

MEMORANDUM

TO: Council and AP Members

FROM: Chris Oliver *Chris*
Executive Director

DATE: December 1, 2005

SUBJECT: Amendment 85 – BSAI Pacific Cod Sector Allocations

ESTIMATED TIME
2 HOURS

ACTION REQUIRED

Review discussion paper on eligibility in the trawl catcher vessel sectors; action as necessary.

BACKGROUND

The Bering Sea and Aleutian Islands (BSAI) Pacific cod TAC has been apportioned among the different gear sectors since 1994 (trawl, fixed, and jig gear split), and a series of amendments have modified or continued the allocation system. Currently, Federal regulations at 50 CFR 679.20(a)(7) authorize distinct BSAI Pacific cod allocations for the following sectors (BSAI FMP Amendments 46 and 77):

51% fixed gear:	47% trawl gear:	2% jig gear
(80% hook-and-line catcher processors)	(50% trawl catcher vessels)	
(0.3% hook-and-line catcher vessels)	(50% trawl catcher processors)	
(3.3% pot catcher processors)		
(15.0% pot catcher vessels)		
(1.4% hook-and-line/pot vessels <60' LOA ¹)		

In December 2004, the Council approved a draft problem statement and preliminary components and options for a new fishery management plan amendment (**BSAI Amendment 85**) to modify the current BSAI Pacific cod allocations to the various gear sectors. Upon review of staff discussion papers at each Council meeting since then, the Council further revised the components and options for analysis. **At the October meeting, the Council approved a reorganization of the amendment package into NEPA alternatives for analysis and modified the problem statement.**

Amendment 85 to the BSAI FMP currently focuses on two primary issues:

- 1) BSAI Pacific cod allocations to all gear sectors (trawl, jig, hook-and-line, and pot); and
- 2) apportionment of the BSAI Pacific cod sector allocations between the BS and AI subareas.

¹While the <60' fixed gear (hook-and-line and pot) sector receives a separate allocation of BSAI Pacific cod, these vessels fish off the general hook-and-line CV and pot CV allocations, respectively by gear type, when those fisheries are open.

The problem statement guiding BSAI Amendment 85 is comprised of the following two parts:

BSAI FMP Amendment 85 Problem Statement

PART I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and the CDQ allocation was implemented in 1998. These allocations are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to the trawl, jig, fixed gear, and CDQ sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic and community factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

PART II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

Currently, there are two trawl sectors which receive a BSAI Pacific cod allocation: the trawl catcher processor sector and trawl catcher vessel sector. Each sector receives 23.5% of the non-CDQ BSAI Pacific cod TAC. The four trawl sectors proposed to receive BSAI Pacific cod sector allocations under Am. 85 are the AFA catcher vessel sector, non-AFA catcher vessel sector, AFA catcher processor sector, and non-AFA catcher processor sector.

The Council received public testimony in October that neither BSAI Amendment 80 nor Amendment 85 prevents vessels with little to no history in the BSAI Pacific cod fishery from entering this fishery and eroding the Pacific cod allocation, as well as PSC, available to long-term participants. All of the $\geq 60'$ fixed gear sectors are required to qualify for a cod endorsement under BSAI Amendment 67 in order to participate in the directed BSAI Pacific cod fishery with fixed gear. Of the four trawl sectors, the AFA trawl sectors and the non-AFA trawl CP sector are subject to eligibility requirements via statute that strictly limit the vessels and/or license holders that may participate in those sectors. By contrast, eligibility to fish BSAI Pacific cod in Federal waters in the non-AFA trawl CV sector requires only an LLP with a BS/AI and trawl endorsement.

Upon receiving public testimony in October, the Council noticed the public that it would consider eligibility requirements for the trawl catcher vessel sector at the December Council meeting. The Council noted that interested public should consider landings and participation thresholds to propose in December for

potential inclusion in the analysis. These requirements would represent thresholds to receive an endorsement to participate in the directed BSAI Pacific cod fishery as a trawl catcher vessel, similar to the endorsement in place for the $\geq 60'$ fixed gear sectors. Both the trawl catcher processor and catcher vessel sectors were referenced at the October Council meeting, and limited data was requested on each sector.

Staff has provided a discussion paper for review at this meeting with LLP and Pacific cod harvest data related primarily to the AFA and non-AFA trawl CV sectors (**Item C-4(a)(1)**). The current suite of alternatives for BSAI Amendment 85 is provided as **Attachment 1** to this paper. The discussion paper was also mailed to you on November 17.

The analysis supporting BSAI FMP Amendment 85 and regulatory amendments for this action is scheduled for Council initial review in February 2005, depending on data availability and other Council priorities. The Council's action at this December meeting is to review the discussion paper and take action as necessary.

Bering Sea Aleutian Islands Pacific Cod Allocations BSAI FMP Amendment 85

December 2005 Staff Discussion Paper

During the past several meetings, the Council has approved and revised a problem statement and alternatives and options for a new fishery management plan amendment (BSAI Amendment 85) to modify the current Bering Sea/Aleutian Islands (BSAI) Pacific cod allocations to the various gear sectors. The full suite of alternatives and options for Amendment 85 is provided as Attachment 1 to this paper. The BSAI Pacific cod amendment package focuses on two primary issues:

- Part I) BSAI Pacific cod allocations to all gear sectors (trawl, jig, hook-and-line, pot, and CDQ); and
- Part II) Apportionment of the BSAI Pacific cod sector allocations between the BS and AI subareas.

The problem statement guiding this action was last modified in October 2005 and is as follows:

BSAI Amendment 85 Problem Statement

PART I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and the CDQ allocation was implemented in 1998. These allocations are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to the trawl, jig, fixed gear, and CDQ sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic and community factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

PART II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

The Council received public testimony in October that neither Amendment 80 nor Amendment 85 prevents vessels with little to no history in the BSAI Pacific cod fishery from entering this fishery and eroding the Pacific cod allocation, as well as PSC, available to long-term participants. All of the $\geq 60'$ fixed gear sectors are required to qualify for a cod endorsement under BSAI Amendment 67 in order to participate in the directed BSAI Pacific cod fishery with fixed gear (see Attachment 2). Eligibility to participate in the non-AFA trawl CP fleet is defined in statute, as is eligibility in the AFA CP and AFA CV fleets. With the exception of the jig and $<60'$ fixed gear sectors, the non-AFA trawl catcher vessel sector is the only Pacific cod fleet in which eligibility has not been addressed.¹

Upon receiving public testimony at its October 2005 meeting, the Council noticed the public that it would consider eligibility requirements for the trawl catcher vessel sector at the December Council meeting. The Council noted that interested public should consider landings and participation thresholds to propose in December for inclusion in the analysis. These requirements would represent thresholds to receive an endorsement to participate in the directed BSAI Pacific cod fishery as a trawl catcher vessel, similar to what is in place for the $\geq 60'$ fixed gear sectors. Both the trawl catcher processor and catcher vessel sectors were referenced at the October Council meeting, and limited data was requested on each sector. The following tables represent the number of existing LLPs for the trawl catcher processor and trawl catcher vessel sectors.

Table 1. LLPs with Trawl CP endorsements

Total BSAI trawl CP LLPs			64
	Total AFA listed CPs		20
	Non-AFA CP LLPs	AFA CV with a CP LLP	9
		Non-AFA CPs eligible under Am. 80 (LLPs)*	29
		Trawl CP LLPs that also have non-trawl & cod endorsements (participate as freezer longliners)	5
		Non-AFA CP not eligible under Am. 80 and without non-trawl endorsement	1
	Total non-AFA CP LLPs		44

Source: RAM database, NOAA Fisheries, October 2005.

