

Bering Sea Aleutian Island Pacific Cod Small Boat Access June 2021¹

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1 Introduction

At the October 2019 Council meeting, the Council tasked a discussion paper in response to community concerns and access challenges that were identified for smaller catcher vessels (CVs) operating in the Bering Sea Aleutian Island (BSAI) Pacific cod (*Gadus macrophalus*) less than 60 ft hook-and-line (HAL) or pot sector. The Council received public comment describing the access challenges that smaller HAL or pot CVs face, which identified an increase in participation within the less than 60 ft HAL or pot sector and inter-sector competition from a subgroup of larger HAL or pot CVs greater than or equal to 58 ft in length overall (LOA) with increased capacity and efficiencies as the root of small vessel access challenges.

“In addition to increased participation, the rise of ‘Super 8s’ within the <60 vessel class contributes to growing disparities and unfair competition within the <60 vessel class size. These disparities are rooted in non-traditional efficiency improvements within the Super 8 fleet (e.g., power, capacity, vessel width, etc.), and have detrimental effects on long-term participants and communities dependent on fixed gear Pacific cod fisheries.”²

The Council’s [October 2019 motion](#) directed staff to evaluate “the potential impact of expanding the allowable participants to fish off of the jig sector allocation to small fixed gear catcher vessels (e.g., <57’, trip limits up to 15,000 lbs., pot limits less than 25 pots)” as options to potentially address the access challenges facing smaller CVs operating in the less than 60 ft HAL or pot CV sector. **This discussion paper provides the Council an opportunity to discuss and give direction on its preference for potential future work related to small vessel access opportunities in the BSAI Pacific cod less than 60 ft HAL or pot sector.** Section 2 provides background on the management of the BSAI Pacific cod fisheries. Section 3 describes the BSAI Pacific cod less than 60 ft HAL or pot and jig sectors. Section 4 explores four options for a defining a new BSAI Pacific cod small vessel allocation, and Section 5

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² Unalaska Native Fishermen’s Association. October 2019. Public Comment Letter.

evaluates different options for the Council to define what constitutes a smaller BSAI Pacific cod HAL or pot CV. The paper concludes with a discussion on next steps.

2 Management of Bering Sea Aleutian Island Pacific Cod Fisheries

Pacific cod harvest specifications establish an over-fishing level (OFL), acceptable biological catch (ABC), and total allowable catch (TAC) for the Bering Sea (BS) subarea of the BSAI, and a separate OFL, ABC, and TAC for the Aleutian Islands (AI) subarea of the BSAI. Before the Pacific cod TACs are established, the Council and NMFS consider social and economic factors, management uncertainty, as well as two factors relevant to BSAI Pacific cod: Pacific cod guideline harvest (GHL) fisheries that occur in the State of Alaska (State) waters of the BSAI, and an overall 2 million mt limit on the maximum amount of TAC that can be specified for all BSAI groundfish.

The State manages three GHL fisheries in the BSAI for Pacific cod: two that occur within State waters in a subarea of the BS and one that occurs within State waters in the AI. Under current State regulations, each year the Dutch Harbor Subarea (DHS) GHL fishery for pot vessels 58 feet or less LOA in the BS is set at 8 percent of the BS ABC with an annual 1 percent increase, if 90 percent is harvested, until the GHL reaches 15 percent of the BS ABC. In 2021 the DHS GHL fishery was set at 10% of the BS ABC. The Alaska Board of Fisheries created a second BS GHL fishery which began in 2019 and allocates 100,000 lb. or roughly 45 mt. to jig vessels. In the AI, the GHL fishery was set at 27 percent of the 2018 ABC specified for AI Pacific cod, with annual “step-up” provisions that would increase the amount of the GHL fishery if at least 90 percent in the previous year’s GHL was harvested. If the GHL fishery continues to be nearly fully harvested it can continue to increase annually by 4 percent up to a maximum of 39 percent of the AI ABC or to a maximum of 6,804 mt (15 million lbs.), whichever is less. The 2019 AI GHL was increased to 31 percent of the AI Pacific cod ABC. The 2020 and 2021 AI GHL have been capped out at 15 million pounds (6,804 mt). Allowable gear in the AI GHL fisheries include trawl, longline, pot, and jig gear and allowable vessel size varies by gear sector and time of year.

Once the individual BS and AI TACs are established, regulations at § 679.20(a)(7)(i) allocate 10.7 percent of the BS Pacific cod TAC and 10.7 percent of the AI Pacific cod TAC to the Community Development Quota (CDQ) Program for the exclusive harvest by Western Alaska CDQ groups. The remaining portion of TAC after deducting the 10.7 percent allocation for CDQ Program is the initial total allowable catch (ITAC). For the BSAI Pacific cod HAL and pot gear sectors, the Regional Administrator will specify an amount of Pacific cod that NMFS estimates will be taken as incidental catch while directed fishing for groundfish other than Pacific cod by the HAL and pot gear sectors. This amount will be the incidental catch allowance (ICA) specified in the harvest specifications and will be deducted from the aggregate portion of Pacific cod TAC annually allocated to the HAL and pot gear sectors before the allocations are made to these sectors. Since Amendment 85 implementation this amount has been 400 to 500 mt.

After the CDQ allocation is subtracted from the BS and AI TACs, NMFS combines the remaining BS and AI TACs into one BSAI non-CDQ TAC, which is available for harvest by nine non-CDQ fishery sectors. Regulations at § 679.20(a)(7)(ii)(A) define the nine Pacific cod non-CDQ fishery sectors in the BSAI and specify the percentage allocated to each. The non-CDQ fishery sectors are defined by a combination of gear type (e.g., trawl, HAL), operation type (i.e., CV or CP), and vessel size categories (e.g., vessels greater than or equal to 60 ft in LOA). Through the annual harvest specifications process, NMFS allocates an amount of the combined BSAI non-CDQ TAC to each of the nine non-CDQ fishery sectors. The nine non-CDQ fishery sectors, and the percentage of the combined BSAI non-CDQ TAC allocated to each sector, are shown in Table 1 by amendment since 1994. The existing overall sector allocations have been in place for thirteen years under Amendment 85.

Table 1 Percent of sector allocations by BSAI groundfish FMP amendment

Sector	Amend 24 1994	Amend 46 1997	Amend 64 2000	Amend 77 2004	Amend 85 2008
Jig	2.0	2.0	2.0	2.0	1.4
HAL/Pot CV <60 ft LOA	44.0	51.0	0.7	0.7	2.0
HAL CV ≥60 ft LOA			0.2	0.2	0.2
HAL CP			40.8	40.8	48.7
Pot CV ≥60 ft LOA			9.3	7.6	8.4
Pot CP				1.7	1.5
AFA trawl CP			54.0	23.5	23.5
Non-AFA trawl CP	13.4				
Trawl CV	23.5	23.5			

Seasonal allowances of BSAI non-CDQ Pacific cod allocations are managed at the BSAI level. Because there are no non-CDQ sector allocations specific to each area, there are no gear specific seasonal allowances by area. An allocation to a non-CDQ fishery sector may be harvested in either the BS or the AI, subject to the non-CDQ Pacific cod TAC specified for the BS or the AI. If the non-CDQ Pacific cod TAC is or will be reached in either the BS or AI, NMFS will prohibit directed fishing for Pacific cod in that subarea for all non-CDQ fishery sectors. While the overall guideline for the BSAI Pacific cod fishery continues to be a 70:30 percent seasonal split, the seasonal allowances vary by gear type taking into account changes to the season dates from the Steller sea lion protection measures implemented in 2015.

