

North Pacific Fishery Management Council
Advisory Panel Minutes
 Hilton Hotel, Anchorage Alaska
 December 6-10, 2004

The following members were present for all or part of the meeting:

John Bruce	Bob Jacobson
Al Burch	Teressa Kandianis
Cora Crome	Mitch Kilborn
Craig Cross	Kent Leslie
Tom Enlow	John Moller
Dan Falvey	Kris Norosz
Lance Farr	Eric Olson
Dave Fraser	Jim Preston
Duncan Fields	Michelle Ridgway
Jan Jacobs	Jeff Stephan

The AP unanimously approved the minutes from the previous meeting.

C-2 GOA Groundfish Rationalization

The AP recommends the Council approve the following changes additions to Alternative 2 and Alternative 3 of the current GOA Groundfish Rationalization motion:

- 2.2.2 Qualifying periods and landing criteria (same for all gears in all areas) (page 1)
 (The analysis will assess AFA vessels as a group)
- Option 1. 95-01 drop 1
 - Option 2. 95-02 drop 1
 - Option 3. 95-02 drop 2
 - Option 4. 98-02 drop 1
 - Option 5. 98-03 drop 1** *Motion passed 16/3*

The AP recommends the Council take no action on staff recommendations on 2.2.3.2.5 issue until the A/B split is resolved. *Motion passed 18/0.*

2.2.3.3.5. Leasing of QS outside a coop (page 5) **Accept staff's recommendation to delete option 3: ~~Option 3. Allow leasing of CP QS, but only to individuals and entities eligible to receive QS/IFQ by transfer.~~** *Motion passed 18/0*

ADD Option 4. For individuals and entities with CV QS, no leasing restrictions for the first three years. After this grace period, leasing will be allowed in the following calendar year if the QS holder is on board or owns 20% or greater of a vessel on which 30% of the primary species shares held by the QS holder in at least 2 of the most recent 4 years were harvested. This provision would apply to independent lessees and within cooperatives.

Suboption 1: Applies within cooperatives

Motion passed 18/0

2.2.3.3.6 (Page 6)

Accept staff recommendation to delete Option 1 under "Conversion of CP Shares" i. *Motion passed 18/0*

The following motion failed 5/13/1:

2.2.3.3.7 Owner On Board Provisions (Page 7)

A range of ~~0-50%~~ **0-80%** for fixed gear CVs and ~~0-40%-0%~~ **- 70%** for trawl gear CVs, of the quota shares initially issued to fishers/harvesters would be designated as "owner on board."

Minority Report:

The minority of the AP believe much of the gulf lonline and pot fishing fleet is similar to the fleet that fishes halibut and sablefish. The policy decision for halibut and sablefish was 100% owner on board and the Council, in Gulf Rationalization, should have the option of retaining the same standard as a matter of public policy. In addition, the Gulf fleet, overall, is much different from the fleet rationalized in AFA and the Bering Sea crab fishery. Consequently, many of the reasons used to justify lesser owner on board requirements in these fisheries are less applicable in the Gulf. The analysis may amplify reasons for an owner on board requirement of less than 100% but, without these higher options, the Council will not have decisional options at the higher end of the range. Signed: Duncan Fields, Eric Olson, Dan Falvey, Cora Crome and Michelle Ridgway.

2.2.3.3.8 Overage Provisions (~~only apply outside of a co-op~~) Motion passed 19/0

2.2.3.3.10 Limited processing for CVs (Page 8)

Option 2.—Limited processing of groundfish species by owners of CV harvest shares of rockfish species not subject to processor landing requirements are allowed up to 1 mt of round weight equivalent of groundfish per day on a vessel less than or equal to 60ft LOA. (consistent with LLPs - 679.4(k)(3)(ii)(D)). Motion passed 19/0

2.2.3.3.11 Processing Restrictions (Page 8)

Option 1.—CPs may buy CV share fish not subject to processor landing requirements.

— ~~Suboption. 3 year sunset~~

~~**Option 2.**—CPs would be prohibited from buying CV fish.~~

Option 3. CPs may buy incentive fish and incidental catches of CV fish not subject to processor landing requirements.

Option May buy delivery restricted CV fish if they hold a processing license.

Motion passed 17/1/1

2.2.6.3 Allocation of incentive species (new section)

Allocates incentive species groundfish primary species harvest shares (QS) to the historical participants. Available incentive fishery quota is the available TAC for that fishing year minus the incentive species groundfish primary species harvest share allocated to the historical participants.

Threshold approach – Allocate harvest share as a fixed allocation in metric tons. If available TAC is less than the total fixed allocation in metric tons, then reduce participants' allocation pro-rata amongst shareholders.

Option 1. Total retained catch of the participants divided by the number of years in the qualifying period.

Option 2. Total retained catch of the participants plus 25% divided by the number of years in the qualifying period.

Option 3. Total catch of the participants divided by the number of years in the qualifying period.

Motion passed 15/2/2

2.2.9.1 Regionalization (Page 12)

If adopted, all processing licenses (for shore-based and floating processors) will be categorized by region.

Processing licenses that are regionally designated cannot be reassigned to another region.

Catcher vessel harvest shares are regionalized based on where the catch was processed, not where it was caught.

Harvest shares would be regionalized based on the landings history during the regionalization qualifying period.

Catcher processor shares and incentive fisheries are not subject to regionalization.

In the event harvest shares are regionalized and the processor linkage option is chosen, a harvester’s shares in a region will be linked to the processor entity in the region to which the harvester delivered the most pounds during the qualifying years used for determining linkages under 2.3.1.1.2.

The following describes the regions established and fisheries that would be subject to regionalization:

Central Gulf: Two regions are proposed to classify harvesting shares: North - South line at 58 51.10' North Latitude (Cape Douglas corner for Cook Inlet bottom trawl ban area) extending west to east to the intersection with 140° W long, and then southerly along 140° W long.).

The following fisheries will be regionalized for shorebased (including floating) catch and subject to the North-South distribution: CGOA pollock (area 620 and are 630) CGOA aggregate flatfish, CGOA agregate rockfish, and CGOA Pacific cod. CGOA trawl sablefish will be regionalized based on all landing of primary species in the CGOA associated with the license during regionalization qualifying period.

~~The following fisheries will be regionalized for shorebased (including floating) catch and subject to the North-South distribution: Pollock in Area 630; CGOA flatfish (excludes arrowtooth flounder); CGOA Pacific ocean perch; CGOA northern rockfish and pelagic shelf rockfish (combined); CGOA Pacific cod (inshore); GOA sablefish (trawl); WY pollock. Motion passed 18/0~~

2.2.9.1.2 Qualifying years to determine the distribution of shares between regions will be: (Page 14)

Option 1. ~~consistent with the preferred option under “Section 2.2.2 Qualifying Periods”~~

Option 2. 1999 – 2002 *Motion passed 12/6*

2.2.12 Sideboards (Page 15)

GOA Groundfish sideboards under the crab rationalization plan ~~and~~ under the AFA and **rockfish pilot project** would be superceded by the GOA rationalization program allocations upon implementation. *Motion passed 18/0.*

On completion of a rationalization program in the Bering Sea, any sideboards from Gulf Rationalization under this section will be superceded for the fleet subject to rationalization. Motion passed 16/0

2.3.1.1.2 Linkage (Linkages apply by area) (Applies to 2B): (page 17)

A harvester’s processor linked shares are associated with the licensed fixed or trawl processor to which the harvester delivered the most pounds of groundfish during the last ___ years ~~of the harvester qualifying years~~ **Prior to 2005.** *Motion passed 19/0*

- i. 1
- ii. 2
- iii. 3

Processors with history at multiple facilities in a community may aggregate those histories for determining associations.

