

**Central Gulf of Alaska rockfish program  
June 2009**

**Purpose and Need Statement:**

*The intent of this action is to retain the conservation, management, safety, and economic gains created by the Rockfish Pilot Program to the extent practicable, while also considering the goals and limitations of the Magnuson-Stevens Fisheries Conservation and Management Act Limited Access Privilege Program (LAPP) provisions.*

*The existing CGOA Rockfish Pilot Program (RPP) will sunset after 2011. Consequently, if the management, economic, safety and conservation gains enjoyed under the RPP are to be continued, the Council must act to create a long term CGOA rockfish LAPP. For both the onshore and offshore sectors, the RPP has improved safety at sea, controlled capacity of the fleets, improved NMFS' ability to conserve and manage the species in the program, increased vessel accountability, reduced sea floor contact, allowed full retention of allocated species and reduced halibut bycatch. In addition, the rockfish fishery dependent communities in the CGOA and qualified processors have benefited from stabilization of the work force, more shoreside deliveries of rockfish, additional non-rockfish deliveries with the RPP halibut savings, and increased rockfish quality and diversity of rockfish products. Moreover, the CGOA fishermen and qualified processors have benefited from the removal of processing conflicts with GOA salmon product. The Council needs to resolve identified issues in the management and viability of the entry level fishery.*

**Elements and Options**

Additions are indicated in ***bold and italics*** and deletions are indicated as ~~stricken~~.

**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.

**Entry-level Set Aside**

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

**Trawl and fixed gear entry level fisheries**

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.

Halibut PSC Limit Allocation

Option 1 – (Alt. 2) 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. 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 – (Alt. 4) 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. 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.

Processors who purchase and process the entry level rockfish quota must be non-qualified processors.

Entry level fixed gear sector are exempt from VMS requirements.

Fixed gear only entry level fishery (Alt. 3/4)

The annual set aside will be;

- 1 - 10 mt ~~percent~~* of the POP TAC
- 1 - 10 mt ~~percent~~* of the northern rockfish TAC
- 10 - 30 mt ~~percent~~* 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:** ~~by \_\_\_\_\_ percent, up to a maximum set-aside of 5 percent~~

- 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. ~~Before the beginning of each fishing year an application must be filed with NMFS by the interested vessel~~

Entry level fixed gear sector are exempt from VMS requirements.

*Notes: Provisions concerning processor qualification are omitted, as those requirements may be inapplicable under this structure.*

*In addition, no provision is made for reallocations of unharvested amounts, as it is assumed that the allocation to the entry level sector will be set based on harvest performance of the fishery.*

*Options for cooperative management, individual allocations, and lotteries are not included, as those options appear unable to address problems cited with the entry level fishery. If the Council wishes to pursue an entry level trawl fishery under cooperative management, additional effort could be devoted to that management structure.*

*The provision for an entry level fishery might satisfy the requirement of §303A(c)(5)(C) for the consideration of a set aside for entry level and small vessel owner-operators, where necessary and appropriate.*

***The trawl gear entry level fishery will be eliminated. Qualified Trawl entry level participants will graduate into the main quota share program.***

**Program eligibility**

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.

Options (Alt.4) - In addition, the following participants would be eligible to enter the program:

Option 1 - 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 ~~is still~~ ***has been continuously*** assigned to ~~that the~~

vessel *with the target landing since acquired until the date of final Council action.*

~~Option 2 – Eligible entry level CGOA trawl LLPs that participated in the entry level program.~~

### **Qualified catch**

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 (Alt. 4) – 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.

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

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

*To include participants in the pilot program entry level fishery, pilot program years (i.e., 2005-2008) could be considered qualifying years.*

### ***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.**
- 3) The trawl LLP must have made a landing of fish in the entry level fishery with trawl gear in either 2007 or 2008.**

***The qualified 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*

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

### **Sector definitions**

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.

