


MEMORANDUM

TO: Council and AP Members  
FROM: Chris Oliver   
Executive Director  
DATE: March 29, 2006  
SUBJECT: BSAI Trawl C/V Eligibility

ESTIMATED TIME 2 HOURS
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**ACTION REQUIRED**

- (a) Review staff discussion paper and take action as necessary.

**BACKGROUND**

In December 2005, the Council stripped the BSAI trawl CV LLP endorsement options for Pacific cod from Amendment 85. In taking that action, the Council indicated its preference for a trailing amendment to address this issue in a timely manner, while not slowing progress on the remaining portions of Amendment 85. Similarly, at the February 2006 meeting, the Council stripped the endorsement options for trawl CV LLPs for BSAI groundfish and/or the five IR/TU species (yellowfin sole, rock sole, flathead sole, Atka mackerel and Pacific ocean perch) from Amendment 80. The Council expressed its preference for that option to be included in the trailing CV eligibility action.

The staff has prepared a discussion paper to assist the Council in clarifying its goals for this combined amendment, identifying a problem statement and developing an initial set of elements and options for development of an amendment to address this issue. The paper is attached as Item C-4 (a).

# Bering Sea and Aleutian Islands Pacific Cod Trawl CV LLP Endorsements and Groundfish/Amendment 80 Species Trawl CV LLP Endorsements

April 2006 Staff Discussion Paper

## Introduction and Background

The action being considered by the Council would implement species endorsements for BSAI trawl CV LLP holders for Pacific cod, the five species addressed under Amendment 80 (yellowfin sole, rock sole, flathead sole, Atka mackerel and Pacific ocean perch) and/or all BSAI groundfish. The intent of the action is to apply thresholds of historical harvests to qualify trawl CV LLPs in the BSAI fisheries for one or more of the species groups listed above, depending upon the approach selected by the Council. This proposed amendment combines components of BSAI species endorsements for trawl CV LLPs that were initially included in both Amendment 80 (Allocation of Non-Pollock Groundfish and Development of a Cooperative Program for the non-AFA Trawl Catcher Processor Sector) and Amendment 85 (Allocation of Pacific Cod Among Sectors and Apportionment of Sector Allocations Between Bering Sea and Aleutian Islands Subareas).

The first component of this action was previously considered as a portion of BSAI Amendment 85. However, at the December 2005 meeting, the Council elected to remove the portion of that action from the remainder of Amendment 85 so consideration of this provision would not delay its implementation. The Council noted their intent for a trailing amendment to address a BSAI cod trawl CV sector LLP license endorsement was to closely follow Amendment 85. The Council directed staff to develop a BSAI cod trawl CV sector LLP license endorsement eligibility criteria amendment package.

Also at the December 2005 meeting, the Council set a control date of December 11, 2005 for participation in the BSAI Pacific cod fisheries. This action was notice to the public that participation after this date may not count for consideration of future allocation or eligibility.

The second component action deals with eligibility threshold criteria initially included in Amendment 80. At the February 2006 meeting, the Council removed the portion of Amendment 80 that dealt with threshold limits for the five AMENDMENT 80 species addressed in this amendment: yellowfin sole, rock sole, flathead sole, Atka mackerel and Pacific Ocean perch. The Council also directed the staff to include the CV trawl eligibility options with the trailing amendment being developed.

The Council will need to decide how they wish for these two somewhat disparate components to 'mesh' together into one package. A basic difference to be reconciled is that the endorsement provision from Amendment 85 only addressed BSAI Pacific cod trawl CV LLP endorsements. The endorsement provision from Amendment 80 addressed 'groundfish' and/or AMENDMENT 80 species for the BSAI trawl CV LLPs. The 'groundfish' as included in Amendment 80 did not include Pacific cod. The Council has not established a control date for participation in the BSAI fisheries for the five AMENDMENT 80 species or for BSAI groundfish similar to the one noted above for BSAI Pacific cod.

There are several approaches the Council can take in structuring this proposed amendment, depending on what they wish to achieve through its implementation. The potential approaches include, but are not limited to, some combination of the following:

- a) Take no action, leaving the status quo.
- b) Limit access to the BSAI Pacific cod fishery, based on historic participation in the Pacific cod fishery, and/or
- c) Limit access to the five Amendment 80 species based on historical participation in the BSAI fishery for these species, and/or
- d) Limit access to all BSAI groundfish via historical participation in the fishery for all groundfish species.