Option 1: If the processing facility with whom the harvester is associated is no longer operating in the community, and another processing facility within the community has not purchased the history, the harvester is eligible to deliver to

- i. any licensed processor
- ii. any licensed processor in the community

Option 2: If the processing facility with whom the harvester is associated is no longer operating in the community the harvester is eligible to deliver to

i. Any licensed processor

ii. Any licensed processor in the community*Motion passed 19/0*

2.3.1.1.3 Movement between linked processors (Applies to 2B) (page 18)

Suboptions:

- i. Penalty applies to A shares only.
- ~~ii. Penalty applies to both A and B shares.~~

Motion passed 18/0~~**A. Full penalty applies to each move**~~

B. Full penalty applies to the first move, subsequent moves are penalized at half of that rate.

C. Full penalty applies only to the first transfer

Motion passed 20/0

2.3.1.2.1 To qualify for a processor license, a processor must have purchased and processed a minimum amount of groundfish by region as described below in at least 4 of the following years: (page 19)

Suboption: At least 3 of the following yearsOption 1. 1995-99. **04**

Option 2. 1995-01

Option 3. 1995-02

Motion passed 17/0/1

2.3.1.2.3 (page 20)

Moved from 2.4.5.2**License Transfers Among Processors (applies to processor limited entry)**~~**Option 1. any share association with that license will transfer to the processor receiving the license. All harvest share/history holders will be subject to any share reduction on severing the linkage, as would have been made in the absence of the transfer.**~~**Option 2. any share associated with the license will be free to associate with any licensed processor. Harvest share/history holders will be free to move among processors without share/history reduction.***Motion passed 19/0*

2.3.2 Provisions affecting Allocation of Harvest Shares to Processors (Alternative 2C) (page 21)

1. Processors are eligible to receive an allocation of QS if they meet eligibility criteria identified in 2.3.1.2.1

Processors who do not meet eligibility criteria to document a vessel must transfer the QS to an entity meeting this criteria within 24 months. Motion passed 19/0

2.4.2.1.1 Co-op/processor affiliations (page 23)

No association required between processors and co-ops. **A processor can receive fish from more than one coop Motion passed 18/2****Option: A person may join more than one coop Motion passed 20/0**~~**Option 2. CV cooperatives must be associated with**~~~~**a) a processing facility (applies to 2B)**~~~~**b) a processing company (applies to 2A)**~~~~**(Option 1 or Option 2 a) or b) could apply to 2 low producing fixed gear)**~~~~**The associated processor must be:**~~~~**a) any processor (could apply to 2 low producing fixed gear)**~~~~**b) a limited entry processing license holder (applies to 2A)**~~~~**c) a limited entry processing license holder to which the share holder's shares are linked (applies to 2B)**~~~~**Suboption 1. Processors can associate with more than one co-op**~~~~**Suboption 2. Processors are limited to 1 co-op per plant for each sector. Motion passed 17/2**~~

2.4.2.2 Cooperatives are required to have at least: (Page 24)

Option 1. 4 distinct and separate harvesters (using the 10% threshold rule) (could apply to any alternative)

~~**Suboption:** trawl CP sector, all less 1 of distinct and separate harvesters, using the 10% threshold rule).~~

Motion passed 17/0

~~**Option 2.** 40-100 percent of the harvest shares (or catch history) of its sector (may choose different percentages for different sectors) (applies only to catcher processors)~~

~~**Option 3.** 40-75 percent of the harvest shares (or catch history) eligible for the cooperative. (Applies to Alternatives 2A and 2B) cannot be applied to catcher vessels under Alternative 2A~~

Motion passed 18/0

ENTRY LEVEL FISHERY/SECOND GENERATION PROVISIONS

The AP believes it is important to review a discussion of program elements intended for entry level and second generation access in the GOA Groundfish fisheries

Jig	Pollock Rockfish	0-2% set aside Pilot program set aside	September 1 rollover
Longline	Cod Rockfish	low producer/owner on board Rockfish pilot program	
Pot	Cod Rockfish	low producer/owner on board Rockfish pilot program	
Trawl	Cod Flatfish Pollock Rockfish	Owner on board/leasing provisions Owner on board/leasing provisions Bycatch incentive program to fish flatfish Rockfish pilot program	

Additionally, the AP requests staff provide a qualitative discussion of the Magnuson Act expectations for entry level opportunities, i.e. new open access fisheries vs. affordable license opportunities.

Motion passed 14/6

Alternative 3

3.3.1 Eligibility (Page 4)

LLP participation

Option 1. Any person that holds a valid, permanent, fully transferable LLP license is eligible to receive an initial allocation of Gulf catch history (as generic GH) through co-op membership.

~~**Suboption 1.** Any person who held a valid interim LLP license as of January 1, 2003.~~

Motion passed 16/0

~~**Suboption 2.** Allow the award of retained incidental groundfish catch history arising from the halibut and sablefish IFQ fishery.~~

3.3.2.2 Qualifying periods and landing criteria (same for all gears in all areas) for determining GH (Page 5)
(The analysis will assess AFA vessels as a group).

Option 1. 95-01 drop 1 **on species by species basis**

Option 2. 95-02 drop 1 **on species by species basis**

Option 3. 95-02 drop 2 **on species by species basis**

Option 4. 98-02 drop 1 **on species by species basis**

Option 5: 98-03 drop 1 on species by species basis

Motion passed 17/0

- 3.3.7 Cooperatives are required to have at least: (Page 6)
- Option 1. 4 distinct and separate harvesters (using the 10% threshold rule)
Applies to low producers, high producer fixed gear, CV trawl, and CPs
 - Option 2. 50-100 percent of the GH of its sector. Council may choose different percentages for different sectors.
Applies only to catcher processors
 - Option 3. 50-75 percent of the eligible GH for each co-op associated with its processor
Applies to low producers, high producer fixed gear, and CV trawl for processor associated co-ops if less than 4 distinct & separate harvesters are available to associate with the processor
 - ~~Option 4. Any number of eligible harvesters within the sector (allows single person co-op)~~

Motion passed 18/0

- 3.3.8 Duration of initial cooperative agreements: (Page 7)
- Option 1. 1 year
 - Option 2. 2 years **for CV processors affiliated co-ops** *Motion passed 18/0*
 - Option 3. 3 years
 - Option 4. Any length agreed between the co-op participants.

- 3.3.9 Catcher Vessel co-op/processor affiliations (Page 7)
- ~~Option 1.~~ CV cooperatives must be associated with an eligible processing facility
 - ~~Option 2.~~ Processors can associate with more than one co-op.
 - ~~Option 3. Processors are limited to 1 co-op per plant for each sector.~~

Motion passed 20/0

3.3.11 Initial Cooperative Requirements

The following provision is required for the initial co-op:

Catcher vessel co-ops may be formed by eligible harvesters (the co-op) subject to the terms and conditions of a co-op membership agreement. In order to receive an allocation of GH under this program, co-ops must enter into a duly executed contractual agreement (Contract) with the processor identified in Section 3.3.5.

Contracts established under this section shall specify the terms and conditions for transferring GQ or GH from the cooperative, including mechanisms whereby a member exiting the co-op (or transferring GH from the co-op) compensates the remaining co-op members and/or the associated processor for exiting the co-op (or transferring GH from the co-op). ~~Compensation can take on any form agreed to by the members and the associated processor, including permanent transfer of some or all GH generated by the existing participant to the remaining co-op members and/or the associated processor.~~ The AP recommends limiting processor compensation to the ranges identified in Alternative 2. *Motion passed 19/1.*

3.4.1 General cooperative requirements

Processors who do not meet eligibility criteria to document a vessel must transfer the QS to an entity meeting this criteria within 24 months. *Motion passed 19/0*

A motion to delete Alternative 3 failed 6/14.

3.4.2.1 Qualified Persons. (Page 10)

Persons qualified to receive GH by transfer include processors **who are entities that meet US requirements to document a vessel** that associate with initial cooperatives pursuant to 3.3.11 and (not mutually exclusive):
Motion passed 19/0

- Option 1. US citizens who have had at least 150 days of sea time.
- Option 2. Entities that meet U.S. requirements to document a vessel.

