

Bering Sea Aleutian Islands Pacific Cod Allocations BSAI FMP Amendment 85

October 2005 Staff Discussion Paper

In December 2004, the Council approved a draft problem statement and preliminary components and options for a new fishery management plan amendment to modify the current Bering Sea/Aleutian Islands (BSAI) Pacific cod allocations to the various gear sectors. Upon review of staff discussion papers at the February, April, and June 2005 Council meetings, the Council further revised the components and options for analysis. The BSAI Pacific cod amendment package focuses on two primary issues:

- Part I) BSAI Pacific cod allocations to all gear sectors (trawl, jig, hook-and-line, and pot); and
- Part II) Apportionment of the BSAI Pacific cod sector allocations between the BS and AI subareas.

Action for this Council Meeting

The analysis supporting the fishery management plan (BSAI Am. 85) and regulatory amendments for this action is scheduled for initial review in December 2005. The purpose of this discussion paper is to confirm the amendment package that will be analyzed and provided to the Council in December. To that end, the Council's action at this meeting is to:

- **review the problem statements and CDQ options for consistency; and**
- **review and approve a reorganization of the amendment package into NEPA alternatives for analysis.**

Review Problem Statement

The problem statement guiding BSAI Amendment 85 is comprised of the following two parts:

BSAI FMP Amendment 85 Problem Statement

Part I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to their sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

BSAI FMP Amendment 85 Problem Statement

Part II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

The first part of the problem statement for Amendment 85 notes the annual inseason reallocations of TAC among gear sectors and concerns that the current BSAI Pacific cod allocations do not adequately reflect actual use by sector. The second part of the problem statement addresses the need to establish a methodology by which to maintain sector allocations and minimize competition among gear groups, should the BSAI Pacific cod TAC be apportioned between the BS and AI subareas during a future specifications process.

Note, however, that the current problem statements do not address the need to increase the CDQ reserve of BSAI Pacific cod, yet there are options in Alternative 2, Component 5 to increase the CDQ allocation from its current 7.5% to 10% or 15%. NOAA GC has advised that the amendment package would be improved by ensuring that the problem statement and options are consistent with one another. **At this meeting, the Council may want to consider whether the problem statement or options should be amended in order to be consistent with the proposed action.**

Reorganization into NEPA Alternatives

At the time the amendment package was first initiated in December 2004, it was structured in the form of ‘components’ and ‘options.’ NMFS’ preferred policy is to develop integrated environmental and economic documents (e.g., EA/RIR/IRFA), to meet the requirements of the National Environmental Policy Act (NEPA), Magnuson-Stevens Act (MSA), E.O. 12866, Regulatory Flexibility Act (RFA) and other applicable Federal laws. Thus, while the current structure may be sufficient for the Council and public to understand the impacts of the action under consideration, it must be consistent with NEPA requirements to develop ‘alternatives to the proposed action’ that can be analyzed in a comprehensive manner. This means that each formal alternative must be relatively whole, comprised of each component necessary to make a complete alternative. The components in the current package are such that each must be mixed and matched with several other components to create a ‘whole’ action.

Given the above, staff reorganized the Council’s current suite of components and options (revised as of June 2005) into a suite of alternatives, options, and suboptions, such as required under NEPA. The Council’s current motion is provided as **Attachment 1**. The reorganized suite of alternatives is provided as **Attachment 2**. A summary table of the reorganized alternatives and options is provided as **Table 1** below.

At this meeting, the Council should consider replacing the current suite of components and options with one that is consistent with the NEPA format for analysis. Attachment 2 has been provided for consideration, as one way in which to reorganize the amendment package without making substantive changes.

Table 1. Summary of proposed reorganized alternatives and options for BSAI Amendment 85

PART I: BSAI PACIFIC COD SECTOR ALLOCATIONS				
Components	Alternative 1 (No Action)		Alternative 2 (Revise allocations)	
1. Sectors for which allocations are established	Trawl CP Trawl CV Hook-and-line CP Hook-and-line CV	Pot CP Pot CV H&L/pot CV <60' Jig CV	AFA Trawl CP AFA Trawl CV Non-AFA Trawl CP Non-AFA Trawl CV Pot CV ≥60'	Pot CP Hook-and-line CP Hook-and-line CV ≥60' H&L/pot CV <60' Jig CV
2. Sector allocations	51% fixed gear: (80% hook-and-line CP) (0.3% hook-and-line CV) (3.3% pot CP) (15.0% pot CV) (1.4% hook-and-line/pot <60') 47% trawl gear: (50% trawl CP) (50% trawl CV) 2% jig gear		Six options to revise sector allocations based on sector's average annual harvest share during the years: 1995 – 2002 1997 – 2000 1997 – 2003 1998 – 2002 1999 – 2003 2000 – 2003 Drop year provisions exist under each option. The Council can select any allocations within the range provided. Options exist to provide allocations (combined or separate) to the <60' fixed gear and jig gear sectors not to exceed: 2.71%, 3%, or 4%.	
3. Seasonal apportionments	<u>Trawl CV:</u> 70% (Jan. 20 - Apr. 1) 10% (Apr. 1 - June 10) 20% (June 10 - Nov. 1) <u>Trawl CP:</u> 50% (Jan. 20 - Apr. 1) 30% (Apr. 1 - June 10) 20% (June 10 - Nov. 1) <u>Fixed gear >60':</u> 60% (Jan. 1 - June 10) 40% (June 10 - Dec. 31) <u>Fixed gear <60':</u> no seasonal apportionments <u>Jig gear:</u> 40% (Jan. 1 - Apr. 30) 20% (Apr. 30 - Aug. 31) 40% (Aug. 31 - Dec. 31)		Option to maintain status quo seasons (see Alt. 1). Option to maintain the current % of ITAC allocation to the A and B seasons for trawl gear and the A season for fixed gear. Option to maintain the current % of the ITAC allocated to the A season for trawl gear. Option to modify the jig apportionments to: 60% (Jan. 1 - Apr. 30) 20% (Apr. 30 - Aug. 31) 20% (Aug. 31 - Dec. 31)	
4. Rollovers	Unused trawl sector allocations are first considered for reallocation to other trawl sector Unused pot sector allocations are first considered for reallocation to other pot sector Reallocation from trawl to fixed gear: 0.9% pot CP 4.1% pot CV 95% hook-and-line CP Reallocation from jig to <60' fixed gear on seasonal basis Unused <60' fixed gear, pot, and hook-and-line CV quota is reallocated to hook-and-line CP sector		Options to generally maintain status quo rollover provisions, with accommodation of new trawl sectors (see Alt. 1). Options to modify the rollovers from trawl to fixed gear according to the new fixed gear allocations determined under Component 2. Options to reallocated unused quota from an inshore sector to the other inshore sectors before reallocating to offshore sectors.	

