

**North Pacific Fishery Management Council**  
**Advisory Panel Minutes**  
 Seattle, Washington  
 February 7-11, 2005

The following members were present for all or part of the meeting:

John Bruce	Bob Jacobson
Al Burch	Matt Moir
Joe Childers	John Moller
Cora Crome	Jeb Morrow
Craig Cross	Eric Olson
Tom Enlow	Ed Poulsen
Duncan Fields	Jim Preston
Dave Fraser	Michelle Ridgway
John Henderschedt	Jeff Stephan
Jan Jacobs	<i>Kent Leslie was absent</i>

*The AP unanimously approved the minutes from the previous meeting.*

### **Election of New Officers**

The AP moved to postpone election of officers until Wednesday morning (February 9). One addition to the agenda was made under D2 (issue of unfished IFQ), and a decision to receive a sea lion presentation on Monday at 4:00 was made.

### **Election of New Officers II**

Eric Olson was elected chairman, Joe Childers was elected first vice chairman, and John Henderschedt was elected second vice chairman.

## **C-2 GOA Groundfish Rationalization**

### **C-2(a) Gulf Rationalization Committee Report**

The AP received the Gulf Rationalization Community Committee report from Nicole Kimball, staff, and public testimony from seven persons. The AP recommends to the council that the Gulf Rationalization Community Committee's recommendations be adopted with the following changes:

1. Strike paragraph 2 in section C 2 on page 5 (Community Purchase Program).
2. Add an Option 3 in C 1.2 (Board Representation of the Administrative Entity)

Option 3. Membership on the administrative entity to be based on: an evaluation of community population, location of the resource, and/or regionalization, (can either stand alone or be in combination).

Motion passed 18/0

The AP further recommends that the Gulf Rationalization Community Committee be reconvened to address these issues: (1) ownership /lease issues in Section 1.7, (2) opting in or out of the administrative entity, and (3) whether or not individual use caps are inclusive of regular gulf quota (non- community quota).

Motion Passed 18/0

## C-2(b) Crab/Salmon bycatch data

The AP received the staff presentation of the “Salmon and Crab Bycatch Measures for GOA Groundfish Fisheries” discussion paper and recommends that the paper be sent back to staff for further work, paying attention to the problem areas, graphs, and charts identified, to revisit the king crab closures to ascertain to what extent they are applicable or working, and to express the salmon bycatch in per metric tons of groundfish, (as currently done in the BSAI).

The AP further recommends:

Alternative 2 under Chinook salmon be revised by replacing the words “for the remainder of the year” in the second line with the word “seasonally” followed by “(could be for an extended period of time);”

The Chinook salmon bycatch be broken out by individual year (2000-2004) in figures 3 through 6;

An analysis of the possible effects of other closed areas on salmon bycatch be included.

Drop “Other king crab” and “Other Salmon” from the analyses. Motion passed 10-9.

Motion passed 18/1

The following are the draft alternatives as recommended:

### Chinook salmon

- Alternative 1: Status Quo (no bycatch controls).
- Alternative 2: Trigger bycatch limits for salmon. Specific areas with high bycatch (or high bycatch rates) are closed **seasonally (could be for an extended period of time.)** ~~for the remainder of the year~~ if or when a trigger limit is reached by the Pollock fishery.
- Alternative 3: Seasonal closure to all trawl fishing in areas with high bycatch or high bycatch rates.
- Alternative 4: Voluntary bycatch coop for hotspot management.

### Other Salmon

- Alternative 1: Status Quo (no bycatch controls).
- ~~Alternative 2: Trigger bycatch limits for other salmon. Specific areas with high bycatch (or high bycatch rates) are closed for the remainder of the year if or when a trigger limit is reached by the pollock trawl fishery (and potentially additional areas for flatfish trawling).~~
- ~~Alternative 3: Seasonal closure to all trawl fishing in areas with high bycatch or high bycatch rates.~~
- ~~Alternative 4: Voluntary bycatch coop for hotspot management.~~

### Tanner Crab

**Include in staff analysis a discussion of the AMCC Tanner Crab proposed trawl closure areas, including mapping of all currently closed/restricted areas (e.g., Stellar sea lion closures, BOF trawl closures, etc).** (Council motion 10/04)

- Alternative 1: Status Quo (no bycatch controls).
- Alternative 2: Trigger bycatch limits for Tanner crab. Specific areas with high bycatch (or high bycatch rates) are closed to flatfish trawling for the remainder of the year if or when a trigger limit is reached by the flatfish fishery.
- Alternative 3: Year-round bottom trawl closure in areas with high bycatch or high bycatch rates of Tanner crab.
- Alternative 4: Voluntary bycatch coop for hotspot management.

## Red King Crab

- Alternative 1: Status Quo (no bycatch controls).
- Alternative 2: Trigger bycatch limits for red king crab. Specific areas with high bycatch (or high bycatch rates) are closed to flatfish trawling (and potentially other areas for P. cod longline and pot gear) for the remainder of the year if or when a trigger limit is reached by the fishery.
- Alternative 3: Year-round bottom trawl closure in areas with high bycatch or high bycatch rates of red king crab.
- Alternative 4: Voluntary bycatch coop for hotspot management.

## Other King Crab

- Alternative 1: Status Quo (no bycatch controls).
- ~~Alternative 2: Trigger bycatch limits for other king crab. Specific areas with high bycatch (or high bycatch rates) are closed to flatfish trawling (and potentially other areas for P. cod longline and pot gear) for the remainder of the year if or when a trigger limit is reached by the fishery.~~
- ~~Alternative 3: Year-round bottom trawl closure in areas with high bycatch or high bycatch rates of other king crab.~~
- ~~Alternative 4: Voluntary bycatch coop for hotspot management.~~

## **C-1(b) Essential Fish Habitat**

The AP received a presentation of changes to the EFH Environmental Impact Statement from Jon Kurland (NMFS) and the testimony from seven members of the public.

The AP recommends that the Council adopt:

Under Action 1: Describe and Identify EFH

- Alternative 3 (Revised General Distribution – Preliminary Preferred Alternative)
- Passed 19/0

Under Action 2: Adoption of an Approach for Identifying HAPCs

- Alternative 3, (Site Based Concept – Preliminary Preferred Alternative)
- Motion Passed 19/0

Under Action 3: Minimize Adverse Effects of Fishing on EFH

- Alternative 1 (Status Quo / No action – Preliminary Preferred Alternative) for the Gulf and Bering Sea and the adoption of Alternative 5b, Option 3, not including an increase in observer coverage for the Aleutians Islands . Motion Passed 18/1

## **C-1(c) HAPC**

### **Action 1: Seamounts**

The AP recommends that the Council adopt Alternative 3 as follows:

- Alternative 3: Designate sixteen named seamounts in the EEZ off Alaska as HAPC and prohibit all bottom contact fishing by Council-managed fisheries on these seamounts.
- Motion Passed 17/0

### **Action 2: GOA Corals**

The AP recommends that the Council adopt Alternative 2, as modified, and Option 2:

- Alternative 2: Designate three sites along the continental slope (in the vicinity of Sanak Island, Albatross, and Middleton Island) as HAPC .~~and prohibit bottom trawling or all bottom-contact mobile gear (BCMG) within these areas for five years.~~

Option 2: Close the sites to bottom trawling for 5 years. During the five years, these sites would be prioritized for undersea mapping. Area with high-relief coral would stay closed to bottom trawling and the remaining areas would be reopened.

