

GOA Rockfish Description of the Alternatives and Elements and Options

Bold yellow highlights denote changes from February Council meeting.

Program alternatives

The different program alternatives substantially overlap with one another. The summaries that follow reference each other to avoid repetition.

Entry level alternatives

Entry level alternative 2 - Entry level trawl/fixed gear fisheries (the pilot program structure)

Under this alternative, 5 percent of each of the target rockfish species is set aside for the entry level fisheries. This set aside is divided between the trawl and fixed gear sectors such that each receives an equal allocation of the aggregated TACs of target rockfish species available to the entry level fisheries. Because of operational differences, the trawl sector would receive its portion of the aggregate TACs first from the entry level TAC of Pacific Ocean perch. If the entry level Pacific Ocean perch TAC is less than the total allocation to the trawl sector, the sector receives proportional shares of the entry level northern rockfish and pelagic shelf rockfish TACs, such that aggregate entry level TAC is divided equally between the two gear types.

The entry level fishery is open exclusively to LLP license holders that are not eligible for the cooperative program. All deliveries from the entry level fisheries must be made to processors that are not eligible for the primary program. The entry level fishery would be prosecuted as a competitive limited access fishery. The fixed gear fishery opens on January 1st each year. The trawl fishery is scheduled to open on the 1st of May. Under one option, if halibut PSC are unavailable on that date, the opening would be delayed until the next release of halibut PSC. Under a second option, if sufficient halibut PSC is not available at the time of the scheduled opening, halibut usage would be deducted against the following quarter's halibut PSC allowance. **Under an option,** entry level fixed gear sector would be exempt from VMS requirements.

Since historic harvests suggest that the fixed gear sector may be unable to fully harvest its allocation, trawl participants are permitted to harvest the fixed gear allocation after September 1st. This is accomplished by allowing both sectors to fish off the combined remaining TACs beginning on September 1st.

Vessels fishing the fixed gear entry level allocation in Federal waters must have an LLP (if required for the vessel to operate in Federal waters) and must have registered for the entry level fishery. Fixed gear vessels that fish exclusively in parallel waters and do not have an LLP or a federal fisheries permit do not need to register for the program. In addition, these vessels that fish exclusively in parallel waters and do not have an LLP or federal fisheries permit may deliver their catch to any processor, including processors qualified for the main program (who cannot otherwise receive deliveries from the entry level fisheries).

Entry level alternative 3 - Entry level fixed gear only fishery

Under this alternative, only fixed gear sector would receive an entry level allocation of the primary rockfish species.¹ The starting entry level set aside under this alternative would be between 1 and 10 metric tons of Pacific Ocean perch, between 1 and 10 metric tons of northern rockfish, and between 10

¹ Some vessels that fished in the trawl entry level fishery under the demonstration program may qualify for the main program depending on the qualifying option selected.

and 30 metric tons of pelagic shelf rockfish. If the fixed gear entry level participants harvest 90 percent or more of their allocation of a rockfish species in a year, the set-aside would be increased the amount of the initial allocation of the species. Allocation increases would be capped at a maximum of between 1 and 5 percent of Pacific Ocean perch TAC, between 2 and 5 percent of northern rockfish TAC, and between 2.5 and 5 percent of pelagic shelf rockfish TAC.

Prosecution of the entry level fishery will be supported by the general allowance of halibut PSC to fixed gear. Catch of all other species would be governed by existing rules to control bycatch (i.e., MRAs and bycatch status management). Any vessel or gear type exempt from CGOA LLP requirements or any holder of a CGOA fixed gear LLP may enter a vessel in the entry level fishery. The entry level fishery would be prosecuted as a competitive limited access fishery opening on January 1st each year. **Under an option**, entry level fixed gear sector would be exempt from VMS requirements.

Catcher processor sector alternatives

Catcher processor alternative 2 - Catcher processor cooperative only (the pilot program structure)

Under the catcher processor cooperative only alternative, allocations would be made to the trawl catcher processor sector for target rockfish species and secondary species (Pacific cod, sablefish, shortraker, rougheye, and thornyhead) based on the historic harvest of sector members. These allocations are divided among cooperatives based on individual catch histories of cooperative members. A license holder's fishing history would be the history of the vessel that led to the license and the history of any vessel that fished using the license. Any license holder with a targeted catch of target rockfish in the qualifying period would be eligible for the program.

Two set asides of the target rockfish will be made prior to the allocations to the sectors under the new program. The first of these set asides would allocate a portion of the TAC for each target rockfish species to entry level fisheries. The second set aside would be an incidental catch allowance (ICA) to support incidental catch of the rockfish by participants in other directed fisheries. This set aside will be based on the incidental catch needs of other fisheries, which are estimated using rockfish incidental catch rates from those fisheries in recent years. After removal of the two set asides, the remainder of the target rockfish would be allocated to the catcher processor sector and the catcher vessel sector participating in the program. Allocations of the target rockfish to each sector would be based on retained catch (excluding landings processed into meal) of qualified vessels in the sector during the directed fishing season using each vessel's catch history during the qualifying years. Different years could be used for each species by each vessel for determining the allocation to maximize the allocation attributable to that vessel. For catcher processors, Weekly Processing Report data will be used to determine eligibility and calculate allocations.

The sector would also be allocated three secondary species—rougheye, thornyhead, and sablefish—based on catch of those species by the sector during the qualifying years while targeting rockfish. The allocations of these species would be a percentage of the TAC based on the average annual percentage of retained catch of secondary species harvested by the sector in the CGOA rockfish fishery relative to total retained catch of that secondary species by all gear types during the qualifying years. These secondary species allocations would be subdivided in proportion to the allocations of CGOA rockfish among cooperatives and the limited access fishery.

Three options are under consideration for managing shortraker rockfish in the catcher processor sector. Two of these options would manage shortraker as an allocated secondary species, with allocations of either 30.03 percent or 50 percent. The third option would combine shortraker rockfish and rougheye rockfish managing those species using a maximum retainable allowance percentage of 2 percent. Pacific cod would be managed using a revised maximum retainable allowance percentage of 4 percent. All other non-allocated species would be managed using the current MRA levels. Under options either all harvests

of allocated species or only target rockfish harvests would be the basis for purposes of determining permitted MRA retention. MRAs would be enforced on a trip-by-trip basis.