In summary, the Council could consider combing actions to address the trawl CV LLP endorsement threshold options for all BSAI groundfish, or could choose to deal separately with Pacific cod and the five AMENDMENT 80 species.

### **Problem to Be Addressed**

Without the actions contemplated in this motion, BSAI trawl DV LLPs that have had no participation or very little participation in the respective fisheries could increase their level of effort, thus impacting the current fleet that has a long-term dependence on the fishery. As noted in Tables 1 and 2 presented below, there is a significant proportion of BSAI trawl CV LLPs that have not made landings of Pacific cod/Amendment 80 species/groundfish in recent years. In the case of Pacific cod (shown in Table 1), a large proportion of the non-AFA trawl CV vessels with LLPs (almost half) had zero retained harvest of Pacific cod over the period 1995-2003. Within the AFA trawl CV vessels with LLPs, almost all had at least one landing of retained Pacific cod during the period 1995-2003.

Under amendment 80, the five species will be allocated largely to the non-AFA trawl CP (H&G) sector. The remaining portion of the TACs of the Amendment 80 species will be allocated to a combined limited access fishery, comprised of: AFA CPs, AFA CVs and non-AFA CVs. The specific allocation proportions will be determined by the Council's final action on Amendment 80. The ranges of specific allocations by species to this combined group are shown in the Amendment 80 analysis (Table 3-34). For most of the Amendment 80 species, allocations to the combined limited access fishery are relatively modest, less than 2 percent. However, for yellowfin sole, the allocation to the limited access fishery ranges from 8.8 percent to 21.7 percent of the total allocation. The concern expressed by the Council is that vessels with little or limited history could, at some point in the future, increase their participation in this fishery, thus having an impact on trawl CV vessels having a long-term participation and dependence on the BSAI fisheries for Amendment 80 species or all BSAI groundfish.

Table 2 shows that the number of BSAI trawl CV LLPs that would be eligible for a species endorsement for the five Amendment 80 species is greatly reduced at the threshold of 150 mt retained landings over the period from 1995-2004. A total of 120 LLPs had at least one landing of Amendment 80 species during the period, but when the threshold is increased to 150 mt, the number of qualifying LLPs drops to 24. At the higher threshold of 1,000 mt over the 1995-2004 period, the number of qualifying LLPs drops to 12.

Table 1. LLPs with BS/AI trawl CV endorsements and that met specific BSAI Pacific cod harvest thresholds, preliminary data 1995 - 2003

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

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

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

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

Table2 Number of trawl catcher vessels that would qualify for the general limited access fishery at various catches thresholds

Eligibility Options	All Groundfish	Amendment 80
Over 1000 mt	123	12
Over 150 mt	131	24
One landing	139	120

Source: Amendment 80 database.

The Council approved the Amendment 85 problem statement as a draft for addressing this issue at the December 2005 meeting. However, there is only one specifically relevant portion of the Amendment 85 problem statement that addresses the issue of Pacific cod endorsements in the BSAI trawl CV sector. Specifically:

*Participants in the BSAI Pacific cod fishery who have made significant investments and have a long-term dependence on the resource need stability.*

The Council did not specify a problem statement for this action in Amendment 80. It is not clear, given the Council's action to remove this issue from Amendment 80 what the Council intends for this portion of the proposed amendment. If, for example, the Council's main intent in including this provision in Amendment 80 was as a backup, to ensure that the endorsement issue for BSAI Pacific cod would be addressed in either Amendments 80 or 85, the portion endorsement section removed from Amendment 80 could be unnecessary. On the other hand, the Council could have a definite intent to apply the landings threshold for all trawl CV LLPs fishing for the five Amendment 80 species and/or all groundfish in the BSAI. To move ahead with this amendment, clarification of the Council's intent is necessary.