The AP further recommends that the Council adopt Alternative 3, as modified, and Option 2:

Alternative 3: Designate three areas in Southeast Alaska (in the vicinity of Cape Ommaney, Fairweather grounds NW, and Fairweather grounds SW) as HAPC. ~~and prohibit bottom contact gear or bottom trawl gear in several subareas within the HAPC designated areas.~~

Option 2: Prohibit bottom trawl gear within five areas inside the HAPCs, while designating the remainder of each of the three HAPCs in this alternative as priority areas for hook and line gear impact research.

Motion passed 19/0

### **Action 3: AI Corals**

The AP recommends that the Council adopt Alternative 2, modified, and Alternative 3, modified:

Alternative 2: Designate the six coral garden sites within the Aleutian Islands as HAPC. These areas are in the vicinity of Adak Canyon, Cape Moffett, Brobof Island, Semisopchnoi Island, Great Sitka and Ulak Island. Bottom ~~contact- trawl~~ gear would be prohibited in several sub areas within the HAPC designated areas.

Motion passed 17/2.

The AP further recommends that the Council adopt:

Alternative 3: Designate an area of Bowers Ridge as HAPC and prohibit ~~bottom trawl gear. mobile fishing gear that contacts the bottom.~~

Motion passed 16/2/1.

### **C-3 GOA Rockfish Demonstration Program**

**The AP recommends that the Council adopt the following changes to the Central Gulf of Alaska Rockfish Pilot Program:**

#### **PROBLEM STATEMENT**

The present management structure of the CGOA rockfish fishery continues to exacerbate the race for fish with:

- Increased catching and processing capacity entering the fishery,
- Reduced economic viability of the historical harvesters (both catcher vessels and catcher processors) and processors,
- Decreased safety,
- Economic instability of the residential processor labor force,
- Reduced product value and utilization,
- Jeopardy to historical groundfish community stability,
- Limited ability to adapt to Magnuson-Stevens Act (MSA) requirements to minimize bycatch and protect habitat.

While the Council is formulating GOA comprehensive rationalization to address similar problems in other fisheries, a short-term solution is needed to stabilize the community of Kodiak. Kodiak has experienced multiple processing plant closures, its residential work force is at risk due to shorter and shorter processing seasons and the community fish tax revenues continue to decrease as fish prices and port landings decrease.

Congress recognized these problems and directed the Secretary in consultation with the Council, to implement a pilot rockfish program with the following legislation:

SEC. 802. GULF OF ALASKA ROCKFISH DEMONSTRATION PROGRAM. The Secretary of Commerce, in consultation with the North Pacific Fishery Management Council, shall establish a pilot program that recognizes the historic participation of fishing vessels (1996 to 2002, best 5 of 7 years) and historic participation of fish processors (1996 to 2000, best 4 of 5 years) for pacific ocean perch, northern rockfish, and pelagic shelf rockfish harvested in Central Gulf of Alaska. Such a pilot program shall (1) provide for a set-aside of up to 5 percent for the total allowable catch of such fisheries for catcher vessels not eligible to participate in the pilot program, which shall be delivered to shore-based fish processors not eligible to participate in the pilot program; (2) establish catch limits for non-rockfish species and non-target rockfish species currently harvested with pacific ocean perch, northern rockfish, and pelagic shelf rockfish, which shall be based on historical harvesting of such bycatch species. The pilot program will sunset when a Gulf of Alaska Groundfish comprehensive rationalization plan is authorized by the Council and implemented by the Secretary, or 2 years from date of implementation, whichever is earlier.

The fishing fleets have had little experience with cooperative fishery management and needs to begin the educational process. For the fishery to be rationalized all aspects of the economic portfolio of the fishery needs to be recognized. To stabilize the fishery economy all the historical players – harvesters (both catcher vessels and catcher processors) and processors need to be recognized in a meaningful way. The demonstration program is designed as a short-term program for immediate economic relief until comprehensive GOA rationalization can be implemented.

### Alternatives, Elements and Options

The Council recommends the following elements and options for the CGOA Rockfish Pilot program be included for analysis:

#### Catcher Vessel Alternatives

- 1) Status Quo
- 2) Cooperative program with license limitation program for processors
- 3) Cooperative program with cooperative/processor associations

#### Catcher Processor Alternatives

- 1) Status Quo
- 2) Cooperative Program
- 3) Sector Allocation

Alternatives 2 and 3 are defined by the following elements and options. Differences in the elements and options between the two alternatives and across the two sectors are noted.

#### 1 Set-asides

Prior to allocation of catch history to the sectors, NMFS shall set aside:

- 1.1 ICA: An Incidental Catch Allocation (ICA) of POP, Northern rockfish and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the pilot program
- 1.2 Entry Level Fishery: A percentage of POP, Northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program, as mandated in the Congressional language. For the duration of this program, the annual set aside will be 5% of each of these target rockfish species.
  - o Allocations shall be apportioned between trawl and non-trawl gear:
    - ~~Option 1.~~ 50/50  
**The trawl sector's 50 percent allocation by weight (based on the aggregate TAC for Pacific Ocean perch, Northern and pelagic shelf rockfish) shall first be Pacific Ocean perch. Motion passed 15/1**
    - ~~Option 2.~~ Proportional to the number of applications received
  - o **Unharvested allocations to either sector shall be available to both sectors at the end of the third quarter. The Council will develop a method for rolling over an**

~~allocation to the other entry level sector, in the event a sector is unable to harvest its allocation.~~

~~Sub option: The rollover from non trawl to trawl will occur at the end of the third quarter.~~

**Motion passed 15/1**

- Prosecution of the entry level fishery will be supported by general allocations of PSC to the gear type not allocated under 3.3.1.3 and the general allocations of secondary species not allocated under 3.3.1.2

## 2 Entry-Level Fishery

### 2.1 Catcher Vessel Participation:

Vessels that can participate in the Entry Level fishery are those vessels that did not qualify for the CGOA rockfish pilot program.

### 2.2 Processor Participation:

Processors who purchase and process the entry level rockfish quota must be non-qualified processors.

### 2.3 Fishery participation:

Before the beginning of each fishing year an application must be filed with NMFS by the interested vessel that includes a statement from a non-qualified processor confirming an available market.

### 2.4 NMFS will determine:

- Whether limits need to be imposed on vessel participation
- If limits need to be imposed, determine the appropriate number of vessel that would be allowed to fish in the entry level fishery

~~Sub option: Equal shares distributions to the vessel applicants in the trawl by sector~~

~~Sub option: Limited access competitive fishery in the non-trawl by sector.~~

**Motion passed 15/1**

- Entry permits are non-transferable and must be fished by the named vessel

## 3 Sector Allocations

### 3.1 Sector Definitions

Trawl catcher vessel

Trawl catcher processor

A trawl catcher-processor is a trawl vessel that has a CP LLP license and that processes its catch on board.

### 3.2 Rationalized Areas

- History is allocated for the CGOA only (NMFS statistical areas 620 and 630)

### 3.3 Sector Allocations

- Catch history is determined by the sector qualified catch in pounds as a proportion of the total qualified catch in pounds.
- Sector allocation is based on individual qualified vessel histories with the drop-2 provision at the vessel level.
- The eligibility for entry into the program is one targeted landing of POP, Northern rockfish or PSR caught in CGOA during the qualifying period.
- The CP catch history will be based on WPR data.

#### 3.3.1 Each sector is allocated catch history based on:

The sum of all catch history of vessels in that sector for which it earned a valid, permanent, fully transferable CGOA LLP endorsement, for the years 1996-2002 drop two.

