

# Summary of Control Dates for Limiting Entry in Pacific Council Managed Fisheries

## What is a control date?

Control dates are published as an “advanced notice of proposed rulemaking” in the Federal Register.

When the Council begins considering a new limited entry program or the revision of an existing program, it often announces a control date. A control date tells the public that the Council may recommend that activities occurring after that date not count toward qualification for the limited entry program (or modification) being considered. Fishers are not guaranteed future participation, regardless of their date of activity or level of participation in the fishery. Interested parties are urged to contact the Pacific Council office to stay informed of the development of any planned regulations.

Announcement of a control date does not commit the Pacific Council to developing any particular management regime or to use any specific criteria for determining participation in a fishery. The Pacific Council may choose a different control date or a management program that does not make use of such a date. The Pacific Council may also choose to take no further action to modify or control entry or access to the fishery.

Any action by the Pacific Council will be taken pursuant to the requirement for FMP development established under the Magnuson-Stevens Act, may require amendment of the regulations implementing the related FMP, and possibly require amendment of the FMP itself. Such action will entail a proposal for an FMP regulatory amendment with public input and a supporting analysis, NMFS approval, and appropriate rulemaking procedures. These advance notices of proposed rulemakings have been determined to be not significant for purposes of Executive Order 12866.

## Listing of Control Dates

### Shorebased Trawl Catch Share Program Gear Switching

**Date:** September 15, 2017

**Federal Register summary:** “This advance notice provides information on a request by the Pacific Fishery Management Council (Council) to establish a control date of September 15, 2017, for the Pacific Coast groundfish fishery. The Council may use the control date to limit the extent, location, or ability to use non-trawl gear types to harvest individual fishing quota (termed ‘gear switching’) in the Pacific Coast groundfish fishery. The Council may or may not provide credit for any gear switching related activities after the control date in any decision setting limits on gear switching. The control date would account for Pacific Coast groundfish fishery participants with historic investment to engage in gear switching should the Council set limits to future participants eligible to gear switch.” 83 FR 18259, April 26, 2018

**Who affected:** Participants in the shore based sector of the trawl catch share program.

**Why:** The announcement is intended to inform the public that the Pacific Council may recommend limitations on gear switching that occurs in the shore-based trawl catch share fishery, and that gear switching activities occurring after September 15, 2017, might not be included in criteria that limit or allocate the amount of gear switching that occurs, depending on the Pacific Council’s final policy recommendations. It is also important to note that continuation of gear switching that predates September 15, 2017, are not guaranteed.

## Catcher-processor accumulation limits

**Date:** June 13, 2017

**Federal Register summary:** This advance notice of proposed rulemaking provides information on a request by the Pacific Fishery Management Council (Council) to announce deliberations of potential accumulation limits for Catcher Processor Permit use or ownership in the Pacific Coast groundfish fishery. The Council may not count any acquisition and usage of Catcher Processor permits and/or usage of Catcher Processor allocation after the date of June 13, 2017, in any decision setting accumulation limits. 82 FR 46209 November 4, 2017

**Who affected:** Participants in the catcher-processor sector of the Pacific Coast groundfish fishery

**Why:** The announcement is intended to inform the public that the Council may recommend limitations on the accumulation of catcher-processor permits and/or harvesting and processing activities, and that levels of accumulation occurring after June 13, 2017 might not be allowed to persist, depending on the Pacific Council's final policy recommendations. It is also important to note that continuation of levels of accumulation that predate June 13, 2017 are not guaranteed.

