

Posted 11/23/98

# North Pacific Fishery Management Council

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## June 1995 Newsletter

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### **Dutch Harbor/Unalaska Rolls Out Red Carpet**

From the first plane carrying meeting attendees to the last one to leave, participants in the NPFMC's June meeting in Dutch Harbor were greeted with enthusiasm and treated like royalty during their week-long stay. Several after-meeting social activities were provided by Dutch Harbor and Unalaska businesses and associations throughout the week, including a BBQ and recreational evening. Other

opportunities for after-meeting sightseeing, plant tours, and fishing were abundant through the careful planning of the NPFMC Organizing Committee, composed of Mayor Frank Kelty, Doug Bagnell and Jane Schroeder (Grand Aleutian), Stephanie Madsen (Aleutian Logistics-ASPA), Shirley Marquardt (Freight Mgmt Services), Annemarie McElroy (Convention & Visitors Bureau), Herb Callaham (Arctic Alaska/Tyson Seafoods), and Emil Berikoff (Unalaska Fishermen's Assn). It seemed that every citizen of Unalaska and Dutch Harbor was in some way involved in ensuring a pleasant visit and worry-free meeting. Meeting participants and attendees alike commented on the extraordinary hospitality provided. An impromptu activity room provided by Grand Aleutian employees, equipped with a TV, VCR, loads of movies and games, was a life-saver when weather prevented many participants from leaving on Sunday.

*The hospitality of Dutch Harbor/Unalaska is much appreciated!*

Though a variety of issues were addressed during the meeting, the centerpiece of this meeting was final action on a license limitation program for the groundfish and crab fisheries off Alaska (details inside). The Council also took final action to recommend to the Secretary of Commerce that the inshore-offshore processing allocations established under Amendment 18/23 be extended for an additional three years. This action includes an extension of the pollock CDQ program.

The Council, Advisory Panel, and Scientific and Statistical Committee will meet next the week of **September 25** at the Radisson Hotel/Quality Inn at the Sea-Tac Airport. Specific starting times and a draft agenda should be available by mid-August. **[PLEASE NOTE: The original meeting date was delayed by one week because of meeting space availability.]**

Major issues scheduled for the September meeting will include:

- Discussion of full utilization and waste reduction initiatives.
- Various amendments to the halibut/sablefish IFQ program.
- The domestic Observer Program and the North Pacific Fisheries Research Plan (fee collection program).
- Long-term crab management and rebuilding programs.
- Next steps in Comprehensive Rationalization, including development of a BSAI pollock ITQ proposal.
- A review of Magnuson Act Reauthorization, and
- Initial specifications of groundfish TACs and PSC allowances for the 1996 fisheries.

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### **Council Bids Farewell to Two Members**

The June 1995 meeting marked the end of six years of service on the Council for Mr. Ron Hegge of



Anchorage. His direct presence on the Council will be missed, but given his keen interest in fisheries management issues, we don't expect to see him disappear into the sunset. We all look forward to his continued participation in the Council process.

Another member of the Council, Rear Admiral Roger Rufe Jr., will be moving on to warmer climates in the southern U.S. Admiral Rufe served for three years as the Coast Guard representative on the Council. He is replaced by Rear Admiral Ray Riutta, to whom the Council extends a warm welcome.

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### **Incidental Taking of Marine Mammals**

NMFS has published a proposed rule to implement new marine mammal takings requirements in commercial fishing operations. This proposed rule, published on June 16, 1995, responds to changes made to the Marine Mammal Protection Act as amended in 1994. There still are three categories of fisheries in terms of marine mammal takings, each having different registration and reporting requirements. Category I is for fisheries with frequent incidental mortality and serious injury of marine mammals. No Alaska fisheries are in this category. Category II is for occasional incidental mortality and serious injury of marine mammals. Alaska fisheries in this category include most drift gillnet and setnet salmon fisheries, Southeast salmon purse seiners, BSAI groundfish trawlers, pair trawlers, and southern BSAI and Western Gulf of Alaska sablefish longliners in federal waters. Category III has fisheries with remote likelihood or no known incidental mortality or serious injury of marine mammals. They include most other commercial fisheries off Alaska.

Comments on the proposed regulations must be submitted to Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, by July 31, 1995. Comments on the listing of fisheries by category are due by September 14. Contact for the Alaska Region of NMFS is Dr. Steve Zimmerman at (907) 586-7235. We have limited copies of the federal register notice available upon request.