*Note that while 27 vessels are eligible under Am. 80 and the Consolidated Appropriations Act to participate in the non-AFA trawl CP sector to target non-pollock groundfish, these 27 vessels currently hold 29 BSAI trawl CP licenses (3 are interim licenses). Note also that under Am. 80, the Council added a provision under Component 7 to: "Restrict LLPs that are used for eligibility in Amendment 80 (either to be included in the non-AFA CP sector or to be used in Amendment 80 co-op formation) from being used outside of the Amendment 80 sector."

Table 1 indicates there are 64 BSAI trawl CP LLPs, 20 of those are on AFA trawl CPs and 44 are on non-AFA trawl CPs. The 44 trawl CP licenses that are not being used on AFA CPs are either being used on the non-AFA trawl catcher processors eligible under Amendment 80 (29 licenses); AFA catcher vessels (9 licenses); or hook-and-line catcher processors that participate primarily in the BSAI Pacific cod fisheries (5 licenses). One additional LLP has BSAI, trawl, and CP endorsements, but is not used on an AFA vessel or a vessel eligible under Amendment 80. This LLP is not endorsed for non-trawl gear or the Gulf of Alaska.

Table 1 does not attempt to quantify the amount of cod landings by vessels holding trawl CP licenses; however, preliminary data show that all 20 of the listed AFA CPs have Pacific cod landings at some time during 1995 – 2003. The average number of AFA CP participants with retained cod harvests over this time period is 16. For the 27 non-AFA CP vessels holding 29 LLPs, the average number with retained

¹The Council explicitly excluded the BSAI jig sector from eligibility requirements under the LLP, and the $<60'$ fixed gear sector was excluded from Pacific cod eligibility requirements under BSAI Amendment 67.

cod harvests during 1995 – 2003 is 25. The remaining trawl CP LLP holders (carried on an AFA CV or a non-trawl CP) also have retained cod harvests during this period.

Table 2. LLPs with BS/AI trawl CV endorsements and that met specific BSAI Pacific cod harvest thresholds, preliminary data 1995 - 2003

Total BSAI trawl CV LLPs	152		
	AFA trawl CV LLPs	102 (1 interim)	
		No retained BSAI cod harvest (1995 – 2003)	2
		At least one landing BSAI cod (1995 -2003) and LLP	100
		At least 500 mt BSAI cod (1995 -2003) and LLP	85
		At least 1,000 mt BSAI cod (1995 -2003) and LLP	75
		At least 2,000 mt BSAI cod (1995 -2003) and LLP	57
		At least 5,000 mt BSAI cod (1995 -2003) and LLP	20
		At least 9,000 mt BSAI cod (1995 -2003) and LLP	4
	Non-AFA trawl CV LLPs	50* (2 interim)	
		No retained BSAI cod harvest (1995 – 2003)	25
		At least one landing BSAI cod (1995 -2003) and LLP	25
		At least 10 mt BSAI retained cod landings (1995 - 2003) and LLP	17
		At least 175 mt BSAI retained cod landings (1995 - 2003) and LLP	11
		At least 500 mt BSAI retained cod landings (1995 - 2003) and LLP	8
		At least 1,000 mt BSAI retained cod landings (1995 - 2003) and LLP	4

Source: The total number of LLPs for each sector are from the RAM database, NOAA Fisheries, October 2005. Harvest data are from 1995 – 2003 fishtickets merged to a May 2004 LLP file. Harvest data are retained BSAI Pacific cod harvests and do not include cod destined for meal production.

*The 50 non-AFA CV LLPs are currently being used on 43 vessels (3 vessels hold multiple licenses and 4 LLP holders have not designated a vessel at this time).

Note: Of the current 102 AFA CV LLPs, 92 are endorsed for at least one GOA area and 30 are endorsed for non-trawl gear. None have non-trawl BSAI cod endorsements. Of the 50 current non-AFA CV LLPs, 46 are endorsed for at least one GOA area; 34 are endorsed for non-trawl gear; and 3 have BSAI non-trawl CV cod endorsements (2 pot, 1 hook-and-line). Eleven are linked to crab licenses.

AFA Trawl Catcher Vessels

Table 2 is structured differently from Table 1, as it shows the number of trawl CV LLPs associated with vessels that have varying levels of BSAI Pacific cod history. Table 2 indicates that of the 102 AFA CV LLPs, 92 are endorsed for at least one GOA area and 30 are endorsed for non-trawl gear. None have non-trawl BSAI cod endorsements. This sector participates primarily in the AFA pollock fishery, but almost all vessels also have retained cod harvests during 1995 – 2003. Note that there are 9 additional catcher vessels in the AFA trawl CV sector, however, these vessels hold BSAI trawl CP licenses and thus are included in Table 1.

Because the Council indicated that it would consider including participation and landing requirements to establish an endorsement to participate in the directed Federal BSAI Pacific cod fishery as a trawl catcher vessel, Table 2 shows the number of vessels with LLPs in both the AFA CV sector and the non-AFA CV sector that met specific tonnage thresholds selected by staff. These thresholds are not intended to presuppose potential eligibility requirements; they represent natural breaks in the harvest data for these sectors. The years 1995 – 2003 were selected for this paper because Amendment 85 currently includes options to allocate BSAI Pacific cod to the sectors based on various series of years from 1995 to 2003.

There were not clear natural breaks in the harvest data in the AFA trawl catcher vessel sector. There are 100 unique vessels with LLPs that had at least one Pacific cod landing during 1995 – 2003. More than half (57 vessels) had at least 2,000 mt of retained BSAI Pacific cod. Twenty vessels had at least 5,000 mt during that same time period, and only 4 vessels had more than 9,000 mt.

The majority of these vessels had BSAI Pacific cod landings every year of the nine-year period (see Table 3). Eighty percent of the vessels had BSAI Pacific cod landings in at least eight of the nine years.

Table 4 indicates the number of unique AFA trawl catcher vessels that had retained BSAI Pacific cod harvests each year during 1995 – 2003. The number of participating vessels ranges from 91 to 103 over this time period, and the average annual number of AFA catcher vessels with BSAI Pacific cod harvests during 1995 – 2003 is 97. The data show the total number of vessels participating, and all but one vessel has a BS/AI trawl CV LLP. Recall that any eligibility threshold imposed on this sector would qualify the license holder for an endorsement to participate in the directed BSAI Pacific cod fishery as a trawl catcher vessel in Federal waters.

Table 3. Years of participation of the 100 AFA trawl catcher vessels in the BSAI Pacific cod fishery with a BSAI trawl CV LLP during 1995 - 2003

Number of years of participation	9 years	8 years	7 years	6 years	5 years	4 years	3 years	2 years	1 year	Total
# vessels	65	15	9	4	3	2	1	0	1	100

Source: Participation data are from 1995 – 2003 fishtickets merged to a May 2004 LLP file.

Table 4. Number of unique AFA trawl catcher vessels in the BSAI Pacific cod fishery that participated each year, 1995 – 2003

YEAR	1995	1996	1997	1998	1999	2000	2001	2002	2003
# vessels participating	91	99	92	95	103	99	102	99	95
Retained harvest (mt)	39,919	51,269	53,264	37,579	32,946	36,099	18,691	33,786	33,562

Source: Participation data are from 1995 – 2003 fishtickets merged to a May 2004 LLP file.

Non-AFA Trawl Catcher Vessels

Table 2 shows that of the 50 current non-AFA trawl CV LLPs, 46 are endorsed for at least one GOA area; 34 are endorsed for non-trawl gear; and 3 have BSAI non-trawl CV cod endorsements (2 pot, 1 hook-and-line). In addition, 11 of the 50 LLPs are linked to crab licenses. Eighteen of the 50 licenses are on <60' vessels and 32 licenses are on 60' – 124' vessels. Because most of the 50 non-AFA trawl CV licenses have endorsements for other areas (Gulf), gear types (non-trawl) or species (crab licenses), there are a number of fisheries other than BSAI Pacific cod in which these licenses could be used. Since LLPs (and linked crab licenses) are non-severable, the combination of designations and endorsements associated with an LLP is a significant factor in determining in which fishery it may be used in the future. Note that

during 1995 – 2003, the average annual number of vessels in the non-AFA CV sector with retained BSAI Pacific cod harvests is 14.

