

COMPARISON OF “ELIGIBLE TO OWN” LANGUAGE FROM AMENDMENT 6 AND
AMENDMENT 20

The following text was in Amendment 6, and is in the Groundfish Fishery Management Plan (FMP):

Ownership Restriction and Changes in Ownership

Only entities (human beings, corporations, etc.) qualified to own a U.S. fishing vessel may be issued or may hold (by ownership or otherwise) an LE permit. (Foreign ownership of LE permits should be limited to the maximum degree possible given what is allowed under the law.)

The above regulatory language is implemented in policy as follows (taken from the National Marine Fisheries Service Northwest Region website regarding who is eligible to own a limited entry permit):

Eligibility to own or hold a West Coast Groundfish Limited Entry Permit: Please note that a West Coast Groundfish Limited Entry Permit may be issued or may be held only by a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

Persons eligible to own a documented vessel are:

- *an individual who is a citizen of the United States*
- *an association, trust, joint venture or other entity -
 - a) *all of whose members are citizens of the United States; and*
 - b) *that is capable of holding title to a vessel under the laws of the United States or of a State**
- *a partnership whose general partners are citizens of the United States*
- *a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of the board of directors are citizens of the United States and no more of its directors are non-citizens than a minority of the number necessary to constitute a quorum;*
- *the United States Government;*
- *the government of a State;*
- *an alien lawfully admitted to the United States for permanent residence who operates a fishing vessel off the coast of the State of California.*

The following text is from Amendment 20:

Those eligible to own QS/QP will be restricted to (i) any person or entity eligible to own and control a US fishing vessel with a fishery endorsement pursuant to 46 USC 12108 (general fishery endorsement requirements) and 12102(c) (75% citizenship requirement for entities) and (ii) any person or entity that owns a mothership that participated in the west coast groundfish fishery during the allocation period and is eligible to own or control

that US fishing vessel with a fishery endorsement pursuant to Sections 203(g) and 213(g) of the American Fisheries Act (AFA).

Part (i) of the above Amendment 20 text regarding who is eligible to own quota shares is similar to Amendment 6 language defining who is eligible to own a limited entry groundfish trawl permit. Therefore, it is anticipated that the implementing policy language for Amendment 20 would be similar to the policy language resulting from Amendment 6.

Part (ii) of Amendment 20 was inserted to accommodate the ownership structure of certain motherships; however, that accommodation may no longer be necessary due to ownership changes for certain vessels. If that is true, Part (ii) of the Amendment 20 eligible to own language could be removed from the preferred alternative.

PFMC

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