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### **Scallop Management**

In June, the Council adopted Amendment 1 to the scallop fishery management plan which will allow a federally regulated scallop fishery to occur outside 3 miles in the Exclusive Economic Zone. The management program is based on the State of Alaska's management regime with additional measures previously adopted by the Council. Management measures include permit requirements, limited access, regulatory and reporting areas, districts and sections, scallop catch limits, inseason adjustments, reporting requirements, observer requirements, fishing seasons, closed waters, gear restrictions, efficiency limits, and prohibited species bycatch limits. A vessel moratorium, based on

previously adopted criteria, was approved as a limited access measure for three years. If approved, the vessel moratorium would qualify vessels which participated (made at least one landing) in 1991, 1992 or 1993, **or** which participated for at least four years between January 1, 1980 and January 20, 1993. Areas to be closed to scallop fishing include those federal areas of the EEZ currently closed to bottom trawling to protect crabs and crab habitat. The Council also urged NMFS to require 100% observer coverage on all scallop vessels. NMFS and ADF&G will work together to develop a real-time monitoring system to monitor scallop vessel locations relative to State water boundaries. If approved by the Secretary, a scallop fishery may be prosecuted under federal regulations by mid-1996, or earlier if opened by emergency rule. However, if the Magnuson Act is amended this year to allow extension of state jurisdiction into federal waters under certain conditions, the Council may revise the scallop FMP to defer management to the state. Staff contact is David Witherell.

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### **Crab Bycatch**

The Council reviewed an analysis of area closures to trawling that would protect red king crabs in Bristol Bay. The Council released the document for public review contingent upon completion of an economic analysis by late July and approval by the scientific and statistical committee. Please contact the NPFMC office if you wish to receive a copy of the analysis. Final action on this plan amendment is scheduled for September. If approved, an area closure would be implemented in early 1996, likely along the same lines as the 1995 closed area. NOAA General Counsel will examine the possibility of implementing this by emergency rule in January 1996. In September, the Council will also be receiving a report from the Crab Rebuilding Committee chaired by Dr. Fluharty, and perhaps initiating other, long-range crab management programs.

The Council also directed staff to analyze a proposal to combine the Zone 1 and Zone 2 Tanner crab PSC cap for the Pacific cod trawl and other fisheries. It was felt that the Bristol Bay closure may have increased bycatch rates of Tanner crab, causing an early closure of Zone 1. In turn, vessels fished in Zone 2 which may have increased halibut bycatch to the extent that the trawl fishery was unable to harvest its apportionment of the cod TAC. A draft analysis of this plan amendment proposal will be ready in December. Staff contact is David Witherell.

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### **Halibut Discard Mortality Rates**

At the December 1994 meeting, the Council recommended to NMFS the halibut discard mortality rates to be used for managing the Bering Sea/Aleutian Island and Gulf of Alaska 1995 groundfish fisheries. The Council recommended an assumed rate of 12.5 percent for the Pacific cod hook and line fishery for the first half of 1995 with a review of observed rates at the June 1995 Council meeting.



The International Pacific Halibut Commission staff reevaluated the halibut discard mortality rate for BSAI Pacific cod hook and line fishery using in-season observer data, and reported the fishery is exhibiting a rate of 11.5 percent. The Council recommended that NMFS apply this new rate for the remainder of the 1995 BSAI Pacific cod hook and line season, and to adjust the discard mortalities for this fishery for the first half of 1995. Staff contact is Jane DiCosimo.

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### **Electronic Reporting**

The Council approved a regulatory amendment to implement hardware requirements for electronic reporting. The amendment requires all processor vessels that process groundfish to have satellite communication equipment and the necessary hardware and software for electronic transmission of observer data and requires all shoreside processors that process groundfish to have the necessary computer hardware and software to send data electronically via a modem. It will become effective January 1, 1996. The objective is to facilitate electronic reporting of fisheries data. Use of this equipment by observers should reduce both the time and expense of collecting fishery information by providing real-time data and reducing the workload of the Observer Program. Currently, most industry reports are submitted by FAX, and all logbooks are kept on paper.

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### **Halibut and Sablefish IFQs**

The Council reviewed a number of reports on the newly implemented halibut and sablefish IFQ fisheries. The IFQ Industry Implementation Team, which met prior to the April Council meeting, recommended that the Council begin a review of potential changes to the IFQ halibut and sablefish fisheries. The Council recommended that NMFS develop a regulatory amendment to allow NMFS to make administrative changes to the IFQ programs without going through the formal Council amendment process. NMFS will report back to the Council in September on which actions could be frameworked.

IFQ regulations now allow a vessel to retain only as much IFQ fish onboard for a particular area as is currently held by all IFQ card holders onboard a vessel. International Pacific Halibut Commission regulations require unloading of all halibut before a vessel can move between regulatory areas in the Bering Sea. This restriction prevents a vessel from fishing in multiple IFQ regulatory areas unless sufficient IFQ is available onboard and the vessel lands all catch prior to entering a new regulatory area. This restriction is intended to address the problem, more prevalent in the Bering Sea, where some vessels are unobserved and have incentives (e.g., savings in time, money, fuel) to fish in one area and report the catch as coming from another.