To facilitate the Council development of a problem statement, staff adapted language from the problem statement from Amendment 67 to this issue. A draft problem statement for the Council to consider is:

*The BSAI CV trawl fishery for (Pacific cod/Amendment 80 species/all BSAI groundfish) is fully utilized. Competition for this resource is likely to increase as a result of a number of factors, including Council actions to rationalize other fisheries, favorable current market prices for (Pacific cod-Amendment 80 species-all BSAI groundfish) and the potential for reduced TACs in future years. BSAI trawl CV vessel owners who have made significant long-term investments, have long catch histories, and are significantly dependent upon the BSAI (Pacific cod/Amendment 80 species/ all BSAI groundfish) resource need protection from others who have little or limited history and wish to increase their participation in the fishery. This requires prompt action to promote stability in the BSAI CV trawl sector.*

### **Considerations for this Action**

The responsibility of the Council for action to address the BSAI trawl CV sector license endorsement eligibility is as follows.

Under Section 303(b) (6) of the Magnuson-Stevens Act, a fishery management plan may establish a limited access system for the fishery in order to achieve optimum yield, provided the Council and the Secretary take into account:

- (a) present participation in the fishery,
- (b) historical practices in, and dependence on, the fishery,
- (c) the economics of the fishery,
- (d) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (e) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (f) any other relevant considerations.

While considering options for this amendment, the Council should keep in mind potential problems that could be created for management and enforcement of BSAI fisheries. Enforcement actions for vessels participating in BSAI fisheries are complicated now, but creating new species endorsements in the BSAI

is likely to enforcement more complex and difficult. Under the status quo, trawl CV effort can be monitored for any open fishery in a relatively straightforward manner. The more species-specific endorsements are added to the management regime, the more complex it is for enforcement personnel to monitor activity.

The Council should also be aware of the broad management issue that developing species endorsements, as contemplated in the draft options presented in this paper, could have the effect of squeezing participation of LLPs excluded from the fisheries targeted by this action into other fisheries or areas. The BSAI trawl CV LLPs that do not qualify for a species endorsement under this amendment would not be extinguished, leaving the potential for future conflicts from this group. These potential would exist unless all latent LLPs are either extinguished from the BSAI trawl CV sector or sector endorsements were implemented for all species.

### **Draft Options and Elements – Pacific Cod**

The Council included the following options and elements to consider landings and participation thresholds in the BSAI Pacific cod trawl CV sector at the December 2005 meeting. These options were determined from the review of the numbers of trawl CV vessels that would receive a Pacific cod endorsement at different landing thresholds, based on preliminary data for the period 1995-2003. This table prepared by Council staff for the December 2005 meeting is repeated below for reference, showing the number of LLPs that would meet the respective landings thresholds. Note that the cod endorsement would be designated as the LLP (license based, not vessel based).

The following list represents the Pacific cod thresholds selected by the Council to analyze for this amendment package.

#### ***AFA trawl CV LLPs***

- 1) *no action*
- 2) *at least one landing BSAI Pacific cod during the years 1995-2003 and LLP*
- 3) *at least 500 mt BSAI cod landed during the years 1995-2003 and LLP*
- 4) *at least 1,000 mt BSAI Pacific landed during the years 1995-2003 and LLP*

#### ***non-AFA trawl CV LLPs***

- 1) *no action*
- 2) *at least one landing BSAI cod during the years 1995-2003 and LLP*
- 3) *at least 10 mt BSAI retained cod landings during the years 1995-2003 and LLP*
- 4) *at least 175 mt BSAI retained cod landings during the years 1995-2003 and LLP*
- 5) *at least 500 mt BSAI retained cod landings during the years 1995-2003 and LLP*
- 6) *at least 1,000 mt BSAI retained cod landings during the years 1995-2003 and LLP*

The Council should note that these options encompass a wide range of threshold levels. However, there was not a great deal of discussion with respect to any particular option at the December 2005 meeting. Staff developed the different levels in the options from the natural breaks in the participation data presented in the table below.

At the October 2005 and December 2005 meetings, the Council heard public testimony on this issue that included a recommended threshold level of at least 150 mt over a ten year period. While the 1995-2003 period encompasses only nine years, the 150 mt threshold is included in the range of options considered above. At the time the data presented in Table 1 below was completed, the most recent year was 2003. It will soon be possible to add data from 2004, if desired.

The main variables in the draft options are time period and the threshold landing level. The Council could also consider whether they wished this amendment to encompass other areas (i.e. including the Gulf of Alaska), other species in addition to Pacific cod and/or other fleets, in addition to the CV trawl sector.