The data indicate that there are 50 non-AFA trawl CV LLPs, 25 of which are on vessels with at least one landing of BSAI Pacific cod during 1995 - 2003. Of these 25 LLPs, 8 are on trawl CVs <60'. There were not obvious natural breaks in the harvest data in the group of non-AFA trawl catcher vessels that had several hundred metric tons of associated BSAI Pacific cod history. Note that while 25 unique vessels have LLPs and at least one landing of BSAI Pacific cod during 1995 – 2003, only 8 vessels with LLPs qualify if the threshold is increased to 500 mt. The only clear natural breaks in the data were for those vessels that had less than 10 mt over the time period (8 vessels), and those that had in excess of 1,000 mt (4 vessels).

Of the 25 vessels with BSAI Pacific cod history, several had cod landings in multiple years (see Table 5).

Table 5. Years of participation of the 22 non-AFA trawl catcher vessels in the BSAI Pacific cod fishery with a BSAI trawl CV LLP during 1995 - 2003

Number of years of participation	9 years	8 years	7 years	6 years	5 years	4 years	3 years	2 years	1 year	Total
# vessels	3	1	0	0	2	1	2	5	11	25

Source: Participation data are from 1995 – 2003 fishtickets merged to a May 2004 LLP file.

Table 6 indicates the number of unique non-AFA trawl catcher vessels that had retained BSAI Pacific cod harvests each year during 1995 – 2003. The data show the total number of vessels participating, as well as the number of vessels with an (interim or transferable) BS/AI trawl CV LLP.

Table 6. Number of unique non-AFA trawl catcher vessels in the BSAI Pacific cod fishery that participated each year, 1995 – 2003

YEAR	1995	1996	1997	1998	1999	2000	2001	2002	2003
# vessels with an LLP	11	12	6	10	9	5	6	7	11
# vessels total	12	17	9	12	11	11	13	18	22
Total retained harvest (mt)	3,190	3,317	3,177	1,541	1,669	2,802	3,006	5,797	7,542

Source: Participation data are from 1995 – 2003 fishtickets merged to a May 2004 LLP file.

The License Limitation Program for Federal waters was implemented in 2000. LLP licenses are not required for participation in fisheries that occur in State waters (0 – 3 nm). Table 4 shows that at least half of the trawl catcher vessels that harvested BSAI Pacific cod after 2000 did not have an LLP. Almost all of these vessels are <60' LOA; these vessels are likely fishing in the parallel Pacific cod fishery in State waters. **Thus, there are a number of non-AFA trawl catcher vessels that would likely not be affected by a Pacific cod endorsement requirement, since these vessels could continue to fish BSAI Pacific cod in State waters and their catch would continue to come off the Federal TAC.** Recall that any eligibility threshold imposed on this sector would qualify the license holder for an endorsement to participate in the directed BSAI Pacific cod fishery as a trawl catcher vessel in Federal waters.

The data summarized in this paper are intended to assist the Council in developing options for participation and landing requirements for trawl catcher vessels in the BSAI Pacific cod fishery, if desired. Such a requirement would represent criteria to qualify for an endorsement to participate in the directed Federal BSAI Pacific cod fishery as a trawl catcher vessel. If specific options are developed, these could be included in the current BSAI Amendment 85 package or in a trailing amendment specific to eligibility requirements. Note that there may be other sectors, such as the <60' fixed gear sector, that also request BSAI Pacific cod eligibility requirements in the future.

No action is required at this meeting. Initial review of this amendment is tentatively scheduled for February 2006, depending on additions at this meeting, data availability, and other Council priorities.

**Alternatives and options for BSAI FMP Amendment 85 to revise the BSAI Pacific
cod sector allocations
updated as of October 9, 2005**

BSAI Pacific Cod Sector Allocations Problem Statement

PART I: BSAI Pacific Cod Sector Allocations

The BSAI Pacific cod fishery is fully utilized and has been allocated among gear groups and to sectors within gear groups. The current allocations among trawl, jig, and fixed gear were implemented in 1997 (Amendment 46) and the CDQ allocation was implemented in 1998. These allocations are overdue for review. Harvest patterns have varied significantly among the sectors resulting in annual inseason reallocations of TAC. As a result, the current allocations do not correspond with actual dependency and use by sectors.

Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability in the allocations to the trawl, jig, fixed gear, and CDQ sectors. To reduce uncertainty and provide stability, allocations should be adjusted to better reflect historic use by sector. The basis for determining sector allocations will be catch history as well as consideration of socio-economic and community factors.

As other fisheries in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector in the BSAI Pacific cod fishery currently has different degrees of license requirements and levels of participation. Allocations to the sector level are a necessary step on the path towards comprehensive rationalization. Prompt action is needed to maintain stability in the BSAI Pacific cod fisheries.

PART II: Apportionment of BSAI Pacific Cod Sector Allocations between the BS and AI

In the event that the BSAI Pacific cod ABC/TAC is apportioned between the BS and the AI management areas, a protocol needs to be established that would continue to maintain the benefits of sector allocations and minimize competition among gear groups; recognize differences in dependence among gear groups and sectors that fish for Pacific cod in the BS and AI; and ensure that the distribution of harvest remains consistent with biomass distribution and associated harvest strategy.

PART 1: BSAI PACIFIC COD SECTOR ALLOCATIONS

ALTERNATIVE 1. No Action. BSAI Pacific cod allocations for the jig, trawl, and fixed gear (hook-and-line and pot) sectors would continue as in current regulations.

Allocation of BSAI Pacific Cod to Sectors

Component 1: Sectors for which allocations are established

BSAI Pacific cod allocations will continue to be established in Federal regulations for the following sectors:

- Trawl CPs
- Trawl CVs
- Hook-and-line CPs
- Hook-and-line CVs
- Pot CPs
- Pot CVs
- Hook-and-line and pot CVs <60'
- Jig CVs

Component 2: Sector Allocations

BSAI Pacific cod allocations to the jig, trawl, and fixed gear (hook-and-line and pot) sectors would continue as determined under BSAI Amendments 46 and 77:

- **51% fixed gear**
(80% hook-and-line catcher processors)
(0.3% hook-and-line catcher vessels)
(3.3% pot catcher processors)
(15.0% pot catcher vessels)
(1.4% hook-and-line/pot vessels <60' LOA)¹
- **47% trawl gear**
(50% trawl catcher vessels)
(50% trawl catcher processors)
- **2% jig gear**

The BSAI Pacific cod TAC that is allocated to the above sectors is TAC less the CDQ Program reserve. In addition, the annual incidental catch allowance (ICA) for fixed gear is deducted from the aggregate amount of the BSAI Pacific cod TAC allocated to the fixed gear sectors combined. Pacific cod harvested incidentally in the non-Pacific cod directed BSAI fixed gear fisheries is attributed to the ICA. The ICA is determined annually by the NMFS Regional Administrator in the annual specifications process and has typically been 500 mt.

¹While the <60' fixed gear (hook-and-line and pot) sector receives a separate allocation of BSAI Pacific cod, these vessels fish off the general hook-and-line CV and pot CV allocations, respectively by gear type, when those fisheries are open.

Component 3: Seasonal Apportionments

The seasonal apportionments of each sector's allocation would remain as shown below. Unused seasonal allowances for the trawl, pot, and hook-and-line sectors may be reapportioned to the subsequent seasonal allocation for the respective sectors. Unused seasonal allowances for the jig sector are considered for reallocation to the <60' fixed gear CV sector.

