

ENFORCEMENT CONSULTANTS REPORT ON FISHERY MANAGEMENT PLAN
AMENDMENT 22: OPEN ACCESS LICENSE LIMITATION

The Enforcement Consultants (EC) have evaluated Agenda Item F.4.a Attachment 1, March 2008, Preliminary Draft Environmental Assessment for Pacific Coast Groundfish Fishery Management Plan Amendment 22: Conversion of the Open Access Fishery to Federal Permit Management, and have the following comments.

The EC strongly endorse the efforts by this Council to convert the Open Access Fishery to a federally permitted program, and offer the following suggested changes/additions for consideration.

Bullet 6, found in *Table ES-1 Basic conditions and assumptions regarding B and C permit programs*, reads as follows: *A vessel must be registered to a C permit to land incidental amounts of Federal groundfish excluding nearshore species. A state issued nearshore permit registered to the vessel or in possession of a fisherman on board the vessel could be used in lieu of obtaining a Federal C permit when fishing for and possessing Federal groundfish in state or Federal waters.* We proposed this nearshore permit option be restricted to state waters only, and that a B or C permit be required to fish in Federal waters. With this change, fishing in Federal waters would require a Federal permit. Fisherman fishing exclusively in state waters would not be required to have a Federal permit, and would be permitted to fish for and land federally managed groundfish under their nearshore permit. The EC believes this is a straight forward, understandable permitting requirement that meets the stated objectives of the needs statement found on page iii, while preserving the California and Oregon nearshore permit programs.

The EC recommends that when this program is implemented, that vessels assigned a B or C permit be required to carry Vessel Monitoring System (VMS). Vessels fishing exclusively in state waters under a nearshore permit would be exempt from any VMS requirement. This provision will preserve the status quo of the current VMS program requirements for the Open Access fishery and provides a seamless transition regarding VMS requirements as we implement this new Federal permit program.

In Summary the EC recommends:

1. Restrict fishing under a nearshore permit to state waters.
2. Require either a B or C permit to fish Open Access in Federal waters.
3. Upon implementation, all vessels assigned a B or C permit will be required to carry VMS.