

Overview of Amendment 80 Analysis

I. Introduction

The purpose of Amendment 80 is to allocate BSAI groundfish and PSC limits to 10 sectors operating in the BSAI and to develop a cooperative structure for the non-AFA trawl catcher processor sector. This action is expected to slow the “race for fish,” reduce bycatch and its associated mortalities, and mitigate the costs incurred by non-AFA trawl catcher processors associated with management programs that improve conservation and reduce bycatch.

Initially, Amendment 80 was envisioned as a PSC cooperative for the non-AFA trawl catcher processor sector. In February 2003, the Council modified Amendment 80 to include a multispecies cooperative. The purpose of this change was to allow cooperative participants to improve their retention to the extent practicable. In April 2003, the Council determined that sector allocations would be a necessary precursor to developing a non-AFA trawl catcher processor sector cooperative program, so Amendment 80 was modified to include allocations of groundfish and PSC to 10 different sectors operating in the BSAI. Sector allocations would increase the success of the cooperative by preventing non-cooperative vessels with little or no history in the non-AFA trawl catcher processor sector from harvesting a sizable portion of the TAC typically caught by that sector. These allocations will also protect the other sectors in much the same manner by limiting eligibility to a sector allocation. The potential for other sectors to be impacted by the allocation to the non-AFA trawl catcher processor sectors was enough that the Council decided that allocations to all sectors were warranted. The Council also recognized that sector allocations could provide an opportunity to continue the rationalization of the BSAI groundfish.

Since the April 2003, the Council has continued to refine the components and options for Amendment 80. Since that time, the analytical team has been preparing the EA/RIR/IRFA for Amendment 80, which is currently scheduled for initial review in February 2005 followed by final action in April 2005.

II. Problem Statement

The Council’s primary concern is to maintain a healthy marine ecosystem to ensure the long-term conservation and abundance of the groundfish and crab resources. To this end, the Council is committed to reducing bycatch, minimizing waste, and improving utilization of fish resources to the extent practicable in order to provide the maximum benefit to present generations of fishermen, associated fishing industry sectors, communities, and the nation as a whole, while at the same time continuing to look for ways to further rationalize the fisheries. The Council also recognizes that the fishing industry is made up of participants who have a vested interest in the continued improvement in the long-term conservation of the groundfish resources, but at times could be burdened with additional costs associated with management programs that improve conservation or reduce bycatch. The problem facing the Council is two fold. First, is to develop programs to slow the race for fish, and reduce bycatch and its associated mortalities, while maintaining a healthy harvesting and processing industry, recognizing long term investments in the fisheries, and promoting safety, efficiency, and further rationalization in all sectors. Second, is to fashion a management program that would mitigate the cost, to some degree, for those participants burdened with additional costs associated with management programs that improve conservation and reduce bycatch, while also continuing to reduce discards of groundfish and crab to practicable and acceptable levels.

III. Alternatives Considered

This section presents the alternatives, components, and options for the proposed action. There are two separate but related actions associated with this amendment. The first action, Amendment 80a, would allocate BSAI groundfish and PSC limits to ten defined sectors that operate in the BSAI. Alternatives and components for this action are presented below. The second action, Amendment 80b, would develop a cooperative program for the non-AFA trawl catcher processor sector. Alternatives and components for this action are presented below.

Amendment 80a - Allocating BSAI Groundfish/PSC to Fleet Sectors

Based on various combinations of the components and options for sector allocations of BSAI groundfish and PSC limits, three alternatives were identified. Alternative 1 would continue the current management of groundfish and PSC limits in the BSAI. Alternative 2 allocates all BSAI groundfish, except pollock and fixed-gear sablefish, and PSC limits to 10 defined sectors that operate in the BSAI. Alternative 3 allocates only primary target species and PSC limits to 10 defined sectors operating in the BSAI.

Alternative 1: No Action

Under this alternative, current management of groundfish and PSC limits in the BSAI would remain in effect. A management measure pending Secretary of Commerce (SOC) approval is the GRS. For the purposes of this analysis, it is assumed that Amendment 79 will be approved and will become part of the status quo management as of 2006. Amendment 79 will phase in a minimum retention standard for the non-AFA trawl catcher processors over 125 feet over a four-year period starting in 2005 at 65 percent and culminating in 2008 at 85 percent. Since approval by the Council in June 2003, Amendment 79 has not been submitted to the SOC for approval and will likely be delayed until 2006.

Alternative 2: Allocate all Groundfish

This alternative would allocate all BSAI groundfish except AFA pollock, fixed-gear sablefish, and BSAI groundfish that have a TAC so small that they limit the harvest of species general taken in the directed fisheries. Allocations of BSAI groundfish and Pacific cod TAC to sectors will be equal to that sector's average of the annual harvest percentages during the 1995 to 2002 period. The annual harvest percentages are defined as retained catch of the sector divided by retained catch of all sectors. CDQ allocations for each of the groundfish species, except pollock and fixed-gear sablefish, would remain at 7.5 percent. This alternative would allocate the groundfish catch history of the nine catcher processors that were retired on December 31, 1998 (AFA 9) to the 20 catcher processors listed in section 208 (e) of the American Fisheries Act (AFA).

In order to be eligible to participate in a sector fishery, each participant will have to be a license holder with all of the proper area, gear, vessel type, and vessel length endorsement and have made at least one landing during the years 1995 to 2002.

