

Amendment 80 Program Overview Updated August 2007

Amendment 80 was adopted by the North Pacific Fishery Management Council (Council) in June 2006 and will be implemented starting with the 2008 fishing year by the National Marine Fisheries Service (NMFS), under regulations promulgated by the Secretary of Commerce. This action allocates several Bering Sea and Aleutian Islands (BSAI) non-pollock trawl groundfish species among trawl fishery sectors, and facilitates the formation of harvesting cooperatives in the non-American Fisheries Act (non-AFA) trawl catcher/processor sector.

The Council recommended Amendment 80 to: (1) improve retention and utilization of fishery resources by the non-AFA trawl catcher/processor fleet by extending the groundfish retention standard (GRS) to non-AFA trawl catcher/processor vessels of all lengths; (2) allocate fishery resources among BSAI trawl harvesters in consideration of historic and present harvest patterns and future harvest needs; (3) authorize the allocation of groundfish species to harvesting cooperatives and establish a limited access permit program (LAPP) for the non-AFA trawl catcher/processors to reduce potential GRS compliance costs, encourage fishing practices with lower discard rates, and improve the opportunity for increasing the value of harvested species; and (4) limit the ability of non-AFA trawl catcher/processors to expand their harvesting capacity into other fisheries not managed under a LAPP.

The following section provides an overview of the suite of measures that are implemented by Amendment 80 and its accompanying regulations.

- Community Development Quota (CDQ) Program

Amendment 80 incorporates statutory mandates in the Magnuson-Stevens Fishery Conservation and Management Act as amended by Section 416 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law No. 109-241; July 11, 2006), and the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Public Law No. 109-479, January 12, 2007). These provisions modify the percentage of the total allowable catch (TAC) for directed fisheries that are allocated to the CDQ Program, and the percentage of halibut, crab, and salmon prohibited species catch (PSC) allocated to the CDQ Program as prohibited species quota. Also proposed are other provisions necessary to bring Amendment 80 and the CDQ Program into compliance with applicable law.

- Amendment 80 Program

- 1. Amendment 80 Species*

“Amendment 80 species” include: Aleutian Islands Pacific ocean perch, BSAI Atka mackerel, BSAI flathead sole, BSAI Pacific cod, BSAI rock sole, and BSAI yellowfin sole. These six species are economically valuable and have historically been targeted by non-AFA trawl catcher/processors, but fisheries associated with these species have high rates of discard of other groundfish species.

- 2. Amendment 80 Sectors and Participants*

Amendment 80 incorporates statutory mandates in section 219 of the Consolidated Appropriations Act of 2005 (Public Law No. 108-447; December 8, 2004) to establish two sectors of BSAI trawl fishery participants: (a) the Amendment 80 sector; and (b) the “BSAI trawl limited access sector”

The Amendment 80 sector is comprised of non-AFA trawl catcher/processor harvesters eligible to fish Amendment 80 species under this statutory mandate.

The BSAI trawl limited access sector is comprised of AFA catcher/processors, AFA catcher vessels, and non-AFA catcher vessels.

- 3. Allocations of Total Allowable Catch (TAC) and Prohibited Species Catch (PSC)*

Each year, NMFS will allocate amounts of Amendment 80 species and crab and halibut PSC to the two Sectors, based on the amount of TAC remaining after allocation to the CDQ Program and for incidental catch allowance requirements in other fisheries. This allocation amount is termed the initial TAC (ITAC). Allocations made to one sector would not be subject to harvest by participants in the other fishery sector except under a regulatory provision that allows reallocation to Amendment 80 cooperatives fish that are projected to be unharvested by the BSAI trawl limited access sector.

For the Amendment 80 sector, in addition to specific allocations of Amendment 80 species, this program would further address the Council’s goals of reducing bycatch and discard of groundfish by reducing the total amount of crab and halibut PSC historically used by sector participants.

For the BSAI trawl limited access sector, the program provides specific allocations of Amendment 80 species, and crab and halibut to this sector. Amendment 80 also modifies the calculation of AFA sideboard limits for Amendment 80 species and crab and halibut PSC limits necessary to allow the efficient operation of AFA vessels.

4. Amendment 80 Vessels

“Amendment 80 vessels” are non-AFA trawl catcher/processor vessels that under statute and implementing regulations may be used to fish in the Amendment 80 sector.

5. Amendment 80 Quota Share

Amendment 80 assigns quota share (QS) for Amendment 80 species to the owners of Amendment 80 vessels. Amendment 80 QS could be used to yield an exclusive harvest privilege for a portion of the Amendment 80 sector ITAC. Amendment 80 establishes criteria for harvesters in the Amendment 80 sector to apply for and receive QS, NMFS to initially allocate and transfer QS.

Amendment 80 assigns Amendment 80 QS based on historic participation of Amendment 80 vessels during 1998 through 2004. QS Allocations are based on the relative proportion of an Amendment 80 species harvested by an Amendment 80 vessel compared with the proportion harvested by all other Amendment 80 vessels.

QS will only be assigned only to eligible persons who submit a complete application for Amendment 80 QS that is subsequently approved by NMFS. In most cases, Amendment 80 QS is assigned to an Amendment 80 vessel owner. In specific cases where an Amendment 80 vessel has been lost or is otherwise permanently ineligible to fish in U.S. waters, the Amendment 80 QS will be assigned to the holder of the License Limitation Program (LLP) license originally assigned to that Amendment 80 vessel. Once Amendment 80 QS is assigned to an Amendment 80 vessel, it cannot be divided or transferred separately from that Amendment 80 vessel. If Amendment 80 QS is assigned to the LLP license originally issued for an Amendment 80 vessel, it cannot be transferred separately from that LLP license.