Any unused portion of the seasonal allowance from any sector *except the jig sector* is reallocated to that sector's next season during the current fishing year unless the Regional Administrator determines that sector will be unable to harvest its allocation. For the jig sector, the Regional Administrator will reallocate any projected unused portion of the C seasonal allowance of Pacific cod to the less than 60 ft. HAL or pot CV sector on or near September 1.

Table 2 BSAI non-CDQ Pacific cod sector apportionment and seasonal allowance for 2021

Sector	BSAI Sector Apportionment (mt)	BSAI Seasons and allowance (mt)		
		A	B	C
HAL/Pot CV < 60 ft LOA	2,222	No seasonal allowances		
HAL CV ≥ 60 ft LOA	222	<i>Jan 1-June 10 (51%)</i> 113	<i>June 10 -Dec 31 (49%)</i> 109	n/a
HAL CP	54,118	<i>Jan 1-June 10 (51%)</i> 27,600	<i>June 10 -Dec 31 (49%)</i> 26,518	n/a
Pot CV ≥ 60 ft LOA	9,334	<i>Jan 1-June 10 (51%)</i> 4,761	<i>Sept 1 -Dec 31 (49%)</i> 4,574	n/a
Pot CP	1,667	<i>Jan 1-June 10 (51%)</i> 850	<i>Sept 1 -Dec 31 (49%)</i> 817	n/a
Jig	1,565	<i>Jan 1- Apr 30 (60%)</i> 939	<i>Apr 30-Aug 31 (20%)</i> 313	<i>Aug 31- Dec 31 (20%)</i> 313
AFA Trawl CP	2,571	<i>Jan 20-April 1 (75%)</i> 1,928	<i>April 1-June 10 (25%)</i> 643	<i>June 10- Nov 1 (0%)</i> 0
Amendment 80	14,979	<i>Jan 20-April 1 (75%)</i> 11,234	<i>April 1-June 10 (25%)</i> 3,745	<i>June 10- Nov 1 (0%)</i> 0
Trawl CV	24,704	<i>Jan 20-April 1 (74%)</i> 18,281	<i>April 1-June 10 (11%)</i> 2,717	<i>June 10-Nov 1 (15%)</i> 3,706

Source: NMFS Final 2021 Sector Allocations and Seasonal Allowances of the BSAI Pacific Cod TAC

3 Background on the BSAI Less Than 60 ft HAL or Pot and Jig Sectors

Section 3 provides background information on the BSAI Pacific cod less than 60 ft HAL or pot and jig sectors because of the scope of this action.³ Additionally, because the Council’s motion directs staff to

³ Extensive information is available for all nine BSAI Pacific cod sectors in documents recently prepared to support the Council’s management decision-making process for other actions. Examples include the 2019 BSAI Pacific Cod Allocation Review and the 2020/2021 Trawl CV Cod Cooperative Program Initial Review.

analyze the potential impacts of allowing additional participants to fish off the Federal jig allocation, this discussion paper focuses on how the Federal non-CDQ BSAI Pacific cod target fishery is prosecuted by the less than 60 ft HAL or pot and jig sectors.

3.1 BSAI Pacific cod less than 60 ft HAL or pot CV sector

The less than 60 ft HAL or pot sector includes all CVs that are less than 60 ft LOA using HAL or pot gear. Since 2000, a Federal LLP license is required for vessels participating in directed fishing for LLP groundfish species.⁴ LLP groundfish species are target species and “other species” specified annually pursuant to 679.20(a)(2). Historically, the LLPs have not generally been applicable in waters of the State of Alaska (inside 3 nm), but in 2012 NMFS implemented regulations to limit the access of Federally permitted pot and HAL CPs in the Pacific cod parallel fishery for the BS and AI (76 FR 73513). Vessels in the less than 60 ft HAL or pot sector need a non-trawl LLP to participate in the Federal fisheries, but they are exempt from the Pacific cod endorsement on their LLP 679.4(k)(9)(iv)(B). As of June 2020, 129 non-trawl licenses were issued to less than 60 ft HAL or pot sector CVs with BS and/or AI area endorsements. These vessels primarily focus on salmon, halibut, and higher priced groundfish using a mix of gear types. The length of these vessels means they can participate in State of Alaska salmon fisheries which usually requires vessels to be no longer than 58 feet (however, to participate in Bristol Bay salmon drift gillnet fishery vessels must be 32 feet or less).

Starting in 2021, a Federally permitted vessel must be named on both an FFP and an LLP onboard the vessel and have the required endorsements in order to participate in the parallel fishery. A Federally permitted vessel with no LLP may participate in the state-managed GHL fishery, subject to vessel length restrictions, but may not fish in state-waters while the Federal season is open (the parallel fishery). Vessels that are not Federally permitted (do not have an FFP) are not required to hold an endorsed LLP to participate in the parallel fishery but are subject to state regulations. A vessel may surrender its FFP and fish exclusively in State waters, but this is limited to once in each 3-year FFP cycle so that a vessel may not frequently surrender an FFP and later reapply for an FFP multiple times within each 3-year period. This limits the ability for a vessel to move in and out of Federal requirements (85 FR 78038).

The less than 60 ft HAL or pot CV sector receive their entire allocation of BSAI Pacific cod TAC on January 1, so it is not broken down by season (see Table 2). **The sector relies on reallocations from other BSAI Pacific cod sectors in order to have a re-opening later in the year.** Typically, this sector receives a reallocation from the jig sector in early January which extends their ability to fish earlier in the year. In the past, NMFS has been able to reallocate more TAC to the less than 60 ft HAL or pot sector in the spring. However, the last time this occurred was in 2011 due to overall increased effort in the BSAI Pacific cod fisheries. Regulation requires another reallocation from the jig sector to the less than 60 ft HAL or pot CV sector on or around September 1 if unused TAC is projected in the jig sector. As a result, NMFS has been able to open the less than 60 ft HAL or pot CV sector on September 1, which correlates to the B season opener for the greater than or equal to 60 ft hook-and-line CV and other pot gear sectors in the BSAI.

⁴ There are a few exceptions for LLP requirements in the BSAI. This includes vessels that do not exceed 32 ft LOA; vessels that are at least 32 ft LOA but that do not exceed 46 ft LOA that are registered with their CDQ group to harvest CDQ groundfish; vessels that do not exceed 60 ft LOA and are using jig gear (but no more than 5 jig machines, one line per machine, and 15 hooks per line); and certain vessels constructed for and used exclusively in the CDQ fisheries.