Species of groundfish that is not allocated to the sectors, defined as non-target species, would be managed using an incidental catch allowance (ICA) with soft caps. Under an ICA with soft caps, once a sector has harvested its entire allotted species ICA, NMFS would place the species on PSC status and the species could no longer be retained by that sector.

Allocation of PSC to sectors would be based on the historic apportionment for each fishery group and historic PSC usage by the sector.

The alternative would include a threshold reserve program for only yellowfin sole. This program would establish threshold of 175,000 mt for the yellowfin sole fishery, and any TACs over that threshold will be allocated to the trawl sectors in the following proportions: 50 percent to catcher vessels and 50 percent to catcher processors. Within the catcher vessel sectors, 47 percent would be allocated to the AFA participants and 3 percent to non-AFA participants. Within the catcher processor sector, 12.5 percent would be allocated to AFA participants and 37.5 percent would be allocated to the non-AFA participants. Transfers of PSC would be allowed between members of the same cooperative and cooperatives within the same sector for the purposes of harvesting the threshold reserve. The alternative would also include a rollover provision for projected unharvested yellowfin sole threshold reserve. The rollover program would be similar to the Pacific cod rollover program in that after September 1 sectors could voluntarily relinquish their unharvested threshold reserve in order to be reallocated to another sector that is projected to harvest all of their allocation before the end of the season. October 15 would serve as a hard date where inseason managers could reallocate projected unharvested yellowfin sole reserve to other sectors. The yellowfin sole would first rollover quota to the sector most similar to the relinquishing sector, followed by the next most similar sector. For example, yellowfin sole relinquished from the non-AFA trawl catcher vessel sector would flow to the AFA trawl catcher vessel before flowing to the non-AFA trawl catcher processors sector. The alternative would also require cooperatives to include in their annual fishing planning to NMFS a section on how the cooperative would utilize any additional yellowfin sole rollover quota.

The table below shows further details on the components, options, and suboptions selected for Alternative 2.

Table 1. Components, options, and suboptions for Alternative 2 of Amendment 80a.

Component	Option	Description
1	1.1	Allocate all groundfish except pollock
1	1.1.1	Exclude certain species to prevent allocations too small for sectors to harvest
2	2.2	Use ICAs for all non-target species (<i>non-allocated species</i>) and manage using soft caps (<i>bycatch and PSC status</i>)
3	3.1	7.5% CDQ allocation
4	4.1	Allocate the percentage of the TAC that is equal to the sector's average of the annual harvest percentages during the specified years.
5	5.2	Sector catch history years are 1995-2002 (include AFA-9 catch history)
6	6.1	For purposes of apportionments, annual catch percentages will be defined using total catch of the sector over total catch by all sectors
7	7.1	Pacific cod shall be allocated in the same method used to allocate the other groundfish species. Pacific cod rollovers between sectors shall be administered using regulations at the time of final Council action.
7	7.1.1	<60' fixed gear CV (pot and H&L) sector and jig sector combined allocation from TAC of 3%
8	8.4	PSC allocated to CDQ program as PSQ reserves (except herring) in proportion to the CDQ allocation
9	9.1.2	Apportion PSC to each fishery group in proportion to the historic fishery group's apportionment using the most recent five years
9	9.2.2	Apportion PSC allotments made to fishery groups to sectors in proportion to the PSC usage by the sector for the years used to determine the groundfish sector allocation with no reduction in apportionments from calculated level.
10	10.1.2	Threshold reserve program for yellowfin sole.

Table 1, Continued

10	10.3c	Threshold for the yellowfin sole fishery will be 175,000 mt.
10	10.4.2	Allocation of yellowfin sole threshold reserve will be 50% to trawl catcher vessels and 50% to trawl catcher processor vessels
10	10.4.2i	Allocations within the catcher vessel sector will be 47% to AFA vessels and 3% to non-AFA vessels. Allocation within the catcher processor sector will be 12.5% to AFA and 37.5% to non-AFA vessels.
10	10.5.2	PSC may be transferred between members of the same cooperatives and between cooperatives in the same sector.
10	10.6.2	Include a rollover provision for unharvested yellowfin sole threshold reserve quota to other trawl sectors that are projected to harvest their initial allocation before the end of the fishing season.
11	11.2	Years for determine eligibility to participate in a sector will be 1995-2002
12	12.1	The vessel must have at least one landing in the years noted in Option 11.2 to be eligible to participate for a given sector.

Alternative 3: Allocate Only Primary Target Groundfish

This alternative would only allocate primary target groundfish species (Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, and AI Pacific Ocean perch). Allocations of these target species to the sectors, with the except of Pacific cod, will be equal to that sector’s average of the annual harvest percentages during the 1998 to 2002 period. The annual harvest percentage is defined as total catch of the sector divided by total catch of all sectors. Pacific cod would be allocated based on the current regulations as modified by Amendment 77, with an additional split of the trawl catcher processors allocation between AFA and non-AFA vessels. Of the 23.5 percent of the Pacific cod allocated to the trawl catcher processor sectors, 18.3 percent will be allocated to the non-AFA trawl catcher processor and 5.2 percent will be allocated to the AFA trawl catcher processor sector. CDQ allocations for each of the groundfish species, except pollock and fixed-gear sablefish, would be 10 percent. Groundfish catch history of the nine catcher processors that were retire on December 31, 1998 (AFA 9) would not be allocated to the 20 catcher processors listed in section 208 (e) of the American Fisheries Act (AFA).

