

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director



ESTIMATED TIME  
12 HOURS

DATE: October 7, 1999

SUBJECT: American Fisheries Act

**ACTION REQUIRED**

- (a) Performance Report on 1999 co-ops: discuss expectations.
- (b) Receive status report on proposed rulemaking for AFA actions.
- (c) Review report from Processor Sideboard Committee and related analyses: final action on processor sideboards.
- (d) Review issues paper on excessive share cap amendment and provide direction as appropriate.
- (e) Review analyses of inshore pollock co-op structure: action as appropriate.
- (f) Update on meeting data requirements of the AFA.
- (g) Review Committee report on GOA co-ops.
- (h) Management of red king crab catcher vessel sideboards: discuss.

**BACKGROUND**

- (a) Performance report on 1999 co-ops

In February 1999 the Council passed a motion to "request that NMFS prepare a preliminary report on the 1999 co-ops for the October 1999 Council meeting and a final report for the February 2000 meeting. The report should specifically assess:

1. The effectiveness of pollock co-ops in reducing bycatch (all species).
2. The effectiveness of management measures to protect other fisheries from adverse impacts caused by the AFA or pollock co-ops.
3. A discussion of how transfers within co-ops may affect issues 1 and 2 above.
4. Utilization and recovery rates by species and product categories.
5. Method of monitoring and enforcement.

The report should include the most specific catch and bycatch information available on an individual vessel level to help the co-op and the Council realize the public disclosure requirements for such information envisioned in Section 210(a)(1)(A) of the AFA."

Given the timing of the 1999 fisheries, coupled with other staff priorities for AFA implementation, such a report has not been drafted. A preliminary report may be possible for review in December, with a final report in February. Some of the information requested by the Council may be available in co-op agreements to be reviewed in December, or may be available through the industry's own internal cop-op monitoring efforts. The Council may wish to provide some additional direction regarding their expectations for this information

(in terms of NMFS reports vs information which may be provided by industry) and the timing of its presentation.

(b) Status of Proposed Rulemaking for AFA implementation

In June the Council passed several actions related to AFA implementation and sideboard restrictions for AFA harvesters. These are reiterated under Item C-2(b) from the June newsletter. NMFS staff will highlight the status of the regulations being developed to implement those actions.

(c) Processor sideboards

In June the Council deferred action on processor sideboards, and appointed a Committee to further flesh out the issues and report back to the Council at this meeting, where final action is scheduled. The Committee report was distributed in early September and is included as Item C-2(c)(1). Barring Council action to the contrary, processing sideboards for crab would be implemented by NMFS per the provisions of the AFA (although there is still some question as to whether such limits would be applied in aggregate, or on individual companies/entities). The AFA is far less specific with regard to groundfish processing sideboards, and it is up to the Council to define appropriate sideboards for groundfish. Options for defining such sideboards were analyzed and reviewed by the Council in June (Chapter 8 from the AFA analysis, which is included under Item C-2(c)(2)).

The Council also requested that staff supplement those analyses with any additional information deemed necessary. The Processor Sideboard Committee identified additional information needs, some of which are included in the report (updated information on crab processing), and some of which are included under Item C-2(c)(3), Supplemental Analyses for Processor Sideboards. This latter information consists of updated information on Pacific cod, in terms of AFA vs non-AFA share of processing, and information for all species aggregated by entity and using recent years of participation for comparison against the original Chapter 8 data aggregations. The essential questions for this action remain:

1. Whether limits would be applied to individual plants, companies, or entities vs in aggregate across all processors (or across each sector);
2. Whether AFA catcher processors should be subject to processing sideboards in addition to their existing sideboards;
3. If applied at the individual level, whether the limits would apply at a facility level, a company level, or an entity level. Implicit is the question of whether sideboards would apply to all facilities owned by AFA companies, or just to their pollock facilities.
4. Which base years of processing history to use in determining sideboard limits. While the original analysis examined 1995-1997, there is interest in looking at more recent participation patterns.
5. Whether and how to apply the 10% ownership rule in defining entities subject to the sideboards.

Item C-2(c)(4) is a discussion paper on these issues which was provided to the Committee. This paper primarily summarizes issues which are treated in more detail in the original Chapter 8 analysis.

(d) Excessive shares

The AFA stipulates excessive share caps for BSAI pollock harvesting (at 17.5% applied to an entity using the 10% ownership linkage rule) which will be included in the regulations being developed by NMFS. The AFA also mandates the Council to establish excessive share caps for BSAI pollock processing, with some specific directions regarding potential percentages, also using the 10% entity rule, but under no time certain. Finally, the AFA contains a paragraph which mandates the Council to establish excessive share caps for

harvesting and processing of all BSAI groundfish and crab species - there is no stipulation to use the 10% entity rule in this paragraph nor is there a time certain associated with this mandate. In February the Council bifurcated development of excessive share caps from the sideboard measures, with direction to bring back an analysis for initial review this December. At that time the Council identified alternatives for that analysis.

Since that time we have struggled with several issues related to processing sideboards, which are also critical to the issue of excessive shares. As these issues have developed in the context of processing sideboards over the past several months, so has the realization that we cannot, or should not, proceed too far with formal analysis of excessive shares until some of these issues are resolved, and until we have further discussions with the Council regarding the alternatives for excessive shares. Foremost among these issues is how to deal with ownership linkages (and definition of entities), since excessive share caps by definition have to be applied at an individual level. The analyses of processor sideboards provide some information of relevance to the excessive share issue, at least in terms of historical processing shares, by species, for the AFA companies/entities.

Full analysis of excessive shares will require identification of ownership linkages for all harvesters and processors of BSAI groundfish and crab, and aggregations of data based on historical activities, just as a baseline for analysis. Rather than attempt to provide such data at this time, we have put together an issues paper for Council consideration at this meeting. If certain issues can be resolved, and alternatives further specified, we hope to make the process of excessive share development easier for the Council and the industry, as well as staff. The discussion paper is included as Item C-2(d)(1). This discusses issues identified by staff and outlines potential areas of analysis, beyond compilation of the baseline data, identified by Council and NMFS staff. Given the issues identified and analyses proposed, we do not feel it is realistic to have an analysis for Council review this December. February, or even April, may be more realistic, given that compilation of ownership linkages, baseline data, and percentages resulting from the alternatives would be one portion of the analysis; once that is complete we would hand off those results to a contractor with expertise in the fields of industrial organization and markets. A primary decision point (as with processor sideboards) is whether and how to apply the 10% rule in terms of defining entities. Compilation of baseline data, and subsequent analyses, will revolve directly around this decision.

(e) Inshore pollock co-op structure

In February the Council requested development of "a qualitative analysis of the economic and policy issues associated with formation of processor/catcher vessel (and mothership/catcher vessel) cooperatives under the AFA, including the alternatives outlined in the independent catcher vessel proposal with a preliminary report to the Council in June 1999 and a final report in September 1999". In April, as part of the overall draft AFA analyses, we presented some analyses of this issue in the context of an Initial Regulatory Flexibility Analysis. At that time you directed us to examine this issue in the broader context of economic and policy issues and have such an analysis available for review in October. Staff's perception of your intent was that you may take action at the October meeting, if the analysis was sufficient and warranted a co-op structure different than what is prescribed by the AFA. The overall rulemaking for AFA actions is still in the process of completion, and changes to the co-op structure regulations could likely be made in time for 2000 implementation, if that is the recommendation of the Council. We contracted with a team of analysts from the University of Washington and Oregon State University to conduct this analysis, which was distributed in mid-September. Dr. Robert Halvorsen from the University of Washington will be making the presentation on this issue.

(f) Data requirements under the AFA

The AFA presents several new challenges with regard to both real-time, in-season monitoring and reporting of catch and bycatch data that heretofore have been largely confidential in nature. At our February meeting you passed a series of motions relative to data issues as follows:

"As described in NMFS' January 28, 1999, discussion paper, the Council requests NMFS to begin to develop the regulatory infrastructure to provide disclosure of:

1. Vessel identification.
2. Harvest amounts by species including prohibited species and harvest rates of species.

Further, the Council initiated an analysis to consider use of a dual form of fish tickets to be used by NMFS and ADF&G that would not fall under the State of Alaska's confidentiality regulations.

The Council requests that ADF&G initiate efforts to change AS 16.05.815 to allow for the release of confidential data as provided by Section 210(a)(1)(B) and Section 211(d) of the AFA.

The Council urges NMFS to make testing of its new system to capture catch delivery information from shoreline operation a top priority for implementation this summer. The Council will write a letter to the Secretary of Commerce highlighting NMFS's need to budget additional staff and resources to improve our catch and bycatch reporting systems in order to aid the Council's ability to comply with the bycatch reduction mandates that were included in the Magnuson-Stevens Act." (Letter sent on March 10).

Since that time NMFS has been developing an electronic vessel delivery report (to be submitted by processors) to facilitate implementation of the AFA provisions. Numerous concerns with that development have been raised by ADF&G, in terms of potential redundancies and disruptions to the existing State fish ticket system. At this time it appears that NMFS and ADF&G are working to resolve these concerns, and a consensus agreement is being developed. NMFS staff can report further on the status of this effort.

(g) GOA co-ops

The Council established a Committee to look into development of co-ops for the Gulf of Alaska fisheries. Previous Committee reports are included under Item C-2(g). That Committee is scheduled to meet again this week and will have another report for Council consideration.

(h) Red king crab catcher vessel sideboards

In June the Council established sideboards caps for AFA eligible harvest vessels, including a motion that "those AFA vessels that hold a BBRKC endorsement shall be capped at their 5-year (91-97, excluding 94-95) weighted average share; these vessels shall be managed in the aggregate; and, this share of future catch shall apply to the pre-season GHIL". At that meeting you received a report from ADF&G regarding potential management options for such a sideboard limit. The basic approach outlined by ADF&G would use a formula which divides the GHIL amount by the number of vessels expected to participate, and the resulting poundage would be set as a trip limit. This approach results in an equal distribution of poundage among the AFA vessels participating, regardless of each vessel's historical catch share. At that meeting you requested ADF&G staff to meet with industry to further develop the management plan for the sideboard fishery. After these meetings there appear to still be concerns from the industry with the proposed management plan from ADF&G, and several requests have been made to add this item to the Council's agenda for discussion.

ATTACHMENT 1

**Council Actions on American Fisheries Act Issues**

- General : (1) NMFS will manage all fisheries such that sideboards and PSC caps are not exceeded.  
(2) all sideboard calculations will be based on best estimates of landed catch.

**Catcher Processor Sideboards**

***Groundfish:***

1. Non-pollock groundfish caps (other than Atka mackerel in the central and western Aleutians) for listed vessels will be established on the basis of the percent of landed groundfish catch relative to TAC (of the original 29 vessels) in the pollock and non-pollock fisheries in 1995, 96, and 97 (for Pacific cod, 1997 only; for POP in the Aleutians, 1996 and 1997).
2. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.