Three options are under consideration for the allocation of halibut mortality in the program. Under the first, halibut mortality would be allocated to the sector under the program based on halibut mortality during the qualifying period. Under the second, halibut mortality would be allocated based on halibut mortality during the first three years of the pilot program. Under the third option, the allocation of halibut mortality would be based 50 percent on halibut usage in the qualifying period and 50 percent on halibut usage in the first three years of the pilot program. The total allocation to the program would be based on total mortality of both sectors during the qualifying period calculated by dividing the total mortality during the qualifying period by the number of qualifying years. This overall allocation would be divided between the sectors based on each sector's relative share of the target rockfish under the program (i.e., total qualified rockfish pounds). Between 10 percent and 100 percent of any cooperative allowance of halibut PSC that has not been utilized by November 15 or after the declaration to terminate fishing will be added to the last seasonal apportionment for trawl gear during the current fishing year.

To participate in the fisheries, an eligible license holder must be a member of a cooperative. An option is under consideration that would require a minimum of two independent entities to form a cooperative using the 10% AFA rule. Cooperative agreements under this alternative would have a term of one year and must include a fishing plan for the harvest of the cooperative's allocation. Cooperatives are intended only to conduct and coordinate fishing of their member's allocations and are not intended to be formed under the Fishermen's Collective Marketing Act. The cooperative agreement must have a monitoring program and may adopt fishing practice codes of conduct. Cooperative members would be jointly and severally liable for the harvest of the cooperative's allocation. The cooperative would be required to file its agreement with the NOAA Fisheries Restricted Access Management Division to receive an annual allocation. A cooperative would be required to accept membership of any LLP license holder eligible for the cooperative subject to the same terms and conditions as governing other members. Eligible catcher processors that do not file cooperative agreements with NOAA Fisheries in a timely manner will be considered to have "opted-out" of the program for that year, forgoing the opportunity to fish CGOA rockfish. History of vessels that "opt-out" of the program would be reallocated within the catcher processor sector, based on histories of participants that elect to remain in the fishery.

An LLP license holder that is eligible for the program would be permitted to transfer the license. The transfer would include any privilege to participate in the program that is associated with or arises from holding the license. The interest in the program that is derived from the license would not be severable from the license, or divisible. In addition, cooperatives that meet a minimum two member threshold would be permitted to engage in the transfer of annual allocations. Catcher processors could also transfer annual allocations to catcher vessel cooperatives, but could not acquire annual allocations from catcher vessel cooperatives. Any transfers would be temporary transfers of a single year's annual allocation with the history reverting to the LLP license from which it came.

An option could be selected under which no person would be permitted to hold or use in excess of 20, 30, or 40 percent of the catcher processor pool. This cap would be applied to limit the amount of shares that an individual could bring to a cooperative, either through license holding or through intercooperative leasing. To apply this cap, intercooperative transfers would need to be conducted through individuals. In addition, no catcher processor could harvest in excess of 60 percent of the catcher processor pool.² Persons or vessels with history in excess of these limits would be grandfathered at their historic levels.

² History transferred to catcher vessel cooperatives would remain subject to the catcher processor caps and would not be subject to catcher vessel or shoreside processor caps.

The rockfish season for cooperatives would open on the 1st of May, and extend until the 15th of November. All catch of allocated species must be retained and fishing must be stopped by all cooperative members when any allocation is fully harvested or PSC is fully utilized.

Included in the program is an option to establish sideboards. Sideboards limit encroachment of participants in the rockfish program on other fisheries. Since the CGOA rockfish fishery is prosecuted in July, sideboards are generally intended to limit program participants to their historic harvests in other fisheries during July. Specifically, in Gulf fisheries that are historically constrained by TAC, eligible participants from each sector would be limited to their historic catch, in the aggregate.

Included as an option for consideration is the removal of sideboard limits for WYAK and WGOA primary rockfish species (Pacific ocean perch, Northern rockfish, and pelagic shelf rockfish) given this same catcher processor fleet is already limited by sideboards from Amendment 80.

Sideboards for Gulf fisheries that are historically constrained by halibut PSC would limit eligible participants in each sector to their historic halibut mortality in the month of July, in the aggregate. Since halibut in the Gulf is managed Gulf-wide for the deep-water complex and the shallow-water complex, management of the sideboard on a fishery-by-fishery basis would be substantially more complicated than managing one sideboard for the deep-water complex and a second sideboard for the shallow-water complex. NOAA Fisheries would manage two separate halibut sideboards (one for the deep-water complex and the other for the shallow-water complex).³ These July halibut sideboards would be administered by ending fishing in halibut limited fisheries in a complex by sector members eligible for the rockfish program when the sector halibut limitation is reached in that complex.

Included as an option for consideration is to remove 3rd season halibut PSC sideboards given this same catcher processor fleet is also limited by Amendment 80 sideboards. The Council has also included an option for consideration that would limit all catcher processors to the deep water halibut complex fisheries for the month of July.

Additionally, each catcher processor participant would be required to abide by a stand-down in all the Gulf of Alaska non-pollock groundfish fisheries. The stand-down would start on the July opening of the rockfish fishery and end on the earlier of two weeks or on the harvest of 90 percent of the participant's cooperative allocation, if the harvest of the allocation began on the traditional July opening. The maximum stand-down would allow participants to begin at a time other than early July, provided they are willing to abide by the two week stand-down.

In lieu of the stand-down in the Gulf of Alaska groundfish fisheries (other than the CGOA rockfish fisheries), a cooperative may (subject to NMFS approval) manage a sideboard of its catch in Gulf of Alaska groundfish fisheries. Under this approach, a cooperative would be limited in the aggregate to the historic catch of target species, if target catch constrains the fishery (or halibut PSC, for halibut PSC constrained fisheries) of its members in the qualifying years.

Options are included that would remove these standdowns, as most vessels in the rockfish fishery are already subject to sideboards under Amendment 80.

The duration of all CGOA rockfish program permits are 10 years. These permits shall be renewed before their expiration, unless the permit has been revoked, limited, or modified. An option could be adopted to limit the duration of the CGOA rockfish program to 10 years after implementation.

The program will also include a cost recovery program to cover the costs of administering the program. The fee, not to exceed 3 percent of the ex vessel value, will be charged on all landings.

³ The deep-water complex includes sablefish, rockfish, deepwater flatfish, rex sole, and arrowtooth flounder. The shallow-water complex includes flathead sole, shallow water flatfish, pollock, and Pacific cod.

A program review would also be conducted 5 years after implementation. Additional reviews will be conducted 7 years thereafter. This review would assess the progress of the program in achieving the goals identified in the purpose and need statement and the MSA.

Catcher processor alternative 3 – Cooperative or limited access

This alternative is largely the same as the catcher processor cooperative only alternative, except that catcher processors that choose not to join a cooperative are permitted to fish in a limited access fishery. Eligible catcher processors wishing to fish in the limited access fishery would need to apply for that fishery in a timely manner. The allocation of primary rockfish species and halibut PSC to the limited access would be based on the histories of LLP licenses registered for participation in the fishery. The allocations that would have been made based on the histories of LLP licenses that are not registered to fish (either in a cooperative or the limited access) would be allocated to cooperatives and the limited access fishery based on the histories of participants in those fisheries.