## Large-mesh drift gillnet limited entry program

**Date:** June 23, 2014

**Federal Register summary:** "This advance notice of proposed rulemaking (ANPR) announces a control date of June 23, 2014, that may be used as a reference for allocation decisions when considering potential future management actions to limit the number of participants in the large-mesh drift gillnet (DGN) fishery that targets swordfish and thresher sharks. The Pacific Fishery Management Council (Council) selected the June 23, 2014, control date based on discussions at its June meeting. The Council requested this ANPR to discourage speculative fishing effort as they review the current state-managed DGN limited entry program and consider establishing a federally-managed limited entry program for this fishery. This ANPR is intended to promote public awareness of the Council's interest and the potential for a future rulemaking." 79 FR 64161, October 28, 2014

**Who affected:** Participants in the large-mesh DGN fishery

**Why:** This notification establishes June 23, 2014, as the new control date for potential use in determining historical or traditional participation in the large-mesh DGN fishery. The Council requested that NMFS publish this control date to discourage speculative fishing effort in the DGN fishery while alternative management regimes to control effort are discussed, possibly developed, and implemented. Interested participants should locate and preserve records that substantiate and verify their participation in the large-mesh DGN fishery.

## Open access limited entry

**Date:** September 13, 2006

**Federal Register summary:** "NMFS and the Pacific Fishery Management Council (Council) are beginning to develop a groundfish fishery management plan (FMP) amendment and management measures to reduce harvest capacity in the open access portion of the Pacific Coast groundfish fishery in Federal waters off Washington, Oregon, and California. This document announces a control date for the open access portion of September 13, 2006, and is intended to discourage new entrants into this fishery

and increased fishing effort based on economic speculation while the Council determines whether and how access should be controlled.” 71 FR 64216, November 1, 2006

**Who affected:** The open access portion of the Pacific Coast groundfish fishery

**Why:** The announcement is intended to promote awareness of potential eligibility criteria for future access to the open access portion of the Pacific Coast groundfish fishery. Vessels entering the fisheries after September 13, 2006, may be subject to restrictions different from those that apply to vessels in the fishery prior to September 13, 2006. If catch history is used as a basis for future participation or allocation, it is likely that participation in the fishery after September 13, 2006, would not count toward future allocations or participation in a limited access scheme. Because potential eligibility criteria for future management measures may be based on historical participation, fishery participants may need to preserve records that substantiate and verify their participation in the groundfish fishery in Federal waters.

## Spiny dogfish

**Date:** April 8, 2005

Federal Register summary: “The Pacific Fishery Management Council (Pacific Council) is considering implementing management measures for the spiny dogfish (*Squalus acanthias*) fishery off Washington, Oregon and California. This document announces a control date of April 8, 2005, for the spiny dogfish fishery. The control date for the spiny dogfish fishery is intended to discourage increased fishing effort in the limited entry and open access groundfish fisheries targeting spiny dogfish based on economic speculation while the Pacific Council develops and considers management measures for the spiny dogfish fishery.” 70 FR 29713, May 24, 2005

**Who affected:** The open access portion of the Pacific Coast groundfish fishery

**Why:** Recent interest in the spiny dogfish fishery and concern over the status of the stock has led the Pacific Council to consider management measures for the spiny dogfish fishery. There is also concern that vessels entering the open access fishery to target spiny dogfish will have high bycatch rates of overfished species such as canary and yelloweye rockfish.

Little is known about the status of spiny dogfish on the West Coast, except that like other shark species, they are slow growing, late to mature, and have a low fecundity, making them susceptible to becoming overfished. An assessment is planned for the 2007 assessment cycle.

The control date for the spiny dogfish fishery is intended to discourage increased fishing effort in the limited entry and open access groundfish fisheries targeting spiny dogfish based on economic speculation while the Pacific Council develops and considers management measures for the spiny dogfish fishery.

