

Bold = added language

Strikethrough = deleted language

**Components and Options for Amendment 80
June 7, 2005 – Final Council Motion**

Provided below are the issues and components for sector allocation, including their possible options and Suboptions. These components and their respective options and Suboptions are divided into four issues comprising 15 components in total. The four issues are sector allocations of BSAI non-pollock groundfish, PSC allowance, cooperative formation, and yellowfin sole threshold fishery.

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 (except Pacific cod) 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%

Suboption: CDQ allocations for secondary groundfish species (except Pacific cod) 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:

Suboption 2.1 7.5%

Suboption 2.2 10%

Suboption 2.3 15%

Suboption 2.4 At species specific percentages that reflect historical incidental catch rates in the directed fisheries for the primary species by the Non-AFA Trawl Catcher Processor sector during 1998-2003.

Suboption 2.5 The Council can select percentages for each of the secondary species allocated to the CDQ Program

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

Option 3.3 Retained legal catch of the sector over total catch by all sectors

Legal Catch: Legal landing means, for the purpose of initial allocation of QS, fish harvested during the qualifying years specified and landed in compliance with state and federal permitting, landing, and reporting regulations in effect at the time of the landing. Legal landings exclude any test fishing, fishing conducted under an experimental, exploratory, or scientific activity permit or the fishery conducted under the Western Alaska CDQ program.

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 trawl fishery. **LLP permits associated with trawl catcher vessels** ~~Trawl vessels other than Non-AFA Trawl Catcher Processor~~ with (retained) ~~trawl~~ catch history of at least **(a) 1 landing (b) 150 mt or (c) 1,000 mt** from 1995-2004 and with appropriate LLP endorsements may fish in the BSAI limited access trawl fishery. **LLP permits associated with trawl catcher vessels who do not meet this threshold cannot participate in a directed fishery for the 5 allocated species.**

Suboption Target Species Rollover: Any unharvested portion of the Amendment 80 target species in the limited access fishery that is projected to remain unused, ~~(by a specific date, say August 1 or September 1)~~ shall be rolled over to the Amendment 80 sector.

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 1997-2002

Option 4.3 1998-2002

Option 4.4 1998-2004

Option 4.5 1999-2003

Option 4.6 2000-2004

Option 4.7 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 Increase PSQ Reserves ~~PSC is allocated to the CDQ program as PSQ reserves (except herring and Chinook salmon) to levels are proportional to the CDQ allocation of primary species 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 **as a percentage of available PSC:**

Suboption 6.1.1 Allocation based on historical usage of PSC **by the Non-AFA Trawl Catcher Processor sector.**

Suboption to 6.1.1: Allocation based on the PSC taken in the Non-AFA Trawl Catcher Processor sector directed fishery for allocated primary species plus Pacific cod.

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 **for allocated primary species plus Pacific cod.**

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.

Suboption 6.2.6 For 6.2.1 – 6.2.4 phase in PSC reductions 5%/yr

Suboption 6.2.7 Reductions under 6.2.1 – 6.2.4 apply only to vessels that participate in the sector's limited access fishery.

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

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 **require a valid endorsement supporting the catch history (area, gear, and fishery)**. ~~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 catch history 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.)

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 7.5~~ ~~Qualified license holders must have caught 150 mt. of groundfish with trawl gear and processed that fish between 1997-2002~~

The BSAI non-pollock groundfish CP buyback legislation establishes the vessels eligible to participate as a catcher processor in the BSAI non-pollock groundfish fisheries. The members of the Non-AFA Trawl Catcher Processor subsector are defined as the owner of each trawl CP:

- a.) that is not an AFA Trawl CP
- b.) to whom a valid LLP license that is endorsed for BSAI Trawl CP fishing activity has been issued; and
- c.) that the Secretary determines who has harvested with trawl gear and processed not less than a total of 150 mt of non-pollock groundfish during the period January 1, 1997 –through December 31, 2002.

This definition establishes the vessels that can participate in the Amendment 80 program.

Component 8 Establishes the licenses that will be authorized for participation in a cooperative and will receive a cooperative endorsement. Component 8 also establishes the number of licenses required before the cooperative is allowed to operate. No later than December 1 of each year, an application must be filed with NOAA fisheries by the cooperative with a membership list for the year.