As under pilot program structure, the limited access portion of the catcher processor CGOA rockfish fishery would open in the beginning of July, and would close when managers estimate that its participants have fully harvested the target rockfish allocations in that fishery. All species, except for the target rockfish, would be managed with MRAs. MRAs would be enforced on a trip-by-trip basis. The secondary species would be managed under the following reduced MRAs, intended to maintain catch levels below the allocated amount:

- Pacific cod – 4 percent
- Sablefish – 3 percent
- Shortraker/rougheye – 2 percent
- Thornyhead – 4 percent

Since the limited access fishery changes some of the dynamics in the GOA fisheries to include opportunities for participants to expand into other fisheries, sideboard measures would apply under this alternative. Participants that choose to fish in the limited access fishery and who account for less than 5 percent of the allocated catcher processor history of Pacific Ocean perch, would be subject to no sideboard or stand-down, beyond the aggregate sector sideboards. Limited access fishery participants that account for 5 percent or more of the sector's Pacific Ocean perch would be required to stand-down in Gulf of Alaska, until 90 percent of the limited access Pacific Ocean perch is harvested.

Eligible catcher processors that do not join a cooperative (i.e., choose to “opt-out” of the program for a year) would be subject to two week stand-downs in the Gulf of Alaska fisheries in which they have less than two years of participation during the first week of July in the qualifying years.

The sideboards for those that join a cooperative under this alternative are the same as those described under the allocation of catcher processor cooperative only structure.

Rules limiting use and holdings of shares by individuals and cooperatives, share duration and renewal provisions, program review, and cost recovery are the same as under the preceding alternative.

Catcher vessel sector alternatives

Catcher vessel alternative 2 - Harvester only cooperative

This catcher vessel alternative establishes a cooperative program for sector members. The distinguishing characteristic of the alternative is that historic processors receive no direct protection of their interests.

Under this alternative, the catcher vessel sector would receive a sector allocation of target rockfish, secondary species (except shortraker rockfish and rougheye rockfish), and halibut PSC based on catcher

vessel histories using the same methodology as described under the catcher processor alternatives. The catcher vessel sector, however, would also receive an allocation of Pacific cod based on average annual percentage of total CGOA retained catch of Pacific cod taken by the sector during the CGOA rockfish fishery (instead of fishing under an MRA, as the catcher processor sector would). The catcher vessel sector would fish shortraker rockfish and roughey rockfish under an MRA of 2 percent. If the sector's harvest of shortraker rockfish reaches 9.72 percent of the TAC, it would go on PSC status for the sector, under which any retention is prohibited. Cooperative allocations of target rockfish, secondary species (except shortraker rockfish and roughey rockfish), and halibut PSC would be based on the collective target rockfish histories of members during the qualifying years based on the method described under the catcher processor alternatives. Any allowance of halibut PSC that has not been utilized by November 15 or after declaration to stop fishing by a cooperative will be added to the last seasonal apportionment for trawl gear during the current fishing year. Under an option, Pacific cod and sablefish could be managed under a modified MRA that has yet to be defined.

Holders of permanent catcher vessel trawl LLP licenses with directed catch of target rockfish in the qualifying years would be eligible for the cooperative program. Allocations of target rockfish to these licenses would be based on their catches during the qualifying period. In addition, under an option, a permanent license assigned to a vessel that previously used an interim license for targeted rockfish catch in the qualifying period would qualify for the program, provided the permanent license was acquired and assigned to the vessel prior to December 31, 2003. The allocation to these licenses would be the catch of the vessel using the interim and later assigned permanent license. Three qualifying period are under consideration, including periods of years between 1996 and 2006. Qualifying years may differ from the catcher processor sector qualifying years. Qualified catch is based on fish tickets and includes all landings (excluding meal) of target rockfish during the directed fishery.

An option could also be applied to include in the cooperative program other ineligible LLP licenses that participated in the pilot program entry level fishery. To be eligible under the option, an LLP license would need to have registered for the entry level fishery in both 2007 and 2008 and made at least one landing from the entry level fishery in one of those years. An option could be selected to consider 2009 catch history for determining eligibility of pilot program entry level participants. Options defining the allocations to these catcher vessel LLP licenses would be based on 1) the average allocation of the lowest one-third or one-quarter of catcher vessel LLP licenses that participated in the pilot program in either 2007 or 2008, 2) the average allocation of the lowest one-quarter to one-third of all qualified LLP licenses, 3) the actual catch history of the vessel in 2007 or 2008, 4) the average catch history of vessels that participated in the entry level fishery in 2007 or 2008, or 5) the average allocation of all qualified catcher vessel LLP licenses. Under a suboption, 2009 catch history could be considered when defining allocations to entry level pilot program participants. An option could be selected to make allocations of target rockfish, secondary species, and halibut PSC to eligible entry level processors. These allocations would a percentage of the harvest shares that are allocated to trawl LLPs that qualify from the entry level trawl fishery.

To participate in the fisheries, an eligible license holder must be a member of a cooperative.⁴ Eligible LLP license holders that do not file cooperative agreements with NOAA Fisheries in a timely manner would not be permitted to fish CGOA rockfish. History of LLP licenses not participating would be reallocated within the catcher vessel sector, based on histories of participants that elect to remain in the fishery.

A cooperative would be required to file its agreement with NOAA Fisheries to receive an annual allocation. Cooperative agreements would have a term of one year and must include a fishing plan for the

⁴ The option for a limited access fishery is excluded, as that option appears unnecessary in a fishery with flexible cooperative formation. In addition, a provision that requires a cooperative to accept membership of any LLP license holder eligible for the cooperative subject to the same terms and conditions as governing other members seems unnecessary given the level of flexibility in cooperative formation.

harvest of the cooperative's allocation. Cooperatives are intended only to conduct and coordinate fishing of their member's allocations and are not intended to be formed under the Fishermen's Collective Marketing Act. Cooperative members would be jointly and severally liable for the harvest of the cooperative's allocation. A cooperative could include fishing practice codes of conduct in its membership agreement. Processor affiliated license holders would be permitted to join cooperatives, but would not be permitted to engage in price negotiations, except as permitted by antitrust laws. Cooperatives would be permitted to engage in the transfer of annual allocations. Catcher vessel cooperatives would be permitted to acquire annual allocations from catcher processor cooperatives, but could not transfer annual allocations to catcher processor cooperatives. Any transfers would be temporary transfers of a single year's annual allocation, with the history remaining with the LLP license of origin. Future annual allocations would be based on the cooperative membership of the LLP holder.

