difficulty in accurately estimating bycatch of overfished species and results in additional difficulties in predicting effort for developing future management measures. The concern is that continued allowance of an unrestricted OA fishery may interfere with bycatch reduction goals and continue to add instability to the groundfish fishery. A draft timeline and approach for converting the groundfish OA fishery to limited entry management during the 2009-2010 management cycle is attached (Agenda Item E.4.a, Attachment 1).

To assist in the Council decision process, the California Department of Fish and Game has prepared the attached issue paper entitled: “Review and Update of Open Access Permitting Issue and Possible Range of Alternatives for Issuance of B and C Limited Entry Permits” (Agenda Item E.4.a, Attachment 2). The report is intended to characterize the historical and current open access fisheries and to identify issues that will need to be considered as the Council moves

forward in the process of converting the OA fishery to limited entry. The Council will also need to discuss how to integrate an OA permitting timeline with the timeline for the 2009-2010 specifications and management measures, and other ongoing Council initiatives (see Agenda Item E.2.a, Attachment 2).

Council Action:

- 1. Approve or modify attached Plan Development and Implementation Schedule (Agenda Item E.4.a, Attachment 1).**
- 2. Adopt a preliminary range of alternatives for limiting entry in the open access groundfish fishery.**
- 3. Discuss and prioritize limiting entry in the open access groundfish fishery relative to other Council initiatives.**

Reference Materials:

1. Agenda Item E.4.a, Attachment 1: Proposed Open Access Groundfish Fishery Conversion to Limited Entry and Permit Implementation Schedule.
2. Agenda Item E.4.a, Attachment 2: Review and Update of Open Access Groundfish Fishery Permitting Issue and Possible Range of Alternatives for Issuance of B and C Limited Entry Permits.
3. Agenda Item E.4.a, NMFS Report: NMFS Report on National Environmental Policy Act (NEPA) Analysis Needs For a License Limitation Program for the Groundfish Open Access Fisheries.
4. Agenda Item E.4.d, Public Comment.

Agenda Order:

- a. Agenda Item Overview
- b. Scoping and Alternatives Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. **Council Action:** Initial Recommendations for Developing Alternatives

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