

**February 2009- Seattle, Washington
North Pacific Fishery Management Council
Motion**

C-5 BSAI Pacific Cod Parallel State Waters Fixed Gear CP Fisheries

Council action: Release the draft initial EA/RIR/IRFA for public review, and take final action in June 2009.

Draft Purpose and Need Statement

Several fixed gear CPs are participating in the parallel State waters fisheries that do not hold the permits, licenses, and endorsements necessary to participate in the Federal waters fisheries, and the potential exists for participation to increase. This vessel activity may be circumventing the intent of previous decisions made by the Council regarding license limitation and endorsements, sector allocations, and catch reporting. Additionally, the increased participation in the BSAI CP hook-and-line sector in the parallel State waters fishery undermines recent capacity reduction undertaken by that fleet. While this vessel activity could occur in numerous fisheries, it has recently occurred in the BSAI Pacific cod fishery within the CP pot and hook-and-line sectors. An increasing number of vessels without LLPs, or without Amendment 67 Pacific cod endorsements on their LLPs, have entered the BSAI Pacific cod parallel State waters fishery in recent years. This vessel activity has resulted in shortened seasons, has exacerbated the race for fish, and has increased the concentration of Pacific cod harvest inside of 3 miles. The increased vessel activity and catch in the parallel State waters fishery increases the complexity and difficulty in managing adherence to sector allocations; seasonal apportionments; area apportionments; and maintaining catch below ABC/TAC. Long-term participants in the fishery need protection from those who have little or no recent history and have the potential to increase their participation in the fisheries. The intent of the proposed action is to prevent fixed gear CPs which hold Federal permits and licenses, but not the necessary Amendment 67 and area endorsements, from entering the BSAI parallel State waters Pacific cod fishery. Additionally, changes to rules regarding Federal Fisheries Permits for CP designated licenses may need to be consistent across the North Pacific fisheries to reduce the administrative burden for NMFS and prevent unforeseen permitting loopholes. This action requires prompt attention to promote stability in the fixed gear sectors that participate in the BSAI Pacific cod fishery.

Alternatives

For the purposes of this action, a catcher processor is defined as a vessel that is used to catch and process fish. A vessel that has a catcher processor license, but is not used to catch and process fish, is not considered a catcher processor for purposes of this action. This definition is consistent with the way in which NMFS accounts for catch under the Amendment 85 sector allocations.

Alternative 1 No action.

Alternative 2 Require any catcher processor using pot or hook-and-line gear with an FFP or an LLP to have an Amendment 67 Pacific cod endorsement and the appropriate area endorsement to participate in the BSAI Pacific cod parallel State waters fishery.

Alternative 3 Require any catcher processor using pot or hook-and-line gear with an FFP or LLP that fishes in parallel State waters to adhere to seasonal closures of the BSAI Pacific cod CP pot or CP hook-and-line sectors (as defined in Amendment 85) corresponding to the sector the vessel is operating in.

Alternative 4 In the BSAI, CP pot and CP hook-and-line vessels with a CP designation on their FFP cannot amend the CP designation, and can only surrender or reactivate the FFP:

- (a) once per calendar year
- (b) once every eighteen months
- (c) FFP cannot be surrendered during the 3 year term of the permit

Alternative 5 Vessels with a CP designation on their FFP cannot amend the CP designation, and can only surrender or reactivate the FFP:

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The Council may choose more than one alternative (i.e., Alternative 2, 3, 4, and/or 5) at the time of final action.