### **Rationalized areas**

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

### **Sector allocations**

#### 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

#### Secondary species

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

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.

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

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

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 (Alt. 2) - Only primary allocated rockfish species

Option 2 (Alt. 4) - All allocated species

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.

**Exceptions:**

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

For shorttraker and rougheye:

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

Option 1a (Alt. 2): 30.03 percent

Option 1b (Alt. 4): 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 (Alt. 4): shorttraker and rougheye will be managed with a combined MRA of 2%.

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

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

Prohibited species (halibut mortality)

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. This 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).

**Allocation from sector to vessel**

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.

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.***

**Shore based processor provisions – Apply to catcher vessel sector only**

Processor eligibility

An eligible processor is a processing facility that has purchased:

Option 1 (Alt. 2) - 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 (Alt. 3) - 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.***

Harvesters can participate in a:

Option 1 (Alt. 2): cooperative or LLP/open access. The LLP's share will be fished in a competitive fishery open to rockfish qualified vessels that are not members of a cooperative.

***Suboption: The LLP/open access share must be delivered to one of the qualified processors.***

Option 2 (Alt. 4): cooperative

*This option can be modified to consider years other than those provided in the rockfish legislation.*

**Option A - Processor allocation of harvest shares (Alt. 3/4)**

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: ***100/0***

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.

***Suboption: 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 graduate from the entry level trawl fishery into the main program.***

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: (entry level processors): 2007-2008***

***This option can be modified to consider years other than those provided in the rockfish legislation.***

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).

Option: 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.

**Option B – Harvester cooperatives with processor associations (Alt. 2)**

Voluntary cooperatives may form between eligible harvesters in association with the processing facility to which the harvester delivered the most pounds of the three rockfish species combined during the processor qualifying years. If an LLP holder has no deliveries to a qualified processor, the LLP holder may join a cooperative with any one of the qualified processors, but its membership would not be considered in determining whether the threshold is met for cooperative formation.

Harvester cooperative/processor association qualifying years are:

1996-2000 (drop 1 year)

Drop year is selected by the processor and applied to all LLP licenses when determining associations.

Catcher vessel cooperatives are required to have at least 75 percent of the eligible historical shares for each cooperative associated with its processor

If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in.

The processor will be an associate of the cooperative but will not be a cooperative member.

A pre-season contract between eligible, willing harvesters in association with a processor is a pre-requisite to a cooperative receiving an annual allocation.

Co-op membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.

Processors are limited to 1 co-op per plant.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives with agreement of the associated qualified processor.

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

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

**Option C – Modified harvester cooperatives with initial processor association (Alt. 3/4)**

On implementation of the program, each eligible harvester will be eligible to join a cooperative in association with any processing facility in the community to which it delivered the most pounds of the three rockfish species combined in the processor qualifying years.

Harvester cooperative/processor association qualifying years are:

Option 1 - 1996-2000 (drop 1 year)

Option 2 – 2000–2006 (*drop 2 years*)

*Suboption – (entry level processor 2007–2008 (no drop)*

Drop year is selected by the processor and applied to all LLP licenses when determining associations.

If an eligible harvester joins a cooperative in association with the processor to which it delivered the most pounds of the three rockfish species combined during the processor qualifying years, it will maintain all landings history without forfeiture. An eligible harvester may elect not to join the cooperative in association with the processor identified by its landings history in any year, including the first year of the program. In the first season that an eligible harvester elects not to join a cooperative in association with the processor identified by its landings history, it will forfeit:

Option 1 - 10 percent

Option 2 - 20 percent

Option 3 – *0 percent*

*Option 4 – 30 percent*

of its qualified catch history to the *(1) identified processor or (2) identified processor affiliated cooperative. The share forfeiture is (1) a permanent forfeiture or (2) a temporary forfeiture for a period of 1 to 2 years. If the forfeiture is a permanent forfeiture, the harvester may elect to enter and exit any cooperative in the fishery without share forfeiture. If the forfeiture is a temporary share reduction the harvester pays the penalty: (1) one time or (2) each time they exit a cooperative.*

If an LLP holder has no deliveries to a qualified processor, the harvester may join a cooperative associated with any processor in the community to which it delivered the most pounds of the three rockfish species during the harvester cooperative/processor qualifying years. After the first year, the harvester will make a forfeiture of qualified catch history on changing processor associations, as if the processor were identified by the harvester's landings history.