To protect community interests, an option could be adopted to require all landings to be made in the Port of Kodiak.

A vessel use cap would limit any catcher vessel from catching more than 4 percent to 10 percent of the target allocations to the sector. An option could be selected to grandfather vessels that historically exceeded that limit. No catcher vessel cooperative would be permitted to hold or use in excess of 30 percent of the catcher vessel sector's allocation, while no person would be permitted to hold or use in excess of **between 3 and 5** percent of the catcher vessel sector's allocation. This cap would be applied to limit the amount of shares that a person could bring to a cooperative, either through license holding or through inter-cooperative leasing. To apply this cap, inter-cooperative transfers would need to be conducted through individuals. Persons receiving an allocation in excess of the cap would be grandfathered at the level of the allocation.

A processing cap could be adopted to prohibit any processor from processing in excess of between 20 percent and 33 percent of the primary rockfish species landings and secondary species landings from the catcher vessel sector. An option could be selected to grandfather any processor that historically processed in excess of the processing cap.

Sideboards would limit the participation of eligible catcher vessels in other fisheries. As would be applied to catcher processors, a general sideboard would limit catcher vessel participants, in the aggregate, to their historic harvests in other fisheries in the month of July, the month during which the rockfish fisheries have been prosecuted historically. To accomplish this end, in Gulf fisheries that are historically constrained by TAC, eligible participants from each sector would be limited to their historic catch in the month of July, in the aggregate.

The Council included an option for consideration that would prohibit catcher vessels from directed fishing for WYAK and WGOA primary rockfish species.

Sideboards for Gulf fisheries that are historically constrained by halibut PSC would limit eligible participants in each sector to their historic halibut mortality in the month of July, in the aggregate. Since halibut in the Gulf is not managed in each fishery, but is managed for the deep-water complex and the shallow-water complex, management of the sideboard on a fishery-by-fishery basis would be substantially more complicated than managing one sideboard for the deep-water complex and a second sideboard for the shallow-water complex. NOAA Fisheries would manage two separate halibut sideboards (one for the deep-water complex and the other for the shallow-water complex).⁵

The Council has included an option for consideration that would limit all catcher vessels to the shallow water halibut complex fisheries (except for rockfish target fisheries in CGOA, WYAK, and WGOA) for the month of July.

⁵ The deep-water complex includes sablefish, rockfish, deepwater flatfish, rex sole, and arrowtooth flounder. The shallow-water complex includes flathead sole, shallow water flatfish, pollock, and Pacific cod.

A set of options are included in the alternative that would prohibit or allow qualified catcher vessels entry to the Bering Sea and Aleutian Islands direct fisheries for yellowfin sole, “other” flatfish, or Pacific Ocean perch in the month of July. In addition, two options are also included in the alternative that would limit qualified catcher vessels in the month of July to their historic average total catch in the Bering Sea and Aleutian Islands Pacific cod fishery, in the aggregate or can participated unrestricted during the month of July. Catcher vessel participants in the AFA that are not exempt from Gulf sideboards under the AFA would be exempt from any sideboards under this program.

Program review, cost recovery, and share and program duration options are as described for the catcher processor sector.

Catcher vessel alternative 3 – Allocation of harvest shares to processors

This catcher vessel alternative establishes a cooperative program for sector members. The distinguishing characteristic of the alternative is an allocation of harvest shares to historic and dependent processors in the fisheries, intended to protect interests of those processors.

Under this alternative, the catcher vessel sector allocations of target rockfish, secondary species, and halibut PSC would be the same as described under the previous catcher vessel alternative. In addition, rules governing unallocated species (including options to establish MRAs for some secondary species) would apply to this alternative. Allocations of target rockfish under this alternative would be divided between eligible license holders (i.e., harvesters) and eligible processors, with processors receiving 10, 20, or 30 percent of the sector’s pool, depending on the option selected for making that allocation.

Allocations of the harvester portion of sector’s pool would be made under the rules described in the previous alternative. Options for including persons who fished with interim licenses and persons who participated in the entry level fishery could be applied.

To make the processor allocations, the fixed percentage of the harvest share pool (i.e., exclusive harvest share allocations) would be allocated among eligible processing sector participants based on processing in the fisheries during a specified time period. Annual allocations for processors will be subject to the same allocation and harvest rules governing catcher vessel allocations. Included in the allocation would be target rockfish, secondary species and halibut PSC, with latter allocations based on aggregate allocations of target rockfish.

An option could be adopted to specifically qualify processors that participated in the entry level fishery under the pilot program. Under the option, these entry level processors would receive allocations of harvest shares based on their processing histories during a special qualifying period. Two options could be used for defining specific allocations to entry level processors. Under the first, an entry level processor’s allocation would be based on its processing during the entry level qualifying period relative to all other qualified processors’ histories (including other entry level processors). Under the second option, entry level processors collectively would receive the same share of the processor pool of harvest shares as is allocated to entry level harvesters under the harvest sector allocation rules. This portion of the processor harvest share pool would be divided among eligible entry level processors based on their histories during the entry level processing qualifying period.

To participate in the fisheries, an eligible license holder or processor must be a member of a cooperative. Eligible LLP license holders and processors that do not file cooperative agreements with NOAA Fisheries in a timely manner would not be permitted to fish CGOA rockfish. History of LLP licenses and processors not participating would be reallocated within the catcher vessel sector, based on histories of participants that elect to remain in the fishery. Cooperative rules, including rules governing transfers and participation of affiliates of processors, would be the same as those described in the previous alternative.

The Council has included an option in this alternative that would require that a processor's allocation of harvest shares be harvested by a vessel that is not affiliated with the processor.⁶ In addition, to protect community interests, the Council has included for consideration an option that would require all landings to be made in the Port of Kodiak.

Harvest shares held by processors will be subject to a 5 percent cap for holding and use. Included in this alternative is option to increase the limit to 10 percent for holding and use of harvest shares held by the processor. An option to grandfather initial recipients is included in this alternative.

For purposes of the transferring harvester shares held by the processor, these harvest shares can be divisible. There are currently three options for who may receive transferred harvest shares held by a processor. The first option would allow these shares to be transferred to processors, at the plant level, who where initially issued harvest shares. The second option would allow shares to be transferred to processors who have processed at least 100-250 metric tons of rockfish delivered by catcher vessels within any two year period during the new rockfish program. Included in this option are two suboptions that would further narrow eligible processors to either ones in the Port of Kodiak or a shoreside processing facility. Finally, the third option would allow harvester shares held by a processor to transfer those shares to a holder of a CGOA rockfish program qualified LLP.