PART I: BSAI PACIFIC COD SECTOR ALLOCATIONS		
Components	Alternative 1 (No Action)	Alternative 2 (Revise allocations)
5. CDQ allocation	7.5% of the BSAI Pacific cod TAC	Options exist to increase CDQ allocation of BSAI Pacific cod TAC to 10% or 15%.
6. Apportionment of trawl halibut and crab PSC to cod trawl fishery group	The total amount of trawl halibut and crab PSC for the non-CDQ fisheries is determined in the annual specifications process.	Options to be determined.
7. Apportionment of the cod trawl fishery group halibut and crab PSC to trawl sectors	No apportionment of cod trawl halibut and crab PSC between the trawl sectors.	Apportion the cod trawl halibut and crab PSC among the trawl sectors determined in Component 1, according to their cod allocations.
8. Apportionment of cod non-trawl halibut PSC	No apportionment of the cod non-trawl halibut PSC between hook-and-line CP and CV sectors.	Apportion the cod non-trawl halibut PSC between hook-and-line CP and CV sectors either 1) in proportion to their cod allocations, or 2) 10 mt for CVs, remainder for CPs.

PART II: APPORTIONMENT OF BSAI PACIFIC COD SECTOR ALLOCATIONS TO BS AND AI SUBAREAS			
Alternative 3 (No Action)	Alternative 4 (Sector allocations remain BSAI)	Alternative 5 (BS and AI equal %)	Alternative 6 (Based on history in AI)
A methodology to apportion the BSAI Pacific cod allocations to the jig, trawl, and fixed gear sectors between the BS and AI subareas would not be selected. The only approach that could be implemented without a new regulatory amendment is Alt. 5.	Sectors would have a BSAI allocation from Part I to fish in either subarea (BS or AI) if the subarea is open for directed fishing and TAC is available.	The allocation the sector receives under Part I would be applied to both the BS and AI subareas.	The sector's BSAI allocation from Part I is maintained. Three options exist to determine the sector's AI allocation, based on the sector's AI harvest during: 1995 - 2002 1997 - 2003 2000 - 2003 The remainder of the sector's overall BSAI allocation is in the BS.

Note: An alternative must be selected under both Part I and Part II. Any of Alternatives 3 – 6 can be selected in conjunction with Alternative 1 or 2 from Part I.

Part I of Amendment 85 addresses the BSAI Pacific cod allocations among the identified sectors, and there are two distinct alternatives under this part (Alternatives 1 and 2). For organizational purposes, both alternatives remain comprised of several components. The difference is that each alternative is a stand alone scenario; all of the necessary components are present under each alternative.

Part II addresses the apportionment of the BSAI Pacific cod sector allocations between the BS and the AI management subareas. There are four distinct alternatives under this part (Alternatives 3 – 6). These alternatives are fairly straightforward; only Alternative 6 has associated options.

As mentioned previously, the amendment package currently has a two-part problem statement to address two separate, but related issues. This proposed reorganization maintains the two parts of the amendment; thus, there is a no action alternative under both Part I and Part II. **The intent is that the Council would select a preferred alternative under Part I and another preferred alternative under Part II. Any of the alternatives in Part II can be selected in conjunction with either alternative from Part I.**

**Components and Options for BSAI FMP Amendment 85 to Revise the BSAI
Pacific Cod Allocations
Revised per Council motion June 6, 2005**

BSAI Pacific Cod Sector Allocations Problem Statement

Part I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to their sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

Part II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

BSAI Pacific Cod Sector Allocations: Draft Elements and Options

Part I: BSAI Pacific Cod Sector Allocations

A. Allocation to Sectors

- Component 1: Identify and define sectors
- Component 2: Identify TAC to be allocated to sectors
- Component 3: Method for determining catch history
- Component 4: Sector catch history years
- Component 5: Allocation of BSAI Pacific cod TAC to sectors
- Component 6: Rollovers between sectors
- Component 7: CDQ allocation of Pacific cod

B. Apportionment of BSAI PSC to Sectors

- Component 1: Apportionment of trawl halibut PSC to the cod fishery group
- Component 2: Apportionment of the cod trawl fishery group PSC to trawl sectors
- Component 3: Apportionment of cod H&L halibut PSC between catcher processors (CPs) and catcher vessels (CVs)

Part II: Apportionment of BSAI Pacific cod Sector Allocations to BS and AI

This part would provide a method to apportion BSAI Pacific cod sector allocations to the BS and AI areas in the event that the BSAI Pacific cod ABC/TAC is apportioned to the BS and AI areas during the annual specifications process.

