

**October 2008- Anchorage, Alaska
North Pacific Fishery Management Council
Council Motion**

D-2(b) BSAI Pacific Cod Parallel Waters Fixed Gear CP Fisheries

Council action: Initiate a regulatory amendment analysis (EA/RIR/IRFA) addressing Federal permit and licensing requirements for fixed gear catcher processors that participate in the BSAI Pacific cod parallel waters fishery.

Draft Purpose and Need Statement

Several fixed gear CPs are participating in the parallel 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 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 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. 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 lack Federal permits and licenses from entering the BSAI parallel waters Pacific cod fishery. This action requires prompt attention to promote stability in the fixed gear sectors that participate in the BSAI Pacific cod fishery.

Element and Options

Under both options, a CP is defined as a vessel that is used to catch and process fish. A vessel that has a CP license, but is not used to catch and process fish, is not considered a CP for purposes of this action. This definition is consistent with how NMFS accounts for catch under the Amendment 85 sector allocations.

Option 1

Require any CP pot or hook-and-line vessel with an LLP or an FFP to have an Amendment 67 Pacific cod endorsement and the appropriate area endorsement to participate in the BSAI Pacific cod parallel waters fishery.

i. Suboption: In addition, require the above Federally licensed vessels that fish in parallel 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.

Option 2

Require any CP pot and CP hook-and-line vessel with an LLP or FFP to surrender the LLP and FFP in order to participate in the BSAI Pacific cod parallel waters fishery.

i. Suboption: In the BSAI, CP pot and CP hook-and-line vessels with a CP designation on their FFP can only surrender and/or reactivate the FFP:

- (a) once per calendar year
- (b) once every eighteen months
- (c) once every two years

ii. Suboption: FFP cannot be surrendered during the 3 year term of the permit.

Additional information requested:

- Include a discussion of potential actions for vessels with no Federal permits or licenses and possible complementary action by BOF.
- Include in the analysis a brief discussion of the CP hook-and-line sector participation in the Capacity Reduction Loan Program (buyback).