

Amendment 80 Component and Options
April 10, 2004

The Council in December 2003 finalized Amendment 80 components and options for analysis. At the February and April 2004 meetings, the Council made some modifications to the components and options for Amendment 80a and 80b. The Council is scheduled to initial review Amendment 80 in October 2004 and take final action in December 2004.

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

Issue 1: Sector Allocations of Groundfish in the BSAI

The following is a list of the sectors for purposes of groundfish and PSC apportionment:

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 Identifies which species will be included in the sector allocations

Option 1.1 Include all groundfish species except AFA allocated pollock and fixed gear sablefish.

Suboption 1.1.1 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 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 species that are excluded would be allocated as they are under status quo, and managed as in the following component.

Suboption 1.2.1 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 2 Management of non-target 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 species in the program (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%

Option 3.4 20%

Component 4 Identifies the sector allocation calculation (*after deductions for CDQs*). Each of the species selected in Component 1 will be allocated to the sectors.

Option 4.1 Each sector shall be allocated the percentage of the TAC that is equal to the sector's average of the annual harvest percentages,¹ during the years specified in the following component. The sectors harvest is defined as that legal catch, taken by vessels when operating in the mode that defines the sector². These percentages will be calculated based on the method selected in Component 6.

Option 4.2 Each sector allocation of the TAC shall be based on a percentage rather than a set of years. (*The intent of this option is to provide the Council with the ability to select an industry agreed percentage for allocative purposes rather than selecting a set of catch history years.*)

Component 5 Sector Catch History Years

Option 5.1 1995–1997

Suboption 5.1.1 Exclude AFA-9 catch history

Option 5.2 1995–2002

Suboption 5.2.1 Exclude AFA-9 catch history

Suboption 5.2.2 Exclude 2001 because of the biological opinion

Option 5.3 1995–2003

Suboption 5.3.1 Exclude AFA-9 catch history

Suboption 5.3.2 Exclude 2001 because of the biological opinion

Option 5.4 1998–2002

Suboption 5.4.1 Exclude AFA-9 catch history

Suboption 5.4.2 Exclude 2001 because of the biological opinion

Option 5.5 1998–2003

Suboption 5.5.1 Exclude AFA-9 catch history

Suboption 5.5.2 Exclude 2001 because of the biological opinion

Option 5.6 2000–2003

Suboption 5.6.1 Exclude 2001 because of the biological opinion

The Council, at the December meeting, requested staff to provide in the analysis for Amendment 80a catch by sector, CPUE, and any other relative data associated with the 2001 Stellar sea lion biological opinion and its impacts on the BSAI groundfish fisheries.

¹ The 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).

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

² The catch of vessels that meet the sector's definition and were operating in that mode, during the qualifying years, is assigned to the sector. This means that only the portion of a vessel's catch when it was operating in that sector, would count towards the sector's allocation. It also means that a vessel's catch history would be assigned to a sector even if they do not qualify to participate in the sector based on the criteria selected in Issue 4.

Component 6 For purposes of apportionments, annual catch percentages will be defined using one of the following:

- Option 6.1 Total legal catch of the sector over total legal catch by all sectors
- Option 6.2 Retained legal catch of the sector over retained legal catch by all sectors

Component 7 Options for determining Pacific cod allocations

Option 7.1 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. Pacific cod rollovers between sectors shall administered using regulations at the time of final Council action. Further, Pacific cod rollovers will continue to be hierarchical in nature flowing from the most precise definition of a sector to the next more inclusive definition before unused Pacific cod is reallocated to a different gear type³.

Suboption 7.1.1 The <60' catcher vessels fixed gear (pot and hook-and-line) sector and jig sector combined allocation from TAC (after CDQ apportionment) is to be:

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

Suboption 7.1.2 Jig sector will receive an allocation from the TAC (after CDQ apportionment).

Suboption 7.1.3 a. <60' pot and hook-and-line catcher vessel sector will receive an allocation from TAC (after CDQ apportionment).

b. <60' pot and hook-and-line catcher vessel sector will receive an allocation from the fixed gear sector TAC as is done under existing regulations.

Apportionments to the jig and <60' pot and hook-and-line sectors under Suboption 7.1.2 and 7.1.3 shall not collectively exceed:

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

³Trawl CP sector (AFA and Non-AFA) Pacific cod quota that is projected to remain unused shall be reallocated to the other trawl CP sector (AFA or Non-AFA). If that trawl CP sector is not able to harvest the rollovers, it would then be reallocated to trawl CV sector (Non-AFA and AFA) proportional to their initial apportionments if both sectors can use it, or disproportionately if one sector appears less likely to use its full share. If both trawl CP and CV sectors are unable to fully utilize the rollover, then 95 percent would be reallocated to the hook-and-line CP sector and 5 percent to the pot sectors. Unused quota in the pot sector (CP and CV) would be reallocated to other pot sector before being reallocated to the hook-and-line CP sector. Hook-and-line catcher vessel sector and <60' hook-and-line/pot catcher vessel sector quota that is projected to remain unused shall be reallocated to the hook-and-line CP sector. Any jig sector quota that is projected to remain unused will first be reallocated to the <60' hook-and-line/pot catcher vessel sector before being reallocated to the hook-and-line CP sector.