Sub option: include history of vessels which hold a valid interim endorsement on implementation of the program

3.3.1.1 Target species:

- Qualified target species history is allocated based on retained catch (excluding meal)
- History will be allocated to each sector for POP, Northern rockfish and PSR caught in CGOA based on retained catch during the open season
- Different years may be used for determining the history of each of the three rockfish species.
- Full retention of the target rockfish species required

3.3.1.2 Secondary species:

- Secondary species history is allocated based on
  - a) ~~Total catch~~ **Motion passed 16/0**
  - b) Retained catch **over retained catch** **Motion passed 18/0**
 while targeting the primary rockfish species listed above.
- History will be allocated to each sector for sablefish, shortraker/rougheye rockfish, thornyheads and Pacific cod.

Participants must retain all allocated secondary species and stop fishing when cap is reached.

~~Options for Pacific cod.~~

~~Option 1.~~—Allocations of Pacific cod as a secondary species will be at the following rate of harvest history:

~~a. 100 percent~~

~~b. 90 percent~~

~~c. 80 percent~~

~~d. 70 percent~~ **Motion passed 13/4/2**

~~Option 2.~~ For the offshore sector, Pacific cod history will be managed by MRA of **4 percent** ~~using a range of 1.4–7%.~~ **Motion passed 16/2/1**

- All non-allocated secondary species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, Atka mackerel and other rockfish.

- Secondary species allocations will be based on:
  - ~~Option 1) Catch by sector of the secondary species caught while targeting rockfish divided by the catch of secondary species by all sectors over the qualifying period. The calculated percentage is multiplied by the secondary species quota for that fishery year and allocated to each sector in the pilot program. (analyze total and retained catch)~~

~~Option 2) Percentage of catch by sector of the secondary species within the rockfish target fisheries divided by the total number of years in the qualifying period. The calculated percentage is multiplied by the secondary species quota for that fishery year and allocated to each sector in the pilot program. (analyze total and retained catch).~~

**Motion passed 16/0**

3.3.1.3 Prohibited species (halibut mortality):

- Allocation to the pilot program will be based on historic average usage, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the years '96-'02 by the number of years (7). This allocation will be divided between sectors based on:

Option 1) The actual usage of each sector

Option 2) The relative amount of target rockfish species allocated to each sector.

4 Allocation from Sector to Vessel

4.1 Within each sector, history will be assigned to LLP holders with CGOA endorsement that qualify

for a sector under the 'sector allocations' above. The allocations will be to the current owner of the LLP of the vessel which earned the history.

4.2 Basis for the distribution to the LLP license holder is: the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per license. In cases where the fishing privileges (i.e., moratorium qualification or LLP license) of an LLP qualifying vessel have been transferred, the distribution of harvest shares to the LLP shall be based on the aggregate catch histories of (1) the vessel on which LLP license was based up to the date of transfer, and (2) the vessel owned or controlled by the LLP license holder and identified by the license holder as having been operated under the fishing privileges of the LLP qualifying vessel after the date of transfer. (Only one catch history per LLP license.)

~~4.2.1 Persons who have purchased an LLP, with a CGOA endorsement to remain in the fishery may obtain a distribution of harvest share on the history of either the vessel on which the LLP is based or on which the LLP is used, not both. License transfers for purposes of combining LLPs must have occurred by April 2, 2004. Motion passed 16/0~~

4.3 Target species:

Each LLP holder will receive an allocation of history equivalent to their proportion of the total of the sector qualifying history.

4.4 Secondary species:

Each LLP holder will receive an allocation of sector history proportional to their allocation of target rockfish history

4.5 PSC (halibut mortality)

- Each LLP holder will receive an allocation of halibut mortality equivalent to their proportion of the sector rockfish history

4.6 Allocations of secondary species:

~~Option 1) Must be fished in conjunction with the primary species allocations.~~

~~(Compliance monitored at offload)~~

~~Option 2) May be fished independently of the primary species allocations.~~

**Motion passed 14/2/2**

## 5 Co-op provisions

5.1 Duration of cooperative agreements is 2 years.

5.2 For all sectors

- The co-op membership agreement and the Contract will be filed with the RAM Division. The Contract must contain a fishing plan for the harvest of all co-op fish.
- Co-op members shall internally allocate and manage the co-op's allocation per the Contract.
- Subject to any harvesting caps that may be adopted, allocated history may be transferred and consolidated within the co-op to the extent permitted under the Contract.
- The Contract must have a monitoring program. Co-op members are jointly and severally responsible for co-op vessels harvesting in the aggregate no more than their co-op's allocation of rockfish species, secondary species and PSC mortality, as may be adjusted by inter-co-op transfers.
- Co-ops may adopt and enforce fishing practice codes of conduct as part of their membership agreement.
- Co-op membership agreements shall allow for the entry of other eligible harvesters into the co-op under the same terms and conditions as agreed to by the original agreement.
- Co-ops will report annually to the Council as per AFA.



## 5.3 CP sector:

**For Alternative 2:**

History is allocated to the current owner of the LLP of the vessel that earned the history.

- Owners may fish their allocation independently if the LLP has a CGOA endorsement, or may enter into a cooperative arrangement with other owners.
- More than one co-op may form within the sector
- Any number of eligible LLPs may form a co-op
- Allocations may be transferred between co-ops of at least:

~~Option 1: two LLPs~~

~~Option 2: three LLPs~~ **Motion passed 17/0**

**For Alternative 3:**

**History is allocated to the current owner of the LLP of the vessel that earned the history.**

- **More than one co-op may form within the sector**
- **Allocations may be transferred between co-ops of at least:  
two LLPs**
- **Harvesters may elect not to join a co-op, and continue to fish in an LLP/Open Access fishery. The LLP's historic share will be fished in a competitive fishery open to rockfish qualified vessels who are not members of a cooperative. Motion passed 16/0**

## 5.4 CV sector:

For Alternative 2:

- Voluntary co-ops may form between eligible harvesters.
- All cooperative harvests under this program must be delivered to eligible processors.
- Harvesters may elect not to join a co-op, and continue to fish in an LLP/Open Access fishery. Those LLPs that opt out of the cooperative portion of the pilot program will be penalized ~~0 to~~ 20% of their historical share (annual allocation). The penalty share will be left with the CV cooperative portion of the rockfish fishery and will be prorated among CV cooperatives based on cooperative share holdings. The LLP's remaining share will be fished in a competitive fishery open to rockfish qualified vessels that are not members of a cooperative and must be delivered to one of the qualified processors. **Motion passed 15/1**
- An eligible processor is a processing facility that has purchased 250 MT of aggregate Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf rockfish harvest per year, for 4 years, from 1996 to 2000.
  - Sub option: An eligible processor is a processing facility with a substantial investment of \$1,000,000 or more that has purchased 250 MT of aggregate Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf rockfish in any of the qualifying years. Eligible processors will be issued a license under this program. Licenses are not transferable. Motion passed 12/2**
- If a processing facility has closed down and another processing facility has acquired that processing history through purchase, for the purpose of determining processor eligibility the history belongs to the facility that purchased that history. That history can only be credited to another facility in the community that it was generated in for purposes of establishing eligibility under this program.
- The harvesters that enter into a co-op membership agreement shall be the members of the co-op.
- A pre-season Contract between eligible, willing harvesters is a pre-requisite to a cooperative receiving an annual allocation.
- Co-op membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.
- Catcher vessel cooperatives are required to have at least 4 eligible LLPs
- Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.
- No processor associations required by co-ops.

