

**C-1 GOA Pacific Cod Sector Split
Motion – 12/12/2009
Final Action**

The Council adopts the purpose and need statement and Alternative 2 as the preferred alternative, as specified below.

GOA Pacific Cod Sector Split Purpose and Need Statement

The limited access derby-style management of the Western GOA and Central GOA Pacific cod fisheries has led to competition among the various gear types (trawl, hook-and-line, pot and jig) and operation types (catcher processor and catcher vessel) for shares of the total allowable catch (TAC). Competition for the GOA Pacific cod resource has increased for a variety of reasons, including increased market value of cod products, rationalization of other fisheries in the BSAI and GOA, increased participation by fishermen displaced from other fisheries, reduced Federal TACs due to the State waters cod fishery, and Steller sea lion mitigation measures including the A/B seasonal split of the GOA Pacific cod TACs. The competition among sectors in the fishery may contribute to higher rates of bycatch, discards, and out-of-season incidental catch of Pacific cod.

Participants in the fisheries who have made long-term investments and are dependent on the fisheries face uncertainty as a result of the competition for catch shares among sectors. To reduce uncertainty and contribute to stability across the sectors, and to promote sustainable fishing practices and facilitate management measures, the Western and Central GOA Pacific cod TACs should be divided among the sectors. Allocations to each sector would be based primarily on qualifying catch history, but may be adjusted to address conservation, catch monitoring, and social objectives, including considerations for small boat sectors and coastal communities. Because harvest sector allocations would supersede the inshore/offshore processing sector allocations for Pacific cod by creating harvest limits, the Council may consider regulatory changes for offshore and inshore floating processors in order to sustain the participation of fishing communities.

The timing of the Pacific cod A and B seasons may have limited the participation of jig vessels in the parallel and Federal fisheries of the GOA. Additionally, the State waters jig allocation has gone uncaught in some years, potentially due to the lack of availability of Pacific cod inside three miles. A non-historical Federal catch award, together with the provision of access in Federal waters for the State Pacific cod jig allocations, offers entry-level opportunities for the jig sector.

Currently, there are no limits on entry into the parallel waters groundfish fisheries, and no limits on the proportion of the GOA Pacific cod TAC that may be harvested in parallel waters. There is concern that participation in the GOA Pacific cod parallel waters fishery by vessels that do not hold LLP licenses may increase. The Council, in consideration of options and recommendations for the parallel fishery, will need to balance the objectives of providing stability to the long term participants in the sectors, while recognizing that new entrants who do not hold Federal permits or licenses may participate in the parallel fishery.

Alternatives, Components, and Options

ALTERNATIVE 2. The GOA Pacific cod TACs will be allocated among the sectors.

Component 1: Management areas

The Western and Central GOA Pacific cod TACs will be allocated among the various gear and operation types, as defined in Component 2 (the management areas could be treated differently).

Component 2: Sector definitions

The Western and Central GOA Pacific cod TACs will be allocated among the following sectors.

Central GOA

- Trawl catcher processors
- Trawl catcher vessels
- Hook-and-line catcher processors
- Hook-and-line catcher vessels <50 ft
- Hook-and-line catcher vessels ≥50 ft
- Combined CP and CV Pot sector
- Jig vessels

Western GOA

- Trawl catcher processors
- Trawl catcher vessels
- Hook-and-line catcher processors
- Hook-and-line catcher vessels
- Combined CP and CV Pot sector
- Jig vessels

Western and Central GOA

Holders of CP licenses shall make a one time election to receive a WGOA and/or CGOA CP or CV endorsement for Pacific cod if that CP license made a minimum of one Pacific cod landing while operating as a CV under the authority of the CP license from 2002 through 2008.

Upon implementation of the GOA Pacific cod sector allocations, holders of these licenses will be limited to fishing off of the allocation assigned to the sector designated by their license in the GOA cod fishery. For example, CP licenses assigned to the CP sector may not fish off of the allocation assigned to CVs in the GOA Pacific cod fishery. Future catch accounting for these vessels should be according to the sector to which those licenses are assigned.

(Note: This CP or CV endorsement would be added to the LLP license, and would apply only to the Western and Central GOA Pacific cod fisheries (directed and incidental catches); the existing operation type endorsement would remain on the LLP license and would apply to other groundfish fisheries. If a vessel holds multiple, stacked, licenses and one of those stacked LLPs is a CP LLP eligible to harvest Pacific cod in the GOA area of participation, all catch will count against the CP sector allocation.)

Component 3: Definition of qualifying catch

Qualifying catch includes all retained legal catch of Pacific cod from the Federal and parallel waters fisheries in the Western and Central GOA.

- Catch will be calculated using Fish Tickets for catcher vessels and Catch Accounting/Blend data for catcher processors.
- Under all options, incidental catch allocated to trawl catcher vessels for the Central GOA Rockfish program (currently, 2.09% of the Central GOA Pacific cod TAC) will be deducted from the Central GOA trawl catcher vessel B season allocation.
- Each sector’s allocation will be managed to support incidental and directed catch needs for that sector.