- Option 1: Sector allocations remain as BSAI (with AI and BS TACs). No specific sector allocations to AI or BS.
- Option 2: BS and AI sector allocations based on equal percentage from BSAI sector allocations.
- Option 3: BS and AI sector allocations based on historic harvest share in AI area with remainder of BSAI allocation to be caught in the BS. Sector's BSAI allocation remains.

PART 1: BSAI PACIFIC COD SECTOR ALLOCATIONS

A. Allocation to Sectors

Component 1: Identify and Define Sectors

Identify the sectors for which catch history will be calculated. The Council may choose to allocate to combined sectors in Component 5; however, each sector's catch history will be calculated separately.

1.1 Sectors for which catch history will be calculated.

1.1.1 AFA Trawl CPs (AFA 20*)

Suboption a: Include catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA

Suboption b: Exclude catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA

1.1.2 H&G Trawl CPs (non-AFA Trawl CPs)

1.1.3 AFA Trawl CVs

1.1.4 Non-AFA Trawl CVs

1.1.5 Longline CPs

1.1.6 Longline CVs $\geq 60'$

1.1.7 Pot CPs

1.1.8 Pot CVs $\geq 60'$

1.1.9 Fixed Gear CVs (pot and hook-and-line) $< 60'$

1.1.10 Jig CVs

*refers to the 20 trawl CP vessels listed in Section 208(e) of American Fisheries Act

Eligibility criteria for non-AFA trawl catcher vessels to be included in the AFA catcher vessel sector for purposes of the cod allocations:

Option 1. The holder of a license that arose from a vessel/history that made a minimum of 100 mt of cod landings during each of the years 1995 – 1997.

Component 2: Identify TAC to be allocated to sectors

The BSAI Pacific cod TAC that is to be allocated to sectors is TAC less CDQ. In addition, the annual incidental catch allowance (ICA) for fixed gear would be deducted (off the top) from the aggregate amount of the BSAI Pacific cod TAC allocated to all of the fixed gear sectors combined (status quo).

Component 3: Methodology for Determining Sector Catch History

Pacific cod is an IRIU species. For purposes of determining catch history, "catch" means retained legal catch (including rollovers). A sector's catch history includes all retained legal catch from both the Federal fishery and parallel fishery in the BSAI (i.e. retained legal catch from the Federal BSAI Pacific cod TAC less CDQ). This includes retained legal catch from both LLP and non-LLP vessels. The analysis will also provide each sector's catch history based on total catch (retained and discarded) where practicable.

For each of the years under consideration in Component 4 (1995-2003), each sector's annual harvest share will be calculated for that individual year as a percentage of the total retained legal catch by all sectors. For each of the sets of catch history years in Component 4, each sector's harvest percentage will be calculated as the sector's average of the annual harvest share.

Component 4: Sector Catch History Years

Component is to include sets of years from which one set of years will be selected for all sectors. Note that the allocations from Amendment 46 (BSAI Pacific Cod Allocations) were implemented in January 1997.

There will be a suboption under each set of years to drop one year. Each sector would drop its worst year (smallest annual harvest share percentage for that sector). This could result in an aggregate percentage greater than 100% for a set of years for all sectors combined. If that is the case, this would be scaled back to 100%.

- 4.1 1995 – 2002
 - 4.1.1 Drop one year
- 4.2 1997 – 2000
 - 4.2.1 Drop one year
- 4.3 1997 – 2003
 - 4.3.1 Drop one year
- 4.4 1998 – 2002
 - 4.4.1 Drop one year
- 4.5 1999 – 2003
 - 4.5.1 Drop one year
- 4.6 2000 – 2003
 - 4.6.1 Drop one year
- 4.7 The Council can select percentages for cod allocated to each sector that fall within the range of percentages analyzed.

Option 1:

Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the current percentage of the ITAC allocated to the A and B seasons for trawl gear and the A season for fixed gear. Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the C season for trawl gear.

Provide that any increase in the overall fixed gear allocation resulting from the options would be applied only in the B season for fixed gear.

Option 2:

Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the current percentage of the ITAC allocated to the A season for trawl gear.

Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the B and C seasons for trawl gear:

- Suboption 1: Reduction applied proportionately to B and C seasons
- Suboption 2: Reduction applied equally to B and C seasons

Component 5: Allocation of BSAI TAC to Sectors

5.1 **Fixed Gear ICA (*status quo*):** A small amount (approximately 500 mt) of Pacific cod is taken incidentally in BSAI fixed gear directed fisheries for groundfish where Pacific cod is not the target. This amount is determined annually by the NMFS Regional Administrator and is to be deducted from the aggregate amount of BSAI Pacific cod TAC allocated to all the fixed gear sectors combined (*i.e. off the top of fixed gear allocation*).
In the event the annual amount determined necessary for the fixed gear ICA increases significantly, the Council will revisit this issue and consider limiting the ICA amount and/or revising MRAs.