- Option 3. Initial recipients of CV or C/P GH.
~~Option 3. Communities would be eligible to receive GH by transfer (this provision would be applicable if certain provisions of 2.9 are adopted). Motion passed 18/0~~
 Option 4. **Individuals who are U.S. citizens.** *Motion passed 18/0*

~~3.4.7.2 Re-designate CP GH as CV GH upon transfer to a person who is not an initial issuee of CP shares: (page 12)~~

- ~~Option 1. all CP shares
 Option 2. trawl CP shares
 Option 3. longline CP shares-Motion passed 17/1~~

3.6 LLP/Open Access fishery provisions: (Page 13)

Issue 1. Halibut PSC will be reduced by:

- Option 1: **Add 0%**
- a. 10 percent
 - b. 20 percent
 - c. 30 percent

Note: this reduction may differ by sector

- Option 2: **Add 0%**
- 5 percent beginning on the date of program implementation;
 - an additional 5 percent beginning on the second year of program implementation;
 - an additional 10 percent beginning on year 5 of program implementation; and

Motion passed 18/1

Issue 2: The LLP of any vessel that has entered a co-op and generated GH pursuant to this program may not be subsequently used, or transferred to another vessel, to fish in the LLP/Open Access fishery for any primary or secondary species identified under this program ~~as long as they are a co-op member.~~ **unless all GH initially associated with the LLP is held by the LLP holder and is allocated to the LLP/Open Access fishery.** *Motion passed 19/0*

3.7.1 Regionalization (Page 14)

If adopted, GH will be categorized by region (for the fisheries identified below).

GH that is regionally designated cannot be reassigned to another region.

Catcher vessel GH is regionalized based on where the catch was processed, not where it was caught.

Catcher processor GH is not subject to regionalization.

The GH associated with a license would be regionalized based on the landings history associated with that license during the regionalization qualifying period.

The following describes the regions established and fisheries that would be subject to regionalization:

Central Gulf: Two regions are proposed to classify harvesting shares: North - South line at 58 51.10' North Latitude (Cape Douglas corner for Cook Inlet bottom trawl ban area) extending west to east to the intersection with 140° W long, and then southerly along 140° W long.).

The following fisheries will be regionalized for shorebased (including floating) catch and subject to the North-South distribution: CGOA pollock (area 620 and are 630) CGOA aggregate flatfish, CGOA aggregate rockfish, and CGOA Pacific cod. CGOA trawl sablefish will be regionalized based on all landing of primary species in the CGOA associated with the license during regionalization qualifying period. *Motion passed 18/0*

~~The following fisheries will be regionalized for shorebased (including floating) catch and subject to the North-South distribution: Pollock in Area 630; CGOA flatfish (excludes arrowtooth flounder); CGOA Pacific ocean perch; CGOA northern rockfish and pelagic shelf rockfish (combined); CGOA Pacific cod (inshore); GOA sablefish (trawl); WY pollock.~~

3.7.1.2 Qualifying years to determine the distribution of GH between regions will be the years **most recent from 2005** *Motion passed 19/0*

~~**Option 1.** — consistent with the qualifying period under cooperative formation in Section 3.3.5~~

3.9 Sideboards

- GOA Groundfish sideboards under the crab rationalization plan ~~and~~ under the AFA and **rockfish pilot project** would be superseded by the GOA rationalization program allocations upon implementation.
- ~~• Participants in the GOA rationalized fisheries are limited to their historical participation based on GOA rationalized qualifying years in BSAI and SEO groundfish fisheries.~~
- Vessels (actual boats) and LLPs used to generate harvest shares used in a Co-op unless specifically authorized may not participate in other state and federally managed open access fisheries in excess of sideboard allotments.
- Participants in the GOA rationalized fisheries are limited to their aggregate historical participation based on GOA rationalized qualifying years in BSAI and SEO groundfish fisheries.
- **On completion of a rationalization program in the Bering Sea, any sideboards from Gulf Rationalization under this section will be superseded for the fleet subject to rationalization. Motion passed 16/0**
- Provisions related to IFQ and SEO fisheries are moved to a separate portion of the motion.
- Provisions related to salmon and crab bycatch are moved to a separate portion of the motion.

Motion passed 18/0

Community Provisions

The AP endorses the GOA Rationalization Community Committee's recommendations of:

- Adding the following language to the overall purpose statement for community provisions: "and provide for the sustained participation of such communities"
- Eliminating options 2b, 2c and 4 under Eligibility criteria
- Add option 3B to the Community Purchase Program Eligibility criteria

Motion passed 19/0

The AP strongly recommends that the Committee meet again to discuss future funding of CFQ, entity structure and how shares are allocated. *Motion passed 17/0*

C-3 Central Gulf of Alaska Rockfish Demonstration Program

The AP recommends the following changes and additions to the following sections (numbers correspond to Rockfish Decision notes):

1. Accept staff recommendations to delete the word “option” in Alternative 3.1 *Motion passed 17/0.*
2. Select Option 2 as the preferred alternative in section 3.3.1, including the suboption. *Motion passed 15/1/4.*
3. Delete Option 2 in 3.3.1.2, (*Motion passed 13/6*) and add the following new option 2: **For the offshore sector, P.cod history will be managed by MRA using a range of 1.4 -5%** *Motion passed 13/7*
4. Delay selection of a preferred alternative on secondary species allocations until the following data is available:

The AP requests staff add a column to table 4 which would show retained harvest of the target rockfish. The calculation methods for Option 1 and Option use retained catch/total catch. The AP requests staff also make similar calculations showing total catch/total catch, and retained catch/retained catch.

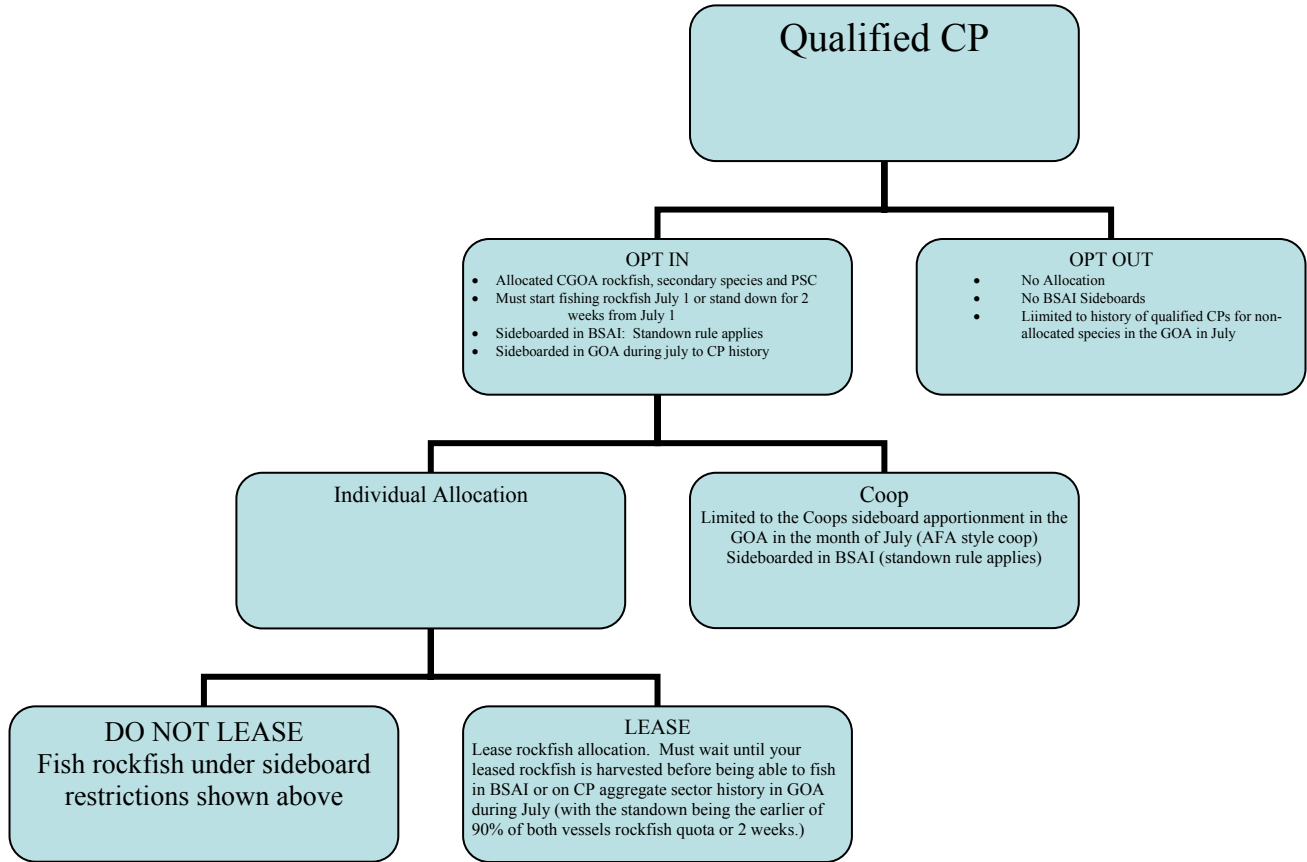
Additionally, the AP requests staff prepare

- histograms depicting incidental catch rates of RE/SR and thornyhead bycatch on a set by set basis in the sablefish, halibut and P.cod longline fisheries, and
- histograms depicting incidental catch of RE/SR and thornyhead on a tow by tow basis in directed rockfish trawl fisheries.