Rules limiting use and holdings of shares by vessels, individuals, and cooperatives, processing caps, sideboard limitations, share duration and renewal provisions, program review, and cost recovery are the same as under the preceding alternative.

Catcher vessel alternative 4 - Severable harvester/processor association – no forfeiture

Eligible harvesters will receive allocations based on qualifying harvest histories. To access the allocation, a harvester must join a cooperative in association with a processor. The harvester has full discretion in choosing a cooperative both initially and annually thereafter and may change cooperatives (and accompanying processor associations) annually without forfeiture. An option could be applied that would require a cooperative to accept any eligible license holder as a member subject to the same terms and conditions applicable to other members.⁷ As with the preceding alternatives, no explicit processor delivery requirement would be established by the program; a Port of Kodiak delivery requirement is being considered; and no limit on processor entry would be included in the program.

Under this alternative, the catcher vessel sector would receive allocations of CGOA rockfish, secondary species, and halibut PSC using the same methodology as described under the harvester only cooperative alternative with no allocation to pilot program entry level participants. Eligibility for the program and long term and annual allocations of these species would be made to sector members and cooperatives, respectively, as described under the harvester only cooperative alternative.

Rules limiting use and holdings of shares by vessels, individuals, and cooperatives, shore-based processing limitations, sideboard limitations, share duration and renewal provisions, program review, and cost recovery are the same as under the preceding alternative.

⁶ It is unclear whether this provision can be effectively implemented, as tracking of individual share usage in a cooperative management program may be infeasible. It is possible that a variant of this provision could be developed that would prevent processors using these allocations to expand harvest sector activity in a manner that does not impose an unreasonable administrative burden.

⁷ The Council should note that, at this time, staff has included this option only in this alternative. This alternative is the only one that imposes any limitation on cooperative formation choices for catcher vessels, which is the arguable rationale for the inclusion of this provision (see sections 9.4 and 11 of the following elements and options).

Elements and options defining the program alternatives

The Council has identified the following elements and options to define its alternatives

Alternatives, Elements, and Options

Entry-Level Fishery Alternatives (EL)

1. Status Quo (revert back to LLP management)
2. Entry level trawl/fixed gear fisheries (the pilot program structure)
3. Fixed gear only fishery

Catcher Processor Alternatives (CP)

1. Status Quo (revert back to LLP management)
2. Catcher processor cooperative only
3. Cooperative or limited access (the pilot program structure)

Catcher Vessel Alternatives (CV)

1. Status Quo (revert back to LLP management)
2. Harvester only cooperative
3. Harvester cooperatives with allocation of harvest shares to processors
4. Severable harvester/processor association – no forfeiture

The above alternatives are defined by the following elements and options.

1 ICA Set Aside

Prior to allocation of catch history to the sectors, NMFS shall set aside an Incidental Catch Allocation (ICA) of Pacific Ocean perch (POP), northern rockfish, and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the cooperative program. (EL – all)

2 Entry-level Set Aside (EL – all)

A percentage of CGOA POP, northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program.

2.1 Trawl and fixed gear entry level fisheries (EL – 2)

The annual set aside will be 5 percent of each of these target rockfish species.

Set-asides shall be apportioned at 50% for trawl gear and 50% for fixed gear.

The trawl sector's allocation by weight (based on the aggregate TAC for Pacific Ocean perch, Northern and pelagic shelf rockfish) shall first be Pacific Ocean perch.

Unharvested allocations to either sector shall be available to both sectors at the end of the third quarter.

The entry level fishery will be managed as a limited entry fishery.

Start dates for the entry level fishery should be January 1 for fixed gear and approximately May 1 for trawl gear.

2.1.2 Halibut PSC Limit Allocation

Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species.

Trawl halibut PSC options

Option 1: If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), the start date will be on the next release of halibut PSC.

Option 2: If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), halibut usage will be deducted against the following quarter's halibut PSC allowance.

Vessels that can participate in the entry level fishery are those vessels that did not qualify for the CGOA rockfish cooperative program. Before the beginning of each fishing year an application must be filed with NMFS by the interested vessel that includes a statement from a non-qualified processor confirming an available market.

Option: Entry level fixed gear sector are exempt from VMS requirements.

2.2 Fixed gear only entry level fishery (EL-3)

The annual set aside will be;

1 – 10 mt of the POP TAC

1 - 10 mt of the northern rockfish TAC

10 - 30 mt of the pelagic shelf rockfish TAC.

If the entry-level fishery harvests 90% or more of their allocation of a species, the set-aside would increase by the amount of the initial allocation the following year:

1 - 10 mt POP

1 - 10 mt Northern rockfish

10 - 30 mt pelagic shelf rockfish

This increase would be capped at a maximum of:

POP

- a. 1%
- b. 3%
- c. 5%

Northern Rockfish

- a. 2%
- b. 3%
- c. 5%

Pelagic Shelf Rockfish

- a. 2.5%
- b. 3%
- c. 5%

The entry level fishery will be managed as a limited entry fishery.

Start date for the entry level fishery should be January 1.

Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species.

Any vessel or gear type exempt from CGOA LLP requirements or any holder of a CGOA fixed gear LLP may enter a vessel in the entry level fishery.

Option: Entry level fixed gear sector are exempt from VMS requirements.

3 Program eligibility (CP – all and CV – all)

The eligibility for entry into the cooperative program is one targeted landing of POP, Northern rockfish or PSR caught in CGOA during the qualifying period using a CGOA trawl LLP license.

Option: In addition, the following participants would be eligible to enter the program:
those persons whose vessel had one targeted landing of POP, northern rockfish or PSR caught in CGOA during the qualifying period with interim trawl CGOA license that was later determined to be an invalid trawl CGOA endorsement, but who acquired a valid CGOA trawl license prior to December 31, 2003, which has been continuously assigned to the vessel with the target landing since acquired until the date of final Council action.

4 Qualified catch (CP – all and CV – all)

4.1 Basis for the allocation to the LLP license holder is the catch history of the vessel on which the LLP license is based and shall 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 allocation of harvest shares 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.)

Option: For licenses qualified based on catch of a vessel using an interim license, the basis for the allocation will be the catch history of such vessel, notwithstanding the invalidity of the interim Central Gulf trawl LLP endorsement under which the vessel operated during the qualifying period. History allocated under this provision shall be assigned to the LLP license.

4.2 Catch history will be the history during the following qualifying period:

- 1) 1996-2002 (drop two)
- 2) 1998-2006 (drop two or four)
- 3) 2000-2006 (drop two)

4.3 Qualified target species history is allocated based on retained catch (excluding meal) during the rockfish target fishery. Different years may be used (or dropped) for determining the history of each of the three rockfish species.