5.2 **Allocations to Sectors:** Allocations to sectors are to be based on catch history (Component 4) as well as other considerations (see Problem Statement).

The allocations (whether combined or separate) to the <60' fixed gear CVs and jig CVs (*i.e. the 'small boat sectors'*) shall collectively not exceed:

- 5.2.1 Actual catch history percentage for jig and <60' fixed gear CVs collectively (from the set of years selected for all sectors in Component 4).
- 5.2.2 2.71% (represents current 2% jig allocation plus 0.71% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)
- 5.2.3 3% (represents 2% jig allocation plus 1% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)
- 5.2.4 4% (represents 2% jig allocation plus 2% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)

Note: The intent of the allocations is to provide stability to the sectors. In all options and suboptions, the <60' fixed gear CV sector will only fish from the direct allocation to that sector, which includes any seasonal rollover of the unused jig allocation.

5.3: **Seasonal Apportionment to Jig Sector:** Apportion the BSAI Pacific cod jig allocation on a trimester basis as follows:
60% (Jan. 1 – April 30)
20% (April 30 – August 31)
20% (August 31 – December 31)

Component 6: Rollovers between Sectors

Reallocated quota (rollovers) will continue to be hierarchical in nature, flowing from the most precise definition of a sector to the next most inclusive definition before unused Pacific cod is re-allocated to a different gear type, while maintaining management flexibility. The jig allocation will continue to be seasonally apportioned and will rollover on a seasonal basis. For all other sectors, after September 1, managers may reallocate projected unused sector allocations taking into account: a) the intent of rollover hierarchy, and b) the likelihood of a sector receiving a rollover to actually harvest the rollover.

Rollover hierarchy for unused sector allocations:

Options 6.1 – 6.6 are considered a suite of provisions to create one comprehensive option for reallocating quota. These options represent the current regulations adapted to new sector splits. Option 6.7 is considered a second comprehensive option.

- 6.1 Projected unused trawl sector allocations must be considered for reallocation to other trawl sectors (AFA CP trawl, non-AFA CP trawl, AFA CV trawl, non-AFA CV trawl) before being reallocated to the fixed gear sectors (hook-and-line CP, hook-and-line CV $\geq 60'$, pot CP, pot CV $\geq 60'$).
- 6.2 Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP 4.1% to pot CV $\geq 60'$, and 95% to hook-and-line CP.
 - 6.2.1 Suboption: Reallocation of TAC from the trawl sectors to the fixed gear sectors will be proportional to the new fixed gear allocations.
- 6.3 Projected unused allocation in the jig sector should rollover to the $<60'$ fixed gear CV sector on a seasonal basis. The third trimester jig rollover should be available to the $<60'$ fixed gear CV sector on September 1.
- 6.4 Projected unused pot sector allocations (CPs and $\geq 60'$ CVs) must be considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.
- 6.5 Projected unused allocation in the $<60'$ fixed gear CV sector, both pot sectors (CP and $\geq 60'$ CV), and hook-and-line CV $\geq 60'$ should rollover to the hook-and-line CP sector.
- 6.6 Unused seasonal allowances for the trawl, pot, and hook-and-line sectors may be reapportioned to the subsequent seasonal allocation for the respective sectors.
- 6.7 Projected unused allocations to any sector delivering inshore must be considered for reallocation to other inshore sectors before being considered for reallocation to any offshore sector. When considering reallocations of inshore sector fish the following hierarchy shall be followed.

Any unused allocation from any inshore sector will rollover using the following hierarchy:

First to Jig CV sector and/or $<60'$ fixed gear CV sector; then to Hook-and-line CV $\geq 60'$ sector or Pot CV $\geq 60'$ sector; then to Trawl CV sectors (AFA and non-AFA)

Any CV allocation that is not harvested or likely to be harvested through the above hierarchy will be reallocated as per components 6.1 through 6.6.

Component 7: CDQ Allocation of BSAI Pacific cod

CDQ allocations for BSAI Pacific cod shall be removed from the TAC prior to the allocation to all other sectors at percentage amounts equal to one of the following options:

- 7.1 7.5% (*status quo*)
- 7.2 10%
- 7.3 15%

B. Apportionment of BSAI PSC to Sectors

Note: The apportionment of trawl PSC to sectors would facilitate cooperative formation, may allow sectors to better manage PSC use, and may prevent preemption by another trawl sector. However, the apportionment of trawl PSC into the cod fishery group and then between cod trawl sectors may prove to be difficult and could restrict management flexibility. The apportionments in this action will also have to work in conjunction with PSC apportionment in BSAI Amendment 80. Due to the complexity, the Council is seeking input on options for these components.

At this time, it may only be necessary to apportion trawl halibut and crab PSC. The amount of herring PSC apportioned to the cod trawl fishery group (27 mt in 2005) may be too small to apportion between all trawl sectors.

The Council recommends under Part B, Components 1 and 2, that the analysis look at the variability of cod catch annually in the trawl fisheries in order to determine how much cod the various trawl sectors need in order to accommodate incidental catch needs in their non-cod target fisheries.