Trawl CV:	70%	(Jan. 20 – April 1)
	10%	(April 1 – June 10)
	20%	(June 10 – Nov. 1)
Trawl CP:	50%	(Jan. 20 – April 1)
	30%	(April 1 – June 10)
	20%	(June 10 – Nov. 1)
Hook-and-line gear ≥60':	60%	(Jan. 1 – June 10)
	40%	(June 10 – Dec. 31)
Pot gear ≥60':	60%	(Jan. 1 – June 10)
	40%	(Sept. 1 – Dec. 31)
Fixed gear <60':	No seasonal apportionments	
Jig gear:	40%	(Jan. 1 – April 30)
	20%	(April 30 – Aug. 31)
	40%	(Aug. 31 – Dec. 31)

Component 4: Rollovers between gear sectors

Inseason management would retain flexibility to determine how to reallocate projected unused sector allocations (rollovers), taking into consideration the hierarchy below. NMFS takes into account the intent of the rollover hierarchy and the likelihood of a sector's capability to harvest reallocated quota.

- Projected unused trawl sector allocations are considered for reallocation to the other trawl sector before being reallocated to the fixed gear sectors.
- Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP, 4.1% to pot CV, and 95% to hook-and-line CP.
- Projected unused allocation in the jig sector is considered for reallocation to the <60' fixed gear CV sector on a seasonal basis.
- Projected unused pot sector allocations (CPs and CVs) is considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.
- Projected unused allocation in the <60' fixed gear CV sector, both pot sectors (CP and CV), and hook-and-line CV is reallocated to the hook-and-line CP sector.

Component 5: CDQ Allocation of BSAI Pacific Cod

The CDQ Program reserve is 7.5% of the BSAI Pacific cod TAC. The reserve is removed from the TAC prior to the allocation to all other sectors.

Apportionment of BSAI PSC to Sectors

Component 6: Apportionment of trawl halibut and crab PSC to the cod fishery group

The total amount of trawl halibut and crab PSC for the non-CDQ fisheries is determined in the annual specifications process and can vary annually. The trawl halibut PSC is typically 3,400 mt, which is apportioned between Pacific cod; yellowfin sole; rocksole/other flatfish/flathead sole; pollock/Atka mackerel/other. Generally, about 1,400 mt is apportioned to the cod trawl fishery group.

The crab PSC for 2005 and 2006 is 182,225 red king crab in Zone 1; 4,494,569 *C. opilio* in the *C. Opilio* Bycatch Limitation Zone (COBLZ); and 906,500 *C. bairdi* in Zone 1 and 2,747,250 *C. bairdi* in Zone 2. The cod trawl fishery group bycatch allowance (2005 – 06) is 26,563 red king crab; 139,331 *C. opilio*, 183,112 *C. bairdi* in Zone 1; and 324,176 *C. bairdi* in Zone 2.

Component 7: Apportionment of the cod trawl fishery group halibut and crab PSC to trawl sectors

There is no further apportionment of the cod trawl fishery group halibut and crab PSC to the trawl sectors (trawl CV sector and trawl CP sector).

Component 8: Apportionment of cod non-trawl halibut PSC

The total amount of non-trawl halibut PSC for the non-CDQ fisheries is determined in the annual specifications process and can vary annually. The non-trawl halibut PSC allowance is typically 833 mt, which is apportioned between the Pacific cod and 'other non-trawl' fisheries. Generally, about 775 mt is apportioned to the cod non-trawl fishery group. No further apportionment of the halibut bycatch allowance is made between the hook-and-line CP sector and the hook-and-line CV sector.

ALTERNATIVE 2: Modify the current BSAI Pacific cod allocations among the jig, trawl, and fixed gear (hook-and-line and pot) sectors according to a set of catch history years or other considerations.

Allocation of BSAI Pacific Cod to Sectors

Component 1: Sectors for which allocations will be established

Catch history will be calculated for the following sectors. The Council may choose to establish allocations for combined sectors; however, each sector's catch history will be calculated separately.

- AFA Trawl CPs (AFA 20)²
 - Suboption a: Include catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA
 - Suboption b: Exclude catch history of the nine trawl CPs whose claims to catch history have been extinguished by Section 209 of the AFA
- Non-AFA Trawl CPs
- AFA Trawl CVs
- Non-AFA Trawl CVs
- Hook-and-line CPs
- Hook-and-line CVs $\geq 60'$
- Pot CPs
- Pot CVs $\geq 60'$
- Hook-and-line and pot CVs $< 60'$
- Jig CVs

Eligibility criteria for non-AFA trawl catcher vessels to be included in the AFA CV sector for purposes of the Pacific cod allocations:

- Option 1.1 The holder of a license that arose from a vessel/history that made a minimum of 100 mt of Pacific cod landings during each of the years 1995 – 1997.

Component 2: Sector Allocations

For each of the years under consideration, each sector's annual harvest share will be calculated for that individual year as a percentage of the total retained legal catch by all sectors. For each of the sets of catch history years analyzed, each sector's harvest percentage will be calculated as the sector's average of the annual harvest share. For purposes of determining catch history, a sector's 'catch' means all retained legal catch (including rollovers) from both the Federal fishery and parallel fishery in the BSAI (less CDQ). This includes retained legal catch from both LLP and non-LLP vessels.

One set of years will be selected for all sectors. There is a suboption under each set of years to drop one year. Each sector would drop its worst year (smallest annual harvest share percentage for that sector). This results in an aggregate percentage greater than 100% for a set of years for all sectors combined; thus, the result would be scaled back to 100%.

In all options and suboptions, the $< 60'$ fixed gear CV sector will only fish from the direct allocation to that sector.

²Refers to the 20 trawl catcher processors listed in Section 208(e) of the American Fisheries Act (AFA).

The BSAI Pacific cod TAC that is allocated to the above sectors is TAC less the CDQ Program reserve. In addition, the annual incidental catch allowance (ICA) for fixed gear is deducted off the top from the aggregate amount of the BSAI Pacific cod TAC allocated to the fixed gear sectors combined. Pacific cod harvested incidentally in the non-Pacific cod directed BSAI fixed gear fisheries is attributed to the ICA. The ICA is determined annually by the NMFS Regional Administrator in the annual specifications process and has typically been 500 mt.

Option 2.1: 1995 – 2002

Option 2.2: 1997 – 2000

Option 2.3: 1997 – 2003

Option 2.4: 1998 – 2002

Option 2.5: 1999 – 2003

Option 2.6: 2000 – 2003

Suboption 1 (applies to Options 1 – 6): Drop one year.

Option 2.7: The Council can select percentages for cod allocated to each sector that fall within the range of percentages analyzed.

Option 2.8: Allocations (whether combined or separate) to the <60' fixed gear CV sector and jig sector shall collectively not exceed:

Suboption 1: Actual catch history percentage for jig and <60' fixed gear CVs combined (from the set of years selected for all sectors under Op. 2.1 – 2.7)

Suboption 2: 2.71 % (represents 2% jig allocation plus 0.71% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)

Suboption 3: 3% (represents 2% jig allocation plus 1% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)

Suboption 4: 4% (represents 2% jig allocation plus 2% <60' fixed gear CV allocation of non-CDQ BSAI Pacific cod TAC)

Component 3: Seasonal Apportionments

Unused seasonal allowances for the trawl, pot, and hook-and-line sectors may be reapportioned to the subsequent seasonal allocation for the respective sectors. Unused seasonal allowances for the jig sector are considered for reallocation to the <60' fixed gear CV sector. Options 3.1, 3.2, and 3.3 are mutually exclusive.

Option 3.1 Status quo. Allocations determined under this amendment would be apportioned seasonally among the gear sectors as in current regulation (see Alternative 1).

Option 3.2 Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the current percentage of the ITAC allocated to the A and B seasons for trawl gear and the A season for fixed gear. Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the C season for trawl gear. Provide that any increase in the overall fixed gear allocation resulting from the options would be applied only in the B season for fixed gear.

