

Summary of Key Changes Made in the Amendment 80 Final Rule in Response to Public Comment.

The changes made from the proposed to final rule are detailed in Sections II, III, and IV of the final rule. The key issues raised during the public comment period are described below, and the changes made are summarized below. Note that some issues were raised during the public comment period that are not addressed in the summary table. Please see the preamble to the final rule for a more complete description.

Comment	Response
<p><u>Definition of an Amendment 80 LLP license.</u> A predetermined list of Amendment 80 LLP licenses should not be defined explicitly in the regulations. An Amendment 80 LLP license should be defined at the time of application for Amendment 80 QS, or when used on an Amendment 80 vessel.</p>	<p>NMFS modified the definition of an “Amendment 80 LLP license” to remove a reference to a specific list of LLP licenses in Column C of Table 31 to Part 679. The definition includes LLP licenses that designate Amendment 80 vessels at any time after the effective date of the rule, and include an LLP license to which an Amendment 80 QS permit has been affixed (i.e., an Amendment 80 QS/LLP license).</p>
<p><u>Processing of unsorted catch on Amendment 80 vessels.</u> Allow Amendment 80 vessels to receive and process catch from the BSAI trawl limited access fishery as well as the CDQ Program.</p>	<p>NMFS made several modifications to (1) allow the receipt and processing of unsorted catch from the BSAI trawl limited access fishery onboard Amendment 80 vessels; (2) allow the use of Amendment 80 vessels to catch and process fish allocated to the CDQ Program; (3) prohibit Amendment 80 vessels assigned to one Amendment 80 cooperative from receiving and processing unsorted catch from Amendment 80 vessels assigned to another Amendment 80 cooperative or the Amendment 80 limited access fishery; and (4) prohibit Amendment 80 vessels assigned to the Amendment 80 limited access fishery from receiving and processing unsorted catch from Amendment 80 vessels assigned to any Amendment 80 cooperative.</p>
<p><u>Amendment 80 LLP license use.</u> Require that an Amendment 80 vessel be designated on an Amendment 80 LLP license at all times unless a vessel has been lost or is permanently ineligible to be used.</p>	<p>NMFS added a prohibition to prohibit a person from failing to designate an Amendment 80 vessel on an Amendment 80 LLP license endorsed for groundfish in the Bering Sea subarea or Aleutian Islands subarea with a catcher/processor designation at all times during a calendar year unless that Amendment 80 vessel has suffered an</p>

	actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108.
<p><u>Limit holding an Amendment 80 QS permit issued to an Amendment 80 vessel if that vessel is lost.</u></p> <p>Owners of Amendment 80 vessels should not be allowed to hold an Amendment 80 QS permit issued to that vessel indefinitely in that vessel is lost or permanently ineligible to fish.</p>	NMFS clarified that a person may not hold an Amendment 80 QS permit assigned to an Amendment 80 vessel if that Amendment 80 vessel has suffered an actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108, after October 15 in the calendar year following the date of that vessel’s loss or ineligibility.
<p><u>Amendment 80 vessels fishing scallops.</u></p> <p>Remove monitoring and enforcement (M&E), GOA sideboards, and reporting requirements generally applicable under the Program if an Amendment 80 vessel is fishing in the scallop fishery.</p>	NMFS removed specific M&E, GOA sideboard limits, and reporting requirements applicable under the Program while an Amendment 80 vessel is using dredge gear to directed fish for scallops must meet
<p><u>“All-in” requirement</u></p> <p>Remove the requirement that all QS permits, vessels, and LLP licenses a person holds must be assigned to only one cooperative or the limited access fishery.</p>	NMFS relieved the “all-in” requirement that all QS permits, LLP licenses, and associated Amendment 80 vessels held by a person had to be assigned to either one cooperative or the Amendment 80 limited access fishery. NMFS clarified that an Amendment 80 QS holder must designate each Amendment 80 QS permit, associated Amendment 80 vessel, and Amendment 80 LLP license on a timely and complete application for CQ.
<p><u>“Accept all” requirement.</u></p> <p>Remove the requirement that a cooperative must accept all persons who wish to join it.</p>	NMFS eliminated the requirement that an Amendment 80 cooperative must accept any person wishing to join it.
<p><u>Default to Amendment 80 limited access fishery.</u></p> <p>Assign persons who failed to apply for an Amendment 80 cooperative to be automatically assigned to the Amendment 80 limited access fishery.</p>	NMFS will assign any QS permits, vessels, and LLP licenses not on assigned to an Amendment 80 cooperative to the Amendment 80 limited access fishery.

<p><u>GOA flatfish-specific LLP licenses.</u> Remove the list of specific LLP licenses that must be used when fishing GOA flatfish.</p>	<p>NMFS removed the requirement to use a specific LLP license when fishing GOA flatfish</p>
<p><u>Criteria considered when rolling over catch or PSC from BSAI trawl limited access sector to Amendment 80 cooperatives.</u> The criteria for rolling over catch and PSC from the BSAI trawl limited access sector to the Amendment 80 cooperatives appear to be unduly constraining.</p>	<p>NMFS revised the criteria so that NMFS “may” rather than “will” consider a range of factors before reallocating unharvested ITAC or unused PSC from the BSAI trawl limited access sector. This modification allows NMFS to manage these reallocations using the same flexible standards currently used for managing fishery resource allocations during a fishing season.</p>