Motion passed 19/0

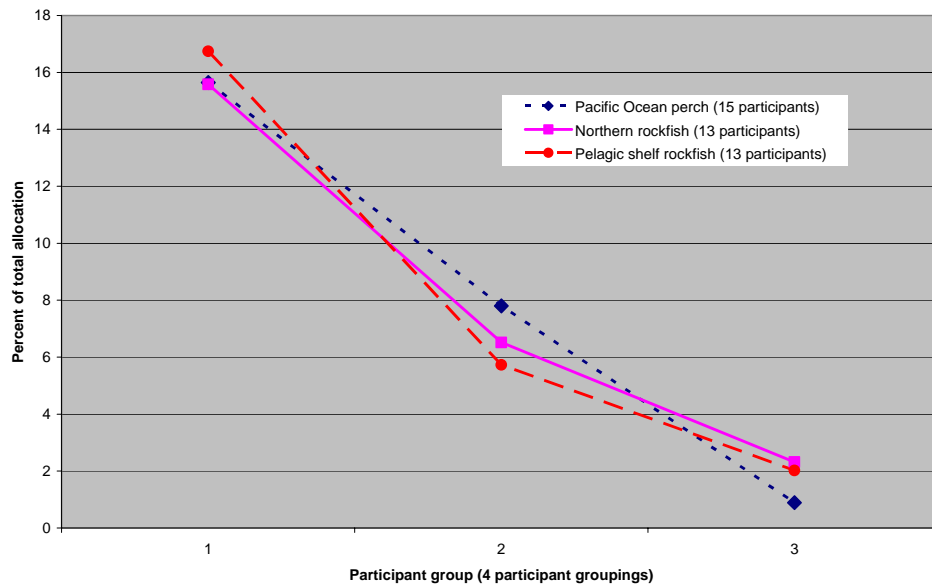
5. No change
6. Accept staff recommendations to delete language in the option bullet ~~“but the operator will receive the right to vessel-coop linkages.”~~ *Motion passed 19/0*
 - **Add an exemption that eligible processor is a processing facility with substantial investments of 1M or more, that has purchased 250 MT any year 2001-2004 of aggregate Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf rockfish harvest for any one year per year, for 4 years, from 1996 to 2000. Eligible processors will be issued a license under this program. Licenses are not transferable.** *Motion passed 12/4*
 - Catcher vessel cooperatives are required to have at least ~~4~~ **5-10** eligible LLPs *Motion passed 19/0*
7. Add the following language to bullet 4 under Alternative 3:
 - A harvester is eligible to join a cooperative in association with the processing facility to which the harvester delivered the most pounds of the three rockfish species combined during the year’s 1996 – 2000 drop 1 year (processor chooses the year to drop, same year for all LLPs). **If a LLP holder has no deliveries to a qualified processor, the LLP holder may join a coop with any one of the qualified processors.** *Motion passed 20/0*
8. The AP recommends the Council delete CP Transfer provisions, Alternative 5.5. *Motion passed 19/0*

Additionally,
 In section 9.2 of the Council motion, delete Option 2, and Option 1 becomes a statement. *Motion passed 20/0*



Further, the AP recommends the Council direct staff to incorporate the above flowchart regarding CP sideboards into a new option in 9.2 with suboptions under the opt-out provisions that if a “serious rockfish boat” opts out they remain subject to a 2 week standown in the GOA. “Not serious” defined based on figure 1 from the rockfish decision notes: The “serious” rockfish boats are represented by the top seven vessels in Figure 1, comprising the top “tri-tile” harvest of POP. The “non-serious” rockfish vessels are included in all vessels represented by the distribution points in the center and right hand side of the graph. *Motion passed 18/0/2*

Catcher processor allocations (includes holders of permanent and interim LLP licenses)



C-5 IRIU

Problem Statement:

*The Council's primary concern is to maintain a healthy marine ecosystem to ensure the long-term conservation and abundance of the groundfish and crab resources. To this end, the Council is committed to reducing bycatch, minimizing waste, and improving utilization of fish resources to the extent practicable in order to provide the maximum benefit to present generations of fishermen, associated fishing industry sectors, communities, and the nation as a whole, while at the same time continuing to look for ways to further rationalize the fisheries. ~~The Council also recognizes that the fishing industry is made up of participants who have a vested interest in the continued improvement in the long term conservation of the groundfish resources, but at times could be burdened with additional costs associated with management programs that improve conservation or reduce bycatch.~~ The problem facing the Council is **two fold. First, is to develop programs to slow the race for fish, and reduce bycatch and its associated mortalities, while maintaining a healthy harvesting and processing industry, recognizing long term investments in the fisheries, and promoting safety, efficiency, and further rationalization in all sectors. Second, is to fashion a management program that would mitigate the cost, to some degree, for those participants burdened with additional costs associated with management programs that improve conservation and reduce bycatch, while also continuing to reduce discards of groundfish and crab to practicable and acceptable levels.** Motion passed 18/0*

I. Amendment 80 Revised Components and Options

Component 1 Identifies which species will be included in the sector allocation

Allocate only the following primary target species to the Non-AFA trawl catcher processor sector: (A *Motion passed 9/7/1 to include AFA trawl CP sector, which was later rescinded 14/4/1*) yellowfin sole, rock sole, flathead sole, Atka mackerel, Aleutian Islands Pacific Ocean Perch, arrowtooth flounder, and Alaska plaice. Species could be added or deleted through an amendment process. All of these species will be allocated to the non-AFA trawl catcher processor cooperative.

Component 2 Management of secondary species.

Option 2.1 Use the current management system.

Option 2.2 Use ICAs for all non-target species—ICAs would be managed with soft caps.

Option 2.3 Use ICAs for all non-target species—ICAs would be managed with hard caps.

Component 3 CDQ allocations for each species in the program (except pollock, **p.cod** and fixed gear sablefish) shall be removed from the TACs prior to allocation to sectors at percentage amounts equal to one of the following. *Motion passed 20/0*

Option 3.1 7.5%

Option 3.2 10%

Option 3.3 15%

Component 4 Identifies the sector allocation calculation (after deductions for CDQs).

For purpose of allocation to the non-AFA trawl catcher processor sector, each primary species allocation will be based upon the years and percentage of average catch history selected in Component 5 using one of the following:

Option 4.1 Total legal catch of the sector over total legal catch by all sectors

Option 4.2 Retained legal catch of the sector over retained legal catch by all sectors

~~Option 4.3 Total legal retained catch over ABC~~

~~Option 4.4 Total legal catch over ABC~~

~~Option 4.5 Total legal retained catch over TAC~~

~~Option 4.6 Total legal catch over TAC—Motion passed 17/0~~

The remaining portion for primary species included in this program will be allocated to the BSAI open access fishery. Open access will include amounts to accommodate AFA sideboards and other fishery practices. Rules for the non-AFA trawl CP fishery include:

- ~~1. After each non-AFA trawl co-op has completed its allocated harvest, co-op members may fish in open access.~~ *Motion passes 14/2*
2. Vessels other than non-AFA Trawl CP with appropriate LLP endorsements may fish in open access.

