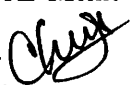


MEMORANDUM

TO: Council and AP Members  
FROM: Chris Oliver   
Executive Director  
DATE: May 22, 2009  
SUBJECT: GOA Groundfish Issues

ESTIMATED TIME 8 HOURS All C-1 items
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**ACTION REQUIRED**

- (b) Review discussion paper on parallel waters options in the GOA Pacific cod sector split motion
- (c) Review discussion paper on options for addressing the GOA vessel capacity issue

(b) GOA Pacific cod parallel waters fishery

**BACKGROUND**

In December 2008, the Council completed initial review of the draft EA/RIR/IRFA for the proposed action to allocate the Western and Central GOA Pacific cod TACs among the various gear and operation types. Currently, separate TACs are identified for Pacific cod in the Western, Central, and Eastern GOA management areas, but the TACs are not divided among gear or operation types. This results in a race for fish and competition among the sectors for shares of the TACs. Sector allocations may provide stability to long-term participants in the fishery by reducing competition among sectors for access to the GOA Pacific cod resource. However, if entry into the parallel waters fishery remains open, the objective of stability may not be achieved. Initial review of the GOA Pacific cod sector split action is scheduled for October 2009.

Prior to initial review, the Council requested that staff prepare a discussion paper that examines the possible goals, objectives, elements, and options for addressing management issues in the GOA Pacific cod parallel waters fishery within the context of the proposed sector allocations. The intent of reviewing the discussion paper at the June meeting is to give the Council the opportunity to refine the parallel waters options in the overall sector split motion, and to direct staff to incorporate these options into the initial review document for October. The rationale for including the parallel waters options in the amendment is concern that participation in the GOA Pacific cod parallel waters fishery by vessels that do not hold LLP licenses may increase. If sector allocations are established, parallel waters activity by new entrants has the potential to erode the catch shares of those participants who contributed catch history to the allocations and depend on the GOA Pacific cod resource. There are currently no limits on entry into the parallel waters groundfish fisheries, and no limits on the proportion of the GOA Pacific cod TAC that may be harvested in parallel waters. Vessels fishing in Federal waters are required to hold an LLP license with the appropriate area, gear, and where implemented, species endorsements, but vessels fishing in State waters (parallel and State-managed fisheries) are not required to hold an LLP license.

The discussion paper begins with a description of the management issues and a review of the regulatory context. The background section is followed by a discussion of the possible purpose and need of addressing the parallel waters issues. Finally, the paper describes the elements and options that the Council could consider advancing for further analysis, and the potential advantages and disadvantages of each approach. The paper provides background information that may help the Council and the State of Alaska consider interactions between the proposed Pacific cod sector allocations and management of the parallel waters Pacific cod fishery. The Council could provide recommendations to the Alaska Board of Fisheries (BOF) for capping parallel waters catches in order to balance the objectives of providing stability to the existing sectors while providing opportunities for new entry. The Council is also considering options to preclude Federally-permitted vessels that do not have LLP licenses from participating in the parallel fishery. These options could complement action taken by the BOF to cap parallel waters catches.

At this meeting, the Council is scheduled to review the discussion paper and could modify the parallel waters options, if desired. The discussion paper was mailed on May 15, 2009, and is attached as Item C-1(b).

#### (c) GOA vessel capacity

#### BACKGROUND

The Council has expressed interest in exploring ways to limit entry of high capacity 58 ft to 60 ft LOA pot and hook-and-line vessels into the GOA Pacific cod fisheries. One approach identified in the fixed gear recency action was to add a vessel capacity endorsement (i.e., width or simple gross tonnage) to fixed gear licenses. Currently, LLP licenses have a maximum length overall (MLOA) designation, but there is no limit on the width or tonnage of the vessel that may be assigned to a license. The capacity endorsement that was considered in the fixed gear recency action would have provided such a limit by restricting vessels to a 3-to-1 length to width ratio based on the length overall of the vessel currently assigned to the license. Licenses assigned to vessels that exceeded this ratio would have been grandfathered at their present length to width ratio.

At its April 2009 meeting, the Council reviewed a staff discussion paper that described regulatory, enforcement, and safety concerns with the proposed length to width restriction. Although vessel width can be defined in regulation, the action could impose substantial costs on participants if width measurements are required to be certified by a marine surveyor. NMFS Enforcement also expressed concern that vessel width may be difficult to measure in the field. Finally, establishing regulations that discourage specific vessel configurations may conflict with National Standard 10 (promote safety at sea).

As a result of the concerns expressed in the discussion paper, public testimony, and during AP and Council deliberations, the Council removed the capacity endorsement component from the fixed gear recency motion. The Council requested that staff develop another discussion paper for the June meeting, describing potential ways to address the capacity issue within the fixed gear fleet. The Council requested that the paper explore possible alternative width-to-length ratios and any other solutions to the vessel capacity issue suggested by the public (e.g., trip limits or other output controls). The discussion paper begins with a description of the management issues and a review of the regulatory context. The background section is followed by a discussion of the possible purpose and need of addressing the vessel capacity issue. Finally, the paper describes the elements and options that the Council could consider advancing for further analysis.

At this meeting, the Council is scheduled to review the discussion paper, and take action as necessary. The discussion paper is attached as item C-1(c).