***PSC Caps:***

1. Total PSC cap for listed vessels will be established on the basis of percentage of PSC removals in the non-pollock groundfish fisheries in 1995, 96, and 97.
2. NMFS will allow for directed fishing of non-pollock species such that the total PSC removals do not exceed the PSC cap.
3. The listed vessels' PSC caps will not be apportioned and will be managed under open access season apportionment closures.

Catcher processor sideboards for both groundfish and PSC caps are a package and disapproval of any component would be disapproval of the whole package and returned to the Council for further action.

**Catcher Vessel Sideboards**

***BSAI Groundfish Sideboards***

1. Shall be based on vessel catch between 1995-97.
2. Shall be based on non-pollock catch in pollock and non-pollock targets, as a ratio of the AFA vessels' catch to TAC.
3. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
4. Shall apply to all AFA eligible vessels regardless of participation in a co-op.
5. Shall apply at the AFA CV sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and facilitate the formation of an interco-op agreement to monitor the subdivision of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
6. Shall be applied throughout the year, except:
  - a. Mothership sector qualified AFA vessels' (21 vessels) CV trawl P. cod sideboards shall be lifted March 1;
  - b. Vessels with less than 1700 mt of annual average landed pollock catch history shall be exempt from the catcher vessel trawl P. cod sideboard cap.

### *BSAI PSC Sideboard Caps*

1. Shall be based on the ratio of catch in each non-pollock target to the PSC cap for that target, and shall represent an aggregate cap (as with the AFA CP sector).
2. Attainment by the entire fleet of any PSC cap in any target fishery will close directed fishing to all trawl vessels, even if the AFA vessels have not attained their aggregate PSC cap.
3. PSC species limited to crab and halibut.

### *GOA Groundfish Sideboards*

1. Shall be based on vessel landed groundfish catch between 1995-97.
2. Shall be based on non-pollock landed groundfish catch in non-pollock targets as a ratio of the AFA vessels' catch to TAC.
3. Shall be based on the landed pollock catch in the pollock target as a ratio of the AFA vessels' catch to TAC, and shall be apportioned seasonally.
4. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps.
5. Shall apply to all AFA vessels.
6. Shall apply at the AFA-eligible catcher vessel sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels in each co-op, and encourage the formation of an inter-co-op agreement to monitor the sub-division of the caps at the co-op level. NMFS shall require each co-op agreement to contain provisions that would limit its participants to their collective 1995-97 harvest in other fisheries.
7. Shall be applied throughout the year except vessels with less than 1700 mt of annual average pollock landed catch history shall be exempt from pollock and cod sideboards and from those Gulf groundfish fisheries in which they participated in 1995, 1996, or 1997.

### *GOA PSC Sideboards Caps*

1. Shall be based on the ratio of catch in each non-pollock target to the PSC cap for that target, and shall represent an aggregate cap, sub-divided into deep and shallow water flats.
2. Attainment by the entire fleet of any PSC cap in any target fishery will close directed fishing to all trawl vessels, even if the AFA vessels have not attained their aggregate PSC cap.
3. Shall be apportioned seasonally.

### *Scallop Sideboards*

1. Participation in a co-op is defined as any use of a vessel's catch history by a co-op, whether by direct harvest, lease, sale, or stacking of quota.
2. Measures that would restrict pollock co-op vessels to their aggregate traditional harvest in the scallop fishery in 1997 based on a percentage of the upper end of the state-wide guideline harvest level. The cap would be this percentage applied to the upper end of the state-wide guideline harvest level established each year.

### **Crab Sideboards**

- A. Crab Sideboards shall apply to all AFA vessels.
- B. Bristol Bay Red King Crab (BBRKC)

1. These AFA vessels that hold a BBRKC endorsement shall be capped at their 5-year (91-97, excluding 94-95) weighted average share. These vessels shall be managed in the aggregate.
  2. This share of future catch shall apply to the pre-season BBRKC GHL.
- C. Opilio — AFA LLP Alternative 9 Tanner crab endorsed vessels may participate in the opilio fishery if they harvested opilio in more than 3 of 10 years (88-97).
- D. Bairdi
1. AFA qualified vessels that receive an LLP endorsement are excluded from participating in the directed bairdi fishery, except as follows: If and when the bairdi rebuilding goal is reached, the only AFA vessels allowed to participate would be those with catch history in 1995 or 96. These vessels would be capped at their aggregate historic catch for 1995-96.
  2. If there is a BBRKC fishery where bairdi bycatch is allowed, the AFA Tanner crab endorsed vessels may retain bycatch bairdi.
- E. AFA LLP Alternative 9 vessels which hold a LLP endorsement for either the St. Matthews or Pribilof king crab, and had a landing in that fishery in 1995, 96 or 97, may participate in that fishery. For Adak red king crab and brown crab fisheries a qualified vessel which had a landing in the last two years the fishery was open may participate in those fisheries.
- F. Prohibit the sale, lease, transfer or stacking of crab LLP licenses or endorsements by AFA-eligible catcher vessels.

Additionally, a committee will be formed to workout implementation issues relating to crab sideboards. This committee will likely meet during July and is scheduled to have a report available for the joint Council/BOF meeting to be held in August.

#### Non-Sideboard decisions

##### *Compensation in Shoreside Sector Co-ops*

1. Provide compensation to vessels with offshore history greater than 499 tons (as per Table 10.5).
2. Utilize the best 2 of 3 years to determine the share of the inshore pollock allocation each vessel brings to a co-op.

##### *AFA Conformance Measures (Amendments 62/62)*

Action 1: BSAI pollock allocations as per AFA.

Action 2: Alternative 2 Extension of the GOA program through 2004 so the sunset dates for the BSAI and GOA are the same.

Additionally:

1. Conforming the definitions of directed pollock harvest in the GOA and BSAI so that they are the same.
2. Substituting the term "groundfish" for "fish" in the AFA definition of "shoreside processor."
3. Applying the inshore/offshore restrictions only to directed fishing for pollock in the BSAI and GOA, and directed fishing for P. cod in the GOA. However, for the purpose of GOA catch accounting, all processors will be categorized "inshore" or "offshore."

Clarify that "shoreside processor" for purposes of Section 208(f) of the AFA means only the physical facility or vessel which processed pollock in the qualifying years 1996 and 1997, and not the entire corporate entity which owns or controls that facility or vessel.

### *Single Geographic Location*

Clarify that AFA eligible inshore processors may only receive BSAI pollock at the same physical location at which that inshore processor received BSAI pollock during the qualifying years 1996 and 1997.

### *CDQ Conformance Measures*

#### *Action 1: Defining directed fishing for pollock CDQ*

The Council adopted Alternative 2 (regulations currently in effect for 1999 under an Emergency Interim Rule) which reads as follows:

Directed fishing for pollock CDQ would be based on the percent of pollock in each CDQ haul by a catcher/processor and in each delivery by a catcher vessel.

All pollock caught while directed fishing for pollock CDQ would accrue against the CDQ group's pollock CDQ. All pollock caught in CDQ hauls or deliveries that do not meet the definition of directed fishing for pollock CDQ will accrue against the pollock incidental catch allowance.

Proposed definition: Directed fishing for pollock means fishing that results in the following:

- (1) For each haul by a catcher/processor, the round weight of pollock represents 60% or more by weight of the total round weight of all groundfish in the haul.
- (2) For each delivery by a catcher vessel, the round weight of pollock represents 60% or more by weight of the total round weight of all groundfish delivered to the processor.

The amount of CDQ pollock counted against the ICA is to be identified by fishery and CDQ Group and be reviewed by the Council annually. Further, that the Council's intent that CDQ groups make every effort to insure that the incidental catch of pollock in non-pollock fisheries does not exceed historic levels.

#### *Action 2: Squid CDQ*

Adopt Alternative 2: do not allocate 7.5% of the squid TAC to the CDQ Program. Squid caught while CDQ fishing would accrue against the non-CDQ squid TAC and the catch of squid would not limit the CDQ fisheries (unless the overall catch of squid reached an amount that would affect all BSAI fishing).

### **AFA Processor Sideboards**

- (1) It is the Council's intent to develop and implement processor sideboards as required by AFA. The Council will establish an industry committee to work with state and federal managers to resolve implementation issues. This will be a broad based committee involving both AFA and non-AFA processors, AFA and non-AFA fishermen, as well as other members of industry. The committee will make their report available to the Council and public no later than September 15, 1999.
- (2) The Council requests that staff review the current AFA analysis for processor sideboards, paying particular attention to crab processing sideboards, and to supplement the analysis, if necessary, to assure adequate analysis for crab processor sideboards to consider at October meeting; and to ask NMFS to



provide the Council opportunity to comment on the draft regulations for crab processor sideboards (which will go forward as prescribed in the AFA) at the October meeting.

### **Excessive Share Limits**

The Council notices industry that they intend to move forward with an analysis for excessive shares and may not recognize processing history after the date of passage of the AFA.

### **Cooperative Agreements and Council Review**

- (1) Cooperative agreements may be one to six years in duration, but must be review annually by the Council if they are more than one year in duration. The Council's intent was that this was considered to be a post-season performance review.
- (2) Cooperative agreements, regardless of duration, must be submitted to the Council by December 1, of the year prior to the start of fishing.
- (3) Prohibit cooperative agreements from requiring cooperative vessels to deliver species other than BSAI pollock to their AFA processor.
- (4) Cooperative agreements shall require the disclosure of catch and bycatch statistics.

**Black Sea Fisheries Inc. PLEASE NOTE :**  
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Ph. 360-379-0128 Fax. 360-379-0173

**Draft 2 correction:**

October 3, 1999

Delivered via fax:  
(907) 271-2817

Mr. Richard Lauber  
Chairman  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK. 99501-2252  
Fax 907-271-2817

**RECEIVED**

OCT - 4 1999

Re: C-2 (d)  
Delay implementation of inshore co-ops or Re consideration of June 1999 **N.P.F.M.C.** action establishing the 1700 metric ton exemption from Gulf of Alaska groundfish sideboards.

Dear Mr. Chairman Lauber and Council Members,

We are the owners of a trawler in the GOA in the Pollock and Cod fisheries. At the June meeting the Council adopted measures or sideboards to protect the Gulf fishermen from new pressure resulting from AFA. Unfortunately any protection by the sideboards became ineffective by allowing the 1700 metric ton exemption. The Council also exempted all vessels less than 125' from the Stand-downs between the BSAI and the GOA. Most of the larger producing AFA Catcher Vessels are less than 125' that are not protected from the 1700 Mt. exemption will be able to transit freely into the Gulf. Combined with an annual allocation of the sideboards rather than quarterly, the Gulf will feel an increased pressure from yet another AFA sector. We cannot believe that this was the Councils intention. There are approximately 95 vessels eligible to fish with trawl gear in the GOA or WGOA. There are about the same number of AFA eligible vessels in the inshore sector. We estimate that about 40-to 45 of the AFA vessels are also eligible to fish in the GOA. Some have historically relied on the Gulf fisheries many have not. Nineteen of the exempted vessels have only 1-9 landings in the Gulf during the 95-97 qualifying period. We don't believe they should be able to lease their BSAI quota and fish exclusively in the Gulf, while we only have the Gulf fisheries to make our living.