In order to be eligible to participate in a sector fishery, each participant will have to be a license holder with all of the proper area, gear, vessel type, and vessel length endorsement and have landed at least 250 mt during the years 1998 to 2002. For <60’ hook and line/pot catcher sector and jig sector would be exempt from minimum landings requirements, but participants would still be required to have an LLP with proper endorsements in order to participate in the sector fishery. For those pot and hook-and-line vessels greater than or equal to 60’, participation in the directed Pacific cod fishery would be determined based on Amendment 67. In addition to having the proper area and gear endorsement, they must also have a Pacific cod endorsement.

Species of groundfish not allocated to sectors, defined as non-target species, would be managed using an incidental catch allowance (ICA) with hard caps. Under an ICA with hard caps, once a sector has harvested its entire allotted species ICA, that species would be closed. That includes both the directed fishery for that species and the fisheries where that species is taken as incidental catch.

PSC would be allocated based on the proportion of PSC harvest attributed to the fishery group and the proportion of target species harvested in the fishery group.

The alternative would include a threshold reserve program for rock sole, yellowfin sole, flathead sole, and Alaska Plaice. The program would establish threshold based on average retained catch during the years

1998 to 2002. Any TAC over these thresholds would be allocated to the trawl sectors in the following percentage: 25 percent to catcher vessels and 75 percent to catcher processors. Within the catcher vessel sectors, 20 percent would be allocated to the AFA and 5 percent to non-AFA. Transfers of PSC between members of the same cooperative and cooperatives within the same sector for the purposes of harvesting the threshold reserve would not be allowed. The alternative would not have a rollover provision for projected unharvested yellowfin sole threshold reserve.

The table below shows further details on the components, options, and suboptions selected for Alternative 3.

Table 2. Components, options, and suboptions for Alternative 3 of Amendment 80a.

Component	Option	Description
1	1.2	Allocate only Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, and AI Pacific ocean perch.
1	1.2.1	For sectors that do not participate in the allocated fisheries would not receive an allocation.
2	2.3	Use ICAs for all non-target (<i>non-allocated</i>) species and manage using hard caps (<i>bycatch, PSC and eventually fishery closures</i>)
3	3.2	10% CDQ allocation
4	4.1	Allocate the percentage of the TAC that is equal to the sector's average of the annual harvest percentages during the specified years.
5	5.4	Sector catch history years are 1998-2002 (exclude AFA-9 catch history)
5	5.4.1	Exclude AFA-9 catch history
6	6.2	For purposes of apportionments, annual catch percentages will be defined using retained catch of the sector over retained catch by all sectors
7	7.2	Pacific cod shall be allocated based on the apportions in regulation as modified by Amendment 77 with an additional split of the trawl CP apportion. Non-AFA trawl CP will be allocated 18.3% and AFA trawl CPs will be allocated 5.2%. Pcod rollovers between sectors shall administered using regulations at the time of final Council action.
8	8.1	PSC allocated to CDQ program as PSQ reserves (except herring) will be 7.5% of each PSC limit.
9	9.1.4	Apportion PSC to each fishery group in proportion to the actual amounts of PSC mortality attributed to the fishery group over the 1998-2002 period.
9	9.2.4	Apportion PSC allotments made to fishery groups to sectors in proportion to the target species harvested by the sector in the PSC fishery group for the years 1998-2002.
10	10.1.1 - 10.1.4	Species assigned a utilization threshold are rock sole, yellowfin sole, flathead sole, and Alaska Plaice.
10	10.2.1b	Average threshold percentage will be based on retained catch
10	10.2.2a	Threshold percentage of average catch will be 100%
10	10.2.3c	Years for determining the average catch will be 1998-2002
11	11.4	Years for determine eligibility to participate in a sector will be 1998-2002
12	12.4	The vessel must have 250MT in minimum landings in the years noted in Option 11.4 to be eligible to participate for a given sector.
12	12.7.1	For <60' H&L/Pot catcher vessel sector and the jig sector would be exempt from minimum landings requirements.
13	13.2	Eligibility of pot and hook-and-line vessels greater than or equal to 60' to participate in the directed Pacific cod fishery is determined based on Amendment 67.

A regulation establishing sector allocations consists of several components, for which a number of options and suboption are possible. These components and their respective options and suboptions are presented below.

Components and Options for Amendment 80a

Provided below are the issues and components for sector allocations, including their possible options and suboptions. These components and their respective options and suboptions are divided into four issues comprising 13 components in total. The four issues are sector allocations of groundfish in the BSAI, sector allocations of PSC in the BSAI, threshold reserve program for the flatfish fisheries, and eligibility to participate in a sector are described in detail below.

The Council has defined 10 sectors for the purposes of allocating BSAI groundfish and PSC limits, which are presented below:

- Non-AFA Trawl CPs
- AFA Trawl CPs
- Non-AFA Trawl CVs
- AFA Trawl CVs
- Longline CPs
- Pot CPs
- Pot CVs
- Longline CVs
- Jig CVs
- <60' H&L/Pot CV

Issue 1: Sector Allocations of Groundfish in the BSAI

Component 1 Identifies which species will be included in the sector allocations

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

Suboption 1.1.1 Exclude certain species to prevent allocations that are so small that they preclude sectors from harvesting their allocation of species typically taken in directed fisheries. Allocations of species that are excluded would be allocated as they are under status quo, and managed as in the following component.

Option 1.2 Include only the following target species—Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, AI Pacific ocean perch. Species could be added or deleted through an amendment process. Allocations of species that are excluded would be allocated as they are under status quo, and managed as in the following component.