Component 1: Apportionment of trawl halibut and crab PSC to the cod fishery group

The total amount of trawl halibut PSC for the non-CDQ fisheries is 3,400 mt, which is apportioned between Pacific cod, yellowfin sole, rocksole/other flatfish/flathead sole, pollock/Atka mackerel/other. Generally, 1,400 mt is apportioned to the cod trawl fishery group, but this amount and actual use can vary annually. A significant amount of Pacific cod is taken incidentally in other trawl fisheries so the PSC use associated with that Pacific cod harvest would be attributed to a fishery group other than cod trawl. Amendment 80 will also allocate halibut PSC to the H&G trawl sector so that the amount of halibut PSC available to the remaining trawl sectors will be reduced.

(Options to be determined).

Component 2: Apportionment of the cod trawl fishery group halibut and crab PSC to trawl sectors

Option 2.1 PSC apportioned to the cod trawl sectors will be based on the average bycatch rate of the trawl cod sectors applied to the cod allocation percentages determined for each sector under Part A.

Component 3: Apportionment of cod hook-and-line halibut PSC between CPs and CVs

The total amount of non-trawl halibut PSC for the non-CDQ fisheries is 833 mt. The 833 mt is normally apportioned between cod hook-and-line sectors and other non-trawl fisheries during the annual specifications process. Generally, 775 mt is apportioned to hook-and-line cod fisheries and 58 mt to other non-trawl.

This component would divide the halibut PSC amount apportioned to hook-and-line cod between hook-and-line CPs and hook-and-line CVs (for CVs $\geq 60'$ and CVs $< 60'$ combined). The apportionment is to be done by one of the following options:

- 3.1 In proportion to the BSAI Pacific cod TAC allocated to the sectors
- 3.2 10 mt for CVs, remainder for CPs

Part II: APPORTIONMENT OF BSAI PACIFIC COD SECTOR ALLOCATIONS TO BS AND AI SUBAREAS

Note: This part would provide a method to apportion BSAI Pacific cod sector allocations to the BS and AI areas in the event that the BSAI Pacific cod ABC/TAC is apportioned to the BS and AI areas during the specifications process. No apportionment of BSAI PSC between the BS and the AI is under consideration at this time.

Option 1: Sector allocations remain as BSAI (with BS and AI TACs)

No allocation to a sector of a specific percentage of a sub-area. Sectors would have a BSAI allocation (in Part I) to fish in either sub-area (BS and AI) if the sub-area is open for directed fishing and TAC is available.

Option 2: BS and AI sector allocations based on equal percentage from BSAI sector allocations

Allocation to a sector of an equal percentage in both sub-areas. The allocation percentage of BSAI TAC a sector receives in Part I would result in that same percentage being applied to both the BS and AI sub-areas so that a sector would have the same percentage in both sub-areas.

Option 3: BS and AI sector allocations based on a sector's historic harvest in the AI with remainder of sector's overall BSAI allocation to be caught in the BS. Sector's BSAI allocation is maintained and used in annual calculation.

- 3.1 1995 - 2002
- 3.2 1997 – 2003
- 3.3 2000 – 2003

**Reorganized Structure for BSAI FMP Amendment 85 to Revise the BSAI Pacific
Cod Allocations
Staff proposed format - June 15, 2005**

BSAI Pacific Cod Sector Allocations Problem Statement

PART I: BSAI Pacific Cod Sector Allocations

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Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to their sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

PART II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

PART 1: BSAI PACIFIC COD SECTOR ALLOCATIONS

ALTERNATIVE 1. No Action. BSAI Pacific cod allocations for the jig, trawl, and fixed gear (hook-and-line and pot) sectors would continue as in current regulations.

Allocation of BSAI Pacific Cod to Sectors

Component 1: Sectors for which allocations are established

BSAI Pacific cod allocations will continue to be established in Federal regulations for the following sectors:

- Trawl CPs
- Trawl CVs
- Hook-and-line CPs
- Hook-and-line CVs
- Pot CPs
- Pot CVs
- Hook-and-line and pot CVs <60'
- Jig CVs

Component 2: Sector Allocations

BSAI Pacific cod allocations to the jig, trawl, and fixed gear (hook-and-line and pot) sectors would continue as determined under BSAI Amendments 46 and 77:

- **51% fixed gear**
(80% hook-and-line catcher processors)
(0.3% hook-and-line catcher vessels)
(3.3% pot catcher processors)
(15.0% pot catcher vessels)
(1.4% hook-and-line/pot vessels <60' LOA)¹
- **47% trawl gear**
(50% trawl catcher vessels)
(50% trawl catcher processors)
- **2% jig gear**

The BSAI Pacific cod TAC that is allocated to the above sectors is TAC less the CDQ Program reserve. In addition, the annual incidental catch allowance (ICA) for fixed gear is deducted from the aggregate amount of the BSAI Pacific cod TAC allocated to the fixed gear sectors combined. Pacific cod harvested incidentally in the non-Pacific cod directed BSAI fixed gear fisheries is attributed to the ICA. The ICA is determined annually by the NMFS Regional Administrator in the annual specifications process and has typically been 500 mt.

¹While the <60' fixed gear (hook-and-line and pot) sector receives a separate allocation of BSAI Pacific cod, these vessels fish off the general hook-and-line CV and pot CV allocations, respectively by gear type, when those fisheries are open.

Component 3: Seasonal Apportionments

The seasonal apportionments of each sector's allocation would remain as shown below. Unused seasonal allowances for the trawl, pot, and hook-and-line sectors may be reapportioned to the subsequent seasonal allocation for the respective sectors. Unused seasonal allowances for the jig sector are considered for reallocation to the <60' fixed gear CV sector.