Component 5 Catch history years used to determine the allocation to the non-AFA trawl catcher processor sector in Component 4.

- Option 5.1 1995-1997
- Option 5.2 1995-2002
- Option 5.3 1998-2002
- Option 5.4 1998-2004
- Option 5.5 1999-2003
- Option 5.6 2000-2004

Option 5.7 The Council can select percentages for each of the species allocated to the non-AFA trawl CP sector. *Motion passed 19/0*

Component 6 PSC is allocated to the CDQ program as PSQ reserves (except herring) equal to one of the following:

- ~~Option 6.1 7.5% of each PSC limit~~
- ~~Option 6.2 8.5% of each PSC limit~~
- ~~Option 6.3 10% of each PSC limit~~ *Motion passed 19/0*
- Option 6.4 Proportional to the CDQ allocation under Component 3 for each PSC limit

Component 7 Sector allocations of PSC limits. **PSC associated with the Pacific cod fishery will be included in the sector allocation of PSC limits.** *Motion passed 18/0* (Council must choose one suboption from both Option 7.1 and 7.2 in order to apportion PSC between non-AFA trawl catcher processors and the open access).

- Option 7.1 Apportion PSC to each fishery group that it has historically been accounted against (e.g, yellowfin sole, rockfish, rocksole/flathead sole/other, etc.).
 - Suboption 7.1.1 Through annual TAC setting process (the current method) with a new breakout for the non-AFA trawl catcher processor sector.
 - Suboption 7.1.2 In proportion to the historic fishery group's apportionment using the most recent five years.
 - Suboption 7.1.3 In proportion to the actual amounts of PSC mortality attributed to the fishery group over a defined set of years.
- Option 7.2 Apportion PSC allotments made to fishery groups in Option 9.1 to non-AFA trawl catcher processor sector and open access.
 - Suboption 7.2.1 In proportion to TAC allocated to the non-AFA trawl catcher processor sector.
 - Suboption 7.2.2 In proportion to the PSC usage by the non-AFA trawl catcher processor sector for the years used to determine the groundfish sector apportionments.
 - Suboption 7.2.3 In proportion to the total groundfish harvested by the non-AFA trawl catcher processor sector for each PSC fishery group for the years used to determine the groundfish sector apportionments.
 - Suboption 7.2.4 In proportion to the target species harvested by the non-AFA trawl catcher processor sector in that PSC fishery group for the years used to determine the groundfish sector apportionments.
- Option 7.3 Select a PSC reduction option from the following that would apply to any PSC apportionment suboption selected in 7.2. PSC reduction options can vary species by species, and sector by sector.

- Suboption 7.3.1 Reduce apportionments to 60% of calculated level.
- Suboption 7.3.2 Reduce apportionments to 75% of calculated level.
- Suboption 7.3.3 Reduce apportionments to 90% of calculated level.
- Suboption 7.3.4 Reduce apportionments to 95% of calculated level.
- Suboption 7.3.5 Do not reduce apportionments from calculated level.

~~Non-AFA trawl catcher processor cooperative members may carry unused PSC from cooperative into the open access fishery. Motion passed 18/0~~

Option 7.4 The Council can select percentages and/or amounts for PSC allocated to the non-AFA trawl CP sector. Motion passed 18/0

Component 8 Establishes procedures for reducing prohibited species catch limits for the non-AFA Trawl CPs Sector. Options selected from this component would be in addition to those PSC options selected in Component 7.

Option 8.1 No change in overall amount of the current PSC limits.

~~Option 8.2 Reductions in the PSC limit for halibut is accomplished by taxing in-season non-permanent transfers of PSC within the cooperative. The halibut PSC limit is restored to its original level the following year~~

~~Suboption 8.2.1 Transfers of PSC after August 1 are not taxed.~~

~~Suboption 8.2.2 Only un-bundled transfers of PSC are taxed. Motion passed 16/0~~

Option 8.3 Reduce halibut PSC limits by 5% when PSC limits are linked to estimated biomass levels.

Component 9 Identifies the license holders that are in the non-AFA trawl CP sector which would receive Sector Eligibility Endorsements. Non-AFA qualified license holders with a trawl and catcher processor endorsement would be issued a Sector Eligibility Endorsement that will be attached to that holder's LLP identifying it as a member of the non-AFA Trawl CP Sector. Only vessels that qualify for a sector eligibility endorsement may participate in cooperative under this program.

Option 9.1 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1998-2002

Option 9.2 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1998-2002

Option 9.3 Qualified license holders must have caught 500 mt. of groundfish with trawl gear and processed that fish between 1997-2002

Option 9.4 Qualified license holders must have caught 1,000 mt. of groundfish with trawl gear and processed that fish between 1997-2002

Option 9.5 Qualified license holders must have caught 150 mt. of groundfish with trawl gear and processed that fish between 1997-2002 Motion passed 17/0

Component 10 Establishes the percentage of eligible licenses that must join a cooperative before the cooperative is allowed to operate. There may be more than one cooperative formed. No later than December 1 of each year, an application must be filed with NOAA fisheries by the cooperative with a membership list for the year. In order to operate as a cooperative, members, as a percent of eligible LLP licenses with non-AFA Trawl CP endorsement, must be:

Option 10.1 At least 30 percent

Option 10.2 At least 67 percent

Option 10.3 At least 100 percent

Option 10.4 All less one distinct and separate harvesters using the 10 percent threshold rule.

Component 11 Determines the method of allocation of PSC limits and groundfish between the cooperative and eligible non-AFA trawl catcher processor participants who elect not to be in a cooperative.

- Option 11.1 Catch history is based on total catch
 Option 11.2 Catch history is based on total retained catch

Component 12 Determines which years of catch history are used for establishing cooperative allocations. The allocation of groundfish between the cooperative and those eligible participants who elect not to join a cooperative is proportional to the catch history of groundfish of the eligible license holders included in each pool. Applicable PSC limits are allocated between the cooperative and non-cooperative pool in same proportions as those species that have associated PSC limits. The catch history as determined by the option selected under this component will be indicated on the Sector Eligibility Endorsement, which indicates the license holder's membership in the Non-AFA Trawl CP Sector. The aggregate histories will then applied to either the cooperative or the non-cooperative pool.

- Option 12.1 1995-2002, but each license holder drops its lowest annual catch **by species** during this period
 Option 12.2 1995-2003, but each license holder drops its **3** lowest annual catches **by species** during this period *Motion passed 17/0*
 Option 12.3 1997-2002, but each license holder drops its lowest annual catch **by species** during this period
 Option 12.4 1998-2002, but each license holder drops its lowest annual catch **by species** during this period
 Suboption 12.4.1 Each license holder does not drop its lowest annual catch **by species** during this period
 Option 12.5 1998-2003, but each license holder drops its lowest annual catch **by species** during this period
 Suboption 12.5.1 Each license holder drops two years during this period
 Option 12.6 1999-2002, but each license holder drops its lowest annual catch **by species** during this period
 Option 12.7 1999-2003, but each license holder drops its lowest annual catch **by species** during this period
Motion passed 15/0

Component 13 Determines if excessive share limits are established in the non-AFA trawl catcher processor sector.

- Option 13.1 There is no limit on the consolidation in the non-AFA trawl catcher processor sector.
 Option 13.2 Consolidation in the non-AFA trawl CP sector is limited such that no single company can **hold use** (*Motion passed 15/0*) more than a fixed percentage of the overall sector apportionment history. The cap will be applied across the total allocation to the sector of all species combined. The cap will be applied using the individual and collective rule. Persons (individuals or entities) that exceed the cap in the initial allocation would be grandfathered.

Component 14 Establishes measures to maintain relative amounts of non-allocated species until such time as other fisheries are rationalized.

Sideboards for the non-AFA trawl catcher processor sector would be established by regulation using the same years used to calculate the apportionment of PSC and groundfish between the non-AFA trawl catcher processor and open access pool until such time as these other fisheries are rationalized, when the allocations are determined in these newly rationalized fisheries.