Suboption 1.2.1 Sectors that do not participate in target fisheries for a species in this option would not be allocated sector specific apportionments for that species. These species would be managed as in the following component.

Component 2 Management of non-target species.

Option 2.1 Use the current management system.

Option 2.2 Use ICAs for all non-target species—ICAs would be managed with soft caps.

Option 2.3 Use ICAs for all non-target species—ICAs would be managed with hard caps.

Component 3 CDQ allocations for each species in the program (except pollock and fixed gear sablefish) shall be removed from the TACs prior to allocation to sectors at percentage amounts equal to one of the following.

- Option 3.1 7.5%
- Option 3.2 10%
- Option 3.3 15%
- Option 3.4 20%

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

- Option 4.1 Each sector shall be allocated the percentage of the TAC that is equal to the sector's average of the annual harvest percentages, during the years specified in the following component. The sectors harvest is defined as that legal catch, taken by vessels when operating in the mode that defines the sector. These percentages will be calculated based on the method selected in Component 6.
- Option 4.2 Each sector allocation of the TAC shall be based on a percentage rather than a set of years. (The intent of this option is to provide the Council with the ability to select an industry agreed percentage for allocative purposes rather than selecting a set of catch history years.)

Component 5 Sector Catch History Years

- Option 5.1 1995–1997
 - Suboption 5.1.1 Exclude AFA-9 catch history
- Option 5.2 1995–2002
 - Suboption 5.2.1 Exclude AFA-9 catch history
 - Suboption 5.2.2 Exclude 2001 because of the biological opinion
- Option 5.3 1995–2003
 - Suboption 5.3.1 Exclude AFA-9 catch history
 - Suboption 5.3.2 Exclude 2001 because of the biological opinion
- Option 5.4 1998–2002
 - Suboption 5.4.1 Exclude AFA-9 catch history
 - Suboption 5.4.2 Exclude 2001 because of the biological opinion
- Option 5.5 1998–2003
 - Suboption 5.5.1 Exclude AFA-9 catch history
 - Suboption 5.5.2 Exclude 2001 because of the biological opinion
- Option 5.6 2000-2003
 - Suboption 5.6.1 Exclude 2001 because of the biological opinion

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

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

Component 7 Options for determining Pacific cod allocations

- Option 7.1 Pacific cod shall be allocated in the same method used to allocate the other targeted species. This option would supercede all existing apportionments of Pacific cod in the BSAI, including splits among the fixed gear sectors. Pacific cod rollovers between sectors shall administered using regulations at the time of final Council action. Further, Pacific cod rollovers will continue to be hierarchical in nature flowing from the most precise definition of a sector to the

next more inclusive definition before unused Pacific cod is reallocated to a different gear type.

- Suboption 7.1.1 The <60' catcher vessels fixed gear (pot and hook-and-line) sector and jig sector combined allocation from TAC (after CDQ apportionment) is to be:
- a. 2%
 - b. 3%
 - c. 4%
- Suboption 7.1.2 Jig sector will receive an allocation from the TAC (after CDQ apportionment).
- Suboption 7.1.3 a.<60' pot and hook-and-line catcher vessel sector will receive an allocation from TAC (after CDQ apportionment).
b. <60' pot and hook-and-line catcher vessel sector will receive an allocation from the fixed gear sector TAC as is done under existing regulations.
Apportionments to the jig and <60' pot and hook-and-line sectors under Suboption 7.1.2 and 7.1.3 shall not collectively exceed:
- a. 2%
 - b. 3%
 - c. 4%

Option 7.2 Pacific cod shall be allocated based on apportions in regulation as modified by Amendment 77 with an additional split of the Trawl CP apportionment as follows:

- Non-AFA Trawl CPs will be allocated 18.3 percent of the Pacific cod TAC available after deduction for the CDQ program.
- AFA Trawl CPs will be allocated 5.2 percent of the Pacific cod TAC available after deduction for the CDQ program.

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

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

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

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

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

- Option 9.1 Apportion PSC to each fishery group that it has historically been accounted against (e.g, yellowfin sole, rockfish, rocksole/flathead sole/other, etc.).

- Suboption 9.1.1 Through annual TAC setting process (the current method).
- Suboption 9.1.2 In proportion to the historic fishery group's apportionment using the most recent five years.
- Suboption 9.1.3 In proportion to a 5-year rolling average of that fishery group's PSC allocations using the most recent five years.
- Suboption 9.1.4 In proportion to the actual amounts of PSC mortality attributed to the fishery group over a defined set of years.
- Option 9.2 Apportion PSC allotments made to fishery groups in Option 9.1 to sectors
 - Suboption 9.2.1 In proportion to TAC allocated to the sector.
 - Suboption 9.2.2 In proportion to the PSC usage by the sector for the years used to determine the groundfish sector apportionments.
 - Suboption 9.2.3 In proportion to the total groundfish harvested by the sector for each PSC fishery group for the years used to determine the groundfish sector apportionments.
 - Suboption 9.2.4 In proportion to the target species harvested by the sector in that PSC fishery group for the years used to determine the groundfish sector apportionments.
- Option 9.3 Select a PSC reduction option from the following that would apply to any PSC apportionment suboption selected in 9.2. PSC reduction options can vary species by species, and sector by sector.
 - Suboption 9.3.1 Reduce apportionments to 60% of calculated level.
 - Suboption 9.3.2 Reduce apportionments to 75% of calculated level.
 - Suboption 9.3.3 Reduce apportionments to 90% of calculated level.
 - Suboption 9.3.4 Reduce apportionments to 95% of calculated level.
 - Suboption 9.3.5 Do not reduce apportionments from calculated level.

