

Attachment A
Amendment 80 Component and Options
Final December 2004 Motion

Amendment 80 problem statement:

*The Council's primary concern is to maintain a healthy marine ecosystem to ensure the long-term conservation and abundance of the groundfish and crab resources. To this end, the Council is committed to reducing bycatch, minimizing waste, and improving utilization of fish resources to the extent practicable in order to provide the maximum benefit to present generations of fishermen, associated fishing industry sectors, communities, and the nation as a whole, while at the same time continuing to look for ways to further rationalize the fisheries. **Focusing on reduction of bycatch and the attendant benefits of cooperatives in meeting bycatch reduction objectives is an initial step towards rationalization of the BSAI groundfish fisheries. Bycatch reduction measures for the Non-AFA Trawl Catcher Processor sector is a priority focus in this step toward rationalization given this sector's historical difficulty in achieving acceptable bycatch levels. Allocations to this sector associated with cooperative management of catch and bycatch provide the opportunity for participants in this sector to mitigate the cost, to some degree, associated with bycatch reduction. In addition to reducing bycatch in one sector, assurance should be provided to minimize negative impacts on others.***

I. Amendment 80 Revised Components and Options

Component 1 Identifies which species will be included in the sector allocation.

Allocate only the following primary target species to the Non-AFA Trawl Catcher Processor sector: yellowfin sole, rock sole, flathead sole, Atka mackerel, **and** Aleutian Islands Pacific Ocean Perch. ~~arrowtooth flounder, and Alaska plaice.~~ Species could be added or deleted through an amendment process.

~~**Component 2** Management of secondary species.~~

~~Option 2.1 Use the current management system.~~

~~Option 2.2 Use ICAs for all non-target species. ICAs would be managed with soft caps.~~

~~Option 2.3 Use ICAs for all non-target species. ICAs would be managed with hard caps.~~

Component 3 CDQ allocations for each **primary target (Component 1)** species in the program **and associated secondary species taken incidental in the primary trawl target fisheries** ~~(except pollock and fixed gear sablefish)~~ shall be removed from the TACs prior to allocation to sectors at percentage amounts equal to one of the following.

Option 3.1 7.5%

Option 3.2 10%

Option 3.3 15%

Component 4 Identifies the sector allocation calculation (after deductions for CDQs).

For purpose of allocation to the Non-AFA Trawl Catcher Processor sector, each primary species allocation will be based upon the years and percentage of average catch history selected in Component 5 using one of the following:

Option 4.1 Total legal catch of the sector over total legal catch by all sectors

Option 4.2 Retained legal catch of the sector over retained legal catch by all sectors

~~Option 4.3 Total legal retained catch over ABC~~

~~Option 4.4 Total legal catch over ABC~~

~~Option 4.5 Total legal retained catch over TAC~~

Option 4.6 Total legal catch over TAC

Option 4.7 Retained legal catch of the sector over total legal catch by all sectors

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Suboption 1 Allocations will be managed as a hard cap. When the allocation is reached, further fishing will be prohibited.

Suboption 2 Allocations will be managed as a soft cap. When the allocation is reached, species will be on prohibited status.

The remaining portion of primary species included in this program will be allocated to the BSAI limited access fishery. ~~Open access will include amounts to accommodate AFA sideboards and other fishery practices. Rules for the non-AFA trawl catcher processor fishery include:~~

- ~~1. After each non-AFA trawl catcher processor cooperative has completed its allocated harvests cooperative members may fish in open access.~~
2. Vessels other than Non-AFA Trawl Catcher Processor **with (retained) trawl catch history from 1995-2004 and** with appropriate LLP endorsements may fish in **the BSAI open limited access fishery.**

Component 5 Catch history years used to determine the allocation to the Non-AFA Trawl Catcher Processor sector in Component 4.

~~Option 5.1 1995-1997~~

Option 5.2 1995-~~2002~~ **2003**

Option 5.3 1998-2002

Option 5.4 1998-2004

Option 5.5 1999-2003

Option 5.6 2000-2004

Option 5.7 The Council can select percentages for each of the species allocated to the Non-AFA Trawl Catcher Processor sector.