- Suboption 14.1.1 Sideboards will be allocated between cooperative and non-cooperative LLP holders.

Option 14.2 Sideboards for the non-AFA trawl CP sector can be established by establishing percentages an/or amounts for the species/fisheries not included in this program. *Motion passed 15/0*

Component 15 A threshold level may be established for yellowfin sole. TAC below the threshold level will be allocated to the non-AFA trawl CP sector based on the formula determined in Components 4 and

5. TAC in excess of the threshold level will be available to other sectors as well as to the non-AFA trawl CP sector. Threshold levels for other species may be developed at a later date.

For yellowfin sole, the threshold will be:

Option 1	125,000 MT
Option 2	150,000 MT
Option 3	175,000 MT

Option 10.4 Allocate the threshold reserve to the trawl sectors and between AFA and non-AFA sectors using one of following suboptions :

- Suboption 10.4.1 Catcher vessels at 25% and catcher processors at 75%
- Allocations within the catcher vessel sectors
 - i. AFA at 24% and non-AFA at 1%
 - ii. AFA at 22% and non-AFA at 3%
 - iii. AFA at 20% and non-AFA at 5%
 - Allocations within the catcher processor sectors
 - i. AFA at 25% and non-AFA at 50%
 - ii. AFA at 37.50% and non-AFA at 37.5%
 - iii. AFA at 50% and non-AFA at 25%
- Suboption 10.4.2 Catcher vessels at 50% and catcher processors at 50%
- Allocations within the catcher vessel sectors
 - i. AFA at 47% and non-AFA at 3%
 - ii. AFA at 45% and non-AFA at 5%
 - iii. AFA at 42.5% and non-AFA at 7.5%
 - Allocations within the catcher processor sectors
 - i. AFA at 12.5% and non-AFA at 37.5%
 - ii. AFA at 25% and non-AFA at 25%
 - iii. AFA at 37.5% and non-AFA at 12.5%
- Suboption 10.4.3 Catcher vessels at 75% and catcher processors at 25%
- Allocations within the catcher vessel sectors
 - i. AFA at 72% and non-AFA at 3%
 - ii. AFA at 70% and non-AFA at 5%
 - iii. AFA at 67.5% and non-AFA at 7.5%
 - Allocations within the catcher processor sectors
 - i. AFA at 6.25% and non-AFA at 18.5%
 - ii. AFA at 12.5% and non-AFA at 12.5%
 - iii. AFA at 18.75% and non-AFA at 6.5%

Other Elements of Amendment 80

This section provides additional specifics and elements for the non-AFA trawl catcher processor cooperative program. These specifics and elements are common for any cooperative program that might be developed.

- The cooperative program developed in Amendment 80b will not supersede pollock and Pacific cod IRIU programs.
- The Groundfish Retention Standards (GRS) (Amendment 79) will be applied to the cooperative as an aggregate **on a year by year** basis and on those vessels who do not join a cooperative as individuals. ~~**If the cooperative, in the aggregate, cannot meet the standard over a period of two years then the GRS for the current year would be imposed on individual vessels within the cooperative.**~~ *Motion passed 17/0* **The AP believes that monitoring requirements should not be so onerous that they force vessels that can not comply out of the fishery.** *Motion passed 18/1*
- Non-AFA trawl catcher processor sector participants that elect not to join a cooperative will be subject to all current regulations including all restrictions of the LLP and the GRS if approved.
- All qualified license holders participating in the fisheries of the non-AFA trawl catcher processor sector will need to have trawl and catcher processor endorsements with general licenses for BSAI and the additional sector eligibility endorsement. Length limits within the license will also be enforced such that

any new vessel entering the fishery may not exceed the Maximum Length Overall (MLOA) specified on the license.

- Permanent transfers of Sector Eligibility Endorsements will be allowed if transferred with the associated Groundfish LLP. Sector Eligibility Endorsement, the associated groundfish LLP license, and associated catch histories would not be separable or divisible. All transfers must reported to NOAA Fisheries in order to track who owns the Sector Eligibility Endorsements. The purchaser must be eligible to own a fishing vessel under MarAd regulations or must be a person who is currently eligible to own a vessel.
- Annual allocations to the cooperative will be transferable among cooperative members. Such transfers would not need to be approved by NOAA Fisheries. Any member of the cooperative will be eligible to use the catch history of any other member regardless of vessel length limitations of the LLP that carries the catch history.
- Any non-trawl or non-BSAI catches by qualified license holders that are considered part of the non-AFA Trawl CP Sector will not be included in the defined cooperative program. In addition, these non-trawl or non-BSAI catches allocated to the non-AFA trawl catcher processor sector would not necessarily be excluded from other rationalization programs.
- All catch history used for allocation and eligibility purposes will be legal and documented catch.
- Disposition of groundfish species not allocated to the non-AFA trawl catcher processor sector will not change as a result of the cooperative program developed in Amendment 80**b**. *Motion passed 19/0*
- The developed cooperative program will limit its scope to selected groundfish and prohibited species catches with trawl gear by qualified license holders in the non-AFA trawl catcher processor sector in the BSAI. Groundfish species not included in the program as well as other non-specified fish species or marine resources will not be explicitly managed within the defined cooperative program. The defined cooperative program would not supersede existing regulations regarding these other marine resources.
- PSC limits for the following species will be created and allocated between the non-AFA trawl catcher processor cooperative(s) and those sector participants that elect not to join a cooperative.
 - BSAI non-AFA trawl catcher processor multi-species halibut cap consisting of an apportionment of species identified in Component 1.
 - BSAI non-AFA trawl catcher processor multi-species red king crab cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
 - BSAI non-AFA trawl catcher processor multi-species snow crab (*C. opilio*) cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries (includes apportionments of the trawl sablefish/turbot/arrowtooth limits).
 - BSAI non-AFA trawl catcher processor multi-species Tanner crab (*C. bairdi*) Zone 1 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
 - BSAI non-AFA trawl catcher processor multi-species Tanner crab (*C. bairdi*) Zone 2 cap consisting of an apportionment of the current Pacific cod trawl cap and caps for the flatfish fisheries.
- Bycatch limits for non-specified species or marine resources specifically for this program will not be established. However, should unreasonable bycatch or other interactions occur, specific regulations to minimize impacts will be considered.
- The cooperative(s) will have adequate internal rules. Evidence of binding private contracts and remedies for violations of contractual agreements will be provided to NOAA Fisheries. The cooperative must demonstrate an adequate mechanism for monitoring and reporting prohibited species and groundfish catch. Participants in the cooperative must agree to abide by all cooperative rules and requirements.
- Specific requirements for reporting, monitoring and enforcement, and observer protocols will be developed in regulations for participants in the cooperative program and will not be the purview of the cooperative. The Council and the non-AFA trawl catcher processor sector should specify their goals and objectives for in-season monitoring and program evaluation. Recordkeeping and reporting portions of the program can then be developed to ensure that goals and objectives of the program are met in a cost effective manner.
- A detailed annual report will be required from cooperative(s) formed. Fishery managers will review the annual report and determine if the program is functioning as desired. It is recommended that in-depth assessments of program be undertaken under the auspices of the Council/NOAA Fisheries periodically

(for example, every five years). In-depth studies will report the accomplishments of the program and indicate whether any changes are necessary.

- An economic and socioeconomic data collection initiative will be developed and implemented under the Non-AFA Trawl CP Cooperative Program. The collection would include cost, revenue, ownership, and employment data on a periodic basis to provide the information necessary to study the impacts of the program. This program will be similar to the data collection program in the BSAI crab rationalization program. Details of the collection will be developed in the analysis of the alternatives.