The CP catch history will be based on WPR data.
CV catch history will be based on fish tickets.

4.4 Entry level trawl qualification/allocation for the main program:

- 1) Vessels / LLPs that do not qualify for Cooperative quota (CQ) for the CGOA rockfish cooperative program.
- 2) The trawl LLP must have registered for the entry level fishery both in 2007 and 2008.
Option: Add 2009
- 3) The trawl LLP must have made a landing of fish in the entry level fishery with trawl gear in either 2007 or 2008.
Option: Add 2009

4.5 The qualified entry level trawl LLP would receive an allocation of QS for the primary rockfish species equivalent to:

- 1) Average of the lowest one-quarter to one-third of the qualified CV LLPs that actively fished in the RPP program in either 2007 or 2008.
- 2) Average of the lowest one-quarter to one-third of all qualified CV LLPs.
- 3) Actual catch history of the vessel/LLP in 2007 or 2008 (information would be withheld due to confidentiality restrictions unless the vessel(s) agrees to have the data released to the public).

- 4) Average of the qualified CV LLPs that actively fished in the RPP program in either 2007 or 2008
- 5) Average of all qualified CV LLPs

Option: Add 2009 to options calculated from catch history in the entry level fishery.

Note: secondary and halibut PSC allocations are calculated the same as the other qualified LLPs.

5 Sector definitions (CP – all and CV – all)

Trawl catcher vessel – A trawl catcher-vessel that has a CV or CP LLP license, but does not process its catch on board.

Trawl catcher processor - A trawl catcher-processor is a trawl vessel that has a CP LLP license and that processes its catch on board.

6 Rationalized areas (CP – all and CV – all)

History is allocated for the CGOA only (NMFS statistical areas 620 and 630).

7 Sector allocations (CP – all and CV – all)

7.1 Target rockfish species

Catch history is determined by the sector's qualified catch in pounds as a proportion of the total qualified catch in pounds.

Sector allocations of target rockfish species are based on individual qualified vessel histories applying any applicable drop year provision at the vessel level.

Full retention of the target rockfish species required

7.2 Secondary species

Secondary species history is allocated based on retained catch of the species while targeting rockfish over retained catch in all fisheries.

7.2.1 Except as provided below, history will be allocated to each sector for the following secondary species:

sablefish,
shortraker rockfish
roughey rockfish,
thornyhead rockfish, and
Pacific cod.

7.2.3 Except as otherwise provided below, secondary species allocations will be based on: The sector's average annual percentage of retained catch of the secondary species by the rockfish target fisheries during the qualifying period. For each qualifying year calculate the sector's retained catch of the species in the target rockfish fisheries divided by the retained catch of all CGOA fisheries. Sum these percentages and divided by the number of qualifying years. The calculated average annual percentage is multiplied by the secondary species TAC for that fishery year and allocated to each sector in the cooperative program.

7.2.4 Exceptions:

For the catcher processor sector, Pacific cod history will be managed by MRA of 4 percent.

For shortraker and roughey:

For the CP sector, a shortraker allocation of the TAC will be:

Option 1a: 30.03 percent

Option 1b: 50 percent

To be managed as a hard cap, and a rougheye allocation of 58.87% of the TAC, to be managed as a hard cap.

Option 2: shortraker and rougheye will be managed with a combined MRA of 2%.

For the CV sector, shortraker and rougheye should be managed with a combined MRA of 2 percent. If harvest of shortraker by the CV sector reaches 9.72% of the shortraker TAC, then shortraker should go on PSC status for that sector.

Option 1: No directed fishing for secondary species Pacific cod and sablefish

Option 2: Manage Pacific cod and sablefish under a modified MRA.

Participants must retain all allocated secondary species and stop fishing when cap is reached.

MRAs in the CP sector will be enforced on a trip-by-trip basis.

7.3 Prohibited species (halibut mortality)

Option 1: Allocation to the rockfish cooperative program will be based on historic average usage, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the qualifying years by the number of years.

Option 2: Allocation to the rockfish cooperative program will be based on historic average usage in the first three years of the rockfish pilot program, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during those years by the number of years.

Option 3: Allocation to the rockfish cooperative program will be based on the historic average usage, calculated as:

- 1) 50 percent of the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the qualifying years divided by the number of qualifying years plus
- 2) 50 percent of the total number of metric tons of halibut mortality in the first three years of the rockfish pilot program divided by three (i.e., the number of years).

The halibut allocation will be divided between sectors based on the relative amount of target rockfish species allocated to each sector (e.g., the sector's share of total qualified catch).

Option for supplementing the last seasonal apportionment for trawl gear

~~Any allocation of halibut PSC that has not been utilized by November 15 or after the declaration to terminate fishing will be added to the last seasonal apportionment for trawl gear during the current fishing year.~~

10, 25, 50, 75, or 100 percent of any allocation of halibut PSC that has not been utilized by November 15 or after the declaration to terminate fishing will be added to the last seasonal apportionment for trawl gear during the current fishing year. The remaining portion of any allocation will remain unavailable for use.

8 Allocation from sector to vessel (CP – all and CV – all)

Within each sector, history will be assigned to LLP holders with CGOA endorsement that qualify for a sector under the ‘sector allocations’ above. The allocations will be to the current owner of the LLP of the vessel which earned the history.

Target Species

Each LLP holder will receive an allocation of history equivalent to the license’s proportion of the total of the sector qualifying history.

Secondary Species

Each LLP holder will receive an allocation of allocated secondary species equal to the license’s proportion of the sector’ target rockfish history.

PSC (Halibut Mortality)

Each LLP holder will receive an allocation of halibut mortality equivalent to the license’s proportion of the sector’s target rockfish history.

Halibut PSC in the CP sector shall be divided between the co-op(s) and limited access according to the history of the participating vessels.

Allocations are revocable privileges

The allocations under this program:

- 1) may be revoked, limited, or modified at any time,
- 2) shall not confer any right of compensation to the holder, if it is revoked, limited, or modified, and
- 3) shall not create or be construed to create any right, title, or interest in or to any fish before the fish is harvested by the holder.

Domestic processing

All fish harvested with an allocation from this program must be processed in the U.S.

Regionalization – Apply to catcher vessel sector only:

Option 1: All CV CQ must be landed in the Port of Kodiak.

9 Catcher vessel/shore based processor provisions (CV – all)

9.1 Processor eligibility (CV-3)

An eligible processor is a processing facility that has purchased:

Option 1 - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish harvest per year, for 4 years, from 1996 to 2000.

