

The Council in October 2003 revised the components and options for Amendment 80a and 80b as shown for review by the IR/IU Technical Committee prior to the December 2003 Council meeting. The Council is scheduled to finalize Amendment 80a and 80b components and options at its December 2003 meeting.

Components and Options for Amendment 80.a—BSAI Sector Allocations

Issue 1: Sector Definitions

For purposes of groundfish and PSC apportionment to sectors, the following sectors will be defined:

Non-AFA Trawl CPs	AFA Trawl CPs	Non-AFA Trawl CVs	AFA Trawl CVs	Longline CPs
Pot CPs	Pot CVs	Longline CVs	Jig CVs	<60' H&L/Pot CV

Component 1 Determines whether a vessel because of its use of multiple gears over time may be part of more than one sector.

Option 1.1 A vessel may qualify for more than one sector.

Suboption 1.1.1 Vessels will lose that catch history in sectors for which they do not qualify, but the sector will retain that catch history.

Suboption 1.1.2 Vessels will retain that catch history in sectors for which they do not qualify, and may assign that catch to any sector for which they do qualify.

Option 1.2 A vessel will only be eligible to participate in one sector. Catches of vessels that are not eligible for the sector will not be included in the sector's apportionment. Each vessel's sector will be determined by:

Suboption 1.2.1 The sector in which it has the highest level of participation during the years used for the sector definitions.

Suboption 1.2.2 The sector in which it most recently participated during the years used for the sector definitions.

Component 2 Vessels will be determined to be eligible for a given sector if they meet minimum landings requirements (see the next component) in the years selected from the following:

Option 2.1 1995-1997

Option 2.2 1995-2002

Option 2.3 1997-2002

Option 2.4 1998-2002

Option 2.5 1999-2002

Option 2.6 2000-2002

Component 3 Vessels will be determined to be eligible for a given sector if, during the previously specified sets of years, the vessel meets the minimum landings criteria selected from the following:

Option 3.1 0 MT

Option 3.2 50 MT

Option 3.3 100 MT

Option 3.4 250 MT

Option 3.5 500 MT

Option 3.6 1,000 MT

Issue 2: Sector Allocations of Groundfish in the BSAI

Component 4 Identifies which species will be included in the sector allocations

Option 4.1 Include all groundfish species except pollock.

Suboption 4.1.1 Exclude certain species to prevent allocations that are so small that they preclude sectors from harvesting their allocation of species typically taken in directed fisheries. Allocations of species that are excluded would be allocated as they are under status quo, and managed as in the following component.

Option 4.2 Include only the following target species—Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, AI Pacific ocean perch. Species could be added or deleted through an amendment process. Allocations of species that are excluded would be allocated as they are under status quo, and managed as in the following component.

Suboption 4.2.1 Sectors that do not participate in target fisheries for a species in this option would not be allocated sector specific apportionments for that species. These species would be managed as in the following component.

Component 5 Management of non-target species.

Option 5.1 Use the current management system.

Option 5.2 Use ICAs for all non-target species—ICAs would be managed as soft caps.

Option 5.3 Use ICAs for all non-target species—ICAs would be managed as hard caps.

Component 6 Sector Allocation Calculation (*after deductions for CDQs*):

Option 6.1 Allocations each species allocated to the sector, each sector shall be allocated the percentage of the TAC that is equal to the average over the years specified in the following component of the annual percentage of harvest by vessels in the sector, relative to the amount of that species harvested by all vessels in all sectors.¹

Component 7 Sector Catch History Years

Option 7.1 1995–1997

Option 7.2 1995–2002

Option 7.3 1995–2003

Option 7.4 1995–2002, excluding 2001 because of the biological opinion

Option 7.5 1995–2003, excluding 2001 because of the biological opinion

Option 7.6 1998–2002

Option 7.7 1998–2003

Option 7.8 1998–2002, excluding 2001 because of the biological opinion

Option 7.9 1998–2003, excluding 2001 because of the biological opinion

Option 7.10 2000–2002

Option 7.11 2000–2003

¹The equation shown describes the allocation for a given sector, species, and year:
where:

x is the sector,

y is the species,

z is the year for which the allocation is to be determined,

n is the year used in the allocation determination (starting with year N_1 and ending with year N_2),