For Alternative 3:

- Voluntary co-ops may form between eligible harvesters in association with processors.
- Catcher vessel co-ops must be associated with an eligible processor.
- An eligible processor is a processing facility that has purchased 250 MT of aggregate Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf rockfish harvest per year, for 4 years, from 1996 to 2000.
- A harvester is eligible to join a cooperative in association with the processing facility to which the harvester delivered the most pounds of the three rockfish species combined during the year's 1996 – 2000 drop 1 year (processor chooses the year to drop, same year for all LLPs). If an LLP holder has no deliveries to a qualified processor, the LLP holder may join a coop with any one of the qualified processors, **but their membership would not be considered in determining whether the threshold is met for co-op formation. Motion passed 15/1**
- Harvesters may elect not to join a co-op, and continue to fish in an LLP/Open Access fishery. Those LLPs that opt out of the cooperative portion of the pilot program will be penalized ~~0 to~~ 20% of their historical share (annual allocation). The penalty share will be left with the LLP's associated cooperative. The LLP's remaining share will be fished in a competitive fishery open to rockfish qualified vessels that are not members of a cooperative and must be delivered to one of the qualified processors. **Motion passed 15/1**
- If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in.
- The harvesters that enter into a co-op membership agreement shall be the members of the co-op. The processor will be an associate of the cooperative but will not be a cooperative member.
- A pre-season Contract between eligible, willing harvesters in association with a processor is a pre-requisite to a cooperative receiving an annual allocation.
- Co-op membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.
- Processors are limited to 1 co-op per plant.
- Catcher vessel cooperatives are required to have at least:
  - a) ~~50-75~~ percent of the eligible historical shares for each co-op associated with its processor
  - b) ~~Any number of eligible harvesters (allows single person co-op)~~
- Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives with agreement of the associated qualified processor.

**Motion passed 15/1**

## 5.5 Sector Transfer provisions

CP annual allocations may be transferred to CV cooperatives. CV annual allocations may not be transferred to CP cooperatives.

All transfers of annual allocations would be temporary and history would revert to the original LLP at the beginning of the next year.

A person holding an LLP that is eligible for this program may transfer that LLP. That transfer will effectively transfer all history associated with the LLP and any privilege to participate in this program that might be derived from the LLP.

## 6 Co-op harvest use caps

### 6.1 CV co-ops:

**No person may hold or use more than 5% of the CV historic shares, using the individual and collective rule (with grandfather provision). Motion passed 17/0**

Control of harvest share by a CV co-op shall be capped at:

- ~~Option 1.~~ 30% of aggregate POP, Northern Rockfish and PSR for the CV sector
- ~~Option 2.~~ 40% of aggregate POP, Northern Rockfish and PSR for the CV sector
- ~~Option 3.~~ 50% of aggregate POP, Northern Rockfish and PSR for the CV sector

~~Option 4. — No cap~~

**Motion passed 16/0**

## 6.2 CPs:

**No person may hold or use more than 20% of the CP historic shares, using the individual and collective rule (with grandfather provision). Motion 14/1/1**

Control of harvest share by a CP shall be capped at:

~~Option 1: 50% of aggregate POP, Northern Rockfish and PSR for the CP sector~~

~~Option 2: 60% of aggregate POP, Northern Rockfish and PSR for the CP sector~~

~~Option 3: 75% of aggregate POP, Northern Rockfish and PSR for the CP sector~~

~~Option 4: No cap~~ **Motion passed 10/6**

Eligible CPs will be grandfathered at the current level

## 7 Shoreside processor use caps

Shoreside processors shall be capped at the entity level.

No processor shall process more than:

~~Option 1. 30% of aggregate POP, Northern Rockfish and PSR for the CV sector~~

~~Option 2. 40% of aggregate POP, Northern Rockfish and PSR for the CV sector~~

~~Option 3. 50% of aggregate POP, Northern Rockfish and PSR for the CV sector~~

~~Option 4. No cap~~ **Motion passed 16/0**

Eligible Processors will be grandfathered.

**The year 2002 will be used as a base (or index) year for applying the aggregate caps.**

**Motion passed 17/0**

## 8 Program Review

Program review the first and second year after implementation to objectively measure the success of the program, including benefits and impacts to harvesters, processors and communities. Conservation benefits of the program would also be assessed.

## 9 Sideboards

### 9.1 General Provisions

There are no exemptions from sideboards, except for **a partial exemption for CP vessels** which opt out of the pilot program **or join cooperatives**.

a. For fisheries that close on TAC in the GOA, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in aggregate, in the month of July to the historic average total catch of those vessels in the month of July during the qualification years 1996 to 2002. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish.

b. For flatfish fisheries in the GOA that close because of halibut bycatch, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in the aggregate, in the month of July to the historic average halibut mortality taken by those vessels in the target flatfish fisheries in the month of July by deep and shallow complex.

c. In the event that one or more target rockfish fisheries are not open, sideboard restrictions will not apply for those target allocations.

- IFQ halibut and sablefish are exempt from sideboard provisions

### 9.2 CP Specific Sideboard Provisions

~~Option A:~~

~~CP vessels may decide to opt out of the CGOA pilot program on an annual basis. These CP vessels may not target POP, Northern rockfish or Pelagic Shelf rockfish in the CGOA in the years they choose to opt out. They may retain these species up to the MRA amount in other fisheries. They will be sideboarded at the sector level~~

~~in the GOA as referenced in a and b above, but will not be subject to other sideboard restrictions within their sector.~~

~~Option 1—The history of CP vessels which opt out will remain with the sector.~~

~~Option 2—The history of CP vessels which opt out will be distributed pro-rata between sectors.~~

~~Opting out is an annual decision. CP vessels which choose to opt out must so notify NMFS. The decision to opt out should not in any way alter the status of their catch history for future rationalization programs.~~

~~For the CP sector, the pilot program fishery will start at the same time as the open access fisheries (in July). CPs which qualify for the CGOA rockfish pilot program, and which do not choose to opt out, are required to harvest 90% of their CGOA rockfish allocation, or to participate in the target rockfish fishery in the CGOA for two weeks (whichever is shorter) before participating in any other BSAI or GOA groundfish fishery. A vessel which has met this requirement can then move into the BSAI or GOA open access fisheries without limitation or restriction, except at the sector level in the GOA as referenced in the CV/CP inter-sector sideboards.~~

~~History may be consolidated between vessels, however each individual vessel that transfers its history to another CP or CV must still refrain from operating in any other BSAI or GOA groundfish fishery until 90% of all of the rockfish allocation on the stacked vessel is harvested in the CGOA, or for two weeks (whichever is shorter).~~

~~Option: three week stand down (in place of two week stand down)~~

**Motion passed 17/0**

~~Option B.~~

~~CP vessels may decide to opt out of the CGOA pilot program on an annual basis. These CP vessels may not target POP, Northern rockfish or Pelagic Shelf rockfish in the CGOA in the years they choose to opt out. They may retain these species up to the MRA amount in other fisheries. They will be sideboarded at the sector level in the GOA as described in 9.1. , but will not be subject to other sideboard restrictions within their sector, unless the vessel accounts for more than 5 percent of the allocated history in the rockfish fishery.~~

~~Option 1—The history of CP vessels which opt out will remain with the sector.~~

~~Option 2—The history of CP vessels which opt out will be distributed pro-rata between sectors.~~

**Motion passed 12/4**

**CPs that opt out of the rockfish pilot program will be prohibited, for two weeks following the start of the traditional July rockfish fishery, from entering other GOA fisheries in which they have not previously participated. Participation shall be defined as having been in the target fishery during the first week of July in at least two of the qualifying years.**

**Motion passed 17/0**

~~Opting out is an annual decision. CP vessels which choose to opt out must so notify NMFS. The decision to opt out should not in any way alter the status of their catch history for future rationalization programs.~~

**As part of its annual review, the Council should consider the effects of “opting-out” of the CP rockfish program. Specifically, of the Council finds that the opt-out provision is used to consolidate rockfish catch while avoiding rockfish program sideboards, then the Council should take immediate actions necessary to prevent further abuses.**

**Motion passed 18/0**

For the CP sector, the pilot program fishery participants must either:

- 1) start fishing in the target rockfish fisheries at the same time as the opening of the **CGOA rockfish** limited access fisheries (in July) and harvest 90% of their CGOA rockfish allocation prior to entering any other BSAI or GOA groundfish fishery, or
- 2) standdown for
  - ~~Option 1.~~ two weeks
  - ~~Option 2.~~ three weeks
 from the opening of the **CGOA rockfish** limited access fishery prior to participating in any other BSAI or GOA groundfish fishery.