Issue 3 Underutilized Species Threshold

Component 10 For species that may have TAC (amounts) available in excess of historical harvest amounts, sector allocations may apply only to the historical harvest threshold (utilization threshold). TAC amounts in excess of such thresholds would be available to sectors whose ability to harvest that TAC exceeds its sector allocation of that species.

- Option 10.1 Species that would be assigned an utilization threshold:
 - Suboption 10.1.1 Rock sole
 - Suboption 10.1.2 Yellowfin sole
 - Suboption 10.1.3 Flathead sole
 - Suboption 10.1.4 Alaska Plaice
 - Suboption 10.1.5 Rock sole, yellowfin sole, flathead sole in aggregate
 - Suboption 10.1.6 Rock sole, yellowfin sole, flathead sole, and Alaska Plaice in aggregate
- Option 10.2 Options for determining utilization threshold for each species or complex (Council must select one from each of the following suboptions in order to establish utilization threshold):
 - Suboption 10.2.1 Average threshold percentage will be based on:
 - a. Total catch
 - b. Retained catch
 - Suboption 10.2.2 Threshold percentage of average catch will be:
 - a. 100%
 - b. 125%
 - c. 150%
 - Suboption 10.2.3 Years for determining the average catch will be:
 - a. 1995-1998

- b. 1995-2002
 - c. 1998-2002
 - d. 2000-2003
- Option 10.3 For yellowfin sole, threshold will be:
 - Suboption 10.3.1 Threshold established in Option 10.2
 - Suboption 10.3.2 One of the following poundage thresholds:
 - a. 125,000 mt
 - b. 150,000 mt
 - c. 175,000 mt
- Option 10.4 Allocate the threshold reserve to the trawl sectors and between AFA and non-AFA sectors using one of following suboptions :
 - Suboption 10.4.1 Catcher vessels at 25% and catcher processors at 75%
 - Allocations within the catcher vessel sectors
 - i. AFA at 24% and non-AFA at 1%
 - ii. AFA at 22% and non-AFA at 3%
 - iii. AFA at 20% and non-AFA at 5%
 - Allocations within the catcher processor sectors
 - i. AFA at 25% and non-AFA at 50%
 - ii. AFA at 37.50% and non-AFA at 37.5%
 - iii. AFA at 50% and non-AFA at 25%
 - Suboption 10.4.2 Catcher vessels at 50% and catcher processors at 50%
 - Allocations within the catcher vessel sectors
 - i. AFA at 47% and non-AFA at 3%
 - ii. AFA at 45% and non-AFA at 5%
 - iii. AFA at 42.5% and non-AFA at 7.5%
 - Allocations within the catcher processor sectors
 - i. AFA at 12.5% and non-AFA at 37.5%
 - ii. AFA at 25% and non-AFA at 25%
 - iii. AFA at 37.5% and non-AFA at 12.5%
 - Suboption 10.4.3 Catcher vessels at 75% and catcher processors at 25%
 - Allocations within the catcher vessel sectors
 - i. AFA at 72% and non-AFA at 3%
 - ii. AFA at 70% and non-AFA at 5%
 - iii. AFA at 67.5% and non-AFA at 7.5%
 - Allocations within the catcher processor sectors
 - i. AFA at 6.25% and non-AFA at 18.5%
 - ii. AFA at 12.5% and non-AFA at 12.5%
 - iii. AFA at 18.75% and non-AFA at 6.5%
- Option 10.5 PSC Transfers:
 - Suboption 10.5.1 (Status quo) PSC may not be transferred.
 - Suboption 10.5.2 PSC may be transferred within cooperatives and between operatives in the same sector.
- Option 10.6 Rollover options for yellowfin sole threshold reserve.
 - Suboption 10.6.1 No rollover provisions for projected unharvested yellowfin sole threshold reserve.
 - Suboption 10.6.2 Any unharvested portion of the yellowfin sole threshold reserve that is projected to remain unused by a specified date shall be reallocated to the other trawl sectors. Further, yellowfin sole rollovers will be hierarchical in nature flowing to the sector most similar to the relinquishing sector before flowing to less similar sectors.

Issue 4 Eligibility to Participate in a Sector

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

- Option 11.1 1995-1997
- Option 11.2 1995-2002
- Option 11.3 1997-2002
- Option 11.4 1998-2002
- Option 11.5 1999-2002
- Option 11.6 2000-2002
- Option 11.7 For <60' H&L/Pot CV sector
 - a. 1996-June 15, 2004
 - b. 1997-June 15, 2004
 - c. 1998-June 15, 2004
 - d. 1999-June 15, 2004
 - e. 2000-June 15, 2004
 - f. 2001-June 15, 2004
 - g. 2002-June 15, 2004
- Suboption 11.7.1 Exempt jig vessels and <60' fixed gear catcher vessels from minimum landings requirements.
- Suboption 11.7.2 Exempt jig vessels from qualifying years.