The Council requested that NMFS initiate a regulatory amendment to exempt catcher vessels and catcher/processors from restrictions on IFQ fishing in multiple regulatory areas in the Bering Sea/Aleutian Islands and Gulf of Alaska for two years provided the vessels take observers on board and maintain current recordkeeping and reporting requirements. Those catcher vessels not required to carry observers would voluntarily comply with observer coverage to be included in the exemption. The amendment would include an option for review and renewal, if necessary, after two years. The Council further requested that this proceed under emergency action to be effective for the remainder of the 1995 IFQ season. The IPHC will likely not address this issue until their next Commission meeting in January 1996.

In June 1994, the Council initiated a regulatory amendment to open the IFQ sablefish fishery in the Aleutian Islands for 1995 on January 1 for sablefish fishing on 25% of the preliminary TAC specified in September each year. In September 1994, NMFS reported that they had not proceeded with the amendment, due to the complexity of the changes to the regulations, the small number of beneficiaries, and the lack of concurrence by IPHC. The Council indicated continued interest in an early sablefish opening for the Aleutian Islands for future years.

At the June 1995 meeting, the Council approved releasing for public review a revised draft Regulatory Impact Review (RIR) for a regulatory amendment to extend the IFQ sablefish fishery in the Aleutian Islands. The RIR includes an analysis of restricting IFQ sablefish participants in the extended season to only those who possess sufficient halibut IFQ to cover their halibut bycatch and limiting the percentage of IFQs used in the extended season given the economic advantage to those participants over all other QS holders. The document will be available from the Council office after July 30. A final decision from the Council is expected in September. Staff contact is Jane DiCosimo.

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### **Observer Program**

The Council discussed their action from the April 1994 meeting (and subsequent teleconferences) regarding the North Pacific Fisheries Research (Observer) Plan which effectively postpones full implementation of that Plan until at least 1997. The RFP (solicitation) process for selection of observer contractors is also on hold at this time. The Plan fee will continue to be charged in 1995 to accumulate necessary money in the Observer Fund for 1997 implementation; however, no fee will be charged in 1996 - those required to carry observers will continue to contract and pay directly for that coverage. An amendment to the Research Plan is being processed which will maintain the current observer coverage requirements for the groundfish fisheries through 1996. Additional coverage requirements in some crab fisheries are anticipated in late 1995 and 1996; an additional regulatory amendment is being processed to prevent fishermen in those fisheries from 'double payment' for that coverage.



These actions remove the need for a fee setting process this year, since no fee will be charged in 1996. However, the Council's Observer Oversight Committee (OOC) will convene sometime in late August or September to discuss other, general issues of concern relative to the Research Plan. These include: insurance requirements for observer contractors; point of hire for observers, transfers of observers among vessels; numbers of contractors to be used; duration of contracts; prioritization of observer deployment; and, possible supplemental observer coverage programs. This issue will be a major agenda item for the September 1995 meeting in Seattle, where the Council may be making decisions regarding the future course of the Observer Program, including the Research Plan's place in the overall Observer Program. If other areas of concern with the fee collection program (Research Plan) are identified by industry, we invite you to submit those for consideration by the OOC and the Council this fall. Council staff contact for this issue is Chris Oliver.

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### **Council Approves Reauthorization of Inshore-Offshore for Three Years**

The Council approved the reauthorization of Fishery Management Plan Amendments 18 and 23 which contain the Inshore-Offshore Allocations of Pollock in the BSAI and of pollock and Pacific cod in the GOA, and the continuation of the Pollock CDQ program for Western Alaska. The Council also made some minor changes to the Catcher Vessel Operational Area (CVOA), and recommended that the community of Akutan be added to the list of CDQ communities. If approved by the Secretary of Commerce, the reauthorization will extend the life of the allocations and the pollock CDQ program for three years through the end of 1998. Without reauthorization, the Inshore-Offshore Allocations and the pollock CDQ program will expire on December 31, 1995.

Amendment 23 to the GOA FMP allocates 100% of the pollock and 90% of the Pacific cod to "inshore catcher processors" or to harvesting vessels delivering to "inshore" processors. Under Amendment 18 in the BSAI, 7½% of the pollock TAC is allocated to the Pollock CDQ Program, another 7½% of the pollock TAC is set aside as part of the non-specific reserve which may, at the discretion of the Regional Director, be released back into any BSAI fishery, including pollock. The remaining portion of the pollock TAC is divided between inshore and offshore harvesters; 35% to harvest vessels delivering to "inshore" processors or to "inshore catcher processors," and 65% to "offshore catcher processors" or to harvest vessels delivering to "offshore processors." Further, a CVOA is defined for the pollock "B-Season," within which only catcher vessels may operate. In its reauthorization action, the Council voted to shift the western border of the CVOA 30 minutes to the east to 167°30' W. longitude, and to allow catcher processors to use the CVOA, if an offshore "C-Season" is enacted by the NMFS Regional Director (i.e., after all inshore quota has been taken for the year). The newly defined CVOA is shown in the figure with statistical reporting areas and the chum salmon closure area.