Component 6 PSC is allocated to the CDQ program as PSQ reserves (except herring) equal to one of the following:

~~Option 6.1 7.5% of each PSC limit~~

~~Option 6.2 8.5% of each PSC limit~~

~~Option 6.3 10% of each PSC limit~~

Option 6.4 Proportional to the CDQ allocation under Component 3 for each PSC limit

Component 7 Sector allocations of PSC limits. ~~(Council must choose one suboption from both Option 7.1 and 7.2 in order to apportion PSC between non-AFA trawl catcher processors and the open access).~~

~~Option 7.1 Apportion PSC to each fishery group that it has historically been accounted against (e.g. yellowfin sole, rockfish, rocksole/flathead sole/other, etc.).~~

~~Suboption 7.1.1 Through annual TAC setting process (the current method) with a new breakout for the non-AFA trawl catcher processor sector.~~

~~Suboption 7.1.2 In proportion to the historic fishery group's apportionment using the most recent five years.~~

~~Suboption 7.1.3 In proportion to the actual amounts of PSC mortality attributed to the fishery group over a defined set of years.~~

~~Option 7.2 Apportion PSC allotments made to fishery groups in Option 9.1 under existing regulations with a separate breakout for to non-AFA trawl catcher processor sector for and open access.~~

~~Suboption 7.2.1 In proportion to TAC allocated to the non-AFA trawl catcher processor sector.~~

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- ~~Suboption 7.2.2~~ — In proportion to the PSC usage by the non-AFA trawl catcher processor sector for the years used to determine the groundfish sector apportionments.
- ~~Suboption 7.2.3~~ — In proportion to the total groundfish harvested by the non-AFA trawl catcher processor sector for each PSC fishery group for the years used to determine the groundfish sector apportionments.
- ~~Suboption 7.2.4~~ — In proportion to the target species harvested by the non-AFA trawl catcher processor sector in that PSC fishery group for the years used to determine the groundfish sector apportionments.

Option 7.1 Apportion PSC to Non-AFA Trawl Catcher Processor sector:

- Suboption 7.1.1 Allocation based on historical usage of PSC.**
- Suboption 7.1.2 Percentage allocations (estimates for PSC associated with Pacific cod catch will be based on the process laid out in Component 4) selected in Component 4 multiplied by the relevant total PSC catch in each PSC fishery group.**

Option 7.2 Select a **Non-AFA Trawl Catcher Processor sector** PSC reduction option from the following that would apply to any PSC apportionment suboption selected in 7.1. PSC reduction options can vary species by species, and sector by sector.

- Suboption 7.2.1 Reduce apportionments to 60% of calculated level.
- Suboption 7.2.2 Reduce apportionments to 75% of calculated level.
- Suboption 7.2.3 Reduce apportionments to 90% of calculated level.
- Suboption 7.2.4 Reduce apportionments to 95% of calculated level.
- Suboption 7.2.5 Do not reduce apportionments from calculated level.

~~Non-AFA trawl catcher processor cooperative members may carry unused PSC from cooperative into the open access fishery.~~

Option 7.3 The Council can select percentages and/or amounts for PSC allocated to the Non-AFA Trawl Catcher Processor sector.

~~**Component 8** Establishes procedures for reducing prohibited species catch limits for the non-AFA Trawl CPs Sector. Options selected from this component would be in addition to those PSC options selected in Component 7.~~

- ~~Option 8.1~~ — No change in overall amount of the current PSC limits.
- ~~Option 8.2~~ — 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 8.2.1~~ — Transfers of PSC after August 1 are not taxed.
 - ~~Suboption 8.2.2~~ — Only un-bundled transfers of PSC are taxed.
- ~~Option 8.3~~ — Reduce halibut PSC limits by 5% when PSC limits are linked to estimated biomass levels.

Component 9 Identifies the license holders that are in the Non-AFA Trawl Catcher Processor sector which would receive Sector Eligibility Endorsements. Non-AFA qualified license holders with a trawl and catcher processor endorsement would be issued a Sector Eligibility Endorsement that will be attached to that holder's LLP identifying it as a member of the Non-AFA Trawl Catcher Processor sector. Only vessels that qualify for a sector eligibility endorsement may participate in cooperative under this program.