The discussion paper bifurcates the less than 60 ft HAL or pot CV sector into two vessel LOA⁵ subgroups: vessels that are less than or equal to 57 ft LOA and vessels that are greater than 57 ft LOA to better understand participation and potential impacts. In most cases the “equal to” part of a length category is included with the larger vessel sector, but in this case vessels that are equal to 57 ft LOA are included in the smaller vessel subgroup because vessel modifications and increased efficiencies at 58 ft LOA have been described by stakeholders as contributing to inter-sector competition. A vessel’s length is recorded on the FFP it is named on. Table 3 shows the total count of less than 60 ft HAL or pot CVs participating in the BSAI Pacific cod target fishery as well as the count of vessels in the bifurcated vessel LOA subgroups. The majority of vessels historically participating in the less than 60 ft HAL or pot CV sector are greater than 57 ft LOA. The number of vessels greater than 57 ft LOA has remained fairly consistent from 2004 to 2017, however, there has been a noticeable increase in the number of participating vessels in the greater than 57 ft LOA subgroup in the last two years (26 vessels in 2019 and 30 vessels in 2020). Conversely, there is more fluctuation in the total number of participating CVs that are less than or equal to 57 ft LOA subgroup ranging from a low of three vessels in 2004 to a high of 18 vessels in 2007.

Table 3 Total vessel count in the BSAI Pacific Cod less than 60 ft HAL or pot CV sector and by LOA subgroups

Sector	Year	Total	HAL/Pot CV ≤ 57 ft LOA	HAL/Pot CV > 57 ft LOA
HAL/Pot CV < 60 ft LOA	2004	18	3	15
	2005	28	16	12
	2006	27	15	12
	2007	29	17	12
	2008	31	13	18
	2009	28	12	16
	2010	23	6	17
	2011	22	7	15
	2012	24	7	17
	2013	27	9	18
	2014	21	7	14
	2015	25	7	18
	2016	22	5	17
	2017	24	5	19
	2018	29	7	22
	2019	36	10	26
2020	41	11	30	

Source: NMFS Alaska Region Catch Accounting System, data compiled by AKFIN in Comprehensive_BLEND_CA

The less than 60 ft HAL or pot CV sector has had a 2 percent BSAI Pacific cod allocation since Amendment 85 was implemented in 2008. **The less than 60 ft HAL or pot CV sector routinely harvests their entire initial allocation in addition to a significant portion of BSAI Pacific cod reallocated from other sectors.** On average, the less than 60 ft HAL or pot CV sector has harvested 215

⁵ Length overall (LOA) of a vessel means the centerline longitudinal distance, rounded to the nearest foot, measured between:(1) The outside foremost part of the vessel visible above the waterline, including bulwarks, but excluding bowsprits and similar fittings or attachments, and (2) The outside aftermost part of the vessel visible above the waterline, including bulwarks, but excluding rudders, outboard motor brackets, and similar fittings or attachments.

percent of its initial allocation since 2008. Reallocation amounts to the less than 60 ft HAL or pot CV sector have ranged from a low of 1,297 mt in 2009⁶ to high of 7,500 mt in 2014. Reallocations from the jig sector are a significant portion of the less than 60 ft HAL or pot CV sector’s final allocation. The less than 60 ft HAL or pot CV sector also receives seasonal reallocations from the greater than or equal to 60 ft HAL CV sector, the greater than or equal to 60 ft pot CV sector, and trawl sectors.

Table 4 BSAI Pacific cod less than 60 ft HAL or pot CV sector initial allocation, reallocation from other sectors, and final allocations from 2008 to 2020

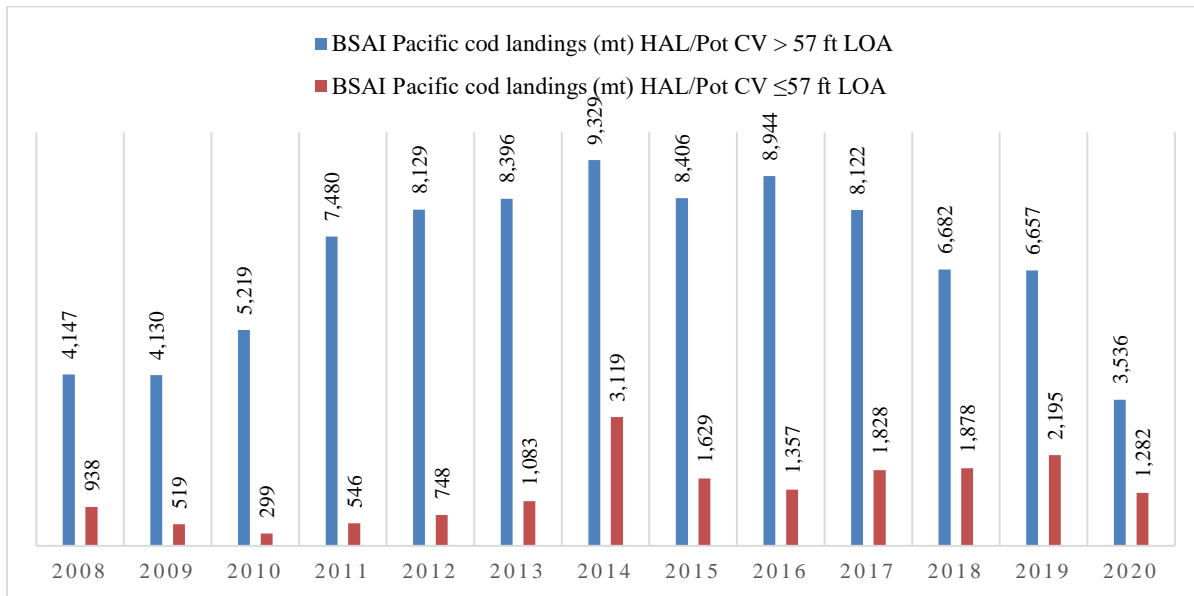
Sector	Year	Initial Allocation (mt)	Reallocation (mt) from jig sector	Reallocation (mt) from other sectors	Final Allocation (mt)	Final allocation as a percent of initial allocation	Jig reallocation as a percent of final allocation
HAL/Pot CV < 60 ft LOA	2008	3,033	2,024	153	5,210	172%	39%
	2009	3,137	1,600	-303	4,434	141%	36%
	2010	2,998	1,760	751	5,509	184%	32%
	2011	4,055	1,970	2,980	9,005	222%	22%
	2012	4,645	2,800	1,435	8,880	191%	32%
	2013	4,627	3,200	1,350	9,177	198%	35%
	2014	4,518	3,073	4,427	12,018	266%	26%
	2015	4,438	3,018	3,174	10,630	240%	28%
	2016	4,476	3,050	3,148	10,674	238%	28%
	2017	4,259	2,886	2,126	9,271	218%	31%
	2018	3,627	2,400	2,721	8,748	241%	24%
	2019	3,214	2,100	4,486	9,800	305%	21%
2020	2,766	1,927	274	4,967	180%	39%	

Source: NOAA Fisheries Alaska Region, [BSAI Pacific cod reallocations \(1995–present\)](https://media.fisheries.noaa.gov/dam-migration/bsai-pcod-reallocation-1995-present.pdf) report at <https://media.fisheries.noaa.gov/dam-migration/bsai-pcod-reallocation-1995-present.pdf>

Figure 1 below compares the amount of targeted BSAI Pacific cod harvested by each vessel LOA subgroup from 2008 to 2020. **The greater than 57 ft LOA subgroup consistently harvests the majority of the less than 60 ft HAL or pot CV sector’s final allocation.** On average, the greater than 57 ft LOA subgroup has harvested approximately 84% of the less than 60 ft HAL or pot CV sector’s final allocation of BSAI Pacific cod. These data suggest that any option that would totally preclude the greater than 57 ft LOA subgroup from harvesting reallocations from the jig sector could have a negative impact on these vessels and their operations.