If you have questions regarding the inshore-offshore issue and would like to receive the May 4, 1995

-Draft for Council and Public Review of the EA/RIR“ for the reauthorization of Amendments 18 and 23, or if you would like to receive the Secretarial Review Draft of the EA/RIR including proposed regulations when it is available, please call the Council office. Staff contact is Marcus Hartley.

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### **Council Adopts License Limitation Programs for Groundfish and Crab**

After several meetings and many months of public input and Council deliberation, the Council gave final approval to License Limitation Programs for the federally managed groundfish and crab fisheries in the North Pacific. The programs will restrict access to these fisheries in the Exclusive Economic Zone (the area from 3 to 200 miles offshore), and are viewed as another major step in the process of Comprehensive Rationalization. The specifics of the license limitation programs are contained in Attachment 1 to this newsletter. Preparation of the necessary regulations and rulemaking will begin this summer, and once completed, will be forwarded for review by the Secretary of Commerce. Implementation of the program, if approved, would not occur until 1997 at the earliest, and more likely would be in 1998.

The Council has identified development of a pollock ITQ program for the BSAI, which encompasses both harvesting and processing sectors, as the focus of the next step in the Comprehensive Planning process. A report on this program will be scheduled for the September meeting in Seattle, with further development to follow. Council staff contacts for these issues are Marcus Hartley and Chris Oliver.

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### **Call for Groundfish Proposals**

The Council is calling for proposals for changes to the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fishery management plans. The instructions and proposal form are included in this newsletter as Attachment II. Proposals should be sent to the Council office and must be received by August 20. The Council will review all proposals submitted at the September meeting and determine which ones will go forward for analysis.

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### **Other Issues at a Glance**

This section is intended to provide a brief update on a variety of Council initiatives not otherwise described in this newsletter. Please contact Dave Witherell or Jane DiCosimo for further information.

**Vessel Moratorium:** The Council's revised moratorium on entry into the groundfish and crab fisheries is expected to be published as a final rule within the month. This



moratorium would remain in effect for three years, or until superseded by the recently approved Council license limitation program described separately.

License Limitation for DSR Fishery: The State of Alaska is developing a limited entry program specifically for the Demersal Shelf Rockfish fishery in Southeast Alaska, separate from the groundfish and crab license program. An initial analysis of such a program may be available for Council review this fall.

Overfishing Definitions: The Alaska Fisheries Science Center (AFSC) is assisting in a review and analysis of overfishing definitions for groundfish species off Alaska. A formal plan amendment(s) may result later this year to implement new overfishing definitions.

POP Rebuilding: An amendment to the Pacific Ocean Perch (POP) rebuilding plan is being developed which would set a ceiling (i.e., a 'not to exceed' number) for the TAC for POP. Initial review is expected in September.

Rock Sole Seasonal Apportionment: As part of its overall initiative regarding waste and bycatch reduction, the Council has requested development of a proposal to seasonally apportion the rock sole TACs in the BSAI fisheries. This issue will be addressed in September, based on the discussion paper contained in the April 1995 Council briefing books.

Full Retention/Utilization: Also part of the Council's overall initiative to reduce bycatch and waste, this proposal is still being developed. Council discussion and further development is scheduled for the September meeting. Current emphasis is on two fisheries - BSAI midwater pollock and BSAI rock sole.

Harvest Priority: Being examined concurrently with full retention and other bycatch control measures. February 1995 legal opinion from NOAA-GC and April 1995 discussion paper will form basis for further considerations.

Halibut Grid Sorting: This issue is scheduled for formal Council review in September, but final decision would be later, likely in December.

Minimum Mesh Size Regulations: Minimum mesh sizes for pollock, rock sole, and Pacific cod approved by Council in September 1994. Regulations will not be in place until 1996; Council will receive report in September on current research activities relative to this issue.

Total Weight Measurement: In 1994, the Council approved a requirement for all processors in directed pollock fisheries to weigh fish on scales. Regulations to implement

this requirement are expected by end of 1995, but requirement will not be effective until 1997. Industry will be notified in 1996 regarding specific requirements and scales which have to be used.

Halibut Charter Boat Management: Specific alternatives for management, including possible caps, were approved by Council in 1994. Analysis of these alternatives to be presented to Council and industry in December 1995.

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## **SOLVING BYCATCH WORKSHOP**

The Fishing Industry is invited to the 1995 Bycatch Workshop titled: ***SOLVING BYCATCH: Considerations for Today and Tomorrow.***

Bycatch is the capture of unmarketable or restricted commercial fishing species, is a world economic, environmental and political concern. The discard of bycatch has led to intense political pressure for governmental regulations; limited fishing areas, quotas and seasons; contamination of the fishing grounds, species, and fishing gear; and a decline in the revenues procured by the coastal communities and commercial fishermen. Research has been conducted in the international and domestic sectors to develop bycatch reduction methods and gear devices which will be presented at a Bycatch Workshop. The speakers will provide vital technical information and fishing techniques, in layman's terms, based on the results of recent research and old and new decisions of commercial fishing gear, fish behavior and physiology and habitat, which can be applied to the fishing grounds for bycatch reduction. The speakers will include fishermen, gear manufacturers researchers and industry leaders.

