

# A21: LAGC Permit Movement Control Date Discussion

**Sam Ascì (Council Staff)**

October 23<sup>rd</sup>, 2019 Scallop AP/PDT  
October 24<sup>th</sup>, 2019 Scallop Committee



# Background (Doc.4)

- AP and CTE discussed control date in September 2019 (see tabled motion below)
- Control date objective: basis for eligibility criteria for switching between LAGC permit categories, prevent future increase in NGOM permit activity

## *Tabled Committee Motion from September 19<sup>th</sup>, 2019:*

Recommend that the Council establish a control date that could be used to restrict movement between LAGC B (NGOM)/C (Incidental) permits.

*Rationale:* The LAGC B permit is the NGOM permit, the LAGC C permit is the incidental permit. If individuals are considering getting into the NGOM fishery they should be notified that Council may change the rules in the future.

# Current LAGC Permit Movement

**LAGC A  
(IFQ)**

LAGC A can do one-time transition to LAGC B or LAGC C

**LAGC B  
(NGOM)**

**LAGC C  
(Incidental)**

Movement between LAGC B and LAGC C allowed annually (or mid-season if permit is transferred to new owner)

# LAGC Permit Movement to Date

## Since FY2008:

- 17 permits converted from IFQ (A) to NGOM/Inc (B/C)
- 13 permits moved from Incidental to NGOM
- 4 moved from NGOM to incidental

*Table 1 - Summary of LAGC conversions and switches between FY 2008 and FY 2019.*

| Year | Conversion from A to B/C | From B to C Within a year | From C to B Within a year | From B to C Across Years | From C to B Across Years |
|------|--------------------------|---------------------------|---------------------------|--------------------------|--------------------------|
| 2008 | -                        | -                         | -                         | -                        | -                        |
| 2009 | 0                        | 0                         | 0                         | 0                        | 3                        |
| 2010 | 0                        | 0                         | 0                         | 0                        | 1                        |
| 2011 | 1                        | 0                         | 0                         | 0                        | 0                        |
| 2012 | 1                        | 0                         | 0                         | 2                        | 2                        |
| 2013 | 2                        | 0                         | 0                         | 0                        | 0                        |
| 2014 | 6                        | 1                         | 1                         | 1                        | 0                        |
| 2015 | 0                        | 0                         | 2                         | 0                        | 0                        |
| 2016 | 0                        | 0                         | 0                         | 0                        | 0                        |
| 2017 | 3                        | 0                         | 0                         | 0                        | 1                        |
| 2018 | 3                        | 0                         | 0                         | 0                        | 1                        |
| 2019 | 1                        | 0                         | 1                         | 0                        | 1                        |

# LAGC permit universe

As of May 21, 2019, there were:

- 425 LAGC B (NGOM)/LAGC C (Incidental) MRIs
- In FY2018, 107 LAGC B permits were issued and 237 LAGC C permits were issued
- Table 2—zero allocation LAGC A (IFQ) permits

*Table 2 - Number of Scallop LAGC IFQ (A) MRIs with zero base allocation*

| Fishing Year | Moratorium Right ID (MRI) |
|--------------|---------------------------|
| 2011         | 7                         |
| 2012         | 5                         |
| 2013         | 28                        |
| 2014         | 46                        |
| 2015         | 49                        |
| 2016         | 66                        |
| 2017         | 88                        |
| 2018         | 87                        |
| 2019         | 94                        |

# Control Date Considerations

- Date that may be used in establishing eligibility criteria for future access to fishery, or part of fishery.
- Council can decide to use a control date, however
- **Control dates are NOT BINDING**—
  - Council can choose a different date, or develop management measures that do not use control date

# Control date language can be:

## Specific

- Can strengthen justification for management measures in future, but
- Potentially constrain range of alternatives the Council may consider

## Example of specific language— September 18, 2019 AP Motions:

- “...recommend the Committee recommend that the Council establish a control date that could be used to restrict movement between LAGC B/C permits.”
- “...recommend the Committee recommend that the Council establish a control date that could be used to restrict permanent movement from a LAGCA (IFQ) permit to a LAGC B (NGOM) or C (Incidental) permit.”

# Control date language can be:

## Vague

- Identifies what the control date is addressing, but not constraining to range of alternatives the Council may consider

## Example of specific language:

- “...establish a control date that could be used to determine eligibility criteria for participation in the NGOM management area, including movement between LAGC permit categories.”



# Example Timeline

*Table 4. Example timeline if the Committee recommends that the Council consider a control date at the December 2019 meeting.*

| Date   | Action  |
|--|---|
| 24-Oct-19  | Committee recommends that the Council consider a control date for LAGC permit movement at the December 2019 meeting.  |
| 19-Nov-19  | FR notices that the Council will be considering a control date at December 2019 meeting   |
| 3-Dec-19   | Council moves to establish control date for LAGC permit movement.   |
| Feb-20   | FR publishes advanced notice of proposed rulemaking, establishing the control date. The control date is set for the same day as the FR publishes advanced notice of proposed rulemaking (ANPR). |
| 1-Apr-20   | FY2020 NGOM fishery opens   |
| <b><i>For discussion, subject to change.</i></b> |   |

*Note: control date is set to date of Federal Register notice publication (in this example timeline, sometime in February 2020)*



# Questions?