## Trawl individual quotas

**Date:** November 6, 2003

**Federal Register summary:** “The Pacific Fishery Management Council (Council) is considering implementing an individual quota (IQ) program for the Pacific Coast groundfish limited entry trawl fishery off Washington, Oregon and California. The trawl IQ program would change management of harvest in the trawl fishery from a trip limit system with cumulative trip limits for every 2-month period

to a quota system where each quota share could be harvested at any time during an open season. The trawl IQ program would increase fishermen's flexibility in making decisions on when and how much quota to fish. This document announces a control date of November 6, 2003, for the trawl IQ program. The control date for the trawl IQ program is intended to discourage increased fishing effort in the limited entry trawl fishery based on economic speculation while the Pacific Council develops and considers a trawl IQ program." 70 FR 29713, May 24, 2005; also see 70 FR 29713, May 24, 2005

**Who affected:** Groundfish limited entry trawl fishery

**Why:** The control date for the trawl IQ program is intended to discourage increased fishing effort in the limited entry trawl fishery based on economic speculation while the Pacific Council develops and considers a trawl IQ program. This control date will apply to any person potentially eligible for IQ shares (vessel owners, permit owners, vessel operators, and crew).

### Fixed gear sablefish permit stacking

**Date:** November 1, 2000

**Federal Register summary:** "The Pacific Fishery Management Council (Council) has recommended to the Secretary of Commerce (Secretary), management measures which would allow permit owners to register multiple limited entry fixed-gear permits with sablefish endorsements to a single vessel (permit stacking), beginning with the 2001 regular nontrawl sablefish fishery. As part of a permit stacking program, the Council proposes to restrict persons from owning more than three limited entry permits with sablefish endorsements; to allow limited entry permits with sablefish endorsements to be owned only by individuals, not corporations or other business entities; and to require permit owners to be on board a vessel to which a sablefish permit is registered when it is participating in the fishery. 66 FR 17681, April 3, 2001

*However, owners of permits as of November 1, 2000, are proposed to be exempt from these restrictions. Persons holding more than three permits on November 1, 2000, would not be allowed to accumulate more permits, but neither would they be required to sell their excess permits. To inform the industry that it was proposing permit restrictions applicable to permits acquired after November 1, 2000, the Council recommended that NMFS announce November 1, 2000, as a control date. This control date is intended to provide notification of the council's intent and to discourage: persons from accumulating permits above the limit; individual permit owners from incorporating or becoming partnerships; and increases in absentee permit ownership, before the permit stacking regulations become effective. "*

**Who affected:** Limited entry fixed-gear sablefish fishery permit owners

**Why:** Overcapitalization in the groundfish fishery was undermining the effectiveness of management. Reducing capacity was necessary to reduce overfishing, minimize bycatch, and improve the economic outlook for the West Coast fishing industry. Sablefish permit stacking was designed to reduce capacity in the limited entry fixed-gear sablefish fishery. The Council intended to have a program in place for the 2001 regular nontrawl sablefish fishery.

The proposal would allow permit owners to register multiple limited entry fixed-gear permits with sablefish endorsements to a single vessel (permit stacking), beginning with the 2001 regular nontrawl sablefish fishery. This control date was intended to discourage persons from accumulating permits above the limit, individual permit owners from incorporating or becoming partnerships, and increases in absentee permit ownership before the permit stacking regulations became effective.

## Limited entry permits held by American Fisheries Act entities

**Date:** June 29, 2000

**Federal Register summary:** “The Pacific Fishery Management Council (Council) as authorized by the American Fisheries Act (AFA) is considering management measures to recommend to the Secretary of Commerce (Secretary) to protect the Pacific Coast groundfish fisheries from adverse impacts caused by the AFA. This document announces a control date of June 29, 2000; any limited entry permit on that date owned by an owner of a vessel eligible for benefits under the AFA (AFA-qualified) and registered for use with an AFA-qualified vessel that does not meet minimum participation requirements that may be established in the future may be subject to restrictions on being registered to participate in the Pacific Coast groundfish fisheries. Additionally, participation by AFA qualified catcher/processors and motherships not previously active in the at-sea whiting fishery may be restricted. The intended effect of this action is to discourage speculative entry or increased effort in the Pacific Coast groundfish fisheries by entities eligible for AFA benefits and to provide notice of potential permit restrictions or revocation to purchasers or lessees of limited entry permits owned by AFA-qualified vessel owners and registered for use with AFA-qualified vessels.” 65 FR 55214, September 13, 2000

**Who affected:** Owners of vessels eligible for benefits under the American Fisheries Act (AFA) who own limited- entry permits registered for use with an AFA-qualified vessel.