The Workshop will be held at the Downtown Sheraton Hotel and Towers in Seattle, Washington on September 25, 26 & 27, 1995. Fish Expo will be held September 28-30 at the Washington State Convention and Trade Center next door to the Sheraton. This will enable attendants to schedule their hotel rooms to include the time of the Fish Expo and the Workshop. Registration will begin at 2:00 p.m. - 7:00 p.m. on Sunday, September 24, and the morning of Monday, September 25 from 7:30 a.m. - 8:30 a.m. For more information and registration forms, please contact Mary Sue Lonnevik, Workshop Coordinator, P.O. Box 71099, Seattle, Washington 98107 U.S.A.; phone (206) 281-8643 or fax (206) 282-9824. Registration fee is \$100.

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## **GROUND FISH LICENSE LIMITATION PROGRAM - PREFERRED ALTERNATIVE Components and Alternative Elements Affecting Initial Assignment**

### **License Classes**



A single type of licenses will be issued (as opposed to multiple types of permits as described in other options).

### **Nature of Licenses**

The Groundfish License Program will restrict access to groundfish fisheries in the EEZ off the Coast of Alaska; The License Program does not restrict access to waters of the State of Alaska. The program will issue non-severable area endorsements for the following management areas: AI, BS, WG, CG+WY, EY+SO. The endorsement would be contained under one of the following General License Umbrellas: GOA, BSAI, or GOA/BSAI. Demersal Shelf Rockfish in waters east of 140° W, and fixed-gear sablefish are excluded from the Groundfish License Program.

### **License Recipients**

Licenses will be issued to current owners (as of 6/17/95) of qualified vessels. (Owners must be ~~persons~~ eligible to document a fishing vessel<sup>4</sup> under Chapter 121, Title 46, U.S.C. This date may be subject to modification under certain circumstances involving qualified vessels now operating under foreign flags.)

### **License Designations**

Licenses and Endorsements will be designated as Catcher Vessel or Catcher Processor and with one of three Vessel Length Classes (<60', greater than or equal to 60' & <125', greater than or equal to 125'). In the Eastern Gulf (EY + SO) an additional designation allowing the use of legal fixed gear only will be assigned, regardless of the gear used to qualify for the endorsement. CP/CV designations will be determined based on the activities of the vessel during 1/1/94-6/17/95 or the most recent year of participation during the Endorsement Qualifying Period (EQP). Vessel Length Classes will be based on the length overall of the vessel as of 6/17/95, as long as the vessel conforms with the provisions of the '20% upgrade' and 'Maximum LOA' rules defined in the moratorium. Owners of vessels which have upgraded beyond the ~~Maximum LOA~~<sup>4</sup> would receive licenses and endorsements, but these licenses and endorsements could not be assigned to the qualifying vessel.

### **Qualifying Periods**

For General Licenses, the Qualifying Period (QP) is 1/1/88-6/27/92, with the additional provision that any vessel which ~~crossed over~~<sup>4</sup> to groundfish from crab under the provisions of the proposed moratorium by 6/17/95 would also qualify for a General License. For vessels under 60', the General QP is extended through Dec. 31, 1994 for groundfish pot or jig gear recipients must choose one area endorsement if qualified for multiple endorsements. Vessels which qualify as ~~cross-overs~~<sup>4</sup> or because of the extended General QP would be allowed to use any legal gear to harvest groundfish. For Area Endorsements, the QP is 1/1/92-6/17/95.

The following exemptions are included in the License Limitation program: (1) vessels that were exempted from the proposed moratorium would also be exempt from the license limitation program (26' in the GOA and 32' in the BSAI); and (2) vessels in the BSAI using jig gear that are less than 60' using a maximum of 5 machines, one line per machine, and a maximum of 15 hooks per line. Unlike the moratorium, any 'exempt' vessel which qualifies for a license would receive that license.

### **Landings Requirements For General License Qualification**

One landing of groundfish in the General QP, or qualified "moratorium crossover" vessels which "crossed over" from crab by 6/17/95.

### **Landings Requirements for Endorsement Qualification**

#### Bering Sea/Aleutian Islands:

An endorsement will be issued if a vessel made at least one groundfish landing in an area (BS or AI) during the endorsement period (1/1/92-6/17/95).

#### Gulf of Alaska:

(1) For all vessels less than 60' in all GOA endorsement areas, an endorsement will be issued if the vessel made at least one landing in the area during the endorsement period (1/1/92-6/17/95).