Option 2 - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish per year, for 4 years, from 2000 to 2006.

Suboption: (entry level fishery processor): 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish harvested from 2007 to 2008.

Suboption: Add 2009

Processor qualifying years

Each eligible shore based processor is allocated processor catch history based on individual processor histories of CGOA target rockfish for the years:

Option 1 - 1996-2000 (drop 1 year)

Option 2 - 2000–2006 (drop 2 year)

Suboption 1: (entry level processors): 2007–2008

Suboption: Add 2009

Suboption 2: (entry level processors) Eligible entry level processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of

harvest shares that are derived from those trawl LLPs that received allocations based on participation in the entry level trawl fishery into the main program.

For alternatives with processor associations the drop year is selected by the processor and applied to all LLP licenses when determining those associations.

9.2 Option A - Harvester only cooperative (CV-2)

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be to harvesters (i.e., 100/0).

A holder of catcher vessel harvest history may join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

9.3 Option B - Harvester cooperatives with processor allocation of harvest shares (CV – 3)

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be apportioned between harvesters (CV only) and shore based processors:

- Option 1: 90/10
- Option 2: 80/20
- Option 3: 70/30

Eligible processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares in proportion to its qualifying processing history. Annual allocations will be of the same species and subject to the same allocation and harvest rules governing catcher vessel allocations.

Option: Processor allocations of CV harvest shares may be harvested only by vessels that are not owned or controlled by the holder of those harvester shares (using the AFA rules for determining control and ownership).

A holder of catcher vessel harvest history or processor histories may join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

9.4 Option B - Harvester cooperatives with severable processor associations and no forfeiture (CV-4)

Harvesters must join a cooperative to participate in the target rockfish fisheries.

10 Catcher processor cooperatives

More than one co-op may form within the sector.

Allocations may be transferred between co-ops of at least two LLPs.

Participants have a choice of participating in:

Option 1: a co-op or opt out of the rockfish program,

Option 2: a co-op, a limited access fishery, or opt of the rockfish program

Option: A minimum of two independent entities are required to form a CP cooperative (using the 10% AFA rule)

Under the LLP/open access fishery option, the LLP's historic share will be fished in a competitive fishery open to rockfish qualified vessels who are not members of a cooperative. The secondary species would be managed under the following reduced MRAs, intended to maintain catch levels below the allocated amount: Pacific cod - 4 percent, sablefish - 3 percent, shortraker/rougheye - 2 percent, and thornyhead - 4 percent. All other species would be managed with MRAs at their current levels.

11 General cooperative provisions – apply to both sectors

Duration of cooperative agreements is 1 year.

The cooperative membership agreement (and an ancillary agreement with an associated processor, if applicable) will be filed with the RAM Division. The cooperative membership agreement must contain a fishing plan for the harvest of all cooperative fish.

Cooperative members shall internally allocate and manage the cooperative's allocation per the cooperative agreement.

Subject to any harvesting caps that may be adopted, allocated history may be transferred and consolidated within the cooperative.

The cooperative agreement must have a monitoring program. Cooperative members are jointly and severally responsible for cooperative vessels harvesting in the aggregate no more than their cooperative's allocation of target rockfish species, secondary species and PSC mortality, as may be adjusted by inter-cooperative transfers.

A cooperative may adopt and enforce fishing practice codes of conduct as part of their membership agreement.

Option: Cooperative membership agreements shall allow for the entry of other eligible harvesters into the cooperative under the same terms and conditions as agreed to by the original agreement.

Cooperatives will report annually to the Council as per AFA.

12 Sector Transfer provisions

CP annual allocations may be transferred to CV cooperatives. CV annual allocations may not be transferred to CP cooperatives.

All transfers of annual allocations would be temporary and history would revert to the original LLP at the beginning of the next year.

A person holding an LLP that is eligible for this program may transfer that LLP. That transfer will effectively transfer all history associated with the LLP and any privilege to participate in this program that might be derived from the LLP.

Permit post-delivery transfers of cooperative quota (annual allocations to cooperatives).

There would be no limits on the number or magnitude of post-delivery transfers. All post-delivery transfers must be completed by December 31st.

No cooperative vessel shall be permitted to begin a fishing trip unless the cooperative holds unused cooperative quota.

Harvest shares held by processors will be divisible for transfer.

Harvest shares held by processors may be transferred to:

Option 1: Those processors, at the plant level, who were initially issued harvest shares

Option 2: Those processors who have processed at least 100-250 metric tons of rockfish delivered by catcher vessels within any two-year period during the new program

Suboption 1: in the port of Kodiak

Suboption 2: to a shoreside processing facility

Option 3: a holder of a Central GOA rockfish program eligible LLP

13 Cooperative Harvest Use Caps

CV cooperatives

No person may hold or use more than 3-5% of the CV historic shares, using the individual and collective rule (**Option:** with grandfather provision).

Control of harvest share by a CV cooperative shall be capped at 30% of aggregate POP, Northern Rockfish and PSR for the CV sector.

No CV may catch more than 4-10 % of the target CV allocation
(Option: with grandfather provision).

Harvest shares held by processors will be subject to the same 5% cap for holding and use that applies to harvest shares held by harvesters

Suboption: 10% cap

Suboption: Grandfather initial recipients

CP cooperatives

No person may hold or use more than 20, 30, or 40 percent of the CP historic shares, using the individual and collective rule

(Option: with grandfather provision).

Control of harvest share by a CP shall be capped at 60% of aggregate POP, Northern Rockfish and PSR for the CP sector.

Option: Eligible CPs will be grandfathered at the current level.

Shoreside Processor Use Caps

Shoreside processors shall be capped at the entity level.

No processor shall process more than 20%, 25%, 30% or 33% of aggregate POP, Northern Rockfish and PSR for the CV sector.

No processor shall process more than 20%, 25%, 30%, or 33% of aggregate secondary species for the CV sector.

(The year 2002 will be used as a base (or index) year for applying the aggregate caps.)

Option: Eligible processors will be grandfathered.

14 Harvesting provisions

The cooperative season start date is May 1 and closing date is November 15. Any limited access fishery will open in early July, as under the previous License Limitation Program management.

All non-allocated species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, Atka mackerel and other rockfish. Basis species for purposes of determining MRAs will be:

Option 1 - Only primary allocated rockfish species

Option 2 - All allocated species

Secondary species allocations may be fished independently of the primary species allocations.

Option: No directed fishing for secondary species Pacific cod and sablefish.

Full retention of all allocated species is required.