C-7 Halibut/Sablefish IFQ program

Halibut IFQ/CDQ regulations for IPHC Areas 4C/4D

Alternative 2. Allow holders of Area 4C IFQ and CDQ to harvest such IFQ/CDQ in Area 4D

Option: with a 3 year review following implementation *Motion passed 16/0*

Action 1: Amend regulations to allow medical transfers

Alternative 2. Allow medical transfers

Limitation: Option 2: 2 of the previous 5 years

Evidence of Qualifying Medical Condition: Use the language on Page 13 of the Public review draft Option 1. licensed medical doctor, or nurse practitioner (including local representatives)

Motion passed 16/0

Action 2: Amend hired skipper provisions

Alternative 2. To use the hired skipper exception, a QS holder must demonstrate at least a 20% vessel owner interest in the vessel to be used and have continuously owned the vessel as documented by the contemporary abstract of title for the previous: b. 12 months with an option to allow for replacement of vessel in case of a constructive loss. *Motion passed 14/2*

Action 3: Add vessel clearance requirements

Alternative 2. Add vessel clearance requirements to the BS and AI sablefish regulations.

Option 1. Add check-in/check-out for the Aleutian Islands and Bering Sea sablefish fishery (e.g., in Dutch Harbor, Adak, St Paul, St George, Akutan, and Atka)

or

Option 2. Require VMS when fishing in the Aleutian Islands and Bering Sea sablefish fishery
Motion passed 17/0

Action 4: Amend sablefish product recovery rate

Alternative 2. Change product recovery rate from 0.98 to 1.0 for bled sablefish. *Motion passed 17/0*

Action 5: Amend the halibut block program in Areas 2C, 3A, 3B, 4A, 4B, 4C, and 4D

Alternative 2. Increase block limits to 3 or 4 blocks

a) limit is 3 blocks unless unblocked QS is held, in which case the limit is 1 block

Motion passed 16/1

Action 5: Amend the halibut block program in Areas 3B, 4A

Alternative 3. For all QS blocks that yield more than 20,000lb, block is converted to one block of 20,000 based on 2004 TACs and the remainder is unblocked. *Motion passed 16/1*

Action 5: Amend the halibut block program in Areas 2C, 4A

Alternative 5. Increase the areas 2C and 3A halibut sweep-up level to the 5,000 lb equivalent in 1996 QS units. *Motion passed 17/0*

Action 6: Amend Area 3B, 4C halibut quota share categories

Alternative 2. Allow IFQ derived from D category QS to be fished on C category vessels *Motion passed 14/2*

Action 7: Amend fish down regulations for Area 2C halibut and Southeast Outside District sablefish

Alternative 2. Eliminate the exception to the fish down regulations for Area 2C halibut and Southeast area sablefish. *Motion passed 17/0*

C-8 Halibut Subsistence

Action 1. Revise the subsistence halibut regulations for gear and harvest to address local area issues.

Alternative 1. No action.

- (a) - (c): 30 hooks three times the individual gear limit
- (d): 30 hooks per vessel power hauling 20 halibut per vessel

Alternative 2. Change gear and annual limits in local areas.

(a) in Kodiak road zone and Chiniak Bay:

Issue 1. Gear limit, annual limit, and community harvest permit program:

No Action: *Motion passed 15/0*

~~Option 1. 5 hooks and 20 fish annual limit~~

~~Option 2. 10 hooks and 20 fish annual limit~~

Issue 2. Limit stacking on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:

~~Option 1. one hook limit (no stacking)~~

Option 2. two times the hook limit **with community harvest permit program**

(b) in Prince William Sound: **No Action:** *Motion passed 15/0*

~~Issue 1. Gear limit and community harvest permit program:~~

~~Option 1. 5 hooks~~

~~Option 2. 10 hooks~~

~~Issue 2. Limit stacking on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:~~

~~Option 1. one hook limit (no stacking)~~

~~Option 2. two times the hook limit~~

(c) in Cook Inlet: **No Action:** *Motion passed 15/0*

~~Issue 1. Gear limit and community harvest permit program:~~

~~Option 1. 5 hooks~~

~~Option 2. 10 hooks~~

~~Issue 2. Limit stacking on a single unit of gear per trip provided the subsistence user(s) are on board the vessel to:~~

~~Option 1. one hook limit (no stacking)~~

~~Option 2. two times the hook limit~~

(d) in Sitka Sound LAMP: *Motion passed 15/0*

Seasonal gear and vessel limits:

June 1 to August 31

September 1 to May 31

15 hooks per vessel

no power hauling

5 halibut per day/vessel

10 halibut per day/vessel

Option: Apply ~~above seasonal restrictions to all of Area 2C~~

15 hook/vessel from June 1st to August 31, in all of Area 2C *Motion passed 19/0*

Option for areas (a) - (d):

~~Require mandatory retention of rockfish. A fisherman would be required to stop subsistence halibut fishing for that day if the legal limit of rockfish allowed under State regulations were caught. This applies to the current State limits for rockfish only. Subsistence users would not be restricted below current bag limits.~~

The AP supports the idea of mandatory retention of rockfish, but we are unclear whether the BOF or Council has jurisdiction. We support cessation of subsistence halibut fishing and prohibition of setting more gear once subsistence limit of rockfish was caught that day. *Motion passed 15/1*

Action 2. Revise the list of eligible subsistence halibut communities.

~~Alternative 1. No action.~~

Alternative 2. Add to list of eligible communities: *Motion passed 14/0*

Option 1. Naukati

~~Option 2. Port Tongass Village~~

Action 3. Create a subsistence halibut possession limit for Area 2C, and/or 3A, and/or 3B.

~~Alternative 1. No action.~~

Alternative 2. Possession limit equal to two daily limits.

Option: Possession limit equal to one daily limit. *Motion passed 18/0*

Action 4. Revise the definition of charter vessels.

~~Alternative 1. No action.~~

~~Alternative 2. Allow the use of charterboats for subsistence halibut fishing~~

Alternative 3. ~~Adopt the State of Alaska definition of charter vessels to redefine a charter vessel as state registered.~~ **A charter vessel is one that is registered as such with the Alaska department of Fish and Game.** (*Motion passed 19/0*) Restrict the use of the charter vessel to the owner of record and the owner's immediate family (the owner must be an eligible subsistence user). Prohibit the use of a charter vessel for subsistence fishing while clients are on board. Prohibit the transfer of subsistence halibut to clients.

Action 5. Revise the \$400 customary trade limit for subsistence halibut by IPHC regulatory area.

~~Alternative 1. No action.~~

~~Alternative 2. Revise the customary trade limit to \$100.~~

~~Alternative 3. Eliminate the customary trade limit (\$0).~~

Alternative 4. ~~Eliminate the \$400 customary trade limit but allow:~~

Customary trade is limited to: (the AP intends to keep the \$400 annual limit)

1. Rural residents eligible for subsistence harvest of halibut (**may be reimbursed for ice, bait, gas and or gear expenses directly related to harvest of subsistence halibut**) with other members in their community **subject to the annual limit.**

2. Allow customary trade and barter **is allowed** between a member of an Alaska tribe eligible to harvest halibut for subsistence and any other member of an Alaska tribe provided that monetary exchange be limited to **reimbursement for ice, bait, gas and or gear expenses directly related to harvest of subsistence halibut subject to the annual limit.** ~~sharing expenses directly related to the subsistence harvest of halibut.~~

Subsistence caught halibut cannot enter commerce.

Motion passed 19/0

Action 6. Allow subsistence halibut fishing in non-subsistence areas under special permits.

~~Alternative 1. No action.~~

Alternative 2. Allow the use of **community harvest permits**, educational permits, and ceremonial permits in non-subsistence use areas by tribes whose traditional fishing grounds are located within these areas, with the associated **daily bag permit** limit.

Motion passed 19/0

D-1 Groundfish Specifications

The AP recommends the Council approve the 2004 SAFEs and the EA for BSAI and GOA.

GOA

The AP recommends the Council adopt the 2005 and 2006 SSCs ABCs as TACs for all stocks with the following exceptions: (see chart for recommended changes)

- The Pcod TAC should be reduced according to the table in order to account for the apportionment to the State waters fishery in 2005 and 2006

Proposed 2005 Gulf Pacific cod ABCs, TACs, and State guideline harvest levels (mt).

Specifications	Western	Central	Eastern	Total
ABC	20,916	33,117	4,067	58,100
BOF GHL	5,229	8,031	407	13,667
(%)	25	24.25	10	23.5
TAC	15,687	25,086	3,660	44,433
	Cook Inlet	993	3.00%	
	Kodiak	4,140	12.50%	
	<u>Chignik</u>	<u>2,898</u>	<u>8.75%</u>	
	Central	8,031	24.25%	

Proposed 2006 Gulf Pacific cod ABCs, TACs, and State guideline harvest levels (mt).