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

- Option 12.1 At least one landing
- Option 12.2 50 MT
- Option 12.3 100 MT
- Option 12.4 250 MT
- Option 12.5 500 MT
- Option 12.6 1,000 MT
- Option 12.7 For <60' H&L/Pot CV sector
 - a. At least one landing
 - b. 5 MT
 - c. 10 MT
 - d. 20 MT
 - e. 50 MT
- Suboption 12.7.1 Exempt jig vessels and <60' fixed gear catcher vessels from minimum landings requirements.
- Suboption 12.7.2 Exempt jig vessels from minimum landings requirements.

Component 13 Eligibility to participate in the BSAI Pacific cod fishery for the pot and hook-and-line vessels greater than or equal to 60' will be based on one of the following options:

- Option 13.1 Requirements established in Components 11 and 12.
- Option 13.2 Requirements established in Amendment 67.

Amendment 80b - Cooperative Formation in the Non-AFA Trawl CP Sector

Based on various combinations of the components and options for the non-AFA trawl catcher processor sector cooperative formation, three alternatives were identified. Alternative 1 is no action. Alternative 2

would allow the sector to form multiple cooperatives, while Alternative 3 would establish a single cooperative for the sector.

Both alternatives are dependent on the allocation of target groundfish and PSC limits to the non-AFA trawl catcher processor sector, as proposed in Amendment 80a. Without such an allocation, it will not be possible to form a cooperative. However, adopting sector allocations under Amendment 80a does not require the Council to take action under Amendment 80b.

Alternative 1: No Action

Under this alternative, current management of groundfish and PSC limits in the BSAI would remain in effect. A management measure pending Secretary of Commerce (SOC) approval is the GRS. For the purposes of this analysis, it is assumed that Amendment 79 will be approved and will become part of the status quo management as of 2006. Amendment 79 will phase in a minimum retention standard for the non-AFA trawl catcher processors over 125 feet over a four-year period starting in 2005 at 65 percent and culminating in 2008 at 85 percent. Since approval by the Council in June 2003, Amendment 79 has not been submitted to the SOC for approval and will likely be delayed until 2006.

Alternative 2: Multiple Cooperatives

This alternative would allocate all groundfish, except AFA pollock, to as many as three cooperatives in addition to those participants who elect not to join a cooperative. To form a cooperative, 30 percent of the eligible non-AFA trawl catcher processor participants would have to agree to form a cooperative. Those participants who elect not to join that cooperative could either try to form their own cooperative or elect to participate outside a cooperative but within the sector. Allocation of the groundfish and PSC limits between cooperatives and those sector participants who elect not to join a cooperative is proportional to the total catch of groundfish of the eligible license holders included in each pool for the years 1998-2002 with each license holder allowed to drop their lowest annual catch during this period. Excluded from allocation would be groundfish species amounts that are so small that they would preclude participants from harvesting their allocation of species that are typically taken in directed fisheries. Groundfish species that are excluded from allocation would be managed as defined in Amendment 80a, using an ICA with either soft or hard caps. See Alternative 2 and 3 of Amendment 80a for further details on the management of non-allocated groundfish.

To be eligible to participate in the non-AFA trawl catcher processor sector, each qualified participant must have caught 1,000 mt of groundfish with trawl gear and processed that fish during the years 1997 to 2002. Since Amendment 80a has sector eligibility components too, it may be possible that some license holders identified as part of the sector in Amendment 80a will not be issued sector eligibility endorsement under Amendment 80b. License holders that do not meet the eligibility criteria identified in this alternative will not be eligible to participate in the cooperatives or the non-cooperative pool fisheries for this sector.

This alternative would not reduce the overall amount of PSC allocated to the non-AFA trawl catcher processor sector under Amendment 80a.

Consolidation in the non-AFA trawl catcher processor sector would not be constrained, so there would be no limit on the amount of catch apportionment history an eligible participant (individuals or entities) can hold.

Finally, sideboards would not be established by regulations. Rather, cooperatives would be required to prohibit, in the aggregate, exceeding their maximum percent of harvests in other target fisheries. This sideboard restriction would be discussed in the annual report of the cooperative submitted to the Council and NOAA Fisheries.

The table below shows further details on the components, options, and suboptions selected for Alternative 2.

Table 3. Components, options, and suboptions for Alternative 2 of Amendment 80b.

Component	Option	Description
1	1.1	Allocate all groundfish except pollock
1	1.1.1	Exclude certain species to prevent allocations too small for sectors to harvest
2	2.1	No change in the PSC limits from those selected in Component 9 of Amendment 80a.
3	3.4	Qualified license holders must have caught 1,000 mt of groundfish with trawl gear and processed that fish between 1997-2002 to be eligible for the non-AFA trawl catcher processor sector.
4	4.1	At least 30% of the eligible licenses that must join a cooperative before the cooperative is allowed to operate.
5	5.1	PSC limits and groundfish allocations between the cooperative and open access pool is based on total catch.
6	6.3	Years of catch history used to calculate allocation of groundfish and PSC limits between the cooperative and open access pool are 1998-2002, and each license holder drops its lowest annual catch during this period.
7	7.1	There is no limit on the consolidation of shares in the non-AFA trawl catcher processor sector.
8	8.2	The cooperative is required to prohibit members in the aggregate from exceeding their maximum percent of harvests in other target fisheries. Sideboards would not be established by regulation.

Alternative 3: Single Cooperative

This alternative would only allocate primary target groundfish species (Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, and AI Pacific Ocean perch) to one cooperative and a pool of participants who elect not to join the cooperative. To form a cooperative, 90 percent of the eligible non-AFA trawl catcher processor participants would have to agree to form a cooperative. Those participants who elect not to join that cooperative would be placed into a pool of non-cooperative participants. Allocation of the groundfish and PSC limits between the cooperative and those sector participants who elect not to join a cooperative is proportional to the retained catch of groundfish for those participants in the two groups for the years 1998-2002. License holders are allowed to drop their lowest annual catch during this period.