We do not wish to penalize any AFA Vessel with historic RELIANCE in the Gulf. We think there is way to protect the Gulf without penalizing those AFA vessels and protect us as well.

Vessels with annual average landings of less than 500 Mt. appear to have a dependence on the Gulf, and should retain their exemption. However, vessels with greater than 500 Mt. show little reliance on the Gulf and should be restricted.

No AFA vessel should be exempt from the Stand-downs approved under Stellar Sealions. Most of the AFA fleet is under 125'. If a Stand-down is necessary then it should apply to all AFA vessels - not exempt half the fleet.

Under AFA sideboards the Council's intent was to preserve the traditional non-BSAI Pollock fishery patterns and participation. We are concerned that if an annual allocation of the sideboards is rendered rather than quarterly, we will see short intensified efforts from the AFA boats in the Gulf for the higher revenue species like Rockfish and Pacific Cod. The creation of pulse like pressure from the Bering Sea boats will only further degrade our situation.

We ask that you protect us now from the unintended consequences that AFA will create in the Gulf, in 2000. Please reconsider the exemptions you approved in June so that the Sideboards will be effective and legally supportable. If you cannot address this now and implement these protections before January 1, 2000 then you must decide to delay implementing inshore Co-ops. Please consider our situation so that our livelihood and our investments are not taken from us.

Sincerely,

Stoian and Angelique Iankov  
F/V Michelle Renee

Agenda Item C-2 (d)  
Gulf Fisheries Coalition Proposal

GULF FISHERIES COALITION  
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Stoian Iankov, Chairman  
Kent Helligso, Vice-Chairman

RECEIVED  
OCT - 5 1999  
N.P.F.M.C

October 5, 1999

Mr. Richard Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave., #306  
Anchorage, Alaska 99501-2252

Delivered via fax: (907) 271-2817

**RE: Agenda Item C-2 (d) Inshore Co-ops  
Delay implementation of Inshore Co-ops, or reconsider June Actions regarding  
Catcher Vessel Sideboards**

**PROBLEM STATEMENT:**

At the June Council meeting, a suite of Sideboards were adopted for the BSAI and the GOA with the intent of protecting non-AFA entities and fisheries in the Gulf. We believe that several of the Exemptions approved during the meeting significantly weaken the protections the Council intended, and provide loopholes that could potentially dramatically increase opportunities in the Gulf for certain AFA Vessels.

**BACKGROUND**

- At the February 1999, Council meeting, Council approved analysis of a suite of Groundfish sideboards:

For the BSAI:

Sideboard sub-options for Vessels that had delivered average annual Pollock landings

- a) 5000 mt    b) 3000 mt    c) 1000

For the GOA

Sub-options were not considered.

- At the June 1999 Council Meeting, final action was taken on the Sideboards, with the following exemptions:
  - a) Vessels with average annual landings of less than 1700 mt to be exempted from BSAI P. Cod sideboard, and all GOA Groundfish Sideboards provided that the Vessel had delivered the target specie between 1995-1997.

Agenda Item C-2 (d)  
Gulf Fisheries Coalition Proposal

b) Exclusive Registration for BSAI/GOA Pair seasons (Stellar Sealions),  
except that Vessels less than 125 feet LOA would be exempt.

An analysis of traditional fishing patterns and impacts on the Gulf was not available for your consideration at this meeting.

In our efforts to reliably assess the potential impacts of these actions relative to the Gulf, we have utilized:

- Individual Vessels Bycatch tables 1995-1997 (NMFS Website)
- LLP Summary Record (NMFS Website)
- Average Vessel Catches reported in the Draft EA/RIR/IRFA Sealion Protective Measures (Chapter 7, tables attached)

### 1700 MT EXEMPTION

Our analysis indicates that between 30 - 40 Vessels could qualify for the 1700 mt ton exemption. Many of these vessels are GOA based, with small deliveries in the BSAI. These vessels should retain their ability to participate in the GOA fisheries.

A smaller number of AFA Vessels (between 10 - 19) have very little historical reliance in the GOA. Their deliveries number from 1 - 9 over a period of three years. These Vessels tend to have a greater reliance on BSAI P. Cod. Under the 1700 mt exemption, these Vessel would be allowed an opportunity to significantly increase their harvests in the GOA. Prior to the AFA, these same Vessels would have made decisions to choose between fishing the GOA or the BSAL. With the ability to lease quota, this choice is no longer necessary.

Council's intent has been very clear 1) to protect non-AFA entities from unintended consequences 2) not penalize AFA Vessels.

We believe that if, these Vessels should be exempted from the sideboards, that activity should be quantified and documented.

### 125 foot Exemption to Exclusive Registration

Because of the difficulties in regulating the Pair season regulation, we view this exemption as less harmful. Within the restrictions of the Sideboards, AFA Vessels will have the ability to selectively register or lease quota to achieve the greatest benefit.

therefore will fall under this Exemption.

We would like to see this Exemption removed, at the very least for the year 2000. The AFA creates an opportunity for AFA entities to form Cooperatives in such a way as

Agenda Item C-2 (d)  
Gulf Fisheries Coalition Proposal

### SUMMARY

This proposal has growing support throughout the Gulf, including some boats that are AFA qualified. You will be hearing from many of them.

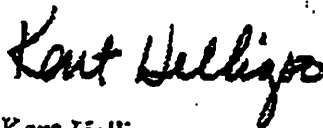
You have a tremendous amount to accomplish this week, and this particular issue may seem like something that can be set aside until a later time. But this must be addressed this week. If any groundfish sector of our industry is facing a crisis, the Gulf should be high on that list.

Between the logistical problems with implementing the LLP, the genuine potential for new entrants from the Crab sector, and the impacts of the June Actions, the Gulf requires your full attention.

We ask that you take action today and direct NMFS to Analyze an Emergency Rule to modify the June Actions as indicated in the proposal for the year 2000. We further ask that you direct Staff to send out the modifications suggested in the Proposal for analysis for initial review and final action as soon as is reasonably possible.

We fully understand that it is difficult to take action without proper analysis. We will be providing you additional illustrative materials substantiating our points prior to the meeting. We believe that the issues raised are serious enough to warrant delaying implementation of the Co-ops, though that is not our goal. Our goal today is to place in effect interim measures to protect the Gulf while a proper analysis is done.

Sincerely,



Kent Helligso  
Vice-Chairman

enclosures

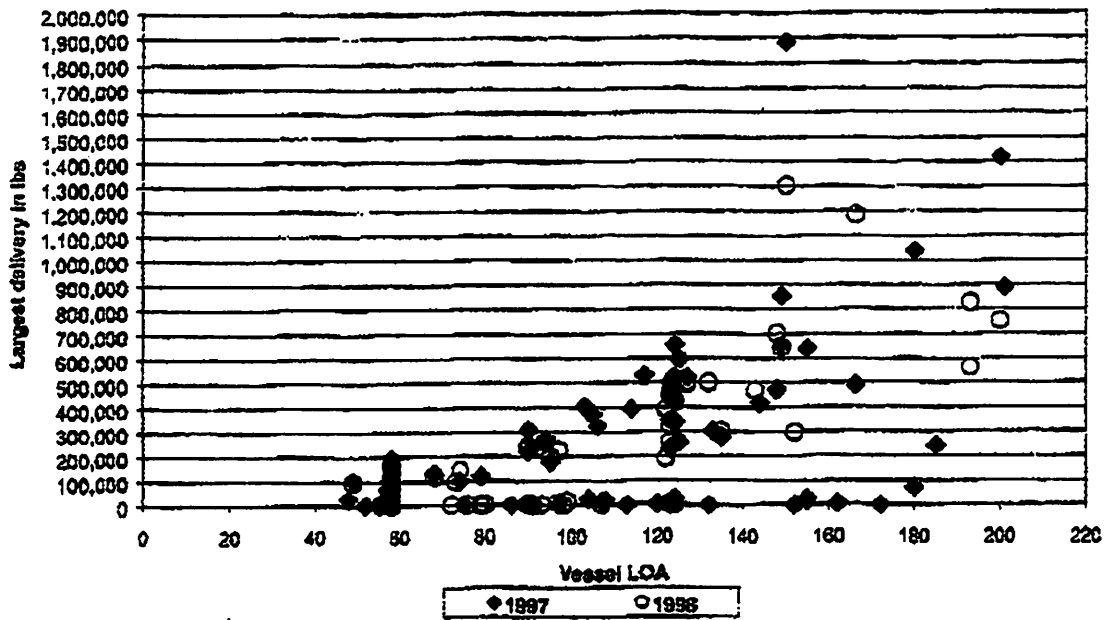


Figure 7-1 Area 610 maximum pollock delivery weight, by vessel size, 1997-1998.

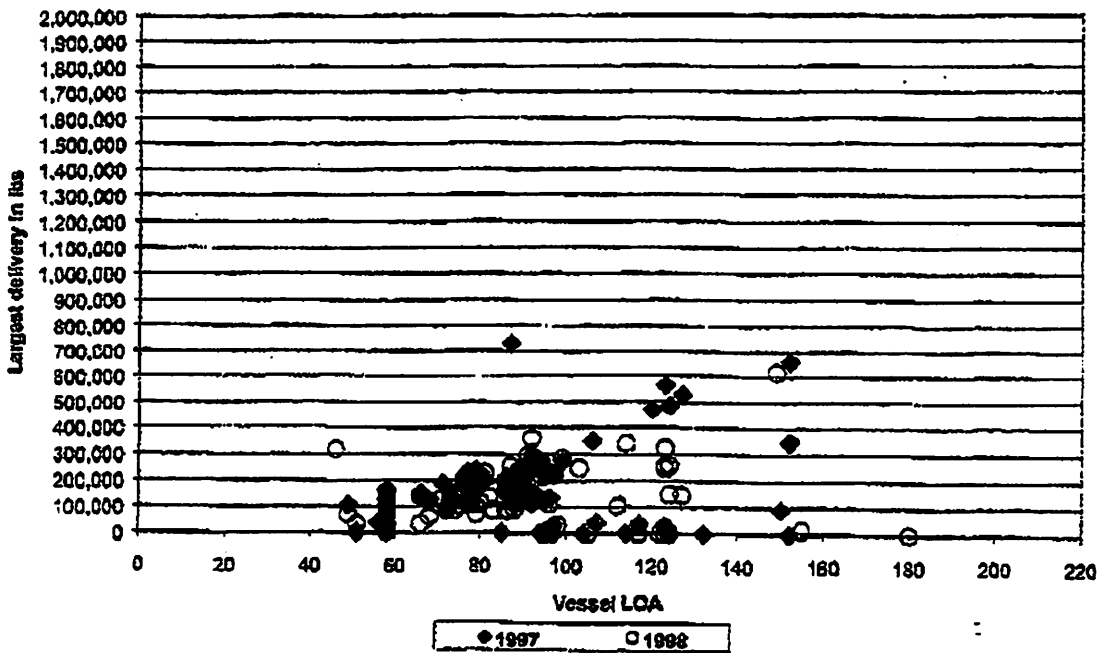


Figure 7-2 Area 620 maximum pollock delivery weight, by vessel size, 1997-1998.