**Why:** To discourage speculative entry or increased effort in the Pacific Coast groundfish fisheries by entities eligible for AFA benefits, and to provide notice of potential permit restrictions or revocation to purchasers or lessees of limited entry permits owned by AFA-qualified vessel owners and registered for use with AFA-qualified vessels. (See September 16, 1999 control date for more background).

In 2000, the Council reviewed alternatives for providing protection to Pacific Coast groundfish fisheries from AFA-qualified vessels and processors that failed to meet minimum participation requirements in the Pacific Coast groundfish fisheries. In addition, the Council considered whether to restrict, suspend, or void permits registered to AFA-qualified vessels if the vessels did not meet the participation requirements. The Council voted to establish a control date of June 29, 2000. The Council also considered restricting future participation in the whiting fishery by AFA-qualified motherships and catcher/processors that did not have a history in the fishery.

## Highly Migratory Species

**Date:** March 9, 2000

**Federal Register summary:** “The Pacific Fishery Management Council (Council) is developing a Fishery Management Plan (FMP) for Highly Migratory Species (HMS) off the Pacific Coast that would place HMS species such as tuna, billfish, and sharks under Federal management. This document announces a control date of March 9, 2000, after which vessels participating in the commercial (troll, long line, drift gillnet, harpoon, purse seine), and charter boat fisheries for HMS may not be qualified if the Council determines that a program to limit entry to the fisheries is appropriate. The intended effect of this announcement is to discourage speculative entry into the Pacific Coast HMS fisheries while the Council determines whether, it will limit participation in the fisheries in the future. If the Council decides to limit future participation, it will decide on criteria at that time.” 65 FR 34635, May 31, 2000

**Who affected:** Highly migratory species (HMS) fishery and those interested in participating in the HMS fishery

**Why:** When considering the development of the HMS FMP, the Council was urged to establish a control date so there would not be a rush to enter the fishery during the plan development process.

There was concern that tight restrictions in the groundfish fishery and continued restrictions in the ocean salmon fishery might encourage entry to the HMS fisheries. The Council agreed that March 9, 2000, should be established as a control date for the commercial and charter boat sectors of the HMS fisheries.

As of May 2000, the Council had not determined that limited entry in one or more fishery sectors was necessary or appropriate. However, the Council was aware that there is often a rush to enter any fishery for which a new FMP is being developed, in anticipation that a limited entry program could be proposed that would use historic and recent participation as criteria for eligibility for limited entry permits.

## Permitting in the open access fishery

**Date:** November 5, 1999

**Federal Register summary:** “The Pacific Fishery Management Council (Council) is considering management measures to reduce harvest capacity in the open access portion of the Pacific Coast groundfish fishery in Federal waters off Washington, Oregon, and California. NMFS has previously made a similar announcement relating to the limited entry and recreational portions of the fishery. This document announces a control date for the open access portion of November 5, 1999, and is intended to promote awareness of potential eligibility criteria for future access to the open access portion of the Pacific Coast groundfish fishery. The announcement is intended to discourage new entries into this fishery and increased fishing effort based on economic speculation while the Council contemplates whether and how access should be controlled. Vessels entering the fisheries after November 5, 1999, may be subject to restrictions different from those that apply to vessels in the fishery prior to November 5, 1999. If catch history is used as a basis for future participation or allocation, it is likely that participation in the fishery after November 5, 1999, would not count toward future allocations or participation in a limited access scheme. Because potential eligibility criteria for future management measures may be based on historical participation, fishery participants may need to preserve records that substantiate and verify their participation in the groundfish fishery in Federal waters.” 65 FR 6577, February 10, 2000

**Who affected:** Open access portion of the Pacific Coast groundfish fishery

**Why:** Amendment 6 to the Groundfish Fishery Management Plan established a license limitation program and divided the Pacific Coast commercial groundfish fishery into limited entry and open access segments.