A vessel which has met either standdown requirement can then move into the BSAI or GOA open access fisheries subject to the sector level limitations in the GOA in 9.1.

**Motion passed 18/0**

To the extent permitted by the motion, history may be leased between vessels ~~that are not members of a cooperative~~. Each ~~person non-member of a cooperative~~ that transfers its history to another CP or CV must still refrain from operating in any other BSAI or GOA groundfish fishery until the earlier of:

- 1) 90% of all of the CGOA rockfish allocation on the stacked vessel is harvested in the CGOA, provided fishing of the allocation began on or after the opening of the **CGOA rockfish** limited access fishery
  - 2) ~~Option 1: two weeks~~  
~~Option 2: three weeks~~
- from the opening of the **CGOA rockfish** limited access fishery prior to participating in any other BSAI or GOA groundfish fishery.

**Motion passed 18/0**

Members of a cooperative will be subject to all limitations and restrictions described in 9.1 and 9.2 except that cooperative members shall not be subject to any standdown in the GOA groundfish fisheries. The standdown provision in the BSAI groundfish fisheries will apply to cooperative members.

In addition to the other limitations and restrictions described above, each cooperative will be limited in the aggregate:

- a. for fisheries that close on TAC in the GOA in the month of July, to the historic average total catch of the cooperative members in the month of July during the qualification years 1996 to 2002. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish, and
- b. for flatfish fisheries in the GOA that close because of halibut bycatch in the month of July, to the historic average halibut mortality taken by cooperative members in the target flatfish fisheries in the month of July by deep and shallow complex.

**For Alternative 3:**

**The limited access fishery starts at the same time as the traditional rockfish target fishery (early July). For vessels that account for less than 5 percent of the allocated CP history in the Pacific Ocean perch fishery that participate in the limited access rockfish fishery, there are no additional intra-sector sideboards. For vessels that account for greater than 5 percent or greater of the allocated CP history in the Pacific Ocean fishery that participate in the limited access rockfish fishery, GOA and BSAI standdowns are in place until 90 percent of the limited access Pacific Ocean perch quota is achieved.**

**Motion passed 19/0**

9.3 CV Specific Sideboard Provisions

- The qualifying vessels in the trawl CV sector cannot participate in the directed yellowfin sole, other flatfish (flathead, etc) or Pacific Ocean perch fisheries in the BSAI in the month of July.
- Qualifying vessels in the trawl CV sector would be limited, in aggregate, in the month of July, to the historic average total catch of those vessels in the BSAI Pacific cod fishery in July during the qualification years 1996 to 2002.
- AFA CVs qualified under this program are subject to the restraints of AFA sideboards and their coop agreement, and not subject to additional sideboards under this program.

In the event this program has a duration of more than 2 years, the Council will reconsider the issue of use/ownership caps for companies and vessels.

Alternative 3 for the CP Sector

~~As a separate alternative, the CP sector could choose to fish its sector allocation under the current management regime, with the rockfish fishery starting on July 1<sup>st</sup>.~~

**Motion passed 16/0 (replaced with new section 5.3).**

## C-4 Revised Amendment 80 Component and Options

### **Issue 1: Sector Allocation of BSAI Non-Pollock Groundfish to the Non-AFA Trawl Catcher Processor Sector and CDQ Program**

**Component 1** 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. Species could be added or deleted through an amendment process.

**Component 2** CDQ allocations for each primary target (Component 1) species in the program and associated secondary species taken incidental in the primary trawl target fisheries shall be removed from the TACs prior to allocation to sectors at percentage amounts equal to one of the following.

- Option 2.1 7.5%
- Option 2.2 10%
- Option 2.3 15%

**Component 3** 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 3.1 Total legal catch of the sector over total legal catch by all sectors
- Option 3.2 Retained legal catch of the sector over retained legal catch by all sectors

**Motion passed 18/0**

- 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 prohibited status.

The remaining portion of primary species included in this program will be allocated to the BSAI limited access fishery. 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 limited access fishery.

*Based on the language associated with the trawl limited access fishery, it is assumed that eligible trawl participants with trawl catch history between 1995 and 2004 and the proper LLP endorsement will receive an additional LLP endorsement that allows trawl participants (other than H&G participants) to fish in the Amendment 80 BSAI limited access trawl fishery. Further, it is assumed that the need for an additional endorsement to fish the Amendment 80 fisheries does not apply to the fixed gear sectors.*

**Component 4** Catch history years used to determine the allocation to the Non-AFA Trawl Catcher Processor sector in Component 3.

- Option 4.1 1995-2003
- Option 4.2 1998-2002
- Option 4.3 1998-2004
- Option 4.4 1999-2003
- Option 4.5 2000-2004
- Option 4.6 The Council can select percentages for each of the species allocated to the Non-AFA Trawl Catcher Processor sector.

### **Issue 2: PSC Allowance for the Non-AFA Trawl Catcher Processor Sector and the CDQ Program**

**Component 5** PSC is allocated to the CDQ program as PSQ reserves (except herring) is proportional to the CDQ allocation under Component 2 for each PSC limit

**Component 6** PSC allowance for the Non-AFA Trawl Catcher Processor Sector.

- Option 6.1 Apportion PSC to Non-AFA Trawl Catcher Processor sector:
  - Suboption 6.1.1 Allocation based on historical usage of PSC.
  - Suboption 6.1.2 Percentage allocations (estimates for PSC associated with Pacific cod catch will be based on the process laid out in Component 3) selected in Component 3

multiplied by the relevant total PSC catch *by all trawl vessels* in each PSC fishery group.

- Option 6.2 Select a Non-AFA Trawl Catcher Processor sector PSC reduction option from the following that would apply to any PSC apportionment suboption selected in 6.1. PSC reduction options can vary species by species.
- Suboption 6.2.1 Reduce apportionments to 60% of calculated level.
  - Suboption 6.2.2 Reduce apportionments to 75% of calculated level.
  - Suboption 6.2.3 Reduce apportionments to 90% of calculated level.
  - Suboption 6.2.4 Reduce apportionments to 95% of calculated level.
  - Suboption 6.2.5 Do not reduce apportionments from calculated level.
- Option 6.3 The Council can select percentages and/or amounts for PSC allocated to the Non-AFA Trawl Catcher Processor sector.