$C_{n,x,y}$ is the catch of species y by vessels in sector x in year n ,

$TAC_{y,z}$ is Total Allowable Catch for species y in year z , and

$A(x,y,z)$ is the allocation for a given sector (x), species (y), and year (z).

$$A(x,y,z) = TAC_{y,z} \cdot \frac{\sum_{n=N_1}^{N_2} C_{n,x,y}}{\sum_{n=N_1}^{N_2} \sum_{x=1}^X C_{n,x,y}}$$

Component 8 For purposes of apportionments, annual catch percentages will be defined using one of the following:

- Option 8.1 Total catch of the sector over total catch by all sectors
- Option 8.2 Retained catch of the sector over retained catch by all sectors
- Option 8.3 Retained catch of the sector over the TAC
- Option 8.4 Total catch of the sector over the TAC

Component 9 Pacific cod allocations will be determined as follows:

Note that the Council at the October 2003 meeting remanded a new suboption addressing Pacific cod allocations for fixed gear catcher vessels under 60 feet (Suboption 9.1.1), a rollover suboption (9.1.2), and rollover additions to Options 9.2 and 9.3 to the IRIU Technical Committee for further review and development.

Option 9.1 Pacific cod shall be allocated in the same method used to allocate the other targeted species. This option would supercede all existing apportionments of Pacific cod in the BSAI, including splits among the fixed gear sectors.

Suboption 9.1.1 The <60' catcher vessels fixed gear (pot and hook and line) sector and jig sector combined allocation is to be:

- a. 2%
- b. 3%
- c. 4%

Suboption 9.1.2 Rollovers between sectors shall be done as follows:

- a. As in current regulation
- b. As in current regulation and in Amendment 77
- c. Other

Option 9.2 Pacific cod shall be allocated based on apportions in regulation as modified by Amendment 77 with an additional split of the Trawl CP apportionment as follows:

- Non-AFA Trawl CPs will be allocated 18.3 percent of the Pacific cod TAC available after deduction for the CDQ program.
- AFA Trawl CPs will be allocated 5.2 percent of the Pacific cod TAC available after deduction for the CDQ program.

Rollover provisions shall be based on:

- Suboption 9.2.1 Current regulations
- Suboption 9.2.2 Current regulations and Amendment 77

Option 9.3 Pacific cod shall be allocated based on splits currently in regulation, but reducing trawl CV and trawl CP apportionments and increasing the apportionment to the fixed gear sector by the average of the percentages of the TAC (after CDQ apportionments) that were rolled over from trawl to fixed gear during the years in the suboptions below. The increased allocation to the fixed gear sector would be divided among fixed gear sectors according to trawl rollover provisions in existing

regulations.² Allocation of the remaining trawl CV and CP apportionments would be based on either Option 9.1 or 9.2.

Suboption 9.3.1	1995–1997
Suboption 9.3.2	1995-2002
Suboption 9.3.3	1995-2002, excluding 2000 because of the injunction
Suboption 9.3.4	1998-2002
Suboption 9.3.5	1998–2002, excluding 2000 because of the injunction.
Suboption 9.3.6	2000–2002

Rollover provisions shall be based on current regulations.

Component 10 CDQ and proportionate PSC allocations shall be removed from the TACs prior to allocation to sectors at percentage amounts equal to one of the following.

Option 10.1	7.5% of the TAC of each species in the program
Option 10.2	10% of the TAC of each species in the program
Option 10.3	15% of the TAC of each species in the program
Option 10.4	20% of the TAC of each species in the program

Component 11 If, in the future, there is a specific allocation to a state water fishery in the BSAI, the allocation would be deduction from the TAC before the allocations to specific sectors are calculated.

Issue 3: Sector Allocations of Prohibited Species Catch Limits in the BSAI

Note that the Council at the October 2003 meeting remanded PSC allocations (Component 12) to the IR/IU Technical Committee for further review and development.

Sector allocations of PSC Limits in the BSAI will be accomplished by choosing preferred options and suboptions from the following list of components.