### **Draft Options and Elements – BSAI Groundfish or Amendment 80 Species**

The Council included the following options in Amendment 80:

#### **BSAI trawl CV LLPs**

- 1) *no action,*
- 2) *at least one landing for primary species (groundfish or AMENDMENT 80 species) from 1995-2004,*
- 3) *at least 150 mt landing for primary species (groundfish or AMENDMENT 80 species) from 1995-2004 ,*
- 4) *At least 1,000 mt landing for primary species (groundfish or AMENDMENT 80 species) from 1995-2004.*

LLP permits associated with trawl catcher vessels who do not meet this threshold cannot participate in a directed fishery for the five allocated species. Referencing Table 2, a catcher vessel must have landed at least 150 mt of any groundfish species during the qualifying years to be eligible to participate in any Bering Sea trawl catcher vessel fisheries covered by this Amendment. Qualifying requirement is license-based (not steel based).

Table 2 shows the estimated number of Trawl CV vessels that would be eligible to participate in the general limited access fishery. The table shows estimates of number of qualified vessels if the catch requirements are applied to all groundfish catch and if the requirements were applied to only Amendment 80 allocated species catch. Because of confidentiality limitations on revealing data, the AFA Trawl CV and the Non-AFA Trawl CV sectors are combined. Looking first at all groundfish, 139 trawl catcher vessels would qualify for participation in the general limited access fishery if only one landing was required. If eligibility were based on catching more than 150 mt of groundfish, the number of qualified vessels would be 131. Finally, if eligibility were based on catching 1,000 mt or greater, the number of total qualified vessels would be 123. If the qualified catch were one landing of Amendment 80 species, the total number of qualified vessels would be 120. Nineteen vessels would not be eligible for the general limited access fishery if eligibility were based on Amendment 80 species only. At 150 mt of Amendment 80 species, the number of qualified vessels would be 24. Finally, if eligibility were limited to 1000 mt or greater of Amendment 80 species, the number of qualified vessels would be 12.

### **References**

Kimball, Nicole. "Bering Sea Aleutian Islands Pacific Cod Allocations – BSAI FMP Amendment 85, December 2005 Staff Discussion Paper", December 2005.

NPFMC. "Allocation of Non-Pollock Groundfish and Development of a Cooperative Program for the non-AFA Trawl Catcher Processor Sector", proposed Amendment 80 to the Fishery Management Plan for Groundfish in the Bering Sea and Aleutian Islands Management Area, Public Review Draft, March 2006.

NPFMC. "Allocation of Pacific Cod Among Sectors and Apportionment of Sector Allocations Between Bering Sea and Aleutian Islands Subareas", proposed Amendment 85 to the Fishery Management Plan for Groundfish in the Bering Sea and Aleutian Islands Management Area, Public Review Draft, April 2006.

# Groundfish Data Bank

**Alaska**

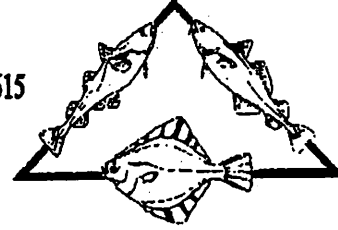
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## Trawl eligibility requirements for both the GOA and BSAI

AGDB's proposal is look at recency requirements for trawl GOA LLP licenses to piggy back on the BSAI CV eligibility package. The action would amend the present LLP program and include recency requirements. The package should look at GOA dependency and work to stabilize the present participants. The following sets up the filters to define both depend and non-depend licenses for the GOA trawl fisheries.

- 1) Examine both Catcher Processor and Catcher Vessel eligibility requirements for trawl gear
- 2) Consider two time clips – 1995 to current and 2000 to current
- 3) Look at both number of landings and Metric tons retained catch requirements by WY & CGOA (combined) and WGOA for the trawl sector. Council Staff should review available data to look at natural breaks.
- 4) Include participation patterns by year for each defined set of licenses types as in item 6 (see table 3-56 in the Amendment 80 document)
- 5) Package would be designed to extinguish latent licenses for federal groundfish, not create species endorsements
- 6) Licenses should be grouped as follows:
  - a. For Catcher Vessels – AFA and Non-AFA, 60 ft and under and over 60 ft
  - b. For Catcher Processors – AFA-CPs, Amendment 80 qualified CP, all other CP licenses

The data will be used to help create options for the analysis.