6. Amendment 80 Cooperatives

Persons who receive Amendment 80 QS may, on an annual basis, elect to form a cooperative with other Amendment 80 QS holders to receive an exclusive harvest privilege for the portion of the ITAC resulting from their aggregated QS holdings. This “cooperative quota” (CQ) is the amount of annual Amendment 80 species ITAC dedicated for exclusive use by that cooperative. Amendment 80 establishes the requirements for forming an Amendment 80 cooperative as well as procedures for the allocation of annual CQ to a cooperative and transfers of CQ between cooperatives. The cooperative structure presents a number of operational and economic benefits to its members:

- Cooperative participants could consolidate fishing operations on a specific Amendment 80 vessel or subset of Amendment 80 vessels, thereby reducing monitoring and enforcement (M&E) and other operational costs, and harvest fish in a manner more likely to be economically efficient and less wasteful.

- Amendment 80 provides flexibility, encourages efficient harvesting, and discourages waste through the opportunity to trade harvest privileges with other cooperatives. An Amendment 80 cooperative cannot transfer CQ to the Amendment 80 limited access fishery, or to the BSAI trawl limited access sector.
- Amendment 80 provides dedicated allocations for use by a cooperative. In addition to annual CQ of Amendment 80 species, each Amendment 80 cooperative receives an exclusive limit on the amount of crab and halibut PSC the cooperative can use while harvesting in the BSAI. This halibut and crab PSC CQ is assigned to a cooperative proportional to the amount of Amendment 80 QS held by its members, and is not based on the amount of crab or halibut PSC historically used by the cooperative members.
- A cooperative structure may allow Amendment 80 vessel operators to better manage PSC rates than do operators who must race to harvest fish as quickly as possible before a PSC allocation causes fishery closures. By reducing PSC use through more efficient cooperative operations (such as through gear modifications) Amendment 80 vessel operators may also increase the harvest of valuable targeted groundfish species and improve revenues that would otherwise be foregone. Amendment 80 cooperative participants may have access to additional ITAC. Amendment 80 cooperatives may receive a rollover of an additional amount of CQ, if a portion of the Amendment 80 species or crab or halibut PSC allocated to the BSAI trawl limited access sector is projected to go unharvested. This rollover to the Amendment 80 cooperatives is at the discretion of NMFS, based on projected harvest rates in the BSAI trawl limited access sector and other criteria. Each Amendment 80 cooperative would receive an additional amount of CQ based on the proportion of the Amendment 80 QS held by that Amendment 80 cooperative as compared with all other Amendment 80 cooperatives.
- Amendment 80 cooperatives allow more flexible application of GRS
- Amendment 80 vessels harvesting in the BSAI under an Amendment 80 cooperative would be able meet the GRS requirements on an aggregate basis for that cooperative, instead of on a vessel-specific basis.

7. Amendment 80 Limited Access Fishery

Amendment 80 QS holders that choose not to join an Amendment 80 cooperative can participate in the Amendment 80 limited access fishery. The Amendment 80 limited access fishery is allocated the amount of Amendment 80 species ITAC and halibut and crab PSC that remains after allocation to all of the Amendment 80 cooperatives. Participants fishing in the Amendment 80 limited access fishery

continue to compete with each other, do not realize the same potential benefits from consolidation and coordination; and do not receive an exclusive harvest privilege available only to members of an Amendment 80 cooperative.

8. Use Caps

The Council considered the effect of consolidation with the allocation of an excessive share of harvest privileges to Amendment 80 cooperatives. In response, Amendment 80 implements use caps to limit the amount of Amendment 80 QS a person can hold, the amount of CQ they can use, and the amount of ITAC an Amendment 80 vessel can harvest. These use caps moderate some of the potentially adverse effects of excessive consolidation of fishing operations on fishery participants, such as lost employment opportunities for fishing crew, while providing economic and operational efficiencies to Amendment 80 QS holders.

9. Gulf of Alaska Sideboard Limits

Catch limits, commonly known as sideboards, limit the ability of Amendment 80 QS holders to expand their harvest efforts in the Gulf of Alaska (GOA). Otherwise, Amendment 80 participants could use economic advantages of the program to increase their participation in other (primarily GOA) fisheries adversely affecting the participants in those fisheries. GOA groundfish and halibut PSC sideboards prevent these undesirable effects by limiting the catch by Amendment 80 vessels to historic levels in the GOA.

10. Monitoring and Enforcement (M&E)

M&E provisions are necessary for accurate catch accounting and compliance with Amendment 80 measures. These requirements ensure that Amendment 80 QS holders maintain catches within annual CQ and ITAC allocations in the BSAI, and do not exceed sideboard limits in the GOA. The M&E measures introduced for Amendment 80 are similar to those currently required for compliance with Amendment 79, which established a minimum groundfish retention standard (GRS) for specified vessels in the BSAI, and mirror those in place for catcher/processor vessels participating in the Central GOA Rockfish Program.

11. GRS Requirements

All Amendment 80 vessels, regardless of size, would be required to meet GRS requirements in the BSAI. GRS requirements apply on a vessel-by-vessel basis for vessels fishing in the Amendment 80 limited access fishery, and within each Amendment 80 cooperative, on an aggregated basis for all vessels within that cooperative.

12. Economic Data Report (EDR)

Amendment 80 would implement an economic data collection program to assess the impacts of Amendment 80 on various components of the fishery, including skippers and crew. Amendment 80 would establish a process for collecting and reviewing economic data generated under Amendment 80 by requiring the annual submission of an EDR from each Amendment 80 QS holder.