Specifications	Western	Central	Eastern	Total
ABC	18,396	29,127	3,577	51,100
BOF GHL	4,599	7,063	358	12,020
(%)	25	24.25	10	23.5
TAC	13,797	22,064	3,219	39,080
	Cook Inlet	874	3.00%	
	Kodiak	3,641	12.50%	
	<u>Chignik</u>	<u>2,548</u>	<u>8.75%</u>	
	Central	7,063	24.25%	

- For the following species the 2004 TAC should be rolled over to 2005 and 2006.
 - Shallow water flatfish and flathead sole in the central and western GOA
 - Arrowtooth flounder gulfwide
 - Other slope rockfish in EYAK/SEO

(see chart for recommended changes)

NOTE: The AP recommends that shortraker and roughey rockfish catch and bycatch be closely monitored by NMFS. The concern is potential overfishing of these rockfish stocks.

GOA groundfish PSC

The halibut PSC apportionments annually and seasonally for 2004 as listed should be rolled over for 2005 and 2006

2005 Trawl		2005 Hook and Line	
Jan 20 - Apr 1	550 mt	1st trimester	Jan 1 - Jun 10 250 mt
Apr 1 - Jul 5	400 mt	2nd trimester	Jun 10 - Sep 1 5 mt
Jul 5 - Sep 1	600 mt	3rd trimester	Sept 1 - Dec 31 35 mt
Sept 1 - Oct 1	150 mt		
Oct 1 - Dec 31	300 mt	DSR	Jan 1 - Dec 31 10 mt
TOTAL	2,000 mt		300 mt

Trawl fishery categories

Season	Shallow Water	Deep Water	Total
Jan 1 - Apr 1	450 mt	100 mt	550 mt
Apr 1 - Jul 5	100 mt	300 mt	400 mt
Jul 5 - Sep 1	200 mt	400 mt	600 mt
Sep 1 - Oct 1	150 mt	any rollover	150 mt
Oct 1 - Dec 31	no apportionment		300 mt
TOTAL	900 mt	800 mt	2,000 mt

BSAI

The AP recommends the Council adopt the SSC's 2005 and 2006 ABCs as TACs as noted in table 1.

Additionally, we recommend that the 2005 and 2006 OFL and ABC for Atka mackerel be rolled over from the 2004 OFL and ABC rather than the projected numbers put forward initially by the plan teams and SSC given the scientific report provided to the Council by the stock assessment authors at the AFSC to this effect. *Motion passed 15/4.*

Minority Report

After a motion failed 7/11/1 that would have shifted 5300mt of pollock to yellowfin sole (representing a cost of 0.3% of the pollock TAC and a gain of 6.0% to the yellowfin sole TAC), the AP was left with a main motion which allocated the ~10,000mt TAC reduction of cod and sablefish by 75% to pollock. The net effect is that the total pollock allocation in 2005 will exceed the 2004 allocation by 7,000 mt, even though more than 11,000mt of pollock were left unharvested this year. The minority believes it is more appropriate to allocate this fish to the yellowfin sole fishery, which closed four months early in 2004 due to insufficient TAC.

2. The AP recommends the following seasonal apportionment of the fixed gear Pacific cod TAC.

TABLE 5.—2004 GEAR SHARES AND SEASONAL APPORTIONMENTS OF THE BSAI PACIFIC COD TAC
[Amounts are in metric tons]

Gear sector	Percent	Share of gear sector total	Subtotal percentages for gear sectors	Share of gear sector total	Seasonal apportionment ¹	
					Date	Amount
Total hook-and-line and pot gear allocation of Pacific cod TAC	51	101,662				
Incidental catch allowance				500		
Processor and Vessel subtotal		101,162				
Hook-and-line Catcher/Processors			80	80,930	Jan 1–Jun 10	48,558
					Jun 10–Dec 31	32,372
Hook-and-line Catcher Vessels			0.3	303	Jan 1–Jun 10	182
					Jun 10–Dec 31	121
Pot Catcher/Processors			3.3	3,338	Jan 1–Jun 10	2,003
					Sept 1–Dec 31	1,335
Pot Catcher Vessels			15	15,174	Jan 1–Jun 10	9,105
					Sept 1–Dec 31	6,070
Catcher Vessels <60 feet LOA using hook-and-line or pot gear			1.4	1,418		
Trawl gear total	47	93,689				
Trawl Catcher Vessel			50	46,844	Jan 20–Apr 1	32,791
					Apr 1–Jun 10	4,684
					Jun 10–Nov 1	9,369
Trawl Catcher/Processor			50	46,844	Jan 20–Apr 1	23,422
					Apr 1–Jun 10	14,053
					Jun 10–Nov 1	9,369
Jig	2	3,987			Jan 1–Apr 30	1,595
					Apr 30–Aug 31	797
					Aug 31–Dec 31	1,595
Total	100	199,338				

¹ For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.

Motion passed 19/0

3. The AP recommends the following bycatch allowances, and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery (PSC) categories, modified for herring.

TABLE 7.—2004 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES

Prohibited species and zone	Trawl Fisheries					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1 ¹	C. opilio (animals) COBLZ ²	C. bairdi (animals)	
					Zone 1 ¹	Zone 2 ¹
Yellowfin sole	886	171	33,843	2,776,981	340,844	1,788,459
January 20—April 1	262					
April 1—May 21	195					
May 21—July 4	49					
July 4—December 31	380					
Rock sole/other flat/flathead sole ⁴	779	25	121,413	969,130	365,320	596,154
January 20—April 1	448					
April 1—July 4	164					
July 4—December 31	167					
Turbot/arrowtooth/sablefish ⁵		11		40,238		
Rockfish						
July 4—December 31	69	9		40,237		10,988
Pacific cod	1,434	25	26,563	124,736	183,112	324,176
Midwater trawl pollock		1,456				
Pollock/Atka mackerel/other ⁶	232	179	406	72,428	17,224	27,473
Red King Crab Savings Subarea ³ (non-pelagic trawl)			42,495			
Total trawl PSC	3,400	1,876	182,225	4,023,750	906,500	2,747,250
Non-trawl Fisheries						
Pacific cod—Total	775					
January 1—June 10	320					
June 10—August 15	0					
August 15—December 31	455					
Other non-trawl—Total	58					
May 1—December 31	58					
Groundfish pot and jig	exempt					
Sablefish hook-and-line	exempt					
Total non-trawl PSC	833					
PSQ reserve ⁷	342		14,775	326,250	73,500	222,750
PSC Grand total	4,575	1,876	197,000	4,350,000	980,000	2,970,000

¹ Refer to § 679.2 for definitions of areas.

² C. opilio Bycatch Limitation Zone. Boundaries are defined at 50 CFR part 679, Figure 13.

³ In December 2003, the Council proposed limiting red king crab for trawl fisheries within the Red King Crab Savings Subarea (RKCSS) to 35 percent of the total allocation to the rock sole, flathead sole, and other flatfish fishery category (see § 679.21(e)(3)(ii)(B)).

⁴ "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), greenland turbot, rock sole, yellowfin sole and arrowtooth flounder.

⁵ Greenland turbot, arrowtooth flounder, and sablefish fishery category.

⁶ Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

4. The AP approves halibut discard mortality rates for 2005 CDQ groundfish fisheries. *Motion passed 20/0*

Summary of recommended Pacific halibut discard mortality rates (DMRs) for calculating bycatch mortality in the 2005 CDQ groundfish fisheries off Alaska.

	Used in 2004	Recommendations for 2005
CDQ Trawl		
Atka Mackerel	85	85
Bottom Pollock	85	85
Flathead sole	67	67
Pelagic pollock	89	90
Rockfish	74	74
Yellowfin sole	82	84
CDQ longline		
Pacific cod	11	10
Turbot	7	15
CDQ pot		
Pacific cod	5	8
sablefish	36	33