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- Option 9.1 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1998-2002
- Option 9.2 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1998-2002
- Option 9.3 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1997-2002
- Option 9.4 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1997-2002
- Option 9.5 Qualified license holders must have caught 150 mt. of groundfish with trawl gear and processed that fish between 1997-2002**

Component 10 Establishes the percentage of eligible licenses that must join a cooperative before the cooperative is allowed to operate. There may be more than one cooperative formed. 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 LLP licenses with Non-AFA Trawl Catcher Processor endorsement, must be:

- Option 10.1 At least 30 percent
- Option 10.2 At least 67 percent
- Option 10.3 At least 100 percent
- Option 10.4 All less one distinct and separate harvesters using the 10 percent threshold rule.

Component 11 Determines the method of allocation of PSC limits and groundfish between the cooperative and eligible Non-AFA Trawl Catcher Processor participants who elect not to be in a cooperative.

- Option 11.1 Catch history is based on total catch
- Option 11.2 Catch history is based on total retained catch

Component 12 Determines which years of catch history are used for establishing cooperative allocations. The allocation of groundfish between the cooperative and those eligible participants who elect not to join a cooperative is proportional to the catch history of groundfish of the eligible license holders included in each pool. Applicable PSC limits are allocated between the cooperative and non-cooperative 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 license holder's membership in the Non-AFA Trawl Catcher Processor sector. The aggregate histories will then be applied to the cooperative and the non-cooperative pool.

- ~~Option 12.1 1995-2002, but each license holder drops its lowest annual catch during this period~~
- Option 12.2 1995-2003, but each license holder drops its **3** lowest annual catches **by species** during this period
- Option 12.3 ~~1997-2002~~ **2003**, but each license holder drops its lowest annual catch **by species** during this period
- Option 12.4 1998-2002, but each license holder drops its lowest annual catch **by species** during this period
 - Suboption 12.4.1 Each license holder does not drop its lowest annual catch **by species** during this period
- Option 12.5 1998-2003, but each license holder drops its lowest annual catch **by species** during this period
 - Suboption 12.5.1 Each license holder drops two years during this period
- ~~Option 12.6 1999-2002, but each license holder drops its lowest annual catch during this period~~

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Option 12.7 1999-2003, but each license holder drops its lowest annual catch **by species** during this period

Component 13 Determines if excessive share limits are established in the Non-AFA Trawl Catcher Processor sector.

Option 13.1 There is no limit on the consolidation in the Non-AFA Trawl Catcher Processor sector.
Option 13.2 Consolidation in the Non-AFA Trawl Catcher Processor sector is limited such that no single company can ~~hold~~ **use** more than a fixed percentage of the overall sector apportionment history. The cap will be applied across the total allocation to the sector of all species combined. The cap will be applied using the individual and collective rule. Persons (individuals or entities) that exceed the cap in the initial allocation would be grandfathered.

Component 14 Establishes measures to maintain relative amounts of non-allocated species until such time as ~~other fisheries are rationalized.~~ **that fisheries for these species are further rationalized in a manner that would supersede a need for these sideboard provisions.**

Option 14.1 Sideboards for the Non-AFA Trawl Catcher Processor sector would be established by regulation using the same years used to calculate the apportionment of PSC and groundfish between the Non-AFA Trawl Catcher Processor and ~~open~~ **limited** access pool until such time as these other fisheries are rationalized, when the allocations are determined in these newly rationalized fisheries.

Suboption 14.1.1 Sideboards will be allocated between cooperative and non-cooperative LLP holders.

Option 14.2 **Sideboards for the Non-AFA Trawl Catcher Processor sector can be established by establishing percentages and/or amounts for the species/fisheries not included in this program. These measures maintain relative amounts of non-allocated species until such time that fisheries for these species are further rationalized in a manner that would supersede a need for these sideboard provisions.**

Suboption 14.2.1 **Sideboards will be allocated between cooperative and non-cooperative LLP holders.**

Component 15 A threshold level may be established for yellowfin sole. TAC below the threshold level will be allocated to the Non-AFA Trawl Catch Processor sector based on the formula determined in Components 4 and 5. TAC in excess of the threshold level will be available to other sectors as well as to the Non-AFA Trawl Catcher Processor sector. Threshold levels for other species may be developed at a later date.