Option 3.3 Upon determination of the new overall allocations to the trawl and fixed gear sectors, maintain the current percentage of the ITAC allocated to the A season for trawl gear. Provide that any reduction in the overall trawl allocation resulting from the options would be applied only in the B and C seasons for trawl gear:

- Suboption 1: Reduction applied proportionately to B and C seasons
- Suboption 2: Reduction applied equally to B and C seasons

Option 3.4 Apportion the BSAI Pacific cod jig allocation on a trimester basis as follows:
60% (Jan. 1 – April 30)
20% (April 30 – August 31)
20% (August 31 – December 31)

Component 4: Rollovers between gear sectors

Inseason management would retain flexibility to determine how to reallocate projected unused sector allocations (rollovers), taking into consideration the hierarchy below. NMFS takes into account the intent of the rollover hierarchy and the likelihood of a sector's capability to harvest reallocated quota.

Option 4.1 Modified status quo. The suite of provisions below comprises Option 4.1.

4.1.1 Projected unused trawl sector allocations are considered for reallocation to other trawl sectors (AFA CP; non-AFA CP; AFA CV; non-AFA CV) before being reallocated to the fixed gear sectors (hook-and-line CP; hook-and-line CV $\geq 60'$; pot CP; pot CV $\geq 60'$).

4.1.2 Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP, 4.1% to pot CV $\geq 60'$, and 95% to hook-and-line CP.

Suboption 1: Reallocation of TAC from the trawl sectors to the fixed gear sectors will be proportional to the new fixed gear allocations.

4.1.3 Projected unused allocation in the jig sector is considered for reallocation to the $<60'$ fixed gear CV sector on a seasonal basis. The third trimester jig rollover should be available to the $<60'$ fixed gear CV sector on September 1.

4.1.4 Projected unused pot sector allocations (CPs and $\geq 60'$ CVs) are considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.

4.1.5 Projected unused allocations in the $<60'$ fixed gear CV sector, both pot sectors (CP and $\geq 60'$ CV), and hook-and-line CV $\geq 60'$ are reallocated to the hook-and-line CP sector.

Option 4.2 Projected unused allocations to any sector delivering inshore must be considered for reallocation to other inshore sectors before being considered for reallocation to any offshore sector. The suite of provisions below comprises Option 4.2.

4.2.1 Projected unused allocation in the jig sector is considered for reallocation to the $<60'$ fixed gear CV sector on a seasonal basis. The third trimester jig rollover should be available to the $<60'$ fixed gear CV sector on September 1.

- 4.2.2 Any unused allocation from any inshore sector will first be considered for reallocation to the jig sector and/or <60' fixed gear CV sector; then to the hook-and-line CV ≥60' or pot CV ≥60' sector; then to the trawl CV sectors. Any CV allocation that is not likely to be harvested through this hierarchy will be reallocated as per components 4.2.3 – 4.2.6 below.
- 4.2.3 Projected unused trawl sector allocations are considered for reallocation to other trawl sectors (AFA CP; non-AFA CP; AFA CV; non-AFA CV) before being reallocated to the fixed gear sectors (hook-and-line CP; hook-and-line CV ≥60'; pot CP; pot CV ≥60').
- 4.2.4 Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP, 4.1% to pot CV ≥60', and 95% to hook-and-line CP.
Suboption 1: Reallocation of TAC from the trawl sectors to the fixed gear sectors will be proportional to the new fixed gear allocations.
- 4.2.5 Projected unused pot sector allocations (CPs and ≥60' CVs) are considered for reallocation to the other pot sector before being reallocated to the hook-and-line CP sector.
- 4.2.6 Projected unused allocations in the <60' fixed gear CV sector, both pot sectors (CP and ≥60' CV), and hook-and-line CV ≥60' are reallocated to the hook-and-line CP sector.

Component 5: CDQ Allocation of BSAI Pacific Cod

The CDQ Program reserve for BSAI Pacific cod shall be removed from the TAC prior to the allocation to all other sectors at percentage amounts equal to one of the following options:

- Option 5.1** 7.5% (status quo)
- Option 5.2** 10%
- Option 5.3** 15%

Apportionment of BSAI PSC to Sectors

Component 6: Apportionment of trawl halibut and crab PSC to the cod fishery group

The total amount of trawl halibut PSC for the non-CDQ fisheries is 3,400 mt, which is apportioned between Pacific cod, yellowfin sole, rocksole/other flatfish/flathead sole, pollock/Atka mackerel/other. Generally, 1,400 mt is apportioned to the cod trawl fishery group, but this amount and actual use can vary annually. A significant amount of Pacific cod is taken incidentally in other trawl fisheries so the PSC use associated with that Pacific cod harvest would be attributed to a fishery group other than cod trawl. Amendment 80 will also allocate halibut PSC to the H&G trawl sector so that the amount of halibut PSC available to the remaining trawl sectors will be reduced.

(Options to be determined)

Component 7: Apportionment of the cod trawl fishery group halibut and crab PSC to trawl sectors

- Option 7.1** PSC apportioned to the cod trawl sectors will be based on the average bycatch rate of the trawl cod sectors applied to the cod allocation percentages determined for each sector under Part A.
- Option 7.2** PSC apportioned to the cod trawl sectors will be based on the average bycatch rate of the trawl cod sectors applied to the cod allocation percentages used in the directed cod fishery by each sector under Part A.

Component 8: Apportionment of cod non-trawl halibut PSC

The total amount of non-trawl halibut PSC for the non-CDQ fisheries is 833 mt. The 833 mt is normally apportioned between cod hook-and-line sectors and other non-trawl fisheries during the annual specifications process. Generally, 775 mt is apportioned to hook-and-line cod fisheries and 58 mt to other non-trawl. This component would divide the halibut PSC amount apportioned to non-trawl cod between the hook-and-line CP sector and hook-and-line CV sector (for CVs $\geq 60'$ and CVs $< 60'$ combined):

- Option 8.1** In proportion to the BSAI Pacific cod TAC allocated to the sectors
- Option 8.2** 10 mt for CVs, remainder for CPs

Part II: APPORTIONMENT OF BSAI PACIFIC COD SECTOR ALLOCATIONS TO BS AND AI SUBAREAS

This part provides a no action alternative and three action alternatives to apportion BSAI Pacific cod sector allocations to the BS and AI areas in the event that the BSAI Pacific cod ABC/TAC is apportioned to the BS and AI areas during the specifications process. No apportionment of BSAI PSC between the BS and the AI is under consideration at this time. **Any of Alternatives 3 – 6 can be selected in conjunction with Alternatives 1 or 2. Alternatives 3 – 6 are mutually exclusive.**

ALTERNATIVE 3: No action. A methodology to apportion the BSAI Pacific cod allocations to the jig, trawl, and fixed gear sectors between the BS and AI subareas would not be selected. (If this alternative was selected, only the approach described under Alternative 5 could be implemented by NMFS without a new regulatory or plan amendment.)

ALTERNATIVE 4: Sector allocations remain as BSAI (with BS and AI TACs)

No allocation to a sector of a specific percentage of a sub-area. Sectors would have a BSAI allocation (in Part I) to fish in either sub-area (BS and AI) if the sub-area is open for directed fishing and TAC is available.

ALTERNATIVE 5: BS and AI sector allocations based on equal percentage from BSAI sector allocations

Allocation to a sector of an equal percentage in both sub-areas. The allocation percentage of BSAI TAC a sector receives in Part I would result in that same percentage being applied to both the BS and AI sub-areas so that a sector would have the same percentage in both sub-areas.

ALTERNATIVE 6: BS and AI sector allocations based on a sector's historic harvest in the AI with remainder of sector's overall BSAI allocation to be caught in the BS. Sector's BSAI allocation is maintained and used in annual calculation.

