

**North Pacific Fishery Management Council
C-5(a) Amendment 80 Lost Vessel Replacement Motion**

Move that the Council approve the Purpose and Need Statement as written and forward the analysis for public review with the following modifications to the alternatives and options (starting with the AP's motion, deletions shown with ~~strike through~~ and additions are underlined):

Staff Suggested Purpose and Need

Allowing Amendment 80 vessel owners to replace their vessels due to actual total loss, constructive total loss, permanently ineligibility to be used in a U.S. fishery, or for other reasons would allow vessel owners to improve vessel safety, meet international class and load line requirements that would allow a broader range of onboard processing options, or to otherwise improve the economic efficiency of their vessels. Allowing smaller vessels to be replaced with larger vessels could improve the ability of vessel owners to comply with the groundfish retention standard (GRS) applicable to all Amendment 80 vessels.

Alternative 1: Status quo. Vessels may not be replaced.

Alternative 2: The owner of an Amendment 80 vessel may replace that vessel with another vessel only in cases of actual total loss, constructive total loss, or if that vessel permanently ineligible to be used in a U.S. fishery under 46 U.S.C. 14108. Only one replacement vessel may be used at the same time (one-for-one replacement).

Alternative 3: The owner of an Amendment 80 vessel may replace that vessel with another vessel for any purpose. Only one replacement vessel may be used at the same time (one-for-one replacement).

Option 1 (Applicable to Alternatives 2 and 3): Vessel size restrictions.

- (a) A replacement vessel may not have a length overall greater than the original qualifying Amendment 80 vessel it replaces.
- (b) A replacement vessel may have a length overall 10% or 20% greater than the original qualifying Amendment 80 vessel it replaces.
- ~~(b)~~(c) The maximum length overall (MLOA) requirements on LLP licenses assigned to an Amendment 80 vessel would still apply.
- ~~(e)~~(d) No length restriction on replacement vessels (the MLOA requirements on LLP licenses assigned to an Amendment 80 vessel would not apply).

Suboption (applicable for (d)): The replacement vessel can not be fished in the Amendment 80 limited access sector.

Suboption (applicable to all Options): Different vessel size restrictions may be applied to large (>145 feet LOA or 200 feet LOA) and small (<145 feet LOA or 200 feet LOA) vessels.

Suboption (applicable to (b), (c), and (d)): 180 foot minimum size restriction.

Option 2 (Applicable to Alternatives 2 and 3): GOA flatfish sideboard restrictions. A replacement vessel that replaces an original qualifying Amendment 80 vessel that is allowed to directed flatfish in the GOA:

- (a) would not be allowed to directed fish for flatfish
- (b) would be allowed to directed fish for flatfish

Suboption (applicable to (b)): subject to sideboards

- Option 3 (Applicable to Alternatives 2 and 3): *Golden Fleece* sideboard restrictions. A replacement vessel that replaces the *Golden Fleece*:
- (a) would not receive the same exemptions that apply to the *Golden Fleece*. Amendment 80 sideboards in the Gulf of Alaska would be adjusted to account for the history of the *Golden Fleece* in the same manner as other Amendment 80 vessels.
 - (b) would receive the same exemptions that apply to the *Golden Fleece*.
 - (c) if the replacement vessel for the *Golden Fleece* is greater than the LOA of the license that was originally assigned to the *Golden Fleece*, then that replacement vessel will be subject to all sideboards that apply to other Amendment 80 vessels, with the catch and PSC use of the *Golden Fleece* added to the existing GOA sideboards. If the *Golden Fleece* replacement vessel is less than or equal to the LOA of the license that was originally assigned to the *Golden Fleece*, then the *Golden Fleece* sideboards would apply.

- Option 4 (Applicable to Alternatives 2 and 3): Assigning QS to Lost Vessels. Allow the owner of an Amendment 80 Vessel to choose to assign a QS permit from an original qualifying Amendment 80 vessel to the replacement vessel or to the LLP license derived from the originally qualifying vessel.
- (a) A replacement vessel cannot enter an Amendment 80 fishery without QS being assigned to that vessel.
 - (b) Persons holding a QS permit associated with a vessel that is permanently ineligible to re-enter US fisheries is eligible to replace the vessel associated with its QS permit.

- Option 5 Any vessel replaced under this program would be ineligible to be designated on an FFP and an LLP.

Suboption: Replaced vessels may be used to replace other Amendment 80 vessels.

- Requirement under all alternatives: Monitoring and enforcement, permitting, recordkeeping and reporting, prohibitions, and general GOA sideboard measures that apply to original Amendment 80 vessels would continue to apply to all replacement vessels.

~~The AP recognizes the need to address the unique situation of the *Ocean Peace* which could lose its ability to fish its AFA allocation if the vessel is replaced.~~

~~The AP notes that there are continuing legal concerns with the authority of the Council to allow Amendment 80 vessel replacement under the proposed alternatives, given the definition of the non-AFA trawl CP sector in legislation and the limited scope of the decision in *Arctic Sole v. Gutierrez*. The AP recommends that the Council request further clarification of this issue by NOAA GC.~~

The AP recommends the Council requests that the analysis contain a table that indicates the age of each of the Amendment 80 vessels.