Trawl CV:	70%	(Jan. 20 – April 1)
	10%	(April 1 – June 10)
	20%	(June 10 – Nov. 1)
Trawl CP:	50%	(Jan. 20 – April 1)
	30%	(April 1 – June 10)
	20%	(June 10 – Nov. 1)
Fixed gear ≥60':	60%	(Jan. 1 – June 10)
	40%	(June 10 – Dec. 31)
Fixed gear <60':	No seasonal apportionments	
Jig gear:	40%	(Jan. 1 – April 30)
	20%	(April 30 – Aug. 31)
	40%	(Aug. 31 – Dec. 31)

Component 4: Rollovers between gear sectors

Inseason management would retain flexibility to determine how to reallocate projected unused sector allocations (rollovers), taking into consideration the hierarchy below. NMFS takes into account the intent of the rollover hierarchy and the likelihood of a sector's capability to harvest reallocated quota.

- Projected unused trawl sector allocations are considered for reallocation to the other trawl sector before being reallocated to the fixed gear sectors.
- Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP, 4.1% to pot CV, and 95% to hook-and-line CP.
- Projected unused allocation in the jig sector is considered for reallocation to the <60' fixed gear CV sector on a seasonal basis.
- Projected unused pot sector allocations (CPs and CVs) is considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.
- Projected unused allocation in the <60' fixed gear CV sector, both pot sectors (CP and CV), and hook-and-line CV is reallocated to the hook-and-line CP sector.

Component 5: CDQ Allocation of BSAI Pacific Cod

The CDQ Program reserve is 7.5% of the BSAI Pacific cod TAC. The reserve is removed from the TAC prior to the allocation to all other sectors.

Apportionment of BSAI PSC to Sectors

Component 6: Apportionment of trawl halibut and crab PSC to the cod fishery group

The total amount of trawl halibut and crab PSC for the non-CDQ fisheries is determined in the annual specifications process and can vary annually. The trawl halibut PSC is typically 3,400 mt, which is apportioned between Pacific cod; yellowfin sole; rocksole/other flatfish/flathead sole; pollock/Atka mackerel/other. Generally, about 1,400 mt is apportioned to the cod trawl fishery group.

The crab PSC for 2005 and 2006 is 182,225 red king crab in Zone 1; 4,494,569 *C. opilio* in the *C. Opilio* Bycatch Limitation Zone (COBLZ); and 906,500 *C. bairdi* in Zone 1 and 2,747,250 *C. bairdi* in Zone 2. The cod trawl fishery group bycatch allowance (2005 – 06) is 26,563 red king crab; 139,331 *C. opilio*, 183,112 *C. bairdi* in Zone 1; and 324,176 *C. bairdi* in Zone 2.

Component 7: Apportionment of the cod trawl fishery group halibut and crab PSC to trawl sectors

There is no further apportionment of the cod trawl fishery group halibut and crab PSC to the trawl sectors (trawl CV sector and trawl CP sector).

Component 8: Apportionment of cod non-trawl halibut PSC

The total amount of non-trawl halibut PSC for the non-CDQ fisheries is determined in the annual specifications process and can vary annually. The non-trawl halibut PSC allowance is typically 833 mt, which is apportioned between the Pacific cod and ‘other non-trawl’ fisheries. Generally, about 775 mt is apportioned to the cod non-trawl fishery group. No further apportionment of the halibut bycatch allowance is made between the hook-and-line CP sector and the hook-and-line CV sector.

ALTERNATIVE 2: Modify the current BSAI Pacific cod allocations among the jig, trawl, and fixed gear (hook-and-line and pot) sectors according to a set of catch history years or other considerations.

Allocation of BSAI Pacific Cod to Sectors

Component 1: Sectors for which allocations will be established

Catch history will be calculated for the following sectors. The Council may choose to establish allocations for combined sectors; however, each sector’s catch history will be calculated separately.

- AFA Trawl CPs (AFA 20)²
 - Suboption a: Include catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA
 - Suboption b: Exclude catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA
- Non-AFA Trawl CPs
- AFA Trawl CVs
- Non-AFA Trawl CVs
- Hook-and-line CPs
- Hook-and-line CVs $\geq 60'$
- Pot CPs
- Pot CVs $\geq 60'$
- Hook-and-line and pot CVs $< 60'$
- Jig CVs

²Refers to the 20 trawl catcher processors listed in Section 208(e) of the American Fisheries Act (AFA).

Eligibility criteria for non-AFA trawl catcher vessels to be included in the AFA CV sector for purposes of the Pacific cod allocations:

- Option 1.1 The holder of a license that arose from a vessel/history that made a minimum of 100 mt of Pacific cod landings during each of the years 1995 – 1997.

Component 2: Sector Allocations

For each of the years under consideration, each sector’s annual harvest share will be calculated for that individual year as a percentage of the total retained legal catch by all sectors. For each of the sets of catch history years analyzed, each sector’s harvest percentage will be calculated as the sector’s average of the annual harvest share. For purposes of determining catch history, a sector’s ‘catch’ means all retained legal catch (including rollovers) from both the Federal fishery and parallel fishery in the BSAI (less CDQ). This includes retained legal catch from both LLP and non-LLP vessels.