(2) For the Central Gulf/West Yakutat and Southeast Outside endorsement areas, all vessels greater to or equal than 60' but less than 125', which made at least one landing in an area in any two of the four endorsement calendar years (1992, 1993, 1994, or 1995 through 6/17/95), **OR** four landings between 1/1/95 and 6/17/95 would receive an endorsement for the area. For all vessels greater than or equal to 125', endorsements will be issued to vessels which made at least one landing in an area in any two of the four endorsement calendar years (1992, 1993, 1994, or 1995 through 6/17/95).

(3) For the Western Gulf area, all vessels less than 125 feet which made at least one landing between 1/1/92 and 6/17/95 will receive an endorsement. Vessels which are greater than or equal to 125' must have made at least one landing in the WG in any two of the four endorsement calendar years (1992, 1993, 1994, or 1995 through 6/17/95) in order to receive an endorsement for the area.

## **Components and Alternative Elements Affecting the Ownership, Use, and Transfer of Licenses**

### **Who May Purchase Licenses**



Licenses may be transferred only to ~~persons~~ defined as those eligible to document a fishery vessel under Chapter 121, Title 46 U.S.C. There shall be no leasing of groundfish licenses.

### **Vessel/License Linkages**

Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than the one to which the license initially was issued, subject to license designations, and the ~~20% rule~~ and ~~maximum LOA~~ in the moratorium regulations, and the ~~no leasing~~ restriction. Licenses may be applied to vessels shorter than the ~~maximum LOA~~ regardless of vessel class designations, i.e. ~~downgrades~~ in vessel classes are allowed.

### **Options Regarding the Separability of Species and/or Area Designations**

Area endorsements are not separable, and shall remain as a single ~~package~~, which includes the assigned CV/CP and vessel length class designations. Crab and groundfish licenses that are initially issued to a person (as defined under ~~License Recipients~~) are not separable and shall remain as a block for a period of three years. After which time, the Council may review whether or not the groundfish and crab licenses should remain non-severable. Groundfish Licenses obtained after the initial allocation will not be combined with any other licenses owned by the person, and will remain a separate license.

### **Vessel Replacement and Upgrades**

Vessels may be replaced or upgraded within the bounds of the vessel length designations and the 20% Rule as defined in the moratorium proposed rule. If a vessel upgrades under the ~~20% rule~~ to a length which falls into a higher vessel length designation after 6/17/95, then the vessel owner would receive the license and endorsements, but could not use them on that vessel .

### **License Ownership Caps**

No more than 10 general licenses per person with grandfather provisions to those persons who exceed this limit in the initial allocation. The intent of the Council is that this limit is applied to the ~~person~~ as defined under ~~License Recipients~~, and is not interpreted to apply to individual owners within corporations or partnerships.

### **Vessel License Use Caps**

There is no limit on the number of licenses (or endorsements) which may be used on a vessel.

### **Vessel Designation Limits**

A vessel which qualifies for multiple designations (i.e., both as a CV and as a CP) under the use

restriction component will be able to participate under any designation for which it qualifies. CV/CP designations will be based on **activities** during 1/1/94-6/17/95 or the most recent year of participation during the EQP. If a vessel qualifies as a CP only it may select a one-time (permanent) conversion to a CV, though a CP may operate in either mode. If a vessel qualifies as a CV only, it is restricted to operate as a CV.

### **Community Development Quotas.**

7.5% of all BSAI groundfish TACs not already covered by a CDQ program, and a pro-rata share of PSC will be allocated to CDQ Communities as defined in the current CDQ program, with the addition of Akutan. PSC will be allocated –off the top“ before the trawl/non-trawl split. The Groundfish CDQ program will be patterned after current CDQ program but will not contain a sunset provision.

### **Other Provisions**

1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for serious and/or multiple violations. (The Council recommends NMFS consult with the Coalition for Stability in Marine Financing regarding license revocation concerns.)
4. Implement a Skipper Reporting System which requires groundfish license holders to report skipper names, address, and service records to NMFS.
5. An analysis of the impact of various rent collection levels and mechanisms, and enforcement and program implementation costs is required.
6. Vessels targeting non-groundfish species (salmon, crab, etc.) that are currently allowed to land incidentally taken groundfish without a groundfish permit, will be allowed to continue to land bycatch amounts. Additionally, vessels participating in the Sablefish and Halibut IFQ program would continue to be able to land bycatch amounts of groundfish as specified in regulations governing that program.
7. Vessels which qualified for the NPFMC license limitation program that have been lost or destroyed are still eligible to receive earned licenses and endorsements, subject to rules and conditions outlined in this program.
8. Vessels which qualify under the moratorium and were lost, damaged, or otherwise out of the fishery due to factors beyond the control of the owner and which were replaced or otherwise reentered the fisheries in accordance with the moratorium rules and which made a landing in a fishery any time between the time the vessel left the fishery and 6/17/95, will be qualified for a general license and endorsement for that area.
9. Vessels which receive an –empty umbrella“ because they qualified under the GQP in one FMP



and made landings during the EQP in the other FMP, would be issued endorsements and a general license for the FMP area and FMP subareas for which they meet the Endorsement Landings Requirements.