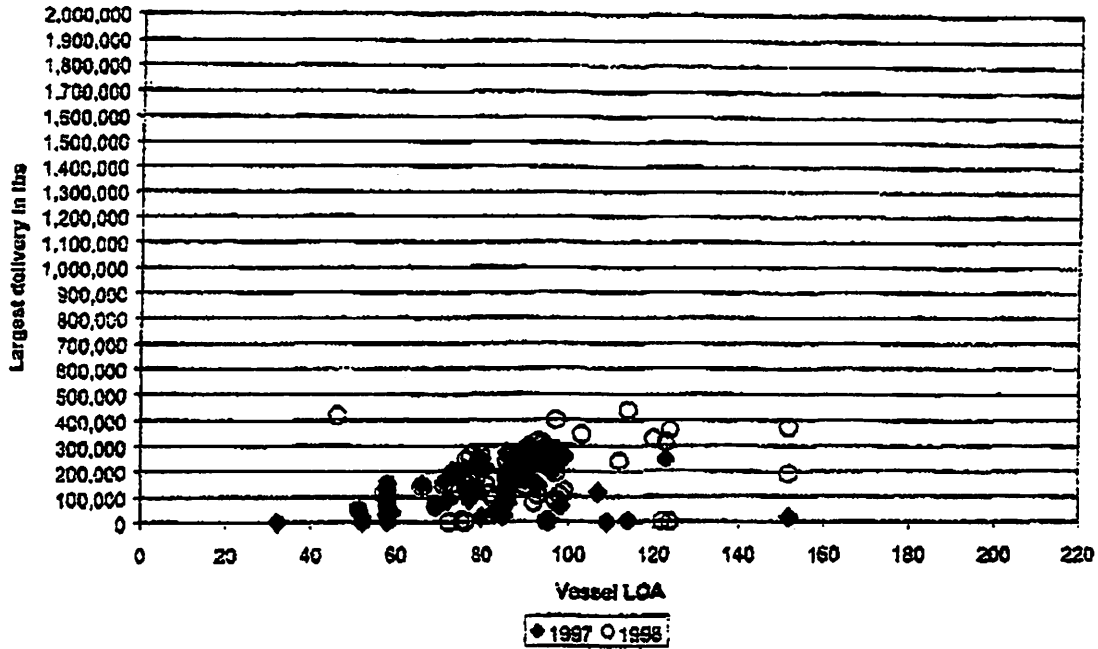


Figure 7-3 Area 630 maximum pollock delivery weight, by vessel size, 1997-1998.

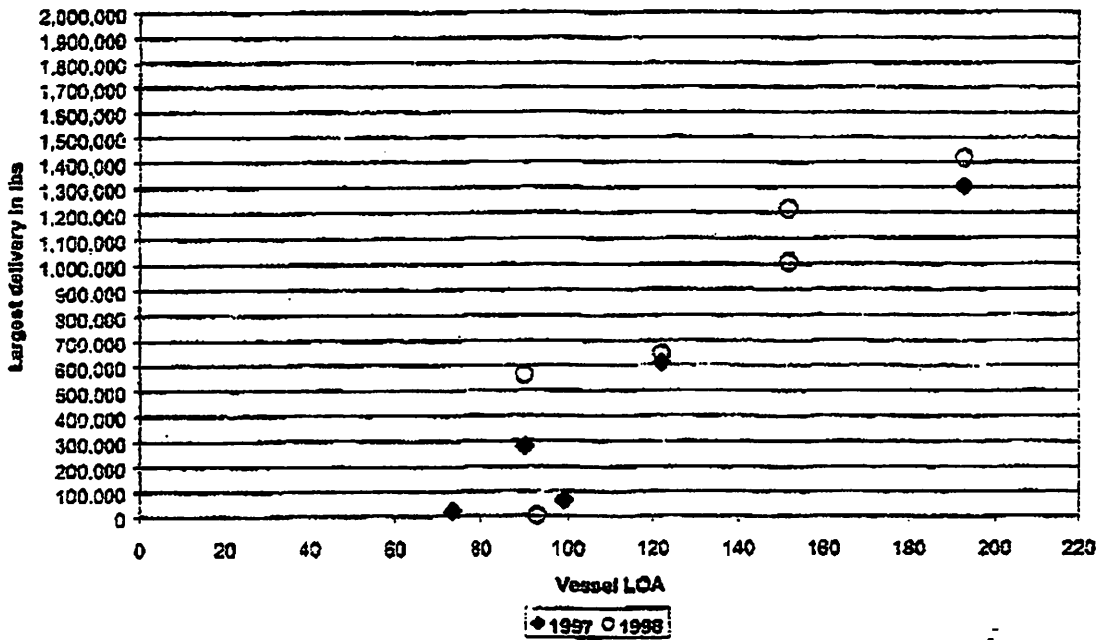


Figure 7-4 Area 640 maximum pollock delivery weight, by vessel size, 1997-1998.



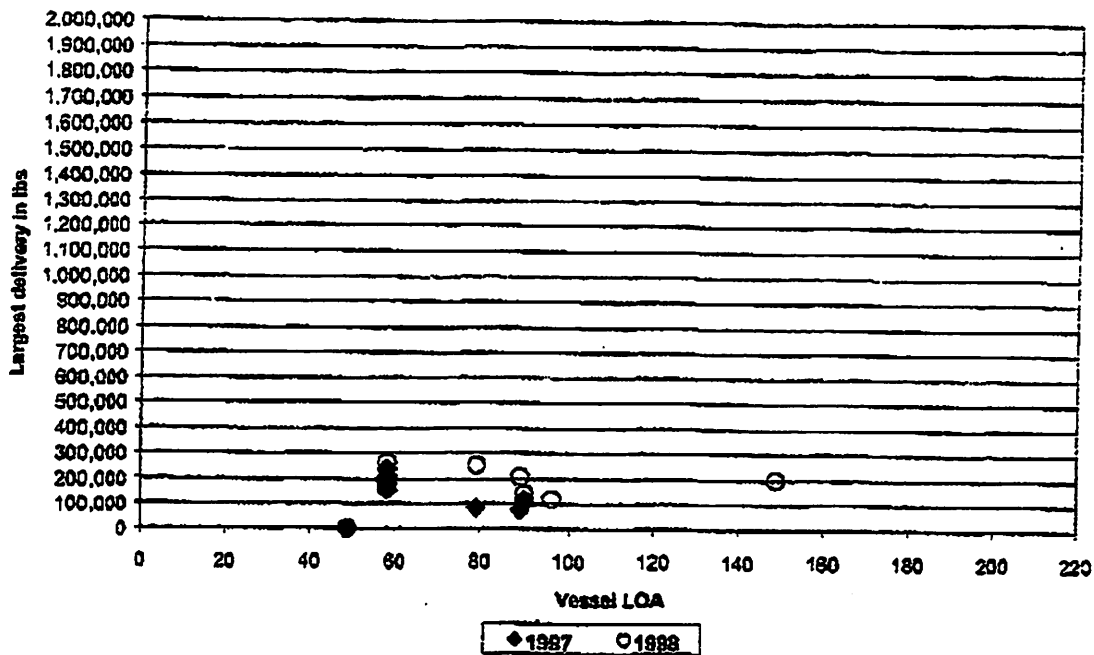


Figure 7-5 Area 649 maximum pollock delivery weight, by vessel size, 1997-1998.

### 7.6.3 Product effects

Another aspect of catch dispersion, with implications for disparate impacts by operational mode, concerns the length of time which elapses between catching pollock and processing the catch. The interval between catch and delivery is, reportedly, negatively correlated with product quality and value. For those vessels which do not have the capability to process their own catch, given a fixed catch rate and hold capacity any action which substantially increases the time between catch and delivery imposes costs, both on the harvester and the processor.

Beyond some point, which varies by vessel size, configuration, condition of the target fish, and weather/sea conditions, delivery of a "usable" catch is not feasible. That is, for any given harvesting operation, this combination of factors will define an operational limit beyond which the vessel cannot produce a marketable product for delivery for processing. This limit will be different for each area and vessel class, but could result in a disproportionate distribution of impacts among shoreside processing facilities and ports.

Similarly, some products, such as pollock roe, are more sensitive to the period between catch and processing than are other product forms. As a result, output of these products could be disproportionately impacted. In the limit, some product forms, like pollock roe, could become effectively unavailable to some segments of the industry (e.g., some inshore operations) as a consequence of RPA-attributable changes in the timing of openings, distance between processing facility and open areas, etc.

A corollary effect might accrue, should the average size of fish in the catch fall below the "minimum" requirement for specific product forms (e.g., deep-skin fillets). These minimums are often dictated by the

Agenda Item C-2 (d)  
Gulf Fisheries Coalition Proposal

to have a distinct advantage over non-AFA entities in open access fisheries. In the simplest terms, rather than moving toward a rationalization of GOA fisheries, we have a fleet of new entrants that previously would have foregone opportunities in the GOA.

We would ask that the Council do everything within it's authority to maintain the traditional fishing patterns and participants in the GOA. To that end, the Exclusive Registration Pair Seasons, will to some extent, slow down the effort in the GOA.

We Propose the following:

**PROPOSED CHANGES TO JUNE ACTION:**

1. Calculation of Sideboard amounts ( All Sectors) . Add language to June motion:

" For the BSAI Groundfish Sideboards, only the catch directly attributed to the Vessel named shall be added to the Sideboard amount, provided that, the Vessels holds or qualifies to hold an LLP Endorsement for the BSAI"

" For the GOA Groundfish Sideboards, only the catch directly attributed to the Vessel named shall be added to the Sideboard amount, provided that, the Vessels holds or qualifies to hold an LLP Endorsement for the CG or WG or SEO"

We believe that this is necessary to clarify that the catch from vessels that do not qualify for an endorsement, or were retired under the AFA are not contributed to the sideboards.

2. Vessels Exempt from Sideboards

AFA Catcher Vessels with less than 500 mt average annual Pollock landings in the BSAI shall be exempt from the GOA Groundfish sideboards provided that:

- a) Vessel has directed targeted landings of GOA Pollock or Cod in the GOA in 1996 or 1997 and;
- b) Vessel fishes BSAI Quota prior to fishing Groundfish in the GOA or;
  - i. If the Vessel elects to lease it's quota, the Vessel shall be bound by a three (3) day stand-down in any one of the GOA Pollock seasons.

AFA Catcher Vessels with less than 1700 mt average annual Pollock landings in the BSAI shall be exempt from the BSAI Groundfish sideboards.