⁶ 1,297 mt is derived from the 1,600 mt reallocation from the jig sector minus the reallocation of 303 mt from the less than 60 ft HAL or pot sector to other sectors.

Figure 1 Targeted BSAI Pacific cod harvest (mt) by vessel LOA subgroup from 2008 to 2020



Source: NMFS Alaska Region Catch Accounting System, data compiled by AKFIN in Comprehensive_BLEND_CA

However, revenue dependence data shows both vessel LOA subgroups have a relatively similar level of dependence on the Federal BSAI Pacific cod fishery from 2011 to 2019.⁷ On average, Federal BSAI Pacific cod accounts for 21 percent of the less than or equal to 57 ft LOA HAL or pot CV subgroup and 26 percent for HAL or pot CVs that are greater than 57 ft LOA. When the BSAI GHL fisheries are considered in addition to Federal BSAI Pacific cod, cod fisheries contribute 45 percent of the less than or equal to 57 ft LOA HAL or pot CV subgroup and 48 percent for HAL or pot CVs that are greater than 57 ft LOA. However, halibut and sablefish IFQ fisheries account for 47 percent of the gross ex-vessel revenues for the less than or equal to 57 ft LOA HAL or pot CV subgroup and 28 percent for HAL or pot CVs that are greater than 57 ft LOA.

At the vessel level, Federal BSAI Pacific cod accounts for less than 10 percent of the ex-vessel revenue for approximately 59 percent of the less than or equal to 57 ft LOA HAL or pot CV subgroup and 30 percent for HAL or pot CVs that are greater than 57 ft LOA. However, approximately 29 percent or 20 vessels from the entire less than 60 ft HAL or pot sector depend on the Federal BSAI Pacific cod for more than 50 percent of their gross ex-vessel revenues. Fourteen of these vessels are greater than 57 ft LOA, and any option that would reduce their BSAI Pacific cod allocation could have a negative impact on these vessels and their operations.

⁷ A vessel LOA subgroup's dependence on Federal BSAI Pacific cod was determined by dividing the sum of all less than or equal to 57 ft LOA or greater than 57 ft LOA HAL or pot CVs revenue for the Federal BSAI Pacific cod fishery by the sum of revenues for GHL Pacific cod, GOA Pacific cod, salmon, and CDQ fisheries. Revenue and subsequent dependence data include the last nine years of most recent and available data from 2011 to 2019.

Table 5 Count of unique BSAI Pacific cod vessel’s revenue dependence by percentage of total revenue from 2011 to 2019 for each LOA subgroup

	Less than 10% revenue dependence	Greater than 50% revenue dependence	Greater than 90% revenue dependence	Distinct vessel counts in LOA subgroup
HAL/Pot CV ≤ 57 ft LOA	13 (59%)	6 (27%)	1 (4%)	22
HAL/Pot CV > 57 ft LOA	14 (30%)	14 (30%)	4 (9%)	46

Source: ADFG/CFEC Fish Tickets, data compiled by AKFIN in Comprehensive_FT

In sum, the less than 60 ft HAL or pot CV sector is showing signs the directed BSAI Pacific cod fishery is becoming more competitive. The number of days this sector needs to harvest its initial allocation has been reduced from nearly 75 to as little as 19 days. In 2021, the less than 60 ft HAL or pot CV sector fishery closed on January 26 and had 26 CVs participate. The total number of CVs participating in the BSAI Pacific cod less than 60 ft HAL or pot sector has increased over time reaching a high of 41 vessels in 2020. The majority of the less than 60 ft HAL or pot CV sector’s final allocation of BSAI Pacific cod is harvested by the greater than 57 ft LOA subgroup. These trends reflect inter-sector competition and efficiency concerns expressed by some small HAL or pot CV stakeholders,⁸ but as stated above, an action that would reduce the greater than 57 ft LOA subgroup BSAI Pacific cod allocation could have a negative impact on these vessels and their operations.

3.2 BSAI Pacific cod jig sector

The jig sector includes all vessels (CVs and CPs) using jig gear. Vessels fishing in this sector do not need an LLP license in the BSAI if they are less than 60 ft LOA and use no more than five jig machines, one line per machine, and 15 hooks per line. All vessels less than or equal to 32 ft LOA operating in the BS and AI are not subject to LLP requirements. Vessels using jig gear typically target Pacific cod and rockfish but some also target IFQ halibut. Groundfish catches can be important to the financial health of jig vessels, but non-groundfish species such as salmon account for the majority of the total earnings for a large portion of the fleet.

The number of jig vessels participating in the directed BSAI Pacific cod fishery has varied over the last 18 years, ranging from a low of one vessel in 2017 and 2018 to a high of 19 vessels in 2004. In 2020, three vessels participated in the BSAI Pacific cod jig fishery. One jig vessel has shown consistent participation in the target fishery over the last five years (2016 to 2020) and would likely be the most impacted by this action.

The jig sector has an initial allocation of 1.4 percent under Amendment 85, and the sector’s allocation is apportioned on a trimester basis (see Table 2). Unused jig TAC is typically reallocated to the less than 60 ft HAL or pot CV sector on a *seasonal basis* per Amendment 77. The less than 60 ft HAL or pot CV sector also receives seasonal reallocations from the greater than or equal to 60 ft HAL CV sector, the greater than or equal to 60 ft pot CV sector, and trawl sectors. The jig sector has three seasonal allowances: Jan 1—Apr 30 (60%); Apr 30—Aug 31 (20%), and Aug 31—Dec 31 (20%). Since Amendment 85 was implemented in 2008, the jig sector has harvested six percent of its initial allocation on average. The three years where a higher percent of the initial allocation was utilized were in 2010 at 17 percent, 2011 at 18 percent, and 2012 at 14 percent (see Table 6). Due to the jig sector’s

⁸ Unalaska Native Fishermen’s Association. October 2019. Comment Letter.

relatively low utilization of its initial allocation, a significant portion of its initial allocation is reallocated to the less than 60 ft HAL or pot sector early in the year as required by Amendment 85 regulations. **On average, reallocations from the jig sector have comprised 30 percent of the less than 60 ft HAL or pot sector’s final allocation since Amendment 85 was implemented.**

Overall, the jig sector has had a relatively low level of participation in the directed BSAI Pacific cod fishery and the majority of this sector’s initial allocation—approximately 90 percent, except for the period of 2010 to 2012, has been reallocated to other BSAI Pacific cod sectors.