- Option 6.1** 1995 – 2002
- Option 6.2** 1997 – 2003
- Option 6.3** 2000 – 2003

commercial bait landings to meet the eligibility requirements for specific Pacific cod endorsements. The Council decided to adopt both alternatives to mitigate the adverse impacts to small entities to the greatest extent possible and still meet its goal to rationalize the BSAI Pacific cod longline and pot gear fisheries. Finally, NMFS cannot quantify the exact number of small entities that may be affected by this action, or quantify the exact magnitude of those potential effects. One comment was received regarding the analysis performed under the RFA. This comment was addressed in this rule (see Comment 1 under Comments on Regulatory Flexibility Act (RFA) and Executive Order 12866 Compliance) and summarized in the FRFA.

This rule has been determined to be not significant for purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: April 5, 2002.

John Oliver,
Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is amended to read as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Title II of Division C, Pub. L. 105-277; Sec. 3027, Pub. L. 106-31; 113 Stat. 57; 16 U.S.C. 1540(f); and Sec. 209, Pub. L. 106-554.

2. In § 679.2, the definition of "Directed fishing" is revised by removing paragraph (5) (Note: This removal supersedes the suspension of this paragraph published in the emergency interim rule at 67 FR 956, January 8, 2002).

3. In § 679.4, paragraph (k)(1)(i) is revised and paragraph (k)(9) is added to read as follows:

§ 679.4 Permits.

- * * * * *
- (k) * * *
- (1) * * *

(i) In addition to the permit and licensing requirements of this part, and except as provided in paragraph (k)(2) of this section, each vessel within the GOA or the BSAI must have an LLP groundfish license on board at all times it is engaged in fishing activities defined in § 679.2 as directed fishing for license limitation groundfish. This groundfish

license, issued by NMFS to a qualified person, authorizes a license holder to deploy a vessel to conduct directed fishing for license limitation groundfish only in accordance with the specific area and species endorsements, the vessel and gear designations, and the MLOA specified on the license.

* * * * *

(9) *Pacific cod endorsements*—(i) *General.* In addition to other requirements of this part, and unless specifically exempted in paragraph (k)(9)(iv) of this section, a license holder must have a Pacific cod endorsement on his or her groundfish license to conduct directed fishing for Pacific cod with hook-and-line or pot gear in the BSAI. A license holder can only use the specific non-trawl gear(s) indicated on his or her license to conduct directed fishing for Pacific cod in the BSAI.

(ii) *Eligibility requirements for a Pacific cod endorsement.* This table provides eligibility requirements for Pacific cod endorsements on an LLP groundfish license:

If a license holder's license has a . . .	And the license holder harvested Pacific cod in the BSAI with . . .	Then the license holder must demonstrate that he or she harvested at least . . .	In . . .	To receive a Pacific cod endorsement that authorizes harvest with . . .
(A) Catcher vessel designation.	Hook-and-line gear or jig gear	7.5 mt of Pacific cod in the BSAI.	In any one of the years 1995, 1996, 1997, 1998, or 1999.	Hook-and-line gear.
(B) Catcher vessel designation.	Pot gear or jig gear	100,000 lb of Pacific cod in the BSAI.		Pot gear.
(C) Catcher/processor vessel designation.	Hook-and-line gear	270 mt of Pacific cod in the BSAI.	In any one of the years 1996, 1997, 1998, or 1999.	Hook-and-line gear.
(D) Catcher/processor vessel designation.	Pot gear	300,000 lb of Pacific cod in the BSAI.		Pot gear.

(iii) *Explanations for Pacific cod endorsements.* (A) All eligibility amounts in the table at paragraph (k)(9)(ii) of this section will be determined based on round weight equivalents.

(B) Discards will not count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section.

(C) Pacific cod harvested for personal bait use will not count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section.

(D) A legal landing of Pacific cod in the BSAI for commercial bait will count

toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section.

(E) Harvests within the BSAI will count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section; however, a license holder will only be able to harvest Pacific cod in the specific areas in the BSAI for which he or she has an area endorsement.

(F) Harvests within the BSAI will count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section only if those harvests were made from the vessel that was used as the

basis of eligibility for the license holder's LLP groundfish license.

(G) Except as provided in paragraph 679.4(k)(iii)(D), only harvests of BSAI Pacific cod in the directed fishery will count toward eligibility amounts.

(iv) *Exemptions to Pacific cod endorsements.* (A) Any vessel exempted from the License Limitation Program at paragraph (k)(2) of this section.

(B) Any catcher vessel less than 60 ft (18.3 m) LOA.

(C) Any catch of Pacific cod for personal use bait.

AGENDA C-4
DECEMBER 2005
Supplemental

November 28, 2005

Ms. Stephanie Madsen, Chair

North Pacific Fishery Management Council

605 West 4th Avenue, Suite 306

Anchorage, Alaska 99601

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Re: C-4 BSAI Pacific Cod - Eligibility for the Trawl Catcher Vessel Sector

Dear Madam Chair;

I'm writing this letter in response to the Council considering eligibility criteria for the trawl catcher vessel sector. Carr Maritime Company, Inc. owns and operates a non-AFA trawl catcher vessel that began participating in the BSAI in late 2004. As a result, I am very concerned about the potential impact this criteria would have on my vessel, as well as others that are currently participating in the BSAI trawl fisheries.

The F/V Sea Mac, which is a non-AFA trawl vessel, first participated in the BSAI cod fishery in August of 2004. This was after spending in excess of 2.5 million dollars and six months in the shipyard, which included sponsoring the vessel to increase capacity from 180,000lbs. to 300,000lbs., as well as upgraded hydraulics, refrigeration, electronics and replacing the wheelhouse. Since 2004, the Sea Mac has delivered Pacific Cod to plants in Dutch Harbor. We have inquired into markets for sole as well, but at this time have not secured any. As a result of the major investment made in the Sea Mac, and the increasing dependency on the BSAI trawl fisheries, I am concerned that the criteria would eliminate the Sea Mac from participating in any future fisheries.

1. Eligibility criteria for non-AFA trawl catcher vessel should not be added to Amendment 85:

While eligibility requirements can indeed be an option to stabilize the existing Pacific cod trawl fishery, it doesn't take into consideration those vessels currently participating in earnest, that began after the 2003 deadline. And while, this package doesn't need any other options to cause confusion, it does raise issues under section 1853(b)(6) of the Magnuson-Stevens Act for the current participants.

2. Conversely, if you should consider eligibility criteria for the non-AFA trawl catcher vessel sector for Amendment 85:

If you should choose to adopt eligibility criteria for the non-AFA trawl catcher vessel sector please consider options that would not exclude those that are currently participating. Those criteria would be based on the following items: 1) The qualifying vessel would have at least 175mt of retained cod landings, a threshold already used in Table 2 of the 2005 Staff Discussion Paper, 2) consist of BSAI Ground fish or Pacific cod, and 3) cover years which would be inclusive of the year 2005.

I respectfully propose that the non-AFA trawl catcher vessel sector could be limited to the following:


Those vessels that are issued LLPs that have at least 175mt BSAI retained cod landings between the years 1995 and 2005, or

Those vessels that are issued LLPs that have at least 175mt BSAI retained ground fish landings between the years 2000 and 2005.

Both options would limit the number of trawl catcher vessels from the number now eligible, but in all likely hood would not exclude any catcher vessels that are currently participating in the Pacific cod fishery.

Thank you for the opportunity to submit these concerns and comments.

Sincerely,


Steven W. Carr
President

PROWLER FISHERIES

P.O. Box 1364
Petersburg, Alaska 99833

November 22, 2005

Phone (907) 772-4835
Fax (907) 772-9885

Stephanie Maassen, Chair
NPFMC
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

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N.P.F.M.C.

