

FISHERY MANAGEMENT PLAN 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. Conversion of the 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.

Limitation of the groundfish OA fishery was last considered by the Council at its September 2008 meeting. At that time, the Council considered a preliminary Draft Environmental Assessment (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. The report analyzed five permitting alternatives and issues that the Council approved at its March 2008 meeting. The alternatives included a no action alternatives (A-1), a vessel registration alternative (A-2), and three limited entry (B permit) alternatives: two with specific fleet size objectives (A-3 and A-5) and one which examined a wide range of qualification criteria for B permit issuance (A-4). A registration (C permit) requirement was included under the B permit alternatives for vessels seeking to retain small amounts of B permit species groundfish¹ taken incidentally to fishing for non-groundfish species. Other issues addressed in the alternatives included permit transferability, use of a limited entry permit (A permit) and B permit on the same vessel, previous year landing requirement, and use of state-specific landing permits (endorsements). At that meeting the Council adopted a preliminary preferred alternative (PPA) as follows: (1) vessels that landed ≥ 100 lbs of B species groundfish in the directed fishery during the window period (April 9, 1998-September 13, 2006) with at least one directed fishery landing during January 2004-September 13, 2006 would qualify for the general B permit and (2) species-specific permits (endorsements) would be considered for sablefish and lingcod from within the following alternatives, determined separately for each species: ≤ 1 lb, ≥ 100 lbs, and ≥ 500 lbs based on the highest year during the window period. Also under the PPA vessels would be able to use A and B permits alternately in the same year (but not in the same landing period) and B permits would be fully transferable between vessels after the first program year.

Since the September 2008 meeting, a simple, one page announcement (flyer) was sent to potentially affected vessel owners regarding progress of the open access license limitation initiative (Agenda Item G.5.a, Attachment 1). The flyer was sent in response to Council direction at the September 2008 meeting. The flyer mailing list, which consisted of about 6,000 unique addresses, was supplied by the state agencies. The telephone response to the flyer has been relatively light (about 50 calls, <1 percent).

The Groundfish Allocation Committee (GAC) met January 29, 2009 and received a preliminary report on the PPA, which is included as Appendix I to the updated Draft EA. At the meeting,

¹ B species groundfish include all Federal groundfish not including nearshore species (cabezon, kelp greenling, California scorpionfish, and nearshore rockfish).

the GAC made two recommendations, including a recommendation for a new PPW; the GAC also requested an analysis (Agenda Item G.5.b, GAC Report) of a B permit criterion that would qualify equal proportion of vessels based on their target species strategy while fixing the fleet at 713 vessels (2006 fleet size). The report (Agenda Item G.5.a, Attachment 2) shows that such an approach could qualify more lingcod, shelf rockfish and other species vessels and fewer sablefish vessels than under the approach used in most of the existing alternatives, which qualify vessels based on their landings without regard to fishing strategy.

The Draft EA has been updated (Agenda Item G.5.a, Attachment 3) and includes an analysis of the PPA as Appendix I. The Council proposed action for this meeting is *to take final action on the open access fishery license limitation initiative*. An updated timeline is attached for Council information (Agenda Item G.5.a, Attachment 4). The Council's website has been updated with open access fishery license limitation documents presented at and since the September 2008 meeting, including the January, 2009 GAC meeting.

Council Action:

- 1. Take final action.**
- 2. Discuss the attached Amendment Development and Implementation Schedule (Agenda Item G.5, Attachment 4).**

Reference Materials:

1. Agenda Item G.5.a, Attachment 1: Open Access Fishery License Limitation Informational Flyer
2. Agenda Item G.5.a, Attachment 2: Open Access Fishery License Limitation Qualification Criteria Report requested by Groundfish Allocation Committee
3. Agenda Item G.5.a, Attachment 3: Draft Environmental Assessment (Updated) for Pacific Coast Groundfish Fishery Management Plan Amendment 22: Conversion of the Open Access Fishery to Federal Permit Management.
4. Agenda Item G.5.a, Attachment 4: Possible Open Access Groundfish Fishery Conversion to Limited Entry and Permit Implementation Schedule.
5. Agenda Item G.5.b: GAC Report.
6. Agenda Item G.5.c, Public Comments.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Agencies and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt a Final Preferred Alternative for Implementation

LB Boydston