3. Seasonal Exclusive Registration

Vessels exempt from the GOA Groundfish sideboards, and less than 125 feet LOA shall be exempt from the Seasonal Exclusive Registration.

**PURSE SEINE VESSEL OWNERS ASSOCIATION**

301 WHARF BUILDING  
4209 21ST AVE. WEST  
SEATTLE, WA 98199

October 5, 1999

TEL. (206) 283-7733  
FAX. (206) 283-7795

**RECEIVED**

NPFMC By Fax (907) 271-2817  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

OCT - 5 1999

**N.P.F.M.C**

**Re: October, 1999 Council meeting in Seattle, WA under Agenda item C-2 (d)  
Recission of June, 1999 action establishing exemptions from GOA  
groundfish sideboards and develop GOA gear allocations to the ultimate  
sideboard amendment package to the Secretary, or in the alternative delay,  
implementation of in-shore co-ops.**

Under the AFA, the Council has a statutory mandate to prevent BSAI catcher vessels eligible under AFA from exceeding their traditional harvest levels in other fisheries.

At your June meeting in Kodiak you adopted a number of "sideboards" which you then believed would protect GOA fishermen from new and unintended fishing pressure resulting from the AFA. Unfortunately, any protection afforded by these sideboards was made wholly ineffective by your exemption *allowing AFA-eligible vessels to fish in the GOA if they made even only one landing in the GOA between 1995-1997 and had annual aggregate landings of less than 1700 metric tons ("mt") of BSAI pollock.*

This exemption transformed the GOA sideboards from protecting historic Gulf participants to a further windfall for almost half of the AFA eligible vessels.

There are approximately 95 vessels that fish with trawl gear in the GOA or WGOA. There is approximately the same number of AFA-eligible vessels for the inshore sector. We have estimated that between 40-45 of these vessels are also eligible to fish in the GOA. Although some of these vessels have historically relied on the Gulf fisheries--many have not. In fact, 19 of the exempted vessels have only 1-9 landings during the 1995-1997 period. Why should these vessels get the benefit of AFA and now enter the Gulf with impunity. This is not what the AFA intended nor do I believe the Council wanted such a result.

We reemphasize that the sideboards should not damage AFA eligible vessels with a historic reliance in the Gulf. But, you must provide historical GOA participants with protection as well.

AFA eligible vessels with a viable dependence on Gulf fisheries should retain their exemption, at least on an interim basis, provided they harvest (and not lease) their BSAI pollock quota. However, vessels with little reliance on Gulf fisheries must be restricted for the sideboards to provide any meaning protection for vessels with historic participation in the GOA.

If the current exemption stands, The GOA fisheries will take on "derby" like proportions and will effectively eliminate my ability to compete. Without meaningful sideboards, small boat operators will lose any chance for legitimate participation in the Gulf while the harvest is transferred into the hands of fewer and larger catcher vessels.

If you will not protect us now from the unintended consequences of the AFA, then when? Make the sideboards effective and legally supportable. We would also urge you to instruct staff to initiate an analysis to effectuate gear allocations in the Gulf based on historic participation. And this analysis should be made part of the amendment package to the Secretary.

Otherwise, delay implementation of the in-shore co-ops until we develop a comprehensive and legally supportable sideboard package.

Thank you,

  
ROB ZUANICH  
Executive Director

**RECEIVED**

October 4, 1999

OCT - 4 1999

Mr. Rick Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

**N.P.F.M.C****Delivered via fax: (907) 271-2817**

**RE: Under Agenda Item C-2 (d)**  
**Delay implementation of inshore co-ops or Reconsideration of June, 1999 action establishing the 1700 metric ton exemption from GOA groundfish sideboards.**

Dear Chairman Lauber and Council Members:

I am one of the owners of a 93' trawler operating in the Gulf of Alaska pollock and cod fisheries for ten years.

Under the American Fisheries Act, Congress mandated that Council adopt measures (sideboards) to protect the Gulf and other non-AFA entities.

At the June council meeting, the Council adopted a number of "sideboards" which were believed at the time to protect myself and other GOA fishermen from the new, unintended pressure resulting from AFA.

Unfortunately, any protection afforded by these sideboards was made ineffective by your exemption allowing AFA-eligible vessels to fish in the GOA if they made one landing in the GOA between 1995-1997 and had annual average landings of less than 1700 metric tons of Bering Sea Aleutian Island pollock.

There are approximately 95 vessels like mine, which are eligible to fish with trawl gear in the GOA or WGOA, or a combination thereof. There is approximately the same number of AFA eligible vessels in the inshore sector. We have estimated that between 40-45 of these AFA vessels are also eligible to fish in the GOA. Many of these 40-45 have historically relied on the Gulf fisheries, but many have not. In fact, 19 of the exempted vessels have only 1-9 landings (total) during the 1995-1997 period. These vessels should not be able to lease their BSAI quota and fish exclusively in the Gulf under the AFA if that is what they choose to do. That is certainly not what was intended by "protective measures", nor was it, I believe the intent of the Council.

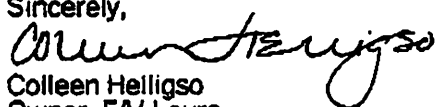
We do not wish to penalize any AFA vessel with a historic reliance in the Gulf. We believe that you can protect the Gulf without penalizing those AFA vessels. But, you must protect us as well.

Vessels with annual average landing of less than 500 mt appear to have a dependence on the Gulf. They should retain their exemption. However, vessels with greater than 500 mt have little historic reliance on the Gulf and must be restricted.

Finally, under AFA sideboards, the Council's intent, was to preserve traditional non-BSAI pollock fishery patterns and participation. I am concerned that under an annual allocation of the sideboards (rather than quarterly), we are going to see short intensified efforts from the AFA boats in the Gulf for higher revenue species like rockfish and Pacific cod. Our situation in the Gulf is precarious at best. The creation of pulse like pressure from Bering Sea boats will only further degrade our situation.

If you do not protect us now from the unintended consequences of the AFA, what will happen to the Gulf in 2000? *Reconsider the exemptions you approved in June so that the sideboards you approved will be effective and legally supportable.* If you cannot address this now and implement these protections before January 1, 2000, then you must decide to delay implementing inshore co-ops.

Sincerely,

  
Colleen Helligso  
Owner, F/V Laura  
1672 Monashka Circle  
Kodiak, AK 99615

October 4, 1999

Mr. Rick Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Delivered via fax: (907) 271-2817

RE: Under Agenda Item C-2 (d)

*Delay implementation of inshore co-ops or Reconsideration of June, 1999 action establishing the 1700 metric ton exemption from GOA groundfish sideboards.*

RECEIVED

OCT - 4 1999

N.P.F.M.C.

Dear Chairman Lauber and Council Members:

I am the owner of a 79' combination trawler/longliner operating in the Gulf of Alaska pollock and cod fisheries since 1984.

Under the American Fisheries Act, Congress mandated that Council adopt measures (sideboards) to protect the Gulf and other non-AFA entities.

At the June council meeting, the Council adopted a number of "sideboards" which were believed at the time to protect myself and other GOA fishermen from the new, unintended pressure resulting from AFA.

Unfortunately, any protection afforded by these sideboards was made ineffective by your exemption allowing AFA-eligible vessels to fish in the GOA if they made one landing in the GOA between 1995-1997 and had annual average landings of less than 1700 metric tons of Bering Sea Aleutian Island pollock.

There are approximately 95 vessels like mine, which are eligible to fish with trawl gear in the GOA or WGOA, or a combination thereof. There is approximately the same number of AFA eligible vessels in the inshore sector. We have estimated that between 40-45 of these AFA vessels are also eligible to fish in the GOA. Many of these 40-45 have historically relied on the Gulf fisheries, but many have not. In fact, 19 of the exempted vessels have only 1-9 landings (total) during the 1995-1997 period. These vessels should not be able to lease their BSAI quota and fish exclusively in the Gulf under the AFA if that is what they choose to do. That is certainly not what was intended by "protective measures", nor was it, I believe the intent of the Council.

We do not wish to penalize any AFA vessel with a historic reliance in the Gulf. We believe that you can protect the Gulf without penalizing those AFA vessels. But, you must protect us as well.

Vessels with annual average landing of less than 500 mt appear to have a dependence on the Gulf. They should retain their exemption. However, vessels with greater than 500 mt have little historic reliance on the Gulf and must be restricted.

Finally, under AFA sideboards, the Council's intent, was to preserve traditional non-BSAI pollock fishery patterns and participation. I am concerned that under an annual allocation of the sideboards (rather than quarterly), we are going to see short intensified efforts from the AFA boats in the Gulf for higher revenue species like rockfish and Pacific cod. Our situation in the Gulf is precarious at best. The creation of pulse like pressure from Bering Sea boats will only further degrade our situation.

If you do not protect us now from the unintended consequences of the AFA, what will happen to the Gulf in 2000? *Reconsider the exemptions you approved in June so that the sideboards you approved will be effective and legally supportable.* If you cannot address this now and implement these protections before January 1, 2000, then you must decide to delay implementing inshore co-ops.

Sincerely,



Kent Helligso  
Owner, F/V Pacific Star  
1672 Monashka Circle  
Kodiak, AK 99615

October 1, 1999

Mr. Rick Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

Delivered via fax: (907) 271-2817

RECEIVED  
OCT - 4 1999  
N.P.F.M.C

Re: Under Agenda Item C-2 (d)  
Delay implementation of inshore co-ops or Reconsideration of June, 1999 action  
establishing the 1700 metric ton exemption from GOA groundfish sideboards.

Dear Chairman Lauber and Council Members:

I am the owner of a F/V MARATHON operating in the GOA  
pollock and cod fisheries since 1993.

Under the AFA, Congress mandated that Council adopt measures (sideboards) to protect  
the Gulf and other non-AFA entities.

At the June council meeting, the Council adopted a number of 'sideboards' which were  
believed at the time to protect myself and other GOA fishermen from new, unintended  
pressure resulting from AFA.

Unfortunately, any protection afforded by these sideboards was made wholly ineffective by  
your exemption allowing AFA-eligible vessels to fish in the GOA if they made even one  
landing in the GOA between 1995-1997 and had annual average landings of less than 1700  
metric tons of BSAI Pollock.

Further, the Council exempted all vessels less than 125' from Stand-downs between the  
BSAI and the GOA. In other words, most of the larger producing AFA Catcher Vessels  
(as most are less than 125') that are not protected under the 1700 mt exemption, will be  
afforded the ability to freely transit to the Gulf. Combined with a annual allocation of the  
sideboards, rather than quarterly, the Gulf will feel increased pressure from yet another  
AFA sector. It is inconceivable that this was the Council's intention.

There are approximately 95 vessels like mine, which are eligible to fish with trawl gear in  
the GOA or WGOA, or a combination thereof. There is approximately the same number  
of AFA eligible vessels in the inshore sector. We have estimated that between 40-45 of  
these AFA Vessels are also eligible to fish in the GOA. Many of these 40-45 have  
historically relied on the Gulf fisheries, but many have not. In fact, 19 of the exempted  
vessels have only 1-9 landings (total) during the 1995-1997 period. Why should these  
Vessels be able to lease their BSAI Quota and fish exclusively in the Gulf under AFA if

that is what they choose to do? That is certainly not what was intended by 'protective measures', nor was it, I believe the intent of the Council.