In order to receive a cooperative endorsement:

Option 8a.1 Qualified license holders must have caught 150 mt of groundfish with trawl gear on a vessel qualified as a non-AFA trawl CP, and processed that fish between 1997 – 2002

Option 8a.2 Qualified license holders must have caught 150 mt of groundfish with trawl gear on a vessel qualified as a non-AFA trawl CP, and processed that fish between 1997 – 2003

Option 8a.3 Qualified license holders must have caught 150 mt of groundfish with trawl gear on a vessel qualified as a non-AFA trawl CP, and processed that fish between 1997 – 2004

In order to operate as a cooperative, membership must be comprised of at least two separate entities and must be:

Option 8b.1 At least 15 % of the licenses

Option 8b.2 At least 30% of the licenses

Option 8b.3 At least 67% of the licenses

Option 8b.4 At least 100% of the licenses

Option 8b.5 All less one distinct and separate license holder using the 10% threshold rule

Option 8b.6 All less one license

~~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. **LLP license holders not electing to join cooperatives default to the sector's limited access fishery.**

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.

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

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 (using the individual and collective rule) can use hold catch history** more than a fixed percentage of the overall sector apportionment history. **The cap will be applied on a species by species basis (options: 20%, 30%, 50% of the sector's allocation).** ~~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. Person (individuals or entities) that exceed the cap in the initial allocation would be grandfathered.~~

Suboption 11.2 Persons (individuals or entities) that exceed the cap in the initial allocation would be grandfathered.

Component 12 Establishes measures to maintain relative amounts of non-allocated species until such time that fisheries for these species (including sector splits of Pacific cod) are further rationalized in a manner that would supersede a need for these sideboard provisions. **Sideboards shall apply to eligible licenses and associated vessels from which the catch history arose.**

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~~ **would** be established by **regulation 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.

Sideboard caps for Amendment 80 qualified Non-AFA Trawl CP sector with valid transferable GOA LLP with appropriate area endorsements shall be established for halibut PSC usage in the GOA. Discussion of options shall include but not be limited to:

1) Halibut PSC - For each target species in the Deep and Shallow water complexes:

- a. **Actual halibut PSC usage by the Non-AFA Trawl Catcher Processor sector by quarter, by area, by the years defined in Component 4.**
- b. **GOA halibut PSC by fishery based on the percent of groundfish target catch by the Non-AFA Trawl Catcher Processor sector by quarter, by area, by the years defined in Component 4.**

2) Only vessels associated with LLPs that have Gulf wide weekly participation in the flatfish fisheries over the threshold during the qualifying period (number of weeks) would be eligible to participate in the GOA.

3) Fisheries that close on TAC (POP, PSR, NR and Pacific cod): retained harvests by Gulf area for each of the qualifying years expressed as a percentage of both retained and total catch (similar to tables 3-60 through 3-62 in amendment 80 analysis).

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. **AFA sideboards do not apply to the YFS threshold fishery.**

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 Trawl CP sector that is projected to remain unused by a specific date (August 1 or September 1) shall be reallocated to the limited access fishery.

Suboption 3: Allow rollovers of any portion of the yellowfin sole TAC that is projected by the NOAA Regional Administrator to go unused. The NOAA Regional Administrator will be responsible for determining both the amount and the timing of the rollover.

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

Other Elements of Amendment 80

This section provides additional specifics and elements for the Non-AFA Trawl Catcher processor cooperative program. These specifics and elements are common for any cooperative program that might be developed.