Component 12 Prohibited species bycatch allowances shall be initially assigned to fishery groups (e.g. the rock sole/flathead sole/other flatfish group) based on the relative bycatch apportionments for the years used to determine the groundfish sector apportionments, expressed as a percentage of the total PSC allowance. *(In other words a weighted average of the of the PSC apportionment to each fishery group would be estimated and express as a percentage of the the PSC)*

Option 12.1	Each sector shall be initially assigned an amount of each PSC allowance by fishery group based on each sector's historic rates during the period used to determine groundfish apportionments, relative to the total use of the PSC allowance during that same period. For example, if the Non-AFA Trawl CPs used 40 percent of the halibut PSC used by the trawl fleet in the Pacific cod fishery during the period used to determine groundfish apportionments, the Non-AFA Trawl CPs would be initially assigned 40 percent of the halibut PSC initially assigned to Pacific cod trawl fisheries. The overall PSC allocations could be reduced or kept at current levels by applying one of the following percentages to the overall PSC limit.
Suboption 12.1.1	60%
Suboption 12.1.2	75%

²The current regulation (approved under Amendment 64) apportions 95 percent of trawl rollover to Longline CPs and 5 percent to Pot vessels. Amendment 77 which is slated to supercede Amendment 64, proposes to continue the same split of trawl rollovers.

- Suboption 12.1.3 90%
- Suboption 12.1.4 95%
- Suboption 12.1.5 100%
- Option 12.2 Apportion PSC allowances to sectors in proportion to the total groundfish harvested in a target fishery.
 - Suboption 12.2.1 Calculate PSC allocations for combined BSAI
 - Suboption 12.2.2 Calculate separate PSC allocations for Bering Sea and Aleutian Islands.

For example, if the Non-AFA Trawl CPs are allocated 33.9 percent of the trawl apportionment of Pacific cod, the Non-AFA Trawl CPs would be allocated 33.9 percent of the halibut PSC allowance made for trawl Pacific cod.

Amendment 80.b—Establishment of a Non-AFA Trawl CP Cooperative Program

The following “single-option” components are common for any cooperative program that might be developed.

- ! The Program would limit its scope to selected groundfish and prohibited species catches with trawl gear by vessels in the Non-AFA Trawl CP Sector in the BSAI. Groundfish species not included in the program as well as other non-specified fish species or marine resources would not be explicitly managed within the Program, although other regulations regarding these other marine resources would not be superceded.
- ! The Program will not supercede pollock and Pacific cod IRIU programs, nor will it supercede the Groundfish License Limitation Program. All vessels participating in the program will need to have trawl endorsements with general licenses for BSAI. Length limits within the license will also be enforced such that any new vessel entering the fishery may not exceed the Maximum Length Overall (MLOA) specified on the license.
- ! Any non-trawl or non-BSAI catches of vessel that are considered part of the non-AFA Trawl CP Sector will not be included in the Program, but would not necessarily be excluded from other rationalization programs.
- ! New PSC limits for the following species will be created and allocated to the non-AFA trawl catcher processor sector.
 - " BSAI non-AFA trawl catcher processor multi-species halibut cap consisting of an apportionment of species identified in Component 1.
 - " BSAI non-AFA trawl catcher processor multi-species red king crab cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
 - " BSAI non-AFA trawl catcher processor multi-species snow crab (*C. opilio*) cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries (includes apportionments of the trawl sablefish/turbot/arrowtooth limits).
 - " BSAI non-AFA trawl catcher processor multi-species Tanner crab (*C. bairdi*) Zone 1 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
 - " BSAI non-AFA trawl catcher processor multi-species Tanner crab (*C. bairdi*) Zone 2 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
- ! Disposition of groundfish species not allocated to the Non-AFA Trawl CP sector would not change from the status quo.
- ! Bycatch limits for non-specified species or marine resources specifically for this program would not be established. However, should unreasonable bycatch or other interactions occur, specific regulations to minimize impacts will be considered.
- ! A Groundfish LLP is required for a Sector Eligibility Endorsement for the Non-AFA Trawl CP Cooperative program.
- ! Annual allocations to the cooperative that result from catch histories of participating vessel will be transferable among cooperative members. Such transfers would not need to be approved by NOAA Fisheries. Any member vessel of the cooperative will be eligible to use the catch history of any other member vessel regardless of vessel length.
- ! Permanent transfers of Sector Eligibility Endorsements would be allowed if transferred with the associated Groundfish LLP. Sector Eligibility Endorsement and associated catch histories would not be separable or divisible. All transfers must reported to NOAA Fisheries in order to track who owns

the Sector Eligibility Endorsements. The purchaser must be eligible to own a fishing vessel under MarAd regulations or any person who is currently eligible to own a vessel.