We do not wish to penalize any AFA Vessel with a historic reliance in the Gulf. We believe that you can protect the Gulf without penalizing those AFA vessels. But, you must protect us as well.

Vessels with *annual average* landings of less than 500 mt appear to have a dependence on the Gulf. They should retain their exemption. However, vessels with greater than 500 mt have little historic reliance on the Gulf and must be restricted.

No AFA Vessel should be exempt from the Stand-downs approved under Stellar Sealions. Most of the AFA Catcher fleet is under 125 feet. If the Stand-down is necessary, than it should apply to all AFA vessels; not exempt most of the fleet.

Finally, under AFA sideboards, the Council's intent, was to preserve traditional non-BSAI Pollock fishery patterns and participation. I am concerned that under an annual allocation of the sideboards (rather than quarterly), we are going to see short intensified efforts from the AFA boats in the Gulf for higher revenue species like Rockfish and Pacific Cod. Our situation in the Gulf is precarious at best. The creation of pulse like pressure from Bering Sea boats will only further degrade our situation.

If you do not protect us now from the unintended consequences of the AFA what will happen to the Gulf in 2000? Reconsider the exemptions you approved in June so that the Sideboards you approved will be effective and legally supportable. If you cannot address this now *and* implement these protections before January 1, 2000, then you must decide to delay implementing inshore Co-ops.



MARATHON FISHERIES INC

PO Box 290

SILVETZOR 97380

541-444-7511





**Tom Manos**

201 Erie Avenue • Seattle, Washington 98122 • (206) 325-2524

October 4, 1999

NPFMC By Fax (907) 271-2817  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

**RECEIVED**

OCT - 4 1999

N.P.F.M.C

Re: Under Agenda item C-2 (d)  
**Recission of June, 1999 action establishing the 1700 metric ton exemption from GOA groundfish sideboards, or in the alternative, delay implementation of inshore co-ops and develop GOA gear allocations.**

Dear Council Members:

I own a 58-foot combination vessel that trawls for pacific cod and pollock . I also pot fish for pacific cod in the state fishery, longline for halibut and blackcod, and I seine for salmon throughout Alaska. In the course of a fishing year, I provide a crewshare for 25 people and manage to maintain a healthy business. The effect of AFA on my cod and pollock fisheries in the Gulf of Alaska will potentially reduce my yearly gross income by one third, and if that happens my fishing business will fail.

The small boat cod and pollock fleet in the Gulf has yet to effectively weigh in on the AFA issue due to its complexity, the speed at which it developed, and because as a group of independent small, boat owners we must wear a lot of different hats. Unfortunately most of us had our fishing hats on in May and June when the Gulf sideboards were written and approved. The AFA, with the current sideboards and exemptions, will result in dramatically reallocating the GOA cod and pollock fisheries away from the small boats that have been involved in it over the last ten years .

As it is currently proposed I urge you delay implementing co-ops in the Bering Sea until there are safeguards that will protect the interests of the small boats that have a groundfish history. We, as small, Gulf of Alaska catcher boats, are getting organized and forming coalitions since we represent a large percentage of the vessels that will be issued LLP and make up an important part of the Gulf of Alaska fishing community. I am presently working with Rob Zuanich at PSVOA, Joe Childers, and Terry Willette, on this issue and I feel like we are trying to jump on a freight train that is going by at a hundred miles an hour, with the guys on the train hoping not to see us.

• Page 2

October 4, 1999

I recognize and support the need to rationalize the groundfish industry in Alaska but I see the livelihood of myself and well as a lot of small boat -Gulf of Alaska fishermen at risk here. We represent a large, legitimate presence in this industry and we are working to see that our interests and rights be fairly treated and protected.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Manos".

Tom Manos  
Owner & Operator F/V Solstice

next  
testifiers  
Dave Fraser  
Jay Stinson

The GOA 1700 Metric Ton Exemption committee met to discuss possible solutions to the problems raised regarding this exemption and the AP's current recommendations.

Approximately 30 industry representative were present at the meeting representing a diversified cross section of the affected groups.

The committee makes the following recommendation:

In order to qualify for the 1700 mt AFA sideboard exemption in the Gulf of Alaska, an AFA qualified vessel must meet the following additional criteria:

1. Make a minimum number of Federal Groundfish landings in the GOA during the '95, 96, 97 qualifying period. The committee request staff to do an analysis of a range of landing. That range would be between 10 and 30 deliveries. The intent is to separate those vessels that may have made incidental landings in the GOA from those vessels that have shown a dependancy on fisheries within the Gulf of Alaska.
  2. And be less than 125 feet in length.
- We will ask staff to develop the landing data which allow us to select appropriate number of landings.
  - Accounting:
    1. The cap applying to Non-Exempt AFA vessels would be based on the catch history of the Non-Exempt AFA boats and only their catch would count against the cap.
    2. The catch history of the Exempt AFA boats would remain in open access and their catch would not count against the AFA sideboard cap.
  - Implementation:
    1. It is the intent of this committee that this amendment be delivered with the proposed rule and implemented on the same time line as the AFA sideboards.

Suggested addendum

\* *Accounting:*

3. *Council will direct NMFS staff to exclude the aggregate catch of exempted vessels in all GOA groundfish fisheries when calculating the aggregate sideboard cap.*

**To: The NPFMS Council**

**From: Beth de Groen**

**THE PROBLEM**

If the American Fisheries Act (AFA) is implemented in its present form, the American independent boat, pollock and Pacific cod fishery in the Gulf of Alaska (GOA) will be diminished and in a relatively short time period, eliminated. The systematic elimination of this competition will give complete control over one of the world's great renewable resources to a tiny group of conglomerates, vested largely by foreign interests.

**THE SOLUTION**

- (1) Extend the AFA regulations to the GOA, which is a fishing ground analogous to and historically discreet from, the Bering Sea.
- (2) Co-op allocation in the GOA shall be based on individual boat history prior to, but not after the AFA was proposed in congress. The clock for qualifying landings stops in 1998.
- (3) As soon as possible, propose a complementary body of regulations for the GOA---the GOA amendment to the AFA---through any supportive congressman, so the rights of all independent American fishermen can be protected from the domination of a fleet based on largely foreign interests.
- (4) If the AFA boats accept their AFA allocation, the amount of fish they catch in all other open access fisheries should be limited to the amount they have caught there in the past.

Dear Council members:

I am speaking out against the implementation of the American Fishing Act (AFA) in the Bering Sea without similar implementation of regulations in the Gulf of Alaska (GOA). I believe that if the Bering Sea becomes an exclusive and protected area, and the GOA is not considered to be an entity with equally identifiable historical fishing presence, the small boat fishery in the Gulf will be destroyed within a short period of time---one to five years. I know that the implications of consolidation of control of pollock and Pacific cod in the hands of four to six enormous fish processing companies, dominated by FOREIGN interests, will result in an ability to control price that will not benefit the American marketplace.

#### LARGE VS. SMALL

The nature of the GOA fishing fleet is small, independently owned businessmen, who are efficiently harvesting and protecting the fishing resource in their area. Weather, logistical, and other restrictions prevent these small boats from harvesting in the Bering Sea. It is too dangerous for small boats to fish the Bering Sea; therefore, they have chosen to ply the Gulf waters during the relatively short existence of the pollock/ p-cod market in this area. They stay close to shore. Many are local residents and/or generation-to-generation family businesses. That the boats are small, does not effect whether they are able to do the job well. This small-boat fleet has characteristically done an excellent job of harvesting fish resource and in a clean manner. Since many of these boats are combination vessels, the operators understand the necessity of sparing the species that is the next seasonal target.

Politically, this group is largely powerless except for the protection of state and federal boards. These independent operators are apolitical by nature. They do not have powerful lobbies and legal teams working for them. They are busy changing gear for the next fishery. These are men with families, boat payments, and a day-to-day fishing schedule that will not allow them to forfeit one year's annual income from p-cod or pollock. For many, this is the majority of their income, if not all of their income. They will not be able to give their shareholders the bad news of an off year. They will not be able to hold their creditors at bay. They will be ruined by the loss of one or, God forbid, two fishing seasons because they did not have the legal clout to get a congressman to legislate protective measures on their behalf. They are

relying solely on you to do this for them. You are their final hope to stop what will inevitably happen in the GOA this winter if these regulations and sideboards are passed, as is! It is my firm contention that many small boat fishermen will be lost this winter if you do not act. Why do I feel this?

### **SPECIAL AREAS FOR SPECIAL INTERESTS**

The AFA has a great sense of urgency, a definite in-your-faceness, about it. The time for rebuttal was impressively short. It was a rush job, a railroad, meant to damn any group without immediate access to high-powered legal counsel. It is law proposed by moneyed interests to assure that they will control the bulk of a vast renewable resource, forever. This is one of the few times one can use this word---forever---correctly. Four companies, with tremendous wealth and power, will own pollock and eventually true cod on the Pacific Coast. It is a remarkable concept.

As you know, since the nature of fishing is all about market opportunities, history has taught us that these major players will not favor independent fishermen when they are setting ground's price or delivery schedules. They will favor their boats. The companies will want to control the boats, price, and product. That is the direction of these powerful people. They will work slowly, or not so slowly, to eliminate competition; their current competition is a disparate group of small, independent fishermen. The small boats will be squeezed out of the fishery, left with no compensation, no retirement plan. The AFA blindsides GOA small boat operators..

How does this happen? If the Bering Sea has rules, quotas, times for their exclusive groups to have a very controlled harvest of pollock and p-cod, they are free to come to the GOA, where there are no rules or protections for the boats, which have traditionally fished this area. These large boats have never exercised the GOA fishing option because, the Bering Sea has always been more lucrative, and they had to choose; now they will not have to choose. Do you have the slightest doubt that they will choose to operate as they have in the past instead of taking as much fish as they possibly can from the GOA and then head to their private grounds to harvest at leisure? Do you think they will not try to make as much money as they possibly can? Do you suppose they will continue to operate as they have in the past, when they can choose to fish two areas instead of one? I KNOW what is going to happen! They will choose to make as much money as they can, take as much as they can, return to the Bering Sea at a later time---any time that suits them---and harvest their fish. These are very special players with very

special interests. This is big business. I am not opposed to big business per se; I am just opposed to big business, which seeks to control totally the food source of millions of people. This is a bad idea, a bad plan! The AFA, not extended to the GOA, gives big fishing interests the legal means to achieve this goal---total control of a world food source. Think of the long-term implications of supporting this idea/ law.