One set of years will be selected for all sectors. There is a suboption under each set of years to drop one year. Each sector would drop its worst year (smallest annual harvest share percentage for that sector). This results in an aggregate percentage greater than 100% for a set of years for all sectors combined; thus, the result would be scaled back to 100%.

In all options and suboptions, the <60’ fixed gear CV sector will only fish from the direct allocation to that sector.

The BSAI Pacific cod TAC that is allocated to the above sectors is TAC less the CDQ Program reserve. In addition, the annual incidental catch allowance (ICA) for fixed gear is deducted off the top from the aggregate amount of the BSAI Pacific cod TAC allocated to the fixed gear sectors combined. Pacific cod harvested incidentally in the non-Pacific cod directed BSAI fixed gear fisheries is attributed to the ICA. The ICA is determined annually by the NMFS Regional Administrator in the annual specifications process and has typically been 500 mt.

- Option 2.1: 1995 – 2002
- Option 2.2: 1997 – 2000
- Option 2.3: 1997 – 2003
- Option 2.4: 1998 – 2002
- Option 2.5: 1999 – 2003
- Option 2.6: 2000 – 2003

Suboption 1 (applies to Options 1 – 6): Drop one year.

- Option 2.7: The Council can select percentages for cod allocated to each sector that fall within the range of percentages analyzed.

- Option 2.8: Allocations (whether combined or separate) to the <60’ fixed gear CV sector and jig sector shall collectively not exceed:

Suboption 1: Actual catch history percentage for jig and <60’ fixed gear CVs combined (from the set of years selected for all sectors under Op. 2.1 – 2.7)

- Suboption 2: 2.71 % (represents 2% jig allocation plus 0.71% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)
- Suboption 3: 3% (represents 2% jig allocation plus 1% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)
- Suboption 4: 4% (represents 2% jig allocation plus 2% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)

Component 3: Seasonal Apportionments

Unused seasonal allowances for the trawl, pot, and hook-and-line sectors may be reapportioned to the subsequent seasonal allocation for the respective sectors. Unused seasonal allowances for the jig sector are considered for reallocation to the <60' fixed gear CV sector. Options 3.1, 3.2, and 3.3 are mutually exclusive.

Option 3.1 Status quo. Allocations determined under this amendment would be apportioned seasonally among the gear sectors as follows:

Trawl CV:	70%	(Jan. 20 – April 1)
	10%	(April 1 – June 10)
	20%	(June 10 – Nov. 1)
Trawl CP:	50%	(Jan. 20 – April 1)
	30%	(April 1 – June 10)
	20%	(June 10 – Nov. 1)
Fixed gear ≥60':	60%	(Jan. 1 – June 10)
	40%	(June 10 – Dec. 31)
Fixed gear <60':	No seasonal apportionments	
Jig gear:	40%	(Jan. 1 – April 30)
	20%	(April 30 – Aug. 31)
	40%	(Aug. 31 – Dec. 31)

Option 3.2 Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the current percentage of the ITAC allocated to the A and B seasons for trawl gear and the A season for fixed gear. Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the C season for trawl gear. Provide that any increase in the overall fixed gear allocation resulting from the options would be applied only in the B season for fixed gear.

Option 3.3 Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the current percentage of the ITAC allocated to the A season for trawl gear. Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the B and C seasons for trawl gear:

- Suboption 1: Reduction applied proportionately to B and C seasons
- Suboption 2: Reduction applied equally to B and C seasons

Option 3.4 Apportion the BSAI Pacific cod jig allocation on a trimester basis as follows:

- 60% (Jan. 1 – April 30)
- 20% (April 30 – August 31)
- 20% (August 31 – December 31)

Component 4: Rollovers between gear sectors

Inseason management would retain flexibility to determine how to reallocate projected unused sector allocations (rollovers), taking into consideration the hierarchy below. NMFS takes into account the intent of the rollover hierarchy and the likelihood of a sector's capability to harvest reallocated quota.

Option 4.1 Modified status quo. The suite of provisions below comprises Option 4.1.

- 4.1.1 Projected unused trawl sector allocations are considered for reallocation to other trawl sectors (AFA CP; non-AFA CP; AFA CV; non-AFA CV) before being reallocated to the fixed gear sectors (hook-and-line CP; hook-and-line CV $\geq 60'$; pot CP; pot CV $\geq 60'$).
- 4.1.2 Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP, 4.1% to pot CV $\geq 60'$, and 95% to hook-and-line CP.
 - Suboption 1: Reallocation of TAC from the trawl sectors to the fixed gear sectors will be proportional to the new fixed gear allocations.
- 4.1.3 Projected unused allocation in the jig sector is considered for reallocation to the $<60'$ fixed gear CV sector on a seasonal basis. The third trimester jig rollover should be available to the $<60'$ fixed gear CV sector on September 1.
- 4.1.4 Projected unused pot sector allocations (CPs and $\geq 60'$ CVs) are considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.
- 4.1.5 Projected unused allocations in the $<60'$ fixed gear CV sector, both pot sectors (CP and $\geq 60'$ CV), and hook-and-line CV $\geq 60'$ are reallocated to the hook-and-line CP sector.

Option 4.2 Projected unused allocations to any sector delivering inshore must be considered for reallocation to other inshore sectors before being considered for reallocation to any offshore sector. The suite of provisions below comprises Option 4.2.