Table 6 BSAI Pacific cod jig sector initial allocation, reallocation to other sectors, and final allocations from 2008 to 2020

Sector	Year	Initial allocation (mt)	Final allocation (mt)	Reallocations (mt)	Final allocation as a percent of initial allocation
Jig	2008	2,134	180	-1,954	8%
	2009	2,207	25	-2,182	1%
	2010	2,110	350	-1,760	17%
	2011	2,850	510	-2,340	18%
	2012	3,263	463	-2,800	14%
	2013	3,251	51	-3,200	2%
	2014	3,174	101	-3,073	3%
	2015	3,118	100	-3,018	3%
	2016	3,144	94	-3,050	3%
	2017	2,993	13	-2,980	0%
	2018	2,548	149	-2,399	6%
	2019	2,259	159	-2,100	7%
2020	1,945	18	-1,927	1%	

Source: NOAA Fisheries Alaska Region, [BSAI Pacific cod reallocations \(1995–present\)](https://media.fisheries.noaa.gov/dam-migration/bsai-pcod-reallocation-1995-present.pdf) report at <https://media.fisheries.noaa.gov/dam-migration/bsai-pcod-reallocation-1995-present.pdf>

4 Options for a BSAI Pacific Cod small vessel sector allocation

This action explores options to provide smaller vessels operating in the less than 60 ft HAL or pot CV sector access to fishing off the jig sector’s allocation and its potential impacts. **If the Council chooses to move this action forward, an amendment to the BSAI Groundfish FMP is necessary to change the allocations for each sector, reclassify the existing sectors, and/or create a new sector because the**

BSAI Pacific cod allocations were assigned as an amendment to the BSAI Groundfish FMP. Below are four options to help the Council consider different ways of defining an allocation(s) for smaller vessels operating in the less than 60 ft HAL or pot CV and jig sectors.

Option 1: No action. Under this option, the less than 60 ft HAL or pot CV and jig sector allocations and reallocations would remain unchanged as established under Amendment 85.

Option 2: Reclassify the current BSAI Pacific cod jig sector by combining smaller HAL or pot CVs and jig sector vessels and allow this new small vessel sector to fish the 1.4 percent jig allocation.

Under Option 2, there would continue to be nine BSAI Pacific cod sectors, but the structure of the current less than 60 ft HAL or pot CV and jig sectors would change. Specifically, the jig sector could become a new sector composed of smaller HAL or pot CVs *and* jig CVs and CPs. The Council could consider allowing vessels in the newly combined gear sector to fish off the current jig sector's 1.4 percent allocation of BSAI Pacific cod. It is assumed that the current less than 60 ft HAL or pot CV sector would be reclassified to only include larger CVs like those that are greater than 57 ft LOA (i.e., 58 and 59 ft LOA), and these larger CVs would continue to have access to the current less than 60 ft HAL or pot CV sector allocation for BSAI Pacific cod. However, it is important to note that it is possible that some of the smaller HAL or pot CVs in this sector could prefer to remain in a sector with larger vessels if there is more TAC available.

Table 7 below shows the combined Federal non-CDQ BSAI Pacific cod target landings from less than or equal to 57 ft LOA HAL or pot CVs *and* jig vessels since 2008. Target landings data shows that, had this new small HAL or pot *and* jig CV sector existed since 2008, it would have fully utilized the current jig sector's allocation of 1.4 percent in only one year (2019). **On average, this hypothetical new sector composed of less than or equal to 57 ft LOA HAL or pot CV *and* jig vessels would have utilized 54 percent of the jig sector's initial allocation of BSAI Pacific cod.** Thus, there is some uncertainty about whether a new small CV sector could fully utilize the 1.4 percent jig sector allocation.

When considering Option 2, it is important to note that the less than 60 ft HAL or pot CV sector does not have seasonal allocations, but the jig sector's allocation is apportioned on a trimester basis (current seasons for jig are January 1 - April 30, April 30 - August 31, August 31 - December 31). Jig sector vessels make the majority of their BSAI Pacific cod deliveries between April and September when the weather is safest for smaller vessels to operate whereas the majority of BSAI Pacific cod deliveries from the less than 60 ft HAL or pot CVs are concentrated in January and the fall (September to December). CVs operating in the less than 60 ft HAL or pot sector fish salmon, IFQ, and other important fisheries during the jig sector's B season because they have not been open during the jig B season in recent years.

Current regulations would allow less than 60 ft HAL or pot CVs to fish year round should the Council pursue this option. However, if the Council chose to create a new small vessel sector and to allocate BSAI Pacific cod TAC on an annual basis, instead of seasonally (status quo for the less than 60 ft HAL or pot sector), it is possible that this change may require a Section 7 Consultation for Stellar sea lions since it would be changing the way TAC is issued seasonally. It is also possible that the less than or equal to 57 ft HAL or pot CVs could constrain jig vessels should the fishery close before the summer months when jig vessels prefer to fish, particularly if there were to be an increase in the number of participating HAL or pot vessels over time. In recent years, the less than 60 ft HAL or pot CV sector has already closed by the time the jig sectors B season begins on April 30 and has not reopened until Sept 1, after the jig B season has already closed. Should the Council choose to keep the seasonal apportionments for the newly formed sector, it is possible that smaller HAL or pot CVs may target more Pacific cod from April 30 – Aug 31 with an opportunity to fish during the jig sector's B season under this approach

Table 8 below provides a snapshot of the most recent five years of data (2016 to 2020) for the jig sector’s annual allocation and seasonal apportionment of BSAI Pacific cod as well as the target landings of BSAI Pacific cod by less than or equal to 57 ft HAL or pot CVs *and* jig sector vessels the same time period on a seasonal basis. If the Council chose to create a new small vessel sector and to allocate BSAI Pacific cod TAC on a seasonal basis (status quo for the jig sector), in all five years there has been enough A season jig sector quota to sustain this hypothetical small vessel sector. B season TAC is sufficient in all five years and C season in three out of five years. A caveat to this data, however, is that the less than 60 ft HAL or pot CV sector has not been open during the jig B season in the last five years. While some HAL CVs have made landings in the jig sector’s B season in the parallel fishery, it is hard to know how much TAC these vessels would fish in a combined sector because the full federal fishery has not been open since 2011.

Table 7 BSAI Pacific cod landings made by the less than or equal to 57 ft LOA HAL or pot CV subgroup and the jig sector from 2008 to 2020

Year	Jig sector initial allocation (mt)	Jig sector final allocation (mt)	BSAI Pacific cod target landings (mt) jig sector	BSAI Pacific cod target landings (mt) ≤57 ft LOA vessels	BSAI Pacific cod target landings (mt) combined sector	Combined sector landings as percent of Jig sector initial allocation
2008	2,134	180	174	938	1,112	52%
2009	2,207	25	13	519	532	24%
2010	2,110	350	344	299	643	30%
2011	2,850	510	504	546	1,050	37%
2012	3,263	463	85	748	833	26%
2013	3,251	51	12	1,083	1,095	34%
2014	3,174	101	2	3,119	3,121	98%
2015	3,118	100	28	1,629	1,657	53%
2016	3,144	94	47	1,357	1,404	45%
2017	2,993	13	13	1,828	1,841	62%
2018	2,548	149	56	1,878	1,932	76%
2019	2,259	159	146	2,195	2,341	104%
2020	1,945	18	10	1,282	1,292	66%

Source: NMFS Alaska Region Catch Accounting System, data compiled by AKFIN in Comprehensive_BLEND_CA

Table 8 BSAI Pacific cod landings by jig sector season from less than or equal to 57 ft HAL or pot CV LOA subgroup and the jig sector from 2016 to 2020

	Jig sector initial allocation	A season (60%)	B season (20%)	C season (20%)
2016 <i>Combined sector target landings</i>	3,144	1,886 886	629 47	629 471
2017 <i>Combined sector target landings</i>	2,993	1,795 1,323	599 13	599 505
2018 <i>Combined sector target landings</i>	2,548	1,528 1,162	510 69	510 701
2019 <i>Combined sector target landings</i>	2,259	1,355 1,173	452 168	452 1,000
2020 <i>Combined sector target landings</i>	1,945	1,167 1,090	389 123	389 79