Component 4: Potential Sector Allocations

Part A: Years included for purposes of determining catch history:

Central GOA

Each sector’s best of Options 1-6 scaled to equal 100 percent, jig excluded.

- Option 1: Qualifying years 2000-2006: average of best 3 years
- Option 2: Qualifying years 2000-2006: average of best 5 years
- Option 3: Qualifying years 2002-2007: average of best 3 years
- Option 4: Qualifying years 2002-2007: average of best 5 years
- Option 5: Qualifying years 2002-2008: average of best 3 years
- Option 6: Qualifying years 2002-2008: average of best 5 years

Central GOA sector allocations with jig allocation taken off the top of the TAC

	Annual Allocation	Compare to 60/40		A season allocation	B season allocation	A season allocation	B season allocation
		A season	B season	Percent of annual allocation	Percent of annual allocation	Percent of seasonal allocation	Percent of seasonal allocation
		season	season				
HAL CP	5.1%	80.3%	19.7%	4.1%	1.0%	6.8%	2.5%
HAL CV <50	14.6%	63.9%	36.1%	9.3%	5.3%	15.5%	13.2%
HAL CV >=50	6.7%	84.0%	16.0%	5.6%	1.1%	9.4%	2.7%
Pot CV/CP	27.8%	63.9%	36.1%	17.8%	10.0%	29.7%	25.1%
Trawl CP	4.2%	48.8%	51.2%	2.0%	2.2%	3.4%	5.4%
Trawl CV	41.6%	50.8%	49.2%	21.1%	20.5%	35.2%	51.2%
Total	100.0%			60.0%*	40.0%*	100.0%*	100.0%*

*Due to rounding, percentages for each sector may not sum to totals.

Western GOA

Each sector’s best of Options 1-4 scaled to equal 100 percent, jig excluded.

- Option 1: Qualifying years 1995-2005: average of best 7 years
- Option 2: Qualifying years 2000-2006: average of best 5 years
- Option 3: Qualifying years 2002-2007: average of best 5 years
- Option 4: Qualifying years 2002-2008: average of best 5 years

Western GOA sector allocations with jig allocation taken off the top of the TAC

	Annual Allocation	Compare to 60/40		A season allocation	B season allocation	A season allocation	B season allocation
		A season	B season	Percent of annual allocation	Percent of annual allocation	Percent of seasonal allocation	Percent of seasonal allocation
		season	season				
HAL CP	19.8%	55.2%	44.8%	10.9%	8.9%	18.2%	22.2%
HAL CV	1.4%	47.2%	52.8%	0.7%	0.7%	1.1%	1.8%
Pot CV/CP	38.0%	52.0%	48.0%	19.8%	18.2%	32.9%	45.6%
Trawl CP	2.4%	37.9%	62.1%	0.9%	1.5%	1.5%	3.7%
Trawl CV	38.4%	72.3%	27.7%	27.7%	10.7%	46.2%	26.6%
Total	100.0%			60.0%*	40.0%*	100.0%*	100.0%*

*Due to rounding, percentages for each sector may not sum to totals.

Part B: Western and Central GOA Sideboards

- For AFA CV sideboards: Combine the inshore and offshore AFA CV sideboard amounts into a single sideboard for each management area.
- For non-AFA crab sideboards: Recalculate the sideboards and establish separate CP and CV sideboard amounts by gear type for each management area.

Part C: Seasonal apportionment of sector allocations:

Central GOA

Apportion each sector’s annual allocation based on that sector’s seasonal catch history during the qualifying years, while maintaining the overall 60%/40% apportionment of the TAC, excluding the jig sector allocation.

Western GOA

Apportion each sector’s annual allocation based on that sector’s seasonal catch history during the qualifying years, while maintaining the overall 60%/40% apportionment of the TAC, excluding the jig sector allocation.

Component 5: Allocation of Pacific cod to jig sector

Before allocating the TACs among the other sectors, set aside 1% of the Central GOA Federal Pacific cod TACs, and 1.5% of the Western GOA Federal Pacific cod TACs, for the initial allocation to the jig vessel sector, with a staircase provision to increase the jig sector allocation by 1% if 90% of the Federal jig allocation in an area is harvested in any given year. The jig gear allocation will be capped at 6% of the Central and Western GOA Federal Pacific cod TACs.

Subsequent to the jig allocation increasing, if the harvest threshold criterion described in the options below is not met during two consecutive years, the jig allocation will be stepped down by 1% in the following year, but shall not drop below the level initially allocated.

Option 2: 90% of the previous allocation

The jig allocation will be set aside from the TAC.

State parallel/Federal managed Pacific cod jig fishery

Federal allocation managed 0-200 miles through a parallel fishery structure. Any State waters jig GHL would (under subsequent action by the Alaska Board of Fisheries) be added to this State parallel/Federal managed jig sector allocation so that the jig sector is fishing off of a single account. If the Board of Fisheries chooses to relinquish State waters jig GHL, it would roll into the Federal jig allocation. The Council will make such recommendation to the Board of Fisheries. Until the Board of Fisheries changes the GHL in response to this recommendation, a State parallel/Federal jig sector allocation with a State waters GHL fishery would be invoked.