The Council established a control date for the open access fishery while management measures to restrain harvest capacity throughout the entire groundfish fishery were being considered. In November 1999, the Council recommended that this control date be established and that the public be notified that the Council was considering measures to restrain harvest capacity in the open access fishery.

## Limiting participation by American Fisheries Act entities

**Date:** September 16, 1999

**Federal Register summary:** “This document announces a control date of September 16, 1999, after which vessels eligible for benefits under the American Fisheries Act (AFA) may be subject to restrictions on participation in the Pacific Coast groundfish fisheries. The intended effect of announcing this control date is to discourage speculative entry into the Pacific coast groundfish fisheries by AFA-qualified vessels

while the Pacific Fishery Management Council (Council) develops recommendations to protect the Pacific Coast groundfish fisheries from adverse impacts caused by the AFA.” 64 FR 66158, November 24, 1999

**Who affected:** Catcher vessels in the mothership and shore-based sectors of the Pacific whiting fishery, and all other non-whiting groundfish fisheries in which catch is landed shoreside.

**Why:** The American Fisheries Act (AFA) reduced harvest capacity in the Alaska pollock fishery by retiring nine Bering Sea catcher/processors. It also redistributed pollock allocations between the inshore and offshore sectors, and defined conditions for creating fishery cooperatives in the pollock fleet. Vessels participating in such cooperatives often have more flexibility in arranging their fishing schedules, and could consider entering additional fisheries.

West Coast fishers and processors were concerned that some AFA-qualified vessels with no (or low) participation in the Pacific Coast groundfish fishery would increase their fishing effort in the fishery. Additional effort could worsen existing management problems and erode the effectiveness of future measures. The Council unanimously voted to establish this control date and to develop recommendations to restrict AFA-qualified vessels from participating in the Pacific Coast groundfish fishery if, between January 1, 1994, and September 16, 1999, the vessel: (1) did not harvest at least 50 metric tons (mt) of Pacific whiting in the mothership sector; (2) did not land at least 50 mt of Pacific whiting in the shore-based sector; or (3) did not land groundfish shoreside in the Pacific Coast groundfish fishery (not including fish landed in the Pacific whiting fishery).

### Harvest qualifications for trawl re-allocation and permit stacking

**Date:** April 9, 1998

**Federal Register summary:** “The Pacific Fishery Management Council (Council) is considering whether there is a need to impose additional management measures to further limit harvest capacity or to allocate between or within the limited entry commercial and the recreational groundfish fisheries in the U.S. exclusive economic zone off the States of Washington, Oregon, and California. If the Council determines that additional management measures are needed, the Council will recommend a rulemaking to implement those measures. Possible measures include allocating harvest of particular groundfish species (rockfish and lingcod) between limited entry gear groups and between commercial and recreational fisheries and further limiting access to certain species within the Pacific Coast groundfish complex. The Council may proceed with some or all of these measures. In order to discourage fishers from intensifying their fishing efforts for the purpose of amassing catch history for any allocation or additional limited access program developed by the Council, the Council announced on April 9, 1998, that any program proposed would not include consideration of catch landed after that date. At present, the Council is planning to consider catch history through the 1997 fishing season. Persons interested in the Pacific Coast groundfish fishery should contact the Council to stay up to date on the management of the fishery.” 63 FR 53636, October 6, 1998

**Who affected:** Limited entry commercial and recreational groundfish fisheries

**Why:** Amendment 6 to the Groundfish Fishery Management Plan established a license limitation program for the commercial groundfish fishery based on gear-specific Federal limited entry permits. It also divided the commercial groundfish fishery into the limited entry fishery and the open access fishery. In 1998, the Council realized that it might be addressing several allocation issues over the coming year, and that announcing the end of the time frame for considering catch history for groundfish allocation (or further access limitation) might prevent speculative fishing while these issues were resolved. Groundfish harvest

after the control date may not be used as a basis for allocation or participation if a management program is developed using catch history as all or part of the basis for allocation or participation.