

LIMITED ENTRY FIXED GEAR CATCH SHARE PROGRAM REVIEW

All limited access privilege programs are required to undergo periodic reviews once every seven years after the first review (Magnuson Stevens Act Section 303A(c)(i)(G)). The Council conducted its first review of the Limited Entry Fixed Gear (LEFG) program in 2013-2014 and initiated the current review at its September 2020 meeting ([Agenda Item D.2, Attachment 2, September 2020](#)). At its June 2021 meeting, the Council reviewed a draft document (review outline, [Agenda Item G.2, Attachment 1, June 2021](#)) and directed that the draft be completed taking into account comments from the Scientific and Statistical Committee, Enforcement Consultants, Groundfish Management Team, and Groundfish Advisory Subpanel. The authors have completed a draft, taking those comments into account (Agenda Item E.4, Attachment 1). At this meeting, the Council will determine whether the document is ready to be adopted for public review and decide on the process for its finalization. At a minimum, one additional meeting will be required to finalize the review document.

Two sections to be developed as part of the review finalization process are recommendations on research and data needs and other Council recommendations related to program provisions, such as changes to management measures. Any management measure recommendations included as part of the review would not be a final recommendation to NMFS for regulatory action but rather ones for the Council to consider in the future. The Council may want to either add draft research and data needs and recommendations to the current document for public review, or it could solicit public comment on those topics and incorporate them at the next meeting, when the review is finalized.

Additionally, for the previous LEFG review and the trawl catch share review, the Council developed new management measures at the same time it developed the reviews. The primary gain from considering new management measures simultaneously with a review is the gain in calendar time (earlier implementation of the new management measures), as compared to a sequential process in which the review is completed first and then the new management measures suggested in the review process are developed. Council recommendations regarding these new measures were described and analyzed in a decision analysis document that was separate from the review document. However, development of these new management measures required efforts in addition to that entailed for the review process.

In June 2021, the Council noted that it will decide at this meeting whether this review cycle will include a similar approach for any new measures. However, at this point in the current review process, it might not make sense to initiate a concurrent process for developing management measures. If the Council adopts the current draft of the review document for public review at this meeting, finalization of the review is currently scheduled for the upcoming June meeting. This would provide little opportunity for gaining calendar time in the development of new management measures.

If the Council wants to develop new LEFG program related management measures while the review is in its final stages, those potential measures should be identified at this meeting and a scoping session scheduled for a subsequent meeting. Under Agenda Item E.6, the Council will be prioritizing groundfish management measures for development in the near term. The Council may

want to make its decision on prioritizing new measures for the LEFG program in the context of all the potential new groundfish measures up for consideration. In that case, the Council might make a tentative decision under this agenda item and defer finalizing the decision on the process to Agenda Item E.6, at which point the decision could be made in the context of the entire list of potential new groundfish management measures.

NMFS has provided two reports for Council consideration. The first report is on the need for cost recovery (Agenda Item E.4.a, NMFS Report 1) and the second on the possibility that the program might be simplified by elimination of a provision that requires that one of the permits stacked on a vessel be designated as the “base permit” (Agenda Item E.4.a, NMFS Report 2).

Council Action:

- 1. Decide on the process to be followed in completing the review, including:**
 - a. how to move forward on the sections covering research and data needs and Council recommendations, and**
 - b. whether to undertake a concurrent process to develop any proposals for new management measures related to the review or to take up those measures after the review is completed.**
- 2. Adopt the draft review document for public review.**

Reference Materials:

1. Agenda Item E.4, Attachment 1: Limited Entry Fixed Gear Permit Stacking Program Review—Draft for Council Review.
2. Agenda Item E.4.a, NMFS Report 1: Pacific Coast Groundfish Fishery Sablefish Permit Stacking Program Cost Recovery.
3. Agenda Item E.4.a, NMFS Report 2: NMFS Report on Base Permit Designation.
4. If received, Public Comments are electronic only (see e-portal).

Agenda Order:

- E.4 Limited Entry Fixed Gear Catch Share Program Review Jim Seger/Jessi Doerpinghaus
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Adopt the Program Review Document for Public Review and Provide Guidance on the Review Process, Including Whether to Concurrently Develop New Management Measures, as Appropriate

PFMC
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