- The cooperative program developed in Amendment 80~~h~~ will not supersede pollock and Pacific cod IRIU programs.
- The Groundfish Retention Standards (GRS) (Amendment 79) will be applied to the cooperative as an aggregate on an annual basis and on those vessels who do not join a cooperative as individuals. **All vessels in the sector, less than 125' LOA participating in a cooperative consistent with NMFS action plan, catch monitoring plan** are required to have on board NOAA Fisheries approved scales to determine total catch and either maintain observer coverage of every haul for verification that all fish are being weighed or use an alternative scale-use verification plan approved by NOAA Fisheries.
- Non-AFA Trawl Catcher Processor sector participants that elect not to join a cooperative will be subject to all current regulations including all restrictions of the LLP and the GRS if approved.
- All qualified license holders participating in the fisheries of the Non-AFA Trawl Catcher Processor sector will need to have trawl and catcher processor endorsements with general licenses for BSAI and the additional sector eligibility endorsement. Length limits within the license will also be enforced such that any new vessel entering the fishery may not exceed the Maximum Length Overall (MLOA) specified on the license.
- Permanent transfers of Sector Eligibility Endorsements will be allowed if transferred with the associated Groundfish LLP. Sector Eligibility Endorsement, the associated groundfish LLP license, and associated catch histories would not be separable or divisible. All transfers must reported to NOAA Fisheries in order to track who owns the Sector Eligibility Endorsements. The purchaser must be eligible to own a fishing vessel under MarAd regulations or must be a person who is currently eligible to own a vessel.
- Annual allocations to the cooperative will be transferable among cooperative members. Such transfers would not need to be approved by NOAA Fisheries. Any member of the cooperative will be eligible to use the catch history of any other member regardless of vessel length limitations of the LLP that carries the catch history.
- **Annual allocations to the cooperative will be transferable among cooperatives. Inter-cooperative transfers must be approved by NOAA Fisheries.**
- Any non-trawl or non-BSAI catches by qualified license holders that are considered part of the Non-AFA Trawl Catcher Processor sector will not be included in the defined cooperative program. In addition, these non-trawl or non-BSAI catches allocated to the non-AFA trawl catcher processor sector would not necessarily be excluded from other rationalization programs.
- All catch history used for allocation and eligibility purposes will be legal and documented catch.
- Disposition of groundfish species not allocated to the Non-AFA Trawl Catcher Processor sector will not change as a result of the cooperative program developed in Amendment 80.
- The developed cooperative program will limit its scope to selected groundfish and prohibited species catches with trawl gear by qualified license holders in the Non-AFA

- Trawl Catcher Processor sector in the BSAI. Groundfish species not included in the program as well as other non-specified fish species or marine resources will not be explicitly managed within the defined cooperative program. The defined cooperative program would not supersede existing regulations regarding these other marine resources.
- PSC limits for the following species will be created and allocated between the Non-AFA Trawl Catcher Processor cooperative(s) and those sector participants that elect not to join a cooperative.
 - BSAI Non-AFA Trawl Catcher Processor multi-species halibut cap consisting of an apportionment of species identified in Component 1.
 - BSAI Non-AFA Trawl Catcher Processor multi-species red king crab cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
 - BSAI Non-AFA Trawl Catcher Processor multi-species snow crab (*C. opilio*) cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries (includes apportionments of the trawl sablefish/turbot/arrowtooth limits).
 - BSAI Non-AFA Trawl Catcher Processor multi-species Tanner crab (*C. bairdi*) Zone 1 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
 - BSAI Non-AFA Trawl Catcher Processor multi-species Tanner crab (*C. bairdi*) Zone 2 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
 - Bycatch limits for non-specified species or marine resources specifically for this program will not be established. However, should unreasonable bycatch or other interactions occur, specific regulations to minimize impacts will be considered.
 - The cooperative(s) will have adequate internal rules. Evidence of binding private contracts and remedies for violations of contractual agreements will be provided to NOAA Fisheries. The cooperative must demonstrate an adequate mechanism for monitoring and reporting prohibited species and groundfish catch. Participants in the cooperative must agree to abide by all cooperative rules and requirements.
 - Specific requirements for reporting, monitoring and enforcement, and observer protocols will be developed in regulations for participants in the cooperative program and will not be the purview of the cooperative. The Council and the Non-AFA Trawl Catcher Processor sector should specify their goals and objectives for in-season monitoring and program evaluation. Recordkeeping and reporting portions of the program can then be developed to ensure that goals and objectives of the program are met in a cost effective manner.
 - A detailed annual report will be required from cooperative(s) formed. Fishery managers will review the annual report and determine if the program is functioning as desired. It is recommended that in-depth assessments of program be undertaken under the auspices of the Council/NOAA Fisheries periodically (for example, every five years). In-depth studies will report the accomplishments of the program and indicate whether any changes are necessary.
 - ~~An economic and socioeconomic data collection initiative will~~ **Task staff with evaluating which socioeconomic data can** be developed and implemented under the Non-AFA Trawl Catcher Processor Cooperative Program **given the current Magnuson-**

Stevens Act restrictions. The ~~collection would include~~ **evaluation should consider** collecting cost, revenue, ownership, and employment data on a periodic basis to provide the information necessary to study the impacts of the program. ~~This program will be similar to the data collection program in~~ **It is anticipated that the data collected under this program will be similar to the data collected under the BSAI crab rationalization program.** Details of the collection will be developed in the analysis of the alternatives.