Source: NMFS Alaska Region Catch Accounting System, data compiled by AKFIN in Comprehensive_BLEND_CA

Option 3: Create a new BSAI Pacific cod CV sector composed of small HAL or pot CVs by separating these vessels from the current less than 60 ft HAL or pot CV sector. The Council could consider creating a tenth BSAI Pacific cod sector composed of smaller HAL or pot CVs (Section 5 evaluates different options for defining a small CV). It is assumed that the current less than 60 ft HAL or pot CV sector would be reclassified to only include CVs that are greater than 57 ft LOA (i.e., 58 and 59 ft LOA), and these CVs would continue to have access to the current less than 60 ft HAL or pot CV sector allocation for BSAI Pacific cod. Creating a tenth small HAL or pot CV sector would require the Council to determine an allocation for this new BSAI Pacific cod sector. There are several approaches that could be taken:

Sub option 1: The Council could choose to allow smaller HAL or pot CVs targeting BSAI Pacific cod to competitively fish the current less than 60 ft HAL or pot CV BSAI Pacific cod allocation and then fish the jig sector’s allocation (1.4 percent) of BSAI Pacific cod when the less than 60 ft HAL or pot CV sector’s season closes. HAL or pot CVs in the larger LOA subgroup at 58 or 59 ft LOA would only have access to the current 2 percent allocation for the less than 60 ft HAL or pot CV sector. This approach mirrors Amendment 64 which reallocated BSAI Pacific cod TAC to jig, HAL, pot, and trawl gear sectors and created the less than 60 ft HAL or pot CV sector. Under Amendment 64, 1.4 percent of the BSAI Pacific cod TAC was allocated to the less than 60 ft HAL or pot CV sector to fish after the other Pacific cod HAL and pot gear sectors closed. When providing a rationale for the allocation, the Council stated that setting aside 1.4 percent for CVs less than 60 ft LOA would ensure that the smaller CVs would have Pacific cod available even after the larger CVs in their sector had taken their allocation (NPFMC 2016, 77).

This approach would preempt HAL or pot CVs greater than 57 ft LOA from fishing the current jig sector reallocations which could negatively affect this vessel LOA subgroup. At the same time, this approach would provide an opportunity to HAL or pot CVs less than 57 ft LOA to fish the jig allocation on a seasonal basis and protect that opportunity from larger vessels with increased capacity and efficiencies.

However, there is also some uncertainty under this approach about whether the jig sector's initial allocation could be fully utilized by only small HAL or pot CVs and jig sector vessels (see Table 7).

Sub option 2: While the Council's motion directs staff to consider the impact of allowing additional participants to fish off the jig allocation, it is possible that the Council could choose to re-evaluate the current BSAI Pacific cod allocations for all current sectors and create a new small HAL or pot CV sector with its own separate allocation.

Option 4: The Council could develop a Limited Access Privilege Program (LAPP) for the less than 60 ft HAL or pot sector. The Council has the discretion to develop a LAPP that allows less than 60 ft HAL or pot CV owners to receive individual quota and form cooperatives.

The Council could also establish Fishing Community or Regional Fishing Association entities under a LAPP for a BSAI Pacific cod sector. Under a LAPP, sections 303A(c)(3) and (4) of the Magnuson-Stevens Act authorize the creation of Fishing Community entities (FC) to receive initial allocations or Regional Fishery Associations (RFAs) that can hold privileges contributed by members (Stoll and Holliday 2014). Section 3(17) of the Magnuson-Stevens Act defines the term "fishing community" as a community that is "substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew, and United States fish processors that are based in such communities." A fishing community is a social or economic group whose members reside in a specific location and share a common dependency on commercial, recreational, or subsistence fishing or directly related fisheries-dependent services and industries (e.g., boatyards, ice suppliers, tackle shops).

FC entities are eligible to receive limited access privileges during the initial allocation process. The Council could develop criteria for FCs to receive initial allocations. FCs are not voluntary associations and would be the holder of an allocated privilege until transferred. In contrast, RFAs are voluntary associations formed according to criteria developed by the Council and would consist of participants who hold quota for the region covered by the RFA. RFAs cannot receive initial allocations of limited access privileges, but may acquire these privileges by way of transfer from a limited access privilege holder *after* the initial allocation process has occurred or may hold the annual privileges that members contribute (MSA Section 303A(c)(4)(A)(v)). Unless an RFA purchases its own quota, individual quota holders could theoretically leave the RFA and take their privileges with them.

If the Council wants to pursue a FC or RFA for the less than 60 ft HAL or pot CV sector, or a smaller LOA subgroup within that sector, a LAPP is required. However, as noted above, the Council could choose to develop a LAPP specific to a BSAI Pacific cod sector and allocate quota to individual vessel owners and allow them to form cooperatives without creating a FC or RFA. Recall that in December 2020 stakeholders from the less than 60 ft HAL or pot sector requested a FC be included for analysis in the Trawl CV LAPP.⁹ The Council could choose to include a FC or RFA allocation for analysis in the Trawl CV LAPP, but this change would require a revision to the purpose and need statement. Altering the purpose and need statement would drive a new set of analytical assumptions and require additional time to revise and complete the analysis.

A LAPP could provide current CVs in the less than 60 ft HAL or pot sector a secure form of access to BSAI Pacific cod quota, and potentially address overcapacity in a competitive fishery (Beddington et al., 2007; Grimm et al., 2012). FCs or RFAs can anchor limited access privileges in place, but the extent to

⁹ Unalaska Native Fishermen's Association. December 2020. Public Comment Letter. https://meetings.npfmc.org/CommentReview/DownloadFile?p=6339941f-bf7c-4cfd-95c5-cf293663c3f3.pdf&fileName=FINAL_UNFA_Comments_Nov_25_2020.pdf

which they provide local and entry-level opportunities depends on their design. However, a LAPP could also shift the distribution of access opportunities for specific populations and increase the barrier of entry for future entrants to the fishery (e.g., Carothers et al., 2010; Olson 2011; Himes-Cornell and Hoelting 2015) and BSAI Pacific cod is an entry level fishery for HAL, pot, and jig gear vessels.

Moving forward with a LAPP would require the Council to define the goals and objectives. Additional considerations specific to a FC or RFA include eligibility criteria for receiving initial allocations, determining reporting requirements for community sustainability, and participation criteria (listed in Section 303 A).¹⁰ The Council would also need to consider whether a FC allocation would come from a specific BSAI Pacific cod sector (e.g., less than 60 ft HAL or pot) or from the non-CDQ TAC of BSAI Pacific cod. Under either allocative approach, the Council would need to consider a range for analysis.

5 Options for defining a new BSAI Pacific cod small vessel sector

If the Council chooses to move forward with this action, it is important to consider how it will define a smaller BSAI Pacific cod HAL or pot CV. The Council's October 2019 motion directs staff to consider the impacts of allowing HAL or pot CVs to fish off the jig allocation where eligibility may be based on the vessels size (e.g., less than 57 ft LOA), trip limits up to 15,000 lbs., and pot limits (less than 25 pots). The following sections analyze each of these options as well as LLP area endorsements and a super exclusive designation.