- 4.2.1 Projected unused allocation in the jig sector is considered for reallocation to the $<60'$ fixed gear CV sector on a seasonal basis. The third trimester jig rollover should be available to the $<60'$ fixed gear CV sector on September 1.
- 4.2.2 Any unused allocation from any inshore sector will first be considered for reallocation to the jig sector and/or $<60'$ fixed gear CV sector; then to the hook-and-line CV $\geq 60'$ or pot CV $\geq 60'$ sector; then to the trawl CV sectors. Any CV allocation that is not likely to be harvested through this hierarchy will be reallocated as per components 4.2.3 – 4.2.6 below.
- 4.2.3 Projected unused trawl sector allocations are considered for reallocation to other trawl sectors (AFA CP; non-AFA CP; AFA CV; non-AFA CV) before being reallocated to the fixed gear sectors (hook-and-line CP; hook-and-line CV $\geq 60'$; pot CP; pot CV $\geq 60'$).
- 4.2.4 Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP, 4.1% to pot CV $\geq 60'$, and 95% to hook-and-line CP.
 - Suboption 1: Reallocation of TAC from the trawl sectors to the fixed gear sectors will be proportional to the new fixed gear allocations.
- 4.2.5 Projected unused pot sector allocations (CPs and $\geq 60'$ CVs) are considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.
- 4.2.6 Projected unused allocations in the $<60'$ fixed gear CV sector, both pot sectors (CP and $\geq 60'$ CV), and hook-and-line CV $\geq 60'$ are reallocated to the hook-and-line CP sector.

Component 5: CDQ Allocation of BSAI Pacific Cod

The CDQ Program reserve for BSAI Pacific cod shall be removed from the TAC prior to the allocation to all other sectors at percentage amounts equal to one of the following options:

Option 5.1 7.5% (status quo)

Option 5.2 10%

Option 5.3 15%

Apportionment of BSAI PSC to Sectors

Component 6: Apportionment of trawl halibut and crab PSC to the cod fishery group

The total amount of trawl halibut PSC for the non-CDQ fisheries is 3,400 mt, which is apportioned between Pacific cod, yellowfin sole, rocksole/other flatfish/flathead sole, pollock/Atka mackerel/other. Generally, 1,400 mt is apportioned to the cod trawl fishery group, but this amount and actual use can vary annually. A significant amount of Pacific cod is taken incidentally in other trawl fisheries so the PSC use associated with that Pacific cod harvest would be attributed to a fishery group other than cod trawl. Amendment 80 will also allocate halibut PSC to the H&G trawl sector so that the amount of halibut PSC available to the remaining trawl sectors will be reduced.

(Options to be determined)

Component 7: Apportionment of the cod trawl fishery group halibut and crab PSC to trawl sectors

Option 7.1 PSC apportioned to the cod trawl sectors will be based on the average bycatch rate of the trawl cod sectors applied to the cod allocation percentages determined for each sector under Part A.

Component 8: Apportionment of cod non-trawl halibut PSC

The total amount of non-trawl halibut PSC for the non-CDQ fisheries is 833 mt. The 833 mt is normally apportioned between cod hook-and-line sectors and other non-trawl fisheries during the annual specifications process. Generally, 775 mt is apportioned to hook-and-line cod fisheries and 58 mt to other non-trawl. This component would divide the halibut PSC amount apportioned to non-trawl cod between the hook-and-line CP sector and hook-and-line CV sector (for CVs $\geq 60'$ and CVs $< 60'$ combined):

Option 8.1 In proportion to the BSAI Pacific cod TAC allocated to the sectors

Option 8.2 10 mt for CVs, remainder for CPs

Part II: APPORTIONMENT OF BSAI PACIFIC COD SECTOR ALLOCATIONS TO BS AND AI SUBAREAS

This part provides a no action alternative and three action alternatives to apportion BSAI Pacific cod sector allocations to the BS and AI areas in the event that the BSAI Pacific cod ABC/TAC is apportioned to the BS and AI areas during the specifications process. No apportionment of BSAI PSC between the BS and the AI is under consideration at this time. **Any of Alternatives 3 – 6 can be selected in conjunction with Alternatives 1 or 2. Alternatives 3 – 6 are mutually exclusive.**

ALTERNATIVE 3: No action. A methodology to apportion the BSAI Pacific cod allocations to the jig, trawl, and fixed gear sectors between the BS and AI subareas would not be selected. (If this alternative was selected, only the approach described under Alternative 5 could be implemented by NMFS without a new regulatory or plan amendment.)

ALTERNATIVE 4: Sector allocations remain as BSAI (with BS and AI TACs)

No allocation to a sector of a specific percentage of a sub-area. Sectors would have a BSAI allocation (in Part I) to fish in either sub-area (BS and AI) if the sub-area is open for directed fishing and TAC is available.

ALTERNATIVE 5: BS and AI sector allocations based on equal percentage from BSAI sector allocations

Allocation to a sector of an equal percentage in both sub-areas. The allocation percentage of BSAI TAC a sector receives in Part I would result in that same percentage being applied to both the BS and AI sub-areas so that a sector would have the same percentage in both sub-areas.

ALTERNATIVE 6: BS and AI sector allocations based on a sector's historic harvest in the AI with remainder of sector's overall BSAI allocation to be caught in the BS. Sector's BSAI allocation is maintained and used in annual calculation.

Option 6.1	1995 – 2002
Option 6.2	1997 – 2003
Option 6.3	2000 – 2003