

AMENDMENT 22: OPEN ACCESS LICENSE LIMITATION

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. However, 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.

At the June 2007 Council meeting, a report and recommendation were presented by the California Department of Fish and Game (CDFG) to proceed with the development of an environmental analysis in support of converting the open access fishery to federal permit management. The report recommended a directed fishery permit (B permit) that would be issued to a limited number of current vessel owners and an incidental fishery permit (C permit) that could be registered to any state-licensed commercial fishing vessel. The Council adopted the range of alternatives in the CDFG report and gave direction for the development or inclusion of the following permitting issues: 1) add a B permit alternative without a previous year landing requirement; 2) add the Groundfish Advisory Subpanel (GAP) alternative four to analyze a range of minimum landing requirements; 3) use landings from April 1998-September 2006 to analyze qualifying criteria for B permit issuance; 4) do not count nearshore species' landings in qualifying for a B permit; 5) include an alternative to register all open access vessels, but not limit the number of permits and include another alternative that reflects average recent-year vessel participation, and 6) include an alternative that allows full transferability of B permits.

NMFS considered relevant matters immediately prior to the June 2007 Council meeting and provided a written recommendation that the action alternatives be analyzed under the National Environmental Policy Act via an environmental assessment (EA), accompanied by appropriate analyses under other applicable laws, including among others, the Magnuson-Stevens Fishery Conservation and Management Act and the Regulatory Flexibility Act.

To assist in the Council decision process, CDFG staff with assistance from Washington, Oregon and NMFS staffs has prepared a preliminary Draft EA entitled: Preliminary Draft Environmental Assessment for Pacific Coast Groundfish Fishery Management Plan Amendment 22: Conversion of the Open Access Fishery to Federal Permit Management (Agenda Item F.4.a, Attachment 1). The report analyzes the permitting alternatives and issues that the Council approved at its June 2007 meeting. A possible implementation timeline is attached for Council consideration (Agenda Item F.4.a, Attachment 2). The Council is scheduled to consider future Council meeting agenda items under Agenda Item B.5 on Friday, March 14, 2008.

Council Action:

1. **Determine if the June 2007 alternatives have been adequately analyzed and whether additional alternatives are needed or should be removed from the document.**
2. **Based on that discussion, determine when a preferred alternative is to be identified and a schedule for public hearings.**
3. **If appropriate, designate hearing officers, hearing locations and approximate hearing dates.**
4. **Discuss the attached Amendment Development and Implementation Schedule (Agenda Item F.4.a, Attachment 2).**

Reference Materials:

1. Agenda Item F.4.a, Attachment 1: Preliminary Draft Environmental Assessment for Pacific Coast Groundfish Fishery Management Plan Amendment 22: Conversion of the Open Access Fishery to Federal Permit Management.
2. Agenda Item F.4.a, Attachment 2: Proposed Open Access Groundfish Fishery Conversion to Limited Entry and Permit Implementation Schedule.
3. Agenda Item F.4.c, Public Comments.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Amendment Alternatives for Public Review

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02/25/08

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