C-4: BSAI P-Cod Sector Allocations: Addition of eligibility requirements

Madam Chair,

On behalf of Prowler Fisheries, I would like to urge the Council to **not** add eligibility requirements to the current options for BSAI p-cod sector allocations. This issue would add eligibility requirements within the trawl sectors (AFA and non-AFA) in order for individual vessels to participate in the directed fishery for BSAI p-cod. The vessel eligibility issue is a distinct separate issue from sector allocations and accordingly should be addressed in a separate amendment package. The vessel eligibility issue should not be added to the current amendment for the following reasons:

- It is outside the scope of the problem statement (i.e. sector allocations). This would inappropriately change the focus and analysis of the current amendment from sector allocations to individual vessels/licenses.
- The addition of this issue is inconsistent with previous Council actions on BSAI p-cod allocations (Amendments 24, 46, 64, and 77), none of which had eligibility requirements.
- Eligibility requirements will unnecessarily delay action on sector allocations. Council review of BSAI p-cod sector allocations is already overdue (scheduled to be reviewed in 2001 and later considered under IRIU). It appears that one of the intents of proposing eligibility requirements is to delay Council action on sector allocations even further.
- Eligibility requirements will be a contentious and time-consuming issue as some vessels may lose the ability to fish p-cod in federal waters. However, such an action may result in transferring and increasing the amount of trawl effort into state waters (where a LLP is not necessary in the parallel fishery).

1.) Inconsistent with Problem Statement: The problem statement for Amendment 85 focuses on historic use by sector and the appropriate sector allocation. Sector allocations are on the macro scale (BSAI) as well as setting up a framework for sector allocations between the BS and AI. Both of these are contentious issues in of themselves that need no additional complicating factors. The problem statement has fourteen references to "sectors" and "gear groups". There are no references in the problem statement to vessel eligibility requirements or allocations in the micro scale (individual vessels and licenses).

Amendment 85 is not intended to be a vehicle of complete and comprehensive rationalization. The problem statement contains, "*Allocations to the sector level are a necessary step on the path toward comprehensive rationalization.*"



Frozen at Sea Longline Caught Fish

2.) Inconsistent with previous Council actions. The amendment before the Council is sector allocations and builds on previous Council actions in Amendments 24, 46, 64 and 77. All of these amendments address sector/gear level allocations of BSAI p-cod. Individual vessel eligibility was not included in any of these previous amendments or in the current amendment. In the fixed gear sectors for BSAI p-cod, Amendments 64 and 77 addressed sector allocations, while a distinct and separate amendment (Amendment 67) addressed individual license endorsements.

3.) Delays current action. Eligibility criteria will be a contentious and time consuming issue. Just the discussion of this eligibility issue alone has resulted in the rescheduling of initial review and final action. Apparently, one of the intents of proposing the inclusion of eligibility requirements appears to be to delay Council action on sector allocations. One of the proponents of including eligibility requirements at the Council has also recently been involved in an unsuccessful emergency petition to the Alaska Board of Fisheries that would allocate 5% of the BSAI cod ABC to west of 170 (Adak). One of the rationales provided in the failed petition is that cod allocation "*...cannot be addressed by the federal system for 2006 and 2007.*" This appears to be a self-fulfilling prophecy by design.

4.) Contentious and complicated. Eligibility requirements mean that some of the license holders in the trawl sectors that currently hold valid licenses (and have cod history) will be precluded from future participation in the directed cod fishery in federal waters. There are very few latent permits in the AFA CV, AFA CP, and non-AFA CP sectors so this will not be an easy exercise for these sectors. This will be a very contentious issue at the individual vessel/license level (i.e. there will be winners and losers).

Eligibility requirements in the non-AFA CV trawl sector would likely result in removing at least half of the LLPs from the federal waters BSAI p-cod directed fishery. However, those boats that lost their access to federal waters could then move into state waters (where a LLP is not required). In 2003, 50 % of the participants in the non-AFA CV trawl sector directed p-cod fishery did not have a federal LLP. The catch from these vessels is currently counted against the federal BSAI p-cod CV trawl TAC. Eligibility requirements may then inadvertently result in increased trawl effort and catch in statewaters. The zone of 0-3 miles has been previously identified as the most important foraging zone for Steller sea lions.

In summary, I would ask the Council to move Amendment 85 forward by not including eligibility requirements in the elements and options. If the Council is inclined to consider eligibility requirements, it would be more appropriate in a separate amendment package. Thank you for your consideration.

Gerry Merrigan
Gov't Affairs
Prowler Fisheries



1505 Westlake Ave N – Suite 1000 - Seattle, WA 98109

Stephanie Madsen, Chair
NPFMC
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

November 28, 2005

Madam Chair,

I am writing to you today on behalf of the Freezer Longline Coalition. The Freezer Longline Coalition is an ad-hock group of 20 freezer longline vessel owners whose livelihood depends on continued access to Pacific Cod. As a group, our goal is to promote stability within the Pacific cod freezer longline sector.

The freezer longline fleet is recognized as a major component of the Pacific cod fishery and is reliant on upcoming allocation decisions at the North Pacific Council to continue their success in the BSAI. Over the past years, the fleet has consistently harvested a significant amount of the annual TAC through its allocated catch, in combination with rollover amounts from other sectors (jig and trawl). As the North Pacific Council moves forward with the new allocation for the BSAI Pacific cod fishery, it should be guided by the actual catch history of the Freezer Longline sector, and should take into account its dependency on this resource.

As I stated before, we are working as a coalition to promote stability in the cod fishery and we believe that Amendment 85 is very important and overdue. The North Pacific Council should continue to move forward with Amendment 85 and keep it on track for final action early in 2006. In order to stay on schedule, the Council needs to keep this Amendment simply an allocation issue and we urge the Council not to add eligibility requirements to the current options. We do feel that eligibility requirements are important to the advancement of the industry and stability in the fisheries; however, because of their complexity they should be addressed in their own separate action.

We believe this to be true for the following reasons:

1. Eligibility requirements do not fit the problem statement. The problem statement for Amendment 85 focuses on historic use by sector and the appropriate sector allocation. There are no references in the problem statement to vessel eligibility requirements or allocations within specific sectors. Amendment 85 is not intended to be a vehicle of complete and comprehensive rationalization.

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2. Eligibility requirements are contentious and complicated and will delay current action. The complexity of the issue is so great that it will likely delay action on allocations for a significant amount of time. What is to prevent the additional 7 sectors involved in Amendment 85 from wanting to include similar action on behalf of their sector to this Amendment? It is a very slippery slope to include such micro scale issues on an existing Amendment; again, it should be its own action separate from Amendment 85.
3. Eligibility requirements are inconsistent with previous Council actions. The amendment before the Council is a sector allocation and builds on previous Council actions in Amendments 24, 46, 64, and 77. All of these amendments address sector/gear level allocations of BSAI p-cod. Individual vessel eligibility was not included in any of these previous amendments or in the current amendment. In the fixed gear sectors for BSAI p-cod, Amendments 64 and 77 addressed sector allocations, while a distinct and separate amendment addressed individual license endorsements.

In summary, I would like to ask the Council to not consider eligibility requirements for action within Amendment 85. The industry as a whole is much better served if this action is taken as a separate and comprehensive issue outside of Amendment 85. Thank you very much for your consideration.

Best regards,



Dave Little
Freezer Longline Coalition

CC: Jeff Koenings
Bill Tweit



November 30, 2005

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Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99601

Re: C-4 BSAI P. Cod -- Eligibility for the Trawl Catcher Vessel Sector

Dear Madam Chair:

This letter is written in response to notice that the Council would consider eligibility criteria for the trawl catcher vessel sector. United States Seafoods, LLC (USS) manages a non-AFA trawl catcher vessel that began participating in the BSAI in 2004, and is concerned about the potential impacts of eligibility criteria on vessels such as ours which are presently participating in the BSAI trawl fisheries.