- ! The Groundfish Retention Standards (GRS) (Amendment 79) would be enforced on the cooperative as an aggregate and on the open access vessels as individuals. If the cooperative cannot meet the standard in the aggregate over a period of two years then the standard would be imposed on individual vessels within the cooperative.
- ! Vessels participating in the open access portion of the program will be subject to all the same regulations they would be without the Program including all restrictions of the LLP and the GRS if they are approved.
- ! A cooperative created under this program must have adequate internal rules. Evidence of binding private contracts and remedies for violations of contractual agreements are required to be provided to NOAA Fisheries. The cooperative must demonstrate an adequate mechanism for monitoring and reporting prohibited species and groundfish catch. Vessels participating in the cooperative must agree to abide by all cooperative rules and requirements.
- ! Specific requirements for reporting, monitoring and enforcement requirements, and observer protocols will be developed for vessels participating in the cooperative portion of the Program in rulemaking process and will not be the purview of the cooperative. The NPFMC and the Non-AFA Trawl CP Sector need to specify their goals and objectives for in-season monitoring and for program evaluation. Recordkeeping and reporting portions of the program can then be developed to ensure that goals and objectives of the program are met in a cost effective manner.
- ! Review of the non-Trawl CP program will be accomplished by requiring a detailed annual report from any cooperative formed. Fishery managers will review the annual report and determine if the program is functioning as desired. It is recommended that in-depth assessments of program could be undertaken under the auspices of the Council/NOAA Fisheries be undertaken periodically (every three years, for example). Such in-depth studies will report the accomplishments of the program and indicate whether any changes are necessary.
- ! Socioeconomic data collection programs have been included in AFA, and crab rationalization programs, and are proposed in the GOA Rationalization program. Therefore the analytical team assumes that a socioeconomic data collection initiative would be developed and implemented under the Non-AFA Trawl CP Cooperative Program. The collection would include cost, revenue, ownership and employment data on a periodic basis to provide the information necessary to study the impacts of the program. Details of the collection will be developed in the analysis of the alternatives.

Component 1 Identifies which species will be allocated among the non-AFA trawl catcher processor sector.

Option 1.1 Include all groundfish species for which trawling is allowed, except pollock already allocated to AFA fishery cooperatives.

Suboption 1.1.1 Exclude certain species to prevent allocations that are so small that they preclude persons from harvesting their allocation of species that are typically taken in directed fisheries. Allocations of groundfish species that are excluded would be regulated as they are under the status quo.

Option 1.2 Include only the following target species—Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, AI Pacific Ocean perch. Species could be added or deleted through an amendment process. Allocations of groundfish species that are excluded would be regulated as they are under the status quo.

- Component 2 Establishes procedures for reducing prohibited species catch limits for the non-AFA Trawl CPs Sector.
- Option 2.1 No change in overall amount of the current PSC limits.
 - Option 2.2 Reductions in the PSC limit for halibut is accomplished by taxing in-season non-permanent transfers of PSC within the cooperative. The halibut PSC limit is restored to its original level the following year
 - Suboption 2.2.1 Transfers of PSC after August 1 are not taxed .
 - Suboption 2.2.2 Only un-bundled transfers of PSC are taxed.
 - Option 2.3 Reduce halibut PSC limits by 5% when PSC limits are linked to estimated biomass levels.
- Component 3 Identifies the vessels that are in the non-AFA trawl CP sector which would receive Sector Eligibility Endorsements. (It may be that some vessels identified as part of the sector in Amendment 80.a, may not be issued Sector Eligibility Endorsements.) Owners of each qualified vessel would be issued a Sector Eligibility Endorsement that will be attached to that vessel's LLP identifying it as a member of the non-AFA Trawl CP Sector.
- Option 3.1 Non-AFA fishing vessels registered under MarAd regulations and any other vessels eligible to participate in fish harvesting in the Alaska EEZ are eligible for a sector endorsement to be attached to their groundfish license.
 - Suboption 3.1.1 In addition, vessels must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1998-2002
 - Suboption 3.1.2 In addition, vessels must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1998-2002
 - Suboption 3.1.3 In addition, vessels must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1997-2002
 - Suboption 3.1.4 In addition, vessels must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1997-2002

