

National Marine Fisheries Service Report on Directed Open Access Fishery Permit

This report provides updated information relative to the directed open access fishery permit item (19a) on the new management measure list for the 2025-2026 groundfish biennial harvest specifications and management measures. The National Marine Fisheries Service (NMFS) previously provided a brief description of this action in March 2023 ([Agenda Item F.8.a, NMFS Report 1](#)) and then a longer report at the November 2023 meeting ([Agenda Item E.7.a, NMFS Report 1](#)).

We seek to develop, as part of the 2025-2026 management measures package, a permit requirement for vessels fishing in the exclusive economic zone participating in the directed open access fishery (defined at 660.11 under “[Open Access Fishery](#)”):

- (1) *For the purpose of the non-trawl logbook requirements at [§ 660.13](#) and the provision to fish inside the nontrawl RCA at [§ 660.330\(b\)\(3\)](#), directed open access fishery means that a fishing vessel is target fishing for groundfish under the requirements of [50 CFR 660 subpart F](#), is only declared into an open access groundfish gear type or sector as defined in [§ 660.13\(d\)\(4\)\(iv\)\(A\)](#), and has not declared into any other gear type or sector.*

We continue to recommend the creation of a new groundfish permit for this sector. The permit would not limit the number of fishery participants, making it more similar to the relatively new Pacific halibut permits than the existing limited entry groundfish permits. We would seek to maintain, to the extent practicable, the accessibility of the directed open access fishery by offering year-round application opportunity.

The permit would be tied to the existing declarations that represent the directed open access fishery at [50 CFR 660.13\(d\)\(4\)\(iv\)\(A\)](#) in the federal regulations:

- (21) Open access bottom contact hook-and-line gear for groundfish (e.g., bottom longline, commercial vertical hook-and-line, dinglebar) (declaration code 33);
- (23) Open access groundfish trap or pot gear (declaration code 34);
- (27) Open access non-bottom contact hook and line gear for groundfish (e.g., troll, jig gear, rod & reel gear) (outside the non-trawl RCA only) (declaration code 35);
- (28) Open access non-bottom contact stationary vertical jig gear (allowed inside or outside the non-trawl RCA) (declaration code 36);
- (29) Open access non-bottom contact troll gear (allowed inside or outside the non-trawl RCA) (declaration code 37);

As part of the new permit requirement, we would likely need to restrict the ability for vessels to be dual declared in a directed and incidental open access groundfish fishery on the same trip. Vessels would be able to move between incidental and directed open access during the year, but not on the same trip. We would preserve the ability for a vessel to dual declare more than one directed open access gear type for a single trip (e.g. a vessel could declare gear code 34 for pot gear and gear code 33 for bottom contact hook-and-line gear on the same trip), however dual declaring for the non-bottom contact hook-and-line gear types inside the Non-Trawl RCA would continue to be prohibited (i.e., fishermen would not be able to dual declare gear codes 36 and 37).

We are developing a permit with the following features:

- Vessel-based permit (permit would be tied to the vessel and vessel owner)
- Rolling electronic permit applications and electronic issuance (no paper applications)
- Permits would expire on the last day of the month of the vessel owner's birthday
- Expected gear types to be used on the vessel that year
- Non-transferable
- No owner-onboard requirement

Under this action, NMFS proposes to use our existing web-based application with digital submission and delivery of the permit applications and proposes to allow participants to provide either digital or paper proof of permit upon request. Required application information would include current (not expired) vessel registration documentation from either the U.S. Coast Guard or relevant State. We would anticipate a two week turnaround between when an applicant submits a complete application and when a permit is issued, therefore, directed open access participants would need to do some short-term planning ahead for their participation in the sector. Permit lists, which would include vessel and vessel owner information, would be shared with the Northwest Fisheries Science Center's West Coast Groundfish Observer Program for observer selection purposes.

All permits issued by NMFS carry an administrative cost, per the requirements for user fees based on the provision of a service¹. These costs vary based on the administrative costs of receiving applications, reviewing applications and any associated required documentation, and issuing permits as a factor of the number of expected applications. The amount of the fee would be determined in accordance with the NOAA Finance Handbook available at (https://www.corporateservices.noaa.gov/finance/documents/NOAAFinanceHBTOC_09.06.19.pdf) and would be specified on the application form. The fee may not exceed the administrative costs and must be submitted with the application for the application to be considered complete.

¹ In accordance with Department of Commerce policy contained in the Handbook of Accounting Principles and Standards, Chapter 11 (<https://www.commerce.gov/ofm/publications/handbooks-and-manuals/financial-management-handbooks/accounting-principles-and>)

Annual permit fees across West Coast fisheries currently range from \$18 for the limited entry drift gillnet permit to \$170 for the groundfish limited entry permit. Permit fees are recalculated every two years, and may decrease after initial implementation due to on-going operating costs being lower than administrative costs. We would expect the directed open access permit to be on the lower end of the cost range.