If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in.

The processor will be an associate of the cooperative but will not be a cooperative member.

Co-op membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives with agreement of the associated qualified processor.

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

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

### **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 would have a choice of participating in:

Option 1 (Alt. 4): a co-op or opt out of the rockfish program,

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

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.

### **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 to the extent permitted under the Contract.

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 (Alt. 2) - 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.

### **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.

### **Cooperative Harvest Use Caps**

#### CV cooperatives (Alt. 2)

No person may hold or use more than 5% of the CV historic shares, using the individual and collective rule (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.

#### CP cooperatives (Alt. 2)

No person may hold or use more than 20% of the CP historic shares, using the individual and collective rule (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. 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 30% of aggregate POP, Northern Rockfish and PSR for the CV sector. (The year 2002 will be used as a base (or index) year for applying the aggregate caps.)

Eligible processors will be grandfathered.

*At the time of implementation, the Council expressed an intent to reconsider use caps for share holdings and vessels, in the event this program has a duration of more than 2 years. The Council could consider whether to modify use caps by changing cooperative or individual use cap levels or by including vessel use caps.*

*Whether processor use caps are necessary might depend on the processor provisions that are incorporated into the program.*

### Harvesting provisions

The cooperative season start date is May 1 and closing date is November 15.

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

Full retention of all allocated species is required.

### 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.

Antitrust review – An information collection system and a review process will be defined to provide any information to determine whether any illegal acts of anti-competition, antitrust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges.

*Alt. 3 – required by Section 303A(c)(1)(J) – note, this is required in any program, but its scope will be based on the program selected – further scoping can be provided after consultation with NOAA GC, NMFS, and other agencies (such as the Department of Justice)*

### Share duration(Alt. 3)

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.

The Secretary may revoke any privilege under this program from any person found to have violated antitrust laws.

### Cost recovery (Alt. 3)

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.

### Sideboards

#### 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 (Alt. 2/3) 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 ~~1996 to 2002~~. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish.

Option 2 (Alt. 4) For catcher processors, remove sideboard limits for WYAK and WGOA primary rockfish species.

Option 3 (Alt. 4) For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species.

#### Halibut PSC

Option 1 (Alt. 2) 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 (Alt. 4) For catcher processors, remove sideboard limits for WYAK and WGOA 3rd season halibut PSC.

***Option 3 (Alt. 3/4): 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

#### CP Specific Sideboard Provisions

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 weekending 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.

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 ~~that are not members of a cooperative~~. Each ~~non~~-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.

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.

#### 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.

***Alt 4: 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.

***Alt 4: 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.

**REFERENCE Appendix A here (tables provided by NMFS staff, Glenn Merrill)**

Issues for inclusion in any analysis –

- 1) The interaction of harvester share forfeiture provisions on use caps – how will the use caps be applied to processor holdings, if a processor receives a forfeiture.
- 2) Literature review of owner operator provisions

- 3) Include a description of harvester and processor privileges under the various alternatives.
- 4) Examine market control potential for ownership cap analysis.
- 5) Compare MRA management of Pacific cod and sablefish as allocated species, specifically examining the allocations and potential harvests under MRA management. Compare current allocation of secondary species with potential allocations, if those species were allocated using the same methodology as used for primary species allocations.
- 6) A description of the reallocation of saved halibut to the fall flatfish fisheries and the effects of that reallocation (including effects on habitat).