The original list included 100 mt and 150 mt, but subsequent analysis indicates that these lower levels have no impact on the number of qualified vessels.
- Component 4 Establishes the percentage of eligible vessels that must join a cooperative before the cooperative is allowed to operate. No later than December 1 of each year, an application must be filed with NOAA fisheries by the cooperative with a membership list for the year. In order to operate as a cooperative, members, as a percent of eligible non-AFA Trawl CPs, must be:
- Option 4.1 At least 51 percent
 - Option 4.2 At least 67 percent
 - Option 4.3 At least 75 percent
 - Option 4.4 At least 80 percent
 - Option 4.5 At least 90 percent
- Component 5 Determines the method of allocation of PSC limits and groundfish between the cooperative and open access pools.
- Option 5.1 Catch history is based on total catch
 - Option 5.2 Catch history is based on total retained catch
- Component 6 Determines which years of catch history are used in the calculation. The allocation of groundfish between the cooperative and open access pool is proportional to the catch history of groundfish in the vessels included in each pool. Applicable PSC limits are allocated between the cooperative and open access pool in same proportions as those species that have associated PSC limits. The catch history as determined by the option selected under this component will be indicated on the Sector Eligibility Endorsement which indicates the vessel's

membership in the Non-AFA Trawl CP Sector. The aggregate histories will then applied to whichever either the cooperative or the open access pool.

- Option 6.1 1995-2002
 - Option 6.2 1995-2003
 - Option 6.3 1995-2002, but each vessel drops its lowest annual catch during this period
 - Option 6.4 1995-2003, but each vessel drops its lowest annual catch during this period
 - Option 6.5 1998-2002
 - Option 6.6 1998-2003
 - Option 6.7 1998-2002, but each vessel drops its lowest annual catch during this period
 - Option 6.8 1998-2003, but each vessel drops its lowest annual catch during this period
 - Option 6.9 1999-2002
 - Option 6.10 1999-2003
 - Option 6.11 1999-2002, but each vessel drops its lowest annual catch during this period
 - Option 6.12 1999-2003, but each vessel drops its lowest annual catch during this period
 - Option 6.13 2000-2002.
 - Option 6.14 2000-2003.
 - Option 6.15 2000-2002, but each vessel drops its lowest annual catch during this period
 - Option 6.16 2000-2003, but each vessel drops its lowest annual catch during this period
- Component 7 Determines if excessive share limits are established in the non-AFA trawl catcher processor sector. *Note that the Council at the October 2003 meeting requested clarification of why and when excessive share limits are necessary, both in terms of endorsements and harvest limits at the company and entity levels.*
- Option 7.1 There is no limit on the consolidation in the non-AFA trawl catcher processor sector.
 - Option 7.2 Consolidation in the non-AFA trawl CP sector is limited such that no single company can harvest more than a fixed percentage of the overall sector apportionment. Companies that exceed the cap in the initial allocation would be grandfathered.
- Component 8 Establishes measures to mitigate negative impacts of the cooperative on fisheries not included in the cooperative program (e.g. fisheries in the GOA).
- Option 8.1 Sideboards for cooperative members would be established by regulation using the same years used to calculate the apportionment of PSC and groundfish between the cooperative and open access pool until such time as these other fisheries are rationalized, when the allocations determined in these newly rationalized fisheries.
 - Option 8.2 The cooperative is required to prohibit members in the aggregate from exceeding their maximum percent of harvests in other target fisheries. Sideboards would not be established by regulation. This restriction would be discussed in the annual report of the cooperative submitted to the Council and NOAA Fisheries.

Note that the Council requested another option be added that addresses issues raised by the IRIU Technical Committee at its August 2003 meeting regarding the harvest of pollock by the Non-AFA trawl Cps. This option will be developed at the next IRIU Technical Committee meeting.