**Issue 3: Cooperative Development for the Non-AFA Trawl Catcher Processor Sector**

*In April 2004, the Council clarified that Amendment 80 was a license based program. At the same time, it was also noted the program would be based on one catch history per license. However, no specific language reflecting the treatment of catch history associated with a license was added to the proposed action. The following general language, which provides specifics on the treatment of catch history associated with a license, was included in the Gulf of Alaska Rockfish Pilot Program. The Council may wish to include the same general language in the Amendment 80 motion to eliminate any confusion surrounding the treatment of catch history associated with licenses. The following language is from the GOA Rockfish Program:*

**Basis for the distribution to the LLP license holder is the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per license. In cases where the fishing privileges (i.e., moratorium qualification or LLP license) of an LLP qualifying vessel have been transferred, the distribution of harvest shares to the LLP shall be based on the aggregate catch histories of (1) the vessel on which LLP license was based up to the date of transfer, and (2) the vessel owned or controlled by the LLP license holder and identified by the license holder as having been operated under the fishing privileges of the LLP qualifying vessel after the date of transfer. (Only one catch history per LLP license.)**

**Motion passed 17/0**

- Component 7** 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.
- Option 7.1 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1998-2002
  - Option 7.2 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1998-2002
  - Option 7.3 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1997-2002
  - Option 7.4 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1997-2002
  - Option 7.5 Qualified license holders must have caught 150 mt. of groundfish with trawl gear and processed that fish between 1997-2002
- Component 8** 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 8.1 At least 30 percent  
 Option 8.2 At least 67 percent  
 Option 8.3 At least 100 percent  
 Option 8.4 All less one distinct and separate harvesters using the 10 percent threshold rule.

**Component 9** 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 9.1 Catch history is based on total catch  
 Option 9.2 Catch history is based on total retained catch

**Component 10** 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.

each license holders two drops their two lowest annual totals by species..

- Option 10.1 1995-2003, but each license holder drops its 3 lowest annual catches by species during this period  
 Option 10.2 1997-2003, but each license holder drops its **two** lowest annual catches by species during this period  
**Motion passed 17/0.**  
 Option 10.3 1998-2002, but each license holder drops its lowest annual catch by species during this period  
 Suboption 10.3.1 Each license holder does not drop its lowest annual catch by species during this period  
 Option 10.4 1998-2003, but each license holder drops its lowest annual catch by species during this period  
 Suboption 10.4.1 Each license holder drops two years during this period  
 Option 10.5 1999-2003, but each license holder drops its lowest annual catch by species during this period

**Component 11** Determines if excessive share limits are established in the Non-AFA Trawl Catcher Processor sector.

- Option 11.1 There is no limit on the consolidation in the Non-AFA Trawl Catcher Processor sector.  
 Option 11.2 Consolidation in the Non-AFA Trawl Catcher Processor sector is limited such that no single company **or person** can 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.  
**Motion passed 17/0**

**Component 12** Establishes measures to maintain relative amounts of non-allocated species until such time that fisheries for these species (**including sector splits of pcod**) are further rationalized in a manner that would supersede a need for these sideboard provisions.

**Motion passed 17/0.**

- Option 12.1 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 limited access pool until such time as these other fisheries are rationalized, when the allocations are determined in these newly rationalized fisheries.

**Suboption 12.1.1** *Sideboards will be allocated between cooperative and non-cooperative LLP holders.*

Option 12.2 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 12.2.1 Sideboards will be allocated between cooperative and non-cooperative LLP holders.

#### **Issue 4: Development of a Yellowfin Sole Threshold Fishery**

**Component 13** A threshold level may be established for yellowfin sole. **ITAC** below the threshold level will be allocated to the Non-AFA Trawl Catch Processor sector based on the formula determined in Components 3 and 4. **ITAC** 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.

##### **Suboption Threshold Rollover**

**Suboption 1: No rollover provision**

**Suboption 2: Any unharvested portion of the threshold reserve allocated to the limited access fishery that is projected to remain unused by a specific date (August 1 or Sept 1) shall be reallocated to the non-AFA trawl CP sector. Any unharvested portion of the threshold reserve allocated to the non-AFA CP trawl sector that is projected to remain unused by a specific date (August 1 or September 1) shall be reallocated to the limited access fishery.**

**Motion passed 17/0**

For yellowfin sole, the threshold will be:

Option 13.1	80,000 MT
Option 13.2	100,000 MT
Option 13.3	125,000 MT
Option 13.4	150,000 MT
Option 13.5	175,000 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

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

*The Council may want to change TAC to ITAC in the motion language for the yellowfin sole fishery. Using TAC as the point at which the threshold reserve is implemented could create some confusion when TAC is greater than the threshold by 0 to 15 percent. One could see a situation were the threshold exceeds the TAC, but after deducting CDQ allocations and the reserves, the available catch falls below the threshold. To alleviate this problem, the Council could simple change TAC to ITAC in the motion language.*

## C-6 Pacific Cod Allocations

### AP recommendations to the December 2004 BSAI Pacific cod Council motion

AP recommendations are **bold and shaded**.

#### **BSAI Pacific Cod Sector Allocations: Draft Problem Statement**

**Part 1.) BSAI Pacific Cod Sector Allocations:** “The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to their sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

#### **Part 2.) Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI**

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

#### **BSAI Pacific Cod Sector Allocations: Draft Elements and Options**

##### **Part I: BSAI Pacific Cod Sector Allocations**

###### **A. Allocation to Sectors**

- Component 1: Identify and define sectors
- Component 2: Identify TAC to be allocated to sectors
- Component 3: Method for determining catch history
- Component 4: Sector catch history years
- Component 5: Allocation of BSAI Pacific cod TAC to sectors
- Component 6: Rollovers between sectors
- Component 7: CDQ allocation of Pacific cod

###### **B. Apportionment of BSAI PSC to Sectors**

- Component 1: Apportionment of trawl halibut PSC to the cod fishery group
- Component 2: Apportionment of the cod trawl fishery group PSC to trawl sectors
- Component 3: Apportionment of cod H&L halibut PSC between catcher processors (CPs) and catcher vessels (CVs)

##### **Part II: Apportionment of BSAI Pacific cod Sector Allocations to BS and AI (if needed)**

This part would provide a method to apportion BSAI Pacific cod sector allocations to the BS and AI areas in the event that the BSAI Pacific cod ABC/TAC is apportioned to the BS and AI areas during the annual specifications process.

- Option 1: Sector allocations remain as BSAI (with AI and BS TACs). No specific sector allocations to AI or BS. (*Council discussion paper: option 3*)

- Option 2: BS and AI sector allocations based on equal percentage from BSAI sector allocations. (*Council discussion paper: option 2*)
- Option 3: BS and AI sector allocations based on historic harvest share in AI area with remainder of BSAI allocation to be caught in the BS. Sector's BSAI allocation remains. (*Council discussion paper: option 1*)
- Option 4: BS and AI sector allocations based on historic harvest share in BS area with remainder of BSAI allocation to be caught in the AI. Sector's BSAI allocation remains. (*new, variation of Option 3*)

## **PART 1: BSAI PACIFIC COD SECTOR ALLOCATIONS**

### **A. Allocation to Sectors**

#### **Component 1: Identify and Define Sectors**

Identify the sectors for which catch history will be calculated. The Council may choose to allocate to combined sectors in Component 5; however, each sector's catch history will be calculated separately.