Our non-AFA trawl catcher vessel, the ALASKA BEAUTY (AB) came under USS management in 2004, and is increasingly dependant on the BSAI trawl fisheries. At considerable effort and expense USS outfitted the vessel for BSAI operations, and acquired a hard to find and expensive trawl LLP with BS and AI area endorsements. Since 2004, in addition to delivering to its traditional GOA markets the AB has delivered BSAI ground-fish (Pacific cod, yellowfin sole, rock sole, and Atka mackerel) to Adak, Dutch Harbor, and off-shore mother-ship operations. Because of our investment in the AB and its increasing dependence on BSAI fisheries we are extremely concerned about eligibility criteria which could restrict our vessel's ability to continue to participate in any of the BSAI trawl fisheries.

1. **Eligibility criteria for the Non-AFA trawl catcher vessel sector should not be added to Amendment 85:**

Simply put, eligibility restrictions for the non-AFA trawl catcher vessel sector in Amendment 85, will not be very effective in achieving the goal of limiting effort and stabilizing the non-AFA trawl catcher vessel sector. As table 6 of the discussion paper illustrates, the growth in non-AFA trawl catcher vessel effort since 2000 has come from the non-LLP parallel fishery, which is under authority of the State of Alaska. It is important to remember that eligibility criteria established by the Council for the non-AFA trawl catcher vessel sector will apply to the LLP federal fishery, but will have no bearing on the non-LLP parallel fishery, and therefore will not be very successful in limiting effort or stabilizing our sector.

In addition to the likelihood of eligibility criteria being rather ineffective, such criteria is arguably inconsistent with the Amendment 85 problem statement which proposes to stabilize the BSAI pacific cod participants through the modification of the existing sector allocations, rather than through access restrictions. It should also be pointed out that restricting access to the BSAI fisheries alone could have spill-over repercussions on GOA fisheries. Finally, the last thing that this package needs is another option for people to argue about. And, it is our belief that consideration of eligibility criteria for the trawl catcher vessel sector has the potential to slow progress on Amendment 85.

For all these reasons we believe that eligibility criteria for the trawl catcher vessel sector simply does not belong in Amendment 85.

2. **Straw-man eligibility criteria for the trawl catcher vessel sector:**

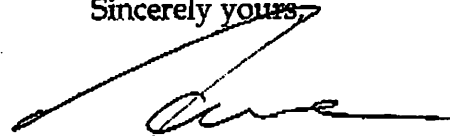
Alternatively, if you do chose to adopt eligibility criteria for the trawl catcher vessel sector please consider options that can be harmonized with Amendment 80 and include those stakeholders that are currently participating in the BSAI trawl fisheries. With that in mind trawl catcher vessel eligibility options should: i) be permit, rather than vessel based; ii) apply to the trawl catcher vessels sector in its entirety, not just AFA or non-AFA vessels; iii) be based on one landing; iv) of retained BSAI ground-fish (other than Pollock); and v) include 2005 or up-to the date of final action. We suggest that the following eligibility options could be included in Amendment 85, Amendment 80, or preferably as part of a separate regulatory package:

"The trawl catcher vessel sector is limited to:

- Those vessels that are issued LLPs that have at least one retained trawl landing of BSAI non-pollock groundfish between 1995 and the date of final action; or
- Those vessels that are issued LLPs that have at least one retained trawl landing of BSAI non-pollock groundfish between 2000-2005."

Thank you for the opportunity to submit these comments. I look forward to discussing this issue with you and other Council members in greater detail at the December meeting.

Sincerely yours



David Wood
Counsel
United States Seafoods, LLC

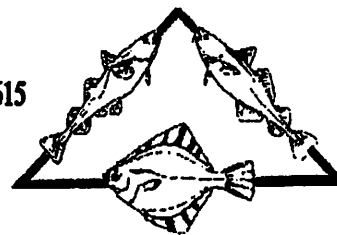
Groundfish Data Bank

Alaska

PH: 907-486-3033 FAX: 907-486-3461 P.O. BOX 788 - KODIAK, AK. 99615

Julie Bonney, Executive Director
Jennifer Washburn, Fisheries Analyst

jbonney@gci.net
agdb@gci.net



ANALYSIS OF ENDORSEMENT REQUIREMENTS FOR THE BSAI TRAWL PACIFIC COD FISHERY

Table 1. Total trawl CV LLPs for the North Pacific and by ocean -- GOA and BSAI

Category	NP license	GOA endorsed	BS/AI endorsed
AFA trawl CV LLPs	102	92	102
AFA trawl CP LLPs as CV	9	5	9
Non AFA w/ BS or AI LLPs	50	46	50
Non AFA GOA only	86	86	0
Total trawl CVs	247	229	161

Table 2. Total BSAI CV LLPs and those that have no or 1 landing from 1995 to 2003

Total BSAI CV LLPs	Total	No delivery	One landing
AFA trawl	102	2	100
AFA trawl CP LLPs as CV*	9	0	9
Non AFA**	50	25	25
Grand Total	161	27	134

*Assume all would qualify

**18 <60 ft and 32 >60ft-124 ft

Table 3. Total trawl CP LLPs for the North Pacific and by ocean -- GOA and BSAI

Category	NP license	GOA endorsed	BS endorsed
AFA trawl	20	n/a	20
Non AFA -- Amend 80	29	n/a	29
AFA CV w/ CP LLP	9	n/a	9
Non AFA -- CP*	5	n/a	5
Non AFA -- no A80	2	n/a	1
Total	65	38	64

*Participate as Freezer Longliner

Dave Frazer
C-4

A Chronology of Cod and LLP

1999: Council takes action on Amendment 64 –

Am 64 Problem Statement: **“...fishermen who have made significant investments, have long catch histories, and are significantly dependent on the BSAI cod fisheries need protection from other who have little or limited history and wish to increase their participation in the fishery.”**

1999/2000: Council takes action on Amendment 67

Am. 67 creates cod endorsements for each of the fixed gear sectors

2001: Council requests information on landings thresholds for trawl sectors.

2002: January - Northern Economics submits analysis of data on landings thresholds for trawl vessels to the Council.

2003: Council deals with Amendment 73

Am. 73 would have created a cod LLP endorsement for trawl vessels in the “cod alley” of the Bering Sea to deal with the accelerated pace of the cod A season.

2003: Council develops components of alternative for sector allocation under Am. 80.

2004: Congress defines non-AFA CP sector eligibility

This action limits number of trawl non-AFA CPs that can fish cod.

2004: Council refines Am. 80 components.

Component 11 & 12 of Issue 4 define “Eligibility to Participate in a Sector”

Years range from 1995 to 2002, thresholds range up to 1000 mt.

2004: September – Council splits Am 80.

Cod issues are in Am. 85. Sector eligibility remains in Am. 80.

Am. 85 problems statement **“The BSAI cod fishery is fully utilized...Participant in the BSAI cod fishery who have made significant investments and have a long term dependence on the resource need stability...As other fisheries are in the BSAI and GOA are incrementally rationalized, historical participants in the BSAI Pacific cod fishery may be put at a disadvantage. Each sector has different degrees of license requirements ... Prompt action is needed to maintain stability.”**

2005: June - Analysis of Am. 80

It is unclear whether CV “eligibility” criteria relates to all trawl fisheries or just Am. 80 species.

2005: October – Analysis of Am. 80

Council clarifies intent that CV “eligibility” criteria is limited to Am. 80 species

Council requests discussion paper on trawl CV cod endorsements.

2005: GOA rationalization – Options for eligibility years end in 2003.

The trawl CV sector is the only sector where latent effort has not been addressed. Those **“who have little or limited history and wish to increase their participation in the fishery”** have been on notice of the Council’s intent to address this issue for several years. **“Prompt action is needed to maintain stability.”** Please address latent effort in the CV cod trawl fishery.