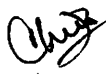


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

DATE: January 26, 2009

SUBJECT: BSAI Pacific cod parallel waters fishery

ESTIMATED TIME 4 HOURS

ACTION REQUIRED

Initial review of the proposed action to limit access by Federally-permitted vessels to the BSAI Pacific cod parallel waters fishery

BACKGROUND

At its October 2008 meeting, the Council reviewed a discussion paper that described potential Council actions to limit access by Federally-permitted vessels to the BSAI Pacific cod parallel waters fishery. Specifically, the discussion paper addressed potential measures to limit access by hook-and-line and pot CPs to the BSAI Pacific cod parallel waters fishery. During 2008, 5 pot and hook-and-line CPs participated in the AI parallel waters Pacific cod fishery that do not have the Federal permits and LLP licenses needed to participate in the Federal waters fishery. This parallel waters activity may be circumventing the intent of previous decisions made by the Council regarding license limitation and endorsements, sector allocations, and catch reporting. After reviewing the discussion paper, the Council initiated a regulatory amendment analysis (EA/RIR/IRFA).

Under the proposed action, there are two alternatives. Alternative 1 (status quo) would not make any changes to the Federal permit or licensing requirements for vessels fishing in the BSAI parallel waters fishery. Alternative 2 would preclude Federally-permitted catcher processors from participating in the BSAI Pacific cod parallel waters fishery using pot or hook-and-line gear if they do not have an Amendment 67 Pacific cod endorsement and the appropriate area (BS or AI) endorsement. Suboption 1 under Alternative 2 would also require pot and hook-and-line catcher processors that hold an FFP or LLP to adhere to seasonal closures of their respective Amendment 85 sector allocations. Suboptions 2 and 3 under Alternative 2 would prevent vessel operators from surrendering and later reapplying for the FFP within a specified time period (calendar year, 18 mos, 2 years, or the 3-year term of the permit). The rationale for the proposed action is concern that increased parallel waters participation by vessels that do not have an Amendment 67 Pacific cod endorsement has the potential to erode historic catch shares of those participants who contributed catch history to the Amendment 85 sector allocations and depend on the BSAI Pacific cod resource.

Recently, the Board of Fisheries reviewed a proposal to limit the size of hook-and-line vessels allowed to participate in the BSAI Pacific cod parallel waters fishery. The BOF took final action on the proposal in December 2008. The vessel size restriction will take effect on June 1, 2009, and limits the size of hook-

and-line vessels allowed to participate in the BSAI Pacific cod parallel waters fishery to 58 ft LOA. However, the BOF action does not apply to vessels using pot gear. The proposed regulatory amendment would complement the BOF action by limiting participation in the BSAI Pacific cod parallel waters fishery by Federally-permitted pot CPs.

At this meeting, the Council is scheduled to make an initial review of the BSAI Pacific cod parallel waters analysis. The analysis was mailed out on January 16, 2009; an Executive Summary is attached to this action memo as **Item C-5(1)**.