10. The CDQ vessel exemption included in the Moratorium will continue under the Groundfish License Limitation Program. This exemption allows vessels <125' obtained under an approved CDQ plan to participate in both CDQ and non-CDQ fisheries. If the vessel is sold to an interest outside the CDQ plan, the vessel will no longer be exempt from the requirements of the license program.
11. Each element and component of the Groundfish and Crab license limitation program as described in this action are integral to the overall program. No component or element of the program should be regarded as severable by the Secretary of Commerce.
12. Buy-back or Retirement programs for vessels or licenses will not be implemented at this time.
13. The Two-Tiered Skipper License Program will not be implemented at this time. Future analysis of a license program for skippers, based on the amended program outlined by SEA, will be set on its own time line.
14. Community Development Licenses will not be a part of the Community Development Program.
15. The Council will consider options to compensate vessel owners who qualified for Southeast Outside endorsements using trawl gear, if and when individual quota programs are studied.
16. The option to allow vessels which are designated as catcher vessels to add limited amounts of processing capability will not be allowed under this action. This option will be further analyzed when the Council addresses "Full Utilization."
17. A sunset date on the Groundfish License Program will not be set at this time.

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## **CRAB LICENSE LIMITATION PROGRAM - PREFERRED ALTERNATIVE**

### **Components and Alternative Elements Affecting Initial Assignment**

#### **License Classes**

A single type of licenses will be issued (as opposed to multiple types of permits as described in other options).

#### **Nature of Licenses**

The Crab License Program restricts access to the Bering Sea and Aleutian Islands King and Tanner Crab Fisheries in the EEZ. The program does not restrict access within waters of the State of Alaska, nor does it affect crab fisheries which are not managed by the BSAI King and Tanner Crab FMP. The Crab License Program will issue General Licenses and Endorsements for each species/area combination.

The species/area combinations are as follows:

1. Pribilof red + Pribilof blue king crab	5. Adak red king crab
2. <i>C. opilio</i> + <i>C. bairdi</i>	6. Bristol bay red king crab
3. St. Matthew blue king crab	7. Dutch Harbor brown king crab
4. Adak brown king crab	8. Norton Sound red king crab

The Council also recommends classifying all crab species not included in the endorsement list that are covered under the Crab FMP as “developing fisheries.” This list includes but is not limited to: Bering Sea brown king crab, BSAI *C. tanneri*, *Lithodes couesi*, and *C. angulatus*, and Dutch Harbor red king crab. To participate in a developing fishery a person must have a valid federal crab license as defined in this program.

### License Recipients

Licenses will be issued to current owners (as of 6/17/95) of qualified vessels. (Owners must be persons eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C. This date may be subject to modification under certain circumstances involving qualified vessels now operating under foreign flags.) In the Norton Sound King crab summer fishery, persons eligible to receive a license include the following:

- a) individuals who held State of Alaska Permit for the Norton Sound King Crab summer fishery and who made at least one landing; or
- b) current vessel owners (as of 6/17/95) in instances where a vessel was corporate owned, but operated by a skipper who was a temporary contract employee.

### License Designations

Licenses and Endorsements will be designated as Catcher Vessel or Catcher Processor and with one of three Vessel Length Classes (<60', greater than or equal to 60' & <125', greater than or equal to 125'). CP/CV designations will be determined based on the activities of the vessel during the most recent year of participation during the Endorsement Qualifying Period (EQP). Vessel Length Classes will be based on the overall length of the vessel as of 6/17/95, as long as the vessel conforms with the provisions of the “20% upgrade” and “Maximum LOA” rules defined in the moratorium. Owners of vessels which have upgraded beyond the “maximum length” would receive licenses and endorsements, but these licenses and endorsements could not be assigned to the qualifying vessel. Further, for the Norton Sound King crab summer fishery, vessels less than 32' may upgrade beyond 20% but may not



exceed 32' unless the 20% upgrade would result in a vessel that exceeds 32'.

### **Qualifying Periods**

For General Licenses, the Qualifying Period (QP) is 1/1/88 - 6/27/92, with the additional provision that any vessel which "crossed over" to crab from groundfish (by 12/31/94) under the proposed moratorium would also qualify for a General License. Vessels meeting these requirements would receive endorsements based on landings in the Endorsement Qualifying Period (EQP) of 1/1/92 - 12/31/94, except Bristol Bay red king crab which will use 1/1/91-12/31/94 as the endorsement qualifying period. (Vessels in the Norton Sound King Crab fisheries, and Pribilof King Crab fisheries will be exempt from the requirements of the EQP, and must have made landings between 1/1/93 - 12/31/94 ).