To be eligible to participate in the non-AFA trawl catcher processor sector, each qualified participant must have caught 1,000 mt of groundfish with trawl gear and processed that fish during the years 1998 to 2002. Since Amendment 80a has sector eligibility components too, it may possible that some license holders identified as part of the sector in Amendment 80a will not be issued sector eligibility endorsement under Amendment 80b. License holders that do not meet the eligibility criteria identified in this alternative will not be eligible to participate in the cooperatives or the non-cooperative pool fisheries for this sector.

This alternative would further reduce the overall amount of halibut PSC limit by 5 percent from those PSC limits defined in Amendment 80a when the halibut PSC limit is linked to estimated biomass levels of

those groundfish species that when harvested, halibut is caught incidentally. As of yet, the Council has not linked PSC limits to biomass levels of these groundfish species. Upon linking the PSC limits with these groundfish biomass levels, then the PSC limit for halibut to the non-AFA trawl catcher processor will be reduced by 5 percent.

Consolidation in the non-AFA trawl catcher processor sector would be limited such that no one company can hold more than a fixed percentage of the overall sector apportionment history. The cap would be applied across the total allocation to the sector of all species combined. The cap would also be applied using the individual and collective rule. For example, a person holding a 100 shares outright would be credited with all of those holdings in applying a cap. A person that holds 20 percent interest in a company with a 100 shares would be credited with 20 shares when applying the cap. Persons (individuals or entities) that exceed the cap in the initial allocation would be grandfathered.

Finally, sideboards would be established by regulations. The sideboards would be based on the proportion of retained catch of groundfish for those participants in the cooperative and the non-cooperative pool. The sideboards would remain in effect until these sideboard fisheries are rationalized.

The table below shows further details on the components, options, and suboptions selected for Alternative 3.

Table 4. Components, options, and suboptions for Alternative 3 of Amendment 80b.

Component	Option	Description
1	1.2	Allocate only primary target groundfish species
2	2.3	Reduce non-AFA Trawl catcher processor sector's halibut PSC limits by 5% when PSC limits are linked to estimated biomass levels.
3	3.2	Qualified license holders must have caught 1,000 mt of groundfish with trawl gear and processed that fish between 1998-2002 to be eligible to participate in the non-AFA trawl CP sector.
4	4.6	At least 90% of the eligible licenses must join a cooperative before the cooperative is allowed to operate.
5	5.2	PSC limits and groundfish allocations between the cooperative and open access pool is based on retained catch.
6	6.5	Years of catch history used to calculate allocation of groundfish and PSC limits between the cooperative and open access pool are 1999-2002, and each license holder drops its lowest annual catch during this period.
7	7.2	Consolidation in the non-AFA trawl catcher processor sector is limited such that no single company can hold more than a fixed percentage of the overall sector apportionment history. The cap will be applied using the individual and collective rule. Persons that exceed the cap in the initial allocation would be grandfathered.
8	8.1	Sideboards for cooperative members would be established by regulation using the same years used to calculate the apportionment of PSC and groundfish between the cooperative and open access pool.

Components and Options for Amendment 80b

Provided below are the elements and components under consideration for establishing a cooperative program for the non-AFA trawl catcher processor sector.

Component 1 Identifies which species will be allocated among the non-AFA trawl catcher processor sector under this program

Option 1.1 Include all groundfish species allocated under amendment 80A for which trawling is allowed, except pollock (already allocated to AFA fishery cooperatives).

Suboption 1.1.1 Exclude certain species to prevent allocations that are so small that they preclude persons from harvesting their allocation of species that are typically taken in directed fisheries. Allocations of groundfish species that are excluded would be regulated as they are under the status quo.

Option 1.2 Include only the following target species—Pacific cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, Greenland turbot, AI Pacific Ocean perch. Species could be added or deleted through an amendment process. Allocations of groundfish species that are excluded would be regulated as they are under the status quo.

Component 2 Establishes procedures for reducing prohibited species catch limits for the non-AFA Trawl CPs Sector. *Options selected from this component would be in addition to those PSC options selected in Component 9 from Amendment 80a.*

Option 2.1 No change in overall amount of the current PSC limits.

Option 2.2 Reductions in the PSC limit for halibut is accomplished by taxing in-season non-permanent transfers of PSC within the cooperative. The halibut PSC limit is restored to its original level the following year

Suboption 2.2.1 Transfers of PSC after August 1 are not taxed .

Suboption 2.2.2 Only un-bundled transfers of PSC are taxed.

Option 2.3 Reduce halibut PSC limits by 5% when PSC limits are linked to estimated biomass levels.

Component 3 Identifies the license holders that are in the non-AFA trawl CP sector which would receive Sector Eligibility Endorsements. (It may be that some license holders identified as part of the sector in Amendment 80a, may not be issued Sector Eligibility Endorsements. License holders that do not meet the criteria identified in this component will not be eligible to participate in the cooperative or open access components of the fisheries included in the program.) Non-AFA qualified license holders with a trawl and catcher processor endorsement would be issued a Sector Eligibility Endorsement that will be attached to that holder's LLP identifying it as a member of the non-AFA Trawl CP Sector.