5.1 Vessel size limits

The Council could develop a vessel size limit to define eligibility for a new small HAL or pot CV sector for BSAI Pacific cod. The Council's October 2019 motion specified 57 ft LOA as an initial value for a vessel's maximum length overall. Vessel length for the less than 60 ft HAL or pot CV sector has ranged from 26 ft (one participating vessel in 2013) to 59 ft LOA (two participating vessels) since 2008. Vessel owners must report the LOA to NMFS on their FFP and to the Alaska Commercial Fisheries Entry Commission (CFEC). In order for a vessel to amend the LOA on their FFP and CFEC documentation, they need to submit a current vessel survey to both agencies. However, sometimes vessel owners do not make the change to both permits causing a disconnect between the agencies. In addition, vessel owners may make changes to the vessel size without submitting any survey to NMFS or CFEC to amend the size on the documentation. This could result in vessels being able to participate in fisheries for which they are not of legal size because their current permits have incorrect information.

It is possible that using a length-based system for categorizing vessel eligibility in a small HAL or pot CV sector may present economic incentives to vessel owners to alter the vessel's size. Larger vessels (e.g., 58 ft LOA) could modify their vessel to decrease the LOA while maintaining its width and efficiency. Table 9 provides the Council with a range of potential size limits for consideration. It is uncertain, albeit it possible, that using a MLOA of 56 ft could be sufficient to disincentivize larger HAL or pot CVs from altering their vessel's LOA. However, there has been one 57 ft vessel participating in the BSAI Pacific cod target fishery since 2018 that would be affected by reducing the vessel size limit below 57 ft LOA. Reducing the vessel limit to 55 ft LOA would affect four 56 ft LOA HAL or pot CVs that have made at least one landing of BSAI Pacific cod in the last five years for which data are available (2015 to 2019). However, it is worth noting that when determining a size limit the Council should also consider the

¹⁰ To be eligible for a FC, community must be "located within the management area of the relevant Council," meet criteria developed by the Council and established by the Secretary and "consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area" (16 USC § 1853a(c)(3)(A)(i)(I-III).

possibility that smaller vessels may try to increase their LOA in a scenario where a larger Pacific cod TAC is available to 58 and 59 ft vessels.

Table 9 Count of smaller BSAI Pacific Cod HAL or Pot CVs by vessel length

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
<55 ft LOA	11	9	3	6	6	7	5	4	2	2	3	6	7
55 ft LOA	0	0	1	0	0	0	0	0	0	0	0	0	0
56 ft LOA	2	3	2	1	1	2	2	3	3	3	3	3	3
57 ft LOA	0	0	0	0	0	0	0	0	0	0	1	1	1
>57 ft LOA	18	16	17	15	17	18	14	18	17	19	22	26	30
Total Count	31	28	23	22	24	27	21	25	22	24	29	36	41

Source: NMFS Alaska Region Catch Accounting System, data compiled by AKFIN in Comprehensive_BLEND_CA

5.2 Fishing Trip limits

The Council could consider using a fishing trip limit to define eligibility for a smaller BSAI Pacific cod vessel sector. A fishing trip is defined by regulation for a CV with respect to retention requirements as from the time the harvesting of groundfish is begun until the offload or transfer of all fish or fish product from that vessel (679.2(1)(ii) under the definition of fishing trip). When referring to a fishing trip in this section, this is the definition that is being used.

Currently, there are no fishing trip limits for the less than 60 ft HAL or pot sector. The Council's October 2019 motion specifies a 15,000 lb. trip limit as an analytical starting point. Table 10 shows the count of BSAI Pacific cod trips with landings greater than 15,000 lbs. from 2009 to 2019 by less than 60 ft HAL or pot CVs. Over the last ten years for which data are available, 4,709 trips were taken by CVs operating in the less than 60 ft HAL or pot sector, and 537 (approximately 11 percent) were less than 15,000 lbs. From 2009 to 2019, smaller BSAI Pacific cod HAL or pot CVs that are less than or equal to 57 ft LOA have taken 903 BSAI Pacific cod fishing trips and 349 (approximately 39 percent) were less than 15,000 lb. Thus, a trip limit of 15,000 lbs. may be overly restrictive and reduce efficiencies, even for smaller HAL or pot CVs less than or equal to 57 ft LOA.

Table 10 Count of BSAI Pacific cod trips with landings less than and greater than 15,000 lbs. from 2009 to 2019 by less than 60 ft HAL or pot CVs

	BSAI Pacific cod trips <15,000 lbs.	BSAI Pacific cod trips 15,000-19,999 lbs.	BSAI Pacific cod trips 20,000-25,000 lbs.	BSAI Pacific cod trips >25,000 lbs.
HAL/Pot CV ≤ 57 ft LOA	349	108	96	350
HAL/Pot CV > 57 ft LOA	188	85	79	1,874
Total	537	193	1,755	2,224

Source: ADFG/CFEC Fish Tickets, data compiled by AKFIN in Comprehensive_FT

There are several caveats to this data. First, it is possible that a CV's fishing trip size may not reflect its ability to compete in the sector. For example, a CV may cut a fishing trip short at the end of a season even though the vessel did not get a full fishing trip because the fishery closed, had to come in due to mechanical, weather, or crew injury. It is also possible that a CV delivered to a tender based on availability rather than having a full fishing trip.

When weighing this option, the Council should consider how a fishing trip limit may effect on-the-water safety as a trip limit could encourage vessels to fish at a faster pace to complete more than one fishing trip in a day if the vessel is fishing near shore. It is also possible that a trip limit would encourage the unsafe practice of deck loading for vessels that cannot pack the limit. Finally, a fishing trip limit will need to be enforced by auditing landings which could be difficult to achieve. Dealing with the remote processors and tenders for vessel violations related to fishing trip limits would be challenging and require significant OLE resources for both outreach and enforcement.

5.3 Gear limit

The Council could develop a gear limit to define eligibility for a new BSAI Pacific cod small vessel sector. The Council's October 2019 motion specifies 25 pots for analysis; however, less than 60 ft HAL or pot CVs can use either HAL or pot gear. To move this option forward, the Council could also consider if a gear limit for HAL CVs. This could be established by specifying a maximum number of lines and hooks per line that can be used during the fishery.

There would be some enforcement challenges to moving this option forward. For example, observer data could identify the specific number of pots in a set, but observers do not collect data on the total gear inventory a vessel is using. Additionally, a pot CV could set one string with 25 pots and return to port to get another set of 25 pots while the first set soaks. Individual pots could be set and retrieved multiple times in a day and tracking that would be difficult and could require onerous reporting requirements to effectively track.

Pot tags were implemented under GOA Amendment 101 as one monitoring and enforcement tool in the GOA to monitor and enforce the pot limits in the IFQ Sablefish fishery. In the recent 3-year review of that program, NMFS noted that the pot tag provision is administratively burdensome and costly to implement and that this gear marking requirement is not useful for the at-sea enforcement of pot limits. It is straightforward to enforce the requirement to mark pots using a NMFS issued tag, but it is less straightforward to use that tag to enforce the limitation on how many pots a vessel can use because a vessel's pot gear can only be inspected above the water, it is not possible for an enforcement officer to spot check the total number of pots a vessel is using while they are actively fishing. For example, if a greater than 57 ft HAL or pot CV can access the small CV allocation (e.g., status quo), larger CVs may still have economic incentives to target BSAI Pacific cod irrespective of gear limitations. If the Council wants to limit the amount of fishing activity, setting a daily limit for how many hooks or pots may be retrieved in combination with a daily fishing logbook may be a more effective strategy.