Option 7.2 Pacific cod shall be allocated based on apportionments 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.

Pacific cod rollovers between sectors shall be administered using regulations at the time of final Council action. Further, Pacific cod rollovers will continue to be hierarchical in nature flowing from the most precise definition of a sector to the next more inclusive definition before unused Pacific cod is reallocated to a different gear type (see footnote 3 for a description of the rollover procedures).

Note: At the December 2003 meeting, the Council removed the component that would have deducted any state water fishery allocation in the BSAI from TAC before the allocations to a specific sector were calculated. In its place, the Council requested a discussion addressing the impacts of a state water fishery in the BSAI on federal water fisheries in the BSAI to be included in the Cumulative Impacts section of the NEPA analysis that is scheduled for initial analysis in April 2004.

Issue 2: Sector Allocations of Prohibited Species Catch Limits in the BSAI

Component 8 PSC is allocated to the CDQ program as PSQ reserves (except herring) equal to one of the following:

- Option 8.1 7.5% of each PSC limit
- Option 8.2 8.5% of each PSC limit
- Option 8.3 10% of each PSC limit
- Option 8.4 Proportional to the CDQ allocation under Component 3 for each PSC limit

Component 9 Sector allocations of PSC limits (Council must choose one suboption from both Option 9.1 and 9.2 in order to apportion PSC to sectors).

- Option 9.1 Apportion PSC to each fishery group that it has historically been accounted against (e.g., yellowfin sole, rockfish, rocksole/flathead sole/other, etc.).
 - Suboption 9.1.1 Through annual TAC setting process (the current method).
 - Suboption 9.1.2 In proportion to the historic fishery group's apportionment using the most recent five years.
 - Suboption 9.1.3 In proportion to a 5-year rolling average of that fishery group's PSC allocations using the most recent five years.
 - Suboption 9.1.4 In proportion to the actual amounts of PSC mortality attributed to the fishery group over a defined set of years.

- Option 9.2 Apportion PSC allotments made to fishery groups in Option 9.1 to sectors
 - Suboption 9.2.1 In proportion to TAC allocated to the sector.
 - Suboption 9.2.2 In proportion to the PSC usage by the sector for the years used to determine the groundfish sector apportionments.
 - Suboption 9.2.3 In proportion to the total groundfish harvested by the sector for each PSC fishery group for the years used to determine the groundfish sector apportionments.
 - Suboption 9.2.4 In proportion to the target species harvested by the sector in that PSC fishery group for the years used to determine the groundfish sector apportionments.

- Option 9.3 Select a PSC reduction option from the following that would apply to any PSC apportionment suboption selected in 9.2. PSC reduction options can vary species by species, and sector by sector.
 - Suboption 9.3.1 Reduce apportionments to 60% of calculated level.
 - Suboption 9.3.2 Reduce apportionments to 75% of calculated level.
 - Suboption 9.3.3 Reduce apportionments to 90% of calculated level.
 - Suboption 9.3.4 Reduce apportionments to 95% of calculated level.
 - Suboption 9.3.5 Do not reduce apportionments from calculated level.

Issue 3 Underutilized Species Threshold

Component 10 For species that may have TAC (amounts) available in excess of historical harvest amounts, sector allocations may apply only to the historical harvest threshold (utilization threshold). TAC amounts in excess of such thresholds would be available to sectors whose ability to harvest that TAC exceeds its sector allocation of that species. *(The intent of this language is that after a sector has harvested it's allocation of species with a threshold and if the sector has PSC available, then the sector may target the TAC in excess of the threshold.)* Council must select one suboption from each of the options below in order to establish a threshold fishery. *(Note, this component is not meant to be a mandatory option. The Council may choose to develop sector allocations without an underutilized species threshold program.)*

- Option 10.1 Species that would be assigned an utilization threshold:
 - Suboption 10.1.1 Rock sole
 - Suboption 10.1.2 Yellowfin sole
 - Suboption 10.1.3 Flathead sole
 - Suboption 10.1.4 Alaska Plaice
 - Suboption 10.1.5 Rock sole, yellowfin sole, flathead sole in aggregate
 - Suboption 10.1.6 Rock sole, yellowfin sole, flathead sole, and Alaska Plaice in aggregate

- Option 10.2 Options for determining utilization threshold for each species or complex (Council must select one from each of the following suboptions in order to establish utilization threshold):
 - Suboption 10.2.1 Average threshold percentage will be based on:
 - a. Total catch
 - b. Retained catch