Option 3.1 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1998-2002

Option 3.2 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1998-2002

Option 3.3 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1997-2002

Option 3.4 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1997-2002

Component 4 Establishes the percentage of eligible licenses that must join a cooperative before the cooperative is allowed to operate. No later than December 1 of each year, an application must be filed with NOAA fisheries by the cooperative with a membership list for the year. In order to operate as a cooperative, members, as a percent of eligible LLP licenses with non-AFA Trawl CP endorsement, must be:

- Option 4.1 At least 30 percent
- Option 4.2 At least 51 percent
- Option 4.3 At least 67 percent
- Option 4.4 At least 75 percent
- Option 4.5 At least 80 percent
- Option 4.6 At least 90 percent
- Option 4.7 At least 100 percent
- Option 4.8 All less one distinct and separate harvesters using the 10 percent threshold rule.

Component 5 Determines the method of allocation of PSC limits and groundfish between the cooperative and open access pools.

- Option 5.1 Catch history is based on total catch
- Option 5.2 Catch history is based on total retained catch

Component 6 Determines which years of catch history are used in the calculation. The allocation of groundfish between the cooperative and open access pool is proportional to the catch history of groundfish of the eligible license holders included in each pool. Applicable PSC limits are allocated between the cooperative and open access pool in same proportions as those species that have associated PSC limits. The catch history as determined by the option selected under this component will be indicated on the Sector Eligibility Endorsement which indicates the license holder's membership in the Non-AFA Trawl CP Sector. The aggregate histories will then applied to either the cooperative or the open access pool.

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

Component 7 Determines if excessive share limits are established in the non-AFA trawl catcher processor sector.

- Option 7.1 There is no limit on the consolidation in the non-AFA trawl catcher processor sector.
- Option 7.2 Consolidation in the non-AFA trawl CP sector is limited such that no single company can hold more than a fixed percentage of the overall sector apportionment history. The cap will be applied across the total allocation to the sector of all species combined. The cap will be applied using the individual and collective rule. Persons (individuals or entities) that exceed the cap in the initial allocation would be grandfathered.

Component 8 Establishes measures to mitigate negative impacts of the cooperative on fisheries not included in the cooperative program (e.g. fisheries in the GOA).

Option 8.1 Sideboards for cooperative members would be established by regulation using the same years used to calculate the apportionment of PSC and groundfish between the cooperative and open access pool until such time as these other fisheries are rationalized, when the allocations determined in these newly rationalized fisheries.

Option 8.2 The cooperative is required to prohibit members in the aggregate from exceeding their maximum percent of harvests in other target fisheries. Sideboards would not be established by regulation. This restriction would be discussed in the annual report of the cooperative submitted to the Council and NOAA Fisheries.

Other Elements of Amendment 80b

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 80b 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 and on those vessels who do not join a cooperative as individuals. If the cooperative cannot meet the standard in the aggregate over a period of two years then the standard would be imposed on individual vessels within the cooperative.
- 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 be reported to NOAA Fisheries in order to track who owns the Sector Eligibility Endorsements. The purchaser must be eligible to own a fishing vessel under MarAd regulations or must be a person who is currently eligible to own a vessel.
- 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.
- Any non-trawl or non-BSAI catches by qualified license holders that are considered part of the non-AFA Trawl CP Sector will not be included in the 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 80b.
- 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 be developed and implemented under the Non-AFA Trawl CP Cooperative Program. The collection would include cost, revenue, ownership, and employment data on a periodic basis to provide the information necessary to study the impacts of the program. Details of the collection will be developed in the analysis of the alternatives.

IV. Amendment 80 Analysis

The final section provides the table of contents for the amendment, which is representative of the amendment organization and the analysis methodology. The EA/RIR/IRFA document is divided into six sections. Section 1 presents the purpose and need for the proposed action. Section 2 presents a description of the alternatives, components, and options. Section 3 provides the Regulatory Impact Review (RIR). In this section, an analysis of the economic and socio-economic impacts of each of the components and the alternatives under consideration is presented. Also included in this section is a determination of whether the proposed regulatory action is economically “significant” as defined by the EO 12866. Section 4 contains a description of the affected environment and information on the impacts of the alternatives on

that environment, specifically addressing potential impacts on endangered species and marine mammals and cumulative effects. This section constitutes the major portion of the Environmental Assessment as required under NEPA. Section 5 is the Initial Regulatory Flexibility Act (IRFA) that analyzes whether the proposed action has significant adverse impacts on small entities as required by the RFA. Section 6 address the requirements of other applicable laws.

Faced with the challenge of presenting an informative picture of the economic and socio-economic impacts of Amendment 80 to the Council, and given the complexity and the large number of components and options involved with Amendment 80, the RIR analyzes both the components and alternatives. In general, the analysis of each component is completed independent from the analysis of other components. The only exception is when components are integral to one another. For example, Components 4, 5, and 6 of Amendment 80a are all necessary in determining the allocation for each sector. In this case, the components will be analyzed together. To address the interaction of the components and options when combined into a Council action, the RIR also includes an analysis of the alternatives. As noted earlier, Amendment 80 is composed of numerous components and options that can be combined into a multitude of different combinations, which is impractical for analysis purposes. As remedy, the analysis will focus only on the alternatives developed by the Council. It is understood, that if the Council selects options that vary widely from those presented in the analysis, the RIR will have to be revised to include these new options.

Presented below is the table of contents for Amendment 80, which shows the component and alternative analysis in addition to the organization of the document.

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