#### 1.1 Sectors for which catch history will be calculated.

##### 1.1.1 AFA Trawl CPs (AFA 20\*)

Suboption a: Include catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA

Suboption b: Exclude catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA

##### 1.1.2 H&G Trawl CPs (non-AFA Trawl CPs)

##### 1.1.3 AFA Trawl CVs

##### 1.1.4 Non-AFA Trawl CVs

##### 1.1.5 Longline CPs

##### 1.1.6 Longline CVs $\geq 60'$

##### 1.1.7 Pot CPs

##### 1.1.8 Pot CVs $\geq 60'$

##### 1.1.9 Fixed Gear CVs (pot and hook-and-line) $< 60'$

##### 1.1.10 Jig CVs

\*refers to the 20 trawl CP vessels listed in Section 208(e) of American Fisheries Act

**New Component: Eligibility criteria for non-AFA trawl catcher vessels to be included in the AFA catcher vessel sector for purposes of the cod allocations.**

**Option 1. A non-AFA trawl catcher vessel must have made minimum landings of 100 mt during the years 1995 – 1997 with a valid LLP.**

**Motion passed 18/0**

#### **Component 2: Identify TAC to be allocated to sectors**

The BSAI Pacific cod TAC that is to be allocated to sectors is TAC less CDQ. In addition, the annual incidental catch allowance (ICA) for fixed gear would be deducted (off the top) from the aggregate amount of the BSAI Pacific cod TAC allocated to all of the fixed gear sectors combined (status quo).

#### **Component 3: Methodology for Determining Sector Catch History**

Catch history for each sector will be calculated two ways. P-cod is an IRIU species. For purposes of determining catch history, "catch" means retained legal catch (including rollovers). A sector's catch history includes all retained legal catch from both the Federal fishery and parallel fishery in the BSAI (i.e. retained legal catch from the Federal BSAI Pacific cod TAC less CDQ). This includes retained legal catch from both LLP and non-LLP vessels. The analysis will also calculate each sector's allocation based on the total catch (retained and discarded) of each sector over total catch of all sectors.

For each of the years under consideration in Component 4 (1995-2003), each sector's annual harvest share will be calculated for that individual year as a percentage of the total retained legal catch by all sectors and as a percentage of the total (retained and discarded) legal catch by all sectors. For each of the sets of catch history years in Component 4, each sector's harvest percentage will be calculated as the sector's average of the annual harvest share.

#### Component 4: Sector Catch History Years

Component is to include sets of years from which one set of years will be selected for all sectors. Note that the allocations from Amendment 46 (BSAI Pacific Cod Allocations) were implemented in January 1997.

There will be a suboption under each set of years to drop one year. Each sector would drop its worst year (smallest annual harvest share percentage for that sector). This could result in an aggregate percentage greater than 100% for a set of years for all sectors combined. If that is the case, this would be scaled back to 100%.

- 4.1 1995 – 2002
  - 4.1.1 Drop one year
- 4.2 1997 – 2003
  - 4.2.1 Drop one year
- 4.3 1998 – 2002
  - 4.3.1 Drop one year
- 4.4 1999 – 2003
  - 4.4.1 Drop one year
- 4.5 2000 – 2003
  - 4.5.1 Drop one year

#### 4.6 The Council can select percentages for cod allocated to each sector that fall within the range of percentages analyzed.

Motion passed 12/5/1

#### Component 5: Allocation of BSAI TAC to Sectors

The intent of the allocations is to provide stability to the sectors; therefore, the sector allocations are hard cap allocations (plus rollovers, if any).

For all fixed gear sectors, the sector allocation is for all directed fishing for BSAI Pacific cod. For the jig and all trawl sectors, the sector allocation is for all directed and incidental catch of BSAI Pacific cod.

A hard cap allocation for the jig and trawl sectors means that when an individual sector's allocation (including rollovers) of BSAI Pacific cod is fully taken, all directed fishing for BSAI Pacific cod closes for that sector as well as closes any fisheries where BSAI Pacific cod would be caught incidentally by the same sector.

A hard cap allocation for the fixed gear sectors means that when an individual fixed gear sector's allocation (including rollovers) of BSAI Pacific cod is fully taken, all directed fishing for BSAI Pacific cod closes for that sector. However, this does not close fixed gear fisheries where BSAI Pacific cod are caught incidentally. That incidental catch is counted against the fixed gear ICA (incidental catch allowance).

- 5.1 **Fixed Gear ICA** (*status quo*): A small amount (approximately 500 mt) of Pacific cod is taken incidentally in BSAI fixed gear directed fisheries for groundfish where Pacific cod is not the target. This amount is determined annually by the NMFS Regional Administrator and is to be deducted from the aggregate amount of BSAI Pacific cod TAC allocated to all the fixed gear sectors combined (*i.e. off the top of fixed gear allocation*).

In the event the annual amount determined necessary for the fixed gear ICA increases significantly, the Council will revisit this issue and consider limiting the ICA amount and/or revising MRAs.

- 5.2 **Allocations to Sectors:** Allocations to sectors are to be based on catch history (Component 4) as well as other considerations (see Problem Statement).

The allocations (whether combined or separate) to the <60' fixed gear CVs and jig CVs (i.e. the 'small boat sectors') shall collectively not exceed:

- 5.2.1 Actual catch history percentage for jig and <60' fixed gear CVs collectively (from the set of years selected for all sectors in Component 4).
- 5.2.2 2.71% (*represents current 2% jig allocation plus 1.4% of 51% fixed gear*)
- 5.2.3 3%
- 5.2.4 4%

*Note:* The intent of the allocations is to provide stability to the sectors. In all options and suboptions, the <60' fixed gear CV sector will only fish from the direct allocation to that sector, which includes any seasonal rollover of the unused jig allocation.

### **Component 6: Rollovers between Sectors**

Reallocated quota (rollovers) will continue to be hierarchical in nature, flowing from the most precise definition of a sector to the next most inclusive definition before unused Pacific cod is re-allocated to a different gear type, while maintaining management flexibility. The jig allocation will continue to be seasonally apportioned and will rollover on a seasonal basis. For all other sectors, after September 1, managers may reallocate projected unused sector allocations taking into account: a) the intent of rollover hierarchy, and b) the likelihood of a sector receiving a rollover to actually harvest the rollover.

#### **Rollover hierarchy for unused sector allocations** (*current regulations adapted to sector splits*)

6.1 Projected unused trawl sector allocations must be considered for reallocation to other trawl sectors (AFA CP trawl, non-AFA CP trawl, AFA CV trawl, non-AFA CV trawl) before being reallocated to the fixed gear sectors (hook-and-line CP, hook-and-line CV  $\geq 60'$ , pot CP, pot CV  $\geq 60'$ ).

6.2 Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP, 4.1% to pot CV  $\geq 60'$ , and 95% to hook-and-line CP.

6.3 Projected unused allocation in the jig sector should rollover to the <60' fixed gear CV sector on a seasonal basis.

6.4 Projected unused pot sector allocations (CPs and  $\geq 60'$  CVs) must be considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.

6.5 Projected unused allocation in the <60' fixed gear CV sector, both pot sectors (CP and  $\geq 60'$  CV), and hook-and-line CV  $\geq 60'$  should rollover to the hook-and-line CP sector.

6.6 Unused seasonal allowances for the trawl, pot, and hook-and-line sectors may be reapportioned to the subsequent seasonal allocation for the respective sectors.