For yellowfin sole, the threshold will be:

Option 15.1 125,000 MT
Option 15.2 150,000 MT
Option 15.3 175,000 MT
Option 15.4 80,000 MT
Option 15.5 100,000 MT

Allocate the threshold reserve to the Non-AFA Trawl Catcher Processor sector and the BSAI limited access fishery using one of following suboptions :

Suboption 1 **30% Non-AFA Trawl Catcher Processor sector and 70% limited access fishery**

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Suboption 2 50% Non-AFA Trawl Catcher Processor sector and 50% limited access fishery

Suboption 3 70% Non-AFA Trawl Catcher Processor sector and 30% limited access fishery

Other Elements of Amendment 80

This section provides additional specifics and elements for the Non-AFA Trawl Catcher processor cooperative program. These specifics and elements are common for any cooperative program that might be developed.

- The cooperative program developed in Amendment 80b will not supersede pollock and Pacific cod IRIU programs.
- The Groundfish Retention Standards (GRS) (Amendment 79) will be applied to the cooperative as an aggregate **on an annual basis** and on those vessels who do not join a cooperative as individuals. ~~If the cooperative, in the aggregate, cannot meet the standard over a period of two years then the GRS for the current year would be imposed on individual vessels within the cooperative.~~ Vessels less than 125' LOA participating in a cooperatives are required to have on board NOAA Fisheries approved scales to determine total catch and either maintain observer coverage of every haul for verification that all fish are being weighed or use an alternative scale-use verification plan approved by NOAA Fisheries.
- Non-AFA Trawl Catcher Processor sector participants that elect not to join a cooperative will be subject to all current regulations including all restrictions of the LLP and the GRS if approved.
- All qualified license holders participating in the fisheries of the Non-AFA Trawl Catcher Processor sector will need to have trawl and catcher processor endorsements with general licenses for BSAI and the additional sector eligibility endorsement. 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.
- Permanent transfers of Sector Eligibility Endorsements will be allowed if transferred with the associated Groundfish LLP. Sector Eligibility Endorsement, the associated groundfish LLP license, 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 must be a person who is currently eligible to own a vessel.
- Annual allocations to the cooperative will be transferable among cooperative members. Such transfers would not need to be approved by NOAA Fisheries. Any member of the cooperative will be eligible to use the catch history of any other member regardless of vessel length limitations of the LLP that carries the catch history.
- Any non-trawl or non-BSAI catches by qualified license holders that are considered part of the Non-AFA Trawl Catcher Processor sector will not be included in the defined cooperative program. In addition, these non-trawl or non-BSAI catches allocated to the non-AFA trawl catcher processor sector would not necessarily be excluded from other rationalization programs.
- All catch history used for allocation and eligibility purposes will be legal and documented catch.
- Disposition of groundfish species not allocated to the Non-AFA Trawl Catcher Processor sector will not change as a result of the cooperative program developed in Amendment 80b.
- The developed cooperative program will limit its scope to selected groundfish and prohibited species catches with trawl gear by qualified license holders in the Non-AFA Trawl Catcher Processor sector in the BSAI. Groundfish species not included in the program as well as other non-specified fish species or marine resources will not be explicitly managed within the defined cooperative program. The defined cooperative program would not supersede existing regulations regarding these other marine resources.
- PSC limits for the following species will be created and allocated between the Non-AFA Trawl Catcher Processor cooperative(s) and those sector participants that elect not to join a cooperative.
 - 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.

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- 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.
- Bycatch limits for non-specified species or marine resources specifically for this program will not be established. However, should unreasonable bycatch or other interactions occur, specific regulations to minimize impacts will be considered.
- The cooperative(s) will have adequate internal rules. Evidence of binding private contracts and remedies for violations of contractual agreements will be provided to NOAA Fisheries. The cooperative must demonstrate an adequate mechanism for monitoring and reporting prohibited species and groundfish catch. Participants in the cooperative must agree to abide by all cooperative rules and requirements.
- Specific requirements for reporting, monitoring and enforcement, and observer protocols will be developed in regulations for participants in the cooperative program and will not be the purview of the cooperative. The Council and the Non-AFA Trawl Catcher Processor sector should specify their goals and objectives for in-season monitoring and 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.
- A detailed annual report will be required from cooperative(s) 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 be undertaken under the auspices of the Council/NOAA Fisheries periodically (for example, every five years). In-depth studies will report the accomplishments of the program and indicate whether any changes are necessary.
- An economic and socioeconomic data collection initiative will be developed and implemented under the Non-AFA Trawl Catcher Processor 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. This program will be similar to the data collection program in the BSAI crab rationalization program. Details of the collection will be developed in the analysis of the alternatives.