

Amendment 80 Replacement with AFA Vessels
Council Motion
October 2012

Purpose and Need

During its development of Amendment 97, the Council was advised by NOAA General Counsel that the Capacity Reduction Program legislation prohibited AFA catcher/processors from serving as Amendment 80 replacement vessels. Accordingly, the Council did not consider that option. NOAA GC recently revisited the issue and concluded that AFA catcher/processors may serve as Amendment 80 replacement vessels. Because that revised opinion is contrary to the advice given to the Council at the time it took final action on Amendment 97, NMFS has included a provision in the Amendment 97 Final Rule prohibiting AFA catcher/processors from serving as Amendment 80 replacement vessels.

At its June 2012 meeting, the Council requested a discussion paper from NMFS on the issue. NMFS presented its paper at this meeting. In the paper, NMFS observes that allowing AFA catcher/processors to serve as Amendment 80 replacement vessels could improve safety and efficiency in, and reduce the capacity of, the Amendment 80 fleet in less time and at lower cost than new construction. NMFS also recognizes the concerns of current Amendment 80 participants about the potential effects of allowing AFA catcher/processors to operate in the Amendment 80 sector. NMFS notes that it does not have enough information at this time to adequately assess the potential benefits and concerns associated with AFA catcher/processors serving as Amendment 80 replacement vessels.

Because of the significance of this issue to participants in the Amendment 80 and AFA sectors, move that Council staff analyze the following options:

- 1) Status quo – continue the prohibition on AFA catcher/processors serving as Amendment 80 replacement vessels.
- 2) Allow AFA catcher/processors to serve as Amendment 80 replacement vessels –
 - a. On an annual basis or one-time permanent election;
 - b. Subject to all AFA sideboards except for BSAI harvesting sideboards on species and PSC allocated to the Amendment 80 sector.
 - c. Subject to all other regulations applicable to Amendment 80 vessels.