#### **“YOU CAN’T FISH IN MY SEA!”**

The idea of protecting the food source by assigning exclusive fishing rights to area participants, who have shown a traditional and historical interest in harvesting and maintaining the resource, is a good idea. Unfortunately, the AFA protects the interests of Bering Sea business at the expense of GOA independent fishermen. Had this not been the INTENTION of the law, this good idea would have been extended to the Gulf of Alaska. The law was cut short, so the major player interests would have a chance for a free-for-all in the Gulf.

Since life is not fair, I am not asking you to consider this problem from the unfairness of the concept of a special area for special people in one sea and not in another sea. I am asking you to consider this problem from the basic assumption that monopolistic control of a vast resource is a bad idea for all people and for the industry as well. When extremely powerful interest groups dominate relatively powerless people, there is no fight. It is a rout, and there will be a rout in the GOA during the next few years, if not this year.

#### **PRESERVING A RESOURCE FOR ALL FISHERMEN**

The primary duty of the Council is to maintain the ongoing health of the fishing resources of the Northwest Pacific Coast and, secondarily, to maintain a healthy (competitive), foresighted and conservationist fishing industry, as the best means to this end. In the face of the AFA countdown, the only way to do this is to stop the potential for a laissez-faire destruction of the small boat Gulf fleet and extend the restrictions and precedents of the AFA to include the GOA as a discreet area, which in fact, it is! If the Bering Sea is exclusive and its fishermen have exclusive rights, so the Gulf is an exclusive place with people who have fished there exclusively! There has rarely been crossover in these two areas for good reasons. The AFA seeks to end this at the expense of all independent operators---the end of an era. Will the death of an independent fishing industry be good for the pollock/ p-cod industry? It cannot be!



The only reason that the GOA fishing fleet has no legislation to protect their interests is that they do not have the organization, money, politicians, and attorneys working on their behalf. All the Gulf fishermen have at this point is you, the Council, to stop this fray from happening. The big companies will always have the money and the attorneys. That is the reason the idea of sideboards is self-destructive to GOA interests. Where there are attorneys, there are loopholes, and the independent fishing interests cannot organize to fight the onslaught of a barrage of legal action from fishing conglomerates every time a loophole must be plugged. Sideboards set the stage for an ongoing fight that favors big money. Corporations have time, money, and power that are not available to independent boat owners. There is no even, legal playing field for the independent fleet to fight major player interests. The big guys have the attorneys; the big guys will eat the little guys. That is the feeding chain in the off-Alaska waters unless someone protects the interests of the little people. That is your job! You are the last line of defense!

To maintain a healthy competitive pollock and p-cod industry, the small boat fishermen of the Gulf must be protected from literally and figuratively being overrun by the Bering Sea fleet.

- (1) Extend the AFA regulations to the GOA, as a discreet fishing entity like the Bering Sea.
- (2) Co-op allocation shall be based on individual boat history prior to, but not after the AFA was proposed by congress. (If one year passes when the big boat fleet is permitted to establish fishing history in the Gulf, they will share in a resource they have never harvested heretofore. The clock for deciding on the amount of per boat allocation must be stopped in 1998.)
- (3) Propose a complementary law as soon as possible, The GOA Amendment to the AFA, through a supportive congressman, so the rights of all small, independent fishermen can be protected forever, not the rights of a fleet dominated by foreign interests.

# **FV Trailblazer**

**Oregon-resident Bering Sea Crabber**

P.O. Box 1027 Newport, OR 97365 (541) 574-0256 Fax (541) 574-0380

13 October 99

Rick Lauber, Chairman  
NPFMC  
Anchorage, Alaska

Dear Rick,

At an industry meeting with Senator Slade Gorton last month in Bellevue, Washington a brief remark by Senator Gorton convinced me that the NPFMC should now appoint a formal BSAI Crab Coop Development Committee to avoid an informal industry rush-job that re-makes the pollock coop mistakes.


After hearing AFA'ers and non-AFA'ers spar for almost two hours over the merits and short-comings of the Act, Senator Gorton turned to Brent Paine of UCB and reminded him that he, Senator Gorton, had pointed out the obvious short-comings of AFA to the pollock fishermen the day before the Act passed. Only after the pollock fishermen acknowledged those flaws in the bill to Senator Gorton and told him to pass it anyway did Gorton support and promote the AFA bill's passage.

Rick, let's do BSAI crab coops a better way this time around: openly, prudently, fairly and comprehensively. You saw how well the AFA Sideboard Committee worked. Why not adopt the same format for developing crab coops?

I don't want to be burned twice by late-night, last-minute, partisan, Congressional coop deals that create as many problems as they supposedly solve. So I formally request that the NPFMC appoint a BSAI Crab Coop Development Committee by November 1, 1999 and charge it with publishing recommendations to the Council by May 1, 2000.

Sincerely,

Gary Painter, Managing-Owner



DRAFT

Vessels eligible under the <1,700 mt exemption

ADFG	Name	CV TYPE	Length	Designation
62922	LADY JOANNE	C_IN	<60'	
64667	OCEAN STORM	C_IN	<60'	
69765	ALASKA DAWN	C_IN	<60'	
00055	MARCY J	C_IN	60-124'	
09200	PEGGY JO	C_IN	60-124'	
12668	PERSEVERANCE	C_IN	60-124'	
14767	ELIZABETH F	C_IN	60-124'	
32554	ENDURANCE	C_IN	60-124'	
32817	GOLDEN PISCES	C_IN	60-124'	
33112	EXODUS	C_IN	60-124'	
33744	PREDATOR	C_IN	60-124'	
34919	WALTER N	C_IN	60-124'	
35527	SUNSET BAY	C_IN	60-124'	
39230	HALF MOON BAY	C_IN	60-124'	
40250	TOPAZ	C_IN	60-124'	
40309	GOLD RUSH	C_IN	60-124'	
41520	LISA MELINDA	C_IN	60-124'	
47795	HICKORY WIND	C_IN	60-124'	
48171	OCEAN HOPE 1	C_IN	60-124'	
48173	OCEAN HOPE 3	C_IN	60-124'	
49617	MARATHON	C_IN	60-124'	
54648	COLLIER BROS	C_IN	60-124'	
54653	EXCALIBUR II	C_IN	60-124'	
56119	LESLIE LEE	C_IN	60-124'	
57634	CARAVELLE	C_IN	60-124'	
59476	SEEKER	C_IN	60-124'	
61432	CAPE KIWANDA	C_IN	60-124'	
61792	PACIFIC RAM	C_IN	60-124'	
62892	BLUE FOX	C_IN	60-124'	
66196	MESSIAH	C_IN	60-124'	
70221	LISA MARIE	C_IN	60-124'	
00029	ANITA J	C_IN	>=125'	
36808	NORTHWEST ENTER	C_IN	>=125'	
57321	ALASKAN COMMAND	C_IN	>=125'	
61372	#N/A	C_MO	>=125'	
59687	#N/A	C_CP	#N/A	

Table 3

Cooperative Shares if Qualification were Based on 1998 Deliveries

	Qualified Vessels:		Processor Controlled Vessels as Percent of Processor's	
	Share of Assigned Inshore Allocation*	Cumulative Share of Assigned Inshore Allocation	Total Qualified Vessels	Share of Inshore Allocation
<b>By Facility</b>				
TRIDENT →	25.6%	25.6%	54.5%	84.7%
UNISEA →	24.9%	50.5%	7.1%	15.3%
WESTWARD →	17.2%	67.7%	50.0%	66.4%
ALEJOSHA →	12.6%	80.3%	66.7%	85.6%
TYSON →	9.4%	89.7%	100.0%	100.0%
NORTHERN VICT →	8.5%	98.2%	50.0%	44.7%
<b>By Company</b>				
① TRIDENT →	35.4%	35.4%	59.4%	87.9%
② MARUMA →	29.8%	65.2%	37.9%	74.5%
NIPPON SUJIAN →	24.9%	90.1%	7.1%	15.3%
NORTHERN VICT →	8.5%	98.6%	50.0%	44.7%
<b>Total Industry</b>			45.5%	60.9%

\*The share of each entity in the total catch history assigned to catcher vessels that had deliveries in 1998, which accounted for 92.2% of the total inshore catch history.

- ① TRIDENT AFTER TYSON PURCHASE
- ② WESTWARD/ALEJOSHA = MARUMA

TRIDENT HANDED  
 SHARE =  $35.4\% \times 8.5\% = 15.3\%$

15.55 INSHORE  
 6.5 OFFSHORE  
 - 22%  
 4 1/2% OR  
 EXCESSIVE HANDED  
 CAP.

Section 210:

1

vessels eligible under section 208(b). This requirement will help ensure that the traditional harvest of those catcher vessels will not be reduced. The catcher vessels may participate in a fishery cooperative with the 20 catcher/processors eligible under section 208(e), but may participate during 1999 only if the contract implementing the fishery cooperative includes penalties to prevent the catcher vessels from exceeding their traditional harvest levels in other fisheries. Under a fishery cooperative, vessel owners have more control over the time during which they will fish, and without these provisions in 1999, the catcher vessels could target other fisheries during the time they would traditionally be participating in the BSAI directed pollock fishery. By the year 2000, the North Pacific Council will have been able to recommend (and the Secretary to approve) any measures needed to protect other fisheries.

Subsection (d) extends the 1934 fishery cooperative authority to motherships for purposes of processing pollock if 80 percent of the catcher vessels eligible to harvest the pollock allocated for processing by motherships decide to form a fishery cooperative. The possible extension of this authority would not begin until January 1, 2000, and would remain in effect only for the duration of the contract implementing the fishery cooperative. If a fishery cooperative is formed, other catcher vessels eligible to harvest the pollock allocated for processing by motherships would be required to be allowed to join the fishery cooperative under the same terms and conditions as other participants at any time before the calendar year in which fishing under the cooperative will begin.

Subsection (e) prohibits any individual or any single entity from harvesting more than 17.5 percent of the pollock in the BSAI directed pollock fishery to ensure competition. Presently in that fishery, a single entity in that fishery harvests close to 30 percent of the pollock in the BSAI directed pollock fishery. In addition, paragraph (2) of subsection (e) directs the North Pacific Council to establish an excessive share cap for the processing of pollock in the BSAI directed pollock fishery. Paragraph (3) requires any individual or entity believed by the North Pacific Council or Secretary to have exceeded the harvesting or processing caps to submit information to MarAd, and requires MarAd make a determination as soon as possible. If an individual or entity owns 10 percent or more of another entity, they will be considered to be the same entity as that other entity for the purposes of the harvesting and processing caps.

Subsection (f) requires contracts that implement fishery cooperatives in the BSAI directed pollock fishery to include clauses under which the participants will pay landing taxes established under Alaska law for pollock that is not landed in the State of Alaska. The failure to include the clause or to pay the landing taxes results in the permanent revocation of the authority to form fishery cooperatives under the 1934 Act for the parties to the contract implement the fishery cooperative and the vessels involved in the fishery cooperative.