### **Component 7: CDQ Allocation of BSAI Pacific cod**

CDQ allocations for BSAI Pacific cod **and all associated non-target CDQ and halibut PSC taken incidental in the Pacific cod fisheries** shall be removed from the TAC prior to the allocation to all other sectors at percentage amounts equal to one of the following options:

7.1 7.5%

7.2 10%

7.3 15%

#### **Motion passed 13/3/1**

### **B. Apportionment of BSAI PSC to Sectors**

*Note: The apportionment of trawl PSC to sectors would facilitate cooperative formation, may allow sectors to better manage PSC use, and may prevent preemption by another trawl sector. However, the apportionment of trawl PSC into the cod trawl fishery group and then between cod trawl sectors may prove to be difficult and could restrict management flexibility. The apportionments in this action will also have to work in conjunction with PSC apportionment in BSAI Amendment 80. Due to the complexity, the Council is seeking input on options for these components.*

*At this time, it may only be necessary to apportion trawl halibut PSC as it is the most constraining. The amount of herring PSC apportioned to the cod trawl fishery group (27 mt in 2005) may be too small to apportion between all trawl sectors. Crab PSC is abundance based and upon reaching the PSC limit, fisheries are not closed but rather areas are closed so that a fishery is not directly pre-empted.*

**Component 1: Apportionment of trawl halibut and crab PSC to the cod fishery group**

The total amount of trawl halibut PSC for the non-CDQ fisheries is 3,400 mt, which is apportioned between Pacific cod, yellowfin sole, rocksole/other flatfish/flathead sole, pollock/Atka mackerel/other. Generally, 1,400 mt is apportioned to the cod trawl fishery group, but this amount and actual use can vary annually. A significant amount of Pacific cod is taken incidentally in other trawl fisheries so the PSC use associated with that Pacific cod harvest would be attributed to a fishery group other than cod trawl. Amendment 80 will also allocate halibut PSC to the H&G trawl sector so that the amount of halibut PSC available to the remaining trawl sectors will be reduced.

*(Options to be determined).*

**Motion passed 17/0**

**Component 2: Apportionment of the cod trawl fishery group halibut and crab PSC to trawl sectors**

*(Options to be determined).*

**Option 1: PSC apportioned to the cod trawl sectors will be based on the average bycatch rate of the trawl cod sectors applied to the cod allocation percentages determined for each sector under Part A Component 4.**

**Motion passed 16/0**

**Component 3: Apportionment of cod hook-and-line halibut PSC between CPs and CVs**

The total amount of non-trawl halibut PSC for the non-CDQ fisheries is 833 mt. The 833 mt is normally apportioned between cod hook-and-line sectors and other non-trawl fisheries during the annual specifications process. Generally, 775 mt is apportioned to hook-and-line cod fisheries and 58 mt to other non-trawl.

This component would divide the halibut PSC amount apportioned to hook-and-line cod between hook-and-line CPs and hook-and-line CVs (for CVs  $\geq 60'$  and CVs  $< 60'$  combined). The apportionment is to be done by one of the following options:

- 3.1 In proportion to the BSAI Pacific cod TAC allocated to the sectors
- 3.2 10 mt for CVs, remainder for CPs
- 3.3 Other *(to be determined)*

**Part II: APPORTIONMENT OF BSAI PACIFIC COD SECTOR ALLOCATIONS TO BS AND AI**

*Note:* This part would provide a method to apportion BSAI Pacific cod sector allocations to the BS and AI areas in the event that the BSAI Pacific cod ABC/TAC is apportioned to the BS and AI areas during the specifications process. No apportionment of BSAI PSC between the BS and the AI is under consideration at this time.

**Option 1: Sector allocations remain as BSAI (with BS and AI TACs)**

- 1.1 No allocation to a sector of a specific percentage of a sub-area. Sectors would have a BSAI allocation (from Part 1, A. Component 5) to fish in either sub-area (BS and AI) if the sub-area is open for directed fishing and TAC is available. *(Council discussion paper: Option 3).*

**Option 2: BS and AI sector allocations based on equal percentage from BSAI sector allocations**

- 2.1 Allocation to a sector of an equal percentage in both sub-areas. The allocation percentage of BSAI TAC a sector receives (from Part 1, A. Component 5) would result in that same percentage being applied to both the BS and AI sub-areas so that a sector would have the same percentage in both sub-areas. *(Council discussion paper: Option 2).*

**Option 3: BS and AI sector allocations based on a sector's historic harvest in the AI with remainder of sector's overall BSAI allocation to be caught in the BS. Sector's BSAI allocation is maintained and used in annual calculation. *(Council discussion paper: Option 1).***

- ~~3.1 1995 – 2002~~
- ~~3.2 1997 – 2003~~
- ~~3.3 1998 – 2002~~
- 3.4 1999 – 2003
- 3.5 2000 – 2003
- 3.6 2002 – 2003

Motion passed 18/0

**Option 4:** ~~BS and AI sector allocations based on historic harvest in the BS with remainder of sector's overall BSAI allocation to be caught in the AI. Sector's BSAI allocation is maintained and used in annual calculation. (variation of Option 3 above)~~

~~4.1 1995 2002~~

~~4.2 1997 2003~~

~~4.3 1998 2002~~

~~4.4 1999 2003~~

~~4.5 2000 2003~~

~~4.6 2002 2003~~

Motion passed 17/0

The AP also recommends under Part B, Components 1 and 2, that the analysis look at the variability of cod catch annually in the trawl fisheries in order to determine how much cod the various trawl sectors need in order to accommodate incidental catch needs in their non-cod target fisheries.

The AP recommends that the Council direct staff to base the analysis of the allocations on retained over retained catch. The AP also recommends inclusion of gear-specific CP total catch and aggregate CV total catch data to inform future discussions (regarding incidental catch allowances, etc.).

Motion passed 17/0

## C-7 SALMON BYCATCH

The AP moves to bifurcate the intended analysis into immediate solutions and possible alternative solutions. Alternatives 1, 2, 3 (without the sub option) would be prioritized for immediate analysis; alternatives 4 and 5 and the sub option under alternative 3 would have a secondary priority. Of these, alternatives, alternative 4 would have a priority.

### *Problem statement:*

In the mid-1990's, the Council and NMFS implemented regulations to control the bycatch of chum salmon and Chinook salmon taken in BSAI trawl fisheries. These regulations established closure areas in areas and at times when salmon bycatch had been highest based on historical observer data. Unfortunately, these regulations did not appear to have been effective in 2003 and 2004, when record amounts of salmon bycatch were taken. Information from the fishing fleet indicates that bycatch was exacerbated by the regulations, as much higher salmon bycatch rates were encountered outside of the closure areas. Some of these bycaught salmon include Chinook and chum stocks of concern in western Alaska. Further, the closure areas impose increased costs on the pollock fleet. To address this **immediate** problem, the Council will examine and consider other means to control salmon bycatch.

*Motion passed 17/0*

### *Immediate Analysis*

*Alternative 1* – Status Quo.

*Alternative 2* – Eliminate the regulatory salmon savings area closures.

*Alternative 3* – Suspend the regulatory salmon savings area closures on a year-by-year basis so long as the pollock cooperatives have in place a salmon bycatch “hot zone” closure system.

## **Secondary Priority**

**Alternative 3,**

Suboption: Develop an individual vessel accountability program that may be implemented if, after 3 years, it is determined the pollock cooperatives’ “hot zone” closure system has not reduced salmon bycatch.

*Alternative 4* – Establish new regulatory salmon savings area closures based on current salmon bycatch data.

*Alternative 5* – Develop a regulatory individual vessel salmon bycatch accountability program.

**sub option a : at the individual vessel level**

**sub option b: at the co-op level**

**Motion passed 16/0**

With respect to additional considerations as listed on page 8, the AP addresses them as follows:

**Additional considerations for alternatives 2 and 3 :**

- 1. AFA coops will regulate themselves by hot spot rolling closures.**
- 2. There are no hard caps under this system.  
monitoring will be done by Sea State., understanding that caps may be contemplated under future bycatch accountability programs**
- 3. CDQ groups to be included in the inter co-op salmon avoidance program. Motion passed 16/0**

**The AP further recommends that the Council request an annual report regarding the results of the new salmon bycatch program. Motion passed 16/0**