- Suboption 10.2.2 Threshold percentage of average catch will be:
 - a. 100%
 - b. 125%
 - c. 150%
- Suboption 10.2.3 Years for determining the average catch will be:
 - a. 1995-1998
 - b. 1995-2002
 - c. 1998-2002
 - d. 2000-2003

Issue 4 Eligibility to Participate in a Sector

Component 11 Except as provided in component 13, a LLP license holder will be determined to be eligible for a given sector if they have proper area, gear, vessel type, and vessel length endorsements and meet minimum legal landings requirements (see the next component) in the years selected from the following:

- Option 11.1 1995-1997
- Option 11.2 1995-2002
- Option 11.3 1997-2002
- Option 11.4 1998-2002
- Option 11.5 1999-2002
- Option 11.6 2000-2002
- Option 11.7 For <60' H&L/Pot CV sector
 - a. 1996-2002
 - b. 1997-2002
 - c. 1998-2002
 - d. 1999-2002
 - e. 2000-2002

Component 12 A holder of a license with the proper endorsements will be determined to be eligible for a given sector if, during the previously specified sets of years the vessel meets the minimum legal landings criteria selected from the following:

- Option 12.1 At least one landing
- Option 12.2 50 MT
- Option 12.3 100 MT
- Option 12.4 250 MT
- Option 12.5 500 MT
- Option 12.6 1,000 MT
- Option 12.7 For <60' H&L/Pot CV sector
 - a. At least one landing
 - b. 5 MT
 - c. 10 MT
 - d. 20 MT
 - e. 50 MT

Suboption 12.7.1 Exclude jig vessels and <60' fixed gear catcher vessels from minimum landings requirements.

Suboption 12.7.2 Exclude jig vessels

Component 13 License holders with the following endorsements on their LLP:

- BS or AI or BSAI
- non-trawl
- Pacific cod

Eligibility of pot and longline vessels greater than or equal to 60' to participate in the directed Pacific cod fishery is determined by Amendment 67.

Components and Options for 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 qualified license holders 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. Existing regulations regarding these other marine resources would not be superceded.
- All catch history used for allocation and eligibility purposes will be legal and documented catch.
- The Program will not supercede pollock and Pacific cod IRIU programs. All qualified license holders participating in the fisheries included in the program will need to have trawl and catcher processor endorsements with general licenses for BSAI and the additional endorsement created by and required for participation in this program. 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 by qualified license holders 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 which includes any provisions of amendment 80A.
- 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.
- To participate in any fishery included in the Non-AFA Trawl CP cooperative program, a person must hold a valid groundfish LLP license with a Sector Eligibility Endorsement.
- 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.
- Permanent transfers of Sector Eligibility Endorsements would 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 be 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.

- 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.
- Participants 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. 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 for participants in the cooperative portion of the Program in the 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 be undertaken under the auspices of the Council/NOAA Fisheries periodically (every five years, for example). Such in-depth studies will report the accomplishments of the program and indicate whether any changes are necessary.
- Economic and 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 an economic and 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 under this program
- Option 1.1 Include all groundfish species allocated under amendment 80A 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. *Options selected from this component would be in addition to those PSC options selected in Component 9 from Amendment 80a.*
- 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 license holders that are in the non-AFA trawl CP sector which would receive Sector Eligibility Endorsements. (It may be that some license holders identified as part of the sector in Amendment 80a, may not be issued Sector Eligibility Endorsements. License holders that do not meet the criteria identified in this component will not be eligible to participate in the cooperative or open access components of the fisheries included in the program.) 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 CP Sector.
- Option 3.1 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1998-2002
 - Option 3.2 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1998-2002
 - Option 3.3 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1997-2002
 - Option 3.4 Qualified license holders 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 license holders.

Component 4 Establishes the percentage of eligible licenses 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 LLP licenses with non-AFA Trawl CP endorsement, 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
- Option 4.6 At least 100 percent
- Option 4.7 All less one distinct and separate harvesters using the 10 percent threshold rule.

Two ways of looking at the threshold - licenses or license holders - if vessels was used in the past, licenses is the parallel (since a person may hold two licenses)

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 of the eligible license holders 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 license holder's membership in the Non-AFA Trawl CP Sector. The aggregate histories will then applied to either the cooperative or the open access pool.

- Option 6.1 1995-2002, but each license holder drops its lowest annual catch during this period
- Option 6.2 1995-2003, but each license holder drops its lowest annual catch during this period
- Option 6.3 1998-2002, but each license holder drops its lowest annual catch during this period
 - Suboption 6.3.1 Each license holder does not drop its lowest annual catch during this period
- Option 6.4 1998-2003, but each license holder drops its lowest annual catch during this period
 - Suboption 6.4.1 Each license holder drops two years during this period
- Option 6.5 1999-2002, but each license holder drops its lowest annual catch during this period
- Option 6.6 1999-2003, but each license holder 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.

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 hold 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 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.