If a combined parallel/Federal fishery is created the fishery would be managed as follows:

The fishery would open on January 1 and close when the jig A season sector allocation is reached. The Federal B season for the jig sector would open on June 10.

The jig allocation will be apportioned 80% to the A season and 20% to the B season.

State parallel/Federal jig sector allocation with a State waters GHL fishery

Until the Board of Fisheries takes action in response to the Council recommendations or input from the public, a distinct parallel/Federal and State waters fisheries continues to exist, and the two fisheries will be managed as follows:

The Federal jig sector allocation would be divided into an A/B season of 60%/40%. The A season would open on January 1 and close when the jig A-season sector allocation is reached or on March 15, whichever occurs first. The Federal B season for the jig sector would open on June 10 or after the State GHL season closes, whichever occurs later.

The Council directs staff to develop a discussion paper to consider whether a Federal parallel fishery, a “reverse parallel fishery”, is a viable management structure for the jig sector during the state GHL jig season. This management structure would allow LLP-exempt jig vessels to operate in Federal waters during a state Pacific cod fishery, with harvest accruing to the state GHL.

Component 6: Management of unharvested sector allocations

Any portion of a CV, CP, or jig allocation determined by NMFS to remain unharvested during the remainder of the fishery year will become available as soon as practicable to:

CV sectors first, and then to all sectors taking into account the capability of a sector, as determined by the Regional Administrator, to harvest the reallocated amount of Pacific cod.

Component 7: Apportionment of GOA-wide hook-and-line halibut PSC (other than DSR) between catcher processors and catcher vessels

Apportion the GOA hook-and-line halibut PSC to the CP and CV sectors in proportion to the total Western GOA and Central GOA Pacific cod allocations to each sector. No later than November 1, any remaining halibut PSC not projected by NMFS to be used by one of the hook-and-line sectors during the remainder of the year would be made available to the other sector. The apportionment of halibut will be proportional to the Pacific cod area apportionment determined during the TAC setting process.

Component 8: Community protection provisions (Western and Central GOA)

For the purposes of this provision, motherships include catcher processors receiving deliveries over the side and any floating processor that does not meet the regulatory definition of a stationary floating processor in 50 CFR 679.2. Stationary floating processors may process groundfish only at a single geographic location during a given year.

For each management area, the mothership processing cap is specified below:

Allow mothership activity for Pacific cod up to 2% of the Western GOA TAC in the Western GOA. Prohibit mothership activity for groundfish in the CGOA.

Allow Federally-permitted vessels that do not meet the definition of stationary floating processor and that do not harvest groundfish off Alaska in the same calendar year to operate as floating processors for Pacific cod deliveries in an amount up to 3% of the Central GOA Pacific cod TAC and 3% of the Western GOA Pacific cod TAC within the boundaries of Western and Central GOA CQE communities that provide certified municipal land and water boundaries to the State of Alaska Department of Commerce, Community, and Economic Development.

Retain the current definition of a stationary floating processor, but revise as follows so that there is no reference to the inshore component as applied to Pacific cod:

- A stationary floating processor may process Pacific cod in the Western and Central GOA only at a single geographic location in Alaska State waters in a given year.
- A stationary floating processor cannot operate as both a stationary floating processor and a CP/mothership during the same year.

Additionally, retain limits on the ability for AFA motherships and AFA CPs that are also active in the BSAI to process any Pacific cod in the GOA as follows:

- A vessel cannot operate as a stationary floating processor for Pacific cod in the GOA and as an AFA mothership in the BSAI during the same year.
- A vessel cannot operate as a stationary floating processor for Pacific cod in the GOA and as a CP in the BSAI during the same year.

Component 9: Potential models for resolving parallel fishery issues

The Council may provide recommendations for the Alaska Board of Fisheries' consideration on the parallel fishery that could complement Council action through use of the Joint Protocol Committee and regular review and comment on Board of Fisheries proposals, such as:

- gear limits
- vessel size limits
- exclusive registration

Limit access to the parallel fishery for Federal fishery participants:

- Require any pot or longline vessel with an LLP or an FFP to have the appropriate Pacific cod endorsement and area endorsement on the LLP; and the GOA area designation and the appropriate gear and operation type designations on the FFP in order to participate in the Western GOA or Central GOA Pacific cod parallel waters fishery.
- Require any trawl vessel with an LLP or an FFP to have the appropriate gear and area endorsements on the LLP; and the GOA area designation and the appropriate gear and operation type designations on the FFP in order to participate in the Western GOA or Central GOA Pacific cod parallel waters fishery.

In addition, require the above Federally-permitted or licensed vessels that fish in the parallel waters to adhere to Federal seasonal closures of the Western/Central GOA sector allocations corresponding to the sector in which the vessel operates.

Vessels with a GOA area designation and the gear and operation type designations specified in Option 2 cannot remove these designations from the FFP and can only surrender or reactivate the FFP

Once every three years