15 Program review

A formal detailed review of the program shall be undertaken 5 years after implementation. The review shall assess:

- 1) the progress of the program in achieving the goals identified in the purpose and need statement and the MSA, and
- 2) whether management, data collection and analysis, and enforcement needs are adequately met. Additional reviews will be conducted every 7 years there after coinciding with the fishery management plan policy review.

16 Duration

Share Duration

The duration of all CGOA rockfish LAPP program permits are 10 years. These permits shall be renewed before their expiration, unless the permit has been revoked, limited, or modified.

Option: Program Duration

Absent Council review and recommendation to extend, the CGOA rockfish LAPP program expires 10 years after implementation.

17 Cost recovery

A fee, not to exceed 3 percent of ex vessel value, will be charged on all landings to cover the costs of administration of the program.

18 Sideboards

18.1 General Provisions

There are no exemptions from sideboards, except for a partial exemption for CP vessels which opt out of the cooperative program or join cooperatives.

WYAK and WGOA Primary Rockfish Species

Option 1: For fisheries that close on TAC in the GOA, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in aggregate, in the month of July to the historic average catch of those vessels based on the retained catch as a percentage of the retained catch in the fishery in the month of July during the qualification years. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish.

Option 2: For catcher processors, remove sideboard limits for WYAK and WGOA primary rockfish species.

Option 3: For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species.

Halibut PSC

Option 1: For flatfish fisheries in the GOA that close because of halibut bycatch, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in the aggregate, in the month of July to the historic average halibut mortality taken by those vessels in the target flatfish fisheries in the month of July by deep and shallow complex as a Gulf-wide cap.

Option 2: For catcher processors, remove sideboard limits for WYAK and WGOA 3rd season halibut PSC.

Option 3: For the month of July, limit all CVs to the shallow halibut complex fisheries (except for rockfish target fisheries in CGOA, WYAK and WGOA).

Suboption: Limit all CPs to the deep water halibut complex fisheries for the month of July.

In the event that one or more target rockfish fisheries are not open, sideboard restrictions will not apply for those target allocations.

IFQ halibut and sablefish are exempt from sideboard provisions

18.2 CP Specific Sideboard Provisions

Standdown for vessels that opt out of the rockfish fisheries

CP vessels may decide to opt out of the CGOA cooperative program on an annual basis. These CP vessels may not target POP, Northern rockfish or Pelagic Shelf rockfish in the CGOA in the years they choose to opt out. They may retain these species up to the MRA amount in other fisheries. They will be sideboarded at the sector level in the GOA as described in the general provisions.

The history of CP vessels which opt out will remain with the sector.

CPs that opt out of the rockfish cooperative program will be prohibited, for two weeks following the start of the traditional July rockfish fishery, from entering other GOA fisheries in which they have not previously participated. Participation shall be defined as having been in the target

fishery during the first week of July in at least two of the qualifying years. For purposes of qualifying under this provision, history from area 650 (SEO) will be considered the same as history from area 640 (WY). The following weekend dates will be used for determining participation in a target fishery:

1996 – July 6
1997 – July 5
1998 – July 4
1999 – July 10
2000 – July 15
2001 – July 7
2002 – July 6

Opting out is an annual decision. CP vessels which choose to opt out must so notify NMFS. The decision to opt out should not in any way alter the status of their catch history for future rationalization programs.

Option: No standdown for vessels that opt out of the rockfish fishery.

Standdown for vessels that join cooperatives

For the CP sector, the cooperative program fishery participants must either:

- 1) start fishing in the target rockfish fisheries at the same time as the opening of the CGOA rockfish limited access fisheries (in July) and harvest 90% of their CGOA rockfish allocation prior to entering any other GOA non-pollock groundfish fishery, or 2) standdown for two weeks from the opening of the CGOA rockfish limited access fishery prior to participating in any other GOA non-pollock groundfish fishery.

A vessel which has met either standdown requirement can then move into the GOA open access fisheries subject to the sector level limitations in the GOA in the general sideboard provisions.

To the extent permitted by the motion, history may be leased between vessels. Each member of a cooperative that transfers its history to another CP or CV must still refrain from operating in any other GOA groundfish fishery until the earlier of:

- 1) 90% of all of the CGOA rockfish allocation on the stacked vessel is harvested in the CGOA, provided fishing of the allocation began on or after the opening of the limited access fishery
- 2) two weeks from the opening of the limited access fishery prior to participating in any other GOA groundfish fishery.

Members of a cooperative will be subject to all limitations and restrictions described in the general sideboard provisions and CP specific sideboard provisions except that cooperative members shall not be subject to any standdown in the GOA groundfish fisheries, if all vessels in the co-op maintain adequate monitoring plan during all fishing for CGOA rockfish sideboard fisheries.

In addition to the other limitations and restrictions described above, each cooperative will be limited in the aggregate:

- 1) for fisheries that close on TAC in the GOA in the month of July, to the historic average total catch of the cooperative members in the month of July during the qualification years 1996 to 2002. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish, and
- 2) for flatfish fisheries in the GOA that close because of halibut bycatch in the month of July, to the historic average halibut mortality taken by cooperative members in the target flatfish fisheries in the month of July by deep and shallow complex.

Option: No standdown (or alternative cooperative limit) for vessels that join cooperatives in the rockfish fishery.

Standdown for vessels that join the limited access fishery

The limited access fishery starts at the same time as the traditional rockfish target fishery (early July). For vessels that account for less than 5% of the allocated CP history in the Pacific Ocean perch fishery that participate in the limited access rockfish fishery, there are no additional intra-sector sideboards. For vessels that account for greater than or equal to 5 percent of the allocated CP history in the Pacific Ocean fishery that participate in the limited access rockfish fishery and GOA standdowns are in place until 90% of the limited access Pacific Ocean perch quota is achieved.

Option: No standdown for any vessels that join the limited access rockfish fishery.

18.3 CV Specific Sideboard Provisions

The qualifying vessels in the trawl CV sector cannot participate in the directed yellowfin sole, other flatfish (flathead, etc) or Pacific Ocean perch fisheries in the BSAI in the month of July.

Option 1: The qualifying vessels in the trawl CV sector can participate in the limited access yellowfin sole, other flatfish or Pacific Ocean perch fisheries in the BSAI in the month of July.

Qualifying vessels in the trawl CV sector would be limited, in aggregate, in the month of July, to the historic average catch of those vessels in the BSAI Pacific cod fishery based on the retained catch as a percentage of retained catch in the CV trawl fishery in July during the qualification years 1996 to 2002.

Option 2: The qualifying vessels in the trawl CV sector can participate in the BSAI Pacific cod fishery in the month of July.

AFA non-GOA exempt CVs qualified under this program are subject to the restraints of AFA sideboards and their coop agreement, and not subject to additional sideboards under this program.