### **Minimum landings**

To receive a Red or Blue King crab species/area endorsement a vessel must have made at least one landing in a Red or Blue King crab fishery in the endorsement list above during the EQP. To receive a Brown King crab species/area endorsement, a vessel must have made at least three landings in the Brown King crab fishery during the Endorsement Qualifying Period (EQP) of 1/1/92 to 12/31/94. To receive a combined *C. opilio/ C. bairdi* crab species/area endorsement, a vessel must have made at least three landings in the *C. opilio/ C. bairdi* crab fisheries during the EQP.

## **Components and Alternative Elements Affecting the Ownership, Use, and Transfer of Licenses**

### **Who May Purchase Licenses**

Licenses may be transferred only to "persons" defined as those eligible to document a fishery vessel under Chapter 121, Title 46 U.S.C. There shall be no leasing of crab licenses.

### **Vessel/License Linkages**

Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than the one to which the license initially was issued, subject to license designations, and the "20% rule" and "maximum LOA" in the moratorium regulations, and the "no leasing" restriction. Licenses may be applied to vessels shorter than the "maximum LOA" regardless of vessel class designations, i.e. "downgrades" in vessel classes are allowed.

### **Options Regarding the Separability of Species and/or Area Designations**

Species/area endorsements are not separable, and shall remain as a single "package," which includes the assigned CV/CP and vessel length class designations. Crab and groundfish licenses that are initially

issued to a person (as defined under "License Recipients") are not separable and shall remain as a block for a period of three years, after which time the Council may review whether or not the groundfish and crab licenses should remain non-severable. Crab Licenses obtained after the initial allocation will not be combined with any other licenses owned by the person, and will remain a separate license.

### **Vessel Replacement and Upgrades**

Vessels may be replaced or upgraded within the bounds of the vessel length designations and the 20% Rule as defined in the moratorium proposed rule. If a vessel upgrades under the "20% rule" to a length which falls into a higher vessel length designation after 6/17/95, then the vessel owner would receive the license and endorsements, but could not use them on that vessel.

### **License Ownership Caps**

No more than 5 general licenses per person, with grandfather provisions to those persons who exceed this limit in the initial allocation. The intent of the Council is that this limit is applied to the "person" as defined under "License Recipients," and is not interpreted to apply to individual owners within corporations or partnerships.

### **Vessel License Use Caps**

There is no limit on the number of licenses (or endorsements) which may be used on a vessel.

### **Vessel Designation Limits**

A vessel which qualifies for multiple designations (i.e., both as a CV and as a CP) under the use restriction component will be able to participate under any designation for which it qualifies. Vessel designations will be based on **activities** during 1/1/94 - 12/31/94 or the most recent year of participation during the EQP. If a vessel qualifies as a CP only, it may select a one-time (permanent) conversion to a CV, though a CP may operate in either mode. If a vessel qualifies as a CV only, it is restricted to operate as a CV.

### **Community Development Quotas.**

For those BSAI Crab species for which there is an assigned Guideline Harvest Level, 7.5% of the GHY shall be allocated to CDQ communities, as defined in the current CDQ program, with the addition of Akutan. The Crab CDQ Program shall be patterned after current CDQ program but will not contain a sunset provision.

### **Other Provisions**



1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for serious and/or multiple violations. (The Council recommends NMFS consult with the Coalition for Stability in Marine Financing regarding license revocation concerns.)
4. Implement a Skipper Reporting System which requires crab license holders to report skipper names, address, and service records to NMFS.
5. An analysis of the impact of various rent collection levels and mechanisms, and enforcement and program implementation costs is required.
6. No future super-exclusive areas will be proposed (this option is only an expression of Council intent).
7. Vessels which qualified for the NPFMC license limitation program that have been lost or destroyed are still eligible to receive earned licenses and endorsements, subject to rules and conditions outlined in this program.
8. Vessels which qualify under the moratorium and were lost, damaged, or otherwise out of the fishery due to factors beyond the control of the owner, and which were replaced or otherwise reentered the fisheries in accordance with the moratorium rules and which made a landing in a fishery any time between the time the vessel left the fishery and June 17, 1995 (the date of final Council action on the license program), will be qualified for a general license and endorsement for that fishery.
9. The CDQ vessel exemption included in the Moratorium, will continue under the Crab License Limitation Program. This exemption allows vessels <125' obtained under an approved CDQ plan to participate in both CDQ and non-CDQ fisheries. If the vessel is sold to an interest outside the CDQ plan, the vessel will no longer be exempt from the requirements of the license program.
10. Each element and component of the Groundfish and Crab License Limitation Program as described in this action are integral to the overall program. No component or element of the program should be regarded as severable by the Secretary of Commerce.
11. An Individual Transferable Pot Quota (ITPQ) System will not be implemented at this time.
12. Buy-back or Retirement programs for vessels or licenses will not be implemented at this time.
13. The Two-Tiered Skipper License Program will not be implemented at this time. Future analysis of a license program for skippers, based on the amended program outlined by SEA, will be set on its own time line.
14. Community Development Licenses will not be a part of the Community Development Program.
15. A sunset date on the Crab License Program will not be set at this time.

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