5.4 LLP subarea endorsement

The overall purpose of an LLP is to help resolve the competing and oftentimes conflicting needs of the domestic fisheries that developed under open access and to close the gap between fishing capacity and available fishery resource. The LLP limits the number, size, and specific operation of vessels fishing crab and groundfish in the BSAI and GOA based on historical participation.

Since 2000, a Federal LLP license is required for vessels participating in directed fishing for LLP groundfish species. LLP groundfish species are target species and “other species” specified annually pursuant to 679.20(a)(2). In 2012 NMFS implemented regulations to limit the access of Federally permitted pot and HAL CPs in the Pacific cod parallel fishery for the BS and AI (76 FR 73513), and in 2021 NMFS implemented regulations to limit the access of Federally permitted pot, HAL, and trawl CVs in the Pacific cod parallel fishery for the BS and AI (85 FR 78038). Vessels in the less than 60 ft HAL or pot sector need a non-trawl LLP to participate in the Federal fisheries, but they are exempt from the Pacific cod endorsement on their LLP 679.4(k)(9)(iv)(B).

The Council could develop additional endorsements for an LLP, such as a Dutch Harbor subarea endorsement, to define eligibility for a new smaller BSAI Pacific cod HAL or pot CV sector. The subarea endorsement could require a vessel with an LLP to fish within a certain range (e.g., 15 nm) of a (or a set of) particular communities. Due to the new regulations implemented in 2021 vessels need an LLP even when participating in parallel waters if they have an FFP. In 2020, there were 41 HAL or pot CVs operating in the less than 60 ft HAL or pot sector that made at least one target landing of BSAI Pacific cod in the Federal fishery with both an FFP and LLP.¹¹ In 2021, there has thus far been one vessel fishing in the parallel fishery without an LLP or FFP. Vessels that hold an FFP must comply with groundfish observer and electronic monitoring program regulations and with NMFS recordkeeping and reporting requirements. Vessels that hold an FFP must carry a Vessel Monitoring Systems (VMS) if they participate in directed fishing for Atka mackerel, Pacific cod, or pollock in Federal waters of the BSAI or GOA. VMS information could provide data to assess whether smaller HAL or pot vessels are fishing within a particular subarea. An exception, however, is that vessels using jig gear are not required to have an endorsement on their FFP indicating the use of pot, trawl, or HAL gear which means they are exempt from the VMS requirement except for the Aleutian Islands.

Should these regulatory changes be proposed, LLPs with area sub endorsements could provide a secure form of access to BSAI Pacific cod to those persons holding such licenses. However, if the Council chooses to create a new combined jig and small HAL or pot CV sector for a BSAI Pacific cod allocation (Option 2 in Section 4), jig CVs and CPs are not required to carry an LLP if they are less than 60 ft LOA and use no more than five jig machines, one line per machine, and 15 hooks per line. There are no AI or BS jig LLPs.

Additionally, should the Council develop subarea endorsements for vessels participating in directed fishing for LLP BSAI Pacific cod, it is possible that additional endorsements will raise the cost of entry for the fishery over the long run. It is uncertain what the actual future cost will be or the extent to which LLP changes will affect willingness to participate in the BSAI Pacific cod Federal fishery, however, it is important to note BSAI Pacific cod has been described as an entry level fishery on which small vessels depend for economic livelihoods. A final challenge to consider is that BS and AI less than 60 ft HAL or pot and jig vessels can fish inside State waters under the federal total allowable catch (TAC) in the parallel fishery. In this case the vessels cannot be required to carry an LLP unless they have an FFP.

¹¹ LLP draws from the NMFS RAM division LLP database and was sourced through AKFIN.

5.5 Super-exclusive designation

At the December 2020 Council meeting, some Council members expressed interest in whether “super-exclusive” status could be designated for smaller HAL or pot CVs operating in the current less than 60 ft HAL or pot BSAI Pacific cod sector. Super-exclusive status means a vessel registered in a super-exclusive fishery could not participate in any other fishery of the same species. The State of Alaska Constitution gives authority to the State or Alaska Board of Fisheries to designate state water fisheries as super-exclusive, but this is not a term or concept that exists in Federal law that could be readily applied to fisheries in Federal waters. A notable exception to this is the Norton Sound Red King Crab fishery, which is a super-exclusive Federal fishery, but the State has delegated authority to manage crab fisheries under the crab FMP. As such, designating a Federal BSAI Pacific cod allocation for smaller HAL or pot CVs as “super-exclusive” is not a viable option for new access opportunities.

However, the Council could achieve a similar effect by crafting narrow eligibility criteria or restricting access to a small number of smaller HAL or pot CVs for valid conservation and management reasons. The Council would still need to consider the BSAI Pacific cod allocation these CVs could prosecute. The Council does have authority to place prohibitions on smaller HAL or pot CVs that would prevent them from participating in other fisheries, which could occur in conjunction with allocating limited access privileges to harvest Pacific cod. When granting limited access to a resource, the Council can decide to restrict the qualifying vessels from using any efficiencies gained through their new privileges to expand into other fisheries. It is worth noting, however, that the Council would need to consider that translating the idea of a State super-exclusive fishery to Federal waters could mean that a vessel who participates in a potentially new small vessel sector could not go and participate in other Pacific cod fisheries (e.g., GOA Pacific cod) and could not change gear types to participate in any other Federal Pacific cod fishery in the BSAI or GOA. This would be problematic because, if a vessel has an LLP for Pacific cod in another area or gear type as it would essentially render that LLP useless if they were eligible and chose to fish in this small vessel sector.

6 Discussion and Next Steps

The intent of this discussion paper was to provide the Council with information on new access opportunities for small vessels operating in the less than 60 ft HAL or pot CV sector, and more specifically, potential impacts of allowing small CVs in the less than 60 ft HAL or pot sector to fish off the jig sector allocation. A first examination indicates that allowing smaller BSAI Pacific cod HAL or pot gear CVs to fish off the jig sector allocation may be achievable, though there are associated challenges.

The Council may consider several related actions. They may choose to do nothing, which in this case would maintain the status quo use of the BSAI less than 60 ft HAL or pot CV and jig sectors and the current BSAI Pacific cod allocations. The Council could request additional information through an expanded discussion paper, or the Council may choose to move the action forward into an analysis by clarifying a problem statement and the purpose and need for the action.

The discussion paper outlines several approaches in Sections 4 and 5 that the Council could take if it chooses to move this issue forward to initiate analysis. The primary, overarching criteria for the Council to consider are:

- Identify the specific objectives of creating new access opportunities for smaller BSAI Pacific cod HAL or pot CVs.
- Determine the BSAI Pacific cod allocation for smaller BSAI Pacific cod HAL or pot CVs (and potentially jig CV or C/Ps) (Section 4).

- Identify the specific criteria for defining what constitutes a smaller BSAI Pacific cod HAL or pot CV (Section 5).

While it appears the Council has the ability to allow smaller BSAI HAL or pot gear CVs to fish off the jig sector's BSAI Pacific cod allocation, this process could require several regulatory changes and potentially require amending the BSAI groundfish FMP.

7 References

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