← (A)

Subsection (g) specifies that the violation of any of the provisions of section 210 (fishery cooperative limitations) or section 211 (protections for other fisheries and conservation measures) constitutes a violation of the prohibited acts section of the Magnuson-Stevens Act and is subject to the civil penalties and permit sanctions under section 308 of the Magnuson-Stevens Act. In addition, subsection (g) specifies that any person found to have violated either of section 210 or 211 is subject to the forfeiture of any fish harvested or processed during the commission

Section 210:

1

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← (A)

# Crab Processing Sideboards

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- Interim program. Would impose individual entity-level caps on AFA inshore and mothership processors that receive pollock from a cooperative. Program would start Jan 2000 and remain in place until superseded by Council action on processing sideboards.
- 10 percent entity linkages would be determined based on information submitted by AFA processors that request co-op processing endorsement.
- Individual entity processing caps would be issued to each each AFA entity based on the entity's 1995-1997 processing share in that crab fishery.
- Enforcement. Would be conducted post-season by comparing the actual tons processed by the AFA entity against its processing cap.

# Catcher vessel sideboards

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Crab sideboards. NMFS will manage entry by AFA vessels into crab fisheries through AFA permit endorsements. ADF&G will manage harvest limits on an inseason basis.

Groundfish sideboards. Will be calculated and managed in the same manner as catcher/processor sideboards and will apply to all AFA catcher vessels in the aggregate regardless of sector or membership in a co-op.

1,700 mt exempted vessels. The following vessels will be exempt from some groundfish sideboards based on less than 5,100 mt of BSAI pollock landings from 1995-1997

Inshore CVs	Less than 60'	3
	60' to 124'	28
	≥ 125'	3
Mothership CVs	≥ 125'	1
C/P sector CVs	≥ 125'	1
Total		36

Management of exempted vessels. NMFS will take into account the harvest of exempted vessels when establishing directed fishing allowances for non-exempt vessels. If sideboard harvests by exempt vessels exceeds the historic averages then sideboard fishing opportunities for non-exempt vessels could be reduced.



# Catcher/processor sideboard management

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Sideboard amounts will be based on retained catch as per Council's June 1999 recommendation.

Sideboard management will be accomplished through directed fishing closures. NMFS will establish a directed fishing allowance for each sideboard species after consideration of bycatch needs in other fisheries including the pollock fishery.

Sideboard closures. If sideboard amount is insufficient to support directed fishing for that species, NMFS will close directed fishing for that sideboard species at the beginning of each year and no further sideboard management action will be taken absent conservation (e.g., overfishing) concerns.

Overages. Due to decision to base sideboard amounts on retained catch from 1995-1997, overages of some sideboard amounts are inevitable (e.g., squid, POP) even if NMFS closes the species to directed fishing at the beginning of the year.

## Proposed observer coverage requirements

Vessel or processor	Year 2000	2001 and beyond
Unrestricted AFA catcher/processors and AFA motherships	One lead level 2 observer and one certified observer in all groundfish fisheries with CDQ observer workload limits.	One lead level 2 observer and one level 2 observer in all groundfish fisheries with CDQ observer workload limits  (will be identical to CDQ)
Restricted AFA catcher/processors	One lead level 2 observer and one certified observer during any fishing trip in which the vessel is engaged in directed fishing for pollock.	One lead level 2 observer and one level 2 observer during any fishing trip in which the vessel is engaged in directed fishing for pollock.
AFA inshore processors	One certified observer for each 12 hour period in a calendar day that the processor receives BSAI pollock	One level 2 observer for each 12 hour period in a calendar day that the processor receives BSAI pollock
AFA catcher vessels	no proposed changes	no proposed changes

# Recordkeeping and Reporting

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- New electronic shoreside delivery report will be required of all shoreside processors that receive groundfish from AFA catcher vessels.
- New weekly co-op report. All inshore co-ops will be required to report all inshore pollock landings made by the co-op within 1 week of the date of the landing.
- Annual co-op report. All co-ops (inshore, mothership, and catcher/processor sector) will be required to submit an annual report to the Council by December 1 of each year that details the catch and bycatch of member vessels on a vessel by vessel and area by area basis.
- Scales and observer sampling stations. Would be required on all AFA catcher/processors and motherships. All groundfish must be weighted on scales.
- ATLAS software will be required on all catcher vessels that carry observers beginning June 1, 2000 so that NMFS may monitor CH/CVOA landings on a real-time basis.

No additional recordkeeping and reporting requirements proposed for catcher/processors, motherships, or catcher/vessels.

## **Vessel and processor replacement provisions**

- General replacement provisions as spelled out in AFA will be incorporated into regulation without further elaboration or interpretation. NMFS will create an AFA replacement vessel application form.
- Designating an existing AFA vessel as a replacement. Under the AFA, an existing AFA vessel could be designated as a replacement for a lost AFA vessel (e.g., the replacement vessel does not have to be a newly constructed vessel).
- Merging of catch histories. For the purpose of calculating inshore co-op catch histories, NMFS proposes that if one AFA catcher vessel is designated as the replacement for a lost AFA catcher vessel, then the catch histories of both vessels would be merged for the purpose of determining co-op allocations and, sideboard determinations, and sideboard exemptions.

## **Formula for co-op allocations**

- **Qualifying catch history.** All inshore pollock landings made during 1995-1997 will count towards a co-ops annual allocation regardless of delivery date or species composition of delivery.
- **Offshore compensation.** Any inshore vessel that made more than 499 mt of landings to catcher/processors during 1995-1997 will have this catch history added to its official inshore catch history.
- **Best 2 of 3 years.** For each vessel that made inshore landings in 1995-1997, NMFS will select the vessel's best 2 of 3 years and count only those two years as the vessel's official inshore catch history.
- **Co-op allocation.** Will be equal to the aggregate official catch history of each vessel in the co-op divided by the aggregate official catch history of all vessels that made inshore landings in 1995-1997 multiplied by the interim and final TACs for the year in which the co-op fishing permit will be in effect.
- **Open access allocation.** Will be composed of the remaining inshore TAC not allocated to co-ops.

## AFA inshore co-op permit applications

Annual permits. Co-ops would be required to apply annually for an annual inshore co-op permit. The permit would list the co-ops pollock allocation, the vessels authorized to fish that allocation, and any additional restrictions.

December 1 deadline for co-op permit applications and any amendments to co-op permits (e.g., to add or subtract a vessel from the co-op. December 1 deadline is necessary to make allocations in the interim specifications for upcoming A season.

Certifications required. In its application for an inshore co-op fishing permit, an inshore co-op must make the following certifications (on a NMFS co-op application form).

- 80 percent rule. The co-op must certify that it is composed of at least 80 percent of the qualified catcher vessels that delivered to the designated processor in the year prior to the year in which the permit will be in effect.
- Qualified vessels. The co-op must certify that each member vessel delivered more BSAI pollock to the co-ops designated processor than to any other inshore processor in the year prior to the year in which the permit will be in effect.
- Vessels in good standing. The co-op must certify that each member vessel is otherwise eligible to fish for pollock in the BSAI (e.g., has LLP and Federal fisheries permit, does not have any permit sanctions or is not seized for violations).

## AFA catcher vessel permits (cont.)

- Aleutian Islands red king crab. Vessel must have made a legal landing of Aleutian Islands red king crab during both the 1995/1996 and 1998/1999 fishing seasons.
- Opilio Tanner crab. Vessel must have made a legal landing of C. opilio Tanner crab in four or more years from 1988-1997.
- Bairdi Tanner crab. Vessel must have made a legal landing of C. bairdi Tanner crab in both 1995 and 1996. AFA catcher vessels endorsed for BBRKC also may retain Bairdi Tanner crab harvested during BBRKC openings if otherwise authorized to do so under State and Federal regulations.
- 1,700 mt groundfish sideboard exemptions. AFA catcher vessels with less than 1700 average annual pollock harvests (5,100 mt over 3-year period 95-97) would be identified on their AFA permits as exempt from sideboard closures for BSAI P.cod, GOA P.cod, and BSAI pollock. Vessels with a 95-97 documented landing of shallow water species (other than pollock or P.cod) or deep water species would be exempt from GOA sideboard closures in those fisheries.

## **AFA inshore processor permits**

- **Unrestricted.** If processed more than 2,000 mt of BSAI pollock in 1996 and 1997.
- **Restricted.** If processed BSAI pollock in 1996 or 1997 but less than 2,000 mt in one or both years. Restricted AFA processors are limited to 2,000 mt annually.
- **Co-op endorsement.** Required if processor wishes to receive pollock from a cooperative.
- **Qualification for co-op endorsement.** Requires disclosure of all BSAI crab processors which share 10% or more ownership with the AFA processor requesting the co-op endorsement (using multiplicative rule).
- **Single geographic location requirement.** Inshore processors would be restricted to the most recent single geographic location in which they processed BSAI pollock in 1996 or 1997.

**Shoreside processors.** Would be restricted to the actual geographic location of the plant in 1996-1997.

**Floating processors.** Would be restricted to operating within 5 nm of the most recent location in which they operated in 1996-1997.



## AFA catcher vessel permits

- Pollock sector endorsements. Will authorize participation in the catcher/processor, mothership, and/or inshore sector based on listing in AFA or catch history qualification as set out in AFA.
- Crab harvesting sideboards. A vessel would be prohibited from retaining any species of BSAI king or Tanner crab unless the vessel's AFA permit has an endorsement for that species/fishery as follows:
  - Bristol Bay Red King Crab (BBRKC). Vessel must have made a legal landing of BBRKC in 1996, 1997, or on or before February 7, 1998.
  - St. Matthew Island blue king crab. Vessel must have made a legal landing of St. Matthew Island blue king crab in that fishery in 1995, 1996, or 1997
  - Pribilof Island red and blue king crab Vessel must have made a legal landing of Pribilof Island blue or red king crab in that fishery in 1995, 1996, or 1997
  - Aleutian Islands brown king crab. Vessel must have made a legal landing of Aleutian Islands brown king crab during both the 1997/1998 and 1998/1999 fishing seasons.

# Proposed Permit Requirements

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## **AFA catcher/processor permits**

- **Unrestricted.** Vessels listed in 208(e)(1) through (20).
- **Restricted.** Vessels qualifying under 208(e)(21) are restricted to harvesting in the aggregate no more than 0.5% of the C/P sector pollock allocation.
- **No application required.** C/P permits were issued in 1999 and will be automatically renewed without the need for owners to reapply for permits.

## **AFA mothership permits**

- **Qualified motherships.** Three motherships listed in AFA.
- **Co-op endorsement.** Required if processor wishes to receive pollock from a cooperative.
- **Qualification for co-op endorsement.** Requires disclosure of all BSAI crab processors which share 10% or more ownership with the AFA processor requesting the co-op endorsement (using multiplicative rule).

# Status of AFA Rulemaking

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## Amendment 61/61 (includes all AFA measures for 2000)

- Proposed rule: early November 1999
- Final rule: January 2000

## Emergency interim rule (permit requirements only)

- Scheduled for publication early November, 1999
- Will be superseded by publication of Amendment 61/61 final rule